



**Town of Sherman
Planning & Zoning Commission
Regular Monthly Meeting Minutes
Thursday, May 4, 2017, 7:00 p.m.
Mallory Town Hall**

FINAL

Members Present: J. Burruano, N. Volkmar, M. Lee, T. Hollander, J. Finch, P. Voorhees and Alternates: W. Knaak, A. Muoio and R. Peburn

Members Absent: None

Also: Administrative Clerk C. Branson

Audience: C. Zimmer (WCOG), M. Sullivan (WCOG), C. Cope (First Selectman), R. Ostrosky (Selectman), D. Lowe (Selectman), R. Hudson (ZBA), J. Wozniak-Brown (Conservation Commission), P. Bailey (Conservation Commission), M. Carpanzano, L. Mittel, M. Humphreys, and M. Lord

Call To Order: Chair J. Burruano Called the Meeting to Order at 7:02 p.m.

Presentation from Carl Zimmer of WCOG to introduce the GIS mapping system:

Mr. Zimmer presented the Commission and invited guests with a print out explaining what GIS mapping is and what WCOG will be offering. The mapping program will be useful to view areas of the Town with up to thirty overlay capabilities such as landscape contours, wetlands, water flow, sidewalks, traffic lights, fire hydrants, and others. The portal to the website can be linked on the Town website or accessed directly. The program is being offered for free to all eighteen towns that are part of WCOG. Mr. Zimmer went on to explain if the Town wants a specific overlay capability outside of what is being offered, they would be available to discuss those options and may include a cost. The system is updated and refreshed several times a year. The Commission asked how accurate the topography was. Mr. Zimmer stated the topography is accurate down to 1/10 of a foot. Clerk, C. Branson asked if the overlay capabilities would show exact boundary lines between properties. Mr. Zimmer stated it would not. First Selectman Cope asked if this program could help with specific applications for land use, possibly taking the place of required A-2 surveys of properties. Mr. Zimmer stated it would not show parcel boundary lines and would not be considered a legal certified plan. The Commission asked if there would be a way to add the option of parcel boundary lines to the program. Mr. Zimmer stated he would need to check the software program the Town uses to create the boundary lines to determine compatibility. Mr. Zimmer offered access to the beta version of the website for the Commission to familiarize themselves with the capabilities. Mr. Zimmer stated he would schedule another meeting soon to meet and discuss the specific needs of the Town.

Old Business:

Special Permit Application: 9 Locust Lane, (M- 73, L- 24) - Carpanzano, Michael to allow an Accessory Apartment not to exceed 750 square feet above a new detached garage with connection to existing septic in accordance with Zoning Regulations 324.1A.2.

Chair J. Burruano reviewed the Special Permit application file for an accessory apartment above the proposed detached garage. At the last meeting it was determined that the overall footprint of the building exceeded the allowable square footage for the apartment. It was also requested at the last meeting that a driveway be added to the survey. Mr. Carpanzano was invited to come forward to speak and provided a new building plan stating that he has reduced the footprint of the building. The original proposed building measured 22 foot by 36 foot and the modified plan shows the building measuring 22 foot by 34 foot. The Commission reviewed the modified plan. The first floor shows three garage doors, a half bathroom, a laundry facility, closets, and a sink. Also included on the first floor is an entry door with a mudroom and an open stairway to the upstairs apartment. The second floor foot print shows an open floor plan for kitchen/ dining/ living room area, a full bathroom with a washer and dryer, and a bedroom. Mr. Carpanzano sketched the approximate location of the driveway, initialed and dated the survey. The Commission agreed there was sufficient information in the application file to send this application to a Public Hearing. The

Commission set a site walk for May 17, 2017 at 6:30 pm. to view the proposed location for the detached garage.

Commissioner T. Hollander Moved to set a site walk at 9 Locust Lane for May 17, 2017 at 6:30 pm. to view the proposed location for the detached garage and accessory apartment.

