REGULAR MONTHLY MEETING MINUTES
Thursday, May 6, 2021 7:00 pm.


Absent: R. Lenihan, and Alternate R. Linkletter

Also Present: Land Use Atty. M. Branse, ZEO R. Cooper and Administrative Clerk, C. Branson

Audience: R. Gorman, E. Gorman J. Dwyer, D. Lowe, T. Hahn, R. Borgati

Call to Order: R. Peburn Called the Meeting to Order at 7:06 pm

M. Lee Moved to Amend the Agenda to rearrange the Agenda to allow First Selectman D. Lowe’s pre-application discussion to take place following Public Comment.

Seconded by: N. Volkmar

Vote: For: Unanimous

Alternate J. Siegel was Elevated to Voting status due to the absence of R. Lenihan

CONTINUATION OF PUBLIC HEARING I:
Application for a Special Permit: 32 Route 37 East, Gorman, Ralph & Eric- White Silo Farm Winery (Map-18, Lot-4)
Application to connect septic system to an existing Accessory Building (28’ x 48’ x 19’ wine storage building). Reference ZBA Variance Approval dated 12/1/2020. Zone A

Chair R. Peburn opened the continuation of the Public Hearing for Special Permit: 32 Route 37 East, Gorman, Ralph & Eric- White Silo Farm Winery. Secretary M. Lee read the Legal Warning into record. Legal Warning was posted on the website on March 18, 2021 and remained posted until today. The legal notice was sent to 10 abutters within 500 feet of the property on March 18, 2021. One letter of correspondence was received One letter of support was received from E. Diller. No other correspondence was received.

Owners of White Silo Farm Winery Ralph and Eric Gorman were present to speak on behalf of their application. The Public Hearing began at the April 1, 2021 meeting and was continued to tonight. At the April meeting it was expressed by the Commissioners their desire to consult the opinion of ZEO R. Cooper to understand the process the Gorman’s have gone through regarding the need for ZBA Variance approval to allow an additional Accessory Building the ability of a Septic Connection. ZEO R. Cooper explained the permitting process and why the Gorman’s first needed to have a Variance approved by the ZBA. The farm winery property, as it stands today has a dwelling and the tasting facility connected to separate septic systems. The regulations only allow one accessory building to be connected to a septic system in addition to the principal dwelling. The applicant’s requested an additional accessory building the ability to be connected to a septic system. This request is not typical to the traditional use of a property in Zone A, therefore the applicants were sent to the Zoning Board of Appeals to request a variance to allow their wine processing facility building a connection to a small septic system to allow for proper cleaning of wine equipment and an employee bathroom. The Gormans’ were granted the variance at the ZBA December 1, 2020 meeting. The Gormans additionally were granted approval by the Sherman Health Department. Land Use Atty. M. Branse noted he feels the property has dual use because it is residential as well as a farm winery. He stated he views the residential use as secondary to the Farm Winery. Now that a Variance has been granted to allow the third building the ability to be connected to a septic system the Commission has the ability to approve the Special Permit. E. Gorman discussed the process they went through that ultimately brought them to this application. First the Farm winery Regulation was developed and they have been seeking the approval for the septic system connection to the wine making facility. The proposed septic system is small, and will facilitate the cleaning process and will provide an employee bathroom. The Commission discussed the fact that a Special Permit, once granted stays with the land. A brief discussion took place regarding placing conditions on the approval to ensure the accessory building remain incidental to the wine making process and not living space. First Selectman D. Lowe spoke in favor of the application, stating the winery is a critical business in Sherman and he hopes the application is granted. Clerk, C. Branson read the letter of support from abutting neighbor Erich and Jeanene Diller into record. The Commission agreed they had sufficient information to Close the Public Hearing.
**PUBLIC HEARING II:**

Application for a Special Permit: 145 Route 39 North, Owner: Twenty Eight Farm Road, LLC (Map- 32, Lot- 42)

Chair R. Peburn opened the Public Hearing for Special Permit for 145 Route 39 North, Owner: Twenty Eight Farm Road, LLC

