REGULAR MONTHLY MEETING MINUTES
Thursday, November 7, 2019, 7:00 pm.


Members Absent: N. Volkmar, and Alternate: J. Siegel

Also: ZEO, R. Cooper and Commission Administrative Clerk, C. Branson

Audience: C. Hagadorn and D. Segars

Call to Order: R. Peburn Called the Meeting to Order at 7:01 pm.

New Business:

APPLICATION TO AMEND THE EXISTING SPECIAL PERMIT - 57 Wakeman Hill Road (M-8, L-47) CT Audubon, Deer Pond Farm- Change the use of the existing dwelling to an Educational, Scientific, and Environmental Facility that will be accessory to the primary use of the property which is passive recreation and add outdoor lighting to the parking areas and associated walkways in accordance with submitted floor plan, prepared by Hudson Valley Preservation, Dated October 23, 2019 and shown on submitted marked up survey entitled "The Connecticut Audubon Society, Deer Pond Farm, 57 Wakeman Hill Road," Prepared by: Sara N. daSilva Quintal, Dated February 7, 2017 and in accordance with Section 324.1 e Accessory Uses to Conservation Organizations. Zone A.

Chair, R. Peburn reviewed the permit application file. The file contained a new executed application, marked up survey, agent letter, and a mailing list of 44 abutters was included. Chair Peburn invited the applicants; CT Audubon, Deer Pond Farm Director, C. Hagadorn and appointed Agent D. Segars of Hudson Valley Preservation were present to speak. Mr. Segars presented the following three new items into record, a Lighting calculation plan marked "Exhibit A" dated 11/06/2019, prepared by: Reflex Lighting; Photo showing 75' setback marked "Exhibit B"; and a marked up survey entitled "Lighting Concept" last revised 11/06/2019, marked as "Exhibit C". The Commission discussed conditions of the previously approved modification of a Special Permit, asking if the screening has been planted between the road and parking lot. Ms. Hagadorn replied yes. The Commission discussed details regarding the proposed lighting with the applicants, confirming that the lighting would be directed downward. It was noted on record, the fees for the certified mailing were still due. Audubon Director, C. Hagadorn stated the business description shall not change, the hours of operation are the same as before as well as the number of employees. There will be three to four events yearly where as needed, the lights will be manually turned on and off, the lighting will not be used on a daily basis. Proposed floor plans were also discussed briefly regarding updates to allow ease of accessibility. Chair Peburn stated the application has sufficient information to move to a Public Hearing.

R. Lenihan Moved to Accept the Application to Amend the Existing Special Permit 57 Wakeman Hill Road (M-8, L-47) CT Audubon, Deer Pond Farm- Change the use of the existing dwelling to an Educational, Scientific, and Environmental Facility that will be accessory to the primary use of the property which is passive recreation and add outdoor lighting to the parking areas and associated walkways in accordance with submitted floor plan, prepared by Hudson Valley Preservation, Dated October 23, 2019 and shown on submitted marked up survey entitled "The Connecticut Audubon Society, Deer Pond Farm, 57 Wakeman Hill Road," Prepared by: Sara N. daSilva Quintal, Dated February 7, 2017 and in accordance with Section 324.1 e Accessory Uses to Conservation Organizations. Zone A. A Public Hearing was set for December 5th, 2019 beginning at 7:00 pm at Mallory Town Hall.

Seconded by: J. Burrano

Vote: For: Unanimous
Old Business: None

Public Comment: None

Approval of Minutes: Regular Monthly Meeting of August 8, 2019

J. Berruano Moved to Approve the Minutes of the Regular Meeting of August 8, 2019 as written.
Seconded by: M. Lee Vote: For: 5 Abstained: 2 (J. Finch & R. Lenihan)

Correspondence:

White Silo Farm Winery: Ralph Gorman requesting the Board’s consideration of modifying Zoning Regulation 324.3 Septic System for Accessory Buildings, to allow farms, and other Sherman businesses to add a third septic system for non-residential use.

Town of Kent Planning & Zoning Commission- Notice of a Public Hearing to consider proposed changes to their existing Regulations.

McCann, W. - correspondence was determined personal in nature to J. Berruano, not relevant to the Commission.

Zoning Enforcement Officer’s Report: August, September, and October 2019

ZEO, R. Cooper submitted a combined report for the months of August, September, and October 2019. There were sixteen Zoning Permits approved. Two Statements of Intent were approved. No applications were withdrawn. Two were denied. Three applications remain under review which require additional information. Mr. Cooper updated the Commission on several ongoing cases that were pending. This report shall be attached herewith.

M. Lee Moved to Accept the Zoning Enforcement Officer’s August, September, and October 2019 Report as amended.
Seconded by: R. Lenihan Vote: For: Unanimous

Approval of the P&Z Meeting Schedule 2020:

R. Lenihan Moved to Approve as amended the P&Z Meeting Schedule 2020.
Seconded by: M. Lee Vote: For: Unanimous

Committee Reports: None

Chairman Report:

Chair, R. Peburn asked the Commission if they wished to request a workshop with the Land Use Attorney. Date to be determined.

Regulation Review:

Discussion of temporary ramps for accessibility.

Adjournment:

R. Peburn Moved to Adjourn the Meeting at 8:50 pm.

Respectfully submitted by:

Christine Branson, Administrative Clerk to the Commission
November 14, 2019
### Planning & Zoning Office
**Sherman, Connecticut**

### Zoning Enforcement Officers Report
**August, September and October 2019**

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Name</th>
<th>Address</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7958</td>
<td>Cowman</td>
<td>25 Ledgewood Drive</td>
<td>Installation of hot tub on an existing deck</td>
</tr>
<tr>
<td>7985</td>
<td>Sherman Town Center LLC</td>
<td>3 Route 39 North</td>
<td>Install a Pre-fab 10’ x 20’ Pavilion and construct a 10’ x16’ trellis</td>
</tr>
<tr>
<td>7987</td>
<td>Perz</td>
<td>21 Big Trail</td>
<td>Install an 8’ high deer fence</td>
</tr>
<tr>
<td>7989</td>
<td>DoStilio/Adams</td>
<td>41 Cozier Hill Road</td>
<td>Replace/repair existing deck and install a new Hot Tub</td>
</tr>
<tr>
<td>7990</td>
<td>Ostrin</td>
<td>40 Skyline Drive</td>
<td>Installation of a new emergency standby generator.</td>
</tr>
<tr>
<td>7991</td>
<td>Ruane</td>
<td>1 Anderson Road West</td>
<td>Construct an addition to an existing dwelling.</td>
</tr>
<tr>
<td>7992</td>
<td>Aries</td>
<td>12 Sail Harbour</td>
<td>Installation of a Hot Tub</td>
</tr>
<tr>
<td>7993</td>
<td>Delaney</td>
<td>5 Shelter Cove</td>
<td>Installation of a new emergency standby generator.</td>
</tr>
<tr>
<td>7994</td>
<td>Mickelson</td>
<td>47 Route 39 South</td>
<td>Installation of a new emergency standby generator.</td>
</tr>
<tr>
<td>7995</td>
<td>Baird</td>
<td>9 Spur Lane</td>
<td>Change the roof line and add a covered porch on existing dwelling.</td>
</tr>
<tr>
<td>7996</td>
<td>Davlos</td>
<td>4 Chimney Hill Road</td>
<td>Installation of a new HVAC unit.</td>
</tr>
<tr>
<td>7997</td>
<td>Russo</td>
<td>22 Cedar Lane</td>
<td>Installation of a residential fence along the side property line.</td>
</tr>
<tr>
<td>7998</td>
<td>DeWind</td>
<td>61 Briggs Hill Road</td>
<td>Convert an existing front porch into living space.</td>
</tr>
<tr>
<td>7999</td>
<td>Bogaziotis</td>
<td>184 Green Pond Road</td>
<td>Construct roof over 9’ x 30’ portion of the existing deck.</td>
</tr>
<tr>
<td>8004</td>
<td>Poster</td>
<td>10 Woods Road</td>
<td>Installation of an emergency standby generator.</td>
</tr>
<tr>
<td>8005</td>
<td>Head</td>
<td>7 Farm Road</td>
<td>Installation of an emergency standby generator.</td>
</tr>
</tbody>
</table>

