

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike

Uncasville, Connecticut 06382

Sidney F. Heller (1903-1986)

Harry B. Heller (hheller@hellermccoy.com)

William E. McCoy (bmccoy@hellermccoy.com)

Mary Gagne O'Donal (mgodonal@hellermccoy.com)

Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248

Facsimile: (860) 848-4003

May 24, 2024

Town of Ledyard Planning and Zoning Commission
Attn: Mr. Anthony Capon, Chairman
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Gales Ferry Intermodal, LLC
Application for Special Permit Modification, Site Plan Approval and Coastal Site Plan Approval in conjunction with a proposed rock excavation (Industrial regrading) to create additional developable land on property at 1737 and 1761 Connecticut Route 12, Ledyard, Connecticut

Dear Mr. Capon:

Please be advised that Gales Ferry Intermodal, LLC, the owner of property located at 1737 and 1761 Connecticut Route 12 in the Gales Ferry section of the Town of Ledyard, Connecticut hereby withdraws the above referenced application which is currently pending before the Ledyard Planning and Zoning Commission for consideration. This withdrawal is made in response to the following circumstances:

1. The Town of Ledyard has recently hired a new Director of Planning who is neither familiar with the property of our client nor the permitting endeavors with respect to this property which have been promulgated before the Ledyard Planning and Zoning Commission over the past eighteen (18) months.
2. The new Director of Planning has indicated that, based upon her workload and the technical complexity of the Gales Ferry Intermodal, LLC application, she will not have sufficient time to properly evaluate the application and provide competent guidance to the Ledyard Planning and Zoning Commission with respect to the subject application considering that the public hearing on this application is scheduled to commence on June 13, 2024.
3. At a meeting of the Ledyard Town Council held on May 22, 2024, public comment was proffered evidencing concerns that the recently-hired Director of Planning may not have sufficient time to properly evaluate the Gales Ferry Intermodal, LLC application and advise the Ledyard Planning and Zoning Commission accordingly.

4. We have been advised that the Ledyard Land Use Department is currently short-staffed placing additional burdens on the Director of Planning.
5. The public hearing process, together with all statutorily allowable extensions, must be completed within one hundred (100) days. As a result of the circumstances listed in Items 1 – 4 above, Gales Ferry Intermodal, LLC is concerned that it may not have sufficient time to respond to staff review comments with respect to the pending application, particularly in the event that the Director of Planning is not in a position to generate the same until later in the public hearing process.

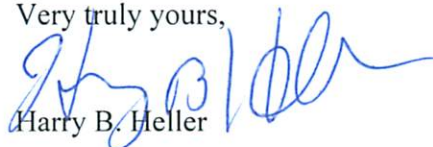
Therefore, the application is hereby withdrawn in light of all of the above referenced circumstances, all of which are of material concern to the Applicant. You are hereby further advised that the Applicant intends to resubmit this application in the very near future, providing a reasonable amount of time for the Director of Planning to review the materials which were submitted in conjunction with the withdrawn application so that she is adequately familiar with the materials contained therein and the compliance of the application and submission materials with the requirements of the Ledyard Zoning Regulations. This process will allow for a more efficient administration of the refiled application with the anticipation that all relevant issues can be properly aired, discussed and responded to within the statutory time framework.

Since this withdrawal is occurring as a result of circumstances which are beyond the control of the Applicant, the Applicant hereby requests that the Town of Ledyard waive the application fee when the new application is filed; or, in the alternative, rebate to the Applicant the application fee which was paid with the currently pending application being withdrawn.

As you are aware, Gales Ferry Intermodal, LLC also has an application pending before the Ledyard Planning and Zoning Commission for site plan modification and coastal site plan modification with respect to the relocation of the 6,000 square foot industrial building that was approved by the Ledyard Planning and Zoning Commission in 2023. For purposes of clarity, that site plan modification and coastal site plan modification application is not being withdrawn and it is our request that the Ledyard Planning and Zoning Commission administer the same in the normal course of business.

Should you have any questions, please feel free to contact the undersigned.

Very truly yours,


Harry B. Heller

HBH/rmb
Enclosures