



Sherman, Connecticut

Plan of Conservation and Development

Adopted: June 20, 2013



This plan has been developed to be viewed in a digital format

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POLICY CHAPTERS

Acknowledgements



Introduction

This Plan of Conservation and Development (POCD hereafter) 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 POCD was prepared by the Planning & Zoning Commission of the Town of June 20, 2013. This POCD was adopted by the Commission at a meeting on June 20, 2013, and became effective, pursuant to public notice duly given, on June 26, 2013.

This POCD, by its enactment, supersedes all previous POCD enacted by the Town of Sherman. Most specifically, it supersedes the POCD of the Town of Sherman adopted by the people of the Town on May 1, 1978, and the updating of that POCD adopted by the people of the Town on August 4, 2001.

The POCD is not a law, ordinance or regulation. The Connecticut General Statutes provide that “The POCD shall be a statement of policies, goals and standards for the physical and economic development of the municipality” and shall be updated every ten years. These policies, goals and standards are intended, in simplest terms, as a set of guidelines 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 POCD contains the instructions of the people of the Town to those entities. The POCD 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 POCD 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 POCD “The HVCEO Regional Growth Guide Map” and its accompanying text, dated July 1, 2009, which set forth the regional directions for development planning.

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 Candlewood Lake watersheds. This POCD 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” with its accompanying text, dated July 1, 2009 and the New York City Water Supply Watershed regulations, dated 1996. It is intended to be consistent with these documents and statewide growth management objectives.

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 POCD 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 POCD makes several such recommendations.

This POCD consists of a written text, computer based maps and The Open Space Plan as revised by the Land Acquisition Board.

Overview of the 2013 POCD

More than seventy-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.

Protect the Rural Character

The premise that the Town of Sherman is, wishes to remain, and will remain a rural town is consistent with the previous POCD of 2001. As a rural town, Sherman is characterized as having a clearly defined 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; preservation of barns and other historic structures; protection of scenic vistas and other scenic resources, recreational areas, and natural features; and no use of sewers, offsite sewage treatment facilities and 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.

Continue to Implement the Plan

Land Use Commissions are in agreement that their goals are “to preserve the rural character of the Town”. Much has been accomplished since the last POCD to achieve these goals. For example, the Town recognized the need for open space. The Sherman Land Acquisition Fund Advisory Board (SLAFAB) was created in 2004 to develop a definition of “open space,” categories to aid in planning for open space, and criteria for the selection of sites appropriate for open space.

Happy Acres Farm, Munch Meadows and the Towner Hill property are significant purchases made to preserve the Town’s rural nature. Munch Meadows (4.6 acres) was purchased in July 2006, Towner Hill (80 acres) in December, 2008, and Happy Acres Farm (79 acres) in May, 2010. To further its rural character, a Scenic Road Ordinance was passed in 2005 with the goal of maintaining and preserving the Town roads’ natural features.

Manage Residential Development

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. In 2006, four-acre zoning was passed assuring increased lot size in a significant portion of Town. Nonetheless, on-site water supply and septic disposal have limited the range of housing alternatives available within the Town. Accessory Apartments have historically met the need for affordable housing. A Housing Commission was formed to pursue housing alternatives. Their findings are to be reported to the Town.

Carefully Manage Business Development

This POCD, like its predecessors, contemplates three basic categories of employment within the Town of Sherman. 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. In 2010, the Planning and Zoning Commission passed a Resident Contractor Regulation. As of December 2012, more than 30 resident contractors registered their businesses which do not have an undue adverse impact on the quality of life or property values of those who own or use adjacent and nearby lands.

Enhance the Town Center

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 POCD. This POCD 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 a 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.

Preserve Undeveloped Land as Open Space

Another cornerstone of the Town of Sherman's planning is preserving the rural character of the Town by the preservation of the Town's unique aesthetic and environmental appeal. These include:

- prior identification of potential open space areas that meet Town preservation objectives in land that may be subject to future development.
- exercising the Planning and Zoning Commission's option during the subdivision process to select areas as open space.
- enabling the acquisition of high-desirability open space areas utilizing cash payments in lieu of open space from developers whose lands contain no equally desirable open space areas.
- regulations to preserve the attractiveness of ridgelines, lakes, waterways and roadways.
- regulations to protect rare and endangered natural and archeological features (greenways, stonewalls, barns and other historic structures).
- regulations to encourage agriculture.

About Planning

The requirement for a community to prepare and adopt a Plan of Conservation and Development every ten years is contained in Section 8-23 of the Connecticut General Statutes.

While the statutes require that the Planning and Zoning Commission prepare a Plan, the main reason that Sherman prepared this Plan was to establish a proactive approach to guiding for the community's future.

This POCD is a tool for guiding the future of Sherman. This POCD establishes a vision and common goals for the community's future and identifies action steps that, when implemented, will help attain that vision. If steadily implemented by Sherman residents and officials, this POCD will help protect important resources, guide appropriate development, protect community character, and enhance the quality of life for current and future Sherman residents.

In addition to being an overall guide for the community, the POCD is a legal document adopted by the Planning and Zoning Commission pursuant to Section 8-23 of the Connecticut General Statutes. POCD is advisory in nature and provides guidance for Town decisions related to land-use regulations and capital improvements.



Sherman Senior Center

Supporting Documents and Information

This POCD is a strategic document – that is, it focuses on where Sherman intends to go from here.

As a result, much of the inventory and assessment information which was used to formulate the strategies will be found in background documents that collectively make up the Town's "Planning Library". The Planning Library provides background and more detailed information about topics in this POCD. For example, documents in the Planning Library include items such as the:

- Natural Resource Inventory (2005)
- Report on the Study to Determine the Feasibility for Senior Housing Options
- Open Space Plan (1968) Planning & Zoning Minutes 1937-1984 p 315-321
- Plan of Conservation and Development (1979)
- Plan of Conservation and Development (2001)
- Inland Wetlands and Watercourses Regulations
- Zoning Regulations & Subdivision Regulations
- HVECO Regional Growth Plans
- Open Space Plan Land Map prepared by SLAFAB (2010)

Place

SHERMAN



The Location

Sherman is the northernmost town in Fairfield County and is located along the New York border. The community is bordered by the towns of New Milford, Kent and New Fairfield, Connecticut and Dover, Pawling and Patterson, New York.

The Past

Settling in New Fairfield, the Puritans established The New Fairfield Meeting with a meeting house in its center. The north seven miles of the town became well populated, and in 1744, its residents established their own North Meeting with the Congregational Church and schools. The settlement then was called “New Dilloway”.

The North Meeting petitioned the Connecticut General Assembly to be a separate town and in 1802, became Sherman, named for Roger Sherman, the only American to sign four important historical documents: The Continental Association of 1774, The Declaration of Independence, the Articles of Confederation, and The Federal Constitution.

Farming was the predominant occupation, along with mills for timber, shingles, cider and grain. Early Sherman had one church, one store, a doctor, and men who could build, and deal in cattle and property sales.

Only after the flooding of Candlewood Lake in 1928, did the population begin to grow.

Sherman is the location of Naromiyocknowhusunkatank-shunk Brook (29 letters), in the north end of town near the New Milford border.

The Naromi Land Trust in Sherman derived its name from the brook.



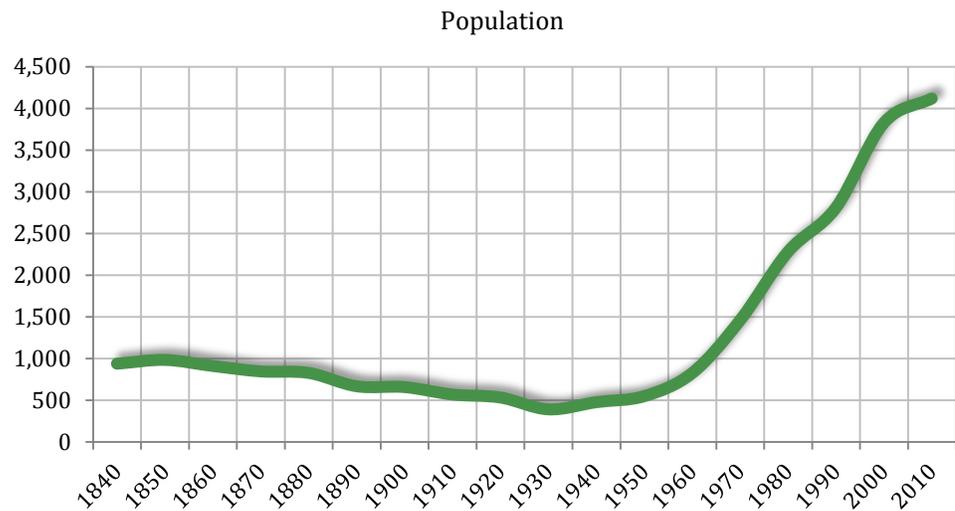
Housatonic Valley Planning Region

A Farming Community

Milk cans sitting on a corner stand awaiting morning pickup were once a common sight in Sherman. However, as milk production became more regulated, dairy farms began to disappear. Tobacco was a large cash crop grown during the early 1900's. Considered to be of superior quality, it was dried in barns and shipped out as the wrapper leaf for cigars.

