

**Inland Wetlands & Watercourses Commission  
Regular Meeting  
Wednesday, October 6, 2021, 7:00 p.m.  
Robert F. Parisi Council Chambers  
Second Floor, Town Hall  
45 South Main Street, Wallingford, CT**

**MINUTES**

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:00 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT. [A recording was produced and posted on YouTube by Wallingford Government Media.]

**A. PLEDGE OF ALLEGIANCE**

The Pledge was recited.

**B. ROLL CALL**

**PRESENT:** Chair Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, Commissioner Jennifer Passaretti, Alternate Aili McKeen, and Environmental Planner Erin O'Hare.

**ABSENT:** Commissioner Michael Caruso.

There were several persons in the audience. Those who spoke are named below.

**C. CONSIDERATION OF MINUTES**

**1. Regular Meeting, July 14, 2021**

**MS. PHILLIPS:** **MOTION THAT THE MINUTES OF THE REGULAR MEETING OF JULY 14, 2021, BE ACCEPTED AS SUBMITTED.**

**MS. PASSARETTI:** **SECOND.**

**VOTE:** **MS. PHILLIPS- YES; MS. PASSARETTI – YES; MS. MCKEEN – YES;  
MR. KERN - YES; CHAIR VITALI – YES.**

**2. Special Meeting, Aug. 3, 2021**

**MS. PHILLIPS:** **MOTION THAT THE MINUTES OF THE SPECIAL MEETING OF AUGUST 3, 2021, BE ACCEPTED AS SUBMITTED.**

**MS. PASSARETTI:** **SECOND.**

**VOTE:** **MS. PHILLIPS – YES; MS. PASSARETTI – YES; MS. MCKEEN – YES;  
MR. KERN – YES; CHAIR VITALI – YES.**

Notes: No August Regular Meeting was scheduled. The September 1, 2021 Regular Meeting had been cancelled.

**D. OLD BUSINESS**

**1. #A21-6.1 / 356 Christian Street & 231 North Elm Street – Choate Rosemary Hall – (athletic field facility)**

Ms. O'Hare stated that this application had been withdrawn.

**2. #A21-6.3 / 1468 Tuttle Avenue – Dan Petrosky & Jessica Boudreau – (in-ground pool installation & ‘after-the-fact’ tree removal and fence installation) – pool installation (only) granted administrative approval 7/21/21**

Appearing were Owners Dan Petrosky and Jessica Boudreau.

Ms. O’Hare said her Environmental Planner’s Report dated August 31<sup>st</sup> summarizes what has happened. At the Special Meeting August 3<sup>rd</sup> convened at this property, Commissioners had reviewed the Administrative Approval granted for the pool. Issues remain with the existing vinyl fence in back, partially in the wetlands, and with the Notice of Violation (at Item H.5. below). David Lord, Wetlands Consultant for the Owners, and I recommend that the part of the fence that is in the wetlands would be removed.

Chair Vitali indicated he had not attended the August 3<sup>rd</sup> Special Meeting Site Walk there, but he knows the property. Have you read the Conditions of Approval? Ms. O’Hare recommends that the northern half of the fence would remain.

Ms. O’Hare said, But the part that is in the wetlands would have to come out.

Mr. Petrosky said, It may be more detrimental to take the wetlands fence out.

Ms. McKeen said, I agree; and I thought the brush pile should stay because it would do damage to take it out.

Ms. O’Hare said, The Notice of Violation is in place, and I’d ask the Commission to affirm it until all requested work is complete.

Mr. Petrosky said, The play scape has been removed.

Chair Vitali said, The wetlands surrounds the original—or vinyl—fence. I think leaving the white fence there with placards should do the job until the remediation is satisfied.

Ms. O’Hare said, When we were out there, we talked about how to mark the wetlands in the lawn area. It cuts a diagonal across the yard, like a triangle. What is suitable to mark it—placards?

Commissioner Kern said placards could be put on the fence.

Ms. O’Hare agreed.

Commissioner McKeen thought that the fence portion should remain in the wooded wetlands area.

Commissioner Phillips said, Maybe they should put border plantings there (at lawn line).

Commissioner McKeen suggested a row of daylilies.

Chair Vitali said, If you take out the comment about the existing fence, do you agree with Ms. O’Hare’s four conditions and with some kind of plantings? It says, “other appropriate restrictive vegetation”?

Mr. Petrosky and Ms. Boudreau said Yes.

