ANNUAL ORGANIZATIONAL MEETING MINUTES
Thursday, January 9, 7:00 pm.


Members Absent: J. Burrano

Also: ZEO R. Cooper and Commission Administrative Clerk, C. Branson

Call to Order: R. Peburn Called the Annual Organizational Meeting to Order at 7:02 pm.

Alternate R. Linkletter was Elevated to Voting Status.

Discussion and Action regarding the Annual Election of Officers:

R. Lenihan read the recommendation of the Nomination Committee into record:

Nominated for Chair: Ryan Peburn
Nominated for Vice-Chair: Jeannene Burrano
Nominated for Secretary: Mary Lee

R. Linkletter Moved to Approve the slate of Officers as recommended:
Chair: Ryan Peburn, Vice-Chair: Jeannene Burrano, Secretary: Mary Lee
Seconded by: J. Seigel  Vote: For: Unanimous

Adjournment of the Annual Organizational Meeting:

R. Peburn Adjourned the Annual Organizational Meeting at 7:04 pm.

REGULAR MONTHLY MEETING MINUTES
Thursday, January 9, 2020, 7:00 pm.


Members Absent: J. Burrano

Also: ZEO R. Cooper and Commission Administrative Clerk, C. Branson

Audience: C. Hagadorn, M. Lord, D. Segars, J. Lucious, G. Piest, R. LeClerec, A. Bozza,

Call to Order: Chair R. Peburn Called the Regular Meeting to Order at 7:05 pm

CONTINUATION OF DELIBERATION FOR:
APPLICATION TO AMEND THE EXISTING SPECIAL PERMIT - 57 Wakeman Hill Road (M-8, L-47) CT Audubon, Deer Pond Farm- Change the use of the existing dwelling to an Educational, Scientific, and Environmental Facility that will be accessory to the primary use of the property which is passive recreation and add outdoor lighting to the parking areas and associated walkways in accordance with submitted floor plan, prepared by Hudson Valley Preservation, Dated October 23, 2019 and shown on submitted marked up survey entitled "The Connecticut Audubon Society, Deer Pond Farm, 57 Wakeman Hill Road," Prepared by Sara N. daSilva Quintal, Dated February 7, 2017 and in accordance with Section 324.1 e Accessory Uses to Conservation Organizations, Zone A.

Chair R. Peburn Opened the Continuation of Deliberation of the application to AMEND the EXISTING SPECIAL PERMIT - 57 Wakeman Hill Road (M-8, L-47) CT Audubon, Deer Pond Farm. CT Audubon, Deer Pond Farm Director C. Hagadorn submitted a letter of withdrawal of the current application. R. Peburn read the withdrawal letter into record. No further action took place.
APPLICATION FOR A SPECIAL PERMIT- 1 Glenbrook Farms Road (M-29, L-21) Glenbrook Farm, LLC: Special Permit to allow the Change of Use of the existing principal dwelling with septic connection to an Accessory Dwelling in accordance with Zoning Regulations, Section 324.1.A.1, and Section 324.3.A in accordance with submitted floor plans and as shown on submitted A-2 survey entitled “Property Survey Prepared for Glen Brook Farm LLC, 1 Glen Brook Farm Road, Town of Sherman, Fairfield County.” Prepared by: PAH, INC. Last revised: December 13, 2017 and Zone A.

Chair R. Pehurn opened the Public Hearing for the APPLICATION for a SPECIAL PERMIT- 1 Glenbrook Farms Road (M-29, L-21) Glenbrook Farm, LLC. Secretary M. Lee read the Legal Notice into record. The Legal Notice was published in the New Milford Spectrum on December 27th, 2019 and on January 2, 2020 in the Town Tribune. Thirteen abutting neighbors were sent certified Notice. No correspondence was received. This application has received Health approval. Appointed Agent, Gary Pietsch was present to speak on behalf of the application. The Commission conducted a site-walk on December 12, 2019, Commissioners R. Pehurn, J. Raffin, J. Raffin, ZEO R. Cooper, and Agent G. Pietsch were present at the site walk where they viewed existing conditions of the proposed Accessory Dwelling and Accessory Barn. The Commission reviewed the floor plans of the Accessory Dwelling, (once primary dwelling) the structure is 26’ x 36’, 930 sq. ft. The ZEO provided photographs taken during the site walk and described the conditions in the photographs to the Commission. There is a common driveway with a septic system in the abutting property. There was a new dwelling constructed two years ago on this property. It was the understanding that the smaller, (once primary) dwelling would be demolished upon completion of the new dwelling and would be a condition of completion before a C.O. would be issued for the new dwelling. Since this project began, the Commission has created new Zoning Regulations which would allow the second dwelling to remain as an Accessory Dwelling. The application today is to request the original 26’ x 36’ dwelling be considered by Special Permit as an Accessory Dwelling with septic hook-up. It was noted the existing septic is also attached to a near-by Accessory barn used for horses. It was noted by the ZEO, there is a half bath in the barn with a utility sink. The Commission discussed Zoning Regulation, Section 324.1.A.1 Accessory Dwellings and reviewed the criteria for qualification. Mr. Paish provided proof of residential occupancy by showing mail received to this address establishing the owner occupies the main dwelling. Mr. Paish stated the Accessory Dwelling shall be occupied by family members and caretakers not as a tenant rental. The property consists of 73 acres. The Commission discussed the habitable space of the Accessory Dwelling. There are two parking spaces available to the Accessory Dwelling. There is a buffer planting of several trees and bushes along the southern property edge. The Commission reviewed the criteria of Zoning Regulation, Section 324.3.A Septic Systems for Accessory Buildings, specifically item “a” regarding the Accessory Barn connected to the septic. It was agreed, there were no bedrooms observed in the barn, and the use was specific to agricultural purposes, keeping of horses. There was no additional discussion from the Commission. There were no additional questions or comments from the applicant or audience.

