



Exhibit
#48

STEPHEN W. STUDER
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MILFORD OFFICE
WWW.BERCHEMPOSES.COM

February 2, 2023

Juliet Hodge
Director of Land Use & Planning
Town of Ledyard
741 Colonel Ledyard Highw
Ledyard, CT 06339-1511

Re: Application #IWWC 18-18URA Revised Verified Notice of Intervention

Dear Ms. Hodge,

On December 6, 2022, the City of Groton submitted a Verified Notice of Intervention in the pending application before the Inland Wetlands and Watercourses Agency pursuant to CGS § 22a-19. An objection was raised by Attorney Heller that the verified notice, although verified by the Director of Utilities for the City of Groton, did not comply with the statute because it was signed by me as Groton's attorney. While I believe that objection is unfounded and without merit, it is an easily remedied concern. Accordingly, I submit a revised Verified Notice of Intervention to the agency signed and verified by the Groton Director of Utilities in lieu of the document previously submitted. This revised verified notice is substantively identical to the one previously filed.

I respectfully request that the agency act upon and accept the enclosed verified notice as compliant with the statute at its next meeting.

Please call me if you have any questions or comments.

Very truly yours,

Stephen W. Studer

c: H. Heller, Esq.
R. Landolina, Esq.
P. Gelderman, Esq.
R. Gaudet, Dir.

75 BROAD STREET
MILFORD, CT 06460
TELEPHONE (203) 783-1200
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VERIFIED NOTICE OF INTERVENTION

TO: Town of Ledyard Inland Wetland and Water Courses Commission

RE: Application for 26 lot, Section 8-30g Affordable Housing Development on Stoddard's Wharf Road (the "Proceeding")

APPLICANT: Avery Brook Homes, LLC

PREMISES: Assessor's Map 65, Lots 94, 96, 98 & 100, Ledyard, Connecticut (collectively, the "Subject Premises")

The City of Groton (the "Intervenor") is a municipal corporation with an address at 295 Meridian Street, Groton, CT 06340. The Intervenor owns and operates a public drinking water supply reservoir (the "Billings-Avery Reservoir") on approximately 144 acres of land at 70 Stoddards Wharf Road which adjoins the Subject Property. The Intervenor hereby intervenes in the above referenced Proceeding pursuant to Section 22a-19 of the Connecticut General Statutes and represents as follows:

1. The Intervenor, through its Department of Utilities ("Groton Utilities") is a water company as defined in CGS § 25-32a providing public drinking water to various municipalities in southern Connecticut, including Ledyard.
2. The northerly property line of the Subject Premises is approximately 100 ft. from the high-water line of the Billings-Avery Reservoir, and inland wetlands situated on, or adjacent to, the Subject Property connect directly to the Billings-Avery Reservoir.
3. Section 22a-19 of the Connecticut General Statutes states, in pertinent part, that "[i]n any administrative...proceeding, and in any judicial review thereof made available by law,...any person,...corporation...or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review 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." *Conn. Gen. Stat. § 22a-19*.
4. The Intervenor has submitted information from Karl F. Acimovic, a professional engineer licensed in Connecticut with extensive experience in watershed protection and management. A copy of Mr. Acimovic's current report is attached to this Verified Notice of Intervention. Upon information and belief, the Application is missing critical information and analysis without which the Intervenor believes the activities presently proposed to be conducted by the Applicant are reasonably likely to have one or more of the following results:
 - a. The Application, with its significant increase in intensity of use on the Subject Premises (including the proposed addition of 26 new single family building lots, 26 new drinking water wells and 26 new underground sanitary septic systems) and inadequate management, treatment and detention of stormwater runoff from 26 proposed new homes, roadway and other impervious surfaces, is reasonably likely to have the effect of unreasonably polluting and impairing the Billings-Avery Reservoir, and associated wetlands, which are a source of public drinking water, including, without limitation, a diminution of existing water quality (i) through the loss of existing wooded areas on the Subject Premises (ii) through the discharge and introduction of insufficiently treated septic effluent and bacteria, and (iii) through the discharge and introduction of lawn chemicals, and salt from roadways, driveways and home sites on the Subject Premises;

b. The Application, with its significant increase in intensity of use on the Subject Premises and inadequate management and detention of stormwater runoff, is reasonably likely to unreasonably contribute to, and exacerbate, downgradient flooding within the Intervenor's water-supply watershed during increasingly frequent major storm events;

c. The Application, with its significant increase in intensity of use on the Subject Premises, including 26 proposed new sanitary septic systems, and the use of fertilizers, herbicides and pesticides on 26 proposed single-family building lots of approximately 1/3 acre each, is reasonably likely to unreasonably pollute and impair the shallow ground water on the Subject Premises and to pollute and adversely impact the water quality of the Billings-Avery Reservoir and its associated wetlands;

d. The Application, with its significant increase in the intensity of use of the Subject Premises and inadequate management, detention and treatment of stormwater runoff is reasonably likely to unreasonably pollute and impair the public drinking water supply, including associated wetlands, on the Intervenor's property through the discharge and introduction of sediments, salts and other non-point sources of pollutants from proposed roadways, driveways and home sites on the Subject Premises.


5. The activities proposed to be conducted by the Applicant upon the Subject Premises, as described above and in its application to this agency, are reasonably likely to have the effect of unreasonably polluting, impairing and/or destroying the public trust in the ground water, surface water, wetlands and watercourses on both the Subject Premises and on the Intervenor's adjacent land or other natural resources of the State of Connecticut.

6. There are feasible and prudent alternatives to the proposed development including a significantly smaller development which incorporates and preserves more of the existing woodlands on the Subject Premises, with fewer proposed on-site drinking water wells, fewer on-site sanitary septic systems, less impervious surface, a more efficient and effective system for the treatment, management and detention of stormwater runoff and less total site disturbance.

7. The Intervenor, pursuant to Section 1-227 of the Connecticut General Statutes, also requests written notice by mail of all meetings and/or hearings to be held, conducted or issued in connection with the Proceeding. Such notices should be sent to counsel for the Intervenor: Stephen W. Studer Esq., Berchem Moses PC, 75 Broad Street, Milford, CT 06460, [sstuder@berchemmoses.com](mailto:ssuder@berchemmoses.com) and Peter Gelderman, Esq., 1221 Post Road East, Suite 301, Westport, CT 06880, pgelderman@berchemmoses.com.

WHEREFORE, on this 23 day of January, 2023, the Intervenor hereby intervenes in this Proceeding pursuant to this Verified Notice of Intervention and requests notice of any and all meetings and/or hearings conducted in connection with this Proceeding.

THE INTERVENOR,
CITY OF GROTON

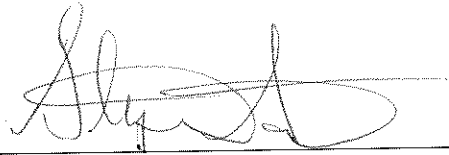
By: 
Ron Gaudet
Director of Utilities
City of Groton
295 Meridian Street
Groton, CT 06340

Certification

The undersigned hereby certifies that a copy of the foregoing Notice of Intervention was sent, via email and by first class mail, postage prepaid, this 2nd day of February, 2023 to the following:

Harry Heller, Esq.
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