

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
December 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 (6:02 p.m.), Raymond Occhialini, Robert Roshto and Anthony Vellucci. Absent was Commissioner Eric Majewski.

Also present was ZWO Stacy Radford.

3. Minutes:

a. Approval of Minutes of the November 20, 2025 Regular Meeting.

MOTION: To approve the Commission November 20, 2025 Regular Meeting Minutes. **(Roshto/Occhialini). 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.

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.

UPDATED SUMMARY OF EVENTS (8):

- On October 30, 2025 I received a call from Attorney William McCoy on behalf of the property owners and he indicated that the Application for the Planning & Zoning Commission is about ready for submission.
- On November 17, 2025 I spoke with Jeff Phillips who indicated that he really needs to get the stockpile of fill, which he is currently holding on his property, spread before the pile freezes. I explained to him that we are still waiting for submission to the Planning & Zoning Commission.
- Additional telephone messages left for Jeff Phillips and Attorney McCoy have gone unanswered.

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.

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.

STAFF RECOMMENDATIONS (7):

- The Commission continue this matter to the next regularly scheduled meeting on December 18, 2025 and continue to do so until this matter has been resolved to the satisfaction of this Commission.

UPDATED SUMMARY OF EVENTS (9):

- On November 21, 2025, I received a call from Jeff Phillips who indicated that he spoke with his Engineer who expects to have all Plans prepared and submitted to our Office for presentation at the Planning & Zoning Commission on December 9, 2025.
- No Plans have been received by our office to date.

STAFF RECOMMENDATIONS (8):

- The Commission continue this matter to the next regularly scheduled meeting on January 15, 2026 and continue to do so until this matter has been resolved to the satisfaction of this Commission.

ZWO Radford read into the record the Updated Summary of Events and Staff Recommendations.

MOTION: To continue this matter to the next regularly scheduled meeting on January 15, 2026 and continue to do so until this matter has been resolved to the satisfaction of this Commission. **(Occhialini/LeClair). Vote: (5-0-0). APPROVED.**

- b. 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 IN REVIEW:

- 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 Badaluca 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 Badaluca, 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 Badaluca conducted a site visit, and I have prepared the attached Inspection Report showing the areas which Mr. Snarski delineated.
- A site walk was conducted on Saturday, November 15, 2025 at 3:00 p.m. Vice-Chair Occhialini, Commissioners Majewski and Vellucci were in attendance on behalf of the IWC, the property owner, Mark Desrosier was present as the Applicant, and I was present as Staff.

NEW STAFF COMMENTS:

- On December 2, 2025, I received a call from John Martucci, a PE who has been retained by the Applicant. He inquired what the Commission was looking for, and I referred him to the Town Soil Scientist comments of October 8, 2025. I informed him that an Existing Conditions Survey, including local boundary data, topo, and wetlands delineation/flagging; as well as a Restoration Plan which should include a plan to restore the wetlands; including grading, removal of fill from the wetlands, erosion and sedimentation controls, plantings, etc. would be required.
- On December 8, 2025, the Applicant provided copies of (2) Maps from July of 2000 from Boundaries LLC (copies attached).
- Applicant was made aware that these Plans would need to be updated because wetlands must be re-delineated every (5) years.

STAFF RECOMMENDATION:

Staff recommends the IWC continue the application to the next regularly scheduled meeting on January 15, 2026; giving the Applicant sufficient time to prepare and submit an Existing Conditions Survey and a Wetland Restoration Plan, in accordance with the Town's Soil Scientist, Robert Russo's recommendation of October 7, 2025.

ZWO Radford read into the record New Staff Comments and a Staff Recommendation. Owner/Applicant Mark Desrosier who was present reported that the Civil Engineer did a topical study regarding waterflow and proposed installation of two (2) 6-inch pipes or a riprap channel, that cannot be guaranteed will not jam. The Professional Engineer reported on the installation of riprap and filter fabric in addition to pavement of the driveway. The PE believed a better solution would be to install three (3) 6-inch pipes versus two (2) 6-inch pipes or riprap with a trench. The Commission concluded that the Engineer needs to pick a solution. The Owner/Applicant also reported that the PE can submit a plan by the next IWC meeting, boundaries will be done and work is being done on a Restoration Plan.

