

**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
June 12, 2025**

1. Call To Order:

Chairperson Brush called the meeting to order at 6:22 p.m.

2. Roll Call:

Present: Chairperson Douglas Brush, Commissioners Jessica LeClair, Raymond Occhialini and Eric Majewski. Absent were Vice-Chair Charles O'Bday and Commissioner Robert Roshto. 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 May 15, 2025 Regular Meeting.

MOTION: To approve the Commission May 15, 2025 Regular Meeting Minutes. **(Occhialini/Majewski).**

Vote: (4-0-0). APPROVED (Commissioner Majewski confirmed having listened to the meeting recording.)

4. Public Hearing/Application:

- a. Public Hearing: 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, Public Hearing scheduled for 5/15/2025. PH mut close by 6/19/2025)

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.

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 for further comments. On May 24, 2025, the Town Soil Scientist had a couple of additional comments and the Applicant responded to those comments on June 5, 2025. Final comments were received on June 9, 2025, indicating that all comments had been addressed (a copy is attached).

NEW STAFF COMMENTS:

- On May 24, 2025, the Town Soil Scientist had a couple of additional comments and the Applicant responded to those comments on June 5, 2025, and submitted a revised Plan.
- Final comments from the Town Soil Scientist were received on June 9, 2025, indicating that all comments had been addressed (a copy is attached).
- A site walk was conducted on Friday, June 6, 2025 at 6:00 p.m. Commissioner Occhialini was in attendance on behalf of the IWC and Robert Russo was in attendance on behalf of the Applicant.

ZWO Radford read the New Staff Comments into the record and noted the presence of Soil Scientist Robert Russo on behalf of the Applicant. Commissioner Occhialini reported for the record that the wetland was well mapped out per the site walk. Soil Scientist Russo responded to questions of the Commission concerning the second access road and application of it; and also confirmed that the Town of Waterford has not notified the Commission. The Applicant's Engineer for the project, Robert DeLuca of CLA Engineers confirmed that a site plan would be completed.

MOTION: To close Public Hearing **25 IWC 7** – Silver Falls Road (Parcel ID: 001-007-00A) Oakdale, CT. (Occhialini/LeClair). **Vote: (4-0-0). APPROVED.**

- b. **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: 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 **25 IWC 7** – Silver Falls Road (Parcel ID: 001-007-00A), Oakdale, CT – Applicant/Owner: Daniela Gjergaj for regulated activities within wetlands and upland

review areas associated with a 4-lot resubdivision, per the Application and associated documents dated March 27, 2025 and Plan titled “Residential Resubdivision Map 001- Block 007- Lot 00A, Silver Falls Road, Town of Montville, Connecticut 06370, prepared for Daniela Gjergaj dated April 10, 2025 Revised June 5, 2025”. Standard reasons for approval and standard conditions of approval apply. **(Occhialini/LeClair). Vote: (4-0-0). 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 05/15/2025 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.

UPDATED SUMMARY OF EVENTS (3:)

- At the last meeting of May 15, 2025, this Commission voted to continue the Show Cause Hearing until the next meeting of June 12, 2025. The Commission advised the Applicant and his Engineer that an Application must be submitted for the next meeting, along with an explanation of remediation; including the culvert which was placed without permits.
- The Commission also inquired about the additionally excavated area, closer to the site entrance, and if wetlands were located in this area.
- The Commission agreed to allow the property owner to continue to mow a pathway to walk his dog along his property.
- On May 21, 2025 review comments were received from Robert Russo, Certified Soil Scientist on behalf of the Town of Montville and listed as Exhibit #21. A copy is attached to this Staff Report.
- On May 23, 2025 Staff met with Mark Reynolds (Professional Engineer on behalf of the property owner). Mr. Reynolds was provided with a copy of the May 21, 2025 review comments received by Robert Russo. Mr. Reynolds provided to Staff a copy of a letter dated April 23, 2025 received by Mr. Phillips from the Army Corps of Engineers, listed as Exhibit #22. A copy is attached to this Staff Report.
- On May 27, 2025 Staff forwarded an email to Mark Reynolds, James Sipperly and Jeffrey Phillips confirming the meeting of May 23, 2025 with Mark Reynolds and including a brief explanation of what should be submitted prior to the June 12, 2025 meeting.
- On May 29, 2025 Mark Reynolds advised Staff that it was his understanding that Attorney McCoy of Heller, Heller & McCoy would be representing Mr. Phillips.
- On June 4, 2025 Staff received a call from Attorney William McCoy indicating that he would be representing Mr. Phillips in this matter and would forward a copy of an Authorization of same. Staff provided to Attorney McCoy a copy of the May 21, 2025 review comments of Robert Russo, as well as a copy of Staff's email of May 27, 2025 to Mark Reynolds, James Sipperly, and Mr. Phillips.

