



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION PUBLIC HEARING JANUARY 13, 2014

### MINUTES

#### CALL TO ORDER

Chairman, James Conway, called the Public Hearing to order at 7:30 PM.

Regular Members Present: James Conway, Elaine Urban, Stewart Kellerman, William Weed, Ray Crawford

Alternates Present: Kim Tester, Mary Elizabeth Peck, John Cody

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Mamie Keys, James Prado, Hugh Sullivan

#### SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Kellerman, Weed, Crawford and himself.

#### BUSINESS

Proposed amendments to the Roxbury Zoning Regulations on Lighting

Chairman Conway read the proposed amendments to Section 5.5 of the Roxbury Zoning Regulations on Lighting.

#### Legal Notices

Chairman Conway noted for the record that the following notices had been sent:

- Roxbury Town Clerk – memo dated December 24, 2013
- Voices – Legal Notices appeared in Voices on January 1 and 8, 2014
- Public Notice Registry dated November 12, 2013

#### Referrals and Notices

Chairman Conway read/commented on the following notices sent/received regarding the proposed amendments to the Lighting Regulation:

- The Roxbury Planning Commission's notice dated 11-25-13
- The Roxbury Planning Commission's favorable response dated 1-2-14
- Northwestern Connecticut Council of Government's notice dated 11-25-14
- Northwestern Connecticut Council of Government's favorable response dated 12-11-13
- Housatonic Valley Council of Elected Official's notice dated 11-25-13
- Council of Govt. of the Central Naugatuck Valley's notice dated 11-25-13
- Council of Govt. of the Central Naugatuck Valley's acknowledgement dated 11-26-13
- Towns Clerks - Bridgewater, New Milford, Southbury, Washington & Woodbury dated 12-24-13

#### Public Comment

Chairman Conway invited the public to comment.

Jim Prado of 229 South Street commended the Commission for developing the lighting regulations. He noted he had hoped for some restrictions on the length of time holiday lighting could be left on. He thought that one month per year would be reasonable.

Chairman Conway noted that the regulations could be amended (in the future) to address holiday lighting.

There being no further comments offered, Chairman Conway asked for a motion to close the hearing.

**ADJOURNMENT**

MOTION to close the public hearing at 7:38 PM, motion by William Weed, seconded by Ray Crawford and unanimously approved.

Respectfully submitted,

*Karen S. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING JANUARY 13, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:39 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban, William Weed, Ray Crawford

Alternates Present: Kim Tester, Mary Elizabeth Peck, John Cody

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Mamie Keys, James Prado, Hugh Sullivan

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Urban, Weed, Crawford and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Public Hearing – December 9, 2013

MOTION: To approve the minutes of the Public Hearing as written. Motion by Kellerman, seconded by Crawford and approved 3-0 with 2 abstentions.

Regular Meeting – December 9, 2013

MOTION: To approve the minutes of the Regular Meeting as written. Motion by Crawford, seconded by Kellerman and approved 3-0 with 2 abstentions.

#### BUSINESS

Proposed amendments to the Lighting Regulations - Discussion following Public Hearing

Mrs. Urban thanked Mr. Kellerman for his work on preparation of the lighting amendments.

Mr. Kellerman reminded the Commission that when modifying the regulations they should give reasons to support their votes. He suggested that these amendments would maintain the rural character of Roxbury, preserve property values and support the welfare of the community. He also noted that the Plan of Conservation and Development emphasizes the preservation of rural character and encourages community spirit.

MOTION: To approve proposed text amendments to the Roxbury Zoning Regulations pertaining to Lighting, Section 5.5. Motion by Kellerman, seconded by Conway and unanimously approved.

#### REASONS FOR VOTE:

- Mr. Kellerman voted in favor for the reasons he mentioned previously.
- Mrs. Urban voted in favor noting that the amendments support the welfare and safety of the community especially road safety and the rural character remains intact by prevention of over-lighting.
- Mr. Weed voted in favor for the same reasons mentioned by Mr. Kellerman.
- Mr. Crawford voted in favor as rural character is maintained and it protects the neighbors.
- Mr. Conway voted in favor as it is helpful in fostering neighbor relations and maintaining the rural character of the town.

MOTION was unanimously approved.

Mamie's Restaurant Special Permit – Discussion following Public Hearing

Chairman Conway read the list of conditions of the special permit compiled by Mr. Kellerman from discussion by the Commissions at their December 2013 meeting. After discussion condition #3 would be changed from “at least 50 feet from the front property line” to 50 feet from Route 67. Chairman Conway noted that the picnic tables would need to be lined up and turned perpendicular to the road to satisfy the 50 foot setback.

Chairman Conway felt that the conditions outlined are easy to understand and should protect the neighbors. The grasses that have been planted should get taller and Mr. Cady has agreed to plant more if needed.

Mr. Kellerman noted that the trees on the southern side (between Mamie's and Bradley's) should have the vines cut down before those trees die. He suggested that the placement of the boulders and plantings (along the road) were good and they could be looked at again in the summer. Mr. Conway felt that additional screening could be requested.