**Qty:** 16
The Following Statements Of Intents Were Approved:

7986 Lubbers 25 Osborn Road Install a 6' high privacy screen around existing A
Hot Tub

8000 Pedersen 41 Route 37 East Land Clearing for proposed driveway and new A
single family dwelling.

The Following Statement Of Intents Were Received And Filed For Record Only:

The Following Applications Were Withdrawn:

The Following Permit Applications Have Been Denied

7980 Colen 28 Deer Run Trail Demo exist dwelling and construct a new B
single family dwelling

7981 Naomi Land Trust Crooked Furrows Rd Create a designated parking area, gate & kiosk A

7984 Marquardt 8 Timber Lake Rd. Construct a 13' x 7' rear deck addition and 5'x5' B
front entry rooflet.

7988 Bruno 2 Lake Shore Woods Rd Demo existing dwelling and construct a new B
Single Family Dwelling.

The Following Permit Applications Have Been Denied Without Prejudice

7938 Sinclair 24 Candleview Dr. Construct 20' round deck for installation of a B
16' diameter Yurt. (Need Health Approval)

The Following Applications Were Returned For Lack Of Information:

The Following Applications Were Not Processed Since They Were Duplicates:

The Following Applications Require Additional Information Or Review:

8001 Bruno 2 Lake Shore Woods Rd Demo existing dwelling and construct a new B
Single Family Dwelling.

8002 DiLeo 9 Farm Road Renovations to finish basement in existing A
dwelling.
August, September and October
ZEO Report

8003 Flanigan 23 Candlewood Lake Dr. Construct a 10’ retaining wall to support a failed garage foundation.

Old Business:

Case 06-12: 140 Route 39 North – Operating an automotive body and mechanic repair shop. Violation of Town of Sherman’s Zoning Regulations – Not a permitted use in Zone A. **Ongoing Investigation.**

Case 10-14: 140 Route 39 North – An accessory building erected without the required permit. Violation of Town of Sherman’s Zoning Regulations - Section 410 - Zoning Permits. Zone A. **Ongoing investigation. The application is being returned for lack of information. The requested A-2 survey has never been received.**

ZV 53-17 14 Quaker Ridge Road – Accumulation of junk and debris – Including, but not limited to Four (4) Camper Trailers, Multiple junk mowers, snow blowers and miscellaneous waste and second hand materials –Violation of Section 323 of the Town of Sherman Zoning Regulations - Zone A - A Notice of Violation was sent. A meeting was held with the owner’s husband and he agreed to clean up the property. Further follow-up is required.

ZV 65-17 18 Pinewood Shores – Hot tub installed without the required permit. Zone B - A Notice of Violation was sent. A Zoning Application has been received, and is under review by the ZEO. The current location may require a variance from the Zoning Board of Appeals. An A-2 survey has been received and it was determined by the ZEO that a setback variance from the 440’ contour is required.

Case 68-17 2 Holiday Point Road – Complaint - Raising chickens in Zone B without the required Special Permit. Zone B - **Under investigation.**

Case 69-17 4 Holiday Point Road – Complaint - Raising chickens in Zone B without the required Special Permit. Zone B - **Under investigation.** A Notice of Violation was sent on August 21, 2018. The property owners spoke with the ZEO on September 4, 2018 and plans to apply for the required Special Permit. **The ZEO had another meeting with the property owner on January 2, 2019. He considers the remaining birds (Approx. 30) his pets. A letter will be sent reiterating that the birds cannot stay on the property without an approved Special Permit.**

ZV 72-17 140 Route 39 North – Temporary Structure (Hoop House) erected without the required permit. Zone A – A Notice of Violation was sent. An application has been received and is being reviewed while the property is under investigation. **The application is being returned for lack of information. The requested A-2 survey has never been received.**

ZV 02-18 3 Deer Run Trail – Multiple temporary structures were erected on the property. **Under investigation.** Violation of Section 324.2.B, “Building, Accessory – Temporary” of the Town of Sherman Zoning Regulations. A Notice of Violation was sent on May 10, 2018. Temporary structures are still on the property without the required permits. A second Notice of Violation was sent on September 6, 2018. **No response received from the property owner.**
ZV 05-18 3 Deer Run Trail - Operating a Resident Contractor Business without the required determination of “No Impact Business” or issuance of a “Special Permit” by the Planning and Zoning Commission – Violation of Section 324.1C, “Resident Contractor” and Section 324.1C.2, “All Impact Businesses Resident Contractors” of the Town of Sherman Zoning Regulations. A Notice of Violation was mailed on May 10, 2018. There is still evidence (construction equipment and vehicles) that a business is being run from the property. A second Notice of Violation was sent on September 6, 2018. No response received from the property owner.

ZV 06-18 3 Deer Run Trail – Junk and waste materials are being stored on the property causing an unsightly appearance of the property that impacts the neighbors and general public. Zone B – Violation of Section 323 “Nuisances and Prohibited Uses” of the Town of Sherman Zoning Regulations. A Notice of Violation was mailed on May 10, 2018. Junk and debris are still stored on the property. A second Notice of Violation was sent on September 6, 2018. No response received from the property owner.

ZV 07-18 3 Deer Run Trail – Off-Street Parking and Storage - The use of the property for storage of boats, jet skis and other equipment is not a permitted accessory use and is a violation of Section 332, Section 332.1 “Permitted Principal Uses” and Section 332.2 “permitted Accessory Uses” of the Town of Sherman Zoning Regulations, Zone B. A Notice of Violation was mailed on May 10, 2018. Many of the boats and jet skis have been removed from the property. The ZEO will continue to keep investigating and a Second Notice of Violation was sent on September 6, 2018. No response received from the property owner.

