



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Inland Wetland and Water Courses Commission Meeting Minutes - Final

Chairman
Justin DeBrodt

Regular Meeting

Tuesday, January 7, 2025

7:00 PM

Council Chambers -Hybrid Format

I. CALL TO ORDER

Vice Chair Ribe called the meeting to order at 7:00 p.m. at the Council Chambers, Town Hall Annex Building and on Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL AND APPOINTMENT OF ALTERNATES

Present Chairman Justin DeBrodt
Commissioner Dan Pealer
Commissioner Lynmarie Thompson
Vice Chair Beth E. Ribe
Commissioner Michael E. Marelli
Alternate Member James Thompson
Alternate Member Robert Graham

In addition, the following were present:

Director of Land Use & Planning, Elizabeth Burdick
Land Use Attorney, Robert Avena
Zoning Enforcement Officer, Hannah Gienau
Land Use Assistant, Anna Wynn

IV. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO THE ORDER OF THE AGENDA

None.

V. CITIZENS PETITIONS (NON-AGENDA ITEMS ONLY)

None.

VI. PRE APPLICATION DISCUSSION AND/OR WORKSHOP

None.

VII. PUBLIC HEARINGS/APPLICATIONS

- A. IWWC24-10RA - Proposed Text Amendments to Inland Wetlands and Watercourses Regulations Sections 2.1, 7.5.b, 7.6.1, 7.8, 7.9, 11.6, 19.b, & 20** - Applicant, Ledyard Inland Wetlands & Watercourses Commission, Justin DeBrodt, Chairman, *(Date of Receipt 9/3/24, PH opened 11/12/24, PH Cont. to 12/3/24, PH Cont. to 1/7/25, PH must close by N/A, DRD N/A).*

Director Burdick stated that a new exhibit has been added to the record for application IWWC#24-10RA entitled “Memorandum Regarding Attorney Avena Review of Proposed Regulation Amendments to Ledyard Inland Wetlands & Watercourses Regulations” prepared by Attorney Robert Avena & the Director of Land Use & Planning, Liz Burdick. The document will be marked as exhibit #7 for the record. She reviewed the nature of the document with the Commission stating that it includes the current regulations, the original proposed amendments and finally the suggestions by Attorney Avena.

Director Burdick invited Attorney Avena to begin reviewing the document with the Commission.

Attorney Avena of Suisman & Shapiro, 75 State Street, New London, CT Land Use Attorney for the Town of Ledyard, began his review. He reviewed the previously completed legal requirements of the applications as well as the work staff had done to review and gather information for the Commission. Attorney Avena reviewed modification of 2.1 with the Commission.

Commissioner Pealer clarified that Attorney Avena’s suggested modification would allow interested parties the opportunity to rebut assertions made by the Commission as opposed to the original modification that states that the “The IWWC may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity”. Attorney Avena said that was correct and confirmed Commissioner Pealer’s interpretation of the amendment.

Commissioner Lynmarie Thompson and Attorney Avena clarified that the regulation amendment defines the likelihood of impact but not the degree. Commission Lynmarie Thompson asked what the procedure for Town staff to determine the significance of an impact to the wetlands would look like.

Attorney Avena stated that if significant impact was determined there would be expert testimony to support that conclusion and that the Commission would not be left to make that assertion on their own without support. He spoke about the Wetlands Official being responsible for reviewing all significant impact applications and thoroughly reviewing the application.

Director Burdick commented that because of the nature of the issue they will have to take each application as they come since every situation is unique. She stated that every application will go through the Wetlands Agent and if the staff feel they need more support they will hire an outside certified soil scientist.

Vice Chair Ribe and Director Burdick discussed the cost burden related to these procedures.

Attorney Avena reviewed language changes on 7.5.b. with the Commission. The Commission and town staff discussed and defined sewer lines, drainage and flow. They discussed the usage of the water in the regulation. The clarified regulation amendment is not trying to assert jurisdiction; it is trying to certify information.

Town staff and the Commission discussed regulation amendment 7.6.1 concerning digital data which would ask that applicants for large complex applications submit their completed projects in a digital format that can be overlaid onto the town GIS. The Commission did not have any comments about the regulation amendment.

Town staff and the Commission discussed modification of section 7. 8. They discussed the irrelevance of the language. They discussed the timeline of approved permits and expiration dates.

They discussed the remaining regulation changes. The Commission opened the floor to public comment.

Attorney Brian Smith of Robinson & Cole, LLP, 1 State Street, Hartford, CT, attending via Zoom, stated several concerns for the Commission's consideration. He stated his concerns regarding regulation modification of 2.1 and clarity for developers. He additionally raised concerns with 7.5.b. stating that the proposed language of water is not stated clearly for potential developers and applicants and that it might lead to confusion in terms of what information is necessary to include in their plan.

Director Burdick commented that because these new proposals were only made public at the meeting this evening, they should be posted online and given a chance for the public to see them and make comments before the hearing is closed.

Commissioner Lynmarie Thompson and Attorney Smith clarified that the 22.A.40 regulations are part of State Statues and that they contain uses of right and other activities that do not need to come before the Commission.