Seconded by: N. Volkmar

Vote: For: Unanimous

Commissioner T. Hollander Moved to Accept the Special Permit Application for 9 Locust Lane, (M- 73, L- 24) - Carpanzano, Michael for an Accessory Apartment not to exceed 750 square feet above a new detached garage with connection to existing septic in accordance with Zoning Regulations 324.1A.2. and set the Public Hearing for June 1, 2017.

Seconded by: N. Volkmar

Vote: For: Unanimous

New Business:

Modification of a Special Permit: 12 Chimney Hill Road- Dr. Oppenheimer, Roger & Linda (M- 17, L- 6) to modify number of patients seen weekly and flexible hours of operation.

Chair J. Burruano read an email that was received from Mr. & Mrs Oppenheimer requesting the application be withdrawn from this meeting. No further discussion took place.

Special Permit Application: 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) 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.

Chair, J. Burruano reviewed the Special Permit application file to allow a horse farm on a 29.5 acre property located in the B Zone. This applicant had submitted the same application two months ago but had withdrawn to allow time to comply with Wetlands requirements. Now with Approval from Wetlands, Mr. Murray has submitted a new application for a Special Permit. In the file is a Letter of intent, stating the size of the horse barn will be 100 foot by 40 foot, with a fenced paddock and grazing area. The farm will be owner occupied and a boarding facility. The farm is proposed to be used as an equine exercise facility, and will be used to raise horses. Farm equipment will include trucks, trailers, tractors, a loader and an excavator. Also included in the file is a manure management plan which will consist of a 6 inch thick cement pad enclosed on three sides and a cover to mitigate moisture, odor and flies for the manure dumpster. The contents will be hauled away every six to eight weeks. Also included is an A-2 survey showing the placement of the facility on the property, and a B-100 showing a septic plan. The Commission agreed there was sufficient information in the application file to send this application to a Public Hearing. The Commission set a site walk for May 17, 2017 at 5:30 pm. to view the proposed location for the horse facility and manure enclosure.

Commissioner T. Hollander Moved to set a site walk at 39 Wanzer Hill Road for May 17, 2017 at 6:30 pm. to view the proposed location for the horse facility and manure enclosure.

Seconded by: N. Volkmar

Vote: For: Unanimous

Commissioner T. Hollander Moved to Accept the Special Permit Application for 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) 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. and set the Public Hearing for June 1, 2017.

Seconded by: N. Volkmar

Vote: For: Unanimous

Special Permit Application: 24 Cozier Hill Road, (M-9, L-39) - Spengler, Donald to allow an Accessory Apartment not to exceed 750 square feet above an existing detached garage with connection to existing septic all in accordance with Zoning Regulations, Section 324.1.A.2 Accessory Apartments and submitted floor plan.

Chair, J. Burruano reviewed the Special Permit application file for an accessory apartment above an existing detached two car garage. The floor plan shows that the 396 square foot apartment will have an open floor plan including a full bathroom and kitchenette with an 8 foot by 8 foot deck. Also in the file is Sherman Health Approval dated April 11, 2017, and a Notice of Exception from the State Department of Public Health dated April 10, 2017. Included in the file is a copy of a survey showing the existing garage, and a list of property abutters. The application states the property will be owner occupied. The Commission pointed out that on the application it states the apartment will have its own entrance from the exterior of the building, however on the floor plan it is unclear since it only shows the second level. The applicant was not present to speak about the exterior entrance. The Commission agreed there was sufficient information in the application file to send this application to a Public Hearing. The Commission set a site walk for May 31, 2017 at 5:30 pm. to view the proposed accessory apartment location.

Commissioner M. Lee Moved to set a site walk at **24 Cozier Hill Road** for May 31, 2017 at 5:30 pm. to view the location for the proposed accessory apartment.

Seconded by: J. Finch

Vote: For: Unanimous

Commissioner T. Hollander Moved to Accept the Special Permit Application for **24 Cozier Hill Road, (M-9, L-39) - Spengler, Donald** to allow an Accessory Apartment not to exceed 750 square feet above an existing detached garage with connection to existing septic all in accordance with Zoning Regulations, Section 324.1.A.2 Accessory Apartments and submitted floor plan and set the Public Hearing for June 1, 2017.