**MS. PHILLIPS:** **MOTION THAT APPLICATION #A21-6.3 / 1468 TUTTLE AVENUE – DAN PETROSKY & JESSICA BOUDREAU – (IN-GROUND POOL INSTALLATION & ‘AFTER-THE-FACT’ TREE REMOVAL AND FENCE INSTALLATION) BE APPROVED WITH THE RECOMMENDATIONS IN THE PLANNER’S REPORT OF 8/31/2021.**

**MS. PASSARETTI:** **SECOND.**

**VOTE:** **MS. PASSARETTI – YES; MS. PHILLIPS – YES; MR. KERN – YES; MS. MCKEEN – YES; CHAIR VITALI – YES.**

And for the related **Notice of Violation, Item H. 5.**, this motion was made:

**MS. PHILLIPS:** **MOTION THAT NOTICE OF VIOLATION – 1468 TUTTLE AVE. – DAN PETROSKY & JESSICA BOUDREAU – (UNPERMITTED FOREST CLEARING & FENCE INSTALLATION IN WETLANDS) REMAIN IN EFFECT UNTIL THE REMEDIATION WORK IS COMPLETED AND WITH THE RECOMMENDATIONS IN THE PLANNER’S REPORT DATED AUGUST 31, 2021; ALSO, THAT TREE PARTS DEPOSITED IN THE FORESTED WETLAND ARE ALLOWED TO REMAIN BUT TRASH AND PLAY SCAPE PARTS ARE TO BE REMOVED; MOWING OF THAT WETLANDS AREA PREVIOUSLY MAINTAINED AS LAWN SHALL CEASE PERMANENTLY; AND THAT WETLANDS AREA TO BE MARKED WITH IWWC PLACARDS AS A REMINDER OF THE PROTECTED AREA AND BOULDERS OR LOW FENCING; AND SOME KIND OF PLANTINGS BE INSTALLED ALONG THE WETLANDS BOUNDARY IN THIS VICINITY.**

Ms. Phillips explained that she did not want to include in the motion the EPR Recommendation “That a portion of existing fencing (7 sections) installed in wetlands shall be removed.”

**MS. PASSARETTI:** **SECOND.**

**VOTE:** **MS. MCKEEN – YES; MR. KERN – YES; MS. PHILLIPS – YES; MS. PASSARETTI – YES; CHAIR VITALI – YES.**

- 3. #A21-7.1 / 90 Mansion Road – Ron Hansen, Jr. & Courtney Hansen – (‘after-the-fact’ drainage improvements) – granted administrative approval 7/14/21**

Ms. O’Hare said this Administrative Approval had been granted.

- 4. #A21-7.2 / 400 South Orchard Street – Executive Auto Group dba Executive Fiat – (removal of portion of parking lot) – granted administrative approval 7/12/21**

Chair Vitali said this Administrative Approval had been granted.

- 5. #A21-7.3 / 19 Terrell Farms Way – Wholesome Pools – (aboveground pool & grading for pool) – granted administrative approval 7/14/21**

Chair Vitali had discussed this with Ms. O’Hare, and Administrative Approval was granted.

- 6. #A21-7.4 / Toelles Road / Quinnipiac River – Town of Wallingford – (bridge superstructure replacement & substructure maintenance) – submitted 7/14/21, ‘received’ 8/19/21 per statute**

Appearing were Town Engineer Ms. Alison Kapushinski and Mr. Ajit Ghohale, P.E., of AI Engineering.

Ms. Kapushinski said, This is the bridge on Toelles Road. The replacement is based on DOT inspections. The bridge substructure is to remain, and it was just recommended to replace the superstructure.

Chair Vitali asked, Will you remove the steel beams from this bridge?

Mr. Ghohale said, Yes, we'll be removing the beams. I'll review the existing condition of the bridge, the design, rights-of-way and impacts, and the permitted plans with environmental impact. He then proceeded narrating a PowerPoint presentation. The bridge on Toelles Road between North Haven and Wallingford. The red is where the bridge is. Wallingford on the right, and the North Haven portion is on the left. Hamden is on the far left, and we are not impacting that. The concrete deck is in satisfactory condition. The steel beams and the deck superstructure does not have enough capacity to carry daily loads. It was designed in 1970-80 by Connecticut DOT, and it does not meet current loads. The abutments are on concrete piles, and we'll leave them and reuse them. It's 32 feet wide, two 12-foot lanes with four-foot shoulders. We're not widening the bridge because Route 15 is a constraint on the west side. There's no issue of scour or undermining. It's on piles. It's high enough to sustain a 100-year flood. Under clearance to the water is 1' 4" for the 100-year flood and we'll improve that to 1' 9 1/2". The rating is adequate and will improve. Its sufficiency rating is by formula 68.2, which exceeds 50 guidance. The 500-year flood will marginally pass under the bridge.

Mr. Ghohale continued: The site plan has dark blue for the high water level. Wetlands are yellow; light brown is the existing bridge; light yellow is the east side and west side paving that will be done. The existing bridge is a 130-foot span. We'll be maintaining that. The existing girders: there is no change in footprint or span. Now on the left is looking at it from Route 15; on the right is a view from Route 15 before you get to the bridge. The bridge cannot be widened. Originally, it was built in 1898. Changes were made in 1958, 1968, and 1970. The present bridge was built in 1981. The proposed project is in this view showing the new bridge in the light brown with approach slabs, which will be maintained. Dark brown is what is being replaced.

Mr. Ghohale continued: The new bridge will look like this, a truss bridge. It will be galvanized steel truss, gray. We showed the water 100-year level below the truss. This is an improvement.

