

Present: Chairman Peter Brazaitis, Todd Ouellette, Anne Marie Buonocore, Don Truskauskas, Alternate Member Robert Lavoie, Land Use Coordinator Polly Redmond and ZEO Karen Nelson.
Absent: Nancy LaGanga, Glenn Bradley and Kevin Ferrarotti

PUBLIC HEARING**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairman Brazaitis called the meeting to order at 7:00 p.m. All regular members present are seated with Robert Lavoie seated for Nancy LaGanga.

2. ATTY. WILLIAM TRACY FOR JOHNNYCAKE AIRPORT PROPERTY, LLC – APPLICATION FOR SPECIAL PERMIT FOR DEBRIS MANAGEMENT SITE FOR GREEN WASTE AND FOR WHOLESALING AND PROCESSING WOOD MULCH PRODUCTS AT 529 BURLINGTON ROAD, ASSESSORS NO. E6-04-0011, LOCATED IN A LIGHT INDUSTRY ZONE.

Chairman Brazaitis reads the call to hearing as published in the Republican-American on 1/12/12 and 1/20/12. Atty. Tracy is present along with Mark Vigneault and Michael McGuffie, both from Supreme Industries. Atty. Tracy submits proof of certified, return receipt mailings giving notification of this hearing to neighbors within 200 feet of the property. He also submits copies of a Contract Award Supplement #6 from the State of CT, Dept. of Administrative Services Procurement Division, a copy of the DEEP Emergency Authorization issued to AshBritt, Inc., a Florida-based corporation, a copy of the Subcontract Agreement between AshBritt and Supreme Industries, a copy of a downloaded page from ct.gov, Dept. of Transportation, announcing tree debris pickup along state-maintained roads, a copy of a letter from Colorbiotics dated May 18, 2011 regarding mulch colorant with accompanying company brochures. Atty. Tracy explains that the activity is in response to October 31, 2011 Storm Alfred and the Emergency Authorization for Solid Waste Management from the DEEP and that activity has actually been completed on January 18, 2012 with no more storm debris being brought on site. Using a copy of an Assessor's map, and highlighted in yellow, Atty. Tracy points out the areas where stockpiling of mulched material is located. The map remains on file in the Land Use office. He notes that the property is located in a Light Industrial zone and is surrounded on three sides by other commercial/industrial land. There has been no construction, grading or alteration of the site which, in the past, has been used for contractor's storage, etc. Atty. Tracy explains that the special permit application covers two aspects: one being debris management due to Storm Alfred and the application to bring material on site, with the DEEP authorizing temporary storage of green waste due to the immediate action for public health, safety and welfare posed by the event. Atty. Tracy states that the town should keep in mind that this type of event could happen again and this site may once again be used in the same capacity. Atty. Tracy explains that having a permit already in place is beneficial. The second aspect of the application involves processing the material including some color processing. Atty. Tracy notes that work will take place between the hours of 7:00 a.m. and 5:00 p.m. with two to four people working on site. Equipment on site will include a grinder, excavator and a chipper. Atty. Tracy states that the intention for this site is to become a wholesale delivery business and not for customers to come in and purchase material. He estimates fifteen (15) to twenty (20) trucks accessing the site per day though it will be a seasonal operation with higher counts in the spring. All activities will be held outside, including materials and equipment storage, with no need for signage, and the site will require no alteration and allows for sufficient parking. Atty. Tracy refers to Section 4.5.2c. and 4.5.2d. of the Zoning Regulations that allows this type of activity and although Section 4.5.11 call for all storage to be confined to the rear of the building, the bulk of the material will be on the east side of the building. The location is a considerable distance from the road and the largest of the piles of material will be behind the building because that is the largest area of space permitting.

One important aspect Atty. Tracy would like to point out is the fact that the property is served by public water with a fire hydrant directly across the street at the intersection of County Line Road and Route 4/Burlington Road.

Chairman Brazaitis confirms the hours of operation stated as that being 7:00 a.m. to 5:00 p.m. with Atty. Tracy agreeing. Chairman Brazaitis questions whether the parking of delivery trucks will remain overnight at the site with Mark

