

Planning and Zoning Commission
Town of Sherman

P.O. Box 394
Sherman, CT 06784

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

Minutes – March 1, 2007
Regular Monthly Meeting

The Chairman called the meeting to order at 7:05 p.m. at Mallory Town Hall. No one was sound recording. The Chairman stated that Commissioner Ostrosky's wife had a baby boy. The following Commissioners were present: Chairman David N. Hopkins, Vice Chairman Barbara Ackerman, Commissioners J. Paul Voorhees, Clay Cope, Rick Hudson, Joel Bruzinski, Alternates John Dwyer, Al Burgasser, and Mark Weber (arrived at 7:15 p.m.). Alternate Burgasser filled in for Commissioner Ostrosky. Commissioner Bruzinski filled in as Secretary Pro Tem.

Commissioner Cope moved to move discussion of Northern View Estates to the end of Old Business. Commissioner Hudson seconded. Motion carried unanimously.

Public Hearing

1.) **Scott & Tracy Galaida – 11 Sherwood Hill Road, Special Permit/Accessory Apartment**

The Chairman gave a history of the application. The Secretary Pro Tem read the Legal Notice for the public hearing. Mr. Galaida attended the meeting. He said that he was applying for a Special Permit for an Accessory Apartment. The Chairman was concerned about the lower level of the structure and whether it could become part of the apartment. This area opens to grade. The Chairman also questioned whether it could be used as part of the apartment now or down the road if the applicant should sell the property. The Special Permit goes with the land and not the owners of the property. Mr. Galaida said that due to the grade he had to place something under the area of the proposed apartment so that it could be level with the lower floor of the house, which is connected with a breezeway. He asked if the Commission had any suggestions for another way regarding the construction. Commissioner Voorhees said that there was no reason to think that the space under the proposed apartment would be used as a room because it had no windows. The Chairman read a Health Department approval dated January 27, 2007. The Clerk said that there was no correspondence received for this application.

Commissioner Weber arrived at 7:15 p.m. He was not participating in this discussion.

The following people from the audience spoke on the application: (1.) Howard Rusk of 14 Sherwood Hill Road – he asked what the 750 square feet was in reference to. Mr. Rusk was also concerned about when Mrs. Galaida's parents move out of the apartment that it could become a rental property and that would create a precedent. He asked if a condition could be placed so as to not become a rental property. Mr. Rusk also asked just where the proposed location of the apartment was. Mr. Galaida said that it was level with the ground level of the house. (2.) Evangeline Zarras of 7 Sherwood Hill Road – she said that she had the same concern as Mr. Rusk. She also said that she was

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*not opposed to family living in the apartment. and 3.) Virginia Gamper of 2 Sherwood Hill Road – she was concerned about the neighborhood and whether in the future this apartment could become a rental. She wanted to know how many apartments are in the Town and of them how many were family occupied or are rentals. The Chairman said that they would get to those questions later on in the evening. The LUEO asked if the breezeway was heated and if the area below the proposed apartment was able to be below 6 ½’ in height. Mr. Galaida said that the area in which they are proposing the construction was 12’ and they would have to put back a lot of fill and that would be a waste but it could be done. He also said that the breezeway was heated.*

*Commissioner Burgasser moved to close the public hearing with Commissioner Cope seconding. Motion carried unanimously.*

**Old Business**

1.) **Scott & Tracy Galaida – 11 Sherwood Hill Road, Special Permit/Accessory Apartment**

*The Chairman said that the lower level below the apartment could be restricted so that it could not be used as part of the apartment. He said that maybe the lower level could be less than the legal height minimum for a dwelling. There was some discussion concerning this area of the proposed structure. The LUEO said that this could be an enforcement nightmare. He said that the Commission could put a restriction on it but he couldn’t enforce it. The LUEO said that you could build up the floor so that it is less than the Building Department’s minimum height for dwelling use so that it could not be used as living space. Mr. & Mrs. Galaida are not applying for a garage but just for an apartment. The LUEO said that he needs more assistance so that this does not become a nightmare. Commissioner Cope brought up Section 321.8 of the Zoning Regulations*

*Commissioner Bruzinski moved to approve Scott & Tracy Galaida’s Special Permit application for an Accessory Apartment at their home located at 11 Sherwood Hill Road with the restriction that the height of the lower level is less than the National Building Code Requirement from the slab to the ceiling height and this space is not to be used for residential use. Commissioner Burgasser seconded. Motion carried unanimously.*

*The Chairman read Section 321.8 of the Zoning Regulations and said that the number of apartments that are in the Town of Sherman and how they are occupied could be in the census otherwise that information is not available.*

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

*The Chairman read a fax dated March 1, 2007 withdrawing their application. This item was moved to the end of Old Business.*

3.) **River Oaks Sub-division and Golf Course - Review status of permits**

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The Chairman spoke with Mrs. Tuck, who represents the applicant. He said that they are ready to start with the Planning and Zoning Commission. Commissioner Voorhees will follow-up with Mrs. Tuck. Commissioner Cope will assist Commissioner Voorhees.