MOTION: To approve with conditions the Special Permit application by Mamie Keys to operate a restaurant at 162 Baker Road, Roxbury. Motion by Crawford, seconded by Weed and unanimously approved.

**Conditions of the Special Permit:**

1. The total number of patrons seated inside and outside the Restaurant building shall not exceed 36 at any given time. However, the Zoning Commission may raise or lower that number if the registered sanitarian serving Roxbury finds cause to change his estimate of the maximum seating capacity of the Restaurant.
2. The only seating permitted for the Restaurant shall be at tables inside the Restaurant building, at tables on the permanently covered porch, and at no more than four picnic tables outside the building, each picnic table with a table top of no more than eight feet in length and two and a half feet in width. [The existing table tops are 95.5 inches by 27.5 inches.]
3. All the picnic tables shall be located in front of the Restaurant building and at least 50 feet from Route 67 and at least 30 feet from the side property lines.
4. Barriers, such as large planters, boulders, or fencing, shall be placed between the highway and the picnic tables to ensure the safety of patrons seated at the picnic tables. These barriers shall be adequately maintained.
5. Screening, such as fences, walls, hedges, trees, or other plantings, shall be placed between the highway and the picnic tables to reduce any adverse impact of exterior seating on neighboring properties.
6. All screening, including plantings and fencing in front of the building as well as trees and other plantings along the side property lines, shall be adequately maintained to reduce any adverse impact of exterior seating on neighboring properties.

**ZEO REPORT**

Gary Coburn reviewed the following complaints:

Roxbury Market Sign

Estimate received; work must be done on a clear day when temp is above 35. The sign is stable now and will eventually be replaced.

Spargo Road

The certified letter was returned undelivered. The son who resides on the property has been ill. Will follow up within a couple of weeks.

Squire Road

Complaint has disappeared and is being closed out.

Montesi/Garnet Road

Appointment scheduled with owner to review plan to bring into compliance. Files from 1940 have been reviewed and plan discussed with Zoning Chairman.

Realtor Signs placed off properties

Asked Commission members to alert ZEO and he will have signs removed.

Home Enterprise Regulation

Asked Commission to review/interpret this regulation in light of a recent complaint. The question of whether a septic truck parked in a resident's yard would be considered visible evidence of a Home Enterprise. Gary suggested developing a level between Category 1 and 2 Home Enterprise. Screening of the vehicle as required in Category 2 was discussed as a resolution.

Lighting (cont'd)

Mr. Kellerman raised the issue of the impact on wildlife of lighting trees. Mrs. Urban suggested educating the public through community sponsored conservation programs.

**CHAIRMAN'S REPORT**

Smart Growth

Chairman Conway noted that the Board of Selectman has scheduled a Smart Growth informational meeting for January 30<sup>th</sup>. Ideas for helping the public to understand the scope of the Smart Growth recommendations were discussed. The idea of a web based survey was suggested. Chairman Conway noted he would share these ideas with the BOS. The distinctions between condominiums and common interest ownership were discussed.

Chairman Conway discussed advice from the Town Attorney regarding the use of emails to conduct meetings. When the Commission is working on an application he cautioned about use of electronic discussion of the application which could be misconstrued as a meeting. Chairman Conway read the section of the memo from Attorney McTaggart regarding "meetings". He emphasized the importance of refraining from discussion of any application except at a meeting that is open to the public.

Chairman Conway asked that the roles and responsibilities of alternate Zoning Commission members be reviewed.

**COMMUNICATIONS**

- NWCCOG Survey – Commissioners were asked to complete and return to Mrs. Eddy.
- P & Z Newsletter

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:47 PM. Motion by William Weed, seconded by Ray Crawford and passed.

Respectfully submitted,

*Karen E. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING FEBRUARY 10, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:32 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban, Ray Crawford

Regular Members Absent: William Weed

Alternates Present: Kim Tester, Mary Elizabeth Peck, John Cody

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Greg Cava and Mr. & Mrs. Lowe

Chairman Conway seated regular members Kellerman, Urban, Crawford Cody for Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Public Hearing on Lighting – January 13, 2014

MOTION: To approve the minutes of the Public Hearing as written. Motion by Urban, seconded by Crawford and unanimously approved.

Regular Meeting – January 13, 2014

MOTION: To approve the minutes of the Regular Meeting as amended:

- Page 2 - Mamie's Restaurant, second sentence – Commissions (delete s).
- Page 3 - Roxbury Market Sign – change replaced to repaired.

Motion by Urban, seconded by Crawford and unanimously approved.

#### BUSINESS

Roxbury Garage – Special Permit Application:

Chairman Conway asked Commissioners to read the Special Permit Application that was distributed. He accepted the application for the record. Greg Cava introduced himself as the representative of the applicant and noted that 13 Southbury Road LLC was the property owner. He said he planned to submit a copy of the property deed. Mr. Cava pointed to the floor plan that showed the square footage of the building. He asked if there was anything else that should be addressed. Mr. Kellerman suggested that the applicant provide evidence that farm produce had been sold at the Roxbury Garage in the past.