Vigneault, Supreme Industries, stating they typically do not park overnight at this site but instead use the Bogue Road site where Supreme Industries is headquartered. The only equipment that should remain on site is the equipment used for processing. Chairman Brazaitis confirms that it was stated there would be 25 loads per day with Atty. Tracy stating that is a fair estimate. Commissioner D. Truskauskas questions how much material is on site at this time with M. Vigneault confirming approximately 30,000 yards. D. Truskauskas questions how much dye is on site with M. Vigneault stating the dye comes in 1000 pound totes and will be brought in as needed and is typically used in one day. He explains that the predominant amount of material is called "forest blend" and requires no dye. He assures the commission that this activity will not become a big coloring facility. Chairman Brazaitis questions how dust and dirt will be controlled with M. Vigneault stating that the entrance to the site is graveled and the area of stockpiling is 500 to 600 feet in from the entrance. If required, a tracking pad can be installed and dust would be controlled with water trucks if needed. Atty. Tracy notes that the mulch itself will serve as dust control. Chairman Brazaitis questions if there would be fueling or maintenance of trucks on the property with Atty. Tracy stating there would not be. Commissioner R. Lavoie states his belief that there would be no noise concern with operating hours being set at 7:00 a.m. to 5:00 p.m. Chairman Brazaitis questions whether activities would be held on Sundays with M. Vigneault stating there would be no activity on Sundays although the DEEP permit allowed for Sunday operation.

D. Truskauskas inquires as to what the plans for the logs on site are with M. Vigneault stating they will be chipped, not mulched. LUC Redmond questions whether the property is gated, specifically at the entrance to where the material is stockpiled. M. Vigneault states there are cement blocks with a chain that is used to block entrance to the area where material is. D. Truskauskas questions what types of delivery trucks will be used with M. Vigneault stating that the range could be from a dump truck to a tractor trailer truck and perhaps the occasional truck used for a landscaper who may be picking up material.

Chairman Brazaitis opens the floor for public comment at this time.

George Pelletier, owner of CourtSide Sports Facility, 517 Burlington Road expresses concern of the dye process and questions whether it is sprayed, mixed or tumbled and whether it is airborne. He has concerns of damage that may be done to his white building next door and also for his rooftop mechanisms. M. Vigneault explains that the dye process is a tumbling/mixture process using an over-sized cement mixture type of equipment. A material data safety sheet is completed when the dye is actually being used and this information can be provided to anyone requesting it. G. Pelletier questions whether there would be any use of pesticides on the material with M. Vigneault stating there will be no use of pesticides. G. Pelletier questions if there will be any odors emitting from the processing of material with M. Vigneault stating there will be no odor.

Jon Truskauskas, Selectman, refers to the discussed hours of operation being 7:00 a.m. to 5:00 p.m. and states that TAHD regulates hours to be limited to "daylight" hours and believes that 5:00 p.m. is pushing it especially at this time of year. Atty. Tracy states that noise regulations from the DEEP are governed by volume levels at certain distances and that Supreme Industries would meet both DEEP and local regulations.

Chester Dunlop, 522 Spielman Highway, Burlington, states he would like to clear up what he believes to be two inaccurate statements made by the applicant. He states there is some airborne material that he sees although he can deal with it. He believes it is an inaccurate statement to say there is none and it is also inaccurate to say there is no odor. Atty. Tracy states that if there is dust being seen, he asks that Supreme Industries be contacted. He also notes that there is a farm operation next door that could be the cause of odors. ZEO Karen Nelson questions whether erosion and sedimentation controls are under the supervision of the State of CT and that Supreme Industries' permit relies on certain criteria to be met by DEEP. M. Vigneault explains the DEEP aspect of the permit and that once the product is mulched, DEEP does not regulate, that the operation becomes a mulch manufacturing facility. He states that this facility will be operated in the same manner as the facility Supreme Industries owns on Bogue Road in Harwinton.

With no further comments from the public or the commission R. Lavoie **motioned** to close the public hearing at 7:40 p.m., seconded by D. Truskauskas. Motion passed unanimously.

REGULAR MEETING

1. **OPEN MEETING – ESTABLISH QUORUM.**

Chairman Brazaitis called the regular meeting to order at 7:40 p.m. The same quorum exists.

2. **APPROVE MINUTES OF PREVIOUS MEETING: 1/9/12.**

A. Buonocore **motioned** to approve the minutes of the previous meeting, seconded by D. Truskauskas. Motion passed unanimously.

3. **JIM ROTONDO, P.E., FOR CARL COPPOLA – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 3200 SQUARE FOOT (FIRST FLOOR) COMMERCIAL/RETAIL BUILDING, 122 LITCHFIELD ROAD, POST OFFICE PLAZA.**

Mr. Rotondo is present for Carl Coppola and reminds the commission of his past appearance before this commission under a pre-review of the site plans. He explains that the Inland Wetlands Commission approved the project and had asked for revisions to the plans that entailed building reconfiguration/relocation, parking and LID maintenance which can be further discussed at the time of the public hearing. W.M.C. Engineering, the town's consultant, has been asked by the Land Use Coordinator to review the site plans against Zoning Regulations and has sent a report which will be noted at the time of public hearing. Mr. Rotondo will take W.M.C.'s comments and make site plan modifications as necessary. R. Lavoie **motioned** to accept the application and set a public hearing date for Tuesday, February 14, 2012 at 7:00 p.m. T. Ouellette seconded the motion and it passed unanimously.