- On June 6, 2025 Staff received “Additional Inland Wetland Soils and Watercourses Investigation and Delineation, Noble Hill Road (Parcel ID: 061-002-000) Owner: Jeffrey Phillips & Jennifer Michaels” from James Sipperly, Certified Soil Scientist on behalf of the property owners, listed as Exhibit #23. A copy is attached to this Staff Report.
- On June 6, 2025 Staff referred a copy of the Wetlands Report dated June 6, 2025 to Robert Russo for his review and comment. Comments were received back from Mr. Russo dated June 9, 2025 and listed as Exhibit #24. A copy is attached to this Staff Report.
- On June 11, 2025 Staff received an Authorization form from the property owners, Jeffrey Phillips and Jennifer Michaels, authorizing the law offices of Heller, Heller & McCoy to act as an agent on their behalf, listed as Exhibit #25. A copy is attached to this Staff Report.

STAFF RECOMMENDATIONS (1):

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.

STAFF RECOMMENDATIONS (2):

That the Commission continue this matter to the next regularly scheduled meeting on July 17, 2025, to allow Attorney William McCoy time to familiarize himself with the file and prepare/submit an Application and supporting documentation on behalf of the property owners.

ZWO Radford read the updated Summary of Events and Staff Recommendations and noted the presence of Attorney William McCoy on behalf of the Applicant. Attorney McCoy of Heller, Heller, & McCoy, Uncasville, CT reported that Soil Scientist James Sipperly was unable to attend the meeting this evening. He also reported that no activities were occurring on site pending preparation of an application and site plan which Town Soil Scientist Robert Russo has not reviewed. The plan is not to be used as a culvert. Attorney McCoy responded to questions of the Commission as to whether the application would be available at the next meeting and clarified that Mark Reynolds is the Professional Engineer for the project.

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 July 17, 2025. **(Brush/Occhialini). Vote: (4-0-0). APPROVED.**

8. New Business:

- 25 IWC 11** – 375 Maple Avenue & Route 163 (Parcel IDs: 031-015-000 & 031-019-000) Uncasville, CT; Owner/Applicant: Rand-Whitney Realty, LLC; for regulated activities in conjunction with the development of a proposed trailer storage facility and the elimination of an intermittent watercourse created by stormwater discharge. *(Submitted 6/4/2025, Date of Receipt 6/12/2025, DRD 8/16/202)*

STAFF TECHNICAL REVIEW COMMENTS:

- Please revise the Application to provide the correct address for the Property Owner and Applicant. The address should coincide with the Town of Montville Land Records and other submitted supporting documents.
- Please provide a copy of the jurisdictional determination of the Army Corp of Engineers.

- Please provide a copy of the Drainage Easements and/or Rights to Drain in favor of the Town of Montville for review and approval by the Town Attorney.

STAFF COMMENTS:

- This Application is for regulated activities in conjunction with the development of a proposed trailer storage facility on property located at 375 Maple Avenue, Montville, Connecticut in conjunction with its ongoing paperboard manufacturing operations at its industrial plant located on Route 163, Montville, Connecticut. The Applicant is also proposing to eliminate the entirety of the intermittent watercourse which has been created by the Town of Montville's discharge of stormwater onto the Applicant's property.
- The Applicant, Rand-Whitney Realty, LLC is the owner of (2) adjacent parcels of land located at 375 Maple Avenue (Parcel ID: 031-015-000) and Route 163 (Parcel ID: 031-019-000); containing approximately 27.54 acres on the North side of Maple Avenue. The sites are largely undeveloped, with approximately 13 acres being a watercourse styled Rockland Pond. Both parcels are zoned Industrial.
- The Applicant proposes to improve the property located at 375 Maple Avenue to provide additional trailer storage capacity and in conjunction therewith proposes to reroute an intermittent watercourse created by stormwater discharge.
- The inland wetland boundary was delineated by Joseph Theroux, Certified Forester/Soil Scientist and Robert Russo, Certified Soil Scientist with CLA Engineers, Inc. between November 2023 and November 2024.
- There are (2) regulated areas of wetland hydrology on the project site. The first regulated area is the 13 acres watercourse and pond area comprised of Oxoboxo Brook and Rockland Pond. No work is proposed within this watercourse, but a portion of the area proposed to be developed is within the 50' upland review area. The second regulated area is a small, less than 1 acre, man-made channelized intermittent watercourse in the northeast corner of 375 Maple Avenue. The channel formed as a result of the discharge of stormwater from a 30" storm pipe, being an outlet of a closed drainage system capturing stormwater on Sharp Hill Road and Carol Drive.
- The Applicant proposes an extension of a 30" drain pipe originating from Maple Avenue towards Oxoboxo Brook, the construction of a paved parking area and industrial driveway within and around the small man-made intermittent watercourse, disturbing a total of 9,496 sq ft and finally the construction of (2) stormwater quality basins with sediment forebays within the 50' upland review area of Oxoboxo Brook and Rockland Pond. These stormwater quality basins will accommodate the re-routed drainage, as well as the stormwater runoff which will be generated by the proposed new parking area on the Applicant's property.
- The Applicant has submitted to the Army Corp of Engineers for their jurisdictional determination; no response had been received as of the time of submission of this Application.
- The Applicant agrees to grant valid Drainage Easements and/or Rights to Drain in favor of the Town of Montville.
- Proposed work will require (6) months with additional grow in time for the grass lined swales and stormwater basins as depicted on the Plan.

ZWO Radford read the Staff Technical Review Comments and Staff Comments into the record and an email from Soil Scientist Ian Cole received this evening noting significant activity and changing watercourse. She also noted the presence of the Attorney Harry Heller, Applicant's Representative William Pieniadz and Consultant Robert Russo; all representing the Applicant. Attorney Heller provided an overview of the Applicant's proposed plan of action distinguishing an area of the 100-year flood plan; a second intermittent storm watercourse; three (3) well drained property soils; project conformation to 2023 Stormwater Quality Manual; an unauthorized culvert installed by the Town of Montville that has no drainage easement or rights and no significant impact per Section 9.1 of the IWC Regulations as reported by two (2) sources. Consideration by the Commission was had for a public hearing to comply with the IWC Regulations and a

questions responded to by Attorney Heller and Town Soil Scientist Robert Russo as to why the project has no significant effect on the watercourse and 24-hour storm water impact.

MOTION: To schedule a Public Hearing for 25 IWC 11 for the July 17, 2025 IWC meeting regarding significant impact per IWC Regulations. **(Occhialini/Brush). Vote: (3-0-1).** Commissioner Majewski abstained. **APPROVED.**

- b. 25 IWC 12 – 62 & 66 Beechwood Road (Parcel ID: 081-050-000 & 081-051-000), Oakdale, CT;** Owners: Thomas McCarthy & Joseph and Roberta Zizik, Applicant: Town of Montville; for regulated activities to restore a culvert and channel between the respective properties. *(Submitted 6/5/2025, Date of Receipt 6/12/2025, DRD 8/16/2025)*

STAFF TECHNICAL REVIEW COMMENTS:

- Please provide copies of the temporary easement documents for construction, with legal description, for review and approval by the Town Attorney.
- Please provide copies of the permanent easement documents for rights to drain, with legal description, for review and approval by the Town Attorney.

