



Town of Sherman
Planning & Zoning Commission
Annual Organizational Meeting & Regular Monthly Meeting Minutes
Thursday, January 5, 2017 7:00 p.m.
Mallory Town Hall

FEB 3 2017
11:28 AM
CJH

FINAL

Members Present: J. Burruano, N. Volkmar, M. Lee, M. Sichel, T. Hollander, and Alternates: W. Knaak and R. Peburn

Members Absent: P. Voorhees, J. Finch and Alternate A. Muoio

Also: Administrative Clerk C. Branson

Absent: ZEO R. Cooper

Audience: K. Murray, and M. Josephson

Call To Order: Chair J. Burruano Called the Meeting to Order at 7:01 p.m.

Commissioner N. Volkmar Moved to re-order the Agenda to move the Annual Organizational Meeting to follow the Regular Monthly Meeting.

Seconded by: M. Lee

Vote: For: Unanimous

REGULAR MONTHLY MEETING

Public Hearing I:

39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) Application for a Special Permit to allow a horse farm on a 29.5 acre property located in the B Zone as shown on an A-2 Survey entitled "Existing Conditions Map", prepared for Kevin Murray, Owners of Record, Mary E. Coyne and James E. Coyne, Trustees, 41 Wanzer Hill Road and Wanzer Hill Road, Town of Sherman, County of Fairfield, State of Connecticut" prepared on November 7, 2014, by Arthur H. Howland & Associates, P.C.. Zone B.

Alternate W. Knaak recused himself from this Public Hearing stating he is a direct property abutter.

Chair J. Burruano opened the Public Hearing for 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) Application for a Special Permit to allow a horse farm on a 29.5 acre property located in the B zone and reviewed the contents of the application file. Secretary M. Lee read the Legal Warning into record. The Legal Warning was published in the Town Tribune on December 22, 2016 and in the New Milford Spectrum on December 30th, 2016. Six abutting property owners were notified by Certified mail on December 30, 2016. One abutter sent correspondence which will be read into record. The Applicant, K. Murray was invited to come forward to speak in reference to his application. Mr. Murray requested an extension for this application, so he can provide an updated A-2 Survey that was requested by the ZEO showing specific detail regarding exact locations of the proposed paddock, run-in shed and barn as well as wetlands on the property. The property where Mr. Murray is proposing the horse farm is on a 29.6 acre parcel which abuts another parcel of 3.5 acres which is where Mr. Murray's house is located. Mr. Murray referenced an existing A-2 survey submitted with his application which contains a sketch of the location of the proposed paddock, fencing, run in shed and barn. An existing logging road adjacent to his existing driveway will provide access to the paddock area. Mr. Murray stated at some point in the future he plans on building a home on this property. The Commission asked if he will be boarding any horses. Mr. Murray stated he would. The Commission asked Mr. Murray how many horses he will have. Mr. Murray stated between 6 to 10 horses at any given time. Mr. Murray plans to have riding trails on this property for personal use. The Commission asked if there would be farm equipment located on the property. Mr. Murray stated he would have a tractor, a bobcat, and a small excavator which would be housed in a lean-to shelter off of the proposed barn. Mr. Murray stated no other vehicles would be stored on the property. An email from abutter Jennifer Peyton was read into record stating concern regarding where the location of proposed horse area, shed, barn and manure will be in relation to her property. Ms. Peyton also recommends the Commission put a limit on the number of horses allowed on the property at any given time. A second letter was read into record from Ms. Peyton and her brother Geoff Tuba, stating they are

unable to attend the Public Hearing but would like to share their concerns regarding how the proposed horse farm may impact the future value/ desirability of their property which abuts the Murray property. The concerns shared in this letter were the same Ms. Peyton shared in her email. The Commission reviewed Zoning Regulation, Section 332 Zone B- Residence Zone, 332.1 Permitted Principal Uses, item F Farming, Subject to Section 352 Farming and Section 355 Riding Stables.

Commissioner N. Volkmar Moved to extend the Public Hearing for 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) Application for a Special Permit to allow a horse farm to the February 2nd, 2017 Regular Monthly meeting at Mallory Town Hall beginning at 7:00 pm.

Seconded by: M. Lee

Vote: For: Unanimous

Public Hearing II

Proposed Amendment to add the following shown in *italics* to the Sherman Zoning Regulations, Section 324.1A. 1 Accessory Dwellings (a) and Section 324.1.A.2 Accessory Apartments (a):

324.1A. 1 Accessory Dwellings-

AMEND (a.) The principal or Accessory Dwelling shall be occupied by the property owner who shall be a natural person or persons.

