



TOWN OF LEDYARD CONNECTICUT PLANNING & ZONING COMMISSION

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339-

Chairman Marcelle Wood

HYBRID FORMAT
SPECIAL MEETING

~ MINUTES ~

Thursday, January 30, 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 APPOINTMENT OF ALTERNATES

Present: Chairman, Marcelle Wood
Commissioner, Beth E. Ribe
Commissioner, Matthew Miello
Alternate Member, James Harwood

Excused: Vice Chairman Paul Whitescarver
Secretary, Howard Craig
Alternate Member Rhonda Spaziani

In addition, the following were present:

Director of Land Use & Planning, Elizabeth Burdick
Land Use Attorney, Matthew Willis
Zoning Enforcement Official, Hannah Gienau
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 PZ#24-8SUP & PZ#24-9CAM.

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, DRD 2/21/25).

Land Use Attorney Matthew Willis opened the discussion by referring to questions the Commission had posed to staff at the last meeting. He stated that he went back into the record and confirmed that the proposed frequency of blasting is 3-4 times per week during the first half of phase 1 and then down to 1 time a week for the last half of phase 1. He stated that the best place to find information concerning blasting is in the video recording of the PZC Special Meeting of September 26, 2024 at about 2:15:00 timestamp of the recording.

Attorney Willis stated another issue that was raised at the last meeting dealt with the capped soil and the remediation process. He stated that there is a restriction on the cap from DEEP and that the Commission has no jurisdiction over that area of the property.

Attorney Willis stated that the last significant issue that was raised was defining the use of the word temporary as it pertains to the Zoning Regulations. He stated that he doesn't think the type of proposed activity in the application falls into the category of Zoning Regulation 7.10. He stated that if the Commission looks at 8.1.16.a, it talks about the 3-year life of a permit. He stated that one of the ongoing issues is the scope of the project being a 10-year duration while the regulations allow for a 3-year life before renewal.

He stated that he will be drafting two motions for the Commission, one motion to approve and one motion to deny. He stated that in his motion to approve he will include a limitation on the phases and well as numerous other conditions. He stated that he doesn't think in 3 years they will be doing more than 2 phases. He stated that applying for all 5 phases at once doesn't seem to fit with the current Zoning Regulations.

Commissioner Miello and Attorney Willis clarified the language and purpose of Zoning Regulation 7.10 as it pertains to the application.

Commissioner Harwood asked Attorney Willis if the Commission will need to go through the public hearing process every 3 years due to the permit needing to be renewed. Attorney Willis confirmed that if the Commission granted the permit and the applicant wanted to continue work then yes. They confirmed that it would be likely that the Commission would be looking at 2-3 permit renewals based on the scope of work.

Attorney Willis stated that there have been a lot of comparisons between the Baldwin Hill application and the Gales Ferry Intermodal application but that every application needs to be taken individually. Staff and the Commission discussed the history of the Baldwin Hill application briefly and under what conditions it was approved.

Director Burdick read into the record several documents from application PZ#23-6SUP, 1340 Baldwin Hill, that speak to the conditions of approval and how it pertains to the Ledyard Zoning Regulations. Attorney Willis stated that exhibit #320 of the record of application PZ#24-8SUP & PZ#24-9CAM contains a memorandum for the record prepared by Juliet Hodge that contains information on Baldwin Hill.

Director Burdick reviewed with the Commission documents staff put together to help support their deliberations. She read through various parts of her Planner Staff Report for the record noting that the document is to be used as a guide only.

Chairman Wood asked if staff would be using the screen for a presentation to the Commission. Director Burdick replied that Attorney Willis wanted staff to have an opportunity to go through the phases of the project with the Commissioners. She stated that staff have also provided a copy of the phase site plans in the Commissioners' folders.

Chairman Wood asked if staff would be reviewing the plan of operation and the site plan with the Commission during this meeting. Director Burdick stated that she is not prepared to go through the plan of operation or the site plan for this meeting but that she can go through the phases with the Commission.

Director Burdick and Chairman Wood concurred that at the next meeting they would review the plan of operation.

Staff put Site Plan Sheet C-6 of phase 1 on the screen for the Commission to review. Director Burdick read into the record the narrative script of phase 1 and 2.

Chairman Wood asked the Commission if they had any questions based on what Ms. Burdick read into the record. Commissioner Harwood asked clarifying questions to help understand the critical differences between phase 1 and 2.

Chairman Wood stated that he had reviewed the report prepared by Trinkaus Engineering and was interested in more information concerning potential pollution into the Thames River. The Commission discussed the report and the applicant's response to the report. Director Burdick stated that all relevant documents pertaining to Steven Trinkaus's report and applicant responses are located on the chart titled Attachment 1 that was handed out to the Commission. Attorney Willis and Director Burdick discussed how many documents on the record dealt with Mr. Trinkaus's report.

Chairman Wood asked the other Commissioners if there were specific topics they would like to talk about. Commissioner Ribe commented that her understanding from the last meeting was that each member would be tasked with a different content area of the application to lead for the following meeting. She asked if that was still the case.

Chairman Wood and the Commission discussed how to approach deliberations for the application. Commissioner Ribe asked Attorney Willis if he could shed some light on Zoning Regulation 3.6, Permits and Applicability, items d and c. She asked if he could explain the formation of those regulations and their pertinence.

