

\$5.00

**PLAN OF CONSERVATION
AND DEVELOPMENT***

(previous title "Master Plan of Development)

**TOWN OF SHERMAN,
CONNECTICUT**

**Prepared by the Sherman
Planning and Zoning Commission**

Effective: August 4, 2001

***Title amended November 1, 2004**

Accepted for Public Hearing: 04/19/01
Public Haring: 06/07/01
Published Public Hearing Notice: NMT 05/25/01 & 06/01/01
Adopted: 06/30/01
Published Decision: NMT 08/03/01
Effective: 08/04/01

Master Plan of Development

Town of Sherman, Connecticut

Effective: August 4, 2001

Table of Contents

I.	Introduction to the 2001 Plan	1
II.	Overview of the 2001 Plan	3
III.	The Planning Horizon of the Town	6
IV.	Considerations Relating to Residential Uses of Land	9
V.	Considerations Relating to Business and Institutional Uses of Land	12
VI.	Considerations Relating to the Town Center	16
VII.	Environmental, Aesthetic and Preservation Considerations	19

I. Introduction to the 2001 Plan

This Master Plan of Development of the Town of Sherman, Connecticut has been prepared under the authority of, and in fulfillment of the requirements of, Section 8-23 of the Connecticut General Statutes. This Master Plan was prepared by the Planning & Zoning Commission of the Town of Sherman and adopted for submission to a public hearing for the Town by the Commission on April 19, 2001. This Master Plan was adopted by the Commission at a meeting on June 30, 2001, and became effective, pursuant to public notice duly given, on August 4, 2001.

This Master Plan of Development, by its enactment, supersedes all previous plans of development enacted by the Town of Sherman. Most specifically, it supersedes the plan of development of the Town of Sherman adopted by the people of the Town in January 19, 1978, and updating of that plan of development adopted by the people of the Town in May 3, 1984.

The Master Plan of Development is not a law, ordinance or regulation. The Connecticut General Statutes provide that “The plan of development shall be a statement of policies, goals and standards for the physical and economic development of the municipality.” These policies, goals and standards are intended, in simplest terms, as a set of guideline for the boards, commissions and agencies of the Town; when these entities create new rules, or exercise their legitimate judgment in applying existing rules, in the matters relating to the use of land. The Master Plan of Development contains the instructions of the people of the town to those entities. The Master Plan contains the goals that new rules should serve, and the standards that should be applied when new or existing rules require the exercise of judgment.

The Master Plan of Development is part of the broad planning structure of the State of Connecticut. The Connecticut General Statutes provide a planning framework for the State as a whole, and put forth numerous specific statewide planning goals. The Town of Sherman is a member of the Housatonic Valley Council of Elected Officials, the regional planning agency charged with planning for a ten-municipality area at whose northwestern corner Sherman lies. The Town of Sherman hereby incorporates into its Master Plan of Development. “The HVCEO Regional Growth Guide Map” and its accompanying text, dated 1997, which set forth the regional directions for development planning.

The Connecticut General Statutes require that “a plan of conservation and development shall be designed to promote with the greatest efficiency and economy the coordinated development of the municipality and the general welfare and prosperity of its people.” The Statutes additionally cite matters that a plan of development must address, and others that it may address. This Master Plan of Development addresses each cited matter, required or optional. The Statutes also provide that a plan of development may “make such other recommendations as will be beneficial to the community.” This Master Plan of Development makes several such recommendations.

The Town of Sherman is additionally subject to policies limiting the uses of land located in public water supply watersheds. Much of the surface area of the Town lies within the New York City (Croton System) and the proposed Candlewood Lake watersheds. This plan expressly accepts the limitations placed on land use by “The Conservation and Development Policies Plan for Connecticut, dated 1998-2003 and The HVCEO Regional Growth Guide Map” and its accompanying text, dated 1997, and the New York City Water Supply Watershed regulations, dated 1996.

This Master Plan of Development consists of a written text. Also, a series of computer-based maps of the Town of Sherman to be utilized as an aid in this and future revisions of the Master Plan are currently being completed. The full-scale maps, which contain a great amount of detail, will be available for viewing at Mallory Town Hall when the series is complete.

In the preparation of this Master Plan, the Planning & Zoning Commission acknowledges the contributions of these individuals and organizations: David Hannon and Jonathan Chew of the Housatonic Valley Council of Elected Officials, for continual guidance, advice and documentary support; Kempton Mandeville, who almost single-handedly developed the computerized maps contained in this Plan; Arthur and Margaret Pinkham, who began, manually, the mapping project; the Naromi Land Trust, for its financial support of the mapping project; former Commissioners Jim Mac Gregor, William Piel and Mary Ann Yanarella, for sound counsel; and the many people of the Town of Sherman who took the time to complete questionnaires, participate in workshops, and offer their ideas and concerns.

II. Overview of the 2001 Plan

More than sixty-five years ago, the Town of Sherman was the first Connecticut municipality to adopt zoning regulations. The purpose was to establish rules and procedures that would allow residents to use their property, and the Town to grow, without changing the attractive character of the Town. That initiative and its successors have been demonstrably successful. Sherman today, though considerably more populous, retains its rural character. It is, in addition, economically healthy, environmentally sound, and well provided with town services.

