

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
August 21, 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 and Robert Roshto by phone. Absent was Vice-Chair Charles O’Bday and Commissioner Majewski. A quorum was present.

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

3. Minutes:

a. Approval of Minutes of the July 17, 2025 Regular Meeting.

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

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

4. Public Hearing/Application: None

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."

UPDATED SUMMARY OF EVENTS(5):

- 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 - \$1,525.00
 - 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 (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."

STAFF RECOMMENDATIONS(4):

The Commission continues 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.

ZWO Radford read the revised Updated Summary of Events into the record and reported having mistakenly mixed up the staff report with the after-the-fact application on which the reimbursable expenses were added. The revision was discussed with Applicant's Attorney McCoy.

MOTION: To continue Noble Hill Road (Parcel ID: 061-002-000) to the next regularly scheduled Commission meeting on September 18, 2025 and continue to do so until a Remediation Plan has been agreed to by this Commission. **(Occhialini/LeClair). Vote: (4-0-0). APPROVED. Roll Call Vote.**

MOTION: For the Applicant of Noble Hill Road (Parcel ID: 061-002-000) to reimburse the Town of Montville for fees accrued to date in the amount of \$3,025.00. **(Occhialini/LeClair). Vote: (4-0-0). 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 IN REVIEW:

- 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.

NEW STAFF COMMENTS:

- The only Town Soil Scientist comment that remains outstanding is that the Applicant’s Engineer provide a Bond Estimate for review and approval, prior to the commencement of any work. The Bond Estimate was received by Staff and forwarded to the Town Soil Scientist for review and approval.

ZWO Radford noted having given a brief explanation of the application at the July 17, 2025 Commission meeting, a referral to Town Soil Scientist Russo and the response received as well as confirmation received from Soil Scientist Russo of the adequacy of the Bond Estimate that he assured would cover stabilization of the site. Soil Scientist Russo’s response to the Bond Estimate was read into the record by the ZWO Radford. The ZWO noted the presence of Applicant’s Attorney William McCoy, Soil Scientist James Sipperly, who confirmed no presence of wetlands on the site, and Professional Engineer Mark Reynold who spoke about the plans for and the conditions of the site. Mr. Sipperly responded to a question of the Commission as to whether there is a watercourse located on the property; Mr. Reynolds responded to questions of the Commission about the expectation of a watercourse at the site, when the work is scheduled to begin and if the Bond Estimate was approved.

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 September 18, 2025. **(Occhialini/LeClair). Vote: (4-0-0). 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 (1):

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 (1):

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

TECHNICAL REVIEW COMMENTS:

SITE PLAN:

- Page 4, 5, 6, 7, 8, 9 General Notes: #3. states: “The Applicant is proposing a 24-Lot residential resubdivision located at 47 Sharp Hill Road in Montville, consisting of 22 building lots, an open space

lot, and a lot for stormwater management.” Please confirm if this is a 23 or 24-Lot resubdivision and correct Plans and supporting documents accordingly.

- Page 2, 5, 6, 7, 8, 9 show 23 actual building lots. Please confirm.
- Page 12 Project Description #1. states: “The Applicant is proposing a 24-Lot residential resubdivision located at 47 Sharp Hill Road in Montville, consisting of 22 building lots, an open space lot, and a lot for stormwater management.” Please confirm if this is a 23 or 24-Lot resubdivision and correct Plans and supporting documents accordingly.

STORMWATER MANAGEMENT REPORT:

- Page 3 Introduction. states: The applicant is proposing a 24-lot residential resubdivision, consisting of 22 building lots, an open space lot on the Norwest side of the parcel, and a lot for stormwater management.” Please confirm if this is a 23 or 24-Lot resubdivision.

AGENCY COMMENTS (2):

- Town Soil Scientist – The referral for comments was forwarded on July 11, 2025 and comments were received on August 5, 2025. The Applicant responded to these comments on August 15, 2025 and final comments were received from the Town Soil Scientist on August 20, 2025.

