

# PLANNING AND ZONING COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

A **public hearing** of the *Deep River Planning and Zoning Commission* held on Wednesday, June 11, 2008 at the Deep River Town Hall was called to order at 7:00 p.m. by Chairman Kastner. Members present: Janet Edgerton, Nancy Fischbach, Jonathan Kastner, Jane Samuels, Tom Walsh, and Alternate Jan Deutsch. Absent: Thomas Griffin, Fred Hellmers, and Alternates John Attridge and Leigh Balducci. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (Recording Secretary), Paul SantaBarbara, Joe Tinnerello, and approx. 24 audience of citizens.

Janet Edgerton read the call of the meeting which was published in the Hartford Courant on May 30, 2008 and June 6, 2008.

**PURPOSE:** To accept evidence for or against, written or oral, approval of Application for Amendment to a Special Permit by Integrated Waste Solutions, LLC to amend the statement of use for property of SantaBarbara Properties, LLC located at 400 Commercial Drive (Map 33, Lot 6F) to improve recycling cardboard & fibers, sorting of C & D recyclables; fleet maintenance to be undertaken off site; and increase of maximum tonnage to be 350 tons per day. (Application #44)

Nancy Fischbach noted the Commission's interest regarding number of trucks and asked the applicant to translate to truck trips rather than tonnage.

### **Presentation by Applicant:**

The applicant, Paul SantaBarbara, reviewed the purpose of the application. Mr. SantaBarbara noted that the business processes c&d materials, wood, metal, and brick from construction waste and cleaning out of a house for recycling. The state of the art business accepts dumpsters that are rented to individuals and the material is recycled. The proposal is to increase the tonnage capacity. The state allows 500 tons; the permit with the Town is for 200 tons; and the proposal is to increase the capacity to 350 tons. The business is utilized by local towns. When there are a lot of demolition jobs there may be more tonnage in a day. If the demolition jobs meet the maximum tonnage in a day, then the member towns and customers cannot be accepted for that day. Paul SantaBarbara submitted to the Commission a report of the truck trips for the two quarters since they started operation in October. (Copies were made available to the audience.) The reports are processed by computer and reported directly to DEP.

**Questions by Commission Members:** Janet Edgerton, Jane Samuels, Nancy Fischbach, Tom Walsh. Mr. SantaBarbara discussed the tonnage with the Commission members. The size of the trucks and tonnage vary. A set number of trucks are run every day. For clarification, Mr. SantaBarbara indicated that the application is for a maximum 350 tons per day and not an average. Joe Tinnerello noted that the increase will allow flexibility. Recycling of cardboard will also be added. Business fluctuates on a seasonal basis.

Mr. SantaBarbara reviewed the quarterly report of truck trips. Mr. SantaBarbara stated that an average for the week will not fluctuate. Some days may meet the maximum tonnage for the day. Reference was made to March 13 and 14 on the report; the number of round trip trucks was the same, but the tonnage differed from 198.94 to 129.34. Mr. SantaBarbara reviewed specific days in the report. The operation would be shut down for the day when the maximum tonnage has been met. Mr. SantaBarbara noted that the state of the art facility is very neat and is park like. ZEO Jefferson noted that the maximum capacity was met eleven days during the six months and asked if it was cyclical or if the business is progressing. Mr. Tinnerello stated that there will be more tonnage during the summer months when there are demolitions taking place. Mr. SantaBarbara noted that the state does not allow averages for capacity.

Mr. Tinnerello noted that reports are filed quarterly with the State and there are periodic inspections for hazmat. The State mandates asbestos monitoring and ground water monitoring. The applicant submitted for the record a copy of the Personal Air Monitoring Results for Airborne Lead and Asbestos prepared by Anchor Engineering Services dated June 6, 2008.

**Public Comments:**

1. Art Nedobity of Winthrop, asked if the report shows the trips going out.

Mr. SantaBarbara noted that the total trucks column represents the round trips, including the trucks that leave the facility with the material and return empty. Mr. SantaBarbara noted that the trucks make trips three or four times a day on Route 80. The inbound trips may average three in an hour and outbound an average of five to six per day.

2. Ron Larsen of Winthrop Road, noted that the tonnage in and then tonnage out is not the same material and asked where the container is stored while it is filled. Storage containers are inside and outside. Mr. Tinnerello stated that the scrap containers outside are covered with a vinyl tarp. Mr. Larsen noted that he contacted the Town when he had followed a truck on Route 80 that came from the facility and was spilling material on the road. Mr. SantaBarbara noted that he had contacted the driver regarding the incident and also sent one of his employees up Route 80 to pick up the material. He noted that the company is no longer hauling for them. No reports have been received since that time.

3. Chris Fish of Piano Works, clarified that the trucks come in from all points, dump the material inside the facility and leave empty. Mr. Fish asked if the emissions from the trucks have been considered due to age of diesel trucks. Mr. Tinnerello noted that the trucks that haul to Ohio are in the area and are contracted to remove the material. Mr. Tinnerello and Mr. SantaBarbara noted that the trucks from their companies and the smaller companies are all newer vehicles.

4. Mike Spanner, of High Street, spoke in opposition to the application. Mr. Spanner noted that the increase of cardboard may mean more trips as it is lighter than demolition. Increasing of cardboard may not be good for Deep River. Mr. Tinnerello noted that the cardboard may be a small percentage of the demo; the cardboard is compacted. Mr. Spanner asked how the material is recorded. Mr. Tinnerello stated that there is a state certified scale which generates quarterly reports. Mr. Spanner expressed concern about the increased number of trips and the trucks going by the neighbors of the facility.