This Master Plan of Development is devoted to the premise that the Town of Sherman is, wishes to remain, and will remain a rural town. As a rural town, Sherman is now and will

be characterized as having a clearly delimited town center wherein commercial and municipal services are located; low population density; no industrial activity; limited commercial activity; substantial areas devoted to forestation, agriculture, and open space, country roads; protection of scenic vistas, recreational areas, and natural features; and no use of sewers, offsite sewage treatment facilities, or offsite and/or public water systems. This rural town concept is compatible with the planning of the State of Connecticut, HVCEO, and the demands placed on the Town as part of two major public water supply watersheds.

Within the rural Town of Sherman, the most desirable uses of land will be for low-density residential housing specifically one-family and two-family residential structures; for agriculture, and for the preservation and enjoyment of land in its natural state. It is understood that more intensive residential, commercial and/or industrial development could increase the value of some landholdings within the Town, but that such development would fundamentally and irrevocably change the character of the Town, and would impose substantial new economic and social costs on all the people of the Town and to some extent the people of surrounding areas.

These principles are entirely compatible with the Growth Management Plan for the Housatonic Valley Region adopted by the Housatonic Valley Council of Elected Officials in April, 1997, pursuant to Connecticut General Statutes Chapter 127, Section 8-35a. The Town of Sherman is one of the ten HVCEO member towns. The Growth Management Plan recommends regional policies for land use, transportation, public water and sewer facilities and for the protection of critical environmental features, especially surface and groundwater sources of drinking water.

The HVCEO Growth Management Plan's principal policy is that new growth should be channeled to the population centers of the region, specifically the areas around central Danbury and central New Milford, where there are existing public sewage and water systems and an efficient transportation network. This centralization of growth is intended to promote energy efficiency, cost-effectiveness of public investment, and appropriate balance between employment and housing opportunities. The Growth Management Plan recommends that Sherman, along with certain other rural towns, remain a remote low-density growth part of the Housatonic region.

Both the State and Regional Plans recommend that Sherman adopt local policies and regulations that avoid the need for public sewer or water systems or major new highway corridors. The Regional Plan strongly advocates that Sherman adopt policies to avoid sewers, and stresses the overriding need to concentrate development near the core areas and to develop at a low density in such remote areas as the Town of Sherman. Other elements of the Regional Plan reflected in this Master Plan of Development are the protection of public water supply watersheds and the designation of the Town Center as a rural community center.

Residential construction has proceeded at the pace of approximately 40 houses per year for the last decade or more; however, experience has shown that social and economic trends can change abruptly, and can impact the rate of development accordingly. Therefore, the Town must take into consideration the maximum amount of development possible under currently identifiable conditions. Accordingly, Section III of this Plan of Development sets forth a process whereby a theoretical maximum for the size of the Town's population can be calculated, should residences actually be built on all land suitable for building, and should all such residences be occupied on a full-time basis. The agencies of the Town should factor this horizon, once complete, into their own long-range planning. This horizon will be updated regularly to reflect changing circumstances.

One cornerstone principle of the Town of Sherman's planning for residential development is that every building lot must be able to meet the water supply and septic disposal needs of the uses to which it is put, on-site and in perpetuity. This principle, which is essential to the concept of Sherman as a rural town, significantly influences the minimum size, location and topography of building lots within the Town. This plan anticipates that residential development could someday take place on most of the currently buildable land within the town, though efforts will be made to limit development in areas of particular agricultural, environmental or scenic significance.

The necessity of on-site water supply and septic disposal limits that range of housing alternatives that are, or will be, available within the Town of Sherman; these are discussed in Section IV. High-density housing requires, almost by definition, public and/or off-site water and sewer service, which are not possible here. The Town has determined, however, that the needs of its population for affordable housing can be adequately met by the range of housing alternatives currently available with the Town.

About 20% of the houses in Sherman are second homes, used for vacation and recreation purposes by owners who live, and earn their living, elsewhere. Houses owned by retirees represent another significant minority. Most of the remaining houses are owned by full-time residents work outside the Town. This plan of development contemplates three basic categories of employment within the Town of Sherman, as described in Section V. First, employees of Town boards and agencies and of commercial establishments, located primarily within the Town Center. Second, resident contractors, who perform work at customer locations throughout the town and region, but who use their residential properties for office functions and vehicle storage. Third, individuals who work within homes located on residential properties. This plan accepts these forms of employment related to residential properties – with the express provision that such employment shall not have an undue adverse impact on the quality of life or property values of those who own or use adjacent and nearby lands.

The Town Center is the heart of Sherman, location of virtually all functions of town government, all of the Town's commercial establishments, and most of the public places where the people of the Town gather. Largely as a response to the population growth of the 1970's, 1980's and 1990's, commercial space usage in the Town Center has roughly doubled in the decade preceding the preparation of this plan. As described in Section VI,

this Plan of Development proposes that the Town Center remain much as it is today, with particular emphasis on preservation of the Historic District that lies within the Center. Although growing population may require the construction of a new school at some point in the future, possibly outside the Town Center, all other aspects of Town government should be able to address the needs of a fully realized planning horizon population within the confines of the Town Center. However, new commercial uses within the Center should be able to demonstrate that they will have the support, including economic, of the people of the Town.

