

**Inland Wetlands & Watercourses Commission  
Regular Meeting  
Wednesday, June 3, 2020, 7:00 p.m.  
Town Hall Room 315  
45 South Main Street, Wallingford, CT**

**(REMOTE MEETING)**

**MINUTES**

Chair James Vitali called this (REMOTE) Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:00 p.m. He said this is the Commission's first remote-held meeting and it is being recorded. He asked Commissioners and online listeners to mute their microphones unless they are speaking. He proceeded with the agenda.

**A. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was recited.

**B. ROLL CALL**

**PRESENT:** Chair James Vitali, Commissioners Deborah Phillips and Michael Caruso, Alternates Aili McKeen, Robert Simon and Jennifer Passaretti, and Environmental Planner Erin O'Hare.

**ABSENT:** Secretary Nick Kern

**C. CONSIDERATION OF MINUTES**

1. Regular Meeting, March 4, 2020

**MS. PHILLIPS: MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING ON MARCH 4, 2020, AS SUBMITTED.**

**MS. MCKEEN: SECOND**

**VOTE: APPROVED BY ALL IN A VOICE VOTE.**

2. (Regular Meeting, April 1, 2020 – CANCELLED)
3. (Regular Meeting, May 6, 2020 – CANCELLED)

**D. OLD BUSINESS**

1. #A20-3.1 / 153 Chimney Hill Road – Lauren Young – (yard drainage improvement)

Appearing remotely was owner Ms. Lauren Young. Last fall she installed a berm, as approved under her permit, as the first part of the permit work to direct surface drainage coming from the woods into the pond. Now she has water at the rear between the pond and the house. So she is asking to put soil there, going from 6" or 7" on the far side down to 1" on the other side to guide surface rainwater into the ditch. There will be hay bale protection for the stream and then stone protection for the swale that will direct flows into the ditch. She wants to place a fire pit on the yard.

Ms. O'Hare said, normally, we don't fill a wetland, but this is a wet lawn that needs fill and the topsoil in the back yard. Ms. O'Hare read the six suggested conditions of approval from her Environmental Planner's Report of March 27, 2020.

Chair Vitali asked Ms. Young if she understands all these conditions and agrees with them. Ms. Young said, Yes, she does.

Chair Vitali asked if this application needs a determination of Significant Activity. Ms. O'Hare said it does.

**MS. PHILLIPS: MOTION THAT APPLICATION #A20-3.1 FOR 153 CHIMNEY HILL ROAD BE DETERMINED AS NOT A SIGNIFICANT ACTIVITY.**

**MS. MCKEEN: SECOND**

**VOTE: MOTION WAS APPROVED UNANIMOUSLY IN A VOICE VOTE.**

**MS. PHILLIPS: MOTION THAT APPLICATION #A20-3.1 / 153 CHIMNEY HILL ROAD – LAUREN YOUNG – (FILLING) BE APPROVED WITH THE CONDITIONS SET FORTH IN THE ENVIRONMENTAL PLANNER'S REPORT OF MARCH 27, 2020, ITEMS #1 THROUGH #6.**

**MR. SIMON: SECOND**

**VOTE: MS. MCKEEN – YES; MS. PHILLIPS – YES; MR. CARUSO – YES; MR. SIMON – YES; CHAIR VITALI – YES.**

2. #A20-3.2 / 52, 58 & 88 Woodhouse Avenue – Sunwood Development Corp. – (apartment complex [4 structures/36 units] & construction of stormwater facilities [345 feet] in

## Woodhouse Avenue)

Appearing remotely were Mr. Bob Wiedenmann, Jr., of Sunwood Development Corp., Wallingford, and Mr. Christopher Juliano, L.L.S. and P.E., of Juliano Associates, Yalesville. The site plan was shown.

