REGULAR MONTHLY MEETING MINUTES
Thursday, October 7, 2021 7:00 pm. via * ZOOM virtual meeting

Members Present: R. Peburn, P. Voorhees, J. Burruano, J. Finch, and J. Seigel and Alternates: D. Febbraio, C. DaCunha

Absent M. Lee, R. Lenihan, R. Linkletter

Also Present: Administrative Clerk, C. Branson, ZEO, R. Cooper


CALL TO ORDER: R. Peburn Called the Meeting to Order at 7:05 pm.

Alternates D. Febbraio, C. DaCunha were elevated to voting status due to the absence of Commissioners: M. Lee and R. Lenihan.

J. Burruano was seated for the duration of the Meeting.

CONTINUATION of PUBLIC HEARING:

Application to Amend an Existing Special Permit- 44 Spring Lake Road (Map- 22, Lot-17) McKinnon, Hannah Roberts. Request to Amend the existing special permit granted by the P&Z Commission on December 3, 2020 by modifying the floor plan to reflect as built conditions as shown on submitted floor plans entitled “Exhibit A” dated 07/28/2021 and within the footprint of the existing accessory structure labeled “Barn” shown on A-2 survey entitled, “Existing Foundation Location Map, property of Hannah R. McKinnon, 44 Spring Lake Road, Town of Sherman, County of Fairfield, State of Connecticut”. Dated November 22, 2017. Prepared by: Arthur H. Howland & Associates, P.C. Zone A.

Chair, R. Peburn opened the Continuation of the Public Hearing. Commissioner J. Burruano stated she was not at the first portion of the Public Hearing for this application, however she did attend the site walk as well as read the Minutes of September 2, 2021 and listened to the audio recording of that meeting. Mrs. Burruano stated she was comfortable to be seated for the continuation of this Public Hearing. At the September 2nd, 2021 P&Z Meeting, Chair R. Peburn suggested this Public Hearing be continued to allow the Zoning Enforcement Officer, R. Cooper a chance to have input to the discussion and clarify details for the Commission. Chair, R. Peburn read into record Zoning Regulations, Section 324.3a Septic Systems for Accessory Buildings. ZEO, R. Cooper stated his interpretation of Section 324.3a Septic Systems for Accessory Buildings and verified his standards for determining the criteria of an applicant requesting an Accessory Building connection to a septic system. Mr. Cooper stated during his seventeen years of acting ZEO for the Town of Sherman, he looks for three things when determining suitability regarding this Section of the Regulations. First; the primary purpose of the structure has to be a garage. The second; the structure shall be no greater than 400 square feet. The third criteria; the structure must be a farm barn and used for agricultural purposes. ZEO Cooper stated he met with the applicants last year when they originally applied for their Special Permit and went over the criteria and the floor plans. The original floor plan that was submitted with the Special Permit application showed a garage door on the Spring Lake side of the structure. Chair, R. Peburn asked ZEO Cooper if the floor plan of the original application met the suitable criteria to be considered for a Special Permit for connection of a Septic System for an Accessory Building. ZEO Cooper stated that the original Special Permit was granted based upon the original floor plans that showed a garage door. Commissioner J. Burruano asked what changed about the structure that caused an issuance of a Zoning Violation. ZEO Cooper stated upon the final inspection of the structure it became apparent, the plan had been modified and the area that the floor plan showed a garage door now had a sealed wall with windows. He requested voluntary compliance from the homeowner and originally did not issue a Notice of Violation in hopes they would modify the structure to reflect the original building plans. The Commission discussed a set of French doors that were installed on the opposite wall of the portion of the structure that was deemed to be used for garage/storage. The Commission additionally discussed the grade from ground level to the French doors, which the homeowner reported to be approximately two and a half to three feet. The applicants stated there was a rear deck attached to the structure that is in the process of being rebuilt, which would serve as access to the garage/ storage portion of the building. Four letters were received as correspondence from neighbors and were read into record by the Clerk, C. Branson. The first letter, from Catharine Cooke & Ian Gribble of 47 Church Road. The second letter was from Jennifer & Steve Ruffler of 76 Spring Lake Road. The third letter, from Monty & Doris Clark of 21 Smoke Ridge Drive. The fourth letter that was read into record was from Brian & Maria O’Mahony of 61 Spring Lake Road. All of the letters were in favor of the request to amend the original Special Permit to allow modification of the original plan. The Applicant’s Agent, Atty. Neil Marcus spoke on behalf of his clients, stating he would like to get the opinion of what is considered a garage. Atty. Marcus went on by sharing examples of his vehicles,
including a boat that he owns and the way they are stored in various surrounding Towns and how those structures are viewed by Zoning standards of those Towns. The Commission discussed the definition of a garage from the Sherman Zoning Regulations. There was a discovery that there were two definitions, both read approximately the same. Atty. Marcus stated the definitions were based upon the use of a garage, not the requirement for specific doors. Additionally, Atty. Marcus brought up the point that the structure was originally a barn and historically has been in existence since the early 1900’s. According to the P.O.C.D. historic barns are part of the rural appeal that the Town would like to preserve. Atty. Marcus stated the new owners of this property have made an attempt to historically renovate this building to not only look historically correct, but to also serve the owners needs for a home office within as well as a garage/ storage area to keep various yard equipment and other items usually kept in a garage. From the audience Donna Rhodes Johanson, a neighbor from 40 Spring Lake Road who shared her historic knowledge of the structure, stating opposition of the application. Ms. Rhodes Johanson stated her Grandfather built the barn, and she has photos of the barn from 1919, showing a garage door, her recollection was that two cars were housed in the portion of the barn that had the garage door. The Commission discussed the fact that the original plan approved showed a garage door. The Commission additionally discussed the two and a half foot drop between the back French doors of the structure where a deck is being replaced. The applicants added that when they were renovating the barn, they decided not to use the original garage door, since it was in terrible disrepair. After that decision they decided it would look more like a traditional barn without the garage door. They stated they did not realize by making this decision to omit the garage door that it would make the structure non-compliant. The applicants stated the intended use was always to use that portion of the building as garage/ storage space. In closing the Commission discussed the removal of the original deck, stating it would also be considered non-compliant by removing the structure. It was pre-existing non-conforming due to the proximity the road. ZEO, R. Cooper stated he would allow the applicants to rebuild the deck as long as it was in the exact footprint and no larger without issuance of a violation. No further discussion took place.

