



TOWN OF LEDYARD CONNECTICUT PLANNING & ZONING COMMISSION

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339-

Chairman Marcelle Wood

HYBRID FORMAT
SPECIAL MEETING

~ MINUTES ~

Thursday, January 23, 2025

6:00 PM

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

I. CALL TO ORDER

Chairman Wood called the meeting to order at 6:03 p.m. in the Ledyard Middle School Auditorium and on Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

Present: Chairman, Marcelle Wood
Secretary, Howard Craig
Commissioner, Beth E. Ribe
Commissioner, Matthew Miello (via zoom)
Alternate Member, James Harwood

Excused: Vice Chairman Paul White Scarver
Alternate Member Rhonda Spaziani

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 noted for the record that Ms. Rhonda Spaziani has been appointed to the Planning & Zoning Commission as an Alternate Member but will not present or participating in this evening's meeting.

Chairman Wood noted for the record that Alternate Member James Harwood will be seated for Vice Chair Paul Whitescarver who is recused from application PZ#24-8SUP & PZ#24-9CAM.

IV. OLD BUSINESS

A. 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, PH Cont. to 12/19/24, PH closed 12/19/24, Tabled to 1/23/25, Tabled to 1/30/25, DRD 2/21/25).

Land Use Attorney Matthew Willis stated that he would like each Commissioner to acknowledge for the record that they are familiar with the application and have attended or viewed the recordings of each meeting as well read all exhibits.

Each member of the Commission acknowledged they had been present for or watched the recording for each meeting pertaining to application PZ#24-8SUP & PZ#24-9CAM and read all related exhibits.

Attorney Willis stated that at the December 19, 2024 Special Meeting, Attorney Heller of Heller, Heller & McCoy, representing the applicant, had entered into the record a number of possible issues concerning the application. He stated that the issues that were raised at that meeting concerned bias, pretermination or conflict of interest that would be personal of in the financial capacity by members of the Commission. He additionally stated that each Commissioner would need to verify they had not partaken in any ex parte conversation concerning the application. Attorney Willis asked that each member of the Commission verify if they have any of these ethical issues concerning their decision making.

Each member of the Commission stated that they do not have any of the above-mentioned issues and are able to make objective decisions concerning the application.

Attorney Willis stated that the Commission should start the discussion process by looking at all the pertinent zoning regulations for the application. He suggested that specifically the Commission start with zoning regulations on Excavation Major. Director Burdick concurred.

Chairman Wood stated that the Commission would begin with the Zoning Regulations related to special permit requirements. Staff and the Commission reviewed and read Zoning Regulation 11.3.1, 11.3.3, 11.3.4 and 11.3.5.

Chairman Wood asked is any of the Commissioners had questions or comments on item d of Zoning Regulation 11.3.5. They said no.

Chairman Wood and Attorney Willis clarified if the Commission could condition the remediation of capped portion of the property. Attorney Willis responded that the process in which capped areas are handled is under the jurisdiction of DEEP.

Commissioner Ribe and Director Burdick clarified that remediation of the land was performed under the ownership of Dow Chemical. She stated that she could gather more information about the status of the remediated land for the Commission to review at their next meeting.

Chairman Wood asked why the owner of the property decided that stone removal was more cost effective than remediating the contaminated portion of the land.

Chairman Wood asked that Attorney Willis talk about excavation as a permitted use. Staff and

the Commission reviewed Zoning Regulation 8.16.d2.

Commissioner Harwood asked for clarification on the definition of excavation major and quarrying. He stated that the difference for him is the blasting required to remove bedrock from the site.

Commissioner Ribe commented that she struggles to understand the processing granite as the use. She asked if that is the industrial process under the industrial district definition. Director Burdick stated that the use chart in the Ledyard Zoning Regulations shows that excavation is considered a principle use even if there was nothing else on the site with a special permit.

Chairman Wood and Commissioner Ribe discussed the language used to define excavation. Chairman Wood commented that he would like to define the length of time behind the word temporary.

Commissioner Ribe and Chairman Wood discussed the meaning of temporary and why the applicant would have to come back every three years to renew their permit. Attorney Willis commented that Connecticut General Statutes requires an applicant come back every five years to renew a special permit and that the Ledyard Zoning Regulations may not accurately reflect the most up to date requirements.

Commissioner Miello commented that in Zoning Regulation 7.10.a.a , it talks about stone crushing and portable sawmills. He asked if, because of the language used in this regulation, if the applicant would have to come back every six months for renewal. He asked if this application would be a separate permit or if it would be under the special use permit. He stated that 7.10.1. Chairman Wood and Commissioner Miello discussed the applicability of the regulation.

