



**TOWN OF SHERMAN**  
Planning & Zoning Commission  
**REGULAR MONTHLY MEETING MINUTES**  
Thursday, September 3, 2015  
7:00 pm, Mallory Town Hall

**FINAL**

**Members Present:** J. Burruano, N. Volkmar, T. Hollander, P. Voorhees, J. Finch and Alternates: J. Siegel, and W. Knaak

**Absent:**, M. Lee, M. Sichel and ZEO R. Cooper

**Audience:** First Selectman C. Cope, C. Beers, C. Agati, R. Agati, R. Morelli, S. Morelli, R. Hudson, C. DeCoon, and J. Rich

**Also Present,** and Administrative Clerk C. Branson

**Call to Order:**

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

P. Voorhees was appointed as acting Secretary in the absence of M. Lee. Alternates J. Siegel and W. Knaak were elevated to voting status. The Legal Warning was read into record and was published in the Citizen News on September 19th and 23rd, 2015. Certified letters were sent to all property owners within 500 feet of the properties applying for Special Permits.

**Continuation of Public Hearing 1 from August 6, 2015**

**Beers, Craig & Kelly, Karen- 1 Shadowland Lane (Map 29, Lot 33 ), Special Permit Application for Home Occupation- Dog Breeder. Reference Section 324.1B and Section 370 Off Street Parking of the Town of Sherman Zoning Regulations. Zone A**

Chair, J. Burruano opened the continuation of the Public Hearing Beers, Craig & Kelly, Karen- 1 Shadowland Lane (Map 29, Lot 33 ), for a Home Occupation to allow a dog breeder. Three new pieces of correspondence were received since the Public Hearing on August 6th, 2015. The first letter, from homeowner and applicant, Craig Beers was read into record, this letter was in response to the Commission's request to work out a favorable travel arrangement between the residents located at 35 Edmonds Road. This property has a shared right of way which runs through the middle of 35 Edmonds Road. Mr. Beers is offering landowner Cynthia Agati a proposal to purchase 1/4 acre for \$ 1.00 to re-locate Shadowland Lane and the rights of way that go along with it to a side location in an attempt to alleviate any possible intrusion as previously expressed by those who travel Shadowland Lane to access one of the five properties located on Shadowland Lane. A second piece of correspondence from neighbor Suzanne Telsey Bennett, of 3 Shadowland Lane was read into record in favor of the application, stating the existing home occupation as a dog breeder has caused no impact. The third piece of correspondence from Karen Kelly of 1 Shadowland Lane was read into record. Ms. Kelly wrote in response to Rachel Agati's letter that was read into record at the August 6th meeting. Ms. Kelly stated she feels bullied by Ms. Agati's attempts to control the traffic which travels the right of way and felt Ms. Agati's reports were inaccurate. Ms. Kelly stated that on many occasions Ms. Agati has become belligerent and yelled at cars as they travel the right of way. Ms. Kelly provided a traffic log from January 1, to August 23, 2015 during which 17 cars passed through the Agati property on business relative to the application. There were pictures attached to Ms. Kelly's letter of make shift signs and plastic speed bumps that Ms. Agati has posted through-out her property along the right of way. Mr. Beers spoke in reference to an accusation by Cynthia Agati where she stated Mr. Beers cut down trees illegally. Mr. Beers was told by DEEP that there was no law in effect at that time, and then was told a conflicting information from a different representative of DEEP. He complied with a Cease and Desist order issued by the ZEO at the time. Mr. Beers spoke in reference to a previously denied Application for a Special Permit for a Home Occupation to allow an answering service. Ms. Rachel Agati spoke in reference to the statements made by Mr. Beers and Ms. Kelly. She stated she feels her character is being degraded by the statements made by Mr. Beers and Ms. Kelly. Mrs. C. Agati also spoke in reference to the statements

saying she took offense to the references made about her daughter's character. Mrs. Agati added she felt the proposal made by Mr. Beers to relocate the right of way was ridiculous. Former neighbor Christian DeCoon spoke in favor of the application for a home occupation. Mr. DeCoon stated he had lived at 3 Shadowland Lane for approximately 8 years and felt he had a good relationship with the property owners, Jack and Cynthia Agati at the time, but felt the right of way has always been contentious. In reference to the Application for a home occupation to allow a dog breeder, Mr. DeCoon stated Mr. Beers and Ms. Kelly were the best neighbors and by no means would a business such as that proposed would create an impact any different than anyone having occasional weekend guests from time to time.

**Commissioner N. Volkmar Moved** to Close the Public Hearing Beers, Craig & Kelly, Karen 1 Shadowland Lane, Special Permit Application for Home Occupation- Dog Breeder.