N. Volkmann Moved to Close the Public Hearing I, APPLICATION FOR A SPECIAL PERMIT - 1 Glenbrook Farms Road (M-29, L-21) Glenbrook Farm, LLC, Special Permit to allow the Change of Use of the existing principal dwelling with septic connection to an Accessory Dwelling in accordance with Zoning Regulations, Section 324.1.A.1, and Section 324.3.A in accordance with submitted floor plans and as shown on submitted A-2 survey entitled “Property Survey Prepared for Glen Brook Farm LLC, 1 Glen Brook Farm Road, Town of Sherman, Fairfield County.” Prepared by: PAH, INC. Last revised: December 13, 2017 and Zone A. Seconded by: M. Lee Vote: For: Unanimous

Public Hearing II:

APPLICATION FOR A SPECIAL PERMIT- 5 Brinsmade Lane (M-21, L-2) Marcella Lourd, Trustee c/o Paul Lourd- to allow an Accessory Apartment attached to a proposed new single family dwelling, in compliance with Zoning Regulations, Section 324.1. A. 2 Accessory Apartments, as shown on submitted building plans entitled, “Floor Plan, Clark Residence”. Prepared by: Stephen Lasar Architects, AIA. Dated November 22, 2019 and in the location shown on a submitted A-2 survey entitled “Proposed Zoning Location Map, Prepared for Applicant: Jim Clarke, Owner: Marcella Lourd, Trustee, Area = 14.3066 Acres. 5 Brinsmade Lane, Town of Sherman, County of Fairfield, State of Connecticut.” Dated: December 4, 2019. Prepared by Arthur H. Howland & Assoc. P.C. Zone A.

Chair R. Pehurn opened the Public Hearing for the APPLICATION FOR A SPECIAL PERMIT- 5 Brinsmade Lane (M-21, L-2) Marcella Lourd, Trustee c/o Paul Lourd. Secretary M. Lee read the Legal Notice into record. The Legal Notice was published in the New Milford Spectrum on December 27th, 2019 and on January 2, 2020 in the Town Tribune. This application has received Health approval. Six abutting neighbors were sent certified Notice. One letter of correspondence was received from direct abutters Mr. & Mrs. LeClerc. This letter was read into record, sharing concerns regarding privacy with the potential clearing along their common property line where a proposed driveway is shown on the A-2 survey map. The Commission reviewed the submitted A-2 survey. There was additional concern regarding the seasonal snow removal and potential erosion impact to existing tress. Concern was shared regarding traffic and construction equipment impact. ZEO R. Cooper stated the applicant’s appointed Agent was unable to attend tonight’s meeting and has requested this hearing be continued to allow time for the review process and completion of a Wetland’s application. The Agent shared with the ZEO that an Engineer will attend the February Continuation of this hearing. The Commission requested the ZEO walk this property and take photographs to document the conditions that presently exist to bring to the continuation of the Public Hearing. Upon the Commission’s review of the architectural building plans, it was noted they will require Western and Northern elevation views.
The floor plans do not depict access or egress of the Accessory Apartment, the Commission is requesting the floor plan for the second story where the apartment is proposed along with the two previously mentioned elevation drawings. From the audience, abutting neighbor S. Fisher relayed her concerns regarding wetlands and adverse impact caused by the new home with accessory apartment. Chair, R. Peburn stated that this Commission does not consider Wetlands, the IWKC has its own Commission which determines restrictions and suitability. Mr. Peburn also added that this hearing is not to consider the new dwelling itself, it is to consider approval of an Accessory Apartment within the proposed dwelling. There were no additional questions or comments from the Commission or the audience.