Seconded by: J. Finch

Vote: For: Unanimous

Special Permit Application: 24 Fox Run Road, (M-14 , L-6) - Estate of David C. Flatau to allow an Accessory Dwelling not to exceed 1,200 square feet within an existing accessory building with existing septic connection all in accordance with Zoning Regulations, Section 324.1A Accessory Dwellings and submitted floor plan.

Alternate R. Peburn recused himself from this Application.

Chair, J. Burruano reviewed the Special Permit application file for an accessory dwelling to be built within an existing accessory building that has existing septic. The application shows the property has 26 acres. The owner will live on the premises, there will be four parking spaces. The proposed Accessory Dwelling will have a full bathroom and kitchen. Also in the application file is a floor plan showing the first and second floor. On the first floor the plan shows a mechanical room with a separate entrance, a powder room, a walled off 11 foot by 11 foot storage area and a walled off wood working shop with a separate entrance. On the second floor there are exterior stairs leading up to an entrance, an open floor plan with a kitchen/ dining/ living room, a separate bedroom with a closet and full bathroom. The application file has the original health approval from the Town as well as a State Notice of Exception dated December 12, 2013, which reflects approval for a one bedroom apartment for the accessory building. There is a septic as- built dated January 24, 2014 attached to the State Approval. Ms. Mittel was present to speak on behalf of her application. The Commission agreed there was sufficient information in the application file to send this application to a Public Hearing. The Commission set a site walk for May 31, 2017 at 6:30 pm. to view the proposed accessory apartment location.

Approval of Minutes:

Regular Monthly Meeting of April 6, 2017

Commissioner M. Lee Moved to Approve the Regular Monthly Meeting Minutes of April 6, 2017 as written.

Seconded by: N. Volkmar

Vote: For: Unanimous

Workshop Meeting of April 20, 2017

Commissioner T. Hollander Moved to Approve the Workshop Meeting Minutes of April 20, 2017 as written.

Seconded by: N. Volkmar

Vote: For: Unanimous

Correspondence:

First Selectman C. Cope forwarded a newsletter from Governor Malloy encouraging residents and visitors to Support CT Vineyards which was read into record.

P&Z Alternate Ryan Peburn- expressing interest in being considered a candidate for filling the Commission vacancy created by the resignation of Marc Sichel.

Zoning Enforcement Officer's Report: April 2017

Due to the absence of the Zoning Enforcement Officer, the report was tabled until the June Meeting.

Public Comment:

Mason Lord- requesting the Commission take into consideration "high performance" building techniques when measuring structures for the interior square footage. Mr. Lord distributed a handout which illustrates how the exterior of a building can show a two story structure can measure 20 foot by 30 foot which would equal 1,200 square feet overall. However, if the interior walls were built using high performance techniques which could be 12 inches thick, the actual overall habitable space could potentially reduce the habitable space to 1,008 square foot overall. Mr. Lord stated that the Regulations do have a Section that references provisions made for energy efficient building, and would like the Commission to consider high performance building to be a form of energy efficiency.

Committee Reports:

No reports were given.

Chairman Report:

Chair J. Burruano read a letter into record dated April 26, 2017 from P&Z Alternate Ryan Peburn- expressing interest in being considered a candidate for filling the Commission vacancy created by the resignation of Marc Sichel. Ms. Burruano stated she felt Mr. Peburn has shown great enthusiasm since joining the Commission and agreed he would be a great candidate. Commissioner J. Finch Moved to Nominate Alternate R. Peburn to complete the term of Marc Sichel expiring January 1, 2018. The Commission conducted a paper ballot vote. Mr. R. Peburn received six votes in favor which was unanimous support of all sitting Commissioners present.

Regulation Review:

Proposed new Farm Winery Regulation, Section 352 A

Commissioner N. Volkmar Moved to Amend the proposed Winery Regulation and set a Public Hearing for July 6, 2017 beginning at 7:00 pm at Mallory Town Hall.
(The full proposed Regulation is reflected below.)