Director Burdick commented that regulation 7.10 is more geared towards construction to build a new single-family home on a subdivision lot. She suggested that the Commission read though zoning regulation 8.16 because it may answer some of their questions about processing rock.

Commissioner Ribe and Director Burdick clarified what kind of blasting is done in smaller projects like new single-family homes and discussed the connection between stone crushing and excavation.

The Commission discussed the zoning regulations and their applicability towards each other. The Commission discussed their concerns with the end goal of the application. Director Burdick stated that under permitted uses excavation is defined as a primary use even if there are no other uses on the parcel.

Commissioner Craig commented that the applicant has a burden to prove that the site will have future uses after excavation. Director Burdick stated there are multiple documents in the record that may shed some light on that question, and she will obtain them for the Commission's next meeting. The Commissioner continued to discuss some of their concerns on this matter.

Commissioner Ribe and Director Burdick discussed the representations made for future developments on the parcel. Director Burdick commented that the uses that would be permitted there would be industrial either by right or by special use permit. She stated that in fact all uses would be special use permits because the parcel is a mixed-use zone.

Commissioner Harwood commented on the cost effectiveness of excavation verse utilizing the remediated land. Commissioner Ribe commented that it is the right of the applicant to use their

land. Staff said they would see what information they could gather on the matter.

Chairman Wood stated that at about 8:15 he would like staff and the Commission to review their overall discussion this evening to figure out the best way forward for the next meeting.

Chairman Wood introduced the topic of vibration related to the application. The Commissioners expressed their concerns about potential vibration from excavation leaving the property. They discussed how vibration pertains to the Ledyard Zoning Regulations and the CT State Statutes.

Commissioner Ribe introduced the topic of traffic related to the application and expressed her concerns. Chairman wood commented and expressed his concerns about traffic impacts from the application.

Chairman Wood introduced the topic of dust and dust mitigation. The Commissioners expressed their concerns about dust related to the application. They discussed several documents on the record that deal with this matter.

The Commission discussed their concerns with sound generated from the site. They also discussed the impact of blasting on residents with PTSD.

They discussed their concerns with the procedures of Maine Drilling & Blasting in terms of documenting any potential damage to abutting homes. The Commissioner discussed their concerns with property values related to the application.

Staff and the Commission discussed whether this application were to be approved, what would the process look like in terms of the town being able to moderate the project and ensure it complies with the conditions of approval and zoning regulations. Director Burdick stated that for a project this big, the town would probably have to hire an outside expert specifically to moderate this project.

The Commission and staff discussed where town funds would be sourced from to pay for an outside expert. Director Burdick stated she would have to do more investigation into how the town would afford an outside expert to moderate the project if it were to be approved.

Chairman Wood stated that he would like the Commission to meet weekly to discuss the application before its time to make a decision. He requested if possible that the Commission meet in the Town Hall Annex instead of the Middle School because it is more comfortable and easier for them to discuss. Director Burdick stated that she would see what arrangements she could make just in case they exceed capacity for the Annex Council Chambers.

Chairman Wood stated that he would not want the meetings to go more than two or two and a half hours each.

MOTION to schedule the next PZC Special Meeting to January 30, 2025 in the Town Hall Annex contingent upon availability

RESULT: 5-0 APPROVED AND SO DECLARED

MOVER: Craig

SECONDER: Harwood

AYES: 5 Craig, Harwood, Miello, Ribe, Wood

RECUSED: Vice Chairman Paul Whitescarver

The Commission and staff clarified what information will be provided by the next meeting for the Commission to review. The Commission and staff discussed the best way to delegate the information of the application into manageable pieces.

Director Burdick stated that she has already started a memo laying out each phase of the application.

MOTION to table PZ#24-8SUP & PZ#24-9CAM to the PZC Special Meeting of January 30, 2025 at 6:00pm in the Town Hall Annex and on Zoom

RESULT: 5-0 TABLED

MOVER: Ribe

SECONDER: Craig

AYES: Craig, Harwood, Miello, Ribe, Wood

RECUSED: Vice Chairman Paul Whitescarver

V. ADJOURNMENT

Commissioner Ribe moved the meeting to be adjourned, seconded by Commissioner Harwood

VOTE: 5 - 0 Approved and so declared, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Secretary Howard Craig
Planning & Zoning Commission