Mr. Cava asked the Commission to excuse the requirement for architectural plans and accept the floor plan which details the change of use. Chairman Conway agreed to waive that requirement.

Chairman Conway asked for a motion to schedule a public hearing.

MOTION: To schedule a public hearing on March 10, 2014 at 7:30 pm on an application for a Special Permit by 13 Southbury Road LLC (to expand the legal nonconforming business - commercial use(s) at the Roxbury Garage, 13 Southbury Road pursuant to the Roxbury Zoning Regulation Section 3.10.10.)

Motion by Stewart Kellerman, seconded by Ray Crawford and unanimously approved.

#### Review of Zoning Regulations on Setbacks and Structures

Mr. Kellerman noted his concern that the zoning regulations on setbacks and structures are fuzzy and lack a definition for setbacks. He noted that he and Mr. Coburn are in the process of reviewing these regulations. He explained that Washington and Bridgewater define structures as having a fixed or permanent location on the ground. He noted that our town attorney feels our current regulation would probably hold up in court because setbacks are listed on the master chart. Mr. Kellerman suggested creating a definition for setback along with defining what structures could be allowed in setbacks such as mailboxes, stone walls, flagpoles, fence, utility boxes, etc.

Mr. Kellerman offered to review the town attorney's recommendations along with regulations from other towns to develop a regulation for review at the next meeting. He asked members to consider what structures should be allowed in the setbacks. Mr. Kellerman explained that the town attorney describes setback as the distance from any structure to the property line. Mr. Coburn explained that a building is defined as anything with pillars, a wall or a roof which would include a dog house, chicken coop and gazebo. Mr. Kellerman commented that a building has to be a structure with a fixed location on the ground and most doghouses do not have foundations. Mr. Kellerman noted that if a structure exists in a setback for more than three years, it becomes legal. Mr. Conway agreed that these regulations need updating.

Kim Tester noted she would not be able to attend the next zoning meeting.

#### **ZEO REPORT**

##### F& S Auto

Remediation plan discussed with the owner and advised that compliance must be achieved by May 15<sup>th</sup>. Clean up has been started. Complainant has been advised.

##### Spargo Road

Unregistered motor vehicles will be removed by Feb. 11<sup>th</sup>. ZEO plans a visit to confirm compliance. The backhoe without plates is not being used for business and can remain without screening.

##### Plourde – Southbury Road

ZEO spoke with owner and firewood and cabinet signs will be removed. Sand/salt pile located within the wetlands setback will also be removed.

Mr. Kellerman reminded that the latest regulation allows one motor vehicle to be unscreened while being sold.

#### **CHAIRMAN'S REPORT**

##### Smart Growth

Chairman Conway invited the commission to review the minutes of the last two Smart Growth meetings. He clarified his comment from the Feb. 4<sup>th</sup> SGC minutes noting that he meant that first splits (of property) do not require a subdivision as do second splits. He said he would like to give potential homeowners the opportunity to buy a small piece of property and build a small house on it without the requirement of a big development.

Elaine Urban noted that missing from the Jan. 30<sup>th</sup> SGC Informational Meeting minutes were comments by Barbara Henry clarifying that there was no interest in determining who would live in these proposed developments. Also missing according to Elaine were her own comments indicating her disappointment that there were no individual homes for young families in this smart growth plan. Chairman Conway noted that the SGC discussed that issue at their February meeting and they are in favor of allowing single family units to be built amongst the duplex and quads.

Referring to a Woodbury development, Ray Crawford wondered whether single-family homes with shared ownership could be an option that might be left up to builders rather than dictating the number of units and bedrooms required.

Stewart Kellerman agreed with Mr. Cava that this type of development would attract older buyers and would not resolve the problem of attracting younger families. He noted he is not worried about Roxbury turning into a Southbury or Middlebury because we lack the municipal water, septic and infrastructure to support a dozen condo developments. Elaine Urban asked about the three phase development plan mentioned by Mr. Filous. She expressed concern that the 48-unit project being proposed was too aggressive and overreaching. Chairman Conway responded that the phases Peter Filous spoke of referred to the developer completing one section of the project to see if those units sell before embarking on the next. Mrs. Urban argued that the phases were meant to avoid oversight from state agencies regarding septic systems. Chairman Conway argued that a plan showing a completed project including perk tests, septic and water would have to be submitted and approved before development began. The phases referred to the financial aspects of the project.

Mary Elizabeth Peck noted that the plan shows 136 bedrooms. Chairman Conway explained that each bedroom requires 150 gal. of water per day and it would be unusual for a 25-acre parcel to support those numbers.

Chairman Conway noted that from the beginning the Smart Growth Committee decided to proceed with one aspect of alternative housing at a time. This first aspect of the plan is ready for Zoning to develop regulations and to take it through the public hearing process.

Mr. Kellerman wondered if Zoning could begin by permitting only one such development in town and then possibly adding more later.