3. **DISCUSSION/POSSIBLE DECISION - ATTY. WILLIAM TRACY FOR JOHNNYCAKE AIRPORT PROPERTY, LLC – APPLICATION FOR SPECIAL PERMIT FOR DEBRIS MANAGEMENT SITE FOR GREEN WASTE AND FOR WHOLESALING AND PROCESSING WOOD MULCH PRODUCTS AT 529 BURLINGTON ROAD, ASSESSORS NO. E6-04-0011, LOCATED IN A LIGHT INDUSTRY ZONE.**

Hours of operation being 7:00 a.m. to 5:00 p.m. is discussed and agreed upon by the commission. A. Buonocore **motioned** to approve the application for Special Permit with the condition that hours of operation be between 7:00 a.m. and 5:00 p.m. and that the approval is based on findings that the location for this type of operation is appropriate with adequate access for truck entrance and adequate space for material to be stored. The Special Permit shall be effective upon the filing of a copy thereof by the applicant in the office of the Town Clerk.

4. **GRJH, INC./SUNOCO GAS STATION – APPLICATION FOR MODIFICATION TO APPROVED SITE PLAN, 207 BIRGE PARK ROAD. CORRECT AND ABATE NOTICE ISSUED BY ZONING ENFORCEMENT OFFICER.**

No one is present to represent. ZEO Nelson updates the commission on discussions she has had with GRJH engineer Jason Dismukes who was to meet with TAHD this morning for addressing final approval of the septic system. She informs the commission that contractor, Peter Ledda, will not be moving forward with improvements in the DOT Right of Way until the septic is complete. ZEO Nelson states that progress is not moving forward very quickly. She notes that the steps on the north side of the building should be looked at by the Building Inspector as they are a hazard with having to step up one step before stepping down. With the installation of a new "guard rail" along the retaining wall in the same area, that surely does not meet building code, this should also be inspected by the Building Inspector. Atty. Byrne has sent a letter to Chairman Brazaitis, dated 1/9/12, informing him that Notice of Zoning Violations was served on both Alicia Metz, President of GRJH, Inc. and on Lloyd Helm on behalf of GRJH, Inc. The NOV specified that a representative from GRJH was to appear before the Zoning Commission tonight to address corrective measures for the violations and the filing of a modified site plan. Atty. Byrne stated in this letter to Chairman Brazaitis that if progress is not satisfactory, a Notice of Assessment can be issued on or after January 20, 2012 and that if no request by GRJH for a hearing is made within ten (10) days, the assessment can be entered into court as a judgment.

D. Truskauskas **motioned** that Atty. Byrne issue a Notice of Assessment, seconded by R. Lavoie. Motion passed unanimously. ZEO Nelson will contact Atty. Byrne to inform him of the commission's decision.

5. **DISCUSS/REVIEW SIGN REGULATIONS, SECTION 11 OF THE ZONING REGULATIONS.**

Commissioners reviewed and made changes to the January 23, 2012 *Draft* for Sign Regulations typed by LUC Redmond who will make suggested additional changes and will send copies to commissioners. Item will be placed on the next meeting agenda for further discussion.

6. **COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Nelson has submitted her report dated January 19, 2012. GRJH already discussed in Item 4. above. Her report also informs the commission of various water and drainage complaints she has received. All matters are being followed up on. D. Truskauskas notes that the ZEO reports that various written and "verbal" complaints regarding excessive water on numerous sites are being followed up on and reminds her that complaints need to be in writing. ZEO Nelson reports that if complaints are a matter of healthy, safety and welfare, she would act on a verbal complaint. Selectman Mike Criss, who is in the audience, states that ZEO Nelson should write down which complaints are received verbally that she is investigating.

7. **ANY OTHER BUSINESS.**

The 2013 Budget request has been distributed by LUC Redmond. The 2013 request is in the amount of \$4650, down from this year's amount of \$5875. D. Truskauskas **motioned** to submit the budget as prepared by the Land Use Coordinator, seconded by R. Lavoie. Motion passed unanimously.

8. **CORRESPONDENCE.**

Notice from WPCA dated 1/12/12 advising the Zoning Commission of updated manhole locations on Mountain View Drive within the sewer service area.

Notice from the Land Use Coordinator giving information on the Planning Commission's public hearing to be held on 2/22/12 to present revisions to the Subdivision Regulations.

9. **INVOICES.**

R. Lavoie **motioned** to pay the invoice from Atty. Steve Byrne in the amount of \$2051.18 for work done in connection with GRJH, seconded by D. Truskauskas. Motion passed unanimously.

10. **ADJOURN.**

D. Truskauskas **motioned** to adjourn the meeting at 9:05 p.m., seconded by R. Lavoie. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator