
Absent: R. Lenihan, R. Peburn, and Alternate: J. Seigel


Also: Commission Clerk C. Branson

Absent: ZEO R. Cooper

Call to Order:

Chair, J. Burruano Called the Meeting to Order at 7:00pm

**J. Finch Moved to Amend the Agenda to add under New Business: Application for an Amendment to an existing Special Permit: Sherman Town Center, 3 Route 39 North, Owner: Sherman Town Center, LLC (M- 77, L- 8) Proposal: Restoration of and improvements to existing conditions which include paving, sidewalks, curbing, traffic flow and parking to improve the overall safety. Zone C.**

Seconded by: M. Lee

Vote: For: Unanimous

PUBLIC HEARING I:

CONTINUATION OF SPECIAL PERMIT APPLICATION- Crooked Furrows Lane (M- 24, L- 11 )
NAROMI Land Trust, Brookland Preserve- to allow a 20' x 60' designated parking area, an access gate, sign and kiosk in accordance with Section 324.1 e Accessory Uses to Conservation Organizations as shown on submitted map entitled "Property Survey, prepared for NAROMI Land Trust, Dated October 30, 2017. Zone A.

Chair J. Burruano opened the continuation of the Public Hearing which began June 7, 2018, and continued on July 5, 2018. The applicant granted the Commission a 35 day extension to further continue the Public Hearing on August 2, 2018. Commissioners J. Finch and R. Peburn stated they were not present at previous meetings, however have listened to the recordings and reviewed the Minutes. Chair Burruano read into record new correspondence dated August 28, 2018 from A. Branson, Executive Director of NAROMI. The letter was accompanied by a modified parking plan showing the new proposed parking area which had been submitted to and approved by the Inland/ Wetlands Commission. Discussion followed regarding the dimensions of the three space parking area. From the audience, abutter E. Agostino shared her concerns of people misusing the property. Also from the audience, abutter R. Hudson submitted a letter which he read into record. This letter provided a history of the right of way and a personal account of a confrontation which occurred between himself and a person misusing the property where the police were involved. Mr. Hudson stated he is concerned that the parking area will invite more trouble regarding trespassers which will create a hardship to the property owners along Crooked Furrows Road. Mr. Hudson also provided a "Glossary of Real Estate Law" to the Commission. The Commission recessed the meeting for 15 minutes to consult with Land Use Counsel. *Ms. Agostino stated she had an additional comment to make. Chair J. Burruano recognized Ms. Agostino and said she would have the opportunity to speak following the recess.

J. Burruano Recessed the Meeting at 7:39 pm

J. Burruano Reconvened the Meeting at 7:55 pm

*M. Lee Moved to Close the Public Hearing of the Continuation Of Special Permit Application- Crooked Furrows Lane (M- 24, L- 11 ) NAROMI Land Trust, Brookland Preserve.

Seconded by: N. Volkmar

Vote: For: Unanimous

*NAROMI representatives Chris Jellen and Amanda Branson were asked if they had any objection to a member of the audience to speak and they had none.
*N. Volkmar Moved* to re-open the Public Hearing of the Continuation Of Special Permit Application- Crooked Furrows Lane (M- 24, L- 11) NAROMI Land Trust, Brookland Preserve, to allow a member of the audience to speak who was told before the recess she would be allowed.

**Seconded by: M. Lee**

**Vote: For: Unanimous**

* From the Audience, E. Agostino- direct abutting neighbor to NAROMI’s Brookland Preserve spoke in reference to the Right of Way. She stated that under the recommendation of Counsel; the Right of Way was never anything more than a pedestrian path unless designated be used by cars. Ms. Agostino stated she feels allowing vehicles into this property would be a liability.

**M. Lee Moved** to Close the Public Hearing of the Continuation Of Special Permit Application- Crooked Furrows Lane (M- 24, L- 11) NAROMI Land Trust, Brookland Preserve.

