

Planning & Zoning Office Sherman, Connecticut

Zoning Enforcement Officers Report May, June and July 2023

The Following Permit Applications Have Been Approved:

Qty: 25

8521	Fortunado	17 Hillside Drive	Construct a 13' x 14' deck attached to the existing screened in porch and dwelling.	B
8535	Beutler	17 Sherwood Hill Rd.	Construct a 14' x 14' storage shed accessory to the existing dwelling.	B
8537-A	Miller	8 Hemlock Point Rd.	Repair/rebuild a deck that is attached to the rear of the existing dwelling - same size and location.	B
8540	Bruno	2 Lake Shore Woods Rd.	Construct a 4' x 4' deck/platform at the bottom of the tram for access to grade. A variance was granted by ZBA on 5/16/2023 – Case 752.	B
8544	Bannon	51 Hubble Mountain Rd.	Construction of a three story addition on the rear of the existing dwelling and the installation of A/C units and relocation of an emergency standby generator.	A
8545	Galasso	148 Route 39 So.	Convert attic space in the existing dwelling to finished space with the addition of 5 dormers. The new space will consist of 2 bedrooms and one bathroom.	A
8557	Bizier	15 Coburn Road East	Construction of a new single family dwelling and installation of a septic system, well and driveway.	A
8558	Morse	5 Brookside Lane	Replace existing A/C condenser with two new heat pumps in approximately the same location next to the existing dwelling.	B
8559	Iaia	14 Atchinson Cove Rd	Construct a 12' x 22' storage shed for gardening equipment accessory to the existing dwelling.	B
8560	Walsh	25 Orchard Rest Rd.	Remove existing and rebuild the existing deck that is attached to the dwelling in the same foot-print using the same construction on existing piers.	B

8562	Rizzi	2 Blackberry Lane	Installation of a 8' x 8' shed adjacent to the existing garage for storage of batteries and inverter for solar energy system.	A
8563	Roche	2 Anderson Road	Finish basement in new single family dwelling to add a family room and 1 full bath.	A
8564	Northwest CT Land Conservatory	Wimisink Preserve Route 39 North	Erect an Identification Sign located next the parking lot in front of the Wimisink Preserve	A
8565	Sousa	24 Fox Run	Construct an attached 3 car garage with a bonus room above and a ½ bath / mudroom on the 1 st floor and a new master bathroom on the second floor.	A
8566	Jordon Family Trust	27 Anderson Road	“Post Facto” Finish basement to include an accessory apartment not to exceed 750 square feet. Special permit approved by the Planning and Zoning Commission on 6/1/2023. Reference Vol. 180 page 178 SLR.	A
8567	Munio	28 Farm Road	Install ground mounted solar array on maximum 10' high structure accessory to the existing dwelling.	A
8568	Sanderson	13 Meadow Lane	Construct a deck addition and install a new hot Tub at the rear of the existing dwelling.	A
8569	Cole, Bernstien Trust	141 Green Pond Rd.	Construct an addition on the existing dwelling consisting of an enlarged foyer and a den/library.	A
8570	Ward – Smith	21 Mauweehoo Hill	Remove the existing deck attached to the East, South and West side of the existing dwelling and reconstruct a new deck in the same footprint.	A
8572	Chemero	27 Route 37 Center Suite 3	Occupy professional office space on the second Floor of the existing commercial building. The office space will be used as a real estate office.	C
8573	Havens	27 Route 37 Center Suite 4	Occupy professional office space on the second Floor of the existing commercial building. The office space will be used as an office for a construction business.	C
8575	Malkin	15 Crawford Lane	Renovations to finish basement of existing dwelling to include a ¾ bathroom, an office and family room.	A
8579	Gorman	32 Quaker Ridge Rd.	Installation of an emergency standby generator next to the existing dwelling.	A

8580	Beers, Kelly	1 Shadowland	Construct a 20' x 22' addition on the north side of the existing dwelling and relocate the existing A/C condenser and emergency standby generator.	A
8585	Trovato	34 Candlewood Lake Drive	Replace an existing A/C condenser in the exact footprint next to the existing dwelling.	B