In recent years, a few farms have been sold to our local *Naromi Land Trust*, and carefully sub-divided to preserve the natural views of rolling hills and farm buildings. Others survive to raise pigs, breed sheep, cattle and horses. Newer farmers are growing organic vegetables, fruits and flowers for the open market. Equestrian facilities are also found throughout the Town.

Estimated Population Growth Trends*



* Source : 2010 U.S. Census Demographic Profile

Existing Land Use

As of January 1, 2012, the current land use status was:

- the town contained 15,805 acres of land, exclusive of public roads, Candlewood Lake and Squantz Pond.
- this land was divided into 2,576 parcels.
- of this total, 2,178 parcels contain a single-family residence; and the remaining land is vacant land.
- The estimated population of the Town of Sherman is 3,900 people.

The Future

The planning horizon of the Town of Sherman is reflected by a series of maps entitled “Land Available for Development”, which were prepared by the Planning & Zoning Commission. 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. Based on these maps and other calculations, the Planning and Zoning Commission makes reasonable estimates of land use.

- 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).
- The population distribution for the State of Connecticut is 2.59 persons per residence, essentially comparable to Sherman’s 2.62 population per household.
- The rate of new construction that has prevailed since the last revision of the POCD has declined dramatically. There was an average of approximately 40 new homes per year built between 2001 and 2004, compared to an average of 10 homes per year between 2005 and 2011.

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 Selectman, to plan for the provision of town services to the population determined by the planning horizon.

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 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 shall report their determinations to the Town not later than two years following the date of this plan’s adoption by the Town.

The planning horizon considers the population under current conditions. This horizon may in the future be increased or reduced by legislation of 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 actions 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. Such re-determination will be reported to the Board of Selectmen and the Town.

The amount of land suitable for development is dependent on limitations that change from time to time. These include:

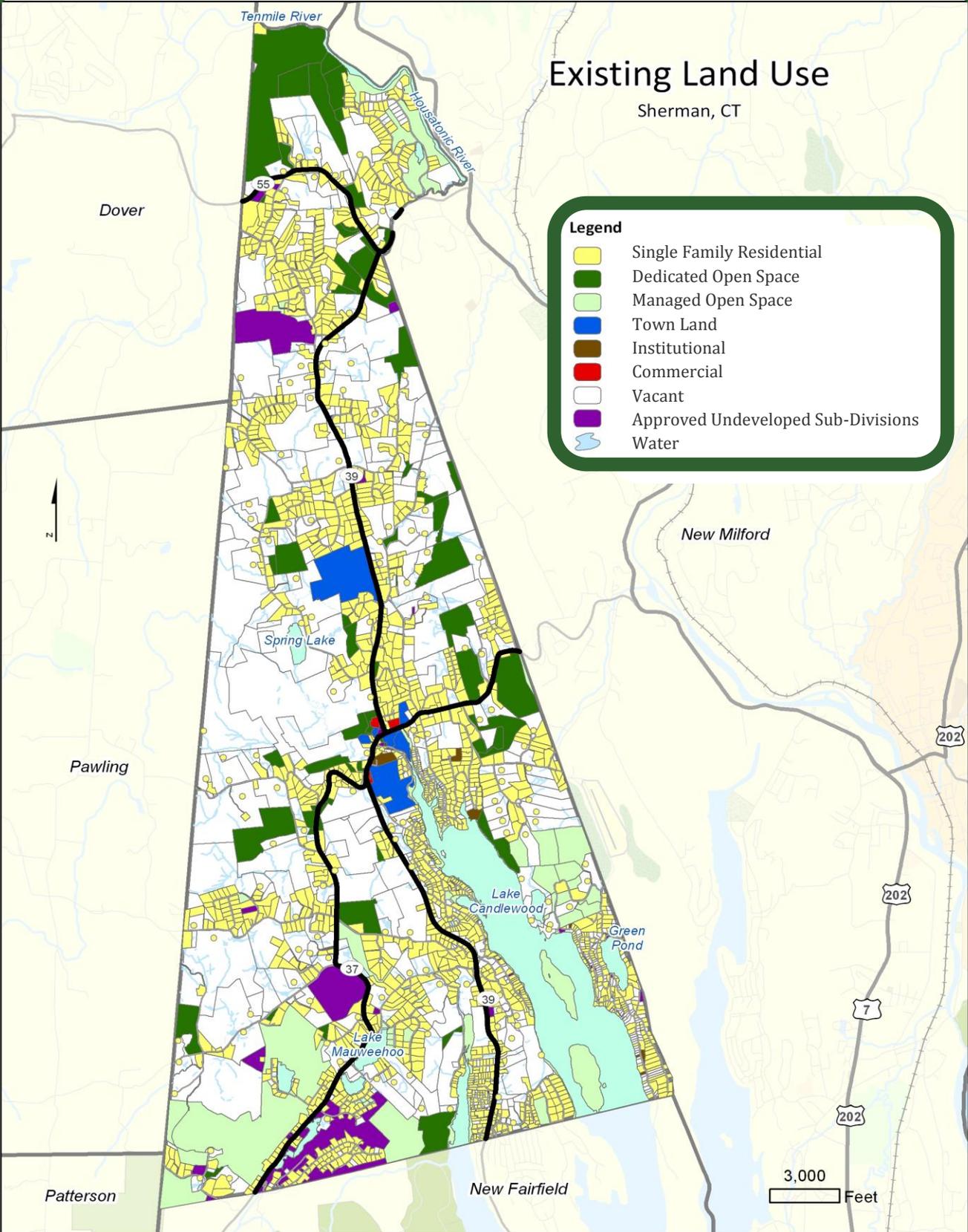
- Federal statutes, including the National Flood Insurance Program “Firm Flood Insurance Rate Map,” Map Index and Street Index, prepared by the Federal Emergency Management Agency.
- State statutes, including the Health Code of the State of Connecticut;
- Inland Wetlands and Watercourse Regulations of the Town of Sherman;
- State Building Code;
- 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;
- Zoning Regulations of the Town of Sherman;
- Subdivision Regulations of the Town of Sherman; and
- Private limitations placed on the use of land, including ownership by a land trust or conservation organization; designation as open space; conservation of other easements; permanent deed restrictions or other irrevocable limitations.

Existing Land Use

Sherman, CT

Legend

- Single Family Residential
- Dedicated Open Space
- Managed Open Space
- Town Land
- Institutional
- Commercial
- Vacant
- Approved Undeveloped Sub-Divisions
- Water



Natural Resources

Preserving Sherman's rural character means above all protecting the natural resources that sustain life and good health- the water, air and soil, the plant and wildlife. We are the stewards of the land, maintaining and enjoying it, then passing it on to the next generation. The quality of life and the value of real property in Sherman are affected by how individual property owners develop their land. Education, regulation and enforcement are tools that we use to preserve the integrity of our natural environment.



Candlewood Lake

Protect Natural Resources

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. The southwestern area of Town is part of a public water supply watershed for the City of New York. Whenever significant development activities are proposed within a defined watershed present in the Town of Sherman, the development guidelines of the authority responsible for the watershed shall be taken into account at public hearings of the appropriate land use agencies of the Town during their consideration of the proposed activities.

