

MEMORANDUM FOR THE RECORD
SHOW CAUSE HEARING – THURSDAY, March 20, 2025

Prepared by Stacy Radford, Zoning & Wetlands Officer

Property Owners: Jeffrey Phillips & Jennifer Michaels
Address: Noble Hill Road (Parcel ID: 061-002-000)
Meeting Date: March 20, 2025
Regarding: Cease & Correct order for unpermitted activities within the wetlands and 50' upland review area

SUMMARY OF EVENTS:

- On or about February 20, 2025 the Town of Montville Planning & Zoning Commission received notice from the Town of Bozrah, of a Public Hearing for a Special Exception and Site Plan Application for a potential event venue at 410 Salem Turnpike. Said Notice was forwarded to the Planning & Zoning Commission in accordance with Connecticut General Statutes pertaining to the requirement of a referral to any abutting municipality. During the review of the properties located within the immediate vicinity of the proposed event venue via the Town of Montville GIS (Geographic Information System); Assistant Planner, Meredith Badalucca; noticed a large area of disturbance on the property (Parcel ID: 061-002-000) which is the subject of this Show Cause Hearing.
- An inspection of the property file was conducted to determine if there were any Permits applied for or issued for any such disturbance. None were found.
- Additional research of the property was conducted utilizing the GIS to view aerial photos of the property. Copies of the following photos are attached to this Report.
 - Aerial Photo of 2023
 - Aerial Photo of 2023 specifically of the area of disturbance
 - Aerial Photo of 2023 with State of CT Wetland Layers
 - Aerial Photo of 2019
 - Aerial Photo of 2018
 - Aerial Photo of 2016
 - Aerial Photo of 2014
 - Aerial Photo of 2012
 - Aerial Photo of 2010
- Further research showed that the current property owners, Jeffrey Phillips and Jennifer Michaels purchased the property, 62.21 acres in January of 2018. I would like to note that during the time before and after Mr. Phillips and Ms. Michaels purchased the property, there has been excavation ongoing. I would also like to note that a Timber Harvest was conducted in September of 2014 and the previous property owner did obtain an As of Right Permit from this Commission.
- On February 24, 2025, a Notice of Apparent Violation / Request for Voluntary Compliance was forwarded to the property owners. A copy of the Notice is attached, however, I would like to read same into the record. The Notice was mailed via Regular and Certified Mail and signed for by Jeffrey Phillips, confirmed on the green return receipt card which I have also attached hereto and will be entering into the record.
- On March 5, 2025 the property owner, Jeffrey Phillips called and left a message confirming receipt of the Notice of Apparent Violation / Request for Voluntary Compliance.

- On March 6, 2025 I returned a call to Jeffrey Phillips and arranged a site visit on March 14, 2025 at 11 a.m. Due to the potential size of disturbance, the Town Engineer and Town Soil Scientist were requested to attend said site visit.
- On March 14, 2025 myself; Assistant Planner Meredith Badalucca; Town Engineer Kyle Haubert of CLA and Soil Scientist Robert “Bob” Russo of CLA met with property owner Jeffrey Phillips. Mr. Phillips agreed to walk the entire property with us.
- Photographs were taken during the site visit and a complete Inspection Report is attached to this Report. Bob Russo will take some time to explain what was observed in the field, as well as explain some of the photographs of the Inspection Report, at the conclusion of this Summary of Events.
- After the site visit and the determination that there was a confirmed wetlands violation, I prepared an additional Notice of Violation / Request for Compliance, dated March 14, 2025 and forwarded a copy to the property owners via Regular and Certified Mail, as well as email. A copy of the Notice is attached, however, I would like to read it into the record. Receipt of this letter is also confirmed on the green return receipt card which was signed for but the signature is illegible, and I have attached a copy and would like to enter it into the record.
- The Notice was also forwarded via email to the State of Connecticut DEEP and the Army Corp of Engineers.
- Notice of Show Cause Hearing was prepared and posted on the Town of Montville website and forwarded to The Day newspaper.
- On March 18, 2025 the property owner, Jeffrey Phillips forwarded an email, along with a photograph of the woodchips that he spread over an area which Bob Russo had requested be done during our site visit.
- On March 19, 2025 a letter was forwarded to the Town Clerk of the Town of Bozrah advising them of the Public Hearing regarding this violation, in accordance with Connecticut General Statutes.
- On March 19, 2025 I received a call from James Sipperly, a Soil Scientist, who indicated that he had been retained by the property owners regarding the current wetland violation. Mr. Sipperly indicated that he has delineated the wetlands on the property however has not prepared a Report or a Remediation Plan to be presented to the Commission. He asked if the Commission would continue the Hearing until next month for him to present on behalf of his clients.

