



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Inland Wetland and Water Courses Commission Meeting Minutes

Chairman
Justin DeBrod

Regular Meeting

Tuesday, July 11, 2023

7:00 PM

Town Hall Annex Meeting Room
-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 Official, Alex Samalot, Zoning Enforcement Staff, 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

Excused Alternate Member Gary St. Vil

III. CITIZENS COMMENTS

Anne Robert-Pierson, 4 Anderson Dr, spoke against the IWWC#23-2URA application. She expressed concern about lack of information about the application and the disturbance to the land.

Chairman DeBrod explained to Ms. Robert-Pierson, that public comment on the IWWC#23-2URA was inappropriate seeing that the application was not classified as a public hearing. Only applications that are classified as public hearings, can hold public comment.

Kevin Blacker, 108 Main Street, Noank, asked the Commission for clarification on what the definition of public comment is. He believed that the Commission was trying to limit the public from voicing their opinions.

Planning Director, Juliet Hodge, explained that "Citizens Comments" under this agenda item are limited to non-agenda items. Public can comment on applications during the appropriate time in a public hearing. She explained that discussing an application that is currently before the Commission during the "public comment" portion of the meeting - whether or not it requires a public hearing, is not permitted.

Mike Cherry, 5 Whipporwhirl Dr, wanted to state that in Section 9 of the Inland Wetland and Water Courses Regulations, the Commission is bound to follow regulations, which are bound to follow State Statute. Therefore, the public is not allowed to comment on applications that are not classified as public hearings.

IV. OLD BUSINESS

- A. 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).

Atty. Harry Heller, 736 Route 32, Uncasville, was present on behalf of the applicant. Also present on behalf of the applicant were George Andrews, with Lourerio Engineering, Allan Perrault, with Gales Ferry Inter Modal, Mike Cherry, Community Liaison, and Andrew McCoy, an associate of Heller, Heller & McCoy.

Atty. Heller explained that the citizens' comments were inappropriate procedurally, and that they were not relevant to anything within the Commission's jurisdiction. He noted that the applicant does not take their proposed activities lightly, and have completed numerous studies in order to properly evaluate the impacts to the wetlands.

Atty. Heller stated that the applicant agreed to the Commission's request from the last meeting, that the applicant complete the full mitigation prior to the completion of the first phase of the proposed excavation. He stated that testing confirmed that the hydrology at the site is sufficient for wetland creation. The test results were reviewed by George Logan. The applicants are proposing the creation of 19,200 square feet of new wetlands to mitigate the direct impact to wetlands z (1,700sf) and potential impacts to wetlands y and z.

Commissioner Maugle asked questions about the final topography and the potential increase in water run-off from the site. There was discussion about the proposed elevations, sediment traps and proposed grading. George Andrews reviewed the cross-section drawings provided on the revised plans.

Atty. Heller noted that before any construction can start on a parcel over five acres, the project has to be registered under the Connecticut Storm Water Permit for Construction Activities. Atty Heller also noted that George Andrews will monitor the site weekly under this permit, and will file reports with the Town weekly.

Commissioner Ribe asked questions about the proposed monitoring of the new wetlands to ensure that they function properly.

Atty. Heller explained that George Logan would supervise the mitigation monitoring for 5 years. Lengthy discussion continued on whether activity was significant, and whether a public hearing was needed. Staff and Atty. Heller answered questions and provided input.

Commissioner Ribe moved to classify IWWC#23-2URA as a B activity according to 6.2 of the regulations for the following reasons:

1. The applicant is providing 19,000 square feet of new, higher quality wetlands to mitigate the 1,700 square feet of direct impact to Wetland Z and potential indirect impacts to wetlands X & Y;
 2. There is no better location that can be reasonably required;
 2. There are no further technical improvements possible or reasonable at this time; and
 3. The public benefits justify the anticipated degradation of regulated wetlands areas.
- Seconded by Commissioner Pealer.

