

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
September 18, 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 Eric Majewski and Robert Roshto by phone. Absent was Vice-Chair Charles O'Bday.

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

3. Minutes:

a. Approval of Minutes of the August 21, 2025 Regular Meeting.

MOTION: To approve the Commission August 21, 2025 Regular Meeting Minutes. **(LeClair/Occhialini).**

Vote: (5-0-0). 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.

UPDATED SUMMARY OF EVENTS (6):

- At the last meeting of August 21, 2025 this Commission issued an after-the-fact Permit for excavation and the removal of earth products within regulated areas, pursuant to Application #: 25 IWC 14. Part of this approval was the submittal of an E&S Control Bond in the amount of \$8,342.00. On September 8, 2025, the property owner delivered the cash Bond, however, no submission of an Application to the Planning & Zoning Commission for the stabilization of the (2) large holes on the property has been received to date.
- At the August 21, 2025 meeting, this Commission made a Motion for the Applicant to reimburse the Town of Montville, in the amount of \$3,025.00, as fees for services performed by the Town Soil Scientist and the Town Engineer. The Applicant requested, through his attorney, a breakdown of each of the bills, which was provided on September 2, 2025 and on September 8, 2025, the property owner paid these fees in full.

STAFF RECOMMENDATIONS (5):

- The Commission continue this matter to the next regularly scheduled meeting on October 16, 2025 and continue to do so until this matter has been resolved to the satisfaction of this Commission.

ZWO Stacy Radford read into the record an Updated Summary of Events and Staff Recommendations. Additionally, Staff also reported that it was the opinion of the Town Soil Scientist and past practice by the Commission that a show cause remain on an agenda until all permitted work was complete to the satisfaction of the Commission. This was a cease and desist order and although a permit has been issued not all the work within the wetland and upland review area can be completed until the property owner obtains approval through Planning & Zoning. It is Staff opinion that should the work under the IWC permit not be completed,

another show cause hearing cease and desist and cease and correct would need to be reinstated. By leaving this item on the agenda and continuing it for each month would be consistent with past practice of the Commission just making sure and until the Applicant does in fact adhere to the permit as approved by the Commission. ZWO Radford also reported on her review of prior minutes on this matter as to past practice of the Commission. Attorney William McCoy, was presented on behalf of the Applicant for questions of the Commission. Staff responded to a question of the Commission as to how the cash Bond would be released. It would require an inspection of the property by the ZWO and thereafter a release of the Bond and further concluded that there was not much to discuss pending Planning & Zoning approval.

MOTION: To continue this matter to the next regularly scheduled meeting on October 16, 2025 and continue to do so until this matter has been resolved to the satisfaction of this Commission. Per discussion, it was noted that it is a good thing that the Commission does not forget about these actions. **(LeClair/Occhialini).**

Vote: (5-0-0). APPROVED. Roll Call Vote.

- b. 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 IN REVIEW:

- 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 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 Chowdhoury 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:

- Town Soil Scientist – The referral for comments was forwarded on July 16, 2025 and comments were received on August 14, 2025. The Applicant revised the Plan pursuant to the above comments and the Town Soil Scientist sent an email on August 21, 2025 indicating that he had "no further comment."

NEW STAFF COMMENTS:

- A site walk was conducted on Wednesday, September 17, 2025 at 5:30 p.m. Chairman Brush and Commissioner LeClair were in attendance on behalf of the IWC and Kyle Lynch, Soil Scientist of CLA Engineers, Inc.; on behalf of the Applicant was also in attendance.

ZWO Radford noted a point of correction on her part as having listed the property location as being on 13.07 acres; the location is actually 11.07 acres. Applicant’s Engineer revised the narrative dated July 8, 2025 where Staff originally obtained the information and who then made the correction as part of the record. Thereafter, Staff read Agency Comments and New Staff Comments and noted the presence of Professional Engineer Ellen Bartlett of Green Site Design, LLC on behalf of the Applicant. The PE noted the property as being at the end of Glen Road in an undeveloped area and having to cross wetlands to get to the site having 4,2000 sq ft of wetland with everything in the URA. PE Bartlett responded to questions of the Commission concerning plans for clearing that will be graded all the way up it; runoff in the wetland and circumstances concerning a rain event. PE Bartlett agreed to a condition of the Commission to reflag the wetlands and place a waddle between the silk fences.

