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TOWN OF SHERMAN
Planning & Zoning Commission
MID- MONTH MEETING MINUTES
Thursday, May 19, 2016
7:00 pm, Mallory Town Hall

FINAL

Members Present: J. Burruano, M. Lee, P. Voorhees, N. Volkmar, M. Sichel, T. Hollander and Alternates: R. Peburn, A. Muoio, and W. Knaak

Members Absent: J. Finch

~~Audience and Invited: ZEO-R. Cooper & Commission Clerk G. Branson~~

Call to Order: Chair, J. Burruano Called the Meeting to Order at 7:00 pm.

Alternate R. Peburn remained elevated to Voting Status for the Duration of the Deliberations.

Old Business:

DELIBERATION OF PUBLIC HEARING I - CONTINUED FROM May 5, 2016

PROPOSED CHANGES TO THE ZONING REGULATIONS, SECTION 322, BUILDING PROJECTIONS.

Chair, J. Burruano opened the deliberation of Public Hearing I, continued from May 5, 2016 ; PROPOSED CHANGES TO THE ZONING REGULATIONS, SECTION 322, BUILDING PROJECTIONS. The Commission discussed Public input that was received at the Hearing on May 5, 2016. The Commission determined that item i and item vii needed additional clarification at the last meeting. The Commission agreed to amend item i to read "Fences and walls less than 2 feet in height: Shall be approved by the Commission upon review of the ZEO and deemed to have no impact if safety sight lines and pedestrian passage are not compromised." Additionally, the Commission agreed to amend item vii to read "Materials and Construction: A residential fence or wall shall not be electrified, nor can any fence or wall be fitted with barbed wire. Materials such as, but not limited to: scrap lumber, plywood, scrap plastic or scrap fiberglass sheets, or corrugated metal sheeting are not permitted." With these amendments, the following Action took place:

Commissioner N. Volkmar Moved to Approve Adoption of changes to the Town of Sherman Zoning Regulations, Section 322, Building Projections , as Amended and attached below. Changes to these Regulations shall become effective June 17, 2016.

Seconded by: M. Lee Vote: For: Unanimous

CHANGES TO THE ZONING REGULATIONS, SECTION 322, BUILDING PROJECTIONS.

AMEND	TABLE OF CONTENTS: ARTICLE III GENERAL REGULATIONS
	SECTION 320 GENERAL REGULATIONS
AMEND	322 Building Projections
AMEND	322.1 Obstructions in Lot Area
AMEND	322.1 A Architectural Features
AMEND & ADD	322.1 B Fences and Walls
ADD	322.1 C Commercial or Temporary Construction Fencing
ADD	322.1 D Fencing Used for Agricultural Purposes
AMEND	SECTION 322 Building Projections
	322.1 Obstructions in Lot Area
	322.1 A Architectural Features
ADD	322.1 B Fences and Walls

These Regulations apply to fences or walls or modified construction (horizontal or vertical) of legal non-conforming fences after the adoption of the following Regulations effective June 17, 2016.

