

**IN RE: PZ#24-8SUP & PZ#24-9CAM;
GALES FERRY INTERMODAL, LLC
SPECIAL PERMIT, SITE PLAN, AND
CAM REVIEW APPLICATION**

**1737 and 1761 CONNECTICUT ROUTE 12
LEDYARD, CONNECTICUT**

**: TOWN OF LEDYARD
: PLANNING & ZONING
: COMMISSION**

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: SEPTEMBER 9, 2024**

VERIFIED NOTICE OF INTERVENTION PURSUANT TO C.G.S. § 22a-19 ET SEQ.

Pursuant to General Statutes § 22a-19 et seq., Lee Ann Berry (“Petitioner”) hereby intervenes in the above-captioned administrative proceeding, and represents as follows:

1. The subject administrative proceeding involves an application filed by Gales Ferry Intermodal, LLC (“Applicant”), with the Town of Ledyard Planning & Zoning Commission (“Agency”) seeking a Special Use Permit, Site Plan Review, and Coastal Area Management Review to modify an existing Special Use Permit and Coastal Site Plan in connection with proposed “industrial site preparation of 26 acres of finished, level, prime industrial space suitable to accommodate future industrial development for manufacturing, intermodal and/or energy related uses, which site preparation shall include the extraction of rock and the excavation of surficial material” within a coastal management area (the “Application”) located at 1737 and 1761 Connecticut Route 12, Ledyard, Connecticut (collectively, the “Property”). See Application EX1-1.
2. The Property is located within the Industrial District, abuts the Thames River, and contains portions of Mount Decatur, which is of historic significance.
3. Lee Ann Berry is an individual with an address at 78 Military Highway, Gales Ferry, Connecticut 06335.
4. The Agency received the Application on July 11, 2024, and scheduled a public hearing to be held on September 12, 2024.

5. The present administrative proceeding involves conduct which has or which is reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, and other natural resources of the state, within the jurisdiction of the Agency, in the following ways:

- a. The Application does not meet the standards for approval.
- b. The activity that is the subject of the Application is “quarrying,” including severing of bedrock and processing it into aggregate. Those activities are destructive to the environment, destructive to historic Mount Decatur, and are not permitted uses in the Industrial District.
- c. The proposed activity will disperse significant amounts of silica dust and other airborne contaminants, which is an environmental, public health, and public safety concern.
- d. The proposed stormwater management basins and design computations are not in compliance with the CT DEEP 2023 Storm Water Quality Manual and will result in increased pollutant loads being discharged from the Property and ultimately into the Thames River.
- e. The Applicant’s erosion and sedimentation control plan is not in compliance with the CT DEEP 2023 Guidelines for Soil Erosion and Sediment Control and will result in the discharge of turbid water during the excavation period.
- f. The Application proposes to use calcium chloride as a dust control system, which will have negative environmental impacts on drinking water, aquatic life, and vegetation.

- g. The proposed finished area will consist of bedrock covered by grass or graded rock, which is considered impervious area from a stormwater perspective. That change will alter the rates of runoff and runoff volumes, impacting the environment.
- h. The proposed activity, which includes blasting, will produce environmentally significant levels of noise and vibration, disturbing wildlife.
- i. The Applicant has not provided hydrographs for all relevant storm events.
- j. Such other and further impacts as may be determined from third-party expert review of the Application.
- k. Such other and further impacts as may be determined from the Connecticut Department of Energy and Environmental Protection's review of the Application.

6. The Connecticut Environmental Protection Act of 1971 provides, in part, that any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, *any person*, partnership, corporation, association, organization or other legal entity may intervene as of right in any administrative proceeding upon the filing of a verified pleading asserting that the proceeding "involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State." (Emphasis added.) General Statutes § 22a-19(a).

7. It is the responsibility of the Applicant in this administrative proceeding to adequately develop by the introduction of substantial evidence of record, evidence that will address the issues raised herein with respect to the potential impacts, and the Applicant has the burden of establishing that the proposed action would not have such significant adverse impacts as alleged and that no alternatives exist that would reduce or eliminate the potential for such adverse impacts.

8. Pursuant to General Statutes § 22a-19 et seq., the undersigned is entitled to all rights of participation granted to any party in accordance with the provisions thereto.

9. The Application involves a major change and intensification of the existing use of the subject property and the Petitioner's intervention will advance the public interest with regard to the protection of the natural resources of the State.

10. The Petitioner has an interest in the present proceedings and is filing this intervention as of right pursuant to General Statutes § 22a-19, et seq.

WHEREFORE, the undersigned intervenes in this proceeding on the filing of this Verified Notice of Intervention.

**THE INTERVENING PETITIONER,
LEE ANN BERRY**

By: /s/ Wilson T. Carroll
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WHEREFORE, the undersigned intervenes in this proceeding on the filing of this Verified Notice of Intervention.



Lee Ann Berry

STATE OF CONNECTICUT :
 :
 : ss: Ledyard
COUNTY OF NEW LONDON :

On this 1 day of September, 2024, personally appeared Lee Ann Berry, and made oath to the truth of the matters contained in the foregoing Notice of Intervention to the best of her belief, before me.



Notary Public

Rebecca L. Frechette
Notary Public, State of Connecticut
My Commission Expires July 31, 2028