Mr. Wiedenmann said Sunwood Development is the applicant. This is at 88 Woodhouse Avenue, generally behind the gas station and between Harrison Avenue and Putter Drive. This property was previously approved in 2012 for 36 apartments in one building and a single-family home remaining on the land. Now we propose four buildings of 36 townhomes. It was originally on 2.7 acres, but now we have 3.2 acres. It was used as a contractor's yard, shop and warehouse on and off. That will be removed. Wetlands report was given in October 2012 by Tom Pietras, and now we will have 36 townhomes on Woodhouse Avenue, split over the area where we have no impacts or encroachments into the wetland. This is a State statute 8-30(g) development. We are required to build 30 percent of the units as affordable. All units will be served by public water and sewer.

Mr. Juliano noted the previous project for this site in 2012 is now updated as four buildings of nine units each, driveways, plus ½ acre more land at the northwest corner. He showed the survey map. Woodhouse Avenue is on the left; Florence Avenue is on the right. There are two access points: northern at the former Katherine Street, between 52 Woodhouse Avenue and the gas station at 56 Woodhouse; southern access is just south of the existing gas station. Overall grade is about 1% in the south to about 6% in the north—very little elevation change east to west. Wetlands are located near the former Katherine Street and by The Towers. All activities are outside of the 50-foot wetlands area. We have 52,000 square feet as new surface area from 2012. So it was 51.8% coverage area in 2012 and now 52.5%, a small increase, since we have gone from one building to four.

He continued: The site layout has two main driveways. Buildings A and B are to the north, with a parking lot by Building C in the center. Garages are underneath C as townhouse units. Buildings A, B and D have outside parking. A smaller parking lot is here. The site plan shows we're raising the buildings for utility purposes and we're catching all the water that comes off Buildings B and D. Parking lots drainage goes to a northern detention system; southern drainage goes to the south, and we're directing that towards the wetlands to the extent possible. So we're retaining the grades and building up the site for the buildings. We'd catch Buildings A and C roof drainage water to the south to the wetlands to the extent possible in order not to have detrimental effect on the wetlands.-----rehear this sent?—try 12 to 14 mins last 3 sents. on drainage to wetls----

He continued: The utility plan has two underground drainage systems, one in the northern part and one in the southern part, to collect runoff from the parking lot, the grassed area and Buildings B and D—putting it in underground pipes to reduce the surface flows and construction flows and existing conditions. We're eliminating the runoff erosion and slowing the velocity of water. The only drain from our site gets into the public system and to detain our

management of flows that come out into the north driveway and out to Woodhouse Avenue. There we're adding some drainage and tying each system into the State system. We're proposing tying into a sanitary sewer system that already comes onto the property. Water comes in off Woodhouse Avenue. There's minor grading, not a lot of big cuts and fills because of the flat style of the buildings.

He continued: Stormwater drainage system has three chambers to the State drainage between our property and Harrison, allowing sediment and oil to be screened, then clean water to flow out. This way, any runoff associated with the parking lot and grass, and the system will be captured in these stormwater quality units, which will be maintained twice a year. The Town Engineer Allison Kapushinski has reviewed the drainage calculations and she made six comments. Questions?

Chair Vitali said the property seems to have a high water table. Commissioner questions?

There were none.

Chair Vitali: Ms. O'Hare?

Ms. O'Hare referred to her Environmental Planner's Report of May 29 forwarded in the IWWC packet, which summarized her remaining concerns and recommendations. Mr. Juliano said there is no activity within 50 feet of wetlands. That's true. But there's activity within 50 feet of two watercourses that are part of the Towers Apartments property that may be fed by stormwater pipes put in years ago. I saw both in April; they were running. Last week I saw them not running, maybe because of no rain. So there's activity within 50 feet of those. It's near the construction in the southeast corner. Those apartments would be within the 50-foot U.R.A., and the groundwater and the roof water from that building would go 20 feet, then offsite to the east from the south-east corner of the property.

