Call to Order: 
Chair, R. Peburn Called the Regular Monthly Meeting to Order at 7:02 pm.

Due to the full attendance of Regular Commission Members, no Alternate Members were elevated to Voting status at this meeting.

Public Hearing I:

APPLICATION TO PETITION THE PLANNING AND ZONING COMMISSION FOR AN AMENDMENT TO THE CURRENT ZONING REGULATIONS: PETITIONERS: Jerald Greenberg and Aldo Pascarella. PURPOSE OF PROPOSED CHANGE: To add PRIVATE BURYING GROUNDS as a Principal and Accessory Use in Zone A and Zone B.

Chair, R. Peburn Opened the Public Hearing for Application To Petition The Planning And Zoning Commission For An Amendment To The Current Zoning Regulations: To Add: Private Burying Grounds. Secretary M. Lee read an abbreviated version of the Legal Warning into record. Legal Notice was published in the Town Tribune on January 3, 2019 and again on January 10, 2019. Ten abutting Towns and Planning Agencies were sent Certified Letters of the Notice on December 3, 2018. Three pieces of Correspondence were received. The first correspondence was from Town Land Use Attorney Mark Branse offering feedback regarding the impact to the Town as this Regulation Amendment is proposed. The Commission discussed several points made by the Atty. with the applicant, A. Pascarella. A letter from the Northwest Hills Council of Governments received on January 11, 2019 stating they have reviewed this referral and find no apparent conflict with the regional plans and policies or the known concerns of neighboring towns. However they suggest the Commission consider increasing the minimum setback of the burying grounds from neighboring property lines from 25’ (feet) to 100’ (feet) or more. The third correspondence was from Timber Trails Association Board President, Terri Hahn stating concerns regarding specifically Timber Trails Association road and maintenance fees for private communities that may be impacted by private burial grounds. Mrs. Hahn requests the Commission be sensitive to this type of impact and request that applicants not be allowed to pass any of their compliance costs on to private roads or associations. Discussion by the Commission continued with Mr. Pascarella regarding the Atty.’s comments. Mr. Pascarella agreed to accept the recommendations and submitted an initialed copy of the Attorney’s letter to the Commission. From the audience, proponents Chris and Sahara Farrugio spoke in favor of the proposed Regulation, stating there is a modern thinking based upon keeping deceased loved ones closer to their family’s property rather than the traditional graveyard or cemetery burial. Mr. Farrugio said there are rigorous requirements set forth by the State which involves soil testing and several other aspects regarding the land before approval. Mrs. Farrugio explained to the Commission what a green burial involves, a modern burial practice using no chemicals, casket or vault where the deceased is placed under the base of a newly planted tree to return to nature. Opponent, Denise DePalma spoke, sharing concerns regarding how wetlands are considered during the Special Permit approval process for the proposed Regulation. Additionally Ms. DePalma asked what happens when these families decide to sell their property, how will the burial grounds be accessed? From the audience, Steve Maletz asked if the proposed regulation made it a requirement to have a primary residence. Vice Chair Jeannene Burrusano stated the proposed Regulation is for Primary Use or Accessory Use. Zoning Enforcement Officer, Ron Cooper stated the Special Permit process will dictate specific details such as number of plots, size of parking facility, rights of way, wetlands and proximity to property lines. There were no additional questions or comments from the audience. Chair, R. Peburn stated he would like the opportunity for the Commission to review the State Statutes before proceeding with a decision. ZEO, R. Cooper said he would research the statutes and provide copies for the Commission by the next meeting. The Seated Members of the Commission agreed unanimously to Continue this Hearing to the February 7th, 2019 Regular Monthly Meeting at Mallory Town Hall, beginning at 7:00 pm. Alternate J. Seigel voted in opposition of continuation, however was not a seated voting member. A full version of the proposed Amendment is attached herewith.
M. Lee Moved to Continue the Public Hearing for the Application to Petition the Planning and Zoning Commission for an Amendment to the current Zoning Regulations: petitioners: Jerald Greenberg and Aldo Pascarella. Purpose of proposed change: to add private burying grounds as a principal and accessory use in Zone A and Zone B. The Continuation shall take place on February 7th, 2019 Regular Monthly Meeting at Mallory Town Hall, beginning at 7:00 pm.