Mrs. Urban opined that one goal of smart growth was to provide alternative housing including single-family dwellings. She could not support anything this large that did not include single-family housing. She feels that the first priority should be to protect the town's schools and volunteer services. She said she does not doubt the need for over 55 housing, but there should be a balance. When Mr. Kellerman asked how that could be done, Mrs. Urban responded that we should put both condos and single-family dwellings into these developments.

Mr. Crawford worried that putting more demands and constraints on the mix of units to be built would make it uneconomical for builders. Then nothing gets built and the town's needs and concerns are not met. He suggested allowing the market to predict what gets built.

Mrs. Urban expressed concern that this development will result in 4 dozen families who will expect town services and impact the town's tax base. Kim Tester explained that the next aspect of the smart growth project would be to tackle single-family development in Zone A to help balance those needs. Chairman Conway reiterated that the Smart Growth Committee is tackling one aspect of development at a time. Mr. Crawford concurred that the second part of smart growth will be to review the village concept for Zone A. He felt this would afford some element of control on architectural requirements that would fit the personality and history of the zone. Chairman Conway noted that Zone A might prove more difficult because of architectural issues. Along with limitations on house size, Mr. Conway would support permitting 2-acre lots in Zone C and 1.5 acre lots in Zone A.

Mr. Crawford questioned whether it was legally possible to approve a regulation for a single project. If not he suggested amending the regulations to allow this type of development and then if it doesn't work, make modifications later such as requiring a special permit.

Mary Elizabeth Peck commented that the Bronson Mountain (cluster) subdivision was a bust. Mrs. Urban clarified that Bronson Mountain was a large lot subdivision in a higher price bracket.

Mr. Kellerman wondered if the development currently being considered will actually get built. Mr. Conway felt that half of it might be finished. He noted that the SGC has considered smaller developments (12 acres) but decided that it would not be profitable for builders and would not get built. The project being considered is a 50-acre parcel of which 25 acres would be designated open space due to the slopes. He questioned whether any 25-acre parcel in town would be suitable. Mrs. Urban expressed concern that the project might be abandoned before completion. John Cody asked if the land has been purchased and Mr. Conway noted that there is a contract to



purchase. He also understood that if this type of development is not approved, the developer would resort to building large houses on large lots and we'd be right back where we started.

Chairman Conway noted that the Smart Growth Committee stated their work in October 2012 which was three years after the original committee's report. Mrs. Urban acknowledged the hard work that has been done by the SGC but expressed concern that a change this significant should go through referendum rather than just zoning approval.

In response to Mr. Cody's question, Mr. Conway explained that there is one (proposed) access point which connects to a circle and each unit would be screened from the others and from neighboring properties.

Chairman Conway explained that the SGC has started to review the amendments that would be required in the current conservations subdivision regulations and the changes are not huge.

John Cody asked if a traffic study had been done to determine if a bottleneck would be created at certain times of the day. Chairman Conway noted there had been no traffic study, but suggested that access from a state highway might be a recommended requirement to accommodate heavier flow.

Chairman Conway explained that the SGC has requested that the Zoning Commission proceed with developing a regulation that would go through the public hearing process. Then the Commission would decide whether to approve or not. Kim Tester felt that it would be a good exercise for the Commission to go through that process.

Mr. Kellerman requested that Zoning receive a copy of the changes the SGC has recommended making to the conservation subdivision regulations.

Mr. Crawford suggested that going through the process would provide an opportunity to consider many things that haven't been considered such as traffic. Concerns and questions may come up that might have to go back to the SGC for further consideration. He felt it would be unfortunate if the current concerns halt forward movement on the process at this point. Mrs. Urban noted she has no concerns about aesthetics. With a goal of providing more affordable house, Mr. Crawford suggested that the special permit process would give some latitude to make suggestions.

## **COMMUNICATIONS**

Mr. Coburn distributed information about a Smart Growth workshop being offered by the EPA. It was noted that Mr. Crawford and Mr. Coburn will attend.

Chairman Conway suggested that following all of the presentations by the SGC the Zoning Commission should be well versed by now regarding this proposal. He confirmed that the SGC's suggested modifications to the regulations would be completed and forwarded to Zoning by next month.

Mr. Crawford noted there seems to be a Federal movement toward cities as a more efficient way to live. He opined that Roxbury is a country town and very unique. Mrs. Urban noted that Roxbury is truly rural and not suburban.

### Role of Alternates:

To address question regarding the role of Alternates on the Zoning Commission, Mr. Coburn distributed and read excerpts from a memo by the town attorney which said *Alternates may participate at meetings until it is time to deliberate and vote. At public hearings they can fully participate and ask questions. Once the hearing is closed and the deliberations begin, only the seated members weight in or vote.* There was discussion and some confusion about the distinction between discussion and deliberations. Mr. Kellerman noted a court case Weiener vs. New Milford Zoning Commission referenced in the memo. He suggested that when in doubt, alternates should not participate.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:50 PM. Motion by Ray Crawford, seconded by Elaine Urban and passed.