Mr. Juliano said how the water flows off this property. You cannot discharge water onto someone else's property. But here, the proposed water from our site will actually end up being less than the amount that goes off from this property today to that area. We have two drainage ditches that are definitely man-made and are on the Towers property to the east, to the east of our Building C. From the back of C, it's about 20 feet to the property line and another 20 to 30 feet to where these ditches are. Soils Scientist Tom Pietras did not flag those in his report. Now we're not supposed to put water onto adjacent property. This is our intent, to maintain the amount that currently exists. For Building C, the water comes from the west into the wetlands. So we have taken the roof and runoff area of Building C into swales as much as we can. It's wetlands clean runoff. Similarly, behind Building A there's a swale. We don't want discharge from that onto the Falcone property. So we completed this swale which sends flow west to east and directs it to the south to get into our property and near these drainage swales. So we're doing two things: 1) keeping water off some property abutters; and 2) putting water back into the Towers area to help feed the wetlands. And we're getting about 50% of the former volume runoff back to the wetlands. With this site being so flat, I would have to pipe it to force

water from our parking lot into the wetlands. So the flatness and geometry of the site both figure into it. We're reducing by a small fraction a small area that does send water toward the wetlands. So I don't believe that our small reduction of the adjacent land mass will make it drier. It will continue getting runoff from our property and others.

Ms. O'Hare said but your property line has 80% of your total stormwater leaving the site going into this 345-foot-long utility line proposed to connect to the State system and then it goes north and then discharges northwest to some property behind Williams Place, East Main Street and Center Street?

Mr. Juliano said eventually, Yes. But our discharge point is the manhole in Woodhouse Avenue at the State system. Then, yes, it does continue to flow north and to that outfall you mentioned.

Ms. O'Hare said part of our Surface Area provision says about created surface area's likelihood to have an impact on wetlands and watercourses. In this case, the water leaving your site in a pipe will be discharged to an unnamed stream and then behind houses on Williams Place and the properties on Center Street. That's how it ties into the Wetlands Commission's purview. So this discharge is of concern. I know the Developer is seeking a State permit. I just want you to know that that outfall structure is broken. The Town thinks the outfall is the State's, and the State doesn't think it is their pipe. It's the worst case of erosion that I've seen in Town. That's between the Town and the State, but that ties into the Wetlands Commission's purview.

Ms. O'Hare continued: In my report there's been a lot of back and forth between the Town Engineer and me and the Applicant on issues. Groundwater is at four feet and five feet in some places. The site was filled in years and years ago. So it's up to discussing a Dewatering Plan about the groundwater table. Before that, I asked them to put in temporary sedimentation basins, but if they dig down for the basins they're going to hit water. But what do they do on the construction site with big excavation? Where will the dirty water go?

Mr. Wiedenmann said there's two areas that Erin O'Hare talked about: First, normal erosion control that we would put around any construction site; and second, we talked about dividing this property into segments so we can work on the northern part first. We have perimeter silt fence today proposed around the entire property. So we can bisect the site with a silt fence, to have construction entry by the northern entrance left of the gas station. And to leave the southern part undisturbed and to have some small infiltration and to allow some water to dissipate before it goes into the wetland area as open erosion control. So, second, the dewatering settlement basin that Erin O'Hare brought up. If we have a trench open for the foundation or we want to connect to existing water and sewer lines, we'd have to pipe that water out of those trenches, settle the sediment and then go back in. Or, to pipe as needed for wetlands and to let the water discharge and settle out. We could come back in a couple of days to work on a foundation or another utility line trench. We're thinking of having someplace in the field of a silt fence frame and staked hay bales and to pump the water into it to settle and

evaporate. So we could relocate that if we needed it. And then it would clean the water. And we could move such a thing around.

Mr. Juliano said they have been discussing that plus following guidelines for erosion control.

Ms. O'Hare said I want to be sure in the construction phase that dirty water wouldn't leave the site. So if we go ahead with the Erosion Control Plan, it needs to be approved with the Dewatering Plan and the sectoring that Bob described with hay bales. Also, to revise the Erosion Control Plan to reflect at the southeastern border to do a silt fence/hay bale/silt fence sandwich and with a buffer only at the low point on the southeast as a flat temporary sedimentation basin with semicircular silt fence and hay bales around that, to keep the water with sediment from going into the wetlands.