**Seconded by** T. Hollander

**Vote: For: Unanimous**

**Old Business:**

**Deliberation for Public Hearing 1**

**Beers, Craig & Kelly, Karen 1 Shadowland Lane, Special Permit Application for Home Occupation- Dog Breeder. Reference Section 324.1B of the Town of Sherman Zoning Regulations. Zone A**

The Commission discussed the application and agreed they have heard a lot of information that is not relative to the Special Permit Application, the traffic caused by business related operations was recorded 17 vehicles over an 8 month period. None of the complaints heard were specific to the business. The right of way is not limited, the property owners on Shadowland Land have the right to pass and re-pass as they wish. There would be no way to determine the destination of a vehicle passing through the right of way therefore making it impossible or enforce a limitation. The Commission stated that it was not their charge, however, if the property owners at 35 Edmond Road would consider the proposal from Mr. Beers to relocate the right of way, it would most likely alleviate their feelings of intrusion, but it was not relative to the purpose of this application.

**Commissioner T. Hollander Moved to Approve** Beers, Craig & Kelly, Karen- 1 Shadowland Lane (Map 29, Lot 33 Special Permit Application for Home Occupation- Dog Breeder. Reference Section 324.1B and Section 370- Off Street Parking of the Town of Sherman Zoning Regulations. Zone A

**Seconded by** N. Volkmar

**Vote: For: Unanimous**

**Public Hearing 2:**

**McCluskey, Malcolm 1 Route 37 East, Unit 1 (Map 77, Lot 20 ): Special Permit Application for a Retail Business- Applicant: John Rich for a Coffee roasting and packaging storefront for wholesale/ retail. 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**

Chair J. Burruano opened the Public Hearing for McCluskey, Malcolm 1 Route 37 East, Unit 1 (Map 77, Lot 20 ) Special Permit Application for a retail business located at 1 Route 37 East to allow a coffee roasting and packaging storefront. No correspondence was received in reference to the application. The file contains the application, a floor plan of the proposed space, a parking plan as well as a business plan which shows hours of operation as well as the number of employees. Health Approval has been granted with provisions that a three bay sink be installed. John Rich was present to speak on behalf of his application. He has been a resident of Sherman for 15 years and would like to open a business locally. He hopes this will bring people to Sherman and possibly other business as well. Dave Snyderbeck, resident and business owner in Sherman spoke in favor of the application. Mr. Snyderbeck feels anyone opening a business in Sherman is a blessing, he is only disappointed this proposed business will not be a full service coffee shop, serving brewed coffee. First Selectman C. Cope spoke in favor of the application as well, stating he has known Mr. Rich for many years and feels having this business in Town will provide a needed service.

**Commissioner T. Hollander Moved** to Close the Public Hearing McCluskey, Malcolm 1 Route 37 East, Unit 1 (Map 77, Lot 20 ): Special Permit Application for a Retail Business- Applicant: John Rich for a Coffee roasting and packaging storefront for wholesale/ retail.

**Seconded by** J. Finch

**Vote: For: Unanimous**

**Old Business:**

**Deliberation for Public Hearing 2**

**McCluskey, Malcolm 1 Route 37 East, Unit 1 (Map 77, Lot 20 ): Special Permit Application for a Retail Business**

**Commissioner N. Volkmar Moved to Approve McCluskey, Malcolm 1 Route 37 East, Unit 1 (Map 77, Lot 20 ): Special Permit Application for a Retail Business-**  
Applicant: John Rich for a Coffee roasting and packaging storefront for wholesale/ retail. 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  
**Seconded by J. Finch** **Vote: For: Unanimous**

**Public Hearing 3:**

**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. Reference Section 324.3A of the Town of Sherman Zoning Regulations. Zone A**

Chair, J. Burruano opened the Public Hearing for Morelli, Ron & Sylvia, 19 Smoke Ridge Drive (Map 34, Lot 9 ), for a Special Permit Application to attach an Accessory Building that has less than 400 square feet of floor space to an existing Septic system. The abutting neighbors were sent notification by certified mail. No correspondence was received. The application file contains the floor layout. Health Approval has not been determined. The Commission stated this application is incomplete, and continued to the October 1, 2015 Regular Monthly Meeting.

