



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Final

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman Marty
Wood

Special Meeting

Thursday, December 19, 2024

6:00 PM

Ledyard Middle School - 1860 CT-12,
Gales Ferry, CT 06335 (aka 1854
CT-12)

REMOTE MEETING INFORMATION

Join Zoom Meeting

<https://us06web.zoom.us/j/81158569631?pwd=WZwLe0LVbstCnPcPflBfLqFXak43HQ.1>

Meeting ID: 811 5856 9631 Passcode: 367765

Dial by your location: +1 646 558 8656 US (New York)

I. CALL TO ORDER

Chairman Wood called the meeting to order at 6:01 p.m. in the Ledyard Middle School Auditorium and on Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL AND APPOINTMENT OF ALTERNATES

Present Chairman Marcelle Wood
 Secretary Howard Craig
 Alternate Member Matthew Miello
 Commissioner Beth E. Ribe
 Alternate Member James Harwood

Recused Vice Chair Paul Whitescarver

In addition, the following were present:

Director of Land Use & Planning, Elizabeth Burdick
Land Use Attorney, Matthew Willis
Zoning Enforcement Official, Hannah Gienau
Land Use Assistant, Anna Wynn

Chairman Wood stated for the record that Alternate Member Matthew Miello will be seated for the regular member vacant seat and the Alternate Member James Harwood will be seated for recused Vice Chair Paul Whitescarver.

Chairman Wood outlined the proceedings of the meeting and outlined the rules of conduct for the audience.

IV. PUBLIC HEARINGS/APPLICATIONS

- A. Public Hearing: PZ#24-8SUP & PZ#24-9CAM** - 1737 and 1761 Connecticut Route 12 (Parcel IDs: 76-2120-1737 & 61-2120-1761), Gales Ferry, CT - Agent, Harry Heller, Esq., Heller, Heller & McCoy - Applicant/Owner, Gales Ferry Intermodal, LLC for Special Use Permit/Site Plan Approval and Coastal Site Plan Review to modify an existing mixed-use (commercial/industrial) development for the addition of an Excavation Operation, Major. *(Submitted 07/9/24, Date of Receipt 7/11/24, PH must open by 9/13/24, PH set for 9-12-24, PH must close by 10-16-24, PH Cont. to 9/26/24, PH Cont. to 10/10/24, PH Cont. to 10/24/24, PH Cont. to 11/14/24, PH Cont. to 11/21/24, PH Cont. 12/5/24, PH Cont. to 12/12/24, 65 Day Ext. Granted, PH must close by 12/20/24, DRD 65-days from close PH).*

Chairman Wood called Attorney Wilson Carroll to the podium to begin his presentation to the Commission.

Attorney Wilson Carroll of Cohen & Wolf, 1115 Broad Street, Bridgeport, CT, handed a written copy of his closing remarks to staff. Director Burdick stated that it would be marked as exhibit #313-1 for the record.

Attorney Wilson gave his closing remarks about special permit processes as outlined in exhibit #313-1. Attorney Carroll then handed out a document containing excerpts of the Ledyard Zoning Regulations. Director Burdick stated for the record it would be marked as exhibit #313-2.

Attorney Carroll read from the last page of exhibit #313-2. Attorney Carroll handed additional documents to the Commissioner and staff containing business details for Gales Ferry Intermodal. Director Burdick stated for the record that it would be marked as exhibit #313-3. Attorney Carroll pointed out details of that document to the Commission and referenced statements made by Mr. Jay Cashman from the previous meeting on December 12, 2024. Attorney Carroll handed more documents to staff. Director Burdick stated for the record they would be marked as exhibit #313-4. Attorney Carroll spoke about pre existing non-conforming uses as outlined by the document.

Attorney Carroll handed out copies of the Planning & Zoning Commission Review application for PZ#23-6SUP with highlight sections of interest. Director Burdick stated that the document would be marked as exhibit #313-5 for the record. Attorney Carroll spoke about the document to the Commission.