Seconded by: M. Lee

Vote: For: Unanimous

PROPOSED: CHANGES TO THE ZONING REGULATIONS, NEW SECTION: 352 A, FARM WINERY

AMEND: TABLE OF CONTENTS:

AMEND: Article III- GENERAL REGULATIONS

AMEND: SECTION 352 Farming

ADD: 352 A. Farm Winery

AMEND: SECTION 331

(Zone A-Farm-Residence Zone — Permitted Principal Uses)

ADD: Farm Winery as permitted in Section 352.6.

AMEND: 352 Farming

ADD: 352 A. Farm Winery

352A.1. General:

In order to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Sherman, this section is intended to allow for the use of farm land as a normal part of a farm winery use and, therefore, allowed by Special Permit. Such farm wineries are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All farm winery activities associated with the manufacture, storage, bottling, production, distribution or sale of wine, wine based, and winery distilled products shall be in accordance with all State and Federal laws or regulations governing such activities. In accordance with provisions of the approved statement of use submitted with a Farm Winery Special Permit application, or as modified by the Commission, a farm winery permit issued pursuant hereto shall authorize the permittee

1. to sell wine in bulk from the premises where the wine is manufactured pursuant to such permit;
2. to sell wine manufactured on the premises to a retailer in original sealed containers;
3. to sell or deliver such wine to persons outside the state;
4. to offer free samples of such wine to visitors and prospective retail customers for tasting and consumption on the premises;
5. to sell at retail from the premises sealed bottles or other sealed containers of such wine for consumption off the premises;
6. to sell at retail from the premises wine by the glass, bottle or other sealed container to visitors for consumption on the premises; and
7. to allow the sale and service of food prepared and consumed on the premises, as well as the accommodation of special group events such as weddings to be held on the premises when such activities are accessory to a farm winery use and specified in the statement of use described below. No farm winery permitted hereunder may sell any such wine not manufactured in such winery.

ADD: 352A.2. Minimum Bulk Requirements:

A farm winery shall be located on a lot or lots having a minimum aggregate area of ten (10) acres under single ownership and management. The lot must maintain a minimum of 60,000 square feet of planted vineyard area prior to the issuance of a Special Permit. In reviewing a Special Permit application under this Section, the Commission shall consider that a Farm Winery is an accessory use to a vineyard and may reduce the size and scope of activities permitted based on the size of the vineyard.

ADD: 352A.3. Uses Permitted:

The following uses are permitted as accessory to a farm vineyard, if authorized by Special Permit in accordance with this Section.

a. Farm Winery:

This use includes the commercial making of wine and wine based products on the premises.

b. Retail Sale of Wine and Tasting Room:

A building or a portion of a building or adjoining deck or patio located on the farm vineyard may be established for the sale of wine and wine based products by the bottle, bulk or other sealed container and related winery distilled products provided that the percentage of the products produced on the premises and the percentage of wine and winery products made from grapes or other fruit grown on the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm winery liquor permit for the Connecticut Liquor Control Commission. Any building, deck or patio not in use for the purpose of a tasting room after the adoption of these Regulations shall have minimum setbacks of 100 feet from the side and rear lot lines and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Said area may include the retail sale of wine, wine based, and winery distilled products featured as products produced at the farm winery and the tasting of wine products produced on the premises. The hours of operation of the Retail Sale of Wine and Tasting Room shall be no earlier than 10 am to no later than 9 pm Sunday through Thursday no earlier than 10 am to no later than 10 pm Friday and Saturday. The serving of hors d'oeuvres and/or pastries is permitted as an accessory use to a tasting room. Serving of lunch, dinner or banquet food shall be stated expressly in the approved statement of use, except that a "boxed lunch" provided as part of a farm tour need not be stated in the approved statement of use.

c. Winery Retail Store:

The farm winery may include the accessory sale of vineyard and wine related goods to the general public including wine related food products and other locally produced products. At least 50% of the gross sales of the retail store shall be made from raw materials produced on the premises or processed products made from raw materials produced on the premises. The remaining 50% must be locally grown *or* regionally produced products. The area of retail sales, including wine sales, must be located within or contiguous to the wine tasting area, and shall be no greater than the total floor area dedicated to the wine retail and tasting room described in paragraph "a" above. The hours of the winery retail store shall be no greater than the hours of the Retail Sale of Wine and Tasting room as set forth in Section 352.A 3 b.

d. Public Events:

Activities allowed in a wine retail and tasting room could include artist receptions and artist exhibitions, music entertainment, wine related seminars, wine related meetings and wine tastings in such location, of such frequency and size, and in accordance with the conditions as set forth in the approved statement of use. Maximum attendance for such events shall be 50 not including employees. The statement of use shall specify the maximum anticipated attendance for each category of event that may occur at the winery, location on property, and hours of such events. Such information need not list every single event by date, but may group them by category. The Commission may modify any such proposed number, schedule, maximum attendance, location, and hours of such events. No alcoholic beverages, other than wines and wine, wine based, and winery distilled products produced at the farm winery, shall be served or consumed on the premises, specifically including so-called "BYOB" ("Bring Your Own Bottle) unless expressly authorized the statement of use, such as authorization for properly licensed caterers to serve alcoholic beverages but shall not include wine not produced on the premises. Hours are limited to operating hours set forth in Section 352.A 3 b.

e. Outdoor Functions:

All outdoor functions with more than 50 guests, not including staff, in the outdoor area shall require an Event Permit from the Zoning Enforcement Officer and must meet the following criteria:

1. Such functions (whether open to the general public or invitation only) shall be held no more than 15 times per calendar year. The Zoning Enforcement Officer must receive an Event Permit application at least four (4) days prior to such a function.
2. The maximum occupancy for all such functions, whether held indoors or outdoors or any combination thereof, shall not exceed one hundred fifty (150) guests unless approved in advance by the Commission and will count towards the total of 15 events exceeding 50 guests.
3. The outdoor event area shall be readily accessible from the principal Farm Winery building, and outside tables must be located in such a manner as to maintain access to the building for emergency purposes. Areas in which parking is required by the approved Special Permit cannot be used for outdoor event activities. The designated outdoor event area must be clearly identified on the submitted plans with the Event Permit. Parking must be accessible and useable in all weather conditions for visiting vehicles. A section of field is acceptable, provided it is passable. See Section 352.4 a below.
4. Any event held in the outdoor event area shall begin no earlier than 10 am and end no later than 10 pm on Friday and Saturday nights; and no earlier than 10 am and end no later than 9 pm Sunday through Thursday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 10 pm.
5. The outdoor event area shall be largely open to the elements, however may be enclosed with a canopy or tent, in accordance with Section 324.2 b, Temporary Buildings.
6. The property owner is responsible for cleanup of all trash generated from the outdoor dining area. All refuse containers shall be screened from view from offsite and located no closer than fifty (50') from any property line and no closer than one hundred (100') from any dwelling on an adjacent lot.
7. All entertainment and audio amplification shall terminate at least thirty (30) minutes prior to the closing times set forth in paragraph (4) above.
8. Lighting of the outdoor dining area must meet the criteria set forth in Section 322.8 of these regulations.

9. All outside dining is required to maintain all licensing from the State of Connecticut, Department of Consumer Protection and Liquor Control Division, and must submit all applications to the Zoning Enforcement Officer for approval and signatures.

10. The outdoor event area may include a service bar operating under caterer's liquor permit when private functions are occurring on the premises. This service bar must be entirely separate from the tasting room.

11. For any event contained in the approved statement of use, at least four (4) days as previously recommended prior to any such event, an Event Permit application shall be submitted to the Zoning Enforcement Officer. The applicant shall provide the date of the event(s) and the number of estimated guests and such other information required by this section and the statement of use.

f. Festivals and Farm Tours

Festivals and Farm Tours directly related to the harvest of farm produce grown on the permitted location will not count towards the maximum number of events and do not require an Event Permit.

