

Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, November 3, 2021, 7:00 pm
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main St., 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, Commissioners Jennifer and Michael Caruso, Alternate Jeffrey Necio, and Environmental Planner Erin O'Hare.

ABSENT: Alternate Aili McKeen.

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

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Oct. 6, 2021

Ms. O'Hare noted a correction: At Item F.2. for #A21-9.2 / 475 Williams Road – Scott Cavallaro – Modification to IWWC #A21-3.3 – (revised pool construction accessway): At the top of p. 13, to change the word “proposed” to “propane”.

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE REGULAR MEETING OF OCTOBER 6, 2021, BE ACCEPTED AS SUBMITTED WITH THE CORRECTON ON PAGE 13.**

MS. PASSARETTI: **SECOND.**

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

ABSTAINED: **MR. CARUSO.**

2. Special Meeting, Oct. 18, 2021

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE SPECIAL MEETING OF OCTOBER 18, 2021, BE ACCEPTED AS SUBMITTED.**

MS. PASSARETTI: **SECOND.**

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

ABSTAINED: **MR. CARUSO.**

D. OLD BUSINESS

1. #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 Owner Mr. Ryan Cei.

Ms. O'Hare noted her Environmental Planner's Report of October 1, and she emphasized the Erosion Control Measures in it. Also, the Commissioners had gone out there for a site visit on October 18th. Those Special Meeting Minutes were approved tonight.

Chair Vitali said, We agreed that the pool could be placed where it was planned. He asked for a Motion on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A21-8.2 / 7 DOHERTY DRIVE – RYAN CEI – INSTALLATION OF IN-GROUND POOL & PATIO SURROUND AND FENCING BE DECLARED NOT A SIGNIFICANT ACTIVITY.**

MS. PASSARETTI: **SECOND.**

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

ABSTAINED: **MR. CARUSO.**

MS. PHILLIPS: **MOTION THAT APPLICATION #A21-8.2 / 7 DOHERTY DRIVE – RYAN CEI – INSTALLATION OF IN-GROUND POOL & PATIO SURROUND & FENCING BE APPROVED AS SUBMITTED.**

MS. PASSARETTI: **SECOND.**

Note: The above Motion was not voted. Discussion proceeded, and Ms. O'Hare clarified to cite her Conditions #2, 3, and 5 in the Environmental Planner's Report dated October 1, 2021. A new Motion was made and voted.

MS. PHILLIPS: **MOTION THAT APPLICATION #A21-8.2 / 7 DOHERTY DRIVE – RYAN CEI – INSTALLATION OF IN-GROUND POOL & PATIO SURROUND & FENCING BE APPROVED AS SUBMITTED WITH THE CONDITIONS #2, #3, AND #5 IN THE PLANNER'S REPORT OF OCTOBER 1.**

MS. PASSARETTI: **SECOND.**

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

ABSTAINED: **MR. CARUSO.**

2. #A21-9.2 / 475 Williams Road – Scott Cavallaro – Modification to IWWC #A21-3.3 – (revised pool construction accessway) – granted administrative approval 10/6/21

Ms. O'Hare stated that this Application was handled by Administrative Approval on October 6th.

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

Appearing were Attorney James Loughlin of Wallingford and Mr. Christopher Juliano, L.L.S., P.E., of Juliano Associates, Engineers and Surveyors, of Yalesville.

Ms. O'Hare had forwarded her Environmental Planner's Report dated October 29, 2021.

Ms. Phillips offered to recuse herself from participating because she is renting a storage unit at the current business there.

Ms. O'Hare had asked Corporation Counsel Janis Small regarding when someone is an owner or has some interest in the property or the Application, should they recuse themselves. In this instance, it was deemed that Ms. Phillips is not an owner. She could either withdraw or participate—it would be up to Ms. Phillips. Recused members can sit in the audience or leave the room.

Ms. Phillips chose to remain. She said, I'm fine with this.

Ms. O'Hare said that she will report back on if members that recuse themselves can remain sitting on the dais.

Attorney Loughlin said, This Application by S. Colony 1074, LLC, is to change Zandri's Stillwood Inn, which is now a storage units location, into a "CubeSmart" storage operation which will have climate-controlled units, a gate, and traffic control. This is not a zoning issue.

Chair Vitali noted, We have Wetlands review.

Attorney Loughlin said, We're going to be cutting back from the 16,000 square feet of impervious surface. We'll move structures back away from the wetlands area. So the net is less impervious surface, less volume into regulated wetlands area, and better quality of runoff. We met with Ms. O'Hare, and we submitted a revised soil report. Ms. O'Hare recommended approval with conditions. The Health Department raised issues about the septic system, and we'll be back here for modification if needed. We have a variance application pending before Planning and Zoning. Town Engineer Ms. Kapushinski has said that she will comment later.

Mr. Christopher Juliano showed the plan. He said, The plan is to put 31,000 square feet of CubeSmart self-storage on the Zandri's site. Their building is currently here, but it is to be vacated. Over the years, buildings were built for self-storage. CubeSmart bought the property, and they will build a new building. Route 5 is on the bottom of the map; Northfield Road is on the left, and Zandri's current buildings are located throughout the site. The FEMA floodplain line is along the proposed slope and going down to existing wetlands. Wharton Brook is further to the east, running north to south. All of this development is going to take place in this northeast part of the property. There's some minor work on the existing building, which has nothing to do with here.

