

Planning & Zoning Commission
Town of Canaan
Falls Village Town Hall
108 Main Street, Falls Village, CT 06031
June 22, 2023, 6:30 p.m.

Public Hearing: 104 Belden Street – Special Exception Application for a home-based business involving the processing of firewood (applicant, Timothy Wolf).

ATTENDANCE: Chairman, Fred Laser, Zoning Enforcement Officer, Janell Mullen, Regular Members: Greg Marlowe, Vincent Inconiglios, Doug Cohn, Stephen Koshland and Ruth Skovron. Absent, Regular Members, Ted Moy and Garret Scavotto and Alternate Member, Marc Rosen.

Others Present: Debbie Boyer, Dave Boyer, Ginnie Harris, Joe Fragale, Tim Wolf, Philip Scheller, Tom Scott, Jack Scott, Matthew Macchi, Glen Chalder, Daly Reville and Recording Secretary, Alice Macchi.

Chairman Laser called the Public Hearing to order at 6:32 p.m.

Zoning Enforcement Officer, Janell Mullen, read the legal notice into the record. It was so noted that notice of the public hearing was published in the newspaper, Republican American, twice (6/8 and 6/15/2023). ZEO Mullen confirmed the application was complete.

Presentation by Tim Wolf, which included a copy of the survey of his property, which consists of approximately 8.29 acres. Tim explained that he processes the firewood for his personal use (approximately 12 cords of wood and for his mother, approximately 10 cords). Tim explained that his day job entails tree work and that getting rid of trees is expensive, as they now have to be taken into Massachusetts. Tim advised that the cost of getting rid of the trees is what led him to processing firewood for his personal use as well as for selling any leftover wood. Tim advised on his current hours of operation, which was addressed after having conversations with various neighbors.

Public Comment:

Question by Philip Scheller, who asked for the hours of operation. Tim advised of an end time of 7:00 p.m., noted he only worked half-days on Wednesdays and indicated it was typically work he did after his day job. Tim advised that he ceased any wood processing (no chainsaws or log-splitting) on Sundays.

Comment by Ginnie Harris, abutter on the north side: Ginnie explained that she purchased the abutting property as a buffer and expressed concern over the noise activity and her lack of enjoyment of her property due to the noise.

Comment by Daly Reville that the Commission should consider establishing the decimal level of the noise and should restrict the processing of the firewood to business hours and referenced the mill in Town for this type of activity.

Comment by Joe Fragale – Joe reiterated that the noise level was high and acknowledged that the lack of noise on Sundays was really nice. Joe indicated he had no problem with Tim's work

ethic but did have a problem with the hours. Joe further commented on other noise, friends leaving at late hours of the morning, other activities and gunshots. Joe advised that he recently planted 10 trees to buffer the noise and obstruct the view of the logs and inquired if the operation site could be moved to another site on the property.

Email of June 20, 2023 from Debbie Boyer, which Janell Mullen read, which expressed concern over inadequate screening, inquiry as to the timeframe for processing the wood, and an indication that the location was unsuitable and requested that the Commission deny Tim Wolf's application.

Comment by Joe Fragale regarding concern of the entrance off 126/Belden, indicating he feels it's too large of an entrance and further feels that it would likely result in an accident at some point.

Commissioner, Doug Cohn, asked Tim about his full-time job hours. Tim indicated he worked half days on Wednesday, otherwise his time to process the wood was usually between the hours of 5:00 – 7:00 p.m. on weekdays.

Commissioner, Vincent Inconiglios, asked the applicant if it was possible to move the operation. The applicant indicated it would not be possible to move the operation location, as the property narrows and there is a quarry in the back of the property and that there's nowhere to go, as the property is also full of rock and ledge.

Commissioner Skovron commented that certainly there was a compromise that could be reached and asked about a decreased amount of business.

Tom Scott commented that a Public Hearing was not about having discussion.

Commissioner, Greg Marlowe, asked the applicant what hours could be offered as a compromise and also asked about possible other locations in Town that could be considered?

Commissioner, Stephen Koshland, commented that there are no stipulations for personal wood cutting and that a Special Permit would not be required for such use and noted that Tim's willingness to work with the neighbors should be so noted.

Commissioner Marlowe asked how much time was involved in cutting and splitting a cord of wood. Tim indicated approximately one hour to cut and split a cord of wood. Marlowe felt approximately 48 hours attributed to firewood for personal use and noted he was looking to reach a happy-medium compromise. Tim commented that he understands and doesn't want to be an issue but would like to continue with the operation.

Comment by David Boyer inquiring as to an estimate of how much wood has been cut thus far, noting that it seemed like way more than 22-24 cords of wood.

Comment by Ginnie Harris inquiring as to factoring in that the business is being conducted in a residential zone. Janell commented that the Regulations provide and allows for home-based businesses (Section 2.6; page 12).

Comment by Joe Fragale inquiring if the business needs to be registered with the State. By response, it was so noted that this was not under the purview of the PZ Commission.

Questions/comments/discussion: it was determined that the hours of operation would be the compromise. Chairman Laser commented on there being other concerns, though the hours of operation and the noise are the biggest factors. Consideration of seeking a legal opinion from Town Counsel was discussed but determined unnecessary. Commissioner Marlowe commented that he was leaning toward continuing the Public Hearing. Commissioner Koshland indicated that he was in agreement with continuing the Public Hearing. Therefore, the Public

Hearing is to remain open and any written comments can be accepted. **MOTION by Marlowe, seconded by Koshland, to continue the Public Hearing to July 27, 2023 at 6:30 p.m., approved unanimously by individual vote.**

Chairman Laser asked that the Applicant provide clarity on the site plan as to what location on the property is being used to process the firewood. It was suggested that the Applicant have further discussion with the neighbors.

MOTION by Inconiglios, seconded by Rosen, to adjourn the Public Hearing; approved unanimously.

Chairman Laser closed the Public Hearing at 7:26 p.m.