

EX# 73
Received
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Harry Heller <hheller@hellermccoy.com>

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Land Use Department

Wed, Sep 7, 2022 at 2:10 PM

Allyn's Point

1 message

Harry Heller <hheller@hellermccoy.com>
To: Alan Perrault <APerrault@jaycashman.com>
Cc: mj.cherry@comcast.net

Good Afternoon, Alan.

Mike Cherry and I met with Juliet Hodge, the Ledyard Planner, this morning concerning the potential extraction of rock on the Allyn's Point parcel. As a result of the meeting, it became clear that the Planner's (and presumably the Commission's) interpretation of the regulations is that permanent excavation operations, including earth product processing, is not permitted within the limits of the Town of Ledyard. This means that you cannot establish a permanent earth product (including rock) processing operation within the municipality, even in any industrial zone. This does not prohibit the extraction of rock from the parcel itself, including the processing of that rock, but does prohibit bringing rock from off-site to be processed on-site (even in an industrial zone) to ready the same for market.

The second issue that became clear is the fact that the Planner does not interpret the provisions of proposed Section 8.16(N)(4) to prohibit a vertical rock cut as long as it is stable. To reiterate, the operative language provides as follows:

"Upon completion of operations, no bank shall exceed a slope of ...".

She interprets this language to apply solely to slopes that are constructed of surficial material, and not rock. She has also indicated that she is willing to support this interpretation in any discussions with the Commission.

Should you wish to discuss, please feel free to call me.

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Mary Gagne O'Donal

E-MAIL TRANSMITTAL

DATE: September 7, 2022

E-MAIL ADDRESS:

TO: Mr. Alan Perrault

CC: Mr. Mike Cherry

RE: Allyn's Point

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