- Within two years of the adoption of this POCD, the Planning & Zoning Commission shall develop a regulation for passive solar orientation of new structures.
- Within two years of the date of adoption of this POCD, the land use agencies of the Town shall implement regulations or guidelines for tree cutting, planting, chemical use and other development activities which affect runoff of silt and pollution.
- Within two years of the date of adoption of this POCD, the land use agencies of the Town shall consider regulations for septic and oil tank maintenance with the goal of eliminating or reducing these items as sources of potential water contamination.
- Within two years of the date of the adoption of this POCD, the Planning & Zoning Commission shall develop a regulation to ensure zero increase in runoff on new construction.

Natural Resource Strategies

	DESCRIPTION	EXAMPLES
Resources for Protection	Resources with important functions that should be permanently protected under the open space plan objectives	<ul style="list-style-type: none"> • See SLAFAB Open Space Plan
Resources for Preservation	Resources so important to environmental quality or community character that alterations to these areas should be avoided	<ul style="list-style-type: none"> • water quality • watercourses/bodies • Inland Wetlands • Steep slopes (>25%) • Flood plains
Resources for Conservation	Resources with important functions that can be maintained, with compatible activities developed in an environmentally sensitive way	<ul style="list-style-type: none"> • Sensitive watershed areas • Streambelt protection buffers areas • Unique or special habitat environmentally sensitive areas • Ground water

Educate the Public About Water Quality

Public education and involvement are essential parts of any strategy to protect water quality. In 2010, for example, markers were put on storm drains to make residents aware of drainage into Candlewood Lake. Educational materials and programs about reducing or eliminating sediment runoff, septic maintenance, hazardous materials, lawn and garden fertilizers/chemicals, yard composting, clear-cutting of understory, wetlands protection and other issues may be sponsored by the town commissions and private organizations.

Such programs will help educate residents on threats to water quality and the cumulative impact of many individual decisions.

Monitor Septic Management

Regular septic tank management is the single most important step homeowners can take to protect the quality of water. The 2010 town survey showed considerable support for stronger attention to proper septic operation and maintenance. It could start with programs to educate property owners, and if problems arise in the future, Sherman should consider adopting regulations that require septic tanks to be pumped and inspected periodically, with the results to be reported to the Town.

Protect Forest Resources

Connecticut is about sixty percent (60%) forests with over seventy-three percent (73%) private owned. Sherman falls into that category. Forests everywhere are increasingly stressed by pollution and disease, and their integrity threatened as ownership passes to others, more inclined to sell forest parcels for development. Educating ourselves about best forest management practices is an important task to preserve the long term stewardship and management of our forestlands.

Protect Key Habitat Areas

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 POCD calls for preservation of such rare features from endangering natural habitat and invasive plant species.

The Conservation 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 so that anyone contemplating development activities can readily learn of such locations.

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.

Sherman's Lakes and Ponds:

Naturally occurring

Green Pond
Squantz Pond

Man-made

Mill Pond
Spring Lake
Candlewood Lake
Lake Mauweehoo
Pepper Pond
Timber Lake
Valley Lake
Deer Pond

Rivers, Brooks & Streams

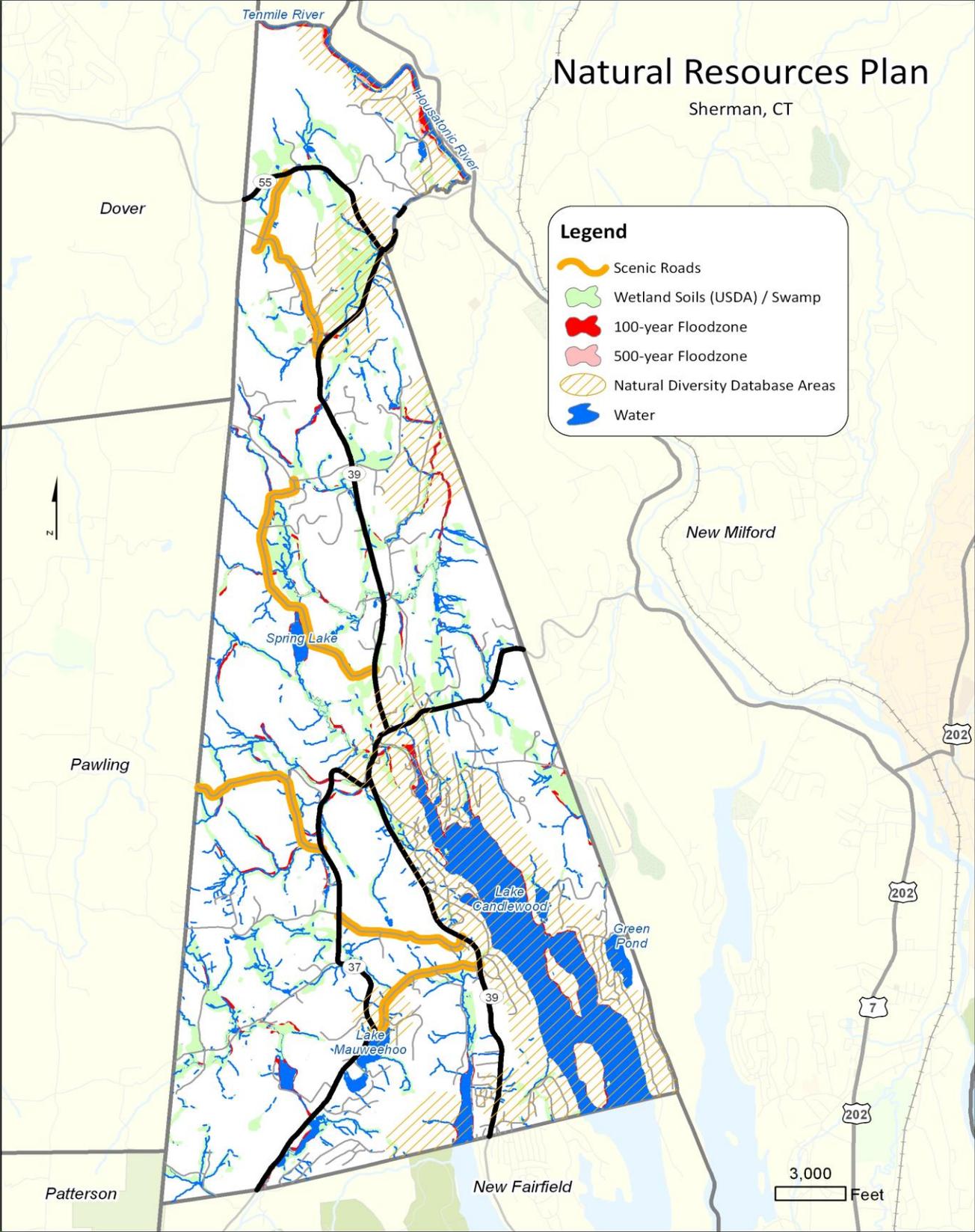
Housatonic River
Ten Mile River
Wimisink Brook
Sawmill Brook
Quaker Brook
Naromiyocknowhusunkatan-shunk Brook

Natural Resources Plan

Sherman, CT

Legend

- Scenic Roads
- Wetland Soils (USDA) / Swamp
- 100-year Floodzone
- 500-year Floodzone
- Natural Diversity Database Areas
- Water



Community Character

SHERMAN

3

Sherman's residents have repeatedly said they want to retain the rural character of their town.

