

TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
JANUARY 17, 2023
TOWN HALL – SECOND FLOOR MEETING ROOM
6:30 PM
(Revised)

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

Others Present: Members of the Public-Sign in Sheet Attached

6:30 PM – Continuation of deliberations regarding the Administrative Appeal filed by John Muller regarding 1515 Boardman Street.

Chairman Carlson called the meeting to order at 6:31 and stated that this is a continuation of the Board's deliberations.

P. Levine identified several corrections that she requested be adopted into the draft decision. Specifically, she asked that statements regarding site visits be removed and noted a few typos.

P. Levine stated that she thought the Board included septic parts and commercial storage as a fifth use that needed to be addressed. Chairman Carlson asked K. Wilkinson, owner of 1515 Boardman Street, a question concerning septic parts to which J. Muller objected saying that his attorney was not present. It was the consensus of the Board that those materials had been moved and that they were happy with the four issues listed in the appeal and therefore would not be included in the Decision.

Chairman Carlson read the amended Decision into the record as well as the findings with regard to the commercial uses that are not allowed at 1515 Boardman Street.

P. Levine made a motion to accept the Decision as amended seconded by C. Miller. Chairman Carlson called for a roll call vote was as follows:

E. Carlson – Aye

N. Chase – Aye

A. Lasso – Aye

C. Miller – Aye

P. Levine- Aye

The Board discussed the minutes from the December 7, 2022 meeting. P. Levine stated that she would like the minutes amended to remove any reference to site visits. P. Levine made a motion to accept the minutes as amended, seconded by C. Miller. The motion carried unanimously.

Chairman Carlson suspended the meeting until 7 pm.

Chairman Carlson opened the continued hearing from Oldcastle/Anchor Concrete at 7 pm and read the notice for a Special Permit for expansion of a pre-existing, non-confirming use and a Variance to allow a building height to exceed 35 feet.

Bob Fournier of SK Design Group was present and introduced Kasey McGhee (Plant Manager) and Denise Schillaci (Regional Manager) for Anchor Concrete. He then gave an overview of the project and stated that this expansion would be very similar to one which took place in 2014 that was permitted by the Zoning Board of Appeals at that time. The new silo height would be a maximum 70' (whereas the Sheffield bylaw allows for only 35'.

R. Fournier presented enlarged maps of Anchor's site both in North Canaan, Connecticut and in Sheffield. This use existed before zoning was enacted. In Anchor's opinion the expansion will not be any more detrimental to the neighborhood.

Chairman Carlson stated that with a third silo more material would be brought in for efficiency and would ultimately increase capacity for Anchor. K. McGhee stated that the new silo would not increase capacity but would allow them to store the needed materials so that they did not have to empty and refill with different materials when mixing, which currently requires additional truckloads of bulk materials. The production line will not be increased; this is a production efficiency project.

D. Schillaci stated that this project will give increased flexibility, so that they can switch orders more efficiently. D. Schillaci acknowledged that sales have increased but this specific location is essentially operating at capacity and therefore, they are not expanding these operations.

A discussion concerning the lighting ensued in which Anchor indicated that they would be willing to put timers on the silo lights. The lights are on for safety, especially when running a second shift. There are lights owned by Eversource that are not under the control of Anchor. The facility operates 24/7 in the summer (mid-March to October) and the lights are necessary for safety.

C. Miller asked about the constant noise, which can be heard in Ashley Falls. Anchor asked if all of the noise was specific to their business. Discussion continued regarding what parts of the business created noise. C. Duntz, CT resident, played a recording of the noise. The representatives of Oldcastle indicated that they thought the noise was due to a defective screw and that they would look into remedying the issue and stated that they wanted to be good neighbors.

N. Chase asked the following questions: if this is approved will there be more lights? Yes, they will have to have lights on the new silo and Anchor is willing to make modifications so as not to intrude on neighbors. Will there be an increase in noise? No the silo does not create noise other than a puff of air for dust control. Looking at the abutters list, only one – in Sheffield? Yes, there is only one abutter in Sheffield.

Tom Zetterstram, CT resident, presented a statement signed by more than 12 residents of Clayton Road, Canaan CT and 3 from Ashley Falls, who wish to comment and object to the issuance of the Special Permit and Variance. He cited Section 5.2 of the Zoning Bylaws regarding issuance of permits that detrimentally effect the neighborhood. He expressed his concerns with the growth of business. He referenced the two conditions issued with the 2014 permit that are not followed by the company. The issues are noise, dust, lights and increase in operations. He distributed packets regarding the issues.

N. Chase asked if any of the abutters who signed the statement had brought their complaints regarding noise, dust etc. to the Town of North Canaan. No, they have not, but they plan to do so. Chairman Carlson stated that residents should bring their concerns to the Zoning Enforcement Officer in Canaan, if there is one. He also stated that the new silo is not the source of all of the issues that residents are having.

Kim Casey, (a resident of CT), said she was a resident of Canaan but her property extends into MA and she pays taxes in Sheffield, so she should be afforded the opportunity to discuss this. D. Schillaci asked if the residents knew they were abutting an industrial business when purchasing their homes. Residents stated their concerns with the business growth since they purchased their properties. K. Casey presented an aerial photo of Anchor in 2012 and compared to existing and expressed her concerns with the property.

Steve Pollock, CT resident, stated that he does not understand how to rationalize the idea that the expansion of the silo would not increase the business' production. He also requested that Oldcastle substantiate their claims that the business would not be expanded by supplying corporate documents forecasting the expected business for the upcoming year.

Chairman Carlson stated that the Board will have to weigh this application against the three-prong Powers Test and further stated that this Board cannot address the effects on CT residents and asked Anchor to look into some of the issues that have been stated tonight. A. Lasso stated that in her opinion the Board can only say yes or no to this decision, if no, Anchor cannot come back for two years, but could withdraw

without prejudice to address some of the issues. A. Lasso further stated that the Board has to see something done for the complaining resident or else she is not going to vote for the expansion of the silo. A. Lasso said this was because in 2014 the conditions were not followed and the business has expanded.

A discussion continued and Anchor indicated it would not be averse to mitigating some of the problems and a possible continuance of this hearing. A. Lasso reminded the Board that the continuation would have to be compliant with the requirement to act within 100 days. Chairman Carlson stated that the production is in CT, so it would be difficult to enforce. The Board discussed the date for the continuation and it was the consensus of the Board to allow 2 months for a continuation.

C. Miller moved to continue this hearing to March 16, 2023, seconded by N. Chase. 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 8:00 pm.

Respectfully submitted:



Josh Risen
Board Administrator

Documents Reviewed at this Meeting:
Administrative Appeal filed by John Muller regarding 1515 Boardman Street