STAFF COMMENTS (2):

- All of the above Technical Review comments of August 5, 2025 have been addressed by the Applicant and revised Plans have been provided in your packets.
- Final comments have been received from the Town Soil Scientist on August 20, 2025 indicating that all of his comments of August 5th have been addressed with the exception of, “Plans – Narrative: List other possible permits (state, local, federal) that may be needed. This is part of the 2024 CDEEP E&S Manual Check List. If no other permits are needed for the project, it should be stated on the project plans.” This comment can be added as a Condition of Approval.
- This Application is for regulated activities within the upland review area in conjunction with the development of a 23-Lot resubdivision, in the R-20 Zoning District.
- The property is located on approximately 19.5 acres with frontage on Sharp Hill Road to the South and Carol Drive to the West. With the exception of the rip-rap drainage basin at the end of the Carol Drive cul-de-sac, the property is currently undeveloped.
- The Applicant is proposing 23 building lots, an open space lot on the Northwest side of the parcel and a lot for stormwater management on the Northeast side of the parcel.
- The Applicant is proposing the construction of a road, associated roadway drainage and stormwater management improvements, and common utilities; including sanitary sewer, electric, telephone, cable, etc.; as well as 23 single family residences and driveways.
- The wetlands were delineated by Ian Cole, Certified Soil Scientist in September of 2024, located by Boundaries, LLC in January of 2025 and are shown on a Plan submitted with this Application and entitled: “Resubdivision Plans 23-Lot Residential Resubdivision 47 Sharp Hill Road, Montville, Connecticut 06382 Prepared for MT Kineo Builders, LLC, dated July 10, 2025 revised August 15, 2025.”
- The (2) areas of wetlands which were located and delineated on the property are shown on Page 5 of the Wetlands Report prepared by Ian Cole and dated September 12, 2024. Wetland area #1 is located in the area which the Applicant is proposing as “Open Space”. No activities are proposed in this area. Wetland area #2 is located in the area which the Applicant is proposing as the lot for stormwater management. The Applicant is proposing work within the 50’ upland review area for the construction of the stormwater basin “B”. No other work within the wetlands or upland review area is proposed.
- There are (5) photos of the property included in the Wetlands Report prepared by Ian Cole on Pages 10-12. Myself and Assistant Planner Meredith Badalucca visited the site on August 5, 2025. I have included a copy of the Inspection Report for your review.

ZWO Radford read the Staff Comments into the record and noted that all Technical Review Comments were revised and completed. She introduced Applicant’s Attorney William Sweeney who noted the presence of Professional Engineer Shamus Moran who reviewed all plans for the project including demolition, site

layout, improvements, stormwater practices; drainage and utilities. Commission questions were responded to concerning 100-year and 1-year storm events and which one of them overtops; when will flows end up in the basin, what happens during a storm event, the concentration of work in the URA; permission from adjacent landowner regarding property access; description of the tail at the bottom of the cul-de-sac, and the height of the slope near the cul-de-sac. Per a question by the Commission, ZWO Radford explained the site pictures attached to the Staff Report. Town Soil Scientist Russo responded to a question from the Commission concerning spring year-round flow. Attorney Sweeney provided a brief recap of the project. A site walk was not scheduled by the Commission.

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 #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, per the application and associated documents dated July 10, 2025 and Plan titled: “Resubdivision Plans 23-Lot Residential Resubdivision 47 Sharp Hill Road, Montville, Connecticut 06382 prepared for: MT Kineo Builders, LLC dated July 10, 2025 revised August 15, 2025.”; with the following condition:

1. Plans – Narrative: List other possible permits (state, local, federal) that may be needed. This is part of the 2024 CDEEP E&S Manual Check List. If no other permits are needed for the project, it should be stated on the project plans.

Standard reasons of approval and standard conditions of approval apply. **(LeClair/Occhialini). Vote: (4-0-0). APPROVED. Roll Call Vote.**

d. 25 IWC 16 -- Glen Road (Parcel ID: 055-052-00A), Uncasville, CT: Applicant/Owner: Ebadath Chowdhoury; 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 (1):

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 (1):

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

STAFF COMMENTS (2):