352A.4. Farm Winery Parking:

Onsite Parking shall be provided for in accordance with 340 (Special Permits) of these Regulations, and there shall be at least one (1) parking space per two (2) persons authorized by Special Permit to be on the site at any given time. Only passenger motor vehicles, limousines, and passenger buses are allowed to park at the permit property. In keeping with the agricultural purpose of this regulation, the Commission may allow portions of the parking area to not be paved and may be maintained as lawn parking so as to maintain the agricultural and aesthetic nature of this use; or may allow reinforced pavers in grass areas for portions of the parking. All handicap parking regulations shall be complied with. To the maximum extent possible consistent with good planning for the use of the site, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties.

352A.5. Farm Winery Signage:

Signage shall be in accordance with Section 360 of these Regulations.

352A.6. Application Requirements:

In addition to the requirements of Section 340 (Special Permits) of these Regulations, the Applicant shall submit a statement of use indicating the activities to be conducted at the farm winery, including the following:

- a. Written approval from the Sherman Health Department. A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- b. Written approval from the Sherman Fire Marshal. A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- c. The specific types of activities to be conducted on the premises; the location of such activities on the premises with the dimensions of such area; the typical and maximum attendance for such activities, either individually or by categories; the hours of such activities; the food, if any, to be served at such activities or products sold or offered for sale, other than wine and winery-related products; the frequency of such activities if to be conducted on a periodic or other than daily schedule.
- d. The location on the premises, number or frequency, maximum attendance, hours, and schedule for events proposed under Section 352A.3.c above.
- e. The location on the premises, number or frequency, maximum attendance, hours, and schedule for outdoor functions proposed under Section 352A.3.e above.
- f. Such other information as will enable the Commission to determine the type and character of activities to be conducted on the farm winery property and the potential impact of such activities on the neighborhood and the local road system, and to establish that such activities meet the definition of accessory uses in these Regulations.

352A.7 Criteria for Evaluation. In addition to the criteria of Section 340 of these Regulations, the Commission shall consider the following in any application for farm winery special permit:

- a. The type, number, frequency, size, potential traffic generation, and other aspects of the proposed activities in consideration of the fact that such activities are to be accessory to the farm use, and not to become principal commercial facilities in residential zones.

- b. The potential impact on adjacent properties including, but not limited to, noise, light, traffic, litter, and environmental impact.
- c. The relationship of the proposed activities to the farming operation being conducted on the premises, and how such activities would enhance the viability of such farming operations.

AMEND:
ADD:

SECTION 610 (DEFINITIONS)
NEW DEFINITIONS:

Farm Vineyard - Land located on a farm per Section 352 of these Regulations which grows grapes or fruit for the manufacture and sale of wine.

Farm Winery An accessory use to a vineyard, which use includes the manufacture, storage, bottling and production of wine and winery by-products or spirits, which manufacture, storage, bottling and distillery must be in compliance with the State and Federal laws and regulations. The winery may provide for storage facilities on the farm premises in buildings approved by the State and Federal authorities for the storage or production of wine and/or spirits, and such other accessory uses as are authorized in accordance with Section 331 of these Regulations.

Proposed Amendment to Zoning Regulation, Section 352: Farming

The Commission reviewed and discussed the most recent revisions and agreed to keep the general format consistent with the proposed Winery Regulation. The Commission agreed that a definition need to be added to define "Collector Road". The definition for "Farming" needs to be refined to fit modern agricultural terms. The Commission agreed to hold a workshop meeting on Wednesday, June 7, 2017 at 7:00 pm at Mallory Town Hall and invite local farmers, Commissions, and groups to gather ideas and create an open discussion before the regulations come to a Public Hearing.

Adjournment:

Commissioner M. Lee Moved to Adjourn the Meeting at 9:41 pm.

Respectfully submitted by:


Christine Branson, Commission Clerk

May 12, 2017

*APPROVED AS FINAL AT THE JUNE 1, 2017 RMM