Respectfully submitted,

*Karen S. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION PUBLIC HEARING MARCH 10, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Public Hearing to order at 7:30 PM.

Members Present: James Conway, Gary Coburn, William Weed, Stewart Kellerman, Ray Crawford, Elaine Urban

Alternates Present: John Cody

Alternates Absent: Mary Elizabeth Peck, Kim Tester

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Greg Cava, David Blyn

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Crawford, Urban, Weed and himself.

#### BUSINESS

Special Permit Application by 13 Roxbury Road to expand a legal nonconforming business /commercial use for sale of food

#### Legal Notices

Chairman Conway read the legal notices that appeared in the Waterbury Republican on February 26, 2014 and in Voices on March 5, 2014.

#### Public Comment

Chairman Conway asked for comments from the public. Representing the applicant, Gregory Cava of Cava Law Firm in Roxbury addressed the Commission. Mr. Cava presented a letter of notice to abutting property owners along with mailing receipts dated 2/25/14. The site plan of the property was reviewed.

Mr. Cava described the property as follows:

Property comprises 2.48 acres and is the third property from the intersection of Rt. 317. The building which is located on the front of the site was constructed prior to the opening of the garage in 1929 and after a fire was rebuilt. The garage area is 29' x 30'. The floor plan of the first floor contains an office, pass thru/storage area, bay area with wooden floor that has been used as a waiting room and for the sale of food, parts room and restroom. The second floor contains a residential apartment which has been there since the beginning. Underneath is a utility area which houses the hydraulic equipment. There are two other garage bays under the building and a full basement under the building with overhead doors to the back.

Mr. Cava noted that square footage of the areas of the building are listed in the application showing the existing and the proposed breakdown of the building. The only change will be to convert 96 sq. ft. of the garage waiting room to be used for the sale of food. The overall square footage of the building will not change.

Mr. Cava referenced newspaper articles which gave the history of the garage and owners and showed that it has been in operation since 1929. He noted they have always offered food such as ice cream, soda and various vendor foods which customers would eat while waiting for car repairs or purchase when buying gas. Mr. Cava noted the garage services various types of vehicles including cars, trucks, lawn equipment as well as pumps gas. Mr. Cava reiterated that over the years various types of foods have been sold. Right now they sell organically grown foods as

well as prepared foods from River Bank Farm along with organic chips and coffee, etc. This is not a restaurant. Any food consumed on the premises is incidental. Occasionally they may offer free samples of their products. Mr. Cava noted that according to Mr. Lowe there was a hamburger stand at this location in the early '60's.

Mr. Cava said what we have here is a thriving business that's important to the welfare of the town. He noted Bridgewater is suffering from the banks closing. Mr. Cava continued we have only three places in town where there is any commercial activity, one is zoned for it and others are residential. The garage predates zoning. When zoning started in the 20's, they zoned properties based on the uses in place and ones they wanted to encourage or discourage. Commercial zones were typically along highways. Here we have a legal nonconforming use and we're taking advantage of the regulation that allows for expansion of up to 25% of the square footage. We are proposing utilizing 96 square feet of the existing waiting area for the sale of food.

Mrs. Urban asked whether they will have a future waiting room. Mr. Cava was not sure whether it would be needed. Mr. Blyn noted that there are a couple of seats in the cashier's area which is the warmest place and that is where the coffee machine is located.

Chairman Conway asked what was considered the primary use. Mr. Cava answered that based on square footage the repair business would be primary, residential second, sale of food third and sale of fuel next. When asked by Mr. Kellerman, Mr. Cava indicated he was unsure about the primary economic use.

Mr. Cava stated that he dropped off the application on the Friday before the Zoning Meeting and brought in a corrected version on Monday. Mr. Conway noted that the application was accepted by the Commission on Monday at its meeting on February 10<sup>th</sup>.

Mr. Kellerman drew attention to Section 3.10.15 of the regulation questioning whether the selling of food was the primary use. Mr. Cava responded that selling food would be the primary use in that "portion" of the building.

Mrs. Urban recalled that the Commission had (previously) asked Mr. Lowe for a list of the food products to be sold. Chairman Conway noted that a statement of use was requested. Mr. Crawford noted that the minutes of the last zoning meeting state that Mr. Kellerman suggested that the applicant provide evidence of past food sales at the site.

Mr. Cava said he did not think the commission had the authority or jurisdiction to request a list of individual food items to be sold as they are all food products. He noted that when the Roxbury Market applied for expansion of its building to allow the bank to enlarge, the regulation was interpreted to mean that any use in the building could be expanded, not only the primary use.

Mrs. Urban explained that when considering a special permit the commission is looking at the benefits and risks to Roxbury's residents. She expressed concerns about keeping with local organic products and not opening the door to large scale convenience stores. Mr. Cava emphasized that they plan to sell primarily products produced in Roxbury, but argued against limiting what they can sell as they may want to package their foods differently or sell other organic products.

