

MEMORANDUM FOR THE RECORD
SHOW CAUSE HEARING – THURSDAY, MAY 15, 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: May 15, 2025
Regarding: Cease & Correct order for unpermitted activities within the wetlands and 50' upland review area

UPDATED SUMMARY OF EVENTS:

- At the last meeting of April 17, 2025, this Commission voted to continue the Show Cause Hearing at the request of the property owner due to the fact that his Soil Scientist needed additional time to prepare and present a Report and Remediation Plan, following a recent medical procedure.
- Chairman Brush asked questions of Bob Russo (Town of Montville Soil Scientist) following the site walk on April 5, 2025; specifically if the recent gravel excavation at the site (west of the unpermitted culvert) caused, or have the potential to cause dewatering of the upslope wetland? This question was referred to James Sipperly (Soil Scientist on behalf of the property owner) for response.
- On May 6, 2025 I received an email from Mark Reynolds (Professional Engineer on behalf of the property owner) who advised that he had been retained to provide an existing conditions survey of the interest area, including locating the wetland flags, previously marked by James Sipperly. He also advised that he would be preparing and submitting a Grading/Erosion & Sedimentation Control/Stabilization Plan.
- On May 9, 2025 I received a call from Mr. Phillips inquiring if it is possible that he continue to mow a path through to the back portion of his property for walking of his dog. Previously, we had told Mr. Phillips that he should refrain from doing anything further to the property until such time as a Remediation Plan had been presented and approved by the Commission. I instructed Mr. Phillips that he should request this permission directly from the Commission at this meeting.
- On May 13, 2025 I received a Topographical Survey w/Wetlands or an Existing Conditions Survey dated May 12, 2025 from Mark Reynolds, Land Surveyor from Rob Hellstrom Land Surveying, LLC. A copy of same is attached to this Staff Report.
- On May 14, 2025 I received a Wetland Report and Remediation Plan dated May 13, 2025 from James Sipperly, Certified Soil Scientist. A copy of this is also attached to this Staff Report. I would like to mention that the "temporary structure" which Mr. Sipperly mentions in his Report, although the re-location is not a wetland concern, this will need to be addressed during the Zoning Enforcement action, as accessory structures are not allowed in accordance with Section 4.10.4.2 of the Montville Zoning Regulations.
- A copy of the Existing Conditions Survey and the Wetland Report / Remediation Plan was forwarded to the Town Soil Scientist Bob Russo on May 14, 2025. No formal written review has been provided.

