APPROVED

MINUTES OF THE TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
REGULAR MEETING OF JANUARY 4, 2016

A regular meeting of the Town Plan and Zoning Commission for the Town of Woodbridge was held on Monday, January 4, 2016, in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.

ROLL CALL

PRESENT:	Jeff Kaufman, Chairman, Allen Lipson, Philip DeGennaro, Kathleen Wallace, and Alan Tyma
ALTERNATES:	Stephen Skowronek, Andrew Skolnick, and Andrew Pels
EXCUSED:	Laurence Greenberg
ALSO PRESENT:	Terry Gilbertson – Agency Enforcement Officer Robert Criscuolo – Agency Consulting Engineer Kristine Sullivan - Land Use Analyst Anthony Anastasio- Board of Selectmen's Liaison

The Chairman called the meeting to order at 7:33 p.m. Andrew Skolnick was seated for Commissioner Greenberg in his absence.

PUBLIC HEARING CONTINUATION

VA VIZZO: 110 LUCIANI STREET

Application for special permit for excavation, removal, filling, grading and processing earth products related to the residential site development of 110 Luciani Street.

Robert Uskevich, Attorney representing the applicant, was present to speak regarding this application. Mr. Uskevich stated:

- When we left the previous public hearing I knew there were concerns of your Commission and answers that you are still looking for, but it appeared to me that there were three major issues that you wanted some more input on.
- The first of which was the integrity of the trees above the rock cut.
- I have electronically submitted a report from an arborist who inspected the trees.
- They have concluded that the trees are currently safe.
- They do not feel that any blasting would compromise the integrity of the trees.
- The arborists are prepared to re-inspect after the blasting occurs if blasting is permitted.
- The second issue is the blasting, and we have asked our blaster to attend this evening's meeting to answer any questions about the blasting procedure itself.
- The third major concern is the integrity of the rock cut.
- Our geo-tech engineer is here tonight and has submitted an updated report.

Agency Consulting Engineer (ACE), Robert Criscuolo, reviewed the report received from the applicant's geo-tech and discussed his concerns. When there is blasting and there are fissures broken in the rock and we are going through the winter periods and freeze thaw cycle, and water in it, and time, will some of this rock slope off the slope and be an issue for the future owner of this property. ACE Criscuolo recommended inspection of the rock base

after, and a report at the very minimum if the Commission does choose to approve this because it needs to be looked at after. There are still some open items, like requests for waivers and bonding. The edge of the house is approximately at that one corner, 8 feet away from the toe of a 25' vertical rock cut.

Attorney Uskevich stated for the record, we did submit a written request for waivers which I believe is in the file.

Chairman Kaufman reviewed the waivers requested which were: Section 7.4(a) to grade within 50 feet of the public road and property line, Section 7.4(g) of the 1:3 (vertical – horizontal) of final grade and slopes, and Section 7.4(m) 100 feet dustless surface and crusted stone shake down area.

Attorney Uskevich agreed with Chairman Kaufman that the listed waivers are what they requested.

Commissioner DeGennaro questioned ACE Criscuolo that if, since he was a part of this application back in 2013, is he more concerned about this application now, knowing what he knows about the site and what needs to be done to develop the site, than he was then?

ACE Criscuolo believes back then there were retaining walls and now you have the slope. The retaining walls were to be designed by a professional engineer. Long term stability of this slope is a big concern so it's a different application.

Herbert Lobdell, Geotechnical/Civil Engineer, commented on ACE Criscuolo's concerns. Mr. Lobdell noted:

- There is nothing really to add to the original report after having read over the review of the up-to-date site plans.
- In my report it was indicated that the rock was stable and any weathering or chipping off due to frost would actually be very minor.
- To determine the stability of the rock with respect to this property, I took sections of the site and found the existing slopes were a little more than 1 on 2.
- In observing many rock cuts throughout the state I have found that most of the rock cuts that I have observed have been in the order of 1 on 5.
- In many cases the rock cuts throughout the state in that type of slope are even steeper.
- The standards are the same whether commercial or residential. You have the same problems.
- The date I visited this site alone was noted in my report.
- The type of rock was described in this report.
- There may be some minor weathering.
- In my report I noted that if erosion was more severe than anticipated, a chain link covering over the slope could be pinned down to prevent what we refer to as rock fall.
- With the proper grading as indicated in the plan I don't think we will have a runoff/rock fall problem.
- Because of the nature of the rock, any rock falling down would be very small.

