



20140717PZM

TOWN OF SHERMAN
Planning & Zoning Commission
REGULAR MONTHLY MEETING MINUTES
July 17, 2014, 7:00 pm
Mallory Town Hall

FINAL

Members Present: J. Burruano, N. Volkmar, T. Hollander, M. Sichel, P. Voorhees, J. Finch, and Alternates W. Knaak and M. Edmond

Absent: M. Lee and Alternate Lu Li

Also Present: Zoning Enforcement Officer, R. Cooper, and Administrative Clerk, C. Branson

Call to Order

Chair, J. Burruano Called the Meeting to Order at 7:03 p.m.

Alternate W. Knaak was elevated to Voting Status

Chair J. Burruano opened the Public Hearing portion of the Meeting

Public Hearings

Special Permit Application- McCluskey, Malcolm, (Map: 77, Lot: 22) 1 Route 37 East, Sherman Commons, Suite 2B, Sherman, CT, Applicant: Eidelson, Robbyn , DBA Robbyn's Nest
Purpose: Change of Use, to allow an educational center, Reference to Section 333.1 f Nursery School or Day Camp. Parent and student tutoring using Montessori techniques and principals.

The Commission reviewed the materials provided with the Application for a Special Permit. Health approval has been received with conditions, not to exceed more than 24 people plus two staff members on any single day. The Applicant R. Eidelson spoke in reference to her permit, and presented the business plan. Two sessions of Mommy and Me classes, at two hours each will take place daily, 10:00 am.-12:00 pm. and 1:00 pm.-3:00 pm. One on one tutoring sessions will take place daily during the afternoon to closing. Discussion took place in reference to defining the nature of the proposed business. The Commission determined that the tutoring sessions fall into a specialized personal service. The Mommy and Me sessions will fit within Section 333.1 f Nursery School or Day Camp of the Regulations. The Commission requested Ms. Eidleson amend her application to include Section 333.1 i , Personal Services, which would better describe the tutoring aspect of the proposed business. Ms. Eidleson agreed and amended the application. Correspondence from Allison Somas was read into record, supporting the applicant's proposed business. From the audience, S. Seltzer questioned if the applicant intended to conduct nursery school or day dare activities. Ms. Seltzer is the Director at Little Munchkins and shared concern if children would be left without parents at any given time. Ms. Eidleson answered that her program is primarily a child and parent participant program. Ms. Eidelson added that she is certified as a Special Education and Montessori teacher and will be conducting a specialized service not a day care. No other members of the audience had additional comments.

Commissioner T. Hollander Closed the Public Hearing for Special Permit Application- McCluskey, Malcolm, (Map: 77, Lot: 22) 1 Route 37 East, Sherman Commons, Suite 2B, Sherman, CT, Applicant: Eidelson, Robbyn , DBA Robbyn's Nest. Purpose: Change of Use, to allow an educational center, for parents and student tutoring, using Montessori techniques and principals. Reference to Section 333.1 f Nursery School or Day Camp and amended to include Section 333.1 i Personal Services

Seconded by: N. Volkmar

Vote: For: Unanimous

Special Permit Application- Rosh, Ken & Meredith, (Map: 11, Lot: 1) 10 Mill Pond Farm Road, Sherman, CT. Purpose: Allow septic connection to an accessory building. Reference to Section 324.3a Septic Systems for Accessory Buildings. to a 15' x 15' pool house with toilet and sink.

The Commission discussed the application for a Special Permit to allow septic to a 15' x 15' pool house with toilet and sink and determined the application was incomplete. An A-2 Survey as well as a detailed floor plan has been requested by the ZEO. Health approval was not attached to the application.

Commissioner N. Volkmar Moved to Continue the Public Hearing for a Special Permit for Rosh, Ken & Meredith, (Map: 77, Lot: 8) 10 Mill Pond Farm Road, Sherman, CT. Purpose: Allow septic connection to an accessory building. Reference to Section 324.3a Septic Systems for Accessory Buildings, to the next Monthly Meeting of August 7, 2014.

