

Motion to Deny

Whereas Gales Ferry Intermodal, LLC with an address of 549 South Street, Quincy, MA 02169 is the owner of real property located at 1761 and 1737 Connecticut Route 12 in the Gales Ferry section of the Town of Ledyard, CT; and

Whereas the property at 1761 and 1737 Route 12 comprising approximately 165.7-acres in size lies within the Gales Ferry section of the Town of Ledyard and is entirely within the Industrial Zone; and

Whereas Heller, Heller, and McCoy has submitted an application on behalf of Gales Ferry Intermodal, LLC for a major excavation operation and accessory rock processing facility at the property noted above; and

Whereas the Commission finds that the application is not substantially compliant with the requirements found within Sections 8.16, 9.2, 11.2, 11.3, and 12 and as described herein of the Ledyard Zoning Regulations (“Regulation”); now therefore

Be it Resolved, that the Planning and Zoning Commission denies application 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 as presented for the reasons stated herein:

1. The Applicant has filed for a Special Permit for an “Excavation, Major including the processing of earth product and rock prior to its removal from the property.” Per Zoning Regulation Section 8.16. The proposed application is for a minimum of ten (10) years. The Zoning Regulations only allow such approvals to be three (3) years per Regulation Section 8.16.L. The Regulations only provide for ten (10) acres to be excavated at a time per Regulation 8.16.N.5 and this application is for excavation far greater than the acreage envisioned.

2. The Applicant has not met its burden in this application for the Special Permit criteria. In general, see Exhibit 313-1 and 313-12, submitted by Attorney Wilson Carroll on behalf of Intervenor Gales Farry Fire District and LeeAnn Berry, which has further description of some of the reasons as set forth herein and which reasoning is incorporated herein.

3. The Application would cause traffic congestion and undue traffic generation in violation of Regulations § 11.3.4.B. as there will be the stopping of traffic on Route 12 during blasting and back up at lights causing congestion; the study does not address additional traffic on secondary roads and the impact of new development, i.e. the Great Wolf Lodge and other large developments; there is the possibility of an altered school schedule and request for a lower speed limit that only provides further evidence of undue traffic congestion; and there is the possibility of additional congestion due to large trucks transporting heavy loads. In addition, dust will leave the site during times of no operation, weekends and holidays, as winds will distribute dust where it is not being treated with water during working hours.

4. The Application would be a detrimental source of dust and silica in violation of Regulations §§ 8.16.D.1, 8.16.D.2, 9.2.C, and 11.3.4.C. Lack of evidence has been provided for dust that would be created when trucks go offsite, from equipment, and from blasting. The dust may have been minimized to some degree, but it doesn't meet the standard as set forth in this paragraph. Dust and fly rock will leave the property during blasting in violation of Section 9.2. C.1. The Applicant has not met the burden of establishing that dust will not leave the property. Under § 8.16.D.1, the landscape will be needlessly marred during and after operation

5. The proposed use would transmit unreasonably loud noise and sound beyond the boundaries of the property for, at times, at constant level during working hours in violation of Regulations §§ 9.2.C.3 and 11.3.4.C. Within the information provided by the Applicant, the L50 and L10 noise levels will exceed the self-imposed dB levels of 56dB.

6. The proposed use would transmit vibration beyond the boundaries of the property in violation of Regulations §§ 9.2.C.4 and 11.3.4.C.

7. The application did not meet its burden in establishing that the immediate neighborhood would be preserved in terms of scale, density, intensity of use in violation of Regulation § 11.3.4.E. The project would unreasonably impact the neighborhood due to its scale, density and duration.

8. The proposed use would have an adverse effect on the property values of neighboring properties in violation of Regulations §§ 8.16.D3, 9.2.C.1 and 11.3.4.D. The

applicant did not meet its burden to establish that property values in the immediate neighborhood would not drop during the time the work was being performed on the property and the property would be unsightly.

9. The application and proposed use does not meet Regulation § 11.3.4.A as described within this Motion.

10. The proposed use would adversely affect the character of the immediate neighborhood with respect to scale, intensity of use, and existing historic and natural assets, in violation of Regulations § 11.3.4.E.

11. As described in this Motion, the proposed use would cause unreasonable pollution, impairment, and destruction of the air, water, and other natural resources of the state, in violation of Regulations § 11.3.4.F. and CGS Section 22a-19 and there are no feasible and prudent alternatives exist without examining a totally differently sized scope of an application.

12. The Application is inconsistent with future development as identified and envisioned in the Ledyard Plan of Conservation and Development. See Exhibit 313-11.

13. Regulation § 8.16.N.7 will not be met because not all the topsoil and subsoil will be stockpiled for future site restoration.