EX#166 Received @ PZC 11/21/24

November 21, 2024

To the Ledyard Planning and Zoning Commission:

I am a Gales Ferry resident and I have many concerns about the negative impacts of Cashman's Special Use Permit proposal, but since other people have discussed real estate values, air and well water quality, and noise concerns, I want to focus on the fact that the proposed project is within the State Coastal Management Area, and has a lot of red flags in that regard. These include inadequately addressing potential sea level rise impacts on the site, natural resource impacts of the proposed mountain removal, the legality of shoreline destabilization at the scale of this proposal, the effects of the proposal on the Town's present and future more environmentally sound coastal development and finally the negative impacts on our local and regional water quality. Additionally, I expected a more robust economic analysis of the project by a more impartial 3rd party expert than what I heard from Mr.Poland last week, and I will refer to that in my comments.

Our Zoning Ordinances state in **Chapter 12.1-E-2.c** that the Coastal Site plan *"must follow all applicable goals and policies stated in **Section 22a-92 of the Connecticut General Statutes"***, which are as you know the Coastal Management statutes. I want to mention a few of the subsections here.

CT 22a-92-5 says the potential impact of a rise in sea level, coastal flooding and erosion patterns must be considered. Cashman's engineer didn't refer to sea level rise nor to whether their drainage system and silt capture system will be of adequate size and placement when sea level rise occurs. For example, how close is Cashman's silt catchment basin to sea level? How high above sea level are the hoped for industrial tenants going to be after the planned mountain removal?

CT 22a-92-4 states that "to resolve conflicts between competing uses, municipalities should give preference to uses that minimize adverse impacts on natural resources".

We can't know what the potential adverse impacts of this proposal are without assessing what is currently there. My understanding is that 40 acres of woodland is to be removed, as well as the natural soil and slope of the land beneath.

How many woodland birds and other animals use the site? Are there any rare coastal plant species there? How many coastal birds, such as ospreys and eagles perch or nest there? Are there any trees of significance? How will the disturbance and removal of 40 acres of coastal green space affect the fish that are trying to spawn in the Thames? How will it impact the ability of native shoreline plants and animals to grow in the area? How will the sound pollution of all of the equipment and explosions affect all of the above?

The applicants should have assessed all of those resources, and reported both the known and potential effects of their proposal. Likely, current and future uses that don't involve mountain removal would have less adverse impacts.

CT 22a-92-10b2 states that "coastal bluffs and escarpments should be managed so as to preserve their slope and toe". (In other words their natural shape) Policies are to "discourage uses that don't permit natural rates of erosion and disapprove uses that accelerate slope erosion and alter supply of sediments to the littoral system". (near shoreline waters)

Given this clear state statutory guideline, I investigated how many new bedrock quarries have been created in Connecticut's Coastal Management Zones since the Coastal Management statutes were established in the 1980s. Where the coast is at a high elevation above the water surface, as it is at the Cashman site, CT general statute 22a-94 defines the Coastal Boundary as 1000 linear feet from the mean highwater mark. Consulting the Connecticut DEEP GIS Open Data Website, where there was a map of Connecticut Bedrock Mining sites, there are currently 69 active bedrock mining quarries listed in the state. Looking for bedrock quarries established in the Coastal Management Area since the mid-1980s, I opened every site icon that was within 1000 feet of the shore of Connecticut's major tidal rivers, which includes the Housatonic, the Quinnipiac, the Connecticut and the Thames. Not only are there no bedrock quarries that have been established since the Coastal Management legislation, there aren't any older active quarrying sites as close to a tidal river as the applicant is proposing for the Thames. None. Why should bedrock excavation be approved here?

22a-92- 4 of the CT General Statutes says municipalities are "to resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits" and this is to be done "in a manner consistent with the rights of private property owners". **12.1-E2b** of our zoning ordinances says that impact on future water dependent uses of the area should be considered.

