

MEMORANDUM FOR THE RECORD
APPLICATION# 25 IWC 25
REGULAR MEETING – THURSDAY, FEBRUARY 19, 2026

Prepared by Stacy Radford, Zoning & Wetlands Officer

Owner/Applicant: Mark Desrosier
Address: 428 Fire Street (014-003-000), Oakdale
Date of Receipt: September 19, 2025
Date Received by IWC: October 16, 2025 (*DRD – December 20, 2025*)
65-day Extension of time (retroactive from DRD) - February 23, 2026

Applicant Request: Regulated activities within the wetlands and upland review area for repairs to an existing driveway due to flooding.

Activity Description:

Wetland Disturbance Area	0 sq ft (per Applicant)
Watercourse/Waterbody Disturbance Area	0 LF (per Applicant)
Upland Review Disturbance Area	0 sq ft (per Applicant)

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 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 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 @ 3 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.
- 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.
- Discussion with the Applicant on January 12, 2026 confirms that his PE, John Martucci was away on vacation through the holidays and has plans to commence work after the new year.
- No decision has been rendered by this Commission regarding this Application and the 65 days required to render a decision was overlooked and has since lapsed.
- Staff has been in contact with the Town Attorney who advises that this Commission can grant an extension of time for an additional 65 days, retroactively from December 20, 2025 to February 23, 2026; providing that the Applicant provides a request for an extension of time.
- Staff requested same from the Applicant and an email requesting an extension of time was received on January 13, 2026 (copy attached).

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.

NEW STAFF COMMENTS:

- At the last meeting, a Request for Extension of Time for 65 days retroactive from the initial date to render a decision (December 20, 2025) was submitted by the Applicant and granted by this Commission. The new date to render a decision on this Application is February 23, 2026.
- Staff spoke with the Town Soil Scientist who suggested that the Applicant withdraw the pending Application due to the fact that no additional information has been submitted to date, in accordance with his October 8, 2025 comments.
- Staff spoke with the Applicant who was reluctant to withdraw this Application, even though it was made clear that should this Commission deny this pending Application, he would need to re-apply.

STAFF RECOMMENDATION:

Staff recommends the IWC deny this Application without prejudice, as the Application is incomplete and the Applicant has not provided an Existing Conditions Survey; including local boundary data, topo and wetlands delineation/flagging; as well as a Restoration Plan, including a plan to restore the wetlands; including grading, removal of fill from the wetlands, erosion and sedimentation controls and plantings; as was requested. Staff also recommends the IWC provide a deadline for the re-submission of an Application and if that deadline passes, a Cease and Correct Order be issued by the WEO and the Commission hold a Show Cause Hearing. The following language for a Motion for Denial is suggested:

MOTION “A” (Denial without prejudice)

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 DENY WITHOUT PREJUDICE 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 for the following reasons: Incomplete Application.

The Applicant shall submit a new Application prior to April 1, 2026 for review and consideration by this Commission. If the Applicant fails to submit the new Application, the Commission requests that the WEO issue a Cease & Correct Order and hold a Show Cause Hearing.