Motion Passed Unanimously

RESULT: APPROVED

Commissioner Thompson moved to approve IWWC#23-2URA with the following stipulations:

1. In the event that the annual monitoring of the created wetlands indicates a diminution or failure, the applicant will provide a plan to remedy within 60 days, and act on that plan.
2. Mitigation must be completed prior to the completion of phase I.

Seconded by Commissioner Maugle

Motion Passed Unanimously

RESULT: APPROVED

RESULT: APPROVED WITH CONDITIONS

MOVER: Lynmarie Thompson

SECONDER: Paul Maugle

- B.** Application IWWC#23-4SITE of B+R Holding Company LLC, of 1358 Baldwin Hill Road, Gales Ferry, CT 06335 for processing of earth materials and removal of ledge at 1340 Baldwin Hill Road, Gales Ferry, CT 06335.

Peter Gardner, 1641 Route 12, Gales Ferry, was present on behalf of the applicant. Chris McLaughlin was also present. Mr. Gardner reviewed the changes made to the application based on the informal field walk and staff comments. Mr. Gardner identified the berm area within the upland review area that has been there for years, and a portion of which encroaches the existing Conservation Easement Area on the property. He reviewed the site access, proposed areas to be excavated, the existing haul road and the conservation easement area.

Staff asked about the possibility of removing material from the conservation easement area and using it to extend the berm to the south. Commissioner Maugle asked questions about potential runoff towards the wetlands. Mr. Gardner agreed to extend the berm to better protect the wetlands. Staff also requested that the conservation easement areas be marked in the field.

Commissioner Pealer moved to classify application IWWC#23-4SITE as a B Activity, non-significant, according to 6.2 of the regulations for the following reasons:

1. No other location or technical improvements are reasonably required or possible.
2. Little if any reduction to the natural capacity of the wetlands.

Motion passed unanimously

RESULT: APPROVED

Commissioner Pealer moved to approve application IWWC#23-4SITE with the following conditions:

1. The Conservation Easement area boundaries must be marked.
2. Existing earthen material within the Conservation Easement Area shall be removed and used to extend existing berm further south as indicated on the map submitted and revised at the meeting.

Seconded by Commissioner Ribe.

Motion passed unanimously

RESULT: APPROVED

RESULT: APPROVED WITH CONDITIONS

MOVER: Dan Pealer

SECONDER: Beth E. Ribe

V. NEW BUSINESS

None.

VI. REPORTS

A. Wetland Enforcement Official Report

Len Johnson, Wetlands Enforcement Official, presented his report for the month. He explained that there has not been much wetlands activity, other than the applications that were presented during the meeting.

VII. APPROVAL OF MINUTES

A. Draft Meeting Minutes - June 7, 2023

The Commission discussed the draft minutes and agreed to add the word "informal" in front of the word "sitewalk."

Commissioner Ribe moved to approve the Draft Meeting Minutes from the June 7th meeting as amended.

Seconded by Commissioner Pealer.

Motion passed unanimously.

RESULT: APPROVED

RESULT: APPROVED AS AMENDED

MOVER: Beth E. Ribe

SECONDER: Paul Maugle

VIII. MEETING REVIEW

Chairman DeBrodt reviewed the meeting. The Commission noted some technical difficulties at the beginning of the meeting, as the meeting location changed unexpectedly.

There was discussion about the purpose of the public comment at the beginning of the meeting. Staff explained that this public comment was reserved for items that are not on the agenda and explained why public should not be allowed to comment on applications before they came up on the agenda. The Commission wanted to make sure residents' concerns were being addressed. The Commission decided that they need to be more prepared to classify applications and draft motions to consider.

IX. ADJOURNMENT

Commissioner Ribe moved to adjourn the meeting at 8:50 PM, seconded by Commissioner Pealer.

Motion passed unanimously.

RESULT: APPROVED

This was Approved and so declared.

RESULT: APPROVED AND SO DECLARED

MOVER: Beth E. Ribe

SECONDER: Dan Pealer

Chairman DeBrod

Date