

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
October 16, 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, Robert Roshto and Anthony Vellucci who arrived at 6:15 p.m.. Absent was Commissioner Eric Majewski.

Also present was ZWO Stacy Radford.

3. Minutes:

a. Approval of Minutes of the September 18, 2025 Regular Meeting.

MOTION: To approve the Commission September 18, 2025 Regular Meeting Minutes. **(Roshto/LeClair).**

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

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.

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 (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.

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.

UPDATED SUMMARY OF EVENTS (7):

- On September 23, 2025, I received a call from Mr. Phillips who advised me that the boat structure has been removed, top soil had been added to the area shown on the mitigation plan, rip-rap had been added to the scouring hole in the area of the wetland crossing/culvert and he was in the process of spreading the wetland seed mix and haying the disturbed area.

- On September 24, 2025, I met with Mr. Phillips on his property to conduct a follow-up inspection (see Inspection Report dated 09/24/2025 attached).
- Mr. Phillips is working diligently to get his Application submitted to the Planning & Zoning Commission for their October 28, 2025 meeting.

STAFF RECOMMENDATIONS (6):

- The Commission continue this matter to the next regularly scheduled meeting on November 20, 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.

MOTION: To continue this matter to the next regularly scheduled meeting on November 20, 2025 and continue to do so until this matter has been resolved to the satisfaction of this Commission. **(Roshto/LeClair). Vote: (5-0-0). APPROVED.**

- b. **25 IWC 23** -- Glen Road (Parcel ID: 055-052-00A), Uncasville, CT: Applicant/Owner: Ebadath Chowdhury; for construction of a single family residence within regulated areas. *(Submitted 7/11/2025, Date of Receipt 7/17/2025, DRD 9/20/2025)*

STAFF COMMENTS IN REVIEW:

- 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, comments were received on September 29, 2025 and forwarded to the Applicant for response.
- 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 to comments on September 22, 2025, along with revised Drainage Calculations and a revised Site Plan. The Town Engineer providing additional comments on September 25, 2025.
- The Applicant provided a response to all comments on October 8, 2025, as well as a revised Site Plan; which were provided to the Town Soil Scientist and Town Engineer who both provided final comments on October 9, 2025 that all previous comments had been addressed.

ZWO Radford read the Agency Comments into the record and noted the Staff Comments in Review included in the Staff Report. Professional Engineer Ellen Bartlett of Green Site Design, LLC was present on behalf of the Applicant. She explained that the project would include a new building that would replace the existing structures on the property that is zoned commercial with less than 1/10 acre of wetlands and no existing stormwater treatment on the site. During construction there will be two (2) sedimentation basins for construction and upon completion a permanent forebay and water quality basins. The first floor of the new

building will be commercial use, and the remainder will be studio and 1-bedroom apartments. Soil Scientist Robert Russo of Green Site Design, LLC described the specifics of the existing wetland on the site as having stormwater from the east, with small vegetation with sandy, gravelly soil and a forested wetland at the back/southeast. It was noted that no stormwater treatment currently exists on the site to help improve water quality. As per discussion at the last Commission meeting, the dumpster will be moved and relocated closer to the building, and that all soil scientist remarks have been addressed. Soil Scientist Russo confirmed the revisions and proposed stormwater treatment in addition to planting and species management per Professional Engineer/Soil Scientist Ian Cole. Responses were given to questions of the Commission concerning the flow of the stormwater in the northeast corner of the site; mapping/plowing in winter concerning salt and sand in the wetland to be remedied with forebay maintenance cleaning in the fall and spring; an invasive species management plan and the gap between the silk fence and berm that will be graded; and whether the basin will become a hazard to houses along the property line—it will not.

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 #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, per the Application and associated documents submitted on September 5, 2025 and plan titled, “Proposed Retail & Residential Project 2227 Norwich-New London Turnpike, Uncasville, CT, dated June 2025 revised October 7, 2025.

Standard reasons for approval and standard conditions of approval apply.

(Roshto/Occhialini). Motion Amended: To include the condition of approval that the silk fence is continuous along the northeast side of the parking lot. **(Roshto/Occhialini) Vote: (5-0-0). APPROVED.**

- c. **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 IN REVIEW:

- 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 were received on October 8, 2025. These comments were forwarded to the Applicant for response on October 9, 2025 and a response was received on October 14, 2025 (copy attached).

