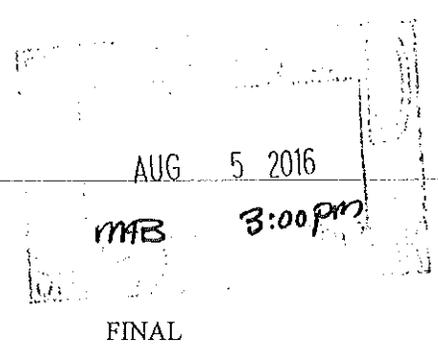




TOWN OF SHERMAN
Planning & Zoning Commission
REGULAR MONTHLY MEETING MINUTES
Thursday, July 7, 2016
7:00 pm, Mallory Town Hall



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

Members Absent: J. Finch

Audience and Invited: First Selectman Clay Cope, Kyle Richers, Sam Tripsas, Shubha Chick, Stephen Chick, Mason Lord, Bonni Manning, Steve Roffwarg, and Commission Clerk C. Branson

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

Alternate R. Peburn, was Elevated to Voting Status for the Meeting.

Commissioner N. Volkmar Moved to re-order the Agenda to place New Business: 2 Taber Road first, Public Hearing II- Special Permit- 40 Hubbell Mountain Road, will be second on the Agenda, followed by Public Hearing I - Proposed changes to Zoning Regulations- 324.2. B Building Accessory- Temporary.

Seconded by: M. Lee

Vote: For: Unanimous

New Business:

2 Taber Road- Town of Sherman- Happy Acres Farm- Section 8-24 Referral request to update and install telecommunications equipment.

First Selectman Clay Cope was present to speak on behalf of the request for referral. Also present were Kyle Richers and Sam Tripsas representing T-Mobile. Chair Burruano read correspondence from First Selectman Cope into record requesting the P&Z Commission approve the 8-24 request to improve the telecommunications equipment at Happy Acres Farm.

Commissioner T. Holland Moved to Accept the 8-24 referral request for improvement and installation of telecommunications equipment at 2 Taber Road- Happy Acres Farm, and set deliberation to take place at the July 21, 2016 Mid-Month Meeting beginning at 7:00 pm at Mallory Town Hall.

Seconded by: M. Lee

Vote: For: Unanimous

Public Hearing II

Special Permit Application 40 Hubbell Mountain Road (Map- 18, Lot- 38) -Chick, Stephen & Shubha- Special Permit Application to allow a Section 324.1.A.1, Accessory Dwelling, with-in an existing structure and Section 324.3 A, Septic to an Accessory Building, all in accordance with a submitted B-100a and A-2 Survey Map entitled " Existing Conditions Map, Prepared for Stephen Chick & Shubha Chick, 40 Hubbell Mountain Road, Town of Sherman, County of Fairfield, State of Connecticut." Dated May 24, 2016. Prepared by Arthur H. Howland & Associates. Zone A

Chair, J. Burruano opened the Public Hearing. Chair, J. Burruano reviewed the contents of the application file. In the file was a completed Special Permit application. The Legal Warning was read into record by the Secretary, M. Lee. The Legal Warning was published in the Town Tribune June 23rd and again on June 30th, 2016. Abutting property owners within 500 feet of this property were sent the Legal Warning by Certified Mail on June 23, 2016. Four people in the audience signed up to speak in favor of the application. No correspondence was received in relation to this application. On June 8th, 2016 the Commission met on site to view the pre-existing building where the Accessory Dwelling is proposed, to fully understand and clarify the intent of the application. No correspondence was received in relation to this application. Acting Agent, Mason Lord was present to speak on behalf of the applicants. Health Approval has been granted on 5/25/16 for a 2 bedroom septic system for the proposed Accessory

dwelling, a B-100a plan, an A-2 survey, and a description of the proposed dwelling including a detailed floor plan. No Commissioners recused themselves from the Public Hearing. The applicants did not object to any of the Commissioners seated for the Public Hearing. The applicants, Mr. & Mrs. Chick were present. Mrs. Chick spoke in favor of her application, stating they purchased the property in 2008 and their intent is to adapt the existing historic barn structure to better suit their family needs. They intend to fit a 1,199 square foot accessory dwelling within the existing building to provide living space for their parents to stay. Acting Agent, Mason Lord was present to speak on behalf of the application. Mr. Lord stated the existing late 18th century barn is a historical feature that the applicants would like to preserve by fitting the proposed accessory dwelling within the structure with unfinished parking space. B. Manning spoke in favor of the application, stating she lives across from the property and applauds the Chick's ambition to preserve the historic barn and go through the proper steps to apply for permits. Mr. Lord showed the Commission the building plans which illustrated how the 1,199 square foot dwelling would fit within the existing structure. The Commission asked Mr. Lord the elevations of both the house and barn. Mr. Lord replied, the existing barn's tallest point of the roof is 26', 11" and the primary dwelling is 27', 4" tall. There were no additional questions or comments.