Another cornerstone of the Town of Sherman's planning for residential development is preserving the rural character of the Town of Sherman, which depends in considerable measure on the preservation of the town's unique aesthetic and environmental appeal. Section VII describes measures to ensure such protection. These include prior identification of potential open space areas that meet Town objectives within land that may be subject to future development; exercising the Planning & Zoning Commission's option during the subdivision process to select these areas; acquisition of high-desirability open space areas, supported by cash payments in lieu of open space from developers whose lands contain no equally desirable open space areas; steps to preserve the attractiveness of ridgelines, lakes, waterways and roadways; and steps to protect rare and endangered natural and archeological features.

III. The Planning Horizon of the Town

- A. The planning horizon of the Town of Sherman is the maximum amount of development that is possible under current or predictable future conditions. In its planning for roads, schools and other town services and facilities, the Town must make provision for the possibility of having to serve that level of development at some time in the future.
- B. The assumptions of the planning horizon of the Town of Sherman are:
 - 1. All land suitable for development may be subdivided into the maximum number of legal residential lots;
 - 2. Residences will be built on all lots;
 - 3. All residences will be occupied on a year-round basis; and

4. The occupants of these residences will be comparable in number and age distribution to other rural towns within the State of Connecticut.
- C. The amount of land suitable for development is dependent on limitations that change from time to time. These include:
1. Federal statutes, including the National Flood Insurance Program “Firm Flood Insurance Rate Map”, Map Index and Street Index, Panels Printed; 2, 10, 15 and individual Panels 2, 10, and 15 dated June 18, 1987, prepared by the Federal Emergency Management Agency.
 2. State statutes, including the Health Code of the State of Connecticut, Inland Wetlands and Watercourses Regulations of the Town of Sherman, State Building Code, Building Code of the Town of Sherman, Connecticut.
 3. Ordinances and regulations of the Town of Sherman, including the Revised Health Code, dated May 4, 2001, An Ordinance Establishing Procedures: Standards, Specifications and Regulations for the Construction of Roads in the Town of Sherman, State Building Code, Building Code of the Town of Sherman, Connecticut, the Zoning Regulations of the Town of Sherman and the Subdivision Regulations of the Town of Sherman.
 4. Private limitations placed on the use of land, including ownership by a land trust or conservation organization; designation as open space; conservation or other easements; permanent deed restrictions or other irrevocable limitations.
- D. As of April 30, 2001 the current land use status of the Town of Sherman was:
1. The Town contained 15,805 acres of land, exclusive of public roads and Candlewood Lake and Squantz Pond;
 2. This land was divided into 2,511 parcels;
 3. These parcels included 2,005 approved building lots. Of this total,
 - 442 lots have not yet been built upon;
 - 1,531 lots contain a single-family residence; and
 - 32 lots contain known two-family residences (with one exception, these are a primary residence and an accessory apartment in one structure)
 4. Of the 1,561 residences in the Town, 1,249 (80%) are occupied on a year-round basis, and 312 (20%) are occupied as weekend or vacation second homes.

5. The full-time population of the Town of Sherman was 3,827 people, of which 19.75% were younger than the age of 18, and 13.2% were 65 or older.

E. Upon the completion of the series, the planning horizon of the Town of Sherman will be reflected in part by a series of maps entitled "Land Available for Development," which are being prepared by the Planning & Zoning Commission and its advisers. These maps are based on the best available federal, state and town data including property maps on file with the Town Clerk and Board of Assessors of the Town. Bases on these maps and other calculations, the Planning & Zoning Commission will be able to make reasonable estimates of land use in the future.

1. After elimination of lands that cannot be developed by reason of slope, septic limitations, wetlands, and water bodies, the land in the Town suitable for residential development, but not yet developed, can with some accuracy be estimated. (It must be noted that some approved lots may turn out to be inappropriate for building, and that some parcels of land that appear suitable for building may fail to gain approval as building lots).

2. The normal population distribution for the State of Connecticut is 2.59 persons per residence, essentially comparable to Sherman's 2.62 population per household. Using these numbers and the currently unbuilt approved lots plus estimates of potential building lots will enable us to estimate the future maximum population.

There is no assurance that this maximum population will ever be reached. The rate of new construction that has prevailed since the last revision of the Master Plan of Development suggests that approximately 40 new residences will be constructed each year. Of these, a number are likely to be built as second homes, which will be converted to full-time usage only over a period of years, if at all. The most likely case is that the full-time resident population of the Town will increase by 100-150 persons per year during the next ten years.

F. The responsibility of the Planning & Zoning Commission is limited to the uses of land within the Town of Sherman. It is the responsibility of the legislative body of the Town, the Town Meeting, and the other governmental agencies of the Town, most particularly the Board of Selectmen, to plan for the provision for town services to the maximum population determined by the planning horizon of the Town.

