



**Town of Sherman
Planning & Zoning Commission
Regular Monthly Meeting Minutes
Thursday, November 2, 2017, 7:00 p.m.
Mallory Town Hall**

Draft

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

Members Absent: M. Lee and Alternate: A. Muoio

Also: Administrative Clerk C. Branson

Audience: K. MacLean, R. Gorman, S. Addonizio- Butts, J. Wozniak- Brown, B. McCann and R. Martin

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

Alternate J. Siegel was Elevated to Voting Status in the absence of Commissioner M. Lee.

PUBLIC HEARING I

PROPOSED: CHANGES TO THE ZONING REGULATIONS, AMEND SECTION: 352, FARMING

AMEND: TABLE OF CONTENTS:

AMEND: Article III- GENERAL REGULATIONS

AMEND: SECTION 352 Farming

AMEND: SECTION 331

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

AMEND: 352 Farming:

It is the intention of the people of Sherman to encourage farming in the town, in accordance with the guidance of the Plan of Conservation and Development, in order to preserve open space, preserve the rural character of the town, maintain the historical integrity of the town, and manage the density of population consistent with the natural resources and the infrastructure in the town. The town recognizes, as well, that farming must be done responsibly, with consideration for the rights of one's neighbors.

ADD: 352 B. Farm

352 B.1. General:

This section is intended to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Sherman. Farm activities are permitted to have certain complimentary uses that will help create a viable agricultural endeavor in accordance with all State and Federal laws or regulations governing such activities.

ADD: 352 B.2 Lot Size:

The lot upon which the principal buildings for farming are located shall be at least 200,000 square feet in area. For the purposes of this Regulation a lot dissected by a road may be considered contiguous. Dwelling use on the same property is permitted but an additional 80,000 square feet shall be required for the dwelling and all requirements for the dwelling and lot must meet these Regulations. Lots less than 200,000 square feet in area with primary use of farming may be considered a Home Occupation subject to section 324.1.B

352. B.3 Setbacks:

Minimum setback requirements for barns housing animals shall be one hundred feet (100') from any side or rear lot line and fifty feet (50') from the front lot line or any lot line on a road or seventy five feet (75') from the center of the road, whichever is greater. Minimum setback requirements for other farm buildings shall be as in 331.5 and 332.5.

352. B.4 Seasonal Farm Stand:

The accessory display and sale of farm produce at a Seasonal Farm Stand is considered to be a permitted use provided it meets the conditions below, in addition to Site Plan Approval by the

Planning and Zoning Commission before such activity begins. The activities must be conducted on the premises which contain the principal farming activity. Any structures used for this purpose shall meet all the requirements of these regulations.

a. Size and Setbacks:

A Seasonal Farm Stand shall not exceed three hundred (300) square feet in size and shall be placed at least fifty feet (50') from the front lot line; at least one hundred feet (100') from any road intersection; and at least one hundred feet (100') from any side or rear lot line. A Seasonal Farm Stand of less than one hundred (100) square feet shall be exempted from the front lot setback. An existing barn/building within the fifty foot (50') setback to be used as a Seasonal Farm Stand may be considered by Special Permit subject to Section 340 of these Regulations.

b. Sale of Products:

A majority of the produce offered for sale shall originate on the premises, and at least seventy percent (70%) of the gross value of the products available on site for sale shall be from agricultural goods produced on site.

c. Parking:

To ensure public safety Seasonal Farm Stands are required to provide parking for at least three (3) cars, not located in a public road right of way or requiring backing out into a public road right of way, with adequate ingress and egress. A detailed plan of the parking area or areas shall be submitted to and approved by the Planning and Zoning Commission in accordance with procedures set forth in Section 372. Parking must be accessible and usable in all weather conditions for visiting vehicles.

d. Vehicles:

Vehicles used in connection with such display or sale shall be garaged or otherwise screened and hidden from view of adjoining properties and the adjacent roads when not in use.

e. Signs:

Signs shall be permitted as set forth in Section 362.

