



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Inland Wetland and Water Courses Commission

Meeting Minutes - Final

Chairman
Justin DeBrodts

Regular Meeting

Tuesday, August 5, 2025

7:00 PM

Council Chambers -Hybrid Format

REMOTE MEETING INFORMATION

I. CALL TO ORDER

Chairman DeBrodts called the meeting to order at 7:00 p.m. in the Town Hall Annex Council Chambers and on Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL AND APPOINTMENT OF ALTERNATES

- Present** Chairperson Justin DeBrodts
- Commissioner Dan Pealer
- Vice Chair Beth E. Ribe
- Commissioner Michael E. Marelli
- Alternate Member Robert Graham
- Absent** Commissioner James Thompson

In addition, the following were present:

Land Use Director, Elizabeth Burdick
Zoning & Wetlands Enforcement Official, Hannah Gienau
Assistant to the Director, Anna Wynn

Chairman DeBrodts seated Alternate member Robert Graham as a voting member.

IV. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO THE ORDER OF THE AGENDA

None.

V. CITIZENS PETITIONS (NON-AGENDA ITEMS ONLY)

None.

VI. PRE APPLICATION DISCUSSION AND/OR WORKSHOP

None.

VII. PUBLIC HEARINGS/APPLICATIONS

None.

VIII. OLD BUSINESS

- A. Discussion & Decision: IWWC#25-5SITE - 19, 29 & 39 Military Highway (PARCEL IDS: 91-1590-19, 29 & 39), Gales Ferry, CT - Agent, Brian Smith, Esq., Robinson & Cole - Applicant/Owner: C.R. Klewin LLC for approval of regulated activities associated with construction of a 278-unit multifamily residential housing development & associated site improvements. (Submitted 2/24/25, Date of receipt 3/4/25, PH orig. scheduled to open 4/1/25, PH rescheduled to open 4/22/25, PH must close by 5/26/25, PH Cont. to 5/6/25, PH Cont. 5/27/25 with 2-day ext. time granted to 5/28/25, PH Cont. to 7/1/25 with 36-day ext. time granted to 7/2/25, PH cont. to 7/15/25 with 15-day ext. of time, PH must close by 7/16/25. DRD 65-days from close PH).

Commissioner Ribe stated that she recently moved across town into Gales Ferry but can remain objective in her decision making. Director Burdick stated that Kyle Haubert of CLA Engineering is attending the meeting via zoom and is present to answer any questions posed by the Commission. She noted that he cannot give new information.

Hannah Gienau, Wetlands Official, presented her staff report on application IWWC#25-5SITE for post public hearing with suggested motions. Commissioner Graham and Kyle Haubert of CLA Engineering clarified information regarding seasonal high-water tables and permeability of soils. They discussed necessary test pit data. Commissioner Ribe asked if there are limited options of where the basins can be placed. Kyle Haubert and Commissioner Ribe clarified that test pits would help determine this.

Commissioner Pealer asked Kyle Haubert what the primary objective of the tests would be since there would be significant if not total replacement from blasting. Kyle Haubert stated that the applicant did not provide evidence of known ledge in that area. He stated that data was not submitted with the application.

Director Burdick asked Kyle Haubert for clarification on his report where it was stated that the basin is not appropriately sized. He commented on the various data points necessary to determine the appropriateness of the basin. He stated the applicant did not have the data to support the proposed size of the basin. He spoke specifically about basis 1E.

Director Burdick and Kyle Haubert discussed the importance of determining the appropriate size of the basin. Commissioner Marelli asked for clarification on what information was submitted regarding to the test pit data.

Chairman DeBrodt made various comments regarding the incompleteness of the application. He referenced various comments made by Jeff Bord of Boheler Engineering and how it applies to the regulations. Commissioner Ribe concurred.

Commissioner Marelli asked for clarification on exhibit #43 from Robinson & Cole. Ms. Gienau stated that the current proposed plan directly impacts the upland review area from run off from the proposed basins.

Director Burdick stated that staff suggests that the Commission deny without prejudice

Staff Suggestion: After giving due consideration to all relevant factors, including those in Section 6 of the Ledyard Inland Wetland Regulations and Section 22a-40 of the Connecticut General Statutes Commissioner Ribe made a motion to DENY 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 onsite soils 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, *in staff's opinion*:

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”.

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.

MOVER: Beth E. Ribe

SECONDER: Dan Pealer

Discussion Followed:

Chairman DeBrodt asked that Commissioner Ribe to include section 10 of the regulations and to remove staff suggestion as it is the Commission’s decision.

Director Burdick stated that she would like the Commission to modify their motion to state deny without prejudice and not just deny. Director Burdick asked that the motion be modified to say basin 1D. She additionally stated that it should be added that reason 2.3 that at basin 1E there was not adequate testing done.

After giving due consideration to all relevant factors, including those in Section 6 and Section 10 of the Ledyard Inland Wetland Regulations and Section 22a-40 of the Connecticut General Statutes Commissioner Ribe made a motion to DENY WITHOUT PREDJUDICE 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:

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 - 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.”
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3. that at basin 1E there was not adequate testing done.

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.

RESULT: 5-0 DENIED WITHOUT PREDJUDICE
MOVER: Ribe
SECONDER: Pealer
AYES: 5 Ribe, Marelli, Graham, Pealer, DeBrodt

IX. NEW BUSINESS

A. Sustainable CT Ad Hoc Committee: Discussion

Director Burdick reviewed the Resolution Plan with the Commission. She reviewed the Sustainable CT program. Commissioner Ribe volunteered.

X. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

A. IWWC Regular Meeting Minutes of July 1, 2025

Chairman DeBrodt asked to hold off on these minutes until information could be verified.

RESULT: TABLED

B. IWWC Special Meeting Minutes of July 15, 2025

MOTION to approve the IWWC Regular Meeting Minutes of July 15, 2025 as amended.

RESULT: APPROVED AS AMENDED

MOVER: Beth E. Ribe

SECONDER: Dan Pealer

AYE: 5 DeBrodts, Pealer, Ribe, Marelli, and Graham

ABSENT: 1 Thompson

XI. CORRESPONDENCE

Commissioner Marelli and staff clarified a project ongoing at 40 Bluff Road regarding jurisdiction of DEEP.

XII. REPORTS

A. WEO Staff Report of August 5, 2025

Hannah Gienau briefly discussed her staff report with the Commission.

XIII. ADJOURNMENT

Commissioner Pealer moved the meeting to be adjourned, seconded by Commissioner Graham. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Chairman Justin DeBrodts
Inland Wetlands & Watercourses Commission

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.