

**APPLICATION OF RAND-WHITNEY REALTY, LLC TO MONTVILLE INLAND  
WETLANDS AND WATERCOURSES COMMISSION**

**NARRATIVE DESCRIPTION AND CONSTRUCTION SEQUENCE RELATIVE TO  
THE CONSTRUCTION OF AN INDUSTRIAL TRAILER STORAGE FACILITY  
ACCESSORY TO THE RAND-WHITNEY CONTAINERBOARD MANUFACTURING  
FACILITY**

**375 MAPLE AVENUE AND ROUTE 163, MONTVILLE, CONNECTICUT**

**DATE: JUNE 2, 2025**

**PROJECT OVERVIEW**

The applicant, Rand-Whitney Realty, LLC (hereinafter, the “Applicant”), is the owner of two (2) adjacent parcels of land containing, in the aggregate, 27.54 acres of land, more or less, (of which approximately 13 acres is a watercourse styled Rockland Pond). The Applicant originally acquired 24.6 acres from Robertson Paperbox Company, Incorporated in conjunction with the acquisition of the Robertson Paperbox Company manufacturing facility on October 31, 1986. More recently, the Applicant has acquired a previously improved parcel containing 2.94 acres of land located at 375 Maple Avenue. The prior single family dwelling house and appurtenant facilities have been removed from this parcel. The two (2) parcels abut each other. Both parcels are located in the Industrial Zoning District pursuant to the Zoning Map and Zoning Regulations promulgated by the Montville Planning and Zoning Commission.

As depicted on a plan entitled “Property Survey Prepared For 349 Maple Avenue, LLC #349 & 375 Maple Avenue Montville, Connecticut Project No. 23-088 Drawn By: R.A.D. Date: 8/24/23 Revisions 12/1/23 Wetland Limits Added 3/18/24 Topography Added 5/29/24 Wood Chip Areas Boring Stk Locations 6/2/24 Topo & Locations Scale: 1” = 30’ Sheet 1 of 1 Advanced Surveys, LLC. 60 Terry Road, Griswold, CT 06351 Phone (860) 639-8928”, a 30” corrugated metal pipe extends through the property to Maple Avenue extending in a southwesterly to northeasterly direction for approximately 208 feet at which point the stormwater flowing through said drainage system discharges to the environment. These drainage structures are owned and maintained by the Town of Montville and accommodate stormwater runoff captured in a closed drainage system on Sharp Hill Road and Carol Drive. Based upon research performed by the law firm of Heller, Heller & McCoy, the presence of these improvements on the property of the Applicant is not supported by an easement or any other grant which would authorize the maintenance of these facilities on the Applicant’s property or the discharge of stormwater therefrom on the Applicant’s property.

As detailed in the soil scientist report of Robert C. Russo and the Stormwater Management Plan of CLA Engineers, Inc. submitted with this application, the discharge of stormwater from the 30 inch corrugated metal pipe has, over time, created an intermittent watercourse extending in an easterly direction through the Applicant’s property as depicted by Wetland Flags WL#1A – WL#32A to the South and Wetland Flags 1B – 29B to the North. This system, created by the unauthorized discharge of municipal stormwater onto the Applicant’s property has created an intermittent watercourse as defined in Connecticut General Statute §22a-38(16).

The Applicant's affiliate, Rand Whitney Containerboard, operates a linerboard manufacturing facility on adjacent real property. The parking demand of the manufacturing facility is not currently being met by the available parking at the Applicant's properties. The Applicant therefore proposes to improve the property at 375 Maple Avenue to provide additional trailer storage capacity; and, in conjunction therewith, to (i) reroute the Town of Montville illegally installed drainage system within the bounds of its property and in conjunction therewith, grant to the Town of Montville a valid easement to accommodate the presence of those future facilities and to install stormwater management and water quality facilities to accommodate the stormwater runoff which will be generated by the proposed new parking area on the Applicant's property.