The Ledyard Plan of Conservation and Development has a stated goal consistent with this guideline, which is to enhance our town's connection with the Thames River. We have several sites along the Thames and its Poquetannuck River tributary that make the town of Ledyard a wonderful recreation destination for hikers and boaters. We have 3 kayak and canoe launch sites, a marina, a state park with beautiful rocky outcroppings overlooking the River. There are a few underdeveloped fishing access points. The fact that both Harvard and Yale have boathouses here (downstream from the proposed blast site) is also important. Making these sites all more welcoming, accessible and cohesive could be a great economic boon to our town, while enhancing the value of private residential property. The future possibilities of enhancing our current connections to the river for both our community's quality of life and to stimulate the local economy will be limited by the applicant's proposal. Cashman's use of their property shouldn't take precedence over our current and future shoreline uses or the property rights of

longstanding landowners in this community, especially when all other current uses of our shoreline are less environmentally disruptive.

CT 22a-92-3 says municipalities are "to give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters"

Because Cashman has installed their larger pier and wants to remove the majority of Mt Decatur that way, DEEP has classified them as a water dependent business. That still doesn't mean that removing 40 acres of hillside beside tidal waters is a good idea. Denying this special use permit doesn't keep Cashman from utilizing their property. Last week Mr. Poland stated that 300,000 square feet of commercial space was removed from the 158 acre site. He indicated that permits for only 26,000 square feet of new construction industrial space have been applied for. That still leaves alot of square feet of space for redevelopment. I was disappointed that Mr. Poland did not point out that there are more than two possible economic scenarios. There is the current situation, there is the big money high risk scenario and there is a middle way, which is to deny removal of the mountain and approve more appropriate redevelopment of the currently usable industrial space.

Our Plan of Conservation and Development states that *"watershed and aquifer protection are increasingly important"*. State and Federal research, policies and laws underscore that water quality needs to be improved and protected. This protection leads to economic gain locally and for the region.

The Long Island Sound Study (LISS) was established under Section 320 and 119 of the Clean Water Act. One of the goals of the 2015 Long Island Sound Study Conservation Plan is to increase the % of vegetation within 300 feet of the shoreline of the Long Island Sound watershed from the 65% baseline in 2010 to 75% in 2035 to improve water quality in the watershed. That's why grant money is often available to help with land acquisition along the shoreline. Millions of dollars are being invested in water quality improvement in the Long Island Sound Watershed.

The Thames River is one of the three biggest watersheds that feed into Long Island Sound. What happens on the shores of the Thames matters to our whole region. The applicant uses aerial photos to demonstrate that industry is already present. I assume their point is that we should just accept that this is a heavy industry area. But since the percentage of a watershed in natural vegetation is crucial to watershed health, the presence of other industry on the shores is actually an argument against this project. Green space, especially on steep hills, protects the health and water quality of the Thames River and of Long Island Sound.

Connecticut's rivers have benefitted as historic heavy industry has been replaced by lighter industry and residential and recreational use by becoming less polluted. This has benefited our sport and commercial fisheries, the health of our oyster beds, and the health and quality of life of people and communities.

The concern for our water resources and quality of life is strongly expressed in our Plan of Conservation and Development, both in the Coastal Management Zone section and in the Land Use section. I was heartened to read the following words in our PCD:

"Land use regulations and controls can ensure that the growth and development of Ledyard meets high quality standards. These regulations and standards protect the overall quality of life by maximizing compatible uses, maintaining property values, and minimizing the impact of new development on natural resources."

Gales Ferry is a River town. It's right in our name. The Thames River means alot to our residents, and to others around the state, and can mean even more. Economic development should come from enhancing our connections to the river instead of further degrading them. In Mr. Poland's Economic Impact Assessment, I was expecting a more impartial effort to estimate likely enforcement costs, road maintenance and improvement costs and effects on property values, among other things. I was disappointed to see his use of 22 year old Connecticut state average cost of community services to commercial property data as a measure of possible costs to the community of a decade of quarrying in the 2020s. In fairness, community costs of mountain removal and Dollar General really can't be equated.

While there is money to be made if the project goes forward, most of the money will go to the applicant, a small fraction will go to town coffers, and the downsides will be borne by thousands of our residents, as well as by the Town of Ledyard, including enforcement costs, infrastructure costs, reduced property values, reduced quality of life and environmental degradation for decades to come.

In our PCD one of the stated goals is to *"Support and manage the growth and development of Ledyard in order to maximize both the environmental and functional quality of life"*

I urge you to protect our community's future health and growth by denying the Special Use Permit.

Sincerely,
Robin Franklin
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Gales Ferry, CT