

SHORE PUBLISHING | MADISON | CT



Friday, March 14, 2008

**ADVERTISE**  
 PRINT & WEB ADV. INFO

 News  Classified
**GO!****Home**You are here: [Home](#) » [Read Page](#)

[About Us](#)  
[Advertising Info](#)  
[Download Forms](#)  
[Contact Us](#)  
[... in the News](#)

## Madison Landing Permit Hearing Set

By [Marianne Sullivan](#)

Published on 3/6/2008

**SHORE VIDEO**

[Video and Links](#)

**COMMUNITY EVENTS**

[Events Calendar](#)

**Élan Magazine**

[Winter 2008](#)  
[Fall 2007](#)  
[Summer 2007](#)  
[Spring 2007](#)  
[Winter 2007](#)  
[Fall 2006](#)  
[Spring 2006](#)

**Photos From Our Newspapers »**

[Classifieds »](#)

**Weekly****Newspapers**

[East Haven Courier](#)  
[Groton Times](#)  
[Guilford Courier](#)  
[Harbor News](#)  
[The Lyme Times](#)  
[Montville Times](#)  
[Mystic Times](#)  
[New London Times](#)  
[North Haven Courier](#)  
[The Sound](#)  
[The Source](#)  
[Stonington Times](#)  
[Thames River Times](#)  
[Valley Courier](#)  
[Waterford Times](#)

Commissioner Gina McCarthy of the state Department of Environmental Protection (DEP) has set Thursday, March 13 as the hearing date for oral arguments in the appeal of the DEP hearing officer's proposed final decision in the Madison Landing permit proceedings. This hearing, before the commissioner, is the final departmental step in the application, approval, and appeal process in which Leyland Alliance is seeking to develop the former Griswold Airport property. Any appeal of the commissioner's decision will have to be brought in Superior Court. At issue is a proposal by Leyland Alliance to build Madison Landing, a 127-unit active adult community on 42 acres that border tidal marshes and wetlands, the Hammonasset River, and the state-owned Hammonasset State Park. The development will require an engineered wastewater treatment system, in this case a Zenon system. Although the development has received approval from the town's Planning and Zoning Commission, DEP must issue a permit for the wastewater treatment system. Leyland has contended the system will protect the environment. Opponents have contended that the Zenon system is not adequate to protect the fragile environment and that DEP's oversight of these systems is also not adequate. Commissioner McCarthy, in addition to setting a date for the oral arguments, issued a notice saying she would receive oral arguments only, disallowing written briefs by the parties, and she also rejected a request from the Connecticut Fund for the Environment (CFE) to participate in the appeal. Roger Reynolds, a senior staff attorney with CFE, said he was "surprised and dismayed" by the commissioner's decision. "CFE has been involved in these types of proceedings in the past and we are not aware of other cases where the commissioner has taken the extraordinary step of disallowing briefs of the parties at this level," he said. Reynolds added that CFE is seeking to join the appeal at this point "because of the extraordinary nature of this issue and this site...The Zenon systems have a track record of failure...and this is such a significant environmental site." Keith Ainsworth, attorney for those opposing Madison Landing, said he too was surprised by McCarthy's decision to disallow briefs and CFE's participation. "I would hope the commission would seek to have more information, not less, about an issue as critical and complicated as this one," he said. "She has excluded a well-respected organization that can help my efforts." Dennis Schain, DEP communications director, said McCarthy's decision to exclude CFE was not unusual "at this very late date in the process." He also said, "The commissioner's decisions concerning the next steps in the Madison Landing permit process are fair, logical, and consistent with the law and with the agency's handling of previous matters." He said there was nothing unusual about hearing oral arguments without additional legal briefs. "It is important to note that as part of the process the parties involved here have already submitted written documents, known as exceptions. These written exceptions outline and define any objections to the proposed permit before the commissioner—and oral arguments must be limited to these specific items." Schain added, "We understand CFE's continued interest in this matter, however, in addition to being late, we do not believe their participation will shed new light on the issues at hand. Even CFE said they were seeking formal status only to 'support' the case of the parties already opposing the permit." Howard Kaufman, an executive with Leyland Alliance, said he believed the commissioner will appropriately base her decision on the proposed final decision from the hearing officer and the oral arguments from both sides. "If the opponents wish to appeal, their appropriate route is through the courts," he added. The oral arguments before the commissioner will be Thursday, March 13 at 1 p.m. in the hearing room of the DEP offices, 79 Elm St., Hartford. The hearing is open to the public.

Ads by Google

**[Apartments In Branford](#)**

Find Your Branford Apartment. Get Virtual Tours & Expert Advice.

[www.Move.com/Branford](http://www.Move.com/Branford)

**[New Haven 0 Down Homes](#)**

Receive a Free List of all new Zero Down Homes with Pictures

[cthomeinfoonline.com](http://cthomeinfoonline.com)

**[Apartment Wilton Ct](#)**

Virtual Tours & Appointments online Contact us today! 2/3 bds available

[www.AvalonCommunities](http://www.AvalonCommunities)

**[Criminal Appeals](#)**

Federal and Florida Criminal Appeals and Habeas Lawyer

[williamkent.com](http://williamkent.com)

Site Search: **GO!**See Also: [Advanced Site Search](#)

For the best site experience, please use a non-beta version of Internet Explorer 5+, set the screen resolution to 1024x768, and enable JavaScript and Cookies. For additional enhancements, install [Macromedia Flash](#), [Adobe Acrobat](#), [Windows Media Player](#), [Apple QuickTime](#), and [Real Player](#).

Powered by [theday.com](http://theday.com)