The Following Permit Applications Have Been Denied

Qty: 5

8534	Jay	28 Sawmill Road	Repair/rebuild existing attached deck with no increase in the footprint. Replace an existing A/C unit with a new heat pump in the same location.	B
8554	Larusso	4 Echo Lane North	Construct a dormer on the rear of the dwelling within the footprint of the original dwelling.	B
8556	Khan	25 Terrace Drive	Install an emergency standby generator next to the existing detached garage.	B
8561	Fritz	55 Short Lane	Construction of a 6' high x 40' long privacy fence in the front and side yard of the lot.	B
8576	Girton	40 Big Trail	Installation of new A/C condensers mounted on the front wall of the existing dwelling.	B

The Following Statements Of Intent Were Approved:

Qty: 0

The Following Permit Applications Have Been Withdrawn by the Applicant:

Qty: 0

The Following Permit Applications Have Been Denied Without Prejudice

Qty: 0

The Following Applications Were Returned For Lack Of Information:

Qty: 0

The Following Applications Were Not Processed Since They Were Duplicates:

Qty: 0

The Following Statement Of Intents Have Been Approved

Qty: 0

Driveway Permits Approved

Qty: 2

DP-23-01	15 Coburn Road East	Construction of a new driveway into an approved lot in preparation for the construction of a new single family dwelling.	A
DP-23-02	46 Anderson Road	Beatty Construction LLC – Construction of a new driveway for access to lot for construction of a new single family dwelling. Reference Zoning Application #8574.	A

Driveway Permits Being Reviewed **Qty: 0**

Driveway Bonds Released **Qty: 0**

Work Approved in Town Road ROW **Qty: 2**

01-23-RB	6 Woods Road	Underground Construction Experts – underground utilities to be trenched across one driveway within the towns ROW and two diagonal road cuts. The driveway was cut previously and the patch was covered when a new driveway apron was installed during resurfacing of the town road. Cash Bond Posted.	A
02-23-RB	4 Smoke Ridge	Underground Construction Experts – underground utilities to be trenched across one driveway within the towns ROW. The driveway was previously cut and paved, but will be cut again and will require a paved patch. Cash Bond Posted.	A

Lot Line Change Map Applications - Approved **Qty: 0**

The Following Applications Require Additional Information Or Review: **Qty: 11**

8422	Ansorge	3 Oak Drive	Construction of an accessory storage shed. “Post Facto”.	B
8430	Shea	164 Route 39 So.	Added to existing permit - Construct a shed dormer over a new entrance door and add a 12’ x 18’ one story addition on the existing shed (no running water or septic hookup from within the shed). Also reconstruct an existing structure into a storage shed within the footprint of the existing legal non-conforming structure. In addition a free standing hot tub, outdoor shower and sink will be installed outside.	B
8571	Delsener	12 Sawmill Road	Construction of an 18’ x 22’ detached one story garage with storage above.	B
8574	Beatty	46 Anderson Road	Construction of a new single family dwelling, installation of a well, septic system and a new driveway.	A
8577	Higgins	41 Holiday Point Rd.	Demo the existing garage and rebuild in accordance with the variance granted by the Zoning Board of Appeals. Also demo the existing sunroom then rebuild and make renovations/additions to the single family dwelling.	B

8210a	Greenwald	21 Ledgewood Drive	Construct a 12' x 20 deck with a 4' x 24' wrapped around SW Corner of the existing dwelling to a stone landing with stairs at the front door. "Post Facto"	B
8578	Kelly	11 Orchard Rest Rd.	Installation of an emergency standby generator next to the existing dwelling.	B
8581	Horihuela	62 Edmonds Road	Enclose an existing attached porch, 12' x 14', to expand the kitchen in the existing dwelling. There will be no increase in the footprint of the existing deck.	A
8582	Holy Trinity Church	15 Rt. 37 Center	"Change of Use" – Interior renovations to convert the existing two car garage into habitable space (den).	C
8583	Lowry	10 Fox Run	Renovations in existing basement of the existing dwelling. The area used for a dog grooming business will be converted into residential use. The Special Permit granted by Planning and Zoning in May, 2011 will not be used by this owner, but remains on the Land Records. Floor plans of the approved Special Permit will remain attached to this permit for future reference.	A
8584	Greenwald	21 Ledgewood Drive	Installation of a sauna on a gravel pad that will be accessory to the existing dwelling.	B

Old Business:

ZV 05-18 3 Deer Run Trail – Operating a Residential 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 Road324.1C.2, "All Impact Businesses Resident Contractors" of the Town of Sherman Zoning Regulations. *A Notice of Violation was mailed on May10, 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. A follow up letter will be sent on 3-5-2020. A letter was sent on March 20, 2020 requesting a meeting on the property or at Town Hall. There has been no response from the home owner. Another the letter will be sent. The letter will be mailed 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021. The certified copy was returned on 2/26/2021 by the Post Office as unclaimed. Another letter will be sent. Another letter will be sent on March 8, 2022. A letter was sent on May 4, 2022. The ZEO has not received a response. The ZEO will try to schedule a meeting with the property owners.*

- 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 she has 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. Another letter was sent on 3-5-2020. The ZEO met with the property owner on March 10, 2020. The owner requested 2 weeks to clean up the property. The ZEO agreed. A letter was sent on March 17, 2020 confirming the conversations the ZEO and property owner had the previous week. The property owner has not responded. Another letter will be sent since the property has not been cleaned up. The letter will be sent on 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021. The ZEO spoke with the owner on 2-24-2021. She requested that I give her more time. She would like until July. I agreed, but, I let her know that enforcement action will be stepped up if the property is still not compliant with the regulations. Met with owner on 3/25/2021 at Town Hall when she stopped in to conduct business in another department. She stated she is on schedule for clean up by the end of July. As observed during a drive by on June 29th, considerable progress is being made with the cleanup effort. A drive by inspection was conducted and continued progress is being made. The owner will be contacted to schedule an onsite inspection. The ZEO will contact the property owner on March 8, 2022 to schedule an onsite inspection. The ZEO was unable to contact the property owner, but will try again next week. A letter was sent on May 4, 2022. **The ZEO has not received a response. The ZEO will try to schedule a meeting with the property owners.***
- 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. A 3rd Notice of Violation was sent on 03-05-2020. A 4th Notice of Violation was sent on March 18, 2020. This time it was also sent to their New York address. The property owner has not responded. Another letter will be sent. The letter will be sent on 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021. The first class mail was returned by the New York Post Office as unclaimed. I did not receive confirmation of the certified mail receipt. I had a meeting on April 7, 2021 with property owner. He and his family are part time residents in Sherman and they store their snow blower in the shed at the end of the driveway so when they comes up in the winter after it has snowed, he can plow the driveway before he attempts to drive up the driveway. He will be making a decision before June 1st as to whether they planning on becoming permanent residents after staying here the past year through COVID. I agreed to give him until June 1st to make his decision, at which time, he will have to remove the shed or apply for a front property line setback. A follow-up call will be made to the owner. The shed is still in place and ZBA has not received an application. A letter to the property owner will be sent on March 8, 2022. **A letter was sent on May 4, 2022. The ZEO will try to schedule a meeting with the property owners.***

- 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. The ZEO sent a 2nd Notice of Violation on March 18, 2020. He had not heard from anyone since the conversation he had with the mother last year. The property owner has not responded. Another letter will be sent. The letter will be sent 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021. Since there has been a lack of response, a follow-up letter will be sent on March 8, 2022. The letter was not sent on 3/8/2022. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- Case 10-20** 1 Spring Lake Road and 23 Route 39 North –A written complaint was received 5-12-2020 questioning possible non-conforming uses of property. *Under investigation. This case is being handled under advisement by the Land Use Attorney Firm. A Notice of Violation was mailed to the property owner on 8/25/2022. The ZEO did not receive a response to the NOV that was mailed on 8/25/2022. The enforcement action will be stepped up during the week of 11/7/2022. A Cease and Desist Order was served on 11/18/2022. The owner has appealed the ZEO's issuance of the Cease and Desist to the Zoning Board of Appeals. A Public Hearing is scheduled for March 7th. The Hearing was rescheduled for April 4, 2023 at the Judd attorney's request. The Public Hearing that opened on April 2, 2023 was immediately continued until June 6, 2023 at the request of the Judd's attorney. **The Public Hearing was opened and closed on June 6th. ZBA Deliberated and rendered decisions at their meeting July 18, 2023 meeting. A draft of an Order was received at The August 1st meeting and approve by the Commission. No further action required by the ZEO at this time.***
- Case 03-21** 2A Terrace Drive - Advertised on-line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D "Keeping of Roomers or Boarders" and Section 324.1D.4 "Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses" of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21. The owner sent an e-mail on Monday June 21, 2021 and explained that they do not advertise with a two day minimum, but have rented in the past for periods less than 30 days. He requested a phone call to make adjustments if necessary. The ZEO will return his call. The ZEO will contact the property owner on March 8, 2022. The ZEO was unable to contact the property owner, but will try again next week. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- Case 04-21** 186 Green Pond Road- Advertised on-line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D "Keeping of Roomers or Boarders" and Section 324.1D.4 "Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses" of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21. A second NOV will be sent on March 8, 2022. The 2nd NOV was not sent on 3/8/2022. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***