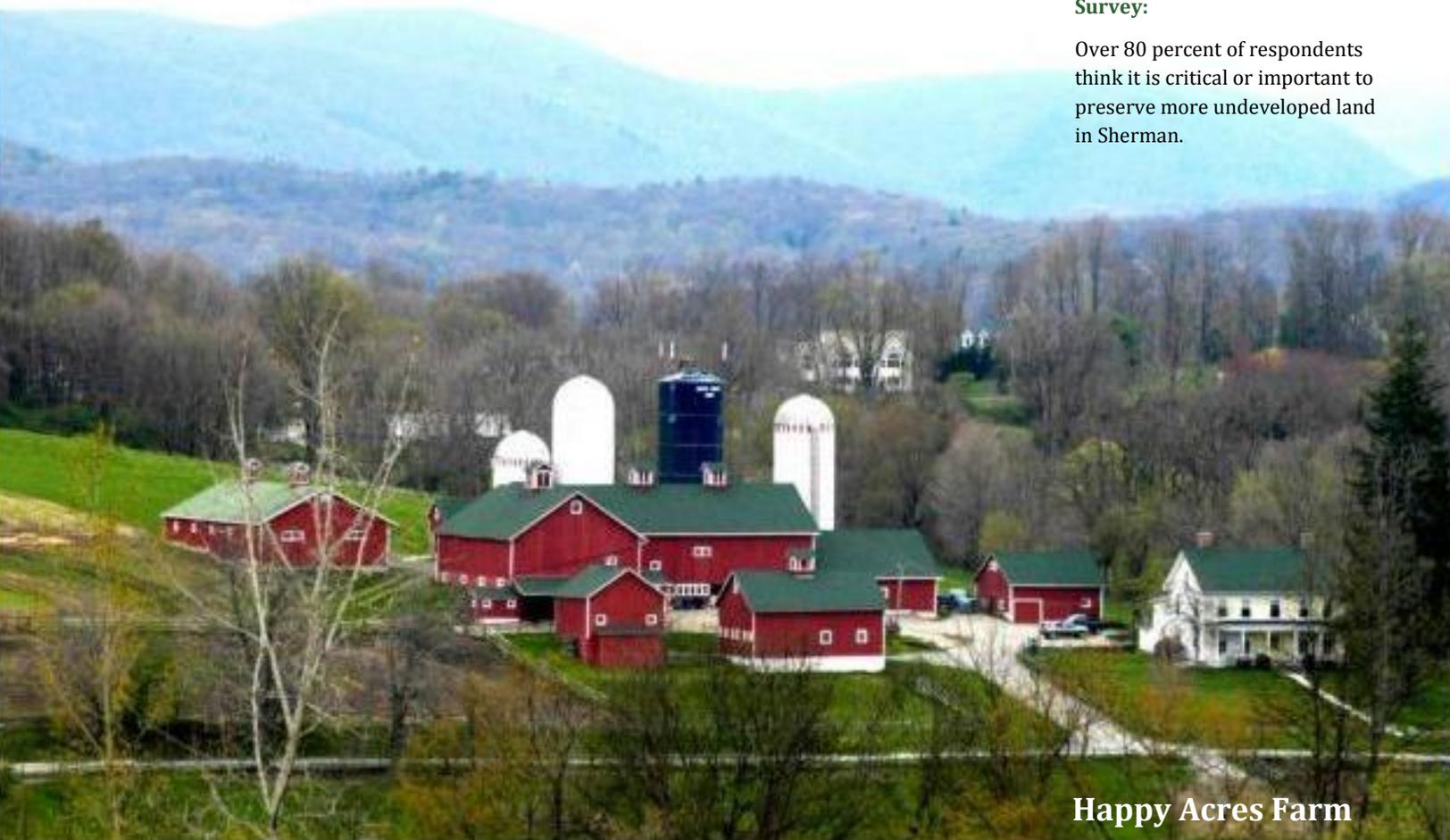
Being "rural" includes having wooded hills, meadows, lakes, ponds, streams, wetlands waterfalls, farms, stone walls, and scenic vistas.

From the 2001 POCD:

"As a rural town, Sherman is now and will be characterized as having 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 ... "

From the 2007 Open Space Survey:

Over 80 percent of respondents think it is critical or important to preserve more undeveloped land in Sherman.



Happy Acres Farm

Priority interest areas identified by the SLAFAB

- Core forestland
- New York City Croton drinking water system watershed
- Farmland areas
- Candlewood Lake

There is a perception that Sherman consists mostly of undeveloped land and will always have these resources. But things happen, precipitating change. The town has experienced cycles of forest-cutting and re-growth. Population pressures will one day occur and new technologies of building may open up particularly beautiful once inaccessible areas of our landscape.

To maintain Sherman's rural character, its residents must work at this goal steadfastly and creatively. The 2001 POCD says, "the creation of open space cannot be left to happenstance, but rather requires initiative action by the town and its people", and it calls for the identification of undeveloped lands "that are particularly appropriate for designation as open space for environmental, ecological, historical or recreational reasons".

Sherman does not exist in isolation from the larger forces affecting the environment of our planet. Global climate change is happening all around us and our essential planning guidelines must reflect this reality. The use of non fossil fuels for homeowners' electric and heating need, the availability of tax credits, enticements to foster the installation of solar and geothermal alternatives and any new technologies shall be encouraged.

This updated POCD of 2013 sets forth strategies for community actions to help retain our resources and the rural characteristics that our townsfolk value, now and for the future.

Preserve Open Space

Preserving open space is widely considered the most effective tool for towns to manage growth, maintain community character, protect natural resources and scenic views, and generally enhance the quality of life. Sherman residents have identified preserving open space as a planning priority.

Over the past 43 years Sherman has worked to preserve open space, through the efforts of the Naromi Land Trust created in 1968 and of the Town and its Land Acquisition Fund Advisory Board, created in 2003 by a vote of town residents "for the purchase of real property within the Town of Sherman to be funded annually as a municipal budget item".

As of 2011 approximately 15 percent of Sherman's 13,090 acres (excluding Candlewood Lake) is designated as *permanently preserved* open space. The distinction between permanent and temporary protection is central. Sherman uses four open space categories:

- Permanently Protected Open Space (with public access)
- Permanently Protected Open Space (without public access)
- Temporarily Protected Open Space
- Unprotected Open Space

Much of the town is "perceived" to be open space, that is, undeveloped but not necessarily protected. The reality is that much of the town remains potentially developable, subject to regulatory restrictions.

Open Space Goals

In 2012, SLAFAB identified priority geographic areas and open space goals as part of their Land Acquisition Plan. Their overall ongoing objective is to preserve and protect Sherman's environmental resources, its rural character and unique aesthetic appeal.

Preserving and protecting open space is an explicit Town priority. All members of the Sherman community stand to benefit from the natural features of Sherman and the wildlife these features support. Open space preservation is also a fiscally responsible measure. Land use regulations, town policies and resource allocation should be consistent with preserving and protecting open space in Sherman.

The Six Goals of the Open Space Plan are:

- Protecting Natural Resources and Ensuring Public Health and Safety.
- Preserving and Expanding Farmland
- Protecting Wildlife Habitats and Resources
- Protecting the Rural Character and Unique Aesthetic Appeal of Sherman.
- Maintaining and Enhancing Outdoor Enjoyment
- Preserving Open Space Permanently

Inventory Historic Resources

Historic and significant buildings and sites provide a sense of identity and connection to the past, preserve community character, and enhance the Town's historical heritage. Archeological resources also provide insight into Sherman's and the state's history.

Often there is pressure to tear down historic structures rather than restore them. However, many historic structures are not protected. There are no regulations in place to prevent the alteration of the appearance of historic buildings, other than town-owned properties. The Historic District Commission shall create an historic resource inventory to include barns, stone walls and farm houses. After the inventory process, the Planning & Zoning Commission should assess whether zoning regulations would permit a reasonable restoration of these resources.

The Town should continue to identify properties that contain cultural, historic, archaeologically sensitive and scenic sites and evaluate their preservation potential. The Planning & Zoning Commission shall require such archaeologically sensitive surveys for new development in those areas.

Support Agriculture

Farming and agriculture are both a conservation and development issue. Open farmland is an important part of Sherman's character. Farm operations are a part of Sherman's economy. Protecting farmland and prime farm soils from residential development should be a priority. Owners of farmland face a number of challenges, with economics being the strongest challenge.

These challenges can make it more financially attractive for farmers to sell their land for development when they are ready to retire or even sooner.

Like other parts of Connecticut, Sherman has lost working lands to development. Yet, 21st century trends in farming, smaller, specialty produce farms, growing demand for organic and locally-grown food and the emergence of a new generation of would-be farmers, offer opportunities to keep farmland in active use.

Development Issues

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 residences.



Sherman IGA

Manage Residential Development

This POCD expressly contemplates the continued residential development of lands within the Town, subject to the following considerations:

- Every residential lot within the Town of Sherman shall meet its own water supply and septic disposal needs on site, in perpetuity. This planning requirement follows from the determination by appropriate state planning agencies that Sherman is and should remain a rural town due to the designation of most of the land area of the Town as public water supply watershed.
- The Planning & Zoning Commission may evaluate the minimum lot sizes and other conditions for the approval of building lots to reflect the amount and conditions of land necessary to meet residential water supply and septic disposal needs on site, in perpetuity.
- 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.
- Where construction is proposed on previously approved building lots that do not meet current standards for water supply and septic disposal, a finding by the Sherman Health Department that the lot can meet its water supply and septic disposal needs on-site, in perpetuity shall be required.

