TOWN OF SHERMAN
ZONING BOARD OF APPEALS
MEETING MINUTES
Tuesday, December 1, 2020 7:00 pm
MALLORY TOWN HALL, 9 ROUTE 39 NORTH, SHERMAN, CT 06784

Members Present: K. Gubner, K. Fazzone, J. Bonner, W. Jones and A. Chiaramonte

Members Absent: Alternate V. Gentile

Also: C. Branson, Board Administrative Clerk

Audience: M. Eakin, K. Hoang, D. Lowe, B. Bennett, E. Gorman, R. Gorman and T. Lewis

Call to Order: Chair, K. Gubner Called the ZOOM Meeting to Order at 7:01 pm

PUBLIC HEARING I:

ZBA CASE # 711- 35 Ledgewood Drive (Map: 72, Lot: 20) Warnery, Philippe.

Chair, K. Gubner opened the Public Hearing of ZBA Case 711. Clerk C. Branson read the Legal Warning into record. The warning was posted on the Town website on November 19th and was available to view continuously to the date of the hearing. Clerk C. Branson verified the contents of the file. Certified letters were sent to abutters on November 19th 2020. No correspondence was received. Mr. Gubner welcomed Matthew Eakins of Tri-County Electric, Agent for the Applicant to speak on behalf of his client. Mr. Eakins provided several photographs of the property to show the various challenges created by the topography and proximity to the water. Mr. Eakins stated the neighbor’s homes were well over 100’ from where the generator is proposed. He stated he considered other locations however he was met with challenges with topography or extensive excavation would need to be conducted without knowing if there truly would be a clear path to hook up the generator to propane and electric. Mr. Eakin pointed out there are meticulous gardens and patio features surrounding the home that would be disturbed if excavation were required. The proposed placement of the generator will allow clear access to the electric panel and underground propane lines, while avoiding placement in close proximity to windows as necessary to meet Building code. Additionally, Mr. Eakin stated this generator is very quiet and he wouldn’t anticipate any disruption to the neighboring properties. Mr. Eakin also added, since this is an area prone to power outages, many of the neighboring properties have the same model generator.

A. Chiaramonte Moved to Close the Public Hearing of ZBA CASE # 711- 35 Ledgewood Drive (Map: 72, Lot: 20) Warnery, Philippe.
Seconded by: J. Bonner Vote: For: Unanimous

DELIBERATION I:

ZBA CASE # 711- 35 Ledgewood Drive (Map: 72, Lot: 20) Warnery, Philippe.

Chair K. Gubner opened the Deliberations portion of ZBA Case # 711. The Board discussed the unique topography of this property and proximity to the 440 line of the lake. This property is surrounded on three sides by the lake. The proposed location of the generator does allow ample distance to the abutting homes.
A. Chiaramonte Moved to Close the Deliberations portion of ZBA CASE # 711-35 Ledgewood Drive (Map: 72, Lot: 20) Warnery, Philippe.  
Seconded by: J. Bonner  
Vote: For: Unanimous

Seconded by: W. Jones  
Vote: For: 4 / Against: 1 (Chiaramonte)

PUBLIC HEARING II:  
ZBA CASE # 712-32 Route 37 East (Map: 18, Lot: 4) Gorman, Ralph.  
Requesting Variance of Section 324.3a Septic Systems for Accessory Buildings, to allow a septic connection to an existing 28’ x 50’ accessory building, built in 2019 which is used for agricultural production purposes. Submitted site map prepared for AT&T, entitled “White Silo Farm, Site: SR-2041, Address: 32 Route 37 East, Sherman, CT 06784” Prepared by: Northeast Survey Consultants. Dated 05/20/2013. Sheet Title: Abutters Map C-1. Zone A.

Chair, K. Gubner opened the Public Hearing of ZBA Case 712. Clerk C. Branson read the Legal Warning into record. The warning was posted on the Town website on November 19th and was available to view continuously to the date of the hearing. Clerk C. Branson verified the contents of the file. Certified letters were sent to abutters on November 19th 2020. No correspondence was received. Mr. Gubner welcomed Eric and Ralph Gorman, owners of White Silo Farm Winery to speak on behalf of their application. Their intent for this request is to allow an additional accessory building the ability for septic hook up to utilize the building for agricultural purposes for all aspects of the wine making processes. The Gorman’s have owned this parcel of land for over 35 years, approximately 20 years ago the farm transitioned to a winery. The septic hook up for this existing structure will greatly facilitate all aspects of the wine making process, most importantly by allowing the vats to be properly cleaned and sanitized. If the variance is granted, Mr. Gorman stated they will still need to be approved for a Special Permit to allow the septic hook up. From the audience, First Selectman Donald Lowe spoke in support of this request, stating the farm/winery is a critical asset to the Town. Mr. Lowe also stated Tim Simpkins’ Director of the Health Department advocacy for approval of this variance which will assure the best practices toward health, safety and convenience of the workers and environment.

