

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
July 17, 2025

1. Call To Order:

Chairperson Brush called the meeting to order at 6:00 p.m.

2. Roll Call:

Present: Chairperson Douglas Brush, Commissioners Jessica LeClair, Raymond Occhialini, Eric Majewski and Robert Roshko by phone. Absent was Vice-Chair Charles O’Bday. A quorum was present.

ZWO Stacy Radford and CLA Soil Scientist Robert Russo were also present.

3. Minutes:

a. Approval of Minutes of the June 12, 2025 Regular Meeting.

MOTION: To approve the Commission June 12, 2025 Regular Meeting Minutes as amended due to a clerical error. **(LeClair/Majewski). Vote: (5-0-0). APPROVED. Roll Call Vote.**

4. Public Hearing/Application:

a. Public Hearing: 25 IWC 7 Public Hearing: 25 IWC 11 – 375 Maple Avenue & Route 163 (Parcel IDs: 031-015-000 & 031019-000) 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, Public Hearing scheduled for 7/17/2025. PH must close by 8/21/2025)

STAFF COMMENTS IN REVIEW:

- 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 states that the relocation of the stormwater drainage system on its property will alleviate infiltration of groundwater into the municipal sewer line which is also located on the undeveloped property.
- The Applicant agrees to grant a valid easement to 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.

NEW STAFF COMMENTS:

- On June 26, 2025, myself and Assistant Planner Meredith Badalucca conducted site visit and took photos of the site as it currently exists. Page #5 of the attached Inspection Report shows the area of the wetlands and Page #6 shows the current location of the drainage pipe as it currently sits.
- On July 14, 2025, final comments were received from Ian Cole, Certified Soil Scientist on behalf of the Town of Montville, a copy of which is attached hereto. Mr. Cole states in part, “while the proposed activity is significant in the fact it will be relocating a man-made watercourse and will result in the permanent filling or a watercourse it likely will not have a major effect or negative impact due to the nature of the subject feature and the inclusion of design features which will replace and/or has the opportunity to enhance the existing functions of the watercourse slated to be relocated.” He also states that being that this Application was referred to the United States Army Corps of Engineers and based on prior experience, the jurisdictional determination can take up to a year or more to receive a formal ruling; “if the commission approves the application to allow the project to move forward with a Planning and Zoning application the Project will still need to secure all applicable state and federal regulatory approvals prior to Construction.”

ZWO Radford read into the record New Staff Comments and noted the presence of Attorney Harry Heller of 736 Route 32 of Uncasville on behalf of the Applicant and Consultant Soil Scientist Robert Russo. The Applicant’s attorney reviewed the plans for the project prepared by PE Darren Heywood of CLA referencing specifically the stormwater culvert and water flow into the sanitary system (that will be removed) which raised concerns in the review process. The plan includes replacing the culvert further to the east of its current position per the Title 1 review that is not supported by any easement to improve discharge and to grant the Town of Montville a legal easement. Also reviewed were plans for comprehensive erosion, retention, water quality in addition to satisfaction of project criteria according to C.G. S. Section 228-41 and Inland Wetlands Regulations. Questions from the Commission were addressed concerning a catch basin on the west side, an 8-foot lever spreader and a scowl to eliminate any wetlands disturbance.

MOTION: To close Public Hearing **25 IWC 11** – 375 Maple Avenue & Route 163 (Parcel IDs: 031-015-000 & 031-019-000) Uncasville CT. **(Majewski/LeClair). Vote: (5-0-0). APPROVED. Roll Call Vote.**

- b. Discussion & Decision: 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, Public Hearing scheduled for 7/17/2025. PH must close by 8/21/2025)*

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 11 – Applicant/Owner: 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, per the application and associated documents dated June 2, 2025 and Plan titled: "Site Improvement Plan Proposed Trailer Storage Facility 375 Maple Avenue / Route 163, Town of Montville, Connecticut prepared for Rand-Whitney Realty, LLC, dated June 2, 2025 Revised July 11, 2025"; with the following conditions, per the approved Plan:

1. Invasive plant control within the areas of plantings between Basin #1 and the pond shall take place for two (2) years following the year of plan implantation (i.e., years 1 and 2), following the procedures promulgated by the CT DEEP's Connecticut Invasive Plant Working Group (CIPWG), and/or the nature conservancy.
2. The Ecologist/Wetlands Professional will prepare an annual report and provide it to the Commission by November 30 of each year.
3. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and submitted to the Land Use & Development Office. Any changes to the plans required by such entities may require a plan modification from the Inland Wetlands Commission.

