EX#321

Gmail

Harry Heller <hheller@hellermccoy.com>

Fw: Bond

1 message

Peter Gardner <dieter.gardner@yahoo.com> Mon, Jan 29, 2024 at 12:33 PM
To: Harry Heller <hheller@hellermccoy.com>

FYI, Juliet trying to change history with email she sent to me on Chris Mac site. Thought you would be interested. Pete

----- Forwarded Message -----
From: Peter Gardner <dieter.gardner@yahoo.com>
To: Chris Mclaughlin <chm@terrafirmaus.com>; Edward B. O'Connell <eboconnell@wallersmithpalmer.com>
Sent: Monday, January 29, 2024 at 12:28:39 PM EST
Subject: Re: Bond

Approval had 6 conditions, first one was "prior to expiration of permit,or prior to issuance of any renewal, the applicant shall provide a "closure plan"", you asked if she was correct, this should answer that, I do not believe that we are anywhere near expiration of permit when this condition would kick in. As far as berm goes, site plan called for an addition to existing berm at the southern end of site, I do not know if this was done, we did not stake anything out. Bond was for stabilizing site, dollar figure should be plenty if topsoil is being stockpiles as site plan calls for. She also now brings up 3:1 slope, approved plan did not call for one and I do not think it is will be possible to create a 3:1 slope based on approved plan, she cannot now come back and ask for something the commission did not require when they issued approval/permit, Julit is not the decision maker, the commission is. I think what prompted this is the work being proposed at the Dow site by Cashman. Pete

On Monday, January 29, 2024 at 11:24:22 AM EST, Edward B. O'Connell <eboconnell@wallersmithpalmer.com> wrote:

Juliet says in her below e-mail that "there was no closure plan included as actually required in the initial submission. We allowed you to submit one at a later time as a condition of approval". I she correct? If she is correct, we would need to submit a closure plan with the elements she mentions in her e-mail before we would have a chance in court.

She also says that she needs "some kind of verification that the berm has been extended and that the required SE&SC [Sediment & Erosion Control? } is in place".

As to the amount of the bond, that is between her and you guys—you must have gotten that figure from somewhere. She now says she needs a figure through "final grading and landscaping". I'm not sure what she means by the dates—I look at the expiration date, as that is how long the bond is good for. Here it is 12/1/26.

Edward B. O'Connell, Attorney at Law
eboconnell@wallersmithpalmer.com

Waller, Smith & Palmer, P.C.
Office: 860-442-0367 | Fax: 860-447-9915
52 Eugene O'Neill Dr. New London, CT 06320

http://wallersmithpalmer.com

WSP | WALLER SMITH & PALMER PC Attorneys at Law

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From: Peter Gardner <dieter.gardner@yahoo.com>
Sent: Monday, January 29, 2024 10:22 AM
To: Chris Mclaughlin <chm@terrafirmaus.com>; Edward B. O'Connell <eboconnell@wallersmithpalmer.com>
Subject: Fw: Bond

Just received this from Juliet. Bond estimate was submitted 10/2/23. Approval was 9/14/2023. To receive this now is bull, Chris, may be time to get attorneys involved. Pete

----- Forwarded Message -----

From: Juliet Hodge <planner@ledyardct.org>

To: Peter Gardner <dieter.gardner@yahoo.com>

Sent: Monday, January 29, 2024 at 09:52:12 AM EST

Subject: Bond

Hi Peter,

The surety bond paperwork you submitted is not sufficient. It is not based on any estimate of work that can be checked/verified. The surety is good for a year according to one section – but then the expiration date to complete the work is 12/21/2026.

I need an estimate of the cost to complete the final grading and landscaping in accordance with the Plan of Operation.

"Per Section 8.16(F): Before a permit is granted to an applicant starting an operation regulated by Special Permit under this Section, the applicant shall post a bond to the Town of Ledyard in an amount and form approved by the Commission to guarantee that the premises shall be excavated, graded and landscaped in conformance with the approved Plan of Operation."

There isn't much to the "Plan of Operation" and there was no closure plan included as actually required in the initial submission. We allowed you to submit one at a later time as a condition of approval. Just a reminder that that closure plan needs to show the final slopes at 3 to 1 per the regulations (8.16N(4). This refers to the bank "walls" not the bank "floor" which is covered under 8.16N(1). Are you going to be able to achieve that?

I would like some kind of verification that the berm has been extended and that the required SE&SC as shown on the plan is in place. We will come out for a Site visit within the next couple of weeks to confirm.

Please put this matter at the top of your list or we will have to issue a Cease and Desist to stop all operations until the Special Permit has been filed and the Bond is in place.

Thanks.

Juliet

Juliet Hodge

Director of Land Use & Planning

741 Colonel Ledyard Highway

Ledyard, CT 06339

Phone: (860)464-3215

planner@ledyardct.org

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