ZV 09-18 1 Route 57 East – Amore Ristorante – Violation of Special Permit issued on September 10, 2008. Also Reference Section 340 “Special Permit Approval”, Section 344 “Conditions” and Section 346 “Revocation of Special permit” Of the Zoning Regulations of the Town of Sherman, Connecticut. – Zone C. A Notice of Violation was sent. The owner responded in a meeting with Don Lowe and the ZEO. No action has been taken on their part. Follow-up required. The business has been sold and a meeting was held with the new owners. They are bringing the property into compliance and will not open the outdoor seating until exterior Special Permit conditions of approval are met. A Letter was sent on March 1, 2019 to the owner of the property and copied to the current tenants stating that the violations still exist and must be addressed so the Commission can allow continued operation of the restaurant. The ZEO will follow up and do a site inspection in the next couple of weeks. The ZEO conducted a site visit and the blood alley has been installed. It also appears the patio is being used in violation of the Special Permit.

ZV 22-18 8 Spur Lane - Complaint - Raising chickens in Zone B without the required Special Permit. Reference Section 332.1 Permitted Uses - Zone B - A Notice of Violation will be sent. A Notice of Violation was sent on August 21, 2018. The property owner responded and plans on applying for a Special Permit – Zone B. The small hutch has been removed. Documentation has been received and is being reviewed regarding therapy animals. Still under review and discussion with the Town’s Land Use Attorney.

ZV 23-18 8 Spur Lane - Complaint - Quantity (2) two -chicken hutches and/or duck houses. Both structures erected without the required permits. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. A Notice of Violation
will be sent. A Notice of Violation was sent on August 21, 2018. The property owner responded and plans to apply for a Zoning Permit and Variance. The small hutch has been removed and the large hut will require a variance if it’s decided the chickens and ducks can stay. Still under review. Still under review and discussion with the Town’s Land Use Attorney. The town attorney responded and provided recommendations on how the enforcement should proceed.

**ZV 29-18**

28 Wanzer Hill Road – A 6’ high stockade fence and hot tub was installed without the required permits. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. The contractor and home owner have both been contacted and a Notice of Violation will be sent. A Notice of Violation was sent on August 22, 2018. An application has been received and will be denied. After discussing the setbacks the owner decided to remove the fence and move the hot tub to a conforming location. The violator has not been corrected yet. A letter was sent on February 28, 2019 as a reminder that violations still exist on the property and the application that they submitted cannot be processed without the application fee. We determined that the fees had been paid and a second check she provided was returned. She stated she would call to set up a meeting to review what needs to be done to resolve the outstanding issues. The ZEO had a meeting with the property owners the week of 6/3/19 on the property and requested the as-built survey. The property owner called on 6/6/19 and stated that the surveyor is scheduled to come back out to locate the fence, hot tub and shed. She will provide a copy when the work is done. A copy of the survey has been received. The survey shows the proposed location of the hot tub and the actual location of the installed 6’ high fence. The owner plans on applying for a variance to allow a 6’ high fence in front of the 50’ front set back line.

**ZV 32-18**

63 Church Road – A temporary structure (hoop house) was erected without the required permit. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. A Notice of Violation will be sent. A Notice of Violation was sent on August 22, 2018. I was told the temporary structure will be taken down in the early spring. The ZEO will follow up next month after the weather improves. A drive by inspection was conducted and the temporary structure is still in place. A letter will be written to request its removal.

**ZV 33-18**

121 Route 39 South – An accumulation of waste, junk and debris exists on the property in violation of Section 323 and Section 323.2 of the Zoning Regulations. Zone B. A Notice of Violation was sent on August 22, 2018. The property owner came to the office of the ZEO on September 5, 2018 and promised she would clean up the property. A letter was sent on February 28, 2019 and I received a response call on March 6, 2019. Since the proposed shed location is up on a steep bank and with the snow cover we have she requested an extension until June to bring the property into compliance. The ZEO will wait until June to follow up with the owner. The ZEO will make an appointment to walk the site the week of August 5th. The ZEO did a drive by and observed that the junk/debris has not been removed. A letter was mailed on 8-28-19 requesting compliance and schedule on when the work will be completed. The Zoning Office never received a response to the letter.

**ZV 37-18**

121 Route 39 South – An Accessory Structure has been erected without the required Zoning Permit in violation of Section 410 and Section 411 of the Town of Sherman’s Zoning Regulations. – Zone B. A Notice of Violation was sent on August 22, 2018. The
property owner came into the ZEO's office on September 5, 2018 and requested a 30 day extension for moving the shed. The extension was granted by the ZEO. The property owner came to the office of the ZEO on September 5, 2018 and promised she would clean up the property. A letter was sent on February 28, 2019 and I received a response call on March 6, 2019. Since the proposed shed location is on a steep bank and with the existing snow cover, she requested an extension until June to bring the property into compliance. The ZEO will wait until June to follow up with the owner. The ZEO will make an appointment to walk the site the week of August 5th. The ZEO did a drive by and observed that the shed was still in the same location. A reminder letter was mailed on 8-28-19 requesting compliance and the schedule on when it will be completed. The Zoning Office never received a response to the letter.

Case 39-18
10 Skyline Drive – An Accessory Structure (shed) is under construction without the required permit in violation of Section 410 Zoning Permits and Section 411 of the Town of Sherman Zoning Regulation – Zone A. A Notice of Violation was mailed on November 7, 2018. The owner of the property lives in Florida during the winter and was not aware of the size or location of the structure when his contractor started work. When he comes back from Florida he will apply for the required permit or take whatever action is required to resolve the situation. A Letter was sent on March 1, 2019 reminding the owner that the violation still exists and when he travels north in the spring he should schedule a meeting for discussion on how he plans to proceed. The owner did not respond to my letter yet. The property owner responded and stated that the shed will be removed. The ZEO will conduct another site walk. The ZEO conducted another site walk and the walls and roof of the structure have been removed. The platform is still in place which requires another follow up inspection by the ZEO. Requires another inspection. A site inspection was conducted and progress was observed. A letter was mailed on 8-28-19 stating the platform/deck has to be removed.

ZV 01-19
21 Holiday Point Road – A shed was constructed without the required permits and not in compliance with the front yard property line setback requirements. Reference Section 410 Zoning Permits and Section 331.5 Minimum Setback Requirements – Zone A. A Notice of Violation was mailed on 3-1-19. Follow-up required. A 2nd Notice of Violation was sent on 8-28-19.

New Business:

Written Complaint – Sherman Center - ADA Requirements

ZV 02-19
152 Route 39 South – A Hot Tub with electrical hookup has been installed on top of an existing deck in a non-conforming location and without first applying for the required
permit. Reference Section 410 and 332.5 of the Town of Sherman Zoning Regulations. Zone B. A Notice of Violation was sent. The ZEO met with the mother of the man that owns the property. She stated her son is overseas serving in the military and will contact me when he is on leave.

ZV 03-19
4 Liz Ann Lane South – Oversize Real Estate Sign – Reference Section 360 & 361 of the Town of Sherman Zoning Regulations. – Zone B A Notice of Violation was sent. The sign has been modified. No further action required by the ZEO.

ZV 04-19
13 Skyline Drive - Oversize Real Estate Sign – Reference Section 360 & 361 of the Town of Sherman Zoning Regulations. – Zone A A Notice of Violation was sent. The sign has been removed. No further action required by the ZEO.

