



**TOWN OF SHERMAN**  
Planning & Zoning Commission  
**REGULAR MONTHLY MEETING MINUTES**  
Thursday, August 6, 2015  
7:00 pm, Mallory Town Hall

**FINAL**

**Members Present:** J. Burruano, T. Hollander, M. Lee, N. Volkmar, P. Voorhees, M. Sichel, J. Finch and Alternate: J. Siegel

**Absent:** W. Knaak

**Audience:** C. Beers, C. Agatti, and R. Agatti

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

**Call to Order:**

**Chair, J. Burruano Called the Meeting to Order at 7:01 pm.**

Alternate G. Siegel remained at voting status for the continuation of Public Hearing deliberations. Commission Chair J. Burruano requested a Motion to re-order the Agenda to add under New Business, an application for a Special Permit for McClusky, M., 1 Route 37 East, Unit 1 Applicant: J. Rich to allow a retail / wholesale coffee roasting and packaging business. Also added was a Land Acquisition Report to Committee Reports.

**Commissioner N. Volkmar Moved** to Amend the Agenda and add, under New Business, an application for a Special Permit for McClusky, M., 1 Route 37 East, Unit 1 Applicant: J. Rich to allow a retail / wholesale coffee roasting and packaging business and add to Committee a Land Acquisition Report to Committee Reports.

**Seconded by:** M. Lee

**Vote: For: Unanimous**

**Public Hearing:**

**Beers, Craig & Kelly, Karen- 1 Shadowland Lane ( Map: 29- Lot: 33) , Special Permit Application for a Home Occupation- Dog Breeder. Zone A**

Secretary M. Lee read the Legal Warning into record, this warning was published in the Citizen News on July 22nd and 29th. Abutting neighbors were sent notice by Certified Mail. Two pieces of correspondence were received. Chair Burruano reviewed the folder contents. Health Department Approval has been received. The Commission met for a site walk, on July 8th, 2015 at 5:30. Chair Burruano read into record the first letter from Barbara Thorland on Edmonds Road, stating she felt no reason to deny the Special Permit Application for a Dog Breeder. The second letter was read into record from Suzanne Telsey Bennett, she expressed support of the Special Permit Application to allow a Home Occupation for a Dog Breeder. She has been a resident of Shadowlands Lane for the past seven years and has felt very little impact from the business. Mrs. Cynthia Agatti, property owner on 35 Edmonds Road read into record her letter, which is in opposition of the application. Her property shares a unique right of way which routes Shadowland Lane through the center of her property. Traffic traveling on Shadowlands Lane impacts her property on a daily basis. She feels the traffic is invasive to her tenant, and more often than not, people not familiar with the area mistake her house for the applicant's since it is the first house. Ms. Rachel Agatti read her letter into record. She is also opposed to the application to allow a home occupation at 1 Shadowlands Lane for a dog breeder. Ms. Agatti is the tenant at 35 Edmonds Road, and stated she feels impacted by this business continuously, with increased traffic during evenings as well as weekends. She feels there is a particular impact on her personal time at home, since this business is not typically conducted within a 9am to 5pm basis. She has witnessed many occasions where vehicles travel in excessive speeds, when she has asked people to slow down she feels people are often disrespectful. Shadowlands Lane bi-sects 35 Edmonds Road between her house and garage, each car that passes is noticed. In addition Ms. Agatti is questioning the "right to pass and re-pass". Ms. Agatti proposed an alternative route for the "right to pass and re-pass" which would be to re-route the road along the side of 35 Edmonds Road. Ms. Agatti stated this proposal would utilize an old logging trail and the soil along this route is already compacted. Mr. Beers was present to speak to his application. The Commission reviewed the letter describing the nature of the

activities involved with his home occupation, also reviewed was a floor plan of where these activities take place with-in his home. Discussion followed regarding the size of an average liter and the number of visits typically per potential buyer. Mr. Beers stated no delivery trucks come to the house for the business and there is no anticipated increase of traffic than currently exists. The Commission determined more information would be required to consider this application. Chair Burrano requested Mr. Beers and Ms. Agatti work together with the other abutting property owners that share the right to pass, and work toward a mutual agreement if they are considering re-routing the road.

