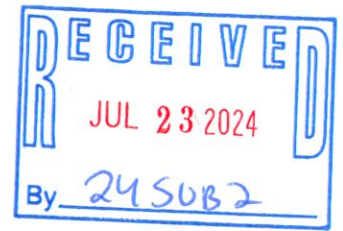


MONTVILLE PLANNING AND ZONING COMMISSION
310 Norwich-New London Turnpike
Uncasville, CT 06382



July 23, 2024

In re: 24SUB2 – Black Ash Estates (970 Old Colchester Rd), Oakdale (Town of Montville), CT
Owner/Applicant: Pachaug Capital, LLC for proposed 13-Lot Re-subdivision.

VERIFIED PLEADING FOR INTERVENTION IN PROCEEDINGS
PURSUANT TO CONNECTICUT GENERAL STATUTES § 22a-19

Notice is hereby given that Katherine George intends, and by this pleading does, intervene as a party to any and all proceedings before the Montville Planning and Zoning Commission, including any and all hearings, proceedings, permittings, grants, hearings, considerations, authorizations, extensions, renewals, amendments, actions, or enforcement proceedings concerning the application for a permit, permits, licenses or approval by Pachaug Capital, LLC of P.O. Box 525, Jewett City, Connecticut, or by any of its agents, affiliates, subsidiaries, successors, or assigns, and any matters related thereto.

These proceedings involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water, or other natural resources of the State.

In support of this pleading, the above-mentioned intervening party asserts the following:

1. The person filing this intervention pleading under the Connecticut Environmental Protection Act ("CEPA") is a citizen owning property in the Town of Montville and State of Connecticut located at 974 Old Colchester Road (hereinafter the "petitioner").
2. The action brought here concerns an application under review by the Montville Planning and Zoning Commission for approval of a subdivision/resubdivision permit application, in

connection with a proposal by Pachaug Capital, LLC (hereinafter "Pachaug") for residential development of a certain tract or parcel of land situated in the Town of Montville now or formerly owned by said Pachaug, currently known as 970 Old Colchester Rd., and more particularly described as Assessor's Map 037, Lot 001-000 (the "Black Ash Swamp Property").

3. The activities permitted by an approval of such application, directly or indirectly, activities which would be conducted by Pachaug and /or its agents, affiliates, subsidiaries, successors, or assigns connection with the use of the Black Ash Swamp Property, do separately, together in combination, or cumulatively, involve some or all of the following:

- (a) Redirection of surface water;
- (b) Affecting one or more existing water supply wells;
- (c) Creation of impermeable surfaces impairing or otherwise affecting the natural infiltration of rainwater and snowmelt;
- (d) Discharges into or otherwise affecting one or more wetlands and/or watercourses, both during construction and post-construction;
- (e) Discharge of pollutants onto the soil in areas where proposed improvements have been designed to drain toward an adjacent wetlands system;
- (f) Removal, placement, dumping, and/or stockpiling of quantities of organic materials, and the interaction of organic materials with air and water over time;
- (g) Creation, collection, and leaching of waste water and /or polluted runoff;
- (h) Discharge of pollutants into wetlands, watercourses, streams, brooks, and/or tributaries connected to navigable waters;
- (i) Emission of air pollutants from the trucks or other construction vehicles transporting materials to and from the Black Ash Swamp Property and within it;

- (j) Discharges to groundwater which drains toward one or more existing ponds;
- (k) Destruction of wildlife and/or natural vegetation;
- (l) Replacement of developed natural wooded vegetation adjacent to wetlands with grass and/or impermeable materials;
- (m) Adversely affecting ecological, scenic, historic, and recreational values now and forever more;
- (n) Such others as may be revealed during the administrative process.

4. The activities set forth in paragraph 3, separately, together in combination, cumulatively, or in combination with other sources of pollution, involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. Without limiting the foregoing, the aforesaid activities will unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state, for reasons which include one, more than one, or all of the following:

- (a) There are one or more alternatives;
- (b) There are one or more alternatives that would affect the environmental loss;
- (c) There are one or more alternatives which are feasible;
- (d) There are one or more alternatives which are prudent.

5. Without assuming the burden of proving that a feasible and prudent alternative exists, the alternatives referenced in Paragraph 4(a), (b), (c) and (d) of this petition include but are not limited to Pachaug not conducting some or all of the activity proposed in its application, and /or reducing the scope of the overall project.

6. The Montville Planning and Zoning Commission's Subdivision Regulations provide for

its consideration of the effects upon the natural resources in respects including but not limited to the following:

- (a) Section 1.2 provides that proper provisions shall be made for water, drainage and sewerage.
- (b) Section 1.2 also provides that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety;
- (c) Section 1.2 furthermore provides that proper provision be made for the control of soil erosion and sedimentation.

7. The petitioner reserves the right to supplement the allegations of this petition as evidence becomes available to her.

WHEREFORE, the petitioner requests that in accordance with this petition she given notice of all hearings and other proceedings herein and the right to appear there and participate for the purposes and to the extent herein requested.

Said notice can be sent to the following:

Katherine George, 974 Old Colchester Road, Oakdale, Connecticut 06370

The petitioner further requests that the said Montville Planning and Zoning Commission consider, pursuant to Section 22a-19 of the Connecticut General Statutes, the effect of the activities proposed in the subject application and on all related plans, maps, and drawings, and

the activity described herein, upon all matters within its jurisdiction; that it consider all alternatives to such activities, and that it take such action as is consistent with the allegations contained herein, and not approve the application unless and until all unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources is proven to be completely avoided.

RESPECTFULLY SUBMITTED,



KATHERINE GEORGE

VERIFICATION

In verification of the Pleading for Intervention attached hereto, and in accordance with Connecticut General Statutes § 22a-19, the undersigned, being duly sworn, does hereby depose and say the following:

1. I am over 18 years of age;
2. I am thoroughly familiar with the Pleading for Intervention attached hereto and said is true to the best of my knowledge and belief;
3. The activities proposed in this matter involve conduct which has, or is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.


Katherine George


STATE OF CONNECTICUT :

: ss. Montville

July 23, 2024

COUNTY OF NEW LONDON :

Personally Appeared Katherine George, signor of the foregoing instrument, and acknowledged the same to be her free act and deed, before me.


Commissioner of the Superior Court