



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Final

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman Marty
Wood

Special Meeting

Thursday, October 10, 2024

6:00 PM

Ledyard Middle School - 1860 CT-12,
Gales Ferry, CT 06335 (aka 1854
CT-12)

REMOTE MEETING INFORMATION

Join Zoom Meeting

<https://us06web.zoom.us/j/86192293820?pwd=IpYqUsJ87ph5eTU8HYuisLJPQKuk5g.1>

Meeting ID: 861 9229 3820 Passcode: 976951

Dial by your location: +1 646 558 8656 US (New York)

I. CALL TO ORDER

Chairman Capon called the meeting to order at 6:30 p.m. in the Ledyard Middle School Auditorium.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL AND APPOINTMENT OF ALTERNATES

Present Chairman Marcelle Wood
Chairman Tony Capon
Vice Chair Paul Whitescarver
Secretary Howard Craig
Commissioner Jessica Cobb
Alternate Member Matthew Miello
Non-voting Commissioner Beth E. Ribe

In addition, the following were present:

Town Attorney, Robert Avena
Town Attorney, Matthew Willis
Director of Land Use and Planning, Elizabeth Burdick
Land Use Assistant, Anna Wynn

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

Chairman Capon noted that Old Business has been moved in front of public hearings on the agenda for the sake of time. He stated that without objection the agenda is approved and all attachments and exhibits contained therein are incorporated into the record.

V. CITIZENS PETITIONS (NON-AGENDA ITEMS ONLY)

Mike Cherry, 5 Whippoorwill Drive, stated he received an email from the Center for Housing Equity and Opportunity of Southeastern CT regarding the housing needs assessment for 2024. He suggested a workshop be scheduled to review the new data. He stated that the new data is available online through the Regional Planning Association.

VI. PRE APPLICATION DISCUSSION AND/OR WORKSHOP

None.

VII. OLD BUSINESS

- A. **Discussion & Decision: PZ#24-7ZRA - Applicant, Eric Treaster for proposed amendments to various sections of the Ledyard Zoning Regulations, inc.** Table of Contents, Section 2.2 (Definitions), Pg 5-3 (Uses Res Districts), Pg. 6-7 (Uses Non-Res Districts), Pg 8-14, Sec 8.16 (Excavation), Pg. 5-1 Sec. 5.2 (Dim Reqs. Res Zones), Pg 5-2, Sec. 5.3 (Uses Res Districts), Pg 6-2 Table 6.2.1 General Guidelines: All Development, Cluster & Transition Districts), Pg 6-4 Sec. 6.4 (Permitted/Special Permits Uses Non-Res Zones), Pg. 8-25, Sec. 8.28 (Residence, Multi-Family), Pg 8-26, Sec 8.28.E (Off-Street Parking), Pg 8-26, Sec. 8.28.F (Max Bldng. Height Multi-Fam), Page ii Table of Content (Reserved) & Sec8.3 (Reserved) to add “Affordable Housing Developments (R.I.G.L. §8-30g Applications).” *(Submitted 6/5/24, Date of Receipt 6/13/24, PH must open by 8/17/24, PH Set for 8/8/24, PH must close by 9/11/24, PH cont. to 9/12/24 with one-day ext. of time, DRD 65 days from close PH).*

Chairman Capon stated that the voting members during this discussion are Ms. Cobb, Mr. Wood, Mr. Craig, Mr. Whitescarver and himself. Chairman Capon asked each member for the record if they attended or listen to the entire public hearing on this application. Each voting member confirmed yes.

Attorney Avena of Suisman and Shapiro, Attorney for the Town of Ledyard, read into the record his memo in regards to PZ#24-7ZRA. He advised the Commission to deny the application without prejudice.

Chairman Capon clarified that the staff advice is to deny the application without prejudice. Commissioner Craig and Attorney Avena clarified the meaning of deliberate timing. Commissioner Cobb and Attorney Avena clarified which regulations an application will adhere to at the time of submittal in case regulation amendments are pending.

Chairman Capon made a MOTION to deny application PZ#24-7ZRA.

RESULT: DENIED
MOVER: Tony Capon

SECONDER: Paul Whitescarver

AYE: 5 Wood, Capon, Whitescarver, Craig, and Cobb

EXCUSED: 1 Miello

- B. Discussion & Decision: PZ#24-2RESUB - 96, 98, and 100 Stoddards Wharf Rd., Ledyard, CT Agent: Harry Heller, Esq. Heller, Heller & McCoy - Applicant/Owner: Avery Brook Homes, LLC, for an 18-Lot Resubdivision/Affordable Housing Development pursuant to CGS §8-30g. (Submitted 3/28/24, Date of Receipt 4/11/24, PH originally set for 5/9/24, PH Opening Postponed to 5/30/24, PH Opened 5/30/24 (PH must close by 7/3/24), PH Cont. to 6/13/24, PH Cont.to 7/11/24 with 35-day extension, PH Cont. to 8/8/24. PH Must Close By 8/8/24, DRD 65 days from Close PH).**

Chairman Capon asked each voting member if they had attended or listened to the entire public hearing on this application. Each voting member confirmed yes.

