

MEMORANDUM FOR THE RECORD
APPLICATION# 26 IWC 3
REGULAR MEETING – THURSDAY, JULY 16, 2026

Prepared by Stacy Radford, Zoning & Wetlands Officer

Owner/Applicant: Mark Desrosier
Address: 428 Fire Street (014-003-000), Oakdale
Date of Receipt: February 20, 2026
Date Received by IWC: March 19, 2026 (*DRD – May 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. 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 date of expected submission.
- On May 18, 2026 Staff spoke with the Applicant, Mark Desrosier who advised that the Boundaries had 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.
- The Applicant sent an email requesting a 65 day Extension of Time to July 27, 2026.
- On May 26, 2026 Staff forwarded a copy of the Town Soil Scientist comments of May 26, 2026 to the Applicant, Mark Desrosier, his Engineer, John Martucci and his Land Surveyor, John Faulise. Mr. Desrosier requested that I only communicate with him directly.
- On June 12, 2026 I sent the Applicant, Mark Desrosier a follow up email requesting the final version of the Wetlands Report and Restoration Plan from his Soil Scientist; including details of the proposed contours, stream channel limits, stream channel restoration, soil specifications, a future inspection schedule and proposed wetland plantings; as requested by the Town Soil Scientist. I additionally requested a final report from the Engineer constituting the final design of the wetland/stream crossing, overlayed with the Mitigation Plan to be supplied by his Soil Scientist; also requested by the Town Soil Scientist. To date, nothing has been received.
- This Commission, at the May 21, 2026 meeting, agreed to a 65 day extension of time to July 27, 2026.

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. Additional documents; including a Topographical Survey showing existing conditions, hand-drawn Wetland Plan with proposed activities, and a hand-drawn Engineer's Report showing the overflow trench were referred for comments on May 20, 2026. Comments were received on May 26, 2026, a copy of which is attached hereto. On June 16, 2026 a revised version of the Wetland Restoration Plan was received, as well as a second hand-drawn sketch from the Engineer. On July 15, 2026 a signed revised version of the Wetland Restoration Plan prepared by Boundaries, LLC was received and forwarded for review and comments. Comments were received on 7/16/2026 and forwarded to Applicant.

NEW STAFF COMMENTS:

- On July 15, 2026 a fully executed, revised Wetland Restoration Plan prepared by Boundaries, LLC was received and forward to the Town Soil Scientist and Engineer for his review and comments. The Plan includes notes from the Applicant's Soil Scientist, Richard Snarski to include the following:
 - Provide an additional 37 +/- linear feet of sediment fence at edge of water prior to the removal of fill.
 - Remove silt and sediment to elevation of the adjacent wetland (450 +/- SF) finished grade = 164.8 +/- . Removal of silt, sediment and fill to be conducted to minimize disturbance of existing underlying native soil.
 - Plant wetland plants 1' off center to include soft rush, soft stem bullrush, wool grass (as specified in the upper right portion of the Plan)

The Plan also includes notes from the Applicant's Professional Engineer, John Martucci to include the following:

- Install proposed embankment drainage system to include (2) 24" x 24" x 17' cast-in-place concrete blocks with 6' between to allow for proper site drainage. Bottom of drainage course elevation to match invert elevation 164.8 +/- (as specified on the left portion of the Plan)
- Regrade and/or restore gravel driveway to eliminate stormwater runoff to adjacent inland wetland areas.