The proposed parking facility will be accessed by a curb cut on the northeasterly side of Maple Avenue and the facility will interconnect with discontinued Robertson Road (now owned by the Applicant) to facilitate more efficient material handling operations to support the manufacturing facility of the Applicant's affiliate and to reduce conflicting traffic movements both on Maple Avenue and Route 163.

The proposed development of the site is depicted on a plan entitled "Rand Whitney Realty, LLC Proposed Trailer Storage 375 Maple Avenue & Route 163 Town of Montville, CT Site Plan Project No. CLA-7767F Proj. Engineer D.P.H. Date: 05/9/25 Sheet No. 4 Scale: 1" = 40' CLA Engineers, Inc. Civil – Structural – Surveying 317 Main Street Norwich, CT 06360 (860) 886-1966 Fax (860) 886-9165" (hereinafter, the "Site Plan").

The Applicant proposes to commence construction of the proposed trailer parking facility as soon as all required regulatory permits have been obtained. It is anticipated that the construction of this project will require six (6) months with additional grow in time required for the grass lined swales and stormwater basins as depicted on the Plan.

As delineated in the Stormwater Management Plan prepared by CLA Engineers, Inc., the relocation of the Town of Montville's stormwater drainage system on the Applicant's property will alleviate infiltration of groundwater into the municipal sewer line which also bisects the Applicant's property (supported by a validly granted sewer main easement).

## **PROJECT SOILS**

As delineated in the Functions and Values and Impact Analysis prepared by Robert C. Russo, Soil Scientist dated May 30, 2025 (the "Report"), there are no regulated inland wetlands located on the Applicant's property. The intermittent watercourse which has formed as a result of the discharge of stormwater from the Montville municipal highway system is classified as an intermittent watercourse under the definitional parameters contained in the Inland Wetlands and Watercourses Act. Rockland Pond and Oxoboxo Brook are also classified as watercourses under the Inland Wetlands and Watercourses Act. The work proposed in conjunction with this project will eliminate the entirety of the intermittent watercourse which has been created by the Town of Montville's unauthorized discharge of stormwater onto the Applicant's property. As evidenced by the Report, no adverse impacts to regulated resources are anticipated as a result of this relocation based upon an analysis of the characteristics and the functionality of the intermittent watercourse.

## SOIL CHARACTERISTICS

As delineated in the Report, upland soils in the area of the project on the Applicant's property are classified as Merrimac soils (MyB), Hinckley soils (HkC) and Udorthents (or urban land) (Ud). The characteristics of these soils are as follows:

***Merrimac Soils.*** The Merrimac soils consist of somewhat excessively drained soils that formed in glacial outwash. Merrimac soils are found on stream terraces, outwash plains, kames and eskers. Slopes range from 0 – 15%. Merrimac soils are found in the drainage sequence on the landscape with moderately well-drained Sudbury soils and poorly drained Walpole soils. They are near excessively drained Hinckley soils, well drained Agawam soils and moderately well drained Ninigret soils. The soil stratification of the Merrimac soils is as follows:

0 – 8"	Very dark greyish brown sandy loam; weak fine granular structure; very friable; few fine roots; 5% coarse fragments; strongly acid; abrupt wavy boundary.
8 – 13"	Dark yellowish brown sandy loam; weak fine granular structure; very friable; few fine roots; 5% coarse fragments; strongly acid; abrupt wavy boundary.
13 – 27"	Yellowish brown sandy loam; weak fine granular structure; very friable; few fine roots; 5% coarse fragments; strongly acid; clear wavy boundary.
27 – 60"	Light olive brown gravelly coarse sand; single grain; loose; 35% coarse fragments; medium acid.

