

**.Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, December 7, 2022, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street, Wallingford, CT**

MINUTES

Chair James Vital called this Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:03 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.]

PRESENT: Chair Vitali, Secretary Nick Kern, Commissioners Jeffrey Necio and Michael Caruso, and Alternate Commissioners Aili McKeen and James Heilman, and Environmental Planner Erin O'Hare. Alternate Commissioner Mrs. Caroline Raynis entered the meeting at 7:13 p.m.

ABSENT: Vice Chair Deborah Phillips.

There were six persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL – As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Nov. 2, 2022

MS. MCKEEN: **MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 2, 2022.**

MR. NECIO: **SECOND.**

VOTE: **MS. MCKEEN – YES; MR. CARUSO – YES; MR. NECIO – YES; MR. HEILMAN – YES; CHAIR VITALI – YES.**

Chair Vitali requested to take up Item E. New Business.

E. NEW BUSINESS

1. #A18-12.2 / 320 Barnes Road – Request for release of bond

No one was present for this Item E.1. Ms. O'Hare said she had gone out to the property and there are issues. Chair Vitali directed that this item would be tabled to the January 4, 2023, agenda.

2. #A20-7.1 / 5 & 21 Toelles Road & Wharton Brook – Pfizer Inc. – (soil remediation project) - Request for removal of silt fence installation

Appearing was Mr. Lucas Hellerich, L.P.E., of the Woodard & Curran office in Middletown.

Mr. Hellerich said, I am representing Pfizer Inc. on this project. I wrote a report that went out to you. As you will remember, we came for the project permit in 2021, and we finished it last year. We restored the wetlands with plantings and specified soils. We still have erosion controls at the site. Ms. O'Hare and Mr. Pagini of Planning and Zoning attended a site walk with me on November 10th. The

plantings have established and are growing well. We're requesting to remove the silt fence and the netting and straw wattles.

Chair Vitali asked, What else do you have to do?

Mr. Hellerich said, After this we will continue monitoring there according to your Commission permit and the A.C.E.

Ms. O'Hare said, My Environmental Planner's Report went to you by courier on Monday. The site looks excellent. Photographs show it's very well vegetated. The plants responded very well. It looks excellent. It's very open, compared to the forested floodplain before. As to the requested removals here, we agreed that in a large storm you could have 1,500 feet of silt fence that could go downstream. It's always subject to constant flooding if you take up the silt fence—so there's no reason not to remove the silt fence. We have a \$33,000 planting bond. So there's no reason not to remove the silt fence. A technical reason would be that the erosion control bond says that the silt fence would have to stay in place up to the third growing season. And you put the plants in last fall. So I asked the Law Department. They said, if the Commission wants the silt fence to be removed, then they can make that determination and they could ask the bond company to alter the terms of the bond that say "You can't remove any of the erosion controls before the third season." So it's a condition not in the permit—it's a condition in the bond.

Chair Vitali asked, Questions from the Commissioners?

Ms. O'Hare said there are four bonds: Erosion Control, Wetland Plantings, Invasive Plant Monitoring, and another bond.

Commissioner Heilman said, The bond was probably put there for protection in case something would take place, so you have the option if something happened to have the work done. If that was satisfied, I think the Commission could say that it was there for a purpose and that it could be removed.

Ms. O'Hare said, I did run this by the Engineering Department, and they had no issues. And there's also the bond if the site has a storm. So we have an Erosion Control Bond to put back the soil and wetlands plantings. In the Contingency Plan it said that the silt fence would stay there for three years. That's why the Commission would have to vote on it.

Mr. Hellerich said, It's Section 3.2 that speaks to "Silt fence shall remain in place until the vegetation has been established." Also, there's some narrative on the Permit which speaks to erosion control as well, and in the Erosion Control Report.

Chair Vitali said, The site is fairly level. You don't see any gullies?

Mr. Hellerich said, No, there's not.