3.) Planning for the Town Center

a.) Library

Commissioner Cope and Commissioner Weber recused themselves. This item will be on the May 4th referendum. Mr. Bruce Tuttle, an architect, gave the background. He gave an overview of the site, addition, traffic flow, and floor plan. Commissioner Bruzinski asked if Section 333.6 of the Zoning Regulations was an issue. Commissioner Burgasser asked if the Library would be considered part of the proposed municipal zone. LUEO said that the Library property was not Town property. The Chairman brought up the proposed Pedestrian Pathways and the impact on the Library if any. Commissioner Cope said that it would have been useful if they were consulted when the pathway plan was being designed.

b.) Firehouse

Commissioners Cope and Weber assumed their seats.

Mr. Ed Hayes, Chairman of the Firehouse Building Committee attended the meeting. Mr. Dean Petrucelli of Silver, Petrucelli & Associates, an architecture and engineering firm, also attended the meeting and gave a presentation of the proposed changes to the firehouse. He said that they had already done a presentation to the Wetlands Commission. He gave an overview of the floor plan, septic system, the proposed campus, and parking.

The Chairman raised the question that any firehouse members on the Commission should possibly recuse themselves. Commissioner Dwyer left at 8:30 p.m. and Commissioner Voorhees recused himself, both are members of the firehouse. The LUEO asked about water treatment for the water going across the street to the wetlands. LUEO also had a concern regarding the parking.

The Chairman commented that the library and the firehouse were not consulted regarding the proposed pedestrian pathways, but that they were well advertised and they had the opportunity to see the project. He also said that the master plan of development suggests to preserve the character of the Town Center.

The Commission took a short break and returned at 9:03 p.m.

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

*Commissioner Hudson recused and Commissioner Burgasser fill in.
Commissioner Ackerman recused herself.*

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*The Chairman read a fax received from Mr. Steve Trinkaus. The applicant withdrew their application. A copy of the draft resolution is in the file. The consensus of the Commission was that there was no denial, no resolution and no official action taken because the application was withdrawn, and that under the Freedom of Information Act they can request copies of the cd's and paperwork in the file. As far as the application fee for a new application, they would deal with that at a later time.*

*Commissioners Ackerman and Hudson resumed their seats.*

**New Business**

*No New Business*

**Minutes**

*Commissioner Ackerman moved to approve the February 1, 2007 minutes as amended. Commissioner Cope seconded. Motion carried unanimously.*

*Commissioner Cope moved to approve the February 21, 2007 minutes as amended. Commissioner Burgasser seconded. Motion carried unanimously.*

**Audience Participation**

*Carol Faure asked if the Commission had a policy on waving fees. Commissioner Hudson said that when an application is denied the fee is not returned. The Chairman said that there was no policy for the waving of fees. The LUEO said that the waving of fees should be at the discretion of the Commission.*

*There was some discussion regarding the contents of e-mails. Commissioner Burgasser said that there should be a statement or disclaimer on each e-mail. E-mails are a public record. The Commission wants information ahead of time so they can be informed, especially prior to a meeting. This item will be discussed at a later time.*

**Correspondence**

*The Commission reviewed the following correspondence: 1.) E-mail dated February 22, 2007 regarding "Land Use Citation Ordinance"; 2.) Iroquois Report; 3.) Information from HVCEO regarding an "Update of HVCEO's Regional Transportation Plan"; 4.) Minutes of HVCEO's February 16<sup>th</sup> meeting; 5.) Information from The Nature Conservancy regarding "Alternative On-Site Sewage Treatment Systems: Watershed Implication" 6.) Information from the American Ground Water Trust regarding a workshop on "Public Health, Ground Water and Water Wells"; 7.) A copy of the "Journal" from the University of Connecticut; 8.) Information from the Connecticut Federation of Planning & Zoning Agencies regarding their annual meeting; 9.) Information from the Connecticut Federation of Planning & Zoning Agencies regarding "Length of Service Awards/Lifetime Achievement Awards"; 10.) Letter dated February 20, 2007 from William Hunniford, Jr. regarding 27 Route 37 Center. Mr. Hunniford met with LUEO and will come in at a later time with an application.; and 11.) Information from Lorman Education Services regarding two seminars in April.*

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Enforcement

- Land Use Enforcement Officer's Report

The LUEO gave an overview of his report. Commissioner Hudson moved to approve the LUEO report dated March 1, 2007. Commissioner Voorhees seconded. Motion carried unanimously.

Follow-up on approved applications

The Chairman gave an overview of the follow-up list of applications. The LUEO said that agreements, whether it be conservation or otherwise, should be completed prior to a decision being made on an application. The Maharg/Conley application did not have such an agreement in place and now will not be filing a map. The deadline for such filing of the re-subdivision map has past.

Chairman Report

1.) Subdivision Procedures

The procedures have been modified to address open space and open space agreements. The Chairman asked the Commissioners to review the procedures.

Committee Reports

Office Operations Committee – The Chairman said that they had not met this month but will next week and likely will have a report at the next meeting.

Plan of Conservation and Development – Commissioner Hudson said they will be meeting this month.

Regulations Review Committee – Commissioner Weber gave an overview of the status of the Municipal Zone draft regulations. Commissioners will send their comments to Commissioner Weber.

Commissioner Burgasser moved to adjourn the meeting with Commissioner Bruzinski seconding. Motion carried unanimously. The meeting was adjourned at 10:38 p.m. at Mallory Town Hall.

Commissioner Cope left at 10:25 p.m.

Respectfully submitted,

Prepared by:

Elizabeth-Ann Blois
Clerk

Joel Bruzinski
Secretary Pro Tem