



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Inland Wetland and Water Courses Commission Meeting Minutes - Final

Chairman
Justin DeBrodt

Regular Meeting

Tuesday, August 6, 2024

7:00 PM

Council Chambers -Hybrid Format

REMOTE MEETING INFORMATION

Join Zoom Meeting

<https://us06web.zoom.us/j/89977754103?pwd=eqOL45VCWaqrimFkCyk03t8U34bgtd.1>

Meeting ID: 899 7775 4103 **Passcode: 836478**

+1 646 558 8656 US (New York)

I. CALL TO ORDER

Chairman DeBrodt called the meeting to order at 7:00 p.m. at the Council Chambers, Town Hall Annex Building.

II. ROLL CALL

Present Chairman Justin DeBrodt
 Vice Chair Paul Maugle
 Commissioner Dan Pealer
 Commissioner Lynmarie Thompson
 Commissioner Beth E. Ribe

In addition, the following were present:

Elizabeth Burdick, Director of Planning and Land Use
Alex Samalot, Zoning Enforcement Officer
Anna Wynn, Land Use Assistant

III. CITIZENS COMMENTS - (LIMITED TO NON AGENDA ITEMS ONLY - LIMIT 3 MINS)

Chairman DeBrodt opened Citizens Comments.

Anne Roberts Pierson, 4 Anderson Drive, Gales Ferry, addressed the Commission and asked if the Land Use Department had retained the various technical experts requested by residents concerning #24-8SUP & #24-9CAM which is before the PZC.

Chairman DeBrodt responded that all questions concerning matters of the PZC cannot be addressed at IWWC meetings. Chairman DeBrodt encouraged Ms. Pierson and other members of the public to attend the upcoming PZC Meeting with their questions and concerns.

Anne Roberts Pierson stated she will touch base with the Director Burdick at another time.

Joann Kelly, 12 Thames View Pentway, Gales Ferry, addressed the Commission and noted that appropriate corrections were made to the IWWC June 4, 2024 Meeting Minutes after they had been addressed at the July 2, 2024 meeting. She stated, however, that the July 2nd Meeting Minutes currently error their reflection of this amendment request made by Anne Roberts Pierson. She stated that the July 2, 2024 Meeting Minutes should represent Ms. Pierson's comment requesting amendment to the mis recording of a 4-0 vote to a 3-1 vote and not an incorrect name used for a motion.

IV. OLD BUSINESS

- A. **IWWC#24-9 - 19, 29 & 39 Military Highway (Parcel IDs: 91-1590-19, 29 & 39), Gales Ferry, CT** - Applicant/Owner: C.R. Klewin LLC for approval of regulated activities associated with construction of a 320-unit multifamily residential housing development and associated site improvements. *(Submitted 6-24-24, Date of Receipt 7-2-24, Decision Required Date 9-4-24).*

Chairman DeBrodt opened Old Business.

Chairman DeBrodt stated that according to Ledyard Town Regulations the Commission is required to set a public hearing within 65 days of receiving a petition signed by 25 or more town residents. He noted that a petition for a public hearing was received at the last IWWC meeting on July 2, 2024. He stated that he would like to set that public hearing for the upcoming IWWC Regular Meeting on September 3, 2024.

MOTION to set public hearing for IWWC#24-9 on the IWWC September 3, 2024 Special Meeting

RESULT: APPROVED AND SO DECLARED

MOVER: Beth E. Ribe

SECONDER: Dan Pealer

AYE 5 DeBrodt Maugle Pealer Thompson Ribe

Commissioner Lynmarie Thompson asked Chairman DeBrodt if the Commission will move directly to the public hearing without hearing a presentation from the applicant.

Chairman DeBrodt stated that typically when the Commission holds a public hearing the applicant will present first, but in this case the presentation and public hearing are being

combined.

Director Burdick commented that she advises the Commission to also do a site walk.

A resident commented that the audience cannot clearly hear discussion amongst the Commissioners.

Chairman DeBrodt apologized and spoke up. He stated that a Public Hearing was scheduled for September 3, 2024 where the applicant will present their application as well as receive public comment from residents. He stated that the Commission will continue the public hearing based on the amount of attendance and public comment received. He stated that after the Commission will move to discussion of the application.

A resident from the audience asked if the public hearing will be held in the Town Hall Annex Council Chambers or at a different location.

Chairman DeBrodt stated that the public meeting is scheduled to take place at the Ledyard Middle School in the auditorium to accommodate the anticipated number of participants.

The Commission discussed scheduling and availability to do a site walk.

Director Burdick stated for the record that if the Commission votes on a date for a site walk, the Land Use Department will post a Special Meeting Agenda and it will be open to the public. She stated that there will be no discussion other than features in the field as they relate to the plan.

Chairman DeBrodt spoke up and stated that the Commission is about to schedule a Special Meeting on August 24, 2024 at 9:00am, at the site address of 19, 29 & 39 Military Highway for a site walk.

Aarron Hass of 51Harvard Terrace, Gales Ferry, stated that he encourages the Commission to walk through and observe adjoining waterways.

Chairman DeBrodt responded that the Commission will be limited to the property because they do not have permission to be on adjoining property owner's land.

Aarron Hass responded that the downflow is on conservation land and is public property.

Chairman DeBrodt stated that the Commission will do its best to look at what they can see. He stated that he is not willing to commit to anything more than the applicant's property.

MOTION to schedule a Special Meeting for a site walk on August 24, 2024 at 9:00am at the location of 19, 29 & 39 Military Highway

RESULT: APPROVED AND SO DECLARED

MOVER: Lynmarie Thompson

SECONDER: Beth E. Ribe

AYE 5 DeBrodts Maugle Pealer Thompson Ribe

V. NEW BUSINESS

- A. IWWC#24-11AOR-** Owner/Applicant Nen Qing Lin of 121 Whalehead Road, Gales Ferry CT, 06335, for an As of Right Determination for tree and stump removal with some regrading in the 100 foot Upland Review Area.

ZEO, Alex Samalot, addressed the Commission and stated that due to a language barrier between the Commission and the property owner he would do his best to facilitate the conversation. He stated that the property owners were unaware of some of the town regulations and had begun cutting down a few trees and performing some stump removal, some lawn removal and minor grading. He stated that he went out to the site and measured from their silt fence to flags that were placed during the construction of the house. He stated that he included pictures in his activity report showing a relatively new single family house.

Commissioner Thompson confirmed with the ZEO that the As of Right Determination would need to be approved by the IWWC.

Commissioner Pealer confirmed with the ZEO the specific language used by the Ledyard Town Regulations.

Commissioner Thompson confirmed with Alex Samalot that he will continue to do oversight of the work on the property.

MOTION to approve As of Right Determination IWWC#2411AOR under Section 4.2.C

RESULT: APPROVED AND SO DECLARED

MOVER: Dan Pealer

SECONDER: Paul Maugle

AYE 5 DeBrodts Maugle Pealer Thompson Ribe

- B.** Discussion of Draft Application IWWC24-10 - Ledyard Inland Wetlands & Watercourse Commission for Proposed Text Amendments to Amend Section 2.1 (Definitions - Regulated Activity).

The Commissioners distributed copies of the proposed text amendments.

Chairman DeBrodt stated that he went through model regulations that are available on the DEEP website as well as through a booklet from DEEP on guidelines for upland review areas. He stated that he used the definition they had in the booklet for regulated activity.

Commissioner Maugle stated that he had not seen the regulation that was handed around.

Chairman DeBrodt stated that he would read the notes on the regulation into the record so that Commissioner Maugle could hear remotely and that a copy would be emailed to him. Chairman DeBrodt stated that the first note is just the redefinition of regulated activity. He read into the record the redefinition of regulated activity as written on the proposed text amendment document.

Director Burdick referenced discussion that was had on the Jul 2, 2024 IWWC Regular Meeting regarding IWWC's jurisdiction on regulated activity. She commented that the text amendments would allow the IWWC to regulate activity outside the previously defined 100 ft upland review area.

Chairman DeBrodt and Director Burdick referenced discussion from the previous meeting concerning jurisdiction between the Commission and attorneys.

Commissioner Ribe confirmed with Chairman DeBrodt that the text amendment modifies watercourses but not wetlands.

Chairman DeBrodt said that is correct.

Commissioner Thompson asked if it was purposeful that the original regulation states adverse effects vs the text amendment that states likely to impact.

Chairman DeBrodt said yes.

Commissioner Thompson clarified which section of the text amendments to look at.

Chairman DeBrodt stated that the Commission is only focusing on text amendments related to regulated activities at this meeting. He stated that he took the opportunity to include other minor changes since the amendments are going through a public hearing process.

The Commission discussed the text amendment of 7.5b regarding the inclusion of the word sewer which was listed as 7.7.b due to a typo.

Commissioner Pealer asked where the regulations talk about sewage lines. He asked if the runoff from the roads in the same sewer system as sanitary lines.

Chairman DeBrodt stated that is neighborhood dependent based on if there is public drainage.

Director Burdick stated that the Commission may want to use the word sewage instead of sewer. She stated that using the word sewage provides a larger scope such as onsite wastewater.

Commissioner Pealer commented that there is a drastic difference between the behavior of the two types of sewer systems in something like a storm event.

The Commission began discussing 7.8 and 7.9 of the regulations. Chairman DeBrodt noted that these two sections are no longer applicable due to expiration timelines and should be removed.

The Commission discussed amongst themselves.

Director Burdick commented that there was a bill that did not pass this year that would have eliminated the requirement to notice public hearings in the newspapers and allowed them to be noticed on town websites only. She stated that she read much of the testimony and that although the towns were in favor the newspapers were opposed.

Commissioner Pealer commented that the Commission could amend their regulations to include that potential change.

Chairman DeBrodt stated that he would rather keep the regulations definitive.

Director Burdick stated that the Commission could reference the statute and note as may be amended. She also commented that she wants to send off the text amendments to the town attorney to review.

Commissioner Thompson clarified that the digital notice of public hearing is done in addition to the notice of public hearing in the newspaper.

Chairman DeBrodt confirmed the town is already doing that.

Director Burdick commented that department can post the notice of decision on the town website. She stated that she and the department can work towards digital notifications on the town website.

Commissioner Thompson clarified that the town wants to have notices on the town website in

addition to the required newspaper publication.

Director Burdick commented that the town added a feature on the main page of the town website for the land use department where residents can easily access department information.

Chairman DeBrodt and Director Burdick discussed possible procedures for digital map updating.

Director Burdick asked if the Commission wants staff to present text amendments and incorporate this version into a final draft for the next meeting or if the Commission wants to do a more thorough draft application longer period. She noted that there is no time limit.

Commissioner Thompson asked if there is any reason that the Commission should be rushing to have the text amendments finalized.

Director Burdick stated she is unaware of a reason the process should be rushed as there is no definite deadline. She stated that her department can take the amendments from this meeting and have the town attorney look over them and that a formal draft can be reviewed at the next meeting.

Commissioner Pealer asked for the reasoning for following regulation model 1 and 2 over model 3.

Chairman DeBrodt stated that it kept it simple.

The Commission discussed timeline and requirements for setting a public hearing for the text amendments.

RESULT: DISCUSSED

VI. APPROVAL OF MINUTES

A.

The Commission discussed and clarified the requested amendment to the minutes.

MOTION to amend Draft Inland Wetlands Commission Regular Meeting Minutes of July 2, 2024 to say in citizens comments by identifying a mis recording of a vote tally and approve them as amended.