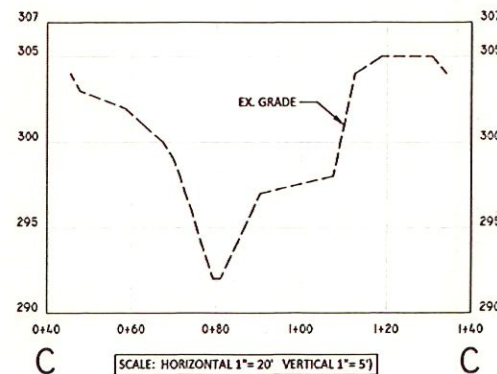
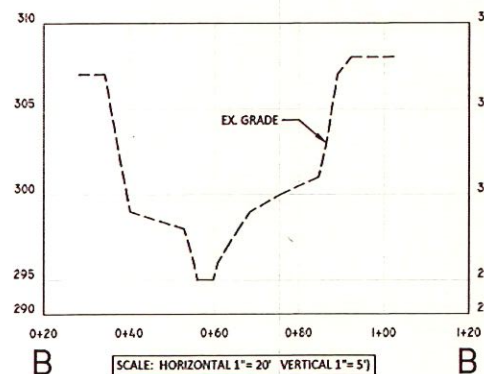
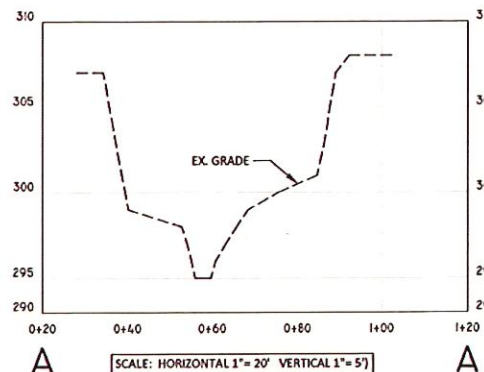
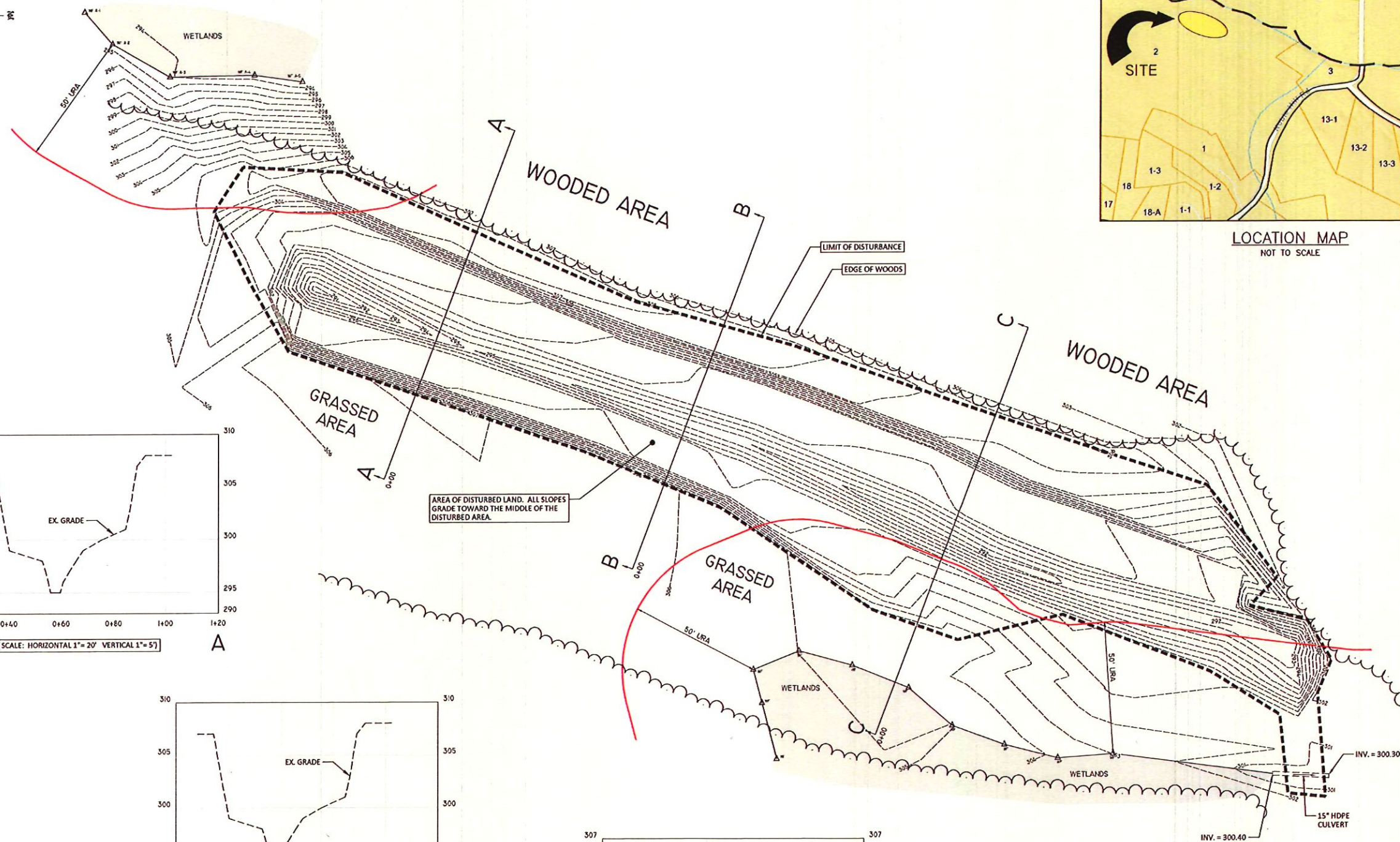
STAFF RECOMMENDATIONS:

- The Commission continue the Show Cause Hearing to the next regularly scheduled meeting on June 12, 2025, to allow the following:
 - Preparation and submission of a formal Remediation Plan, shown on a Survey.
 - The submission of an E&S Control and Restoration Bond Estimate by the property owner's Engineer to be reviewed and approved by CLA.
 - The discussion and approval of the reimbursement to the Town of Montville of expended fees in accordance with Section 20 of the Inland Wetland & Watercourses Regulations by the property owner. Currently bills total \$2,275.00, broken down as \$1,525 for the period of March 3, 2025-March 30, 2025 and \$750 for the period of March 31, 2025-April 27, 2025; copies of the bills are attached to this Staff Report. Fees will continue to accrue until such time as this matter has been rectified to the satisfaction of this Commission. The reimbursement of same is something that the Commission will need to vote on.
 - The setting of a deadline for the commencement of remediation with the requirement of post-construction inspections by the property owner's Soil Scientist for a period of (2) years after completion of remediation.

