



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Final

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman Marty
Wood

Special Meeting

Thursday, February 6, 2025

6:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Wood called the meeting to order at 6:00 p.m. in the Ledyard Town Hall Annex Council Chambers 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
Land Use Assistant, Anna Wynn

Chairman Wood stated that Alternate Member James Harwood would be seated for Vice Chairman Paul Whitescarver who is recused from application PZ324-8SUP & PZ#24-9CAM. He also stated that although Ms. Spaziani is present over zoom, she is abstaining from discussion concerning application PZ#24-8SUP & PZ#24-9CAM and only present to listen.

IV. OLD BUSINESS

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).

Kyle Haubert of CLA Engineers, 317 Main Street, Norwich, CT, reviewed the Civil Engineering plans submitted by Loureiro Engineering and clarified several technicalities with the Commission.

Commissioner Harwood asked if the calculations had been done for how much the runoff will increase during excavation.

Kyle Haubert responded that the calculations have been done pre and post development to measure the runoff and explained the technicalities. Commissioner Harwood and Mr. Haubert discussed run off related to the development. Klye Haubert stated that the E & S controls meet the guidelines but are not designed for 100-year storm event.

Chairman Wood asked if Kyle Haubert could show where the coastal jurisdiction line is shown on the Plan Set. Attorney Willis stated that it can be found on Sheet 10. Director Burdick commented that it would be anything within 1000 feet of a coastal resource.

Chairman Wood asked for clarification about the coastal management area. They clarified the difference between the coastal area management line and the coastal area jurisdiction line on the plan sheets. Director Burdick had the Commission look at Sheet 1 of 13.

Director Burdick commented that the Ledyard Zoning Regulations address the coastal area management which is 1000 feet inward of coastal resources. Chairman Wood asked Kyle Haubert if he was familiar with acid rock drain. Kyle Haubert said no.

Commissioner Ribe asked how these basins would be removed once more development was put onto the parcel. Kyle Haubert responded that they could easily be reconfigured however needed. Director Burdick commented that in the case of any new development a new storm water management plan would need to be submitted.

Chairman Wood asked if there is a check list the Commission could use to know when Phase I is complete. Director Burdick stated that the Zoning Compliance Manual is not a specific check list but is detailed enough to show a step-by-step process of each phase. She commented that she guesses that the first 2 phases would take about 3 years.

Commissioner Ribe asked if there was a closure plan. Director Burdick referenced the Zoning compliance manual and explained the Zoning Permitting process as it relates to applications with several phases of a project.

Commissioner Miello and Director Burdick clarified that the Commission would be giving a Planning & Zoning Commission Review Approval, then they would have to get their permitting done with the state, and then when the applicant wanted to begin work, they would have to obtain a Zoning Permit and all other necessary permitting with the Land Use Department.

Staff and the Commission discussed the permit renewal process. Commissioner Ribe asked

what risk the applicant would incur by renewing their permit. Director Burdick stated that if an applicant was not maintaining their conditions of approval the Commission does not need to renew the permit.

Chairman Wood clarified that the renewal process is based on the regulations that the permit was originally approved with. Director Burdick commented that but if an applicant allows their permit to expire, they will have to reapply under current regulations. She commented that staff is not responsible for reminding an applicant their permit is expiring.

Chairman Wood and staff clarified what conditions the applicant would be able to begin Phase 2 of the project. They reviewed Sheet C-5 of the Plan Set and discussed various factors related to the Plans.

Chairman Wood stated that the Commission and staff would have to verify that there are not more than 10 acres of land being excavated at any point between phases. Staff and the Commission clarified that the crushing equipment will be in the phase I area until the entire project is complete.

Chairman Wood asked staff to verify when each phase is completed so the Commission can confirm there is no more than 10 acres being processed at any time. Commissioner Harwood and Staff clarified that the stone crushing equipment can stay on the phase I area until the project is completed as long as they are not using the equipment.

The Commission discussed the meaning of a phase being complete. Chairman Wood and Attorney Willis discussed the Commission making informal findings about the application.

Commissioner Ribe asked about the well located on the abutting property. Chairman Wood stated that the applicant owns that property. They discussed if that property is still being used by residents. Attorney Willis stated that it was addressed during the public hearing. Director Burdick and Attorney Willis discussed the removal of that residency be a condition of approval.

Staff and the Commission discussed E & S controls.

Commissioner Miello referenced Sheet C-12 of the plan and asked about filling the work area. Chairman Wood asked if Commissioner Craig had any questions regarding excavation at this time. He responded no. The Commission said they would move onto the next topic.