**N. Volkmar Moved** to Continue Public Hearing to take place at Mallory Town Hall on February 6th, 2020, beginning at 7:00 pm for the APPLICATION FOR A SPECIAL PERMIT- 5 Brinsmade Lane (M-21, L-2) Marcella Lourd, Trustee e/o Paul Lourd- to allow an Accessory Apartment attached to a proposed new single family dwelling, in compliance with to Zoning Regulations, Section 324. 1A.1, and Section 324.3.A in accordance with submitted floor plans and as shown on submitted A-2 survey entitled “Property Survey Prepared for Glenbrook Farm LLC, 1 Glenbrook Farm Road, Town of Sherman, Fairfield County.” Prepared by: PAH, INC. Last revised: December 13, 2017 and Zone A.

**Old Business:**

**DELIBERATION OF PUBLIC HEARING I:**

APPLICATION FOR A SPECIAL PERMIT- 1 Glenbrook Farms Road (M-29, L-21) Glenbrook Farm, LLC- Special Permit to allow the Change of Use of the existing principal dwelling with septic connection to an Accessory Dwelling in accordance with Zoning Regulations, Section 324. 1A.1, and Section 324.3.A in accordance with submitted floor plans and as shown on submitted A-2 survey entitled “Property Survey Prepared for Glenbrook Farm LLC, 1 Glenbrook Farm Road, Town of Sherman, Fairfield County.” Prepared by: PAH, INC. Last revised: December 13, 2017 and Zone A.

**N. Volkmar Moved** to Approve the APPLICATION FOR A SPECIAL PERMIT for 1 Glenbrook Farms Road (M-29, L-21) Glenbrook Farm, LLC- Special Permit to allow the Change of Use of the existing principal dwelling with septic connection to an Accessory Dwelling in accordance with Zoning Regulations, Section 324. 1A.1, and Section 324.3.A in accordance with submitted floor plans and as shown on submitted A-2 survey entitled “Property Survey Prepared for Glenbrook Farm LLC, 1 Glenbrook Farm Road, Town of Sherman, Fairfield County.” Prepared by: PAH, INC. Last revised: December 13, 2017 and Zone A.

**Seconded by: R. Lenihan**  
**Vote: For: Unanimous**

**DELIBERATION OF PUBLIC HEARING II:**

APPLICATION FOR A SPECIAL PERMIT- 5 Brinsmade Lane (M-21, L-2) Marcella Lourd, Trustee e/o Paul Lourd- to allow an Accessory Apartment attached to a proposed new single family dwelling, in compliance with to Zoning Regulations, Section 324. 1A.2 Accessory Apartments, as shown on submitted building plans entitled, “Floor Plan, Clark Residence”. Prepared by: Stephen Lasar Architects, AIA. Dated November 22, 2019 and in the location shown on a submitted A-2 survey entitled, “Proposed Zoning Location Map, Prepared for Applicant: Jim Clarke, Owner: Marcella Lourd, Trustee. Area = 14.3066 Acres. 5 Brinsmade Lane, Town of Sherman, County of Fairfield, State of Connecticut.” Dated: December 4, 2019. Prepared by Arthur H Howland & Assoc. P.C. Zone A.

No action took place, this Public Hearing was continued to take place at Mallory Town Hall on February 6th, 2020, beginning at 7:00 pm.

**New Business:**

APPLICATION TO AMEND THE EXISTING SPECIAL PERMIT - 57 Wakeman Hill Road (M-8, L-47) CT Audubon, Deer Pond Farm- Change the use of principal structure from residential to passive recreation/nature center and add outdoor lighting to the parking areas and associated walkways in accordance with submitted revised lighting plan, entitled “Exterior Lighting”, dated 12/23/2019, and submitted floor plan entitled “Connecticut Audubon Society, Deer Pond Farm dated 11/14/2019, prepared by Audubon Foundation Inc. and submitted marked up survey entitled “The Connecticut Audubon Society, Deer Pond Farm, 57 Wakeman Hill Road,” Prepared by: Sara N. daSilva Quintal, Dated: February 7, 2017 and in accordance with Section 324.1c Accessory Uses to Conservation Organizations. Zone A.

