



**Town of Sherman  
Planning & Zoning Commission  
Regular Monthly Meeting Minutes  
Thursday, March 2, 2017 7:00 p.m.  
Mallory Town Hall**

**FINAL**

**Members Present:** J. Burruano, T. Hollander, P. Voorhees, and Alternates: W. Knaak, A. Muoio and R. Peburn

**Members Absent:** N. Volkmar, M. Lee, J. Finch and M. Sichel

**Also:** ZEO R. Cooper and Administrative Clerk C. Branson

**Audience:** N. North CT Audubon Executive Director, C. Hagadorn CT Audubon Program Director, R. Gorman & E. Gorman White Silo Farm and J. Weider

**Call To Order:** Chair J. Burruano Called the Meeting to Order at 7:01 p.m.

Alternates R. Peburn, W. Knaak and A. Muoio were elevated for the duration of the Meeting due to the absence of Commissioners N. Volkmar, M. Lee, and M. Sichel.

A. Muoio acted as Commission Secretary in the absence of M. Lee.

A. Muoio Moved to Amend the Agenda to include 24 Fox Run Road Special Permit Application for an Accessory Dwelling in the New Business portion of the Meeting.  
Seconded by: T. Hollander Vote: For: Unanimous

T. Hollander Moved to Amend the Agenda to move Regulations Review: Proposed new Regulation: Farm Winery to directly follow New Business.  
Seconded by: P. Voorhees Vote: For: Unanimous

**Public Hearing I**

**Proposed Amendment to Zoning Regulations, Section: 324.3A Septic Systems for Accessory Buildings**

**AMEND: Section 324.3A 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:

- ADD:**
- a. **The structure must be a farm barn that is used for agricultural purposes, or a garage, or an accessory building that has less than 400 square feet of floor space. The structure may not contain kitchen or sleeping facilities. The structure may not contain kitchen facilities except that a farm barn that is used for agricultural purposes may contain kitchen facilities that are necessary for, and limited to, the processing of an agricultural or horticultural commodity from stock produced on the farm for market or for direct sale.**
  - b. **The structure must meet all requirements of the Town of Sherman Sanitary Code without affecting those portions of the lot used by the principal building to meet its sanitary code requirements.**
  - c. **Special permits for such use shall be granted under the procedure set forth in Section 340. The premises involved may be inspected by the Commission throughout the life of the special permit. The Commission may require the applicant to post a bond with the First Selectman of the Town of Sherman sufficient to ensure removal or disconnection of the system if it is determined by the Commission that the requirements of this section have been violated.**
- AMEND: d.** The principal dwelling or Accessory Apartment shall be occupied by the property owner who shall be a natural person or persons.

- e. 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.
- f. 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.
- g. 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.
- h. Accessory Apartments shall be subject to the Special Permit approval set forth in Section 340 of these Regulation.

Chair J. Burruano opened the Public Hearing for Proposed Amendment to Zoning Regulations, Section: 324.3A Septic Systems for Accessory Buildings. Acting Secretary A. Muoio read the Legal Notice into record. The Legal Notice was published in the Town Tribune on February 16, 2017 and again on February 23, 2017. Notice was also sent to abutting Towns and Planning agencies on January 25, 2017 seven letters were sent certified and three regular post. The email registry notification was sent February 16, 2017. One letter of correspondence was received and read into record in response from NHCOC referencing no apparent conflict with neighboring towns. No one from the Audience spoke as an Opponent to the Amendment. No one from the Audience spoke as a Proponent to the Amendment. A general question from the Audience: E. Gorman asking if the amendment to this regulation would affect the existing permit for the Winery. Chair Burruano stated the amendment would not. Additionally under General questions J. Weider asked for clarification regarding if the occupancy was limited to just family members. The Commission stated that the Regulation does not limit the occupancy to only family members but does require the owner to occupy one of the principal dwelling, accessory dwelling, attached or detached apartment. Zoning Enforcement Officer R. Cooper stated he was advised by the Land Use Atty. M. Willis to amend item "c" to remove the last sentence: "The Commission may require the applicant to post a bond with the First Selectman of the Town of Sherman sufficient to ensure removal or disconnection of the system if it is determined by the Commission that the requirements of this section have been violated."

**W. Knaak Moved** to Close the Public Hearing for Proposed Amendment to Zoning Regulations, Section: 324.3A Septic Systems for Accessory Buildings  
**Seconded by:** T. Hollander **Vote: For: Unanimous**

**Old Business:**

**Deliberation of Public Hearing I: Proposed Amendment to Zoning Regulations, Section: 324.3A Septic Systems for Accessory Buildings**

**T. Hollander Moved to Approve the Amendment to** Zoning Regulations, Section: 324.3A Septic Systems for Accessory Buildings with the removal of the sentence "*The Commission may require the applicant to post a bond with the First Selectman of the Town of Sherman sufficient to ensure removal or disconnection of the system if it is determined by the Commission that the requirements of this section have been violated.*" from item "c".

**Seconded by:** A. Muoio **Vote: For: Unanimous**

**New Business:**

**Special Permit Application:** 1 Route 37 East, Building 2, Second Floor. (M-77, L-20) Property Owner: McClusky Family Limited Partnership. Permit Applicant: Fritz Maignan, Four Seasons Therapy, LLC to propose a Mental Health Services /Psychotherapy Office. Zone C

Chair J. Burruano reviewed the contents of the application file. There was a description of the business, hours of operation, as well as a detail of proposed parking needs. Also included in the file was a letter of authorization from the property owners McClusky Family Limited Partnership to allow Four Seasons Therapy to act on their behalf to apply for a Special Permit. A floor plan was provided to show the lay-out of the office in Unit 2. Health Approval was signed off on February 18, 2017, the second page was not provided showing possible stipulations. The applicants, Fritz Maignan & Lina Orozco-Finerty of Four Seasons Therapy, LLC were present to speak on behalf of their application for a Special Permit to allow a psychotherapy office. The Commission agreed there was sufficient information provided to set a Public Hearing.