Secretary M. Lee read the Legal Warning into record. Legal Warning was posted on the website on April 20, 2021 and remained posted until today. The legal notice was sent to 14 abutters within 500 feet of the property on April 20, 2021. No correspondence was received. The purpose of this application is to seek approval for an accessory apartment within the space above the attached garage. The application file contained floor plans showing the lay out of the new proposed single family dwelling showing the apartment. Health Approval has been granted. A B-100a was submitted showing the proposed septic plan. Two parking spaces are shown on the proposed plans. Alfie Muoio was present to speak on behalf of the application. The Commission discussed the requirement of the homeowner to prove occupancy. Since the dwelling is proposed to be built there currently is no way to prove occupancy. The Commission discussed placing conditions upon the approval to require proof of occupancy at the issuance of the Certificate of Zoning Completion. The Commission agreed, the proposed Accessory Apartment meets the required size and all other criteria. Mr. Muoio stated he hopes the Commission issues an approval so he can move his project along. The Commission agreed they have received enough information to close the Public Hearing.


**Seconded by: N. Volkmar**

Vote: For: Unanimous

**PUBLIC HEARING III:**

Application for a Special Permit: 9 Osborn Road, Owners: Kristina Leonetti & Rachel Churner (Map- 21, Lot- 42)
Application to allow modification of an existing 20’ x 10 storage room to connect to the existing septic system all in accordance with Zoning Regulations, Section 324.3.a Septic Systems for Accessory Buildings, for the installation of a toilet and sink (indoors) and construction of an outdoor shower on the exterior wall with a shed roof as proposed on building plans entitled; “9 Osborn Road, Sherman, CT Kristina Leonetti” Pages 1-3 and within the exact proposed location shown on submitted B-100a Septic Plan prepared by: A-1 Septic. Zone A

Chair R. Peburn opened the Public Hearing for the Application for a Special Permit: 9 Osborn Road, Owners: Kristina Leonetti & Rachel Churner.

Secretary M. Lee read the Legal Warning into record. Legal Warning was posted on the website on April 20, 2021 and remained posted until today. The legal notice was sent to 12 abutters within 500 feet of the property on April 20, 2021. No correspondence was received. The purpose of this application is to seek approval for septic connection to a detached garage for an interior bathroom with an exterior shower shown in the footprint of submitted building plans. In the application file there was Health approval, granted April 29, 2021. There was also a B-100a showing the proposed septic system. The Commission conducted a site walk on April 24th, 2021 to view the proposed space within the existing detached garage. Kristina Leonetti and Rachel Churner were
present to speak on behalf of their application. The Commission agreed they have received sufficient information to close the Public Hearing.

**M. Lee Moved** to Close the Public Hearing for the Application for a Special Permit: 9 Osborn Road, Owners: Kristina Leonetti & Rachel Churner (Map- 21, Lot- 42). Application to allow modification of an existing 20’ x 10 storage room to connect to the existing septic system all in accordance with Zoning Regulations, Section 324.3.a Septic Systems for Accessory Buildings, for the installation of a toilet and sink (indoors) and construction of an outdoor shower on the exterior wall with a shed roof as proposed on building plans entitled; “9 Osborn Road, Sherman, CT Kristina Leonetti” Pages 1-3 and within the exact proposed location shown on submitted B-100a Septic Plan prepared by: A-1 Septic. Zone A

**Seconded by: J. Burruano**  
**Vote: For: Unanimous**

**OLD BUSINESS:**

**Deliberation I:**  
Application for Special Permit: 32 Route 37 East, Gorman, Ralph & Eric- White Silo Farm Winery (Map-18, Lot-4)

Chair, R. Peburn Opened the Deliberations for the Application for Special Permit: 32 Route 37 East, Gorman, Ralph & Eric- White Silo Farm Winery. The Commission agreed they have received sufficient information regarding the Variance, health approval and understand the process explained by ZEO, R. Cooper. The Commission discussed placing a condition upon the approval of this application to specify the Accessory Building with Septic Connection shall never become habitable space.

