

**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
April 17, 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 (by phone), Robert Roshto, and Eric Majewski. Absent were Vice-Chair Charles O'Bday and Commissioner Raymond Occhialini. Chairperson Brush welcomed E. Majewski to the Commission.

ZWO Stacy Radford, Assistant Planner Meredith Badalucca and CLA Soil Scientist Robert Russo were also present.

3. Minutes:

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

MOTION: To approve the Commission March 20, 2025 Regular Meeting Minutes. **(Roshto/Majewski).**

Roll Call Vote: (3-0-1). APPROVED—Commissioner Majewski abstained.

4. Public Hearing/Application: None

5. Show Cause Hearing: None

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

7. Old Business:

- a. Noble Hill Road** (Parcel ID: 061-002-000) Oakdale, CT – Owner: Jeffrey Phillips and Jennifer Michaels – update ongoing enforcement action – Cease & Correct Order – Unpermitted activities within the wetland and 50' upland review areas. *(Tabled from 03/20/2025 meeting.)* Chairperson Brush confirmed for the record that Commissioner Majewski had reviewed the documents and listened to the March 25, 2025 meeting recording concerning this item. [Correction: To the amended motion to move this Show Cause Hearing item from “Old Business Item 7.A” to Public Hearing/Application Item 4.]

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.

Additional Exhibits were reported by ZWO Radford on April 17, 2025 as follows:

- 11. Notice of Decision letter to property owners, dated April 8, 2025;

12. Email to property owners, including a copy of Notice of Decision letter from March 20, 2025 Show Cause Hearing, dated April 8, 2025;
13. Email to State of CT DEEP; Army Corp of Engineers; Bob Russo, Soil Scientist of CLA; and Kyle Haubert, Engineer of CLA; including a copy of Notice of Decision letter from March 20, 2025 Show Cause Hearing, dated April 8, 2025;
14. Staff Report 2, dated April 17, 2025.

UPDATED SUMMARY OF EVENTS

- At the last meeting of March 20, 2025, this Commission voted to UPHOLD the Notice of Violation; continue the Show Cause Hearing to its next scheduled meeting; and keep this item on the Agenda for future Meetings, until such time as the violation has been rectified.
- On April 5, 2025 Chairman Brush, Bob Russo (Town of Montville Soil Scientist) and myself participated in a site walk of the property. Jeffrey Phillips (the property owner) and Jim Sipperly (Mr. Phillips' Soil Scientist) were also present.
- On April 14, 2025 I received a call from Mr. Phillips who confirmed that he has retained the services of both a Soil Scientist (Jim Sipperly) and a Professional Engineer (Mark Reynolds). Mr. Sipperly had undergone a procedure which has rendered it impossible for him to complete the additional delineations for the Wetlands Report and the Remediation Plan. Mr. Phillips requested a continuance until our next regularly scheduled meeting on May 15, 2025.

ZWO Radford read the updated summary of events and additional exhibits #11 -- #14 into the record. Chairperson Brush reported on the site walk of the parcel and the impact regarding its wetlands as did CLA Soil Scientist Russo in detail as to the concerns that need to be addressed in the Owner's restoration plan. The Owner and Jim Sipperly, his Soil Scientist, were present at the site walk. Soil Scientist Russo responded to questions by the Commission about the location of the well, the two (2) types of soil on the property and dewatering of the wetlands. The Owner submitted a letter requesting an extension of the matter to the next Commission meeting.

MOTION to continue the Show Cause Hearing for the vacant lot located at Noble Hill Road (Parcel ID: 061-002-000) to the next scheduled Commission meeting on May 15, 2025. **(Roshto/Majewski). Roll Call Vote: (4-0-0). APPROVED.**

- b. 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 IN REVIEW:

- 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.

NEW STAFF COMMENTS:

No new comments

ZWO Radford reported not having any new staff comments. Chairperson Brush confirmed Commissioner Majewski having listened to the Commission March 20, 2025 meeting recording and read its corresponding minutes.

MOTION: After giving due consideration to all relevant factors including those in Section 10 and/or Section 6 of the Montville Inland Wetlands and Watercourses Regulations and Section 22a-41 of the Connecticut General Statutes, I move to approve application Number 21IWC 3 – Owners: Richard Dubina and Melissa Murray, Applicant: Richard Dubina, for regulated activities with the URA in conjunction with the installation of an 8' x 8' shed, per the Application and associated documents dated March 16, 2025. Standard reasons for approval and standard condition of approval apply. **(Roshto/Majewski). Roll Call Vote: (4-0-0). APPROVED.**

8. New Business:

- a. 25 IWC 5** – 38 Laurel Point Drive (Parcel ID: 105-007-000) Oakdale, CT; Owner/Applicant: 38 Laurel Point Drive Owner LLC; for regulated activities associated with the construction of a single family residence and appurtenant facilities within the URA. *(Submitted 4/8/2025, Date of Receipt 4/17/2025, DRD 6/21/2025)*

STAFF COMMENTS:

