



TOWN OF SHERMAN
Planning & Zoning Commission
REGULAR MONTHLY MEETING MINUTES
Thursday, June 4, 2015
7:00 pm, Mallory Town Hall

FINAL

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

Absent: P. Voorhees and M. Lee

Audience and Invited: First Selectman C. Cope, Housing Commission Chair A. Von Plachecki, B. Ackerman, T. Peil, C. Faure, M. Cusack, T. Cseh, S. Roffvarg, M. Josephson, R. Gustavson, and A. Sakal (Citizen News)

Also Present: ZEO R. Cooper, and Administrative Clerk C. Branson

Call to Order

Chair, J. Burruano Called the Meeting to Order at 7:02 pm.

Commissioner T Hollander read the Legal Warning into record. Commissioner N. Volkmar was appointed the official time keeper for the Public Hearings. The Legal Warning was published in the Citizen News on May 20th and May 27th. Eleven abutting Towns and Planning Agencies were contacted by Certified mail, and 23 people from the email registry were notified. Correspondence from the Northwest Hills Council of Governments was received on May 12, 2015 stating the changes to the Regulations were not expected to create an inter-municipal impact. Additional correspondence was received from the Western Connecticut Council of Governments, also stating no anticipation of inter-municipal impact. A. Sakal audio recorded the Meeting for newspaper reporting purposes.

Public Hearing 1:

Proposed new Regulation - Zoning Regulations Of The Town Of Sherman, Connecticut, to change the title of Section 324.1A from "Accessory Apartments" to "Accessory Apartments & Dwellings" and add Purpose, add new Section 324.1 A. 1 Accessory Dwellings, and amendment to Section 610 to include a new definition for Accessory Dwellings, and to amend the "Table of Contents", Article III - General Regulations, Section 324.1A. from "Accessory Apartments" to Accessory Apartments and Dwellings and add Section 324.1A.1 Accessory Dwellings.

Commission Chair J. Burruano gave a brief history as to how this proposed regulation evolved from the an application in 2011. The proposed new Regulation was read into record. Four audience members signed in to speak in reference to the proposed Regulation. Three letters were received to be read into record. The first letter read into record was from Kathy Russo- Heyser of 1 & 3 Holiday Point. She is in favor of the proposed regulation and gave a personal account of her experience having a pre-existing accessory apartment in a detached building with separate septic where her parents lived when she moved to Sherman in the early 1980's. Mrs. Russo- Heyser now lives in the Accessory Dwelling while her daughter and family occupy the main house. Mrs. Russo- Heyser is not supportive of the eight acre property restriction. From the audience, Thomas Piel of 50 Briggs Hill Road, read and submitted a letter. Mr. Piel stated preference that the proposed regulation use identical language, as that of the Accessory Apartment description; " That an apartment (or Accessory dwelling) be used for residential purposes. Such occupants include but are not limited to family, caregivers, guests, and domestic help." He understands the necessity for the owner to live on the property, however supports the owner living in the primary residence or the accessory dwelling. Additionally Mr. Piel stated he agrees with the intent of the Regulation and feels it would not create a population density problem. Former Commission Chair, Barbara Ackerman spoke in favor of the proposed regulation, stating she recognizes the hard work that has gone into the process. Mrs. Ackerman requested careful consideration given to the location and possible hardship of a shared driveway. Housing Commission Chair, Art Van Plachecki spoke on behalf of the Housing Commission first to clarify a statement made previously which was misinterpreted in the press. The Housing Commission expressed