Chair R. Pebbun reviewed the new APPLICATION TO AMEND THE EXISTING SPECIAL PERMIT for 57 Wakeman Hill Road (M-8, L-47) CT Audubon, Deer Pond Farm. Mr. Pebbun read the letter of intent into record. The new proposed activity for the Amendment is reducing the number of proposed lights from 9 poles to 3 poles with dark sky/ down lighting in the parking area, with a manual on/off for evening events. One additional light is proposed at the accessibility parking space. The change of use to the building remains the same as originally proposed from residential to educational. The Commission requested a schedule of planned events for the Public hearing. The application was deemed complete. The Commission scheduled a site walk to view the new proposed lighting for Wednesday January 29, 2020 at 5:30 with a snow date of Wednesday, February 5, 2020 at 5:30 pm. A Public Hearing was set for February 6th, 2020 at Mallory Town Hall beginning at 7:00 pm.
N. Volkmar Moved to Accept the APPLICATION TO AMEND THE EXISTING SPECIAL PERMIT - 57 Wakeman Hill Road (M-8, L-47) CT Audubon, Deer Pond Farm- Change the use of principal structure from residential to passive recreation/ nature center and add outdoor lighting to the parking areas and associated walkways in accordance with submitted revised lighting plan, entitled “Exterior Lighting”, dated 12/23/2019, and submitted floor plan entitled “Connecticut Audubon Society, Deer Pond Farm dated 11/14/2019, prepared by Hudson Valley Preservation and submitted marked up survey entitled “The Connecticut Audubon Society, Deer Pond Farm, 57 Wakeman Hill Road,” Prepared by: Sara N. daSilva Quintal, Dated February 7, 2017 and in accordance with Section 324.1 e Accessory Uses to Conservation Organizations. Zone A, and set a site walk to view the new proposed lighting for Wednesday January 29, 2020 at 5:30 with a snow date of Wednesday, February 5, 2020 at 5:30 pm. and a Public Hearing to take place at Mallory Town Hall on February 6, 2020 beginning at 7:00 pm
Seconded by: R. Lenihan  Vote: For: Unanimous

Public Comment:

Jim Brady - shared concern in relation to the 57 Wakeman Hill Road Application for an Amendment to a Special Permit- stating he is the neighbor directly across from the driveway. He is more concerned about bright headlights shining into his house when people are leaving evening events at the CT Audubon Center.

Approval of Minutes:

Regular Monthly Meeting of December 5, 2019

M. Lee Moved to Approve the Minutes of Regular Monthly Meeting of December 5, 2019 as written.
Seconded by: N. Volkmar  Vote: For: Unanimous

Correspondence:

WCCOG- Notice of Public Hearing concerning an update to the Regional Plan of Conservation and Development.

Town of Kent, CT- Notice of Public Hearing concerning an update to their Zoning Regulations regarding “Nursing and Convalescent Homes”.

Ted Yang & Vira Mamebur-Schwartz- concerns of political transparency.

Zoning Enforcement Officer’s Report: November- December 2019

ZEO, R. Cooper submitted a combined report for the months of November through December 2019. There were sixteen Zoning Permits approved. One Statement of Intent was approved. No applications were withdrawn. None were denied. Three applications remain under review which require additional information. Mr. Cooper updated the Commission on several ongoing cases that were pending. This report shall be attached herewith.

M. Lee Moved to Accept the Zoning Enforcement Officer’s November/ December 2019 Report as presented.
Seconded by: R. Lenihan  Vote: For: Unanimous

Committee Reports: None

Chairman Report:

Brief discussion regarding the Land Use Attorney’s comments for a possible change to the Commission By-Laws. The Commission will review the comments and discuss at the next Regular Meeting of February 6, 2020. The Commission briefly discussed how site walks shall be noted. The 2020-21 Budget is coming up rapidly. The Commission will add this discussion and possible approval to the Next Regular Meeting of February 6, 2020.

Regulation Review: None

Adjournment:

N. Volkmar Adjourned the Meeting at 9:49 pm.

Respectfully submitted by:

Christine Branson, Commission Administrative Clerk
January 17, 2020

APPROVED AS AMENDED AT THE FEBRUARY 6, 2020 REGULAR MEETING
# Planning & Zoning Office
## Sherman, Connecticut
### Zoning Enforcement Officers Report
**November and December 2019**