Commissioner N. Volkmar Moved to Close the Public Hearing for 40 Hubbell Mountain Road (Map- 18, Lot- 38) - Chick, Stephen & Shubha- Special Permit Application

Seconded by: P. Voorhees

Vote: For: Unanimous

Public Hearing I

Proposed Changes to the Zoning Regulations:

AMEND: Table of Contents: ARTICLE III- GENERAL REGULATIONS

ADD: 324.2. B Building, Accessory - Temporary

AMEND: 324.2. Building, Accessory

ADD: 324.2. A Building, Accessory - Permanent

ADD: 324.2. B Building, Accessory - Temporary

ADD: A Zoning Permit shall be required for Accessory-Temporary buildings exceeding 200 square feet.

The following conditions are to be met:

- a. No Accessory Temporary building shall be permitted on a lot without an existing principal building or structure or a principal structure or structure under construction.
- b. Only one Accessory-Temporary building shall be permitted on a lot at one time.
- c. An Accessory-Temporary building shall be permitted for a period of time up to one hundred twenty (120) days. A sixty (60) day extension shall be granted by the Zoning Enforcement Officer for good cause shown, but not to exceed one hundred and eighty (180) days, total. Use of an Accessory-Temporary building for more than one hundred and eighty (180) days shall require approval by the Commission.
- d. Existing Accessory-Temporary Buildings identified as "temporary" in the application for Zoning Permit which are in place as of the effective date of this section of these Regulations shall have 120 days from that date to obtain a Zoning Permit for such building under this section, or remove the Accessory-Temporary Building from the property.
- e. Accessory-Temporary Buildings shall meet all setbacks and other Zoning requirements for the applicable Zone and shall not be placed in the Front Lot as defined in these Regulations.
- f. A separate fee will not be required for an Accessory-Temporary construction office or storage facility associated and incidental to a permitted building under construction on the same property, for which a Zoning Permit has been issued. The Accessory-Temporary construction office must meet all the conditions for Accessory-Temporary buildings as outlined in this section.
- g. Accessory-Temporary Buildings require the following:
 - i. No adverse noise impact, no public or private disturbances, no nuisances.
 - ii. No unsafe impediments, distractions, or congestion for vehicular or pedestrian movement.

- iii. No permanent alterations to the affected site. Submit a photo, documenting location and existing conditions, with permit application.
- iv. Proper security, trash removal and other services an event or situation may require shall be provided by the owner/operator.
- v. An Accessory- Temporary building will not be permitted if the Commission determines there will be an adverse impact to the abutting property owners, cause risk of injury to persons, if there is a likelihood it will cause damage to public or private property, or cause a detriment to surrounding property.

AMEND:

Section 610 Definitions

ADD:

Building, Accessory-Temporary: An Accessory building which has no permanent foundation or footing and which is removed after the assigned time period, activity or use for which the Accessory-Temporary building was erected. Types of Accessory-Temporary Buildings include:

- 1. Membrane/Canopy Buildings, supported in any manner including the contents it protects.
- 2. Non-membrane Buildings built of rigid or non-rigid material of any kind, and exhibiting the intent, by their method of construction, to be of a temporary nature.
- 3. Manufactured containers/trailers standing on wheels, blocks, jacks, or other supports, that are towed or hauled by another vehicle and used for carrying materials, goods or objects. Recreational vehicles, such as boat, snowmobile, or similar trailers or campers are not considered Temporary- Accessory Buildings provided that they are registered with the Connecticut Department of Motor Vehicles and are capable of movement on public highways.
- 4. A temporary construction office for a building or other development for which a Zoning Permit has been issued.
- 5. An Accessory-Temporary building shall not include buildings accessory to principal farming uses, such as hoop houses, high tunnels, storage of hay or fodder under cover, or similar customary agricultural storage structures.

ADD:

Zone A Section 331.2 Permitted Accessory Uses

- d. Accessory-Temporary Buildings less than 200 square feet for up to 180 days, as permitted by Section 324.2 of these Regulations.