MOTION: After giving due consideration to all relevant factors including those in Section 10 and/or Section 6 of the Montville Inland Wetlands and Watercourses Regulations and Section 22a-41 of the Connecticut General Statutes, I move to approve application number 25 IWC 16 –Owner/Applicant: Ebadath Chowdhoury for regulated activities within the wetlands and upland review areas associated with the construction of a single family residence, per the Application and associated documents submitted on July 16, 2025 and plan titled, “Glen Road, Montville, CT 06382 Site Plan Prepared for Ebadath Chowdhoury, dated 5/30/2025, revised 8/14/2025”; with the following conditions:

1. All wetland boundaries be re-flagged before construction for visibility to contractors and inspectors during the construction phase in addition to a waddle between the silk fences.

Standard reasons for approval and standard conditions of approval apply.

(Majeski/LeClair). Vote: (5-0-0). 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 8/21/25, DRD 10/25/25*)

STAFF COMMENTS IN REVIEW:

- 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. Comments were received on September 9, 2025 and forwarded to the Applicant for response. On September 12, 2025 the Applicant provided responses to the September 9, 2025 comments and a revised Site Plan. On September 17, 2025 final comments were received from the Town Soil Scientist indicating that “All environmental comments have been appropriately addressed by the applicants engineer and soil scientist. I have no further comments.”
- Town Engineer – The referral for comments was forwarded on September 10, 2025. Comments were received on September 13, 2025 and forwarded to the Applicant on September 15, 2025. Response was received on September 15, 2025 and on September 17, 2025 final comments were received from the Town Engineer indicating that “The revised documents address the review comments of September 13, 2025.”

NEW STAFF COMMENTS:

- A site walk was conducted on Wednesday, September 17, 2025 at 5:30 p.m. Chairman Brush and Commissioner LeClair were in attendance on behalf of the IWC and Kyle Lynch, Soil Scientist of CLA Engineers, Inc.; on behalf of the Applicant was also in attendance.

ZWO Radford read into the record Agency Comments and New Staff Comments. It was also noted that Professional Engineer Ellen Bartlett of Green Site Design, LLC was present on behalf of the Applicant. The PE reviewed the Survey Plan that includes 4 acres of wetlands on site in the proximity of Stony Brook stream and a previously undeveloped site with parking on the east for storage and vehicles. The plan is to remove existing parking area and erect a 20,000 sq ft new building and post construction create a stormwater basin. The PE responded to questions of the Commission concerning treatment of the stormwater basin and the inclusion of an oil/water separator that will be added between the catch basin and before the final outlet. A question by the Commission was also addressed concerning uphill side of the wetlands and having two (2) curtain drains to slow down water. The PE agreed to the condition.

MOTION: After giving due consideration to all relevant factors including those in Section 10 and/or Section 6 of the Montville Inland Wetlands and Watercourses Regulations and Section 22a-41 of the Connecticut General Statutes, I move to approve application number 25 IWC 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, per the Application and associated documents submitted on August 12, 2025 and plan titled, “Proposed Industrial Building 179 Gallivan Lane, Montville, CT, dated March 2025 and revised September 15, 2025.” The motion also includes the addition of a condition to add an oil separator between the catch basin to the forebay.

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

- 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.

NEW STAFF COMMENTS:

- A site walk was conducted on Wednesday, September 17, 2025 at 5:30 p.m. Chairman Brush and Commissioner LeClair were in attendance on behalf of the IWC and Glenn Johnson, Applicant was also in attendance.

ZWO Radford read New Staff Comments into the record and noted the presence of Applicant Glenn Johnson for any questions of the Commission. The Commission discussed the site walk noting the limited space and watercourse on the property that is also very hilly and having a huge boulder. It was deemed that the Applicant's plan for construction was the only feasible, prudent plan given no other alternative for construction.