Seconded by: M. Sichel

Vote: For: Unanimous

Special Permit Kelley, Paula, (Map: 77, Lot: 8) 11 Route 39 North, Units A & B, Sherman, CT Purpose: Change of Use, Reference Section 333.1 f Nursery School or Day Camp

The Commission reviewed the materials provided with the application. Health approval has been issued to allow a change of use. The Commission discussed the A-2 survey that was provided by property owner, Ray Kelley and asked him to specify the exact location of the walk that is proposed, for children's safe access to the yard, separate from the parking section. Mr. Kelly pointed to a level, grassy pathway that is sheltered by a row of small trees. Additionally, the Commission discussed the playground that is proposed for the Northwestern side of the complex. S. Seltzer, Director of Little Munchkins added that children using this path would always be accompanied by staff members and holding hands or a guide rope, which will be implemented procedure for this property. The Commission requested Mr. Kelly place a permanent barrier to prohibit any possibility of a vehicle entering the play yard or access path to the play yard. The Commission discussed placing a natural plant screen in front of the play yard and asked that the ride on toys are stored out of sight when not in use. Mr. Kelly added that he didn't mind if the green center, where there is grass, was used but specified he did not want ball or catching games nor riding of any kind to take place outside of the fenced in play yard for Little Munchkins.

Commissioner N. Volkmar Closed the Public Hearing for Special Permit for Kelley, Paula, (Map: 77, Lot: 8) 11 Route 39 North, Units A & B, Sherman, CT Purpose: Change of Use, Reference Section 333.1 f Nursery School or Day Camp

Seconded by: T. Hollander

Vote: For: Unanimous

Application for Amendments to the Zoning Regulations- Section 322.1b
Applicant: Hall, Daryl, of (Map: 6, Lot: 16) 27 Chapel Hill Road, Sherman, CT

322.1 Obstructions in Lot Area:

No structure or projections from structures shall be permitted in any required lot area, except as follows:

- b.** Walls or fences not exceeding six (6) feet in height measured above the adjoining finished grades shall be permitted in any side or rear lot. Walls or fences greater than six (6) feet in height shall be permitted only if that portion of such wall or fence which exceeds six (6) feet is not less than three-fourths (3/4) open construction.

Proposed Amendment to 322.1b

- b.** Walls or fences not exceeding six (6) feet in height measured above the adjoining finished grades shall be permitted ~~in any side or rear lot~~. Walls or fences greater than six (6) feet in height shall be permitted only if that portion of such wall or fence which exceeds six (6) feet is not less than three-fourths (3/4) open construction.

Correspondence was read into record from the following residents:

E. Rosof, of Chapel Hill Road, Sherman, CT stated he is opposed to the amendment to the Zoning Regulations, Section 322.1b, saying it would make things worse, allowing such would possibly go against a Town Ordinance Section 6 (b) 5.

Mr.W. Grupton & Mrs.R. Douglas, of 138 Route 37 South, Sherman, CT. Stating they are in support of Amending the current Zoning Regulations. They have just been notified that they have violated the Sherman Zoning Regulations by erecting a low picket fence in their front yard. They wrote that they are new to Sherman, having bought the home at the listed address and were unaware of such a Regulation. They have made many renovations to their cottage all of which they felt were within the character of the neighborhood. They stated they were shocked to learn they would not be allowed to place their fence in light of the current Regulations as they are today.

J. Wozniak, of 14 Chapel Hill Road, stating opposition to the amendment to the Zoning Regulations, Section 322.1b, such a proposal to allow fences in the front yard I excess of 6 feet or greater is in direct violation of the POCD, and would negatively impact the scenic vistas and views of beautiful historic homes that Sherman is so proud of.

HVCEO- Local Planning Agency, stated this change to the Zoning Regulations would have minimal inter-municipal impact to adjacent municipalities.

The Commission discussed the fact that there are many properties with fencing in the front yard, but agreed there is significant difference between an 8 foot stockade fence and a 3 foot picket fence. The Commission recognizes this Regulation is in need of revision. On behalf of the Applicant, Paul Szymanski, of Arthur H. Howland & Associates, P.C. asked when Section 322.1b of the Regulations was created. Mr. Szymanski handed out packets to the Commission of homes in Sherman that he photographed along the way to Town Hall showing over 30 homes which could possibly be in violation of the current Regulations by having fencing of various types in their front yards. J. Hopkins spoke as a concerned citizen of Sherman , stating her opposition to placing fences in front yards. Doing so would detract from the beauty of some of the historical homes in Sherman. Mrs. Hopkins warned the Commission to proceed with caution when considering the proposed change to the Regulations.