ADD:

Zone B Section 332.2. D Permitted Accessory Uses

- d. Accessory-Temporary Buildings less than 200 square feet for up to 180 days, as permitted by Section 324.2.B of these Regulations.

AMEND:

Section 411 to read as:

No building, structure, or temporary building shall be erected....

Chair, J. Burruano opened the Public Hearing. The Legal Warning was read into record by the Secretary, M. Lee. The Legal Warning was published in the Town Tribune June 23rd and again on June 30th, 2016. Eight abutting Towns and Agencies were sent the Legal Warning by Certified Mail on May 20, 2016. Twenty-one recipients on the e-mail registry were notified on June 23rd, 2016. Correspondence was received from NHCOCG, dated June 7, 2016 stating no conflict with regional plans and policies. It was forwarded to Kent's Land Use Administrator and Chief Elected Official. In addition, correspondence was received from WestCOG, dated May 23, 2016 stating the proposal is of local concern but with minimal inter-municipal impact, therefore not being forwarded to adjacent municipalities. No Public Comment was made. No comments or questions from the Commission were made.

Commissioner N. Volkmar Moved to Close the Public Hearing for proposed changes to Zoning Regulations, Section 324.2. B Building, Accessory - Temporary.

Seconded by: M. Lee

Vote: For: Unanimous

Deliberations:

Public Hearing II- 40 Hubbell Mountain Road (Map- 18, Lot- 38)- Chick, Stephen & Shubha- Special Permit Application

Chair, Burruano opened the deliberations for the Special Permit Application for an Accessory Dwelling to be built within an existing structure with septic. Discussion took regarding the interpretation of the newly established Regulation to allow Accessory Dwellings. Discussion followed regarding the ability to apply this regulation to an existing building, and concern regarding assurance that the dwelling within would not be expanded at any point in the future. The Commission agreed when the regulation was created it was envisioned to be a newly constructed separate building that would not exceed 1,200 square feet. Of additional concern was the fact that these plans do not show an exterior door. When the Regulation was written it was based on a separate newly constructed dwelling, therefore it was not specified that an exterior door exist, as is in the Accessory Apartment Regulation. Discussion followed regarding the preservation of the existing historic barn structure. It was agreed that this kind of re-purposing of historic structures is in keeping with the Town's P.O.C.D. and will maintain the character of the neighboring properties. The Commission recognized there was a need to place conditions upon the approval of this application to assure the size of the dwelling never be allowed to expand in the future. The Commission agreed the Conditions would be to amend the building plans to show an exterior door and to allow, if probable cause of a Zoning violation is found and with appropriate advanced warning, the ZEO will be given access to the Accessory Dwelling to inspect the interior and confirm the original approved measurements have been maintained.

Commissioner N. Volkmar Moved to Approve Special Permit Application 40 Hubbell Mountain Road (Map- 18, Lot- 38) -Chick, Stephen & Shubha- Special Permit Application in accordance with Section 324.1.A.1, to allow an Accessory Dwelling, not to exceed 1,200 square feet, to be constructed in an exact footprint, shown on submitted building plans, with-in an existing structure and in accordance with Section 324.3 A, to allow Septic to an Accessory Building, all in accordance with a submitted B-100a and A-2 Survey Map entitled " Existing Conditions Map, Prepared for Stephen Chick & Shubha Chick, 40 Hubbell Mountain Road, Town of Sherman, County of Fairfield, State of Connecticut." Dated May 24, 2016. Prepared by Arthur H. Howland & Associates, with conditions to amend the building plans to show an exterior door prior to construction and if the Zoning Enforcement has probable cause of a Zoning violation, and with appropriate advance warning, shall be given access to inspect the interior of the Accessory Dwelling to confirm the original approved dimensions.

Seconded by: T. Hollander

Vote: For: Unanimous

Public Hearing I

Proposed Changes to the Zoning Regulations- 324.2. B Building, Accessory - Temporary

Commissioner T. Hollander Moved to Approve the following Proposed Changes to the Zoning Regulations, and shall become effective July 30, 2016:

AMEND: Table of Contents: ARTICLE III- GENERAL REGULATIONS

ADD: 324.2. B Building, Accessory - Temporary

AMEND: 324.2. Building, Accessory

ADD: 324.2. A Building, Accessory - Permanent

ADD: 324.2. B Building, Accessory - Temporary

ADD: A Zoning Permit shall be required for Accessory-Temporary buildings exceeding 200 square feet. The following conditions are to be met:

- a. No Accessory Temporary building shall be permitted on a lot without an existing principal building or structure or a principal structure or structure under construction.
- b. Only one Accessory-Temporary building shall be permitted on a lot at one time.
- c. An Accessory-Temporary building shall be permitted for a period of time up to one hundred twenty (120) days. A sixty (60) day extension shall be granted by the Zoning Enforcement Officer for good cause shown, but not to exceed one hundred and eighty (180) days, total. Use of an Accessory-Temporary building for more than one hundred and eighty (180) days shall require approval by the Commission.