Accordingly, the Board of Selectmen, with the advice and counsel of other Town agencies, should determine that the Town presently has, or is certain of the ability to acquire, land sufficient to meet the needs of the maximum population for road transportation, elementary and secondary education, firefighting and emergency service, public health and sanitation, parks and recreation, and other essential town

services. Further, the Board of Selectmen should report their determinations to the Town not later than two years following the date of this plan's adoption by the Town.

- G. The planning horizon is the maximum population possible under current conditions. This horizon may in the future be increased or reduced by legislation or other governmental action at the federal, state or Town level that changes the amount or nature of permissible or required development. This horizon may be reduced as well by action of private landowners that permanently limit or preclude development of their lands.

Accordingly, the Planning & Zoning Commission should from time to time determine a new planning horizon for the Town, taking into account all public and private actions that have affected the prior planning horizon. The first such re-determination should be reported to the Board of Selectmen and the Town not later than five years following the date of this plan's adoption by the Town and completion of planning horizon maps.

IV. Considerations Relating to Residential Uses of Land

- A. The Town of Sherman is a rural town, so designated both by the choice of its own citizens and the mandate of the State of Connecticut's plans of development and preservation. As a rural town, much of the Town's surface area comprises either land used for agricultural purposes or land left in its natural state. The primary developed use of land in the Town is for the residences of the people of the Town. This Master Plan of Development expressly contemplates the continued residential development of lands within the Town, subject to the following considerations.
- B. Every residential lot within the Town of Sherman shall be able to meet its own water supply and septic disposal needs on site, in perpetuity. Municipal and/or private and/or offsite sewer systems shall not be constructed within the Town. Municipal and/or private and/or offsite water supply companies shall not be constructed except to the degree that they have already been constructed or permitted, and shall not be enlarged, within the Town.

This planning requirement follows from the determination of appropriate state planning agencies that Sherman is and should remain a rural town; from the designation of most of the land area of the Town as public water supply watershed; and from the views of the people of the Town, as expressed in questionnaires and

public meetings incident to the planning process, that Sherman should remain a rural town and should not permit sewer systems.

1. The Planning & Zoning Commission shall evaluate, not later than five years after the date of passage of this plan, and again not later than five years after the completion of the first review, that minimum lot sizes and other conditions for the approval of building lots reflect the amount and conditions of land necessary to meet residential water supply and septic disposal needs on site, in perpetuity.
2. Where residences or other structures have been constructed on lots that do not meet current standards for water supply and septic disposal, by reason of size or other characteristics, the Health Department shall, to the degree permitted by law, inspect such lots from time to time to ensure that septic system failures are rapidly identified and contained.
3. Where construction is proposed on approved building lots that do not meet current standards for water supply and septic disposal approval shall require an affirmative finding by the Sherman Health Department that the lot can meet its water supply and septic disposal needs on-site, in perpetuity.

C. In all portions of the Town except the Town Center, all building lots shall meet or exceed a minimum size sufficient to ensure that on-site water and septic needs are met in perpetuity. This requirement precludes the existence of the smaller lots and higher-density development found in towns that operate municipal sewer systems. Accordingly, all lands in the Town, except as provided below, shall be part of a zone whose minimum lot size and whose population density shall be based upon the minimum lots size described above.

1. The Town Center is already close to full development, and in many cases with lot sizes smaller than the minimum described above. No change shall be made in the building lot requirements of the Town Center unless the Health Department determines that a substantial risk of septic system failure exists within the Center. In the event of such a determination, the Town shall take such steps as may be necessary to protect the health of the Town's citizens and the integrity of its health and planning codes.
2. The Planning & Zoning Commission shall, within two years of the adoption of this plan, determine the feasibility of new zones, which shall comprise lands whose slopes, soils and ledge depths, or other characteristics are unsuitable for the level of development currently permitted, and which shall be characterized by larger minimum lot sizes than those pertaining elsewhere in the Town. If found to be feasible, the proposed zones shall be submitted to the consideration of the people of the Town.

- D. The essential nature of a rural town provides only limited opportunity for the development of diverse housing opportunities. These opportunities are as follows:
1. Accessory apartments, of a size large enough to houses a family, are permitted, subject to special permit, within virtually every residential structure in the Town of Sherman. Based on surveys conducted by the Planning & Zoning Commission and the Affordable Housing Study Group, the presence of these apartments addresses the need for low-income and moderate-income housing within the Town of Sherman.
 2. Within two years from the date of adoption of this master plan of development, the Planning & Zoning Commission shall examine current and proposed State Affordable Housing statutes, their applicability to Sherman and conduct a follow-up survey of existing affordable housing stock and usage, to determine if the need for and provision of affordable housing in the Town has increased or changed in nature, and/or is being met.
 3. The people of the Town of Sherman considered the permitting of cluster housing in the Town as part of the survey and public meetings incident to the master planning process, and determined that cluster housing is not desirable within the context of Sherman as a rural town.
 4. Some form of Senior Housing was deemed to be acceptable or desirable by a majority of residents, with a preference for its location in the town Center, and it's being private rather than Town-owned.
 5. Within two years from the date of adoption of this master plan of development, the Planning & Zoning Commission shall explore the options for Senior Housing opportunities in the Town Center.
 - a. The basic unit of planning for the Town of Sherman shall be the building lot. Except in the commercial zone, where public and commercial uses are permitted, each lot shall be limited to one primary residence, one accessory apartment, and such other structures and uses as may be permitted by state and town regulations. The guiding principle shall be that each lot must be able to meet the water supply and septic disposal needs of its permitted uses on site, in perpetuity.