Standard reasons for approval and standard conditions of approval apply. **(Occhialini/LeClair). Vote: (5-0-0). APPROVED. Roll Call Vote.**

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.

UPDATED SUMMARY OF EVENTS (4):

- At the last meeting of June 12, 2025, Attorney William McCoy presented to this Commission that he would be preparing an after-the-fact Application to be submitted at the next meeting of July 17, 2025.
- On July 8, 2025, Staff received an Application, Narrative, a copy of Wetland Reports dated June 6, 2025 and May 13, 2025, a list of property abutter's and a Plan entitled "Topographic Survey w/Wetlands dated May 12, 2025 revised June 25, 2025."

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.
 - 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.

STAFF RECOMMENDATIONS (3):

- At the last meeting of June 12, 2025, Attorney William McCoy presented to this Commission that he would be preparing an after-the-fact Application to be submitted at the next meeting of July 17, 2025.
- On July 8, 2025, Staff received an Application, Narrative, a copy of Wetland Reports dated June 6, 2025 and May 13, 2025, a list of property abutter's and a Plan entitled "Topographic Survey w/Wetlands dated May 12, 2025 revised June 25, 2025."

ZWO Radford read the Updated Staff Recommendations into the record.

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 August 21, 2025 and continue to do so until a Remediation Plan has been agreed to by this Commission. **(LeClair/Occhialini). Vote: (5-0-0). APPROVED. Roll Call Vote.**

- c. **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 IN REVIEW:

- 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."

NEW STAFF COMMENTS:

- The technical review comments previously mentioned in the June 12, 2025 Staff Report have been addressed and the documents have been provided to the Town Attorney for final preparation of the temporary easement documents for construction and permanent easement documents for rights to drain. ZWO read New Staff Comments into the record and noted the presence of Soil Scientist Robert Russo and PE Darren Hayward of CLA. Robert Russo described the plan to eliminate further erosion to the two (2) occupied properties via a culvert that will not jeopardize the neighboring property as described in Staff Comments. Mr. Russo responded to questions of the Commission concerning a dewatering plan, whether there is aquatic life, confirmation that the plan is to be done this year; and the procurement of an easement

for temporary access to the neighboring property that will eventually become a permanent one as stated by ZWO Radford.

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 12 – 62 Beechwood Road (Parcel ID: 081-050-000) and 66 Beechwood Road (Parcel ID: 081-051-000) Oakdale, CT – Owners: Thomas McCarthy and Joseph M. & Roberta Zizik, Applicant: Town of Montville, for regulated activities to restore and reinforce a section of an unnamed stream and drainage channel located at #62 and #66 Beechwood Road, per the application and associated documents dated June 11, 2025 and Plan titled: “Town of Montville 62 Beechwood Road Drainage Improvements, prepared by CLA Engineers, Inc., dated January 2024”; with the following condition:

1. The temporary easements for construction and permanent easements for rights to drain will need to be executed by both property owners and recorded on the Land Records, prior to the commencement of any construction.

Standard reasons for approval and standard conditions of approval apply. **(Occhialini)/LeClair). Vote: (5-0-0). APPROVED. Roll Call Vote.**

8. New Business:

- a. 25 IWC 13 – 1039 Route 163 (Parcel ID: 046-016-000) Oakdale, CT; Applicant: Chris Casadei of M. LaPrise Logging, Owner: Madison Holdmeyer; for an As of Right Determination for a Timber Harvest. (Submitted 6/16/2025, Date of Receipt 7/17/2025, DRD 9/20/2025)**

STAFF COMMENTS:

- This Application is for an As of Right Determination for a Timber Harvest in accordance with Montville Inland Wetlands and Watercourses Regulations Section 4.1.a and C.G.S. Section 22a-40.
- Under the Inland Wetlands and Watercourses Act C.G.S. Section 22a-40 and Montville Inland Wetlands and Watercourses Regulations (“Regulations”) Section 4.1.a, farming is a “Permitted operation and use”. Forestry is defined as farming or agriculture under C.G.S. Section 1-1q.
- This property is located in the WRP-160 zone on about 43.87 acres, contains regulated wetlands & watercourses and is developed with an existing single-family residence and barns.
- The Applicant states the proposed operation is to “remove undesirable growing stock from the stand where feasible and establish conditions favorable to natural regeneration.” The Applicant further states that the treatment will be an “irregular Shelterwood harvest” and “there will be no trees harvested from within the wetland areas.”
- Additionally, the Applicant states that “there are two intermittent drainage crossings associated with this operation along the existing main skid trail. The crossings will be stabilized with portable timber mats and/or corduroy during the operation and removed upon completion. All Best Management Practices regarding Timber Harvesting as adopted by the CTDEEP shall be strictly adhered to.”
- The amount of forest products to be harvested is 24 acres, 94,000 board feet, 120 cords and trees to be harvested have been marked with blue paint.
- An estimated start date of the timber harvesting operation is September 1, 2025 and duration should be approximately one month of good working weather.
- The site will be accessed from the existing driveway off of Route 163, as marked on the attached map entitled, “Timber Harvest Map Property of M. Holdmeyer, prepared by Chris Casadei and dated June 2025.” The main skid trail is an existing woods road created from Forestry and Agriculture practices of years past.
- There is no proposed relocation of watercourses with continual flow or filling or reclamation of wetlands or watercourses with continual flow associated with the proposed timber harvest and, therefore, staff recommends approval of this proposed Application as an “As of Right” activity.