**N. Volkmar Moved** to Approve Special Permit for 32 Route 37 East, Gorman, Ralph & Eric- White Silo Farm Winery (Map-18, Lot-4) for connection of an existing Accessory Building (28’ x 48’ x 19’ wine storage building) to a new septic system in accordance with ZBA Variance from Section 324.3A.a granted by the Zoning Board of Appeals on 12/1/2020, subject to the **CONDITIONS:** that the use of the accessory building shall be in accordance with the statements of the applicant at the P&Z Commission’s Public Hearing of May 6th, 2021 being that other than the existing wine making and storage in the accessory building, there will be only an employee bathroom/ washroom with no shower, and no use of the building for residential purposes. Zone A.

**Seconded by: M. Lee**  
**Vote: For: Unanimous**

**Deliberation II:**  
Application for Special Permit: 145 Route 39 North, Owner: Twenty Eight Farm Road, LLC (Map- 32, Lot- 42):

Chair, R. Peburn Opened the Deliberations for the Application for Special Permit: 145 Route 39 North, Owner: Twenty Eight Farm Road, LLC. The Commission discussed placing a condition upon the approval of this application to require proof of Occupancy previous to the issuance of the Certificate of Zoning Completion.

**N. Volkmar Moved** to Approve the Special Permit for 145 Route 39 North, Owner: Twenty Eight Farm Road, LLC (Map- 32, Lot- 42) for construction of an Accessory Apartment proposed within the proposed new single dwelling, above the garage. All in accordance with Zoning Regulations, Section 324.1.A.2 Accessory Apartments and as shown in submitted building plans, page 3, entitled; “Heather Muoio, Route 39 Sherman, CT”. Dated: 3/4/2021. Prepared by: Westchester Modular Homes, INC. and in the exact footprint location on submitted B-100a entitled; “Lot-5, 145 Route 39 North, Sherman, CT, Site/ Septic Plan”. Dated: 02/23/2021. Prepared by: Michael Mazzucco, P.C.  
**CONDITIONS:** Proof of occupancy must be presented before a Certificate of Zoning Compliance shall be issued. Zone A.

**Seconded by: M. Lee**  
**Vote: For: Unanimous**
Deliberation III:

Application for Special Permit: 9 Osborn Road, Owners: Kristina Leonetti & Rachel Churner (Map-21, Lot-42)

Chair, R. Peburn Opened the Deliberations for the Application for a Special Permit: 9 Osborn Road, Owners: Kristina Leonetti & Rachel Churner. The Commission agreed the application was very straightforward.

J. Burruano Moved to Approve the Special Permit for: 9 Osborn Road, Owners: Kristina Leonetti & Rachel Churner (Map-21, Lot-42) for modification of an existing 20’ x 10 storage room to connect to the existing septic system all in accordance with Zoning Regulations, Section 324.3.a Septic Systems for Accessory Buildings, for the installation of a toilet and sink (indoors) and construction of an outdoor shower on the exterior wall with a shed roof as proposed on building plans entitled; “9 Osborn Road, Sherman, CT Kristina Leonetti” Pages 1-3 and within the exact proposed location shown on submitted B-100a Septic Plan prepared by: A-1 Septic. Zone A.

Seconded by: N. Volkmar

Vote: For: Unanimous

PUBLIC COMMENT:

John Dwyer requesting an update regarding a complaint submitted to the Commission.

Chair, R. Peburn spoke in response to Mr. Dwyer’s request, stated some of his complaints were civil issues and perhaps Mr. Dwyer consider consulting the opinion of his own lawyer.

Land Use Atty. Mark Branse: also responded to Mr. Dwyer’s request, stating he supplied ZEO Cooper with some brief answers, however some of the questions were not enforceable by the Town and perhaps Mr. Dwyer consider consulting his own lawyer, but had nothing to add at this time.

