



Chairman  
Justin DeBrodt

# TOWN OF LEDYARD

## Inland Wetland and Water Courses Commission

### Meeting Minutes

741 Colonel Ledyard Highway  
Ledyard, Connecticut 06339

#### Regular Meeting

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Tuesday, May 2, 2023

7:00 PM

Council Chambers -Hybrid Format

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#### I. CALL TO ORDER

Chairman DeBrodt called the Regular Meeting of the IWWC to order at 7:00 P.M. 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, Alex Samalot, Zoning Enforcement Staff, and Makenna Perry, Land Use Administrative Asst.

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

#### III. CITIZENS COMMENTS

None.

#### IV. OLD BUSINESS

- A. 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 26 lots in a proposed 8-30g Re-Subdivision located on 94, 96, 98 and 100 Stoddards Wharf Rd, Ledyard CT.

The Commission did not deliberate any further.

Attorney Landolina with the help of Planning Director, Juliet Hodge and Wetlands Enforcement Officer, Len Johnson, drafted a motion for the Commission to consider.

**Commissioner Ribe moved to deny Application #IWWC 22-18 URA Avery Brook Homes, LLC 1641 Rt 12, Gales Ferry for regulated activities associated with the siting of 26 homes with associated grading and utilities on 94, 96, 98, and 100 Stoddards Wharf Road, Ledyard.**

In denying this application the Commission finds that:

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- 1) The application is incomplete. The Commission requested information from the applicant related to an "Effluent Renovation Analysis". The Analysis presented failed to evaluate all parameters requested by the Commission as reflected in the record.
  - 2) The Applicant failed to sustain its burden to show by substantial evidence as reflected in the record that it has met the standards in Section 10 of the Town's wetlands regulations including but not limited to:
    - a. Section 10.2a. Evidence presented on the record establishes that the proposed activities will likely have an adverse impact on regulated areas, including the drinking water resources of the Groton Utilities Company on adjacent property. While the Commission heard conflicting testimony from experts the Commission finds the testimony of and evidence provided by the experts for the intervenor, Groton Utilities, to be more compelling.
    - b. Section 10.2b. The applicant has failed to show feasible and prudent alternatives do not exist which would cause less or no environmental impact to wetlands or watercourses or other resources over which this Commission has jurisdiction.
    - c. Section 10.2c. The applicant failed to establish by substantial evidence that the maintenance and enhancement of long-term productivity of the wetlands or watercourses would not be substantially harmed when considered against the short-term and long-term impacts of the proposed regulated activity on wetlands or water courses.
    - d. Section 10.2d. The applicant failed to establish by substantial evidence that no irreversible and irretrievable loss of wetland or watercourse resources would be caused by the proposed regulated activity.
    - e. Section 10.2e. The applicant failed to establish by substantial evidence that its proposed activity would not reduce the wetlands' or watercourses' natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes and facilitate drainage;
    - f. Section 10.2f. The applicant failed to establish by substantial evidence that the extent to which the exercise of property rights and public benefit derived from such use would outweigh or justify the possible degradation of the inland wetland or watercourse or interfere with the exercise of other property rights and the impairment or endangerment of public health, safety and welfare;
    - g. Section 10.2g. The applicant failed to propose any measures which would mitigate the impact of any aspect of the proposed regulated activity(s) so as to avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect or enhance the wetlands' or watercourses' natural capacity to supply water, control sedimentation, prevent erosion, assimilate wastes and facilitate drainage.
  - 3) Given the location of the proposed activity within a sensitive watershed area and adjacent to a public water supply the proposal to locate 26 subsurface sewage disposal systems in this area creates a likely adverse impact to regulated areas and the public water supply. The Southeastern Connecticut Drinking Water Quality Management Plan recommends a density guideline for water supply watersheds of one dwelling per two acres. The Commission recommends as a feasible and prudent alternative to the proposed activity that the density of the project be reduced to four to six single family homes.
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- 4) The Commission, having granted Intervenor status under C.G.S. § 22a-19 to the Groton Utilities Company, based upon the substantial evidence in the record specifically including but not limited to the testimony of its expert, Michael Giggey, finds that the proposed activity is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in wetlands, watercourses and public drinking water supplies all of which are natural resources of the State.

**Commissioner Maugle seconded the motion. Motion passed unanimously.**

**RESULT:** DENIED

**MOVER:** Beth E. Ribe

**SECONDER:** Paul Maugle

- B.** Application IWWC#23-2URA of Gales Ferry Intermodal LLC, 549 South Street, Quincy, MA 02169, for activity in the upland review area at the Gales Ferry Intermodal LLC property, 1761 CT Route 12, Ledyard, CT 06339 in conjunction with aggregate removal and site preparation for the creation of building locations to accommodate the siting of future industrial buildings (mixed-use / industrial).

Attorney. Harry Heller, 736 Route 12, Uncasville, presented the application on behalf of the applicant. Also present were Andrew McCoy, associate of Heller, Heller and McCoy, Mike Cherry, the project's Community Liaison, George Andrews, Lead Engineer from Loureiro Engineering, and George Logan, Wetlands Scientist and Ecologist.

Mr. Andrews and Mr. Logan reviewed the proposal and answered questions regarding the potential impacts to the different wetlands on the property and the potential increase in water run-off in some areas and decrease in others.

Atty. Heller stated that at the end of the project, there would be more and better functioning wetlands than are currently on the property. He stated that the applicant would post a bond to cover the continual monitoring of the impact of the excavation activity on the wetlands and to cover any initial mitigation.

The Commission requested information regarding test results from the landfill monitoring wells; the different options to enhance Wetlands "x" and "y" as well as possible additional mitigation sites should they be needed; the exact outline of the capped landfill area near the new proposed wetlands; and slope cross sections and proposed elevations (benched slopes).

The Commission decided to continue discussion on the application to next meeting, as they felt they needed more information to determine if a public hearing was necessary.

**RESULT:** CONTINUE

**V. NEW BUSINESS**

None.

**VI. CORRESPONDENCE**

None.

## VII. REPORTS

### A. Wetlands Enforcement Officer Report

Wetlands Enforcement Officer, Len Johnson, identified the properties he visited throughout the month, as well as the applications he reviewed.

## VIII. APPROVAL OF MINUTES

### A. Draft Meeting Minutes - April 4, 2023

The Commission made suggested comments. The draft meeting minutes were approved as amended.

**RESULT:** APPROVED AS AMENDED

**MOVER:** Lynmarie Thompson

**SECONDER:** Paul Maugle

### B. Site Walk for IWWC#23-2URA - April 26, 2023

The meeting minutes from the Site Walk on April 26, 2023, were approved as submitted.

**RESULT:** APPROVED AND SO DECLARED

**MOVER:** Lynmarie Thompson

**SECONDER:** Beth E. Ribe

## IX. MEETING REVIEW

The Commission reviewed their meeting. The Commission determined that technology worked well, the meeting started on time, and appreciated the written motion from staff.

## X. ADJOURNMENT

The meeting was adjourned at 8:45 PM.

This was Approved and so declared.

**RESULT:** APPROVED AND SO DECLARED

**MOVER:** Dan Pealer

**SECONDER:** Beth E. Ribe

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Chairman, Justin DeBrod

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Date