

## Motion to Approve

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 in 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 project has received a wetland permit from the Inland Wetland Commission for regulated activities associated with the project; and

Whereas the applicant has submitted a site plan entitled “Gales Ferry Intermodal, Industrial Site Preparation Plans, 1737 & 1761 Route 12 Gales Ferry, CT 06335, Dated March 28, 2024, Revised to September 25, 2024, Revised November 13, 2024, Revised 12/11/24, Revised 12/16/24, prepared by Loureiro Engineering Associates, Inc, prepared for Gales Ferry Intermodal” which addresses the concerns brought forth by members of the public, intervenor, and commission members; and

Whereas the proposal seeks to create 26 acres of usable land within the existing industrial zone; and

Whereas the Commission finds that the proposed use is consistent with those uses found within the Industrial Zone and the neighboring industrial properties; and

Whereas the applicant has submitted supporting materials and plans in support of the application showing adherence to the Zoning Regulations of the Town of Ledyard; and

Whereas the Commission has reviewed exhibits including application materials, public comments, professional testimony, and staff reviews and testimony; and

Whereas the Commission finds that this application constitutes a Major Excavation Operation which is an allowed use in the Industrial Zone as shown on the use table found in Section 6.4 (Schedule of Permitted and Specially Permitted Uses: All Non-Residential) of the Ledyard Zoning Regulations; and

Whereas the Commission finds that the applicant has taken all necessary precautions to prevent unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; and

Whereas the Commission finds that based upon the mitigation measures which have been incorporated into the project design and operational requirements as well as the monitoring protocol that has been required for objectionable elements, the proposed excavation, major is not reasonably likely to unreasonably pollute, impair, or destroy any natural resources of the State of CT; and

Whereas the Commission has relied on expert testimony and finds that neighboring property values will not be impacted by the project; and

Whereas the Commission has relied on expert testimony and finds that the project will not generate significant traffic so as to be detrimental to the traffic conditions along existing streets; and

Whereas the Commission finds that the application is substantially compliant with the requirements found within Sections 2.2, 6.4, 8.16, 9.2, 11.2, 11.3, and 12 of the Ledyard Zoning Regulations; now therefore

Be it Resolved, that the Planning and Zoning Commission approves the 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 above with the following conditions each of which the commission finds to be integral to this approval:

General Considerations:

1. The excavation operation shall be in accordance with PHASE I AND 2 only and as related to a portion of Phase 5 as set forth in the zoning compliance manual of the latest plan set entitled “Gales Ferry Intermodal Industrial Site Preparation Plans, 1737 & 1761 Route 12 Gales Ferry, Dated March 28, 2024 and Revised September 25, 2024, and Revised November 13, 2024, revised 12/11/24, Revised 12/16/24 prepared by Loureiro Engineering Associates, Inc, prepared for Gales Ferry Intermodal” and the Applicant’s Zoning Compliance Manual Dated April 8, 2024, and Revised to September 11, 2024. All oral and written representation made by the Applicant or its experts shall be part of this approval and may be enforced.
2. Final grading shall conform to the final approved plans. Every attempt should be taken to design finished grades so as to blend with the natural environment. Other than in the areas of the rock cuts, final slopes shall not be steeper than 33%-, or one-foot rise to three feet of run. In the event that the operation ceases before all phases are completed, the remaining land should be graded to best meet the remaining natural grade and then existing benches in rock cuts shall be landscaped in accordance with the site plan.
3. Hours of operation shall be between the hours 7:30am to 5:00pm Monday through Friday, and 9:00am to 5:00pm Saturday. There shall be no work outside of those hours, and there shall be no work on Sundays. There shall be no work on any Federal holiday regardless of which day of week it falls on.
4. No work shall take place at the site after 1:00pm on Christmas Eve Day or New Year’s Eve Day regardless of the day of the week.

5. Applicant shall provide an As-Built survey of the excavation at the completion of each phase or as reasonably requested by the Land Use Department. The Applicant shall provide a phone number that is available 24/7 in order to address any concerns.
6. Blasting shall not occur prior to 11:00 am or after 4:00pm, Monday through Friday. There shall be no blasting on Saturday or Sunday. Blasting shall be limited to no more than 4 times a week at the beginning of Phase1.
7. The applicant shall transport as much of the material off-site as practical by way of barge so as to avoid adding traffic to the road network.
8. Each phase shall be substantially complete as determined by Town Staff and protected from erosion and sedimentation prior to beginning the subsequent phase. Prior to the start of any new phase, the applicant shall submit evidence of conformance with the approved plans for the previous phases, including an as-built survey showing finished grade.
9. An as-built survey of each phase shall be supplied six months after the start of any construction of said phase in order to verify conformance with the approved plans.
10. The applicant shall prepare a groundwater monitoring plan to ensure that there is no intrusion into the water table/on-site ground water.

