

**“REVISED” MEMORANDUM FOR THE RECORD**  
**SHOW CAUSE HEARING – THURSDAY, AUGUST 21, 2025**

*Prepared by Stacy Radford, Zoning & Wetlands Officer*

**Property Owners:** Jeffrey Phillips & Jennifer Michaels  
**Address:** Noble Hill Road (Parcel ID: 061-002-000)  
**Meeting Date:** August 21, 2025  
**Regarding:** Cease & Correct order for unpermitted activities within the wetlands and 50’ upland review area

**UPDATED SUMMARY OF EVENTS:**

- At the last meeting of July 17, 2025, Attorney William McCoy presented to this Commission that he had submitted an after-the-fact Application for consideration. Attorney McCoy indicated that he would make a full presentation at the next meeting of August 21, 2025.
- At the May 15, 2025 meeting, Staff discussed the reimbursement to the Town of Montville for fees expended for the services of the Town Soil Scientist and Professional Engineer. According to the Inland Wetland & Watercourses Regulations Section 20.6 Summary of Ordinance No. 2007-002, a copy of which is attached and highlighted, refers to additional expenses which can be charged to an Applicant. Currently a total of \$3,025.00 has been expended as part of the violation:
  - Invoice #1 - \$1525.00
  - Invoice #2 - \$750.00
  - Invoice #3 - \$600.00
  - Invoice #4 – \$150.00

Additional invoices may continue to accrue depending on future inspections which may be required for this violation. Accordingly, the reimbursement of same is something that this Commission will need to vote on. All invoices received pertaining to the review of Application #: 25 IWC 14 (after-the-fact Permit) will be kept separate.

**STAFF RECOMMENDATIONS:**

- The Commission continue this matter to the next regularly scheduled meeting on September 18, 2025 and continue to do so until a Remediation Plan has been agreed to by this Commission.

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

**MOTION #1 (A Motion to Continue)**

- I make a Motion to continue this matter to the next regularly scheduled meeting on September 18, 2025 and/or until such time as a Remediation Plan has been agreed to by this Commission.

If the Commission is inclined to move forward with the reimbursement of fees expended to date, the following language for a motion is suggested:

**MOTION #2 (A Motion for reimbursement of fees)**

- I make a Motion for the Applicant to reimburse the Town of Montville fees accrued to date in the amount of \$3,025.00.

**TOWN OF MONTVILLE  
NOTICE OF ADOPTION OF ORDINANCE**

Notice is hereby given that the Town Council of the Town of Montville, at a regular meeting held May 14, 2007, adopted the following Ordinance:

**ORDINANCE NO. 2007-002**

**AN ORDINANCE REGARDING LAND  
USE APPLICATION PROCESSING FEES**

**Chapter 214**

**Land Use Application Processing Fees**

**Sections:**

<u>214.010</u>	Fees Established.
<u>214.020</u>	Definitions.
<u>214.030</u>	Fee schedule.
<u>214.040</u>	Exemptions.
<u>214.050</u>	Payment of fees.
<u>214.060</u>	<u>Periodic Updates of Fee Schedule</u>

**214.010 Fees Established.**

Pursuant to Section 8-1c of the Connecticut General Statutes there is established a schedule of fees for the processing of land use applications received by the Planning and Zoning Commission, Zoning Board of Appeals, and Inland Wetlands and Watercourses Commission. The schedule of fees established shall supersede those fees presently charged by the land use commissions and board as previously established pursuant to any provision of the General Statutes or any Special Act. These fees are intended to cover a portion of the Town's costs for processing and administrative handling of land use applications, including, but not limited to: legal advertisements regarding public hearings, decisions of a commission, and other matters requiring publication in a newspaper; other notifications or referrals required or authorized by applicable law; recording and transcribing, where necessary, of public hearings and meetings, the preparation of minutes and other documentation applicable to the application, and other clerical expenses; staff salaries and overhead expenses for staff to the commission, including officials of the Town for whom land use application review is only a part of his/her duties, such as the Town Engineer, sanitarian, fire chief, outside consultants etc.; Town Attorney fees in direct connection with legal advice, review of documents, and attendance at meeting, where deemed desirable, in connection with the application; inspection of construction and other work to insure compliance with approved permits and applicable regulations; keeping and updating of files and other documentation relative to the application; such other expenses as may be incidental to the processing of land use applications in the Town of Montville.