NEW STAFF COMMENTS:

- In coordination with the Town Soil Scientist’s comment regarding clearing limits being staked out by a Licensed Land Surveyor, Staff would recommend that Wetland placards be placed at 50’ URA on each individual lot to help mark the wetlands for any future development and owners.
- The Town Soil Scientist noted in his comments that he observed significant bulky waste in and around the wetland area during his site inspection and suggested that if this debris was to be removed that said activity be made part of this Application. Subsequently, the Applicant has requested the removal of bulky waste currently on site in and around the wetlands be made a part of this Permit. The Applicant stated in the October 14, 2025 response letter that the debris is primarily located at the southeasterly corner of the property and access to this area will be along the westerly property line to minimize any disturbance to the wetland area.
- Based on conversation at the last meeting, Staff left the Motion to set a date for a site walk on this Staff Report, should the Commission feel one is required.
- Staff recommends the IWC continue the application to the next regularly scheduled meeting on November 20, 2025 for confirmation that all Town Soil Scientist comments have been adequately addressed.

ZWO Radford noted the Staff Comments in Review in the Staff Report and read into the record Agency Comments and New Staff Comments. Professional Engineer Anthony Nenna of Boundaries, LLC was present on behalf of the Applicant/Owners who were also present. The PE explained that the site would be a free split into two (2) building lots with separate wells and septic systems and the existing house would be demolished. The second home has wetlands on the easterly side of the property. Improvements will occur outside of the URA with minimal grading to remove debris without disturbance, and an easement on the southside of the Lot #2 to access Gay Hill Road. Reported was approval of the free-split by Planning and Zoning and support for a single-family use subdivision by Uncas Health. PE Nenna responded to questions of the Commission concerning the location of Lot #2 to get 150 feet in its front and maximize distances for footing drains. Open comments from the Soil Scientist exist and an additional comment per approval by the Commission was discussed to have the presence of Staff on site for removal of the bulky waste to insure no undue harm to wetlands or possible additional sediment control as requested by the Soil Scientist. The same was confirmed by Soil Scientist Russo who reported having walked the site and reviewed the bulky waste that will be removed. Applicant/Owner Chad Obrey confirmed for the record that he would be the builder for the project and would confirm the removal of the bulky waste. 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 Wetlands and Watercourses Regulations and Section 22a-41 of the Connecticut General Statutes, I move to approve 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, per the Application and associated documents submitted on September 11, 2025 and plan titled, “Improvement Location & Topographic Survey Free Split and Residential Site Development Plans, prepared for Chad Obrey 400 Gay Hill Road – Montville, Connecticut, dated August 2025”; with the following conditions:

1. All limits of disturbance will be staked out by a licensed Land Surveyor and inspected by the ZEO/WEO prior to clearing.
2. Town Staff should be consulted to make a field determination as to which trees are to be cut and which are to remain, and the trees should be field flagged.
3. Wetland placards shall be placed at the 50’ URA on each individual lot to help mark the wetlands for any future development and owners.

4. Applicant shall notify the ZEO/WEO when bulky waste is removed from the site. Standard reasons for approval and standard conditions of approval apply.

(Occhialini/LeClair). Vote: (5-0-0). APPROVED.

8. New Business:

- a. **25 IWC 25** – 428 Fire Street (Parcel ID: 014-003-000) Oakdale, CT; Owner/Applicant: Mark Desrosier; for regulated activities to make repairs to driveway in wetlands and URA; *(Submitted 9/19/25, Date of Receipt 10/16/25, DRD 12/20/25)*

STAFF COMMENTS:

- This Application is for an after-the-fact permit for regulated activities in conjunction repairs that the property owner made to an existing driveway due to flooding.
- On September 2, 2025 I received a potential complaint for someone working within wetlands and/or the upland review area on this property. Myself and Assistant Planner Meredith Badalucca conducted an inspection which revealed an excavator parked in what appeared to be the upland review area and obvious soil disturbance (see Inspection Report 9-2-2025 attached).
- A Notice of Apparent Violation was forwarded to the property owner on September 4, 2025 with a request for compliance within 7 days.
- The property owner contacted me on September 9, 2025. I explained what was observed during my September 2, 2025 inspection and the property owner advised that he “expanded the driveway and I did disturb soil”. I advised the property owner to immediately cease all activity other than to install silt fence to protect the wetlands.
- The property owner advised that all work had been completed and agreed to an onsite meeting where he could explain what he had done.
- On September 18, 2025 myself and Assistant Planner Meredith Badalucca met with the property owner (see Inspection Report 9-18-2025 attached). In light of what we observed on site, we advised the property owner that an after-the-fact permit would be required by this Commission.
- On September 19, 2025 the property owner submitted an Application and a hand-drawn site plan, both of which are in your packets.
- On September 23, 2025 I referred this Application and supporting documents out to the Town Soil Scientist, Robert Russo for his comments. It was agreed that a site inspection would be necessary for a better understanding of what had actually occurred on site.
- On October 7, 2025 myself, Assistant Planner Meredith Badalucca, the property owner and Town Soil Scientist Robert Russo met at the property. The property owner explained to Mr. Russo what activities had occurred and on October 8, 2025 I received comments from the Town Soil Scientist, explaining his findings and recommendations, a copy of which is attached.
- On October 14, 2025 the property owner contacted me and advised that he has hired Certified Soil Scientist Richard Snarski to delineate the wetlands on his property. On October 15, 2025 myself and Assistant Planner Meredith Badalucca conducted a site visit, and I have prepared the attached Inspection Report showing the areas which Mr. Snarski delineated.