Mr. Juliano continued, So we'll take out all the existing pavement line from the fence westerly, pulling out all the existing buildings and putting the 31,000-square-foot building back here. By just removing impervious and existing structures, we'll improve the site. I talked with the developer about removing some additional pavement. They don't need all the parking that was associated with the banquet facility, and we can give you back area and have grass. The URA starts at the top of the slope because we have certain regulations regarding steep slopes. So we'll have a bit more URA.

Mr. Juliano continued, After demolition, the new building will be in this location here. We'll tie one-half of the roof runoff into here. The southern half will tie into our existing drainage system. The northern half of the roof runoff will discharge down to a concrete splash box and to a swale before entering the wetlands floodplain and eventually Wharton Brook. One of the comments made by the Health Department is about the existing septic, which is here. The existing grease trap and separator and the individual septic tank could be moved and a septic tank and the three manholes where the three leach fields are located. And there's going to be no basement, so it will not have any effect on the septic system.

Mr. Juliano continued, I already spoke with our Town Sanitarian. I will provide correspondence to Erin O'Hare noting my conversation with the Health Department. It should not be an issue with the location of this building and the septic. We expect with Planning and Zoning that we'll have to provide the Town with an 'As-built', as they don't have anything on record because of the age of the system, which worked when they had banquets. I don't anticipate any change with the septic system which worked, because it will only be minorly used and would be over-designed for this new use. Questions?

Commissioner Passaretti asked, This self-storage—people will come in and store their own items?

Mr. Juliano said, Correct. It will be a climate-controlled self-storage area.

Commissioner Passaretti said, Being close to the wetlands, is the plan is to emphasize “No Dumping”? She has seen people wanting to just drop something from their unit.

Mr. Juliano said, I don’t believe the Applicant would be opposed to putting signs along the URA line and some placards.

Chair Vitali said, Usually, people leave their things they don’t want inside.

Commissioner Phillips had no questions.

Commissioner Kern said, Is the soil suitable to put any underground filtration? You’re running roof drains off to the east grassy area?

Mr. Juliano said, We greatly reduced impervious surface area by one-third of an acre, reducing flows from the top of the slope to the west. I’m not sure what materials are going to be use sub-surface—or if they will use greenfield in construction, mostly. The northern half of the building will front to the north, come down this swale. We think, once this area turns into grass, we can put some of the roof drains/ drainage into this area. As Attorney Loughlin already said, we’re reducing the footprint. There will be less erosion potential, and I’m not opposed to it. I’m just telling what it will be.

Commissioner Kern said, I’m concerned about the sandy soils and erosion if you change with the roof drains and galleys. No part of that design is final?

Mr. Juliano said, The southern half is in the existing system. In my documents tonight, I put in a diversion basin and, as line items, such that the three outlets are inspected yearly—knowing that the area is that type of soils. If they notice erosion, it would be first to put riprap plunge pools and then to put in a check dam. They’ll have to check it. Knowing the area, I was concerned about the existing outflows. Now, with a new Applicant and a new maintenance agreement, we can go back and make sure that things are inspected.

Ms. O’Hare said, What three outlets?

Mr. Juliano said, Three existing storm outfalls: north, central, and south, that we indicated on the survey in 2019.

Ms. O’Hare said, These are in the Stormwater Management Maintenance Plan that you’re talking about?

Mr. Juliano said, Those catch basins should be checked in the fall after leaf-fall, and in the spring for snowmelt, and catch basins in the parking lot for sweepings. On the site plan is this northern swale that will handle the northern building’s roof flow. The plans are in detailed “Site Grading and Development Plans, Sheets 5 and 6”. The grading along the north side of the building depicts a swale runoff from the downspouts, which will flow to the east.

Ms. O’Hare said, I cannot see a swale on the plans.

Mr. Juliano said, This is a swale because they’re cutting down the slope. We are just going to do a little grading on the northern side of the building so it can flow to the wetlands, minor.

Ms. O'Hare asked, When you put the swale in the back and the grass seed goes in, do you have to put some erosion control there?

Mr. Juliano said, The runoff from the roof goes through the downspouts, then to a concrete splash block to lessen the impact, and then it will head into the grass. So you'll not have flow over 1 or 2 c.f.s. Grass can handle up to 3 c.f.s., so I don't anticipate any issues with water.

Ms. O'Hare said, When it gets established, yes; but when you plant the grass first, you don't need some erosion control in there?

Mr. Juliano said, We'll have silt fence until when the area is stabilized.

Ms. O'Hare said, O.K., We could always add some controls to it.

Chair Vitali asked Attorney Loughlin, Are you in agreement on the Conditions of Approval for this application?

Attorney Loughlin said, Yes.

Chair Vitali said, I'll entertain a Motion on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A21-10.1 / 1074 SOUTH COLONY ROAD – S. COLONY 1074, LLC, - (DEMOLITION & IMPROVEMENTS) BE DECLARED NOT A SIGNIFICANT ACTIVITY.**

MS. PASSARETTI: **SECOND.**

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

Chair Vitali then said, I'll entertain a Motion to approve or deny this Application.