STAFF COMMENTS:

- This Application is for regulated activities to restore and reinforce a section of an unnamed stream and drainage channel located at #62 and #66 Beechwood Road in Montville.
- The site is comprised of a .39 acre parcel known at 62 Beechwood Road and a 0.44 acre parcel known as 66 Beechwood Road; which are located on the southeast side of Beechwood Road in Oakdale. Both parcels are developed for single family residential use.
- The inland wetland boundary was delineated by Robert Russo, Certified Soil Scientist between 2023 and September 9, 2024.
- The Applicant states that there is an unnamed stream which flows westward across the sites and later joins Bogue Brook, which is part of the Niantic River System. The stream receives stormwater runoff from the upgradient neighborhood and is therefore subject to highly variable water flows and velocities.
- The stream crosses Beechwood Road via a 36” reinforced concrete pipe before discharging into a natural, gravel, stone and wooded channel located on #62 Beechwood Road. Insufficient erosion protection at the point of discharge and of immediate downstream areas have caused, and continue to cause, significant erosion of the downstream channel and is encroaching towards the residence of #62 Beechwood Road.
- The concrete pipe is showing signs of structural fatigue and the downstream opening is cracked, as is the concrete block headwall built around the opening.
- The project proposes to introduce measures that will restore and protect the channel embankments from further erosion and add additional lawn space to the residence of #62 and #66 Beechwood Road.
- The Applicant proposes to install a new drainage pipe further into the wetland to reduce erosion impacts on neighboring properties, install a pre-formed, rip rap plunge pool, and construct a low flow natural channel using native rocks and boulders.
- The proposed activities will result in a disturbance of 3,460 sq ft, of which 670 sq ft is permanent fill.
- All proposed work will be completed with excavators, bulldozers, and dump trucks.
- The Application fee is waived in accordance with Inland Wetland and Watercourses Regulations Section 20.3 "Municipal Applications".

ZWO Radford read the Staff Technical Review Comments and Staff Report into the record and noted a request to a Soil Scientist concerning significant impact with no response as of yet. She also introduced Soil Scientist Robert Russo who spoke on behalf of the Applicant and noted his review with the Town of Montville Public Works Department. He outlined his report of erosion of 62 Beechwood Road, the motive for the whole project, information about the road when built in the 1960's and the existing road conditions as they effect the neighboring property, 66 Beechwood Road. He noted that the culvert in the center is the outlet and points water that is eroding the neighboring property; and the involvement of dewatering that must be done during low flow, in the summertime, and will involve regrading and creation of a natural channel. Soil Scientist Russo responded to questions of the Commission about consideration of the project to other areas,

a new manhole, the timeline for construction, the setup for dewatering, the size of the culvert and consideration of bigger storms, a drainage study and recommendations for bypass that will be discussed by Darren Heywood at the next Commission meeting. As noted by ZWO Radford, present was owner Joseph Zizik of 66 Beechwood Road who reported on the loss of 5-feet of yard instream, an overflowing front yard, and years of erosion to his property. The Commission considered a drive-by of the property but going further in to see erosion on the property was a suggestion by Soil Scientist Russo.

MOTION: To continue 25 IWC 12 to the July 17, 2025 meeting of the Commission. **(Brush/LeClair).**

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

9. Correspondence:

- a.** Letter received from Michaud Law Group regarding the proposal for a 1.0 MW AC Solar Photovoltaic Array at 95 Old Colchester Road in Salem.

ZWO Radford noted for the record the correspondence received for a solar array at 95 Old Colchester Road, Salem.

10. Other Business

- a.** Discussion and vote to appoint Stacy Radford, as a duly authorized Wetlands Agent to act on behalf of the Montville Inland Wetlands Commission, in accordance to the Inland Wetlands and Watercourses Act and DEEP's Inland Wetlands Management Program.
- b.** Discussion and vote on a Motion for approval of As of Right Determinations by authorized Wetlands Agent, Stacy Radford.

Chairperson Bruschi reported on his review of As of Right Determinations and the need to appoint an representative agent concerning any loophole that is mentioned in four (4) different sections of the IWC Regulations. Examples of As of Right Determinations were explained by Assistant Planner Badalucca.

MOTION: To appoint and authorize ZWO Stacy Radford to act on behalf of the IWC as a Wetlands Agent and for approval of As of Right Determinations according to Sections 4, 8, and 12 of the IWC Regulations.

(Brush/LeClair). Vote: (4-0-0). APPROVED.

- c. Executive Session:** None

d. Adjournment.

MOTION: To adjourn the meeting at 7:44 p.m. **(LeClair/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.