TOWN OF LEDYARD

Department of Land Use and Planning

Hannah Gienau, Zoning and Wetlands Official

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MEMORANDUM FOR THE RECORD
APPLICATION IWWC#25-5SITE
Regular MEETING – TUESDAY, August 5, 2025
Prepared by Hannah Gienau, Zoning and Wetlands Official on 7/31/25

Applicant(s): Brian R. Smith, Esq., Robinson & Cole LLP, Authorized Agent
Property Owner(s): CR Klewin, LLC
Project Address: 19, 29, & 39 Military Highway (M/B/L: 91/1590/19, 29, 39), Gales Ferry, CT
Date Received by IWWC: March 4, 2025.
Legal: Submitted 2/24/25, Date of Receipt 3/4/25, *Set PH orig. scheduled to open 4/1/25, PH rescheduled to open 4/22/25*, PH must close by 5/26/25, PH cont. to 05/06/25. PH cont. 05/27/25 with 2-day ext. time granted to 5/28/25, PH Cont. to 7/1/25 with 36-day ext. time granted to 7/2/25, PH cont. to 7/15/25 with 15-day ext. of time granted to 7/16/25, PH must close by 7/16/25. PH closed on 7/15/25. DRD 9/18/25.

Applicant/Owner Requests: Permit for regulated activities for construction of a 278-unit multi-family housing development dwelling units in two buildings and associated site improvements.

Lot-Area: 18.95 acres (825,462 SF).
Lot Frontage: 202.3-feet on Military Highway.
Total Wetlands: 4.2 acres (182,952 SF) per Application.
Flood Hazard Zone: Yes. Zone AE (FEMA FIRM #09011C0362J).
Coastal Area Management Zone: Yes. 19 & 29 Military Highway are located entirely within and a large portion of 39 Military Highway is located within in a coastal area management zone. A Coastal Area Management (CAM) site plan application review is required in addition to any future site plan application for the proposed development.
Public Water Supply Watershed: No.

The application, plan set and supporting documents were referred to the following:

Town Consulting Engineers: Kyle Haubert, P.E., CLA Engineers, Inc. (stormwater) and Bob Russo, Certified Soil Scientist: Bob Russo, C.S.S., CLA Engineers, Inc. (regulated areas – wetland/watercourses review): Referred application, plans & supporting materials on 4/16/25. Third party review letter received on 5/5/25. Referred Ex#32 Bohler Response Comments, Ex#33 Bohler Drainage Report, and Ex#34 Bohler Revised Site plans on 05/19/25. Third Party Review letter received on 5/29/25. Referred Ex#35-1, #35-2, #39 #42, #44 & #45 (Various Emails DEEP-EpicCleanTec); and #43-1 (Letter Brian Smith-IWWC), #43-2 (Map Prop Soil Tests Wastewater), #43-

3 (Letter Epiccleantec-IWWC), #43-4 (Bohler Response to CLA 5/29/25 Comments) all received 7/10/25. Third Party Review Letter (#3) received on 7/15/25.
Mark Lancor, P.E., DYMAR, Inc. (wastewater): Originally referred to on 4/16/25 and all relevant exhibits referred to date. Third Party Review comments provided on April 16, 2025 (EX#18) and May 5, 2025 (EX#28).
Fire Marshal: Referred 2/25/25. No comments received to date.
Building Official: Referred 2/25/25. No comments received to date.
Director of Land Use & Planning: See staff report dated 7/15/25
LLHD: Referred 2/25/25. No new comments received to date for current application. Applicant submitted LLHD Documents as follows: EX#15-3 - 8/12/16 LLHD permit to discharge for 3-bedroom SFR at 19 Military Highway; and EX#15-4 3/25/25 LLHD Soil Investigation at 19 Military Highway for existing on-site septic system located at 19 Military Highway.

