



TOWN OF SHERMAN
Planning & Zoning Commission
REGULAR MONTHLY MEETING MINUTES
Thursday, September 1, 2016
7:00 pm, Mallory Town Hall

FINAL

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

Members Absent: M. Sichel, T. Hollander and J. Finch

Audience and Invited: Kyle Richers, Sam Tripsas, L. Buzaid, H. Bray, T. Hahn, G. Maletz, S. Maletz, A. Van Plachecki, Z.E.O. R. Cooper and Commission Clerk C. Branson

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

OCT 13 2016
3:22 PM
[Signature]

Alternates A. Muoio and R. Peburn, were Elevated to Voting Status for the Meeting.

Public Hearing:

Special Permit Application for Telecommunications - 2 Taber Road, Town of Sherman- (M-26, L-4) Happy Acres Farm- Transcend Wireless (o/b/o T-Mobile) Addition of ground equipment and installation of antennae on existing silo.

Chair J. Burruano opened the Public Hearing. Secretary M. Lee read the Legal Warning into record. The Legal Notice was published in the Town Tribune on August 24, 2016 and again on August 31, 2016. Twenty-four abutting property owners within 1,000 feet of the proposed application were notified by Certified Mail. No Correspondence was received in reference to the application. Chair Burruano reviewed the application file submitted by Transcend Wireless (o/b/o T-Mobile). Agent, Kyle Richers was present to speak on behalf of the application to co-locate antennae and ground equipment as shown on the plans. ZEO Cooper supplied the Commission with updated plans that were received from Mr. Richers earlier today entitled "Site Number: CTF781B, 2 Taber Road, Sherman, CT 06784, Fairfield County, RF Design Guideline: 707B, Revision 5, 09/01/2016". Mr. Richers reviewed several items with the Commission that were requested during discussions at the initial presentation of the application in August. The Commission had requested the following changes: the color and material of the retaining wall (the original plan showed the retaining wall painted red, constructed of concrete block) , the motion sensor light be modified to a manual switch, installation of a metal or fiberglass "band" which would assure the integrity of the "HAPPY ACRES FARM" lettering be maintained, the fencing enclosure around the ground equipment (was originally proposed to be picket fencing) the Commission has requested the fencing be vertical wide boards cut flat along the top and painted to match the color and look of the barn, the vertical cable trays were requested to be located in less visible areas. ZEO Cooper requested the retaining wall material be changed to fieldstone construction. Discussion followed in reference to the welding or fastening of the requested lettering "band". K. Richers stated he was told there cannot be any new drilling or welding done to the surface of the silo. Mr. Richers stated all proposed equipment on the silo will be installed utilizing the location of existing bolts. The Commission asked if the ground equipment could be housed in a shed instead of being fenced. Mr. Richer replied that he would have to take all requested revisions and consult with the engineer which may result possibly in submittal of new plans. There were no additional comments from the Commission. Chair Burruano opened the floor for Public Comment. G. Maletz spoke in favor of the application, stating she and a group of residents have been working for the better part of three years to request improvements to cell service throughout the town. Mrs. Maletz stated to the Commission, "anything you (the Commission) can do to expedite improved cell service would be greatly appreciated." T. Hahn spoke in favor of the application as well, stating she has attended many BoS meetings over the past two and a half years requesting the Town reach out to necessary parties to improve cell service. Mrs. Hahn showed the Commission a map which highlighted areas where there was varying levels of signal strength through-out the Town, the majority showed as weak. S. Maletz also spoke in support of the application for reasons previously stated. No one spoke against the application. No additional comments were made from the public. The Commission requested Mr. Richers relay the requested revisions to the engineer, have changes implemented on the plans and requested Mr. Richers as well as the engineer return to the continuation of the Public Hearing on October 6, 2016 for further review.

Commissioner R. Peburn Moved to Continue the Public Hearing to take place at Mallory Town Hall beginning at 7pm on October 6, 2016 in regard to the Application for Telecommunications Special Permit / Site Plan for Transcend Wireless (obo T-Mobile) to co-locate antennae and ground equipment in the exact location shown on submitted site plans entitled: Site Number: CTFF781B, RF Design Guideline: 707B, Site Address: 2 Taber Road, Sherman, Connecticut, Fairfield County. Created by: Professional Engineer: Daniel Hamm, Dated April 20, 2015, Last Revised September 01, 2016 at 2 Taber Road, Town of Sherman, Happy Acres Farm (Map 26, Lot 4) Zone A
Seconded by: N. Volkmar **Vote: For: Unanimous**

