

## NORFOLK PLANNING & ZONING COMMISSION

Regular Meeting  
Norfolk Town Hall  
June 13, 2023@ 6:30 p.m.

### Minutes

**Present:** Tom Fahsbender-Chair, Chris Schaut, Paul Madore, Melissa Renkert, Marion Felton, Kevin Gundlach, Wiley Wood (alternate), Edward Barron (alternate), Steven Landes (alternate)

**Also Present:** ZEO Michael Halloran

1. **Call to Order**-6:30 pm
2. **Roll Call** –Steven Landes will sit for Jonathan Sanoff. Edward Barron will sit for Marion Felton.
3. **Agenda Review**- None
4. **Public Comment**- None
5. **Approval of Minutes**-
  - A. Amended roll call. Edward Barron will not be seated for Marion Felton, she arrived at 6:35.  
Chris Schaut made a motion to approve May 9, 2023, minutes as amended, seconded by Melissa Renkert, and approved unanimously.
6. **New Business**-
  - A. **Public Hearing 6:35 PM, #23-012 Application for an Accessory Dwelling Unit 3.05D Marc Tonan and Mari Consolini 290 Bruey Road. Parcels 5-04/12 and 5-04/16-3.**
  - B. **Public Hearing, #23-013 Application for Modification of a Home Enterprise 3.05C Marc Tonan and Mari Consolini 290 Bruey Road. Parcel 5-04/12 and 5-04/16-3.**

Both A and B will be heard at the same time.  
Tom Fahsbender read the legal notice into the record.  
No one recused themselves.  
Roll Call into the record. All regular members will be seated with Steve Landis seated for Jonathan Sanoff.  
Mr. Halloran received Certified Mail receipts.  
Mr. Fahsbender explained that they were two separate parcels, and the owners want them to be merged. There are 2 houses, a smaller house on

Bruey entrance and a larger house on Pine Ledge Way. The application is for the smaller house to be made into an Accessory Dwelling. Application 23-013 is for the modification of the Home Enterprise approved by the Commission in 2010 to 290 Bruey to now include Pine Ledge Way property.

Marc Tonan introduced himself and his wife Mari Consolini, owners of Tonan and Consolini Landscaping Company. Mr. Tonan explained that they had been able to buy their neighbors house on Pine Ledge Way and that they have been working out of their initial property-290 Bruey, and they continue to plan to work out of that property and he said that according to zoning by-laws if you live in a different property you can't do that so he is looking to combine the two properties. He stated that his original house is under 1200 square feet which means it can be an auxiliary apartment when the properties are combined. He said that they are not looking to change anything but since the pandemic they have increased the number of vehicles but have always employed about the same amount of people, around 17. There would be no new construction. In the 2200 square foot barn on the Pine Ledge property, they would use this for woodworking on their own items not other peoples, maybe fixing tools. They have always worked in the basement of the Bruey property but he envisions on a rainy January day when they have a bunch of people inside they could use this property instead, it is what he always wanted for his employees. The existing garage with the half story above has no plumbing or running water. This may be used as an office.

Wiley Wood asked if the property was within the Natural Diversity Database Area and if so, it needs a DEEP report. It was agreed that it is not part of the Natural Diversity Database Area, so no report is necessary.

The properties are not combined yet, they will combine if this gets approved. The discussion was open to the Public.

Charlie Yard from 37 Pine Ledge Way brought in concern about the property being part of the Naugatuck River Watershed. He passed out a Watershed Area drawing dated Feb. 86, from Robert Isabelle, Civil Engineer, as well as two pages of a three page report also from Mr. Isabelle dated February 10, 1986. Michael Halloran explained that this is a Wetlands issue. Mr. Halloran also stated the only wetlands were on the southerly side of the property and more than one hundred feet from the closest structure. Mr. Yard's other concerns were that they were spraying pesticides and noise concerns.

Joel Nelson from 243 Bruey Rd read a letter and submitted it to the Commission. He voiced concerns about large vehicles coming out of Pine Ledge way as the street is directly across from his house. Any increase in commercial activity will add significant noise, dust and light pollution to his property he said. If it is approved, Mr. Nelson recommends the following conditions: all traffic related to business be prohibited from using Pine Ledge Way, all commercial activity on Pine Ledge Way would be prohibited on

Sundays, the production of firewood be limited to 290 Bruey Road and that employees be required to use 290 Bruey Road as their way of entering and leaving work.

Marinell Crippen from 100 Bruey Road had concerns about there being no cap on the number of employees the business can have or the cap on the amount of vehicles. 17 employees are currently employed. On the application there are spots for 39 cars. Mrs. Crippen said she spoke to Mr. Tonan and he said he was open to putting a cap on the number of employees and the number of vehicles. Mrs. Crippen then recommended to the Commission putting a cap on the number of employees and the number of vehicles and she seconded all that Joel Nelson asked for as well as not having a lighted sign.

