



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Final

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
Tony Capon

Special Meeting

Thursday, October 24, 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/82570911859?pwd=ncP0TFXyWjB1VzVnMukgbSY35wGk4w.1>

Meeting ID: 825 7091 1859 Passcode: 857774

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

I. CALL TO ORDER

Chairman Capon called the meeting to order at 6:00 p.m. at the Ledyard Middle School Auditorium and on Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL AND APPOINTMENT OF ALTERNATES

Present Commissioner Marcelle Wood
 Chairman Tony Capon
 Vice Chair Paul Whitescarver
 Commissioner Howard Craig
 Commissioner Jessica Cobb
 Alternate Member Beth E. Ribe
 Alternate Member James Harwood
Excused Alternate Member Matthew Miello

In addition, the following were present:

Town Attorney, Robert Avena
Town Attorney, Matthew Willis
Director of Land Use and Planning, Elizabeth Burdick
Land Use Assistant, Anna Wynn
Zoning Enforcement Official, Hannah Gienau

Chairman Capon announced that Commissioner Jessica Cobb and himself will be stepping down from the Commission. They each gave their closing statements to the audience.

IV. OLD BUSINESS

- A. Discussion & Decision: PZ#24-2RESUB - 96, 98, and 100 Stoddards Wharf Rd., Ledyard, CT Agent: Harry Heller, Esq. Heller, Heller & McCoy - Applicant/Owner: Avery Brook Homes, LLC, for an 18-Lot Resubdivision/Affordable Housing Development pursuant to CGS §8-30g. (Submitted 3/28/24, Date of Receipt 4/11/24, PH originally set for 5/9/24, PH Opening Postponed to 5/30/24, PH Opened 5/30/24 PH must close by 7/3/24, PH Cont. to 6/13/24, PH Cont. to 7/11/24 with 35-day extension, PH Cont. to 8/8/24. PH Cont. to 8/22/24 w extension, PH Closed 8/22/24, DRD 10/25/24).**

Attorney Robert Avena of Suisman and Shapiro, representing the Town of Ledyard, gave a statement on the legal requirements of 830-g applications.

Director Burdick read into the record verbatim the motion to approve PZ#24-2RESUB with conditions. She displayed maps to illustrate to the Commission the conditions that are outlined in the motion.

Chairman Capon made a MOTION to approve application PZ#24-2RESUB with the conditions and modifications contained in the document.

Commissioner Wood Seconded the motion.

Chairman Capon began discussion and asked staff to talk more in depth about the impact of the proposed modifications on the application.

Director Burdick asked Mark Lancor of DyMar, town consultant, and Steve Masalin, town Engineer, to make comments on the proposed conditions and modifications.

Mark Lancor and Steve Masalin spoke to the Commission and spoke about the rationale and technicalities related to the proposed conditions and modifications.

Commissioner Craig stated for the record that the application meets reasonable expectations and requirements.

Chairman Capon stated that the conditions of approval address the previous concerns of the Commission.

RESULT: APPROVED WITH CONDITIONS
MOVER: Tony Capon
SECONDER: Marcelle Wood
AYE: 5 Wood, Capon, Whitescarver, Craig, and Cobb
EXCUSED: 1 Miello
ABSTAIN: 2 Ribe, and Harwood

V. 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 opened 9/12/24, PH Cont. to 9/26/24, PH Cont. to 10/10/24, PH must close by 10/16/24, DRD 65-days from close PH).*

Chairman Capon opened the hearing. He noted for the record that Commissioner Whitescarver and Attorney Avena have recused themselves from the application and that their places will be taken by Commissioner Ribe and Attorney Willis.

Director Burdick stated that when the applicant had withdrawn their previous application to allow more time for onboarding staff to review, the Town of Ledyard had agreed to waive the resubmission fees. She stated that the Commission had not made an official motion to date to waive the fees.

Chairman Capon made a MOTION to approve waiving the application submission fee of \$760 for PZ#24-8SUP-9CAM

MOVER: Chairman Capon
 SECONDER: Commissioner Wood

RESULT: APPROVED AND SO DECLARED 5-0

Chairman Capon outlined the structure of the meeting for the record. Chairman Caponed stated that due to illness he will going home early and turning over the chair to senior member Marty Wood.

Attorney Wilson Carroll of Cohen & Wolf, 1115 Broad St, Bridgeport, CT, representative of the Gales Ferry Fire District and Lee Ann Berry as intervenors on application PZ#24-8SUP-9CAM, introduced his presentation. He gave his overarching arguments for the application to be denied. He passed out relevant documents to the Commission. Director Burdick stated that for the record the document will be marked as exhibit #115. He continued making his overarching

arguments for denial.

Attorney Wilson Passed out more documents to the Commission. Director Burdick marked it as exhibit #116. Attorney Wilson continued his opening arguments. He handed out additional documents to the Commission. Director Burdick marked it as exhibit #117.

He continued his opening arguments and handed more documents out to the Commission. Director Burdick marked it as exhibit #118. He concluded his opening arguments.

Attorney Heller of Heller Heller & Mccoy, 736 Norwich New London Turnpike, Uncassville, CT, stated that he would address Attorney Wilson's comments after public comments are completed.

Director Burdick introduced two residents that will have presentations for their public comment.

Dave Harned, Deep Wood Drive, Norwich, previous resident of 13 River Drive, introduced himself and began his presentation with slides marked as exhibit #119.

Dave Harned and Director Burdick discussed which parts of his presentation would be submitted for the record.

5 MINUTES RECESS

Attorney Heller cross examined Dave Harned and asked for Mr. Harned to clarify specific statement he made during his presentation.

Phil Fiore, 19 Cardinal Lane, Gales Ferry, introduced himself and began his presentation.

The Commission and Phil Fiore discussed arsenic data in his presentation.

Attorney Heller commented that questions regarding the composition of the rock minerals should be addressed to the lead geologist representing the applicant, Jeff Slade. He and Phil Fiore clarified the use of six thousand cubic yards as a measurement in the presentation.

Chairman Wood stated that without objection the public hearing on PZ#24-8SUP-9CAM will be continued to November 14, 2024 at 6:00pm in the Ledyard High School Auditorium and on Zoom.

Director Burdick clarified that the November 14th Planning and Zoning meeting is the only meeting scheduled at the Ledyard High School at this time. She stated that all other meetings are scheduled at the Ledyard Middle School.

RESULT: CONTINUE

AYE: 7 Wood, Capon, Whitescarver, Craig, Cobb, Ribe, and Harwood

EXCUSED: 1 Miello

- 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 opened 9/12/24, PH Cont. to 9/26/24, PH Cont. to 10/10/24, PH must close by 10/16/24, DRD 65-days from close PH).**

RESULT: NO ACTION

VI. ADJOURNMENT

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