Chairman Wood asked what the other members had to say on property values. Commissioner Ribe stated her opinion stands from the last meeting. Commissioner Harwood stated that he didn't hear much of a discussion about property values midway through the project during the public hearing. He stated that most discussion was about property values after the project is complete. He asked what happens for residents that need to sell their home midway through the project and asked if their property values would be impacted.

Commissioner Miello stated that some of the comparisons used by experts regarding

property values were not very good due to the density of the towns they compared. He asked if there is any disclosure form about the excavation going on near these residents. They discussed the disclosure process to potential buyers and sellers. Commissioner Ribe asked who is accountable for sharing the pre blast surveys to potential buyers. They discussed the staff documents that were given to the Commission the previous meeting.

The Commission discussed property values and the meaning of temporary in terms of decreased property values. They discussed various applicable situations. Chairman Wood stated that one of his considerations is enjoyment of property and livability.

Commissioner Miello asked if it would be possible to get an answer on disclosure of nearby blasting. Staff said that they would see what information they could get for the Commission at the next meeting.

Chairman Wood introduced the topic area of fiscal impact. Director Burdick stated that Goman & York did their review due to the tipping fee proposed by the applicant. She stated that the other reason is because the Ledyard POCD speaks to fiscal impacts. Commissioner Harwood clarified that it wouldn't be until after any future development the Town would be collecting taxes. They discussed data provided by the Goman & York Fiscal Impact Study. They discussed the concept plan and potential tax revenue.

Chairman Wood introduced the topic of DEEP Coastal Area Management and wetlands related to the application.

Director Burdick stated in 2023 the IWWC approved the regulated activities which is active for 5 years. She stated that the applicant could apply for another 5-year extension if they do not begin the work during their first approval period. She stated that because the applicant would be destroying the wetlands they are proposing to create new wetlands. She stated that Sheet C-7A displays the proposed wetlands creation closer to the Thames River. She referenced the data located on that sheet.

Attorney Willis asked if there is any part of the IWWC approval letter the Commission should be aware of. Director Burdick read into the record the approval letter for application IWWC#23-3URA dated July 12, 2023. Staff and the Commission confirmed that when the application was sent to DEEP the Eimy Quispe referred to her 2023 response. She recommended conditions of approval for the application marked as exhibit #63 and #107. She read the documents into the record.

She restated that anything in the water is DEEP's jurisdiction and anything 1000 feet landward is The Commissions jurisdiction with a referral to DEEP.

Chairman Wood asked who sets the regulations for the spur that would be in the coastal jurisdiction. Director Burdick responded she does not know. Chairman Wood asked where stones would be loaded into railroad cars. Director Burdick and Chairman Wood discussed the location and process of stone being loaded onto the railroad cars.

Chairman Wood asked where the water goes from the misting process on the conveyor belts. Director Burdick stated she would get more information about that for the Commission for the next meeting. They discussed if the water would go into the temporary sediment basins. They referenced data on Sheet C-13. The Commission decided they would wait until the next meeting to discuss that topic so that staff could get them more information.

Director Burdick read exhibit #325-1 into the record.

Chairman Wood asked if the other members had a chance to look at the planning staff report that was received at the last meeting. Chairman Wood and staff discussed the planning staff report.

Staff asked Commission Craig if he had any questions or comments. He responded he did not.

The Commission decided to speak on Special Use Permit criteria. Director Burdick referenced page 13 of the Planning Staff report and read it into the record concerning Special Use Permit Criteria. Staff and the Commission discussed Zoning Regulations Section 9.2 on page 11. Chairman Wood read 9.2c into the record. The Commission stated that they do not think the application applies and stated specific reasons for their argument.

Chairman asked if the Commission saw dust affecting the public health of the whole community besides Chapman Lane. They discussed effects of blasting on residents with PTSD and how they would quantify a public health issue.

Chairman Wood asked if the Commission could review the hours of blasting proposed in the application. Attorney Willis commented that the application proposed 3-4 times a week early on in the project and then down to once a week later on. Chairman Wood stated that they would review that more in depth at the next meeting.

Commission Harwood commented on the potential of fly rock affecting passing cars on Route 12. He commented on the rerouting traffic to other major roads in town. Commissioner Ribe commented that a road closure for blasting would be for a short period of time. Director Burdick and Commissioner Ribe clarified the use of fly ash versus fly rock.

Chairman Wood stated that he sees the dust as a public health issue. Chairman Wood read from the Ledyard Zoning Regulations, Section 9.2c Performance Standards. The Commission decided that offensive odors does not seem to be an issue with the application.