Mr. Wiedenmann said he also would put the silt fence because the velocity is almost zero. I'm not opposed to some hay bales at some areas that you feel need additional protection—not on the entire site. I would accommodate the areas that you think are more critical.

Ms. O'Hare said she thinks the southeast corner is the most critical.

Chair Vitali asked if Mr. Wiedenmann has reviewed the Conditions of Approval recommended in Ms. O'Hare's report.

Mr. Wiedenmann said, Yes. He does not have any concerns with them.

Ms. O'Hare recommended that her #1 and #2 conditions should be edited somewhat as we just talked about tonight. So to eliminate #1 and #2 conditions of approval. Then in place of those, #1 it should say: #1. Dewatering (with new language). First, I would like them to submit something that characterizes what Bob laid out tonight for the development plan. And #2. Something to handle the sedimented construction phase flows—with something on paper to characterize what Bob and Chris just talked about, and then going on with the eight conditions—to submit something on paper from them as to what was talked about tonight.

Chair Vitali asked for comments from the Commissioners. There were none.

Chair Vitali said this a large, flat site, a wet site, a filled wetland. So if everybody understands the first two conditions that Erin O'Hare has changed on her report, is there a Motion regarding the Significance of Activity of this application?

**MS. PHILLIPS: MOTION THAT APPLICATION #A20-3.2 / 52, 58 & 88 Woodhouse Avenue – SUNWOOD DEVELOPMENT CORP. – (APARTMENT COMPLEX) BE CONSIDERED NOT A SIGNIFICANT ACTIVITY.**

**SECOND:      MR. CARUSO**

**VOTE:            UNANIMOUSLY BY A VOICE VOTE TO APPROVE THE MOTION.**

Chair Vitali asked if there is a Motion to approve or deny the Application as submitted with Ms. O'Hare's conditions including the changes proposed by Ms. O'Hare for Conditions #1 and #2.

**MS. PHILLIPS:   MOTION THAT APPLICATION #A20-3.2 / 52, 58 & 88 WOODHOUSE AVENUE –**

**SUNWOOD DEVELOPMENT CORP. – (APARTMENT COMPLEX) BE APPROVED AS**

**SUBMITTED WITH THE CONDITIONS OF APPROVAL AS NOTED IN THE MAY**

**AND #2,**

**THAT THE DEWATERING PLAN AND A PLAN FOR CONSTRUCTION PHASE SITE**

**FLOWS BE SUBMITTED ON PAPER, AND CONDITIONS #3 THROUGH #8.**

**SECOND:      MR. SIMON**

**VOTE:            MS. PHILLIPS – YES; MS. MCKEEN – YES; MR. CARUSO – YES; MR. SIMON – YES;**

**CHAIR VITALI – YES. (APPROVED ON A VOICE VOTE)**

Chair Vitali stated the Motion is approved, and there is also the standard of having Ms. O'Hare investigate the site before the Applicant starts.

#### **E. NEW BUSINESS**

This item was not taken up but was carried forward to the next meeting.

- 1. #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook – NERP Holding & Acquisitions Company, LLC – (commercial development) – Request for bond release.**

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

Chair Vitali noted that Items 1, 2, and 3 were approved administratively (as below).

- 1. #A20-5.1 / 475 Williams Road – Scott Cavallaro – (“after-the-fact” yard improvements) –**

**Approved administratively 5/12/20**

- 2. #A20-5.2 / 19 Docker Drive – James & Mary Alling – (yard improvements/drainage)**

**– Request for Administrative Approval – Granted 6/1/20**

- 3. #A20-5.3 / 16 Longview Road – Frank Nesto – (after-the-fact aboveground pool installation & proposed pool deck installation) – Request for Administrative Approval –  
Granted 6/1/20**

Chair Vitali said New Applications Items 4 and 5 are considered received tonight. These will come before the Commission at the next meeting.