**Seconded by: N. Volkmar**

**Vote: For: Unanimous**

**PUBLIC HEARING II:**

**PROPOSED: CHANGE TO THE ZONING REGULATIONS:**

**AMEND SECTION 331. Zone A - Farm-Residence Zone**

**AMEND SECTION 331.1 Permitted Principal Uses:**

**k.** Energy efficient designed dwellings which, due to their unique nature, may not be able to meet the Zoning Regulations as to **height, size, setback, or ground floor area**, and still maintain their energy efficiency, will be considered for a Special Permit.

**AMEND SECTION 331.2 Permitted Accessory Uses:**

**j.** Energy efficient designed structures, which due to their unique nature, may not be able to meet the Zoning Regulations as to **height, size, setback, or ground floor area**, and still maintain their energy efficiency as specified in the design specifications for the structure or dwelling, may be allowed by a Special Permit in accordance with Section 340.

**AMEND SECTION 332. Zone B - Residence Zone**

**AMEND SECTION 332.1 Permitted Principal Uses:**

**e.** Energy efficient designed dwellings, which due to their unique nature, may not be able to meet the Zoning Regulations as to **height, size, setback, or ground floor area**, and still maintain their energy efficiency, will be considered for a Special Permit.

**AMEND SECTION 332.2 Permitted Accessory Uses:**

**i.** Energy efficient designed structures, which due to their unique nature, may not be able to meet the zoning regulations as to **height, size, setback, or ground floor area**, and still maintain their energy efficiency as specified in the design specifications for the structure or dwelling, may be allowed by a Special Permit in accordance with Section 340.

**AMEND SECTION 333. Zone C - Business and Residence Zone**

**AMEND SECTION 333.1 Permitted Principal Uses:**

**m.** Energy efficient designed dwellings which, due to their unique nature, may not be able to meet the Zoning Regulations as to **height, size, setback, or ground floor area**, and still maintain their energy efficiency, will be considered for a Special Permit.

**AMEND SECTION 333.2 Permitted Accessory Uses:**

**j.** Energy efficient designed structures, which due to their unique nature, may not be able to meet the Zoning Regulations as to **height, size, setback, or ground floor area**, and still maintain their energy efficiency as specified in the design specifications for the structure or dwelling, may be allowed by a Special Permit in accordance with Section 340.

**AMEND SECTION 610. DEFINITIONS:**

**ADD Energy Efficient Designed Dwellings:** Dwelling which have been designed to harness wind, sun, and/ or geothermal heat sources to provide primary or supplemental energy to such dwelling.

**ADD Energy Efficient Structures:** Wind-powered generators, solar panel arrays, geo-thermal wells and pumps, and other structures which are designed and used to provide primary or supplemental energy as an accessory to a permitted principal use: does not include energy production facilities as a principal use.
Chair J. Burruano opened the Public Hearing for PROPOSED: CHANGE TO THE ZONING REGULATIONS: AMEND SECTION 331. Zone A - Farm-Residence Zone. Secretary M. Lee read into record the Legal Warning. The Warning was published in the Town Tribune August 23, 2018 and again on August 30, 2018. Nine area Towns and planning agencies have been notified by Certified Mail. One piece of correspondence was received from North Western Hills Council of Governments, stating no apparent conflict. No comments were made by the Commission. No comments were made by the audience.

N. Volkmar Moved to close the Public Hearing for PROPOSED: CHANGE TO THE ZONING REGULATIONS: AMEND SECTION 331. Zone A - Farm-Residence Zone.

AMEND SECTION 331.1 Permitted Principal Uses:*k. AMEND SECTION 331.2 Permitted Accessory Uses: *j. AMEND SECTION 332. Zone B - Residence Zone.