Director Burdick commented that it was suggested at the first meeting the Commission review the definition of an excavation major. Attorney Willis commented that if the Commission feels that the definition of excavation major is not what the application applied for, that would be a finding they would have to make. Director Burdick commented that the Planner's Staff Report provided the Commission at the beginning of the meeting reviews and speaks to regulations pertaining to the definition of excavation major. Staff and the Commission reviewed the definition of excavation major as defined in the regulation as well as the use table.

Chairman Wood expressed concerns about the definition of Excavation Major in the Ledyard Zoning Regulations not including the term processing. He stated he thinks the Commission needs a better understanding of the Plan of Operation proposed by the applicant.

He read from several sections of Zoning Regulation Section 8.16 to the Commission. The Commissioners discussed the interpretation of the words needlessly marred. They discussed

different interpretations in relationship to the application.

Commissioner Miello asked that now that they have the support documents from staff would it be worth tabling discussion on more technical issues till the next meeting to give the Commissioners more time for review. Chairman Wood stated that although he thinks that's valid to go back and review, he felt that the Commission agreed there would be dust. Director Burdick stated that the applicant is not denying there will be dust, the issue is whether the dust mitigation is sufficient to keep it suppressed.

Commissioner Miello reiterated that the issue at hand is not whether there is dust but is the dust going to leave the boundaries of the property and become a nuisance or health hazard to the surrounding neighborhoods. Commissioner Burdick stated that whatever findings the Commission makes regarding the application need to be supported by specific Zoning Regulations and documents on the record.

The Commission and staff discussed the difference between the presence of dust and dust mitigation proposed in the application. Commissioner Harwood stated that he thinks there will be dust that leaves the site.

Commissioner Miello asked if there are any content areas of the application that are less technical that they can go through. Staff and the Commission agreed that archeological considerations haven't been discussed in depth yet.

Chairman Wood completed reading through items of Zoning Regulations Section 8.16. Commissioner Harwood asked if it mattered if the applicant specified what the future use of the property would be. Director Burdick stated that the result is developable land and that the future use is unknown. She said that any future use would have to be appropriate for the industrial zone. She stated again that excavation major is a primary use for land in the industrial zone.

The Commission decided that technical topics should be discussed at the next meeting after they have more time to review documents on the record. Commissioner Miello suggested that the Commission collectively review documents pertaining to the archeological conversation agreement.

Commissioner Ribe asked why the applicant made 5 acres contingent upon approval of the applicant. Director Burdick stated that in the presentation Attorney Heller gave at the December 19, 2024 meeting, in which he answered Commissioner questions, the contingency of the donation was discussed. The Commission discussed the information contained in that exhibit. Commissioner Ribe stated that she is concerned about safety measures at the Mt. Decatur site since it will be overlooking the area of excavation. Director Burdick stated that Mt. Decatur will not be open to the public except for occasional guided tours because the conservancy does not do that.

Commissioner Ribe asked if there was information in the record about the type of fencing that would be used to enclose the area. Director Burdick stated that she can read through the agreement for the Commission. Attorney Willis stated that fencing off the Mt. Decatur Site can always be a condition of approval. Director Burdick read through the Conservation Agreement marked as exhibit #217-2.

They discussed the sections of conservation land in question. Commissioner Ribe read into the record the response in Attorney Heller's presentation marked as exhibit #318 on page 51. They discussed the conservation agreement.

Staff and the Commission confirmed that the documents that were handed out at the beginning of the meeting speak to Coastal Area Management. Staff explained the referral and review process for Coastal Area Management permit applications. Staff and the Commission reviewed pertinent exhibits related to this topic. Director Burdick stated that if the Commission were to approve the application, they would want to include those recommendations from DEEP as conditions of approval. She stated that all DEEP recommendations carry a lot of weight.

Staff and the Commission discussed the potential impact to the Thames River. They discussed potential conditions of approval to mitigate protection of Coastal Resources. They discussed reporting processes and permit renewal processes.

The Commission and staff reviewed Sheet C-2 and discussed the capped areas that will be recapped so that equipment can sit on it. They discussed where the Coastal Area Management Boundaries are located on the Plan Sheet.

Staff and the Commission discussed Ledyard Zoning Regulation 9.9.1 and whether the application satisfies the requirements. They discussed the Conservation agreement.

Staff and the Commission discussed which topics of the application they want to review at the next meeting. Staff and the Commission agreed that they would have Kyle Haubert of CLA Engineering, who provided the third-party review during the public hearing, come to the next meeting and review the Storm Water Management Plan and civil engineering documents with the Commission.

Chairman Wood and Director Burdick discussed how the Ledyard Zoning Regulations are designed to be the minimum requirements for developing property. They discussed other topics they would like to discuss at the next meeting and how long they want their next meeting to be.

MOTION to table application PZ#24-8SUP & PZ#24-9CAM to the PZC Special Meeting of February 6, 2025

RESULT: 4- 0 TABLED
MOVER: Ribe
SECONDER: Harwood
AYES: Harwood, Miello, Ribe, Wood
RECUSED: Vice Chairman Paul Whitescarver

V. ADJOURNMENT

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

VOTE: 5 - 0 Approved and so declared, the meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Secretary Howard Craig
Planning & Zoning Commission