

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
May 21, 2026

1. Call To Order:

Chairperson Brush called the meeting to order at 6:00 p.m.

2. Roll Call:

Present: Chairperson Douglas Brush, Vice-Chair Raymond Occhialini, Commissioners Jessica LeClair (6:02 p.m.), Eric Majewski and Robert Roshto. Commissioner Anthony Vellucci was absent. A quorum was present.

Also present was Zoning & Wetlands Officer (ZWO) Stacy Radford.

3. Minutes:

a. Approval of Minutes of the April 16, 2026 Regular Meeting.

MOTION: To approve the Commission April 16, 2026 Regular Meeting Minutes. **(Roshto/Occhialini).**

Vote: (4-0-1). Chairperson Brush abstained from the vote. 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.

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.

UPDATED SUMMARY OF EVENTS (10):

- On December 29, 2025, I contacted Jeff Phillips who advised that he has not heard anything from his Engineer to date. He would follow-up with him and his Attorney for an update.
- To date no Application or Plan has been received by our office.

UPDATED SUMMARY OF EVENTS (11):

- On February 9, 2026, I spoke with Jeff Phillips who advised that he spoke with his P.E. and the Plans have been completed and are being forwarded to Attorney Bill McCoy for submission to the Planning & Zoning Commission.
- I spoke with Attorney Bill McCoy and reminded him of the next scheduled Planning & Zoning Commission meetings on February 24th and March 24th, 2026. Attorney McCoy indicated that he would be submitting an Application as soon as he received the completed Plans is nearly six (6) months delayed
- To date no Application or Plan has been received by our office.

UPDATED SUMMARY OF EVENTS (12):

- On March 23, 2026, I received a call from Attorney Bill McCoy on behalf of the Applicant, and he received the final Plans and is preparing an Application for submission to the PZC at the April meeting.
- On April 2026, and Application was delivered to our office and will be accepted by the PZC on April 28, 2026.

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.

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.

STAFF RECOMMENDATIONS (9):

- That the Commission continue this matter to the next regularly scheduled meeting on February 19, 2026 and continue to do so until this matter has been resolved to the satisfaction of the Commission.

STAFF RECOMMENDATIONS 10):

- That the Commission continue this matter to the next regularly scheduled meeting on May 21, 2026 and continue to do so until this matter has been resolved to the satisfaction of this Commission.

UPDATED SUMMARY OF EVENTS (13):

- On April 28, 2026, the Planning & Zoning Commission approved a Mitigation Plan submitted for the correction of an open zoning violation with reference to the unpermitted excavation of earth material. There were Conditions of Approval which were required to be met prior to the commencement of work and the Applicant is working towards achieving them.
- I would expect before the June 18th IWC meeting that all Conditions of Approval would have been met and the restoration of the site would be underway. Staff will be conducting periodic inspections of the property during the restoration process to be certain that all requirements of both Commissions are being met.

STAFF RECOMMENDATIONS 11):

- The Commission continue this matter to the next regularly scheduled meeting on June 18, 2026 and continue to do so until this matter has been resolved to the satisfaction of this Commission.

ZWO Radford read the Updated Summary of Events and Staff Recommendation into the record. The Commission discussed that one (1) section on the Plan required revision and that one (1) item was left off regarding soil thickness before planting grass.

MOTION: To continue this matter to the next regularly scheduled meeting on June 18, 2026 and continue to do so until this matter has been resolved to the satisfaction of this Commission. **(Occhialini/Roshto).**

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

- b. 26 IWC 3 – 428 Fire Street (Parcel ID: 014-003-000) Oakdale, CT; Owner/Applicant Mark Derosier; for regulated activities to make repairs to driveway in wetlands and URA; (Submitted 02/20/2026, Date of Receipt 03/19/2026, DRD 05/23/2026)**

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. I 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, I and Assistant Planner Meredith Badalucca met with the property owner. 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 under Application #25 IWC 25. During the review process of this Application, additional information was required and the date to render a decision was expiring so the Applicant chose to Withdraw that Application and re-apply.
- On February 20, 2026, the Applicant submitted a new Application and supporting documents. These documents were referred to the Town Soil Scientist on February 25, 2026 and comments were received back on March 3, 2026 (copy attached). Town Soil Scientist Bob Russo indicates in his comments that “The materials submitted to date do not constitute an adequate mitigation plan or stream crossing

design. A survey plan showing the wetlands boundary, topography, and other relevant features needs to be prepared to serve as a base plan upon which the engineer and soil scientist can lay out the wetland restoration plan in full detail. Section 7 of the Montville IWC regulations provides guidance as to what constitutes a complete applicant.”

- On March 5, 2026, the Town Soil Scientist’s comments were forwarded to the Applicant and no response has been received to date.
- At the last meeting of March 19, 2026, this Commission found the submitted Application and supporting documents to be incomplete. The Applicant indicated that he would have Boundaries complete a new Plan for submission. To date, no new documents have been submitted.
- On April 2, 2026, Staff spoke with John Faulise from Boundaries and he confirmed that he has been retained by the property owner to prepare a submittal but could not provide me with an estimated at of expected submission.

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 February 25, 2026 and comments were received on March 3, 2026 (a copy is attached).