AMEND SECTION 332.1 Permitted Principal Uses: e. AMEND SECTION 332.2 Permitted Accessory Uses: *i. AMEND SECTION 333. Zone C - Business and Residence Zone. AMEND SECTION 333.1 Permitted Principal Uses: *m. AMEND SECTION 333.2 Permitted Accessory Uses: j. AMEND SECTION 610. DEFINITIONS:


Seconded by: M. Lee Vote: For: Unanimous

Old Business:

I - DELIBERATION OF SPECIAL PERMIT APPLICATION- Crooked Furrows Lane (M-24, L-11) NAROMI Land Trust, Brookland Preserve

Chair J. Burruano opened the deliberation portion of the meeting regarding SPECIAL PERMIT APPLICATION- Crooked Furrows Lane (M-24, L-11) NAROMI Land Trust, Brookland Preserve. Ms. Burruano stated that after speaking with counsel she has been advised to deny this application without prejudice to allow more time for the landowners to show proof of rights on an A-2 survey. The Commission agreed that more information was needed to better understand the right of way and what it was intended for. Also discussed was the desire to see what the language states on abutting property owners’ deeds regarding their rights to this property.

N. Volkmar Moved to Approve SPECIAL PERMIT APPLICATION- Crooked Furrows Lane (M-24, L-11) NAROMI Land Trust, Brookland Preserve- to allow a 20’ x 60’ designated parking area, an access gate, sign and kiosk in accordance with Section 324.1 e Accessory Uses to Conservation Organizations as shown on submitted map entitled “Property Survey, prepared for NAROMI Land Trust, Dated October 30, 2017. Zone A.

Seconded by: J. Finch Vote: For: None/ Against: 5/ Abstain: 1(P. Voorhees)

II - DELIBERATION OF PROPOSED CHANGES TO THE ZONING REGULATIONS:

AMEND SECTION 331. Zone A - Farm-Residence Zone
AMEND SECTION 331.1 Permitted Principal Uses:
AMEND SECTION 331.2 Permitted Accessory Uses:
AMEND SECTION 332. Zone B - Residence Zone
AMEND SECTION 332.1 Permitted Principal Uses:
AMEND SECTION 332.2 Permitted Accessory Uses:
AMEND SECTION 333. Zone C - Business and Residence Zone
AMEND SECTION 333.1 Permitted Principal Uses:
AMEND SECTION 333.2 Permitted Accessory Uses:
AMEND SECTION 610. DEFINITIONS:
ADD Energy Efficient Designed Dwellings
ADD Energy Efficient Structures

Chair J. Burruano opened the deliberation portion of the meeting regarding DELIBERATION OF PROPOSED CHANGES TO THE ZONING REGULATIONS. There were no comments from the Commission. There were no comments from the audience.
New Business:

**Application for an Amendment to an existing Special Permit:** Sherman Town Center, 3 Route 39 North, Owner: Sherman Town Center, LLC (M.- 77, L.-8) Proposal: Restoration of and improvements to existing conditions which include paving, sidewalks, curbing, traffic flow and parking to improve the overall safety in accordance with submitted property survey entitled "Property Survey, Prepared for Sherman Town Center, LLC, Route 39 North, Sherman, CT" Prepared by: John M. Farnsworth & Associates, dated April 26, 2018 and map entitled "Sherman Town Center, 15 Route 39 (North), Sherman, CT 06784, Schematic Design, Final Master Plan," Prepared by: SANOK Design Group, Dated. Zone C.

Chair J. Burruano reviewed the content of the Application file. It contained a completed Amendment to an Existing Special Permit application, a list of abutters’ mailing addresses, a copy of the current property deed, a certified property survey entitled "Property Survey, Prepared for Sherman Town Center, LLC, Route 39 North, Sherman, CT" Prepared by: John M. Farnsworth & Associates, dated April 26, 2018 and map entitled "Sherman Town Center, 15 Route 39 (North), Sherman, CT 06784, Schematic Design, Final Master Plan," Prepared by: SANOK Design Group. Property manager R. Locascio was present to speak on behalf of the application for the restoration of and proposed improvements to existing conditions which include paving, sidewalks, curbing, traffic flow and parking to improve the overall safety. Mr. Locascio stated it is the intent to seek approval of this portion of the application to improve existing conditions such as the paving. He hopes to begin implementation of improvements before the
asphalt plant shuts down for the winter. The second portion of this application will follow showing details new to the project. Chair, J. Burruano requested Mr. Lacascio submit updated plans in time for the Public Hearing. The Commission agreed the application was complete.