Commissioner N. Volkmar Closed the Public Hearing for the application to Amend to the current Zoning Regulations: Section 322.1b. Applicant: Hall, Daryl, of (Map: 6, Lot: 16) 27 Chapel Hill Road, Sherman, CT
Seconded by: T. Hollander **Vote: For: Unanimous**

Old Business

Special Permit Application- McCluskey, Malcolm, (Map: 77, Lot: 22) 1 Route 37 East, Sherman Commons, Suite 2B, Sherman, CT, Applicant: Eidelson, Robbyn , DBA Robbyn's Nest. Purpose: Change of Use.

The Commission discussed the amendment to the original application and agreed it better described the type of business Mrs. Eidelson is proposing. Discussion followed based on the conditions required by the Health Department, which are to strictly adhere to serving no more than a maximum of 26 people per day, this total includes two staff members.

Commissioner N. Volkmar Moved to Approve Special Permit Application- McCluskey, Malcolm, (Map: 77, Lot: 22) 1 Route 37 East, Sherman Commons, Suite 2B, Sherman, CT, Applicant: Eidelson, Robbyn , DBA Robbyn's Nest. Purpose: Change of Use, to allow an educational center, for parent and student tutoring, using Montessori techniques and principals. Reference to Section 333.1 f Nursery School or Day Camp and amended to include Section 333.1 i Personal Services, in accordance with the business plan submitted , and with the following conditions: serving no more than 24 people plus 2 staff members for a total of 26 people maximum per day.
Seconded by: M. Sichel **Vote: For: Unanimous**

Special Permit Application- Kelley, Paula, (Map: 77, Lot: 8) 11 Route 39 North, Units A & B, Sherman, CT
Applicant: Little Munchkins Purpose: Change of Use

The Commission reviewed the necessary conditions that were previously discussed during the Public Hearing and made the following motion:

Commissioner N. Volkmar Moved to Approve Special Permit Application- Kelley, Paula, (Map: 77, Lot: 8) 11 Route 39 North, Units A & B, Sherman, CT. Applicant: Little Munchkins. Purpose: Change of Use, Reference Section 333.1 f Nursery School or Day Camp. In accordance with the business plan submitted and with the following conditions: that the property owner place a permanent barrier between the parking section and pathway to access play yard, placement of a natural plant screen to shield view of the play yard and that outdoor toys are stored out of sight when not in use.
Seconded by: T. Hollander **Vote: For: Unanimous**

Application for Amendments to the Zoning Regulations: Section 322.1b. Applicant: Hall, Daryl, 27 Chapel Hill Road, Sherman, CT

The Commission discussed the proposed amendment to Section 322.1b. The general consensus was what is being proposed will not be sufficient to maintain the rural character of the Town. The Commission agreed the Regulation, as it exists, does need revision, and will be added to the list of regulations under review.

Commissioner N. Volkmar Moved to Approve Application for Amendment to the Zoning Regulations: Section 322.1b as proposed. Applicant: Hall, Daryl, 27 Chapel Hill Road, Sherman, CT.
Seconded by: J. Finch **Vote: For: 0 Against: 7**

Approval of Minutes

Regular Monthly Meeting of June 5, 2014 and Special Meeting of June 19, 2014

Commissioner T. Hollander Moved to Approve the Minutes of Planning and Zoning Regular Monthly Meeting of June 5, 2014 and Special Meeting of June 19, 2014 as written.
Seconded by: N. Volkmar **Vote: For: Unanimous**

Zoning Enforcement Officer's Report- June 2014

ZEO, R. Cooper submitted a report for June 2014. Two Zoning Applications were approved. Four Statements of Intent were approved. No applications were denied. Ten applications are currently under review.

Commissioner N. Volkmar Moved to Approve the ZEO Report of June 2014 as presented.
Seconded by: M. Sichel **Vote: For: Unanimous**

Adjournment

N. Volkmar Adjourned the Meeting at 9:55 p.m.

Respectfully submitted by:



Christine Branson, P&Z Commission Administrative Clerk

July 24, 2014

*Approved at the 08/07/2014 RMM