Retain Building Lot Restrictions

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 is now limited to one primary residence, one accessory apartment, and such other structures and uses as may be permitted by state and town regulations. However, in the furtherance of maintaining the rural character of Sherman, and the preservation of farmland and open space, the Town will continually consider alternatives to these lot limitations.

All building lots shall meet or exceed a minimum size sufficient to ensure that on-site water and septic needs are met in perpetuity. As of February, 2006, any new lot created in Zone A shall have 160,000 square feet, nominally 4 acres; in Zone B 80,000 square feet, nominally 2 acre; in Zone C 40,000 square feet, nominally 1 acre. Prior to February, 2006, the minimum lot size for Zone A was 80,000 square feet, nominally two acres. This requirement precludes the existence of the smaller lots and higher-density development found in towns that operate private sewer systems. Accordingly, all lands in the Town, shall be part of a zone whose minimum lot size and whose population density shall be based upon the standards described above.

Evaluate New Zoning Tools

The Planning & Zoning Commission shall, when applicable, determine the feasibility of new zones, which shall comprise lands whose slopes, soils and ledge depths, or other characteristics which make it 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.

The essential nature of a rural town provides limited opportunity for the development of diverse housing opportunities. These opportunities are as follows:

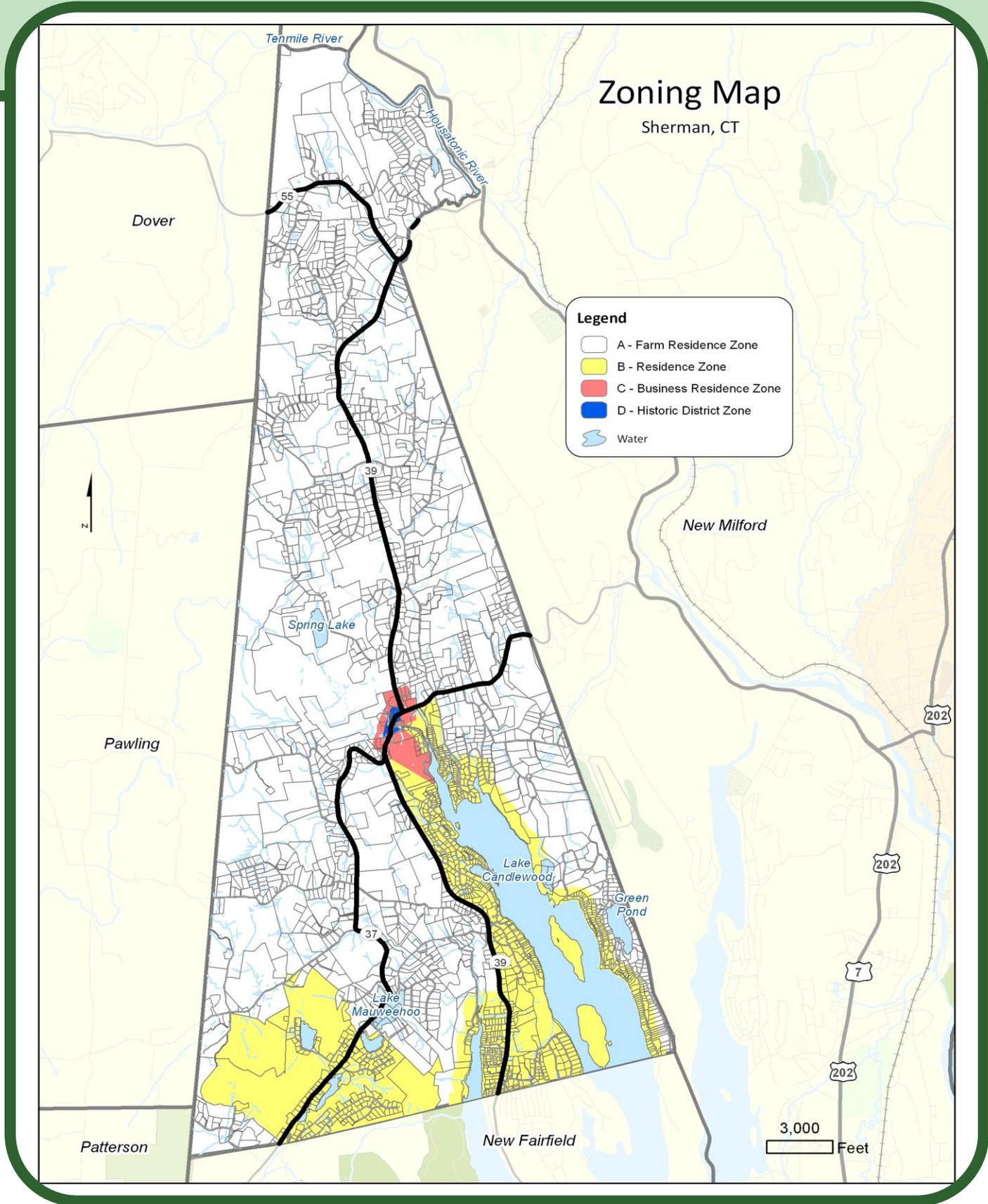
- Accessory apartments are permitted, subject to Special Permit, within virtually every residential structure in the Town of Sherman. Although not meeting the State of Connecticut affordable housing standards, the presence of these apartments addresses a need for low-income and moderate-income housing within the Town of Sherman.
- Residential housing alternatives, provided that such alternatives are economically viable and fully able to meet their water supply and septic disposal needs on site, shall be encouraged.
- Permitting of open space development allowing houses to be located closer together in order to preserve larger areas of open space around the housing areas assuming it leads to no more housing units than a normal development would contain. This open space development more closely matches early Connecticut rural development patterns than does our current suburban development pattern.
- Some form of Senior Housing was deemed to be acceptable or desirable by residents. Following up on this, the Housing Commission has determined that a special need, beyond that satisfied by the above mentioned accessory apartments, exists for Senior Affordable Housing. Within one year from the date of adoption of this current revision to the POCD, the Housing Commission will develop and submit to the Town a proposal for same, and will continue to explore any other options for Senior Housing.

Restrict Development in the Town Center Zone

The Town Center (Zones C&D) 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.

Zoning Map

Sherman, CT



Business Development

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.

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.

Principles for New Business Activities

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:

- Use should not detract from Sherman's rural town character.
- Use should not adversely affect the value of adjacent or nearby property.
- Use should not adversely impact quality of life on adjacent or nearby property.
- 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.

Farming and Agriculture

Farming in its various forms has been central to the history of Sherman since its founding, and remains an element of its rural town positioning today. It is the desire of the town to promote and support farming and farming related activities. Another important element of the economic viability of farming is the ability to attract seasonal workers at a cost that fits within the budget of a small farm operation. Within two years of the adoption of this POCD, the Planning & Zoning Commission shall address a regulation for temporary, seasonal housing for workers.

This plan recommends the support for reduced local tax assessment on agricultural lands (PA-490 farm assessment); the support of PA-490 farm assessments for property owners who rent their farmland to others for agricultural purposes; the support to conserve agricultural land by allowing smaller home sites in one or more areas and preserving the bulk of the land for agricultural use; and the support of agricultural easements.

Commercial Uses

Commercial use involves 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.

The people of the Town of Sherman have indicated through survey responses that the commercial zone is the right size. The central businesses of the commercial zone are the grocery store, hardware store, bank, bakery, restaurant, liquor store, post office, dry cleaner, an auto repair shop, tea and gift stores.

All other new commercial establishments seeking to operate within the Town Center are similarly subject to the special permitting process of the Planning & Zoning Commission. Survey results have indicated townspeople would like a pharmacy, art gallery, antique shop and professional offices.

Industrial Uses

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 Planning and Zoning Commission.

Home Occupations

Home occupations are non-agricultural activities carried on by individuals on their property for the production of income and are a vital economic asset to the Town. The Town of Sherman permits home occupation businesses according to the nature of the work being performed and the effect on adjacent and nearby properties.