R. Peburn Moved to accept the Application for an Amendment to an existing Special Permit: Sherman Town Center, 3 Route 39 North, Owner: Sherman Town Center, LLC (M- 77, L-8) Proposal: Restoration of and improvements to existing conditions which include paving, sidewalks, curbing, traffic flow and parking to improve the overall safety in accordance with submitted property survey entitled ”Property Survey, Prepared for Sherman Town Center, LLC, Route 39 North, Sherman, CT" Prepared by: John M. Farnsworth & Associates, dated April 26, 2018 and map entitled “Sherman Town Center, 15 Route 39 (North), Sherman, CT 06784, Schematic Design, Final Master Plan,” Prepared by: SANOK Design Group, Dated. Zone C, to be heard at a Public Hearing set for October 4, 2018 at Mallory Town Hall beginning at 7:00pm.

Seconded by: M. Lee

Vote: For: Unanimous

Public Comment: None

Approval of Minutes: Regular Monthly Meeting of August 2, 2018

N. Volkmar Moved to Approve the Minutes of Regular Monthly Meeting of August 2, 2018 as written.

Seconded by: M. Lee

Vote: For: Unanimous

Correspondence:

McNichol, M- follow up correspondence regarding a complaint she filed with the ZEO in reference to her neighbor’s shed and fence placement.

Chair J. Burruano stated she was updated by R. Cooper regarding this complaint. He has been in touch with both homeowners and is working with the owner of the shed and fence.

Zoning Enforcement Officer’s Report: August 2018

Chair, J. Burruano read into record the August 2018 report submitted by ZEO, R. Cooper. This report is attached herewith. There were seven Zoning Permits approved. Two Statements of Intent. One permit for record only. No applications were withdrawn. Four applications were denied. Ten applications remain under review.

N. Volkmar Moved to Accept the August 2018 Zoning Enforcement Officer’s Report as submitted.

Seconded by: M. Lee

Vote: For: Unanimous

Committee Reports: None

Approval of FY 2017-18 Planning & Zoning Annual Report:

M. Lee Moved to Approve the FY 2017-18 Planning & Zoning Annual Report as submitted.

Seconded by: N. Volkmar

Vote: For: Unanimous

Chairman Report:

Chair, J. Burruano reported that the P.O.C.D. will be due for updates coming in 2023. She requested the Commission review the current P.O.C.D. action list. Ms. Burruano appointed a committee to begin the review and recommendation process. Ryan Peburn, Neil Volkmar and Mary Lee volunteered. Ms. Burruano requested the Committee report findings at the January Meeting.
Regulation Review:

The Commission reviewed and discussed possible updates to the following sections of the current Zoning Regulations. Section 333.6 Maximum Building Coverage for Residential or Municipal Use in the C Zone. At this time the maximum building coverage allowed is up to 10%. Discussion followed regarding if this is an appropriate and realistic allowance for the commercial district in the Town. J. Burruano read into record correspondence from WestCog provided by ZEO R. Cooper regarding impervious surface coverage, storm water management practices, and density. Discussion followed regarding questions about what other Towns like Sherman allow for Commercial building coverage. New Milford allows 30% for lots less than 30 acres. Kent allows 35% for Commercial and 40% for Accessory Buildings. Bridgewater allows 50%. New Fairfield allows 25%, and 50% impervious, Ridgefield allows 65% and 90% impervious, Essex allows 25%. J. Burruano will ask the ZEO to research the building coverage of commercial buildings that currently exist in Sherman.

Adjournment:

N. Volkmar Moved to Adjourn the Meeting 9:42 pm.

Respectfully submitted by:

________________________
Christine Branson
September 26, 2018