STAFF RECOMMENDATIONS:

1. The Commission uphold the Notice of Violation.
2. The Commission continue the Hearing until next month providing time for the property owners’ Soil Scientist to prepare and present a Report and Remediation Plan.
3. The Commission keep this item on the Agenda for future Meetings until such time as the violation has been rectified.

If the Commission is inclined to uphold the Notice of Violation, the following language for a motion is suggested:

M O T I O N #1 (A Motion to Uphold the Notice of Violation as written)

I make a Motion to uphold the Notice of Violation for Noble Hill Road (Parcel ID: 061-002-000) as written.

OR

M O T I O N #2 (A Motion to Uphold the Notice of Violation as modified)

I make a Motion to uphold the Notice of Violation for Noble Hill Road (Parcel ID: 061-002-000) as modified (list modification)



2023

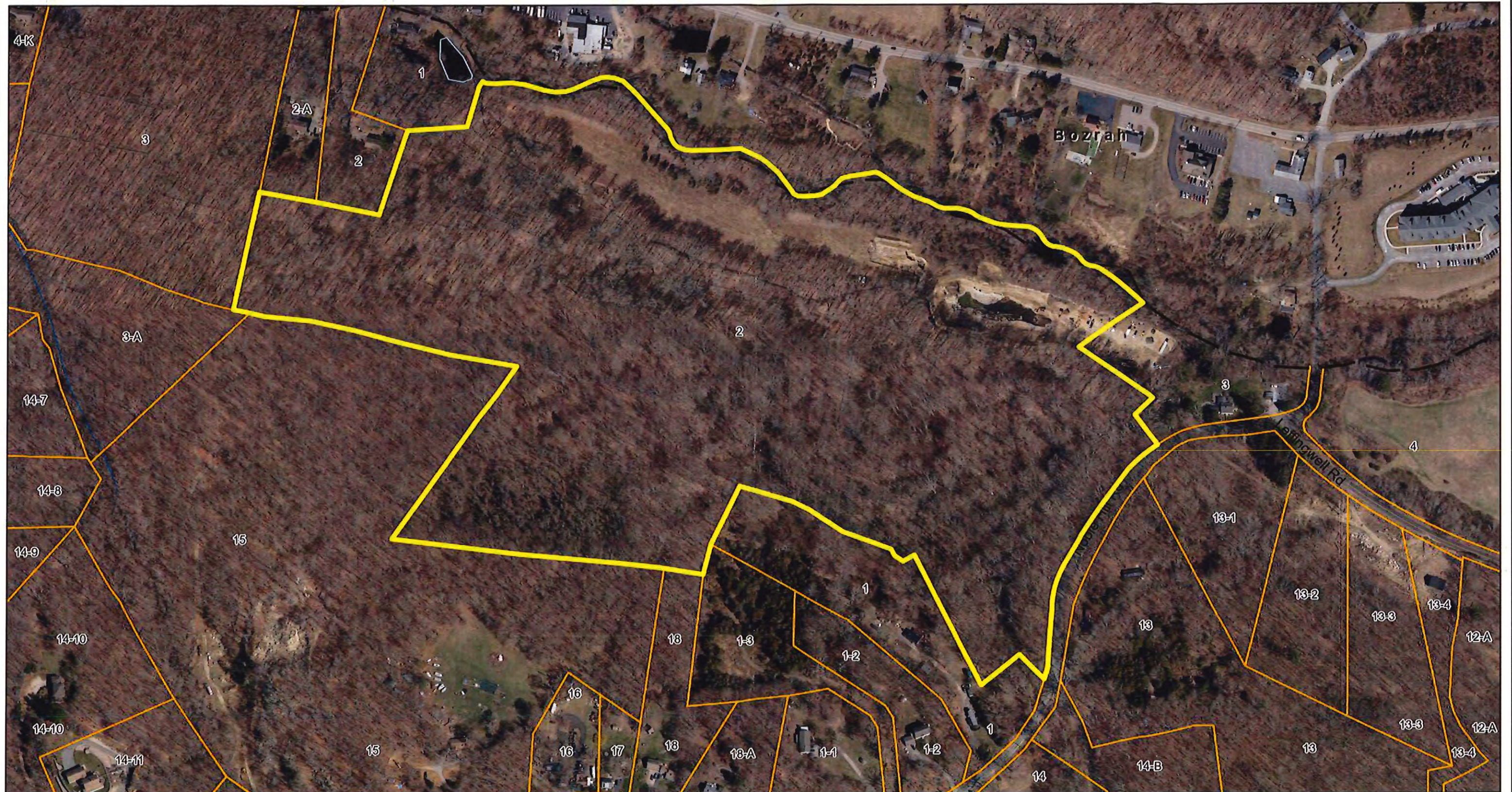
Town of Montville, CT



March 14, 2025

1 inch = 283 Feet

www.cai-tech.com



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2023

Town of Montville, CT



March 14, 2025

1 inch = 18 Feet



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2023 with Wetland Layers

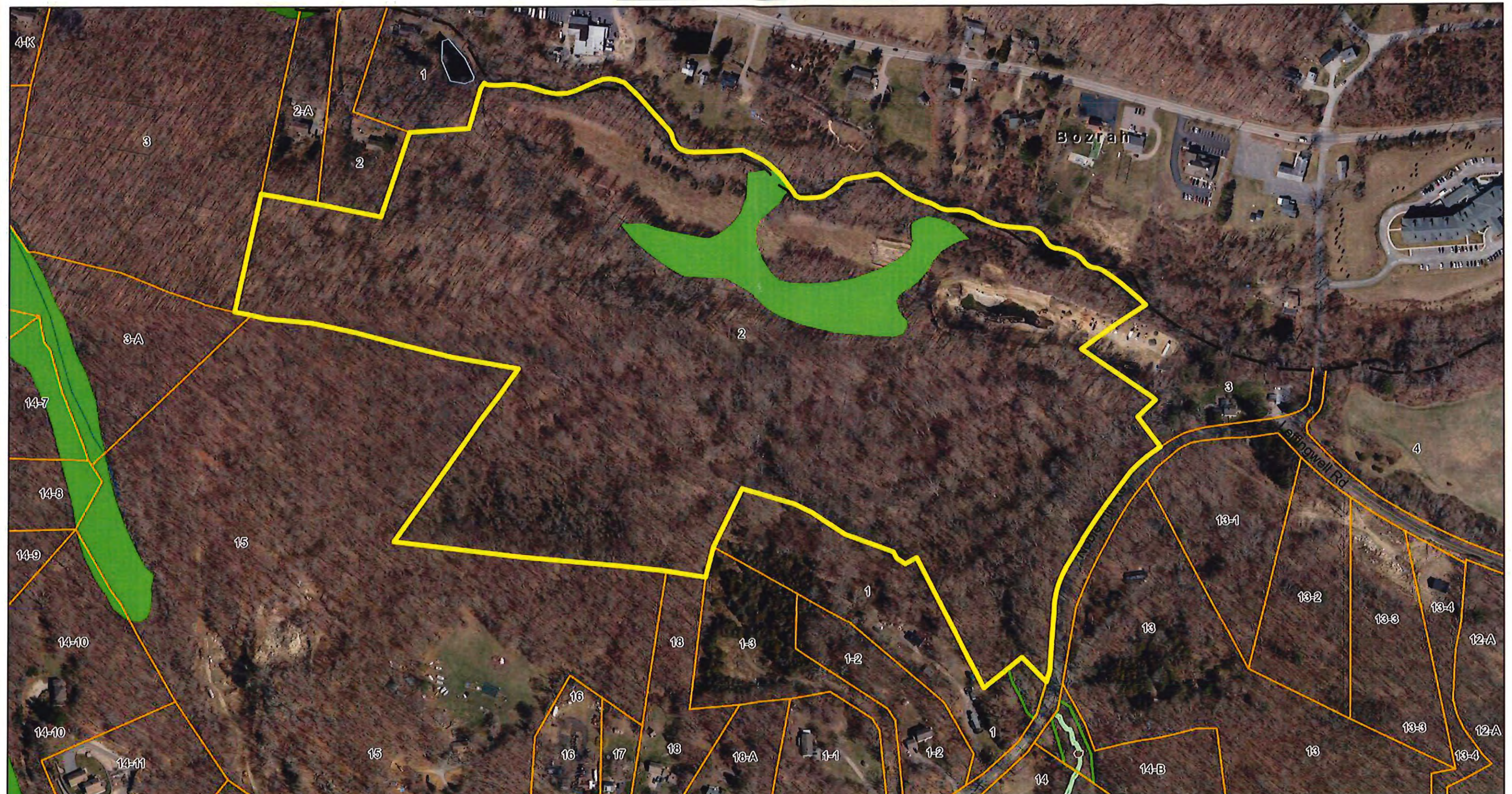
Town of Montville, CT



March 14, 2025

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2019

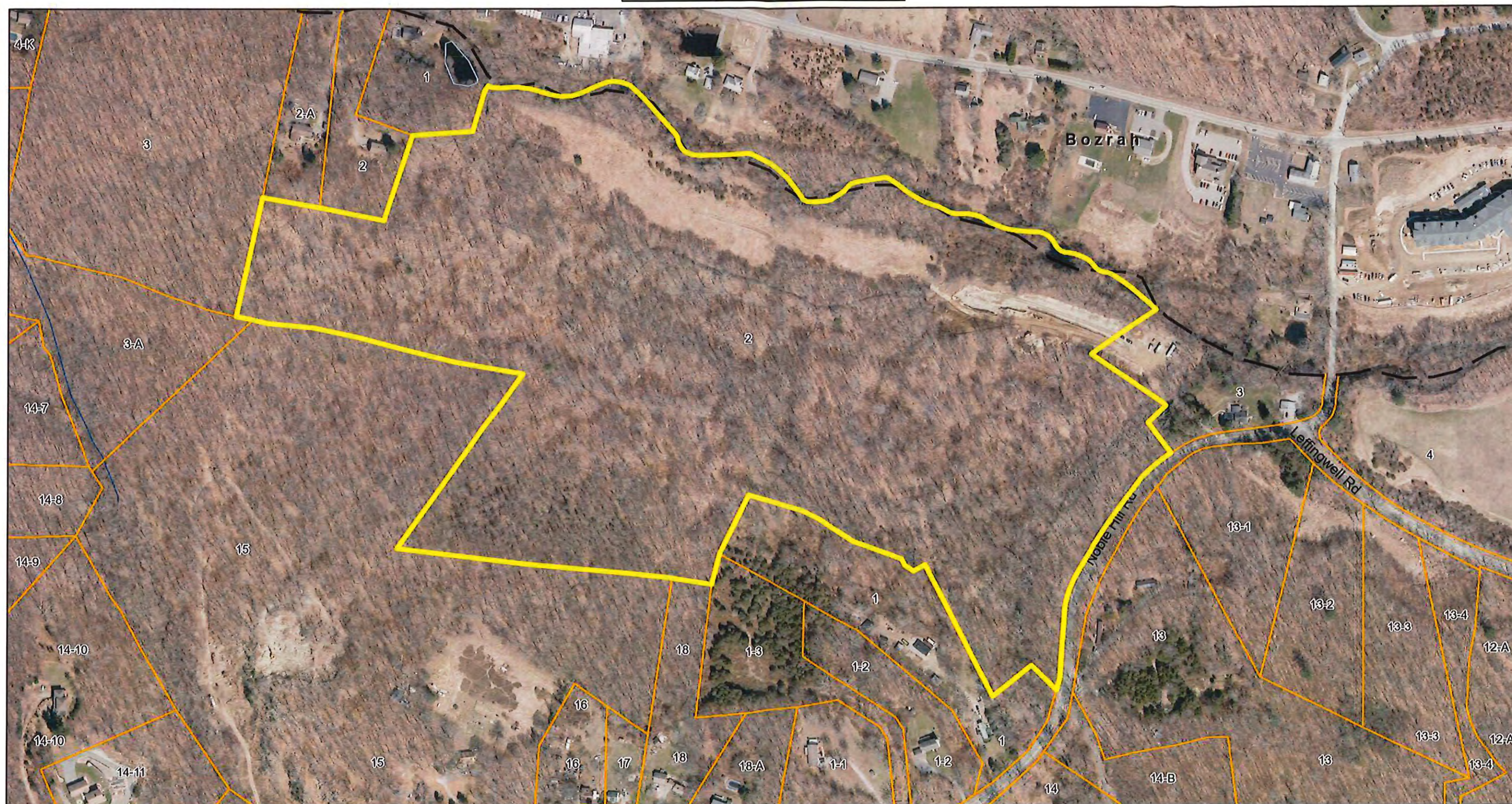
Town of Montville, CT



March 14, 2025

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2018

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March 14, 2025