support of the proposed new Regulation to allow accessory dwellings, stating it is a strong start to adding housing diversity for the future of Sherman. Mr. Van Plachecki expressed concern regarding State pressure relative to diversity within small communities and the absence of specific Regulations for Affordable/Senior Housing which could potentially leave the Town vulnerable to private developers. Marge Josephson of 34 Church Road read a letter into record and submitted it to the Commission asking consideration to allow an existing small dwelling to become the accessory dwelling and allow a larger home to be built on the same parcel, since some homes in Sherman are quite small. Additionally she questioned the restriction of curb cuts and the necessity of landscaping to shield the accessory dwelling. A letter was read into record from Tony Gwyther of 37 Edmonds Road. Mr. Gwyther states he feels the proposed Regulation is well intended, however does not fulfill the need of "Affordable Housing" and feels it conflicts with the goal of the POCD. An email was read into record from Samantha Addonizio Butts of 5 Bullymuck Road, in support of the proposed Regulation, but does not agree with the eight acre restriction, and states the Regulation would better serve the Community if it were to allow the owner to occupy Accessory Dwelling or Apartment. Additionally in the letter were examples of what other Towns were doing to accommodate the elderly. From the audience, Richard Gustavson, of 14 Hardscrabble Road spoke in favor of the proposed regulation, saying he felt the regulation was written specifically for his situation. He stated he has been struggling greatly with the restriction of a 750 square foot accessory apartment. He would like to allow family to move back home, and he would move to the accessory apartment, however the maximum footprint of 750 sq. ft. is too small to accommodate his needs. Mr. Gustavson asked the Commission to consider the proposed accessory dwelling to allow accommodation for garage space for two cars in addition to the maximum 1200 sq. ft. allowed. No other comments were made from the audience.

Commissioner G. Siegel Moved to Close Public Hearing 1; to add new Section 324.1 A. 1 Accessory Dwellings.
Seconded by: M. Sichel Vote: For: Unanimous

The Commission recessed the meeting at 7:54 pm
The Commission reconvened the meeting at 7:58 pm

Public Hearing 2:

Proposed Amendment to Zoning Regulations Of The Town Of Sherman, Connecticut, Section 324.1 A by adding Section 324.1A.2 "Accessory Apartments", amendment to Section 610 to include a definition for Accessory Apartments and amend the "Table of Contents", Article III – General Regulations, Section 324.1A, "Accessory Apartments" to Accessory Apartments and Dwellings and add Section 324.1A.2 Accessory Apartments.

Commission Chair J. Burrano read the proposed amendment to the Regulation into record. No correspondence was received. One audience member signed up to speak to the proposed regulation. From the audience, Thomas Piel of 50 Briggs Hill Road, continued reading his statement relative to the proposed amendments. Mr. Piel stated the proposed wording of the definition in Section 610 is deceptive by saying the accessory apartment is "an accessory dwelling" he felt it should describe what an apartment is. Mr. Piel went on to state the proposed amendment is also deceptive by saying it has to be "within an area of a single family dwelling" his interpretation is that adding this language would create more restrictions than currently exist and would be counterproductive. Mr. Piel stated it should not matter if the owner occupies the main dwelling, the apartment, or the Accessory Dwelling as long as they reside on the property. Mr. Piel suggested the Commission consider allowing accessory apartments within an existing detached building such as above a detached garage. Mr. Peil stated the Regulation should follow the same language as the proposed Accessory Dwelling; " must be used for residential purposes. Such occupants include but are not limited to family, caregivers, guests, and domestic help." No other comments were made from the audience.

Commissioner N. Volkmar Moved to Close Public Hearing 2; to amend Section 324.1 A.2 Accessory Apartments.
Seconded by: T. Hollander Vote: For: Unanimous

Public Hearing 3:

Proposed Amendment to Zoning Regulations Of The Town Of Sherman, Connecticut, Section 322.1 "Obstructions in Lot Area" amend title "A" to "Architectural Features", and addition of proposed Section 322.1 "B" Residential Fencing. Amendment to Section 610 to include a definition for Fences and Walls and to amend the "Table of Contents", Article III -- General Regulations, Section 322.1 " Obstructions in Lot Area" to add Section 322.1A Architectural Features and Section 322.1B Residential Fencing.