Attorney Avena of Suisman and Shapiro, representative of the Town of Ledyard, read his memo into the record and spoke about the legal requirements of 8-30g applications.

Chairman Capon and Attorney Avena clarified the legal definition of more than a mere possibility when considering an 830-g application.

Commissioner Wood stated his concerns about the density of the housing development and the protentional pollution on the reservoir if the application were to be accepted as submitted.

Chairman Capon and Commissioner Wood discussed potential lot size adjustments that would improve the safety of the application.

Commissioner Whitescarver commented that the applicant has been compliant in accommodating the Town of Ledyard considering it being an 830-g application and would have a hard time disapproving of the application.

Commissioner Craig stated that he agrees with Commissioner Whitescarver.

Commissioner Cobb stated her concerns about the calculations used for the application were not being conversative enough. She stated that she would like to see less lots on the property.

Chairman Capon stated his concerns about the standard of more than a mere possibility.

Director Burdick spoke about possible modifications of the application that could be put in place based on the Town's third-party review. She read for the record sections of Mark Lancor of DYMAR's report.

Attorney Avena stated that he advises the Commission to pass the application to allow time to write a formal motion with conditions for approval at the next meeting.

Chairman Capon stated his concerns about density of the housing development.

Commissioner Wood and Director Burdick clarified details of the modifications and the water treatment system. Director Burdick and Commissioner Wood clarified the deadline of decision on the application.

Commissioner Cobb stated her concerns with the application.

Chairman Capon stated that without objection the discussion is continued until October 24, 2024 at 6:00pm at the Ledyard Middle School and on Zoom

RESULT: CONTINUE

AYE: 5 Wood, Capon, Whitescarver, Craig, and Cobb

EXCUSED: 1 Miello

- C. **PZ#24-10SITE & PZ#24-11CAM - 109 Military Highway (Parcel ID: 106-1590-109), Gales Ferry, CT** - Applicant: Frank C. Borawski, P.E. - Owners: James & Sandra Onorato for Site Plan & Coastal Site Plan Approval for Bank Stabilization Project on Mill Cove. *(Submitted 8/19/24, Date of Receipt 09/12/24, DRD 11/15/24).*

Director Burdick described the application to the Commission. She stated that the application was referred to DEEP as required by State Statute but that DEEP found the application to be inconsistent with CT Coastal Management Policies. She stated that the applicant would like the opportunity to work with CAM to revise their plan to be consistent. Director Burdick suggested that the Commission table the application until the PZC Special Meeting of November 14, 2024 at 6:00PM at Ledyard Highschool to allow time for revision.

Chairman Capon stated that without objection the application is tabled until the PZC Special Meeting of November 14, 2024 at 6:00PM at the Ledyard Highschool Auditorium and on Zoom.

RESULT: TABLED

AYE: 5 Wood, Capon, Whitescarver, Craig, and Cobb

EXCUSED: 1 Miello

VIII. PUBLIC HEARINGS/APPLICATIONS

- A. **Public Hearing: 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 opened 9-12-24, PH Cont. to 9/26/24, PH must close by 10-16-24, DRD 65-days from close PH).

Chairman Capon reopened the public hearing. He noted that Commissioner Whitescarver and Attorney Avena have both recused themselves from the application. He noted that Attorney Matthew Willis of Suisman and Shapiro will take Attorney Avena's place during the proceedings of the hearing. He noted that Commissioner Miello will be appointed as a voting member to replace Commissioner Whitescarver.

He commented on the plan for the evening as well as the tentative meeting dates for the application.

Attorney Harry Heller of Heller, Heller & McCoy, 736 Route 32, Uncasville, CT, representative of the applicant Gales Ferry Intermodal, presented a letter with an extension of time for the public hearing marked as exhibit #97. He reintroduced Suzanne Pisano.

Director Burdick stated that the applicant's presentation slides will be marked as exhibit #98

Suzanne Pisano P.E. of Verdantas, address multiple questions that were posed to her during the last meeting that were listed on the presentation slides.

Attorney Wilson Carroll of Cohen and Wolf, 1115 Broad St, Bridgeport, CT, representative of the Gales Ferry District and Lee Ann Berry and Suzanne Pisano clarified details about background measurements used in the model. They clarified details concerning rock crushers and permitting requirements. They clarified that a Federal Clean Air Act Permit would not be necessary for the proposed project.

Commissioner Wood and Suzanne Pisano clarified details about several details about the air emissions model.

Commissioner Cobb and Suzanne Pisano clarified that the air emissions model accounts for changes in seasons by incorporating 365 days a year into the calculations.