MOTION: I make a Motion to continue 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, until the next regularly scheduled meeting on January 15, 2026, for additional time for the submission of an Existing Conditions Survey and a Wetland Restoration Plan, in accordance with the Town's Soil Scientist Robert Russo's recommendation of October 7, 2025. **(Roshto/Occhialini). Vote: (5-0-0). APPROVED.**

- c. **25 IWC 28** – 129 Simpson Lane (Parcel ID: 038-001-000) Montville, CT: Owners/Applicant: Scott Smilinch; for regulated activities within the upland review area in conjunction with the removal of a 12' x 12' shed and relocation of a 14' x 10' shed; (Submitted 11/13/2025, Date of Receipt 11/20/2025, DRD 01/24/2026)

STAFF COMMENTS IN REVIEW:

- This Application is for regulated activities within the upland review area in conjunction with the removal of a 12' x 12' shed currently located in the URA and re-location of a 14' x 10' shed to the URA.
- The property is located on 3.63 acres in the R-40 zoning district with approximately 530 feet +/- of frontage onto Simpson Lane. The property is currently developed with a single-family residence and a 14' x 10' shed.
- The Applicant is requesting to relocate an existing 14' x 10' newly constructed shed, marked #1 on the Plan attached to the Application, to the area marked #2 on the same Plan. The shed will be moved via a truck with a flatbed & crane to safely pick it up and place it in the new location. The Applicant states that the shed will be placed on crushed stone which will be dumped on top of the existing soil, with no expected digging or disturbance of soil.
- The Applicant is requesting to remove an existing 12' x 12' shed currently located in the upland review area. The Applicant states in part that “this shed is in a state of disrepair and so my proposal is to take down and completely remove this shed”. The Applicant states that the dismantling and removal of this shed will be done completely by hand.

NEW STAFF COMMENTS:

- No new comments.

ZWO Radford noted the Staff Comments In Review in the meeting packet but no New Staff Comments. The Owner/Applicant Scott Smilinch was present.

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 28 – 129 Simpson Lane (Parcel ID: 038-050-00A), Uncasville, CT – Owner/Applicant: Scott Smilinch for regulated activities within the upland review area in conjunction with the removal of a 12' x 12' shed and re-location of a 14' x 10' shed, per the Application and associated documents dated November 4, 2025. Standard reasons for approval and standard conditions of approval apply. **(Roshto/LeClair). Vote: (5-0-0). APPROVED.**

8. New Business:

- a. **25 IWC 29** – New London Turnpike (Parcel ID: N/A) Uncasville, CT: Owner/Applicant: City of Norwich, Department of Public Works; for regulated activities within the upland review area in conjunction with the installation of sidewalks; (Submitted 12/11/2025, Date of Receipt 12/18/2025, DRD 02/21/2026)

STAFF COMMENTS:

- This Application is for regulated activities within the upland review area in conjunction with the installation of sidewalks in accordance with the New London Turnpike Sidewalks and Road Rehabilitation.
- This entire scope of the overall project involves the installation of a 0.75 mile sidewalk to complete pedestrian access between Route 82 and Route 32, enhancing safety and roadway conditions along the corridor.
- The work will include approximately 1,130 LF of work within the roadway which is within the upland review area. The work will include the installation of approximately 240 linear feet of 5' wide concrete sidewalks, milling and replacement with 2.5 inches of bituminous pavement in two lifts, and construction of approximately 68 linear feet of new embankment wall. Additional work includes the removal and resetting of approximately 43 linear feet of metal beam rails, replacement of six catch basin tops with ADA-compliant grates, removal of two utility poles, and minor grading and site adjustments, as required. The project includes the resurfacing of the bridge surface only over the brook, with no cut, fill or removal activities planned within the actual watercourse or wetland area.