- The Plan further states the following:
 - During the period of construction, the Applicant will be responsible for the “installation and maintenance of all erosion and sediment control measures. Said measures shall be inspected weekly and after each rainstorm with greater than 0.5” of rainfall in a 24-hour period. Accumulated deposits of sediment and silt shall be periodically removed from the upstream side of the erosion and sediment control barriers, and upon establishment of permanent vegetative cover. Such materials removed shall be spread and stabilized in non-wetland areas that are not subject to erosion, and are not to be paved or built upon. The sediment fence and other erosion and sediment control measures shall be repaired, cleaned and/or replaced as necessary throughout the construction period; until final grading and stabilization has been completed.”
 - The Applicant agrees that “all temporary fill, storage or stockpile areas shall be properly stabilized to prevent erosion and suitably contained to prevent turbid runoff. All areas affected by temporary fills must be restored to their original contours, and revegetated with suitable vegetation prior to the completion of construction.”
 - The Applicant has indicated “disturbance of the land shall be limited to the minimum extent necessary to complete the proposed work. All existing trees and shrubs shall be conserved where possible, except those whose removal is required to perform the proposed work.”
 - The Applicant further states that “All activities shall be in conformance to and consistent with all applicable water quality standards and management practices as set forth by local, State and Federal agencies.”
- Comments from the Town Soil Scientist and Town Engineer dated July 15, 2026 were received and forwarded to the Applicant for his response.
- Staff spoke with the Town Engineer who has agreed that these comments could be made Conditions of Approval if the Commission so chose and Staff would recommend same. A simple statement, signed and sealed by each of the professionals would suffice. If they could or would not certify that the proposed crossing would not adversely impact the wetlands system or the peak flow rates and volumes downstream of the crossing then no permit should be issued and/or the proposed crossing should be reconstructed.
- The alternative would be to DENY the Application and require that the Applicant re-apply or if he chose not to re-apply then this Commission could hold a Show Cause Hearing as this is still an active wetland violation. As a reminder, the Applicant has already requested a 65-day extension of time, which expires on July 27, 2026.

CONSIDERATIONS FOR ACTION:

If the Commission is inclined to approve, WITH CONDITIONS, the request of the Applicant for a permit for proposed activity, the following language for a Motion of Approval is suggested:

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 #26 IWC 3 – 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,

per the Application and associated documents submitted on February 20, 2026 and plan entitled, “Topographic Survey – Wetland Restoration Plan prepared for Mark A. Desrosier & Alexandra Cortes-Rodriguez, 428 Fire Street, Montville, Connecticut, dated July 2026”; with the following Conditions of Approval:

1. That the Applicant’s Soil Scientist certify in writing, signed and sealed, that “the driveway crossing as proposed will not adversely impact the wetland system upstream or downstream.”
2. That the Applicant’s Professional Engineer certify in writing, signed and sealed, that “the driveway crossing as proposed will not adversely impact peak flow rates and volumes downstream of the crossing.”
3. These certifications must be received prior to July 26, 2026.

Standard reasons for approval and standard conditions of approval apply.

If the Commission chooses to deny said Application, reasons for denial must be stated.

CLA Engineers, Inc.

Civil • Structural • Survey

317 MAIN STREET • NORWICH, CT 06360 • (860) 886-1966 • (860) 886-9165 FAX

July 15, 2026

Stacy Radford
Zoning & Wetland Officer – Dept. of Land Use & Development
Town of Montville
310 Norwich-New London Tpke., Uncasville, CT 06382
Via Email: sradford@montville-ct.org

RE: Inland Wetland Application
428 Fire Street
CLA-7873R

Dear Stacy,

CLA has reviewed recently submitted documents as part of an application to remediate a previously documented wetland violation on the 428 Fire Street site. The documents are located on the Town Form Repository:

<https://www.townofmontville.org/form-repository/26-iwc-3-428-fire-st-after-the-fact-permit-regulated-activities/>

We offer the following comments on the latest plans:

1. The restoration area and grade indicated on the plan appear appropriate.
2. Any excavated fill should be removed and disposed of offsite, or beyond the regulated area.
3. A brief review of available aerial imagery indicates that some form of a driveway crossing has been in existence at this location since at least 1990. The driveway crossing is at the base of and approximately 185-acre watershed (from USGS Streamstats). Based on the staff reports, a portion of this work appears to be response to flooding at the location. The Engineer should document:
 - A. That the driveway crossing as proposed will not adversely impact the wetland system upstream or downstream.
 - B. That the driveway crossing as proposed will not adversely impact peak flow rates and volumes downstream of the crossing

Thank you for the opportunity to provide this review. Please feel free to call me at our office or email khaubert@claengineers.com with any questions.

Very truly yours,
CLA Engineers, Inc.



Kyle Haubert, P.E.