



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

Draft

Members Present: N. Volkmar, M. Lee, R. Peburn, P. Voorhees, J. Finch and Alternate: J. Siegel

Members Absent: J. Burruano, T. Hollander and Alternates: W. Knaak, and A. Muoio

Also: Land Enforcement Officer R. Cooper, and Administrative Clerk C. Branson

Audience: R. Lenihan, J. Kuchinski, and J. Rich

Call To Order: **Acting Chair, N. Volkmar Called the Meeting to Order at 7:00 p.m.**

Alternate J. Siegel was Elevated to Voting status due the absence of Commissioner T. Hollander.

Commissioner R. Peburn recused himself from the Public Hearing for 1 Smoke Ridge Road, Special Permit stating that he has a conflict of interest being a neighbor.

Public Hearing I:

Application for a Special Permit- 1 Smoke Ridge Road (M 32, L 16)- Maloney, Kathleen & Wallian, Megan- to allow an accessory apartment within the existing dwelling all in accordance with Zoning Regulations, Section 324.1.a.2 Accessory Apartment as shown on submitted building plans and an A2 Survey entitled "Zoning Location Survey Map, Prepared for Kathleen R. Maloney, Megan M. Wallian, 1 Smoke Ridge Road, Sherman, CT". Dated June 2017. T. Michael Alex, Licensed Land Surveyor, Washington, CT. Zone A

Acting Chair, N. Volkmar opened the Public Hearing and reviewed the file contents. Secretary, M. Lee read the Legal Warning into record, which was published in the Town Tribune on September 21, 2017 and again on September 28, 2017. Nineteen neighbors within 500 feet were notified by certified mail, sent on September 21, 2017. No Correspondence was received. In the file there was an Agent Letter, giving permission to Joe Kuchinski to act on behalf of the homeowners, signed by both Kathleen Maloney and Megan Wallian. Mr. Kuchinski was present to speak on behalf of the application. There was a copy of an Approved Health Application in the file. Also in the file was a floor plan (marked as "Exhibit A") showing existing and proposed new construction. The proposed accessory apartment will be no greater than 750 square feet. Additionally in the file was an elevation drawing (marked as "Exhibit B") showing the elevation of the roof height. An A2 Survey was submitted, entitled "Zoning Location Survey Map, Prepared for Kathleen R. Maloney, Megan M. Wallian, 1 Smoke Ridge Road, Sherman, CT". Dated June 2017. T. Michael Alex, Licensed Land Surveyor, Washington, CT. There is an existing Special Permit for this property that was granted September 28, 1995 to allow a Day Care Center home occupation in the same location as the proposed accessory apartment. The Day Care Special Permit was issued to the previous homeowner. There were no comments or questions from members of the Audience. The Commission requested a legal opinion regarding allowing more than one Special Permit to exist in the same footprint of the dwelling.

J. Siegel Moved to Continue the Public Hearing for a Special Permit Application for 1 Smoke Ridge Road (M 32, L 16) Maloney, Kathleen & Wallian, Megan- to the October 19th, 2017 Mid-Month Meeting to be held at Mallory Town Hall beginning at 7:00pm.

Seconded by: M. Lee

Vote: For: Unanimous

Commissioner R. Peburn was reseated for the duration of the next two Public Hearings.

Public Hearing II:

Application for a Special Permit- 19 Orchard Rest Road (M 63, L 5) Putnam, Robert- to allow an accessory building with septic hook up all in accordance with Zoning Regulation, Section 324.3.a Septic Systems for Accessory Buildings as shown on submitted building plans entitled, " Proposed Boat House, Putnam Boat House," dated August 22, 2017. Prepared by: 72 Seventy 2 Architects. and in the exact footprint location shown on an A2 Survey entitled "Property Survey, Prepared for Robert W. Putnam, 19 Orchard Rest Road, Town of Sherman, Fairfield County, CT" Dated September 10, 2010 and prepared by PAH, INC. Land Surveyors and a B-100a entitled " 19 Orchard Rest Road, Sherman, CT. Septic Plan. Dated 7/14/17. Prepared by Michael J. Mazzucco, P.C." Zone B