ADD:

352. B.5 Farm Store:

One Farm Store per active farm may be permitted by Special Permit provided the farm store meets all standards of this Section and is sited more than fifty feet (50') from any property boundary. A pre-existing non conforming structure may be converted to farm store use, with the Commission's approval.

a. Statement of Use:

Every application for a farm store Special Permit shall include a Statement of Use. The Statement of Use shall describe the following as they apply to the proposed farm store use:

- i.** Hours of operation, number of employees, types of items sold, size of the retail area.
- ii.** The Statement of Use shall become a part of any Special Permit approval for a farm store use, and the farm store use shall be operated in accordance with the provisions of the Statement of Use. The Statement of Use may be amended by the Commission, at the request of the applicant, without a new public hearing if, in the Commission's opinion, the requested amendments are minor in nature. If the requested amendments are not minor in nature, the Commission shall require a modification to the Special Permit and hold a new Public Hearing.
- iii.** Hours of operation shall be no earlier than 10 am and no later than 8 pm except in the case of an event. In the case of an event, hours of operation shall be determined by the corresponding Event Section of these Regulations.

b. Sale of Products:

At least fifty percent (50%) of the gross sales of the farm store shall be from agricultural goods produced on the site or processed products made from raw materials produced on site. Forty five percent (45%) must be locally grown or regionally produced products, the remaining five percent (5%) may be non-regionally produced products.

- c. **Parking:**
To ensure public safety, farm stores are required to have off street parking that is code compliant as it relates to grade and drainage. A parking plan must be included with a Special Permit Application.

352. B.6 Farm Related Events:

- a. **Event Types:**
Farm related events include events such as corn mazes, pick your own, harvest festivals and farm tours, farmers markets, educational demonstrations, hay rides, petting zoos, and other accessory farm uses. Any such event shall be subject to any applicable Ct. State regulations.
 - i. Any event 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.
- b. **Parking:**
Farm related events are allowed on farms provided adequate off-street parking is provided for guests/customers. One parking space is required for every two guests/customers/ employees. Parking does not have to be paved or improved, just accessible to and useable in all weather conditions for visiting vehicles. (a section of field is acceptable, provided it is passable).
- c. **Permanent Uses:**
Permanent farm related uses include events on a farm which are accessory to agricultural uses and which occur regularly, such as the processing of farm products and their related activities. This includes the sale and service of food produced and prepared on the premises at Farm Related events.
- d. **Site Plan:**
All proposed Farm related events must submit a Site Plan to the Commission. The Site Plan must show in detail planned use areas, parking and traffic movements. If lighting and signage is proposed they must be included on the Site Plan.
- e. **Statement of Intent:**
Once the Site Plan is approved and all conditions, if any, satisfied, the applicant must annually submit a Statement of Intent of proposed events noting the date, number of persons expected and the nature of the event. The applicant will not have to receive Site Plan approval on an annual basis so long as the approved activities do not significantly change.

352. B. 7 Non-Farm Related Events and Activities:

- a. **Event Types:**
Non-farm related events and activities are uses on a farm that are not necessary to agriculture or tied to farm buildings, structures, equipment and fields. Such uses include, but are not limited to, fee based outdoor recreation such as cross country skiing, mountain biking and event hosting such as charity benefits and movie nights. This includes the sale and service of food produced and prepared on the premises at Non-Farm related events. Any such event shall be subject to any applicable Ct. State regulations. Non-farm events and activities are allowed on farms only by Special Permit and shall meet Special Permit requirements for Special Events as identified as below:
- b. **Outdoor Events:**
All outdoor functions with more than fifty (50) guests, at any given time, 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 fifteen (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 fifteen (15) events exceeding fifty (50) guests.

3. The outdoor event area shall be readily accessible from a farm 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.
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 feet (50') from any property line and no closer than one hundred feet (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 four (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.
11. For any event contained in the approved statement of use, at least four (4) days 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.

352. B. 8 Open Public Events:

Activities allowed on a farm could include artist receptions and artist exhibitions, music entertainment, farming related seminars, farming related meetings, farm to table dinners including the sale and service of food prepared and produced on the premises at such events, in accordance with the conditions as set forth in the approved statement of use. Any such event shall be subject to any applicable Connecticut State Regulations. Maximum attendance for such events shall be fifty (50) attendees at any given time not including employees. The Statement of Use shall specify the maximum anticipated attendance for each category of event that may occur at the farm, 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 shall be served or consumed on the premises, specifically including so-called "BYOB" (Bring Your Own Bottle) unless expressly authorized in the Statement of Use, such as authorization for properly licensed caterers to serve alcoholic beverages. Hours are limited to operating hours set forth in Section 352.B. 5. a. Any event 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.

352. B. 9 Design and Site Plan Development Standards:

a. Access and Circulation:

Where a Lot has frontage on two (2) or more streets, the entry and exit from the street shall be provided to minimize traffic congestion and eliminate hazards to traffic and pedestrians.

- i. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street, provide for two-way traffic and be a minimum width of twenty feet (20').
- ii. There shall be no more than one (1) driveway connection from any lot to any street except that:
 1. Separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion.
 2. Additional driveway connections may be provided, particularly for, but not limited to, large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection.

352. B. 10. 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, 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 farm and farming 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 352B.8 above.
- e. The location on the premises, number or frequency, maximum attendance, hours, and schedule for outdoor events proposed under Section 352.B7.b above.
- f. Such other information as will enable the Commission to determine the type and character of activities to be conducted on the premises 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.

352B.11 Criteria for Evaluation:

In addition to the criteria of Section 340 of these Regulations, the Commission shall consider the following in any application for a 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: Section 610 Definitions:

AMEND: Barn- Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of animals, equipment, fodder, or other chattels of an agricultural nature for use in support of agricultural operations, including activities and events subject to Section 352.

AMEND: Farming- A tract of land containing 200,000 square feet or more used principally for agricultural purposes. For the purpose of these Regulations such tract may be

dissected by a road. A farm may include the keeping of livestock and other domestic animals when permitted by these Regulations.

ADD: **Farm Store-** A permanent accessory building or structure or area of land used by the Farm for the year round sale of raw and/or processed agricultural or horticultural products which is in compliance with Section 352.B 5 of these Regulations.

AMEND: **Home Occupation** - An agricultural or non agricultural activity carried on for the production of income by resident occupant(s) with no more than two (2) hired assistants in the principal or accessory building on their property, and with no more than two (2) customers or clients per day. (Agricultural and domestic employees on a property, and construction, maintenance and service contractors temporarily working on a property in the employ of the owner shall not be covered by this definition.)

ADD: **Regionally produced-** Items produced within a fifty (50) mile radius of Sherman Connecticut.

ADD: **Seasonal Farm Stand-** An accessory building, structure or area of land used by a Farm for the temporary seasonal sale of raw and/or processed agricultural and horticultural products which is in compliance with Section 352.B4 or these Regulations and is closed annually for no less than six (6) consecutive weeks.

Chair, J. Burruano Opened the Public Hearing. Acting Chair, T. Hollander read the Legal Warning into record. No Commissioners recused themselves from participating in the hearing. There was no objection from the Audience with any of the seated Commissioners. Legal Notice was published in the Town Tribune on October 19, 2017 and again on October 26, 2017. Ten abutting Towns and Agencies were notified by certified mail. No correspondence was received. There were no opening comments from the Commission. From the Audience, Katherine MacLean stated she is grateful for the careful consideration the Commission has put into this process. Ms. MacLean requested clarification regarding "Non-Regionally Produced". Additionally Ms. MacLean asked how a "Farm Stay" would be considered. Samantha Addonizio Butts, from the audience requested clarification regarding "50% agricultural goods in a Farm Store" and clarification of the definition of "Farm" and suggested to possibly add a definition for "Farming". Discussion followed regarding adding a provision for farming to "Home Occupation". Joanna Wozniak-Brown asked the Commission to reconsider the required 5 acre size of a farm to allow smaller parcels the same opportunities. Additionally Ms. Wozniak-Brown requested reconsideration to allow farm related events to begin earlier than 10:00 am and also reconsideration of events ending at 10:00pm. Rolf Martin stated from the audience that he would like the Commission to reconsider the number of events allowed for farms that may be considered as no impact. Chair, J. Burruano thanked the audience for their feedback. No additional comments were made from the Commission. No additional comments were made from the Audience.

Commissioner N. Volkmar Moved to Close the Public Hearing of Proposed Changes to The Zoning Regulations, Amend Section: 352, Farming.