Commission Chair J. Burruano read the proposed amendment to the Regulation into record. No correspondence was received. Two audience members signed up to speak to the proposed regulation. From the audience Mary Cusack of 6 Dodge Drive submitted a letter and read to the commission. Ms. Cusack thanked the Commission for considering this regulation but was concerned that the proposed amendment would affect the 6 ft maximum height currently allowed within the side-yard and rear yard fencing. The regulation amendment is proposing to allow a front yard fence at a maximum of 4 feet tall. Currently the Regulations allow no fencing at all in the front yard. Chair, J. Burruano stated the proposed amendment to the regulation would not affect the maximum side or rear yard fence height currently allowed. The Commission agreed to review the language of the Regulation. Marge Josephson of 34 Church Road also spoke from the audience, with concerns regarding easements, her opinion being that conservation easements should be exempt from this Regulation. She also asked if open netting deer fencing is allowed in the front lot higher than the proposed 4 foot maximum. Chair, J. Burruano stated the proposed amendment would allow deer fencing as long as it is open net fencing. There were no additional comments from the public.

Commissioner N. Volkmar Moved to Close Public Hearing 3; to amend Section 322.1 and addition of proposed Section 322.1 "B" Residential Fencing.
Secounded by: T. Hollander Vote: For: Unanimous

Public Hearing 4:

Proposed Amendment to Subdivision Regulations of The Town of Sherman, Connecticut, Amend Section 3j. Scenic Features to include Stone Walls & Historic Features, and add to Section 610- a definition for Stone Walls & Historic Features.

Commission Chair J. Burruano read the proposed amendment to the Subdivision Regulations Section 3j include Stone Walls & Historic Features. Currently there are no regulations to prevent developers from removing and altering historic features. Marge Josephson of 34 Church Road spoke from the audience, stating she was pleased that the Commission is considering the preservation of these features, and recommended the wording be strengthened. In addition, Ms. Josephson felt the Regulation should also be inserted into the Zoning Regulations and apply to existing lots.

Commissioner N. Volkmar Moved to Close Public Hearing 4; to amend Subdivision Regulations of The Town of Sherman, Connecticut, Amend Section 3j. Scenic Features to include Stone Walls & Historic Features
Secounded by: W. Knaak Vote: For: Unanimous

Old Business:

Due to Public input, and the desire to contemplate suggestions received, Chair J. Burruano suggested tabling deliberations until the Mid Month Meeting on June 18th, 2015.

Commissioner N. Volkmar Moved to table all deliberations for the four proposed Regulation changes to the Mid Month Meeting of June 18, 2015 at Mallory Town Hall.
Secounded by: J. Siegel Vote: For: Unanimous

New Business:

No new business.

Audience Participation:

There were no additional comments from the audience.

Approval of Minutes:

Commissioner T. Hollander Moved to approve the Minutes of Regular Monthly Meeting of May 7, 2015 as presented.
Seconded by: N. Volkmar Vote: For: Unanimous

Correspondence:

Sherman Board of Selectman- notification regarding the approval of FY 2015-16 Budget.

Zoning Enforcement Officer's Report:

ZEO R. Cooper gave a verbal report for May 2015. There were four Zoning applications approved. Two Statements of Intent were approved. Approximately ten cases are being reviewed.

Commissioner N. Volkmar Moved to approve the May 2015 ZEO Report as presented.
Seconded by: J. Finch Vote: For: Unanimous

Committee Reports:

No Committee Reports

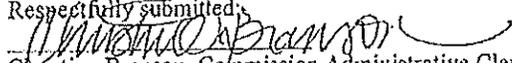
Chairman Report:

No Chairman Report.

Adjournment:

Commissioner N. Volkmar Moved to Adjourn the Meeting at 8:45 pm
Seconded by: J. Siegel Vote: For: Unanimous

Respectfully submitted,


Christine Branson, Commission Administrative Clerk
June 17, 2015

APPROVED AS WRITTEN AT THE 07/02/2015 RMM