ZV 05-19
57 Spring Lake Road - Oversize Real Estate Sign – Reference Section 360 & 361 of the Town of Sherman Zoning Regulations. – Zone A A Notice of Violation was sent. The sign has been removed. No further action required by the ZEO.

ZV 06-19
4 Taber Road – Two Temporary Structures Erected without the required permit. Reference Section 324.2.B of the Town of Sherman Zoning Regulations. - Zone A A Notice of Violation was sent. The NOV was return by the post office. A second NOV will be sent to the location in Sherman.

ZV 07-19
4 Taber Road – Newly constructed driveway without the required permit. Reference Town of Sherman Ordinance and Section 373 of the Town of Sherman Zoning Regulations. - Zone A A Notice of Violation was sent. A second NOV will be sent to the location in Sherman.

ZV 08-19
Map 045, Lot 023 Durgy Lane – Violation of the Special Permit issued with a condition for a “Private Burial Ground”. Condition of permit has not been met. - Zone B A Notice of Violation was sent. The Special Permit has still not been filed, but the condition that the Connecticut State Approval be filed has not been met. A 2nd Notice of Violation will be sent.

ZV 09-19
5 Clover Leaf Farm South – Oversize Real Estate Sign and two additional signs posted off the property listed for sale. Violation of Section 360 & 361 Signs of the Town of Sherman Zoning Regulations - Zone A. A Notice of Violation was sent. The sign was taken down. No further action required by the ZEO.

ZV 10-19
8 Clover Leaf Farm North – Oversize Real Estate Sign and one additional signs posted off the property listed for sale. Violation of Section 360 & 361 Signs of the Town of Sherman Zoning Regulations - Zone A. A Notice of Violation was sent. A second NOV will be sent to the location in Sherman. A 2nd Notice of Violation was sent. The sign was taken down. No further action required by the ZEO.

ZV 11-19
23 Route 39 North – A camper parked on the property is being used as a full time residence in Violation of Section 331.1 (not a permitted use) and 324.1D4 (trailer parks not permitted) of the Town of Sherman Zoning Regulations. The ZEO has discussed this violation with the property owner, A Notice of Violation will be sent.
ZV 12-19  44 Briggs Hill Road – Several campers/ motor homes parked on the property are being used as a full time residence during the summer/seasonal in Violation of Section 331.1 (not a permitted use) and 324.1D4 (trailer parks not permitted) of the Town of Sherman Zoning Regulations. The campers/motor homes are connected to a septic holding tank that was installed without permits. Discussions have taken place with the owner, contractor and property manager. A Notice of Violation will be sent.

ZV 13-19  44 Briggs Hill Road  An accessory apartment was constructed and occupied in the large storage building at the rear of the property. The apartment is hooked up to a septic holding tank that was installed without permits. Violation of Section 324.1A.2, and 324.3A of the Town of Sherman Zoning Regulations. Discussions have taken place with the owner, contractor and property manager. A Notice of Violation will be sent.

Zoning Board of Appeals Decisions

August
Meeting on August 6, 2019 – see Legal Notice of Decisions made (attached)  Case #702 Denied and Case # 703 Approved.

September
Meeting on September 10, 2019 – see Legal Notice of Decisions made (attached) Cases #704 and #705 Approved.

October
Meeting on October 1, 2019 - see Legal Notice of Decisions made (attached) Cases #706 Denied

November
Meeting on November 5, 2019 – no applications received. Business meeting held to discuss possible amendments to the ZBA By-Laws.

Training

The ZEO attended the “Advanced Land Use Training” Seminar in Haddam CT on Saturday October 26, 2019.

Enforcement – Section 430 and 431

Discussion of Citation Ordinance

Ron Cooper
Zoning Enforcement Officer
Town of Sherman

Accepted by the Planning and Zoning Commission as amended at their regular meeting on November 7, 2019.
LEGAL NOTICE
ZONING BOARD OF APPEALS
TOWN OF SHERMAN, CONNECTICUT

The Zoning Board of Appeals made the following decisions at a Public Hearing on Tuesday, August 6, 2019 beginning at 7:00 p.m. at Mallory Town Hall for the following Cases:

DENIED- ZBA Case # 702- Colen, Stephen- 28 Deer Run Trail, Sherman, CT. (M-69, L-39)- Variance of Section 332.5 Minimum Setback Requirements, Front Yard Setback from 50’ to 38.3’ (for construction of a new house). Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 2.6’ (retaining wall and covered stairs). Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 6.2’ (elevated patio structure). Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 21.4’ (balcony) all in accordance with submitted A-2 survey entitled “Zoning Location Map with Proposed structure, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores, Town of Sherman, County of Fairfield, State of Connecticut.” Prepared by Arthur H. Howland & Associates. Dated June 20, 2019; last revised July 18, 2019. Variance of Section 358.1 Impact on Adjacent Property to allow a change in surface elevations not more than 2’ at a distance of 5’ from the Northwest property line only as necessary to accommodate the new proposed septic system as shown on plan entitled; “Proposed B100a Sanitary Code Complying Area Plan, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores Town of Sherman, County of Fairfield, State of Connecticut.” Prepared by Arthur H. Howland & Associates. Dated February 8, 2019; last revised May 24, 2019 (additional test hole) Reference Section A-A of drawing. Zone B.


Dated at Sherman, Connecticut this 9th day of August, 2019

Kenrie Gubner, Chairman
LEGAL NOTICE
ZONING BOARD OF APPEALS
TOWN OF SHERMAN, CONNECTICUT

The Zoning Board of Appeals made the following decisions at a Public Hearing on Tuesday, September 10, 2019 beginning at 7:00 p.m. at Mallory Town Hall for the following Cases:

APPROVED - ZBA Case # 704- The Estate of Barbara Lynch, Beverly Stessel, Executrix - 23 Orchard Rest Road (M- 63, L- 7) Agent: Matthew Hawley- Variance of Section 332.5 Minimum Setback Requirements- Side Yard- From 25' to 19.5'. Variance of Section 332.5 Minimum Setback Requirements- Side Yard- From 25' to 22.4'. Variance of Section 384 Non-Conformity Other than Use for construction of a second story addition all in accordance with submitted building plans entitled “Hawley Residence, 23 Orchard Rest Road, Sherman, CT 06784. Proposed Floor Plans” Prepared by Archer Engineering Company, P.C. Dated 08/14/2019 & in accordance with submitted A-2 survey entitled, “Property Survey Prepared for Matthew G. Hawley 23 Orchard Rest Road, Town of Sherman, Fairfield County, CT. Dated July 22, 2019. Prepared by PAH, INC. Land Surveyors. Zone B.