Attorney Heller clarified what a predictive model is. He introduced Dr. John Martin.

Dr. John Martin of Verdantas, introduced his expertise and spoke about the community air and noise monitoring plan.

Commissioner Criag and Dr. John Martin clarified the measurements of decibels used in the

report.

Attorney Carroll and Dr. John Martin discussed who will be monitoring the air monitor sensors on site and procedures if the reading should exceed the threshold of safety. They discussed the number and types of monitors proposed on site. They discussed relocating the monitors based on the phase of the project.

Chairman Capon and Dr. John Martin discussed the monitors alerting workers on site immediately.

Commissioner Craig and Dr. John Martin discussed maintenance schedules for the monitors.

Attorney Heller introduced Dr. Catherine Aimone Martin. Dr. Catherine Martin of Aimone Martin Associates, LLC, introduced herself and her expertise. She presented about the impact modeling used for the pipeline buried on the East side of the project as well as the Eversource lines southwest part of the property.

Chairman Capon, Director Burdick and Attorney Heller clarified that the information in this presentation was shared with WPCA and representative of Eversource.

Attorney Carroll and Dr. Catherine Martin discussed the cumulative impact of blasting shown in the model.

10 MINUTES RECESS

Attorney Heller referenced parts of the Ledyard Zoning Regulations before introducing the next experts.

Greg Poole of Sauls Seismic, representative of the applicant, introduced himself and his expertise. He spoke about vibration and air pressure levels related to the site. He summarized his report.

Commissioner Wood and Greg Poole clarified the definition of unconfined blasting.

Attorney Carroll and Greg Poole discussed which exact points were used to measure impact of vibrations on abutting residences. They discussed air over pressure.

Attorney Heller asked Greg Poole to explain the difference between a linear scale and logarithmic scale. Greg Poole spoke about the differences.

Scott Makenna of F.A. Hesketh & Associates, Inc, introduced himself and his expertise. He spoke about the safety training and safety procedure plans that will be implemented for the workers on site during excavation.

Commissioner Ribe and Scott Makenna clarified that the safety training plan will be submitted to the federal government after the project is approved. They discussed what the safety training plan would look like.

Commissioner Cobb and Scott Makenna clarified that the worker safety training and procedures would only be applicable to the workers on site.

Attorney Heller commented and clarified which other experts have presented about community response to safety concerns.

Commissioner Cobb and Scott Makenna clarified that the monitoring equipment used for the individual workers is the same as the equipment used to monitoring dust and noise exceeding limits.

Attorney Carroll and Scott Makenna discussed how many people will be on site at any given time. They discussed specific health and safety measures against silica dust exposure. They discussed the method of measuring dust and noise exposure. They discussed the recertification timeline for safety training.

Attorney Heller addressed the Commission and reviewed the requirements the Commission will need to meet when reviewing the application as well as concluding comments about the application and presentation.

Attorney Wilson Carroll introduced his expert Steven D. Trinkaus.

Mr. Steven Trinkaus, Professional Engineer, representative of the intervenor, introduced himself and his expertise. He presented his review of the application and spoke about the stormwater treatment plan proposed in the application.

Attorney Heller and Steven Trinkaus clarified the statements made during his presentation and where he retrieved his data.

Chairman Capon stated that without objection the Public Hearing is continued until a PZC Special Meeting on October 24, 2024 at 6:00pm at the Ledyard Middle School Auditorium and on Zoom.

RESULT: CONTINUE

AYE: 5 Wood, Capon, Craig, Cobb, and Miello

RECUSED: 1 Whitescarver

- B. 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 opened 9-12-24, PH Cont. to 9/26/24, PH must close by 10-16-24, DRD 65-days from close PH).**

RESULT: NO ACTION

IX. NEW BUSINESS

None.

X. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

- A. MOTION to approve PZC Special Meeting Minutes of September 12, 2024**

Chairman Capon stated that without objection the PZC Special Meeting Minutes of September 12, 2024 are approved as submitted.

RESULT: APPROVED AND SO DECLARED

AYE: 5 Wood, Capon, Whitescarver, Craig, and Cobb

EXCUSED: 1 Miello

- B. MOTION to approve PZC Special Meeting Minutes of September 26, 2024**

Chairman Capon stated that without objection the PZC Special Meeting Minutes of September 26, 2024 as submitted.

RESULT: APPROVED AND SO DECLARED

AYE: 5 Wood, Capon, Whitescarver, Craig, and Cobb

EXCUSED: 1 Miello

XI. CORRESPONDENCE

None.

XII. REPORTS

None.

XIII. ADJOURNMENT

Chairman Capon stated without objection the meeting is adjourned at 10:20pm

The meeting adjourned at 10:20p.m.

VOTE: 5-0 Approved and so declared

Respectively Submitted,

Secretary Marty Wood
Planning and Zoning Commission

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