- This Application is for regulated activities within the upland review area in conjunction with the proposed single family residential redevelopment of this legally existing nonconforming lot located in the R-80 Zoning District.
- The property is located on 0.53 acres with approximately 58 feet of frontage onto Laurel Point Drive. The property is currently undeveloped.
- The Applicant proposes to construct a single-family residence with a garage, onsite septic disposal system, and potable water supply well; construction to begin in June and be completed by November 30, 2025.
- The Applicant proposes to strip the surface soil in the area of construction of the dwelling house, yard and driveway area and stockpile same for use to stabilize disturbed areas. In review of the Plan submitted with this Application, entitled Septic System Design Plan Prepared for 38 Laurel Point Drive, LLC dated March 22, 2025; the Applicant is proposing disturbance within the 50' upland review area for the installation of a well, footing drain outlet, and grading.
- On July 19, 2024, Assistant Planner Meredith Badalucca and myself conducted a site walk on this property. A copy of the Inspection Report is attached for your review.

ZWO Radford read the staff report into the record and noted the presence of Attorney Harry Heller with a business at 736, Route 32 in Montville representing the Owner. Attorney Heller explained the topography of the Owner's property noting a home removed from the property years ago and the Owner's plan to build a home well away from the lake. He cited no erosions or sediment control issues, piping for a drilled well and a septic system 40 feet from the wetland and minimal grading in the URA. Attorney Heller responded to questions of the Commission concerning management of runoff from the well; the plan for the area between the URA and the lake, and the planning schedule for the property. The Commission discussed doing a drive-by of the property.

MOTION: To table **25 IWC 5** – 38 Laurel Point Drive (Parcel ID: 105-007-000) Oakdale, CT to the next scheduled meeting of the Commission on May 15, 2025. **(Brush/Majewski). Roll Call Vote: (4-0-0). APPROVED.**

- b. **25 IWC 6** – Bridge Street (between #30 & #31) Uncasville, CT; Owner/Applicant: Town of Montville; for regulated activities associated with the removal of the existing deteriorated bridge deck and beams, and the installation of a new precast concrete bridge panels and pavement surface, in the wetlands and URA. *(Submitted 4/9/2025, Date of Receipt 4/17/2025, DRD 6/21/2025)*

STAFF TECHNICAL REVIEW COMMENTS:

- Please advise if the Town needs to acquire temporary right for access on the property of 30 Bridge Street and 257 Maple Avenue.
- Please correct the address on Plan Sheet C-101 for 257 Maple Avenue from 275 Maple Avenue.

STAFF COMMENTS:

- This Application is for regulated activities within the upland review area in conjunction with the removal of the existing deteriorated bridge deck and beams, and the installation of a new precast concrete bridge panels and pavement surface.
- The existing bridge is located approximately 165' east of the Bridge Street and Maple Avenue intersection.
- The existing bridge deck is constructed of asphalt and steel plating over timber and steel beams, as it was the former Central Vermont/New England Central Railroad tracks. The asphalt and plating have been repaired in the past and are beyond their useful life. The asphalt surface and plating have continued to deteriorate, and potholes are present over the bridge.
- This project will require the temporary disturbance of approximately 1,000 sq ft of inland wetlands below and around the existing bridge crossing. The disturbance is required for the installation of temporary scaffolding and planking under the bridge to install the temporary bracing between the existing abutments, to install debris netting, and for personnel to access the underside of the bridge.
- The Applicant will remove all temporary measures after construction is complete and restore the areas to the condition that are equal to or better than what currently exists. All restoration work will be completed under the direct supervision of the Town Soil Scientist.
- The Town Soil Scientist has issued his report and believes that if the project is performed per the plans and the proper best management measure maintained, there will be no adverse wetland impacts.

ZWO reported into the record that staff technical review comments have already been addressed and thereafter read the staff report. Kyle Haubert, Engineer for CLA explained the planned removal of the existing, deteriorated bridge and the temporary disturbance of the wetlands to remove the bridge and replace it with a new, concrete bridge. Noted was work done by the Town Public Works on the bridge 20 years ago. Town Soil Scientist Russo, who will oversee the project, flagged construction to include hay bales and netting for debris. The bridge work will be done in July-August to reopen it before the start of school. Questions by the Commission were responded to about the spacing in the debris netting and the grading of the bridge once completed.

MOTION: To continue the **25 IWC 6** – Bridge Street (between #30 & #31) Uncasville, CT to the next scheduled Commission meeting on May 15, 2025. **(Roshto/Majewski). Roll Call Vote: (4-0-0). APPROVED.**

- c. **25 IWC 7** – Silver Falls Road (Parcel ID: 001-007-00A) Oakdale, CT; Owner/Applicant: Daniela Gjergaj; for regulated activities associated with a 4-lot resubdivision. *(Submitted 4/10/2025, Date of Receipt 4/17/2025, DRD 6/21/2025)*

STAFF TECHNICAL REVIEW COMMENTS:

1. Project Narrative is required and should include:
 - a. Please explain exactly what is being proposed in the wetlands and within the upland review area.
 - b. Please explain the exact location of the proposed 15" culvert. Are there one, two or three culverts; or is one a gate?