Mr. Kellerman noted that farm produce is mentioned and they may decide to change what kind of farm products they want sell. He thought that to list every item would just complicate things. He suggested that they may want to sell corn at some point.

Mr. Kellerman questioned why "produce" was included within the statement of use that begins: "The property is currently and has for many years been used for the following uses". He objected that there has been no evidence provided by the applicant that produce was previously sold there. Mr. Cava agreed to remove that sentence from the "Statement of use" to reflect what is currently being sold.

Mr. Conway explained that they are proposing an expansion of 96 square feet. There should be no concern of larger food sales occurring. They would have to come back if they wanted to expand any further.

Mr. Conway noted we are giving permission to use the space highlighted on the map. He also noted he feels comfortable that they have done what was asked and feels the application was well presented.

Mrs. Urban clarified the area of expansion within the building as designated on the floor plan. Mr. Conway noted that the expanded area will allow room for patrons to shop.

Mr. Kellerman suggested that before the public hearing is closed we should get a revised statement of use and the town attorney's opinion on section 3.10.15 of regulation. Chairman Conway agreed that the statement of use should be corrected. He noted he was comfortable with the interpretation of the regulation referred to in the Roxbury Market decision. Mr. Conway said he does not have a problem extending the public hearing. Mrs. Urban noted that she would like the regulation to read "the primary use".

Mr. Cava argued against the notion of placing further limits on the regulation noting the market, post office and bank are in one building and there is such limited retail space in the town. What does it matter as long as the use is already there? If the post office closes you will be looking for a different use there. Mrs. Urban argued that we are not talking about the market. Mr. Cava emphasized that the interpretation of the regulation applies to all the properties. We are talking about a building with three primary uses within the building--one residential and two commercial. We are talking about one existing commercial use being expanded to a small area. He questioned how it would help the town to only allow expansion of the primary use? Mr. Cava sees the purpose of the regulation as to help business people cope and keep their business vital and alive. If you shrink them to nothing, you'll have no gas station, no food sales, no market, no post office and no bank. Roxbury will become strictly a residential town.

Mr. Kellerman noted he is not troubled with the changes proposed and would have permitted them without the special permit.

All agreed to close the public hearing.

Mr. Conway noted it's a good use and accepted in town. It's nice to have it and now we have the size contained. Mrs. Urban asked if it could be expanded only once. Mr. Conway responded that it could be expanded up to 25%.

Mr. Cava submitted a revised statement of use as discussed.

#### **ADJOURNMENT**

MOTION: To close the Public Hearing at 8:18 PM. Motion by William Weed, seconded by Elaine Urban and unanimously approved.

Respectfully submitted,  
*Karen E. Eddy*  
Karen Eddy  
Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING MARCH 10, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 8:18 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban, Ray Crawford, William Weed

Alternates Present: John Cody

Alternates Absent: Kim Tester, Mary Elizabeth Peck

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Greg Cava, David Blyn, Aaron Hodge, Peter Filous

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Urban, Crawford Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Regular Meeting – February 10, 2014:

MOTION: To approve the minutes of the Regular Meeting as amended:

- Mr. Kellerman's comment after the ZEO Report relates to Spargo Road.
- Page 3, 4<sup>th</sup> para. 1st sentence should read: Mr. Kellerman said Mr. Cava made some good points (delete agreed with) that this type of development.....

Motion by Crawford, seconded by Urban and unanimously approved.

#### BUSINESS

Roxbury Ambulance Association - Request for Text Amendment

Aaron Hodge of the Roxbury Ambulance Assoc. presented a letter of intent to amend Section 4.3.4 of the Roxbury Zoning Regulations. He noted that the Ambulance Assoc. has been looking for a place in town to purchase or construct an ambulance station for several years. He noted they have located a property in Zone A that might fit their needs and they would like to amend the regulations to allow ambulance stations. Mr. Coburn indicated he had spoken to the town attorney, who cautioned that the text as written could open the town to other (commercial) ambulance services.

Mr. Conway suggested that the petition be withdrawn and the Zoning Commission be given the opportunity to explore an approach that would serve the best interest of the town.

Aaron Hodge agreed to withdraw the application. He expressed concern that in the future if the Ambulance Assoc. is no longer the primary provider, the regulation would allow for another provider. In Arron's opinion the volume in Roxbury would not attract a commercial ambulance service. There may possibly be a need to connect with a regional service. Arron suggested that a commercial provider would be more likely to keep an ambulance in town rather than build a station.

Chairman Conway suggested that the Commission should develop a regulation for the town. Mr. Coburn noted that a change in the regulation is required to allow for the operation of emergency services in town.

Following discussion Mr. Hodge officially withdrew the application by the Roxbury Ambulance Assoc. Chairman Conway noted that even if this regulation is approved, the Ambulance Assoc. would have to come back to the commission for approval of a building/site. Mr. Hodge acknowledged that the ambulance could not be parked on the property in question at this time.

