

Planning and Zoning Commission
Town of Sherman
P.O. Box 39
Sherman, CT 06784
(860) 355-3127

Email: mbattaglia@townofshermanct.org

PLANNING AND ZONING MEETING MINUTES
APRIL 1, 2010

Chairman Ackerman called the meeting to order at 7:08 p.m. at Mallory Town Hall. Commissioners present: Chairman Barbara Ackerman, Secretary Mark Weber, Jeannene Burruano, Ted Hollander, Neil Volkmar, Paul Voorhees, and alternate Bruce Hoag. Also present were Ron Cooper, Zoning Enforcement Officer and Michele Battaglia, Clerk. There was no audience member recording or video taping the meeting.

Public Hearing - Continuation

- 1. Sherman Library Association, Inc.:** Chairman Ackerman read into record the following item received: A letter from the First Selectman's office regarding the fact that the Town of Sherman has not committed and cannot commit to maintaining the parking area following the expansion of the building. Paul Szymanski, PE was in attendance representing the applicant. Mr. Szymanski stated that nothing new has occurred since the March 4th public hearing. A question was posed by Commissioner Weber regarding the minimum setback from water supply wells to the porous asphalt. Mr. Szymanski explained that the State of Connecticut Public Health requires a 25' setback and that the plans show 75'. Also discussed were the proposed monitoring holes, the change to the entrance vestibule, the lighting in and around the site, and the amount of parking spaces required. Sharon Danosky, Chairman of the Sherman Library Board once again thanked the Commission for all of their hard work over the past year.

Commissioner Hollander motioned to close the Public Hearing. Commissioner Volkmar seconded the motion. All were in favor.

Old Business

- 1. Sherman Library Association, Inc.:** Chairman Ackerman reviewed Section 342 "Application for Special Permit" to determine if the applicant has met all of the standards. It was determined that the library will serve a community need; the location and size of the use, the nature and intensity of the operation will be in harmony with the zone; the location, external appearance and height of buildings, structures, walls and fences and the nature and extent of landscaping, screen plantings and exterior illumination on the site are such that the use will not hinder or discourage the appropriate use and development of adjacent land; the operations will not be objectionable to nearby properties; and the parking areas will be located entirely on the lot and the entrance and exit drives are designed so as to minimize traffic hazards. Chairman Ackerman also noted that the applicant received approval from the Zoning Board of Appeals for the following variances: Section 351.3 "Setbacks and Parking" to allow an increase of the non-conformity of the existing library structure and parking area; Section 351.2 "Coverage" to allow building coverage for Public Libraries from a maximum of 10% to 15.5%; Section 351.3 "Setbacks and Parking" for Public Libraries from 75' front to 74' on the northwest side along Route 37 and from 75' to 68' on the west side along Saw Mill Road, and from 30' to 21' on the east side adjoining the Sherman Center Cemetery; relief to allow off-street parking facilities in the front lot and relief from the front setback from 75' to 4' for the parking; relief to allow 100% of parking in the front lot; Section 371 "Schedule of Off-Street Parking Space Requirements" to allow parking to be placed in the front of the building rather than placed behind or to the side of the principal structure on the lot; Section 358.1 "Impact on Adjacent Property" to allow a change in surface elevations more than 2' within 10' of a property line; Section 384 "Non-conformity, Other than

Use” to allow a permit and changes to be made, which will increase the non-conformity. The Commission set the following conditions for the approval of the special permit:

1. With respect to the parking lot:
 - An independent engineer needs to be on site at the installation of the porous asphalt. Once completed, the Commission is to be notified, as well as, the Zoning Enforcement Officer so that he may inspect the work.
 - The Sherman Library Association is responsible for all the maintenance, including snow plowing, as well as, all future repair of the porous asphalt. The Zoning Enforcement Officer is to give monthly reports of the asphalt during the winter, and bi-monthly reports in the summer.
 - The strip of cobblestone where the porous asphalt meets the standard asphalt shall be installed no higher than the surrounding asphalt.
 - There should be thirty-seven (37) parking spaces.
2. The highway conveyance and easement maps with deeds shall be filed within sixty (60) days of the Planning and Zoning Commission Special Permit approval.
3. Once the Historic District Commission has given their approval on the lighting plan, a final plan must be submitted to this Commission. Security lighting shall be installed on proposed steps.
4. Prior to the issuance of the Certificate of Occupancy, there shall be a 90% survival rate at the first anniversary of the plantings depicted on the planting plan.
5. If there are any modifications to the plans during construction, the Town engineer must be notified. The Town engineer will then review and approve if necessary.