NEW STAFF COMMENTS:

- On May 18, 2026, Staff spoke with the Applicant, Mark Desrosier who advised that Boundaries has been out to the property and has completed the survey portion of the Plan and the Civil Engineer is awaiting receipt of the Survey in order to finalize his Plans in accordance with Town Soil Scientist’s comments of March 3, 2026.
- Applicant sent an email requesting a 65-day Extension of Time to July 27, 2026, a copy of which is attached hereto.

STAFF RECOMMENDATION:

- Staff recommends the IWC grant a request for a 65-day Extension of Time to July 27 2026 and continues Application 26 IWC 3 to the next regularly scheduled meeting of June 18, 2026.

ZWO Radford read New Staff Comments and Staff Recommendation into the record. The Owner/Applicant Mark Desrosier was present. The ZWO reported that the Application was set for a decision rendered on May 23, 2026; but since a decision could not be made at this time a 65-day extension was suggested. Also noted was that the prior application was withdrawn in response to the Commission question about a 30-day extension only. The Commission also noted that there were no official stamps on the documents hand-delivered yesterday to the ZWO and forwarded to the Town Soil Scientist for comments. The documents include a topographical survey of existing conditions, a hand drawn wetland plan with proposed activities, and a hand drawn report for the overflow trench—all are considered drafts. The Owner/Applicant reported having received the plans two (2) days ago from his Soil Scientist Snarks and Civil Engineer Martucci and that he will obtain certified copies of these documents as required for the Application. Per a question of the Commission, the Owner/Applicant also reported that he would be doing the work in a time span of 4-5 days. **MOTION:** I make a Motion to grant a 65-day extension of time to July 27 2026 and to continue Application #26 IWC 3 – 428 Fire Street (Parcel: 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 the flooding, until the next regularly scheduled meeting on June 18, 2026. **(Roshto/Majewski). Vote: (5-0-0). APPROVED.**

8. New Business:

a. -26 IWC 6 – 90 Maple Avenue (Parcel ID: 017-015-000) Uncasville, CT; Owner/Applicant: New Canan Place LLD; for regulated activities to create an 87-townhouse development; (Submitted 05/14/2026, Date of Receipt 05/21/2026, DRD 07/25/2026) WITHDRAWN

ZWO Radford reported that this application was withdrawn per receipt of a formal email.

b. 26 IWC 7 – 695 Route 32 (Parcel ID: 079-013-000) Uncasville, CT; Owner/Applicant: North Group LLC; for regulated activities to create a 4-unit development; (Submitted 05/15/2026, Date of Receipt 05/21/2026, DRD 07/26/226)

STAFF COMMENTS:

- This Application is for a jurisdictional ruling that a Permit is not required for the proposed development of this site.
- This site consists of 1.2 acres and is located in the C-1 Zoning District, abutting Horton Cove on the west. The site is currently developed with a 1500 sq ft commercial space with approximately 108' of frontage on Route 32.
- The Applicant is proposing to apply with the Planning & Zoning Commission for a change of use from commercial to residential, as well as the development of 3 additional residential units.
- The Applicant has forwarded a narrative dated May 19, 2026, a copy of which is included in your packet, indicating that there are only tidal wetlands located on the property; which has been confirmed by Soil Scientist George Logan, and that this Application is for a jurisdictional ruling that no Permit will be required from this Commission for the proposed development.
- The Applicant's Soil Scientist has submitted a Wetland Report dated May 19, 2026, a copy of which is included in your packet, whereas he stated, after a site inspection and review of relevant plans and mapping, that it is his professional opinion that "the resource area adjacent to the subject property constitutes a tidal/coastal resource area rather than a regulated inland wetland or watercourse under the authority of the Montville Inland Wetlands Commission."
- Review of the submitted Plan entitled "Site Plan of 695 Route 32, Montville, Connecticut prepared for North Group, LLC and dated May 15, 2026" shows that the proposed development is approximately 273' from the tidal wetlands.
- According to the State Layer on the GIS, approximately 21' of the property along Horton Cove is located within Flood Zone "AE" and any Application submitted before the Planning & Zoning Commission will require a Coastal Area Management (CAM) Review by the CT DEEP.

STAFF RECOMMENDATION:

- Staff recommends the IWC receive Application 26 IW 7 and, based on the information submitted from, the Engineer and the Soil Scientist on behalf of the Applicant, that the IWC issue a finding that it has no jurisdiction over the proposed activities.

ZWO Radford read Staff Comments and Staff Recommendation into the record. Professional Engineer Gregg Fedus was present on behalf of the Owner/Applicant. The Commission questioned if there is any sewer storm drain on the site; the PE responded that there is nothing discharging and the site flows down to Horton Cove.

Motion: I make a motion to issue a finding that the Montville Inland Wetlands and Watercourses Commission has no jurisdiction over the proposed activities presented with this Application and therefore no Permit is required. **(Occhialini/Majewski). Vote: (5-0-0). APPROVED.**

9. Correspondence: None (adjustment)

- a. A draft copy of a Permit Application for the use of Pesticides in State Waters, received by CT DEEP for Gardner Lake on April 20, 2026.

ZWO Radford presented this draft Permit Application to the Commission for informational purposes.

10. Other Business: None

11. Executive Session: None

12. Adjournment.

MOTION: To adjourn the meeting at 6:22 p.m. **(LeClair/Occhialini). 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.