MOTION: After giving due consideration to all relevant factors including those in Section 10 and/or Section 6 of the Montville Inland Wetlands and Watercourses Regulations and Section 22a-41 of the Connecticut General Statutes, I move to approve application number 25 IWC 20 – Owner/Applicant: Glenn B. Johnson, regulated activities within the upland review area in conjunction with the installation of a swim spa and construction of a deck, per the Application and associated documents submitted on August 14, 2025. Standard reasons for approval and standard conditions of approval apply. **(LeClair/Occhialini). Vote: (5-0-0). APPROVED. Roll Call Vote.**

8. New Business:

- a. 25 IWC 21** – Silver Falls Road (Parcel ID: 001-007-00A) Oakdale, CT; Owner: Daniela Gjergjaj; Applicant: Hull Forest Products, Inc.; for an As of Right Determination for a Timber Harvest; *(Submitted 9/5/25, Date of Receipt 9/18/25, DRD 11/22/25)*

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. 1-1q.
- This property is located in the R-80 zone on about 19.51 acres, contains regulated wetlands & watercourses and is currently undeveloped. Earlier this year, an Application for regulated activity for a 4-lot subdivision was presented to this Commission and on June 12, 2025 an Inland Wetlands Permit was issued for said Application.
- The Applicant states the proposed objective is to perform a “selective harvest where the unhealthy, diseased, declining, and poorly formed individuals will be removed.” The Applicant further states this will “Release sunlight to better formed individuals and advanced regeneration.” And will “Promote new regeneration in lacking areas.”
- Additionally, the Applicant states that there will be a watercourse and wetland crossing involved with this harvest. “Timber bridge mats and/or corduroy will be used for the crossings. There will be trees removed in the upland review area and the wetlands. Old skid trails will be used alongside new skid trails where necessary. Water bars, seed, and/or hay will be used post-harvest in areas prone to erosion and soil disturbance. All Best Management Practices regarding timber harvesting as adopted by the CT DEEP will be strictly adhered to.”

- The amount of forest products to be harvested is 5 acres +/-, 1,000 board feet +/-, 5 cords +/- and trees to be harvested have been marked with blue paint.
- An estimated start date of the timber harvesting operation is September 15, 2025.
- 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 Comments into the record and noted the presence of Christopher David, a CT Licensed Forester, F0067315 of Hull Forest Products on behalf of the Applicant. Mr. David commented that the selective timber harvest is for access into Waterford it approved last week. The property has one (1) wetland crossing and the presence of one (1) preexisting culvert crossing in the southwest corner. Mr. David responded to questions of the Commission concerning an intermittent watercourse that is a wetland and how long the project will take to complete—1 – 2 ½ months depending on the use of harvesters or hand crews. It was also confirmed that no road would be constructed, and the entire property is in a wetland review area that small section of the property drains into.

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# **25 IWC 21**, submitted by Hull Forest Products, Inc., on behalf of property owner, Daniela Djergaj for a Timber Harvest and more fully described in the Application, dated September 3, 2025 and Notification of Timber Harvest dated September 3, 2025 with associated Timber Harvest Map is a Permitted Use As of Right and, therefore, no permit is required. **(Occhialini/LeClair). Vote: (5-0-0). APPROVED. Roll Call Vote.**

- b. 25 IWC 22 – 69 Fitch Hill Road (Parcel ID: 062-036-000) Uncasville, CT: Owner/Applicant: Andrew Petrowski; for a modification to site development plan to include the relocation of water quality basins with regulated activities; (Submitted 9/5/25, Date of Receipt 9/18/25, DRD 11/22/25)**

STAFF COMMENTS:

- This Application is for regulated activities within the upland review area for a modification to a site development plan to include the relocation of water quality basins.
- The Applicant received approval from this Commission on June 15, 2023 for a temporary disturbance within the upland review area in conjunction with the proposed site development of proposed warehousing facilities at 69 Fitch Hill Road in Uncasville.
- The original approval was for the construction of Permanent Water Quality Basin #1, which was within the 50’ upland review area and the Permanent Water Quality Basin #2 which was outside of the URA.
- On March 6, 2025 the Applicant, through his Engineer, Ellen Bartlett of Green Site Design LLC contacted the Land Use Department inquiring about the change in size of the Permanent Water Quality Basin #1. Due to the fact that there would be no additional change to the temporary disturbance of the URA; this was Administratively Approved through the Planning & Zoning Commission on March 24, 2025.
- According to the Applicant, once construction was complete, it was determined that the location of Permanent Water Quality Basin #1 had shifted southerly approximately 15 feet into the upland review area; which now creates a permanent disturbance to the upland review area.
- Additionally, Permanent Water Quality Basin #2 had been raised in order to allow same to drain properly, resulting in extra grading within the upland review area.
- Certified Soil Scientist Robert Russo has inspected both of these permanently constructed basins, and it is his opinion that “they have not directly impacted wetlands.” Mr. Russo also states that “the basins are currently stable and have established vegetation that inhibits erosion and provides stormwater treatment. In their current configuration, they are serving their intended purpose.” “Re-constructing the basins to the approved configuration would require additional soil disturbance. New disturbance to soils that are becoming vegetatively stable would heighten the chances of erosion and sedimentation into the wetland.”