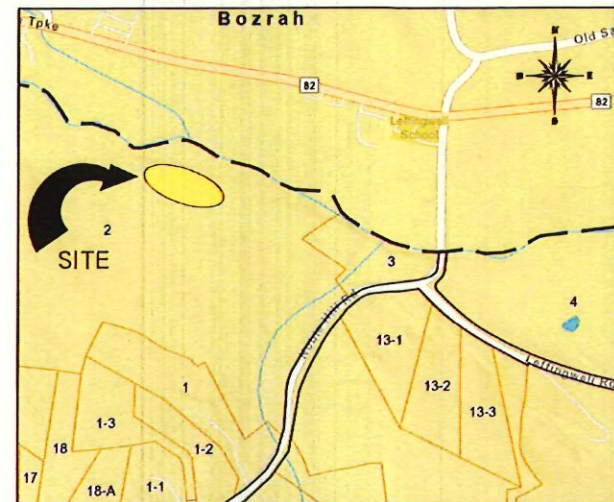
If the Commission is inclined to move forward with Staff's recommendations, the following language for a motion is suggested:

MOTION #1 (A Motion to Continue the Show Cause Hearing)

- I make a Motion to continue the Show Cause Hearing to the next regularly scheduled meeting on June 12, 2025, to allow the following:
 - Preparation and submission of a formal Remediation Plan, including being shown on a Survey.
 - The submission of an E&S Control and Restoration Bond Estimate by the property owner's Engineer.
 - The property owner and/or his Engineer presentation to this Commission of a payment plan for reimbursement to the Town of Montville for fees presently expended in the amount of \$2,275.00, and any future expenditures.
 - Presentation of a written proposal to the Commission of a reasonable period of time to implement the Remediation Plan, upon final approval by this Commission, including the requirement of post-construction inspections by the property owner's Soil Scientist for a period of (2) years after completion of remediation.



SUMMARY OF REGULATED ACTIVITIES
WETLANDS AREA DISTURBED: 0 SQ. FT. (0 AC)
UPLAND REVIEW AREA DISTURBED: 4,893 SQ. FT. (0.112 AC)



LOCATION MAP
NOT TO SCALE

ROB HELLSTROM
LAND SURVEYING LLC
61 MAIN STREET - SUITE G
HEBRON, CONNECTICUT
(860)-228-9853

Mailing Address:
P.O. BOX 378
HEBRON, CT 06248
www.robhellstrom.com
Email: rob@robhellstrom.com

TOPOGRAPHIC SURVEY W/ WETLANDS
SOUTH WOODS SUBDIVISION - SECTION A
- PREPARED FOR -
JEFFREY PHILLIPS

ASSESSORS NO. 61-002, NOBLE HILL ROAD

CONNECTICUT

SHEET NO.: 1 OF 2
JOB NO.: 25-102
SCALE: 1" = 20'

FILE NO.: 25-102-TS.DWG

DATE: MAY 12, 2025
BY: MAR

REVISIONS

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
SUBSTANTIALLY CORRECT AS NOTED HEREON.

THE DRAWING IS NOT VALID UNLESS IT BEARS
THE SIGNATURE OF THE SURVEYOR.
ROBERT W. HELLSTROM, L.S. # 3626



1. THIS SURVEY (OR MAP) HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-309a-1 THROUGH 20-309b-20 AND THE 'STANDARDS AND SUGGESTED METHODS AND PROCEDURES FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT' AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019.
2. THE TYPE OF SURVEY IS A TOPOGRAPHIC SURVEY. BOUNDARY DETERMINATION CATEGORY: NONE. HORIZONTAL ACCURACY CLASS: A-2. TOPOGRAPHIC ACCURACY CLASS: T-2 (ASSUMED DATUM) TOPOGRAPHIC FIELD SURVEY CONDUCTED ON 5/9/25
3. THE SUBJECT PROPERTY IS IN THE R-120 ZONE.
4. WETLAND FLAGS DEPICTED HEREON ARE BASED ON FIELD LOCATION PERFORMED ON 5/9/2025.
5. WETLAND SOILS WERE FLAGGED IN THE FIELD BY JAMES SIPHERLY.