ZWO Radford read Staff Report into the record and introduced Applicant Chris Casadei, a forester seeking a judicial ruling from the Commission for his Plan for a timber harvest at the Owner’s property outside of the wetland areas as described in the Staff Comments. The Applicant responded to questions from the Commission as to whether firewood would be processed, if mats will be used for water crossing; a landing

for erosion, existing trails along the back portion of the property; and how long after harvest will the mats be removed.

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# **23 IWC 13**, submitted by Chris Casadei on behalf of property owner, Madison Holdmeyer for a Timber Harvest and more fully described in the Application, dated June 16, 2025 and Notification of Timber Harvest dated June 16, 2025 with associated Timber Harvest Map is a Permitted Use As of Right and, therefore, no permit is required. **(Occhialini/Roshto). Vote: (5-0-0). APPROVED. Roll Call Vote.**

b. 25 IWC 14 -- Noble Hill Road (Parcel ID: 061-002-000) Oakdale, CT; Owners/Applicants: Jeffrey Phillips and Jennifer Michaels; for an after-the-fact permit for excavation and removal of earth products within regulated areas and a Remediation Plan. *(Submitted 7/8/2025, Date of Receipt 7/17/2025, DRD 9/20/2025)*

STAFF COMMENTS:

- This Application is for an after-the-fact permit for excavation and removal of earth products within regulated areas and the acceptance of a Remediation Plan.
- This property has been the subject of an ongoing wetlands violation since March 20, 2025 and this Application is being presented to this Commission to correct this violation.
- The property is located on 62.21 acres in the R-120 zoning district. The property is currently undeveloped. The wetlands on this property have been delineated by James Sipperly, Certified Soil Scientist on May 9, 2025.
- Commencing at some point during 2019, the property owner excavated and removed earth product from this property within regulated areas and specifically, within the upland review area. No permits for this activity had been obtained.
- The Applicant is seeking an after-the-fact permit for the previous excavation and is proposing a remediation plan.
- The Applicant is proposing to bring suitable material into the property to fill in the excavated areas, grade the area with topsoil and seed it with an appropriate mix of seed to control and prevent erosion both in the upland review area and toward the protected wetland habitat.
- The Applicant does not intend on removing the watercourse crossing or the 15” HDPE pipe however, through the suggestion of James Sipperly, Certified Soil Scientist, small diameter rip rap will be added to form a small plunge pool at the outlet of this 15” pipe.
- The Applicant proposes to remove the temporary structure that is currently being used to store (2) boats.
- The Applicant proposes to conduct all work within the 2025 growing season with monitoring being conducted by James Sipperly, Certified Soil Scientist, for (3) growing seasons thereafter to ensure viability for survival.
- The Applicant agrees to have all E&S controls installed prior to the commencement of work, properly maintained during construction and remain in place until all disturbed areas have been properly stabilized; this will include any stockpiled material proposed to be utilized during the remediation process. All E&S controls will be inspected at least once a week, and within 24 hours of the end of a storm event with a rainfall of ½” or greater.

ZWO Radford read the Staff Report into the record and noted the presence of Applicant’s Attorney William McCoy and Soil Scientist Robert Russo on behalf of the Town. She further reported that a copy of the Staff Report was submitted yesterday to Attorney McCoy and of his request for continuance of the matter to the August 21, 2025 meeting of the Commission. Attorney McCoy gave a brief overview of the application to regrade an area of the slopes and mitigate destruction of sections of the property with soil maintenance and planning. The expectation is for the work to be done in the fall and reports for Soil Scientist Sipperly fully describes the mitigation to stabilize the area and introduce top soil and seeding on the east and southwest of the house to be removed. ZWO Radford also reported that Soil Scientist Russo has received the Applicant’s application but has not submitted a report. The Commission did not set a site walk but posed questions as to who will do erosion inspections after ½-inch of rainfall within 24 hours—Mr. Sipperly on behalf of the

Applicant according to ZWO Radford--and if there are more complex plans—a full scale map was given Attorney McCoy per ZWO Radford.