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Applicant</th>
<th>Address</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8006</td>
<td>Romagnuolo</td>
<td>8 Chestnut Hill Rd.</td>
<td>Installation of an Emergency Standby Generator B</td>
</tr>
<tr>
<td>8007</td>
<td>Johnson</td>
<td>33 Orchard Rest Rd.</td>
<td>Interior renovations to an existing dwelling, repair an existing deck, and add a shed dormer. B</td>
</tr>
<tr>
<td>8008</td>
<td>Carpanzano</td>
<td>9 Locust Ln.</td>
<td>Installation of a new A/C condenser. B</td>
</tr>
<tr>
<td>8009</td>
<td>Collins</td>
<td>81 Route 39 No.</td>
<td>Installation of an Emergency Standby Generator. A</td>
</tr>
<tr>
<td>8010</td>
<td>Kean</td>
<td>66 Route 39 So.</td>
<td>Construct a 12’ x 20’ detached garage. A</td>
</tr>
<tr>
<td>8011</td>
<td>O’Shea</td>
<td>18 Route 37 East</td>
<td>Install two new HVAC condensers A</td>
</tr>
<tr>
<td>8012</td>
<td>Corsano</td>
<td>80 Chapel Hill Rd.</td>
<td>Construct a new single family dwelling, install a septic, a well and driveway. A</td>
</tr>
<tr>
<td>8013</td>
<td>Trujillo</td>
<td>1 Mary Bee Ln.</td>
<td>Add a shed roof over the existing front door landing. B</td>
</tr>
<tr>
<td>8014</td>
<td>Darlos</td>
<td>4 Chimney Hill Rd.</td>
<td>Installation of an Emergency Standby Generator. A</td>
</tr>
<tr>
<td>8015</td>
<td>Dowling</td>
<td>5 Coburn Road East</td>
<td>Installation of an Emergency Standby Generator. A</td>
</tr>
<tr>
<td>8017</td>
<td>Caroll</td>
<td>26 Wanzer Hill Rd</td>
<td>Installation of a new A/C condenser A</td>
</tr>
<tr>
<td>8018</td>
<td>Marcella Loud Trustee</td>
<td>5 Binsmade Lane</td>
<td>Construction of a new single family dwelling, install a septic, a well and driveway A</td>
</tr>
<tr>
<td>8019</td>
<td>Dowling</td>
<td>5 Coburn Road East</td>
<td>Build 5 roof overhangs over existing entrances to the dwelling A</td>
</tr>
<tr>
<td>8020</td>
<td>Edelman</td>
<td>44 Briggs Hill Road</td>
<td>Construct new 12’ x 24’ horse run in shed and install a new A/C condenser behind the existing storage building. Both “Post Facto” A</td>
</tr>
</tbody>
</table>
Fredlund 64 Spring Lake Road  Installation of a new Emergency Standby Generator  A
Shudlick 2 Woods Road  Installation of a new Emergency Standby Generator – “Post Facto”  A

The Following Statements Of Intents Were Approved:

8002 DiLeo 9 Farm Road  Renovations to finish basement in existing dwelling.  A

The Following Statement Of Intents Were Received And Filed For Record Only:

The Following Applications Were Withdrawn:

The Following Permit Applications Have Been Denied

The Following Permit Applications Have Been Denied Without Prejudice

The Following Applications Were Returned For Lack Of Information:

The Following Applications Were Not Processed Since They Were Duplicates:

The Following Applications Require Additional Information Or Review:

8001 Bruno 2 Lake Shore Woods Rd  Demo existing dwelling and construct a new single family dwelling, enclosed walk way and a trail elevator to lake.  B
8003 Flanigan 23 Candlewood Lake Dr.  Construct a 10' retaining wall to support a failed garage foundation.  B
8016 Conti 15 Brookside Lane  Finish Basement of existing dwelling to include 1 bathroom, 1 bedroom and 1 living room/family room  B

Qty: 1
Qty: 0
Qty: 0
Qty: 0
Qty: 0
Qty: 3
Old Business:

Case 06-12: 140 Route 39 North – Operating an automotive body and mechanic repair shop. Violation of Town of Sherman’s Zoning Regulations – Not a permitted use in Zone A. *Cars have not been parked and posted for sale in front of the property for approx. 12 mos.* An ongoing investigation will continue regarding an automotive repair shop.

Case 10-14: 140 Route 39 North – An accessory building erected without the required permit. Violation of Town of Sherman’s Zoning Regulations - Section 410 - Zoning Permits. Zone A. Ongoing investigation. *The application is being returned for lack of information. The requested A-2 survey has never been received. The Town Attorney will be contacted for a legal opinion on this case.*

ZV 53-17 14 Quaker Ridge Road – Accumulation of junk and debris – Including, but not limited to Four (4) Camper Trailers, Multiple junk mowers, snow blowers and miscellaneous waste and second hand materials –Violation of Section 323 of the Town of Sherman Zoning Regulations - Zone A - A Notice of Violation was sent. A meeting was held with the owner’s husband and he agreed to clean up the property. Further follow-up is required. No further complaints have been received.

ZV 65-17 18 Pinewood Shores – Hot tub installed without the required permit. Zone B - A Notice of Violation was sent. A Zoning Application has been received, and is under review by the ZEO. The current location may require a variance from the Zoning Board of Appeals. An A-2 survey has been received and it was determined by the ZEO that a setback variance from the 440’ contour is required.