- The rock itself by nature is made up of many small pieces. You wouldn't have boulder size rock tumbling down.

- The drainage is important on the top of the hill.

Commissioner Tyma spoke regarding the original application which did not anticipate blasting. He questioned if the blasting would now affect the future of this rock and if starting blasting is going to upset the rock.

Mr. Lobdell responded that a blaster in apprising the situation would see that it makes sense to do the blasting so we would remove small pieces and not remove big chunks at one point. By spacing and the depth of the drill holes you can control what's going to be removed from the slope. Any future blasting should be controlled and they should not remove any big chunks larger than 4-5 inches. If the blasting is done correctly, it shouldn't create any long term problems. At the time of my visit to the site there was a fence there so I could not climb on to the slope but I got close to it. I didn't physically take a piece of rock off of the slope. The integrity of the rock should be stable indefinitely unless it were disturbed by erosion which may cause small chips to fall off but with a smooth slope and controlled drainage there shouldn't be any problem.

John D'Ambruoso from D'Ambruoso Blasting was present to answer any questions or concerns from the Commission. Mr. D'Ambruoso described to the Commission the steps that would be taken to blast at the site and the different options they may use. There was no guarantee given that they would take no more than 4-5 inches off at a time. The pieces cannot be made that small. No one can ever guarantee there will never be fissures. There's natural things that occur on mountains all of the time. We do this all of the time and it's almost always perfect. The estimated schedule of drilling would be about 2-3 days and blasting may be about 2-3 days. Pre-blast inspections are performed on every house within 250 feet to protect the homeowners and us. Every house will be inspected by an independent company, and then a seismograph is put up on each side. The drilling will be louder than the blast. No one can guarantee that nothing is going to happen with anything.

There was no one present to speak in favor of this application.

The following people were in attendance to speak in opposition of this application:

- *Michael Walter – 66 Luciani Road, Woodbridge, CT*
- *Judy Cooper - 270 Amity Road, Woodbridge, CT*
- *Dr. Louis Cofrancesco – 319 Sperry Road, Bethany, CT*
- *Attorney Donald Celotto – Office located at 396 Orange Street, New Haven CT*
- *Joseph Yasick – 3 Ariel Road, Woodbridge, CT*
- *Rosalie Rowland – 102 Luciani Road, Woodbridge, CT*

Mr. Walter expressed his concerns to the Commission and stated that he resides 12 houses away from this site and the noise from the previous hammering was heard down where he lives. Mr. Walter also owns a home at 95 Luciani which is approximately 250 feet from the site that has a 60 year old foundation and he is concerned with the blasting. To date there has not been anything done in any sufficient manner at all with this application. Proper

drainage has not been completed, removal of the orange fence has not been done, and the removal of the fill over the existing drainage culvert has not been corrected. If the new application is granted, would they meet the new deadlines? Will the owner be selling or

renting this property? If funds run out, what will the outcome be? Drainage coming off the wall is another concern. I believe the only responsible decision for the Commission is to deny this application, make the owner restore this lot to some kind of resemblance of what it was, and put in permanent safety and drainage fixtures.

Ms. Cooper was here on behalf of herself as an agent of a listing at 115 Luciani. Ms. Cooper expressed her concern that the property is still on the market and it is coming down in value. People don't even want to come in for the open houses. This will bring down the value of every house on this street.

Dr. Cofrancesco added that in all the years of working for a builder in Connecticut he has never seen a building site look like this. It just doesn't feel right. How many members of the Commission have actually been to this site and seen it? If you were living next to this site, how would you feel about this whole project?