V. Considerations Relating to Business and Institutional Uses of Land

- A. The Town of Sherman is a rural town, characterized by low population density, low population growth, no town sewer systems, relatively little commercial activity and little to no industrial activity. This is the historic direction of the Town. This is the direction set forth for the Town by the appropriate state planning agencies. And this is the direction endorsed by the people of the Town in the surveys and workshops undertaken as part of the Town's planning process.

A majority of Sherman residences are owned as primary family dwellings or are owned by retirees. Most employed Sherman residents work outside the Town. And most Sherman residents meet the largest part of their commercial needs in other towns, including New Milford, New Fairfield, Danbury and Kent, Connecticut and Pawling, New York. The people of the Town, as part of the planning process, have acknowledged their preference for a continuation of this pattern.

The Town of Sherman believes, however, that several income-producing uses of land are normal and appropriate to the rural town that Sherman is and wishes to remain. These uses are listed as follows. They are available equally to the owners of land in the Town, and to those who obtain use of such land by rent, lease, contract or easement.

- B. Principles of limitation of use: Uses of land in the Town of Sherman for income-producing activities, other than those reasonably necessary to the normal and orderly functioning of the Town, should be subject to the following general limitations:
1. Use should not detract from Sherman is rural town character;
 2. Use should not adversely affect the value of adjacent or nearby property;
 3. Use should not adversely impact quality of life on adjacent or nearby property; and
 4. Use should not place excessive demands on available services provided by the Town.

Implementation of these general principles will reside largely with the Planning & Zoning Commission, which will reflect their intent in the drafting or revision of its regulations, and in the application of its regulations, principally through the special permitting process.

- C. Agricultural use: Farming, in its various forms, has been central to the history of Sherman since its founding, and remains a key element of its rural-town positioning today. Agriculture in Sherman today spans a broad range of activity, from livestock to produce to horticulture to forestry. Much of today's agriculture is recreational in nature, or provides at most a second income to the property owner.

This Plan of Development places high priority on the preservation and encouragement of agricultural activity in the Town. The Board of Selectmen should review, within two years of the enactment of this Plan, the appropriateness of Town policies to the achievement of this goal. The Planning & Zoning Commission should reflect this priority as well in the revision and application of its regulations.

- D. Industrial use: There is at present no industrial activity in the Town of Sherman. Due to the Town's current inability (and probable future inability) to meet the transportation, water supply and septic disposal needs of such use, this plan does not provide for the possibility of such use. Any change from this direction should be subject to the consideration and approval of the Town Meeting.
- E. Public utility use: Public utilities operate and use land in the Town of Sherman to meet the power and communications needs of its residents, and as part of larger regional or national systems of power, fuel and communications transmission. Existing uses for these purposes are expected to continue throughout the life of this plan. New uses for these purposes, if any, should be subject to these principles:
1. New roadside utilities should be placed underground. Existing roadside utilities, when replaced or upgraded, should, to the fullest extent possible, be placed underground. Responsibility for implementation lies with the Planning & Zoning Commission.
 2. New utility activities that are limited to a single lot and involve no on-site employment (such as substations or transmission towers) should be subject to the special permitting process of the Planning & Zoning Commission, following the principles set forth in B. above.
 3. New utility activities that involve multiple lots or on-site employment, or that exceed the limitations of B. above, should be subject to the review and approval of the Town Meeting, Responsibility lies with the Board of Selectmen.

- F. Use by town government and agencies: The Town of Sherman uses land within the Town for a town hall that provides offices and headquarters for town boards and agencies, an elementary/middle school, a highway department, parks and recreation facilities. A town-sponsored voluntary fire company and emergency medical service are based within the Town. The Connecticut State Police Department maintains one resident state trooper within the Town, with additional police support available from outside the Town. All these activities are essential to the functioning of the Town.

As the population of the Town of Sherman grows, the number of elementary schoolchildren may eventually exceed the capacity of the current school site. Land currently owned by the Town in the Town Center is well suited for location of a new school, with ready access to the existing school, to the Sherman Library and the Veterans Field and Colonial Field complexes. When the capacity of the current school site is reached, new construction should take place here.

All other boards and agencies of the Town, with the exception of the Department of Highways, are located within the Town Center. Land owned or controlled by the Town within the Center is sufficient to accommodate growth in these entities due to population growth during the life of this Plan of Development. New or expanded uses by agencies of the Town of land outside the Town Center should be subject to same special permitting process as non-residential uses by other landowners in the same zone.