Seconded by: T. Hollander

Vote: For: Unanimous

PUBLIC HEARING II

PURPOSE: TO REVIEW FOR CONSIDERATION OF PARTICIPATION: PUBLIC ACT 17-155 TEMPORARY HEALTH CARE STRUCTURES ADOPTED BY THE STATE OF CONNECTICUT OCTOBER 1, 2017.

Be it enacted by the Senate and House of Representatives in General Assembly convened: Section 1. (NEW)(Effective October 1, 2017) (a) For the purposes of this section:(1) "Caregiver" means a relative, legal guardian or health care agent who is responsible for the unpaid care of a mentally or physically impaired person.(2) "Mentally or physically impaired person" means a person who requires assistance, as certified in writing by a physician licensed in this state, with two or more activities of daily living, including, but not limited to, bathing, dressing, grooming, eating, meal preparation, shopping, housekeeping, transfers, bowel and bladder care, laundry, communication, self-administration of medication and ambulation.(3) "Temporary health care structure" means a transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person and that (A) is primarily assembled at a location other than the site of installation, (B) has one occupant who is the mentally or physically impaired person, (C) is not larger than five hundred gross square feet, (D) is not placed on or attached to a permanent foundation, and (E) complies with the applicable provisions of the State Building Code, Fire Safety Code and Public Health Code.(b) A temporary health care structure shall be allowed as an accessory use in any single-family residential zoning district on a lot zoned for single-family detached dwellings that is owned by a caregiver or mentally or physically impaired person and used as his or her residence.

Such structures shall comply with all setback requirements, coverage limits and maximum floor area ratio limitations that apply to accessory structures in such zoning district as of October 1, 2017.(c) No person shall install a temporary health care structure without first obtaining a permit from the municipality in which the structure will be installed, for which the municipality may charge a fee not to exceed two hundred fifty dollars and an annual permit renewal fee not to exceed one hundred dollars. The municipality shall not be required to hold a public hearing on the permit application and shall either approve or deny the permit not later than fifteen business days after the permit application is submitted to the municipality by the applicant. The municipality shall not deny the permit if the applicant provides proof of compliance with this section. The applicant shall send notice of the permit application, by certified or registered mail, to each person appearing of record as an owner of property which abuts the property upon which the temporary health care structure is proposed to be installed. The notice shall be sent not later than three business days after the permit application is submitted to the municipality by the applicant.(d) The municipality may require a temporary health care structure installed pursuant to this section to be accessible to emergency vehicles and be connected to private water or septic systems or to water, sewer and electric utilities that serve the primary residence. (e) Not more than one temporary health care structure shall be installed on a lot zoned for a single-family detached dwelling.(f) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the structure or elsewhere on the lot.(g) Following issuance of such permit, the municipality may require that the applicant provide written evidence of compliance with this section as long as the temporary health care structure remains on the property. Evidence of compliance may be obtained through an inspection by the municipality of the temporary health care structure at reasonable times convenient to the caregiver.(h) Any temporary health care structure installed pursuant to this section shall be removed not later than one hundred twenty days after the mentally or physically impaired person no longer occupies the structure or no longer qualifies as a mentally or physically impaired person. Upon issuance of the permit authorizing such structure, the municipality may require the applicant to post a bond in an amount not exceeding fifty thousand dollars to ensure compliance with this subsection.(i) The municipality may revoke a permit issued pursuant to subsection (c) of this section if the permit holder violates any provision of this section.(j) A municipality, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, may opt out of the provisions of this section and the provision of subsection (a) of section 8-2 of the general statutes, as amended by this act, regarding authorization for the installation of temporary health care structures, provided the zoning commission or combined planning and zoning commission of the municipality: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Sec. 2. Subsection (a) of section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):(a) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality, the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93, and the height, size and location of advertising signs and billboards. Such bulk regulations may allow for cluster development, as defined in section 8-18. Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district and may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. Such regulations shall be made in accordance with a comprehensive plan and in adopting such regulations the commission shall consider the plan of conservation and development prepared under section 8-23. Such regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most

appropriate use of land throughout such municipality. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and Substitute Senate Bill No. 922 in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26. Zoning regulations shall be made with reasonable consideration for their impact on agriculture, as defined in subsection (q) of section 1-1. Zoning regulations may be made with reasonable consideration for the protection of historic factors and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. The regulations may also provide for incentives for developers who use passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision. Such regulations may provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer. Such regulations may also provide for notice requirements in addition to those required by this chapter. Such regulations may provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations. No such regulations shall prohibit the operation of any family child care home or group child care home in a residential zone. No such regulations shall prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards. No such regulations shall unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Unless such town opts out, in accordance with the provisions of subsection (j) of section 1 of this act, such regulations shall not prohibit the installation of temporary health care structures for use by mentally or physically impaired persons in accordance with the provisions of section 1 of this act if such structures comply with the provisions of said section. Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough; but unless it is so voted municipal property shall be subject to such regulations.