New Business:

Request for an extension of Approval for Chapel Hill Estates Subdivision

Chair J. Burruano reviewed the application file and related materials submitted. Atty. L. Buzaid was present to speak on behalf of the application to extend the approval of a 14 lot subdivision that was originally approved on April 17, 2006, which then became effective January 22, 2016 following the decision of an appeal. The expiration date of the approval was January 22, 2017. Mrs. Buzaid has requested a five year extension. There are no changes to the original approved sub-division map entitled, " Record of Subdivision Map, Chapel Hill Estates, Prepared for Chapel Hill Properties LLC, total area = 3,920,537 S.F. / 90.0031 AC. Connecticut, Route 37 South & Chapel Hill Road, Town of Sherman, County of Fairfield, State of Connecticut. Last revised September 29, 2008. Prepared by Michael A. Natale, from the office of Arthur A. Howland & Assoc. P.C. " This map was signed by Planning and Zoning Commission (then) Chair, David Hopkins dated October 15, 2008 and filed on the Town Land Records on October 16, 2008, Map Number 1942, 669A, at 3:10pm. This request for extension has been approved by the Health Department and the Inland /Wetlands Commission. The Zoning Regulations have changed since the initial approval of this subdivision, at the time two acre lots were allowed in Zone A, presently the size of a building lot is four acres in Zone A. There is a total of 30 acres designated as open space within the subdivision, which is twice the amount necessary. The Commission observed that the layout of this subdivision shows much consideration was given to preserve historic and natural features taken and accommodates for open space and larger lots. The Commission discussed the extension application and agreed the plans are the optimal use for this subdivision.

Commissioner N. Volkmar Moved to Approve a five year extension for Chapel Hill Estates Subdivision Approval in accordance with the original approved sub-division map entitled, " Record of Subdivision Map, Chapel Hill Estates, Prepared for Chapel Hill Properties LLC, total area = 3,920,537 S.F. / 90.0031 AC. Connecticut, Route 37 South & Chapel Hill Road, Town of Sherman, County of Fairfield, State of Connecticut. Last revised September 29, 2008, prepared by Michael A. Natale, from the office of Arthur A. Howland & Assoc. P.C. " This map was signed by Planning and Zoning Commission (then) Chair, David Hopkins dated October 15, 2008 and filed on the Town Land Records on October 16, 2008, Map Number 1942, 669A, at 3:10pm.. The extension will be in effect from January 22, 2017 and shall expire January 22, 2022.

Seconded by: P. Voorhees

Vote: For: Unanimous

Housing Commission presentation of Housing Survey results

Housing Commission Chair, A. Van Plachecki read into record a summary report of the results of the Housing Survey. Approximately 2,000 surveys were distributed to post box holders, 595 surveys were completed and mailed to Town Hall. Of the 595, there were 200 surveys that contained compelling written comments. The group that participated the most were aged 51 plus. Many responses shared concern of increased taxes and lack of local amenities. Mr. Van Plachecki stated there are still many details that need to be considered. This same report will be presented at the next BoS meeting. The Housing Commission would like to offer a public forum to clarify any questions and concerns of the public. P&Z Chair Burruano thanked the Housing Commission for their diligence and hard work.

Approval of Minutes:

Regular Monthly Meeting of August 4, 2016

Commissioner P. Voorhees Moved to Approve Minutes of Regular Monthly Meeting of August 4, 2016 as written.

Seconded by: R. Peburn

Vote: For: Unanimous

Correspondence:

No correspondence was received.

Zoning Enforcement Officer’s Report: August 2016

Mr. Cooper provided the Commission with a report of activities for August 2016. Four Zoning Permits were Approved, No Statements of Intent were Approved, None were withdrawn, None were Denied, Five permits require further review. Discussion took place regarding follow up on ongoing cases.

Commissioner M. Lee Moved to Accept the ZEO Report of August 2016 as presented.

Seconded by: N. Volkmar

Vote: For: Unanimous

Public Comment:

Gileno, F.- requested information regarding a neighboring parcel of property and what year of Zoning Regulations would apply. ZEO Cooper stated he would have to research the Land Records and invited Mrs. Gileno to come to the office for further discussion during business hours.

Committee Reports: No Reports were submitted.

Chairman Report:

Approval of Annual Report FY 2015-16

The Commission discussed the report submitted by Clerk, C. Branson. Verification of the date of expiration for former Alternate J. Seigel was needed, and the host of one of the workshops was misidentified. These amendments will be made prior to submittal.

