EX#26

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IN RE: APPLICATION 24-9 OF C.R. KLEWIN LLC	:	**TOWN OF LEDYARD INLAND WETLANDS & WATERCOURSES COMMISSION**
19, 29, and 39 MILITARY HIGHWAY	:	**APRIL 23, 2025**

VERIFIED NOTICE OF INTERVENTION PURSUANT TO C.G.S. § 22a-19 ET SEQ.

Pursuant to General Statutes § 22a-19 et seq., Gales Ferry District ("Petitioner") hereby intervene in the above-captioned administrative proceeding, and represent as follows:

1. The subject administrative proceeding involves an application filed by C.R. Klewin LLC ("Applicant"), with the Town of Ledyard Inland Wetlands and Watercourses Commission ("Agency") for a wetlands permit pursuant to section 7 of the Town of Ledyard Inland Wetlands and Watercourses Regulations ("Regulations") to allow for the construction of a two building, 278-unit apartment complex with associated site improvements, including 387 surface parking spaces (the "Application") at 19, 29, and 39 Military Highway (the "Property").

2. Gales Ferry District is a municipal corporation located in the Town of Ledyard. Gales Ferry District is also known as Gales Ferry Fire District.

3. The Property is zoned GFDD and contains over (4) acres of regulated wetlands, including Moulthrop Pond (a local stormwater catch basin) and portions of Pine Creek Brook.

4. The present 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:

   a. The Application does not meet the standards for 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 an irreversible and irretrievable loss of wetland or watercourse.

d. Because of increased peak rates of runoff, increases of runoff volumes and increased pollutant loads, there will be adverse impacts on downgradient wetlands and watercourses. Increased runoff volumes will cause adverse impacts to stream channel morphology which will result in the deposition of the eroded material from a stream channel in a lower section of the watercourse. Increased pollutant loads will change the water quality within a wetland and watercourse over time, thus making the aquatic environment less desirable for aquatic animals.

e. The stormwater management basins and design computations are not in compliance with the CT DEP 2004 Storm Water Quality Manual and will result in increased pollutant loads being discharged from the site which will reach the downgradient wetlands.

f. There is no phasing plan with appropriate erosion control measures for each phase. As proposed a total of approximately 10 acres will be disturbed. The CT DEEP Construction General Permit limits site disturbance to five (5) acres at one time.

g. The erosion and sedimentation control plan are not in compliance with the CT DEEP 2022 Guidelines for Soil Erosion and Sediment Control and will result in the discharge of turbid water during the construction period.

h. No design information has been provided for the on-site sewage disposal system so potential impacts to wetlands and watercourses cannot be evaluated.

i. A dashed line is shown marking the extent of leaching area, but no information has been provided on the actual design of the leaching system. While the system is located outside the defined upland review area, it will likely have adverse

environmental impacts on the downgradient wetlands due to inadequate treatment of the effluent.

j. A rain garden is shown to the west of Building B. No deep test holes or infiltration tests have been done as required by the CT DEEP 2024 Storm Water Quality Manual "2024 Manual). Thus, the design is not in compliance with the 2024 Manual. It is stated on the plan that the bottom of rain garden C will be set at 34.50', however, the lowest contour shown at 36.0,' and therefore, it the true bottom of the rain garden cannot be determined.

k. Only catch basins and online hydrodynamic separator are proposed by the applicant prior to directing runoff to underground detention systems. The catch basins and online hydrodynamic separators will not provide adequate treatment of runoff to reduce non-point pollutant loads as required by the 2024 Manual. The 2024 CT DEEP Storm Water Quality Manual requires the following percent reductions of certain non-point source pollutants for Re-developments: i) Total Suspended Solids = 80%; ii) Total Phosphorous = 50%; and iii) Total Nitrogen = 30%. However, the proposed systems will only remove the following percentages of non-point source pollutant loads:

    i. Catch Basins with 48" deep sumps (University of New Hampshire Stormwater Center):