- Case 08-21** 32 Edmonds Road- Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A. *A Notice of Violation was sent on 5-28-21. A second NOV will be sent on March 8, 2022. The 2nd NOV was not sent on 3/8/2022. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- Case 10-21** 201 Route 37 South - Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022. The 2nd NOV was not sent on 3/8/2022. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- Case 12-21** 10 Hemlock Point Road - Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A. *A Notice of Violation will be sent. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022. The 2nd NOV was not sent on 3/8/2022, but was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- Case 16-21** 13 Wagon Wheel - Advertised on line (Air BnB) is the 2nd floor of the detached garage for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022. The 2nd NOV was not sent on 3/8/2022, but was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- Case 21-21** 1 Route 37 East – Building 2 (“C”) Unit # 5 - Change in Occupancy from Holistic Dog Grooming Service and Studio Apartment (unit #5) to a full apartment occupancy. *The ZEO reached out to the Renter who is in Florida. Further discussions about applying for a permit will take place on his return. To the best of my knowledge, the renter has not returned from Florida. The ZEO will follow-up with the landlord and an NOV will be sent to his address to help bring the property into compliance. An NOV will be sent next week, **The ZEO will try to schedule a meeting with the property owners.***
- Case 32-21** 13 Wagon Road - An illegal accessory apartment was constructed to accommodate short term rentals (see ZV 16-21) without the required permits in violation of “Section 410 Zoning Permits” – “No building, structure, or temporary structure shall be erected,

constructed, reconstructed enlarged, altered or moved, until a zoning permit therefore has been issued by the Planning and Zoning Commission and a Special Permit issued in accordance with Section 324.1.A.2. "Accessory Apartments" by the Planning and Zoning Commission in accordance with the Town of Sherman Zoning Regulations. Zone A. *A Notice of Violation will be sent. A Notice of Violation was mailed on August 10, 2021. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022. The NOV was not sent on 3/8/2022, but was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***

Case 33-21 22 -24 Anderson Road East - A driveway was constructed without the required permit. A Notice of Violation will be sent. An NOV will be sent on March 8, 2022. The NOV was not sent on 3/8/2022, but was sent on May 4, 2022. ***The ZEO will try to schedule a meeting with the property owners.***

Case 40-21 57 Route 55 West – Temporary housing – campers are being used by persons displaced by the fire in violation of Section 324.1D(4) of the Town of Sherman Zoning Regulations. Fiduciary was assigned on December 1, 2021, but the appointment does not become effective for several weeks. *A meeting was held with the Town Sanitarian, ZEO and the attorneys representing the estate on December 17, 2021. A site inspection was scheduled for December 23rd, but was cancelled pending approval by the Probate Court. The ZEO was heard at a Probate Hearing on February 15, 2022 as a witness on the petition by the fiduciary to obtain permission to inspect and ejectment by the Town of Sherman. On February 16, 2022 the Probate Judge ordered "The fiduciary and their agents are granted full, unfettered access to the property", "No one should be living on the property." and "The fiduciary can begin the eviction process." The ZEO is waiting for an inspection date to be scheduled by the Fiduciary. The ZEO conducted a site walk on June 23rd and a formal Notice of Violation will be prepared and sent to the administrator of the estate siting all of the Zoning Violations that exist on the property. The estate has spent two solid weeks working towards compliance, but there's a lot that still has to be addressed. Two of the three people that lived on the property after the fire no longer live there. It is the responsibility of the fiduciary to evict the third. **The fiduciary has informed me that no one is living on the property at this time. The ZEO will verify.***