- In light of the above, the Applicant is requesting that the original approval of June 15, 2023 be modified to accept the new locations of both basins.

AGENCY COMMENTS:

- Town Engineer/Soil Scientist – The referral for comments was forwarded on September 8, 2025. Comments were received back on September 9, 2025 and were forwarded to the Applicant’s Engineer for response. A response was received on September 12, 2025, along with a Basin Comparison and revised Site Plan. All were forwarded to Town Engineer/Soil Scientist for his additional review and comments, which were received on September 13, 2025 (a copy of which are attached hereto).

ZWO Radford read the Staff Comments and Agency Comments into the record and noted a copy of additional comments of the Town Engineer/Soil Scientist included with the meeting packet. Applicant’s Professional Engineer Ellen Bartlett described the current conditions of the property for modification of the site development plan, and the September 13, 2025 report of the Town Certified Soil Scientist/Town Engineer that she read into the record. The modification involves the movement of existing water basins which the Applicant’s Engineer requested approval of by the Commission tonight. The Applicant’s PE responded to questions of the Commission concerning movement of the water basins that was reported to be administratively approved for relocation--a plan the Commission did not see but Staff and the Town Engineer approved. Further questions responded to by PE Bartlett included whether the water basins just got bigger or were they increased in size—it was reported that they were raised to accommodate for the wet spring. ZWO Radford reported that the original water basins that were first done were full, but the new ones are properly draining creating a nice, vegetative cover per her investigation. PE Bartlett also noted for the record that the location of the smaller basins were not placed where they should have been, instead it was a mistake during construction and not a basis for repercussion nor setting a precedent for fixing a problem, per a Commission comment. Furthermore, dismay was expressed by the Commission that allowed for the administrative regulatory approval for the change given its obligation to control activity within the wetlands, not just outside of the buffer. It was also noted that since the application was previously approved and not for permit only amendment of the motion was required.

MOTION: After giving due consideration to all relevant factors, I make a Motion to approve application #25 IWC 22 – 69 Fitch Hill Road (Parcel ID: 062-036-000), Uncasville, CT – Owner/Applicant: Andrew Petrowski for regulated activities within the upland review area for the amended site development plan to include the relocation of water quality basins.

Standard reasons for approval and standard conditions of approval apply. The Commission deemed per discussion that the application did not need to be held for a month. **(Occhialini)/LeClair. Vote: (5-0-0). APPROVED. Roll Call Vote.**

- c. **25 IWC 23** – 2227 Route 32 (Parcel ID: 103-092-000) Uncasville, CT: Owner/Applicant: Uncasville Property LLC; for the redevelopment of the site for a mixed use building with regulated activities; (Submitted 9/5/25, Date of Receipt 9/18/25, DRD 11/22/25)

STAFF COMMENTS:

- This Application is for regulated activities within the upland review area for the redevelopment of the site for a mixed-use building.
- The property is located just North of Leo Street and just to the East of Route 32. Currently there are (3) small commercial buildings with impervious areas such as parking lots. It is located on approximately 1.1 acres with less than .5 acres of wetlands in total on site.
- The Applicant proposes to demo the existing buildings on site and construct a 6,723 sq ft building with parking lots and concrete walkways surrounding the commercial building, along with the construction of a temporary sedimentation basin which will ultimately become a permanent water quality basin and forebay. All of this activity is proposed within the 50’ upland review area.
- The Applicant states there are (2) regulated areas of wetlands on the property. One is a wetland on the northern part of the site and is man-made and fed by (2) storm water pipes. The second wetland area is on the southeastern part of the site and is naturally occurring and feeds into Shantok Brook, which flows into the Thames River and eventually makes its way to Long Island Sound.

- The Applicant states that “while designing the proposed development on site, direct wetland impacts were avoided completely.” Most of the activity is proposed outside of the wetlands, however, there will be some clearing close to the edge of the wetlands and the Applicant proposes plantings to restore some of the upland habitat.
- The wetlands were delineated by Robert Russo in June of 2025.

AGENCY COMMENTS:

- Town Soil Scientist – The referral for comments was forwarded on September 8, 2025 and comments are still pending.
- Town Engineer – The referral for comments was forwarded on September 10, 2025. Comments were received on September 15, 2025 and forwarded to the Applicant for response (a copy of which is attached hereto).