Chair Vitali said, Flooding comes more from the river across the plain than from the brook. The silt fence can have some value to hold back the river, but I think I would go along with the concept that the silt fence is going to wrap around trees and tangle if you have this issue, and straw wattling mesh as well. If the river gets out of control, I think it would take the silt fence and shrubbery anyway. So they're asking for one of four bonds to be released?

Mr. Hellerich said, Not for the bond to be released—we're just asking to remove the erosion controls at this time.

Chair Vitali said, And the bond is written very specifically. I'm basically in favor of it, but the other Commissioners?

Mr. Hellerich said, How would that work? Would we get a letter from Ms. O'Hare to file with our bond company?

Chair Vitali said, Yes, saying that the silt fence is allowed to be removed.

Ms. O'Hare said, So I'd suggest that you vote to remove the silt fence depending on the agreement from the surety company. That's what the Town Attorney's Office said.

Chair Vitali said, I disagree. We allow the silt fence to be removed. We have no relationship to the bonding company. You'd just send a letter to the company stating the Commission's action.

MS. MCKEEN: MOTION THAT APPLICATION #A20-7.1 / 5 & 21 TOELLES ROAD & WHARTON BROOK – HELD BY PFIZER INC. – BE APPROVED TO REMOVE THE SILT FENCE.
MR. NECIO: SECOND.
VOTE: MR. HEILMAN – YES; MR. NECIO – YES; MR. CARUSO – YES; MS. MCKEEN – YES; CHAIR VITALI – YES.

Ms. O'Hare continued, The other issue in my report was a tree pile down by the river. Both the Town and the owners wanted it removed before, but there was an issue that box turtles were probably hiding there. Now it's winter, turtles are underground, we wouldn't have to worry about them. They can go ahead and get that pile out of there.

Chair Vitali stated, I thought only a certain diameter of trees were to be removed.

Ms. O'Hare said, We had eight piles.

Mr. Hellerich said, We allowed the habitat piles to remain. This one pile was situated between us and Wharton Brook, and the herpetologist asked us to keep it because it was a box turtle area. So we would remove that and redistribute the wood from that pile to the other habitat piles.

Ms. O'Hare said, It's 20 feet from the river. Then take the large trunks off site.

Mr. Hellerich said, We would move those and stage them on the upland slope if possible.

Chair Vitali said, No motion is needed for the log pile.

Mr. Hellerich left the meeting at this time.

F. RECEIPT OF NEW APPLICATIONS

- 1. #A22-12.1 / 140 Hope Hill Road/Sheehan High School – SLR, Brian Fuselier – (track & long-jump facilities replacement work) – Request for administrative approval – granted administrative approval 12/1/22**

Chair Vitali stated, This work is for track and field work to be done within the track perimeter and not near wetlands. So Administrative Approval was granted.

- 2. #A22-12.2 / 1299 South Broad Street – Hutton Street 21 LLC (Nicholas Plummer) – (carwash facility)**

Chair Vitali said this item is formally received tonight. It will be placed on the January 4th agenda.

3. #A22-12.3 / 1 North Main Street Extension – In Memoriam Cemetery Association, Inc. – (construction of interior drives)

Chair Vitali said this item is formally received tonight. It will be placed on the January 4th agenda.

G. ELECTIONS – Were not held tonight.

D. OLD BUSINESS

1. #A22-10.1 / 59 Elm Street – Choate Rosemary Hall - (building construction)

Appearing were Attorney Dennis Ceneviva of Meriden and Mr. Patrick Durbin, Chief Financial Officer of Choate Rosemary Hall.

Attorney Ceneviva said, I noted in my letter to the Environmental Planner that there has been a petition signed about this. We feel that this Application is in the public interest, and there's a process to have a public hearing on January 4th. We'd do that. We sent out invitations to 85 neighbors today.

Chair Vitali said, So you're requesting a public hearing on this on January 4, 2023. Commissioners, are there any reasons not to accept the request?

There were no comments from the Commissioners.

Ms. O'Hare said, Technically, the Applicant is not requesting a public hearing.