MOTION: I make a Motion to continue Application 25 IWC 14 – Noble Hill Road (Parcel ID: 061-002-000) Oakdale, CT; Owners/Applicants: Jeffrey Phillips and Jennifer Michaels; for an after-the-fact permit for excavation and removal of earth products within regulated areas and a Remediation Plan, until the next regularly scheduled meeting of August 21, 2025. **(Roshto/LeClair). Vote: (5-0-0). APPROVED. Roll Call Vote.**

c. 25 IWC 15 -- 47 Sharp Hill Road (Parcel ID: 023-063-000), Uncasville, CT: Applicant: Mt. Kineo Builders, LLC, Owner: R&N Holding Co, LLC; for a 23-Lot resubdivision with regulated activities. *(Submitted 7/11/2025, Date of Receipt 7/17/2025, DRD 9/20/2025)*

STAFF COMMENTS:

This Application was received by our office on July 11, 2025 and Staff has not had the opportunity to do a complete review of the Application or supporting documents. It has been referred out to the Town Soil Scientist and comments are pending. The Applicant plans to attend the next regularly scheduled meeting on August 21, 2025 to make a full presentation at that time.

AGENCY COMMENTS:

- Town Soil Scientist – The referral for comments was forwarded on July 11, 2025 and comments are still pending.

ZWO Radford read the Staff Report into the record and noted that no one was present to answer questions of the Commission. The Commission did not schedule a site walk.

MOTION: That the Application #25 IWC 15 – 47 Sharp Hill Road (Parcel ID: 023-063-000), Uncasville, CT – Owner: R&N Holding Company, LLC; Applicant: Mt. Kineo Builders, LLC for regulated activities within the upland review areas associated with a 23-lot resubdivision be continued until the next regularly scheduled meeting on August 21, 2025. **(LeClair/Occhialini). Vote: (5-0-0). APPROVED. Roll Call Vote.**

d. 25 IWC 16 -- Glen Road (Parcel ID: 055-052-00A), Uncasville, CT: Applicant/Owner: Ebadath Chowdhury; for construction of a single family residence within regulated areas. *(Submitted 7/11/2025, Date of Receipt 7/17/2025, DRD 9/20/2025)*

STAFF COMMENTS:

This Application was received by our office on July 16, 2025 and Staff has not had the opportunity to do a complete review of the Application or supporting documents. It has been referred out to the Town Soil Scientist and comments are pending. The Applicant plans to attend the next regularly scheduled meeting on August 21, 2025 to make a full presentation at that time.

AGENCY COMMENTS:

- Town Soil Scientist – The referral for comments was forwarded on July 16, 2025 and comments are still pending.

ZWO Radford read the Staff Report and responded to a question of the Commission concerning the receipt of information days before a meeting.. The ZWO reported that according to State Statutes the number of days before a meeting is five (5) but an Application must be accepted by the office if received before the close of business. The Commission noted that no one was present to discuss the Application and that a site walk is scheduled the Application will be pushed back another month.

MOTION: I make a Motion that Application #25 IWC 16 – Glen Road (Parcel ID: 055-051-00A), Uncasville, CT – Owner/Applicant: Ebadath Chowdhury for regulated activities within the upland review areas associated with the construction of a single family residence be continued until the next regularly scheduled meeting on August 21, 2025. **(LeClair/Occhialini). Vote: (5-0-0). APPROVED. Roll Call Vote.**

9. Correspondence:

- a.** A draft copy of a CT DEEP Aquatic Pesticide Permit for the pond at 735 Fire Street, Oakdale from Innovative Mosquito Management, Inc. of Madison, CT. This Permit is for invasive plant management. ZWO Radford reported that she is not familiar with the property but had spoken to Assistant Planner Badalucca who noted that this request comes in periodically for use of pesticides in the pond on the property.

Per Commission questions, the ZWO reported that the pond is privately owned, and this notice was for informational purposes only. The Commission noted that the matter was not under its jurisdiction.

10. Other Business: None

11. Executive Session: None

12. Adjournment.

MOTION: To adjourn the meeting at 7:17 p.m. (LeClair/Roshto). **Vote: (5-0-0). 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.