APPROVED - ZBA Case # 705- Bruno, Loretta J. – 2 Lake Shore Woods Road (M- 66, L- 44) Agent: Mihai Radu Architects- Variance of Section 332.5 Minimum Setback Requirements- Rear Yard- From 25' to 0',1” for construction of an inclined elevator track with a 6’x 15’ deck. Variance of Section 332.5 Minimum Setback Requirements- Front Yard- From 50’ to 10’, 0” for construction of an enclosed suspended pedestrian walkway. Variance of Section 332.5 Minimum Setback Requirements- Front Yard- From 50' to 30', 3.5” for construction of an enclosed suspended pedestrian walkway all in accordance with an architectural site plan submitted entitled, “Sherman House, 2 Lake Shore Woods Road, Sherman, CT, Site Plan. Prepared by Mihai Radu Architects and a certified A-2 Survey entitled “Property Survey Prepared for Lauretta J. Bruno, 2 Lake Shore Woods Road, Town of Sherman, Fairfield County, CT. Dated May 22, 2019. Revised on August 20, 2019”. Submitted by PAH, INC. Land Surveyors. Zone B.

Dated at Sherman, Connecticut this 11th day of September, 2019
Kenric Gubner, Chairman
LEGAL NOTICE
ZONING BOARD OF APPEALS
TOWN OF SHERMAN, CONNECTICUT

The Zoning Board of Appeals made the following decision at a Public Hearing on Tuesday, October 1, 2019 beginning at 7:00 p.m. at Mallory Town Hall for the following Case:

DENIED- ZBA Case # 706- 8 Cedar Point Lane, LLC- 8 Cedar Point Lane, (M. - 74, L. -57)- With reference to Town of Sherman Zoning Regulations, Section 213, and Variance from Section 332.5 Minimum Setback Requirements; to allow a setback from the 440 contour line from 25' to 19.9' for construction of a new single family dwelling in the proposed location shown on a submitted A-2 survey entitled, “Proposed Construction Zoning Location Survey, prepared for Applicant 8 Cedar Point Lane, LLC; Lots 4,5 and a portion of Cedar Point Lane, Atchison Cove, Lots 4 & 5 Area above 430’ contour. 8 Cedar Point Lane & a portion of Cedar Point Lane, Town of Sherman, County of Fairfield, State of Connecticut”. Dated: December 14, 2018 and revised September 3, 2019. Prepared by Arthur H. Howland & Associates, P.C.; also shown on an A-2 survey entitled “Proposed Site Development & Soil Erosion Control Plan, prepared for Applicant: Jay Adolp, Lots 4, and 5 & a portion of Cedar Point Lane- Atchison Cove; Lots 4 &5 Area above 430’ contour, 8 Cedar Point Lane & a portion of Cedar Point Lane, Town of Sherman, County of Fairfield, State of Connecticut”. Dated: November 7, 2018 and revised September 6, 2019 (revised house). Prepared by Arthur H. Howland & Associates, P.C.; also in accordance to submitted building pans entitled, “Candlewood Residence, Sherman, CT” Prepared by Ike, Kligerman, Barkley. Dated 09/06/19 and in accordance with submitted landscape architectural plans submitted entitled, “Krouse Residence, 8 Cedar Point Road, Sherman, CT; Site Plan; Prepared by: Sabin Landscape Architects, Project Team: Ike, Kligerman, Barkley Architects & Howland & Associates Engineers. Dated September 5, 2019. Zone B

Dated at Sherman, Connecticut this 2nd day of October, 2019
Kenrie Cuthner, Chairman
Roles and Responsibilities of Local Land Use Officials

Planning Commission

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Legal Basis of Authority
Chapter 126, Section 8-19 of the Connecticut General Statutes (CGS) provides that any municipality may by ordinance create a planning commission.

Membership
Commissions must consist of five members who are:
1. Electors, and
2. Hold no Salaried Municipal Office.
The Chief Executive Officer, Town Engineer or Commissioner of Public Works shall be Ex-Officio members, without voting privileges.

Terms of Office
Terms of office and method of selection shall be fixed by ordinance, however terms of office shall be so arranged that no more than three (3) members' terms shall expire in any one year.

Election of Officers, Keeping Records
Commissions must:
1. Elect a chairperson and secretary from its members,
2. Adopt rules for the transaction of business,
3. Keep a public record of its activities and,
4. File an annual report with the local legislative body.

Alternates, Staff and Consultants
The ordinance establishing the Planning Commission may provide for the appointment or election of alternate members to the Planning Commission. When seated, alternate members shall have all the powers and duties of regular members. Alternates shall be electors of the municipality and shall not be members of Zoning Board of Appeals or the Zoning Commission. The ordinance shall also provide for the manner of designating alternates to act.

Voting
A vote of a majority of a legal quorum of the commission is required for action, unless otherwise stated in the statutes. For example, an ordinance may provide that a waiver of the subdivision regulations requires a 3/4 vote of all members and contracts and expenditures require a majority vote of the whole membership. A tie vote means an application is denied.

Powers and Duties
Once established, a Planning Commission has the following powers and duties:

1. Plan of Conservation and Development: The commission must prepare, adopt or amend a plan for the municipality, showing the commission's recommendation for the most desirable use of land for residential, recreational, commercial, industrial, conservation and other purposes and for the most desirable density of population in the various parts of the municipality. The plan shall be reviewed at least every ten years and amended as the commission deems necessary. [8-23]

2. Municipal Improvements: No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipal property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project; or (4) locate or extend public utilities for water, sewerage, light, power, transit and other purposes, until the proposal to take these actions has been referred to the commission for a report.

Failure of the commission to report within 35 days after the date of submission of the proposal is deemed an approval of the proposal. If the commission disapproves the proposal it must report its reasons to the legislative body. The report is advisory and can be overridden by a majority of a town meeting or a 2/3 vote by the legislative body. [8-24]

The review and approval of proposed municipal improvements does not apply to the maintenance or repair of existing property, public ways or buildings.


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Planning Commission

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Powers and Duties con’t.

3. Subdivision Regulation: The Commission must establish, change or repeal regulations for the subdivision and resubdivision of land. [8-26]

4. Approve Subdivisions: To hear, consider and decide upon applications for approval of subdivision or resubdivision of land. [8-26]

5. Waive Certain Subdivision Regulations: The commission, upon a 3/4 vote of all members, may waive certain requirements of the subdivision regulations where special conditions exist, but only in accordance with standards and criteria set forth in the subdivision regulations and only if the waiver will not adversely affect adjacent property or public health or safety. [8-26]

6. Exceptions to Zoning: To hear, consider and decide upon applications for Special Permits or Special Exceptions to the extent required by the zoning regulations of the municipality. [8-2, 8-26e]

7. Advise on Zoning: If the Planning Commission is separate from the Zoning Commission, the Commission may review and report on any proposed zoning regulations or boundaries or any changes to such regulations or boundaries.

The failure of the Planning Commission to report prior to or at a public hearing on the proposed changes shall be taken as approval of the proposal. The report shall contain the findings of the Planning Commission on the consistency of the proposed regulation with the municipality’s Plan of Conservation and Development. A proposal disapproved by the Planning Commission may still be adopted by the Zoning Commission by a vote of not less than 2/3 of all Zoning Commission members.

