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

REGULAR MEETING MINUTES **DRAFT**
Tuesday, November 3, 2026

MEMBERS PRESENT: K. Gubner, K. Fazzone, J. Bonner, and Alternates: G. Deemer and C. Warner (joined at 7:16pm)

MEMBERS ABSENT: R. Devine and S. Murray

ALSO: C. Branson, Board Administrative Clerk

INVITED & AUDIENCE: J. Judd, J. Dwyer, C. Fecteau, K. Rich, and Architect V. White

CALL TO ORDER: **Chair, K. Gubner Called the Meeting to Order at 7:08 pm.**

K. Fazzone Moved to Elevate Alternate G. Deemer to Voting status.
Seconded by: J. Bonner **Vote: For: Unanimous**

J. Bonner Moved to Elevate Alternate C. Warner to Voting status.
Seconded by: K. Fazzone **Vote: For: Unanimous**

PUBLIC HEARING I:

ZBA CASE # 781- 3 Rose Lane- (M.- 52, L.- 57) Christopher Fecteau - PROPOSED: Renovations and new construction within the pre-existing, non-conforming dwelling footprint location; requesting a variance to raise the existing roof height to add a second floor. Reference to Section 384- Non-Conformity, Other than use, for a volumetric increase in height within the existing dwelling footprint. Second Floor Addition: Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Yard Setback from 50' to 34.93'. Entryway roof: Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Yard Setback from 50' to 31.95'. Deck and stairs: Requesting Variance of Section 332.5, Minimum Setback Requirements, Side Yard setback from 25' to 23.97'. Generator: Requesting Variance of Section 332.5, Minimum Setback Requirements, Side Yard setback from 25' to 22.12' all in accordance with submitted building plans entitled; "Fecteau/ Rich Residence Sherman, CT" pages-A1.0; A1.1; A3.0; A2.0; EX1; and EX2. Dated May 31, 2026. Prepared by: White Architects, LLC. and in the exact footprint location as shown on submitted A-2 Survey entitled "0.229 Acres, Lot 14- Candlewood Echoes- Squantz Bay Zoning Location Survey Prepared for Christopher M. Fecteau & Karen Rich, #3 Rose Lane Sherman, Connecticut" Dated: September 15, 2026. Prepared by: Robert L. Hock Licensed Land Surveyor LLC. Zone A.

Seated for this hearing were the following: K. Gubner, K. Fazzone, J. Bonner, G. Deemer, and C. Warner

Chair, K. Gubner opened the Public Hearing for this application. Clerk, C. Branson stated the contents of the application file. Legal Notice was published in the Town Tribune on October 22, 2026 and again on October 29, 2026. In the file, there was a fully executed application, an agent letter, and a list of the requested variances. There was an abutters list with six addresses, the certified receipts were stamped, October 21, 2026. Two letters of correspondence were received. The first correspondence read into record was submitted this evening from neighboring abutter, Lizzette Santiago of 4 Liz Ann Lane stating they didn't receive the Certified letter, additionally they shared concerns for drainage; downspout discharge and hydrological impact; concentrated roof run off; erosion and flooding; and loss of privacy on dimensional scale; the letter outlined a suggested condition of approval to require an engineered stormwater plan and downspout direction be pointed away from the shared property boundary. The second letter was received at this meeting was from the applicant which was a list of neighboring abutters' signatures that support the proposed addition- names and addresses of the supporting abutters are- Lydia Lemanj of

4 Rose Lane; Lauren Yansick of 1 Rose Lane; David McLean of 8 Rose Lane; Caitlin Doody of 4 Echo Road; Joseph Mordus of 4 Echo Road and Michelle Delcourt of 5 Rose Lane. There were two photos submitted showing the existing conditions of the property. There was a full set of building plans showing existing and proposed plans for the general layout of the second story addition and also included in the application file was an A-2 certified stamped survey showing the proposed footprint location of new activity. Chair, K. Gubner reviewed and verified the certified receipts were stamped October 21, 2026 and all six were sent. The green certified return slips were all returned except for Santiago, 4 Liz Ann Lane. The applicants, Christopher Fecteau, Karen Rich and appointed Agent Architect Valerie White were in attendance and presented the proposed addition plans to the Board. The Board discussed the concerns listed in the correspondence from Santiago with the applicant. The applicants stated they tried several times to meet with Ms. Santiago to discuss their plan but they were unable to. Architect, V. White presented the proposed plans for the second story addition to the Board. The pre-existing non-conforming dwelling location sits 35.27' from the front property line (new proposed is 34.93'); 22.5' to the northern side property line (new proposed is 23.97'); 33.02' to the rear property line (new proposed is 29.69') which is compliant; and 26.20' to the southern side property line (new proposed is 25.85'); and a proposed generator also on the southern side 22.12' from the property line. The existing home is a cape style design with one and a half stories. Currently the interior layout of the second floor has a very narrow stairway which leads to two very small bedrooms with low ceilings. The proposed renovations show the roof peak height under the 35' maximum height restriction. Ms. White stated there was a hardship letter submitted, but it was not found in the file. Discussion followed regarding the existing square footage of the existing dwelling and the total of increased square footage for the proposed addition. Ms. White had a digital version and read the hardship letter into record going over the various aspects of pre-existing non-conformity within the 100' wide by 170' deep property. Ms. White stated that most of the other properties on the street have twice the lot size compared to this lot. Additionally, Ms. White stated most homes on this street also have full second stories. Chair, K. Gubner stated that the correspondence received was focused mainly on water runoff concerns, this is not something ZBA controls. Chair K. Gubner asked the applicant if they plan on installing gutters to the proposed addition. The applicants stated they will be installing gutters. Additional discussion followed regarding the privacy aspect the neighbor stated in the letter. Property owner, K. Rich stated she was confused how privacy would be an issue since that neighbor's house does not even have windows on that side of the house. Property owner C. Fecteau stated they are reducing the number of bedrooms from four to two. There were no additional questions or comments from the Board or the applicants.