Chair, J. Burruano Opened the Public Hearing. Acting Chair, T. Hollander read the Legal Warning into record. No Commissioners recused themselves from participating in the hearing. There was no objection from the Audience with any of the seated Commissioners. Legal Notice was published in the Town Tribune on October 19, 2017 and again on October 26, 2017. Ten abutting Towns and Agencies were notified by certified mail. No correspondence was received. Chair, J. Burruano read into record a prepared statement regarding the procedure for recommendation

to the BoS and the timeframe in which to act, which was then discussed by the Commission. No comments were made by the audience.

Commissioner T. Hollander Moved to Close the Public Hearing of for consideration of participation: Public Act 17-155 Temporary Health Care Structures adopted by the State of Connecticut October 1, 2017.

Seconded by: J. Siegel

Vote: For: Unanimous

Old Business:

Deliberations:

Public Hearing I:

PROPOSED: CHANGES TO THE ZONING REGULATIONS, AMEND SECTION: 352, FARMING

The Commission discussed the feedback that was given during the Public Hearing from the audience members who spoke. The Commissioners agreed to consider the following: updates to the definition of "Farming"; Clarification of a timeframe for "50% Gross Sales"; and at a later date the possibility of updating the criteria of "Home Occupation".

Commissioner J. Siegel Moved to Continue the Deliberations of Proposed Changes to The Zoning Regulations, Amend Section: 352, Farming. to December 7, 2017 meeting to begin at 7:00 pm at Mallory Town Hall.

Seconded by: J. Finch

Vote: For: Unanimous

Public Hearing II:

PURPOSE: TO REVIEW FOR CONSIDERATION OF PARTICIPATION: PUBLIC ACT 17-155 TEMPORARY HEALTH CARE STRUCTURES ADOPTED BY THE STATE OF CONNECTICUT OCTOBER 1, 2017.

The Commission discussed Public Act 17-155 Temporary Health Care Structures adopted by the State of Connecticut October 1, 2017. Chair J. Burruano stated that the Act does not designate who shall take on the responsibilities administratively to oversee these temporary structures. Additionally the consensus of the Commission was that the recently adopted Zoning Regulations allowing Accessory Dwellings and Detached Accessory Apartments should be sufficient to meet the accommodations of individuals in Sherman that would require the type of care outlined in the Public Act 17-155.

Commissioner P. Voorhees Moved to Recommend the BoS opt out of Public Act 17-155 Temporary Health Care Structures adopted by the State of Connecticut October 1, 2017.

Seconded by: N. Volkmar

Vote: For: Unanimous

New Business: None

Approval of Minutes:

Regular Monthly Meeting of October 5, 2017

Commissioner N. Volkmar Moved to Approve the Regular Monthly Meeting Minutes of October 5, 2017 as written.

Seconded by: J. Siegel

Vote: For: Unanimous

Mid-Month Meeting of October 19, 2017

Commissioner N. Volkmar Moved to Approve the Mid-Month Meeting of October 19, 2017 as amended.

Seconded by: J. Siegel

Vote: For: Unanimous

2018 Schedule of Planning & Zoning Meetings:

Commissioner J. Finch Moved to Approve the 2018 Schedule of Planning & Zoning Meetings as submitted.

Seconded by: N. Volkmar

Vote: For: Unanimous

Correspondence: No correspondence was received.

Zoning Enforcement Officer's Report: No report was submitted.

Public Comment: None

Committee Reports: No reports

Chairman Report: No report

Regulation Review: None

Adjournment: **Commissioner N. Volkmar Moved to Adjourn the Meeting at 9:00 pm.**

Respectfully submitted by:

Christine Branson, Administrative Clerk
November 9, 2017