

**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
May 15, 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 (by phone), and Raymond Occhialini. Absent were Vice-Chair Charles O'Bday and Commissioner Eric Majewski. A quorum was present.

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

3. Minutes:

- a.** Approval of Minutes of the April 17, 2025 Regular Meeting.

MOTION: To approve the Commission April 17, 2025 Regular Meeting Minutes. **(Brush/Occhialini).**

Roll Call Vote: (4-0-0). APPROVED

4. Public Hearing/Application:

- a. Public Hearing: 25 IWC 7 – Silver Falls Road (Parcel ID: 001-007-00A) Oakdale, CT;**
Owner/Applicant: Daniela Gjergjaj; for regulated activities associated with a 4-lot resubdivision.
(Submitted 4/10/2025, Date of Receipt 4/17/2025, Public Hearing scheduled for 5/15/2025. PH must close by 6/19/2025)

MOTION: To open Public Hearing 25 IWC 7 Silver Falls Road (Parcel ID: 001-007-00A) Oakdale, CT;
Owner/Applicant: Daniela Gjergjaj; for regulated activities associated with a 4-lot resubdivision.
(Brush/Occhialini). ROLL CALL VOTE: (4-0-0). APPROVED

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.

STAFF COMMENTS:

- This Application is for regulated activities within the wetlands and upland review area in conjunction with a 4-lot resubdivision with the construction of a shared driveway and necessary grading, septic systems, wells, rain gardens and a stormwater treatment basin.
- The Applicant is also proposing a "future emergency access" roadway," with an Easement in favor of Golden Trails LLC to access their property in the Town of Waterford.
- The property is located on 19.51 acres in the R-80 zoning district with approximately 259.85 feet of frontage onto Silver Falls Road. The property abuts the Town of Waterford and is currently undeveloped.
- The Applicant is proposing approximately 4,590 square feet of disturbance within the wetlands to construct and grade a common driveway, construct a 15" culvert beneath the driveway to promote connectivity in the wetland on both sides of the driveway to construct a 70' x 45' stormwater quality basin within the URA to manage runoff from the driveway, and the implementation of E&S controls in and around the project area including the installation of silt fence, grassed swale, an anti-tracking pad, and hay bale barrier. The Applicant is proposing to conduct the above work utilizing the typical excavators, loaders, rollers, and dump trucks.
- All of my Technical Review Comments listed above have been addressed.

AGENCY COMMENTS:

- Town of Waterford Application was referred on April 11, 2025. Comments were received on April 25, 2025 and forwarded to the Applicant. A copy of the comments are attached to this Staff Report and listed as Exhibit 6 on the Exhibit List of this Public Hearing file.
- Town Soil Scientist (Ian Cole) — The referral for comments was forwarded on April 1, 2025. Comments were received on May 6, 2025 and forwarded to the Applicant. A copy of the comments are attached to this Staff Report and listed as Exhibit 9 on the Exhibit List of this Public Hearing file. On May 8, 2025, the Applicant responded to the May 6, 2025 comments and this response was forwarded back to Ian Cole for further comments. No comments have been received to date.

ZWO Radford read the Staff Report into the record and also confirmed that all technical review comments were met. She also referenced staff recommendations noting the closed date for the Public Hearing as June 21, 2025 and moving the public hearing to the next Commission meeting in order to schedule a site walk beforehand. Applicant's PE Robert DeLuca of CLA Engineers reviewed the property site plan, the wetlands on the east/west border and the proposed common driveway / emergency access to Applicant's Waterford property not constructed. He responded to the Commission question concerning the development of the proposed driveway. CLA Soil Scientist Robert Russo commented on the layout of the forested wetland and the impact on its three (3) separate areas for the shared driveway, the DEEP response and the modified plan accordingly. He responded to questions of the Commission about the purpose and location for the emergency access road, whether there are houses on the Waterford side, the drainage, road slope of the driveway and the proximity of the driveway to the road.

Discussion & Decision: 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. *(DRD 65 days from close of Public Hearing)*

MOTION: To conduct a site walk of 25 IWC 7 -- Silver Falls Road (Parcel ID: 001-007-00A) Oakdale, CT on June 6, 2025 at 6:00 p.m. **(Brush/Occhialini).** **Roll Call Vote: (3-0-1).** Commissioner Roshto abstained. **APPROVED.**

MOTION: To continue the Public Hearing for 25 IWC 7 -- Silver Falls Road (Parcel ID: 001-007-00A) Oakdale, CT to the next meeting of the Commission on June 12, 2025. **(Brush/Occhialini).** **Roll Call Vote: (3-0-1).** Commissioner Roshto abstained. **APPROVED.**

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.)*

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 the 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 (1)

- 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.

