



20140404P2m

TOWN OF SHERMAN
Planning & Zoning Commission
REGULAR MEETING MINUTES

April 4, 2014
7:00 pm
Mallory Town Hall

FINAL

Commissioners in Attendance: Jeannene Burruano, Neil Volkmar, Mary Lee, Ted Hollander, Jill Finch, and Alternates: Marian Edmond, Lu Li and Willy Knaak

Commissioners Absent: Marc Sichel and John Paul Voorhees

Also in attendance: Christine Branson, P&Z Administrative Clerk

Call to Order: Chair, J. Burruano Called the Meeting to Order at 7:05 p.m.

M. Edmond and Lu Li were Elevated to voting status.

Approval of Agenda:

Chair, J. Burruano Moved to re-arrange the Agenda to accommodate the applicant for the Public Hearing.

Seconded by: N. Volkmar Vote: For: Unanimous

Approval of Minutes

March 6, 2014 Regular Meeting

Commissioner N. Volkmar Moved to Approve the Minutes of Regular Meeting March 6, 2014 as written.

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

March 19, 2014 Special Meeting

Commissioner N. Volkmar Moved to Approve the Minutes of Special Meeting March 19, 2014 as written.

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

Correspondence

Superior Court J.D. at Danbury, - Docket # DBD CV12 5009055 S- Angela M. Simons et al v. Connie T. Wilson, et al, Dated February 27, 2014, Stipulation and Settlement Agreement, recorded in the Town Records Volume: 154, Page: 734. This correspondence is available for viewing at the Town Clerks Office.

Chairman Report

Chair, J. Burruano spoke in reference to the Temporary Moratorium from Medical Marijuana Producers and Dispensary Facilities. Four abutting towns, and two local planning agencies have received written notice via certified mail. No response has been received to date, however the planning agencies are allowed forty five days for their response. A Public Hearing on May 1, 2014 has been set to allow public input regarding this matter. Upon Board approval of the temporary moratorium, the Commission will create regulations for such facilities to best suit the Town of Sherman. Mrs. Burruano spoke in reference to any updates from AT&T regarding cell tower applications, to date no new information has been received. Mrs. Burruano encouraged new members of the Commission to attend continuing education classes or an on-line site offers webinars and programs concerning Land Use, roles and

responsibilities of local Commissions, and map reading. The website for the Land Use Academy, offered by the University of Connecticut is [www.clear.uconn.edu]. An additional resource is The Connecticut Chapter of American Planning Association, the website is [www.ccapa.org] where continuing education classes are posted. In closing Mrs. Burruano reminded the Commission the Mid Month Meeting, on April 17th will be an informational meeting attended by the Land Use Attorney, Commissioners are encouraged to attend.

Alternate, W. Knaak recused himself from the Public Hearing and Old Business, stating a conflict of interest.

Public Hearing-

Flatau, David Estate of, 24 Fox Run Road, Sherman CT (Map: 14, Lot: 6) Application for a Special Permit to allow a Septic System in an Accessory Building, reference to Regulations Section 324.3 A

Linda Mittel, spoke on behalf of the Estate of David Flatau for the Special Permit application, also present were agents, Celeste Pearce and Tucsí Cseit. The intent of this application is to bring a pre-existing septic tie in to an accessory building into conformity that was originally not properly permitted. The garage/ studio was built in 1987, with applications appropriately permitted. A Certificate of Occupancy was issued by the Building Inspector, dated March 22, 1987 with stipulations "garage with private studio above- no plumbing in building- studio not for living quarters". At some point after , the building was altered without permits, one and a half bathrooms were added and tied into the existing septic to the main dwelling, and the garage doors were removed to create a second studio/ office on the lower level of the building. With the alteration, the building became non-conforming to the intent of the C.O. Once Mrs. Mittel became aware the building was out of conformity, she began the process of applying for permits from various Town departments to bring the building into conformity. An approval from the State of CT Dept. of Public Health was issued to allow a central subsurface sewage disposal system, dated December 13, 2013. A Permit to Discharge was issued from the Town of Sherman, Department of Health, dated January 25, 2014. The applicant went before the ZBA to request a variance to allow an accessory building with living quarters, but was denied. The Sherman Zoning Regulations currently does not allow accessory buildings with living quarters. The P&Z Commission conducted a Site Walk on March 19, 2014 to view the building to better understand the circumstances. Mrs. Mittel is now trying to settle the Estate of her late husband and sell the home, the accessory building is out of compliance, creating an obstacle to anyone looking to purchase the home. Mrs. Mittel is requesting approval for a Special Permit that will allow the septic tie in, and willing to return the building to the original intent and use to bring the building back to conformity.