K. Fazzone Moved to Close the Public Hearing for ZBA CASE # 781- 3 Rose Lane- (M.- 52, L.- 57) Christopher Fecteau.
Seconded by: J. Bonner **Vote: For: Unanimous**

DELIBERATIONS I:

ZBA CASE # 781- 3 Rose Lane- (M.- 52, L.- 57) Christopher Fecteau -

Seated for this hearing were the following: K. Gubner, K. Fazzone, J. Bonner, G. Deemer, and C. Warner

Chair, K. Gubner opened the deliberations portion of this hearing. The Board discussed the requested variances. J. Bonner stated he thought the proposed addition was of minimal impact; the lot size does pose a significant hardship for him; the generator placement was reasonable and the height change conforms to the Regulations. Mr. Bonner stated further that he understands the concerns of the neighbor, but water run-off is not the concern of ZBA. G. Deemer stated he agrees with the previous statement; he feels the proposed activity is a minimal ask and they will be making these improvements much within the existing footprint with a minimal height increase. C. Warner agreed with the two previous statements. K. Fazzone stated she felt the applicants did not demonstrate a hardship, saying Zoning is not a hardship. K. Gubner stated he also struggled because of the statements made in the letter from the abutter regarding visual intrusion diminishing their privacy. J. Bonner pointed out that most of the other homes on the street have twice the acreage as this property. Mr. Bonner further stated that the proposed activity is a vertical volume addition. No further discussion took place. The Motion to approve did not carry.

J. Bonner Moved to Close the Deliberations for ZBA CASE # 781- 3 Rose Lane- (M.-52, L.- 57) Christopher Fecteau.
Seconded by: K. Fazzone **VOTE: FOR: Unanimous**

J. Bonner Moved to Approve ZBA CASE # 781- 3 Rose Lane- (M.- 52, L.- 57) Christopher Fecteau - PROPOSED: Renovations and new construction within the pre-existing, non-conforming dwelling footprint location; requesting a variance to raise the existing roof height to add a second floor. Reference to Section 384- Non-Conformity, Other than use, for a volumetric increase in height within the existing dwelling footprint. Second Floor Addition: Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Yard Setback from 50' to 34.93'. Entryway roof: Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Yard Setback from 50' to 31.95'. Deck and stairs: Requesting Variance of Section 332.5, Minimum Setback Requirements, Side Yard setback from 25' to 23.97'. Generator: Requesting Variance of Section 332.5, Minimum Setback Requirements, Side Yard setback from 25' to 22.12' all in accordance with submitted building plans entitled; "Fecteau/ Rich Residence Sherman, CT" pages- A1.0; A1.1; A3.0; A2.0; EX1; and EX2. Dated May 31, 2026. Prepared by: White Architects, LLC. and in the exact footprint location as shown on submitted A-2 Survey entitled "0.229 Acres, Lot 14- Candlewood Echoes- Squantz Bay Zoning Location Survey Prepared for Christopher M. Fecteau & Karen Rich, #3 Rose Lane Sherman, Connecticut" Dated: September 15, 2026. Prepared by: Robert L. Hock Licensed Land Surveyor LLC. Zone A.
Seconded by: J. Bonner
VOTE: **FOR: 3** (J. Bonner, G. Deemer, C. Warner)/ **AGAINST: 2** (K. Gubner, K. Fazzone)

Chair, K. Gubner Recessed the Meeting for five minutes at 8:37 pm.

Chair, K. Gubner reconvened the Meeting at 8:42 pm.

J. Deemer recused himself from the duration of the Public Hearing for ZBA Case # 782 stating a conflict of interest.

PUBLIC HEARING II:

ZBA CASE # 782- 10 Spring Lake Road (M. 20 ,L. 14) John Dwyer- PROPOSED: Appeal of Zoning Enforcement Officer's decision dated September 4, 2026 to not pursue further enforcement action at 23 Route 39 North (M. 20, L. 79) Joel Judd & 1 Spring Lake Road (M. 20, L. 02) Joel Judd. Zone A.