- This Application is for regulated activities within the wetlands and upland review area in conjunction with the proposed construction of a single family residence, located in the R-20 Zoning District.
- The property is located on 11.5 acres and is currently undeveloped.
- The Applicant proposes to construct a 5-bedroom single family residence with a sunroom, 2 porches and an attached garage; along with the installation of a 1500 gallon concrete septic tank with 2-D boxes and leach fields, a well; and the construction of a retaining wall, a walkway and a driveway. There will also be a few drainage features installed including, a curtain drain constructed of 6” PVC attached to it, a rip-rap inlet with a 12” HDPE pipe which leads to a rip-rap drainage outlet, and a footing drain. All of this work would be conducted outside of the 50’ upland review area.
- The Applicant proposes some development located within the 50’ upland review and which would include the rip-rap outlet for a slope drain and part of the driveway. This would account for 6500 sq ft of disturbance.
- The Applicant also proposes the construction of a driveway which that would cause 4200 sq ft of disturbance within the regulated wetland area. This construction would include the installation of a modified rip-rap inlet on the side of the driveway with a round 12” concrete pipe going under the driveway feeding to a rip-rap outlet. This would help to redirect stormwater away from the driveway.
- The Applicant proposes the use of an excavator for grading and for the installation of the driveway and septic system. Large trucks and a drill rig will also be needed to transport fill and to install the well.

All soil removed during the grading process will be stockpiled onsite, outside of the 50' upland review area.

- The wetlands were delineated by Robert Russo, Certified Soil Scientist in January of 2025 and are shown on the Plan submitted with this Application and entitled: "Site Plan prepared for Ebadath Chowdhury Glen Road, Montville, CT 06382, dated May 30, 2025 revised August 14, 2025."
- This Application was referred to Ian Cole, Certified Soil Scientist on behalf of the Town for review on July 16, 2025 and comments were received on August 14, 2025, a copy of which are attached hereto. The comments stated in part that a double row of E&S control measures be installed around the 50' upland review area. The Applicant has revised the Plans to reflect this recommendation. Mr. Cole also mentioned that the wetland flags have degraded, and he suggests the wetland boundary be re-flagged to be certain it is visible to contractors and inspectors during the construction process. These comments were forwarded to the Applicant for response.

AGENCY COMMENTS (2):

- Town Soil Scientist – The referral for comments was forwarded on July 16, 2025 and comments were received on August 14, 2025, a copy of which are attached hereto.

STAFF RECOMMENDATION:

- Staff recommends the IWC receive and review Application 25 IWC 16, set a date for a site walk (if desired) and continue it to the next regularly scheduled meeting on September 18, 2025 or approve this Application with the condition set forth by the Town Soil Scientist.

ZWO Radford read the Staff Comments and Staff Recommendation into the record and introduced Certified Soil Scientist Robert Russo who was present on behalf of the client and Ian Cole, Certified Soil Scientist on behalf of the Town. Soil Scientist Russo reviewed the survey plan with the least amount of wetland fill, a buildable upland, and wetland impact of 4200 square feet. He responded to questions of the Commission concerning ambulance/fire truck access around the corner (Soil Scientist Cole requested additional sediment control); the characteristic of the wetland; how far will the sediment extend to the wetland; will power line come down the driveway (will stake on the driveway centerline to where it goes).

MOTION: To set a Site Walk for 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 on September 17, 2025 at 5:30 p.m. and to continue this Application until the next regularly scheduled meeting on September 18, 2025. **(LeClair/Occhialini). Vote: (4-0-0). APPROVED. Roll Call Vote.**

8. New Business:

- a. **25 IWC 17** – 158 Fitch Hill Road (Parcel ID: 055-037-000) Uncasville, CT; Applicant: Estate of Helen Z. Romano and Eric O. & Tiffany G. Walls; Owner: Estate of Helen G. Romano; for review/report to the Montville Planning & Zoning Commission for a proposed 3-lot subdivision – no regulated activities. *(Submitted 7/25/2025, Date of Receipt 8/21/2025, DRD 10/25/2025)*

STAFF COMMENTS:

- This is an Application to correct a previously recorded, unapproved Subdivision which occurred years past. The Property Owner, Helen Z. Romano previously carved off a portion of Lot 37 and created two additional parcels, being Lots 37-1 and 37-2 as recorded on the Assessor's map; which no approvals were applied for. This is an Application to correct the prior transfer and legalize all (3) lots. The Applicants are seeking a favorable recommendation/report from this Commission to the Planning & Zoning Commission for a 3-lot subdivision with no regulated activities.
- The site previously consisted of approximately 21.42 (+/-) acres located in the R-80 zoning district. One lot which was created, is known as Lot 37-1. It is approximately 1.87 acres and remains undeveloped. A second lot was created and is known as Lot 37-2. This lot is approximately 1.84 acres and is currently developed with a single family residence. The remaining land of 17.71 acres is known as Lot 37 and is also undeveloped at this time.
- Wetlands were delineated by Joseph Theroux, Certified Soil Scientist on February 13, 2025. The Wetlands Report states that wetland flags #1-40 were used to delineate the boundary of a wetland and

intermittent watercourse found in the eastern portion of the entire parcel. The remaining parcel showed no presence of wetlands.

- There are no regulated upland or wetlands activity proposed as part of this 3-lot subdivision.
- The property to be subdivided is shown on a plan entitled “Romano Subdivision Property of Helen Z. Romano Estate & Eric O. & Tiffany Walls for property located at 136, 154, & 158 Fitch Hill Road, Town of Montville, County of New London – Connecticut, dated May 14, 2025 revised July 1, 2025.”
- All applicable Town Departments will be providing comments to the Planning and Zoning Commission regarding this subdivision Application, which the Commission will receive at their August 26, 2025 meeting.

A representative for the Applicants explained that a referral was being sought from the Commission to the Planning & Zoning Commission for an existing subdivision. There are 2/10 acres of wetlands on the site, and nothing is on the site nor any proposed activity for it. The Estate tried to sell the property, but it was not approved. ZWO Radford reported that there is no regulated URA or wetlands at the site and reports will be provided by all departments.

MOTION: After giving due consideration to all relevant factors, including those in the CT General Statutes (CGS) Section 8-26 (Applications involving an inland wetland or watercourse), Montville Subdivision Regulations Section 3.4.2 (Wetlands Agency Referral), and CGS Chapter 440, Sections 22a-28 to 22a-45d (Wetlands and Watercourses), I move that the Commission forward a favorable recommendation/report to the Montville Planning and Zoning Commission for Application #25 IWC 17, submitted by Owner/Applicants: Estate of Helen Z. Romano and Eric O. & Tiffany G. Walls for a 3-lot subdivision of 158 Fitch Hill Road (Parcel ID: 055-037-000), Uncasville, CT, as more fully described in the Application and supporting documents dated July 25, 2025 and a plan entitled, “Romano Subdivision Property of Helen Z. Romano Estate & Eric O. & Tiffany Walls for property located at 136, 154, & 158 Fitch Hill Road, Town of Montville, County of New London – Connecticut, dated May 14, 2025 revised July 1, 2025.” **(Occhialini/LeClair). Vote: (4-0-0). APPROVED. Roll Call Vote.**

- b. 25 IWC 18** – 71 Moxley Road (Parcel ID: 017-012-000) Uncasville, CT; Owner/Applicant: Walter Wainwright Jr.; for a 2-Lot subdivision; with no regulated activity (*Submitted 7/30/25, Date of Receipt 8/21/25, DRD 10/25/25*)

STAFF COMMENTS:

- The site consists of approximately 14.35 (+/-) acres located in the Light Industrial zoning district with about 510 feet of frontage onto Moxley Road. This site contains approximately 2.14 acres of wetlands and is currently developed with an existing sawmill building and cellular communication tower.
- There are no activities proposed on either lot and the Applicant is seeking a favorable recommendation/report from this Commission to the Planning & Zoning Commission for a 2-lot subdivision with no regulated activities.
- Wetlands were delineated by Joseph Theroux, Certified Soil Scientist on May 22, 2025. The Wetlands Report states that wetland flags #1-31 were used to delineate the boundary of a large, forested wetland/watercourse found in the western portion of the property. The Wetland Report also indicates that there was another forested wetland found to the northeast of the cell tower site.
- The property to be subdivided is shown on a plan entitled “Resubdivision Plan prepared for Walter N. Wainwright, Jr. #71 Moxley Road, Montville, Connecticut, dated May 2, 2025.”
- All applicable Town Departments will be providing comments to the Planning and Zoning Commission regarding this subdivision Application, which the Commission will receive at their August 26, 2025 meeting.