- Erosion and sediment controls will be implemented within the project area to protect drainage inlets and adjacent vegetated areas outside of the project limits. Erosion controls will include silt sacks for catch basins and double-row silt fencing along downslope areas to protect the wetlands. All practices will be in accordance with the 2023 Connecticut Guidelines for Soil Erosion and Sediment Control.
- This project provides improvements to pedestrian connectivity and roadway safety while minimizing impacts to upland and wetland areas. The project work will be limited to within the roadway for repaving and minor work for the installation of the sidewalk. All bridge work will be contained to the road surface with no impacts to the bridge structure.

AGENCY COMMENTS:

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

ZWO Radford read the Staff Comments and Agency Comments into the record. Representative Yawan-Wu of Freeman Company was present on behalf of the Owner/Applicant. ZWO Radford reported that the work is supported by a grant and the Town of Montville is working jointly with the Town of Norwich on the Route 82 and Route 32 project. She added that the Town of Norwich has requested a waiver of the application fee for the project. The Commission expressed concern about sidewalk maintenance and keeping the area safe from garbage, etc. Yawan-Wu responded to a question of the Commission as to whether there will be any lighting; the response was no, and will discern the sidewalk maintenance for the Town of Montville

MOTION: I make a Motion to continue Application #25 IWC 29 – New London Tpke., Uncasville, CT – Owner/Applicant: City of Norwich, Department of Public Works for regulated activities within the upland review area in conjunction with the installation of sidewalks, until the next regularly scheduled meeting on January 15, 2026. **(Roshto/Vellucci). Vote: (5-0-0). APPROVED.**

9. **Correspondence:** None

10. **Other Business:**

- a. **24 IWC 7 – 339 Chesterfield Road (021-001-00A) Oakdale, CT – Owner/Applicant:** Jill Monheron; previous approval obtained for an Inland Wetlands Permit for regulated activities within the wetlands and URA to demo an existing single-family residence and construct a new single-family residence.

STAFF COMMENTS:

- An Inland Wetland Permit was approved by this Commission on September 19, 2024; a copy of the Permit and approved Plan is attached hereto.
- On December 5, 2025 I conducted a site inspection and noted that the wetland crossing did not appear to have been installed correctly, a copy of the Inspection Report is attached hereto. I immediately forwarded a copy of this Inspection Report to the Town Soil Scientist, Robert “Bob” Russo who responded in part, “this should be double checked.”
- On December 9, 2025 I notified the Applicant that there was an issue on site, and I required an updated Site Plan showing the actual house that was being built as opposed to the conceptual one that was on the approved IWC Plan. She had the Engineer reach out to me and I explained the situation to him. The Engineer then forwarded an email to the Applicant and copied me on it whereas he stated as follows: “I do want to note that I will not be placing the walls over the culvert crossing on the site plan, as those were not approved by the wetlands commission.”
- On December 11, 2025 myself, Assistant Planner Meredith Badaluca, Town Soil Scientist Robert “Bob” Russo met on site for an inspection. The builder, Vic Caprio from Caprio Homes and Mike Millano of MJM Builders were present on behalf of the Applicant. A copy of the inspection report is attached hereto.
- On December 12, 2025 Vic Caprio from Caprio Homes inquired on behalf of the Applicant if it would be possible to remove the stone wall over the wetland crossing on one side and install a guardrail on the other. He indicated that the Applicant wanted something on both sides of the crossing for safety purposes.

- On December 16, 2025 the Town Soil Scientist, Robert “Bob” Russo, provided a comment letter with a marked up “As-Built” based on the December 11, 2025 inspection, copies of which are attached hereto. In the letter, Mr. Russo explained the issues noted on site during the December 11, 2025 inspection and then he provided his recommendations for correction.
- Please note that although the width of the driveway does not fall within the purview of this Commission, it is a requirement of the Montville Zoning Regulations and therefore cannot be reduced. I would ask that the Commission keep this in mind when making any determination concerning the walls along the side of the driveway over the culvert.