Commissioner T. Hollander Moved to Close the Public Hearing.
Seconded by: N. Volkmar Vote For: Unanimous

Old Business

Flatau, David Estate of, 24 Fox Run Road, Sherman CT (Map: 14, Lot: 6)

The Commission spoke in reference to the Sherman Zoning Regulations, Section 324.3-A, Septic Systems for Accessory Buildings. The Commission agreed, if the building were returned to a garage without living quarters above, the structure would be allowed to have a septic tie in, as per the Town Regulations. The Commission notified the applicant that there is currently a new regulation being considered to allow an accessory building with living quarters, but there was no guarantee the Regulation would pass, nor was there a definite timeline they could offer as to when this would become effective. Mrs. Mittel stated she wants to bring the building into compliance to the current regulations to expedite the possible sale of the property. Following a brief discussion, the Special Permit was Granted with Conditions.

Commissioner N. Volkmar Moved to Approve the Application for a Special Permit to the Estate of David Flatau, 24 Fox Run Road, Sherman CT to allow a Septic System in an Accessory Building, reference to Regulations Section 324.3 A, with conditions the building return to the original conforming use as a garage with a studio above.
Seconded by: Commissioner J. Finch Vote: For: Unanimous

Alternate, W. Knaak was invited to return to the Commission table.

Regulations Review

The following Regulations were discussed for review and possible Action, existing items to be changed will be depicted in {brackets}. A Public Hearing will be set for all Regulations that the Commission Acts upon below.

Current Regulations to be updated or altered :

1. Table of Contents: Article I- Purposes, Section 100, Statement of Purposes: {Comprehensive Plan} change to: Plan of Conservation and Development

Page 1: Article I- Purposes, Section 100- Statement of Purposes: {Comprehensive Plan} Change to: Plan of Conservation and Development

Page 1: Article I- Purposes, Section 100- first sentence add after Plan of Conservation and Development "hereinafter referred to as POCD".

Page 1: Article I- Purposes, Section 100- ...requirements of Chapter {124} change to : Chapter 126

Page 1: Article I- Purposes, Section 111- ...in accordance with this {comprehensive plan} change to POCD

Page 2: Article 200- Classes of Zones and Uses: ...expressed in the adopted {Town Plan of Development} change to POCD.

Commissioner M. Lee Moved to Approve changes to the current Regulations amending references to Comprehensive Plan or Town Plan of Development and change to POCD.

Seconded by: Commissioner J. Finch Vote: For: Unanimous

Proposed New Regulations To Be Added:

1. Proposed: Section 324.2-- Accessory Dwellings
2. Proposed: Section 324.3 Accessory Buildings and Structures other than those Used for Dwelling

Commissioner N. Volkmar Moved to Approve the proposed new Regulations: 324.2- Accessory Dwellings and 324.3 Accessory Buildings and Structures other than Used for Dwelling.

Seconded by: Commissioner M. Edmond Vote: For: Unanimous

Adjournment:

Commissioner N. Volkmar Adjourned the Meeting at 8:50 p.m.

Reconvene:

Chair, J. Burruano Reconvened the Meeting at 8:52 pm

The purpose of the Meeting being reconvened was to Approve the following amended Regulations discussed at the March 20th 2014 Mid Month Meeting to go to a Public Hearing.

Commissioner N. Volkmar moved to Approve proposed amendment to current Regulation Page 19: 331.4 Minimum Lot Dimensions to add the word "contiguous" to the last sentence "...Each lot shall have frontageof at least 200 *contiguous* feet..."

Seconded by: Commissioner M. Edmond Vote: For: Unanimous

Commissioner N. Volkmar moved to Approve proposed amendment to current Regulation Page 23: 332.4 Minimum Lot Dimensions to add the word "contiguous" to the last sentence "...Each lot shall have frontageof at least 200 *contiguous* feet..."

Seconded by: Commissioner M. Edmond Vote: For: Unanimous

Commissioner N. Volkmar moved to Approve proposed amendment to current Regulation Page 27: 333.4 Minimum Lot Dimensions for Residential, Commercial or Municipal Use to add the word "contiguous" to the last sentence "...Each lot shall have frontageof at least 150 *contiguous* feet..."

Seconded by: Commissioner M. Edmond Vote: For: Unanimous

Commissioner N. Volkmar moved to Approve proposed amendment to current Regulation Page 69: 454 Fee: to remove the specific dollar amount of the fee, since that is subject to State fee changes outside of the control of the Town of Sherman.

Seconded by: Commissioner M. Edmond Vote: For: Unanimous

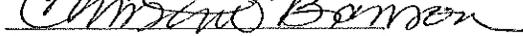
Commissioner N. Volkmar Moved to Approve Regulations amended, created reviewed to bring to a Public Hearing.

Seconded by: Commissioner M. Edmond Vote: For: Unanimous

Adjournment:

Commissioner N. Volkmar Adjourned the Meeting at 9:10 p.m.

Respectfully submitted by:



Christine Branson, Administrative Clerk

April 11, 2014

*Approved as Amended at May 1, 2014 RMM