ZWO Radford read the Staff Comments into the record and noted that there is no URA activity on the property and that a favorable recommendation to the Planning & Zoning Commission is being sought. She introduced Richard Deschamps of Advanced Surveys, LLC who was present on behalf of the Applicant. Mr. Deschamps responded to a question by the Commission about a guideline in the wetlands that he confirmed. He reported that the sole purpose is to sell the property for lease, and added that no improvements will be done to it.

MOTION: After giving due consideration to all relevant factors, including those in the CT General Statutes (CGS) Section 8-26 (Applications involving an inland wetland or watercourse), Montville Subdivision

Regulations Section 3.4.2 (Wetlands Agency Referral), and CGS Chapter 440, Sections 22a-28 to 22a-45d (Wetlands and Watercourses), I move that the Commission forward a favorable recommendation/report to the Montville Planning and Zoning Commission for Application #25 IWC 18, submitted by Owner/Applicant: Walter Wainwright, Jr.; for a 2-lot subdivision of 71 Moxley Road (Parcel ID: 017-012-000), Uncasville, CT, as more fully described in the Application and supporting documents dated July 29, 2025 and a plan entitled, "Resubdivision Plan prepared for Walter N. Wainwright, Jr. #71 Moxley Road, Montville, Connecticut, dated May 2, 2025." **(Brush/LeClair). Vote: (4-0-0). APPROVED. Roll Call Vote.**

- c. **25 IWC 19** – 179 Gallivan Lane (Parcel ID: 048-016-000) Uncasville, CT; Owner/Applicant: Fluid Line Products, LLC; for a modification to a previously approved site development plan to include a proposed new industrial building with regulated activity; *(Submitted 8/12/25, Date of Receipt con8/21/25, DRD 10/25/25)*

STAFF COMMENTS:

- This Application is for regulated activities in conjunction with the development of a proposed new industrial building in an area that is presently utilized as a paved outdoor storage area. The proposed building will be utilized as rental space, which will potentially contain multiple start-up businesses.
- The site consists of approximately 10.16 acres located in the Light Industrial zoning district with about 239 feet of frontage onto Gallivan Lane. The site contains approximately 4 acres of wetlands and is currently developed with a 48,000 sq ft industrial building with a lawn area and impervious areas such as driveways and parking lots.
- The Applicant proposes to develop the existing paved area to the east of the parcel with a 19,840 sq ft warehouse building with required parking. As part of this proposed development, the Applicant proposes to include a temporary sedimentation basin in accordance with the 2024 CT Guidelines for Soil Erosion & Sedimentation Control, which will ultimately become a permanent water quality basin in accordance with the CT 2024 Stormwater Quality Manual.
- The inland wetlands boundary was delineated by Robert Russo, Certified Soil Scientist in November of 2024. The Wetlands Report indicates that Stony Brook Stream runs through the wetlands along the northern and western parts of the site and there is a 500 year floodplain, as determined by FEMA, also associated with this Stream.
- The Wetlands Report also indicates that the proposed disturbance would be limited to 9,000 sq ft of upland review area for the removal of an existing chain linked fence and pavement and the construction of water quality basins.

AGENCY COMMENTS:

- Town Soil Scientist – The referral for comments was forwarded on August 14, 2025 and comments are still pending

ZWO Radford read the Staff Comments and Agency Comments into the record. She also reported that Soil Scientist Robert Russo was present on behalf of the Applicant. He explained that an existing paved parking area would be the location for a proposed building, and the location of the wetland would be for proposed parking. Also mentioned was stormwater treatment, and no direct wetland activity in addition to basins to catch stormwater runoff. Per questions of the Commission, Mr. Russo responded to if the warehouse would have multiple spaces, the use of a reverse bench to prevent and limit erosion, and the rating on Stony Brook.

