



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Final

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman Marty
Wood

Special Meeting

Thursday, February 20, 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
Town Council Liaison Howard Craig
Alternate Member Matthew Miello
Commissioner Beth E. Ribe
Alternate Member James Harwood
Excused Alternate Member Rhonda Spaziani

In addition, the following were present:

Director of Land Use & Planning, Elizabeth Burdick
Land Use Attorney, Matthew Willis
Land Use Assistant, Anna Wynn

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, Tabled to 2/6/25, Tabled to 2/13/25, DRD 2/21/25).*

Attorney Willis stated that he has prepared a motion to deny and a motion to approve and that a copy of each has been distributed to the Commissioners.

Chairman Wood entertained a MOTION to deny application PZ#24-8SUP & PZ#24-9CAM.

Commissioner Harwood moved, seconded by Commissioner Craig.

Discussion:

Chairman Wood asked that Director Burdick read aloud each item of the draft motion to deny and the Commission would discuss line by line.

Director Burdick read item 1 into the record: “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.”

The Commission concurred with this statement.

Director Burdick read item 2 into the record: “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.”

The Commission concurred with this statement.

Director Burdick read item 3 into the record: “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.”

The Commission concurred with this statement.

Director Burdick read item 4 into the record: 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”

The Commission concurred with this statement.

Director Burdick read item 5 into the record: “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.”

The Commission concurred with this statement.

Director Burdick read item 6 into the record: 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.”

The Commission concurred with this statement.

Director Burdick read item 7 into the record: 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.”

The Commission concurred with this statement.

Director Burdick read item 8 into the record: 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.”

The commission concurred with this statement.

Director Burdick read item 9 into the record: The application and proposed use does not meet Regulation § 11.3.4.A as described within this Motion.

The commission concurred with this statement.

Director Burdick read item 10 into the record: 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.”

The commission concurred with this statement.

Director Burdick read item 11 into the record: 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.

The commission concurred with this statement.

Director Burdick read item 12 into the record: The Application is inconsistent with future development as identified and envisioned in the Ledyard Plan of Conservation and Development. See Exhibit 313-11.

The commission concurred with this statement.

Director Burdick read item 13 into the record: Regulation § 8.16.N.7 will not be met because not all the topsoil and subsoil will be stockpiled for future site restoration.”

The commission concurred with this statement.

Director Burdick asked Attorney Willis if the Commission should read the motion to deny in its entirety into the record. Attorney Willis stated no. Chairman Wood called for a vote on the motion.

RESULT: DENIED

MOVER: James Harwood

SECONDER: Howard Craig

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

EXCUSED: 1 Spaziani

V. ADJOURNMENT

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

The meeting adjourned at 6:15 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.