

Planning and Zoning Commission
Town of Sherman

P.O. Box 394
Sherman, Connecticut 06784

Office: (860)355-3127
E-Mail: bblois@townofsherman.org

Minutes – January 4, 2007
Regular Monthly Meeting

The Chairman called the meeting to order at 7:01 p.m. at Mallory Town Hall. There was no one sound recording. Commissioner's present were : Chairman David N. Hopkins, Vice Chairman Barbara Ackerman, Richard Hudson, Joel Bruzinski, and Alternates John Dwyer, Al Burgasser, and Mark Weber, and Elizabeth-Ann Blois, Clerk. Absent were Commissioners J. Paul Voorhees, Robert Ostrosky, Clay Cope, and Land Use Enforcement Officer Ronald L. Cooper.

Election of Officers

Joel Bruzinski, Chairman of the Nominating Committee submitted their slate of officers for the 2007-year as follows: Chairman David N. Hopkins, Vice Chairman Barbara Ackerman, and Secretary Robert Ostrosky.

Commissioner Hudson moved to close the nominations with Commissioner Dwyer seconding. Commissioner Dwyer moved to approve the slate of officers as submitted with Commissioner Bruzinski seconding. Both motions passed unanimously. Since the new Secretary was not present, the Chairman asked Commissioner Hudson to fill in as Secretary Pro Tem.

Public Hearings

The Secretary read the warning.

1.) **Dorothy Cherry** – Special Permit/Accessory Apartment, 53 Spring Lake Road

The Chairman gave an overview of the application. He stated that a letter from the Health Department was on file in the P&Z office.

Attorney Robert Fisher and Armand DiBiase, registered architect, representing the applicant attended the meeting. Attorney Fisher gave an overview of the property. Mr. DiBiase explained what they are planning to do to the structures and the property. This included the renovations, new kennel, apartment, parking area etc.

Commissioner Dwyer asked how many dogs would be in the kennel. Ms. Cherry said about 10 dogs and sometimes puppies. She said that they are her show dogs and explained that Sherman would be her base of operation. Most of the dog shows that she participates in are on the east coast. When the dogs are retired they go to Kentucky.

There was a discussion regarding the accessway to the apartment. On the original plans it showed the access to the apartment through a large open room on the first floor. There was some discussion that the open room should be counted as part of the apartment. The regulations in Section 321.8 of the Zoning Regulations read as follows: "The apartment shall have its own entrance from the exterior of the building and". An alternate plan known as SK50 & SK51 show a small entryway (160

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square feet) with stairs up to the apartment and a wall and door to the large open room. Again, there was some discussion as to the additional 160 square feet being counted as part of the apartment. Mr. DiBiase said that he felt that the original plans meet the building code. The large open room in the original plan was supposed to be part of the main house. Ms. Cherry said that if that Commission wanted an exterior staircase to the 2nd floor apartment that she would do so. The Chairman read the Health Department letters into the record. Attorney Fisher said that the Commission can approve the application with conditions.

After a lengthy discussion, Commissioner Ackerman moved to continue Dorothy Cherry's Public Hearing. Commissioner Burgasser seconded. Motion was defeated with Commissioners Ackerman and Burgasser in favor, and with Commissioners Hudson, Bruzinski, Dwyer and Weber opposed.

Commissioner Hudson moved to close Dorothy Cherry's Public Hearing. Commissioner Dwyer seconded. Motion carried with Commissioners Hudson, Bruzinski, Dwyer and Weber in favor and with Commissioners Ackerman and Burgasser opposed.

- 2.) **Addison L. & Carol L. Havens** – Special Permit, Healing Arts Center, 29 Route 37 Center

Eloise Stager attended the meeting. She explained to the Commission and the public her business. Her business would be called "Spiral Touch Therapies". The Chairman said that there had been a site walk on December 10th. Her business would be one client at a time and at least ½ hour break in between each client. Possibly 3-4 clients per day. Hours of operation would be 9:30 p.m. to 2:00 p.m. Monday through Saturday and 5:00 to 7:00 p.m. Monday through Friday evenings.

There was no correspondence received.

Eloise Ribisl spoke in favor.

Commissioner Hudson moved to close the public hearing. Commissioner Ackerman seconded. Motion carried unanimously.

Old Business

Commissioner Hudson moved to adjust the agenda to have Old Business #3 Havens go before Old Business #1 Northern View Estates. Commissioner Weber seconded. Motion carried unanimously.

- 3.) **Addison L. & Carol L. Havens** – Special Permit, Healing Arts Center, 29 Route 37 Center

Commissioner Bruzinski moved to approve Addison L. & Carol L. Havens Special Permit application for a Healing Arts Center at their complex located at 29 Route 37 Center. Commissioner Dwyer seconded. Motion carried unanimously.

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A short recess from 8:05 – 8:10 p.m.

- 1.) **Northern View Estates** – 5-lot Re-subdivision, Anderson Road West (Assessor's Map #31-9)

*The Chairman said that the Inland Wetlands Commission would be meeting on January 16<sup>th</sup>. He said that P&Z would have 35 days after the Wetlands Commission decision in order to make a decision. He said that P&Z should wait until the 16<sup>th</sup> to see if the Wetlands Commission is going to close the public hearing. P&Z can then make a date to start deliberations; P&Z can always incorporate the Wetlands Commission report. The Chairman said that he may call a Special Meeting. The consensus of the Commission was that that was okay.*

- 2.) **Dorothy Cherry** – Special Permit/Accessory Apartment, 53 Spring Lake Road

*There was some discussion regarding the original plans, the alternate plans, the access to the apartment, and what can be counted toward the square footage of the apartment etc.*