Case 68-17 2 Holiday Point Road – Complaint - Raising chickens in Zone B without the required Special Permit. Zone B – An investigation revealed that there are no chickens on the property at this time. No further action required by the ZEO.

Case 69-17 4 Holiday Point Road – Complaint - Raising chickens in Zone B without the required Special Permit. Zone B - Under investigation. *A Notice of Violation was sent on August 21, 2018. The property owners spoke with the ZEO on September 4, 2018 and plans to apply for the required Special Permit. The ZEO had another meeting with the property owner on January 2, 2019. He considers the remaining birds (Approx. 30) his pets. A letter will be sent reiterating that the birds cannot stay on the property without an approved Special Permit. Multiple drive by inspections were conducted and there is no evidence of chickens/birds being kept on the property at this time. No further action required at this time.*

ZV 72-17 140 Route 39 North – Temporary Structure (Hoop House) erected without the required permit. Zone A. *A Notice of Violation was sent. An application has been received and is being reviewed while the property is under investigation. The application is being returned for lack of information. The requested A-2 survey has never been received. The Town Land Use Attorney will be contacted regarding possible action.*

ZV 02-18 3 Deer Run Trail – Multiple temporary structures were erected on the property. Under investigation. *Violation of Section 324.2.B, “Building, Accessory – Temporary” of the*
Town of Sherman Zoning Regulations. A Notice of Violation was sent on May 10, 2018. Temporary structures are still on the property without the required permits. A second Notice of Violation was sent on September 6, 2018. No response received from the property owner. One temporary structure remains. A follow-up letter will be sent.

ZV 05-18

3 Deer Run Trail – Operating a Resident Contractor Business without the required determination of “No Impact Business” or issuance of a “Special Permit” by the Planning and Zoning Commission – Violation of Section 324.1C, “Resident Contractor” and Section 324.1C.2, “All Impact Businesses Resident Contractors” of the Town of Sherman Zoning Regulations. A Notice of Violation was mailed on May 10, 2018. There is still evidence (construction equipment and vehicles) that a business is being run from the property. A second Notice of Violation was sent on September 6, 2018. No response received form the property owner. A follow-up letter will be sent.

ZV 06-18

3 Deer Run Trail – Junk and waste materials are being stored on the property causing an unsightly appearance of the property that impacts the neighbors and general public. Zone B – Violation of Section 323 “Nuisances and Prohibited Uses” of the Town of Sherman Zoning Regulations. A Notice of Violation was mailed on May 10, 2018. Junk and debris are still stored on the property. A second Notice of Violation was sent on September 6, 2018. No response received form the property owner. The property has been cleared of debris. The play equipment sections have been removed. No further action required at this time.

ZV 07-18

3 Deer Run Trail – Off-Street Parking and Storage - The use of the property for storage of boats, jet skis and other equipment is not a permitted accessory use and is a violation of Section 332, Section 332.1 “Permitted Principal Uses” and Section 332.2 “permitted Accessory Uses” of the Town of Sherman Zoning Regulations, Zone B. A Notice of Violation was mailed on May 10, 2018. Many of the boats and jet skis were been removed from the property. The ZEO will continue to keep investigating and a Second Notice of Violation was sent on September 6, 2018. No response received form the property owner. The number of boats has been reduced from last year. A search of the tax records will indicate what the property owner personally have registered.

ZV 09-18

1 Route 37 East – Amore Ristorante – Violation of Special Permit issued on September 16, 2008. Also Reference Section 340 “Special Permit Approval”, Section 344 “Conditions” and Section 346 “Revocation of Special permit” Of the Zoning Regulations of the Town of Sherman, Connecticut. – Zone C. A Notice of Violation was sent. The owner responded in a meeting with Don Love and the ZEO. No action has been taken on their part. Follow-up required. The business has been sold and a meeting was held with the new owner. They are bringing the property into compliance and will not open the outdoor seating until exterior Special Permit conditions of approval are met. A Letter was sent on March 1, 2019 to the owner of the property and copied to the current tenants stating that the violations still exist and must be address so the Commission can allow continued operation of the restaurant. The ZEO will follow up and do a site inspection in the next couple of weeks. The ZEO conducted a site walk and the bollard has been installed. It also appears the patio is being used in violation of the Special Permit. No activity through the winter. The property will be monitored in the spring.
ZV 22-18 8 Spur Lane - Complaint - Raising chickens in Zone B without the required Special Permit. Reference Section 332.1 Permitted Uses - Zone B - A Notice of Violation will be sent. A Notice of Violation was sent on August 21, 2018. The property owner responded and plans on applying for a Special Permit - Zone B. The small hutch has been removed. Documentation has been received and is being reviewed regarding therapy animals. Still under review and discussion with the Town’s Land Use Attorney.

