

Request to Town of Ledyard for Experts Regarding Proposed Quarrying of Mount Decatur

From: Anne Roberts-Pierson, 4 Anderson Drive, Gales Ferry. **July 16, 2024**

To: Town Planner

CC: Ledyard Town Council

Risks to the quality and character of life of this community, our property values, our health, and our history are top of mind for me when faced with the concept of proposed long-term blasting and rock-crushing, literally out my front door. Being that this is an unusually complex application, likely the **largest in Ledyard history**, the Town must retain its own experts, paid for by the Applicant, to sufficiently assess the application so the Planning & Zoning Commission can make a fully-informed decision, arrived at through an open, adversarial process, that will withstand appeal and litigation from Ledyard and Montville residents whose properties and health might negatively be impacted. I urge the Town to retain experts in the following specialized areas:

- Cultural Resources/Historic Preservation
- Stormwater runoff
- Blasting and rock crushing issues, including consequences from associated dust, vibration, odors, fumes, and noise
- Traffic studies
- Landscape architecture

Reference is made here to the January, 31, 2024 statement from WPCA requesting blasting expertise be acquired to determine the suitability of blasting immediately adjacent to Groton Utilities' water mains. ([Exhibit 88](#), PZ#11-SUP). To ensure this request does not fall on deaf ears, and the Town is not forced to defend a ruinous civil action from GU and potentially impacted GU customers, it is essential to obtain the requisite expertise.

“The commissioners and GU would like to request that an expert in blasting near underground utilities be employed to outline the risks and precautions that need to be taken to minimize blasting damage risks”

The Project Narrative (in Exhibit #1-4) of this current GFI application received by Ledyard P&Z on July 11, 2024 is worth a close read.

-- **Page 2** states that the Applicant hired Heritage Consultants to investigate the site (Mount Decatur) to (i) determine its historic significance and (ii) develop a cultural resource plan.

113.4.D in the zoning regulations requires that a use that requires a special permit not adversely affect the historic features of the immediate neighborhood, where the neighborhood, in this case, is the immediate vicinity or area, a neighborhood containing two National Register of Historic Places listed historic districts. The presence of said districts, and National Register listing eligibility for Fort Decatur, raises substantial issues related to the National Historic Preservation Act of 1966, as amended.

The Town should contract with an appropriate cultural resources specialist and/or historic preservation specialist to confirm or refute the findings of Heritage Consultants.

-- **Page 3** states that the finished industrial pad will have a positive grade to accommodate stormwater runoff until further development occurs.

Stormwater, as well as the many thousands of gallons of mist water used in dust suppression runoff, must be properly controlled during the expected decade-long duration for this proposed excavation.

Additionally, because of the capped hazardous waste on the property and the fact that the protective cap has deteriorated,

The Town should contract with an appropriate expert to confirm or refute the applicant's assertion that its proposed design for stormwater runoff satisfies all requirements.

Additionally, the necessity of retaining a stormwater expert is underscored by the proposed removal of the overburden of up to 26 feet of soil, to create a proposed 40-acre impermeable bedrock surface, producing over 1,000,000 gallons of runoff each time one (1) inch of rain falls. The proximity to the Thames River, Lake Nova, and Tom Allyn Brook, components of the Waters of the United States, triggers provisions of the federal Clean Waters Act, which Ledyard's IWWC is charged with implementing. Any individual citizen or environmental organization has standing to enforce the provisions of said act in the federal courts, potentially ensnaring the Town in expensive litigation if its regulatory obligations go unfilled.

-- Page 8, number 10 indicates that *"Bedrock will be severed from the land in well-designed and controlled blasts to produce "shot rock" for processing"*.

11.3.4 (special use permit criteria) in the Ledyard Zoning Regulations requires that the proposed excavation, including the proposed use of explosives and rock-crushing machinery, will not be noxious, offensive, or detrimental to the area because of odors, fumes, dust, **noise, vibrations**, appearance, or other similar reasons.

The Town should contract with an appropriate blasting consultant to confirm or refute the applicant's assertion that its proposed blasting will not result in property damage, including to Groton Utilities' and Eversource's abutting infrastructure. The latter includes high voltage electrical transmission towers and gas mains.

-- Page 8, number 12 states that *most* all aggregate materials will be removed from the property by marine vessels. Therefore, some of the aggregate could be removed via rail or truck. Route 12 is a busy transportation corridor.

The Town should contract a traffic safety expert to document present daily/yearly traffic conditions on RT 12 so as to confirm or refute the applicant's assertion of no impact.

-- Page 9, Paragraph 17 states, *"It is not anticipated that the activities involved in the excavation and extraction operations will create any objectionable impacts either from noise or dust."* Paragraph 17 also states that Verdantas LLC will evaluate *potential adverse impacts from dust mitigation*.

11.3.4 in the Ledyard Zoning Regulations requires that the proposed excavation use, including the proposed use of explosives and rock-crushing machinery will not be noxious, offensive, or detrimental to the area because of odors, fumes, **dust**, noise, vibrations, appearance, or other similar reasons.

The Town should contract with an appropriate environmental, health, and safety (ehs) expert to confirm or refute the anticipated findings of Verdantas, LLC.

-- Page 9, Paragraph 17, also states that *"RSG Inc"* will evaluate potential adverse impacts from **sound** that may result from the proposed extraction and processing operations (use of explosives and rock crushing).

11.3.4 in the Ledyard Zoning Regulations requires that the proposed excavation use, including the proposed use of explosives and rock-crushing machinery will not be noxious, offensive, or detrimental to the area because of odors, fumes, dust, **noise**, vibrations, appearance, or other similar reasons.

The Town should contract with an appropriate acoustics expert to confirm or refute the findings of RSG, Inc. and independently determine if the noise will be detrimental or offensive or create a nuisance, even if the expected noise levels are within statutory requirements. The avoidance of such a sound and noise nuisance that interferes

with my quality of life and that of my community should be the goal.

The Town should contract with an expert licensed residential appraiser *to confirm or refute* the expected assertion that the use of explosives and rock-crushing equipment on Mount Decatur for up to a decade will not negatively impact nearby property values and trigger tax assessment appeals and inverse condemnation and/or Takings Clause civil rights actions against the Town by aggrieved Montville and Ledyard residents.

This Special Use Permit application is for a proposed **Excavation, Major**. The regulations require:

8.16 D. The purpose of these regulations is to insure the following:

1. **the landscape is not needlessly marred** during and after operations;
2. the work will not be a source of dust, pollution, and/or siltation;
3. the site will not be generally characterized by **unsightliness as evidenced by open pits,**
4. rubble or other indications of completed digging operations which would have a **deteriorating influence on nearby property values;**

The Town should retain a landscape architect or similar expert to determine if the requirements of 8.16 D are satisfied.