UPDATED SUMMARY OF EVENTS (2)

- 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 has 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, 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.

ZWO Radford read the updated summary of events and staff recommendations into the record as follows:

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. o
- 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.

ZWO Radford noted the presence of Town Soil Scientist Bob Russo since his report has not been received yet. Soil Scientist Russo responded to the Commission questions concerning the reason for the continuance and remediation, the significance of the Cease & Correct Order and having the Owners file an application explaining their plans for drainage. The Soil Scientist also referenced his discussion with the Town ZWO Officer and Assistant Planner concerning enforcement action although he has not given the plan a thorough review. The Commission noted its expectation of having the Owners' permit application at the next meeting and explanation of its request for additional wetland information and for the culvert placed without approval that is not shown on the drawing. ZWO Radford noted the presence of Mark Reynolds, Professional Engineer on behalf of property owner who discussed the technical aspects of the plan including erosion, water pooling to the area (there will be none), the removal of the temporary structure and other technical aspect from Staff. Property Owner Phillips questioned if he could mow a path to walk his dog (agreed upon by the Commission) and the reason for the fines imposed to his property.

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 June 12, 2025. **(Brush/Occhialini). Roll Call Vote: (4-0-0). APPROVED.**

- b. 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 IN REVIEW:

- 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.

NEW STAFF COMMENTS:

- At the April 17, 2025 meeting, Commissioner Majewski suggested that the silt fence to be installed North of the proposed single family residence be backed with haybales for additional protection of the wetlands.
- On April 24, 2025 Attorney Harry Heller, on behalf of the Applicant, delivered revised Plans to our office taking the suggestion of Commissioner Majewski into consideration. Attorney Heller also had a note added to the Plan that “the well driller shall not wash out his equipment in the area that has a positive grade towards the Lake”; which was another concern raised by Commissioner Majewski at the April 17, 2025 meeting.

ZWO Radford read new staff comments into the record and noted the presence of Attorney Heller on behalf of the Owner/Applicant. Attorney Harry Heller, 736 Route 32, Uncasville addressed staff comments i.e., the lot slope to the lake, its status as a legal existing lot, it having met public health code, the location of the septic in the URA with 175ft URA disturbance, location of the well, and no feeling of impact to the lake or the URA. He responded to the Commission as to whether the sewer could have been moved any further and to grades impact.

MOTION: After giving due consideration to all relevant factors including those in Section 10 and/or Section 6 of the Montville Inland Wetland Regulations and Section 22a-41 of the Connecticut General Statutes, I move to approve application number 25 IWC 5 – Applicant/Owner: 38 Laurel Point Drive Owner LLC, for regulated activities associated with the construction of a single family residence and appurtenant facilities within the upland review area, per the application and associated documents dated April 7, 2025 and Plan titled “Septic System Design Plan Prepared for 38 Laurel Point Drive, LLC. #38 Laurel Point Drive, Montville, Connecticut dated 3/22/2025 revised 4/19/2025”. Standard reasons for approval and standard conditions of approval apply. **(Occhialini/Brush). Roll Call Vote: (4-0-0). APPROVED.**

- c. 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 IN REVIEW:

- 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.

NEW STAFF COMMENTS:

- At the April 17, 2025 meeting, Commissioner Majewski suggested that the silt fence to be installed North of the proposed single family residence be backed with haybales for additional protection of the wetlands.
- On April 24, 2025 Attorney Harry Heller, on behalf of the Applicant, delivered revised Plans to our office taking the suggestion of Commissioner Majewski into consideration. Attorney Heller also had a note added to the Plan that "the well driller shall not wash out his equipment in the area that has a positive grade towards the Lake"; which was another concern raised by Commissioner Majewski at the April 17, 2025 meeting.

ZWO Radford read the new staff comments into the record that reference technical review concerning debris netting and easement. She noted the presence of PE Kyle Haubert of CLA Engineering who described the locally manufactured 1/8 mesh debris netting to be used and the typographic error cited by Staff that has been addressed. PE Haubert also responded to a question from the Commission concerning the easement that will be temporary and will be abandoned upon completion of construction.

