TOWN OF SHERMAN
Planning & Zoning Commission
REGULAR MONTHLY MEETING MINUTES
Thursday, April 4, 2019, 7:00 pm
MALLORY TOWN HALL, 9 ROUTE 39 NORTH, SHERMAN, CT 06784


Members Absent: N. Volkmar and J. Finch

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

Audience: C. Hagadorn, M. Carpanzano, and M. McNichol

Call to Order: Chair, R. Pembro Called the Meeting to Order at 7:01 pm.

Alternates J. Seigel and R. Linkletter were elevated to Voting status for the duration of the meeting in the absence of Commissioners J. Finch and N. Volkmar.

PUBLIC HEARING I:


Chair, R. Pembro Opened the Public Hearing for SPECIAL PERMIT APPLICATION: Pascarella, Aldo A.K.A. Timber Trails Associates- (M-42, L-23) Purpose: Private Burying Ground. ZEO, R. Cooper stated he observed a possible intermittent watercourse during the Site Walk on March 27, 2019. Mr. Cooper stated he has brought to the applicants attention that he will need to apply to the Inland Wetlands Board before coming before the Planning and Zoning Commission. Mr. Pascarella submitted a letter of withdrawal, which was read into record.


Seconed by: M. Lee

Vote: For: Unanimous

Old Business:

Deliberation of Public Hearing I:


Seconed by: M. Lee

Vote: For: Unanimous

New Business:

Chair, R. Peburn reviewed the contents of the application file for an Amendment to an existing Special Permit. ZEO R. Cooper explained to the Commission that an Administrative error took place when the original Special Permit was written. There were specific conditions imposed by the Commission that were not correctly reflected in the Minutes or on the Special Permit itself. Originally the Commission allowed latitude for the ZEO to approve the footprint of the garage once it was determined. There is an abundance of land on the property which during the original hearing, Mr. Carpanzano explained could become an issue once the excavation begins. The original approved dimensions of the building were 22' x 48'. Recently Mr. Carpanzano came to the Zoning office to inquire about modifying the plan to a 20' x 53' accessory building and change the interior layout of the second floor apartment. This is where the Administrative error became apparent. With the request to modify, the only way Mr. Carpanzano would have the ability to adjust the footprint of the structure and layout would be to come before the Commission and go through the Amendment process. Mr. Carpanzano was present to speak on behalf of his application. J. Burrano explained to Mr. Carpanzano, that a modification to the plan would have to come before the Commission for a Public Hearing. Mr. Carpanzano showed the Commission on an A-2 survey where the new proposed location will be, and also added that the roof line will be lower than originally proposed. Mr. Carpanzano pointed out modifications to the interior layout upstairs and downstairs. The apartment will not exceed 750 square feet. Mr. Cooper stated that as long as the building is in a compliant location, it should not be an issue if an adjustment is needed once the Amendment is approved. Additionally, Mr. Carpanzano pointed out that by modifying the location of the building slightly, the solar array on the roof will be more efficient. There were no additional questions or comments.

**J. Burrano Moved** to Accept the APPLICATION for an AMENDMENT TO AN EXISTING SPECIAL PERMIT: 9 Locust Lane (M-73, L-24) – Carpanzano, Michael–to reduce overall elevation of accessory building, utilize existing topography, change configuration of roof to better accommodate solar photovoltaic array, modify floor plan, footprint, and location of Accessory Apartment, as reflected in new floor plans entitled “Sherman Building Design, Sherman Lake House Garage, Dated 04/02/2019 and shown on submitted A-2 survey entitled, “Proposed Sanitary Disposal System Plan, For Michael Carpanzano, 9 Locust Lane, Town of Sherman, County of Fairfield, State of Connecticut” Dated March 3, 2017, Last Revised 3/22/2019 New Garage Layout. Zone B, and set a Public Hearing for May 2, 2019 beginning at 7:00pm at Mallory Town Hall. If this Amendment is approved the original Special Permit shall be nullified.