Attorney Carroll handed out court case documents to the Commission. Director Burdick stated for the record that they would be marked #313-7, #313-8, #313-9 for the record. Attorney Carroll spoke to the Commission about the documents.

Attorney Carroll handed out copies of Steven Trainkaus's response to the Commission.

Director Burdick stated that the document would be marked as exhibit #313-10 for the record. Attorney Carroll spoke to the Commission about the report. Director Burdick clarified with Attorney Carroll which section of the report he was reading from to the Commission.

Attorney Carroll handed out marked up copies of the Ledyard POCD to the Commission. Director Burdick stated for the record that it would be marked as exhibit #313-11. He spoke to the Commission about the document. He additionally handed out another document with reasons for denial. Director Burdick stated that it would be marked as exhibit #313-12 for the record. Attorney Carroll concluded his presentation.

Chairman Wood called Attorney Heller to begin his presentation and closing remarks.

Attorney Harry Heller, Heller, Heller & McCoy 736 Norwich-NewLondon Turnpike, Uncasville, representing the applicant, Gales Ferry Intermodal, LLC, requested that the entirety of the October 2023 and April 2024 iterations of the Gales Ferry Intermodal excavation major application be added to the administrative record in this proceeding. He stated that his firm filed a Freedom of Information Act Request with the Town of Ledyard in the spring and only received compliance with the request last Thursday. He stated that his office has not had sufficient time to review the thousands of pages of information but have acquired evidence of improper and or illegal conduct that taints all proceedings related to the applicant and project.

Attorney Heller submitted a document with a timeline of improper email communications as well as a letter from Halloran & Sage. Director Burdick stated that it would be marked as exhibit #314 and #315 for the record. Attorney Heller spoke about the documents to the Commission.

Attorney Heller read into the record several emails from the FOIA Request made by Heller, Heller & McCoy between Juliet Hodge, Dave Harned and members of the Commission. He spoke to the Commission about the documents. He spoke to the Commission about the process of recusal. Land Use Attorney Matthew Willis clarified to the Commission why a Commissioner would decide to recuse themselves from an application and stated that they can speak more in depth about it at a later time. Director Burdick marked the emails as exhibit #316 for the record.

Attorney Heller spoke about his concerns with Mr. Eric Treaster's conduct related to the application and proceedings. He submitted documents to staff in support of his statements. Director Burdick stated for the record that they would be marked as exhibits #317 for the record.

Chairman Wood asked if staff could authenticate the emails submitted by Attorney Heller in this proceedings.

Attorney Heller stated that in response to the questions received by Commission members through the Land Use office, the applicant has provided a comprehensive response

presentation answering each question. Attorney Heller presented the Powerpoint presentation that Director Burdick marked as exhibit #318. He went through slide by slide.

Commissioner Ribe asked Attorney Heller if there was any seismographic data from the date of Laura Staunings letter to Maine Drilling and Blasting. Attorney Heller stated there were no seismographs from her property because they are always set up at the closest structure which was at a different location. Commissioner Ribe and Attorney Heller clarified that the data in the presentation is the data collected from the closest structure to the blast, which was not Laura Staunings.

Chairman Wood asked if during phase 1 or phase 2 there would be less than 2-3 barges per week. Attorney Heller stated that is correct. They clarified other details of the plan in terms of phases of the project.

Commissioner Ribe and Attorney Heller clarified which perspective the benching model was displaying in relationship to Mt. Decatur.

Commissioner Harwood and Attorney Heller clarified information about traffic on Route 12 as related to the application.

Commissioner Ribe asked Attorney Heller what compaby Dr. Cathy Aimone-Martin works for. Attorney Heller responded that the company name is Aimone Martin Associates.

****10 MINUTE RECESS****

Attorney Heller asked that the FOIR request made to the Town of Ledyard by Heller, Heller & McCoy be incorporated in the record of this proceeding. Director Burdick stated that the entire FOIA request will be entered in to the record as exhibit #319.