Resident Contractors

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 is encouraged by Town policy and regulation.

Town Center

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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.



The Old Store

Retain Town Center Boundaries and Development Pattern

The Town Center, designated as the C Zone, is the most fully developed zone of the Town. A portion of the structures and surface area of the zone have been designated as a Historic District by the State of Connecticut and identified as the D Zone, with all the benefits and restrictions that result from such designation.

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 also a place of low employment density, relative to more urban town centers. These principles are reflected both in the elements of this POCD that pertain to the entire town, and to the following policies that pertain only to the Town Center.

Other than home occupations and resident contractors, the Town Center contains virtually all the government and commercial business locations that exist in the Town, including the United States Postal Service, which is a tenant in a commercial building within the Town Center. The results of the survey conducted by the Planning & Zoning Commission indicate that no expansion of the Town Center is needed.

The Town Center (Zones C&D) is 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.

A plan for pedestrian walkways, which allow safe passage on heavily traveled state highways and Town roads through the Town Center, shall be reinvestigated.



Sherman Playhouse

Locate Key Government Facilities in Town Center

Where possible, essential Town services should remain concentrated in the Town Center. Mallory Town Hall houses the Board of Selectmen and many agencies of town government. Should the town government or quasi-governmental functions need expansion, a building in the Town Center shall be considered.

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.

No Town lands are at present set aside for future Park & 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 POCD, 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.



Mallory Town Hall

Continue to Provide for Appropriate Commercial Uses in Town Center

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.

The following uses have been found by the people of the Town to be essential for location in the Town Center:

- Food Market
- Bakery
- Restaurant
- An automobile service station

Infrastructure Issues

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Community Facilities

- Mallory Town Hall
- Emergency Services Facility
- Sherman School
- Senior Center
- Sherman Library
- Sherman Playhouse and Annex
- Jewish Community Center
- Sherman Congregational Church
- Holy Trinity Catholic Church
- Parks
- Recreation facilities
- Town-owned land (not designated as open space)

Transportation

- Roads
- Sidewalks

Utilities

- Private wells
- Private septic systems
- Wired utilities (e.g., electricity, cable and phone)
- Wireless utilities



Emergency Services Facility

Community Facilities

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 department of public works, a fire marshal, a senior center, and the parks and recreation facilities. In addition, a town sponsored voluntary fire company and an office of emergency management are based within the Town. The Connecticut State Police Department maintains a Resident State Trooper program servicing the Town with additional police support available from outside the Town. All these activities are essential to the functioning of the Town.

At the current time the size of the school is adequate to meet the needs of the population, however, should the number of school children eventually exceed the capacity of the current school site, land owned by the Town is well suited for the location of a new school.

All other boards and agencies of the Town, with the exception of the Department of Public Works, are located within the Town Center. Land owned or controlled by the Town within the Center has been sufficient to accommodate growth in these entities due to population growth to date.

The Emergency Services Facility has been expanded and now houses the Fire Department, Fire Marshal and the Resident State Trooper, as well as a public meeting place. This significant expansion meets the needs of the Fire Department and the Town for the foreseeable future.

The garage and storage facility of the Department of Public Works is located outside the C Zone. The Board of Selectmen shall investigate the expansion of the garage and storage facility to include a facility to wash town vehicles.

The Sherman Playhouse and the Jewish Community Center provide the Town with cultural, artistic, and community events.

The Sherman Library is located in the Town Center as well.

Two churches are located in Town: the Sherman Congregational Church on Church Road, and Holy Trinity Catholic Church in the Town Center.

Transportation

The major federal and state highways that provide long-distance access to Sherman (primarily Connecticut Route 7 and New York State 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 of 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.

- Town roadways should retain as much as possible the character of scenic rural lanes. A Scenic Road Ordinance was adopted in 2005 and is consistent with the HVCEO Growth Guide and its specific reference to Sherman's roads.
- Land use regulations should encourage setbacks for housing and other development from well-traveled roads to enhance the rural appearance of such roads.
- Sidewalks to allow walking in the Center of Town should be reconsidered.
- Connectivity for bicycles and pedestrians should be considered, especially in areas where "dead-end" roads are in close proximity. Potential connectivity of Town Roads (for example: Jericho Road North into Jericho Road South), to enable pedestrian walking access and passage for emergency vehicles should be considered.

Public Utilities

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 POCD. New uses for these purposes, if any, should be subject to these principles:

- 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.
- 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.
- New utility activities that involve multiple lots or on-site employment should be subject to the review and approval of the Town Meeting. Responsibility lies with the Board of Selectmen.

Currently providing full wireless coverage in Sherman is difficult due to topography, as there are dead spots which impact communications. A committee to improve public safety communications is presently in place. Within two years of the adoption of this Plan, the committee shall make recommendations for telecommunication services within the Town.

Goals & Action Points

The Board of Selectmen shall:

- Determine whether or not the Town has sufficient land to meet the needs of the population for road transportation, elementary and secondary education, firefighting and emergency services, public health and sanitation parks and recreation and well as other town services;
- Investigate the expansion of the town garage and storage facility to include a facility to wash town vehicles
- Reconsider sidewalks to allow walking through the center of Town;
- Consider connectivity for bicycle and pedestrians in areas where dead end roads are in close proximity to enable walking access and passage for emergency vehicles;
- Make recommendations for the improvement of telecommunication and public safely communications;

The Planning & Zoning Commission shall:

- Reconsider regulations to preserve the attractiveness of ridgelines, lakes and waterways;
- Develop regulations to protect rare and endangered natural and archeological features;
- Encourage farming and agricultural development and consider regulations for temporary or seasonal worker housing
- Develop regulations for passive solar orientation of structures;
- Develop guidelines for regulation of cutting, planting, chemical use which affect runoff of silt and pollution;
- Consider regulation for septic and oil tank maintenance;
- Develop regulation to ensure zero increase in runoff in new construction;
- Develop regulations for feasibility of new zones for land development characterized by larger minimum lot sizes or conservation subdivisions;
- Review and update the planning horizon.

The Conservation Commission shall:

- Maintain records and location of endangered species, archeological sites and historic sites as well as invasive plant species that endanger natural habitat;

The Historic District shall:

- Create an historic resources inventory.

The Parks and Recreation Commission shall:

- Develop a plan for future recreational activities and land required for such activities.

Open Space Plan

SHERMAN



SHERMAN LAND ACQUISITION FUND ADVISORY BOARD

OBJECTIVE AND GOALS

Our overall ongoing objective is to preserve and protect Sherman's environmental resources, its rural character and unique aesthetic appeal. Preserving and protecting open space is an explicit Town priority. All members of the Sherman community stand to benefit from the natural features of Sherman and the wildlife these features support. Open space preservation is also a fiscally responsible measure. Land use regulations, town policies and resource allocation should be consistent with preserving and protecting open space in Sherman.

Goal 1: Protecting Natural Resources and Ensuring Public Health and Safety.

It is of utmost importance to our town to protect streams, lakes, ponds, lakes, ponds and associated wetlands, watersheds, and groundwater and aquifer purity.

Most of Sherman is in the Housatonic River watershed, with a smaller but significant area in the Hudson River watershed – two major drainage basins, the latter of which is part of the New York City Croton water system. “This creates a special responsibility to preserve and protect the quality and purity of water resources.” [National Resources Inventory Report, p. 6]

Candlewood Lake, a significant recreational resource to Sherman, is man-made and heavily used. It develops problems requiring ongoing mitigation efforts by the Candlewood Lake Authority and the five surrounding towns. Sherman's land use and environmental policies should support the lake's biological health.

Drinking water in Sherman is provided solely by wells. Therefore it is critical to keep pollution from our underground aquifers. The Health Code of Sherman is written to guide the siting of wells and septic systems on individual lots. However protection of open undeveloped spaces is very helpful to the clean replenishing of our water.

Goal 2: Preserving and Expanding Farmland

Prime and important soil types are the best for farming, especially for crops. Such soils are at a premium in Sherman with its extensive wooded and steep hillsides. Every effort should be made to keep farmland available, especially as local small farms are increasing in number. We have lost most of the farms that were in Sherman when the land was clear in the 1800's; their open fields were deemed the easiest to develop. The Town has taken an important step by its purchase of Happy Acres Farm. With its acreage and barns it can be a center into the future for farming in Sherman. Currently farmed fields and meadows are easy to identify. There are also forested areas with prime and important soil types which could be reclaimed if needed, but they must be kept undeveloped.

