



TOWN OF LEDYARD

Zoning & Wetlands Official's Office

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M O T I O N # 1 (A Motion to Deny Without Prejudice) FINAL – 08-05-25

After giving due consideration to all relevant factors, including those in Section 6 (Regulated Activities by Ledyard IWWC) and Section 10 (Considerations for Decision) of the Ledyard Inland Wetland Regulations and Section 22a-40 of the Connecticut General Statutes, I move to DENY WITHOUT PREJUDICE Application IWWC#25-5SITE and associated site improvements for construction of a 278-unit multi-family dwelling housing development in two buildings and associated site improvements, as more fully described in the application & supporting documents, dated 2/24/25 and a plan entitled "Proposed Site Plan Documents for C.R Klewin LLC, Proposed Residential Development, 19, 29, 39 Military Highway, Gales Ferry, Ledyard, New London County, Connecticut, Prepared by Bohler Engineering, dated 2/19/25, revised to 5/20/25" and all application exhibits for the following reasons:

Reason 1. The application is incomplete in that the Applicant did not comply with multiple requests of the Town's Consulting Engineer, CLA Engineers (CLA) to provide test pits and permeability information, which soil evaluations can be done by a qualified professional at any time of the year and help document that the given site can support the stormwater management design for the project. Without this information CLA could not determine if the soils onsite can fully support the proposed stormwater management system design and that without this information CLA cannot confirm that the stormwater management features are appropriately sized in accordance with the 2024 CT Stormwater Quality Manual, and it cannot be determined if the project would have an impact on the on-site regulated uplands, inland wetlands and/or watercourses areas. See CLA Engineers Exhibits #27, #37, #46 & #50 for the record .

Reason 2. Pursuant to Connecticut General Statutes §22a-19, et seq., the Gales Ferry District aka Gales Ferry Fire District and Lee Ann Berry, individually have filed Verified Notices of Intervention (Exhibits #17 & #26, respectively) (hereinafter "Notices"), stating the proposed administrative proceeding involves conduct which has or which is reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, and other natural resources of the state, within the jurisdiction of the Agency in the following ways:

1. Notices Sections 4 a, b, c, m & q, which state,
 - a. "The Application does not meet the standards of approval".
 - b. "The Applicant has failed to provide evidence to demonstrate that the Application will not result in long-term impacts on wetlands or watercourses".
 - c. "The Applicant has failed to provide evidence to demonstrate that the Application will not result in irreversible and irretrievable loss of wetland or watercourses".
 - m. "No soil testing has been conducted in Basin 1D to determine if the soils are suitable for infiltration. The Applicant has failed to demonstrate that the required vertical separations in the 2024 Manual [CT DEEP 2024 Storm Water Quality Manual] are met for seasonal high groundwater and/or bedrock. The design for Basin 1D is not in compliance".

q. "Such other and further aspects as may be determined from the Applicant's stormwater management plan."

2. Notices Section 6, which states, "It is the responsibility of the Applicant in this administrative proceeding to adequately develop by the introduction of substantial evidence of record, evidence that will address the issues raised herein with respect to the potential impacts, and the Applicant has the burden of establishing that the proposed action would not have significant impacts as alleged and that no alternatives exist that would reduce or eliminate the potential for such adverse impacts."

3. No soil testing has been conducted in Basin 1D OR 1E to determine if the soils are suitable for infiltration per the Town Engineer.

Reason 3. The Agency is unable to determine what the impacts on the regulated uplands, inland wetlands and/or watercourses areas are and, therefore, the Agency cannot determine if feasible and prudent alternatives are required.