ZV 02-22 Corner of Spring Lake Road and Taber Road, A.k.a. Map 026, Lot 002 - Junk, construction debris waste and second hand materials have accumulated on the property in violation of Section 323.2 "Prohibited Uses, Specific and Section 323.2a. "No person shall use, or permit the use of, real property for the purpose of accumulating junk, including motor vehicles and motor vehicle parts, debris, waste and second-hand material, in such a manner as to cause unsightly, offensive and repugnant appearances and/or odors which would tend to depreciate the value of neighboring property or to be inimical to the public health, safety, or general welfare." Zone A. *A Notice of Violation was mailed on February 10, 2022. No response to the NOV at this time. The ZEO spoke to Cliff and Travis Palmer on 3/17 near the front of the property on Spring Lake Road. The meeting was not scheduled and was conducted when all parties involved passed on the road. Travis is the son of the owner and Cliff is the ex-husband. I discussed the situation and how the property has to be cleaned up. Travis will let the contractor that has been storing their equipment on the property overnight and the cars during the day that they can long do that. Travis will be working to clean up the non-agricultural related items. He has already removed three vehicles and has another for sale. The ZEO will continue to work with Travis to bring the*

property into compliance. The property has been cleaned to the satisfaction of the ZEO. No further action is required by the ZEO at this time.

- ZV 03-22** 3 Oak Drive – A storage shed was erected on the property without the required zoning permit. Reference: Section 410 Zoning Permits - No buildings, structure, or temporary structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefore, or work begun thereon, or use made of any land until a zoning permit therefore has been issued by the Planning and Zoning Commission. Zone B. *A Notice of Violation was sent on April 5, 2022. The homeowner applied for a permit, but needs to submit a survey to show compliance with the property line setbacks.*
- ZV 04-22** 8 Circle Drive – Air BnB Advertised on line is the dwelling for short term rental in violation of Section 324.1D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A. *The Sherman Fire Department responded to a fire at the property 5-31-2022. The people on the property who called for emergency service stated to the fire department that they were staying/renting short term. A copy of the fire call will be added to the file. Another Notice of Violation will be sent.*
- ZV 09-22** 6 Irene Lane – The property/dwelling is being advertised for short term rental. Reference: Section 324.1D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” and Section 610 “Definitions” the definition of a dwelling is “A building designed or used exclusively as non-transient living quarters, with not less than 600 square feet of enclosed ground floor space. The term shall not be deemed to include automobile court motel, hotel, rooming house, boarding house, house trailer, tourist home or tent.” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A - *A Notice Violation was mailed on October 4, 2022. The owner has been in touch with First Selectman Don Lowe. The owners want to be good neighbors, but had an attorney review our regulations and the attorney does not believe they apply to short term rentals. The ZEO will reach out again to the owners and re-enforce the town’s position.*
- ZV 10-22** 12 Route 39 North – The property/dwelling is being advertised for short term rental. Reference: Section 324.1D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” and Section 610 “Definitions” the definition of a dwelling is “A building designed or used exclusively as non-transient living quarters, with not less than 600 square feet of enclosed ground floor space. The term shall not be deemed to include automobile court motel, hotel, rooming house, boarding house, house trailer, tourist home or tent.” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A - *A Notice Violation was mailed on October 4, 2022. The owner has been in touch with the First Selectman since their property was singled out during a Board of Selectman’s Meeting after the Selectman’s office received complaints about parties. The ZEO will reach out again to the owners and re-enforce the town’s position.*

Zoning Board of Appeals

June 6, 2023 Meeting

ZBA Case 747 – 1 Spring Lake Road and 23 Route 39 North – The Public Hearing regarding the Zoning Enforcement Officers Cease and Desist that was issued on November 18, 2022 continued and was closed.

July 1, 2023 Meeting


The meeting was rescheduled to July 18, 2023 for lack of a quorum.

July 18, 2023 Meeting

ZBA Case 747 – 1 Spring Lake Road and 23 Route 39 North – Deliberations began and decisions were made on the various violations cited in the Zoning Enforcement Officers Cease and Desist that was issued on November 18, 2022. A list of those decisions are part of the meeting minutes which are attached.

August 1, 2023 Meeting

ZBA Case 747 – 1 Spring Lake Road and 23 Route 39 North – An Order letter was drafted based on the decisions that were made regarding the various violations cited in the Zoning Enforcement Officers Cease and Desist that was issued on November 18, 2022. The Commission approved the letter that states a required compliance date of October 1, 2023. The Order, date August 1, 2023 is attached.