*Commissioner Dwyer moved to approve Dorothy Cherry's plans for a Special Permit to construct an Accessory Apartment modified to include construction of an external stairwell to the 2<sup>nd</sup> floor apartment out of her home located at 53 Spring Lake Road. Commissioner Hudson seconded. Motion defeated with Commissioners Hudson, Bruzinski and Dwyer in favor and with Commissioners Ackerman, Burgasser, Weber and Hopkins opposed.*

*Commissioner Hudson moved to approve Dorothy Cherry's plans for a Special Permit to construct an Accessory Apartment using the modified SK50 & SK51 plans as submitted out of her home located at 53 Spring Lake Road. Commissioner Dwyer seconded. Motion defeated with Commissioner Weber in favor and with Commissioners Ackerman, Hudson, Bruzinski, Burgasser, and Dwyer opposed.*

*Commissioner Ackerman moved to approve Dorothy Cherry's plans for a Special Permit to construct an Accessory Apartment using the modified SK50 & SK51 plans with construction of an outside stairway entrance to the 2<sup>nd</sup> floor apartment out of her home located at 53 Spring Lake Road. Commissioner Dwyer seconded. Motion passed with Commissioner Ackerman, Hudson, Bruzinski, and Dwyer in favor and with Commissioners Burgasser and Weber opposed.*

- 4.) **River Oaks Sub-division and Golf Course** - Review status of permits  
*Still before the Wetlands Commission.*

**New Business**

*No new business.*

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Minutes

Commissioner Bruzinski moved to approve the minutes of December 7, 2006 Special Meeting as amended. Commissioner Dwyer seconded. Motion carried unanimously with Commissioner Ackerman abstaining.

Commissioner Bruzinski moved to approve the minutes of December 12, 2006 Special Meeting. Commissioner Burgasser seconded. Motion carried unanimously with Commissioner Dwyer and Weber abstaining.

Audience Participation

Natalie Sirkin started to comment on the Commission's procedure with Northern View Estates application. The Chairman said that her comments should wait until they are done with the application.

Correspondence

The Commission reviewed the following correspondence 1.) letter dated December 26, 2006 regarding the Land Use Violation Ordinance, 2.) ZBA notification of a case to be held on January 9th, 3.) letter dated December 12, 2006 from Jen Freed regarding Cluster Development, 4.) letter dated December 20, 2006 from Zarecki & Associates regarding a professional traffic consultant, and 5.) Iroquois Report.

Enforcement

Land Use Enforcement Officer's Report

LUEO absent – no report The Chairman will speak to Mr. Cooper on sending out his report prior to the next meeting.

Follow-up on approved applications

The Chairman reviewed the follow-up list with the Commission. The Clerk said that the Bonners had brought in their paperwork.

Commissioner Ackerman said that she had seen ads for a Montessori School, for small classes, in the Temple Shalom and the JCC Newsletter. She said that that was not in accordance with the Special Permit that was approved recently for Robin German. This Clerk asked Commissioner Ackerman if she had the ads so that they can be forwarded to the LUEO.

Committee Reports

The Chairman said that he had reviewed the assignments. He said that after speaking with Commissioner Voorhees and Bruzinski the Site Visitation Committee was not needed because the Site Walks are taken care of administratively. He thought that the Procedures and

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*Standards Committee and the Office Operations Committee should be put together. The Committees are as follows: Regulations Review Committee – Chairman Commissioner Weber with Commissioners Bruzinski, Dwyer and Burgasser. All Commissioners are encouraged to participate. Plan of Conservation and Development – Chairman Hudson with Commissioners Voorhees, Ackerman, and Cope. Operations Committee – Hopkins, Ackerman and Ostrosky. Commissioner Weber will be the Commission’s representative to the Land Acquisition Advisory Fund Board. The Nominating Committee will be formed in October.*

**Commissioners’ Comments**

1.) By-laws - Alternate participation in deliberations

*The Chairman submitted some language which the Commissioners reviewed and revised. Commissioner Hudson moved to approve the language submitted by the Chairman and amended. Commissioner Weber seconded. Motion carried unanimously.*

2.) E-mail communications

*Prior to the last Regulations Review Committee Meeting an e-mail was sent out to all of the Commissioners from the Chairman. This concerned information to be discussed at the meeting regarding Cluster Development. Somehow this e-mail was sent out to other people and a response from a person was forwarded to all of the Commissioners. It was the consensus of the Commission that any e-mails through the Commissioners should also be sent to Clerk Elizabeth-Ann Blois for FOI. There is a potential for a predetermination on a Commissioners part. The e-mails received by the Commission at the office are considered public information. It was noted that all Commissioners should be aware of what is in their e-mails.*

3.) Public opportunity to speak on specific agenda items

*There was some discussion regarding the above, the agenda will stay as is.*

4.) Budget Request

*The Chairman stated that the 2007-2008 Budget for the Commission is due to the Board of Selectmen by February 16<sup>th</sup>. All of the Commissioners had a copy of the end of the year budget totals. There was some discussion as to a line item for a consultant and for engineering, etc.*

5.) Affordable Housing

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*The Chairman said that the Commission was trying to build a team of professionals to consult with the Commission if there were to be an application. He said that he had a traffic consultant from New Fairfield, and Sean Hayden from the Northwest Conservation District, who can participate.*

**Chairman Report**

*There was some discussion of general education for Commissioners, and possibly getting professionals to come in on specific topics. The Connecticut Bar Association and UConn may be sources that can be tapped.*

*Commissioner Hudson moved to adjourn the meeting with Commissioner Dwyer seconding. Motion carried unanimously. The meeting was adjourned at 10:10 p.m. at Mallory Town Hall.*

*Respectfully submitted,*

*Prepared by:  
Elizabeth-Ann Blois, Clerk*

*Richard Hudson  
Secretary Pro Tem*