Chair Vitali said, First, most of the bridge is in North Haven. Did you tell them that we already talked about this? And this is Wetlands. What is your involvement in wetlands?

Mr. Ghohale said, Yes. Yellow is the Town of Wallingford. The centerline is for Route 15. Temporary construction: the gas line will be moved more to the south, and the yellow portion you see there is for the access road that we'll be building down from the east side to the banks. And across is the gas line will be supported on temporary supports during construction. The access road will be about 100 feet long at an 8% grade coming down the banks. The access road lanes will be 10 feet wide. The light blue shows the wetlands impacts, permanent and temporary, of 1,840 square feet and the water will change by 745 square feet.

Mr. Ghohale continued: In front of the abutments, the watercourse impacts will be temporary diversions. Light blue is temporary so that we can restore the riprap in front of the abutments. Permanent impacts are the replacement of the riprap to what it used to be. So we'd put it back in terms of footprint, and we're only doing the superstructure, the truss deck. There won't be any work inside the water as such. We show the two abutments. The 100-year flood line is shown in blue. The span is in purple. Light blue is the staging area. Light purple is the upland impact. We calculated the permanent and temporary impacts, which are: Wetlands – Permanent 890 square feet and Temporary 950 square feet; and

Watercourse – Permanent 470 square feet and Temporary 275 square feet. And in the paving and the grading will be 8,625 square feet in the Upland Review Area, permanent and temporary. Invasive plants in the area will be removed on the North Haven side, mugwort and Japanese knotweed, as shown on the map.

Chair Vitali asked for questions.

Commissioner Kern asked, Is the equipment going to be brought up on your temporary road? But it won't be down there at night.

Mr. Ghohale said, The equipment will be kept in the staging area along the access road. Toelles Road will be closed during construction, and a diversion will be down along the road and go back onto Route 5.

Commissioner Passaretti asked, What is your timeline?

Mr. Ghohale said, We're trying to have the final plan by mid-November, to get the job advertised by year end, and for construction to start in April 2022.

Chair Vitali said, Your involvement in wetlands issues is along the watercourse by the abutments, a very simple activity.

Ms. O'Hare said, Could you clarify: cofferdams or sandbags or both?

Mr. Ghohale said, Sandbags or cofferdams. We're not doing cofferdams. Sandbags are only on the sides of the abutments along the banks so they can put the riprap. They'll be on the edge, not in the water.

Ms. O'Hare asked, At the end of the access drive, there's that square area—how close does that come down to the Ordinary High Water Mark?

Mr. Ghohale said, The Ordinary High Water Mark is along the abutments, so it's a few feet away. Do you see the high-water line, and it goes in front of the abutments? We can put some controls on the plan.

Ms. O'Hare said, I noticed that it was a little over the high water mark, and I think you'd want to pull it back. Are you going to bring in fill to make that square level, or tilt the fill there? With silt fences?

Mr. Ghohale said, Most of the grading will be on the access road, and coming down it will be processed stone so the contractor can get in there. No major grading. Now it's pretty flat.

Chair Vitali said, I think the river will adjust the final grade.

Ms. O'Hare said, I want to go back to Commissioner Kern's concern about parking there at night.

Commissioner Kern said, I'm thinking whether the platform might be washed away if the water rose. But he says they're only going to use the platform as a temporary structure that should not be floatable when the river comes up.

Ms. O'Hare said, A few things. I'd note for the record that we gave notice to the Town of North Haven, and they gave notice to us. My EPR of October 1 was in your packet, and I gave more complete information in my EPR Addendum of October 6 about impacts plus details and recommendations, which they just received today.

Chair Vitali asked Ms. Kapushinski if she agrees with all the Suggested Conditions.

Ms. Kapushinski asked Ms. O'Hare to review Condition #8.

Ms. O'Hare explained it. In the audience is State Representative Mary Mushinsky, representing River Advocates environmental group. You have a copy of their letter from last week. They are interested in using that accessway to the river to do river cleanouts. So they would like to have part of the gravel in the access drive remain afterward, but not the terminus.

Ms. Kapushinski said, This is due to having State access funds. We are prepared for that.

Chair Vitali said, so you're in agreement with Ms. O'Hare's recommendations?

Ms. Kapushinski said, Yes.

**MS. PHILLIPS:** **MOTION THAT APPLICATION #A21-7.4 / TOELLES ROAD / QUINNIPIAC RIVER – TOWN OF WALLINGFORD – (BRIDGE SUPERSTRUCTURE REPLACEMENT & SUBSTRUCTURE MAINTENANCE) BE DECLARED NOT A SIGNIFICANT ACTIVITY.**

**MR. KERN:** **SECOND.**

Note: The vote did not proceed because Commissioner Kern brought up that the Commission does not have a report on wildlife. Are there any concerns for reptiles?

Mr. Ghohale said, We are not impacting the water. We haven't done a complete review. The DEEP report (reference was to the Natural Directory Data Base) was an invasive plants report and did not include anything about reptiles, and there are no box turtles. But I can follow up on whether there is any communication on that.