J. Burruano Moved to Close the Public Hearing for the Application to Amend an Existing Special Permit- 44 Spring Lake Road (Map- 22, Lot-17) McKinnon, Hannah Roberts. Request to Amend the existing Special Permit granted by the P&Z Commission on December 3, 2020 by modifying the floor plan to reflect as built conditions as shown on submitted floor plans entitled “Exhibit A” dated 07/28/2021 and within the footprint of the existing accessory structure labeled “Barn” shown on A-2 survey entitled, “Existing Foundation Location Map, property of Hannah R. McKinnon, 44 Spring Lake Road, Town of Sherman, County of Fairfield, State of Connecticut”. Dated November 22, 2017. Prepared by: Arthur H. Howland & Associates, P.C. Zone A.

Seconded by: P. Voorhees     Vote: For: Unanimous

OLD BUSINESS:
DELIBERATION of PUBLIC HEARING:
Application to Amend an Existing Special Permit- 44 Spring Lake Road (Map- 22, Lot-17) - McKinnon, Hannah Roberts-. Request to Amend the existing Special Permit granted by the P&Z Commission on December 3, 2020 by modifying the floor plan to reflect as built conditions as shown on submitted floor plans entitled “Exhibit A” dated 07/28/2021 and within the footprint of the existing accessory structure labeled “Barn” shown on A-2 survey entitled, “Existing Foundation Location Map, property of Hannah R. McKinnon, 44 Spring Lake Road, Town of Sherman, County of Fairfield, State of Connecticut”. Dated November 22, 2017. Prepared by: Arthur H. Howland & Associates, P.C. Zone A.