Acting Chair, N. Volkmar opened the Public Hearing and reviewed the Application file contents. Secretary, M. Lee read the Legal Warning into record, which was published in the Town Tribune on September 21, 2017 and again on September 28, 2017. The Commission conducted a site-walk on September 20, 2017 to view the location of the proposed Accessory Building. Thirteen neighbors within 500 feet were notified by certified mail, sent on September 21, 2017. No Correspondence was received. There was a copy of an Approved Health Application in the file. There was a floor plan in the file, entitled "Proposed Boat House, Putnam Boat House," dated August 22, 2017. Prepared by: 72 Seventy 2 Architects. An A-2 Survey was submitted entitled "Property Survey, Prepared for Robert W. Putnam, 19 Orchard Rest Road, Town of Sherman, Fairfield County, CT" Dated September 10, 2010 and prepared by PAH, INC. Land Surveyors. Additionally in the file was a B-100-a Septic Plan prepared by Michael J. Mazzucco, P.C. Civil Engineer. The application for a Special Permit is to allow a 397 square foot accessory building with septic hook up. The building will have a washer, dryer, dishwasher, and sink, no stove. From the audience, Andrew Alexander (neighbor) asked to see the building plans and approached the table. Mr. Alexander stated he had no objection to the proposed building. Land Use Enforcement Officer R. Cooper stated the outside dimensions of the structure will measure 397 square feet. There were no further comments from the Commission or Audience.

P. Voorhees Moved to Close the Public Hearing for a Special Permit
Application for a Special Permit- 19 Orchard Rest Road (M 63, L 5) Putnam, Robert
Seconded by: M. Lee **Vote: For: Unanimous**

Public Hearing III:

Application for a Modification to an Existing Special Permit- 1 Route 37 East- Unit 1 (M-77, L-20)- McCluskey, M. Applicant: Rich, John (Sacred Grounds Coffee) to modify an existing Special Permit to allow sales of prepared beverages for take-out. Zone C

Acting Chair, N. Volkmar opened the Public Hearing and reviewed the Application file contents. Secretary, M. Lee read the Legal Warning into record, which was published in the Town Tribune on September 21, 2017 and again on September 28, 2017. Twenty-two neighbors within 500 feet were notified by certified mail, sent on September 21, 2017. No Correspondence was received. In the application file was an Agent letter allowing Mr. Rich to speak on behalf of Mr. McCluskey. This purpose of this application is to modify an existing Special Permit requesting the ability to sell take out prepared beverages and prepackaged foods related to coffee and tea. J. Rich, owner of Sacred Grounds Coffee was present to speak on behalf of his application. Mr. Rich stated that he has discussed the proposed modification with the Health Director, T. Simpkins regarding possible increased water waste. Mr. Rich stated he will be using bottled water to brew the coffee that will be sold. Mr. Rich submitted a modified business plan and discussed the proposed changes; the hours of operation will be increased from the original 11:00am to 3:00pm Monday through Friday to new hours proposed 6:30 am to 6:00 pm. Monday through Friday, Saturday was originally 9:00 am to 1:00 pm proposed changes will be 8:00 am to 6:00 pm. Sunday was and shall remain closed. Mr. Rich anticipates customer flow to increase from the original 2 to 3 cars per hour to 10 to 12 cars per hour. A typical transaction may take approximately 2 to 3 minutes. Additionally Mr. Rich stated there may be a need to increase the number of employees from one full time and one part time to two full time employees. Mr. Rich would like to offer hot and cold brewed cups of his coffees to go in disposable paper cups as well as refillable containers along with prepackaged foods that would compliment the beverages. Mr. Rich explained the cold brewing process to the Commission. Mr. Rich

stated he contacted the State to see what would be necessary to bottle and sell brewed beverages and has obtained a non-alcoholic beverage certificate. From the Audience, Dave Snyderbeck, owner of abutting business (Giddings Garage) stated he is in favor of allowing the modification to the Special Permit. There were no additional comments from the Commission or the Audience. Land Use Enforcement Officer R. Cooper stated he reached out to the Health Director to clarify specific details of what was approved for the modified Health application. The Commission determined that they would need additional information regarding the conditions of the new Health Approval.