Ron Cooper
Zoning Enforcement Officer
Town of Sherman

**TOWN OF SHERMAN
ZONING BOARD OF APPEALS
MALLORY TOWN HALL, 9 ROUTE 39 NORTH, SHERMAN, CT 06784**

FINAL

**MEETING MINUTES
Tuesday, July 18, 2023 7:00 pm
THIS MEETING TOOK PLACE VIA ZOOM**

Members Present: K. Gubner, K. Fazzone, A. Chiamonte, R. Devine and J. Bonner

Members Absent: Alternates A. O'Connor, and S. Guinta

Also: C. Branson, Board Administrative Clerk

Invited & Audience: D. Lowe, Atty. N. Marcus, Atty. T. Beecher, Atty. A. Curto, R. Judd, J. Judd, C. Judd, J. Dwyer, P. Bonner, R. Peburn, and J. Burruano

CALL TO ORDER: Chair, K. Gubner Called the Meeting to Order at 7:12 pm

DELIBERATION:

ZBA Case # 747- Joel A. Judd- 1 Spring Lake Road (Map- 20, Lot- 2) & 23 Route 39 North (Map- 20, Lot- 79), Sherman CT 06784- Appeal of Cease and Desist Order issued on November 18, 2022 by the Zoning Enforcement Officer, Town of Sherman to Joel A. Judd 1 Spring Lake Road (Map- 20, Lot- 2) & 23 Route 39 North (Map- 20, Lot- 79) Sherman, CT 06784. Zone A.

Chair, K. Gubner Opened the Deliberation portion of this ZBA Case and explained to all present, the procedure for deliberations, and reminded the audience there is to be no interaction with the Board discussion or members. K. Gubner stated the Town's Land Use Atty. T. Beecher was also in attendance. K. Gubner stated details of the voting procedure, there were five seated members this evening, four affirmative votes would be needed in order for a motion to pass. On June 20, 2023 at 7:00pm the ZBA Board conducted a site-walk on this property to view the current conditions and activities taking place, there were four members present as well as the Clerk and Land Use Attorney, T. Beecher. One additional Board member was able to view the property individually at a later date. All seated members have been to the property and were able to view the conditions. Chair, K. Gubner asked the Board to state their opinions in regard to the issued Cease and Desist Order list of activities, additional documentation that was provided from ZEO, R. Cooper and information packet provided by the Judd's Attorney, N. Marcus, and what they viewed during the site walk. Discussion took place in regard to the timeline of ownership. The property was initially owned by L. Young who passed away in 1944. The Commission discussed the inventory of assets from Mr. Young's estate listing farm equipment and related implements, one of which was a Braun stone crusher valued at \$2,000, which some viewed as something a farmer could utilize on the property while clearing fields. Discussion turned to the property purchase by Robert Judd in 1948 and documented activities to present. It was noted, a variety of permits have been obtained for business type activities such as construction of a 40' x 90' metal accessory building to house construction equipment. It appears by the documentation provided, Mr. Judd obtained a septic installers license November of 1976 under the name: Judd Construction at this address. Some members of the Board viewed the stone crusher not as farm equipment but as equipment more related to construction, used possibly to distribute crushed rock. It was noted by the Board, the stone crusher currently was viewed on the site walk and appeared to have a tree growing through it. The Board discussed the Minutes of a P&Z meeting in the 1960's where the Judd's were asked to screen the activity taking place on the property from view with fencing or vegetation. The Board agreed, it seems the screening request was never enforced. The Board discussed the Judd's Residential Contractor application, submitted to the P&Z Commission in 2010 when a newly implemented Regulation was created for a Residential Contractor permit and asked residential business owners to voluntarily apply for permits.

The Judd's withdrew their application for a permit after it was determined that their business does not fall under residential contractor, nor home occupation. A lengthy discussion followed regarding what the Board members saw during the site walk. Chair, K. Gubner asked the Board how they wanted to proceed, if they wanted to consider the Cease and Desist, Part I list of items line by line or as a whole. The ZBA Board decided to evaluate each item listed in Part I of the Cease and Desist order, and weighed in if they agreed with the decision of the ZEO or if they disagreed. The following action took place;