***Hinckley Soils.*** The Hinckley soils consist of excessively drained soils that formed in glacial outwash. Hinckley soils are found on stream terraces, outwash plains, kames and eskers. On the project site, areas of Hinckley soils range in slope from 3 – 15%. Hinckley soils are found on the landscape near excessively drained Windsor soils, somewhat excessively drained Merrimac soils, well drained Agawam and Haven soils, moderately well drained Sudbury soils, poorly drained Walpole soils and very poorly drained Scarborough soils. Hinckley soils have a greater content of gravel than Merrimac, Agawam, Haven and Windsor soils. The soil stratification of the Hinckley soils is as follows:

0 – 7"	Dark brown gravelly sandy loam; weak fine granular structure; very friable; many fine roots; 20% coarse fragments; medium acid; abrupt wavy boundary.
7 – 14"	Yellowish brown gravelly loamy sand; single grain; loose; few fine roots; 25% coarse fragments; medium acid; gradual wavy boundary.
14 – 22"	Yellowish brown gravelly loamy sand; single grain; loose; few fine roots; 40% coarse fragments; strongly acid; clear wavy boundary.

22 – 60”      Brownish yellow very gravelly coarse sand; single grain; loose; 60% coarse fragments; medium acid.

***Udorthents Soils.*** The Udorthents soils consist of excessively drained to moderately well drained soils that have been disturbed by cutting or filling, and areas that are covered by buildings or pavement. Mapped areas are mostly 5 to 40 acres with slopes ranging from 0 – 15%. Approximately 60% of this complex is Udorthents, 25% is Urban Land and 15% is other soils. The areas of Udorthents and Urban Land are so intermingled that it is not practical to map them separately. Some areas of Udorthents have been cut to a depth of 2 feet or more and some have been covered with more than 2 feet of fill. Udorthents are found on the landscape with excessively drained Hinckley soils, somewhat excessively drained Hollis and Merrimac soils, well drained Canton, Charlton, Narragansett, Agawam, Paxton and Montauk soils and moderately well drained Sutton, Woodbridge, Rainbow, Sudbury and Ninigret soils. Udorthents are in a complex pattern on the landscape with Urban Land, pits, gravel. The soil stratification of the Udorthents soils is as follows:

The A Horizon, where present, has hue of 7.5YR or 10YR, value of 2 to 4 and chroma of 1 to 3. The A Horizon is silt loam, very fine sandy loam, fine sandy loam, sandy loam or loamy sand. The C Horizon has hue of 10YR to 5Y, value of 4 to 6 and chroma of 1 to 8. The C Horizon is loam, fine sandy loam, sandy loam, and gravelly or very gravelly sand or coarse sand.

## **GENERAL PROCEDURES**

1. Prior to commencing construction of the project, the applicant and the applicant's contractor shall meet with the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer to agree upon the method of installation and maintenance of erosion and sediment control measures during the development of the property.
2. Subsequent to the meeting described in Paragraph 1 of the General Procedures Section of this Narrative, the applicant shall install all erosion and sediment control measures in accordance with a plan entitled “Rand-Whitney Realty, LLC Proposed Trailer Storage Facility 375 Maple Avenue & Route 163 Montville, CT E&S Plan Project No. CLA-7767F Proj. Engineer D.P.H. Date: 05/9/25 Sheet No. 6 Scale: 1” = 40’ CLA Engineers, Inc. Civil – Structural – Surveying 317 Main Street Norwich, CT 06360 (860) 886-1966 Fax (860) 886-9165” (hereinafter referred to as the “E&S Plan”).
3. Prior to conducting any activities on the property, other than the installation of erosion and sediment control measures, the applicant shall notify the Montville Wetlands Enforcement Officer and the Montville Zoning Enforcement Officer that erosion and sediment control measures have been installed and request that the same be inspected and approved by the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer.
4. All activities in conjunction with the development of the property shall be conducted in accordance with the terms and provisions of the E&S Plan and this Narrative. The Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer shall

have authority to modify any construction details or procedures hereinafter contained as warranted by field conditions for the duration of the development of the property.