5. Fred Jordan, 334 West Elm Street, read for the record a letter which he submitted to the Commission prior to the hearing in objection to the application. He noted listening to the jake brakes on the trucks when they go by his house. He noted concern for asbestos and control over what is in the dumpsters, the proximity of the Town park, and school track teams that train on the roads. Mr. Jordan noted that a week ago he heard a metal sound on the road and later found a 10 foot long piece of steel, weighing about 40-45 pounds, in the street near his house. (Mr. Jordan brought the 10 ft. steel to the hearing.) It is unknown what the steel may have fallen from. He noted concern for the safety of pedestrians, bicyclists, and vehicles.

6. Richard Strukus, Bushy Hill Road, noted that he saw the road when it was being built in the industrial park and it was not built to handle the amount of truck traffic per day. The ZEO noted that it is a town road.

7. Frank Santoro expressed agreement with Fred Jordan's concern regarding the number of trucks from a potential expansion. He suggested imposing conditions regarding the number of trucks. He indicated that the Commission may be able to work with the applicant regarding limiting truck trips. Mr. Santoro noted that the Town bulky waste site will have to close when it reaches a level set by the state, and noted that something may be able to be done to integrate the business and the Town location. Reduction of the number of truck trips would be recommended.

8. Robert Lunn, West Elm Street, noted concern regarding the truck traffic and speed on West Elm Street. He noted that he has contacted the police regarding the speed in the area, particularly between Deep River Oil and the stop sign at Winthrop Road. He asked that businesses be responsible. Commission members noted that the neighbors should address traffic concerns to the Board of Selectmen and police.

9. Chris Fish, Piano Works, also noted concern regarding particulates and noise pollution. He asked that the definition of trucks be identified.

10. Doreen Jordan, 334 West Elm Street, noted that she has attended Selectmen's meetings asking for a blind driveway sign to be installed and has not be successful. She indicated that the State has said that it is the town's responsibility to install blind driveway signs.

11. Sue Huybensz, 38 Fairview Avenue, noted that she was not against the business but felt it is in the wrong location, which is adjacent to the town park and a vibration sensitive business located in the industrial park.

Mr. SantaBarbara noted that the landfills where everything is dumped on the ground are being closed. The business operation is inside. He noted that blasting from Haynes would cause more vibration than the trucks.

12. Margo Hilfinger, Westbrook Road, noted concern regarding truck traffic on West Elm Street and Route 80 and the noise and fumes from the trucks. She asked what the business brings into the Town for taxes. Commissioners noted that the taxes are not relevant to this Commission.

13. Fred Jordan noted concern about devaluation and damage to property.

Mr. SantaBarbara stated that an intensive traffic study had been done. Chairman Kastner noted that the Town's intention is to place traffic counters at the entrance to Haynes and at the beginning of Commercial Drive, which would differentiate between heavy vehicles and cars.

14. Frank Santoro noted that the traffic counters would help identify truck trips.

Information received from the applicant by letter of April 11, 2008 was submitted for the record, which includes traffic counts from 2004.

15. Jim Olson, 41 Winthrop Road, noted that he is one of the closest neighbors and has lived there most of his life. He noted that the facility is spotless and it is a needed operation. He noted that there has always been truck traffic in that area and Route 80 is a state road and West Elm Street is the access to Route 9. He noted that speed is an issue in the area and enforcement may make it better. He indicated that there has always been traffic in that area and there always will be.

16. Pat Czepiel, 263 Winthrop Road, noted concern for the traffic and the speed of the trucks on Route 80.

17. Cathy Schultz, Cedar Swamp Road, recommended the traffic study. She noted the speed and the noise of the traffic.

18. Art Nedobity asked if the material processed through the facility is stored over a maximum of 48 hours. He noted that if demolition, may come from a condemned building or contaminated site, how would the surrounding areas be protected.

Mr. Tinnerello noted that they do not haul soil. Mr. SantaBarbara noted that they do not know what will be in the load that comes in. The site should be tested before a building is demolished. Towns require permits for demolition.

18. Ron Larsen asked if the Town inspects prior to demolition. Inspections would be a building official responsibility.

Concrete and tires are stored outside the facility under tarps. The ZEO noted that she has inspected the site and monitored truck traffic, but does not inspect the dumpsters. Mr. Tinnerello noted that DEP inspectors randomly visit the site. The reports submitted to DEP break down the material that is processed.

**Correspondence:** Secretary Edgerton noted receipt of a letter dated June 3, 2008 from Peter Lewis of Huckleberry Drive in opposition to the application.

The Commission inquired and determined that there were no tenants from the incubator buildings or the industrial park present.

The Commission discussed continuing the public hearing pending the completion of a traffic study. The applicant agreed to an extension of the public hearing. Mr. SantaBarbara submitted a written statement agreeing to an extension to August 13, 2008 to complete the public hearing.

A motion was made by Nancy Fischbach and seconded by Jane Samuels to continue the public hearing on the application to Wednesday, July 9, 2008 at 7:00 p.m.; if the traffic information is not available at that time, the public hearing will reconvene on Wednesday, August 6, 2008 at 7:00 p.m. Voted Unanimously.

A motion was made by Nancy Fischbach and seconded by Jane Samuels to adjourn at 9:05 p.m.

Respectfully submitted,

Nancy J. Howard  
Recording Secretary