



TOWN OF LEDYARD

Department of Land Use and Planning

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MEMORANDUM FOR THE RECORD

APPLICATION IWWC#25-5SITE

SPECIAL MEETING – TUESDAY, July 15, 2025

Prepared by Hannah Gienau, Zoning and Wetlands Official and Liz Burdick, Director of Land Use & Planning on 7/15/25

Applicant(s): Brian R. Smith, Esq., Robinson & Cole LLP, Authorized Agent
Property Owner(s): CR Klewin, LLC
Project Address: 19, 29, & 39 Military Highway (M/B/L: 91/1590/19, 29, 39), Gales Ferry, CT
Date Received by IWWC: March 4, 2025.
Legal: Submitted 2/24/25, Date of Receipt 3/4/25, Set 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 05/06/25. PH cont. 05/27/25 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.

Applicant/Owner Requests: Permit for regulated activities for construction of a 278-unit multi-family housing development dwelling units in two buildings and associated site improvements.

Lot-Area: 18.95 acres (825,462 SF).
Lot Frontage: 202.3-feet on Military Highway.
Total Wetlands: 4.2 acres (182,952 SF) per Application.
Flood Hazard Zone: Yes. Zone AE (FEMA FIRM #09011C0362J).
Coastal Area Management Zone: Yes. 19 & 29 Military Highway are located entirely within and a large portion of 39 Military Highway is located within in a coastal area management zone.
Public Water Supply Watershed: No.

Town Consulting Engineers:

Kyle Haubert, P.E., CLA Engineers, Inc. (stormwater) and Bob Russo, Certified Soil Scientist: Bob Russo, C.S.S., CLA Engineers, Inc. (regulated areas – wetland/watercourses review):

- Referred application, plans & supporting materials on 4/16/25.
- Third party review letter received on 5/5/25.
- Referred Ex#32 Bohler Response Comments, Ex#33 Bohler Drainage Report, and Ex#34 Bohler Revised Site plans on 05/19/25.
- Third Party Review letter received on 5/29/25.
- Referred Ex#35-1, #35-2, #39 #42, #44 & #45 (Various Emails DEEP- EpicCleanTec); and #43-1 (Letter Brian Smith-IWWC), #43-2 (Map Prop Soil Tests Wastewater), #43-3 (Letter

Epiccleantec-IWWC), #43-4 (Bohler Response to CLA 5/29/25 Comments) all received 7/10/25.

- Third Party Review Letter (#3) received on 7/15/25.

Mark Lancor, P.E., DYMAR, Inc. (wastewater): Originally referred to on 4/16/25 and all relevant exhibits referred to date. Third Party Review comments provided on April 16, 2025 (EX#18) and May 5, 2025 (EX#28).

Fire Marshal: Referred 2/25/25. No comments received to date.

Building Official: Referred 2/25/25. No comments received to date.

Director of Land Use & Planning: See comments below.

LLHD: Referred 2/25/25. No new comments received to date for current application. Applicant submitted LLHD Documents as follows: EX#15-3 - 8/12/16 LLHD permit to discharge for 3-bedroom SFR at 19 Military Highway; and EX#15-4 3/25/25 LLHD Soil Investigation at 19 Military Highway for existing on-site septic system located at 19 Military Highway.

Regulated Activity Description:

Wetland Disturbance Area	None per Applicant
Watercourse/Waterbody Disturbance Area	None per Applicant
Upland Review Disturbance Area	1852 SF Temporary disturbance according to applicant*

Note* The Applicant did not provide the disturbance area for regulated activities associated with a drainage structure outflow discharging into regulated areas.

STAFF COMMENTS:

1. In review, the Applicant is proposing to construct a 278-unit multi-family housing development, consisting of two six-story buildings containing 139-dwelling units each and associated site improvements. Regulated activities (URA) include temporary upland review area disturbance during construction and drainage from outflows into the regulated areas.

2. From 6/26/25 to 7/01/25, multiple emails were sent back and forth between DEEP & Epiccleantec regarding the proposed wastewater system that requires approval by CT DEEP. Said emails have been provided for the record as Exhibits #35-1, #35-2, #39 #42, #44 & #45.

In a letter dated July 9, 2025 (received on 7/10/25), Richard Ross, P.E., VP of Engineering for Epiccleantec discussed the status of the proposed wastewater system further and stated, in part, "On June 3, 2025, we received written comments from the Connecticut Department of Energy and Environmental Protection (CT DEEP) regarding the application. Our team is actively working to address the comments provided and to incorporate appropriate revisions into the project's plans. As part of this process, we will be revising the application to reflect the updated unit count of 278 residential units. We anticipate resubmitting the full application package shortly for CT DEEP's continued review."