**Seconded by: M. Lee**

**Vote: For: Unanimous**

**APPLICATION for an AMENDMENT TO AN EXISTING SPECIAL PERMIT - 57 Wakeman Hill Road (M-8, L-47) - CT Audubon, Deer Pond Farm- to expand the existing parking area to accommodate an additional 20 parking spaces, and a kiosk in the footprint 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.**

R. Peburn reviewed the contents of the application file for an Amendment to an existing Special Permit. CT Audubon, Deer Pond Director, K. Hagadorn was present to speak on behalf of her application. Ms. Hagadorn stated the purpose of the amendment is to add twenty additional parking accommodations as well as an information kiosk at Deer Pond Farm. Currently the approved 20 space parking area is not effectively serving to full capacity because there are no lines showing the spaces. With an additional 20 spaces the accommodations should serve the public better and possibly allow larger vehicles access. The new proposed parking area will be on gravel. There were no additional questions or comments.

**M. Lee Moved to accept the APPLICATION for an AMENDMENT TO AN EXISTING SPECIAL PERMIT - 57 Wakeman Hill Road (M-X, L-47) - CT Audubon, Deer Pond Farm- to expand the existing parking area to accommodate an additional 20 parking spaces, and a kiosk in the footprint 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. and set a Public Hearing for May 2, 2019 beginning at 7:00pm at Mallory Town Hall.**

**Seconded by: J. Seigel**

**Vote: For: Unanimous**
Public Comment: No Public Comment.

Approval of Minutes:

Site Walk Meeting Minutes of March 27, 2019

J. Burrano Moved to Approve the Site Walk Meeting Minutes of March 27, 2019 as written.
Seconded by: R. Lenihan
Vote: For: Unanimous

Regular Monthly Meeting Minutes of March 7, 2019

P. Voorhees Moved to Approve the Minutes of Regular Monthly Meeting of March 7, 2019, as amended.
Seconded by: R. Lenihan
Vote: For: Unanimous

Correspondence: No correspondence was received.

Zoning Enforcement Officer’s Report: March 2019

Zoning Enforcement Officer Ron Cooper submitted a Report for March 2019. There were five Zoning applications approved. Two Statements of Intent were approved. No applications were withdrawn. One application was denied. No applications were returned for lack of information. Four applications remain under review seeking further information. Several cases were discussed that are under continued review. This report shall be attached herewith.

J. Seigel Moved to Accept the Zoning Enforcement Officer’s March 2019 Report as presented.
Seconded by: J. Burrano
Vote: For: Unanimous

Committee Reports: None

Chairman Report:

R. Peburn reported to the Commission he will be contacting the Land Use Attorney to check availability of dates for a P&Z Commission workshop. He hopes to have a few dates to consider by the next meeting. A discussion topic to consider would be new State Statutes concerning Housing.

Regulation Review:

The Commission discussed the frequency applications for Generators which are denied due to a non-compliant location. ZBA has granted several cases recently for generator locations.

Adjournment: R. Linkletter Adjourned the Meeting at 9:18 pm.

Respectfully submitted by:

Christine Branson, Administrative Clerk
April 11, 2019
Planning & Zoning Office
Sherman, Connecticut

Zoning Enforcement Officers Report
March 2019

The Following Applications Have Been Approved: Qty: 5

7937 Glenbrook Farm LLC
1 Glen Brook Farm Rd. Installation of emergency standby generator A

7939 Corsano
32 Chapel Hill Road Installation of two A/C units A

7941 16 Chimney Hill Rd LLC
16 Chimney Hill Rd Construction of a 3 bay detached garage A

7942 Corsano
32 Chapel Hill Road Installation of a 16’ x 20’ deck and an emergency standby generator A

7943 Smith
27 Leach Hollow Rd Installation of a new A/C unit A

The Following Statements Of Intents Were Approved: Qty: 2

7935 Meyer
36 Holiday Point Rd. Finish basement in existing dwelling. A

7944 Rockett
41 Orchard Rest Rd Interior renovations including finishing the basement. B

The Following Statement Of Intents Were Received And Filed For Record Only: Qty: 1

