



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Inland Wetland and Water Courses Commission Meeting Minutes

Chairman
Justin DeBrod

Regular Meeting

Tuesday, January 3, 2023

7:00 PM

Council Chambers -Hybrid Format

I. CALL TO ORDER

Chairman DeBrod called the Regular Meeting of the IWWC to order at 7:00 PM. The meeting was hybrid with some attending in person and others via zoom.

II. ROLL CALL

Staff Present: Juliet Hodge, Director of Planning and Development, Len Johnson, Wetlands Enforcement Officer, and Makenna Perry, Land Use Administrative Asst.

Present Chairman Justin DeBrod
Vice Chair Paul Maugle
Commissioner Dan Pealer
Commissioner Lynmarie Thompson
Commissioner Beth E. Ribe
Alternate Member Gary St. Vil

III. CITIZENS COMMENTS

No public comment.

VIII. OLD BUSINESS

Application #IWWC22-18URA of Avery Brook Homes, LLC, 1641 Rte. 12, Gales Ferry, CT 06335 for URA activities associated with the siting of new single-family homes with associated grading and utilities on 9 of 36 lots in a proposed 8-30g Re-Subdivision located on 94,96,98 and 100 Stoddards Wharf Rd, Ledyard CT.

Chairman DeBrod reopened the public hearing for Application #IWWC22-18URA of Avery Brook Homes, LLC for a 26-lot resubdivision. Attorney Harry Heller and Peter Gardner, LS of Dieter & Gardner were present for the application. All regular members were seated.

Attorney Harry Heller, 736 Route 32, Uncasville, asked the Commission to continue the public hearing. He explained that Commissioner Maugle requested various analyses from Avery Brook Homes, LLC to determine the environmental impact of the development. Avery Brook Homes, LLC has decided to work with the firm of Angus McDonald and Gary Sharpe in Old Saybrook, CT, to perform such analyses. Attorney Heller stated that the testing started a week after the information was requested at the December 6, 2022 meeting, but that the applicant is still working on retrieving the information requested. Attorney Heller mentioned the scope of the

Commission's permitting jurisdiction. Attorney Heller stated that the Commission did not have jurisdiction over groundwater as well as a number of other items pertaining to the application. Attorney Heller stated that the Commission has permitting jurisdiction over matters concerning inland wetland and watercourses. He reiterated that the applicant is not proposing any activities in wetlands or watercourses, nor significant disturbances in upland review areas. Attorney Heller wanted to make sure the Commission limited their discussion to what they have jurisdiction over.

Juliet Hodge, Planning Director of Ledyard, disagreed with Attorney Heller's statement about the Commission's limited jurisdiction.

The Chairman welcomed public comment.

The following people spoke:

Karl Acimovic, PE representing the Water Division of Groton Utilities, explained that GU is submitting a memorandum and resume from consultant Michael Giggey from Wright-Pierce. The memo provides an initial review of water quality concerns such as Nitrogen contamination in private wells, Nitrogen loading to the watershed and stormwater contaminants reaching the regional water supply. Mr. Acimovic asked that Michael Giggey from Wright-Pierce to give a summary of his analysis.

Attorney Steven Studer, Berchem & Moses, 75 Broad St. Milford, CT, noted for the record that he emailed a copy of both the memorandum and Michael Giggey's resume to staff, Attorney Heller, and Attorney Carl Landolina. He questioned if the Commission had voted to accept Groton Utilities' intervenor petition.

Michael Giggey, PE, Senior Vice President of Wright-Pierce, summarized his memorandum that he submitted to Groton Utilities pertaining to his concerns with the proposed subdivision. Mr. Giggey identified three red flags: the close proximity to the drinking water reservoir; the use of onsite septic systems for waste disposal; and the use of private wells for drinking water supply. He stated his opinion that the project was unacceptable environmentally. He discussed his concerns about nitrates infiltrating into the ground water along with other contaminants. He feels the proposed density is too great for the property. Mr. Giggey believed that 4-8 houses in this subdivision would be ideal to avoid negative impact to the water supply.

Juliet Hodge, Director of Planning, believes that activity that occurs outside of a buffer area can still impact nearby wetlands and that any of the proposed activity could potentially impact wetlands and into the groundwater that eventually recharges the reservoir.

Attorney Steven Studer, Berchem & Moses, 75 Broad St, Milford, CT, spoke again and asked that the Commission vote on the petition to intervene.

