

**Planning and Zoning Commission  
Town of Sherman**

**P.O. Box 394  
Sherman, Connecticut 06784**

**Office: (860)355-3127  
E-Mail: [bblois@townofsherman.org](mailto:bblois@townofsherman.org)**

**FINAL**

**Minutes – December 6, 2007  
Regular Monthly Meeting**

*The Chairman called the meeting to order at 7:09 p.m. at Mallory Town Hall. No one was sound recording. Commissioners present were: Chairman David N. Hopkins, Vice Chairman Barbara Ackerman, Joel Bruzinski, Clay Cope, Richard Hudson, J. Paul Voorhees, Alternates Al Burgasser, John Dwyer, and Mark Weber and Elizabeth-Ann Blois, Clerk. Absent were Secretary Robert Ostrosky, and Ronald L. Cooper, Land Use Enforcement Officer. Alternate Dwyer filled in for Commissioner Ostrosky. , Commissioner Hudson filled in as Secretary Pro tem.*

*The Chairman congratulated the Commissioners both old and new on the recent election to the Commission. Commissioner Voorhees asked that the Nominating Committee stay after the meeting. Commissioner Voorhees asked the Commissioners to stay after the end of the meeting to meet with the nominating committee. Chairman Hopkins recused himself on the Robbins application and Vice Chairman Ackerman filled in.*

**Public Hearing**

*Jean Lynn Robbins – Petition to Change Zoning regulations Section 353. Office or Home Occupation (public hearing set for December 6, 2007)*

*Vice Chairman Ackerman asked Alternate Weber to fill in for Commissioner Hopkins. Secretary Pro Tem Hudson read the warning for the public hearing.*

*Mrs. Robbins was not in attendance so Attorney Lisa Buzaid gave an overview of Mrs. Robbins petition for change to the regulations. She stated that Mrs. Robbins would like to operate her business on her property in an accessory building, which at this point the regulations do not allow. Attorney Buzaid said that the Planning and Zoning Commission, under the Special Permit process, has the right to review the use and that the use would have to meet all of the other Departments requirements. She said that the Master Plan recognizes businesses.*

*Commissioner Voorhees was concerned over the fact that some of the uses may require septic systems and that it might open the door for creeping living facilities.*

*The following people spoke: 1.) Charlie Reppenhagen, Architect – He said that he had been an architect in Sherman for 38 years. Now he is operating his business in his detached garage. He wants the Commission to approve this amendment so that he can operate his business legally. He finished off his garage in order to operate his business and he likes the fact that it is away from the house. Mr. Reppenhagen said that it would be good for the Town to approve this amendment because then all of the people that are running illegal businesses could come in and become legal and that would be good for the tax rolls. By having these businesses in accessory buildings could also keep with the rural feeling of the Town. He said that it is also noted in the master plan. Mr. Reppenhagen submitted his letter dated December 6, 2007 for the*

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file. 2.) Janet Hopkins – She said that she is retired and was the former owner of the Sherman Sentinel and is the Chairman of the Historic District Commission. Mrs. Hopkins said that she is in favor of the amendment and that home occupations can be controlled. She feels that it would also be good to make use of the historic structures such as barns. 3.) Margery Josephson – She is in favor of the amendment. She has some accessory buildings on her property one was once a studio. Ms. Josephson said that since the Town has such a small commercial center, as the Town becomes larger, making use of these accessory buildings would be beneficial. She said that as far as septic systems for these buildings that could be limited to the size of the building and not to the home occupation. Circumstances have changed and now people can work from home. Ms. Josephson said that if you can use the barns for home occupations then the owners of these barns will keep them in good repair. She also asked that the Commission think of options for use of these accessory buildings and of all of the people who are working at home illegally. 4.) Carol Faure – commented stating that the regulations should be rewritten for home occupations. Her concern was that these home occupations in accessory buildings may be okay for properties that front on Routes 37, 39 & 55, but that she would not like to see them in Timber Trails on 1 acre lots. She said that she thinks the Commission approving this amendment as worded would open a Pandora’s Box. and 5.) Eric Diller or 27 Route 37 East – He said that he is operating his business in his dining room and that his barn would be an ideal use for his office. He operates a timber frame business. His barn is approximately 150 – 175’ from his residence. Mr. Diller said that having his office at home is good for his family so that he can share the responsibilities with his wife with their children.