The Commission discussed noise as it relates to the application. Commissioner Harwood expressed his concern with noise leaving the boundaries of the property. Chairman Wood stated that Commission has a concern that item number 3 is fulfilled by the applicant.

Chairman Wood read item 4. Commission Harwood expressed his concern with vibration leaving the boundaries of the property once the blasting is taking place at a lower altitude. The Commission discussed their concerns with vibration caused by truck traffic.

Chairman Wood read the next item, and the Commission concluded that it was not a concern with the application. Chairman Wood read the next item. Commissioner Ribe stated that to the best of her knowledge the blasting procedures proposed by the applicant is compliant with necessary regulations.

Director Burdick commented that the Commission should go back to page 3 of the Planning Staff Report and read 11.3.4, Special Permit Criteria. The Commission stated that the application does not fulfill the criteria.

Director Burdick read item b of 11.3.4 concerning traffic. Commissioner Harwood stated that he had asked the experts if they had considered the closure of Route 12 due to blasting into their traffic study, and they had responded they had not. He stated that in that regard he feels that the criteria is not satisfied. He noted several considerations of traffic rerouting.

The Commission discussed the impact of weighted trucks slowing traffic flow during rush hours. Commissioner Miello stated that his concern is the combination of the lights on route 12 with the weighted trucks and school bus schedules. Commissioner Harwood commented that the Christy Hill light could cause potential issues due to the hill. The Commission continued to discuss rerouting traffic in town and other stop lights in town. Chairman Wood asked if it was accurate to summarize that after reading the expert traffic reports, that although the expert reports state there would be no severe impact from trucks, their personal experience tells them there would be and that road closure was not included in the study. Chairman Wood asked if the Commission felt that traffic concerns were satisfied.

Director Burdick read item C of 11.3.4 into the record. Staff and the Commission clarified that the permit needs to comply with the zone the application is proposed to use, not surrounding zones. Commissioner Harwood expressed his concerns with the use of the land. Staff and the Commission clarified that the excavation is a principal in the industrial zone. They clarified that the application has two uses, excavation and developing usable land. Staff and the Commission continued to discuss the principal uses of the industrial zone. The Commission concluded that the application is compliant with item c.

The Commission discussed if the sound studies that were done included all potential noise from the processing and operations. Commissioner Harwood commented that OSHA regulations are outside the Commission's realm of jurisdiction.

Director Burdick read into the record item d. Commissioner Miello stated that the Commission had concluded that the application had not met the requirements of not impacting property values but complied with historic conservation regulations. Chairman Wood commented that he's not sure what part of the property is considered a historical site. Director Burdick stated that information about that issue is contained in the Archeological Assessments marked as exhibit #79-1 and #79-2. The Commission continued to discuss the parcel of land that is being donated to the Conservation and authentic preservation.

Chairman Wood asked for clarification of the use of immediate neighborhood. Director Burdick offered that the Commission review item E because it speaks to immediate

neighborhood Director Burdick read item E read into the record. She stated because the Ledyard Zoning Regulations do not define immediate neighborhood so the Commission would have to find a universal definition.

Director Burdick stated that the Commission would have to determine what the immediate neighborhood pertaining to the application. Commissioner Craig commented that the immediate neighborhood could be considered from River Drive to the immediate North. The Commission continued to discuss the definition of immediate neighborhood. Director Burdick commented that there aren't a lot of industrial zoning in town and the Commission would have to review the purpose of the Industrial Zoning Districts in town. Attorney Willis asked how many industrial parcels are in town and Director Burdick said she would have to get more information about that.

Commissioner Harwood stated that perhaps in the short term the application would impact the immediate neighborhood but maybe not so much in the long term. Chairman Wood asked if the Commission thinks that the application complies with section e. They concluded in the short term the application does not imply but most likely in the long term. Chairman Wood asked Director Burdick to read item f into the record. She read it into the record.

Commissioner Harwood asked if the Commission could defer discussing item f to the next meeting as it might be more relevant to the planned discussion.

Director Burdick read item g into the record and staff comments. The Commission discussed how the application would be compliant with the POCD. The Commission concluded that it was compliant.

MOTION to table application PZ#24-8SUP & PZ#24-9CAM to the PZC Regular Meeting of February 13, 2025, in the Town Hall Annex and on Zoom.

RESULT: TABLED

MOVER: Matthew Miello

SECONDER: James Harwood

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

RECUSED: 1 Whitescarver

V. ADJOURNMENT

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

The meeting adjourned at 9:02 p.m.

VOTE: 5-0 Approved and so declared

Respectively Submitted,

Secretary Howard Craig
Planning & Zoning Commission

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