- G. Commercial use: Commercial use involved the establishment of a place of business to which customers or clients come to purchase or receive goods or services. The rural town positioning adopted by the Town of Sherman and by the State of Connecticut implies a minimum level of commercial activity within the town. The people of Sherman have adopted this approach, and have specified further their preference for the concentration of such activities within the Town Center, and the limitation of the Town Center to its present size and boundaries.

All new commercial establishments in the Town should be located within the Town Center. The people of the town of Sherman, when surveyed as part of the master planning process, indicated that the following were “essential” or “desirable” commercial establishments: food supermarket, hardware store, bakery, restaurant, bed & breakfast, physician’s office, pharmacy, and auto service station. These, or similar service-oriented activities should be permitted within the Town Center, subject to the normal special permitting process.

All other new commercial establishments seeking to operate within the Town Center should be similarly subject to the special permitting process of the Planning & Zoning Commission, but should be required, as a condition of approval, to make a substantial showing of the need or demand for the commercial good or service to be provided.

- H. Use of land by non-business institutions: Land outside the Town Center is owned, and may in the future be owned to a greater extent, by agencies of state and federal government, land trusts, conservation organizations, churches, universities, community groups and other non-business organizations and institutions. Uses of such property that impact on the Town or on adjacent and nearby property in the ways cited in B. above should be subject to the same special permitting process as comparable uses by individual or business property owners. Responsibility lies with the Planning & Zoning Commission.
- I. Resident contractor use: Resident contractors are individuals who perform work at their customer's properties and work sites, but who use their residential property for office functions, for vehicle parking, and for storage of tools and work materials. Resident contractors are a mainstay of the Town population, and their continuation should be encouraged by Town policy.

Because residential contractor parking and storage activities can have an effect on nearby properties, residential contractors should be subject to the special permitting process of the Planning & Zoning Commission, which should revise and/or apply regulations that appropriately separate and conceal such activities from nearby properties.

Residential contractor businesses that have no impact on the Town or nearby properties should require no permit. A no-impact business would present no external sign of its existence, would cause no change in vehicle traffic or parking patterns, and would have no perceptible effect on the quality of life of adjacent or nearby properties.

- J. Home occupation use: Home occupations are non-agricultural activities carried on by individuals on their property for the production of income. Historically, the Town of Sherman has permitted or denied home occupations according to the nature of the work being performed. Given the evolving nature of the working marketplace, this standard is no longer appropriate. The Town of Sherman should henceforth permit and regulate home occupations on the same basis as other uses of land, that is, the effect on such use on the Town and on adjacent and nearby properties:
1. Home occupations that have no impact on the Town or nearby properties should require no permit. A no-impact occupation would present no external sign of its existence, would cause no change in vehicle traffic or parking patterns, and would have no perceptible effect on the quality of life of adjacent or nearby properties.
 2. Home occupations that involve the presence on a residential property of one or more employees paid by a business located on the property.

3. Home occupations that involve the presence of more than one customer or client at one time on a residential property should be subject to the normal special permitting process of the Planning & Zoning Commission.
4. All other proposed home occupations should be subject to the normal special permitting process of the Planning & Zoning Commission .
5. 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.

VI. Considerations Relating to the Town Center

- A. The town center of a rural town is, by definition, a small place. It is a central location at which can be found essential governmental services and a small number of basic, widely desired commercial activities. This is the town center that the people of the Town of Sherman have chosen. It is a place of low population density; that is, not appreciably greater than that of the town as a whole (in part because of limitations imposed by on-site water supply and disposal). It is as well a place of low employment density, relative to more urban town centers. It is not a commercial destination for residents of neighboring towns. These principles are reflected both in the elements of this plan of development that pertain to the entire town, and to the following policies that pertain only to the Town Center.
- B. The Town Center is located within, and is essentially coterminous with, the C Zone (residential/commercial) of the Town of Sherman. This is the most fully developed zone of the town. A substantial portion of the structures and surface area of the zone have been designated an Historic District by the State of Connecticut, with all the benefits and restrictions that result from such designation. Other than home occupations and resident contractors, the Town Center contains virtually all the government and commercial business locations that exist in the Town.
 1. There should be no expansion of the Town Center and its enabling C Zone. The assessment of the needs of the Town conducted by the Planning & Zoning Commission indicates that no expansion is needed. The people of the town have indicated their opposition to such expansion. The only foreseeable

exception would be to rationalize anomalous property lines that straddle two zones in a manner that renders parcels of land unusable.