P. Voorhees Moved to Continue the Public Hearing for a Special Permit for 1 Route 37 East- Unit 1 (M-77, L-20)- Property Owner- McCluskey, M. and Applicant- Rich, John (Sacred Grounds Coffee) Application for to the October 19th, 2017 Mid-Month Meeting to be held at Mallory Town Hall beginning at 7:00pm.

Seconded by: R. Peburn

Vote: For: Unanimous

Old Business:

Deliberations:

Public Hearing I:

Application for a Special Permit- 1 Smoke Ridge Road (M 32, L 16)- Maloney, Kathleen & Wallian, Megan

No Deliberation took place, this hearing shall be continued on October 19th, 2017 beginning at 7:00pm.

Public Hearing II:

Application for a Special Permit- 19 Orchard Rest Road (M 63, L 5) Putnam, Robert

R. Peburn Moved to Approve the Application for a Special Permit- 19 Orchard Rest Road (M 63, L 5) Putnam, Robert- to allow an accessory building with septic hook up all in accordance with Zoning Regulation, Section 324.3.a Septic Systems for Accessory Buildings as shown on submitted building plans entitled, " Proposed Boat House, Putnam Boat House," dated August 22, 2017. Prepared by: 72 Seventy 2 Architects. and in the exact footprint location shown on an A2 Survey entitled "Property Survey, Prepared for Robert W. Putnam, 19 Orchard Rest Road, Town of Sherman, Fairfield County, CT" entitled " 19 Orchard Rest Road, Sherman, CT. Septic Plan. Dated 7/14/17. Prepared by Michael J. Dated September 10, 2010 and prepared by PAH, INC. Land Surveyors and a B-100a Mazzucco, P.C."

Seconded by: M. Lee

Vote: For: Unanimous

Public Hearing III:

Application for a Modification to an Existing Special Permit- 1 Route 37 East- Unit 1 (M-77, L-20)- McCluskey, M. Applicant: Rich, John (Sacred Grounds Coffee)

No Deliberation took place, this hearing shall be continued on October 19th, 2017 beginning at 7:00pm.

New Business:

Approval of Minutes:

Regular Monthly Meeting of September 7, 2017

M. Lee Moved to Approve the Regular Monthly Meeting Minutes of September 7, 2017 as written.

Seconded by: J. Finch

Vote: For: Unanimous

Correspondence: there was no correspondence

Zoning Enforcement Officer's Report: August & September 2017

Zoning Enforcement Officer R. Cooper reported there were seventeen Zoning Permits approved. Of those seventeen, there were three new single family dwellings. There were eleven Statements of Intent were approved. Two applications were denied, they are scheduled to be heard before the Zoning Board of Appeals in November. There are eleven applications that require additional information. The ZEO reported updated on several ongoing cases and reported on several oversized real estate signs.

P. Voorhees Moved to Accept the August & September 2017 Zoning Officer's Report as Submitted.

Seconded by: J. Finch

Vote: For: Unanimous

Public Comment:

M. Lord- requested the size of the accessory building that was approved for 19 Orchard Rest Road.

J. Siegel- stated that the application was for a 397 square foot accessory building with septic hook up.

R. Martin- stated he was puzzled by the number of non-conforming real estate signs and suggested the Commission re-word the regulation to allow temporary real estate signs to be of a larger size to accommodate the existing.

Committee Reports: No reports

Chairman Report:

Materials were handed out regarding Public Act 17-155 Temporary Health Care Structures to be discussed at a future meeting.

Regulation Review:

Adjournment: **M. Lee Moved to Adjourn the Meeting at 8:45pm.**

Respectfully submitted by:

Christine Branson, Administrative Clerk
November 2, 2017