Stormwater Considerations:

11. An Erosion and Sedimentation Control Bond estimate shall be submitted for review by the Town Engineer for each individual phase of the project. The Town Engineer will determine the final bond amount which shall be posted by the applicant prior to the commencement of work in accordance with Section 11.6.13 of the Zoning Regulations. The bond shall be held until final stabilization of the site is complete unless the Town Engineer determines that bonding for certain phases can be released at the completion of the phase based on site condition.
12. Applicant shall provide a definite timeline for stockpile areas, particularly those within FEMA flood zone.
13. Applicant shall contact DEEP's forestry division regarding regulatory authority related to core forests.
14. Applicant shall coordinate with DEEP Stormwater Program Supervisor to determine applicable permitting.

15. Applicant shall contact CT DEEP regarding the need for a Construction Stormwater General Permit. Provide copies of any permits to the Ledyard Land Use Department for copy to the record.

#### Radon Considerations

16. If requested by any property owner, and prior to commencement of blasting activity, duplicate long-term (no less than 91 days) radon tests shall be performed in all homes within a 500-foot radius of the project site to establish a baseline of indoor radon.

17. After blasting has commenced, a second set of duplicate long-term radon tests shall be conducted in all homes within a 500-foot radius of the project site to determine if the project causes elevated levels.

#### Arsenic and Lead Considerations:

18. If allowed by each property owner, the applicant shall annually monitor water levels and water quality of all drinking water supply wells within a 500-foot radius of the project site until the project is complete and the site is stabilized.

#### Noise and Vibration Considerations:

19. There shall be no drilling or blasting during Phase 5 of the project in accordance with a statement in the RSG Memo dated 12/10/2024 (EX#221).

20. Applicant shall implement additional noise mitigation measures to achieve a level of 56 dBA in residential areas as outlined in the HMMH report and agreed to in the RSG memo dated 12/10/2024 (EX#221).

21. Applicant shall implement project modifications and sound mitigation measures to reduce the projected noise levels at the nearby homes to be no more than 5 dBA above the background L90s for the entire duration of the project as noted in the RSG memo Dated 12/10/2024 (EX#221) which will include adding a berm east of the excavation areas parallel to CT Route 12 starting during Phase 2, adding an additional 12 foot high sound wall on the west side of the excavation area, and adding bunkers for rock hammering in Phases 1 through 3.2.

#### Blasting Concerns:

22. Applicant shall provide information to all property owners within 500 feet of the project site including information about the blasting company, the project and blasting in general, along with contact information.

23. The applicant shall keep a list of all property owners wishing to be notified of planned blasting activities and shall furnish a copy of said list to the Town of Ledyard. The applicant shall provide the name, email address & phone number of the person to whom said notification may be made.

24. Applicant shall provide a pre-blast survey as described in the MD&B pre-blast survey plan memo dated 10/8/2024 (EX#106) of any structures within 500 feet of the project site to any property owner who requests it. Offer must be made to all property owners within the 500-foot radius.

25. Applicant shall conduct pre-blast surveys for those owners who have requested them annually throughout the duration of the project, the findings of which shall be provided to the Town of Ledyard.

#### Silica and Dust Considerations:

26. Applicant shall implement water hose spray dust suppression in all unpaved areas being used for vehicle traffic, cone crushers, screen decks, conveyor piles, and conveyor ship transports at regular intervals. Applicant shall implement additional waterings during dry or windy periods as necessary due to site conditions.

#### Natural Diversity Data Base Considerations:

27. Due to the presence of several listed species in the area, the applicant shall minimize impacts of this project by following Industry Best Practices and include any protection measures in Species General Ecology that relate to the project before, during, and after project completion as outlined in the NDDB Memo regarding Determination Number 202308990 Dated 11/28/2023.

28. Applicant shall contact the Permit Analyst assigned to the NDDB application and contact the Fisheries Biologist assigned to the project to discuss best practices for the project as outlined in the NDDB Memo regarding Determination Number 202308990 Dated 11/28/2023.