Attorney Ceneviva said, I think she means that the petitioners are requesting a public hearing.

Chair Vitali asked Ms. O'Hare for input.

Ms. O'Hare said, When a petition of 25 or more residents is filed, by statute you have to hold a public hearing. The petition has to be filed within 14 days of receipt of the Application and it was—it was filed November 14.

Chair Vitali said, So the Commission has to hold a public hearing.

Ms. O'Hare said, Yes. The Applicant is not requesting it—they're agreeing to it.

Chair Vitali set a public hearing for this item to be held January 4, 2023.

H. 2023 MEETING SCHEDULE

MR. KERN: MOTION TO ACCEPT THE (DRAFT) MONTHLY MEETING SCHEDULE FOR 2023 AS SUBMITTED, BUT TO CHANGE JULY 5 TO JULY 19 AND TO HAVE NO MEETING IN AUGUST.

MR. NECIO: SECOND.

VOTE: MR. KERN – YES; MR. HEILMAN – YES; MR. NECIO – YES; MR. CARUSO – YES; CHAIR VITALI – YES.

I. REPORTS & COMMUNICATIONS

- 1. Discussion of proposal to adopt fines for violations –** Not discussed.
- 2. Farm Hill Road Detention Basin – status –** Not discussed.
- 3. City of Meriden Notification to Environmental Planner from Dept. of Planning, Development & Enforcement (via e-mail) re: IWWC application, 577 South Broad Street re: carwash facility, dated 11/18/22; copy received via e-mail 11/18/22, copy also received**

sent by Certified Mail to Wallingford Town Clerk, with copy for IWWC received 11/29/22 - Acknowledged.

4. Evan Seeman, Esq., Robinson & Cole, forwarded to James E. Vitali, Chairman, IWWC, re: Meriden IWWC application – 577 South Broad Street re: carwash facility, (by Certified Mail) dated 11/18/22; received 11/29/22 – Acknowledged.

J. VIOLATIONS

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

Chair Vitali stated there have been no changes on this Violation in one year.

2. 340 & 346 Quinnipiac Street – Southern CT Pallets – (possible violation)

Chair Vitali said the company is working on this Violation.

3. Notice of Violation – South Turnpike Road – South Turnpike II, LLC – (deposition of pallet mulch) – staff update
4. Notice of Violation – South Turnpike Road – Karl Kieslich, Little K's Landscaping, LLC - (deposition of pallet mulch)

Ms. O'Hare said, They did remove the mulch deposition to my satisfaction as to the Wetlands jurisdictional area.

5. Notice of Violation – 67 Schoolhouse Road – Michelle Millican & Michael Gerace – (forest removal and filling of wetlands and Upland Review Area)
6. Notice of Violation – 67 Schoolhouse Road – Karl Kieslich, Little K's Landscaping, LLC, contractor – (forest removal and filling of wetlands and Upland Review Area)
7. Notice of Violation – 69 Schoolhouse Road – Matthew Luis – (forest removal and filling of wetlands and Upland Review Area)
8. 69 Schoolhouse Road – Karl Kieslich, Little K's Landscaping, LLC, contractor – (deposition in Upland Review Area)

Violation items #5-#8 were not taken up.

MR. KERN: MOTION FROM THE COMMISSION TO LEAVE ALL VIOLATIONS #1 TO #8 ON THIS AGENDA IN PLACE.

MR. NECIO: SECOND.

VOTE: MR. KERN – YES; MR. HEILMAN – YES; MR. NECIO – YES; MR. CARUSO – YES; CHAIR VITALI – YES.

K. ADJOURNMENT

MS. MCKEEN: MOTION TO ADJOURN.

MR. NECIO: SECOND.

VOTE: UNANIMOUS VOTE TO ADJOURN THE MEETING.

The Meeting was adjourned at 7:30 p.m.

L. NEXT SCHEDULED REGULAR MEETING: Jan. 4, 2023

Respectfully submitted,
Kathleen L. Burns, Recording Secretary