ADD *Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.*

324.1.A.2 Accessory Apartments

AMEND: (a.) The principal or Accessory Apartment shall be occupied by the property owner who shall be a natural person or persons.

ADD *Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.*

Chair J. Burruano Opened the Public Hearing for Proposed Amendment to Zoning Regulations Section 324.1A. 1 Accessory Dwellings (a) and Section 324.1.A.2 Accessory Apartments (a) and reviewed the contents of the application file. Secretary M. Lee read the Legal Warning into record. The Legal Warning was published in the Town Tribune on December 22, 2016 and in the New Milford Spectrum on December 30th, 2016. Nine abutting Towns and Agencies were notified by Certified mail on November 17, 2016. One agency, Northwest Hills Council of Governments sent correspondence which stated they "found no conflict with regional plans and policies or the known concerns of neighboring towns." The Commission had no questions or comments. There were no questions or comments from the audience.

Commissioner N. Volkmar Moved to close the Public Hearing for Proposed Amendment to Zoning Regulations Section 324.1A. 1 Accessory Dwellings (a) and Section 324.1.A.2 Accessory Apartments (a).

Seconded by: T. Hollander

Vote: For: Unanimous

Old Business:

Deliberation of request for an extension of Approval for Farview Farms Sub-division

Chair J. Burruano opened deliberations to consider the property owner's request to extend the expiration date an additional five years. There are eighteen lots in this sub-division of varying size as well as a considerable amount of open space. The Commission had questions for the ZEO which in his absence will be addressed at the next Regular Meeting in February.

Commissioner T. Hollander Moved to Continue deliberations for the request to extend the expiration date of Approval for Farview Farms Sub-division to the February 2nd, 2017 Regular Monthly meeting.

Seconded by: M. Lee

Vote: For: Unanimous

Deliberation of 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) Application for a Special Permit:

The Commission moved previously to extend the Public Hearing to the February 2nd, 2017 Regular Monthly meeting.

Deliberation of Proposed Amendment to add the following shown in *italics* to the Sherman Zoning Regulations, Section 324.1A. 1 Accessory Dwellings (a) and Section 324.1.A.2 Accessory Apartments (a):

Commissioner N. Volkmar Moved to Approve Amendment to add the following shown in *italics* to the Sherman Zoning Regulations, Section 324.1A. 1 Accessory Dwellings (a) and Section 324.1.A.2 Accessory Apartments (a):

324.1A. 1 Accessory Dwellings-

AMEND (a.) The principal or Accessory Dwelling shall be occupied by the property owner who shall be a natural person or persons.

ADD *Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.*

324.1.A.2 Accessory Apartments

AMEND: (a.) The principal or Accessory Apartment shall be occupied by the property owner who shall be a natural person or persons.

ADD *Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.*

This Amendment shall be filed in the Town Clerk's office and shall become effective January 27, 2017

Seconded by: M. Lee

Vote: For: Unanimous

New Business: None

Approval of Minutes:

Regular Monthly Meeting of December 1, 2016

Approval of the Minutes was tabled to the February 2, 2017 Regular Meeting.

Correspondence:

NAROMI Land Trust, Inc Executive Director, Amanda Branson requesting the support from the P&Z Commission on seeking grant funding from the CT DEEP to acquire for permanent preservation, 37.838 acres of property from the Estate of Lucia Eastman which is adjacent to NAROMI's Herrick Preserve and the Appalachian Scenic Trail. (Marge Josephson was present and read this letter into record and explained the location of the Eastman property on the attached map).

Sherman First Selectman C. Cope, 2017-18 Budget Request deadline is February 15, 2017 for departments. P&Z Commission is set to present their Budget at a pre- budget meeting on Wednesday, March 1, 2017, beginning at 7:00 pm.

Zoning Enforcement Officer's Report: December 2016

The December 2016 ZEO Report will be combined with January 2017 and will be presented at the February Regular Meeting.

Public Comment: No comments were made.

Committee Reports:

The Nominating Committee will present the proposed slate of Officers later in the Meeting.

Chairman Report:

Chair Burruano reported that she and ZEO Ron Cooper met with Ralph and Eric Gorman, owners of White Silo Farm Winery and they are working together to address concerns. Mrs. Burruano stated she feels they are all on the right path. Mrs. Burruano stated the Zoning office has received feedback from both Attorneys.

