



TOWN OF SHERMAN
Planning & Zoning Commission
REGULAR MONTHLY MEETING MINUTES
Thursday, October 6, 2016
7:00 pm, Mallory Town Hall

OCT 13 2016

3:21 PM

DRAFT

Members Present: N. Volkmar, M. Sichel, M. Lee, J. Finch, P. Voorhees and Alternates: R. Peburn, and W. Knaak

Members Absent: J. Burruano, T. Hollander and Alternate A. Muoio

Audience and Invited: First Selectman C. Cope, K. Richers (Transcend Wireless), Brian Paul,(Project Manager Transcend Wireless), Atty. P. Garlasco, T. Hahn, G. Maletz, S. Maletz, Z.E.O. R. Cooper and Commission Clerk C. Branson

Vice Chair Neil Volkmar will act as Chair in the absence of Jeannene Burruano.

Call to Order: Acting Chair N. Volkmar Called the Meeting to Order at 7:00 pm.

Atty. Garlasco identified himself and stated he is representing Ralph Gorman of White Silo Farm, he requested permission to audio record the "Correspondence " portion of the meeting in reference to letters written specifically regarding White Silo Farm. The Commission did not object.

Alternate R. Peburn remained Elevated to Voting Status for the Public Hearing.

Continuation 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.

Acting Chair N. Volkmar opened the Continuation of 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. N. Volkmar reviewed three new items that were received since the last meeting. The first item is a letter dated September 2, 2016 from Ella Gustafson of All Points Technology Corporation notifying the Town in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, T-Mobile has retained their services to evaluate potential adverse effects that proposed telecommunications tower facilities may have on historic properties such as Happy Acres Farm. A Public Notice will be published in the Hartford Courant on September 5, 2016 seeking public comments. The second item is photos of the rear of the silo area that were taken by the ZEO to show where he has requested the re-location of a cable tray so it does not block the use of a utility shoot. The third item is an amended set of plans provided by T-Mobile which includes requested modification of materials of the utility fencing, materials used for the retaining wall beneath the utility fencing, placement of a shield to cover new equipment and retain the integrity of the lettering on the portion of the silo where "Happy Acres Farm" is displayed and an improvement to the existing gates securing the utility equipment. The Commission reviewed the modified plans submitted by Transcend Wireless (o/b/o T-Mobile). Acting Agent Kyle Richers and Brian Paul, Project Manager both from Transcend Wireless were present to speak on behalf of the application to co-locate antennae and ground equipment as shown on the modified plans entitled "Site Number: CTF781B, 2 Taber Road, Sherman, CT 06784, Fairfield County, RF Design Guideline: 707B, Revision 6- 10/06/2016". Mr. Richers and Mr. Paul reviewed with the Commission the modifications that were implemented from discussions at the Public Hearing on September 1, 2016. Mr. Paul stated the reason the ground equipment cannot be housed in a shed is because there would need to then be a HVAC system. The ground equipment generates heat and is meant to be an outdoor installation. The Commission requested a fence enclosure be constructed of wide boards to mimic the barn materials and painted to match. The exposed portion of the foundation of the enclosure will be faced with field stones and gravel. Both Mr. Richers and Mr. Paul stated their goal is to keep the area clean with a better gate and fence to protect the equipment. First Selectman Cope stated T-Mobile has addressed his own concerns as well as

the shared concern for the appearance of the new enclosure to mimic the barn color and materials. The Commission agreed that T-Mobile has addressed previous concerns. Comments from the Public were: G. Maletz, spoke on behalf of "Residents for Reliable Cell Service in Sherman" in favor of the project and requested the Commission consider expediting any future applications for telecommunication improvement. Mrs. Maletz asked for clarification regarding the date that was on the original submitted plan (4/20/2015). Mr. Richers stated the date was a "type-o"; it was intended to be 4/20/2016. There were no further comments from the Public. The Commission had no further questions.

Commissioner M. Lee Moved to Close the Public Hearing 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 October 6, 2016 at 2 Taber Road, Town of Sherman, Happy Acres Farm (Map 26, Lot 4) Zone A
Secinded by: P. Voorhees **Vote: For: Unanimous**

Old Business:

Deliberation for Application for Telecommunications Special Permit / Site Plan for Transcend Wireless (obo T-Mobile) to co-locate antennae and ground equipment 2 Taber Road, Sherman, Connecticut, Fairfield County, Happy Acres Farm (Map 26, Lot 4) Zone A

The Commissioners in attendance tonight that were present and seated at the opening of the Public Hearing on September 1, 2016 were N. Volkmar, M. Lee, P. Voorhees, and Alternate R. Peburn remains elevated at Voting status. The Commission agreed that Transcend Wireless / T-Mobile have appropriately addressed the Commissions' requests for modifications.