8. Open Space proposals: The Commission may approve all applications for Open Space Grants prior to submission to the commissioner of environmental protection. [7-131e(c)]

9. Oversee Infrastructure changes: The Commission may prepare and file surveys, maps or plans of proposed highways, streets or sidewalks or the relocation, grade, widening or improvement of existing highways, streets or sidewalks or of any proposed building or veranda lines with the town clerk and to assess the benefits and damages to any person owning land in such survey, map or plan. [8-29]

Combined Planning and Zoning Commissions

Since 1959 municipalities have been allowed to establish combined planning and zoning commissions. Under Section 8-4e of the CGS, any municipality may establish a single commission to carry out both planning and zoning. The Planning and Zoning commission may consist of 5, 6, 7, 8, 9 or 10 members, not counting non-voting members. On commissions with 5 or 6 members, the terms of no more than 3 members may expire in any year, on 7 or 8 member boards no more than 4, and on 9 and 10 member boards, no more than 5 may expire in any year.

Upon the establishment of a combined commission, all regulations adopted by the separate planning and zoning commissions that were in effect prior to the establishment of the new combined board shall continue in full force until revised or repealed by the new board.

Vacancies shall be filled as provided in the ordinance establishing the combined commission.

CHECK OUT THESE ONLINE TOOLS AND RESOURCES

- Online Academy - provides online resources for those who want a quick refresher or are unable to attend a training. Visit clear.uconn.edu/lu/online
- Community Resource Inventory Online - provides organized maps, tutorials and case examples that assist you in developing a basic inventory of your towns natural and cultural resources.
- Connecticut’s Changing Landscape - provides data about how CT’s landscape has changed since 1985. Local Land Use officials can use this resource to evaluate the environmental, social and economic impacts of development that guide their decision making.

For more information
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Roles and Responsibilities of Local Land Use Officials

Zoning Commission

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Legal Basis of Authority
In Connecticut, any municipality may, by vote of its legislative body, adopt the provisions of Chapter 124, Section 8-1 of the Connecticut General Statutes (CGS) and establish a zoning commission.

Municipalities are not required to establish Zoning Commissions however most have. If the municipality does establish a Zoning Commission, it must also establish a Zoning Board of Appeals.

Membership
1. The Zoning Commission shall consist of not less than 5 nor more than 9 members.

2. The membership of the commission must comply with state statutes or town charter or ordinances providing for the maximum number of members who may be affiliated with a particular political party.

3. Members of the Commission shall be electors of the municipality.

Terms of Office
The number of members, the method of their selection and removal and their terms of office shall be determined by ordinance. The town legislative body cannot be designated to act as the Zoning Commission except;

- In towns of less than 5,000, or
- If a legislative body was so acting prior to July 1, 1974 or
- If a legislative body was so acting prior to June 17, 1987 pursuant to a special act.

The ordinance establishing the Zoning Commission shall provide for the appointment or election of alternate members to the Zoning Commission. When seated, alternate members shall have all the powers and duties of regular members. Alternates shall be electors of the municipality and shall not be members of Zoning Board of Appeals or the Planning Commission. The ordinance shall also provide for the manner of designating alternates to act.

Powers and Duties
Zoning Commissions have the following powers:

1. To establish, change or repeal zoning regulations and zoning districts, including village districts, in accordance with the considerations set forth in C.G.S. Section 8-2. [8-3]

2. To hear, consider and decide upon petitions for changes in the zoning regulations or zoning district boundaries. [8-3]

3. To provide for the manner in which the zoning regulations are to be enforced and to take appropriate actions to enforce them. [8-3 (e), 8-12]

4. To certify, when appropriate, that a building, structure or use is or will be in conformity with the zoning regulation. This function may be delegated to a zoning enforcement officer. [8-3 (f)]

5. To require, when it deems appropriate, that a site plan be filed to aid in determining the conformity of a proposed building, structure or use with the zoning regulation, and to approve, modify or deny such a site plan. This function may be delegated to a zoning enforcement officer. [8-3 (g)]

Alternates

Roles and Responsibilities of Local Land Use Officials

Zoning Commission

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Powers and Duties con’t.

6. To hear, consider and decide upon applications for special permits or special exceptions in accordance with the zoning regulations. This function may be delegated to a zoning board of appeals or a planning commission. [8-2, 8-3e]

7. To approve or disapprove the construction of any above ground vault, crypt, columbarium or mausoleum for public use in any cemetery containing less than five acres. [Public Act 87-490]

8. To approve or disapprove the location of crematories proposed for plots of land which have not been used for cemeteries for at least five years or which are not established cemeteries containing twenty or more acres. [19a-320]

9. Regulate and restrict proposed location of any steam plant, gas plant, gas tank, water tank, electric substation, antenna, tower or earth station receiver of any public service company not subject to the jurisdiction of the Connecticut Siting Council. [16-235]

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Upon the establishment of a combined commission, all regulations adopted by the separate planning and zoning commissions that were in effect prior to the establishment of the new combined board shall continue in full force until revised or repealed by the new board.

Vacancies shall be filled as provided in the ordinance establishing the combined commission.

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Roles and Responsibilities of Local Land Use Officials

Zoning Board of Appeals

Legal Basis of Authority
Section 8-5 of the Connecticut General Statutes (CGS) requires that any town with a Zoning Commission must have a Zoning Board of Appeals.

Membership
The Zoning Board of Appeals shall consist of 5 regular members and 3 alternates who are:
1. Must be electors of the town,
2. Must not be members of the Zoning Commission, and
3. May be either elected or appointed

Terms of Office
The terms of office of board members shall be set forth in the municipal ordinance. In the event of a mid-term vacancy, establishing a town legislative body or the chief executive officer shall fill vacancies on the board for the unexpired portion of the term unless otherwise provided by ordinance or special act.

Election of Officers, Keeping Records
The board shall:
1. Elect a chairman,
2. Keep minutes of its proceedings, showing the vote of each member, and
3. Keep records of its official acts.

Voting
The concurring vote of four board members is required to:
1. Reverse any decision of the Zoning Enforcement Officer,
2. Approve any application, or
3. Grant any variance. [8-7]

Powers and Duties
Zoning Board of Appeals has the following powers:
1. To hear and decide appeals from decisions of the Zoning Enforcement Officer;
2. To grant variances from the application of the zoning regulations. The variance power is limited to extraordinary situations and must:
   • Be in harmony with the general purpose and intent of the zoning regulations;
   • Consider the public health, safety, convenience, welfare and property values;
   • Be used only with parcels having unusual conditions that cause "exceptional difficulty or unusual hardship;" and
   • Must not be used if the regulations provide that certain prohibited uses may not be permitted by variance; [8-6
3. To hear and decide on special permits and special exemptions where that power is conferred on the Zoning Board of Appeals by the zoning regulations;

Variances
• Applications for variances are the most common matters brought before the Zoning Board of Appeals.
• The Zoning Board of Appeals is the only board that can vary the application of the zoning regulations. The regulations cannot be varied by the Zoning Commission or the Zoning Enforcement Officer.
• The power to grant a variance allows the Zoning Board of Appeals to stand between the public and individual property owners to protect the latter from unnecessary hardship that strict enforcement of the zoning regulations would impose.
• To vary the application of the zoning regulations, a parcel of land must have unusual conditions not generally found in the district, which would make development in accord with the regulations extremely difficult.