**T. Hollander Moved** to Accept the Special Permit Application: 1 Route 37 East, Building 2, Second Floor. (M-77, L-20) Property Owner: McClusky Family Limited Partnership. Permit Applicant: Fritz Maignan, Four Seasons Therapy, LLC to propose a Mental Health Services /Psychotherapy Office, and set for a Public Hearing to take place on April 6, 2017 beginning at 7:00pm at Mallory Town Hall, Sherman, CT.  
**Seconded by:** P. Voorhees **Vote: For: Unanimous**

**Special Permit Application:** 57 Wakeman Hill Road (M- 8, L- 47) Connecticut Audubon Society, Deer Pond Farm, to allow recreational public access to established walking trails on a 388+ acre parcel. Zone A.

Chair J. Burruano reviewed the contents of the application file. There was a detailed description of proposed a parking location and designated area for portable toilet facilities. Also included in the file was a letter of authorization from the property owner Connecticut Audubon Society Executive Director N. North allowing C. Hagadorn Program Director for the CT Audubon to act on their behalf to apply for a Special Permit to allow recreational public access to established walking trails on a 388+ acre parcel as indicated as indicated and shown on a detailed map prepared by Connwood Foresters, Inc. Dated August 2008. In accordance with Zoning Regulations, Section 324.1e: Accessory Uses to Conservation Organizations. Ms. Hagadorn and Mr. North were present to speak on behalf of their application. The Commission set a site walk meeting and agreed there was sufficient information provided to set a Public Hearing.

**T. Hollander Moved** to set a Site Walk Meeting to take place on March 18, 2017 at 11:00 am to view the proposed location for parking and area for portable toilet facilities at 57 Wakeman Hill Road (M- 8, L- 47) Connecticut Audubon Society, Deer Pond Farm.  
**Seconded by:** R. Peburn **Vote: For: Unanimous**

**T. Hollander Moved** to Accept the Special Permit Application for 57 Wakeman Hill Road (M- 8, L- 47) Connecticut Audubon Society, Deer Pond Farm and set for a Public Hearing to take place on April 6, 2017 beginning at 7:00pm at Mallory Town Hall, Sherman, CT.  
**Seconded by:** P. Voorhees **Vote: For: Unanimous**

**Special Permit Application:** 24 Fox Run Road ( M-14, L-6) Estate of David C. Flatau- to allow an Accessory Dwelling within an existing accessory building with an existing septic. Zone A

Chair J. Burruano reviewed the contents of the application file. The application included a floor lay-out for the apartment on the second floor, as well as a lay-out of existing offices on the first floor. A copy of the Health approval dated November 25, 2014 was provided. A letter stating the intent to change the use of a pre-existing non-conforming structure was also included. The application was tabled and determined to be incomplete, more information will be required. The Applicant will be notified and asked to meet with the ZEO to go over the additional details.

**Regulation Review / Workshop:**

**Proposed new Section: 352 A.- Farm Winery: Discussion and Possible Action to set a Public Hearing**

Chair J. Burruano distributed an updated version of the proposed Winery Regulations and invited R. and E. Gorman to participate in the discussion. The Commission and the Gorman's reviewed the updates. Ms. Burruano stated the Regulation requires final review by the Land Use Attorney prior to setting for Public Hearing.

**Approval of Minutes:**

**Regular Monthly Meeting February 2, 2017**

**T. Hollander Moved** to Approve the Minutes of the Planning & Zoning Regular Monthly Meeting of February 2, 2017 as written.

**Seconded by:** R. Peburn

**Vote: For: Unanimous**

**Correspondence:**

Town of Dover, NY Planning Board- Notice of an Application for a proposed Bed & Breakfast located at 6955 Route 55, owner Michael Papa.

**Zoning Enforcement Officer's Report: February 2017**

The ZEO submitted a Report for February 2017. There were four applications approved. One Statement of Intent was approved. No applications were withdrawn or denied. Four Applications remain under review. The ZEO reported updates on several cases that have required ongoing investigation as well as several Violation Notices sent due to oversized Real Estate signs. Several property owners were sent a Notice of Violation for conducting short term rentals for renting their dwelling for a term less than 31 days. Also included was a report of several bags of pesticides dumped along Briggs Hill Road.

**W. Knaak Moved** to Accept the Zoning Enforcement Officer's February 2017 Report as presented.

**Seconded by:** A. Muoio

**Vote: For: Unanimous**

**Public Comment:** None

**Committee Reports:** There were no reports.


**Chairman Report:**

Chair J. Burruano reminded the Commission there will be two site walks on Saturday, March 18th. The first beginning at 10 am will be at 39 Wanzer Hill Road. The second site walk will begin at 11 am at 57 Wakeman Hill Road. Additionally Mrs. Burruano encouraged the Commission to sign up for the Land Use Seminar Saturday, March 25, 2017 beginning at 8:30 am at Wesleyan University. She also informed the Commission of being over budget on the Land Use Counsel line item of the Town Budget and action was discussed.

**Adjournment:**

**Commissioner T. Hollander Moved to Adjourn the Meeting at 9:26 pm.**

Respectfully submitted by:

  
Christine Branson, Commission Clerk

March 9, 2017

\* APPROVED AS FINAL AT THE 4/6/2017 RMM