

SEP 03 2024  
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LAND USE DEPARTMENT  
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September 3, 2024

*Via Electronic Mail*

Justin DeBrodt, Chairman  
Inland Wetlands and Water Courses Commission  
**c/o Liz Burdick**  
Director of Land Use & Planning  
Town of Ledyard  
741 Colonel Ledyard Highway, Ledyard, CT 06339

**Re: Application by C.R. Klewin LLC to Town of Ledyard Inland Wetland and Water Courses Commission for Property known as 19, 29 and 39 Military Highway, Gales Ferry, CT (IWWC Application No. 24-9)**

Dear Chairman DeBrodt and Ms. Burdick:

Please be advised that this firm is representing C.R. Klewin LLC with respect to its land use applications (including the above-referenced IWWC Application 24-9) to redevelop 19, 29 and 39 Military Highway (the Property”) as a multi-family residential development. We received a copy of the letter submitted by Attorney Wilson Carroll, Esq. on behalf of the “Gales Ferry District.” Attached is what is entitled a “Verified Intervention Petition” executed by Lee Ann Berry as its “President.” On behalf of C.R. Klewin LLC we urge the Commission not to grant intervention to the Gales Ferry District at this time . Its petition does not properly identify what kind of legal entity Gales Ferry District purports to be. The statute Gales Ferry District is relying upon to intervene, C.G.S. Section 22a-19, clearly states that “any person, partnership, corporation, association, organization or other legal entity may intervene as a party...” See Section 22a-19(a)(1). However, other than knowing it is not a person there is no indication as to exactly what type of legal entity the “Gales Ferry District” actually is.

There is another statute that come into play and that is C.G.S. Section 35-1. Section 35-1(a) is the relevant portion and states:

30321540-v1

**Sec. 35-1. Use of fictitious business names. Prohibitions and exceptions. Penalty. Unfair trade practices.** *(a) No person, except as provided in this subsection, shall conduct or transact business in this state, under any assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the person or persons conducting or transacting such business, unless there has been filed, in the office of the town clerk in the town in which such business is or is to be conducted or transacted, a certificate stating the name under which such business is or is to be conducted or transacted and the full name and post-office address of each person conducting or transacting such business or, in the case of a corporation or limited liability company using such an assumed name, its business name, business identification number and principal office address as reflected on the records of the Secretary of the State. Such certificate shall be executed by all of such persons or, in the case of a corporation or limited liability company, by an authorized officer thereof, and acknowledged before an authority qualified to administer oaths. Each town clerk shall keep an alphabetical index of the names of all persons filing such certificates and of all names or styles assumed as provided in this subsection and, for the indexing and filing of each such certificate, shall receive the statutory filing fee for documents established in section 7-34a, to be paid by the person filing such certificate. The Secretary of the State shall create an electronic system to collect from each town clerk the trade name index information required by this section. A town clerk shall be deemed to have complied with the index information requirement set forth in this subsection, if the Secretary determines that the index information provided by such town clerk contains all active trade name records on file with such clerk. A copy of any such certificate, certified by the town clerk in whose office the same has been filed, shall be presumptive evidence, in all courts in this state, of the facts contained in such certificate. The provisions of this subsection shall not prevent the lawful use of a partnership name or designation if such partnership name or designation includes the true surname of at least one of the persons composing such partnership. This subsection shall not apply to: (1) Any limited partnership, as defined in section 34-9, provided such limited partnership (A) has (i) filed a certificate as provided for in section 34-10, or (ii) registered with the Secretary of the State as provided in section 34-38g, and (B) conducts or transacts business under the name stated in the certificate or registered with the Secretary of the State, or (2) any limited liability company, as defined in section 34-243a, provided such limited liability company (A) has (i) filed articles or a certificate of organization as provided for in sections 34-243i and 34-247, or (ii) registered with the Secretary of the State as provided in sections 34-243m, 34-275a and 34-275b, and (B) conducts or transacts business under the name stated in the articles of organization or registered with the Secretary of the State. Any person conducting or transacting business in violation of the provisions of this subsection shall be fined not more than five hundred dollars or imprisoned not more than one year. Failure to comply*

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*with the provisions of this subsection shall be deemed to be an unfair or deceptive trade practice under subsection (a) of section 42-110b.*

A search of the Connecticut Secretary of State's Office did not show a listing for the "Gales Ferry District." We have not had time to search the Ledyard Town Clerk's Office to ascertain if there is a tradename certificate for it on file. Perhaps it is a governmental agency. If that is the case it should so state. It would then be subject to the Freedom of Information Act. We would then be able to ascertain if it held a properly noticed meeting in public and voted to intervene. As it stands the petition provides neither the Commission nor the Applicant any of the foregoing.

Therefore, we respectfully request that the Commission deny Gales Ferry District party status.

Sincerely,



Brian R. Smith

cc: Wilson Carroll, Esq., Attorney for Gales Ferry District  
Charles R. Klewin and Maurice Gawendo, Members, C.R. Klewin LLC

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Elizabeth Burdick

**From:** Smith, Brian R. <BSMITH@RC.com>  
**Sent:** Tuesday, September 3, 2024 4:12 PM  
**To:** Elizabeth Burdick  
**Cc:** Carroll, Wilson T.; Charles Klewin; Maurice Gawendo; Michael Carey; Robert Avena; Thor Holth  
**Subject:** Letter in Opposition to Gales Ferry District Intervention Petition  
**Attachments:** 2024-09-03 - Letter to Chairman.docx

LAND USE DEPARTMENT

Dear Chairman DeBrodt and Ms. Burdick,

Attached please find my letter in opposition to the granting of party status to Gales Ferry District.

Sincerely,  
**Brian R. Smith** (he/him/his)

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