
Members Absent: K. Fazzone

Audience: R. Gorman, E. Gorman, H. Von Ancken, and E. Von Ancken

Other: C. Branson, Administrative Clerk

Call to Order: K. Gubner Called the Meeting to Order at 7:10pm.

Alternate Samantha Addonizio-Butts continued to be Elevated to Voting Status for the duration of ZBA Case 695.

Victoria Gentile was elevated to Voting Status for the duration of ZBA Case 695.

Continuation of Public Hearing I:

ZBA Case # 695- White Silo Farm Winery- Owner: Ralph Gorman -32 Route 37 East (M-18, L-4)

Requesting variance of Section 324.3a Septic Systems for Accessory Buildings, to allow up to two accessory structures to be connected to a septic system or systems for construction of a 50’ x 28’ Accessory Garage structure which will be used for agricultural purposes which shall include storage of farm equipment, storage and processing of agricultural crops all in accordance with submitted building plans entitled “Customer Eric Gorman, 32 Rt. 37 East, Sherman, CT 06784”, created by Sheds Unlimited, Drawn by: Kyle Zook and in accordance with submitted survey entitled “Abutters Map, Site Name: White Silo Farm, 32 Route 37 East, Sherman CT 06784.” Prepared by: Pro Terra Design Group, LLC. Dated 05/20/2019. Zone A.

Chair, K. Gubner Opened the continuation of the Public Hearing for Case 695. Member W. Jones and Alternate D. Raines recused themselves from this hearing, stating they were not present at the beginning of the Hearing on March 5, 2019. No one was audio recording from the audience. Clerk, C. Branson read the Legal Notice into record. The Legal Notice was published in the Town Tribune on February 21, & February 28, 2019. Since the case was continued the warning was published again in the Town Tribune on March 21, and March 28, 2019. Chair K. Gubner reviewed the case file. Legal Notice was mailed by certified mail to 11 abutters. No correspondence was received. The file contained a hardship letter, a marked up survey, building plans and Health Approval and a field card. Ralph and Eric Gorman were present to speak on behalf of their application. R. Gorman addressed the Board and described the use of the proposed accessory building. They plan to use the structure for the agricultural process of winemaking. The structure will house tanks and equipment incidental to the process, there will be an area for farming equipment also. The winemaking process requires a sink to clean the equipment and lab instruments. The Health Sanitarian advised them they would need a septic system in order to properly dispose of the wastewater. They anticipate the overall water use to be minimal. The reason they are requesting a variance is because currently they already have an accessory structure connected to a septic system. The Regulations only allow one accessory structure to be connected to a septic other than the principal dwelling. With the proposal of this additional structure they are required to request a variance to allow a third building with septic connection. They looked into alternate locations and even considered creating an area within existing structures on their farm, however were not successful finding a sound, viable location. The proposed location of the structure is in close proximity to where their grapes are grown and out of view from the tasting facility and road. Mr. Gorman stated the proposed location allows an ideal setting because it can be built partially below grade, keeping the facility naturally cooler. Mr. Gorman stated this variance request is necessary in order to then go before the P&Z Commission for a Special Permit Hearing. Mr. Gorman stated the Special Permit would allow the septic connection to the proposed building. There were no further questions or comments from the Board or Applicants.

A. Chiaramonte Moved to Close the Public Hearing for ZBA Case 695.

Seconded by: J. Bonner 

Vote: For: Unanimous
Deliberation of Public Hearing I:

ZBA Case # 695- White Silo Farm Winery- Owner: Ralph Gorman -32 Route 37 East (M-18, L-4)

Chair, K. Gubner opened the Deliberation portion of Case 695. The seated Board members discussed their difficulty finding a hardship that runs with the land to justify granting of the variance. Some Board members stated they felt the hardship was more of a personal nature than being caused by the land. No further discussion took place.

S. Addonizio-Butts Moved to Approve ZBA case # 695- White Silo Farm Winery- Owner: Ralph Gorman -32 Route 37 East (M-18, L-4) Variance of Section 324.3a Septic Systems for Accessory Buildings, to allow up to two accessory structures to be connected to a septic system or systems for construction of a 50’ x 28’ Accessory Garage structure which will be used for agricultural purposes which shall include storage of farm equipment, storage and processing of agricultural crops all in accordance with submitted building plans entitled “ Customer Eric Gorman, 32 Rt. 37 East, Sherman, CT 06784”, created by Sheds Unlimited, Drawn by: Kyle Zook and in accordance with submitted survey entitled “Abutters Map, Site Name: White Silo Farm, 32 Route 37 East, Sherman CT 06784.” Prepared by: Pro Terra Design Group, LLC. Dated 05/20/2019.