**Commissioner N. Volkmar Moved to Continue the Public Hearing**  
**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. Reference Section 324.3A of the Town of Sherman Zoning Regulations. Zone A and continued to the October 1, 2015 Regular Monthly Meeting.**  
**Seconded by J. Siegel** **Vote: For: Unanimous**

**Commissioner N. Volkmar Moved to re-order the Agenda** to allow Old Business, 8-24 Request Referral for a Department of Public Works Wash Station followed by New Business: Special Permit Application- Town of Sherman- Department of Public Works; to construct a Municipal vehicle wash station located at 43 Route 39 North to be heard next.  
**Seconded by W. Knaak** **Vote: For: Unanimous**

**Old Business:**

**8-24 Request Referral for a Department of Public Works Wash Station**

A letter was read into record by Chair, J. Burruano approving the 8-24 Request for a referral for a Department of Public Works Wash Station.

**Commissioner J. Seigel Moved to Accept** the 8-24 Request Referral for a Department of Public Works Wash Station as presented.  
**Seconded by T. Hollander** **Vote: For: Unanimous**

**New Business:**

**Special Permit Application- Town of Sherman- Department of Public Works; to construct a Municipal vehicle wash station located at 43 Route 39 North.**

First Selectman C. Cope was present to speak to the application, and introduced Tony Iadarola P.E. Mr. Iadarola assisted the writing of the Request for Bid. Mr. Cope described the general layout of the wash station and location of the building in relation to the existing Public Works building. The proposed structure will be approximately 25' by 50' feet and approximately 25 feet at the peak of the roof. A 1,000 gallon oil separating tank as well as a 5000 retention tank will be installed along with proper drainage. A 10' x 10' shed will be set to the rear of the building to accommodate spray equipment, condensing boiler and electric panel. This parcel does contain wetlands, and an application is set to go before the IWWC at the beginning of September. Mr. Cope stated the bid package opening is set for Friday, September 18, 2015. Health Approval has not been determined at this time.

J. Siegel Moved to Accept the Application for a Special Permit for Town of Sherman- Department of Public Works; to construct a Municipal vehicle wash station located at 43 Route 39 North. Pending Approval of the IWWC and Health Department, set to be heard at a Public Hearing at the October 1, 2015 Regular Monthly Meeting.

Seconded by N. Volkmar

Vote: For: Unanimous

**Public Hearing 4: Proposed Regulation Amendments: Section 323- Nuisances and Prohibited Uses**

**Amend: Table of Contents: ARTICLE III- GENERAL REGULATIONS**

**Amend: 323 Nuisances**

**Add: 323 Nuisances and Prohibited Uses:**

**Add: 323.1 Prohibited Uses, General:**

323.2 Prohibited Uses, Specific:

**323.1 Prohibited Uses, General:**

Any uses not listed as permitted by these Regulations are deemed to be prohibited.

**Add: 323.2 Prohibited Uses, Specific:**

Without limiting the general prohibition of Section 323.1 above, certain uses are identified in this Section for specific prohibition in any Zone, as principal or accessory uses, and no use category set forth in these Regulations shall be deemed to include any use set forth herein:

a. No person shall use, or permit the use of, real property for the purpose of accumulating junk, including motor vehicles and motor vehicle parts, debris, waste and second-hand material, in such quantity and in such a manner as to cause unsightly, offensive and repugnant appearance and/or odors which would tend to depreciate the value of neighboring property or to be inimical to the public health, safety, or general welfare.

b. Marijuana Dispensary Facility or Production Facility as defined in Section 21a-408-1 of the Regulations of State Agencies, as the same may be amended from time to time.

Chair, J. Burruano opened the Public Hearing for Proposed Regulation Amendments: Section 323- Nuisances and Prohibited Uses. Correspondence from the Land Use Attorney was received and read into record. The Commission discussed inserting the word "in" to the following passage; 323.2 Prohibited Uses, Specific: "Without limiting the general prohibition of Section 323.1 above, certain uses are identified in this Section for specific prohibition in any Zone, as principal or accessory uses, and no use category set forth in these Regulations shall... No additional correspondence has been received.

Commissioner N. Volkmar Moved to Close the Public Hearing Proposed Regulation Amendments: Section 323- Nuisances and Prohibited Uses

Seconded by J. Siegel

Vote: For: Unanimous

**Old Business:**

**Deliberation for Public Hearing 4**

**Proposed Regulation Amendments: Section 323- Nuisances and Prohibited Uses**

Commissioner N. Volkmar Moved to Approve as Amended Proposed Regulation

Amendments: Section 323- Nuisances and Prohibited Uses

Amend: Table of Contents: ARTICLE III- GENERAL REGULATIONS

Amend: 323 Nuisances

Add: 323 Nuisances and Prohibited Uses:

Add: 323.1 Prohibited Uses, General:

323.2 Prohibited Uses, Specific:

323.1 Prohibited Uses, General:

Any uses not listed as permitted by these Regulations are deemed to be prohibited.

