

NORFOLK PLANNING & ZONING COMMISSION

Regular Meeting
Norfolk Town Hall
May 9, 2023 @ 6:30 p.m.

Draft Minutes

Present: Tom Fahsbender-Chair, Chris Schaut, Paul Madore, Melissa Renkert, Jonathan Sanoff, Marion Felton, Wiley Wood (alternate), Edward Barron (alternate)

Also Present: ZEO Michael Halloran

1. **Call to Order**-6:30 pm
2. **Roll Call** -Wiley Wood will sit for Kevin Gundlach.
3. **Agenda Review**-
Michael Halloran asked to add Wetlands Minutes from May 1, 2023, and the Quarterly Newsletter CFPZA to Bills and Correspondence.
A motion was made to add #8B Wetlands Minutes for the regular meeting of May 1, 2023, and add #8C the Quarterly Newsletter from Connecticut Federation of Planning and Zoning Agencies to the agenda by Chris Schaut, seconded by Melissa Renkert and approved unanimously.
4. **Public Comment**- None
5. **Approval of Minutes**-
 - A. Special Meeting Minutes March 21, 2023
Chris Schaut made a motion to approve March 21, 2023 minutes as amended, seconded by Marion Felton, and approved unanimously.
 - B. Regular Meeting Minutes April 11, 2023
Chris Schaut made a motion to approve April 11, 2023 minutes as amended, seconded by Melissa Renkert, and approved unanimously.
6. **New Business**-
 - A. **#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. **#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 were discussed at the same time. Mr. Tonan and Ms. Consolini have purchased a property, 15 Pine Ledge Way behind their existing property at 290 Bruey Road, and they have a couple of things they want to do and the first thing they have to do is combine the two properties and make it one lot.

Once they combine the properties there will be two principal houses on the lot. The application, #23-012 is change the smaller house, which is 1156 square feet, to an Accessory Dwelling Unit. Tonan and Consolini also wish to modify the 2010 Home Enterprise approval for 290 Bruey Road. Upon approval, they would abandon the previous approval from 15 Pine Ledge Way, but they don't want to abandon it until this is approved. Once the lots are combined they will modify their 2010 special permit to include both properties.

Marc Tonan spoke and said that he and his wife want to move into the house on Pine Ledge Way and keep everything running mostly the way it is with the landscaping business using Bruey Road. The footprint would not change much. Wiley Wood asked what new uses they would use the house on Pine Ledge for. Mr. Tonan said they would not use Pine Ledge Way for much just the old work shop would be used for wood working. The garage with upstairs space will just be used for working on vehicles. That would be the only expansion. Mr. Tonan had a survey done for the 2010 special permit for Bruey Road and he had a survey done in 2020 for the Pine Ledge property. Mr. Tonan is having a Wetlands delineation map done because the property on Pine Ledge abuts his neighbors' property that has a pond.

If the Commission accepts the application and schedules a public hearing, they must have this survey a week before the public hearing.

The P&Z discussed the waivers asked for by the applicants for #23-012.

Chris Schaut made a motion to approve the waivers for the utility plan, the landscaping plan, architectural plan, construction notes, the zoning information table and erosion plan since all structures and utilities are existing because there are no changes, seconded by Jonathan Sanoff, and approved unanimously.

Melissa Renkert made a motion to accept the application and set the Public Hearing for the June 13, 2023 regular meeting at 6:45 pm, seconded by Chris Schaut and approved unanimously.

Next discussed was the application for the modification of the special permit for the home enterprise. Tom Fahsbender asked Mr. Tonan to outline the changes from the old business plan to the new one. Mr. Tonan said that they have more trucks but the same number of employees. They are mostly going to keep the business on Bruey Road, it's just to be able to live at the other property.

Chris Schaut made a motion to approve the following waivers for application #23-013: the utility plan, the landscaping plan, architectural plan, construction notes, grading site plan and the zoning information table and erosion plan since all structures and utilities are existing without any changes, seconded by Jonathan Sanoff, and approved unanimously.

Chris Schaut made a motion to accept the application for a Modification to Home Enterprise for 290 Bruey Road/15 Pine Ledge Way and schedule a

public hearing immediately following the Public Hearing for the Accessory Dwelling Unit at the same properties at the June 13th 2023 meeting, seconded by Jonathan Sanoff, and approved unanimously.

- C. #23-015 Application for Earth Excavation, blasting for ledge on site 6.04C3, by The Foundation for Norfolk Living, at Haystack Woods. Parcel 7-2/97-1**
- Ken Hrica, professional engineer and licensed land surveyor, was at the meeting on behalf of the Foundation for Norfolk Living, FNL, for a site plan modification that involves a special permit for ledge removal that will involve blasting. He said that they did prepare a rock removal plan as an addendum to the current construction process. He had previously done testing that showed no ledge on the property. He said they submitted an application to the commission to get on the agenda for a public hearing so they can keep the ball rolling and keep the construction crew on the site and working so they are moving forward and the project does not stall. Hrica said that there are currently 7 stakeholders involved that are all working together on this project to come up with the best plan to move forward which are FNL, Town of Norfolk, himself as a design engineer, the construction company, the blasting company, the State of Connecticut Department of Housing and the Norfolk P&Z. Mr. Hrica has given them a grading plan, but it is subject to change. He said there is a substantial amount of ledge. They would like to schedule a public hearing for a special permit for the removal of bedrock, an earth excavation permit. Mike Halloran said that the reason Mr. Hrica is at the meeting is because in the P&Z's standards for excavation Section 6.04 C3 states "no blasting shall occur on any site unless such activity has been specifically allowed by issuance of a special permit by the Commission or prior authorization of the ZEO". This involves blasting and removal or potentially crushing the stone and using on the site. There was concern that the application was incomplete as to amount of blasting and possible crushing of stone. Mr. Halloran said that procedurally the Commission is required to accept the application and schedule a public hearing. Mr. Hrica needs to put an application in front of Wetlands. Mr. Hrica said that it is practically feasible to go forward if they can blast and excavate it is just a matter of extent and cost.
- Chris Schaut made a motion to accept the application with the conditions that included in the application and provided before the public hearing on June 13th, 2023 immediately following the other two public hearings is a narrative which is laid out in 604.E of the regulations, go through earth excavation steps, and procedural requirements as stated in 8.09 as well as application requirements in appendix site plan permit on page 124 of the regulations, seconded by Jonathan Sanoff, and approved unanimously.

7. **Old Business-**

A Continuation of deliberation and possible vote #23-001 Special Permit Application for Recreational Facility 3.05L. A dog Park on vacant land on Westside Rd. Lot parcel #7-10/18

Edward Barron will be seated for Kevin Gundlach since he was seated for him at the last meeting. Wiley Wood is not seated at this time. All six regular members present are seated as well.

Tom Fahsbender stated that he reviewed the minutes and watched the proceedings from the last meeting and feels that he can participate in the deliberations.

Michael Halloran asked for Commission members to send conditions they might want for the application, and he shared the ideas that were sent to him. Joel Howard, member of Friends of Norfolk Community Dog Park, sent a new site plan of changes the Commission had asked for at the last meeting.

A lengthy discussion ensued.

Jonathan Sanoff made a motion to approve the application #23-001 with the conditions that follow:

1- Hours of operation at the dog park will be 6:30 AM to 8:00 PM.

2- One sign identifying the authorized use, perpendicular to the road, and meeting the requirements of 6.01B1. A second sign which will include rules of the park, on the fence perpendicular to the road, and meeting requirements of 6.01B3. Included on the rules sign will be a request for users of the dog park to not park on Westside Road.

3- Parking will be in compliance with the approved Site Plan Dated April 3, 2023, except that the handicap space be moved to the North side of the parking area. A final site plan showing the changes will be submitted and approved by the ZEO.

4- No lighting or other utilities will be connected on the site.

5- In order to meet the requirements of a recreational facility, 20 contiguous acres of the parcel shall be set aside/preserved for the Dog Park, but the only approved use will be the site plan showing the dog park. A 300' setback to the nearest property line shall be maintained around the approved site plan.

6- No Town of Norfolk resources, including but not limited to financial, materials, equipment or labor, shall be used to construct or maintain the dog park.

Seconded by Paul Madore and approved with ayes by Tom Fahsbender, Chris Schaut, Paul Madore, Melissa Renkert, Jonathan Sanoff, and Marion Felton, and a nay by Edward Barron.

Tom Fahsbender said that he would like to state for the record the reason for their decision is that the application is in compliance with P&Z regulations and consistent with town plan in Section 3.5 which recommends to preserve and protect open space and also recommends that the Commission take a proactive approach in doing things like providing opportunities for active and passive

recreation, promote ecotourism, recreation, and other activities to foster the local economy. Under Section 3.3 of the POCD, their decision supports cultural and recreational amenities.

8. Bills and Correspondence-Michael Halloran passed out the quarterly newsletter from CFPZA. He also passed out the regular Wetlands meeting minutes of April 3, 2023 as well as the May 1st regular Wetlands meeting.

9. ZEO report-

Michael Halloran talked about April Permits and his report was in the packet.

10. Action items and responsibilities

Michael Halloran will get 3 letters out for special permits for next month.

Michael Halloran will also provide approval conditions to Joel Howard. He will send letters and put the legal notice into the paper.

11. Adjournment-A motion to adjourn was made at 10:08 by Melissa Renkert, seconded by Jonathan Sanoff, and approved unanimously.

Respectfully submitted,

Marinell Crippen, Secretary