#### Roxbury Garage – Special Permit Application

Chairman Conway asked if there was any further discussion (following the public hearing). Mrs. Urban noted that the space (for sale of food) would increase by 96 square feet and wondered if that would make the town more vulnerable in the future. Mr. Conway noted that the size of the expansion is 1.9% and any further expansion would require a new application. He confirmed that there would be no sale of food outside of the building, but only in the (interior) space that is designated. Mr. Kellerman felt that the special permit process was probably unnecessary. Mr. Conway argued that the permit sets the limits of expansion.

MOTION: To approve the Special Permit application by 13 Southbury Road, LLC to expand a legal nonconforming business/commercial use at the Roxbury Garage located at 13 Southbury Road, Roxbury. The 1.9% expansion increases the currently used interior space by 96 square feet bringing the area to be used for the sale of produce and food to a total of 300 square feet.

Motion by Conway, seconded by Weed and unanimously approved.

#### **VOTE/REASONS**

Crawford – Voted in favor – The expansion is within the regulations and it is for a purpose that had existed in that space.

Weed – Voted in favor – It is a plus for the community.

Urban – Voted in favor – It meets the requirements of the regulations.

Conway – Voted in favor – It is a great addition (for the community) and it will be regulated. It meets the requirements of the regulations.

Kellerman – Voted in favor – It conforms to the zoning regulations and POCD. It's important to the town and should be supported.

Chairman Conway moved Item 9 up on the agenda.

#### **CHAIRMAN'S REPORT**

##### Smart Growth

Chairman Conway noted that the document entitled Section 16A was included in the meeting packets. He introduced Peter Filous, Chairman of the Smart Growth Committee and the Planning Commission. Peter noted that the Section 16A worksheet is not a proposed regulation but rather a list of the items to be considered in a regulation. Final language for a regulation would have to be written. Mr. Kellerman asked if the Smart Growth Committee could provide a draft amendment. Mr. Conway suggested that this document is the beginning of a draft regulation, but the SGC feels the job of writing of the regulation belongs to Zoning. Mr. Kellerman questioned whether the intent was to change the existing conservation subdivision regulation. Mr. Conway and Filous confirmed that the new section 16A was proposed as a separate regulation to provide more clarity. Mr. Coburn noted that a number of amendments would be needed throughout the regulations. Mr. Kellerman emphasized that developing this regulations would be a lot of work and he wished there was a way to understand how the town feels about the idea. He noted that Mrs. Urban had suggested the idea of a referendum and he wondered whether something could be sent to residents which would give them a chance to comment on the proposal.

Mr. Conway felt that after 14 months of work by the SGC there has been adequate time and opportunity for residents to weigh in. The next step should be to write a regulation which would be brought to a public hearing. If there are issues, they could be brought out at the public hearing. At that point the Zoning Commission can decide whether to go forward with it.

Mr. Kellerman commented that he had heard from several people after the informational meeting who felt too intimidated to speak up. Mr. Weed emphasized that everyone would have a chance to comment again at the public hearing.

Chairman Conway added that the ball is in Zoning's court to develop a regulation and he listed the main points to be included. Peter Filous noted that single family dwellings have been added to the mix.

Mr. Filous explained that the Section 16A worksheet explains clearly and simply what should be considered and noted that it is by special permit. He feels that a big concern is the word "condominium". He shared photos of Old Field in Southbury as an example of what a development would look like. Mr. Filous noted that an architectural review committee would insure that there is strict control over that aspect of development. He noted that architecture similar to Old Field would be utilized by a developer who is standing by ready to purchase property if this regulation is approved. The developer was looking at the cell tower property (Southbury Road) but ruled it out because of the proximity to the cell tower and he felt putting a road up the hill would not have been economically feasible. That evolved into looking at other properties. Mr. Filous showed photos of Old Field noting that the buildings look like single family homes but are really two, three and four unit buildings. He said that these would not be run-of-the mill condominiums with townhouses all in row. Mr. Filous spoke of Hunter's Chase in Litchfield which has 120 units with a large amenities package including pools, club houses, etc. We are looking at a relatively small number of units without an amenity package. These units would be well designed, well landscaped, well buffered from each other and from other homes in the area. Peter continued that with a special permit we have control over how they fit the topography of the land and how they fit in architecturally.

Mr. Filous noted that Engineer, Curt Smith spoke about open space at the last SGC meeting. Peter explained that Open Space Subdivisions were successfully introduced in the early 80's as a way to obtain higher density, conservation of the land, reduced construction costs and less disturbance of the land.

At Curt Smith's suggestion Peter Filous added a requirement for 15% open space in addition to the 100-foot buffer/setback. There would also be a 20-foot setback around each building which would not be included in the calculation of the open space as described in Item 12: Open Space.

Mr. Kellerman commented that we are not really concerned about the looks of the building as much as whether they will attract younger families and if the prices will be low enough for older people. Mr. Filous responded that we are creating the environment where this can occur, but prices will be determined by the market. He noted that the attraction to this housing style is no maintenance.

Mr. Kellerman noted that several older people expressed concerned that they could not afford these units. Mr. Filous said it costs so much to build a building and the only way to reduce that cost is to add density. He expects the units would cost from \$275 to \$390.