Item	Agreed with ZEO	Disagreed with ZEO	Final Vote
1. Mechanic repair of heavy equipment	3- K.F, A.C, K.G.	2- J.B, R.D	Upheld ZEO's decision
2. Snow Plowing Equipment Storage	1- A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision
3. Construction equip. & storage area	1- A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision
4. Firewood processing area & storage	3- K.F, A.C, K.G	2- J.B, R.D	Upheld ZEO's decision
5. Indigenous plant sales & service	3- K.F, A.C, K.G	2- J.B, R.D	Upheld ZEO's decision
6. Annual & Perennial plant sales & service	2- K.F, K.G	3- A.C, J.B, R.D.	Upheld ZEO's decision
7. Utility Co. Truck storage area	3- K.F, A.C, K.G	2- J.B, R.D	Upheld ZEO's decision
8. Garage bay rental for different businesses			
a. Alarm Co. vans	2- A.C, K.G,	3- K.F, J.B, R.D	Upheld ZEO's decision
b. sales of bagged winter sand & storage	3- K.F A.C, K.G	2- J.B, R.D	Upheld ZEO's decision
c. Lawn svc equip storage	2- A.C, K.G	3- K.F, J.B, R.D	Upheld ZEO's decision
9. Top soil storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision
10. Sand storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision
11. Winter road salt storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision
12. Gravel storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision
13. Mulch storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision
14. Wood chip storage & sales accessory to Judd Const.	2- K.F, A.C	3- K.G, J.B, R.D	Upheld ZEO's decision
15. Sweet Peat storage & sales accessory to Judd Const.	1- K.F	4- A.C, K.G, J.B, R.D.	Overturned ZEO's decision
16. Field stone storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overturned ZEO's decision

17. Recycled stone storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overtured ZEO's decision
18. Screened fill storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overtured ZEO's decision
19. Process / aggregate storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overtured ZEO's decision
20. Rip Rap storage & sales accessory to Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overtured ZEO's decision
21. Temporary School Bus storage	2- K.F, A.C	3- K.G, J.B, R.D	Upheld ZEO's decision
22. Temporary Fire Truck storage	2- K.F, A.C	3- K.G, J.B, R.D	Upheld ZEO's decision
23. Shipping Container Storage	3- K.F A.C, K.G	2- J.B, R.D	Upheld ZEO's decision
24. Heavy Equipment& truck storage owned or leased by Judd Const.	1-A.C	4- KF, K.G, J.B, R.D.	Overtured ZEO's decision

The ZBA's discussion turned to Part II- Accumulation of Junk and Debris, of the Cease and Desist Order. The Board agreed, the properties are currently being used for the accumulation of junk and debris. The decision of the Zoning Board of Appeals is that the property owner is hereby ordered to cease and desist from violating Section 323.2.a cited in the Order, except that farm vehicles, machinery, and equipment owned by, or leased to, the property owner or the property owner's business, and vehicles, machinery, and equipment owned by, or leased to, the property owner or the property owner's business that is utilized in the allowed commercial business operation may remain. The rock crusher shall be allowed to remain on the property as long as it is not to be used. The Board additionally agreed that commercial activity, equipment and incidental materials must be screened from view off site.

K. Fazzone Moved to accept the agreed terms set forth in this meeting in response to the Appeal of the Cease and Desist Order issued on November 18, 2022 by the Zoning Enforcement Officer, Town of Sherman to Joel A. Judd- 1 Spring Lake Road (Map- 20, Lot- 2) & 23 Route 39 North (Map- 20, Lot- 79) Sherman, CT 06784. Zone A.

Seconded by: R. Devine

Vote: For: Unanimous

ADJOURNMENT:

Chair, K. Gubner Adjourned the Meeting at 11:48 pm.

Respectfully submitted:

Christine Branson, ZBA Administrative Clerk
July 25, 2023

APPROVED AS AMENDED AT THE MEETING OF AUGUST 1 2023



ZONING BOARD OF APPEALS
Mallory Town Hall
9 Route 39 North
Sherman, Connecticut 06784-0039

ORDER OF THE BOARD AFTER HEARING

Via Certified Mail; Return Receipt Request and Regular First-Class Mail

August 1, 2023

Joel and Roberta Judd
1 Spring Lake Road
Sherman, Connecticut 06784

RE: ZBA CASE 747 - 1 SPRING LAKE ROAD (MAP -20, LOT-2) & 23 ROUTE 39 NORTH (MAP-20, LOT-79) APPEAL BY JOEL A. JUDD OF A CEASE & DESIST ORDER ISSUED ON NOVEMBER 18, 2022 BY THE ZONING ENFORCEMENT OFFICER TO CEASE THE OPERATION OF COMMERCIAL AND INDUSTRIAL ACTIVITIES IN A RESIDENTIAL ZONE AND FOR THE ACCUMULATION OF JUNK AND DEBRIS.