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2016

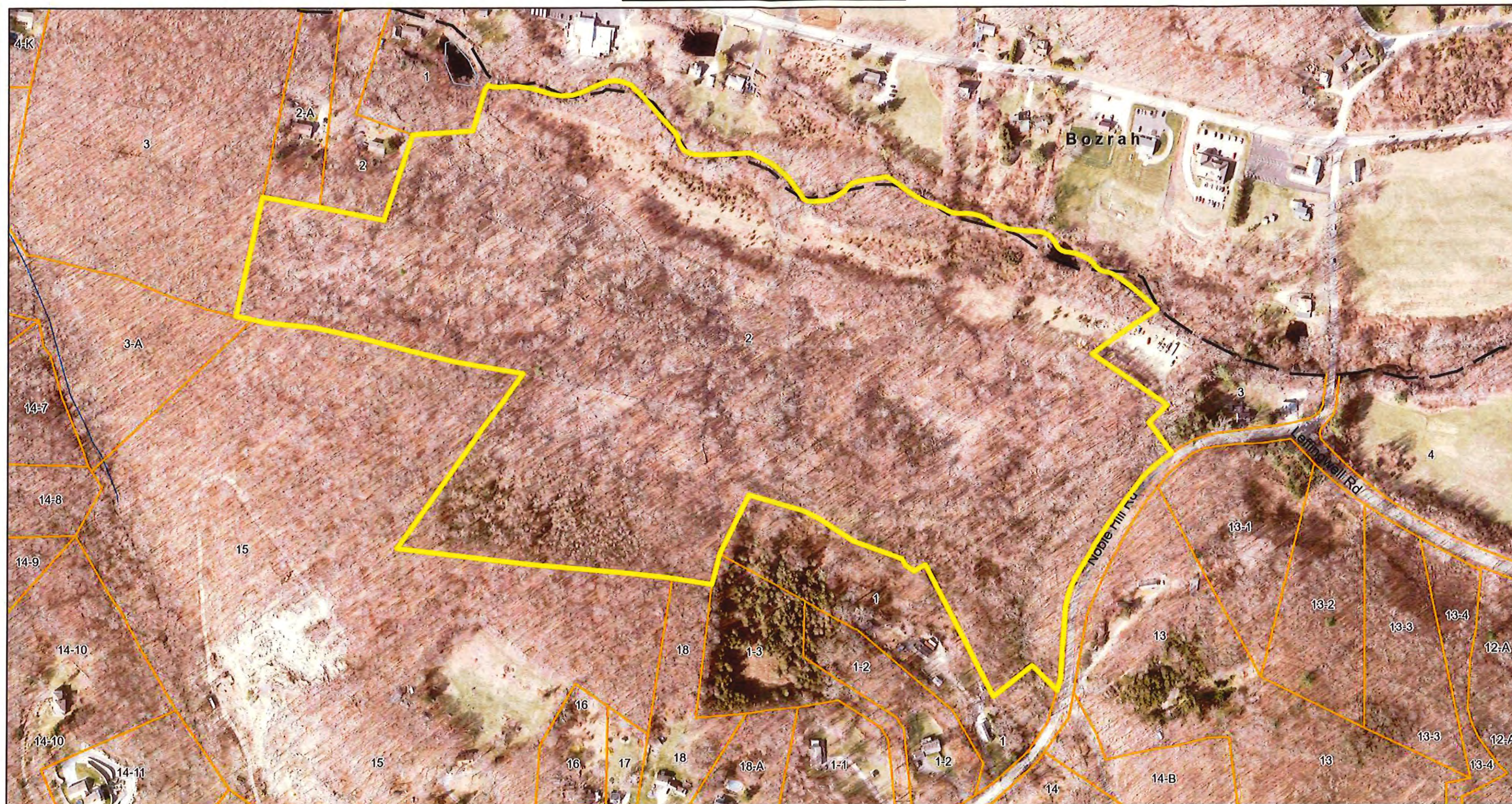
Town of Montville, CT



March 14, 2025

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2014

Town of Montville, CT



March 14, 2025

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2012

Town of Montville, CT

March 14, 2025

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2010

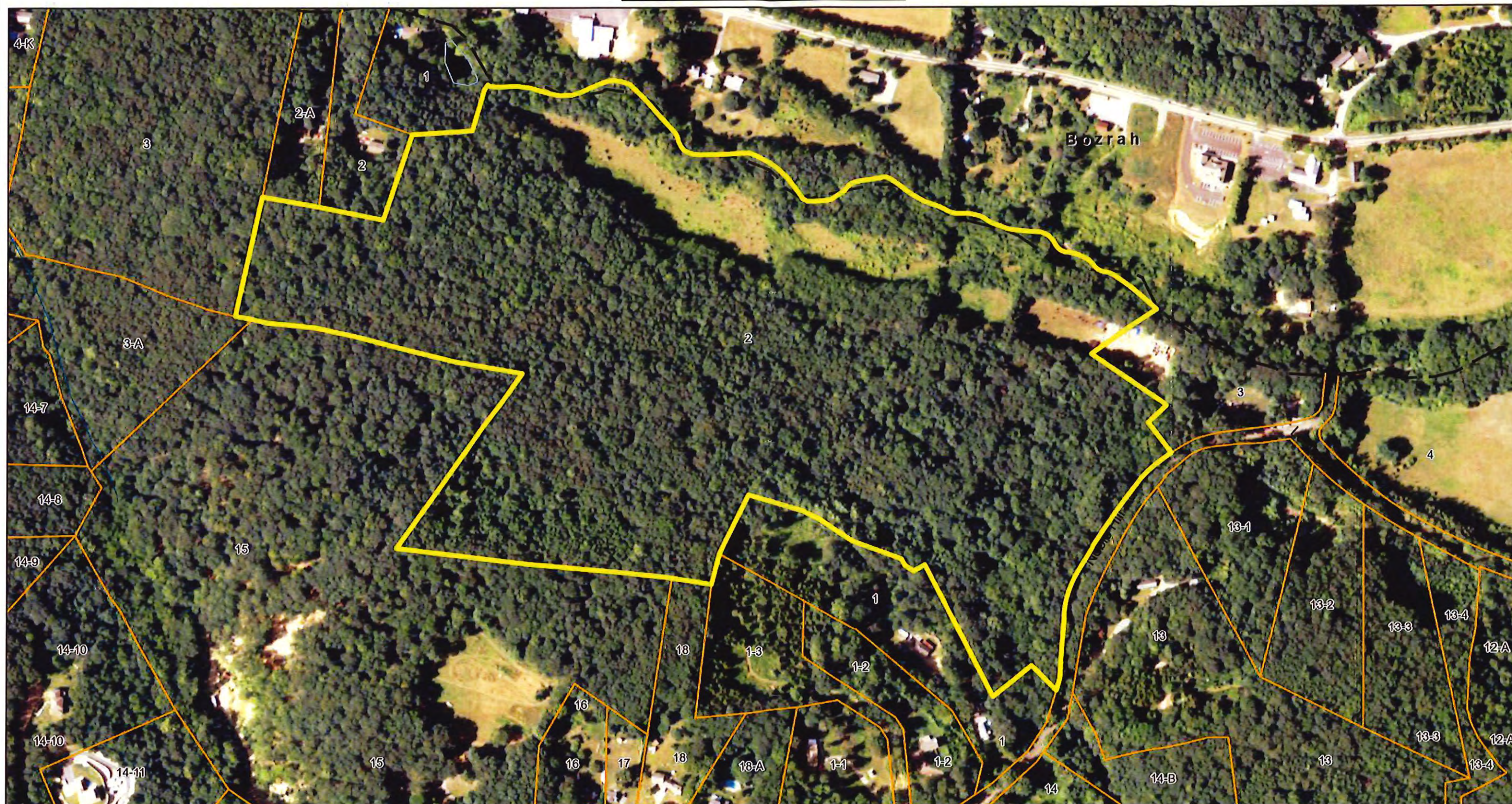
Town of Montville, CT



March 14, 2025

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TOWN OF MONTVILLE
LAND USE & DEVELOPMENT
310 Norwich-New London Turnpike, Uncasville, CT 06382
Telephone: (860) 848-6779
Email: sradford@montville-ct.org

VIA CERTIFIED & REGULAR MAIL

February 24, 2025