Seconded by: J. Bonner

Vote: For: 1 (Gentile, V.) / Against: 4

K. Gubner recessed the Meeting for 15 minutes.

K. Gubner reconvened the Meeting at 8:08pm

Member W. Jones and Alternate D. Raines joined the meeting.

Alternates S. Addonizio-Butts and V. Gentile left the Meeting.

Alternate D. Raines was elevated to Voting status for the duration of ZBA Case 696.

Member W. Jones was seated for the duration of ZBA Case 696.

Public Hearing II:

ZBA Case # 696- Owners: Von Ancken, Henry & Eva- 34 Spring Lake Road (M-23, L-3) Requesting Variance of Section 324.3b Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment for placement of a 17kw generator from 50’ to 90’ from the dwelling while maintaining 155’ from nearest property line as shown in the exact footprint on submitted map entitled, “Plot Plan, Lot 2, prepared for Warren J. Smith, Sherman, Connecticut”. Dated October 1988. Prepared by Richard W. Dibble, Licensed Land Surveyor. Zone A.

Chair K. Gubner opened the Public Hearing for ZBA Case 696. Clerk, C. Branson read the Legal Warning into record. No one was audio recording from the audience. The Legal Notice was published in the Town Tribune on March 21, and March 28, 2019. Chair K. Gubner reviewed the case file. Legal Notice was mailed by certified mail to 3 abutters. No correspondence was received. The file contained an application, a hardship letter, a marked up survey, and a field card and several photos showing the house from all angles. There were two photos from google earth showing the property from above. Eva and Henry Von Ancken were present to speak on behalf of their application. Mrs. Von Ancken addressed the Board. She stated she and her husband have lived in Sherman for 25 years. Their 10 acre property is secluded down a long driveway with no neighboring houses for close to a quarter mile. The home features numerous windows and doors throughout the ground level. Mrs. Von Ancken stated they consulted three contractors to find a compliant location for their proposed generator. Due to the abundance of windows around the home, there were no safe locations found that were within 15 feet of the home. The Building Code dictates the proximity to windows and doors. If the generator was 50’ from the home, it would be in the middle of the yard. The Von Anckens’ concluded the most logical location for the proposed generator would be close to their utility shed where propane tanks currently exist. Mrs. Von Ancken stated they would have preferred to locate the generator closer to the dwelling, the trenching to the proposed location shall be costly. They are requesting a variance to locate the generator 90’ from the dwelling while maintaining 155’ feet from any property line. There were no additional questions or comments.
W. Jones Moved to Close the Public Hearing for ZBA Case 696.  
Seconded by: J. Bonner  
Vote: For: Unanimous

Deliberation of Public Hearing II:

ZBA Case # 696- Owners: Von Ancken, Henry & Eva- 34 Spring Lake Road (M-23, L-3)

The Board discussed Zoning Regulation, Section 324.3b Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment. The intent of the Regulation is to limit the impact of neighboring properties when placing noise generating equipment. The Regulation dictates that the placement should be closer to the dwelling than the property line and this requirement is being met. The Board discussed the applicants’ efforts to find a compliant location by consulting with three contractors. The Board recognized there are Building Codes that prohibit location of a generator in close proximity to windows and doors. The Board agreed this particular property allows reasonable placement of the generator without impacting neighbors due to the size of the property as well as the fact that there are no close neighboring dwellings.

D. Raines Moved to Approve ZBA Case # 696- Owners: Von Ancken, Henry & Eva- 34 Spring Lake Road (M-23, L-3) Variance of Section 324.3b Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment for placement of a 17kw generator from 50’ to 90’ from the dwelling while maintaining 155’ from nearest property line as shown in the exact footprint on submitted map entitled, “Plot Plan, Lot 2, prepared for Warren J. Smith, Sherman, Connecticut”. Dated October 1988. Prepared by Richard W. Dibble, Licensed Land Surveyor. Zone A.  
Seconded by: J. Bonner  
Vote: For: Unanimous

Approval of Minutes:

Regular Monthly Meeting of March 5, 2019

D. Raines Moved to Approve the Minutes of ZBA Regular Monthly Meeting of March 5, 2019 as written.  
Seconded by: K. Gubner  
Vote: For: Unanimous

Workshop Minutes of December 4, 2018

J. Bonner Moved to Approve the Workshop Minutes of December 4, 2018 of a summarized legal seminar attended by A. Chiaramonte, with amendment to attendees present.  
Seconded by: D. Raines  
Vote: For: Unanimous

Adjournment:

D. Raines Moved to Adjourn the Meeting at 9:10 pm.

Respectfully submitted by:

Christine Branson, Board Administrative Clerk  
April 9, 2019