Commissioner M. Lee Moved to Approve 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 October 6, 2016 at 2 Taber Road, Town of Sherman, Happy Acres Farm (Map 26, Lot 4) Zone A
Secinded by: P. Voorhees **Vote: For: Unanimous**

Commissioner M. Lee Moved to Amend the previous Motion to correct the original submitted site plans date from April 20, 2015 to April 20, 2016, Last Revised October 6, 2016.
Secinded by: P. Voorhees **Vote: For: Unanimous**

Approval of Minutes:

Regular Monthly Meeting of September 1, 2016

Commissioner M. Sichel Moved to Approve Minutes of Regular Monthly Meeting of September 1, 2016 as written.
Secinded by: R. Peburn **Vote: For: Unanimous**

Correspondence:

Housing Commission, Art Von Plachecki - report of analysis of the Housing Survey, as presented at the last Regular Meeting.

White Silo Farm, Eric Gorman- letter in response to the proposed Winery Regulations, stating these Regulations would cause harm to their business and requesting consideration to postpone the Public Hearing.

White Silo Farm, Ralph Gorman- letter also in response to the proposed Winery Regulations, stating these Regulations would cause a severe hardship; he is concerned the Commission would restrict too many activities. The winery has received a State grant which allowed them to install a commercial kitchen and the opportunity to currently employ 10 people part time. The proposed regulation would restrict bus access which would prohibit activities that they offer for local charities. The proposed regulations would also restrict the type of food offered which also causes a hardship by not allowing use of their commercial kitchen. They have been in operation for 15 years and feels they should not be forced to obtain permits for every event.

White Silo Farm, Ralph Gorman- additional letter in response to the proposed Winery Regulations, stating to his knowledge there have never been any complaints regarding activities at the winery. He then referred to the definition of a sustainable farm.

Atty. Paul Garlasco- Representing White Silo Farm, in response to the proposed Winery Regulation, he is stating this regulation would destroy White Silo. He stated he has discussed this proposed Regulation with two other Land Use Attorneys and they agree that it would threaten the business. He requests the Commission repeal the proposed Winery Regulations. Attached was a letter from Ralph Gorman authorizing Atty. Garlasco to speak on his behalf.

Cramer & Anderson, Atty. Randall DiBella- a letter in response to a request from First Selectman C. Cope to give an opinion regarding the proposed Farm Winery Regulations, stating "the level and detail of control mandated creates such an impractical standard that the activity is designed to prohibit rather than promote".

Zoning Enforcement Officer's Report: September 2016

Mr. Cooper provided the Commission with a report of activities for September 2016. 7 Zoning Permits were Approved, 9 Statements of Intent were Approved, None were withdrawn, 2 were Denied, 4 permits require further review. Discussion took place regarding follow up on ongoing cases.

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

Secinded by: M. Sichel

Vote: For: Unanimous

Public Comment:

Joanna Wozniak-Brown- spoke in opposition of the proposed Winery Regulation, asking the Commission to rescind the regulation.

Patricia Bailey- spoke in opposition of the proposed Winery Regulation, stating she is shocked no one conferred with the winery before creating these Regulations.

Steven Maletz- was unaware of the proposed Winery Regulation until tonight, stating when proposing a new Regulation, would like to hear the positive aspects.

Terri Hahn- wondering what, if anything is being done as far as inspections on the three dams within Timber Trails.

Committee Reports: No Reports were submitted.

Chairman Report: No report given.

Regulations Review:

Section 324.1.A.1 Accessory Dwellings, item a

The Commission discussed possible changes to the recently created Zoning Regulations, Section 324.1.A.1 Accessory Dwellings, to amend item a. " The principal or Accessory Dwelling shall be occupied by the property owner who shall be a natural person or persons." And add "**Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.**" It was also discussed to implement the same change to Section 324.1.A.2 Accessory Apartments item a, to amend "a. The residence shall be occupied by its owner." And add "**Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.**" The Clerk will prepare these changes to be ready for discussion and possible Action at the Mid Month Meeting on October 20, 2016.

Adjournment:

Commissioner M. Lee Moved to Adjourn the Meeting at 8:43 pm

Respectfully submitted;



Christine Branson, Commission Clerk

October 13, 2016