

15 Conditions of Approval That Are Improper For The Proposed Severing Of Bedrock (Quarrying) In Mt. Decatur

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The Commission has the authority, but not the obligation, to impose conditions of approval for a special permit use that complies with the regulations if they are necessary to ensure the protection of public health, safety, convenience, property values, or natural resources.

However:

1. It is improper to impose conditions of approval on a proposed use that is *not expressly permitted* in the Zoning Regulations (i.e., “*severing of bedrock,*” aka “*quarrying.*”)
2. No set of reasonable enforceable conditions of approval will be sufficient to mitigate risks to the existing capped (environmentally sealed) areas.
3. No set of reasonable enforceable conditions of approval will be adequate to ensure that GFI will begin each development phase only after it closes its earlier development phases. (GFI did not claim it will comply with this requirement)
4. Conditions of approval requiring GFI to make homeowners who suffer financial losses due to its nearby severing of bedrock and rock crushing (quarrying) financially whole will not be enforceable.
5. No conditions of approval, enforceable by the ZEO, will be sufficient to ensure the proposed severing of bedrock, rock crushing (quarrying operations), blasting, dust generation, and vibration *will not, at least to some degree, contaminate the air, water, or endanger the health of nearby residents and children*, as required in the zoning regulations.
6. It is impossible to impose conditions of approval, enforceable by the ZEO, that will be sufficient to ensure the proposed severing of bedrock, rock crushing (quarrying operations), blasting, dust generation, noise, and vibration generation, *will not be a nuisance* to nearby residents, as required by the zoning regulations.
7. It is impossible to impose reasonable enforceable conditions of approval necessary to avoid the deleterious effect of slow-moving [non-GFI owned] gravel trucks in Rt 12 traffic, and on school buses and parents entering and exiting the Middle and Elementary School on Rt. 12, as required by the zoning regulations.

8. It is impossible to impose conditions of approval to assure avoidance of siltation from the property entering the Thames River, as required by the regulations.
9. It is impossible to impose reasonable conditions of approval to avoid introducing any additional dust, including silica dust, into the atmosphere as required under the excavation regulations.
10. It will be futile to impose conditions of approval prohibiting vibrations from leaving the property, as the zoning regulations require.
11. It will be impossible to impose a reasonable condition of approval to prevent the marring of the landscape created by the severing of bedrock and its resulting near-vertical quarry wall, in violation of the zoning regulations.
13. It will be impossible to impose reasonable conditions of approval that will be adequate to protect Bald Eagles and marine life in the river from the dust, noise, vibrations, and the siltation and other contamination that will be created by the proposed severing of bedrock and rock crushing
14. It will be impossible to impose an enforceable condition of approval requiring GFI to pay valid damage claims promptly without initial denials and costly, frustrating appeals.
15. It will be impossible to impose an enforceable condition of approval requiring GFI to pay valid medical claims related to silica dust.