- 4. #A20-6.1 / Quinnipiac River/State of CT Rights Of Way Rte. 150 & Rte. 68 – Town of Wallingford Water Division – (bridge water utility installations & temporary accessway installation)**
- 5. #A20-6.2 / 155 East Street – Town of Wallingford Sewer Division – Water Pollution Control Facility Phosphorous Reduction Project – modification to IWWC #A18-11.1 –  
(fill installation in Upland Review Area)**

## **G. REPORTS & COMMUNICATIONS**

Chair Vitali acknowledged receipt of the following items.

- 1. Cheshire Inland Wetlands and Watercourses Commission – Notification of application with regulated activity within 500 feet in U.R.A. – Reservoir Rd., Cheshire; received 3/6/20**
- 2. State of CT D.O.T. – Town Notification – Rehabilitation of Bridge No. 00793A Route 15 NB over Quinnipiac River – construction anticipated to commence spring 2023; received 3/10/20**
- 3. Providence and Worcester Railroad Vegetation Management – email to Mayor; re: 21-day advance notification of vegetation management; dated 4/28/20; received 4/29/20**
- 4. Notification of Pesticide Application, as required, Spring Lake by Pond & Lake Connection, (herbicide Nautique); via phone communication to Environmental Planner on 5/11/20**
- 5. DEEP Offering Online Training for Municipal Inland Wetlands Agencies – Press Release, received May 19, 2020 (copy forwarded in packet)**

## **H. VIOLATIONS**



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

No one appeared. This NOV was continued from the Commission's November 2019 meeting.

Environmental Planner Erin O'Hare said she has repeatedly asked the violator to put erosion controls along the roadway. Apparently, on Friday they put some erosion controls out. I think they are waiting for floodplain fill removal direction from the Interim Town Planner. The Commission took no action, and this Notice of Violation remains in place.

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

No one appeared. This NOV was continued from the March 4, 2020, meeting.

Ms. O'Hare said the Violator's engineer was to survey exactly where on the land the fill is and how much is on the floodplain. A fair amount of it is in the floodplain. The Flood Regulations are within the Zoning Regulations, so they will get direction from the Planning Department to get the fill out of the floodplain. About six trees will die unless this is done. This NOV remains in place.

**3. Notice of Violation – 122 Chimney Hill Road & encroachment on 110 Chimney Hill Road (unpermitted filling)**

Appearing remotely was owner Mr. Steven Reid.

Ms. O'Hare said she went out there in response to an anonymous complaint that someone was filling on Eversource property. The filling occurred largely on the Eversource property. She gave Mr. Reid a Notice of Violation. Since then, he did take all of the fill onto his property. The fill is now an ATV track for the children. Also, the children had made an ATV track with a dam across the stream. But he took all the fill off the other property, re-seeded it, and he put silt fencing in, and it's not eroding. At the stream on the Eversource property there was some erosion before. So I'd recommend for the Commission to let him keep his ATV track made of dirt, which is in the Upland Review Area, but to cite Mr. Reid to apply for an after-the-fact permit.

Chair Vitali asked for Commissioners' opinions. The Commissioners' unanimous consensus was to accept Ms. O'Hare's recommendation. This Notice of Violation remains in place.

**4. Notice of Violation – 6 Grieb Trail – Tyler Sweeney – (unpermitted filling)**

Appearing remotely was Mr. Tyler Sweeney.

Ms. O'Hare said she had received an anonymous complaint of filling being done on Spring Lake. She went out and saw a fresh pile of fill there (shown in photo provided to the Commissioners).

This pile of fill is on an adjacent property, not on 6 Grieb Trail. The owner, Mr. Sweeney, explained that he's been putting in a patio. He also needs a permit for that. He dug out his back yard and had to put the fill somewhere. I explained that the fill had to be removed because it's a swamp there and not his property. I went out there, and he had removed six inches off the top of it. And he did put a silt fence. I went out again, and maybe another six inches has been taken out. The pile is covered with grass, and he feels he doesn't want to take the rest out.