5. All erosion and sediment control measures shall be inspected at least weekly while construction is ongoing, and after every storm event resulting in a discharge and repaired and maintained as necessary.
6. During the stabilization period (after the completion of development, but prior to the certification of approval by the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer for the removal of erosion and sediment control measures), all erosion and sediment control measures shall be maintained in proper working order. Unless notice is provided otherwise to the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer, in writing, William J. Pieniadz, Project Construction Supervisor, of 410 Maple Avenue, Uncasville, Connecticut 06382 (860) 848-2372 or (860) 608-9890 email: [bill@pandhconstruction.com](mailto:bill@pandhconstruction.com), shall be the designated representative of the applicant responsible for compliance with all erosion and sediment control measures in conjunction with the development of the property. All erosion and sediment control measures shall be inspected and maintained and/or repaired, as necessary, on a twice-weekly basis during the stabilization period and after each storm occurrence resulting in a discharge. William J. Pieniadz shall be the designated representative for the implementation of all of the terms and conditions of this Narrative with respect to the development of the property.
7. Provided that all required regulatory permits have been obtained during the construction season; i.e excluding the period November – March, construction shall be commenced within thirty (30) days subsequent to the date of approval of all regulatory permits and licenses required to effect the development of the facilities contemplated by the Site Plan submitted with this permit application and shall be completed within six (6) months thereafter (save and excepting grow in of the grass swales and stormwater basins).
8. Throughout construction, erosion and sediment control measures shall be maintained in proper working order.
9. At such time as stabilization has been achieved, and certification thereof received from the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer, erosion control measures shall be removed.
10. During the stabilization period, any erosion which occurs shall be immediately repaired by the applicant, re-seeded with the seeding mixes set forth in the Construction Sequencing Section of this Narrative, and re-stabilized.
11. If any erosion and sediment control measures fail, or are not installed or maintained in accordance with this Narrative, the Site Plan, or the directives of the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer, the applicant, or its successors, shall be required to cease all development activities on the property until such time as said erosion and sediment control measures have been installed in accordance with

this Narrative, the E&S Plan and the directives of the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer and approval of the same has been certified by the Montville Wetlands Enforcement Officer and Montville Zoning Enforcement Officer, in writing.

## **CONSTRUCTION SEQUENCING**

1. Prior to the commencement of construction activities, the Applicant shall install the construction entrance as depicted on the E&S Plan.
2. Silt fence shall be installed as depicted on the E&S Plan.
3. Once perimeter erosion control measures have been installed, the Applicant's contractor shall clear and grub the area for the installation of sediment traps.
4. Upon the installation of erosion control measures, the Applicant shall contact the Montville Wetlands Enforcement Officer and the Montville Zoning Enforcement Officer to perform an inspection of the installation of said erosion control measures. In no event shall further construction activities with respect to the construction of the trailer storage facility be commenced until such time as the Montville Wetlands Enforcement Officer and the Montville Zoning Enforcement Officer have inspected and approved the installation of erosion control measures.
5. Upon certification of installation of erosion control measures, the Applicant shall remove surface soil from the construction area, which surface soil shall be stored in the "Material Stockpile & Staging Area" as depicted on the E&S Plan. Surface soil shall be retained on site for eventual use in the stabilization of unpaved disturbed areas of the property. The Material Stockpile shall be stabilized by installing a single row of silt fence around the stockpile location. The stockpile shall be constructed at a slope not to exceed 3:1 and shall be stabilized by seeding with an annual ryegrass mix and mulch. The annual ryegrass mix shall be applied at a rate of 40 pounds per acre. Mulch shall be applied at the rate of 80 pounds per 1,000 square feet and shall be spread by hand or with a mulch blower. Upon completion of the project, any excess surface soil shall be removed from the Applicant's property.
6. Sediment traps shall be constructed in accordance with the E&S Plan.
7. The 30 inch corrugated metal pipe accommodating the Town of Montville highway drainage system shall be removed and replaced with 30 inch and 36 inch corrugated HDPE pipe installed at the slopes depicted on the E&S Plan. This drainage system shall be extended in a northeasterly direction through and across the Applicant's property to a standard size rip-rap apron at the culvert outlet as depicted on the Site Plan.
8. At any time that the sediment traps installed in accordance with the E&S Plan reach

50% of their storage capacity, the sediment shall be removed therefrom to restore the sediment traps to their original design capacity, with the removed material utilized as site fill for the project.