Seconded by: J. Burruano          Vote: For: Unanimous

Old Business:

Deliberation of Public Hearing I:

APPLICATION TO PETITION THE PLANNING AND ZONING COMMISSION FOR AN AMENDMENT TO THE CURRENT ZONING REGULATIONS: PETITIONERS: Jerald Greenberg and Aldo Pascarella. PURPOSE OF PROPOSED CHANGE: To add PRIVATE BURYING GROUNDS as a Principal and Accessory Use in Zone A and Zone B.

No deliberation took place, this application was continued to February 7th, 2019 Regular Monthly Meeting at Mallory Town Hall, beginning at 7:00 pm.

New Business: None

Adjournment: Adjourned the Meeting at 7:53pm.

Respectfully submitted by:

Christine Branson, Commission Clerk
January 18, 2019

Full Version of the Proposed Amendment:

LEGAL NOTICE
TOWN OF SHERMAN
WARNING OF PUBLIC HEARING
OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the Town of Sherman, Connecticut will hold the following Public Hearing at a Special Meeting on January 17, 2019 beginning at 7:00 p.m. at Mallory Town Hall, 9 Route 39 North, Sherman CT to consider the following amendment to the current Zoning Regulations, last revised December 28th 2018:

APPLICATION TO PETITION THE PLANNING AND ZONING COMMISSION FOR AN AMENDMENT TO THE CURRENT ZONING REGULATIONS:
PETITIONERS: Jerald Greenberg and Aldo Pascarella

PURPOSE OF PROPOSED CHANGE: To add PRIVATE BURYING GROUNDS as a Principal and Accessory Use in Zone A and Zone B.

AMEND: TABLE OF CONTENTS:
ADD: SECTION 326. PRIVATE BURYING GROUNDS
ADD: SECTION 326. PRIVATE BURYING GROUNDS

Purpose - The purpose of this regulation is to provide for Private Burying Grounds in Zone A and B in Sherman.

326.1 General Requirements
Application for approval of a Private Burying Grounds shall include the following:

i. An A-2 Survey/site plan showing the proposed location of the burying grounds, and depicting parking, access, driveways, setbacks from property lines, distance from nearest dwellings, distance from wells, septic systems, wetlands, open water bodies and water courses.

ii. The application shall specify the total acreage of the property, dimensions of the proposed burying ground, and the number of burying lots proposed.

iii. The application shall be subject to the requirements of Section 340 Special Permit Approval.
iv. In order to give due notice, the Commission and/or the State Department of Public Health may have a Legal Notice of the application published in the local newspaper with an opportunity for comment.

v. The owner shall provide an easement or right-of-way to allow access from the street to the private burying ground, and record a plot plan with said easement or right-of-way written on the deed to the property and filed in the Town land records.

vi. A burial permit must be obtained from the Town Clerk or any other person who is authorized to issue burial permits.

326.2 Standards

i. The burying ground shall be at a distance of at least 350 feet from the nearest house.

ii. The burying ground shall be set back at least 25 feet from any neighboring property lines.

iii. The burying ground shall have good surface drainage and test holes shall be dug to determine the depth of the groundwater level and ledge rock.

iv. The property shall be inspected by a representative of the State to determine the suitability of the site conditions and also to assure that the burying ground will be located sufficiently far from water supply wells, open watercourses, sewage disposal systems and storm drains.

v. If deemed necessary by the Commission, the application shall be subject to approval by the Inland Wetland Commission, the Health Department, and the securing of driveway permits.

vi. State Approval shall be required.

AMEND: SECTION 331.1 Permitted Principal Uses:

ADD: SECTION 331.1, *o. Private Burying Ground, subject to Section 326

AMEND: SECTION 331.2 Permitted Accessory Uses

ADD: SECTION 331.2, *n. Private Burying Ground, subject to Section 326

AMEND: SECTION 332- ZONE B- RESIDENCE ZONE

ADD: SECTION 332.1, *h. Private Burying Ground, subject to Section 326

AMEND: SECTION 332.2 Permitted Accessory Uses

ADD: SECTION 332.2, *m. Private Burying Ground, subject to Section 326

AMEND: Section 610. DEFINITIONS

ADD: Private Burying Ground - A burying ground for the families of the property owners and their descendants related to each other by blood or marriage. Such burying grounds are typically small family plots on relatively large tracts of land and no lots are to be sold.

Dated at Sherman, Connecticut this 7th day of December, 2018

PLANNING AND ZONING COMMISSION

Jeannene M. Burruso, Chair