**214.020**      **Definitions.**

For the purpose of this chapter the following definitions shall apply:

"Commission(s)" means one or all of the land use regulatory agencies of the Town of Montville known as the Planning and Zoning Commission, Zoning Board of Appeals, and Inland Wetlands and Watercourses Commission.

"Processing of land use application(s)" means the actions of a commission, supported by staff employed by the Town of Montville, independent contractors, or consultants, in receiving, reviewing and acting upon an application to conduct an activity regulated, amending or modifying the text of regulations or modifying or amending zoning or wetlands boundary maps by said commission and including both pre-action reviews and post-approval supervision of work and inspection of activities permitted.

"Regulations" means the Town of Montville Zoning Regulations, Subdivision Regulations and Inland Wetlands Regulations.

"Preliminary Engineering Review" means the initial review of land use plans submitted to the Commissions for compliance with the Regulations. This term includes the first review of land use plans revisions after a return of the land use plans to the applicant for completion of revisions to the land use plans to conform those plans with the Regulations.

"Extended Engineering Review Services" means any follow-up review of revised land use plans for corrections identified during the Preliminary Engineering Review. This does not include the first review after revision made in accordance with the Preliminary Engineering Review.

"Improved land area" means any portion(s) of a development site not covered by buildings, but covered by parking, driveways, outdoor storage or loading areas, lawns, formal landscaped areas, or any other area not in its natural state.

"Fixed Application Fees" shall mean those set forth in Section 214.030, subsection A of this Chapter.

"Additional Expenses" shall mean those reimbursements set forth in Section 214.030, subsection C of this Chapter.

Any other term not defined in this Ordinance shall have the meaning set forth in the "definitions" section of any applicable regulations (e.g., the zoning regulations for zoning applications, the subdivision regulations for subdivision or resubdivision applications, etc.).

**214.030**      **Fee schedule.**

*A. Fixed Application Fees.* Commissions shall charge Fixed Application Fees for the processing of land use applications in accordance with the following schedule:

Planning and Zoning Commission

Subdivision Plan	\$50.00 per lot, plus \$200.00 if a Public Hearing is required
Resubdivision Plan	\$50.00 per lot, plus \$200.00 for a Public Hearing
Zone boundary or district change	\$200.00
Zone regulation change	\$75.00
Special Permit	\$200.00
Special Permit Multi-family/manufactured home park	\$50.00 per unit
Site Plan (Commercial/Industrial)	\$100.00
Zoning Permit:	
a. Single family residential	\$20.00
b. Accessory use (additions, sheds, pools, etc.)	\$10.00
Miscellaneous permits	
a. Home occupations	\$25.00
b. Commercial use	\$25.00

Zoning Board of Appeals

Variances/Appeals \$60.00

Inland Wetlands and Watercourses Commission

- a. Pre-application..... No charge
- b. Permitted and Non-regulated Uses (Defined in Section 4):
  - 1. Permitted use as of right..... No charge
  - 2. Non-regulated use..... No charge
- c. Regulated uses (Defined in Section 6 of the Wetlands Regulations):
  - 1. Residential Uses, Single Lot
    - Basic..... \$45.00
    - Encroachment:
      - (1) Sq. Ft. of disturbed area fee/1000 sq. ft.

Less than 3000 sq. ft. .... \$15.00  
 3000-10,000 ..... \$10.00  
 Over 10,000 ..... \$ 5.00

(2) \$1.00/linear feet of watercourse crossing\*

(3) \$1.00/linear feet of stream alteration

(4) Significant Activity Fee..... \$100.00

(5) Flagged wetlands delineation..... \$100.00

Plus:

\$ .20/ft. for 1st 500' of proposed boundary associated with a regulated activity

\$ .15/ft. for 2nd 500' of proposed boundary associated with a regulated activity

\$ .10/ft. over 1000' of proposed boundary associated with a regulated activity

2. Residential Subdivision

Basic..... \$35.00

Plus \$10.00/lot

Encroachment

(1) Sq. ft. of disturbed area fee/100 sq. ft.