MOTION: To set a Site Walk for Application #25 IWC 19 – 179 Gallivan Lane (Parcel ID: 048-016-000), Uncasville, CT – Owner/Applicant: Fluid Line Products, LLC for regulated activities within the upland review area for a modification to a previously approved site development plan to include a proposed new industrial building, on September 17, 2025 at 6:00 p.m. and to continue this Application until the next regularly scheduled meeting on September 18, 2025. **(Brush/Occhialini). Vote: (4-0-0). APPROVED. Roll Call Vote.**

- d. **25 IWC 20** – 7 Fielding Drive (Parcel ID: 087-016-000) Uncasville, CT; Owner/Applicant: Glenn B. Johnson; for regulated activities within the URA in conjunction with the installation of a swim spa; *(Submitted 8/14/25, Date of Receipt 8/21/25, DRD 10/25/25)*

STAFF COMMENTS:

- This Application is for regulated activities within the upland review area in conjunction with the installation of a swim spa and construction of a deck.
- The property is located on 0.51 acres in the R-40 zoning district with approximately 131 feet of frontage onto Fielding Drive. The site is currently developed with a single-family residence.
- The Applicant is requesting to install an 18' x 10' swim spa and a deck surrounding the swim spa and connecting to the existing single family residence, within the 50' upland review area as shown on the revised Site Plan.
- The Applicant indicates the installation will require some leveling of his yard. This will include excavating approximately 24" on the side farthest from the house and 6" on the side closest to the house.
- The Applicant states that the deck will be constructed of 4x4 pressure treated posts on footers with composite decking. Railings will be installed around the deck where necessary and stairs with railings will be installed on either side of the deck pursuant to the revised Site Plan.
- In 2002 the prior owners of this property applied for and were approved for a Wetlands Permit for the construction of a 16' x 20' screened porch to the rear of the existing single family residence. This proposed installation of a swim spa and construction of a deck would not be any closer to the wetlands than the edge of the house and screened porch which was previously approved by this Commission.
- Attached to this Staff Report is an aerial photo for a better visual of the wetlands as they currently run through the property.

ZWO Radford read the Staff Comments into record and noted the presence of the Applicant Glenn Johnson. The Applicant was asked to describe a swim spa which is a spa unit with a built in current that does not have a drain but has a cover and a fancy, horizontal fence on top. The Commission posed questions concerning a silk fence for a stream; the vicinity of the slope/stream, if the swim spa is filtered and does it have treated water going to a stream during a big rain event.

MOTION: To set a Site Walk for Application #25 IWC 20 – 7 Fielding Drive (Parcel ID: 087-016-000), Uncasville, CT – Owner/Applicant: Glenn B. Johnson for regulated activities within the upland review area in conjunction with the installation of a swim spa and construction of a deck, on September 17 at 5:15 p.m. and to continue this Application until the next regularly scheduled meeting on September 18, 2025.

I make a Motion to set a Site Walk for 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 on **(Brush/Occhialini)**. **Vote: (4-0-0)**. **APPROVED. Roll Call Vote.**

9. Correspondence:

- a. Invitation received by Avalonia for Grand Opening of 160 acre Glemboski-Ous Preserve schedule for August 9, 2025. This invitation as emailed to all Commission members.

ZWO Radford reported that this item was placed on the agenda for informational purposes as the invitation for this event was emailed to the Commission.

10. Other Business:

- a. 69 Fitch Hill Road – previous approval for temporary disturbance in the upland review area for the installation of forebay and water quality basins.

ZWO Radford reported that this application was previously approved by the Commission. The Applicant's Engineer, Ellen Bartlett of Green Site Design LLC contacted her and indicated that the original approval of this Commission was for a temporary disturbance of the upland review area for the installation of the required basins. Once construction in the field occurred the locations of both basins shifted slightly, and both are now located within the upland review area. Soil Scientist Russo, who is here tonight on other matters, has inspected these basins and confirms that both are operating as they should. The ZWO and Assistant Planner, Meredith Badalucca conducted a site inspection and the area around both basins appear to be completely stable. The Applicant's Engineer feels that the re-location of these basins to the previously approved location will cause unnecessary disruption in the upland review area, and would this Commission require an Application to modify its original approval. Mr. Russo reported the project was not working with a current set of plans and that the basins were put in the long location. Per discussion by the Commission, a modified

application needs to be submitted and would require a wait for approval. A modified application will be submitted for the next Commission meeting.

11. Executive Session: None

12. Adjournment.

MOTION: To adjourn the meeting at 7:55 p.m. **(LeClair/Occhialini). 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.