PROPERTY HISTORY:

- 6/20/1998 – Zoning Permit for the construction of SFR
- 10/19/1998 – Zoning Permit for a “root cellar”
- 1/20/1999 – Variance for a front yard setback
- 8/12/1999 – Notice of possible wetlands violation
- Notes obtained from the file reveal the following: A large dirt pile has been pushed into the existing waterway. Extensive excavation in a possible wetland area has occurred. A soil map, by a Certified Soil Scientist, must be submitted to determine the necessity of a wetlands permit.
- 3/21/2000 – Notice of possible wetlands violation
- Notes obtained from the file reveal the following: Continued work within the URA and wetland area.

- 4/26/2000 – IWC Application for construction of SFR
- 7/30/2000 – IWC Application for construction of driveway & fill
- 8/17/2000 – IWC Permit issued for construction of SFR and driveway in the URA
- 9/8/2004 – Notice of zoning violation
- 2/6/2006 – Notice of zoning violation
- 3/1/2006 – Notice of possible wetlands violation
- Notes obtained from the file reveal the following: A structure is being built within the wetlands without permits.
- 7/13/2007 – IWC Application for construction of SFR (previously issued permit expired)
- 8/16/2007 – IWC Permit (after-the-fact) issued for construction of SFR with same activity as previously permitted.
- 8/17/2007 – Zoning Permit for construction of SFR

AGENCY COMMENTS:

- Town Soil Scientist – The referral for comments was forwarded on September 23, 2025 and comments were received on October 8, 2025 (a copy is attached).

ZWO Radford read the Staff Comments and Agency Comments into the record. The Property History was noted as being included in the Staff Report. Town Soil Scientist Robert Russo of CLA reported on his findings of the property as of the October 7, 2025 site inspection. He reported extensive disturbance to the wetlands and watercourse and owner confirmation of having done some grading, widened a driveway and installed a pipe from which excavation fill was seen upwards and downwards of the stream. Samples were taken of disturbed soil and wetlands vegetation. Mr. Russo made recommendation to Staff of the need for a restoration plan prepared by a PE and Soil Scientist as part of the application due to the nature of disturbance and that of the watershed. Reference was made to historic photos taken prior the disturbance. The restoration plan should reference contours, stream channels, and the planting of vegetation that Staff can review on behalf of the Commission. Applicant/Owner Desrosier explained to the Commission the content of the two (2) pictures and described the one showing water flowing over the road and the pipe that was installed and overflow. The Applicant/Owner responded to questions as to whether the pipe was installed without a permit and if anyone sized the driveway and if a map was made for the appropriate size pipe. Staff reported that the pictures were received this evening and they were distributed to the Commission and Soil Scientist Russo. A site walk was scheduled by the Commission.

MOTION: To set a Site Walk for Application #25 IWC 25 – 428 Fire Street (Parcel ID: 014-003-000), Oakdale, CT – Owner/Applicant: Mark Desrosier for regulated activities within the wetlands and upland review area for repairs to an existing driveway due to flooding, on Saturday, November 15, 2025 at 3:00 p.m. and to continue this Application until the next regularly scheduled meeting on November 20, 2025.

(LeClair/Roshto). Vote: (5-0-0). APPROVED.

- b. 25 IWC 26 --** 49 Saltbox Lane (Parcel ID: 015-005-000) Uncasville, CT: Owners: Jason and Shannon Fancher, Applicant: Andrew Clark; for a timber harvest; *(Submitted 9/19/25, Date of Receipt 10/16/25, DRD 12/20/25)*

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 92.94 acres, contains regulated wetlands & watercourses and is currently undeveloped.
- The Applicant states the proposed objective is to clear cut a 5 acre area to create an early successional (young) forest. The young forest that develops will help to bring more diversity of wildlife to this forestland.