Regulation Review:

Discussion and possible action regarding amendment to 324.3A Septic Systems for Accessory Buildings to include original content previous to the last amendment on June 17, 2016:

Commissioner N. Volkmar Moved to Accept the proposed amendment to Section 324.3A Septic Systems for Accessory Buildings to include original items (a.) *The structure must be a farm barn that is used for agricultural purposes, or a garage, or an accessory building that has less than 400 square feet of floor space. The structure may not contain kitchen or sleeping facilities. The structure may not contain kitchen facilities except that a farm barn that is used for agricultural purposes may contain kitchen facilities that are necessary for, and limited to, the processing of an agricultural or horticultural commodity from stock produced on the farm for market or for direct sale.* (b.) *The structure must meet all requirements of the Town of Sherman Sanitary Code without affecting those portions of the lot used by the principal building to meet its sanitary code requirements.* (c.) *Special permits for such use shall be granted under the procedure set forth in Section 340. The premises involved may be inspected by the Commission throughout the life of the special permit. The Commission may require the applicant to post a bond with the First Selectman of the Town of Sherman sufficient to ensure removal or disconnection of the system if it is determined by the Commission that the requirements of this section have been violated.* which was inadvertently omitted from the last amendment on June 17, 2016 and reorder items added from the last amendment as "d" through "h". As shown below. To be brought to a Public Hearing set for the Regular Monthly Meeting on March 2nd, 2017 beginning at 7:00 pm.

Seconded by: M. Lee

Vote: For: Unanimous

**Proposed Amendment to Zoning Regulations:
Section 324.3A Septic Systems for Accessory Buildings**

No structure other than the principal building, accessory dwelling, or detached Accessory Apartment, on a lot shall have a septic system, except that the Commission may grant Special Permits to allow septic systems for not more than one Accessory Structure on a Lot, provided that the following conditions are met:

- ADD**
- a. *The structure must be a farm barn that is used for agricultural purposes, or a garage, or an accessory building that has less than 400 square feet of floor space. The structure may not contain kitchen or sleeping facilities. The structure may not contain kitchen facilities except that a farm barn that is used for agricultural purposes may contain kitchen facilities that are necessary for, and limited to, the processing of an agricultural or horticultural commodity from stock produced on the farm for market or for direct sale.*
 - b. *The structure must meet all requirements of the Town of Sherman Sanitary Code without affecting those portions of the lot used by the principal building to meet its sanitary code requirements.*
 - c. *Special permits for such use shall be granted under the procedure set forth in Section 340. The premises involved may be inspected by the Commission throughout the life of the special permit. The Commission may require the applicant to post a bond with the First Selectman of the Town of Sherman sufficient to ensure removal or disconnection of the system if it is determined by the Commission that the requirements of this section have been violated.*
- AMEND**
- d. The principal dwelling or Accessory Apartment shall be occupied by the property owner who shall be a natural person or persons.
 - e. The Accessory Apartment shall be used for residential purposes only. The Town Sanitarian shall certify that the septic system service for the existing dwelling and

proposed Accessory Apartment conform to current requirements of the Public Health Code.

- f.* The Accessory Apartment shall have its own entrance from the exterior of the building and shall contain one bathroom and kitchen facilities. The Accessory Apartment shall not exceed 750 square feet in floor area.
- g.* Parcels of 4 or more contiguous Zoning acres or 160,000 square feet with a detached garage, accessory to a residential building may contain one Accessory Apartment. This apartment shall not exceed 750 square feet. The total footprint of the garage shall not exceed the square footage required to accommodate said 750 square foot apartment. The apartment shall contain one bathroom and kitchen facility, provide parking for one car and shall be subject to subsections b and c of Section 324.3(a) Septic Systems for Accessory Buildings.
- h.* Accessory Apartments shall be subject to the Special Permit approval set forth in Section 340 of these Regulations.

Adjournment:

Commissioner M. Lee Moved to Adjourn the Meeting at 8:06 pm.

ANNUAL ORGANIZATIONAL MEETING

Call to Order:

Chair J. Burruano Called the Annual Organizational Meeting to Order at 8:07 pm.

Election of Officers:

Nominating Committee Chairman T. Hollander presented the following slate of Officers to serve from this day until the January 2018 Organizational meeting:

Chairman: Jeannene Burruano
Vice Chairman: Neil Volkmar
Secretary: Mary Lee

Commissioner T. Hollander Moved to Nominate the following slate of Officers to serve from this day until the January 2018 Organizational meeting: Chairman: Jeannene Burruano, Vice Chairman: Neil Volkmar, and Secretary: Mary Lee

Seconded by: R. Peburn

Vote: For: Unanimous

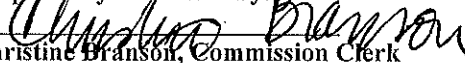
Review of current Commission By-Laws:

The Commission had no comments.

Adjournment:

Commissioner M. Lee Moved to Adjourn the Meeting at 8:10 pm.

Respectfully submitted by:


Christine Branson, Commission Clerk

January 12, 2017

APPROVED AS WRITTEN AT THE FEBRUARY 2, 2017 RMM