Commissioner N. Volkmar Moved to Approve the Annual Report of FY 2015-16 as Amended.

Seconded by: R. Peburn

Vote: For: Unanimous

Regulations Review:

Section 352.a Farm Wineries

Commissioner N. Volkmar Moved to Accept the proposed Zoning Regulation, Section 352.A Farm Wineries and set a Public Hearing for November 3, 2016 beginning at 7:00 pm at Mallory Town Hall.

Seconded by: M. Lee

Vote: For: Unanimous

The full proposed Regulation is below:

**PROPOSED: CHANGES TO THE ZONING REGULATIONS,
NEW SECTION: 352 A FARM WINERIES**

AMEND: TABLE OF CONTENTS:

AMEND: Article III- GENERAL REGULATIONS

AMEND: SECTION 352 Farming

ADD: 352 A. Farm Winery

AMEND: SECTION 331

(Zone A-Farm-Residence Zone – Permitted Principal Uses)

ADD: *o. Farm Winery as permitted in Section 352.6.

AMEND: **352 Farming**

ADD: **352 A. Farm Winery**

352A.1. General:

In order to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Sherman, this section is intended to allow for the use of farm land as a normal part of a farm winery use and, therefore, allowed by Special Permit. Such farm wineries are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All farm winery activities associated with the manufacture, storage, bottling, production, distribution or sale of wine and spirits shall be in accordance with all State and Federal laws or regulations governing such activities.

ADD: **352A.2. Minimum Bulk Requirements:**

A farm winery shall be located on a lot or lots having a minimum aggregate area of ten (10) acres under single ownership and management. Such lot or lots shall have a minimum road frontage of 200 feet on a state roadway. The lot must maintain a minimum of 60,000 square feet of planted vineyard area prior to the issuance of a Special Permit. In reviewing a Special Permit application under this Section, the Commission shall consider that a Farm Winery is an accessory use to a vineyard and may reduce the size and scope of activities permitted based on the size of the vineyard.

ADD: **352A.3. Uses Permitted:**

The following uses are permitted as accessory to a farm vineyard, if authorized by Special Permit.

a. Farm Winery:

This use includes the commercial making of wine and winery by-products in a designated farm winery.

b. Retail Sale of Wine and Tasting Room:

A building or a portion of a building located on the farm vineyard may be established for the sale of wine and winery by-products by the bottle, or barrel and related winery distilled products provided that the percentage of the products produced on the premises and the percentage of wine and winery products made from grapes or other fruit grown on the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm winery liquor permit for the Connecticut Liquor Control Commission. Any building not in use for the purpose of a tasting room after the adoption of these Regulations shall have minimum setbacks of 100 feet from the side and rear lot lines and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Said area may include the retail sale of wine and spirits featured as products produced at the farm winery and the tasting of wine products produced on the premises. Each tasting shall have no more than 4 samples and offer no more than 1/2 oz of wine produced at the site or one single 4 oz glass of wine produced at the site. The hours of operation of the Retail Sale of Wine and Tasting Room shall be no earlier than 10 am to no later than 9 pm Sunday through Thursday no earlier than 10 am to no later than 10 pm Friday and Saturday. The serving of hors d'oeuvres and/or pastries is permitted as an accessory use to a tasting room. No food other than hors d'oeuvres and or pastries shall be cooked, prepared or served on the site without a Special Permit.

c. Public Events:

Activities allowed in a wine retail and tasting room would include artist receptions and artist exhibitions, music entertainment, wine related seminars, wine related meetings and wine tastings held within the tasting room, provided that all such activities shall be located within the tasting room building and not in any outdoor area. Each Special Permit application for a Farm Winery shall specify the number, schedule, maximum attendance, location on property, and hours of such events. Such information need not list every single event by date, but may group them by category. The Commission may modify any such proposed number, schedule, maximum attendance, location, and hours of such events. No alcoholic beverages, other than wines and wine byproducts produced at the farm winery, shall be served or consumed on the premises, specifically

including so-called "BYOB" ("Bring Your Own Bottle). Hours are limited to operating hours set forth in Section 352.A 3 b.

d. Winery Retail Store:

The farm winery may include the accessory sale of vineyard and wine related goods to the general public including wine related food products and other locally produced products. The area of retail sales, including wine sales, must be located within or contiguous to the wine tasting area, and shall be no greater than the total floor area dedicated to the wine retail and tasting room described in paragraph "a" above. The hours of the winery retail store shall be no greater than the hours of the Retail Sale of Wine and Tasting room as set forth in Section 352.A 3 b.