Roles and Responsibilities of Local Land Use Officials

Zoning Board of Appeals

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Variances can’t

- These unusual conditions must create “exceptional difficulty” or “unusual hardship,” however CT courts have found “exceptional difficulty” “too lacking in precision of meaning.” Therefore, the standard commonly used by boards of appeals for granting variances is that of “unusual hardship.”

About “Unusual Hardship”
Numerous court cases have further defined what does or does not constitute “unusual hardship.” Courts have ruled that:

- the hardship must be unique and different in kind from those generally affecting properties in the same zoning district;

- Economic hardship, such as financial loss, is not a proper basis for granting a variance;

- Where applications of the zoning regulations greatly decrease or practically destroy property value, variances should be granted;

- Variances should only be granted where the general purpose of the zoning plan will not be undermined.

- Variances should be based on the condition of the land not the owner. (In 1993, the CGS was amended to clearly provide that variances run with the land and not the owner or applicant.)

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Legal Basis of Authority
Under Section 22a-42c of the Connecticut General Statutes (CGS) each municipality is required to establish an inland wetlands and watercourses agency (IWWA). The local legislative body may authorize an existing board or establish a new board.

Once established the IWWA must develop regulations that conform to regulations adopted by the state DEP. Local agencies may adopt additional regulations as long as they conform with the Commissioner's regulations.

CT DEP Role
Unlike zoning and subdivision regulation, the local wetland agency regulates activities pursuant to state regulations developed by the DEP Commissioner. The statutes states that the Commissioner of DEP:

1. Shall promulgate regulations to protect inland wetlands and watercourses;
2. Is empowered to regulate wetlands if a community that fails to do so; and
3. May appeal decisions of a local agency if s/he feels those decisions do not properly protect wetlands.
4. Has exclusive jurisdiction over tidal wetlands and all regulated activities undertaken by any State agency or department.
5. Will provide training for members of local IWWAs

The Commissioner is empowered to issue orders for violations if the municipality fails to do so.

Membership
The ordinance establishing the IWWA must state the number of members and alternates, the length of their terms, the method of selection and removal, and the manner of filling vacancies.

At least one member of the IWWA or its staff must complete an Inland Wetlands training program developed by DEP and set aside at least one meeting per year to receive information from the training program. However failure to do so does not affect the validity of actions taken by the IWWA.

Powers and Duties
The following are powers and duties of Inland Wetlands and Watercourses Agencies as set forth in the CGS;

1. To establish, change or repeal inland wetlands regulations and boundaries; [22a-42a(b)]
2. To hear, consider and decide upon petitions for changes in the inland wetlands regulations or boundaries. [22a-42a(b)]
3. To hear, consider and decide upon applications for regulated activities involving inland wetlands and determine if proposed activities are exempt from the regulations. [22a-42a]
4. To enforce inland wetlands regulations and conditions of permits. [22a-42a (d), 22a-44 (a)];
5. May delegate to a duly authorized and trained agent (typically an Inland Wetland Enforcement officer), the authority to approve or extend an activity that is not located in an inland wetland when the agent finds that the activity would have minimal wetland impact;
6. To hear appeals from any decision of its duly authorized agents (see #5 above). The IWWA shall sustain, alter or reject that decision or require that an application be made directly to the agency.

Unlike Zoning Commissions, Inland Wetland Commissions can hear appeals on decisions of their Inland Wetlands Enforcement Officer. There is no separate wetlands appeals board.

Roles and Responsibilities of Local Land Use Officials

Inland Wetlands Commission

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Inland Wetland Key Terms and Concepts

Regulated Areas

Inland Wetlands
Inland wetlands are land including submerged land, not regulated under the Tidal Wetlands Act which consists of soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the USDA Natural Resources Conservation Service Soil Survey. [22a-38]

Watercourses
Watercourses are rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private which are contained within, flow through or border upon this state and are not regulated by the Tidal Wetlands Act. [22a-38]

Intermittent Watercourses
Intermittent watercourses have a defined permanent channel and bank and two or more of the following:

- Evidence of scour or recent alluvium or detritus deposits;
- Standing or flowing water of a duration longer than any particular storm or;
- Presence of vegetation that grows in water or very wet soils.

Buffer/Upland Review Areas
A local wetland agency regulates activities within areas around wetlands and watercourses such regulations shall:

- Be in accord with the wetlands regulations concerning activities in wetlands and;
- Apply only to activities that are likely to adversely affect the physical characteristics of a wetland or watercourse.

Regulated Activities
Any operation within or use of a wetlands or watercourse involving:

- Removal or deposition of material, or
- Any obstruction,
- Construction,
- Alteration or,
- Pollution of such wetlands or watercourses.

This does not include the activities permitted as of right (see below). Hence, not all activities taking place within a wetland area require a permit.

Activities “Permitted As of Right”
The following uses are permitted as of right in wetlands and watercourses:

1. Grazing, farming, nurseries, gardening and harvesting of crops;
2. Farm ponds of three acres or less that are essential to the farming operation.
3. Residential homes for which a building permit has been issued on or before July 1, 1987;
4. Boat anchorage or mooring;
5. Uses incidental to the enjoyment and maintenance of residential property including maintenance of existing structures and landscaping, but not including removal or deposition of significant amounts of material from or onto a wetland or diversion or alteration of a watercourse;
6. The operation of dams, reservoirs and similar facilities by water companies;
7. Maintenance on existing drainage pipes on residential property where the area to be disturbed does not contain vegetation growing in water or very wet soils;
8. Conservation of soil, vegetation, water, fish, shellfish and wildlife provided such activities do not disturb the natural and indigenous character of the wetland;
9. Outdoor recreational activities that do not disturb the natural and indigenous character of the wetland.

The courts have ruled that a wetlands agency may require someone claiming to be engaged in an “as of right” activity to appear before the agency and submit such information as it deems necessary to make a determination as to whether the activity is, in fact, exempt.
Factors To Be Considered When Reviewing An Inland Wetlands Application

Section 22a-41(a) of the CGS states the Inland Wetland Commissioner shall take into consideration all relevant facts and circumstances when reviewing applications including, but not limited to:

1. The environmental impact of the proposed action;

2. The purpose for, and any feasible and prudent alternatives to, the proposed action:
   - feasible is defined as able to be constructed consistent with sound engineering principles.
   - prudent is defined as economically and otherwise reasonable in light of the social benefits to be derived from the proposed activity. Cost may be considered, however, a mere showing of expense will not necessarily mean an alternative is imprudent.

3. The relationship between short-term uses and the maintenance and enhancement of long-term productivity of such wetland;

4. Irreversible and irretrievable loss of resources which would be involved in the proposed activity;

5. The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed activity; and

6. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity

CHECK OUT THESE ONLINE TOOLS AND RESOURCES

- CT Association of Conservation and Inland Wetland Commissions - provides resources for Inland Wetland and Conservation commissioners. Visit cachwc.org
- CT DEP Municipal Inland Wetland Commissioners Training Program - ct.gov/dep
- Online Academy - provides online resources for those who want a quick refresher or are unable to attend a training. Visit clear.uconn.edu/lu/online
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Roles and Responsibilities of Local Land Use Officials

Conservation Commission

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Legal Basis of Authority
The Connecticut General Statutes (CGS) allow municipalities to establish Conservation Commissions, if they so desire, in Chapter 97 Section 7-131a.