**Commissioner N. Volkmar Moved** to Continue the Public Hearing for Beers, Craig & Kelly, Karen at 1 Shadowlands Lane ( Map: 29- Lot: 33), Special Permit Application for a home Occupation to allow dog breeding to be held September 3, 2015 at Mallory Town Hall at 7pm.

**Seconded by:** G. Siegel

**Vote: For: Unanimous**

#### Old Business:

##### Deliberation for Public Hearing 3 ( June 4, 2015)

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.

Chair J. Burrano read the proposed amendment into record. Zoning Enforcement Officer R. Cooper demonstrated on the white board various property lot shapes and sizes which create unique scenarios that affect front yard fencing. The Commission discussed a letter received from the Public Hearing in regard to the proposed fence Regulation. The Commission discussed how the orientation of a house can affect the designation of the front yard. Additionally the proximity to the road, State Roads, Easements, and Rights-of Way also create difficult scenarios. The Commission agreed the intent of regulating fence height in the front yard is in keeping with the rural character of the Town. The Commission determined they will need to continue working on Regulations Review to create an appropriate amendment.

**Commissioner J. Siegel Moved to Approve** Amended Zoning Regulation, 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, as proposed.

**Seconded by:** . N. Volkmar

**Vote: For: 0 Against: 7 Abstain: 1 J. Finch**

##### Deliberation for Public Hearing 4 ( June 4, 2015)

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.

Chair J. Burrano read the proposed amendment into record. A typographical error was corrected in the last line and the word "be" was inserted, "to require the stonewall work to be the responsibility..." The Commission discussed a letter received from the Public Hearing in regard to the proposed Amendment to Subdivision Regulations of The Town of Sherman, Connecticut. The proposed Amendment will take effect following a fifteen day waiting period following the publication of the decision.

**Commissioner N. Volkmar Moved to Approve** proposed Amendment to SUBDIVISION REGULATIONS OF THE TOWN OF SHERMAN, CONNECTICUT, SECTION 3. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND. ( j ) Stone Walls, Historic & Scenic features (1) Scenic features: The Commission may require that a subdivision plan provide protection for specific scenic features other than through their placement within designated open space. Individual scenic features to be protected in this fashion shall each occupy less than 10,000 square feet of land area, and shall have been determined by the Commission to have natural or historical importance to the Town. Such features may include, but are not limited to: (2) Stone

**Walls & Historic Features** To the extent possible (subject to safety issues) all existing historic stone walls, remains of old stone foundations and any other historic features on the subject site shall, regardless of condition, be preserved and maintained. Furthermore, wherever possible existing stone walls shall be used to delineate property lines. The Commission may require stone walls and other historic features to be included within conservation easements to help ensure long term protection. All existing stone walls that need to be removed due to street, driveway, house, septic system or other site construction shall be used to enhance adjacent segments of walls or other existing walls on the property, particularly along new property lines. Specific plans regarding any stone wall removal and proposed stone wall rebuilding or improvements shall be included on the subdivision plans. The Commission shall have the right to require stone wall work to be the responsibility of the sub-divider. **SECTION 610- DEFINITIONS: Stone Walls & Historic Features:** A vertical structure of aligned natural stone originally constructed in the 17th, 18th, 19th, or 20th century to designate a property boundary between farmsteads; to segregate agricultural activities within a single farmstead; to designate property lines; or as a foundation for a building.

**Seconded by:** M. Lee

**Vote: For : Unanimous**

**New Business:**

**Morelli, Ron & Sylvia, 19 Smoke Ridge Drive (Map 34, Lot 9) Special Permit Application** to attach an Accessory Building that has less than 400 square feet of floor space to an existing Septic system. Zone A Reference Section 324.3A of the Town of Sherman Zoning Regulations. Zone A

The Commission reviewed the application folder, Health Approval has not been granted as of receipt of the application. No one was in attendance to speak to the application.

**Commissioner N. Volkmar Moved to Accept Morelli, Ron & Sylvia, 19 Smoke Ridge Drive (Map 34, Lot 9) Special Permit Application** to attach an Accessory Building that has less than 400 square feet of floor space to an existing Septic system. Zone A Reference Section 324.3A of the Town of Sherman Zoning Regulations. Zone A, and to set a Public Hearing to be held September 3, 2015 at 7:00 pm at Mallory Town Hall, pending receipt of Health approval.