- c. Please explain the exact location of the proposed 70' x 45' basin.
 - d. Please explain the proposed wetlands disturbance shown on Plan of 1,970 sq ft. What exactly is included in this disturbance?
 - e. Please explain the proposed wetlands disturbance shown on Plan of 2,460 sq ft. What exactly is included in this disturbance?
 - f. Please explain the proposed wetlands disturbance shown on Plan of 160 sq ft. What exactly is included in this disturbance?
2. Soil Scientist Report / Narrative:
 - a. Please correct the Zoning District from R-60 to R-80.
 - b. Please correct the road from "Sliver Spring Rd" to Silver Falls Road.
 3. Site Plan:
 - a. Sheet 3 – Site Plan Lots 1 & 2
 - i. Please remove the grading shown on Plan within the Town of Waterford.

ZWO Radford reported that a number of the staff technical review comments were referred out for responses. A site walk was conducted by the ZWO and Assistant Planner Meredith Badalucca. Soil Scientist Russo was present representing the Owner/Applicant. The proposed 4-lot subdivision will be constructed on the Montville/Waterford border with attention called to wetlands crossing for the same. The Engineer who prepared the proposal will be in attendance at the next Commission meeting. A treatment program proposed for the URA and clearing to access the developable area of the lot was addressed in addition to land owned by the Owner/Applicant in Waterford that has no existing driveway access to the property in Uncasville. Soil Scientist Russo addressed questions of the Commission concerning a potential access road to the Waterford land; existing work on the Waterford side; minimizing future wetlands crossing; the type of driveway material that will be used, activities in the URA, pending correspondence with DEEP and seasonal limitation and boundaries that will be addressed at the next Commission meeting. Also questioned was repair of the road upstream of the bridge.

MOTION: That the regulated activities proposed for Application #25 IWC 7 – Silver Falls Road (Parcel ID: 001-007-00A), Oakdale, CT – Applicant/Owner: Daniela Giergaj for regulated activities within wetlands and upland review areas associated with a 4-lot resubdivision are significant impact activities pursuant to the Application, Plans and supporting documentation, dated March 27, 2025, and set a Public Hearing for May 15, 2025 in accordance with Section 9 (Public Hearings) of the Montville Inland Wetlands and Watercourses Regulations. **(Roshto/Majewski). Roll Call Vote: (4-0-0). APPROVED.**

- d. **25 IWC 8** – 16 Dennis Drive (Parcel ID: 023-003-035) Uncasville, CT; Owner/Applicant: Nathan Hermann; for As of Right Determination. *(Submitted 4/14/2025, Date of Receipt 4/17/2025, DRD 6/21/2025)*

STAFF COMMENTS:

- This Application is for an As of right determination for activities within the wetlands and the upland review area in conjunction with the proposed selective removal of plants that are deemed invasive to the area and which are seen to inhibit the growth of native, wetland plant species.
- The property is located on 2.59 acres in the R-40 zoning district with approximately 265 feet of frontage onto Dennis Drive. The property is currently developed with a single-family residence and a 16' x 12' shed.
- The Applicant proposes to only perform such targeted cuttings of invasive species in the wetland area and to monitor any spreading to protect against any further establishment in the wetlands.
- The Applicant also proposes to take precautions to cause as minimal footprint in the wetland soil and has indicated that all activities will be conducted by foot and by using only manual tools, namely stem clippers and loppers.
- The Applicant states he will make cuts as close to the ground on all targeted shrubs and vines.
- Finally, the Applicant would like to repeat these activities approximately monthly from April through September, until such time as no additional growth is observed.

ZWO Radford read staff comments into the record and noted the presence of the Owner/Applicant for any questions of the Commission. The Owner/Applicant responded to question by the Commission about the topography of the wetlands that contains invasive multi-floral plants. Assistant Planner Badalucca commented on the written narrative by the Owner/Applicant that was the nicest she has seen.

MOTION: After giving due consideration to all relevant factors, including those in Section 4 of the Montville Inland Wetland Regulations and Section 22a-40 of the Connecticut General Statutes, I move that Application# **25 IWC 8**, submitted by Owner/Applicant Nathan Hermann for activities within the wetlands and the upland review area to remove plants that are deemed invasive to the area and which are seen to inhibit the growth of native, wetland plant species, more fully described in the Application and associated documents, dated April 12, 2025, is a Permitted Use As of Right and, therefore, no permit is required. **(Roshto/Majewski). Roll Call Vote: (4-0-0). APPROVED.**

- 9. Other Business:** Discussion was had concerning As of Right Determination by area town staff. Town Staff were directed by Chairperson Brush to draft a motion on the same for the next Commission meeting.

10. Adjournment.

MOTION: To adjourn the meeting at 7:05 p.m. **(Roshto/Majewski). 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.