



**Town of Sherman**  
**Planning & Zoning Commission**  
**Mid-Month Meeting Minutes**  
**Thursday, October 19, 2017, 7:00 p.m.**  
**Mallory Town Hall**

**Draft**

**Members Present:** J. Burruano, N. Volkmar, T. Hollander, R. Peburn, P. Voorhees, J. Finch and Alternate: J. Siegel

**Members Absent:** M. Lee, and Alternates: W. Knaak, and A. Muoio

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

**Audience:** J. Kuchinski, and J. Rich

**Call To Order:**            **Chair J. Burruano Called the Meeting to Order at 7:03 p.m.**

**Alternate J. Siegel was Elevated to Voting status due the absence of Commissioner M. Lee.**

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

**Continuation of 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

Chair, J. Burruano opened the Continuation of the Public Hearing, which began on October 5th, 2017 Mrs. Burruano stated she listened to the recording from the October 5th, 2017 Meeting and feels confident she understands what was discussed. No new materials were received from the last meeting. 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. At the last meeting the Commission requested the legal opinion of the Land Use Attorney regarding 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. LUEO, R. Cooper consulted the opinion of the Atty. and reported what was advised. The Atty. advised you can have two Special Permits with overlapping use in the same footprint, but the property owner can only have one Permit active at a time in the overlapping space. The existing Day Care parking requirements were four spaces. Two of those spaces remain in place and will be used for the Accessory Apartment. The driveway will not need to be modified. There were no comments or questions from members of the Audience.

**N. Volkmar Moved to Close the** Public Hearing for a Special Permit Application for 1 Smoke Ridge Road (M 32, L 16) Maloney, Kathleen & Wallian, Megan.

**Seconded by:** J. Siegel

**Vote: For: Unanimous**

**Commissioner R. Peburn was reseated for the duration of Public Hearing II 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) .**

## Public Hearing II:

**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

Chair, J. Burrano opened the Continuation of the Public Hearing and reviewed new materials that were received since the last meeting on October 5, 2017. 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 since the last meeting he modified his statement of intent in his proposed application and removed that he wanted to sell large volume cold brew coffee to restaurants. Mr. Rich stated that he spoke to the Town Sanitarian Suzanne Von Holt and modified his Health Application to reflect the same change. This approved change was initialed and dated 10/07/17 by the Health Department and is in the application file. Mr. Rich was also asked to bring in an example of a "growler" which he referred to as a glass jug or similar container that someone might bring in to his shop to fill as a "to go" coffee container. The Commission was satisfied with the information received regarding these two items. No further comments were made by the Commission or the Audience.

**N. Volkmar Moved** to Close the Public Hearing to Modify an existing Special Permit for 1 Route 37 East- Unit 1 (M-77, L-20)- Property Owner- McCluskey, M. and Applicant- Rich, John (Sacred Grounds Coffee)

**Seconded by:** J. Finch

**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**

The Commission agreed the application meets the requirements set forth by the Zoning Regulation, Section 324.1.A.2 Accessory Apartments. The Commission additionally recognized that only one Special Permit shall be active in the footprint that was once the Day Care center and now will be modified to become an Accessory Apartment. There shall be reference to the original special permit in the new approval letter that will be filed on the Land Records stating only one use shall be permitted in the new Accessory Apartment footprint at one time.

**N. Volkmar Moved to Approve** the Application for a Special Permit- 1 Smoke Ridge Road (M 32, L 16)- Maloney, Kathleen & Wallian, Megan- to allow a 740 square foot Accessory Apartment within the existing dwelling and addition 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. It is noted that there was a previous Special Permit issued on September 28, 1995 which allowed a Day Care Center in the exact footprint of the Accessory Apartment and only one use of this space shall be approved at any given time.

**Seconded by:** J. Finch

**Vote: For: 6 Abstain: 1 (R. Peburn) Against: 0**

**Public Hearing II**

**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).**

**J. Finch Moved to Approve** the 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 prepackaged foods to accompany coffee sales and prepared beverages for take-out along with modifications to hours of operation; open Monday through Friday from 6:30 am. to 6:00 pm. and open Saturday from 8:00 am. To 6:00 pm. closed Sundays and add one additional full time employee.

**Seconded by: N. Volkmar**

**Vote: For: Unanimous**

**New Business:**

**Fee Schedule:** Discussion and possible action

Materials were handed out regarding the existing fee schedule which was approved January 29, 2010 at a Town Meeting. It has come to the attention of the Commission that there are several items that the Town possibly should be charging fees. Some of these items are new and were created from the adoption of new Regulations since the fees were last updated. Some items have been suggested by the LUEO because there are just as many inspections and attention needed as items that now require fees. The Commission discussed the materials and agreed to place this as an item on the November Meeting Agenda for further discussion and possible action.

**Correspondence:** None

**Public Comment:** None

**Adjournment:** **N. Volkmar Moved to Adjourn the Meeting at 8:39pm.**

Respectfully submitted by:

\_\_\_\_\_  
Christine Branson, Administrative Clerk  
November 2, 2017