JAMES SIPPERLY
CERTIFIED SOIL SCIENTIST
CONNECTICUT WETLAND SCIENTIST
401 SALEM TURNPIKE BOZRAH, CT 06334
860-334-7073
james.sipperly.js@gmail.com

Douglas K. Brush, Chairman
Town of Montville Inland Wetlands Commission
310 Norwich-New London Road
Uncasville, CT 06382

May 13, 2025

RE: INLAND WETLAND SOILS AND WATERCOURSES INVESTIGATION AND
DELINEATION, NOBLE HILL (PARCEL ID:061-002-000), OWNER JEFFRY
PHILLIPS & JENNIFER MICHAELS

Dear Mr. Brush:

My name is James Sipperly and I am a Certified Soil Scientist and member of the Society of Soil Scientists of Southern New England, a Connecticut Wetland Scientist and a member of the Connecticut Association of Wetland Scientists.

I also feel compelled to you that I am the Environmental Planner for the City of Middletown and staff the Inland Wetlands and Watercourses Agency, the Wetland Agent for the Town of Portland and staff their Wetland Commission and I am a member of the Wetland Commission in my home town of Bozrah.

On March 19, 2025 I visited the site referenced above to delineate any inland wetland soils and/or watercourse that may exist on the site relative to a stop work order issued on February 24, 2025. Mr. Phillips has complied with your order and has not conducted any work on the site.

I sampled the soil throughout the area of concern using a soil auger to a depth of two to three feet. Based on my field observations and using the guidelines established by the National Cooperative Soil Survey and as defined by the Connecticut General Statutes, I delineated the wetlands using 10 blue pole flagging. My flags are not numbered here.

On April 5, 2025 the Inland Wetlands Commission conducted a field site visitation to the site referenced above. I attended the site walk and the attendees viewed my delineation and viewed the portions of the site that were the areas of concern.

Inadvertently, Mr. Phillips graded an area that contains inland wetland soils. These soils are classified as a poorly drained Raypol silt loam. He also installed a temporary shelter that is used to store two small boats. The area is presently mulched with woodchips and is stable. Mr. Russo directed Mr. Phillips to install the mulch previously.

The upland areas are classified as a well-drained Canton and Charlton fine sandy loam.

Up until recently, Mr. Phillips has been removing this sand and gravel from a borrow pit established adjacent to this area.

During the April 5, 2025 site visit, other areas of the site were observed. It was requested that an additional area should be investigated. An area near an existing tree deer stand and a portion of the floodplain along Trading Cove Brook.

The area around the tree stand did not contain wetland soils. There was some evidence of surface run-off from a severe storm event, but it does not meet the criteria for an intermittent watercourse. The area along the Trading Cove Brook floodplain was delineated using blue flagging numbered 1-5.

The wetland flags are shown on a site plan entitled:

“Topographic Survey W/ Wetlands, South Woods Subdivision-section A, prepared for Jeffrey Phillips, assessor’s NO: 61-002, Noble Hill Road, Montville CT, scale 1”=20’, dated May 12, 2025, prepared by Rob Hellstrom Land Surveying”

Along the access road a 15”HDPE culvert pipe was installed sometime in the past to access the rear land for a timber harvest. The pipe is functioning well. No erosion has occurred.

I am pleased to report that there are no impacts to the Trading Cove Brook riparian corridor. This system is of high value and provides many wetland functions.

Wetland systems provide numerous biological, physical, hydrological and social functions including: wildlife habitat, finfish habitat, flood control, groundwater infiltration and exfiltration, nutrient retention and sediment trapping, dissipation of erosive forces, water quality renovation, recreation, visual and esthetic quality, ecological integrity, forestry potential and educational opportunities. Not all wetlands possess all functions, nor do they possess those functions in the same degree. In order to assess the potential impacts associated with development within regulated areas, the functions performed by the wetland must be determined and to some extent the relative value of the wetlands ability to perform that function must be assessed. Numerous scientifically based procedures exist for wetland functional assessment.