Michael Robbins addressed Commissioner Voorhees concern by telling him that his accessory building is approximately 70’ from his home so they can use that bathroom and do not require a bathroom in the accessory building. He would not have any water in the building either.

Commissioner Cope had brought up that accessory buildings businesses would not be able to make a profit. Commissioner Burgasser stated the under Section 331.2, 332.2 and Section 353 can be for profit.

Vice Chairman Ackerman read the following correspondence received: 1.) letter dated October 15, 2007 from the Housatonic Valley Council of Elected Officials and a letter dated October 15, 2007 from the Northwestern Connecticut Council of Governments.

Commissioner Dwyer moved to close the public hearing with Commissioner Hudson seconding. Motion carried unanimously. The public hearing was closed at 7:48 p.m. at Mallory Town Hall.

**Old Business**

**Jean Lynn Robbins** – Petition to Change Zoning regulations Section 353. Office or Home Occupation (public hearing set for December 6, 2007)

Commissioner Dwyer said that if you approve having accessory structures for home occupation use these structures may be very close to property lines and neighbors houses. Commissioner Weber said that he had no problem with home occupations in a residential

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dwelling or in a garage as long as it complies with the regulations. A lot of accessory buildings do not meet the regulations as far as size and septic systems are covered under Section 321.7. He did not think this was the way to go. Commissioner Hudson agreed with Commissioner Weber. Commissioner Cope said that in HVCEO's response on page 5 of their attachment did not address accessory buildings. Commissioner Bruzinski said that he had a fondness for historic structures but the amendment as written is too broad. He said that the public made some good points. Commissioner Weber agreed with Commissioner Bruzinski but that it was not our roll to make illegal structures or uses legal. Commissioner Weber said that if Regulations Review want to they can look at home occupations. He does encourage home occupations. Vice Chairman Ackerman said that there is a need for home occupations and that they are growing due to either family or financial issue. She said that she could not vote for this amendment because it affects all areas of the Town. Vice Chairman Ackerman said that acreage requirements are not the same in the Town and might affect different areas differently. She said that she was not sure what constituted customary home businesses were or even now. Regulations Review Committee could come back to the Commission and may consider changing the definition. Commissioner Voorhees said that the amendment is not specific enough and that we still have to deal with the septic issues. He said that there are a lot of concerns and would need to go to Regulations Review.

Commissioner Cope moved to deny the application for a change to the Zoning Regulations to Section 353 Office or Home Occupation as submitted by Jean Lynn Robbins. Richard Hudson seconded. Motion carried unanimously.

Vice Chairman Ackerman stepped down and Chairman Hopkins assumed the Chair. Alternate Commissioner Weber stepped down also.

Paula Kelley – Amendment to existing Special Permit, expansion of hardware store, Sherman Green Marketplace, 11 Route 39 North

The Commission had asked the Fire Marshal for a report at its last meeting. Chairman Hopkins read a letter dated November 20, 2007 from the Fire Marshal.

Commissioner Dwyer moved to approve a modification to Paula Kelley's Special Permit for expansion of the hardware store for Sherman Green Marketplace at 11 Route 39 North. Joel Bruzinski seconded. Motion carried unanimously.

River Oaks Sub-division and Golf Course – Review status of permits

Chairman Hopkins said that the Land Use Enforcement and the Clerk were working on some of the open items. He said that he told Mrs. Tuck, who represents River Oaks that she did not have to come to the meetings until she is needed.

**New Business**

No New Business.