Gloria Gourley from 140 Bruey Road spoke about being a neighbor of Marc Tonan since 1978 and she said he has grown this business and has been a responsible owner. She said that his trucks are responsible and friendly. She also said that it is a quiet operation.

Marc Tonan agreed with Joel Nelson and agreed that he would not want to see a lot of traffic out of Pine Ledge Way but his only concern would be that he drives a truck and he would need to drive Pine Ledge Way. The only commercial expansion would be to be able to store trucks that aren't being used on Pine Ledge Way. Pine Ledge Way is about having a house to live in that doesn't have 17 employees in the basement.

Michael Halloran noted that he started in 2010 and he has never had a complaint. Mr. Halloran also mentioned that the narrative shows that the original application has 16 employees and now only 1 more employee and a couple of more trucks. Mr. Halloran said he did get a complaint a year ago that they were using the driveway and when he went by, they were planting on the driveway.

Marc Tonan said that retail sales are about 20 to 25 a year.

Chris Schaut made a motion to close public hearing #23-012 for Application for an Accessory Dwelling unit under section 3.05D Marc Tonan and Mari Consolini 290 Bruey Road, seconded by Melissa Renkert and approved unanimously.

Chris Schaut made a motion to close public hearing #23-013, Application for Modification of a Home Enterprise 3.05C Marc Tonan and Mari Consolini 290 Bruey Road, seconded by Steven Landis and approved unanimously.

Deliberations were postponed to be able to hear the next Application.

**C. Public Hearing, #23-015 Application for Earth Excavation, blasting for ledge on site 6.04C3, Foundation for Norfolk Living, at Haystack Woods. Parcel 7-2/91-1.**

Tom Fahsbender read legal notice into the minutes.

Melissa Renkert recused herself as she is an abutter to the property. Edward Barron sat for Melissa Renkert.

Roll call-all with Edward Barron for Melissa Renkert and Steve Landis for Jonathan Sanoff.

Kate Johnson, President of Foundation for Norfolk Living, FNL, gave her certified receipts.

Ms. Johnson explained that she was at the meeting because they have hit ledge and they now require blasting to continue at Haystack Woods which is the 10 unit net zero community and they are right now in the process of putting in the roadway and the infrastructure. The project is funded by a Community Development Block Grant, CBDG grant which the town is the recipient of. It is federal money that goes to the Department of Housing and then to the town and FNL is the sub recipient. Matt Riiska, Selectman, was in attendance for the town as well as Troy LeMere, Town Superintendent, who is the overseeing the road for the town. Also in attendance was Bob Rossi from Guerrera Construction and Dave D'Ambrosia from D'Ambrosia Blasting. Ken Hrica, engineer on the project spoke next. Their goal is to get permission to blast. Mr. Hrica brought in a few boards to show and the first was the approved site plan and the new ones show the difference with the first site plan and the one they are now proposing. They found a significant knob of ledge in the hillside which reaches down into 2 of the houses. Mr. Hrica read and explained the narrative he had given the Commission. He explained that the town garage is 500' away, the cemetery shed is 700' away and closest resident is 725' away from blasting. They will provide a pre-blast survey to all close by, which is protective for both parties. He explained that luckily, they will be able to use the stone on site for the roadway and won't have to haul off truckloads of dirt. The wall will be 20' high and they will have a fence at the top for safety purposes. The volume of rock is less than estimated, which is 12,000 cubic yards. There will be 8-12 weeks of blasting and 10-12 days of rock crushing. There will be 2 phases of blasting which may or may not occur simultaneously: Mass earth rock excavation and removal where they blast and put it to a stockpile where they will crush it, then more refined blasting for trench work-drainage trenches, sewer trenches, in a much more confined blasting. Equipment expected for this operation will be 1 or 2 track drilling rigs, an excavator, and a site truck.

Equipment for blasting and excavation will be a jawed crusher and secondary crusher and separator. Access to the site will be Old Colony Road using the newly constructed roadbed. They were approved last week from Wetlands.

Chris Schaut asked what the noise reduction measures would be, and Mr. Hrica said that he has nothing stated but the contractors might when they speak. Mr. Hrica said that the Department of Transportation, DOT, was contacted by the Cemetery Association regarding the blasting and the stability of the retaining wall on Route 44. The DOT has requested to the Commission that as a condition of approval they include a supplement to their form 818 Standards which is Rock Excavation Control Blasting. The

area where there will be blasting is 1500 feet away from the retaining wall which is a significant distance. The supplement includes a much more aggressive monitoring and recording of the blasting. This document protects all parties involved. Tom Fahsbender asked for this document to be included in the documentation that Mr. Hrica gives them. There will be 2 to 3 weeks of Refined blasting the lines. Mr. Hrica says that they are confident that there will be no more ledge. Mr. Barron asked the price of this blasting and Mr. Hrica said they do not have. Chris Schaut said that that is not relevant to this application.