The basis for this evaluation is a combination of those methods and best professional judgment that I used from excerpts from the “Method for the Evaluation of Inland Wetlands in Connecticut”.

The large wetland corridor associated with Trading Cove Brook that flows in a easterly direction is of high quality and performs numerous functions including, finfish habitat, wildlife habitat, flood control, amphibian habitat, groundwater infiltration, nutrient retention, sediment trapping, dissipation of erosive forces, water quality renovation, and water-based recreation. The value of this wetland system along Trading Cove Brook to provide those functions is high due to the varied hydrology, diverse vegetational communities, wildlife, finfish and soils. Trading Cove Brook is also an important trout management area, and is stocked and managed by the CT DEEP.

PROPOSED MITIGATION

The small inland wetlands area disturbed and temporarily stabilized with wood chips, shall be permanently restored and stabilize.

First, Mr. Phillips has agreed to remove the structure that is being used to store two boats. They will be removed to an area of the property that is upland soils.

The wood chips can remain and additional 4 inches of organic topsoil shall be deposited in this area. The area shall then be seeded with a conservation wetmix that contains native species and promotes and attracts pollinator species. This area will not be mowed.

In addition along the top of slope to the south of the delineated wetlands, 12 native shrub species, such as winterberry, highbush blueberry, silky dogwood, swamp azalea, and sweet pepper bush will be planted to enhance the vegetative diversity of the area. This will provide food and shelter to existing wildlife in the area.

At the outlet of the 15"HDPE pipe, there is a small scour hole that was created by a previous severe storm event. Small diameter rip rap should be added to form a small plunge pool for protection in the future.

The existing gravel borrow area shown on the above referenced plans will be regraded and restored as well. Mark Reynolds, P.E. will create a cross section showing proposed grades. The intent is to eliminate the steep slopes and gently grade them to an appropriate slope. The area will then be topsoiled and grass will be planted. A local farmer is interested in farming this area. Also, Mr. Phillips plans to install bee hives and establish an apiary bee yard.

This is the best time of year to conduct the mitigation measures. I will oversee the establishment of the plantings and monitor them for three growing seasons to ensure their viability for survival

Again, Mr. Phillips has not done any work on the site since the issuance of your order. However, some work needs to be completed as soon as possible.

Based on my professional opinion as a Certified Soil Scientist and years of experience as a City Planner, I feel that this approach will negate the need to move forward with additional enforcement actions and will maintain and improve the existing high quality functions of Trading cove Brook and the environmental quality of the land.

Very truly yours,

James Sipperly

Certified Soil Scientist, Society of Soil Scientists of Southern New England
Connecticut Wetland Scientist, Connecticut Association of Wetland Scientists

CLA Engineers, Inc.

Civil • Structural • Survey

317 MAIN STREET • NORWICH, CT 06360 • (860) 886-1966 • (860) 886-9165 FAX

Meredith Badalucca
Asst. Planner, Land Use and Development
Town of Montville
310 Norwich-New London Tpk.
Uncasville, CT 06382

April 1, 2025

CL-24-7873J

Invoice #1

Billing Period: March 3, 2025 – March 30, 2025

Noble Hill Road– Notice of Violation
Parcel 061-002-000

RECEIVED

APR - 7 2025

BY: _____

Review of GIS and aerial imagery
Meet with Town Staff
Site walk with Staff and the landowner
Review of Notice of Violation letters
Soil Scientist attendance at the 3/20/2025 IWC meeting

Professional Engineer	2.5 hrs. x	\$130.00 =	\$325.00
Soil Scientist	10.0 hrs. x	\$120.00	\$1,200.00

TOTAL AMOUNT DUE: **\$1,525.00**

CLA Engineers, Inc.

Civil • Structural • Survey

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Meredith Badalucca
Asst. Planner, Land Use and Development
Town of Montville
310 Norwich-New London Tpk.
Uncasville, CT 06382

May 1, 2025
CL-24-7873J
Invoice #2

Billing Period: March 31, 2025 – April 27, 2025

Noble Hill Road– Notice of Violation
Parcel 061-002-000

IWC Site Walk
Staff consultation

Soil Scientist	5.0 hrs. x	\$150.00	\$750.00
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TOTAL AMOUNT DUE: **\$750.00**

RECEIVED

MAY -7 2025

BY:_____