



Chairman
Justin DeBrodt

TOWN OF LEDYARD

Inland Wetland and Water Courses Commission

Meeting Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Regular Meeting

Tuesday, February 7, 2023

7:00 PM

Council Chambers -Hybrid Format

I. CALL TO ORDER

Chairman DeBrodt called the Regular Meeting of the IWWC to order at 7:00 PM. The meeting was hybrid with some attending in person and others via Zoom.

II. ROLL CALL

Staff Present: Juliet Hodge, Director of Planning and Development, Len Johnson, Wetlands Enforcement Officer, and Makenna Perry, Land Use Administrative Asst.

Present Chairman Justin DeBrodt
Vice Chair Paul Maugle
Commissioner Dan Pealer
Commissioner Lynmarie Thompson
Commissioner Beth E. Ribe
Alternate Member Gary St. Vil

III. CITIZENS COMMENTS

No public comment.

IV. OLD BUSINESS

- A. Application #IWWC22-18URA of Avery Brook Homes, LLC, 1641 Rte. 12, Gales Ferry, CT 06335 for URA activities associated with the siting of new single-family homes with associated grading and utilities on 9 of 36 lots in a proposed 8-30g Re-Subdivision located on 94,96,98 and 100 Stoddards Wharf Rd, Ledyard CT.

Chairman DeBrodt noted that multiple items were made a part of the record since the previous meeting on January 3, 2023. The first item was a request from Groton Utilities' Attorney, Steven Studer, to grant the City of Groton through Groton Utilities (GU) Intervenor Status request for this application. Chairman DeBrodt read the Notice of Intervention from GU.

"WHEREAS, the City of Groton acting through its Department of Utilities has filed a Notice of Intervention pursuant to C.G.S. § 22a-19 to the Ledyard Inland Wetlands and Watercourses Commission relating to the above-referenced proposed activity; and

WHEREAS, the Commission has reviewed the Notice to determine whether: 1) the Notice meets the requirements of applicable statutes and applicable law and 2) the Notice makes claims

regarding potential impairment to the air, water and other natural resources of the State of Connecticut over which the Commission has jurisdiction.

NOW THEREFORE, the Commission hereby moves that Intervenor Status be granted to the Petitioner City of Groton as the Notice contains specific allegations claiming impairment to natural resources over which the Commission has jurisdiction and otherwise meets the standards for Intervention pursuant to C.G.S. § 22a-19. The Petitioner is hereby granted all rights and privileges reserved for parties in such administrative proceedings."

Motion moved by Commissioner Thompson and seconded by Commissioner Maugle to grant the City of Groton through Groton Utilities Intervenor Status for this application. Motion passed unanimously.

Chairman DeBrodt explained that a letter from Attorney, Steven Studer to the applicant became a part of the record, known as Exhibit #46. The letter from Studer to the applicant requested clarification that the applicant understood the additional testing and analysis requested by the Commission, was needed to address the environmental concerns posed by the proposed development and to provide a description of the testing and analysis being conducted, as well as a date when the testing is being completed. Lastly, the letter requested that the applicant submit all new material to the town at least two full weeks before the continued public hearing, i.e. on or before January 24, 2023.

Chairman DeBrodt explained that a letter from The Ledyard Fire Chief, Jonathan Mann, also became a part of the record known as Exhibit #47. Jonathan Mann reviewed the proposed plan for Avery Brook Subdivision from a public safety point of view. Mr. Mann stated that the narrow road width of 22ft might pose some challenges to getting larger apparatus through the neighborhood - particularly if residents park on the street. He noted that on street parking should not be allowed. Mr. Mann also stated that he did not think there was a great risk for fire spreading from one house to another, but he did point out that there are very few hydrants in town to supply water for fire protection.

Chairman DeBrodt read a letter from Attorney Harry Heller requesting, on behalf of the applicant, to continue the public hearing to the March 7, 2023 meeting in order to have enough time to complete the required testing and allow time for all parties to review. The letter indicated that the applicant intended to submit the analysis well in advance of the March 7, 2023 meeting.

Chairman DeBrodt read an additional letter from Attorney Harry Heller in which he acknowledged the applicant's consent to the continuation of the administrative proceeding. Mr. Heller identified a terminal date of March 26, 2023 to complete the public hearing and confirmed that the applicant will not seek the removal of the application to the Department of Energy and Environmental Protection (DEEP).

Commissioner Thompson asked Planning Director Juliet Hodge to explain the purpose of the letter.

Juliet Hodge explained for Wetlands related applications, there is no "automatic approval" if the Commission fails to adhere to the statutory timelines to act on an application as there are with Planning and Zoning applications, however, the applicant can opt to have the Department of

Energy and Environmental Protection (DEEP) review and act on the application if the timelines are not met. In this case, the applicant has stated that they will not send the application to DEEP if the required time frames are not met.

Commissioner Ribe questioned whether the Commission and interested parties would have enough time to review the requested analysis and materials given the required time frames.

Chairman DeBrodt asked if WEO, Len Johnson, had any comments on the application. Len Johnson explained that until the analysis is received, he does not have any comments.

Motion made by Commissioner Thompson and seconded by Commissioner Ribe to continue the public hearing to March 7th 2023, at 7:00 PM as requested by the applicant. Motion passed unanimously.

RESULT: CONTINUE

MOVER: Lynmarie Thompson

SECONDER: Beth E. Ribe

V. NEW BUSINESS

None.

VI. REPORTS

A. Wetlands Officer Report

Wetlands Enforcement Officer, Len Johnson explained that majority of his focus has been on the Avery Brook Homes Application. He stated that once the renovation analysis report is submitted, he will be able to give more insight to the Commission. Mr. Johnson also stated that he examined an 'As of Right' application this month at 24 Partridge Hollow in Gales Ferry.

VII. APPROVAL OF MINUTES

A. Draft Meeting Minutes - January 3, 2023

Motion was made by Commissioner Pealer and seconded by Commissioner Maugle to approve the January 3, 2023 minutes as submitted. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED

MOVER: Dan Pealer

SECONDER: Paul Maugle

VIII. MEETING REVIEW

Planning Director, Juliet Hodge asked the Commission which documents, if any, they would prefer in their meeting folder as staff would like to move towards a paperless meeting if possible. Some Commission members liked to physically have some of the material at the meeting and others preferred electronic. As such, staff decided to continue with electronic distribution of everything other than the agenda and staff reports unless otherwise requested to provide a paper copy.

Chairman DeBrodt pointed out that it would also be beneficial to share documents on the screen

(ZOOM) so the Commission and members of the audience can view them at the time of discussion.

Commission members reviewed their meeting, noting that the technology worked well, and that they had received their reports ahead of time. Commission Thompson noted that the things that Commission had asked for were accomplished. Chairman DeBrodt appreciated the effort put in by Staff and Commission Members.

IX. ADJOURNMENT

Motion was made by Commissioner Pealer and seconded by Commissioner Ribe to adjourn at 7:30 PM. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED

MOVER: Dan Pealer

SECONDER: Beth E. Ribe

Chairman, Justin DeBrodt

Date