Seated for this hearing were the following: K. Gubner, K. Fazzone, J. Bonner and C. Warner ***(G. Deemer recused)***

Chair, K. Gubner opened the Public Hearing for this case. Clerk, C. Branson stated the contents of the application file. Legal Notice was published in the Town Tribune on October 22, 2026 and again on October 29, 2026. In the file, there was a fully executed application, a two page letter titled, "Statement of Appeal and Narrative Grounds", and there were three photographs titled "Judd Aerial 1", "Judd Aerial South" and "Judd North Half". Also in the file was an email dated May 8, 2026 from Clerk Christine Branson to the P&Z Commission forwarding correspondence from John Dwyer with an attached document titled "Docket Number CV23-6047271 S; Superior Court J.D. of Danbury John Dwyer V. Zoning Board of Appeals of the Town of Sherman, Joel Judd and Roberta Judd; "Docket Number CV23-6047284 S Joel Judd V. Zoning Board of Appeals of the Town of Sherman, Ronald Cooper, Zoning Enforcement Officer and John Dwyer"; Superior Court J.D. of Danbury Memorandum of Decision dated May 2, 2025 as well as a copy of Land Use Enforcement Officer, John Cody's Code Enforcement Update dated September 3, 2026 (3 pages). In addition, there was a letter in the file Chair Gubner read into record from Town Land Use Attorney, Mark Branse which was addressed to ZBA Chair K. Gubner dated October 14, 2026 stating that the ZBA "Board lacks the jurisdiction to hear or decide this purported appeal on the merits, and must deny the appeal for lack of jurisdiction. A decision not to enforce regulations is not applicable." Applicant, J. Dwyer stated he felt there were flaws in the letter from Atty. Branse. Mr. Dwyer requested if the Board read his submitted statement outlining the

reasoning for bringing this matter to the ZBA for appeal. Chair, K. Gubner read Mr. Dwyer's statement into record. Mr. Dwyer stated for the record the timeline of events that lead up to his appeal of the decision of the Land Use Enforcement Officer's actions regarding the property located at 1 Spring Lane Road and 23 Route 39 North. From the audience, Joel Judd of 1 Spring Lake Road and 23 Route 39 North asked Mr. Dwyer directly what it is that he wants, referring to the family's efforts to clearing the property. In closing Mr. Dwyer stated to the Board that he feels they do not have to follow the advice of the Town Attorney. There was no further discussion.

J. Bonner Moved to Close the Public Hearing portion of ZBA CASE # 782- 10 Spring Lake Road (M. 20 ,L. 14) John Dwyer- PROPOSED: Appeal of Zoning Enforcement Officer's decision dated September 4, 2026 to not pursue further enforcement action at 23 Route 39 North (M. 20, L. 79) Joel Judd & 1 Spring Lake Road (M. 20, L. 02) Joel Judd. Zone A.
Seconded by: K. Fazzone **VOTE: FOR: Unanimous**

DELIBERATIONS II:

ZBA CASE # 782- 10 Spring Lake Road (M. 20 ,L. 14) John Dwyer- PROPOSED: Appeal of Zoning Enforcement Officer's decision dated September 4, 2026 to not pursue further enforcement action at 23 Route 39 North (M. 20, L. 79) Joel Judd & 1 Spring Lake Road (M. 20, L. 02) Joel Judd. Zone A.

Seated for this hearing were the following: K. Gubner, K. Fazzone, J. Bonner and C. Warner ***(G. Deemer recused)***

Chair, K. Gubner opened the Deliberations portion of this Hearing. The Board discussed the correspondence from the Town Land Use Attorney, Mark Branse of Halloran & Sage advising the Board not to act because it does not have jurisdiction to act upon this matter.

J. Bonner Moved to Close the Deliberations for ZBA CASE # 782- 10 Spring Lake Road (M. 20 ,L. 14) John Dwyer.
Seconded by: K. Fazzone **VOTE: FOR: Unanimous**

J. Bonner Moved to Accept ZBA CASE # 782- 10 Spring Lake Road (M. 20 ,L. 14) John Dwyer- PROPOSED: Appeal of Zoning Enforcement Officer's decision dated September 4, 2026 to not pursue further enforcement action at 23 Route 39 North (M. 20, L. 79) Joel Judd & 1 Spring Lake Road (M. 20, L. 02) Joel Judd. Zone A.
Seconded by: C. Warner **VOTE: FOR: 0 / AGAINST: 4**
(G. Deemer was recused)

APPROVAL OF MINUTES: ZBA Meeting Minutes of October 6, 2026

J. Bonner Moved to Approve the ZBA Meeting Minutes of October 6, 2026 as written.
Seconded by: K. Fazzone **Vote: For: Unanimous**

APPROVAL OF 2027 SCHEDULE OF MEETINGS :

K. Fazzone Moved to Approve the 2027 ZBA Schedule of Meetings as presented.
Seconded by: J. Bonner **Vote: For: Unanimous**

ADJOURNMENT: **K. Gubner Adjourned the Meeting at 9:55 pm.**

Respectfully submitted:

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Christine Branson, ZBA Administrative Clerk
November 10, 2026