Add: 323.2 Prohibited Uses, Specific:

Without limiting the general prohibition of Section 323.1 above, certain uses are identified in this Section for specific prohibition in any Zone, as principal or accessory uses, and no use category set forth in these Regulations shall be deemed to include any use set forth herein:

a. No person shall use, or permit the use of, real property for the purpose of accumulating junk, including motor vehicles and motor vehicle parts, debris, waste and second-hand material, in such quantity and in such a manner as to

cause unsightly, offensive and repugnant appearance and/or odors which would tend to depreciate the value of neighboring property or to be inimical to the public health, safety, or general welfare.

- b. Marijuana Dispensary Facility or Production Facility as defined in Section 21a-408-1 of the Regulations of State Agencies, as the same may be amended from time to time. In accordance with CT General State Statutes, Section 8-3

the above Regulation shall take effect following an appeal period of fifteen days from the date of publication and shall become effective September 25th, 2015.

Seconded by J. Siegel

Vote: For: Unanimous

**Public Hearing 5: Proposed Regulation Amendments Section 324.3 B- Generators, Air Conditioners, Pool Equipment and Other Noise Generating Equipment -**

**Amend:** All generators, air conditioners, and other noise generating equipment installed in a fixed location shall be located within 15 feet of the principal building, or in the case of pool filters, within 25 feet of the pool served or within 15 feet of the principal building. The forgoing shall also conform to the setbacks for the zone in which it is located. If the generator, air conditioner or other noise generating equipment can be installed more than 100 feet from the nearest property line, the equipment may be installed within 50 feet of the principal building.

Chair, J. Burruano opened the Public Hearing for Proposed Regulation Amendments: Section 324.3 B- Generators, Air Conditioners, Pool Equipment and Other Noise Generating Equipment. The audience, R. Hudson spoke to the proposed amendment, requesting consideration given to parcels of greater size, where equipment could still meet a 150' set back requirement from the front, sides and rear.

Commissioner T. Hollander Moved Close the Public Hearing of Proposed Regulation Amendments Section 324.3 B- Generators, Air Conditioners, Pool Equipment and Other Noise Generating Equipment

Seconded by J. Siegel

Vote: For: Unanimous

**Old Business:**

**Deliberation for Public Hearing**

**Proposed Regulation Amendments Section 324.3 B- Generators, Air Conditioners, Pool Equipment and Other Noise Generating Equipment**

Chair, J. Burruano read the original proposed regulation into record. The Commission discussed the original proposed changes to the Regulations in relation to the newly proposed change. The Commission determined the recommended 150 feet from any abutting properties was too specific and exactly why a Zoning Board of Appeals exists, to request relief under unique circumstances.

Commissioner P. Voorhees Moved to Approve the Proposed Regulation Amendments Section 324.3 B- Generators, Air Conditioners, Pool Equipment and Other Noise Generating Equipment:

**Amend:** All generators, air conditioners, and other noise generating equipment installed in a fixed location shall be located within 15 feet of the principal building, or in the case of pool filters, within 25 feet of the pool served or within 15 feet of the principal building. The forgoing shall also conform to the setbacks for the zone in which it is located. If the generator, air conditioner or other noise generating equipment can be installed more than 100 feet from the nearest property line, the equipment may be installed within 50 feet of the principal building. In accordance with CT General State Statutes, Section 8-3 the above Regulation shall take effect following an appeal period of fifteen days from the date of publication and shall become effective September 25th, 2015.

Seconded by J. Seigel

Vote: For: Unanimous

**Audience Participation:**

There were no remaining audience members for comment.

**Approval of Minutes:**

Regular Monthly Meeting of August 6, 2015

Mid Month Meeting of August 20, 2015

Commissioner J. Seigel Moved to Approve Minutes of Regular Monthly Meeting of August 6, 2015 and Mid Month Meeting of August 20, 2015 as written.

Seconded by N. Volkmar

Vote: For: Unanimous

**Correspondence:**

No correspondence was received.

**Zoning Enforcement Officer's Report:**

August 2015

Commissioner J. Seigel Moved to Accept the August 2015 Zoning Enforcement Officer's Report as written.

Seconded by N. Volkmar

Vote: For: Unanimous

**Committee Reports:**

Nothing new was reported.

**Chairman Report:**

Nothing new was reported

**Adjournment:**

Commissioner J. Finch Moved to Adjourn the Meeting at 9:25 pm

Respectfully submitted:



Christine Branson, Commission Administrative Clerk  
September 10, 2015

**APPROVED AS FINAL AT THE OCTOBER 1, 2015 RMM**