        1. Total Suspended Solids = 9%
        2. Total Petroleum Hydrocarbons = 0%
        3. Metals = 0%
        4. Phosphorous = 12.5%
        5. Nitrogen = 0%

    ii. Online Hydrodynamic Separators (University of New Hampshire Stormwater Center):

        1. Total Suspended Solids = 29%
        2. Total Petroleum Hydrocarbons = 42%

3. Metals = 26%
4. Phosphorous = 0%
5. Nitrogen = 0%

iii. Online Hydrodynamic Separator (ASCE BMP Database):

1. Total Suspended Solids = 38%
2. Metals = 21.6%
3. Phosphorous = 23%
4. Nitrogen = 9.4%

l. The Application contemplates adding significant impervious area to the Property which will have a negative impact on runoff, pollution, and ground water recharge of the wetland system.

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 are met for seasonal high groundwater and/or bedrock. No infiltration tests have been conducted at or below the bottom of the basin. The design of Basin 1D is not in compliance with the 2024 manual.

n. There is no cut off drain at the top of the slope to intercept shallow groundwater and surface runoff from saturating the slope. Groundwater will saturate this slope overtime and cause a failure of the slope.

o. If approved, the Application could result in the construction of 278 new residential units and up to 387 vehicles being parked on the Property. Vehicle runoff, vehicle maintenance wastewater, motor oil, radiator coolant, transmission fluid, and other vehicle fluids will be introduced into and could negatively impact the wetland system, could flow into nearby ponds and streams, and could eventually flow into the Thames River and Long Island Sound—a significant public health and safety issue.

p. The proposed septic system is not compliant with the Town of Ledyard Zoning Regulations, is not suitable for the proposed residential density, and is reasonably

likely to cause a diminution of existing water quality through the discharge and introduction of insufficiently treated septic effluent, pathogens, and other pollutants.

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

r. Such other and further impacts as may be determined from the Connecticut Department of Energy and Environmental Protection's review of Applicant's plans.

5. The Connecticut Environmental Protection Act of 1971 provides, in part, that any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, *any person*, partnership, corporation, association, organization or other legal entity may intervene as of right in any administrative proceeding upon the filing of a verified pleading asserting that the 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 or other natural resources of the State." (Emphasis added.) General Statutes § 22a-19(a).

6. 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 such significant adverse impacts as alleged and that no alternatives exist that would reduce or eliminate the potential for such adverse impacts.

7. There are feasible and prudent alternatives to the proposed development, including a significantly smaller development with less impervious surface, less total site disturbance, a zoning-compliant septic system, and a more efficient and effective system for the treatment, management, and detention of stormwater runoff.

8. Pursuant to General Statutes § 22a-19 et seq., the undersigned is entitled to all rights of participation granted to any party in accordance with the provisions thereto.

9. The Application involves a major change and intensification of the existing use of the subject property and the Petitioner's intervention will advance the public interest with regard to the protection of the natural resources of the State.

10. The Petitioner has an interest in the present proceedings and is filing this intervention as of right pursuant to General Statutes § 22a-19, et seq.

WHEREFORE, the undersigned intervene in this proceeding on the filing of this Verified Notice of Intervention.

THE INTERVENING PETITIONER,
GALES FERRY DISTRICT A/K/A
GALES FERRY FIRE DISTRICT

By: /s_Philip C. Pires
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WHEREFORE, the undersigned intervenes in this proceeding on the filing of this Verified Notice of Intervention.

GALES FERRY DISTRICT
A/K/A GALES FERRY FIRE DISTRICT

By:_____
Lee Ann Berry, its President

STATE OF CONNECTICUT :
: ss: Ledyard
COUNTY OF NEW LONDON :

On this the 24 day of April, 2025, before me, the undersigned officer, personally appeared Lee Ann Berry who acknowledged himself to be the President of Gales Ferry District a/k/a Gales Ferry Fire District, a municipal corporation, and that she, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Gales Ferry District a/k/a Gales Ferry Fire District by herself as its President.

In witness whereof I hereunto set my hand.

_____
Notary Public/Commissioner of the Superior Court
My commission expires_____

SUSAN ISABELLE
Notary Public, State of Connecticut
My Commission Expires Jan. 31, 2030