



## TOWN OF LEDYARD

### Department of Land Use and Planning

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#### MEMORANDUM FOR THE RECORD

#### APPLICATION #IWWC25-27AR

#### REGULAR MEETING – TUESDAY, December 2, 2025

*Prepared by Hannah Gienau, Zoning and Wetlands Official on 11/26/25*

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**Applicant(s):** Town of Ledyard  
**Property Owner(s):** Avalonia Land Conservancy, Inc, 756 Colonel Ledyard HWY, Ledyard CT, 06339 & C.R Klewin LLC, 3 Johnny Cake Hill Rd, Old Lyme CT, 06371  
**Project Address:** 25 Harvard Terrace (Map ID: 91/910/25), & 39 Military HWY (Map ID: 91/1590/39) Gales Ferry CT.  
**Meeting Date:** December 2, 2025  
**Date Received by IWWC:** December 2, 2025

**Applicant/Owner Requests:** Use of Right activity determination per IWWC Regulation Section 4.2.f for emergency work performed by the Town of Ledyard Department of Public Works to immediately alleviate flooding in the Pine Swamp Brook Watershed consisting of cutting trenches through existing earthen berms topped with beaver activity to bypass a unreachable beaver dam blocking the watercourse.

**Zone District:** R60

**Lot-Area:** 39 Military Highway 17.9-acres & 25 Harvard Terrace Is 5.45-acres per Tax Assessor records.

**Lot Frontage:** N/A

#### **Regulated Activity Description:**

<b>Wetland Disturbance Area</b>	<b>20SF +/-</b>
<b>Watercourse/Waterbody Disturbance Area</b>	<b>0 SF</b>
<b>Upland Review Disturbance Area</b>	<b>0 SF</b>

#### **Staff Comments:**

As documented in my monthly WEO Activity Report dated November 18, 2025 that I read into the record at the November 18, 2025 regular IWWC meeting, a site inspection was conducted on October 29, 2025 with representatives from Avalonia Land Conservancy and the Town Public Works Director, Highway Superintendent, Land Use Director, and Wetlands Enforcement Officer. Avalonia acknowledged that the work was done in an emergency capacity to alleviate flooding. The Avalonia Land Stewardship Director reviewed historical aerial photographs and observed that "the berm that existed was not there several years prior and would be part of a future application to restore the area. All parties present

determined and agreed that a retroactive permit for the emergent work within the berm/beaver dam would be submitted to the IWWC.

Additional clarification was provided by Public Works Director, Steve Masalin, in an October 15, 2025 email (FD#3) to concerned residents. Mr. Masalin explained that beaver activity had "altered the hydraulics of the watershed north of the berm" and caused "the water to have raised at least 18 inches, closer to 2 feet." This resulted in water impoundment that backed up through the culvert under Route 12, "severely reducing the flow capacity, and affecting areas to and beyond Christy Hill Rd." He further noted that "the culverts at Christy Hill Road and Route 12 have been overtopping in even higher frequency storm events, and one property toward Crestview Drive was being flooding. The situation needed immediate attention."

A DEEP permit was obtained, and the beavers were trapped and removed. Upon removal, two beaver dams were discovered along the subject berms (located on the property boundary between 25 Harvard Terrace and 39 Military Highway). Due to topographic constraints and limited equipment access, trenches were cut into the berm to provide immediate flood relief. Mr. Masalin emphasized that "this action had no bearing on the pond level, which is controlled by outlet structures at Harvard Terrace (south of the berm location)." Pond levels during this period were also influenced by regional drought conditions in southeastern Connecticut and historic blockage of the Harvard Terrace inlet by debris, an "ill-placed berm," and a wooden cover. The Town subsequently removed the wooden cover and installed a grate to restore the inlet pipe to its intended function.

FD#4 shows photos of several pipes along Route 12 and Christy Hill Rd prior to the removal of beavers and associated site work on the berm. It can be observed that water levels were elevated and as indicated by the Applicant, the inlets were at a diminished capacity during normal conditions. These raised water levels as discussed above during storm conditions lead to heavy flooding along Route 12 and Christy Hill Rd. Additional photos taken on 7/30/25 show reductions in water level as inlets began to function at their intended functional capacity.

#### **Staff Comments:**

The Commission will need to:

1. Make a finding as to whether or not the proposed activities are a "Use of Right" per IWWC Regulations Section 4.2.f, which states, "Section 4.2 Use of Right. The following operations and uses shall be permitted in inland wetlands and water courses, as of right:  
  
f. Town Maintenance. Use of right includes appropriate measures to mitigate erosion, maintenance of drainage culverts and cleanouts (the first 25 feet), reopening a culvert discharge as well as emergency procedures determined by the Mayor or his/her designated official. *Emergency work, for the safety of town residents, may be performed under the purview of the Director of Public Works. A permit for the emergency work may be requested after the activity.*"

**Staff Recommendation:** The emergency work described in the Application that was conducted to relieve immediately alleviate flooding performed by the Director of Public Works was emergency work for the safety of Town residents per IWWC Regulations Section

4.2.5 and, subsequently, staff recommends approval of the work as a "Class A Use of Right" activity and, therefore, no permit is required.

**CONSIDERATIONS FOR ACTION:**

If the Commission is inclined to approve this application, the following Motion is suggested:

**MOTION#1 (A Motion to Approve)**

- After giving due consideration to all relevant factors, including those in Section 4 of the Ledyard Inland Wetland and Watercourse Regulations and Section 22a-40 of the Connecticut General Statutes, I move that IWWC#27AR-25 – 25 Harvard Terrace & 39 Military Highway, Gales Ferry CT - Applicant, Town of Ledyard – Owners, Avalonia Land Conservancy and C.R. Klewin, LLC is for emergency work to immediately alleviate flooding as described in the Application is a Use of Right activity and, therefore, no permit is required.

- **If the Commission is inclined to deny the Application, it shall state their reasons on the record.**