Regulated Activity Description:

Wetland Disturbance Area	**None per Applicant**
Watercourse/Waterbody Disturbance Area	**None per Applicant**
Upland Review Disturbance Area	**1852 SF Temporary disturbance according to applicant***

Note* The Applicant did not provide the disturbance area for regulated activities associated with a drainage structure outflow discharging into regulated areas.

STAFF COMMENTS IN REVIEW:

1. The Applicant is proposing to construct a 278-unit multi-family housing development, consisting of two six-story buildings containing 139-dwelling units each and associated site improvements. Regulated activities (URA) include temporary upland review area disturbance during construction and drainage from outflows into the regulated areas.

2. Staff, on 7/15/25, submitted a detailed report to the IWWC regarding the application that included detailed comments regarding:

a. The comments/concerns submitted by the Town's consulting engineer, Mark Lancor, P.E. of Dymar for wastewater; and the proposed Application for Wastewater Discharges from Subsurface Sewage Treatment and Disposal Systems for the proposed project submitted as part of the application that did not receive approval from DEEP and, as a result, EpicCleanTec, on behalf of the Applicant states it shall revise the application and resubmit the full application package.

b. The comments/concerns of the Town's consulting engineer & soil scientist Kyle Haubert, P.E. and Bob Russo, C.S.S., of CLA Engineers, Inc. regarding stormwater management (Exhibit who stated, in part, In our opinion, additional site soil evaluation should be performed to document the existing soil conditions and to substantiate the stormwater management system design. Without this information CLA cannot confirm that the stormwater management features are appropriately sized in accordance with the Stormwater Quality Manual, and it cannot be determined if the project would have an impact on the inland wetlands.

3. The Applicant's engineer, Jeff Bord, P.E. of Bohler Engineering, at the public hearing on 7/15/25, stated, in part, the reasons for not conducting the testing requested by CLA Engineers were that "the rock face and or bedrock would have to be blasted and removed during

excavation and then filled with soil from other areas of the site with known permeability. In this one instance, we felt it was not necessary to perform those test pits in areas where rock is present as it would be going in and doing unnecessary excavation and blasting to have rock moved to another location on the site and then place fill that is more free draining, Doing additional test pits would not get us additional information other than that of groundwater."

STAFF RECOMMENDATION: Deny Application #25-5SITE without prejudice for the following reasons:

Reason 1. The application is incomplete in that the Applicant did not comply with multiple requests of the Town's Consulting Engineer, CLA Engineers (CLA) to provide test pits and permeability information, which soil evaluations can be done by a qualified professional at any time of the year and help document that the given site can support the stormwater management design for the project. Without this information CLA could not determine if the soils onsite can fully support the proposed stormwater management system design and that without this information CLA cannot confirm that the stormwater management features are appropriately sized in accordance with the 2024 CT Stormwater Quality Manual, and it cannot be determined if the project would have an impact on the on-site regulated uplands, inland wetlands and/or watercourses areas. See CLA Engineers Exhibits #27, #37, #46 & #50 for the record .

Reason 2. Pursuant to Connecticut General Statutes §22a-19, et seq., the Gales Ferry District aka Gales Ferry Fire District and Lee Ann Berry, individually have filed Verified Notices of Intervention (Exhibits #17 & #26, respectively) (hereinafter "Notices'), stating the proposed 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, *in staff's opinion*:

1. Notices Sections 4 a, b, c, m & q, which state,

a. "The Application does not meet the standards of 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 irreversible and irretrievable loss of wetland or watercourses".

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 [CT DEEP 2024 Storm Water Quality Manual] are met for seasonal high groundwater and/or bedrock. The design for Badin 1D is not in compliance".

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

2. Notices Section 6, which states, "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 significant impacts as alleged and that no alternatives exist that would reduce or eliminate the potential for such adverse impacts".

Reason 3. The Agency is unable to determine what the impacts on the regulated uplands, inland wetlands and/or watercourses areas are and, therefore, the Agency cannot determine if feasible and prudent alternatives are required.