Ms. Kapushinski noted that the wildlife consultant, REMA, will be doing a wildlife report for FEMA and Corps permitting, so we will submit it to the IWWC later.

Commissioner Phillips remade the Motion as follows:

**MS. PHILLIPS:** **MOTION THAT APPLICATION #A21-7.4 / TOELLES ROAD / QUINNIPIAC RIVER – TOWN OF WALLINGFORD – (BRIDGE SUPERSTRUCTURE REPLACEMENT & SUBSTRUCTURE MAINTENANCE) BE DECLARED NOT A SIGNIFICANT ACTIVITY.**

**MS. PASSARETTI:** **SECOND**

**VOTE:** **MS.MCKEEN – YES; MR. KERN – YES; MS. PHILLIPS – YES; MS. PASSARETTI – YES; CHAIR VITALI – YES.**

**MS. PHILLIPS:** **MOTION THAT APPLICATION #A21-7.4 / TOELLES ROAD / QUINNIPIAC RIVER – TOWN OF WALLINGFORD – (BRIDGE SUPERSTRUCTURE**

**REPLACEMENT & SUBSTRUCTURE MAINTENANCE) BE APPROVED WITH THE CONDITIONS OUTLINED IN THE ENVIRONMENTAL PLANNER'S REPORT DATED OCTOBER 6, 2021.**

**MS. PASSARETTI: SECOND.**

**VOTE: MS. MCKEEN – YES; MR. KERN – YES; MS. PHILLIPS – YES; MS. PASSARETTI – YES; CHAIR VITALI – YES.**

7. #A21-7.5 / 4 Merriman Lane – Stan Bialecki – ('after-the-fact' installation of several yard improvements in URA & proposed installation of in-ground pool and patio area in URA & proposed installation of deer fencing/pool fencing in wetlands) – 'received' 8/27/21 per statute – granted administrative approval for in-ground pool/pool patio (only) on 9/2/21

Note: Chair Vitali had granted Administrative Approval for the in-ground pool/pool patio (only) on September 2, 2021, which was stated in Ms. O'Hare's letter to Mr. Bialecki on September 29.

Appearing was Owner/Applicant Mr. Stan Bialecki.

Ms. O'Hare cited the existing conditions in her EPR of August 27<sup>th</sup>. She said the Applicant is applying 'after-the-fact' regarding improvements that are in the URA.

Mr. Bialecki said, We've lived here for 21 years. My wife and I are gardeners. We created a vegetable garden in our yard for the deer. So we're asking to set back into the woods a 6- to 8-foot fence that will remain. I brought a picture.

Chair Vitali said, I think 6-foot fencing is not 10-foot. But the fence is going back a considerable distance, into the wetland—that's an issue. Behind your pool, you indicated a koi pond and an existing shed.

Ms. O'Hare said, My concern is with the deer fence, that if anything flows back in a storm, that it doesn't get stuck in the fence. Is there standing water?

Mr. Bialecki said, If we get hard rain, there's some flow.

Chair Vitali said, I'm concerned that you could raise the fence above the ground.

Commissioner McKeen said, Some fence is going back into the wetlands. Does it have to be so far back?

Mr. Bialecki said, Yes. We want to go back because we sit there and look into the woods. We'd like to put the fence out of sight, between there, and to run it back as far as feasible. But we don't have to go all the way back.

Commissioner McKeen said, Is it going to go to the corner of your house?

Mr. Bialecki said, We have a brown fence presently, and they will meet.

Commissioner Kern said, Yes, at 10 or 20 feet, to put a small post in the ground with a small red cap on it. He has a garden without having to put a fence up. The deer eat the garden but not harm the vegetation. Could you do that?

Mr. Bialecki said, We've had deer for 21 years. A spray works, and the neighbors wouldn't see it.

Commissioner Kern said, Do most of the fencing half-way from the pool.

Mr. Bialecki said, I put the fence a certain distance from the pool.

Chair Vitali said, The object is to have a fence to the pool. I have no problem with a fence, but the problem is how it's installed. If the hole is dug by hand, it should not be a negative impact. This is a true wetlands environment.

Ms. O'Hare said, This was submitted July 24, and it had to be "received" on August 21, 35 days after submittal, or at the next Regular Meeting per statute. You did not have the September meeting, so here we are today.