ZWO Radford read the Staff Comments and Agency Comments into the record; and noted the presence of Professional Engineer Ellen Bartlett on behalf of the Applicant. The PE discussed the existing structures on the site and the two (2) areas of wetlands on the property. The plan proposal is to remove all structures on the property and start anew. Noted was the minimal size of the wetlands on the property, the lack of stormwater treatment on site and the use for the proposed commercial/residential building. The PE responded to questions of the Commission about the proposed number of apartments (12); parking for the apartments (shared use for the apartments with commercial use during the day) and referenced seeking Planning & Zoning approval to reduce parking. As well, a questions were asked concerning construction of a permanent forebay and stormwater basins; if there is a need for an oil separator; if the dumpster can be moved and whether the commercial space will be occupied by the existing businesses. The Commission chose not to do a site walk as a drive-by was deemed feasible.

MOTION: To continue Application #25 IWC 23 – 2227 Route 32 (Parcel ID: 103-092-000), Uncasville, CT – Owner/Applicant: Uncasville Property, LLC for regulated activities within the upland review area for the redevelopment of the site for a mixed-use building, until the next regularly scheduled meeting on October 16, 2025. **(Occhialini/LeClair). Vote: (5-0-0). APPROVED. Roll Call Vote.**

- d. **25 IWC 24** – 400 Gay Hill Road (Parcel ID: 016-023-000) Uncasville, CT: Owners/Applicants: Chad & Jennifer Obrey; for a free split for the construction of (2) single family residence with regulated activities; *(Submitted 9/11/25, Date of Receipt 9/18/25, DRD 11/22/25)*

STAFF COMMENTS:

- This Application is for regulated activities within the upland review area in conjunction with a free split to develop (2) building lots for the construction of a single-family residence on each respective lot.
- The current property is located on 2.18 acres with approximately 330 feet of frontage along Gay Hill Road. The property is located with the R-40 Zoning District and is currently developed with a single-family residence and detached garage.
- The Applicant proposes to split the properties into (2) building lots; Lot 1 as 1.26 acres and Lot 2 as 0.92 acres.
- After the filing of the free split on the Montville Land Records, the Applicant proposes to demolish the existing home and garage, due to them being in disrepair, and construct (2) single family residence on each respective lot with all associated improvements to include a new drilled well, sewer, driveway, grading and required clearing.
- The wetlands on the property were delineated by Ian Cole on March 11, 2025 and marked as WF-1 through WF-13. The Wetlands Report indicates that “a watercourse and associated wetland fringe drains south through the eastern wooded side of the site. The regulated area is associated with drainage that discharges on the subject property at the northeastern corner of the site and flows south down a straight liner rocky channel to a spot in the middle of the flow path where the topography levels out and the remnants of a relic farm pond that has long since filled in with sediment and reverted back to a forested / scrub-shrub wetland is located. The wetland boundary is well-defined.”

- The extent of work to be completed in the upland review area of Lot #1 is some minimal grading and Lot #2 will be some grading, the installation of a concrete retaining wall and installation of a footing drain from the single family residence.

AGENCY COMMENTS:

- Town Soil Scientist – The referral for comments was forwarded on September 12, 2025 and comments are still pending.

ZWO Radford read Staff Comments and Agency Comments into the record and reported that no one was present on behalf of the Applicant. The Applicant will be present at the next Commission meeting. Per discussion of a site walk, the ZWO noted the property would need to be walked in order to see the wetlands and that she will contact the Engineer to be present at the site walk. The Commission agreed to table discussion of the site walk to its next meeting.

MOTION: I make a Motion to continue Application #25 IWC 24 – 400 Gay Hill Road (Parcel ID: 016-023-000), Uncasville, CT – Owners/Applicants: Chad & Jennifer Obrey for regulated activities within the upland review area in conjunction with a free split to develop (2) building lots for the construction of a single-family residence on each respective lot, until the next regularly scheduled meeting on October 16, 2025. **(Occhialini/LeClair). Vote: (5-0-0). APPROVED. Roll Call Vote.**

9. **Correspondence:** None

10. **Other Business:** None

11. **Executive Session:** None

12. **Adjournment.**

MOTION: To adjourn the meeting at 7:16 p.m. **(Occhialini/LeClair). 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.