W. Jones Moved to Close the Public Hearing of ZBA CASE # 712-32 Route 37 East (Map: 18, Lot: 4) Gorman, Ralph.  
Seconded by: A. Chiaramonte  
Vote: For: Unanimous

DELIBERATION II:  
ZBA CASE # 712-32 Route 37 East (Map: 18, Lot: 4) Gorman, Ralph.

Chair K. Gubner opened the Deliberations portion of ZBA Case # 712. The Board discussed the winery’s commercial and agricultural aspects and the uniqueness of this request being specific to this parcel. The additional accessory building’s septic hook up will allow for the business to operate in a safe and sufficient way.

J. Bonner Moved to Close the Deliberations portion of ZBA Case # 712.  
Seconded by: W. Jones  
Vote: For: Unanimous
A. Chiaramonte Moved to Approve ZBA CASE # 712 - 32 Route 37 East (Map: 18, Lot: 4) Gorman, Ralph. Requesting Variance of Section 324.3a Septic Systems for Accessory Buildings, to allow a septic connection to an existing 28’ x 50’ accessory building, built in 2019 which is used for agricultural production purposes. Submitted site map prepared for AT&T, entitled “White Silo Farm, Site: SR-2041, Address: 32 Route 37 East, Sherman, CT 06784” Prepared by: Northeast Survey Consultants. Dated 05/20/2013. Sheet Title: Abutters Map C-1. Zone A.

Seconded by: J. Bonner

Vote: For: Unanimous

K. Gubner Recessed the meeting from 8:00pm to 8:05pm.

W. Jones Moved to reconvene the Meeting at 8:05pm.

Seconded by: J. Bonner

Vote: For: Unanimous

PUBLIC HEARING III:

ZBA CASE # 713 – 6 Echo Lane South (Map: 47, Lot: 44) Hoang, Khue. Requesting Variance of Section 324.1.A.1.H- Accessory Dwellings- Variance from the required 8 acre minimum lot size to 0.56 acres to create an Accessory Dwelling within an existing structure all in accordance with submitted floor plans entitled “Proposed Accessory Dwelling Interior Layout Schematics” which includes hand drawings: page 1- Ground Floor, page 2- Second Floor, page 3- Partial Basement Storage Area, page 4- Ground Floor Finished Square Footage, and page 5- Second Floor Square Footage (6 pages including cover page) Dated 11/10/2020”, and as shown in the existing location marked “Proposed 1 bedroom Residence” on submitted Septic System Design, dated 10/29/2020. Also shown in existing location on submitted A-2 survey entitled; “Property Survey, prepared for Amram & Virginia Attias, 6 Echo Lane South, Town of Sherman, Fairfield County. Dated: July 18, 2005, Prepared by: Paul A. Hiro, P.C. Zone B.

Chair K. Gubner opened the Public Hearing for ZBA Case 713. Administrative Clerk, C. Branson read the Legal Warning into record. The warning was posted on the Town website on November 19th and was available to view continuously to the date of the hearing. Clerk C. Branson verified the contents of the file. Certified letters were sent to abutters on November 19th 2020. No correspondence was received. Mr. Gubner welcomed Atty. William Bennett and his clients Khue Hoang and Tammy Lewis to speak on behalf of their application. Atty. Bennett stated his clients purchased the property in 2018. Atty. Bennett had submitted several photographs of the property and of the existing accessory structure which he is seeking approval of a variance to allow an accessory dwelling on a 0.56 acre parcel. Atty. Bennett shared the history of this property, stating the existing structure was built sometime in the early 1900’s and currently is not connected to any septic system. The primary dwelling was constructed within the 440 line. The clients are very concerned about First Light’s ability to flood the lake which, they fear would submerge a significant portion of the dwelling. Their intent for seeking this variance would to assure their ability to stay on this property and utilize the accessory dwelling as the primary dwelling if the circumstances were to call for the need to raise the water level of the lake. Atty. Bennett stated the accessory building is approximately 800 square feet of habitable space, which is well under the maximum 1,200 sq. ft. in the Regulation. Atty. Bennett submitted two letters from abutting neighbors showing their support of this request for a Variance. Owner, K. Hoang stated it is her understanding if First Light utilized the right to flood the lake to the 440 line, she would have no legal recourse. She continued, they have purchased flood insurance even though it was not required by her mortgage company. Ms. Hoang stated her home is within 15 inches from the waters’ edge. Atty. Bennett stated this property is under unique hardship due to the fact that the primary dwelling is constructed within the 440 boundary.