PRE-APPLICATION DISCUSSION FROM FIRST SELECTMAN D. LOWE:

First Selectman Don Lowe was present to speak upon his request to discuss what is required to approve storage containers on Town owned property at the Highway Garage. Mr. Lowe discussed the need to provide a better solution to an ongoing problem at the Town Garage in storing items for various Town entities. Mr. Lowe has come up with a plan to place five storage containers approximately 20’ long, by 8’ high, by 8’ wide behind where the school busses currently park. He plans to create a 60’ asphalt pad meeting the required setbacks to provide an adequate storage solution for Town entities. Chair Peburn stated he applauds Mr. Lowe’s efforts to clean up the Town Highway Department’s grounds by providing a solution. Town Land Use Attorney Mark Branse sited within the Zoning Regulations where such activity is stated to be permitted within Town owned property, Section 331.2.c was read into record. The Commission also discussed temporary vs. permanent accessory structures from Section 610 Definitions of the Zoning Regulations. First Selectman Lowe stated these containers were intended to be a permanent installation. The Town Attorney advised that an application for a Special Permit for the Town for the proposed storage containers would be the appropriate way to receive approval from the Commission as stated in Zoning Regulations Section 331.3.1 and Section 357 Special Permit Uses.

APPROVAL OF MINUTES:

Minutes of April 1, 2021 Regular Monthly Meeting

Approval of the Minutes from April 1, 2021 were tabled to the next Meeting.

Minutes of April 22, 2021 Ad Hoc Committee Meeting: Coote Hill Correspondence Minutes

M. Lee Moved to Approve the Minutes of April 22, 2021 Ad Hoc Committee Meeting: Coote Hill Correspondence as written.

Seconded by: P. Voorhees

Vote: For: 6 / Abstain: 1

(J. Finch did not attend)
CORRESPONDENCE:  

J. Dwyer- complaint follow up request.

Land Use Attty. M. Branse: wrote in response to Mr. Dwyer’s claim in reference to the term “grandfathered” clarifying the definition is referring to existing previous to Zoning Regulations, legal non-conforming use. (Referencing authors: Atty. Fuller, and Atty. Ziska).

Commissioner, N. Volkmar- letter of resignation from the P&Z Commission, reason moving out of Town.

ZONING ENFORCEMENT OFFICER’S REPORT:  March & April 2021

Zoning Enforcement Officer Ron Cooper submitted a combined Report for March / April 2021. There were twenty eight Zoning applications approved. No Statements of Intent were approved. No applications were withdrawn. One application was denied. One application was denied without prejudice. No applications were returned for lack of information. Twenty two applications remain under review seeking further information. Several ongoing cases were discussed that are under continued review. This report shall be attached herewith.

J. Burruano Moved to Accept the Zoning Enforcement Officer’s March / April 2021 Report as presented. 
Seconded by: M. Lee  
Vote: For: Unanimous

COMMITTEE REPORT:  Coote Hill Correspondence Ad Hoc Committee discussion and possible action

J. Burruano reported the Ad Hoc Committee met and discussed various concerns regarding the proposed cell tower site. A letter was composed by the Ad Hoc Committee. The Ad Hoc Committee is presenting the letter to the full Commission tonight for approval to send the correspondence along with the Environmental Impact Report created by the Zoning Enforcement Officer to the CT Siting Council. Commissioner J. Finch and Alt. Member J. Seigel stated they wish to recuse themselves of the vote.

N. Volkmar Moved to Approve the letter written by the Coote Hill Correspondence Ad Hoc Committee accompanied by the Environmental Impact Report created by the Zoning Enforcement Officer R. Cooper to submit to the CT Siting Council for consideration. 
Seconded by: M. Lee  
Vote: For: 4/ Against: 1 (P. Voorhees) Abstain: 2 (J. Finch, J. Seigel)

CHAIRMAN REPORT:  No report submitted

REGULATION REVIEW:  None

ADJOURNMENT:  

R. Peburn Adjourned the Meeting at 10: 15 pm.

Respectfully Submitted By:

Christine Branson,  
Administrative Clerk to the P&Z Commission  
May 13, 2021