Goal 3: Protecting Wildlife Habitats and Resources.

One purpose of open space acquisition is to protect wildlife and native plant habitats and their resources, with a particular eye to the habitats of threatened and endangered species. This can be done in part by expanding overall acreage and also by creating and expanding connected wildlife habitat corridors, both linear corridors such as those that follow ridges, rivers and wetlands, and radial corridors that branch outward.

Wetlands are a top conservation priority due to their importance in maintaining water and ecological quality and providing necessary wildlife plant habitat. By preserving wetlands and connecting isolated parcels, the Town should seek to protect while simultaneously unifying wildlife habitats. Adding more contiguous land to that already protected is an important strategy, much more advantageous than scattered small parcels.

Goal 4: Protect the Rural Character and Unique Aesthetic Appeal of Sherman.

This goal includes, but is not restricted to, maintaining limited development, the preservation of farmland and productive forestland, and protecting scenic views.

Our beautiful scenic views will be enhanced the more we succeed in preserving ridgelines, maintaining old stone walls and green buffers along our roads, and protecting the natural and historic features of designated scenic roads that are the great pleasure of meandering through Sherman. Town regulations should be developed and enforced to protect these essential features. Permanent open space along roadways is one way of ensuring the character remains unchanged.

Goal 5: Maintain and Enhance Outdoor Enjoyment.

A wonderful feature of our town is its many opportunities for outdoor enjoyment. In addition to Candlewood Lake there are inland properties providing water-based recreation, including swimming, fishing and boating, as well as habitat for diverse species of plants and animals. These should be preserved and protected.

Use of open spaces should be encouraged by development of new trails and enhancement of those now existing. Greenways and trails, particularly in areas of significant or unique geologic or biologic interest, are as important to people as they are to wildlife. To promote outdoor enjoyment, gaps in individual trails or between pieces of the State's trail network should be filled. Recreational areas capable of providing wildlife observation, especially birding sites and unusual plant habitats, should be either developed or maintained if already in existence. Possible approaches to this goal for the town center area have been recommended in the *Sherman Center Pedestrian Plan*, developed in 2007 with the assistance of the Housatonic Valley Council of Elected Officials.

Goal 6: Permanent Preservation of Open Space.

The Green Plan: Guiding Land Acquisition and Protection in Connecticut 2007-2012 gives as a goal for the State of Connecticut the permanent protection of 21% of the State's land acreage by 2023. The professional opinion of Tim Abbott of the Litchfield Hills Greenprint Project, which covers all of Northwest Connecticut, is that with the concentration of high value conservation resources in our region, the town goals should be higher than that of the state. Sherman should match the other towns in our region with a goal of permanent preservation of 30% of the land area.

The Town of Sherman is 22 square miles in size or 14,080 acres, of which 990 comprise Candlewood Lake, currently under the ownership of First Light Power Generating. Of the remaining 13,090 acres, 1900 acres (15%) are currently permanently preserved, not counting an unknown small amount within subdivisions.

According to the 2007 Sherman Open Space Survey more than 80% of respondents think it is critical or important to preserve more undeveloped land in Sherman, while only 6% think this is not important. Also, 80% of respondents believe that preserving additional open space in Sherman should be a high priority because it will contribute to a positive quality of life and help maintain the town's rural character. Thus the Town should continue to pursue and encourage the permanent protection of open space.

To give some guidance for planning purposes the Land Acquisition Advisory Board developed a map outlining areas of priority interest. (See SLAFAB Priority Map dated 6-29-10). This map took into consideration the characteristics of land bordering Sherman since soil types and habitats do not stop at municipal borders.

- Core forestland exists especially at the northern tip of Sherman (centered around Appalachian Trail land and Naromi preserves) and along the border with New York State. The western forestland from Taber Road south to Wakeman Road merges with similar land to the west in NYS.
- The southwest corner of Sherman from Wakeman Road to Haviland Hollow Road is the origin of a major section of watershed of the New York City Croton drinking water system. Most of this land has mature forest and maintaining its quality should be a high priority.
- Due to its many steep hillsides, there is a limited amount of prime agricultural soil still undeveloped in Sherman. Some sections of each of the four farmland areas noted on the map are still in active agriculture, but re-growth areas are relatively young and more acreage could be reclaimed for cropland and pasture. It is a Connecticut state priority to preserve farmland and it must be also be a priority in Sherman.
- Candlewood Lake is a remarkable asset to Sherman, so it is important for everyone to do what they can to keep it in good ecological balance. Thus the remaining undeveloped steep hillsides draining into the lake and the totality of the islands in the lake should be kept that way permanently.

These designated "areas of interest" include much of the currently permanently protected land, along with another 3,000 acres temporarily protected under PA 490 (forest, farm, and perceived open space), as well as some unprotected land. As this plan emphasizes, the distinction is important between "permanent preservation" and "temporary protection" (including not only PA 490 lands but also land owned by schools, parks, golf courses, churches, etc.). The goal is to have strategies addressing each of the categories, and wherever it is both desirable and possible, to move more of the land from temporary to permanent preservation.

STRATEGIES

Preserving open space is always a challenge, even in the best of times. Now more than ever, it calls for multi-faceted approaches of cooperation and coordination in both zoning regulations and financing. Patchy networks of open space are difficult to monitor and to maintain and do not maximize ecological values. The principal long-term focus should be to expand Open Space in a way that emphasizes preservation of farming, meadows, cleared land, and forests. The areas should be oriented along corridors, greenbelts, larger tracts, and those that contain important Natural Resources, as described in the Sherman Conservation Report of 2005.

By its votes to create a Land Acquisition Fund and to fund an Open Space Bond, Sherman residents have recognized the need to have financial resources available to use when the Town wants to participate in permanently preserving an important piece of land.

Land Acquisition Fund: The annual amount for the fund that the voters approved in 2003 “as a municipal budget item,” has not been allocated since 2006. It should be restored and continued yearly. A rate of one half a million would begin to replenish the now nearly depleted fund and give the town existing ongoing leverage to pursue matching funds from other sources.

Municipal Bonding: An argument can also be made for periodic additional bonding by the town for priority open space acquisitions. Sherman has used this mechanism in order to make a large purchase and spread the payment out over time. The preservation of Happy Acres Farm was achieved in this way.

Federal and State grants and funding: At one time or another there have been both federal and state programs to protect farms, forests, watersheds, parks, unique natural and scenic land features, etc. The Town of Sherman is in the Connecticut section of the Federal Highlands Area comprising four states (CT, MA, NY, and NJ). It was with an appropriation from that program, supplemented by the State and by the Town’s Land Acquisition Fund, and by private funds that we achieved the permanent preservation of Towner Hill with its views, vernal pools and trail system.

Today, when an entity applies for a grant from any source to preserve a parcel for open space, it can expect to receive no more than half the assessed value of the land from that source. The remaining amount must come from a combination of other matching funds. Donors of all kinds appreciate evidence that town residents care enough about open space preservation to set aside at least some tax monies for this purpose on a regular ongoing basis.

Strategies for Permanent Preservation

Purchase of Development Rights: State Farm Preservation

statutes allow for the purchase of the development rights of a farm in order to allow farmers to continue farming and to pass the farm on to heirs or others who will continue the agricultural uses of the land. Sherman should be alert to opportunities for farmers to do this.

Conservation Easements: A deeded conservation easement provides permanent preservation as Open Space. This strategy provides landowners a one-time federal tax donation since such easements must be deeded to a non-profit entity whose mission includes preservation of land, e.g. land trust or governmental agency. In Sherman there is continuing property tax relief depending on the actual use of the land. (See PA 490 options) The fee owner of the land works with the easement holder to write into the text of the easement deed what rights each will have in perpetuity.