29. Due to the fact that NDDB determinations are only valid for two years, the applicant shall resubmit a determination request every two years, beginning no later than 11/28/2025 for the duration of the project and provide copies of any responses to the Land Use Department for the record.

#### Time Period

30. This approval shall last only three (3) years.

**MONITORING**            The Applicant shall pay for any necessary outside expert hired by the Town to facilitate any monitoring of any site activities.

#### **DUST MONITORING**

31. Two (2) locations selected by Verdantas and confirmed by an expert of the Commission's choice A. Monitoring locations will change through the duration of the project based upon (a) the location where active excavation is occurring and (b) the prevailing wind pattern based upon the season in which the excavation is occurring. Continuous monitoring for the operational duration of the project commencing upon completion of Phase 1 clearing. Monitor for both PM10 and PM 2.5. Monthly reports submitted to the Land Use Department. In addition, an action level below regulatory standards as provided by the Town's expert. If monitoring indicates that particulate exceeds the action level, the Land Use Department will be notified within 24 hours. Applicant will then be required to submit a plan of remedial action. Operations shall be suspended until the plan of remedial action is implemented.

#### **SOUND MONITORING**

32 Two (2) locations selected by Dr. John Martin on a phase-by- phase basis in the vicinity of the then closest residential receptor and confirmed by an expert of the Town's choice. Monitoring equipment will be selected and oriented to capture sound generated by the rock excavation operation and, to the extent feasible, eliminate ambient sound such as traffic generated sound on Route 12. Continuous monitoring from groundbreaking to project completion. Monitoring results provided to the Town subsequent to complaints of exceedances. If monitoring evidences any exceedance of the recommended sound limits proposed by Town's sound consultant, the Land Use Department will be notified within 72 hours. Applicant will then be required to submit a plan of remediation. Operations shall be suspended until the plan of remedial action is implemented.

#### **BLASTING IMPULSE**

33. Seismographs for each blast shall monitor vibration at the nearest residential receptors, as determined for each blast and confirmed by the Ledyard Fire Marshal. All monitoring results shall be submitted to the Ledyard Fire Marshal. In the event that the monitoring results at either seismograph location indicate a particle velocity of greater than 2"/sec., notification to the Land Use Department shall be required. In such an event, the blaster shall be required to re-design future blasts to meet the maximum particle velocity standard of 2"/sec. If a second exceedance occurs, blasting operations shall be suspended until such time as a meeting is held with land use staff and the Fire Marshal to address

operational exceedances. Blasting shall not resume until such time as the Commission approves a revised blasting protocol which will eliminate future exceedances.

34. No more than 10 acres at a time may be in excavation. Any completion of a Phase shall require an As-built plan. Each phase shall be marked and flagged. Inspections by Town staff or consultants can occur during working hours of the project within one hour of notification of property owner or its agents.

35. Well surveys and 91-day radon surveys shall be performed for any property owner upon request within the 500-foot radius of the property. These conditions and all other conditions shall be followed as described in Exhibit # 325-1.

36. The DEEP stormwater Program must be coordinated with in development of the property. Appropriate erosion and sedimentation control must be established for all stockpiled materials. Any other DEEP recommendation in the Natural Diversity database must be complied with during the project.

37. Monitoring of Silica shall occur at known daycares and schools within the area.

#### MITIGATED WETLANDS:

38. Prior to the start of Phase 2 of the project, all requirements of Application IWWC#23-2URA of Gales Ferry Intermodal LLC, 549 South Street, Quincy, MA 02169, for activity in the upland review area at the Gales Ferry Intermodal LLC property, 1761 CT Route 12, Ledyard, CT 06339 in conjunction with aggregate removal and site preparation for the creation of building locations to accommodate the siting of future industrial buildings (mixed-use / industrial) Approved by the Ledyard Inland Wetlands and Watercourses Commission On July 12, 2023 the following conditions: 1. In the event that the monitoring of the created wetland indicates a diminution or failure, the applicant will provide a plan to remedy within sixty (60) days, and act on the plan. 2. Mitigation must be completed before the completion of Phase I shall be adhered to.

#### COASTAL AREA MANAGEMENT & FLOOD PROTECTION:

39. Applicant shall comply with all of the requirements and/or recommendations of CT DEEP Land and Water Resources Division as outlined in a letter with attachments from Eimy Quispe, Environmental Analyst, Land and Water Resources Division, Dated September 12, 2024.