ZV 23-18 8 Spur Lane – Complaint - Quantity (2) two -chicken hutches and/or duck houses. Both structures were erected without the required permits. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. A Notice of Violation will be sent. A Notice of Violation was sent on August 21, 2018. The property owner responded and plans to apply for a Zoning Permit and Variance. The small hutch has been removed and the large hut will require a variance if it’s decided the chickens and ducks can stay. Still under review. Still under review and discussion with the Town’s Land Use Attorney. The town attorney responded and provided recommendations on how the enforcement should proceed.

ZV 29-18 28 Wanzer Hill Road – A 6’ high stockade fence and hot tub was installed without the required permits. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. The contractor and home owner have both been contacted and a Notice of Violation will be sent. A Notice of Violation was sent on August 22, 2018. An application has been received and will be denied. After discussing the setbacks the owner decided to remove the fence and move the hot tub to a conforming location. The violation has not been corrected yet. A letter was sent on February 28, 2019 as a reminder that violations still exist on the property and the application that they submitted cannot be processed without the application fee. We determined that the fees had been paid and a second check she provided was returned. She stated she would call to set up a meeting to review what needs to be done to resolve the outstanding issues. The ZEO had a meeting with the property owners the week of 6/3/19 on the property and requested the as-built survey. The property owner called on 6/6/19 and stated that the surveyor is scheduled to come back out to locate the fence, hot tub and shed. She will provide a copy when the work is done. A copy of the survey has been received. The survey shows the proposed location of the hot tub and the actual location of the installed 6’ high fence. The owner plans on applying for a variance to allow a 6’ high fence in front of the 50’ front set back line. As of January 1, 2020 ZBA has not received an application. A letter will be sent.

ZV 32-18 63 Church Road – A temporary structure (hoop house) was erected without the required permit. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. A Notice of Violation will be sent. A Notice of Violation was sent on August 22, 2018. I was told the temporary structure will be taken down in the early spring. The ZEO will follow up next month after the weather improves. A drive by inspection was conducted and the temporary structure is still in place. A letter will be written to request its removal or the homeowner can provide evidence that it is smaller than 200 sq. ft, which case it can remain.

ZV 33-18 121 Route 39 South – An accumulation of waste, junk and debris exists on the property in violation of Section 323 and Section 323.2 of the Zoning Regulations. Zone B. A Notice
of Violation was sent on August 22, 2018. The property owner came to the office of the ZEO on September 5, 2018 and promised she would clean up the property. A letter was sent on February 28, 2019 and I received a response call on March 6, 2019. Since the proposed shed location is up on a steep bank and with the snow cover we have she requested an extension until June to bring the property into compliance. The ZEO will wait until June to follow up with the owner. The ZEO will make an appointment to walk the site the week of August 5th. The ZEO did a drive by and observed that the junk/debris has not been removed. A letter was mailed on 8-28-19 requesting compliance and schedule on when the work will be completed. The Zoning Office never received a response to the letter. Another letter will be sent.

ZV 37-18

121 Route 39 South – An Accessory Structure has been erected without the required Zoning Permit in violation of Section 410 and Section 411 of the Town of Sherman’s Zoning Regulations. – Zone B. A Notice of Violation was sent on August 22, 2018. The property owner came into the ZEO’s office on September 5, 2018 and requested a 30 day extension for moving the shed. The extension was granted by the ZEO. The property owner came to the office of the ZEO on September 5, 2018 and promised she would clean up the property. A letter was sent on February 28, 2019 and I received a response call on March 6, 2019. Since the proposed shed location is on a steep bank and with the existing snow cover, she requested an extension until June to bring the property into compliance. The ZEO will wait until June to follow up with the owner. The ZEO will make appointment to walk the site the week of August 5th. The ZEO did a drive by and observed that the shed was still in the same location. A reminder letter was mailed on 8-28-19 requesting compliance and schedule on when it will be completed. The Zoning Office never received a response to the letter. Another letter will be sent.

Case 39-18

10 Skyline Drive – An Accessory Structure (shed) is under construction without the required permit in violation of Section 410 Zoning Permits and Section 411 of the Town of Sherman Zoning Regulation – Zone A. A Notice of Violation was mailed on November 7, 2018. The owner of the property lives in Florida during the winter and was not aware of the size or location of the structure when his contractor started work. When he comes back from Florida he will apply for the required permit or take whatever action is required to resolve the situation. A Letter was sent on March 1, 2019 reminding the owner that the violation still exists and when he travels north in the spring he should schedule a meeting for discussion on how he plans to proceed. The owner did not respond to my letter yet. The property owner responded and stated that the shed will be removed. The ZEO will conduct another site walk. The ZEO conducted another site walk and the walls and roof of the structure have been removed. The platform is still in place which requires another follow up inspection by the ZEO. Requires another inspection. A site inspection was conducted and progress was observed. A letter was mailed on 8-28-19 stating the platform/deck has to be removed. The owner responded via a letter dated September 18, 2019 addressed to the ZEO stating that he would like to meet with him when he is in town next. The ZEO has not heard from him since. Follow up letter required.

