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August 29, 2024

Inland Wetlands & Watercourses Commission
Town of Ledyard
741 Colonel Ledyard Highway
Ledyard, CT 06339-1511

Re: Project/Application: IWWC #24-9
Location: 19, 29 and 39 Military Highway, Gales Ferry, CT
Applicant: C.R. Klewin, Inc.

Dear Members of the Ledyard IWWC:

On behalf of 41N72WMilitaryHwy, LLC, owner of 45 Military Highway (Southerly abutter to the proposed project) we object to the pending application for approval of a 320-unit multifamily residential housing development at 19, 29 and 39 Military Highway in Ledyard for the following reasons, both of which are salient to your consideration:

1. Wastewater Treatment – C.R. Klewin, Inc., as Applicant, has provided you with a copy of its Permit Application for Wastewater Discharge, filed with the Connecticut Department of Energy and Environmental Protection. As of the date of this letter, the Application has not been fully processed or approved. (See, page 361, et seq. within the August 24, 2024, Agenda Package).

Of particular note, DEEP representative Lauren Jones noted in a January, 2024, meeting with the Applicant's representative(s) that the project is located within a "GA" groundwater classification zone, wherein a subsurface treatment and discharge could not be approved (See, Page 509 of Agenda Packet – January 24, 2024 letter from Richard Ross to Ms. Jones; see also, Regulation of CT State Agencies §22a-426-7(e), providing:

"The Commissioner shall not issue permits authorizing a discharge to class GA ground water unless such discharge is allowed under subsection (c)(1) of this section or is a discharge from a septage treatment system or of other wastes that are predominantly human, plant, or animal in origin so long as any such wastes are of natural origin, easily biodegradable and, if properly managed, pose no threat of pollution to the ground water. The ground water plume generated by a discharge from a septage treatment system shall terminate in a stream with classification of

B or SB unless the permittee treats the discharge in a manner which the Commissioner determines is adequate to maintain class A water in the receiving stream.”

Here, the discharge must be limited to human waste which has been treated and further, must terminate in a stream. The stream which flows through the subject property is “Pine Swamp Brook” a stream which is directly connected to Pine Swamp in Ledyard and which is a Level “A” protected aquifer for the Town of Ledyard.

Secondly, within the DEEP Application, Epic Cleantec Inc., acting on behalf of C.R. Klewin, Inc., requested a variation from the standard household flow calculation of wastewater discharge of 150 gallons per bedroom / day to less than half that amount: 61 gallons per bedroom / day, requesting a permit for a peak design flow of 32,208 gallons per day (based upon 352 bedrooms and a safety factor of 1.5 peak design flow of 61 gallons per day). The basis for the variance request was premised not upon this specific project, examples local to Ledyard or even Connecticut, but rather, a project located within metropolitan San Francisco, California (specifically, 1395 22nd Street in San Francisco) a location most likely served by public water and sewer rather than ground dispersion of water. See, Page 428 of Agenda Packet.

In light of the reduced flow calculation used, the Application does not fairly represent the actual discharge anticipated, nor does it provide for more than one day’s reserve capacity as installed, requiring the system to function under all circumstances and at all times. See, Page 394-395 of the Agenda Packet. Furthermore, the treatment system, and its reserve tanks, are located within 100 feet of the upland review area (See page 299 of Agenda Packet) directly uphill from the inland wetlands running through the Southeast corner of the subject parcel. (See page 286 of the Agenda Packet). Thus, if the system fails and releases untreated sewage, it will flow directly into the regulated area and wetlands.

Finally, the Application varies from the design of the project, which anticipates not 352 bedrooms, but 572 (see, page 295 of the Agenda Packet) which, when the average flow calculation rate of 150 gallons / day is applied, results in a total discharge of 85,800 gallons / day, over twice that represented to DEEP and forty percent more than the tank capacity on site.

2. Stormwater Control – The project proposes to control approximately 16.86 acres of surface area with catchbasins and piping, collecting all of the rooftop and stormwater to two retention basins which, if overtopped, discharge into the wetlands at two locations. See, page 113 and following of the Agenda Packet. Although the proposal offers that rooftop and stormwater runoff will be pretreated “by a proposed above ground infiltration basin and proprietary treatment devices” (See, Page 10 of Agenda Packet), the proposal requires ongoing inspection and maintenance which, if not performed (See pages 273-274 of the Agenda Packet) will likely directly impair the performance of the system, as untreated stormwater would enter the wetland directly downhill from the retention basins. See, page 282 of Agenda Packet.

Therefore, continuing oversight and inspection will be necessary to ensure compliance with any permit, if granted.

The foregoing are two concerns which your Commission should address during the public hearing scheduled for September 3, 2024 and unless accurate and sufficient information is provided by the Applicant, the Commission should deny the Application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thor Holth', is written over a horizontal line.

Thor Holth, Esq.

cc: Elizabeth Burdick – planner@ledyardct.org
Anna Wynn – land.use.asst@ledyardct.org