



**Town of Sherman  
Planning & Zoning Commission  
REGULAR MONTHLY MEETING  
June 6, 2013, 7:00 pm  
Mallory Town Hall**

**FINAL**

**Commissioners in Attendance:** Commissioners Barbara Ackerman, Monty Clark, Neil Volkmar, John Paul Voorhees, Mary Lee, Ted Hollander, Jeannene Burruano, and Alternate Jan Desiato

**Commissioners Absent:** Alternates Marc Sichel and Jill Finch

Also in attendance: Ron Cooper, Land Use Enforcement Officer and Christine Branson, P&Z Administrative Clerk.  
No audience member audio or video-taped the meeting.

**Chairman Barbara Ackerman called the meeting to Order at 7:03 p.m.**

**Public Hearing**

**Oppenheimer- 12 Chimney Hill Road:** Application for a Special Permit for a home Dental office.

Dr. Roger Oppenheimer stated he would like a home dental office, open 4 days a week with 5 patients a day. Dr. Oppenheimer stated his small part-time practice would follow all required State and Federal regulations. His practice will cause no environmental emissions, no x-ray machines, no toxic materials or waste, no chemicals, no excessive use of water and no noise will be generated. There will be no additional deliveries. Dr. Oppenheimer stated he feels a dental practice will have a positive impact on the community. Dr. Oppenheimer said he considered the Business District, but none were ADA accessible. Liz Mard of 47 Briggs Hill Rd. read correspondence in opposition of allowing a home occupation in a rural district. Kathleen Harrison of Bittersweet Lane spoke in favor of this application, stating she is a patient of Dr. Oppenheimer whose low impact practice was formerly in NY State. Bruce Hickey of 10 Briggs Hill Rd. spoke in opposition of allowing a home occupation in a residential area. Greg Daniels of 22 Chimney Hill Rd. read his concerns of increased traffic dangers caused by this application. Thomas Piel of 50 Briggs Hill Rd. spoke in favor of the home occupation. Mr. Piel stated he felt those in opposition tonight were being unfair. Eight email correspondences were read into record opposing the application from: B. Anderson, A. Swanson, G. Rabbe, J. Dube, M. Munch, P. Korsant, G. Thorne, E. Balen. Brett Rhondo also a patient of Dr. Oppenheimer spoke in favor of the application, stating the majority of the opposing concerns have been satisfied and anticipates no impact on the residential community.

**Commissioner N. Volkmar moved** to close the Public Hearing.

**Seconded by:** Commissioner T. Hollander. **Vote: For: Unanimous**

**Old Business**

**Oppenheimer- 12 Chimney Hill Road:** Application for a Special Permit for a residential Dental Office.

The Commission discussed the interpretation of Special Permits for home occupations in residential communities. Special permits allow flexibility on a case by case basis. It was determined allowing up to five patients per day in this case would not impact the rural characteristic of the community.

**Commissioner N. Volkmar Moved** to Approve Special Permit for a residential Dental office with the following conditions, not more than five patients per day, operating four days a week. **Seconded by:** Commissioner P. Voorhees. **Vote: For: 6 Against: 1 (T. Hollander)**

**CT Department of Transportation- Right of Way: Briggs Hill Road and Route 37 South**

The Commission discussed a recommendation to the Board of Selectman in reference to the State owned Right of Way and determined there could be advantages to the Town taking ownership.

**Chairman B. Ackerman Moved** to recommend the Board of Selectman take ownership of the State Owned Right of Way located between Briggs Hill Road and Route 37.  
**Seconded by:** Commissioner M. Clark. **Vote: For: 4 (B. Ackerman, M. Clark, N. Volkmar, P. Voorhees) Against: 2 (J. Burruano, T. Hollander) Abstain: 1 (M. Lee)**

**Minutes- Approval of Regular Monthly Meeting May 2, 2013 Minutes.**

**Commissioner T. Hollander Moved** to Approve the Minutes of Regular Monthly Meeting May 2, 2013, as amended. **Seconded by:** Commissioner N. Volkmar. **Vote: For: Unanimous**

**Correspondence**

Correspondence received in reference to Taraba- Fee in Lieu.

**Zoning Enforcement Officer's Report- May -2013**

ZEO Cooper submitted a report for May 2013. Three applications have been approved, eight are under review, four statements of intent have been received and one application has been denied. ZEO Cooper discussed details of a few cases that have been on-going. ZEO Cooper discussed the Emergency Services Facility completion. A little over fourteen months ago, ZEO Cooper created a punch list of items that require completion before a Certificate of Compliance can be granted. Cooper stated this list has been submitted numerous times, but he has not received any progress updates. Some items of concern are: State Right of Way Encroachment Application status, underground oil tank registration status, Storm-water maintenance plan. The Commission requested ZEO Cooper will provide the punch list to the Commission at the next Regular Meeting.

**Commissioner N. Volkmar moved** to Approve the ZEO Report of May -2013 as presented.  
**Seconded by:** Commissioner T. Hollander **Vote: For: Unanimous**

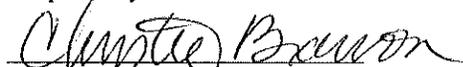
**Chairman Report-**

Chairman B. Ackerman reminded the Commission the Final Hearing for the POCD will be held June 20<sup>th</sup> at Mallory Town Hall, 7:00 p.m. and she encouraged Commissioners attendance. Additionally she encouraged participation at a Town volunteer initiative on June 29, 2013 from 11:00 a.m. to 3:00 p.m to encourage volunteer participation on Boards and Commissions.

**Adjournment**

**Commissioner N. Volkmar Moved** to Adjourn the Meeting at 9:30 p.m.  
**Seconded by:** Commissioner M. Lee **Vote: For: Unanimous**

Respectfully submitted:

  
Christine Branson

June 14, 2013

\*amended 6/18/2013