Less than 3000 sq. ft..... \$15.00

3000--10,000..... \$10.00

Over 10,000..... \$ 5.00

(2) \$1.00/Linear feet of watercourse crossing\*

(3) \$1.00/Linear feet of stream alteration

(4) Significant Activity Fee..... \$100.00

(5) Flagged wetlands delineation.....\$100.00

Plus:

\$ .20/ft. for 1st 500' of proposed boundary associated with a regulated activity

\$ .15/ft. for 2nd 500' of proposed boundary associated with a regulated activity

\$ .10/ft. over 1000' of proposed boundary associated with a regulated activity

3. Commercial, Industrial, Mixed, all others

Basic..... \$50.00

Encroachment

(1) Sq. ft. of disturbed area fee/1000 sq. ft.

Less than 3,000..... \$20.00

3,000 to 10,000..... \$15.00

More than 10,000..... \$10.00

(2) \$5.00/ln. ft. of water course crossing\*

(3) \$5.00/ln.ft. of stream alteration

\* A watercourse crossing is the sum of the width dimension and the length of stream alteration as determined by a culvert length requirement noted on the approved plan. The stream alteration is used alone when the course is straightened or its banks are resloped and no culverting or bridging is done.

(4) Significant Activity Fee (Section 7.5 and 9.1).... \$100.00

(5) Flagged wetlands delineation..... \$100.00

Plus:

\$ .20/ft. for 1st 500' of proposed boundary associated with a regulated activity

\$ .15/ft. for 2nd 500' of proposed boundary associated with a regulated activity

\$ .10/ft. over 1000' of proposed boundary associated with a regulated activity

(6) Amendment of previous approval (Section 7.7)

a. Insignificant activity.....\$25.00

b. Significant activity.....\$100.00

(7) Renewal (Basic fee for the activity) \*\* Amended 9/23/92

(8) Land Use Fee (Fee required by General Statute §22a-27j)

### Coastal Area Management

For any application located in the Coastal Area Management Boundary, the following fees shall apply, in addition to those above:

Coastal Site Plan Review                      \$200.00

**B. Maximum Fee; Calculation of Fee.** Except as provided in Paragraph C below, no application fee calculated in accordance with the preceding formulae shall exceed \$10,000.00. Each applicant for any permit shall provide, at the time of application, the necessary data to permit the calculation of the application fee (such as cubic yards of material to be filled/excavated in an excavation application, square footage of land area to be disturbed in a wetlands application, etc.), and such information shall, where appropriate, be certified by a licensed land surveyor, professional engineer, or registered architect. Failure to file any application fee set forth in this ordinance shall be grounds for denial of such application.

**C. Additional Expenses.** In addition to the fixed fees set forth in subsection A of this section, the commissions may collect payment for direct costs of materials and services performed by other than town employees, including but not limited to specialized inspection, third party professional certifications, legal, stenographic and transcription services associated with any type of land use application, or require an applicant to provide certifications, inspections or professional consultant reports at the applicant's expense, where the fixed fees set forth in subsection A are not anticipated to cover, or do not in fact cover, such costs or expenses. **Additional Expenses shall include Extended Engineering Review Services.**

**D. Fees Not in Lieu of Bonds.** The payment of fees shall not prohibit commissions from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.

### 214,040 Exemptions

All boards and agencies of the Town of Montville, including volunteer or professional fire companies using company properties for fire protection purposes, shall be exempt from the payment of fees established pursuant to this chapter. Each Commission may in whole or in part exempt an application from the payment of any or all fees if said application is for low and moderate income housing or special needs housing. In addition, each Commission shall be authorized, by majority vote, to reduce or waive application fees where (1) the application does not appear, upon initial examination, to require intensive staff review and (2) the applicant is a non-profit entity which qualifies for tax deductible charitable contributions under Regulations of the U.S. Internal Revenue Service. The Commission may, by majority vote, also credit all or a portion of application fees from previous application(s) which were denied or withdrawn, where the review work performed on the previous application(s) may be of benefit in reviewing the new application. Any Commission exempting an application from payment of a fee, in whole or in part, shall state in the minutes of the meeting at which the plan was received the fee type exempted, the percentage exempt and reasons for granting the exemption. This exemption shall not prohibit a Commission from requiring, at the applicant's expense, consultant reports,

professional certification or conducting inspection to ensure conformance with land-use regulations.

