



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
Tony Capon

Regular Meeting

Thursday, August 10, 2023

6:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the Regular Meeting of the PZC to order at 6:00 PM. The meeting was hybrid with some attending in person and others via Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

The following Staff was present: Juliet Hodge, Director of Planning and Development, Makenna Perry, Admin Asst. and Alex Samalot, Zoning Enforcement Officer (training).

Present Commissioner Marcelle Wood
Chairman Tony Capon
Commissioner Paul Whitescarver
Commissioner Howard Craig
Commissioner Gary St. Vil
Non-voting Alternate Member Thomas Baudro
Alternate Member Jessica Cobb

IV. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS ONLY -- LIMITED TO THREE MINUTES)

None.

V. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO ORDER OF THE AGENDA

None.

VI. PRE APPLICATION OR WORKSHOP

None.

VII. PUBLIC HEARINGS/APPLICATIONS

- A. Application PZ#23-6SUP of Dieter and Gardner, Inc, 1641 Route 12, Gales Ferry, CT 06335, for a special use permit at 1340 Baldwin Hill Road, Gales Ferry, CT 06335, for continued processing of earth materials and removal of ledge material.

Chairman Capon reviewed the timeline of the application.

Planning Director, Juliet Hodge summarized the special permit criteria and the process for approval.

Ms. Hodge asked the Commission not to vote on the applicant tonight, as staff cannot verify that the applicant notified abutters at the time the application was submitted.

Ms. Hodge reviewed the suggested conditions that she had created if the Commission were to approve the application. The Commission discussed each one. They were as follows:

1. Prior to the expiration of the permit, or prior to the issuance of any renewal, the applicant shall provide a "Closure Plan" prepared and approved by a licensed professional engineer that includes details of final grading and planting of the site to prevent erosion at the conclusion of operations in accordance with the State of Connecticut "Guidelines for Soil Erosion and Sedimentation Control" as amended. The P&Z Commission, or its authorized representative, may require a bond until said area is stabilized.
2. The operation shall not result in conditions that could be characterized as unsightly such as open pits, rubble or other indications of completed digging operations which would have a deteriorating influence on nearby property values or which would impair the reasonable reuse and development of the lot for purposes permitted under the Regulations for the CIP Zone.
3. Blasting shall not be conducted prior to 11am or after 4pm and efforts to limit the size of the blasting "shots" shall be made as is practicable.
4. Screening, sifting, washing, crushing or other forms of processing shall only be conducted upon the premises between the hours of 7:30 am and 5:30 pm Monday through Friday, and Saturdays 9am and 5:30pm. There shall be no operational activities on Sundays and following holidays: Christmas, New Years' Day, Memorial Day, Fourth of July, Labor Day, and Thanksgiving Day,
5. Measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered for off-site transport.
6. Permit is conditioned on a favorable report from a licensed Hydro Geologist that there will be no negative impacts to nearby wells or the underlying water table. The report must contain information regarding the depth to water table in the area being excavated and be submitted within 45 days of the approval.
7. Per Section 8.16(F): Before a permit is granted to an applicant starting an operation regulated by Special Permit under this Section, the applicant shall post a bond to the Town of Ledyard in an amount and form approved by the Commission to guarantee that the premises shall be excavated, graded and landscaped in conformance with the approved Plan of Operation.

The Commission briefly discussed these conditions and then tabled further discussion until the September 14, 2023 Regular Meeting, as staff is unsure if the abutting properties received notification.

RESULT: TABLED

- B.** Application PZ#23-4SUP of Gales Ferry Intermodal LLC / Heller, Heller, McCoy, 549 South Street, Quincy, MA 02169, for a special use permit for the construction of an industrial building with appurtenant facilities on a portion of the property located at 1761 Route 12, Gales Ferry, CT 06335.

Chairman Capon reviewed the timeline of the application.

Chairman Capon noted the historical use of the property, he also noted that the property being zoned as industrial, and abutting residential zones created some complications. The applicant did not specify the future use of the property. The Commission is only to vote on the intent and content of the current application, not consider future uses, as the Commission cannot speculate.

The Commission expressed concerns about dust levels and noise levels, and how the applicant would monitor each.

Commission members discussed the concerns raised by abutters and the ways the applicant could address concerns as well as meet Special Permit Criteria regarding noise, dust and visual impact. Some Commissioners felt it was enough that the applicant said they would comply with State Requirements and no further conditions were necessary. Others felt requiring noise and dust monitors were appropriate to protect the neighbors.

Commissioners discussed enforcement difficulties if there were no monitoring system and that they did not want the burden to fall on the neighbors or staff to ensure that the applicant was complying with State Requirements.

Commissioner Wood, Chairman Capon, and Commissioner St. Vil were in favor of making the vegetation denser and were in favor of requiring additional arborvitaes or other evergreen type vegetation that survives year-round.

Ms. Hodge reviewed the suggested conditions for approval and the Commission discussed each one. They agreed upon conditions are as follows:

1. In the absence of testimony pertaining directly to specific anticipated activities and the noise and or dust typically generated from those exact (typical) activities, the Commission is requiring that the proposed minimum 100ft vegetated buffer identified on the Site Plan contain 50% evergreen trees and a mix of deciduous trees to provide a denser year-round buffer than is currently provided.
2. Additionally, the Commission requires that evergreens at least 6 feet in height be planted northerly of the existing chain link fence along the northern boundary in locations identified by the Commission. All additions to the vegetated buffer shall be shown on the Landscape Plan, fully installed and approved by the ZEO prior to the start of any sitework or construction of any of the proposed buildings and/or infrastructure.
3. All vegetation (existing and new) must be maintained in perpetuity in such a condition that the requirement to provide a year-round buffer sufficient to substantially reduce or eliminate any nuisances associated with noise, dust or visual intrusion, is satisfied.
4. Proposed clearing of existing trees and vegetation in the northern portion of the property associated with the construction of the 10,000sf Sterling Building and associated parking and access roads as shown on approved Site Plan, shall not begin until such time as the Zoning and

- Building Permits for the construction of the 10,000sf Sterling Building and associated parking and infrastructure are pulled, and construction is imminent.
5. Limits of clearing shall be marked and verified by ZEO in the field prior to the start of construction.
 6. In the absence of sufficient testimony pertaining directly to specific anticipated activities and the noise and or dust typically generated from those activities, the applicant shall install a durable particulate and dust monitor and long-term noise monitor suitable for sustained outdoor use in a location along the northern property boundary (TBD) that provides continuous real-time measurement to ensure compliance with special permit criteria and State noise limits. Unit shall be able to be accessed remotely and shall be properly maintained and calibrated (evidence of same shall be provided to the ZEO upon request).
 7. Additionally, the applicant shall establish a baseline noise level at the property line for daytime and nighttime noise at the site prior to construction.
 8. The overhead door facing north shall be closed when repair work is conducted inside the Sterling Building (as practicable).
 9. No activity associated with repair work, whether indoors or outdoors, shall take place before 7 or after 5:30 Monday to Saturday. There shall be no Sunday operations.
 10. A Hydrodynamic Separator shall be installed in the existing drainage system in the Laydown area. Location to be approved by DPW and a bond for all elements of the stormwater management systems proposed shall be provided. Any subsequent addition of uses will be treated as a modification to the Special Permit for this Mixed-Use development, and as such will have to be evaluated for compliance with the Special Permit requirements each time it is modified

This Special Permit is being granted under Section 11.3 of the Zoning Regulations to Gales Ferry Intermodal LLC for use of property located at 1761 and 1737 Route 12 in Gales Ferry, CT. The overall use being approved under this Special permit is Mixed Use (Commercial/Industrial) under Section 8.23 of the Zoning Regulations and the specific mix of uses are the existing Industrial Use (American Styrenics) and a new “Motor Vehicle, Recreational Vehicle, Boat and/or Equipment Repair Facility” under Section 8.24 with associated (accessory) outdoor storage/repair area. This repair use is a type of Commercial Service under Section 8.10 that is identified in Section 6.4 the table of uses separately as there are additional supplemental regulations for this particular type of Commercial Service. The Outdoor storage and repair areas have been identified on the Site Plan.

The Commission has determined that conditions are necessary to mitigate any potential negative impacts to the abutting residential neighborhood caused by noise, dust, vibrations, odors, and to protect the character of the immediate neighborhood in terms of scale and intensity of use of the Repair Facility and outdoor storage/repair areas (as approved); to protect property values of the immediate neighborhood; and to prevent any unreasonable pollution, impairment or destruction of the air, water and other natural resources.

As conditioned, the Commission finds that the Application meets the Special Permit Criteria found in Section 11.3.4 of the Zoning Regulations as well as all other applicable provisions of the Zoning Regulations including those found in Chapter 9 (Site Development Standards).

A motion was made by Commissioner Wood to approve Application PZ#23-4SUP of Gales Ferry Intermodal LLC, and seconded by Commissioner Craig with the conditions discussed.

RESULT: APPROVED WITH CONDITIONS

MOVER: Marcelle Wood

SECONDER: Howard Craig

AYE: 5 Wood, Capon, Whitescarver, Craig, and St. Vil

- C. Application PZ#23-5CAM of Gales Ferry Intermodal LLC / Heller, Heller, McCoy, 549 South Street, Quincy, MA 02169, for coastal area management approval for the construction of an industrial building with appurtenant facilities on a portion of the property located at 1761 Route 12, Gales Ferry, CT 06335.

Ms. Hodge reviewed the criteria for approval of the application.

Ms. Hodge reviewed the suggested approval.

Pursuant to Section 22a-109 (f) and (h), the Zoning Commission hereby states that the proposed activity has been reviewed and approved in accordance with the requirements of Chapter 444 of the Connecticut General Statutes.

Pursuant to Section 22a-106 (d) and (e), the Zoning Commission, hereby, finds that the proposed activity is (1) “consistent with all applicable goals and policies of Section 22a-92 and (2) incorporates, as conditions or modifications, all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.”

The Commission did not have any further comments on this application.

A Motion was made by Commissioner Wood to approve Application PZ#23-5CAM, and seconded by Commissioner Craig.

RESULT: APPROVED AND SO DECLARED

MOVER: Marcelle Wood

SECONDER: Howard Craig

AYE: 5 Wood, Capon, Whitescarver, Craig, and St. Vil

VIII. OLD BUSINESS

None.

IX. NEW BUSINESS

- A. Application PZ#23-10RA of the Town of Ledyard, 741 Colonel Ledyard, Ledyard CT, 06339, to delete Short Term Rental Regulations (8.31) and add to list of prohibited uses in Section 3.8, table of contents, definition and use table to be modified accordingly.

The Commission accepted the application. The public hearing was set for the next Regular Planning and Zoning meeting on Thursday, September 14, 2023 at 6:00 PM.

- B. Conduct an 8-24 Review for the town to sell a residential property located at 332 Colonel Ledyard Highway, Ledyard.

Chairman Capon reviewed the application.

Without objection, the Commission voted to send a favorable review to the Town Council for the sale of property at 332 Colonel Ledyard Hwy, Ledyard CT, 06339. Ms. Hodge will notify the Town Council.

X. APPROVAL OF MINUTES

A. Draft Meeting Minutes - July 13, 2023

The draft meeting minutes from the July 13, 2023 meeting were approved as submitted.

XI. CORRESPONDENCE

A. Connecticut Federation of Planning and Zoning Agencies - Quarterly Newsletter

Ms. Hodge reviewed the Connecticut Federation of Planning and Zoning Agencies - Quarterly Newsletter. She noted important information in the newsletter.

XII. REPORTS

A. Staff Reports

Ms. Hodge presented her staff report and commented on the steady stream of new houses.

Alex Samalot presented his staff report. He explained that a few enforcement cases have closed, while several new ones have opened. The Citation Hearing for 6 Eska Drive was held on August 8, and the matter has been resolved.

XIII. ADJOURNMENT

Without objection the meeting was adjourned at 8:00 PM.

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