**Seconded by:** T. Hollander

**Vote: For : Unanimous**

**McClusky, Malcolm., 1 Route 37 East, Unit 1 (Map 77, Lot 20) Special Permit Application** for a Retail Business- Applicant: J. Rich to allow a coffee roasting and packaging retail / wholesale business. Reference Section 360 Signs, Section 364 Business signs, Section 371.0 Retail and Section 333.1i of the Town of Sherman Zoning Regulations. Zone C.

The Commission reviewed the application, and business plan. The hours of operation will be Monday through Friday 8:00 am to 3:30 pm, Saturday 9:00 am to 1:00 pm, closed Sundays. There will be two employees in total; the owner and a part time employee. The proposed parking anticipates two to three cars per hour, employees will park in the rear lot. A sign will be placed on the Commons pylon as well as proposed on the side of Unit 1 facing the street no larger than 12 ft. square. The store front is approximately 700 square feet, with a storage room and restroom to the rear. The nature of this business is an onsite, small batch coffee roasting facility for wholesale and retail sales of coffee related items. Coffee samples will be available for tasting.

**Commissioner N. Volkmar Moved to Accept McClusky, Malcolm., 1 Route 37 East, Unit 1 (Map 77, Lot 20) Special Permit Application** for a Retail Business- Applicant: J. Rich to allow a coffee roasting and packaging retail / wholesale business. Reference Section 360 Signs, Section 364 Business signs, Section 371.0 Retail and Section 333.1i of the Town of Sherman Zoning Regulations. Zone C and to set a Public Hearing to be held September 3, 2015 at 7:00 pm at Mallory Town Hall.

**Seconded by:** M. Lee

**Vote: For : Unanimous**

**Audience Participation:** There were no comments from the audience.

**Correspondence:** No correspondence was received.

**Approval of Minutes:**

Regular Monthly Meeting of July 2, 2015

Commissioner T. Hollander Moved to Approve the Minutes of Regular Monthly Meeting of July 2, 2015, as written.

Seconded by: N. Volkmar                      Vote: For : Unanimous

Mid Month Meeting of July 16, 2015

Commissioner M. Lee Moved to Approve the Minutes, Mid Month Meeting of July 16, 2015 as written.

Seconded by: T. Hollander                      Vote: For : Unanimous

**Zoning Enforcement Officer's Report July 2015:**

ZEO, R. Cooper presented the Commission with the July report, there were a total of 4 Zoning Applications approved, 9 Statements of Intent approved, 1 application was Denied and 4 require additional information. Mr. Cooper reported on several cases that have been progressing as well as several new cases.

Commissioner T. Hollander Moved to Accept the July 2015 ZEO Report as presented.

Seconded by: N. Volkmar                      Vote: For : Unanimous

**Committee Reports:**

**Land Acquisition Fund-**

Commissioner N. Volkmar reported a meeting with the tenant farmers at Happy Acres, Full Circle Farming, LLC is working with a few other local farmers and groups to propose an Amendment to the Zoning Regulations in reference to Farming.

**Housing Commission -**

Commissioners T. Hollander and N. Volkmar attended the last Housing Commission meeting on July 20, 2015 where Lesley Higgs Biddle, a representative from the Ford Foundation presented a survey proposal for the Town to facilitate the direction of future housing development and needs of the residents of Sherman. Ms. Higgs Biddle will share sample surveys from other Towns in the next few weeks.

**Chairman Report:**

Chair, J. Burruano handed out information packets to the Commission on State Statutes regarding the "Right to Farm Act" as well as several Town's Regulations in relation to farming. She requested the Commission consider the information for future Regulations review.

**Regulations Review:**

Commissioner N. Volkmar Moved to Table Regulations Review for the next Meeting.

Seconded by: M. Lee                      Vote: For : Unanimous

**Adjournment:**

Commissioner N. Volkmar Moved to Adjourn the Meeting at 9:25 pm

Respectfully submitted;



Christine Branson, Commission Administrative Clerk

August 13, 2015

**\*APPROVED AS FINAL AT THE SEPTEMBER 3, 2015 RMM**