Attorney Harry Heller, for the applicant, spoke again. He explained that he did not say the Commission does not have jurisdiction to consider the impact of activities occurring outside of the wetlands buffer area, but that the Commission is limited to evaluating the direct or indirect impacts of activity on wetlands and watercourses. He quoted information from two famous cases, Mystic Marine Life Aquarium and Connecticut Fun for the Environment, that assert that

Inlands Wetlands and Watercourses agencies are not mini environmental protection agencies. He reiterated that the Commissions jurisdiction is limited to impacts of Inland Wetlands and Watercourses.

Chairman Justin DeBrodt stated that he had reviewed relevant reports and information and introduced his own memorandum into the record. In his memorandum he introduced numerous questions about quality of water, permeability rates, nutrients, runoff, and pollutants. He will have a copy sent to Groton Utilities and the Applicant.

Betsy Graham, 72A Long Pond Road South, spoke against the application. She read a letter that she submitted to the record which identified her concerns about the potential impact to the drinking water supply in Groton, as well as surrounding towns. Ms. Graham is concerned about depleting the drinking water supply as well as the proposed density of the Avery Brook Homes development. She asked the Commission to take her comments into consideration.

Len Johnson, Wetlands Enforcement Officer, read his suggested motion for denial and suggested motion for approval from his staff report at the request of the Chairman.

Mike Cherry, 5 Whippoorwill Drive, asked the Commission to confirm what they can regulate. Mr. Cherry also asked that the Commission look at conclusions they can draw from data before them.

Commissioner Thompson asked that staff get clarification about the required vote on accepting the petition for intervener status from Attorney Landolina. She believed that Landolina should look over both the approval and denial motions and assist the Commission with adding additional information.

Juliet Hodge, Planning Director, read Carl Landolina's email about the petition/statement from the City of Groton. Ms. Hodge also asked that Commissioner Thompson confirm for the record that she had watched the recording of the December 6, 2022 meeting and reviewed the material submitted to date.

Commissioner Thompson stated for the record that she had reviewed all relevant material.

Motion made by Commissioner Pealer and seconded Commissioner Maugle to continue the Public Hearing to February 7, 2023 at 7:00 PM, as requested by the applicant. Motion passed unanimously.

RESULT: CONTINUE

V. NEW BUSINESS

MOVER: Lynmarie Thompson

SECONDER: Beth E. Ribe

A. Election of Officers, Budget & Goals Discussion

Chairman Justin DeBrodts explained that since the IWWC November, 2022 meeting was cancelled, the Commission did not vote on election of officers, review goals, or discuss the budget.

Motion made by Commissioner Thompson and seconded by Commissioner Ribe to amend the agenda to discuss 2023 goals, the 2023 budget and election of officers. Motion passed unanimously.

The Commission discussed the election of officers. The Commission agreed to keep the same slate of officers as Justin DeBrodts, Chairman, and Paul Maugle, Vice Chair. **Motion made by Commissioner Ribe and seconded by Commissioner Thompson to continue the current slate of officers as presented. Motion passed unanimously.**

The Commission discussed their 2023 goals and determined them as follows: create a policy for official map updates; that all Commission members complete mandatory education training; and aid staff in filling vacancies within the Land Use Department.

The Commission discussed the 2023 budget. The Commission agreed to keep the 2023 budget the same as the 2022 budget at \$500.00.

Approved and so declared.

RESULT: APPROVED AND SO DECLARED

VI. REPORTS

A. Staff Reports

WEO, Len Johnson did not have anything else to report other than what was submitted concerning the Avery Brooks Homes Subdivision.

VII. APPROVAL OF MINUTES

A. Approval of December 6, 2022 Minutes

Motion was made by Commissioner Ribe and seconded by Commissioner Pealer to approve the December 6, 2022 minutes with the corrections identified. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED

MOVER: Beth E. Ribe

SECONDER: Dan Pealer

VIII. MEETING REVIEW

Commission members reviewed their meeting noting that the technology worked well, and that they had received their reports ahead of time. Commissioner St. Vil thanked the Chairman for the time he took to review all the documents received.

Commissioner Thompson noted that even though the draft minutes contained numerous typos, the content of the very complicated meeting was accurately recorded and was really helpful.

IX. ADJOURNMENT

Motion was made by Commissioner Pealer and seconded by Commissioner Ribe to adjourn at 8:35 PM. Motion passed unanimously.

Approved and so declared.

RESULT: APPROVED AND SO DECLARED

MOVER: Dan Pealer

SECONDER: Beth E. Ribe

Respectfully Submitted,

Chairman, Justin DeBrodt

Date