ZWO Radford read the Staff Report into the record and reported on some situations that had occurred since approval of the Application by the Commission on September 19, 2024, as described in the Staff Report included herein on Pages 2 and 3. The ZWO detailed the violations; the Commission questioned the alterations made and the violations that had occurred as well as resolution as recommended by Town Soil Scientist Robert “Bob” Russo. The proposal by the Soil Scientist requires a modification of the Application approved in September 2024 in addition to a Wetland Restoration Plan. The Commission was concerned about the lack of easy access for fire apparatus, the installation of stone walls at the end of driveway and the turn of it, the location of pipes and infringement to the URA and wetlands. The Commission also noted that the alterations that occurred at the property were questions specifically addressed during the site walk and were responded to at that time. Builder Caprio posed solutions to the grievances; however the Commission deferred to the solution proposed by the Soil Scientist. ZWO Radford advised the Builder that the modification of the Application and Wetland Restoration Plan should be submitted to her office one (1) week prior to the January 15, 2026 meeting and that the restoration plan should include a Narrative that should be clear to the Commission of its intention and to the Soil Scientist. A question posed by Builder Caprio concerning a certificate of occupancy must be addressed to ZWO Radford directly as it is zoning related and does not come under the purview of the Commission.

MOTION: I make a Motion for the following activities, in accordance to the recommendations of the Town Soil Scientist’s dated December 18, 2025. *(It was noted by ZWO Radford that a motion was not included in the packet, but one would be needed to continue the matter to the next regularly scheduled meeting of the Commission on January 15, 2025.)*

1. The stone walls along Chesterfield Road, have not resulted in wetland impacts, and they are at the outer edge of the URA.
 - The Applicant shall present a Plan for a modification of the September 19, 2024 approval, to include the installation of these walls within the URA.
2. The area disturbed by the demolition of the house was not properly re-seeded with a conservation mixture, per the approved Plan.
 - The Applicant shall have this area, and any other areas designated on the approved Plans, re-seeded in the Spring.
3. The stone walls at the wetland crossing were not shown on the approved Plan.
 - The Applicant shall have the stonewalls removed.
4. There was stone placed in the wetland at the crossing that was not on the approved Plan.
 - The Applicant shall remove the stone placed in the wetlands.
5. The travel way at the wetland crossing was not constructed per the approved Plan. It is not at the proper elevation, and the travel surface is not 15 feet wide as required by zoning code and there is insufficient cover over the culverts.
 - The Applicant shall present a Plan for modification of the September 19, 2024 approval and have the driveway re-built in accordance with zoning codes and at the proper elevation, any alterations may further affect wetlands and require additional permitting.
6. The culvert invert elevations are off by 0.4 to 0.5 feet (too high).
 - The Applicant shall have its design Engineer analyze the crossing as constructed and offer an opinion as to whether the culverts should be re-set at the proper elevation.
7. The driveway was not built per the location as shown on the approved Plan and some unpermitted wetland fill has occurred.

- The Applicant shall provide a Wetland Restoration Plan for consideration by this Commission and ultimately remove the fill.
8. A wetland area south of the stone diaphragm was filled without permission. The stone diaphragm was supposed to be just along the edge of the wetland with no fill in the wetland.
- The Applicant shall provide a Wetland Restoration Plan for consideration by this Commission and ultimately remove the fill.

MOTION: I make a motion that the Applicant shall provide a modification to the previously approved Application and a Wetland Restoration Plan to be reviewed and approved by this Commission at its next meeting of January 15, 2026. **MOTION AMENDED:** I amend the motion to include the matter will be continued to the January 15, 2026 meeting of the Commission. **(Roshto/LeClair). Vote: (5-0-0). APPROVED.**

11. Executive Session: None

12. Adjournment.

MOTION: To adjourn the meeting at 6:33 p.m. **(Brush/Roshto). 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 UNDER THE “RESOURCES” LINK.