2. The minimum building lot size in the Town Center is approximately half that required to ensure that water supply and septic disposal needs are met on-site in perpetuity. Most such lots have already been built upon. Future construction on lots as yet unbuilt should require affirmative certification by the Health Department that the building plans for such lots have a high probability of meeting such needs in perpetuity. Lots containing existing construction should be reviewed by the Health Department, to the degree permitted by applicable statute, to ensure timely detection of conditions likely to lead to septic system failure.
 3. The existing Historic District should be constituted by the Planning & Zoning Commission as a separate Zone C-1 (historic/commercial/ residential). The zoning regulations applicable to this zone should be identical to those applicable to Zone C, but with the addition of those standards for use and appearance that are part of the Historic District designation.
- C. Essential town services should remain concentrated in the Town Center, which contains sufficient land to meet their expansion needs for the foreseeable future.
1. Mallory Town Hall, which houses the Board of Selectmen and most agencies of town government, has sufficient space on-site to meet substantial expansion needs. Additionally, properties controlled by the Town and located in the Town Center provide some additional capacity for the location of governmental and quasi-governmental functions.
 2. The Sherman School will outgrow its present site at some time in the future that cannot now be determined. The Murphy Tract, owned by the Town, is the preferred site for expansion when that time comes. Not later than two years following the date of adoption of this plan of development, the Sherman School Board should present to the Board of Selectmen and the Town Meeting an analysis of the maximum student enrollment capacity possible on the present site; such analysis should be updated every two years thereafter in light of changing state and other requirements for educational facilities.
 3. Should the Town of Sherman determine that it wishes to provide in-town high school education, rather than sending students to neighboring towns, a site outside the Town Center would be required for construction of a high school. This would require a change in the Town's plan of development and its zoning regulations, and would therefore be subject to a public hearing.
 4. No Town lands are at present set aside for future Parks & Recreation Commission activities that are not part of its present mandate. The location of some possible future activities (e.g., boating, hiking, bicycling) would be

dictated by the nature of activity itself. Other than these, future activities should be concentrated where possible in the Town Center. Within two years of the date of adoption of this plan of development, the Parks & Recreation Commission should develop and present to the Board of Selectmen a priorities list for future activities that would require the acquisition of land not now owned by the Town, or the dedication of land already owned by the Town. This list should be updated thereafter at two-year intervals.

5. The Fire Department's capacity for on-site expansion is limited. Significant expansion is planned at the time of preparation of this Plan. Should expansion be necessary that exceeds the capacity of the present site, relocation of some or all of the Department's activities to another Town-owned location would become necessary. The Board of Selectmen is responsible for ensuring that such a location exists or can be acquired if and when needed.
 6. The garage and storage facility of the Department of Roads is located outside the C Zone. Various functions of the Parks & Recreation Commission are also located outside the C Zone. Except as cited above, there appears to be no future need to locate Town functions outside the Town Center.
 7. Office space for a Resident State Trooper from the Connecticut State Police is located within a temporary building controlled by the Town. Relocation of the Trooper's activities to another Town-owned location is necessary. The Board of Selectmen is responsible for ensuring that such a location exists or can be acquired.
 8. The United States Postal Service is a tenant in a commercial building within the Town Center. There is no indication that this location will change, or that additional activities of other governments will be located in the Town in the future.
- D. The commercial uses present in the Town Center are few in number. In keeping with the Town's chosen rural-town orientation, its small resident population, and the wide range of commercial activities available in immediately adjacent towns, this plan anticipates that commercial uses in the Town Center will remain few in number, and directly pertinent to the needs of the Town's resident population.
1. The following uses have been found by the people for the Town to be essential or desirable for location in the Town Center: food market, bakery; pharmacy; physician's office; restaurant; bed & breakfast; and automobile service station.
 2. Any commercial uses not listed above should be permitted for location in the Town Center only upon an affirmative showing of substantial support for the use among the people of the Town.

- E. The people of the Town have expressed interest in the location within the Town Center of residential housing alternatives for senior citizens, characterized by small residential size and walking-distance proximity to basic town services, provided that such alternatives be economically viable, oriented toward existing Sherman residents, and fully able to meet their water supply and septic disposal needs on site. Within three years of the date of adoption of this plan of development, the Board of Selectmen shall present to the people of the Town a report on the feasibility of such housing alternatives for senior citizens within the Town Center.

- F. The following factors affect the quality of life within the Town Center is additionally subject to the following:
 - 1. The Board of Selectmen shall, within three years of the date of adoption of this report, and again not less than five years thereafter, review the appropriateness of the traffic intersections within the Town Center for public safety and convenience.
 - 2. The Board of Selectmen shall, within two years of the date of adoption of this report, develop and present to the people of the Town a plan for pedestrian walkways within the Town Center, such that those using the Center, including schoolchildren, can move between the major locations of the Center other than by walking on heavily traveled state highways and town roads.
 - 3. The Planning and Zoning Commission shall determine, within three years of the date of adoption of this plan of development, whether architectural standards should be applied within the Town Center in order to preserve its character as a rural town.