Fee Simple Ownership: Currently there is permanently preserved Open Space in Sherman owned by the Federal government (Appalachian Trail area); the State government (Pootatuck State Forest); land trusts (various preserves and farmland); and the Town. The larger areas provide a core around which future permanent preservation can be targeted. (See Map for details.) Some of these areas were purchases by the one, or a combination of these entities. However many of the land trust preserves were individual private donations. These areas are for the most part tax-exempt. However it should be noted that studies have shown that such parcels of Open Space actually increase the value of surrounding private lands, thus perhaps adding to the tax base of the Town. And, such undeveloped pieces have no cost to the town.

Deed Restriction: A private owner can also place a Deed Restriction on his land. For this to be obvious to everyone, especially neighbors and subsequent buyers, such documents need to be filed in the Town Records. Such documents need to be written carefully in order to last into perpetuity (permanent preservation).

Planning and Zoning Commission Sub-Division

“set-aside” regulations: Sherman currently requires 15% of land being sub-divided to be set aside as permanently preserved Open Space, or a payment-in-lieu if the subdivision total acreage is small. These regulations allow a dialogue between a developer and the Planning and Zoning Commission to decide which areas should be so protected. This option can be used to buffer roadways, to preserve farming areas, to protect wetlands, to allow recreation, to add to other nearby Open Space.

While these regulations have been helpful in many instances, they have also led to a patchwork of small pieces of open space with limited value. They can be difficult to monitor and thus far have not been tied to broader Open Space "corridor" goals.

Strategies for Temporary Preservation

PA 490 Program: CT Statute PA 490 contributes importantly, though temporarily, to the objective of preserving “rural character” by encouraging farming and forestry in Sherman. This works in two ways: Farmers and forest owners pay lower property taxes on their land, and get the further advantage of use of arable land belonging to individuals not engaged in farming, who in turn receive property tax reductions thereby. In concept, landowners who do not farm have incentive to work out an arrangement with a farmer to maintain their land in farm use. In 2011 in Sherman, 737 acres were farmed under PA 490 and 3,569 acres were classified as PA 490 forestland.

The program has a “penalty” provision that requires payment of back taxes if the qualifying practice is halted in less than 10 years. After the 10 year “penalty period” landowners, without penalty, have several options: e.g. To continue to have the land farmed under PA490 (with that tax reduction); To retain ownership and put the land into another tax category; To donate or sell the land to another person or group for development or preservation.

The first option of keeping farmland in production is a win/win for the farmer and the landowner. The second option may become more prevalent if fewer farmers are available to farm under PA 490. In this situation, the open farmland is likely to be allowed to revert to shrub land and then mature forest. This has been happening in Connecticut for the last 150 years. Meadows, pastures and planted farmland will continue to be lost unless more young farmers come along or a new incentive is provided to maintain the land in “farm-like” condition.

The last option occurs more frequently when pressures for development increase and land values rise, providing landowners greater incentive to sell the land for development or to use a tax incentive and permanently preserve the land as Open Space.

However, municipalities and land trusts can use their non-profit status to create incentives for the landowners to sell at “bargain” prices or donate either the development rights only, or the entire fee interest in the land.

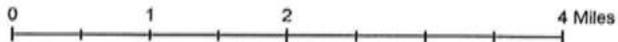
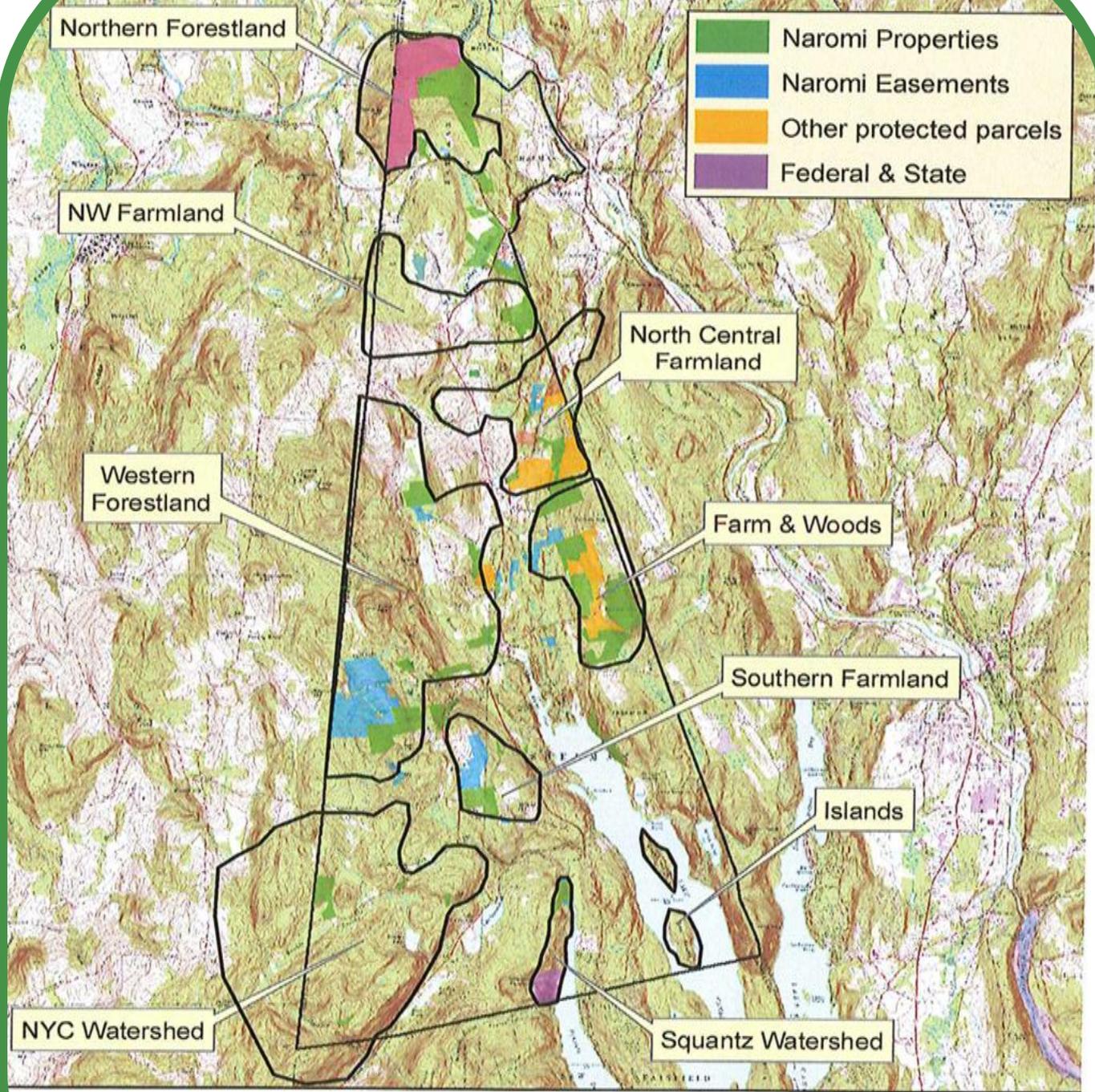
An extensive analysis conducted by University of Connecticut's Center for Economic Analysis (CCEA) has found that permanent Open Space increases the property values for those whose land borders or overlooks the preserved areas. In addition to the personal benefit to the neighboring owners, the increased property values generate additional tax revenue to the town with no infrastructure cost to the town (Connecticut Wildlife, January/February 2012).

PA 490 for Open Space

CT State Statutes also enable towns to grant PA 490 tax reduction benefits for parcels retained as open which are in excess of the minimum building lot size in that zone. Towns vary in their use of this option. Sherman currently does allow this option, thereby reducing the pressure to sell or develop excess acreage. In 2011 there were 1,472 acres receiving tax reductions under the Open Space provision. For example, a couple owning a house on ten acres could in a 4-acre zone put 6 acres under Open Space tax reduction, and in a 2-acre zone put 8 acres under Open Space. This system allows the owner to maintain options for future use/value while also temporarily preserving the land as Open Space. This approach is of value to the Town of Sherman as it both helps maintain rural characteristics and also reduces financial pressure on the owner.

It should be noted that PA 490 status overlaps with the protection of a Conservation Easement because the PA 490 categories are based on use, and an easement's "permanent" is a legal category. If a parcel of land meets criteria for priority for permanent protection, then efforts should be made to help the owner achieve that goal.

SLAFAB Priority Map 6-29-10



This map contains no authoritative data and is intended for planning purposes only



Acknowledgements

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