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Via email to: KSULLIVAN@woodbridgect.org

Mr. Robert Blythe, Chairman
Inland Wetlands Agency
Town of Woodbridge
11 Meetinghouse Lane
Woodbridge, Connecticut 06525

Re: 27 Beecher Road Inland Wetlands and Watercourses Application
File Number: H-818

Dear Chairman Blythe and Members of the Woodbridge Inland Wetlands Agency:

This office represents concerned neighbors to the proposed development of a 100-unit apartment building at 27 Beecher Road. In connection therewith, Verified Petitions to Intervene in the Public Hearing have been filed with the Agency and experts have been retained who will share their findings.

I have reviewed the Application in its several parts, the reports of REMA Ecological Services, LLC, and Trinkaus Engineering, LLC, and the peer reports including the Wetland Impact Review from Martin Brogie, Inc. and the memo from Criscuolo Engineering, LLC. Critically, both the REMA Report and Mr. Brogie discuss significant issues relating to the accuracy of the wetland delineation which is the foundation from which all other information flows. Based on the review by two independent soil scientists, it is submitted that the Application before the Agency fails to comply with baseline regulatory requirements and is not positioned for review and approval at this time. This is not the only point of concern as the Trinkaus, Logan, and Brogie letters describe, but defines the immediate need for reformation and correction.

It is established law that the burden of proving compliance with the statutory requirements for a wetlands permit is on the applicant. Strong v. Conservation Commission, 226 Conn. 227, 229 (1993). The failure of an Applicant to supply information required by the Regulations and requested by the Commission is a valid basis for denying an Application. Unistar Properties, LLC v. Conservation & Inland Wetlands Comm'n of Town of Putnam, 293 Conn. 93 (2009).

"A commission is not at liberty to ignore its existing regulations and to treat them as invalid." (citations omitted). Fedus v. Zoning & Planning Comm'n of Colchester, 112 Conn. App. 844, 850 (2009).

Section 11.2 of the Regulations governing the decision process and permit provides, in pertinent part: "An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency."

We urge the Agency to hold the Applicant to its burden of establishing its eligibility for the permit it seeks by reviewing and reforming the wetland delineation as may be appropriate and subsequent to which the proposed regulated activity may be again reviewed for likely adverse impacts. We will participate this evening and look forward to returning to the Agency upon that review.

Very truly yours,



Marjorie Shansky