RESULT: APPROVED AS AMENDED

MOVER: Lynmarie Thompson

SECONDER: Dan Pealer

AYE 5 DeBrodt Maugle Pealer Thompson Ribe

VII. REPORTS

A. Staff Report - Designated Agent/WEO

Alex Samalot gave his staff report.

Director Burdick stated that since the application for GFI, LLC was submitted to Planning and Zoning for an excavation major operation, her office has received three written requests as well as some verbal requests to have the application resubmitted through IWWC. She stated that these requests were asked to be forwarded to the IWWC. She clarified that the IWWC approve regulated activities. She stated that when a permit is approved it is active for 5 years. She stated that in July of 2023 GFI, LLC was issued a wetlands permit. She stated that the new application that was submitted is substantially the same as the one for regulated activities that was approved in July of 2023.

Director Burdick stated that she obtained the services of a certified soil scientist, Robert Russo of CLA Engineers Inc. She stated that she sent Mr. Russo both the approved application from July 2023 from the IWWC file and the current application before the PZC. She stated that she asked Mr. Russo, as a certified soil scientist, to review both and to tell her if there were any substantial changes that would require the application to go back in front of the IWWC.

Director Burdick stated that Mr. Russo reviewed both applications and submitted his report that was received by the Ledyard Land Use Department on August 5, 2025. She summarized the Mr. Russo's report that has been posted online on the town website.

Director Burdick stated that based on Mr. Russo's findings that there are no substantial differences between regulated activity in the approved application of July 2023 and the one currently before the PZC, she recommends that the application not come back before the IWWC. She stated that the permit that was issued by the IWWC is valid for 5 years until 2028. She stated that if that permit ever expired before the work started or this approval was done then they would have to come back before the IWWC, but right now that permit is in full force and affect. She stated that those activities that were approved in 2023 by the IWWC are the same as in this current application.

Director Burdick stated that she talked to the town attorney since the Land Use Department had received correspondence asking that this be brought to the attention of the IWWC, and she felt it was proper to address it under correspondence at the meeting.

Commissioner Maugle asked if the Commission could get a copy of the report.

Chairman DeBrodt replied that the report is available on the website.

Director Burdick stated she could email Commissioner Mauge a copy of the report.

Commissioner Thompson clarified that the report was a result of an email correspondence received by Anne Roberts-Pierson and two other residents. She asked Director Burdick if they had been notified of the report.

Director Burdick stated that she notified all three residents individually via return email with the Mr. Russo's report as well as her own attached. She stated that the reports are already posted on the town website as well.

Chairman DeBrodt stated that if a member of the community should approach one of the Commissioners in public to make sure to not discuss anything pertaining to the public hearing applications. He stated that everything pertaining to public hearings needs to be on the record because the applicant has just as much right to that discussion as the Commission. He stated that if anything like that should happen to make sure that is reported to staff that way it can be placed on the record. He stated that is the Commission wants more information on that they can google UConn CLEAR and are resources available on the website pertaining to legal guidelines and training for Commissions.

Chairman DeBrodt stated that he just wanted to make a friendly reminder to the Commission to be mindful of their communication and that he wanted to look out for the integrity of the IWWC.

Commissioner Ribe stated that as these hearings become more controversial its important for the community to understand that the Commissioners can't speak about public hearing applications off the record.

Chairman DeBrodt stated that he only communicates public information that is already available rather than personal feelings or opinions.

Director Burdick commented that the Commissioners should be cautious of conversation relating to public hearings with residents. She stated that residents will have the opportunity to express their opinions at the public hearings where can be on the record.

VIII. ADJOURNMENT

Commissioner Pealer moved the meeting be adjourned, seconded by Commissioner Thompson

The meeting adjourned at 8:07 p.m.

VOTE: 5-0 Approved and so declared

Respectively Submitted,

Chairman DeBrod
Inland Wetlands & Watercourses Commission

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