- d. Existing Accessory-Temporary Buildings identified as "temporary" in the application for Zoning Permit which are in place as of the effective date of this section of these Regulations shall have 120 days from that date to obtain a Zoning Permit for such building under this section, or remove the Accessory-Temporary Building from the property.
- e. Accessory-Temporary Buildings shall meet all setbacks and other Zoning requirements for the applicable Zone and shall not be placed in the Front Lot as defined in these Regulations.
- f. A separate fee will not be required for an Accessory-Temporary construction office or storage facility associated and incidental to a permitted building under construction on the same property, for which a Zoning Permit has been issued. The Accessory-Temporary construction office must meet all the conditions for Accessory-Temporary buildings as outlined in this section.
- g. Accessory-Temporary Buildings require the following:
 - i. No adverse noise impact, no public or private disturbances, no nuisances.
 - ii. No unsafe impediments, distractions, or congestion for vehicular or pedestrian movement.
 - iii. No permanent alterations to the affected site. Submit a photo, documenting location and existing conditions, with permit application.
 - iv. Proper security, trash removal and other services an event or situation may require shall be provided by the owner/operator.
 - v. An Accessory- Temporary building will not be permitted if the Commission determines there will be an adverse impact to the abutting property owners, cause risk of injury to persons, if there is a likelihood it will cause damage to public or private property, or cause a detriment to surrounding property.

AMEND: Section 610 Definitions

ADD: Building, Accessory-Temporary: An Accessory building which has no permanent foundation or footing and which is removed after the assigned time period, activity or use for which the Accessory-Temporary building was erected. Types of Accessory-Temporary Buildings include:

- 1. Membrane/Canopy Buildings, supported in any manner including the contents it protects.
- 2. Non-membrane Buildings built of rigid or non-rigid material of any kind, and exhibiting the intent, by their method of construction, to be of a temporary nature.
- 3. Manufactured containers/trailers standing on wheels, blocks, jacks, or other supports, that are towed or hauled by another vehicle and used for carrying materials, goods or objects. Recreational vehicles, such as boat, snowmobile, or similar trailers or campers are not considered Temporary- Accessory Buildings provided that they are registered with the Connecticut Department of Motor Vehicles and are capable of movement on public highways.
- 4. A temporary construction office for a building or other development for which a Zoning Permit has been issued.
- 5. An Accessory-Temporary building shall not include buildings accessory to principal farming uses, such as hoop houses, high tunnels, storage of hay or fodder under cover, or similar customary agricultural storage structures.

ADD: Zone A Section 331.2 Permitted Accessory Uses

d. Accessory-Temporary Buildings less than 200 square feet for up to 180 days, as permitted by Section 324.2 of these Regulations.

ADD: Zone B Section 332.2. D Permitted Accessory Uses

d. Accessory-Temporary Buildings less than 200 square feet for up to 180 days, as permitted by Section 324.2.B of these Regulations.

AMEND: Section 411 to read as:

No building, structure, or temporary building shall be erected...

Seconded by: M. Lee

Vote: For: Unanimous

Approval of Minutes:

Regular Monthly Meeting of

Commissioner N. Volkmar Moved to Approve Minutes of Regular Monthly Meeting of June 2, 2016 as written.

Seconded by: P. Voorhees

Vote: For: Unanimous

Correspondence:

Burgasser, AI- Representing Holiday Point Board of Directors: regarding growing concern about short term rentals within the lake community. Mr. Burgasser stated he felt such rentals are a direct violation of Section 324.1 D 3. Also listed as a concern, renters using private beaches, docks and related amenities and areas.

Zoning Enforcement Officer's Report: No Report was submitted.

Public Comment: No one was present to speak.

Committee Reports: No Reports were submitted.

Chairman Report: No Report was submitted.

Regulations Review: Tabled to the Mid- Month Meeting of July 21, 2016

Adjournment:

Commissioner N. Volkmar Moved to Adjourn the Meeting at 8:49 pm

Respectfully submitted:


Christine Branson, Commission Clerk

June 14, 2016

*APPROVED AS FINAL AT THE AUGUST 4, 2016 RMM