**214.050      Payment of fees**

A.     Other Fees. The payment of a fee established in accordance with the provision of this chapter shall not relieve the applicant, owner or their agent from the payment of other fees that may be prescribed for a different type of land use application, or by another ordinance of the Town of Montville.

B.     Fees Nonrefundable. All fees received by a Commission as part of a land use application submission shall be nonrefundable.

C.     Method and Timing of Payment, Failure to Pay. All Fixed Application Fees shall be paid by cash, check or money order made payable to the Town of Montville. Fees shall be paid at the time of application submission. The applicant shall be provided with invoices or other evidence of any Additional Expense(s) and reimbursement to the Town shall be made within thirty (30) days after presentation of such invoices or other evidence. Failure to comply with this subsection shall be grounds for denial of any application or revocation of any permit previously issued. Reimbursement of the Town under this subsection shall be a condition for the endorsement of any plan, the issuance of any final permit, or the issuance of any certificate of zoning compliance for an approved application, or the renewal of any periodic or temporary approval, as the case may be.

D.     Deposit of Fees; Receipt. The Planning Director shall keep an accurate account of all fees collected; and such fees shall be deposited with the Treasurer of the Town of Montville, The Planning Director shall receive a receipt from the Treasurer of all such fees deposited.

**214.060      Periodic Updates of Fee Schedule**

The foregoing fees schedules are based upon an analysis of the expenses incurred, on average, in the processing of land use applications as of the date of passage of this Chapter. The Finance Director shall periodically examine the expenses incurred by the Town in the processing of land use applications, and shall make recommendations for adjustments to the foregoing fee schedules based upon current staffing, regulatory requirements, and other relevant factors. The Town Council may revise any or all of the foregoing fees by way of adoption of an amendment to this Ordinance

This ordinance shall become effective 30 days from the date of its adoption.

Dated at Montville Connecticut this 15<sup>th</sup> day of May 2007.

Lisa Terry, Town Clerk

# CLA Engineers, Inc.

Civil • Structural • Survey

317 MAIN STREET

NORWICH, CT 06360

(860) 886-1966

(860) 886-9165 FAX

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

July 1, 2025

CL-24-7873J

Invoice #4

Billing Period: June 2, 2025 – June 27, 2025

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

Attend IWC Meeting 6/19/2025  
Staff consultation

Soil Scientist	1.0 hrs. x	\$150.00	\$150.00
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TOTAL AMOUNT DUE: \$150.00

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

June 2, 2025

CL-24-7873J

Invoice #3

Billing Period: April 28, 2025 – June 1, 2025

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

Attend IWC Meeting 5/15/2025  
Staff consultation

Soil Scientist	4.0 hrs. x	\$150.00	\$600.00
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TOTAL AMOUNT DUE: \$600.00

# CLA Engineers, Inc.

Civil • Structural • Survey

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

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

May 1, 2025

CL-24-7873J

Invoice #2

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

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

IWC Site Walk  
Staff consultation

Soil Scientist                      5.0 hrs. x     \$150.00     \$750.00

TOTAL AMOUNT DUE:     \$750.00

RECEIVED

MAY -7 2025

BY: \_\_\_\_\_

# CLA Engineers, Inc.

Civil • Structural • Survey

317 MAIN STREET

NORWICH, CT 06360

(860) 886-1966

(860) 886-9165 FAX

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

April 1, 2025

CL-24-7873J

Invoice #1

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

RECEIVED

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

APR - 7 2025

BY: \_\_\_\_\_

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

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

TOTAL AMOUNT DUE: \$1,525.00