Dave D'Ambrosia from D'Ambrosia Blasting introduced himself and said that state regulations require pre-blast surveys for structures within 250' and everything at this site is much further than that. He explained that everything they do is documented all day long. He said that all they do is controlled blasting. Mats are laid on top of the rock so that the rock stays contained. They set up seismographs and continue to monitor after the blasting. The sound is very soft. Troy LeMere stated that blasting was done on Mountain Road with Aquarian last year for a lot longer time than this project and a lot closer to houses.

Bob Rossi, the project manager with Guerrera Construction spoke and he said that after 200 or 300' the sounds go down considerably for the rock crushing. **Public Comment**-Richard Byrne, President of Cemetery Association, 15 and 34 Old Colony Rd, said that he would like to be part of the pre-blast survey and he asked that there be no blasting done during burials.

Courtney Stenman of 53 Old Colony Rd., wondered what it would be like air quality-wise with the grinding, with dust in the air. Bob Rossi explained that they have a dust suppression system that has water that sprays that helps curb the dust when they are crushing. Courtney then asked if they would get a notice when blasting will occur. Mr. D'Ambrosia said that they have a blasting permit for a month and that they have a horn that goes off 3 times when they are about to blast.

Melissa Renkert, 59 Old Colony Rd., asked about the subgradient 300 gallon propane tank in her yard and asked if that would be an issue with the blasting. Mr. D'Ambrosia explained that the elevation is such that it would have no impact.

Nicole Christinat, 163 Greenwoods Rd., wondered if they would announce on the website when they will be blasting. Matt Riiska said that he will coordinate with Michael Halloran and make sure they put it on the website. No correspondence came in the mail concerning this project.

Edward Barron asked if anyone on the Commission thought a site visit was necessary and no one did. Troy LeMiere said he would bring any Commissioner to the site who would like to see it.

A motion was made by Steve Landis to close the public hearing at 9:12 pm, seconded by Marion Felton and approved unanimously.

**6.A Public Hearing #23-012** Melissa Renkert is back for deliberations for application #23-012 and Edward Barron is no longer sitting for her.

Tom Fahsbender said that the smaller house fits into the requirements for an accessory apartment.

Steve Landis made a motion to approve #23-012 Application for an Accessory Dwelling Unit 3.05D Marc Tonan and Mari Consolini 290 Bruey Road parcels 5-04/12 and 5-04/16-3 with the condition that the accessory dwelling unit is limited to what is the existing dwelling to the lot which is now known as 290 Bruey Road, seconded by Chris Schaut and approved unanimously.

Tom Fahsbender explained that the reason for the decision is that it is in compliance with the regulations and consistent with the town plan that accessory dwelling units are allowed under 3.05D and it meets all the requirements.

**6.B Public hearing #23-013** The Commission discussed. Michael Halloran stated that the Home Enterprise business that was at this location before Mr. Tonan bought found that it was exclusive to a boat building and repair shop. Melissa Renkert made a motion to continue deliberations for #23-013 application for Modification of a Home Enterprise 3.05C Marc Tonan and Mari Consolini 290 Bruey Road Parcels 5-04/12 and 5-04/16-3 at the July 11<sup>th</sup>, 2023 meeting at 6:45, seconded by Steve Landis and approved unanimously.

**6.C** The Commission discussed #23-015, application for Earth Excavation. Melissa Renkert recused herself again and Edward Barron will be seated for her.

Steve Landis made a motion to grant the application with the following conditions: that they accommodate DOT controlled blasting protocols, that the cemetery be included in the pre-blast survey as well as the neighbors and the retaining wall on Route 44, that they require their contractors to employ appropriate noise and dust reduction measures which were discussed by the contractor, seconded by Paul Madore and approved unanimously.

**7. Old Business-** none

**8. Bills and Correspondence-**

- A. Regular Wetlands meeting minutes of the May 1, 2023 were passed out.
- B. \$1000 for Planimetrics for the remainder of the fiscal year. Chris Schaut made a motion to approve payment of invoice #1988 for \$1000 to Planimetrics, seconded by Marion Felton and approved unanimously.

**9. ZEO report-**

Michael Halloran said he was busy last month with 3 more zoning permits. Mr. Halloran received a call from an attorney representing Ben Schiff on May 8, 2023, and said he wanted to comply and wanted to know what was happening.

Mr. Halloran told him to come in and they would talk, and the attorney never came. Mr. Halloran thinks it goes to Superior Court next.

**10. Action items and responsibilities**

- 1- The Commissioners are to consider conditions, if any, to #23-013.
- 2- Mr. Halloran will make sure that it is posted on the website when they are doing blasting.

11. **Adjournment**-A motion to adjourn was made at 10:14 pm by Chris Schaut, seconded by Marion Felton, and approved unanimously.

Respectfully submitted,



Marinell Crippen, Secretary