9. Structural fill shall be installed to accommodate the paved parking area and maneuvering lanes as depicted on the Site Plan and compacted in place. The proposed trailer parking facility and maneuvering lanes shall be prepared for pavement in accordance with the typical pavement section detail delineated on the Site Plan. Pavement shall be installed in accordance with that detail.
10. Permanent vegetative cover shall be installed in accordance with the notes contained on a plan entitled "Rand Whitney Realty, LLC Proposed Trailer Storage 375 Maple Avenue & Route 163 Montville, CT E&S Notes and Details Project No. CLA-7767F Proj. Engineer D.P.H. Date: 05/9/25 Sheet No. 7 Scale: 1" = 40' CLA Engineers, Inc. Civil – Structural – Surveying 317 Main Street Norwich, CT 06360 (860) 886-1966 Fax (860) 886-9165".

#### **MAINTENANCE OF TRAILER STORAGE AREA AND QUALIFYING PERVIOUS AREA**

Permanent maintenance shall be performed on the paved area for trailer storage and maneuvering and the qualifying pervious areas of the project site in accordance with the maintenance schedules depicted on a plan entitled "Rand Whitney Realty, LLC Proposed Trailer Storage 375 Maple Avenue & Route 163 Montville, CT E&S Notes and Details Project No. CLA-7767F Proj. Engineer D.P.H. Date: 05/9/25 Sheet No. 7 Scale: 1" = 40' CLA Engineers, Inc. Civil – Structural – Surveying 317 Main Street Norwich, CT 06360 (860) 886-1966 Fax (860) 886-9165".

#### **DELINEATION OF NO FEASIBLE AND PRUDENT ALTERNATIVES**

As defined in Connecticut General Statutes §22a-38(17), "Feasible" means able to be constructed or implemented consistent with sound engineering principles. As defined in Connecticut General Statutes §22a-38(18), "Prudent" means economically or otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily show an alternative is imprudent.

In formulating its design for the proposed trailer parking facility and industrial traffic management plan for the manufacturing facilities of the Applicant's affiliate, the Applicant has established a protocol to (i) avoid direct impacts to wetlands and watercourses and (ii) to mitigate those impacts which cannot be avoided. As stated previously, the Applicant's property is impaired by the presence of a stormwater culvert accommodating discharge of highway stormwater maintained by the Town of Montville without the said Town of Montville ever having been granted authority to install and utilize those facilities. The presence of these unauthorized improvements on the Applicant's property, for which neither the Applicant nor the Applicant's predecessors in title were ever compensated, not only makes the use of the Applicant's property more challenging,

but has created a regulated resource on the Applicant's property without the Applicant's consent.

In considering alternatives to resolve the unauthorized use of its property with the Town of Montville and to return the property to productive use, the Applicant, in consultation with its consulting engineers, CLA Engineers, Inc. and its Soil Scientist, Robert C. Russo, have designed a plan which both achieves the Applicant's development goals with respect to its property and resolves the unauthorized use of the Town of Montville's drainage system without any adverse impact to resources under the jurisdiction of the Town of Montville Inland Wetlands and Watercourses Commission.

As detailed in the Report, groundwater recharge resulting from the discharge from the Town of Montville's highway drainage system is insignificant. By extending the culvert through the Applicant's property, conflict between the Applicant's right to use its property for productive purposes and the management of the Town's stormwater runoff from Sharp Hill Road and Carol Drive will be resolved.

As concluded in the Report, "If proper erosion sedimentation controls are installed according to the plans, we do not anticipate the proposed development will have any impact on the functionality of the onsite wetlands as described above."

The Applicant and its site contractor are both responsible corporate citizens with a substantial presence in the Town of Montville. They both take their responsibilities seriously and both have exhibited competency and diligence in the protection of wetlands and watercourses and the prevention of erosion and sediment control events within the municipality.

Conflict and litigation which may result in the Town of Montville either being required to relocate its stormwater drainage system or acquire the Applicant's property through the power of eminent domain benefits no one. The development of a well thought out plan for the development of the Applicant's property and the protection of the ecosystems present at Rockland Pond and Oxoboxo Brook represent the only feasible and prudent alternative to resolve the conflicts extant with respect to this property.