MOTION: After giving due consideration to all relevant factors including those in Section 10 and/or Section 6 of the Montville Inland Wetland Regulations and Section 22a-41 of the Connecticut General Statutes, I move to approve application number 25 IWC 5 – Applicant/Owner: 38 Laurel Point Driver Owner LLC, for regulated activities associated with the construction of a single family residence and appurtenant facilities within the upland review area, per the application and associated documents dated April 7, 2025 and Plan titled "Septic System Design Plan Prepared for 38 Laurel Point Drive, LLC. #38 Laurel Point Drive, Montville, Connecticut dated 3/22/2025 revised 4/19/2025". Standard reasons for approval and standard conditions of approval apply. **(Occhialini/Brush). Roll Call Vote: (4-0-0). APPROVED.**

8. New Business:

- a. **25 IWC 9** – Route 163 (Parcel ID: 038-024-000) Oakdale, CT; Owner: Blank Wall Solutions LLC, Applicant: Downtown Oakdale LLC & David Yoselevsky; for an As of right determination for activities within the wetlands and the upland review area in conjunction with the continued historical use of the property, including the mowing of grass and intermittent storage of stone, woodchips, and firewood. *(Submitted 4/5/2025, Date of Receipt 5/15/2025, DRD 7/19/2025)*

STAFF COMMENTS:

- This Application is for an As of right determination for activities within the wetlands and the upland review area, including the mowing of grass and intermittent storage of stone, woodchips, and firewood.
- The property is located on 3.39 acres in the R-120 zoning district with approximately 1 86 feet of frontage onto Route 163. The property is currently undeveloped with a driveway leading to adjacent property at 30 Meetinghouse Lane.
- The property is located within Flood Zone "A".

- On April 1, 2025 I received a complaint pertaining to the clearing of this property, in close proximity to the wetlands. I conducted an inspection and met with the Applicant. I asked the Applicant to stop all work and submit an Application to IWC. During my inspection, I took photos which are attached to this Staff Report. I noted disturbed soil, specifically in an area with close proximity to the brook which travels through the property, and I requested that the Applicant place some woodchips along the disturbed area to avoid any erosion, which was done.
- Attached to your Staff Report are copies of the GIS overview of the property for the periods of 2016 (during which the Applicant owned the property), 2019 and 2023. The purpose of these overviews are to show the areas of wetlands according to the State of Connecticut, as well as the general topography and layout of the parcel during these periods of time.
- The Applicant is requesting permission, through an As of Right Determination to seed the disturbed area with a mix of grasses, clovers and cover crops. Additionally, the Applicant is requesting permission to continue to mow the grass, remove the brush along Meetinghouse Lane, and regrade the area to make for a smoother, more manageable natural topography.

ZWO Radford read the staff report into the record and noted the presence of the Applicant David Yoselevsky who responded to questions of the Commission about the number of trees being removed--none and no plans to do so, mowing that has been done over the years due to the varying grass heights, and the plan for the property—no excavation or clearing is planned. Other questions addressed concerned exposed soil that has no substantial change and care of the property maintained by renting equipment for mowing.

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 9, submitted by Owner: Blank Wall Solutions LLC, Applicants: Downtown Oakdale LLC and David Yoselevsky for activities within the wetlands and the upland review area, including the mowing of grass and intermittent storage of stone, woodchips, and firewood; more fully described in the Application and associated documents, dated April 25, 2025, is a Permitted Use As of Right and, therefore, no permit is required. **(Occhialini/Brush). Roll Call Vote: (4-0-0). APPROVED.**

b. 25 IWC 10 – 257 Chesterfield Road (Parcel ID: 029-066-000) Oakdale, CT; Owner: Zachary Cash, Applicant: Michael Desautels; for review/report to the Montville Planning & Zoning Commission for a proposed 4-lot re-subdivision – no regulated activities. *(Submitted 5/8/2025, Date of Receipt 5/15/2025, DRD 7/19/2025)*

STAFF TECHNICAL COMMENTS:

Inland Wetlands Application

- Page #2 (Section VI, Wetlands and Watercourse Information) — Please confirm when the wetlands were flagged. James Cowen's Wetland Report, dated March 24, 2025 indicates that he initially investigated the wetlands on August 3, 2022 and delineated the wetlands on March 18, 2025.
- Page #2 (Section V II. Project Description) — Please change this from "Regulated Activity" to "Review No Regulated Activity"
- Page #3 (Signatures) Please have the Applicant sign on line marked "Name" and the Property Owner should have signed on "Property Owner if other than Applicant". If someone other than Applicant is going to sign, please be sure to submit an Authorization.
- Resubdivision Plan
- Please have Engineer sign and seal the Plan.
- Please have the Soil Scientist sign and seal the Plan.
- Sheet I 1 of 13 — Well on Proposed Lot I is in the wetlands and will need to be labeled as "existing well" and clarified if it will be used on Plan.
- Authorization
- Please provide an Authorization signed by the Applicant and Property Owner giving permission for you to speak on their behalf.

All Technical Review Comments listed above have been addressed.

AGENCY COMMENTS:

- Town Soil Scientist & Engineer -- The referral for comments was forwarded on May 9, 2025 and comments were received on May 14, 2025. A copy is attached to this Staff Report; however I would like to read same into the record.

STAFF COMMENTS:

The site consists of approximately 69.70 (+/-) acres located in the R-80 zoning district with about 1425 feet of frontage on Chesterfield Road. This site contains approximately 10.50 acres of wetlands and is currently developed with a single-family residence.

The applicant proposes to divide the current lot to create (4) new lots, each for a single-family residence with on-site well and municipal sewer and add 10.47 acres (+/-) to an existing property located at 237 Chesterfield Road. The Applicant states that Lots 2 and 3 have no wetlands, while Lots 1 and 4 have wetlands located at the rear of the properties; with no activities occurring within the wetlands or upland review area. The wetlands were initially investigated by James Cowen on August 3, 2022 and delineated on March 18, 2025.

There is no regulated upland or wetlands activity proposed as part of this 4-101 resubdivision.

The property to be resubdivided is shown on a plan titled "Desautel's Resubdivision, 257 Chesterfield Road, Montville Connecticut, Parcel ID: 029066000 dated April 9, 2025 with revisions through May 7, 2025".

On April 7, 2025 myself and Assistant Planner, Meredith Badalucca conducted a site walk of the proposed new lots, and a copy of the Inspection Report is attached to this Staff Report.

All applicable Town Departments will be providing comments to the Planning and Zoning Commission in regard to this resubdivision Application.

ZWO Radford read the applicant request, agency comments, Staff comments, and the report by Soil Scientist Bob Russo into the record. Brian Florek of Florek Surveying LLC, 239 Shore Road, Waterford, CT present on behalf of the Applicant summarized the plan for the 4-lot subdivision that will include private wells and municipal sewer and will be low impact and environmentally sound as possible. He responded to a question from Commission whether project was all one lot on the map.

MOTION: After giving due consideration to all relevant factors, including those in the CT General Statutes (CGS) Section 8-26 (Applications involving an inland wetland or watercourse), Montville Subdivision Regulations Section 3.4.2 (Wetlands Agency Referral), and CGS Chapter 440, Sections 22a-28 to 22a-45d (Wetlands and Watercourses), I move that the Commission forward a favorable recommendation/report to the Montville Planning and Zoning Commission for Application #25 IWC 10, submitted by Owner: Zachary Cash, Applicant: Michael Desautels for a 4-lot resubdivision of 257 Chesterfield Road (Parcel ID: 029-066000), Oakdale, CT, as more fully described in the Application and supporting documents dated May 8, 2025, revised on May 11, 2025 and a plan titled, "Desautel's Resubdivision, 257 Chesterfield Road, Montville Connecticut, Parcel ID: 029066000 dated April 9, 2025 with revisions through May 7, 2025". **(Occhialini/Brush). Roll Call Vote: (4-0-0). APPROVED.**

9. **Correspondence:** None

10. **Other Business:** Discussion of language for a Motion for approval of As of Right Determinations.

Assistant Planner Badalucca referred to the draft motion submitted, and Section 4 of the regulations attached for permitted uses of as of right. She noted having talked to other towns, an attorney, and to Maureen in Waterford who is a soil scientist. The Commission will review the information for discussion next month.

11. **Executive Session:** None

12. **Adjournment.**

MOTION: To adjourn the meeting at 7:26 p.m. **(Occhialini/Brush). 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.**