**MS. PHILLIPS:** **MOTION THAT APPLICATION #A21-7.5 / 4 MERRIMAN LANE – STAN BIALECKI – ('AFTER-THE-FACT' INSTALLATION OF SEVERAL YARD IMPROVEMENTS IN URA & PROPOSED INSTALLATION OF IN-GROUND POOL AND POOL PATIO AREA IN URA & PROPOSED INSTALLATION OF DEER FENCING/POOL FENCING IN WETLANDS) BE DECLARED NOT A SIGNIFICANT ACTIVITY.**

**MS. PASSARETTI:** **SECOND.**  
**VOTE:** **MS. MCKEEN – YES; MR. KERN – YES; MS. PASSARETTI – YES; MS. PHILLIPS – YES; CHAIR VITALI – YES.**

**MS. PHILLIPS:** **MOTION THAT APPLICATION #A21-7.5 / 4 MERRIMAN LANE – STAN BIALECKI – ('AFTER-THE-FACT' INSTALLATION OF SEVERAL YARD IMPROVEMENTS IN URA & PROPOSED INSTALLATION OF IN-GROUND POOL AND POOL PATIO AREA IN URA & PROPOSED INSTALLATION OF DEER FENCING/POOL FENCING IN WETLANDS) BE APPROVED WITH THE CONDITION IN THE ENVIRONMENTAL PLANNER'S REPORT OF AUGUST 27.**

**MS. PASSARETTI:** **SECOND.**

In discussion, Commissioner Kern suggested putting a red box or a scented material, which would repel the deer, on top of the end post.

Chair Vitali asked whether there should be a Condition on how the fence is installed? Instead, he advised Mr. Bialecki to speak with Ms. O'Hare for advice on least impact by the fence contractor.

Mr. Bialecki will get a fence contractor and then consult with Ms. O'Hare.

Ms. O'Hare will also check the fence height requirement with the Building Department.

**VOTE:** **MS. MCKEEN – YES; MR. KERN – NO; MS. PHILLIPS – YES; MS. PASSARETTI – YES; CHAIR VITALI – YES.**

**8. #A21-8.1 / 2 Northrop Industrial Park Road East & 1117 Northrop Road – 1070 North Farms Road, LLC – (Modification of permit IWWC #A20-9.2 for Northrop Road re-construction & widening) – granted administrative approval 8/5/21**

Chair Vitali said that the road needs widening, and Ms. O'Hare had gone out there. They decided that this Application qualifies for Administrative Approval, which was granted on August 5, 2021.

**9. #A21-8.2 / 7 Doherty Drive – Ryan Cei – installation of in-ground pool & patio surround & fencing – submitted 8/30/21, 'received' 10/4/21 per statute**

Appearing was Mr. Ryan Cei, Owner.

Chair Vitali said, Is there something negative about this excavation?

Ms. O'Hare said, This property has a lot of wetlands in the back, and the drawing submitted was close to the wetlands. Then Mr. Cei is adding the pool surround and fence, which is not in the wetlands. I am not clear how far the grade will be brought to install the hole. The Owner is open to suggestions on how to turn the pool or bring it back a bit. He has stopped mowing the Homeowners Association wetlands area. The previous owner had been doing that, and he continued. So he stopped. I talked to him about turning the pool.

Mr. Cei said, I'd narrow the section of pool that is closest to the wetlands border or bring it closer to the house, or turn the pool. This is a photo.

Ms. O'Hare said, The wetlands boundary was drawn 30 years ago, so I'm not sure where it is today. When they dig for the pool, I want them to look at dewatering.

Chair Vitali said, I think we're not in a position to grant a request tonight. How about going out there? We'd set a site walk. Commissioners decided on Monday, October 18, 5:00 p.m., at the property. You should consult with Ms. O'Hare in order to make the plan more specific and install some stakes.

Mr. Cei agreed.

Chair Vitali set a Special Meeting for Monday, October 18, 5:00 p.m., to convene at 7 Doherty Drive.

This Application was continued to the November 3, 2021 meeting.

**10. #A20-7.1 / 5 & 21 Toelles Road & Wharton Brook – Pfizer Inc. – (soil remediation project) – Presentation of reports re: requested field changes, 3 storm reports; recent permit requirement submittals; reforestation monitoring schedule; invasive plant program schedule, dated '10/1/21'; submitted 9/30/21**

Appearing was Mr. Lucas Hellerich, L.P.E., of Woodard and Curran in Middletown.

Ms. O'Hare said both of her Environmental Planner's Reports, of August 25 and September 21, had gone out to the Commissioners in the September packet. This is a big project, and additions come up in the field that need discussion and review. The recent correspondence and communications were dated 9/14, 9/15, from their engineer on 9/16. I wrote responses on 9/20 and 22 and 9/25. He sent replies on 9/7, 9/11, and 9/21.

Ms. O'Hare said, We had three large storms this year, and they submitted storm reports. Lucas can describe that in Storm Ida, the water got to the bottom of the slopes but did not cover the entire wetland excavation.

Mr. Hellerich said, None of the storms covered the entire area, but they did go about half-way across the excavation area. Ms. O'Hare did a site walk and found no erosion issues in the channels. They did enlarge the turbidity curtain and located it further downstream. I wrote after each storm, we take the debris out of it. Ms. O'Hare indicated the site work was well executed and there were no erosion issues. The silt fence held. Three trees 15 inches in diameter were retained and protected. They are taking contaminated soil off the site and out of state. A few weeks ago they brought in new plantings (shrubs and saplings and plugs of marshy plantings). An issue came up about what was permitted with the storm discharge outfall. And the Town Engineer was O.K. with that change. I was concerned about the large brush piles of vegetated debris, which contained some trees chopped into 20-foot sections. Then the Town Engineer gave us a memo that tree piles should NOT be in the 100-year floodplain or 500-year floodplain. So the Permittee made places on the site on the perimeter. And they have agreed to put brush piles, not "tree piles", which were acceptable to me and to the Town Planner. Planning and Zoning also had granted us a Fill and Excavation permit. I have pictures of large brush piles with some saplings but not trees. Also, several box turtles were found inside cordoned-off area. And we had a number of them.