After a public hearing, and after the Board considered all of the evidence in the record, the testimony presented to the Board, and the historical knowledge of this site, the Sherman Zoning Board of Appeals hereby issues the following Decision and Order. The totality of the evidence considered included, but was not limited to, facts related to this property from 1936 to the present and the history of the review and treatment of the uses on this property by the Sherman Zoning Commission and persons acting as zoning enforcement officials from 1960 to the present.

In this order, any reference to Judd Construction or Joel A. Judd is a reference to the property owner of 23 Route 39 and 1 Spring Lake Road. (Subject Property).

This is a written order ("Order") notifying you of ongoing non-compliance at the above-captioned addresses ("Subject Property"), with respect to the illegal commercial or industrial uses on the properties and with respect to the accumulation of junk and debris on the properties as a result of the decision of the Board to Uphold the Zoning Enforcement Officer, in part, and to Overrule the Zoning Enforcement Officer, in part:

**I. Operating Commercial Businesses in the Residential/Farm Zone
(Zone A)**

Reference: Section 331.1 Permitted Principal Uses — Zone A — Permitted principal uses in Zone A shall be those listed in this section — The uses listed above are not listed as permitted principal uses and are therefore prohibited.

The following activities and/or uses **ARE ORDERED TO CEASE**, as the decision of the Zoning Enforcement Officer was **upheld**:

Mechanic repair of heavy equipment.

Area used for firewood processing and storage (Except for personal use).

Indigenous plant sales and/or planting service.

Annual and perennial plant sales and planting service.

Area used for utility company truck storage.

All Garage Bay rentals to third party businesses are prohibited, including, but not limited to:

Alarm company vans and equipment storage

Bagged winter sand/Salt storage and sale

Lawn service equipment storage

Wood Chips storage and sales.

School Bus storage

Fire Truck Storage

Shipping container use or storage

The following activities and/or uses **ARE PERMITTED TO CONTINUE AS VALID, LEGAL NONCONFORMING USES** on the subject property, subject to conditions where indicated, as the decision of the Zoning Enforcement Officer was **overruled**:

Snow plowing equipment storage and business operation for plowing and sanding residential and commercial properties and private roads, conditioned upon the vehicles and equipment being owned by, or leased to, the property owner or the property owner's business.

Construction/Contractor's yard and storage of construction equipment, conditioned upon the vehicles and equipment being owned by, or leased to, the property owner or the property owner's business.

Heavy equipment and truck storage conditioned upon the vehicles and equipment being owned by, or leased to, the property owner or the property owner's business.

Supply Yard Material Storage limited to:

Top soil storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Sand storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Winter road salt storage limited to amounts necessary for use associated with Judd Construction (property owner's) snow plowing business.

Gravel storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Mulch storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

"Sweet Peat" distributor — storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Fieldstone and boulders storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Recycled stone storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Screened fill storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Process and different aggregate storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

Rip Rap storage for use related to the Judd Construction business (property owner's construction business) with sales limited to incidental or accessory sales related to the construction business.

IT IS FURTHER ORDERED, that, as a **condition** of continuing the above allowed valid, legal nonconforming uses, the property owner shall erect or install, and maintain, trees and fencing that will screen all commercial activities, equipment, and materials from view from off-site.

II. Accumulation of Junk and Debris

Reference: Section 323.2 Prohibited Uses, Specific, Section 323.2a. "No person shall use, or permit the use of, real property for the purpose of accumulating junk, including motor vehicles and motor vehicle parts, debris, waste and second-hand material, in such a manner as to cause unsightly, offensive and repugnant appearances and/or odors which would tend to depreciate the value of neighboring property or to be inimical to the public health, safety, or general welfare."

The properties are currently being used for the accumulation of junk and debris. The decision of the Zoning Board of Appeals is that the property owner is hereby ordered to cease and desist from violating Section 323.2.a cited above, except that farm vehicles, machinery, and equipment owned by, or leased to, the property owner or the property owner's business, and vehicles, machinery, and equipment owned by, or leased to, the property owner or the property owner's business that is utilized in the allowed commercial business operation may remain.

As a result of the aforesaid violations, you are hereby ordered to Cease and Desist from the above violations, including any necessary removal or other remedial acts, on or before October 1, 2023.

Approved by the Zoning Board of Appeals on August 1, 2023.

Sherman Zoning Board of Appeals

Kenric Gubner, Chairman

c.c:

Mark Branse, Esq.

Alan Curto, Esq.

Thomas Beecher, Esq.

Neil Marcus, Esq.

Ron Cooper, Town of Sherman, ZEO



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