Staff notes that the proposed Application for Wastewater Discharges from Subsurface Sewage Treatment and disposal systems for the proposed project submitted as part of the application did not receive approval from DEEP. As a result, EpicCleanTec states it shall revise the application and resubmit the full application package.

3. In his Third Party Review Letter regarding the wastewater system dated May 5, 2025, Mark Lancor, P.E. Dymar states, in parts, *"The CTDEEP application is deficient in satisfying the travel time requirements of 21 days for pathogens and bacteria. Page 8 in Enclosure DD states the travel time to the property line is 3 days. Statutory points of concern include not just wetlands and watercourses, but also property lines;"* "There are numerous issues with the CTDEEP application and, based on my long experience with CTDEEP and the technical requirements of the 2006 manual for Large Scale On-site Wastewater Systems, this application is grossly deficient and more than likely will be denied by CTDEEP for various technical deficiencies," and "Until the Applicant cures the CTDEEP application issues, no further comments are warranted at this time."

Staff notes the Applicant has acknowledged it shall resubmit its application to DEEP.

4. In a letter dated 7/10/25 (record item Exhibit #43-4), Jeff Bord, P.E. of Bohler Engineering states "To date Bohler Engineering has addressed comments provided by the third-party reviewer, CLA Engineers, as outlined in the aforementioned Response to Comments Letter. CLA Engineers responded to the May 20th submission on May 29th with a letter acknowledging the comments that had been addressed with the exception of the test pits. The additional test pits within the proposed stormwater system areas will be scheduled and conducted at a later date, in accordance with the requirements of the 2024 Connecticut Stormwater Quality Manual."

Staff notes that CLA Engineers requested that test pits and permeability information be provided in its May 5, 2025 (Ex #27) and May 29, 2025 (EX#37) Third Party Review Letters, but the Applicant's did not provide said information for the current application. It should be noted that in a previous application (IWWC# 24-9) for proposed multi-family development at the site that was withdrawn, CLA Engineers discussed same in its Third Party Reviews dated 9/4/25 (#24-9/EX#30) and 9/10/24 (#24-9/EX#32).

5. In a letter dated 7/15/25 (EX#46), Kyle Haubert, P.E. and Bob Russo, C.S.S., of CLA Engineers, after reviewing various documents submitted by the Applicant on 7/10/25, notably a Bohler Engineering Summary Response Letter to CLA Third Party Review Letters, stated, in parts [emphasis added],

- "Chapter 10 of the 2024 CTDEEP Connecticut Stormwater Quality Manual (Stormwater Quality Manual) provides guidance for soil evaluations for stormwater infiltration systems including the number of test pits and infiltration (permeability) test for design of these systems. **The soil evaluations can be done by a qualified professional at any time of year.**"

- **"The soil evaluation helps document that the given site can support the stormwater management design for the project.** Soil characteristics, depth to ledge, seasonal high groundwater depth, permeability, etc. governs the proposed infiltration basin and infiltration chamber sizing and design. **Without this information CLA cannot determine if the soils onsite can fully support the proposed stormwater management system design.** For example, the bottom of the western side of "Proposed Infiltration Basin 1E" is proposed at approximately 16-feet below existing grade. No soil information is provided along this western edge to determine if the basin may be in a ledge cut or if it may intercept the groundwater table that could impact both the infiltration basin size and design."

- **"In our opinion, additional site soil evaluation should be performed to document the existing soil conditions and to substantiate the stormwater management system design.** Without this information CLA cannot confirm that the stormwater management features are

appropriately sized in accordance with the Stormwater Quality Manual, and **it cannot be determined if the project would have an impact on the inland wetlands.**

Staff notes that, in its opinion, the application is incomplete in that the Applicant did not comply with multiple requests of CLA Engineers to provide test pits and permeability information.

LATE DAY RESPONSE FROM JEFF BORD, BOHLER ENGINEERING (EX#48-1 & 48-2): Letter regarding test pit information and Plan Set revised to 5/20/25. See attached.

RESPONSE TO LATE DAY BOHLER REPSONSE FROM HUABERT, CLA ENGINEERS (EX#50 & 51): Emails regarding Bord, Bohler late day response. See attached.

Staff notes, in summary, that although the proposed test pit locations for proposed test pits and borings appear appropriate, without the actual requested testing performed, CLA Engineers cannot state that the stormwater features are appropriately sized.

STAFF RECOMMENDATION: Deny Application #25-5SITE without prejudice. Staff will provide a Motion upon request of the Commission.