Mr. Sweeney had made this calculation: It's 9.1 cubic yards by the wheelbarrows that he dumped and removed from his yard, matching the 20' x 10' patio, about 1' deep. He had a truck with a scale come out and hold the dirt while he was working on it. He removed 12 cubic yards from the site, 8.1 tons by the truck, exactly 3 more yards than what he had dumped. He put fresh topsoil on the hill, put seed and hay for a silt fence. I believe the stabilized dirt looks better than before. I stopped the dirt from getting into any water supply. I think I've done everything in my power to stabilize this.

Chair Vitali said, while it would look better, it's not necessarily better for the wetlands. You made some negative impact to the wetland. The 10' x 20' x 1' deep is about 7 cubic yards.

Mr. Sweeney said he moved back more and put fill on top.

Ms. O'Hare said she went out there tonight. It's the same amount as before with grass growing on it.

Chair Vitali asked Mr. Sweeney to please contact Ms. O'Hare and go out there and take a clear picture and come back to the Commission next month.

Mr. Sweeney said absolutely he could do that. Ms. O'Hare agreed.

Chair Vitali asked Mr. Sweeney to describe the construction of the patio. Did you dig up and replace with screening and pavers?

Mr. Sweeney said not yet. He is waiting to fill out the permit.

Chair Vitali asked if he is putting footings in?

Mr. Sweeney said the materials will be stone, sand and paver blocks.

Ms. O'Hare said she saw a pile of stone in the driveway tonight.

Mr. Sweeney said he will get the permit before he fills it. Every day I try to do something.

This Notice of Violation will continue in place until the next meeting.

**5. #A20-2.1 / 12 & 16 Northfield Road – over-clearing in floodplain wetlands & U.R.A. issue**

No one appeared for the owner.

Ms. O'Hare said this Violation complaint was from Commissioner McKeen. This was a permit obtained in February by Mr. and Mrs. Williams. The entire property is within a 100-year floodplain. She explained that the reason the work was going to be allowed was that the home was there for years. But Mr. Williams cleared more than what we directed, which was about 30 feet along Northfield Road. He cleared an area 70' x 60' in a star shape on the wooded flood-plain. And he had an excavator take a large tree out across Wharton Brook. All the downed trees are stacked now in a floodplain by the river. I think the Commission should decide what should be done.

Chair Vitali said the Commission needs Ms. O'Hare to make a recommendation.

Ms. O'Hare said she did meet with the Owner out there last week. She told him to cease clearing about 1½ months ago. He is set on having a lawn. She explained that it's a "forested floodplain", a Critical Habitat in the State of Connecticut, and you can't just clear that. She felt that invasives will come back, but maybe let it go and let the shrubs grow back over time. He's wanting to put soil and grass seed in there.

Chair Vitali said he believes that he could grow grass on the floodplain. Keep us apprised of what's going on and see if the vegetation is coming back.

Commissioner McKeen said she drives by frequently. He did stop as soon as Ms. O'Hare told him to. Whether it's grass or shrubs, it's really a low-lying area and I don't think it would take long for Wharton Brook to overflow it. He cleared that even before he did the tree mentioned in his permit. Last time I went by, I didn't notice a downed tree, but he had no activity along Northfield Road where I first saw he was cutting.

Ms. O'Hare said, as to the forest behind his house, he hasn't touched that yet. She suggested waiting until August when it's drier. He's permitted to take out the vines and dead stuff behind his house.

Chair Vitali said O.K.

This Notice of Violation remains in place.

**6. 1103 Old Colony Road – NRWA, LLC – Memorandum to Janis Small, Corporation Counsel, re: enforcement options – forwarded 5/14/20**

Ms. O'Hare's memorandum to Corporation Counsel Small was received. There was no Commission discussion on it tonight. This Notice of Violation remains in place.

**I. ADJOURNMENT**

**MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.**

**SECOND: MS. MCKEEN**

**VOTE: UNANIMOUS IN A VOICE VOTE TO ADJOURN.**

The meeting was adjourned at 8:15 p.m.

**J. NEXT MEETING – July 15, 2020**

Respectfully submitted,

Kathleen L. Burns  
Recording Secretary