

**TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
MARCH 16, 2023
TOWN HALL – SECOND FLOOR MEETING ROOM
7:00 PM**

Board Members Present: Eric Carlson, Chairman
Allison Lasso
Catherine Miller
Pat Levine
Nicole Chase

Others Present: Josh Risen, Board Administrator
Kasey McGhee and Denise Schillaci, of Anchor Concrete/Oldcastle Retail, Inc.
Members of the Public (Sign in Sheet Attached)

7:00 PM Continuation of a Public Hearing - Anchor Concrete/Oldcastle Retail, Inc. application for a Special Permit for expansion of pre-existing, non-confirming use and a Variance to allow building height to exceed 35 feet at 43 Clayton Road, Assessors Map 8 Block and Lot: 1-6, Book 1241 Page 21 in the Rural District.

Chairman Carlson called the public hearing to order at 7:00 PM, and requested that K. McGhee speak on behalf of Oldcastle's application. K. McGhee began by stating what Oldcastle has done since the last meeting to mitigate the neighbor's concerns. Oldcastle purchased a decibel measuring device to determine the levels of noise being emitted and submitted a graph showing the averages. A discussion regarding the noise level emitted by Oldcastle's production ensued. Chairman Carlson informed the board that according to the Sheffield Zoning Bylaws there is a maximum decibel level and that according to the graph they are not within the permissible scope of noise. N. Chase asked if the neighbors of Oldcastle have made noise complaints to Canaan Connecticut, as that is where the majority of the noise is coming from. K. McGhee informed that board that Canaan Connecticut doesn't have a noise ordinance.

She went on to describe how Oldcastle has installed new lights to address the lighting concerns and that they have addressed the equipment failure which was attributed to making the loud noise described at the previous meeting in January.

A. Lasso mentioned that the Sheffield Zoning Bylaws requires that the noise be measured at the property line whereas, Oldcastle's measurements appear to have been performed at each of the four corners of their production building and then took an average of the readings. A. Lasso asked where most of the noise is coming from and was informed that the loudest period for production is when the flatbed trucks arrive to drop off materials. However, K. McGhee stated that there are many trucks operating in that area, some of which are not a part of the production at Oldcastle but rather belong to Century Aggregates Inc.

J. Clayton, a member of the public, inquired as to what type of decibel reader was in use, whether it was being used by a third party professional and if the device was properly calibrated. J. Clayton informed the board that the decibel level readings should be viewed as suspect, as the noise levels seemed to be well beyond what was presented by Oldcastle.

A discussion about the amount of dust generated by Oldcastle ensued. J. Clayton informed the board that there is so much dust generated by the applicant that it is not possible for residents to drive in their cars near 49 Clayton road without them being completely covered in particulates. K. McGhee addressed the dust concerns by saying that Oldcastle pays twice a month to make use of Century Aggregate's watering truck to minimize the amount of dust generated. Additionally, she said that the dust is not coming from any of their silos as they have filtering controls in place so that only air escapes from the silos. The dust could be coming from the piles of materials, or could be escaping from a defective piece of equipment. K. McGhee further stated that Oldcastle is not the only dust emitting source, but rather just one of several.

Chairman Carlson asked how the piles are moved into the production line. K. McGhee responded that the piles of materials are moved into the silos by a loader and that this process contributes to the dust. K. McGhee stated that if their application was approved it is likely that the dust would be reduced because there would be less trucks bringing in loads of material, and that the trucks would be emptied directly into the silos avoiding the use of piles and loaders. J. Clayton responded by pointing out that the trucks bringing in the raw materials often remove the cover on their trucks prior to reaching the unloading area and that is another cause of the dust. J. Clayton requested that Oldcastle monitor the incoming trucks to ensure that this doesn't continue to happen.

T. Zetterstrum, a member of the public, took this opportunity to again voice his concerns about the dust and overall negative impact that Oldcastle has had on the community. A discussion of the conditions that were imposed in 2014 when Oldcastle previously came before the Zoning Board of Appeals ensued. The Board felt that the conditions that were set in the past were never monitored or enforced and they want to avoid making the same error again.

P. Levine made a motion to close the public hearing, seconded by C. Miller. The motion carried unanimously.

P. Levine asked the Board if a decision on this matter had to be reached immediately or if there was an option of doing an additional continuation. A. Lasso informed the board that she had been in communication with the Town Administrator and based on that conversation it was determined that the Board should try to decide the matter as soon as possible. A discussion of how to monitor and enforce special conditions ensued.

Chairman Carlson said that it is very difficult to approve the application because there is no plan in place to reduce the detriment to the neighborhood, and the board doesn't have the manpower to monitor and enforce the special conditions. A discussion ensued concerning if the increased size of the silo would translate into an increase in the detriment to the community.

N. Chase asked what actions Oldcastle is planning on taking to become better neighbors. D. Schillaci responded by saying that Oldcastle is now under new management and that they are planning on reducing carbon emission and other particulate pollution and to increase the safety of the workers and the community. N. Chase asked about setting up ongoing meetings between Oldcastle and the neighboring community to address these concerns.

N. Chase moved to approve the application for Anchor Concrete/Oldcastle Retail, Inc. for a Special Permit for the expansion of pre-existing, non-confirming use and a Variance to allow building height of the silo to exceed 35 feet at 43 Clayton Road, Assessors Map 8 Block and Lot: 1-6, Book 1241 Page 21 in the Rural District with the following conditions:

- 1) The noise limits are to confirm with 7.2 of the Sheffield Zoning Bylaws*
- 2) To maintain ongoing dust control as conditions warrant*
- 3) Lights not to exceed current levels with the exception of the safety lights that have to go on the new silo*
- 4) No increase to the hours of operation.*

Seconded by P. Levine. The motion passed unanimously by roll call.

Approval of Minutes

The Board reviewed minutes from January 17, 2023. P. Levine made a motion to amend the January 17, 2023 minutes by inserting the following words, "and 3 from Ashley Falls" to paragraph 7 on page 2 of 3, seconded by N. Chase. The motion carried unanimously.

The Board reviewed minutes from February 7, 2023. C. Miller made a motion to approve the February 7, 2023 minutes, seconded by P. Levine. The motion carried unanimously.

P. Levine made a motion to adjourn the meeting, seconded by C. Miller. The motion carried unanimously.

Chairman Carlson adjourned the meeting at 9:18 pm.

Respectfully submitted:



Josh Risen
Board Administrator

Documents Reviewed at this Meeting:

- Minutes,
- Anchor Concrete/Oldcastle Retail, Inc. Application.

Sheffield Zoning Board of Appeals

Date: March 16, 2023

Name – PLEASE PRINT	Street, Town
1. Kasey + Ted McGhee	260 Housatonic River Rd Salisbury CT
2. Denise Schillace	21 Walnut St Perry NY
3. Jared Clayton	125 Canaan Clayton Rd Ashley Falls MA
4. Russell & Cheryl Dente	16 Clayton Pk Canaan CT
5. Tom Zeffersham	84 Clayton Rd "
6. Kim Casey	115 Clayton Rd. Canaan, CT
7. Martha Viera	747 Polikoff Road
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