J. Bonner Moved to Close the Public Hearing of ZBA Case # 713 – 6 Echo Lane South (Map: 47, Lot: 44) Hoang, Khue.

Seconded by: A. Chiaramonte

Vote: For: Unanimous
DELIBERATION III:
ZBA CASE # 713 – 6 Echo Lane South (Map: 47, Lot: 44) Hoang, Khue.
Chair K. Gubner opened the Deliberations portion of ZAB Case # 713 – 6 Echo Lane South (Map: 47, Lot: 44) Hoang, Khue. There was a lengthy discussion regarding the proposed hardship of this case. There are several other homes in Sherman along the lake that share the same risk of flooding if First Light chooses to raise the water level. The owner of this property was informed of the possibility of flooding previous to their purchase. The Board discussed the relevancy of the Zoning Regulation requiring 8 acres or more to support two dwellings with connections to septic on one property. This parcel is 0.56 acres and along the water’s edge. It was noted that even if this variance was granted, the approval from the Health Department will be required before it could be heard at a Public Hearing for a Special Permit. The applicant’s Attorney requested to make a clarification during deliberations, which he was denied the opportunity due to procedural grounds because the Public Hearing had been closed.

A. Chiaramonte Moved to Close the Deliberation of ZBA Case # 713 – 6 Echo Lane South (Map: 47, Lot: 44) Hoang, Khue.
Seconded by: J. Bonner          Vote: For: Unanimous

W. Jones Moved to Approve ZBA CASE # 713 – 6 Echo Lane South (Map: 47, Lot: 44) Hoang, Khue. Requesting Variance of Section 324.1.A.1.H- Accessory Dwellings- Variance from the required 8 acre minimum lot size to 0.56 acres to create an Accessory Dwelling within an existing structure all in accordance with submitted floor plans entitled “Proposed Accessory Dwelling Interior Layout Schematics” which includes hand drawings: page 1-Ground Floor, page 2- Second Floor, page 3- Partial Basement Storage Area, page 4- Ground Floor Finished Square Footage, and page 5- Second Floor Square Footage (6 pages including cover page) Dated 11/10/2020”, and as shown in the existing location marked “Proposed 1 bedroom Residence” on submitted Septic System Design, dated 10/29/2020. Also shown in existing location on submitted A-2 survey entitled; “Property Survey, prepared for Amram & Virginia Attias, 6 Echo Lane South, Town of Sherman, Fairfield County. Dated: July 18, 2005, Prepared by: Paul A. Hiro, P.C. Zone B.
Seconded by: J. Bonner          Vote: For: 1 (Jones) / Against: 4
Variance was DENIED WITHOUT PREJUDICE

APPROVAL OF 2021 Schedule of Meetings

J. Bonner Moved to Approve the Zoning Board of Appeals 2021 Schedule of Meetings.
Seconded by: W. Jones          Vote: For: Unanimous

MINUTES: Zoning Board of Appeals Minutes of the February 4, 2020 Meeting

J. Bonner Moved to Approve the Minutes of February 4, 2020 as written.
Seconded by: K. Fazzone          Vote: For: 4 (Abstained: Chiaramonte)

Zoning Board of Appeals Minutes of the March 3, 2020 Meeting

J. Bonner Moved to Approve the Minutes of March 3, 2020 as written.
Seconded by: W. Jones          Vote: For: Unanimous

Zoning Board of Appeals Minutes of the October 6, 2020 Meeting

J. Bonner Moved to Approve the Minutes of March 3, 2020 as written.
Seconded by: K. Fazzone          Vote: For: 4 (Abstained: Jones)

Adjournment: K. Gubner Adjourned the Meeting at 9:56 pm.
Respectfully submitted by:

Christine Branson, Administrative Clerk
FINAL AS AMENDED at the January 5, 2021 Meeting.