- i Fences and walls less than 2 feet in height: Shall be approved by the Commission *upon review of the ZEO and deemed to have no impact if* safety sight lines and pedestrian passage are not compromised.
- ii Fences and walls less than 4 feet in height: Shall be permitted behind the Fence Setback line in the Front Lot.
- iii Fences and Walls Less than 6 feet in height: Shall be permitted in any Front Lot behind the 50 foot Building Setback Line, Side Lot or Rear Lot or any area of an Interior Lot except the Access way.
- iv Fences and walls greater than 6 feet in height : Shall be permitted only if that portion of such fence or wall which exceeds 6 feet in height is not less than ¼ open construction, with the following exception: any fence exceeding 6 feet in height can be installed in the side or rear lot within the Building Setback Lines.
- v Measurement of Height: Fence and wall construction or the combination of construction of both, one on top of the other, shall be measured as one. The height will be measured above the adjoining finished grade and no change to the existing grade of the property shall be made prior to the installation of the fence to gain a height advantage in excess of the permitted height.
- vi Visibility at Intersections: A residential fence or wall shall not obstruct pedestrian or motor vehicle visibility at an intersection. Refer to Section 322.6 – Visibility at Intersections of these Regulations.
- vii Materials and Construction: A residential fence or wall shall not be electrified, nor can any fence or wall be fitted with barbed wire. Materials such as, but not limited to: scrap lumber, plywood, *scrap* plastic or *scrap* fiberglass sheets, or *corrugated metal sheeting* are not permitted.
- viii Deer Fencing: Open construction deer netting or wood post and wire deer fencing shall be permitted in the Front (behind the Fence Set Back Line) , Side and Rear Lots.
- ix Historic District Requirements: All fences and walls proposed for installation within Sherman’s Historic District shall require a Certificate of Appropriateness from the Historic District Commission before a Zoning Permit can be issued and Site Plan Approval by the Planning and Zoning Commission.
- x Finished Side of Fence: The side of any fence or wall considered to be its “face” (i.e. the finished side) must face the abutting property or Road Right of Way.
- xi Ownership of Parcel: Fences and walls, including footings, shall be located entirely upon the private property on which the fence is proposed to be constructed unless there is an agreement between the owners of both properties on file in the Sherman Land Records.
- xii Lots with More Than One Frontage: Lots that abut more than one road have multiple Front Lot Lines and the Regulations and restrictions regarding fences and walls in the Front Lot apply to all areas adjacent to all streets and roads.
- xiii Interior Lots: Fences and walls are not permitted within the Access way to an Interior Lot.

ADD SECTION 322.1C Commercial or Temporary Construction Fencing Allowed by "Special Permit" only.

ADD SECTION 322.1D Fencing Used for Agricultural Purposes Exempt from these Regulations

AMEND SECTION 610-DEFINITIONS

ADD Fences and Walls: An Accessory Structure consisting of a barrier of any man made or natural material or combination of materials other than trees or other plant materials erected to surround, separate, enclose, screen or buffer areas of land.

ADD Fences and Walls, Residential: Fences and walls that are Accessory Structures to a Single Family Dwelling.

ADD Setback Line, Fence: A line that is set back 15 feet into the lot and is parallel to the travel way of the road.

ADD Lot, Front: That Lot area extending across the full width of a Lot and lying between the Front Lot Line and the nearest line of the principal building. In measuring aforesaid setback area, the line of a building shall mean a line parallel to the Front Lot Line, drawn from a point of the building nearest to such Lot Line, and the measurement shall be taken at right angles from the line of the building, as defined herein, to the Lot Line.

ADD Lot, Rear: That Lot area extending across the full width of a Lot and lying between the Rear Lot line and the nearest line of the principal building. In measuring aforesaid lot area, the line of a building shall mean a line parallel to the Rear Lot Line, drawn from a point of a building nearest to such Lot Line, and the measurement shall be taken at right angles from the line of the building, as defined herein, to the Lot Line.

ADD Lot, Side: That Lot area between the Side Lot Line(s) and the nearest line of the principal building and extending from the Front Lot to the Rear Lot as defined in these definitions. In measuring aforesaid Lot area, the line of a building shall mean a line parallel to the Lot Line, drawn from a point of a building nearest to such Lot Line, and the measurement shall be taken at right angles from the line of the building as defined herein, to the Lot Line.

ADD Lot, Interior :A lot which does not meet the minimum requirements of these Regulations for frontage on a road or highway. (See Section 331.4)

ADD Set Back Line, Building : A line which is parallel to the property line that delineates the minimum distance requirement from the property line to a structure as defined for each zone elsewhere in these Regulations.

AMEND Structure, Accessory: A structure which is customarily incidental and subordinate to the principal structure on a lot, and located on the same lot therewith.

ADD Travel Way: That portion of the road way for the movement of vehicles exclusive of shoulders.

AMEND Use, Accessory: A use which is customarily incidental and subordinate to the principal use on a lot, and located on the same lot therewith.

In accordance with the 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 June 17, 2016.