Chair Vitali said, What's the issue?

Ms. O'Hare said, In your 10/1 packet you got two reports from the Permittee summarizing what I said and what has happened. I asked Lucas Hellerich here tonight because I felt so much has happened and the Commission should hear about it and maybe comment on the progress of the project. Maybe Mr. Hellerich could not put a hard date on it, but he could say what's happened and what's going to happen. Later, he might do a 10-year report and maybe would have a contractor/constructor come in to speak about the invasives on the site.

Mr. Hellerich said, The storm in September, we gave a two-page letter about what we've done as a schedule update. We should be complete with all the restoration work in about two or three weeks, by November 1. There's post-restoration material and invasive species controls which will be done in late spring 2022. Mr. Hellerich then reviewed minor modifications approved by the Town during this project. They preserved some of the native plants, per Ms. O'Hare's request.

Mr. Hellerich said, Onsite, we talked about leaving 8"- diameter or less logs, which are in piles. And we have a plan for those to be on pre-existing piles out of the floodplain and floodway.

Chair Vitali asked, You've taken down bigger official logs?

Mr. Hellerich said, Those greater than 8 inches in diameter will be in separate piles. There's a list of materials here and three storm reports and other reports we made.

Chair Vitali asked, You've come through considerable storms. Down along the river it's sandy soil and relatively flat, so erosion could have been less. Now you're getting the brush piles under control.

Mr. Hellerich said, There's one other issue: There is a sycamore tree outside the work area. It fell over during one of the storms. It's massive, at least 80 feet long with a four-foot diameter base and at least 36" going up 20 to 30 feet. The root ball seems to be in place. And it's on the bank in a wooded brook. It's not in the water. We think, since the tree is out of our work area, that we should remove a couple of

lower-lying branches that could touch water, and to leave that tree which is holding that area of soil. Our Wetlands Biologist came up in 2020. He thinks that tree could still survive. We will restore the project site for up to 10 years.

Chair Vitali said, What if that tree becomes a bit alive, it's to be dealt with.

Mr. Hellerich said, But it's not in our purview.

Ms. O'Hare asked if Mr. Hellerich would hand in a report on that tree. They don't know if this tree is going to fall lower, and it's on Ametek property. It's not in the work zone.

Mr. Hellerich said that he can take some photos and cite the location.

Ms. O'Hare said, I pointed out that he should check it out because, if a big storm comes, the tree can cause a logjam and it could take out a portion of what they have done for the project. She asked if any erosion control will remain after November.

Mr. Hellerich said, In the completion for Erosion and Soil Controls, to relocate the turbidity curtain in Wharton Brook and to remove silt fence along the sides of the site but to be leaving one row there. We'll leave the E&S Control blankets that are biodegradable, and we'll leave the storm barriers in place. For silt fence, we'll leave it in place for at least a growing season.

Chair Vitali said, So going to next September to pull that out?

Mr. Hellerich said, Yes.

Ms. O'Hare said, What about storm response reports going forward, submitted to the Town?

Mr. Hellerich said, If there were significant erosion events, it would be written up and there would be a need to come up with a plan to rectify that erosion, and provide that to you. We have a Monitoring Plan for seeing the site, and we'd inspect for erosion while we're there. For next year, the first growing season, the Monitoring Plan recommends monthly site visits. So we can perform that site visit after that large storm occurs.

There were no further comments.

## **E. NEW BUSINESS**

### **1. 8 North Turnpike Road – Wallingford Family YMCA – Request for pre-application conference re: proposed aquatics center addition**

Appearing were Wallingford Family YMCA Executive Director Sean Doherty and Mr. Sam Sargent, architect, and a YMCA Board member.

Chair Vitali asked them to keep their remarks focused on wetlands.

Mr. Doherty said, The Y is going to expand its Aquatics Program. The eastside Y is smaller, and it serves 1,300 kids and adults with swim lessons and a variety of programs. We're looking to expand the westside facility to put Aquatics in there. With Representative Mary Mushinsky, we applied for State funds for the project, and we hired Chris Juliano for pre-engineering. We propose a 26,000-square-foot

addition with an eight-lane, 25-yard pool with three lanes for water polo and a zero-entry-level enclosed building.