Mr. Jeffrey Phillips
Ms. Jennifer Michaels
193 Noble Hill Road
Oakdale, Connecticut 06370

**RE: Notice of Apparent Violation/Request for Voluntary Compliance
Noble Hill Road (061-002-000), Oakdale, CT**

Dear Mr. Phillips and Ms. Michaels:

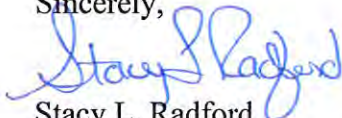
It has been brought to my attention that there may have been excessive clearing done on this property in violation of the Montville Zoning Regulations, and potentially within the wetlands and/or the upland review area.

Pursuant to Section 4.10.5 (Soil Erosion and Sediment Control Plan) of the Montville Zoning Regulations; "A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one (1) acre." There has been no submission of such plan.

Pursuant to Section 4.11.11 (Excavation, Processing (Crushing) and Quarrying of Earth Materials) of the Montville Zoning Regulations; "Excavation operations involving the removal of excess materials up to five hundred (500) cubic yards in all zones may be allowed with a zoning permit approved by the Enforcement Officer after the submittal of an excavation plan in accordance with Section 4.11.11.3.2(b) of these Regulations, as applicable." No Zoning Permit has been applied for, nor approved, and there has been no submission of an excavation plan.

Please contact me at (860) 848-6779 within seven (7) days from the date of this letter to discuss a resolution and avoid possible enforcement action. Your anticipated cooperation in this matter is greatly appreciated.

Sincerely,



Stacy L. Radford
Zoning & Wetlands Officer

Certified Mail # 7019 1640 0000 4965 4611

Town of Montville Inspection Report

Date: 3/14/2025 Inspection Type: Wetlands Complaint

MS4/ Erosion and Sediment Control Inspection Yes No
☐ ☒

Location: Noble Hill Road Map/Lot/Block: 061-002-000

Parties Present Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Stacy Radford
Meredith Badalucca
Kyle Haubert
Bob Russo

CZC Approved Yes No
☐ ☒

Comments/Observations

Did inspection based on potential Zoning Violation. Inspection proved that there was a wetland violation which would require a Show Cause Hearing with the Inland Wetlands Commission.

Town of Montville Inspection Report



Town of Montville Inspection Report



Town of Montville Inspection Report