VII. Environmental, Aesthetic and Preservation Considerations

- A. Development, for a town like Sherman, consists largely of actions taken by property owners to enhance, according to their own preferences, the use or attractiveness of the land that they own. But the quality of life and the value of real property in the Town of Sherman are affected not just by the degree and nature of such development, but also by actions taken — and actions not taken — that affect surrounding properties, the town as a whole, or, indeed, a wider region. Many of these actions with broader consequences deal with the environment, with aesthetic aspects of the town, and with the preservation of unique natural or historical features of the town. The following considerations address some of these broader consequences:

- B. Even in a rural town, open space is an essential component of the ongoing quality of life of the town. This plan of development recognizes that the creation of open space cannot be left to happenstance, but rather requires initiative action by the Town and its people.
1. The Planning & Zoning Commission, together with the Conservation Commission, shall identify undeveloped lands within the Town of Sherman that are particularly appropriate for designation as open space for environmental, ecological, historical or recreational reasons. All lands designated by the State of Connecticut as “preservation lands” or “conservation lands” shall be considered appropriate for open space designation. Within three years of the date of adoption of this plan of development the Commission shall place a map of lands particularly appropriate for open space development with the computer-based maps associated with this plan of development.
 2. Upon completion of the map described above, the Planning and Zoning Commission shall, prior to any public hearing, provide those seeking subdivision approval with documentation of appropriate open spaces areas within the proposed area of development. The Commission shall work with the developer to ensure that open space within any subdivision explicitly meets the open space criteria of the Town.
 3. Connecticut statute permits a municipality to accept cash from a developer in lieu of open space, said cash to be used by the municipality for the purchase of open space lands that are more desirable or more compatible with the direction of the municipal land of development. Within one year of the date of adoption of this plan of development, this proposal shall be submitted to a Town Meeting: Where land desirable for designation as open space in the Town of Sherman, as defined above, does not exist within a proposed development, the Town may accept cash of equivalent value, to be used for open space land purchases pursuant to guidelines provided by the Town Meeting.
 4. The Naromi Land Trust, as the only agency of the Town specifically chartered for the purpose of owning open space lands, conservation easements, agricultural easements, and similar assets, shall be the preferred recipient of funds and/or lands acquired by the Town in the fashion described above.
- C. The Town of Sherman is defined by a major river at its north end, a major lake at its south end, and a vast network of rivers, streams and wetlands throughout the Town. Most of the Town’s surface area is part of a proposed public water supply watershed for the State of Connecticut and public water supply watershed for the State of New York. The following policies address issues related to the Town’s water resources:

1. “A Guide for Streambelts, A system of Natural Environmental Corridors in Connecticut,” of the U.S. Department of the Agriculture shall be applied to the major watercourses of the Town. The Planning & Zoning Commission shall have the responsibility for ensuring that the most current editions of these guidelines are available and known to the people of the Town.
 2. Whenever significant development activities are proposed within two major watersheds present in the Town of Sherman, the development guidelines of the authorities responsible for those watersheds shall be taken into account at public hearings of the appropriate land use agencies of the Town during their consideration of the proposed activities.
 3. Within two years of the date of adoption of this plan of development, the land use agencies of the Town shall implement regulations or guidelines for cutting, planning, chemical use and other development activities on or near the shorelines of the Town’s primary lakes and rivers.
- D. The major federal and state highways that provide long-distance access to Sherman (primarily Connecticut Route 7 and New York Route 22) lie entirely outside the boundaries and control, of the Town. Three smaller state highways, Connecticut Routes 37, 39 and 55, provide immediate access into and through the Town. The remaining network of town and private roads is entirely under the control for the Town. These roadways are important to quality of life within the town not only as transportation routes, but also as primary vantage points for enjoying the scenic attractions of the Town.
1. Town roadways shall be only as large as is necessary to handle normal traffic burdens and to ensure superior access at all times for emergency vehicles. Subject to these considerations, town roadways should retain as much as possible the character of scenic rural lanes, rather than modern interurban highways. This is consistent with the HVCEO Growth Guide and it’s specific reference to Sherman’s roads.
 2. Land use regulations should encourage (or require, where appropriate) setbacks for housing and other development from well-traveled roads, to enhance the rural appearance of such roads.
 3. Power and communications utilities shall be buried underground for all new construction, except where such burial is physically impossible. The Town shall encourage retro-burial of already constructed aboveground utilities.
 4. The Planning & Zoning Commission shall, within three years of the date of adoption of this plan of development, identify ridgelines that are highly visible from various vantage points within the town, and shall take appropriate

measures to minimize the cutting of trees and the erection of structures that would materially detract from the appearance of such ridgelines.

- E. Certain lands within the Town of Sherman contain features that are rare and significant not simply within the context of the Town, but also within the broader regional or national context. These features range from endangered plant species to archeological sites created by Native Americans or other early inhabitants. This plan of development calls for preservation of such rare features.
 - 1. The Conservation Commission under the direction of the Planning & Zoning Commission shall maintain records of the locations of all endangered species, archeological sites and historical sites as identified by appropriate federal, state and local agencies. Not later than three years from the date of adoption of this plan of development, the Commission shall include such locations, suitably masked, in the computer-based mapping programs resident in Town government, so that anyone contemplating development activities can readily learn of such locations.
 - 2. Development of such locations shall be permitted only after all appropriate steps have been taken to safeguard the rare and significant feature or to preserve its natural or social value.

- F. Within three years of the date of approval of this Plan of Development, the Planning & Zoning Commission shall study the desirability of establishing a system of standards for noise emission, lighting illumination, smoke emission, and other effects of human activity that may impact the quality of life of others; standards found to be desirable shall be framed as regulations and subjected to the public hearing process of the Commission.