Attorney Donald Celotto was present representing Peter and Mary CoFrancesco and discussed their concerns. I am glad that Mr. Lobdell was able to come here this evening. It's apparent to me that whatever inspection he made of the subject premises was cursory at best. He has failed to answer the questions that Mr. Criscuolo has put forth. There is no definitive answer to confront and address the quite obvious concern about blasting causing fissures, frost and heave, further cracking, and perhaps subsequent rock fall. A fence, at best, contains rock fall but it doesn't prevent it. Mr. D'Ambruoso even said "it's almost perfect". This is a project that has to be absolutely perfect and nobody can safeguard for that eventuality. I think the application sinks on its own presentation and should there be any impulse to grant this, I think you need to consider very carefully that there should be no waivers granted and God knows how much money should be required of this applicant for bonding.

Mr. Yasick expressed his concerns about what happens after the blasting. There will still be a cliff here. His concern is the safety and the liability.

Rosalie Rowland brought up her concerns with the owner not checking the site and not providing the proper erosion control reports. Other concerns expressed were the noise from the blasting, the silt fencing that has not yet been corrected, the yellow markers were put up the last day the permit expired, and the devaluation of the home values within this neighborhood.
**Rosalie Rowland provided the Commission with photos of water coming from the hill of the wall behind Stop and Shop for the Commission to review.*

Ms. Cooper then questioned if this application is denied, what will happen to the blasting that has taken place and how can that possibly be put back.

Commissioner Kaufman responded to Ms. Coopers question by stating that he is not under the understanding that we can make them do anything.

There being no further comments, the hearing was closed. After discussion, during the Work Session, the Commission acted as follows:

**** Commissioner Lipson motioned to deny the application based on the Commission's decision not to grant waiver #2 requested in the December 8, 2015 letter of Attorney Robert J. Uskevich submitted on behalf of the applicant, V.A. Vizzo, LLC, for a waiver of Section 7.4(g) of the 1:3 (vertical – horizontal) of final grade and slopes.**
The Commission decided that concern for public safety required denial of the waiver after it was determined that the applicant did not provide sufficient evidence to meet the burden of proof on this issue.
Without that waiver being granted, the application could not be approved as submitted.
**** Commissioner Tyma seconded**
**** Voting for: Commissioners Kaufman, Lipson, DeGennero, Wallace, Tyma, and Skolnick**
**** Opposed: No One**
**** Abstained: No One**
Unanimous Approval

RECEIPT AND APPROPRIATE ACTION ON APPLICATIONS AND 8-24 REFERRALS RECEIVED SINCE THE DECEMBER 7, 2015 MEETING OF THE COMMISSION

WORK SESSION

REPORT ON ACTIVITIES OF THE SCRCOG
There was no discussion of this agenda item.

DISCUSSION OF REGULATIONS
There was no discussion of this agenda item.

CORRESPONDENCE RECEIVED
There was no correspondence received this evening.

APPROVAL OF MINUTES

- **Regular Meeting, November 2, 2015**
  **** Commissioner Tyma moved to approve the minutes with correction that Skolnick was in attendance and other typographical corrections.**
  **** Commissioner Lipson seconded**
  **** Voting for: Commissioners Kaufman, Lipson, DeGennaro, Wallace, Tyma, and Skolnick**
  **** Opposed: No One**
  **** Abstained: No One**
  Unanimous Approval

- **Regular Meeting, December 7, 2015**
  ****** **Commissioner Lipson moved to accept the minutes as submitted.**
  ****** **Commissioner Tyma seconded**
  ****** **Voting for: Commissioners Kaufman, Lipson, DeGennaro, Wallace, Tyma, and Skolnick**
  ****** **Opposed: No One**
  ****** **Abstained: No One**
  Unanimous Approval

MEETING ADJOURNMENT

** **Commissioner DeGennaro moved to adjourn the meeting at 9:37 p.m.**
****** **Commissioner Lipson seconded**
****** **Voting for: Commissioners Kaufman, Lipson, DeGennaro, Wallace, Tyma, and Skowronek**
****** **Opposed: No One**
****** **Abstained: No One**
Unanimous approval

Accordingly, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Ms. Tammy Riccitelli
Recording Secretary