- Additionally, the Applicant states that the trees in this area are stunted and deformed. The terrain is mostly flat with gentle contours. All the tops and brush will be piled in up to 6 piles per acre to create cover for wildlife such as rabbits and other ground bearing wildlife.
- The amount of forest products to be harvested is 5 +/- acres, 8,000 +/- board feet, and 30 +/- cords. The trees to be harvested have not been designated at this time.
- An estimated start date of the timber harvesting operation is November-December of 2025.
- There is no proposed stream or wetland crossings required to facilitate this harvest. The clear cut area is approximately 350' to the east of the brook that runs through the middle of the property. No impact to the brook is expected from this harvest and no disturbance will happen between the clear cut and the brook.
- The equipment to be utilized for this harvest will be a Feller Buncher and log forwarder. The Feller Buncher mechanically cuts the trees and directionally fields them away from the wetlands, watercourses and the trees to remain. The forwarder will be used to move the harvested trees to the landing where the logs will be loaded onto trucks for transport.
- Residual slash from the harvest will be lopped to 5' and piled. Water bars will be installed on any gentle slopes on the skid trails. All skid trails and landing areas will be seeded and mulched. All BMP's and erosion control measures will strictly be followed in accordance to 2012 edition CT DEEP's Best Management Practices Field Guide.
- Based on all of the above information, Staff recommends approval of this proposed Application as an "As of Right" activity.

ZWO Radford read the Staff Comments into the record and then introduced Forester Andrew Clark owner of Limb-It-Less Logging, LLC. Mr. Clark stated that he was seeking a judicial ruling of the Commission on behalf of the property owners for a timber harvest. The property is 93 acres of which five (5) acres are to be used for a wildlife clear cut, approximately in the middle of the property, with no disturbances between the cut. Referencing the map provided with the application, Mr. Clark reported that the clear cuts will be 350 – 375 feet away from an existing brook that will not be disturbed. The clear cut is to create a wildlife habitat versus letting the beach trees die and the red maple fall over. Brush will be piled for wildlife piles. Mr. Clark responded to Commission questions as whether wood would be moved—it will but wood that is less than 6-inches in diameter will go into the wildlife pile—and whether there is a house on the property—there is not. Current use of the property is for forestland and recreational purposes. He also noted that he felt it was a good move to seek the approval of the Commission. The Commission reviewed regulations concerning clear cut and asked whether it is in the wetlands or URA. Mr. Clark confirmed it is not in the wetlands or URA and that access to the clear cut would be from Salt Box Lane. Regulations for clear cut refer to mining therefore the Application was deemed as not being as of right, but the Commission noted a permit is required and that the Application is for notification only.

9. Correspondence:

- a.** A copy of letter of resignation from Charles O'Bday, dated September 29, 2025.

ZWO Radford reported that the C. O'Bday letter of resignation was accepted by a meeting of the Town Council on October 15, 2025.

- b.** A copy of a flyer from CACIWIC for a Training scheduled for November 15, 2025 in Middletown, Connecticut.

ZWO Radford provided an informational flyer for the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. or CACIWIC Training for review by the Commission. Commissioner LeClair noted that the event is believed to be a site walk.

10. Other Business:

- a.** State of Connecticut Public Act 25-73, effective October 1, 2015 requires that all Inland Wetlands Agencies require members to partake in a DEEP Training Program. The Program will be made available on the DEEP's website. The training will be required every four (4) years or each term, whichever is less frequent.

ZWO Radford responded to a question of the Commission concerning compliance reporting associated with the training noting that Staff sends the information to the Town Council that approves the reports that are then reported to the State. She also noted that the process is not formal at this time.

b. Election of Officers

The Commission took nominations from the floor for the proposed slate of officers Chairman, Vice-Chair and Secretary—Commissioners Brush, Occhialini and LeClair respectively. An explanation of the roles of each position was had. **Approval of the Commission Proposed Slate of Officers: Unanimous.**

11. Executive Session:

- a. Appeal of 24 IWC 3** – Richard & Katherine George v. Montville IWC (Docket Number: KNLCV24-6067701S).

The Commission went into Executive Session at 7:06 p.m. and returned from it at 7:17, with no votes taken.

12. Adjournment.

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

Gloria J. Gathers
Recording Secretary, Town of Montville

AN AUDIO RECORDING OF THE MEETING IS AVAILABLE ON THE TOWN OF MONTVILLE WEBSITE.