Commissioner Hollander motioned to approve the Special Permit application subject to the conditions as stated above. Commissioner Volkmar seconded the motion. All were in favor.

New Business

1. **Resident Contractor Special Permit Application(s):** Chairman Ackerman went over the procedures for the special permit application. Eight (8) applications were received:
 1. Gani Lekaj, Two Brothers Mason, LLC: Chairman Ackerman read through the application line by line. It was determined that the application falls under the definition of a resident contractor and that it is not a no-impact business. The applicant will need a special permit.
 2. Brian Clancy, Clancy Woodworking, LLC: Chairman Ackerman read through the application line by line. Commissioner Hollander pointed out that some of his work is done at his home, so he does not fall under the category of resident contractor. It was determined that he falls under the category of home occupation and that he will have to apply for a special permit for home occupation.
 3. Thomas Derby, Derby’s Carpentry: Chairman Ackerman read through the application line by line. It was determined that the application falls under a no-impact business based on the information provided and that a letter is to be sent to the applicant reflecting this decision.
 4. Mike Malsin, Malsin Contracting: Chairman Ackerman read through the application line by line. It was determined that the application falls under the definition of a resident contractor and that it is not a no-impact business. The applicant will need a special permit.
 5. Geoff Gwyther, The English Caretaker: Chairman Ackerman read through the application line by line. It was determined that the application falls under a no-impact business based on the information provided and that a letter is to be sent to the applicant reflecting this decision.

6. Aidan Martin, International Hardwood Floors, Inc.: Chairman Ackerman read through the application line by line. It was determined that the application falls under a no-impact business based on the information provided and that a letter is to be sent to the applicant reflecting this decision.
7. Ian Gribble, Spring Lake Garden Design, Inc.: Chairman Ackerman read through the application line by line. The Commission discussed the fact that the applicant has many different natures of business on the property and further information is needed.
8. Steven Vazquez, Evergreen Construction: Chairman Ackerman read through the application line by line. It was determined that the application falls under a no-impact business based on the information provided and that a letter is to be sent to the applicant reflecting this decision.

Additional Items

1. **Audience Participation:** Kate McConaghy, Selectman congratulated the Commission on a job well done in regards to the Sherman Library Association.
2. **Minutes:** Commissioner Weber motioned to accept the meeting minutes of March 4, 2010; Commissioner Voorhees seconded the motion. All were in favor. Commissioner Hollander motioned to accept the meeting minutes of March 18, 2010; Commissioner Volkmar seconded the motion. All were in favor.
3. **Correspondence:** Chairman Ackerman read into record a notice from the Town of Pawling regarding a newly proposed law; a notice from the Town of Dover regarding a public hearing for the proposed Knolls of Dover; a brochure from King's Mark Resource Conservation and Development Area, Inc.; the Winter Issue of the Iroquois Report; the Spring 2010 CLEARscapes; and information from Land-Tech Consultants, Inc.
4. **Zoning Enforcement Officer's Report:** Ron Cooper, ZEO read into record the March 2010 ZEO Report. Commissioner Weber motioned to accept the report. Commissioner Hollander seconded the motion. All were in favor.
5. **Committee Reports:** The POCD questionnaire is to be revised with changes that were received from the Land Acquisition Board. The questionnaire will eventually be put online and hard copies will also be available. A postcard will be sent out informing the residents about the questionnaire.
6. **Chairman's Report:** There were no comments from the Chairman.
7. **Commissioner's Comments:** There was discussion regarding the resident contractor language, as well as regarding the fees for home occupation special permits. The Commission may want to take a look at the language at the Special Meeting on April 15th.

Commissioner Hollander motioned for adjournment. Commissioner Volkmar seconded the motion and all were in favor. Meeting was adjourned at 9:45 p.m.