



# Town of Montville, Connecticut

## Department of Land Use & Development

Planning & Zoning  
Inland Wetlands & Watercourses  
Economic & Community Development



### Staff Report Prepared April 22, 2026 by Meredith Badalucca

**Property Address:** 061-002-000 Noble Hill Road  
**Application:** 26 SITE 3  
**Property Owner:** Jeffery Phillips & Jennifer Michaels  
**Applicant:** Same  
**Attorney:** William E. McCoy, Heller, Heller and McCoy  
**Engineer:** Mark Reynolds, PE  
**Lot Size:** Approximately 62 acres  
**Zoning District:** R-120  
**Public Water/Sewer:** No  
**Proposed Public Improvements:** No

**Legal:** Submitted to Land Use Dept. on 4/2/26. Date of Receipt by PZC 4/28/26, Decision Required Date – 7/2/26.

**Site Inspection: Conducted on** March 14, 2025 with ZEO/WEO Radford, Town Engineer Kyle Haubert and Town Soil Scientist Bob Russo. Additional inspections and site walks have been conducted as part of the Wetlands Violation by WEO Radford and Bob Russo.

**Bond:** The Town Engineer has indicated that the E&S Bond proposed under the IWC permit is sufficient for this work. This bond is in the amount of \$8342.00 and was posted on 9/8/2025.

**Proposal:** The applicants are seeking site plan approval for necessary grading for the mitigation of the unpermitted removal of earth products from the subject property.

### **Background:**

- On or about February 20, 2025 this Commission received notice from the Town of Bozrah, of a Public Hearing for a Special Exception and Site Plan Application for a proposed event venue at 410 Salem Turnpike in accordance with Connecticut General Statutes. During the review of the properties located within the immediate vicinity of the proposed event venue via the Town of Montville GIS; a large area of disturbance was noticed on this property.
- Research of the property file was conducted to determine if there were any Permits applied for or issued for any such disturbance. None were found. There was an IWC approval on November 20, 2014 for a timber harvest.
- The current owners and applicants purchased the property in January of 2018.
- A Notice of Apparent Violation/Request for Voluntary Compliance was sent to the owners on February 24, 2025.
- On March 14, 2025, myself, ZEO/WEO Radford, Town Engineer Kyle Haubert of CLA and Soil Scientist Bob Russo of CLA met with property owner Jeffrey Phillips. Mr. Phillips agreed to walk the entire property with us. The pictures shown in this staff report are from this inspection.

- A Notice of Violation/Request for Compliance was issued on March 14, 2025 after inspection of the property.
- As this was also a wetlands violation, a Show Cause Hearing was held on March 20, 2025.
- An IWC permit was issued on August 21, 2025 for an after-the-fact permit for excavation and removal of earth products within regulated areas.

**Staff Comments/Review:** The applicants are seeking site plan approval for necessary grading for the mitigation of the unpermitted removal of earth products from the subject property.

Zoning Regulation Section (ZR) 4.11.11.3 (1) allows excavation operations involving the removal of excess materials up to five hundred (500) cubic yards in all zones via a zoning permit.

Staff requested an estimate from the Town Engineer of how many cubic yards were removed prior to the issuance of any Notice of Apparent Violation. By using state aerials and contours, he believed that approximately 25,000 – 30,000 cubic yards of material were excavated.

This parcel is located within a residential zoning district, therefore, per ZR 4.11.11.3 (2) excavation operations involving the removal of excess materials greater than five hundred (500) cubic yards and/or Processing (Crushing) Operations is not allowed.

According to the application documents, the total disturbed area is 3.03 acres. The applicant is proposing to grade 1.95 acres of disturbance to slopes that are no more than 2 to 1 with grading occurring to grade towards the center of the disturbed area. Once the grading is performed in an effort to create slopes that are safer for anyone entering the property, topsoil will be placed on the disturbed area with a seed mix indicated on the plan to stabilize the soils. The Town Engineer has requested the thickness of the topsoil for non-wetland soil areas be shown on the final plan. As well as, temporary erosion control blanket, hydroseed with bonded fiber matrix, or equal should be provided on the finished slopes that are steeper than 3:1.

**Agency Comments:**

- Town Engineer: See Comments dated 4/17/26.
- Building: Comments dated 4/20/26 “The building department has no comment on the proposed site plan.
- Fire Marshal: Comments received 4/6/26 “FMO has no comment for this property as its only raw land.”
- Uncas Health: Comments received 4/10/26 “Uncas Health has no comments at this time.”
- WPCA: Comments received 4/6/26 “WPCA has no assets in the area.”
- Police Dept.: Comments received 4/6/26 “The Montville Police have no comments.”
- Public Works: Comments received 4/20/26 “No Comment from Public Works.”









**SUGGESTED MOTION FOR ANY FAVORABLE APPROVAL:**

I make a MOTION to APPROVE with condition numbers 1-19, as indicated in the staff report dated April 22, 2026, application number 26 SITE 3 for necessary grading for the mitigation of the unpermitted removal of earth products from the subject property at the parcel identified as 061-002-000 Noble Hill Road in accordance with the Montville Zoning Regulations and the application, supporting documentation and a plan set entitled “Topographic Survey w/Wetlands, Prepared for Jeffrey Phillips, Assessors NO. 61-002, Noble Hill Road, Montville, CT, Dated May 12, 2025, Revised 3/20/26”

**CONDITIONS:**

**General Conditions:**

1. This approval is for the specific use identified in the application. Any change in the nature of use, site or addition of structure(s) will require new approvals from the Planning and Zoning Commission.
2. This project shall be constructed and maintained in accordance with the referenced plans.
3. Soil erosion and sediment controls shall be installed in accordance with the approved plan set and inspected by the Zoning Officer prior to the start of any work.
4. An approved Zoning Permit is required prior to the start of any work.
5. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
6. No use under this permit/approval shall be initiated until a Certificate of Zoning Compliance is approved by the Zoning Officer.

**Site Specific Conditions:**

7. All drainage structures proposed for the project shall be constructed and maintained post construction in accordance with the approved Plan Set.
8. All landscaping shall be maintained post construction.

**Conditions to be met prior to signing of plans:**

9. Plans shall be revised to address the Town Engineer’s comments dated 4/17/26. The revised plans shall be reviewed and approved by the Town Engineer.
  - a. The proposed topsoil thickness should be specified for the disturbed non-wetland soil areas.
  - b. Temporary erosion control blanket, hydroseed with bonded fiber matrix, or equal should be provided on the finished slopes that are steeper than 3:1.
10. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
11. The applicant shall also submit final plans as approved by the Commission in a digital format per ZR section 17.3.
12. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
13. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.

**Conditions to be met prior to the issuance of zoning permits:**

14. Four (4) sets of paper plans with any required revisions incorporated, shall be submitted to the Land Use Department for signature of the Commission.

15. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and submitted to the Land Use & Development Office. Any changes to the plans required by such entities may require a plan modification from the Planning and Zoning Commission.
16. No bond, or portion thereof, shall be released without prior approval of the Zoning Officer and/or Director of Land Use & Development.
17. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.

Conditions which must be met prior to Issuance of a Certificate of Zoning Compliance:

18. Complete as-built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificate of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
19. No Certificate of Occupancy or other final approval may be issued until the Zoning Officer has signed off on the final work.

Note: The Conditions of Approval do not take the place of other requirements found in the Town Codes, Regulations, and Application Instructions.

Should the Commission vote to **DENY** the application, it shall state its reasons on the record.