ZV 01-19

21 Holiday Point Road – A shed was constructed without the required permits and not in compliance with the front yard property line setback requirements. Reference Section 410 Zoning Permits and Section 331.5 Minimum Setback Requirements – Zone A. A Notice
Of Violation was mailed on 3-1-19. Follow-up required. A 2nd Notice of Violation was sent on 8-28-19. Another letter will be sent.

ZV 02-19
152 Route 39 South – A Hot Tub with electrical hookup has been installed on top of an existing deck in a non-conforming location and without first applying for the required permit. Reference Section 410 and 332.5 of the Town of Sherman Zoning Regulations. Zone B. A Notice of Violation was sent. The ZEO met with the mother of the man that owns the property. She stated her son is overseas serving in the military and will contact me when he is on leave.

ZV 06-19
4 Taber Road – Two Temporary Structures Erected without the required permit. Reference Section 324.2.B of the Town of Sherman Zoning Regulations. - Zone A A Notice of Violation was sent. The NOV was return by the post office. A second NOV will be sent to the location in Sherman.

ZV 07-19
4 Taber Road – Newly constructed driveway without the required permit. Reference Town of Sherman Ordinance and Section 373 of the Town of Sherman Zoning Regulations. - Zone A A Notice of Violation was sent. A second NOV will be sent to the location in Sherman.

ZV 08-19
Map 045, Lot 023 Durgy Lane – Violation of the Special Permit issued with a condition for a “Private Burial Ground”. Condition of permit has not been met. - Zone B A Notice of Violation was sent. The Special Permit has still not been filed, but the condition that the Connecticut State Approval be filed has not been met. A 2nd Notice of Violation will be sent. Spoke to the Special Permit applicant over the phone on December 4, 2019 and he promised to file the paperwork in the next couple of weeks. He located a copy on his computer as we spoke on the phone.

New Business:

ZV 11-19
23 Route 39 North – A camper parked on the property is being used as a full time residence in Violation of Section 331.1 (not a permitted use) and 324.1D (trailer parks not permitted) of the Town of Sherman Zoning Regulations. The ZEO has discussed this violation with the property owner, A Notice of Violation will be sent. The ZEO spoke to the owner of the property and he stated the trailer and the occupants would be off the property by 11/22/19. Subsequent conversations with the owners representative and message left for the ZEO revealed the occupants of the trailer refuse to leave. Followup with the State Trooper has been done. Danbury Superior Court has been contacted and message have been left for the property owner to schedule a meeting to discuss the issue.

ZV 12-19
44 Briggs Hill Road – Several campers/ motor homes parked on the property are being used as a full time residence during the summer/seasonal in Violation of Section 331.1 (not a permitted use) and 324.1D (trailer parks not permitted) of the Town of Sherman Zoning Regulations. The campers/motor homes are connected to a septic holding tank that was installed without permits. Discussions have taken place with the owner, contractor and property manager. A Notice of Violation will be sent. Two motor homes and a camper have been removed from the property. The supporting septic system that was shared with the illegal apartment has been removed. (see ZV 13-19). No further action is required at this time.
ZV 13-19  44 Briggs Hill Road – An accessory apartment was constructed and occupied in the large storage building at the rear of the property. The apartment is hooked up to a septic holding tank that was installed without permits. Violation of Section 324.1A.2. and 324.3A of the Town of Sherman Zoning Regulations. Discussions have taken place with the owner, contractor and property manager. A Notice of Violation will be sent. The kitchen, bathroom and all plumbing has been removed from the storage building. Portion walls will remain and the area will be used for storage. The septic area was excavated and a septic tank, two infiltration chambers and associated piping has been removed from the ground. The removal was witnessed by the town sanitarian and the ZEO. No further action required by the ZEO at this time.

Zoning Board of Appeals Decisions

December Meeting – Case # 707 – 33 Orchard Rest Road application for variances to install new A/C units A/C units and an Emergency Standby Generator – DENIED - Decision is attached.

January Meeting- no meeting was held for lack of applications.

Ron Cooper
Zoning Enforcement Officer
Town of Sherman

Accepted by the Planning and Zoning Commission as submitted at their regular meeting on January 9, 2020.