e. Outdoor Functions:

A designated function with more than 25 guests, not including staff in the outdoor area shall require an Event Permit and must meet the following criteria:

1. Such functions (whether open to the general public or invitation only) shall be held no more than twelve (12) times per calendar year. The Zoning Enforcement Officer must receive an Event Permit Application at least fourteen (14) days prior to such a function.
2. The maximum occupancy for all such functions, whether held indoors or outdoors or any combination thereof, shall not exceed one hundred (100) guests. This number shall include the use or occupancy of the Retail Sale of Wine and Tasting Room.
3. The outdoor function area shall be readily accessible from the principal Farm Winery building, and outside tables must be located in such a manner as to maintain access to the building for emergency purposes. Areas in which parking is required by the approved Special Permit cannot be used for outdoor function activities. The designated outdoor function area must be clearly identified on the submitted plans with the Event Permit. Parking must be accessible and useable in all weather conditions for visiting vehicles. A section of field works, provided it is passable, see Section 352.4 a below.
4. Any event held in the outdoor function area shall begin no earlier than 10 am and end no later than 10 pm on Friday and Saturday nights; and no earlier than 10 am and end no later than 9 pm Sunday through Thursday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 10 pm.
5. The outdoor function area shall be largely open to the elements, however may be enclosed with a canopy or tent, in accordance with Section 324.2 b, Temporary Structures.
6. The property owner is responsible for cleanup of all trash generated from the outdoor dining area. All refuse containers shall be screened from view from offsite and located no closer than fifty (50') from any property line and closer than one hundred (100') from any dwelling on an adjacent lot.
7. All entertainment and audio amplification shall terminate at least one (1) hour prior to the closing times set forth in paragraph (4) above.
8. Lighting of the outdoor dining area must meet the criteria set forth in Section 322.8 of these regulations.
9. All outside dining is required to maintain all licensing from the State of Connecticut, Department of Consumer Protection and Liquor Control Division, and must submit all applications to the Zoning Enforcement Officer for approval and signatures.
10. The outdoor function area may include a service bar operating under a caterer's liquor permit when private functions are occurring on the premises. This service bar must be entirely separate from the tasting room.

352A.4. Farm Winery Parking:

On site Parking shall be provided for in accordance with 340 (Special Permits) of these Regulations, and there shall be at least one (1) parking space per two (2) persons authorized by Special Permit to be on the site

at any given time. Only passenger motor vehicles, limousines, and passenger vans with a maximum capacity of fifteen people are allowed to park at the permit property. In keeping with the agricultural purpose of this regulation, the Commission may allow portions of the parking area to not be paved and may be maintained as lawn parking so as to maintain the agricultural and aesthetic nature of this use; or may allow reinforced pavers in grass areas for portions of the parking. All handicap parking regulations shall be complied with. To the maximum extent possible consistent with good planning for the use of the site, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties.

352A.5. Farm Winery Signage:

Signage shall be in accordance with Section 360 of these Regulations.

352A.6. Application Requirements:

In addition to the requirements of Section 340 (Special Permits) of these Regulations, the Applicant shall submit the following:

- a. Written Approval from the Sherman Health Department . A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- b. Written approval from the Sherman Fire Marshal. A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- c. The information concerning events set forth in Section 352.a.3.c above.

**AMEND:
ADD:**

SECTION 610 (DEFINITIONS)

NEW DEFINITIONS:

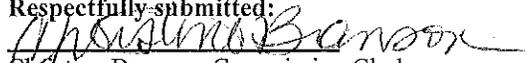
Farm Vineyard - Land located on a farm per Section 352 of these Regulations which grows grapes or fruit for the manufacture and sale of wine.

Farm Winery– An accessory use to a vineyard, which use includes the manufacture, storage, bottling and production of wine and winery by-products or spirits, which manufacture, storage, bottling and distillery must be in compliance with the State and Federal laws and regulations. The winery may provide for storage facilities on the farm premises in buildings approved by the State and Federal authorities for the storage or production of wine and/or spirits, such other accessory uses as are authorized in accordance with Section 331 of these Regulations.

Adjournment:

Commissioner N. Volkmar Moved to Adjourn the Meeting at 9:54 pm

Respectfully submitted:


Christine Branson, Commission Clerk

September 8, 2016

APPROVED AS FINAL AT THE OCTOBER 6, 2016 RMM