Attorney Avena concurred with a few statements by Attorney Smith.

Michael Cherry, 5 Whippoorwill Drive, Gales Ferry, made comments to the Commission stating that he approves of the additional language changes. He discussed comments made by Attorney Brian Smith and 22.A.40 in relationship to the regulation amendments.

Commissioner Lynmarie Thompson and staff confirmed that regulation 7.5 refers to State Statue. They continued to discuss and clarify the language of sewage or sewer lines and other language.

Michael Cherry, 5 Whippoorwill Drive, Gales Ferry, commented that sewer lines and water

lines are on municipal property or in the road right ways so they are unlikely to come before the Commission.

The Commission continued to discuss how restrictive the proposed language would be.

Attorney Avena suggested that the new modifications of the proposed regulations be made available for the public before the Commission decide on them.

Alternate Graham commented via Zoom that the language seems to be defining sewage effluent.

Director Burdick stated that the memo that staff and the Commission had been discussing will be posted online and marked as an exhibit. She recommended that the Commission continue the public hearing until the IWWC Regular Meeting of February 4, 2025.

MOTION to continue the public hearing on IWWC#24-10RA to the IWWC Regular Meeting of February 4, 2025 at 7:00 p.m. in the Town Hall Annex and on Zoom

RESULT: CONTINUE

MOVER: Dan Pealer

SECONDER: Lynmarie Thompson

AYE: 5 DeBrodt, Pealer, Thompson, Ribe, and Marelli

- B.** Discussion & Decision: IWWC24-10RA - Proposed Text Amendments to Inland Wetlands and Watercourses Regulations Sections 2.1, 7.5.b, 7.6.1, 7.8, 7.9, 11.6, 19.b, & 20 - Applicant, Ledyard Inland Wetlands & Watercourses Commission, Justin DeBrodt, Chairman, (*Date of Receipt 9/3/24, PH opened 11/12/24, PH Cont. to 12/3/24, PH Cont. to 1/7/25, PH must close by N/A, DRD N/A*).

RESULT: NO ACTION

VIII. OLD BUSINESS

None.

IX. NEW BUSINESS

- A.** IWWC#24-21SITE 8, 9 & 11 Colby Drive, Ledyard, CT, (Parcel IDS: 68-520-8, 68-520-9, 68-520-11) - Applicant/Agent, Norm Eccleston - Owner, Habitat for Humanity of Eastern CT, for approval of regulated actives for construction of 27 single and multifamily houses and associated site improvements and completion of the ext. of Colby Drive including utilities, drainage structures, and detention pond (Date of Receipt 1/7/25)

Director Burdick read from her staff memo regarding application IWWC#24-21SITE. She stated that the department had just recently received the application but based on initial review she stated that the application is incomplete. She stated that the application does not clearly define what regulated activity the applicant is asking permission to perform. She recommended to the Commission that they receive the application this evening, but table it

until the next IWWC Regular Meeting on February 4, 2025. She stated that the applicant will be coming into the office next week to review the plan and incorporate more details into the application.

Commissioner Lynmarie Thompson and Director Burdick clarified where Colby Drive is located in town. Director Burdick gave a brief history on the subdivision.

Vice Chair Ribe asked if the application is an 8-30g housing development. Director Burdick stated that it would be. Staff and the Commission briefly discussed 8-30g applications regarding town percentages.

MOTION to table application IWWC#24-21SITE to the IWWC Regular Meeting on February 4, 2025 at 7:00 p.m. in the Town Hall Annex and on Zoom.

RESULT: TABLED

MOVER: Dan Pealer

SECONDER: Lynmarie Thompson

X. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

A. MOTION to approve IWWC Regular Meeting Minutes of December 3, 2024

Anna Wynn, Land Use Assistant stated that the staff is currently undergoing issues with the website software and many of the minutes online are displaying incorrectly. She clarified that the official copy to be signed are correct, however.

Chairman DeBrodt asked if there was a way to add a first initial for both each Commissioner Thompson. Staff said they would see what they could do.

MOTION to approve the IWWC Regular Meeting Minutes of December 3, 2024

RESULT: APPROVED AND SO DECLARED

MOVER: Lynmarie Thompson

SECONDER: Dan Pealer

AYE: 5 DeBrodt, Pealer, Thompson, Ribe, and Marelli

XI. CORRESPONDENCE

None.

XII. REPORTS

A. Staff Report - Designated Agent/WEO

Hannah Gienau, Zoning Enforcement Official, stated that her staff report is included in their folders and then she summarized the document.

Director Burdick stated that she and Ms. Gienau have been working diligently on a case with two property owners where a driveway was being constructed, and some rocks were removed

and may have drained a pond on the other property. She stated that they may need to come in front of the Commission at a later date for an As of Right.

XIII. ADJOURNMENT

Commissioner Pealer moved the meeting be adjourned, seconded by Commissioner Marelli

The meeting adjourned at 8:27 p.m.

VOTE: 5-0 Approved and so declared

Respectively Submitted,

Chairman DeBrodts
Inland Wetlands & Watercourses Commission

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.