

**Town of Montville Inland Wetlands Commission**  
**310 Norwich-New London Turnpike**  
**Uncasville, CT 06382**  
**(860) 848-6779**  
**Town Hall – Town Council Chambers**

**Regular Meeting Minutes**  
**March 20, 2025**

**1. Call To Order:**

Chairperson Brush called the meeting to order at 6:00 p.m.

**2. Roll Call:**

**Present:** Chairperson Douglas Brush, Commissioners Jessica LeClair, Raymond Occhialini and Robert Roshto. Absent were Vice-Chair Charles O'Bday and Commissioners Sandra Berardy and Joseph Berardy. ZWO Stacy Radford, Assistant Planner Meredith Badalucca and CLA Soil Scientist Robert Russo were also present.

**3. Minutes:**

- a.** Approval of Minutes of the February 20, 2025 Regular Meeting.

**MOTION:** To approve the February 20, 2025 Regular Meeting Minutes. **(Roshto/LeClair). Vote: (3-0-1). APPROVED**—Chairperson Brush abstained.

**4. Public Hearing/Application:** None

**5. Show Cause Hearing:**

- a. Noble Hill Road** (Parcel ID: 061-002-000) Oakdale, CT – Owner: Jeffrey Phillips and Jennifer Michaels – Show Cause Hearing for Cease & Correct Order – Unpermitted activities within the wetland and 50' upland review areas.

**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: 061002-000) 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\*

\*These photos are not attached to these minutes.

- 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 the 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. (A copy of the Notice and green card receipt card are included in these minutes as Attachment A and B, respectively).
- 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 11:00 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.

ZWO Radford read the summary of events into the record. CLA Soil Scientist Robert Russo gave a detailed explanation of what was observed in the field during the site visit and discussed the photos contained in the inspection report. Soil Scientist Russo responded to questions of the Commission concerning the upper wetlands standing area and whether the Army Corps of Engineers was notified, which ZWO Radford confirmed. The Owner/Applicant Phillips was present and expressed his willingness to remediate the wetland and URA violations to the satisfaction of the Commission and reported on having hired a soil scientist who was unable to attend this meeting. A mutually agreed upon time for a site walk was discussed. **MOTION** to schedule a site walk by the Commission concerning Noble Hill Road (Parcel ID: 061-002-000) for Saturday, April 5, 2025 at 9:00 a.m. **(Roshto/LeClair). Vote: (4-0-0). APPROVED.**

**MOTION** that the Commission upholds the Notice of Violation for Noble Hill Road (Parcel ID: 061-002-000), as written. **(LeClair/Roshto). Vote: (4-0-0). APPROVED.**

**MOTION** to continue the hearing for Noble Hill Road (Parcel ID: 061-002-000) to the next regular meeting of the Commission, on April 17, 2025. **(Brush/LeClair). Vote: (4-0-0). APPROVED.**

**MOTION** to keep Noble Hill Road (Parcel ID: 061-002-000) on the Commission meeting agenda until the issue are resolved. **(Brush/LeClair). Vote: (4-0-0). APPROVED.**

**6. Remarks from the Public not relating to items on the agenda:** None

**7. Old Business:** None

**8. New Business:**

- a. 25 IWC 3 – 51 Kitemaug Road, (Parcel ID: 083-028-000) Oakdale, CT; Owner/Applicant: Richard J. Dubina; for regulated activities associated with the installation of an 8' x 8' shed within the URA. (Submitted 03/17/2025, Date of Receipt 03/20/2025, DRD 05/24/2025)**

**STAFF COMMENTS:**

- This Application is for regulated activities within the upland review area in conjunction with the installation of an 8' x 8' shed on (2) 4'x 4' skids.
- The property is located on 0.75 acres in the R-20 zoning district with approximately 297 feet of frontage onto Kitemaug Road. The property is currently developed with a single-family residence and a 10' x 12' shed.
- On October 4, 1989, the prior owners of the property applied for and obtained a Zoning Permit for the installation of a 10' x 12' shed on this property. A copy of the Certificate of Zoning Compliance dated September 12, 1990 and Site Plan are attached to this Staff Report.
- The Applicant is requesting to install an 8' x 8' shed approximately 13' to the right of the existing shed, as shown on Exhibit A of the Application. The Applicant states that the front of the sheds will be in line with each other, and he will install a stockade fence between them to hide lawn care equipment such as a wheelbarrow, lawn seed spreader and lawn
- The shed will be used for storage of miscellaneous items like rakes, shovels, fishing equipment, et cetera.
- The Applicant states that he will make a base consisting of (2) pickup truck loads of 3/4 stone for under the shed. He will trailer the shed onto the property and place it on the stone base.
- The Applicant states that all work will be done by hand.
- On March 4, 2025, Staff conducted a site inspection of the area. A copy of the Inspection Report is attached hereto.

ZWO Radford read the staff report into the record and noted the Applicant was present to respond to any questions of the Commission. The Applicant responded to questions as to whether the shed would be on top of gravel and if existing trees will be taken down, but they will not.

**MOTION:** The Commission moves to table Application 25 IWC3– 51 Kitemaug Road, (Parcel ID: 083-028-000) to its April 17, 2025 meeting. **(Roshto/LeClair). Vote: (4-0-0). APPROVED.**

**9. Correspondence:** None

**10. Other Business:** None

**11. Adjournment.**

**MOTION:** To adjourn the meeting at 6:44 p.m. **(Roshto/LeClair). Vote: (4-0-0). MEETING ADJOURNED.**

Respectfully submitted by,

Gloria J. Gathers  
Recording Secretary, Town of Montville

**AN AUDIO RECORDING OF THE MEETING IS AVAILABLE ON THE TOWN OF MONTVILLE WEBSITE.**

**ATTACHMENT "A"**

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

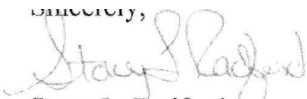
It has been brought to my attention that there may have been excessive clearing done on this property in violation of the Montville Zoning Regulations, and potentially within the wetlands and/or the upland review area.

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 4.1 L 1 1 (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 , 1 1.302(b) of these Regulations, as applicable," No Zoning Permit has been applied for, nor approved, and there has been no submission of an excavation plane.

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