DELIBERATION OF PUBLIC HEARING II - CONTINUED FROM May 5, 2016

CHANGES TO THE ZONING REGULATIONS, SECTION 324.1A.2, ACCESSORY APARTMENTS-

Chair, J. Burruano opened the deliberation of Public Hearing II, continued from May 5, 2016 ; PROPOSED CHANGES TO THE ZONING REGULATIONS, SECTION 324.1A.2, ACCESSORY APARTMENTS. The Commission discussed Public input that was received at the Hearing on May 5, 2016. The Commission agreed no amendment was necessary, the following Action took place:

Commissioner M. Lee Moved to Approve Adoption of changes to the Town of Sherman Zoning Regulations SECTION 324.1A.2, ACCESSORY APARTMENTS as proposed and attached below. Changes to these Regulations shall become effective June 17, 2016.

Seconded by: N. Volkmar Vote: For: 5 Against: 2 (T. Hollander & P. Voorhees)

CHANGES TO THE ZONING REGULATIONS, SECTION 324.1A.2, ACCESSORY APARTMENTS

- AMEND TABLE OF CONTENTS: ARTICLE III- GENERAL REGULATION
- AMEND SECTION 324 Accessory Uses, Buildings and Structures
- AMEND 324.1 Accessory Uses
- AMEND 324.1A Accessory Apartments and Dwellings
- AMEND 324.1A.2 Accessory Apartments
- AMEND SECTION 610 Definitions
- AMEND Apartment, Accessory- Garage
- AMEND Building, Accessory
- AMEND SECTION 324.3 (a) Septic Systems for Accessory Buildings:
No structure other than the principal building, accessory dwelling, or detached Accessory Apartment, on a lot shall have a septic system, except that the Commission may grant Special Permits to allow septic systems for not more than one Accessory Structure on a Lot, provided that the following conditions are met:
- a. The principal dwelling or Accessory Apartment shall be occupied by the property owner who shall be a natural person or persons.
 - b. The Accessory Apartment shall be used for residential purposes only. The Town Sanitarian shall certify that the septic system service for the existing dwelling and proposed Accessory Apartment conform to current requirements of the Public Health Code.
 - c. The Accessory Apartment shall have its own entrance from the exterior of the building and shall contain one bathroom and kitchen facilities. The Accessory Apartment shall not exceed 750 square feet in floor area.
 - ADD d. Parcels of 4 or more contiguous Zoning acres or 160,000 square feet with a detached garage, accessory to a residential building may contain one Accessory Apartment. This apartment shall not exceed 750 square feet. The total footprint of the garage shall not exceed the square footage required to accommodate said 750 square foot apartment. The apartment shall contain one bathroom and kitchen facility, provide parking for one car and shall be subject to subsections b and c of Section 324.3(a) Septic Systems for Accessory Buildings. This Regulation shall become effective June 17, 2016.
 - ADD e. Accessory Apartments shall be subject to the Special Permit approval set forth in Section 340 of these Regulations.

AMEND: SECTION 610 DEFINITIONS:

ADD: Apartment, Accessory: An accessory dwelling created completely within the area of a single family dwelling or contained above or below a detached garage accessory to the principal dwelling on a lot that has a single family dwelling.

AMEND: Garage: An Accessory Building used primarily for the housing of no more than three motor vehicles, either attached to the principal structure or unattached. Unattached garages do not have septic or sewer facilities except as permitted by Section 324.3(a) and 324.1A (b).

AMEND: Building, Accessory: A building subordinate to the principal building on a lot and used for purposes customarily incidental to that of said principal building and does not have septic or sewer facilities, except as provided in Section 324.3(a) and Section 324.1A(b).

In accordance with the 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 June 17, 2016.

Amendment of Date of Public Hearing for Section 324.2.B Building Accessory- Temporary

Public Hearing for Section 324.2.B Building Accessory- Temporary - Amend Hearing date from June 2, 2016 to July 7, 2016

Commissioner T. Hollander Moved to Amend the date for Public Hearing for proposed changes to Zoning Regulations Section 324.2.B Building Accessory- Temporary to set the new date for Public Hearing on July 7, 2016.

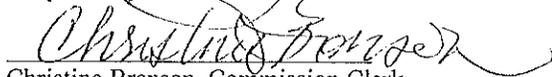
Seconded by: M. Lee

Vote: For: Unanimous

Adjournment:

Commissioner N. Volkmar Moved to Adjourn the Meeting at 9:45 pm.

Respectfully submitted:



Christine Branson, Commission Clerk

May 26, 2016

APPROVED AS FINAL AT THE JUNE 2, 2016 RMM