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IN RE: APPLICATION 24-9 : **TOWN OF LEDYARD**
C.R. KLEWIN LLC APPLICATION : **INLAND WETLANDS &**
 : **WATERCOURSES COMMISSION**
 :
19, 29, and 39 MILITARY HIGHWAY : **SEPTEMBER 3, 2024**

VERIFIED NOTICE OF INTERVENTION PURSUANT TO C.G.S. § 22a-19 ET SEQ.

Pursuant to General Statutes § 22a-19 et seq., Lee Ann Berry (“Petitioner”) hereby intervenes in the above-captioned administrative proceeding, and represents as follows:

1. The subject administrative proceeding involves an application filed by C.R. Klewin LLC (“Applicant”), with the Town of Ledyard Inland Wetlands and Watercourses Commission (“Agency”) for a wetlands permit pursuant to section 7 of the Town of Ledyard Inland Wetlands and Watercourses Regulations (“Regulations”) to allow for the construction of a four building, five story, three-hundred-fifty-three (353) unit apartment complex within a Regulated Area (the “Application”) at 19, 29, and 39 Military Highway (the “Property”).

2. Lee Ann Berry is an individual with an address at 78 Military Highway, Gales Ferry, Connecticut 06335.

3. The Property is zoned GFDD and contains over (4) acres of regulated wetlands, including Moulthrop Pond (a local stormwater catch basin) and portions of Pine Creek Brook.

4. The Agency received the Application prior to its regular meeting on July 2, 2024, and tabled discussion of the Application until its regular meeting on August 6, 2024.

5. The Agency received a petition with more than twenty-five (25) signatures pursuant to the Town of Ledyard Inland Wetlands and Watercourses Regulations (“Regulations”) § 9.1.2 on July 9, 2024. In response, the Agency scheduled a public hearing to be held on September 3, 2024.

6. The present 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:

- a. The Application does not meet the standards for approval.
- b. The Application will adversely impact the quality of onsite wetlands and watercourses, including Moulthrop Pond and Pine Swamp Brook.
- c. The Application contemplates adding significant impervious area to the Property which will have a negative impact on runoff, pollution, and ground water recharge of the wetland system.
- d. The Application will adversely impact the onsite wetlands and watercourses through the introduction of lawn chemicals, solids, and salt from roadways, driveways, and home sites on the Property.
- e. If approved, the Application could result in the construction of three-hundred twenty (320) new residential units and up to seven-hundred (700) vehicles being parked on the Property. Vehicle runoff, vehicle maintenance wastewater, motor oil, radiator coolant, transmission fluid, and other vehicle fluids will be introduced into and will negatively impact the wetland system, will flow into nearby ponds and streams, and will eventually flow into the Thames River and Long Island Sound—a significant public health and safety issue.
- f. The proposed septic system is not compliant with the Town of Ledyard Zoning Regulations, is not suitable for the proposed residential density, and is reasonably likely to cause a diminution of existing water quality through the discharge and introduction of insufficiently treated septic effluent, pathogens, and other pollutants.
- g. Such other and further impacts as may be determined from the Applicant's stormwater management plan.

h. Such other and further impacts as may be determined from the Connecticut Department of Energy and Environmental Protection's review of Applicant's proposed septic system.

7. The Connecticut Environmental Protection Act of 1971 provides, in part, that any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, *any person*, partnership, corporation, association, organization or other legal entity may intervene as of right in any administrative proceeding upon the filing of a verified pleading asserting that the 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 or other natural resources of the State." (Emphasis added.) General Statutes § 22a-19(a).

8. 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 such significant adverse impacts as alleged and that no alternatives exist that would reduce or eliminate the potential for such adverse impacts.

9. There are feasible and prudent alternatives to the proposed development, including a significantly smaller development with less impervious surface, less total site disturbance, a zoning-compliant septic system, and a more efficient and effective system for the treatment, management, and detention of stormwater runoff.

10. Pursuant to General Statutes § 22a-19 et seq., the undersigned is entitled to all rights of participation granted to any party in accordance with the provisions thereto.

11. The Application involves a major change and intensification of the existing use of the subject property and the Petitioner's intervention will advance the public interest with regard to the protection of the natural resources of the State.

12. The Petitioner has an interest in the present proceedings and is filing this intervention as of right pursuant to General Statutes § 22a-19, et seq.

WHEREFORE, the undersigned intervene in this proceeding on the filing of this Verified Notice of Intervention.

**THE INTERVENING PETITIONER,
LEE ANN BERRY**

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