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**Audience Participation**

*Charles Reppenhagen, Architect – He said that it would be a good idea for the Regulations Review Committee to look into home occupations in accessory buildings. Mr. Reppenhagen said that would still have to go to Health and Building Departments to meet all of their codes. The applicants would have to go to Planning and Zoning Commission for a Special Permit. He would like the Commission to adopt regulations so he and others can become legal and not have to go to ZBA for a variance, so that the Town can tax them. Commissioner Voorhees said that it should be a rare occasion for applicants to go to the Zoning Board of Appeals.*

*Lisa Buzaid, Attorney – She said that when the Regulations Review Committee meets they should look at the scope of what P&Z would allow. She also wanted to know when the Regulations Review Committee was going to look at the subject of home occupations. She said that the Committee should tighten up the language for contractors. Chairman Hopkins said that the Commission would be losing their Chairman of the Regulations Review Committee at the end of this month. He said that no meeting date has been set yet. Commissioner Cope said that the public and come to the meetings and can contribute, but there is a procedure to follow. Jean Robbins asked if she can comment at the Regulations Review Committee meeting. Chairman Hopkins said that they will decide on that issue at the meeting, they need the meetings to be useful and not counter productive. Jean Robbins said that any regulation changes affect her and other people in town and that audience participation is important. Margery Josephson said that it was helpful to give suggestions and wording to the Committee. Chairman Hopkins said that letters can be sent to the Clerk of the Commission. Eric Diller said that alot of points were brought up at the hearing. He said that sometimes you can get Zoning Permit and not a building permit. Mr. Diller said that his house does not meet the setbacks, but that his barn does. He said that maybe the Commission can consider a percentage of the building, coverage or volume for the size of the home occupation.*

**Minutes**

*Commissioner Dwyer moved to approve the November 1, 2007 Minutes of the Regular Monthly Meeting with modifications. Barbara Ackerman seconded. Motion carried unanimously.*

**Correspondence**

*The commission received the following correspondence: 1.) letter received November 29, 2007 from Ralph Gorman. After some discussion, Commissioner Ackerman moved to authorize Chairman Hopkins to write a letter to the Building Inspector in regards to Ralph Gorman and his winery. Richard Hudson seconded. Motion carried unanimously; 2.) Information from the State of Connecticut Siting Council dated November 6, 2007; 3.) Information from the Town of Dover regarding a public hearing; 4.) Information from HVCEO;*

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5.) Information from the American Planning Association; and 6.) information from Lorman regarding seminars.

***Land Use Enforcement Officer's Report***

None this month. The Land Use Enforcement Officer was in Zoning school. Commissioner Dwyer brought up that some cases noted on the enforcement officer's report were not noted that they had been resolved, but were just taken off the report. He would like to see in the report that they were resolved. The Commission would like to see a report each month and sent out before the meeting.

**Follow-up on approved applications**

Chairman Hopkins gave an overview of the Fairview Farms case.

**Committee Reports**

Regulations Review Committee Chairman Weber submitted a final draft of the proposed amendments to the open space regulations and gave an overview of the regulations and a letter from Attorney Fuller. The Commission reviewed the final draft and made some more changes to it. Commissioner Weber will make the changes and send them out to the Commission.

Nominating Committee – Chairman Hopkins asked the following members to serve on the Nominating Committee: Commissioner Voorhees, Commissioner Hudson and Commissioner Ostrosky. After some discussion, the Chairman decided to ask Commissioner Bruzinski to serve, instead of Commissioner Ostrosky, because Commissioner Ostrosky will not be on the Commission in January. The Nominating Committee will present their slate at the January meeting.

**Commissioner's Comments**

Chairman Hopkins asked the Commissioners to think about what Committees they would like to serve on such as: Plan of Conservation and Development, Office operations, Land Acquisition Fund Advisory Board, and Regulations Review.

Commissioner Ackerman asked if in January they could go over procedures and a general review of planning and zoning for the Commissioners. The Commission decided to hold a review possibly in February. Vice Chairman Ackerman asked that the Commissioners to look at the Washington regulations pertaining to home occupations, that they seem good. The Clerk will get a copy of the regulations.

**Chairman Report**

Chairman Hopkins said that the following will be brought up at the January meeting: election of officers, any by-law changes, and education – identify topics.

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*Chairman Hopkins said that he would like to recognize Commissioners Ostrosky and Weber for their work in and outside of meetings. Commissioner Weber said that it was a real honor working with the Commission.*

*Commissioner Hudson moved to adjourn the meeting with Commissioner Cope seconding. Motion carried unanimously. The meeting was adjourned at 9:58 p.m. at Mallory Town Hall.*

*Respectfully submitted,*

*Prepared by:  
Elizabeth-Ann Blois  
Clerk*

*Richard Hudson  
Secretary Pro Tem*