

MONTVILLE PLANNING AND ZONING COMMISSION
310 Norwich-New London Turnpike
Uncasville, CT 06382

December 12, 2023

Exhibit 58
Received
12/12/23
6:18 PM
@ Public
Hearing

In re: Application 23SUB1
By The Nevar Company, for a Subdivision/Resubdivision

VERIFIED PLEADING FOR INTERVENTION IN PROCEEDINGS
PURSUANT TO CONNECTICUT GENERAL STATUTES § 22a-19

Notice is hereby given that Julieanne Drake intends, and by this pleading does, intervene as a party to any and all proceedings before the Montville Planning and Zoning Commission, including any and all hearings, proceedings, permittings, grants, hearings, considerations, authorizations, extensions, renewals, amendments, actions, or enforcement proceedings concerning the application for a permit, permits or approval by The Nevar Company / Dean Fiske, of 677 S. Main Street, Cheshire, Connecticut, or by any of its/his agents, affiliates, subsidiaries, successors, or assigns, and any matters related thereto.

These proceedings involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water, or other natural resources of the State.

In support of this pleading, the above-mentioned party asserts the following:

1. The person filing this complaint under the Connecticut Environmental Protection Act ("CEPA") is a citizen residing at 435 Squaw Hollow Rd. in the Town of Ashford and State of Connecticut (hereinafter the "petitioner").
2. The action brought here concerns an application under review by the Montville Planning and Zoning Commission for approval of a subdivision/resubdivision permit application, in connection with a proposal by The Nevar Company / Dean Fiske (hereinafter "Nevar") for residential

development on a portion of a certain tract or parcel of land situated in the Town of Montville currently known as 958 Route 163 and more particularly described as Assessor's Map / Block / Lot 046-008-000 (the "Nevar Property").

3. The activities permitted by such a permit approval, activities which will be conducted by Nevar and /or its agents, affiliates, subsidiaries, successors, or assigns connection with the use of the Nevar Property, do separately, together in combination, or cumulatively, involve activity or activities which include some or all of the following:

- (a) Removal of earth and vegetation;
- (b) Construction activity within or adjacent to a watercourse;
- (c) Redirection of surface water;
- (d) Drainage of sewerage into or adjacent to a wetland or watercourse;
- (e) Removal, placement, dumping, loading and/or unloading of quantities of organic materials, and the interaction of organic materials with the air and water over time;
- (f) Pollution of groundwater and/or the creation of discharges to groundwater;
- (g) Replacement of pervious vegetation with impermeable materials;
- (h) Adversely affecting open space now and forever more; and/or
- (i) Such others as shall be revealed during the administrative process.

4. The activities set forth in paragraph 3, separately, together in combination, cumulatively, or in combination with other sources of pollution, involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. Without limiting the foregoing, the aforesaid activities will unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state, for reasons which include one, more than one, or all of the following:

- (a) There are one or more alternatives;
- (b) There are one or more alternatives that would affect the environmental loss;
- (c) There are one or more alternatives which are feasible;
- (d) There are one or more alternatives which are prudent.

5. Without assuming the burden of proving that a feasible and prudent alternative exists, the alternatives referenced in Paragraph 4(a), (b), (c) and (d) of this petition include but are not limited to Nevar not conducting some or all of the activity proposed in its pending application and/or re-designing its overall proposal.

6. The Planning and Zoning Commission's Subdivision Regulations provide for its consideration of the effects upon the natural resources in respects including but not limited to the following:

- (a) Section 1.2 provides that proper provisions shall be made for water, drainage and sewerage.
- (b) Section 1.2 also provides that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety;
- (c) Section 1.2 furthermore provides that proper provision be made for the control of soil erosion and sedimentation.

7. The petitioner reserves the right to supplement the allegations of this petition as evidence becomes available to her.

WHEREFORE, the petitioner requests that in accordance with this petition her appearance be entered in this proceeding, that thereafter the petitioner be given notice of all hearings and other proceedings herein and the right to appear there and participate for the purposes and to the extent herein requested.

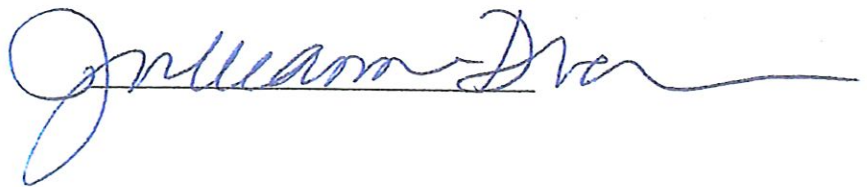
Said notice can be sent to the following:

Julianne Drake, 435 Squaw Hollow Rd., Ashford, CT 06278

The petitioner further requests that the said Planning and Zoning Commission consider, pursuant to Section 22a-19 of the Connecticut General Statutes, the effect of the activities proposed in the subject application and on all related plans, maps, and drawings, and the activity described herein, upon all matters within its jurisdiction; that it consider all alternatives to such activities, and that it take such action as is consistent with the allegations contained herein, and not approve the application unless and until all unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources is proven to be completely avoided.

RESPECTFULLY SUBMITTED,

JULIEANNE DRAKE

A handwritten signature in blue ink, appearing to read "Julianne Drake", with a long horizontal flourish extending to the right.

VERIFICATION

In verification of the Pleading for Intervention attached hereto, and in accordance with Connecticut General Statutes § 22a-19, the undersigned, being duly sworn, does hereby depose and say the following:

1. I am over 18 years of age;
2. I am thoroughly familiar with the Pleading for Intervention attached hereto and said is true to the best of my knowledge and belief;
3. The activities proposed in this matter involve conduct which has, or is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.


Julieanne Drake


STATE OF CONNECTICUT :

: ss. Stonington

December 12, 2023

COUNTY OF NEW LONDON :

Personally Appeared Julieanne Drake, signor of the foregoing instrument, and acknowledged the same to be her free act and deed, before me.


Notary Public
My commission expires: 3/31/2024