7945 Weinberg
7 Orchard Rest Road Clean out drains and remove mud and silt from recent weather events B

The Following Applications Were Withdrawn: Qty: 0

The Following Applications Have Been Denied Qty: 1

7936 VonAncken
34 Spring Lake Rd. Installation of emergency standby generator A

The Following Applications Were Returned For Lack Of Information: Qty: 0

The Following Applications Require Additional Information Or Review: Qty: 4

7925 Lukse
62 Route 39 North Clear brush, install drainage and excavate around existing dwelling. A
7938 Sinclair 24 Candleview Dr. Construct 20’ round deck for installation of a 16’ diameter Yurt B

7940 Liker 5 Echo Lane So. Installation of an A/C unit. B

7946 Gorman 32 Route 37 East Construct a 40” x 40” platform for emergency exit from the existing Winery. A

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 324.2B, “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 jets 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 08-18 46 Wakeman Hill Road – A “Split Rail” Fence was constructed in the Town Road Right of Way exceeding 4’ in height in violation of Section 322.1.b1i of the Town of Sherman Zoning Regulations.- A Notice of Violation was mailed. The property owner responded by coming into the office. The fence will be removed from the town ROW. The fence rails have been removed. A second Notice of Violation will be sent reminding the owner to remove the posts.

ZV 09-18 1 Route 37 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 or 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.

ZV 21-18
10 Echo Lane South – An accessory structure was erected without the required permit ( Shed). A violation of Section 410 “Zoning Permits” of the Town of Sherman Zoning Regulations. – Zone B. A Notice of Violation was sent. The homeowner responded and plans on applying for a variance and an Inland Wetlands Permit. The ZEO requested an A-2 survey from the property owner of 10 Echo Lane South which was received on September 18, 2018. The ZEO is in the process of scheduling separate site visits with both parties and will respond to the complaints after determinations have been made. Zone B. The ZEO has scheduled site walks at 162 Route 39 South and 10 Echo Lane South with the Inland Wetlands Commission to observe the conditions that brought on the Complaints. The site walks took place on Saturday November 17, 2018. The ZEO will send a notice to the owner requesting the shed be removed. A letter was sent on January 10, 2019 requesting the shed be removed. I’ve spoken to the homeowner and she requested additional time due to the winter storms over the next couple of months. I will follow up in the next couple of months.

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 hutchs 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 violation 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.
ZV 31-18 152 Route 39 South – A Hot tub with electrical hookup was installed in State of Connecticut Road Right of Way. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. The site was inspected by the Town of Sherman’s ZEO, a representative from the States permit division and the Resident State Trooper. A Notice of Violation will be sent. A Notice of Violation was mailed on August 21, 2018. The state is following up on this since it’s an encroachment in their road ROW. Have not heard from the state during the Holidays. Spoke with the state representative from CTDOT. The state is pursuing action and is in the process of scheduling another meeting with the property owner. The Connecticut DOT had a meeting to inform the resident that they have until May 6, 2019 to remove the hot tub, electric, fence posts remains, a portion of the retaining wall and to back fill the rest of the retaining wall. The ZEO will send a letter to the homeowner reminding them that a permits are required if anything is moved onto the lot.

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.

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.

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.

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 come 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.

ZV 01-19  21 Holicay 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

No New Business

Zoning Board of Appeals Decisions –

March 2019 – ZBA Case # 695 – White Silo Winery – Application for a variance to connect a second accessory building to a septic disposal system. Zone A - Case was continued.

Ron Cooper
Zoning Enforcement Officer
Town of Sherman

Accepted by the Planning and Zoning Commission as submitted by the ZEO at their regular meeting on April 4, 2019.