Attorney Heller continued the presentation addressing Commissioner questions. He submitted a full staff report, marked as exhibit #9 of the Baldwin Hill application. Director Burdick stated that it would be marked as exhibit #320 for the record.

Attorney Heller continued to talk about the language in the Ledyard Zoning Regulations in relationship to the application as well as the proceedings of the Baldwin Hill application. Attorney Heller submitted an email chain from Juliet Hodge and Peter Gardner of Dieter & Gardner, concerning the Baldwin Hill permit. Director Burdick stated that it would be marked as exhibit #321.

Attorney Heller discussed past Ledyard Zoning Regulations and read into the record specific sections for the Commission. Attorney Heller discussed the requirements and functions of the Commission and relationship to the application. Attorney Heller submitted a copy of the Town of Ledyard's assessor's map, number 61 for the record. Director Burdick marked it as exhibit #322. He spoke to the Commissioner about several points made in Mr. Treaster's document titled "22 Reasons for Denial"

Attorney Heller and Chairman Wood clarified the definition of substratum.

Attorney Heller asked that the Ledyard POCD be incorporated into the record. Director Burdick clarified that Attorney Heller is referencing the POCD that was approved on 2/13/2020 and effective on 2/27/2020. Attorney Heller said yes. Director Burdick marked it as exhibit #323 for the record. Attorney Heller spoke to the Commission about certain sections of the Ledyard POCD.

Attorney Heller made his final closing statements to the Commission.

Director Burdick stated that staff received about fifty new exhibits over the course of the day. She said due to time constraints, staff was not able to upload them all online before setting up for the meeting, but that exhibits that were received before the close of the public hearing will be marked and uploaded online on Monday.

Chairman Wood reiterated statements made by Director Burdick. Staff and the Commission clarified the meeting schedule for discussion and decision the application.

MOTION to close the public hearing on application PZ#24-8SUP & PZ#24-9CAM

RESULT: PUBLIC HEARING CLOSED

MOVER: Beth E. Ribe

SECONDER: Howard Craig

AYE: 5 Wood, Craig, Miello, Ribe, and Harwood

RECUSED: 1 Whitescarver

- B. Discussion & Decision: PZ#24-8SUP & PZ#24-9CAM - 1737 and 1761 Connecticut Route 12 (Parcel IDs: 76-2120-1737 & 61-2120-1761), Gales Ferry, CT - Agent, Harry Heller, Esq., Heller, Heller & McCoy - Applicant/Owner, Gales Ferry Intermodal, LLC for Special Use Permit/Site Plan Approval and Coastal Site Plan Review to modify an existing mixed-use (commercial/industrial) development for the addition of an Excavation Operation, Major. (Submitted 07/9/24, Date of Receipt 7/11/24, PH must open by 9/13/24, PH set for 9-12-24, PH must close by 10-16-24, PH Cont. to 9/26/24, PH Cont. to 10/10/24, PH Cont. to 10/24/24, PH Cont. to 11/14/24, PH Cont. to 11/21/24, PH Cont. 12/5/24, PH Cont. to 12/12/24, 65 Day Ext. Granted, PH must close by 12/20/24, DRD 65-days from close PH).**

MOTION to continue discussion and decision on application PZ#24-8SUP & PZ#24-9CAM to the PZC Special Meeting of January 23, 2025 at the Ledyard Middle School Auditorium and on Zoom.

RESULT: CONTINUE

MOVER: James Harwood

SECONDER: Howard Craig

AYE: 5 Wood, Craig, Miello, Ribe, and Harwood

RECUSED: 1 Whitescarver

V. ADJOURNMENT

Attorney Willis spoke to the Commission and gave guidance on examining the evidence and the Ledyard Zoning Regulations

Chairman Wood moved the meeting be adjourned, seconded by Commissioner Harwood

The meeting adjourned at 10:22 p.m.

VOTE: 5-0 Approved and so declared

Respectively Submitted,

Chairman Wood
Planning & Zoning Commission

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.