

July 10, 2025

Via Electronic Mail

Justin DeBrodt, Chairman
Inland Wetlands and Water Courses Commission
c/o Liz Burdick
Director of Land Use & Planning
Town of Ledyard
741 Colonel Ledyard Highway, Ledyard, CT 06339

Re: Application by C.R. Klewin LLC to Town of Ledyard Inland Wetland and Water Courses Commission ("IWWC") for Property known as 19, 29 and 39 Military Highway, Gales Ferry, CT (IWWC Application No. 25-5 SITE)

Dear Chairman DeBrodt and Ms. Burdick:

On behalf of C.R. Klewin LLC, we thank the Commission for extending its public hearing to July 15, 2025 for IWWC Application No. 25-5 SITE. This application is to secure a wetland permit to allow the redevelopment of 19, 29 and 39 Military Highway (the Property") as a multi-family residential development.

Please find attached:

- The map showing proposed soils testing that Whitestone intends to perform under its contract with C.R. Klewin, LLC. Thomas Greenwood, Project Manager, will be available via Zoom to testify and answer questions on July 15th.
- A letter from EpicCleanTec that confirms, as directed by C.R. Klewin LLC, that it will be resubmitting the wastewater treatment facility proposal specifically for the 278 unit development to the Connecticut Department of Energy and Environmental Protection ("CT DEEP") by CT DEEP's deadline. Richard Ross, P.E. of EpicCleanTec will be available by Zoom to testify and ready to answer questions on July 15th.

July 10, 2025

Page 2

- A letter by Bohler Engineering summarizing its prior responses and addressing CLA's May 29 comments. Jeff Bord, P.E will be available to testify and answer questions on July 15th.
- We anticipate that Mr. Ian Cole will also be available to testify as to the lack of impact this proposed redevelopment will have on the relevant inland wetlands and watercourses.

We respectfully submit that C.R. Klewin, LLC has met all the criteria for approval of the wetland permit that is before you. This application was submitted prior to the effective date of the latest revisions to your Inland Wetland Regulations in February 2025. Accordingly, the criteria you may apply are those that existed prior to those amendments.

Based on the testimony presented to date and additional materials we have submitted there will not be any unreasonable pollution of the wetlands or watercourses resulting from approval, appropriate conditions and proper construction of this development. We have, by submission of IWWC Application No. 25-5 SITE, provided the Commission with the prudent and feasible alternative to the 2024 application that C.R. Klewin, LLC withdrew. See IWWC Application 24-9. That application called for intrusions into the upland review area, flood plain and was a more intense development of the site.

Further, to deny this *de minimus* wetland permit application and insist on C. R. Klewin, LLC first obtaining approval from CT DEEP for its wastewater treatment system would be arbitrary and unsupported. For example, the findings by the Connecticut Supreme Court that speculation, even by experts, that a novel approach to soil mixing of admittedly polluted soils would unreasonable pollution to the wetlands and watercourses was not enough to uphold a denial. See *River Bend Associates, Inc. v. Simsbury Conservation/Inland Wetlands Agency of the Town of Simsbury*, 269 Conn. 57 (2004). Remarkably, River Bend Associates, Inc. proposed direct impacts to the wetlands and watercourse in its Simsbury application that offered a novel approach to mitigating polluted soils. By contrast far fewer and no direct impacts are proposed in IWWC Application No. 25-5 SITE. Its wastewater treatment plant must first gain CT DEEP approval before this project can be built which safeguards any reasonable concerns you may have about that approach.

Accordingly, C. R. Klewin, LLC respectfully requests that the IWWC grant IWWC Application No. 25-5 SITE with appropriate conditions such as obtaining CT DEEP approval of the proposed wastewater system that is to be resubmitted in short order.

July 10, 2025

Page 3

Thank you very much for your consideration of the additional materials and of this application.

Sincerely,

A handwritten signature in black ink, reading "Brian R. Smith". The signature is written in a cursive style with a large, stylized "B" and "S".

Brian R. Smith

cc: Wilson Carroll, Esq., Attorney for Lee Ann Berry and Gales Ferry District a/k/a Gales Ferry
Fire District, Intervenors
C.R. Klewin, LLC