MS. PHILLIPS: **MOTION THAT APPLICATION #A21-10.1 / 1074 SOUTH COLONY ROAD – S. COLONY 1074, LLC, - (DEMOLITION & IMPROVEMENTS) BE APPROVED AS SUBMITTED WITH THE CONDITIONS OF APPROVAL #1 THROUGH #4 ON THE ENVIRONMENTAL PLANNER'S REPORT OF 10/29/21.**

MS. PASSARETTI: **SECOND.**

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

E. RECEIPT OF NEW APPLICATIONS

- #A21-10.2 / 136 Chimney Hill Road – Charles Craig – (addition)**

This Application was 'Received' by the Commission.

F. 2022 REGULAR MEETING SCHEDULE

Chair Vitali and the Commissioners discussed the proposed schedule, and the following Motion was made.

MS. PHILLIPS: **MOTION TO APPROVE THE INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING SCHEDULE FOR 2022 (11 MEETINGS), WITH JULY 27TH INSTEAD OF JULY 6TH AND TO DELETE THE AUGUST 3 MEETING DATE.**

MS. PASSARETTI: SECOND.

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

G. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations

This item was not discussed tonight.

2. Farm Hill Road Detention Basin – status

Ms. O'Hare said that she has not yet sent letters to the four property owners. She noted that Choate has started construction on the eight faculty houses. They mowed the meadow up to the stream on their property, as requested..

3. IWWC Contact Sheet – updated 10/26/21 – Received.

4. Proposed acquisition of Class I & II Watershed Land (95 acres of the Stevens property, 264 Williams Rd.) – letter of support

Chair Vitali asked to discuss this item later on.

5. CACIWC – (virtual) Annual Meeting & Environmental Conference – Sat., Nov. 6, 2021 – (emailed notice previously)

Commissioners had received this notice.

6. State of Connecticut Department of Public Health to Inland Wetland Agencies (among others) re: Statutory requirements to provide Electronic Notifications to the CT Dept. of Health (DPH) (by Applicant within 7 days after filing application) for project applications within Drinking Water Watersheds or Aquifer Protection Areas (effective Oct. 1, 2021); received 10/18/21

Ms. O'Hare provided the Commissioners with these new statutory requirements.

H. VIOLATIONS

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

Ms. O'Hare said, On October 6 you voted that the Violation would remain. So I wrote to Mr. Jerzy Pytel on October 27th saying that the Notice of Violation Remains and to schedule a meeting to discuss a remediation plan with me and the Planning Department. That dirt road there is useful for removing all of the deposition in the floodplain, which is under the Planning Department.

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

Nothing has changed there.

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

Ms. O'Hare had checked recently. The Owner has stopped doing improvements.

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

Ms. O'Hare reported that area looks good but requested that the Notice of Violation would remain in place to see how it does over the winter.

5. Notice of Violation Remains – 1468 Tuttle Ave. – Dan Petrosky & Jessica Boudreau – (unpermitted forest clearing & fence installation in wetlands)

Ms. O'Hare said the pool is not finished. Next month, Ms. O'Hare will report on if the Notice can be lifted.

6. 33 Summerwood Drive – Michael & Catherine Salzillo – (introduction of sediment to Town stormwater system hence to stream)

Ms. O'Hare explained what is going on at this property and nearby, and she handed out a draft letter, and she showed photos. The Owners should get an Excavation Permit from Planning and Zoning and should have an engineer working with them on a retaining wall. The Planning Department issued a Notice of Violation. Town Engineer Alison Kapuskinski issued a Notice of Violation. The Engineering Department has tracked the route of the sediment going off the property, travelling downgradient to the Oakdale property and ultimately to the Quinnipiac River.

Chair Vitali requested that Ms. O'Hare would write a letter to the Owners now.

Chair Vitali returned to Item G. 4.

G. REPORTS & COMMUNICATIONS

4. Proposed acquisition of Class I & II Watershed Land (95 acres of the Stevens property, 264 Williams Rd.) – letter of support

Ms. O'Hare noted that her Environmental Planner's Report of October 29th had enclosed a copy of the letter from Neil Amwake, P.E., General Manager, of the Wallingford Water and Sewer Division to Mayor Dickinson, and several maps. This property is close to Mackenzie Reservoir and is an important resource for water quality protection and natural resource protection.

MS. PHILLIPS: MOTION THAT ERIN O'HARE BE REQUESTED TO DRAFT A LETTER OF SUPPORT FOR THE PURCHASE OF THE WATERSHED AREA, CLASS I AND CLASS II WATERSHED LAND, BEING THE ACREAGE ON 264 WILLIAMS ROAD.

MS. PASSARETTI: SECOND.

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

I. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MS. PASSARETTI: SECOND.

VOTE: UNANIMOUS TO ADJOURN.

J. NEXT SCHEDULED REGULAR MEETING: December 1, 2021

Respectfully submitted,
Kathleen L. Burns, Recording Secretary