Any municipality may establish a Conservation Commission by vote of its legislative body, for the development, conservation, supervision and regulation of natural resources, including water resources, within its territorial limits.

Membership
The Conservation Commission shall consist of not fewer than 3, nor more than 11 members and not more than 3 alternates. Alternate members, when seated, shall have all the powers and duties of a commission member.

Appointments and Removal
Members and alternates are appointed by the chief executive officer of the municipality. The chief executive officer may remove any member or alternate only for cause and has the power to fill any vacancy.

Terms of Office
The legislative body establishing the commission shall designate terms of office.

Powers and Duties
Conservation Commissions Shall:

1. Conduct research into the utilization and possible utilization of land areas of the municipality;

2. Keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas;

3. Keep records of its meetings and activities and make an annual report to the municipality in the manner required of other municipal agencies.

Conservation Commissions May:

1. Make recommendations to Zoning Commissions, Planning Commissions, Inland Wetlands Agencies and other municipal agencies on proposed land use changes;

2. Recommend to the Planning Commission (or if none, to the chief executive officer or the legislative body) plans and programs for the development and use of all open areas;

3. Exchange information with the Commissioner of Environmental Protection and said Commissioner may, on request, assign technical personnel to the commission for assistance in planning its overall program and for coordinating state and local conservation activities;

4. Coordinate the activities of unofficial bodies organized for the purpose of conducting land use research;

5. Advertise, prepare and distribute books, maps, charts, plans and pamphlets necessary for its purposes;

6. Propose a greenways plan for inclusion in the Plan of Conservation and Development prepared by the local Planning Commission;

7. Inventory natural resources;

8. Formulate watershed management plans consistent with water supply management plans prepared under Section 25-32d of the General Statutes (plans prepared by water companies and submitted to the Commissioner of Health Services);


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Roles and Responsibilities of Local Land Use Officials

Conservation Commission

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Powers and Duties con’t.
Conservation Commissions May:

9. Formulate drought management plans;

10. With the approval of such legislative body, acquire land and easements in the name of the municipality;

11. Promulgate rules and regulations, such as the establishment of reasonable charges for the use of lands and easements for any of its purposes;

12. Receive gifts on behalf of the municipality for any of its purposes and administer the gifts for those purposes, subject to the terms of the gift;

13. Approve, prior to submission, state grant applications for programs to preserve or restrict the use of open space land to conservation or recreation purposes.

14. Apply, if the municipality so designates, for state grants to preserve or restrict to conservation or recreation purposes, the use of open space;

15. Supervise and manage municipally owned open space or park property when the agency normally responsible for such duties delegates that power;

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MUNICIPAL CITATION (FIRST NOTICE)

Citation #: ___________________________ Amount of Fine: ______________

Violator: ___________________________ Date: ___________________________

Property Address: ______________________________________________________

Property Parcel ID: ___________________________

Regulation(s) violated:
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

You are hereby issued the above Amount of Fine ("Fine") for violation(s) of the above referenced (Zoning/WWC) regulation(s), pursuant to Section 8-12 of the Connecticut General Statutes, and the Sherman Land Use Violation Ordinance (Volume V, pg. 8). The Fine is in addition to any applicable sanctions assessed against you pursuant to Section 8-12 (Zoning) or Section 22a-44 (Wetlands) of the Connecticut General Statutes.

The Fine is subject to an increase of an additional $50 per day, up to a maximum of $4,500, for each day after the date of this Citation that the above violation(s) remain(s) uncorrected to the satisfaction of the relevant Land Use Enforcement Officer. You are advised to contact the relevant Land Use Enforcement Officer for the full amount of the Fine to be paid for any particular payment date.

You have fifteen (15) days to make full payment of the Fine by mail or in person to the Treasurer of the Town of Sherman at [ADDRESS]. If full payment is not made on or prior to such time, a second citation notice will be issued to you that will include information regarding your right to request a hearing to contest liability. If full and uncontested payment of the fine is made without demand for a hearing, such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

Issued by:

______________________________

LAND USE ENFORCEMENT OFFICER

NAME: ___________________________
TITLE: ___________________________
PHONE: [phone #]
E-MAIL: [E-MAIL]
www.[web address]

Please make checks payable to: TREASURER, TOWN OF SHERMAN
Citation # ___________________________ Amount of Fine: ___________________________

Violator ___________________________ Date: ___________________________

Property: ___________________________

Property ID: ___________________________

Violation(s): ___________________________

On [DATE OF FIRST NOTICE] you received a first citation ("First Notice") for violation(s) of the Zoning Regulations/Regulations of the Town of Sherman as set forth above. Pursuant to Section 8-12a or Section 22-43 of the Connecticut General Statutes, and the Sherman Land Use Violation Ordinance (Volume 7-7 Page 307), and in addition to any applicable sanctions assessed against you pursuant to Section 8-12 (Zoning) or Section 22-44 (Wetlands) of the Connecticut General Statutes, the above violation(s) violations have caused a fine ("Fine") to be levied against you, as detailed in the First Notice.

Having not received payment of the fine within the fifteen (15) day uncontested period as set forth in the First Notice, you are hereby notified ("Second Notice") that you have the right to contest liability as to the subject violation(s), at a hearing ("Hearing") before an officer appointed by the Board of Selectmen, by delivering, in person or by mail to the address below, a written demand for hearing ("Demand for Hearing"), within ten (10) business days of the date of this Second Notice:

[INSERT LOCATION, MAILING ADDRESS, TELEPHONE NUMBER AND BUSINESS HOURS WHERE DEMAND FOR HEARING IS TO BE SENT OR DELIVERED]

If you request a Hearing, the Hearing shall be held between fifteen (15) and thirty (30) days after receipt of your Demand for Hearing. You shall receive written notice of the date, time and place of the Hearing.

If you do not wish to contest liability as to the fine and as an alternate to the Hearing, you may, within ten (10) business days of this Second Notice, pay the full amount of the Fine (made payable to the Treasurer of the Town of Sherman), in person or by mail to the address shown below. You should confirm the full amount of the Fine with the undersigned before submitting such payment:

[INSERT LOCATION, MAILING ADDRESS, TELEPHONE NUMBER AND BUSINESS HOURS WHERE PAYMENT OF FINE IS TO BE SENT OR DELIVERED]

The fact of such payment shall not be admissible in any subsequent civil, criminal or administrative proceeding for the purpose of establishing the conduct of any person making such payment.

The failure to respond to this Second Notice by either a Demand for Hearing or full payment of the Fine within the required time, shall be deemed an admission of liability for and consent to the full amount of the Fine. Such failure to respond shall be certified to a Citation Hearing Officer who shall thereupon enter and assess such Fine and follow the procedures in Section 7-152(f) of the Connecticut General Statutes for the collection of such Fine as a judicial money judgment.