Chair, R. Peburn opened the deliberations portion of the hearing. The acting seated Commissioners discussed the request to amend the application to allow the new floor plan without a garage door to the storage/ garage portion of the structure. The Commission discussed the definition of “garage” in the Zoning Regulations. The Commission recognized that the applicants have stated their intent to use that portion of the building as storage/ garage. The Commission also discussed the French doors at the rear of the structure and the two and a half to three foot drop between the ground and deck.

P. Voorhees Moved to Approve the Application to Amend an Existing Special Permit- 44 Spring Lake Road (Map- 22, Lot-17)- McKinnon, Hannah Roberts- to Amend the existing Special Permit granted by the P&Z Commission on December 3, 2020 by modifying the floor plan to reflect as built conditions as shown on submitted floor plans entitled “Exhibit A” dated 07/28/2021 and within the footprint of the existing accessory structure labeled “Barn” shown on A-2 survey entitled, “Existing Foundation Location Map, property of Hannah R. McKinnon, 44 Spring Lake Road, Town of Sherman, County of Fairfield, State of Connecticut”. Dated November 22, 2017. Prepared by: Arthur H. Howland & Associates, P.C. Zone A.

Seconded by: C. DaCunha     Vote: For: 1 (P. Voorhees) / Against: 4 (C. DaCunha, J. Burruano, R. Peburn and D. Febbraio)
NEW BUSINESS:

Western CT Regional Affordable Housing Plan-

The Commission briefly discussed the suitability of the proposal, stating it seems to be geared for much larger towns not like Sherman. This plan was shared to the Commission from First Selectman D. Lowe. It was discussed that the adoption of this proposal would fall under the responsibility of the BoS. Chair, R. Peburn asked the Commission to read through the proposal and if willing to be prepared if the First Selectman is seeking a member of the Commission to join an advisory board if needed.

PUBLIC COMMENT:

B. Ackerman & T. Hollander- shared information to the P&Z Commission on behalf of Independence Village (a not for profit organization) Senior Housing presentation. A presentation from members of Independence Village of Sherman, Inc. a non-profit entity, was read into record by B. Ackerman, and T. Hollander. The non-profit group formed by three former members of the Housing Commission met with an Attorney with experience in such projects and asked an architect to draw plans based on the recommendations and information obtained from those who built Senior Housing. The presentation suggests that a 55+ community be built on a Town owned 12 acre property. Architect P. Pennell created concept drawings for this project. The presentation included concept illustrations for the project layout and unit floor plans, for a visual starting point. These plans were created as a concept to demonstrate feasibility of this type of project on the proposed property. There will be an informational forum open to the public on Saturday, October 16th 2021 beginning at 10 am at Charter Hall for more information.

APPROVAL OF MINUTES:

Minutes of Regular Monthly Meeting September 2, 2021

P. Voorhees Moved to Approve the Minutes of Regular Monthly Meeting, September 2, 2021 as written.  
Seconded by: C. DaCunha  
Vote: For: Unanimous

CORRESPONDENCE:  No correspondence was received.

ZONING ENFORCEMENT OFFICER’S REPORT:  August 2021 & September 2021

Zoning Enforcement Officer Ron Cooper submitted a Report for September 2021. There were twenty six Zoning applications approved. One driveway permits was issued. Two Driveway Bonds were released. One Statement of Intent for the Farm Day event at Happy Acres was approved. No applications were withdrawn. One application was denied. One application was denied without prejudice. No applications were returned for lack of information. Fourteen applications remain under review seeking further information. Several ongoing cases were discussed that remain under continued review.

J. Finch Moved to Accept the Zoning Enforcement Officer’s August 2021 & September 2021 Reports as presented.  
Seconded by: J. Finch  
Vote: For: Unanimous

COMMITTEE REPORTS:  None

CHAIRMAN REPORT:

Chair, R. Peburn, stated there were recent Public Acts passed that could affect the Town which create new items to review for future discussion: Accessory Apartments/ Affordable Housing and retail cannabis.

REGULATION REVIEW:  No Regulations were reviewed.

ADJOURNMENT:

Chair, R. Peburn Adjourned the Meeting at 9:49 pm

Respectfully submitted by:

Christine Branson, Administrative Clerk to the Commission  
October 19, 2021