Mr. Sargent spoke, pointing to a presentation drawing: We have two site plans. One is by Chris Juliano for senior aquatics, showing the wetlands, the parking lot, and the existing plan. We're here to discuss the gray area on the east side of the existing facility. A large portion of the site has wetlands, and because of the slope at the Hartford Turnpike, we're looking to see if the Commission would allow us to put a pool out on the east side of the building. It would involve 4,000 square feet of wetlands, and we're proposing a give-back of 8,000 square feet, plus or minus, in this wooded area on the west side of the facility. This is the approximate area on the west side of the facility. It's the approximate outline for the area that might be used. Our intent is to provide the minimum coverage that we can once we determine the program space. There are areas which would be eliminated from the final drawing in order to minimize the impact. We're looking to expand this facility without eliminating parking so people could come to it. There's overgrown area here and here and by the entry, and some flooding to be dealt with. So to take the wetlands space that is down there and using it to bring in a new wetlands area at a rate of 2:1. Questions?

Commissioner Kern said, There's already wetlands there. What are you giving us back?

Mr. Sargent said, We would create more wetlands near the gas station side.

Commissioner Kern indicated there used to be a pond behind the building years ago. He also wondered where the roof flows go now and are proposed to go.

Mr. Doherty indicated soil tests and a test pit were completed.

Chair Vitali said, Your recent maintenance of channel was overzealous. Spoils have to be hauled offsite, not deposited in wetlands there.

Commissioner Kern said the culvert under Wilbur Cross needs to be cleared out. He suggested putting the new addition in front of the existing building.

Mr. Sargent said, We need that area for parking, and someday we want an athletic field near the gas station area. He asked the Chairman for an opinion on the proposal.

Chair Vitali said the IWWC cannot opine without an Application.

Ms. O'Hare suggested drawing the culvert location under River Road and under Wilbur Cross and the stream on the plan. She noted the existing building flooded inside with Storm Ida. So are you proposing a new building that will flood?

Mr. Sargent indicated Mr. Juliano will address that.

## **F. RECEIPT OF NEW APPLICATIONS**

- 1. #A21-9.1 / 16 Riverside Drive – John Fretts – (drainage restoration) – granted administrative approval 9/13/21**

Chair Vitali noted the Administrative Approval.

- 2. #A21-9.2 / 475 Williams Road – Scott Cavallaro – Modification to IWWC #A21-3.3 –**

**(revised pool construction accessway)**

Chair Vitali said, The engineer identified that the silt fence was to be in a different place. It had been in the corner of the 50' upland, now it's at the wetland line. He noted the IWWC did a site walk there.

Ms. O'Hare said, I believe the construction accessway was moved to avoid the propane tank, so they will now lose a few trees. But I think it can be approved administratively.

Chair Vitali asked for a consensus from the Commissioners: Would they accept Administrative Approval on this matter? All five Commissioners agreed that the Application could be handled administratively.

Chair Vitali requested Ms. O'Hare to process it.

**3. #A21-10.1 / 1074 South Colony Road – S. Colony 1074, LLC – (demolition & improvements)**

Ms. O'Hare said there has been no action.

**4. (New applications filed in July & August are listed above under 'Old Business')**

**G. REPORTS & COMMUNICATIONS**

**1. Discussion of proposal to adopt fines for violations**

This matter was not taken up.

**2. Farm Hill Road Detention Basin – Memorandum, Public Works Director – in September packet**

Ms. O'Hare had been previously directed to write a Violation letter.

**3. Eversource Energy – Notice re: commencement of 'Colony to North Wallingford Upgrade Project' – replacement of wooden transmission towers with steel structures, replacement of conductor wire & shield wire & vegetation management), dated 7/21/21; received 7/23/21**

This is an information matter for the Commission. Eversource is installing steel poles.

**4. Memorandum re: new law, forwarded to E. O'Hare from Janis Small, Corporation Counsel, dated 8/31/21; received 9/2/21**

This Memorandum from Corporation Counsel Janis Small went out to all Commissioners.

**5. Freedom of Information Act (FOIA) Requirements – certain changes effective July 2021**

This Notice of changes effective July 2021 went out to all Commissioners.

**6. Pesticide Notification of Treatment – Jarret Casman – 1450 Tuttle Avenue – Stahl Holdings, LLC, DBA The Pond & Lake Connection; received 9/14/21**

Ms. O'Hare said this Notification only affects a private pond at this address.

**7. Notification of routine maintenance – Algonquin Gas Transmission, LLC, "Rectifier Replacement Project", easement area partially within wetlands – access off Toelles Road; dated 9/22/21; received 9/29/21**

Ms. O'Hare said this is the Notice of work to be done.

8. **PZC proposed amendments to Zoning Regulations and Zone Map (including new Stormwater Management section and revised Watershed Protection Overlay District section – Workshop, Oct. 5 & PZC proposed zone text amendment to allow data centers in IX and I-5 zones by Special Permit, Public Hearing Oct. 13; email forwarded to IWWC 9/29/21 from staff – discussion**

Commissioners had received this notification via e-mail.

9. **IWWC Contact Sheet – updated**

Commissioners received this information.

