



TOWN OF LEDYARD

Wetlands Official's Office

Len Johnson, Wetlands Official

741 Colonel Ledyard Highway, Ledyard, CT 06339

Phone: (860) 303-2879

Wetlands@LedyardCT.Org

Wetlands Official's Report: IWWC Regular Meeting February 7, 2023

As of Right – 24 Partridge Hollow Rd. Gales Ferry

- Property Owner/Applicant: Karen Moriarty
- remove existing 13.5' x 20' sunroom and replace with 13.5' x 6.5' screened-in porch
- Approved on February 1, 2023

-Notification from Army Corps of Engineers NAE-2022-01145_2023013 to Eversource

- Reply to Eversource allowing them to remove two wooden H-frame buildings and the placement of a new steel monopole. The work will be in the vicinity of Joe Clark Brook in Ledyard.

Permit IWWC#22-18URA – Avery Brook Homes, 94, 96, 98, 100 Stoddards Wharf Road

- Property Owner/Applicant: Peter Gardner
- Updated plan submitted December 13, 2022
- Number of houses reduced from 36 to 26 3-bedroom units
- All septic systems have been removed from the Upland Review Area.
- As of this date (February 1, 2023) no additional plans or reports have been received from the applicant as requested at the December 6, 2022 meeting.
- At the January 7, 2023 IWWC meeting, Atty. Heller voiced his opinion that the commission did not have the authority to regulate groundwater. In Section 1 of Ledyard's Inlands and Watercourses Regulations it states, "The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life."
- No driveways or garages/car ports are shown on plan. Even though this a conceptual subdivision plan, the close proximity of the houses and small lot sizes necessitates the need to show increased impervious surfaces.

-The GEI Consultants report addresses the impact of drawing from multiple sources and “does not address the potential issue drawing water from a water table that has significant effluent dispersal from multiple subsurface sewage disposal systems in close proximity to each other.”

-The Storm Water Quality Basin is relatively small and only treats effluent from catch basins located in the street. Any overflow from this basin will discharge directly into the wetlands which is only 30 feet away. More provisions should be provided which would capture and treat runoff from the street and chemicals from lawn treatments.

-As stated in the report of Karl F. Acimovic, consulting engineer for the Town of Groton, Groton Utilities is concerned by several factors including:

- The permeability of the soils which could lead to a rapid migration of effluent to the water table and areas immediately surrounding the subsurface sewage disposal system.
- Each septic system has been tested individually but the cumulative effect of 26 systems has not been addressed. The slope and pervious soil conditions all point effluent discharge to be in the direction of a public water supply. An in-depth study of the water tables hydraulics and the ability of the soils to treat or renovate the effluent prior to dispersal onto Groton Utilities property has not been provided.
- Stormwater runoff has not been adequately addressed. The applicant is using sheet flow to pre-treat runoff and one detention basin which channels excessive runoff directly into the Groton watershed.
- The quality of existing groundwater and the need to drawdown from neighboring properties. The GEI Consultants report addressed only adequacy of supply, but not the quality.

-While the applicant has addressed several of these concerns, namely reducing the number of homes and the addition of a small detention basin to handle drainage from the road, the project still seems to be an aggressive use of the Affordable Housing (Section 8-30g) Act. The density and size of these houses on lot sizes as small as 0.19 acres all with individual wells and subsurface septic systems, and the lack of management and treatment of stormwater runoff has the potential to adversely impact a public water supply.

-Consideration for approval would be elimination of the 8-30g regulations and reverting to standard zoning requirements.

- An issue with the ability of the Ledyard Inland Wetlands Commission to regulate areas outside of the 100' Upland Review Area has recently arisen. *In Queach Corporation vs. Inland Wetlands Commission* (Branford) the court ruled that a permit obtained for conduct involving regulated activities within an upland review area, a wetlands agency retains authority to regulate proposed activities located more distantly *if* it finds that the activities are likely to have an impact upon or affect a wetland or watercourse. This is found in an article by David Wrinn, Assistant Attorney General, CT Office of the Attorney General in a Special Edition of The Habitat dated January, 2003.

- The Connecticut Public Health Code requires that a septic system be 50' from an open water source and 100' from a water supply reservoir. Lots 1,2,3,6,7,and 8 are barely beyond the 100' minimum with increasingly steep slopes nearer the reservoir. Of special concern in the Public Health Code is the presence of rock ledge less than 5' below the surface on lots 1 and 2.

Considerations for Action:

Suggested Motion for Denial

I make the motion to deny application # IWWC22-18URA, Avery Brook Homes, based on information from Groton Utilities (Karl F. Acimovic, P.E.) that the applicants didn't provide needed information regarding the combined impact of 26 individual septic systems and their cumulative effect on the Groton Utilities public water supply. These effects are the rapid discharge and migration of effluent to the underlying water table resulting in significant nutrient loading detrimental to a public water supply, the lack of data showing the ability to supply adequate water of potable quality from on-site wells, and the effects of stormwater runoff without adequate pretreatment.

Suggested Motion for Approval

I make the motion to approve application #IWWC22-18URA, Avery Brook Homes based on information from Ian T. Cole, Professional Soil Scientist and John R. Martucci, P.E. of LBM Engineering, that the applicants have proven that the 26 houses and associated wells and septic systems will not impair or negatively impact the watershed for the Town of Groton.

Len Johnson
Ledyard IWWC Official