10. **Notification of IWWC Application: Re: 1201 Research Parkway, Meriden – DFC of Research 1201, LLC – (re-subdivision), received 10/1/21 by Town Clerk, copy referred 10/5/21**

Ms. O'Hare said this Notice was received because activity is planned in Meriden within 500 feet of the Wallingford Town boundary.

#### **H. VIOLATIONS**

1. **Notice of Violation – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel – (unpermitted clearing & filling near river)**

Ms. O'Hare said nothing has changed. The next step could be taken with the assistance of the new Town Planner.

2. **Notice of Violation – 950 South Colony Road – 1NRSJ, LLC – carwash facility – (filling)**

Ms. O'Hare will proceed on this.

3. **#A20-2.1 / 12 & 16 Northfield Road – (over-clearing in floodplain wetlands & URA issue)**

Ms. O'Hare said that in Storm Ida, Wharton Brook had jumped the bank and made erosion by the bridge area. The Town Engineer is aware of this situation.

4. **Notice of Violation – 11 Trumbull Drive – Jill Kobrin – (unpermitted grading, deposition, and structures within URA, rerouting of flows & alteration of drainageway/stream on Town land)**

Ms. O'Hare asked the Commissioners for a Motion to Reaffirm this Notice of Violation until the work area is stabilized.

**MS. PHILLIPS: MOTION TO REAFFIRM AND CONTINUE TO REMAIN IN EFFECT THE NOTICE OF VIOLATION ON 11 TRUMBULL DRIVE – JILL KOBRIN – (UNPERMITTED GRADING, DEPOSITION, AND STRUCTURES WITHIN URA, REROUTING OF FLOWS & ALTERATION OF DRAINAGEWAY/STREAM ON TOWN LAND).**

**MS. PASSARRETTI: SECOND.**

**VOTE: MS. MCKEEN – YES; MR. KERN – YES; MS. PHILLIPS – YES; MS. PASSARETTI – YES; CHAIR VITALI – YES.**

5. **Notice of Violation – 1468 Tuttle Ave. – Dan Petrosky & Jessica Boudreau – (unpermitted forest clearing & fence installation in wetlands) – See Motion voted at Item D.2. above.**

6. **#A18-1.2 / 801 North Colony Road – Padens Brook Restoration Program – (non-compliance with permit conditions) – Project Ecologist presentation of status report**

This Item 6 was taken up after Item 7.

**7. Notice of Violation – 52 Hanover Street / Quinnipiac River – Mary Jane Webster Legace, et al/Frank Vitale – (forest removal) – Request for release of NOV**

Ms. O'Hare said the parties have done a lot of work, and the parties are asking the Commission to release this Notice of Violation.

**MS. PHILLIPS: MOTION THAT THE NOTICE OF VIOLATION – 52 HANOVER STREET / QUINNIPIAC RIVER – MARY JANE WEBSTER LEGACE, ET AL / FRANK VITALE – (FOREST REMOVAL) BE RELEASED.**  
**MS. PASSARETTI: SECOND.**  
**VOTE: MS. MCKEEN – YES; MR. KERN – YES; MS. PHILLIPS – YES; MS. PASSARETTI – YES; CHAIR VITALI – OK.**

**6. #A18-1.2 / 801 North Colony Road – Padens Brook Restoration Program – (non-compliance with permit conditions) – Project Ecologist presentation of status report**

Appearing was Ms. Sigrun Gadwa, Project Ecologist.

Ms. O'Hare said, Commissioners had received copies of the Ecologist's report handed out tonight for this property in front of Tractor Supply.

Ms. Gadwa said that she was off the project for two years but has now been reviewing progress on this property since September. The remaining work involves minor issues. I'm giving you the re-planned work for next year and the map (given out tonight). Much of the program was weed removal from 2018 to 2020. On review, there was a question of the landscaper or who was to be in charge. He cut everything by mistake. So we need to mark the 'good plants' for the landscaper/contractor. We went out there on September 15 to review since October 2020. The Japanese knotweed was up with native plants coming up in it. Cutting was being done by a landscaper from eastern Connecticut, and I had not been involved. So the workers had to be told what to cut. "Cut and paint" technique was used on many weeds, and it was very effective. We're stating now what we're going to put in next spring.

Chair Vitali asked, Are you on track with the project?

Ms. Gadwa said, They are. They are going to keep cutting and paint to eliminate mugwort. They are going to address the knotweed, because I don't think it's ever been treated. And we'll spray in August of next year, so two cuttings plus the spray. It has to be spray spot treatment because we don't want spray on the soil. I think we require biannual reports as part of the permanent management plan.

Chair Vitali said, Ms. O'Hare will be in contact with you.

**I. ADJOURNMENT**

**MS. PHILLIPS: MOTION TO ADJOURN.**  
**MS. PASSARETTI: SECOND.**  
**VOTE: UNANIMOUS VOICE VOTE TO ADJOURN.**

The Meeting was adjourned at 9:48 p.m.

**J. NEXT SCHEDULED REGULAR MEETING: November 3, 2021**

Respectfully submitted,  
Kathleen L. Burns, Recording Secretary