In response to Mrs. Urban's inquire about green fees; Mr. Filous estimated the cost would be from \$150 - \$200 per month depending upon size of unit. He recommends not including a large amenity package like tennis courts and pools to keep costs lower.

Mr. Kellerman asked about requiring access from state roads only. Mr. Filous noted that Item 13 addresses town road improvement. He was reminded by Mr. Coburn that scenic roads also have to be addressed. Mr. Conway noted that we may not be able to require road improvements by the developer. Peter Filous noted that the process can guide a developer into improving the road. Safety and welfare issues can be controlled. He explained that a developer who builds this type of housing would want to provide access onto a safe road.

Chairman Conway noted that on dirt roads there is a possibility the town might be required to improve the road and many people want to live on dirt roads. We could not allow this kind of traffic to come out on a dirt road. He commented that on scenic roads all residents on the road would have to approve of the changes. Mr. Crawford noted that dirt roads are more costly to maintain. Mr. Conway explained that a developer may have to build a



private road to connect to a town road. He urged that the road questions are settled before a development is approved. He noted that whether a parcel is economically feasible has to be determined by the builder.

Mrs. Urban noted that we are talking about an additional 100 cars. It was noted that the area in question has about 24 homes. Mr. Crawford cautioned about setting the town up for litigation over roads. Mr. Filous noted that we have regulatory power to require improvements when it comes to safety and welfare issues connected to roads. Mr. Crawford suggested that we obtain legal counsel regarding the road issues.

Mrs. Urban wondered how single-family homes would be mingled into a development. Mr. Conway and Filous agreed that that would be entirely up to the developer. Mrs. Urban expressed concerns about providing affordable housing that meets the state recommendation and wondered how single-family homes would be encouraged in these developments. Chairman Conway explained that the goal of the SGC was to provide alternative not affordable housing. He noted that we currently have regulations covering affordable housing.

Mr. Filous noted that a main catalyst for this type of development is the disparity in housing values in Roxbury. This proposal adds a value range that is more affordable to allow seniors to downsize. He said the SGC will continue to work toward providing smaller, single-family housing on smaller lots.

In response to Mr. Kellerman's question, Chairman Filous noted that the Planning Commission favors this concept 4 to 1.

Chairman Conway noted that after 14 months of Smart Growth meetings it is time for the Zoning Commission to write a regulation. Mr. Kellerman said this is a complicated regulation to write and he would like the process to begin with the town attorney. Mr. Filous noted that the town attorney said she has a template of a regulation that might help and he will request it.

Chairman Conway noted he would review the road situation with the town attorney and Smart Growth will continue to meet. Peter Filous offered to assist with writing a regulation.

Mr. Kellerman expressed concern about the time it would take to write this regulation and felt a template would help. It was agreed that the Section 16A worksheet would be sent to the town attorney for review along with the road questions and Gary Coburn would follow up with her.

#### Review of Zoning Regulations on Setbacks and Structures

Tabled

#### ZEO REPORT

Not addressed

#### **COMMUNICATIONS**

- Text amendment – Section 6.2.1.e.
- NHCOC – Land Use Workshops

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 9:27 PM. Motion by William Weed, seconded by Ray Crawford and passed.

Respectfully submitted,

*Karen E. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING APRIL 14, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:32 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban, Ray Crawford, William Weed

Alternates Present: Kim Tester, Mary Elizabeth Peck

Alternates Absent: John Cody

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Peter Filous & Barbara Henry

Chairman Conway seated regular members Kellerman, Urban, Crawford Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Public Hearing – March 10, 2014

MOTION: To approve the minutes of the Public Hearing as amended:

Remove Gary Coburn from Regular Members Present.

Motion by Crawford, seconded by Kellerman and unanimously approved.

Regular Meeting – March 10, 2014

MOTION: To approve the minutes of the Regular Meeting as amended:

First sentence under Roxbury Ambulance – add “request” to amend. Correct spelling of “Aaron”. Page 4, third paragraph change “green” to “common” fees. Last paragraph on page 5 add: “He said he would work on the new regulations as soon as he sees a template from the Town Attorney”. Motion by Ray Crawford, seconded by William Weed and unanimously approved.

#### BUSINESS

Roxbury Ambulance Association - Request for Text Amendment

Gary Coburn noted that he had requested advice from the Town Attorney regarding amendments to Section 4.3.4. He had suggested deleting *fire houses* and adding *municipal or volunteer fire, police and ambulance emergency services buildings* to cover ambulance services as well as adding *emergency services* to definitions. Chairman Conway raised for discussion the issue of allowing ambulance headquarters in Zone A particularly on a rural town road. He noted concern about vehicles rushing to and from the garage at high speeds on roads such as Ranney Hill, Chalybes Road and Painter Hill Road. Kim Tester noted the inherent danger to horseback riders such as herself who utilize those roads. Chairman Conway suggested requiring that the emergency vehicles must exit onto a state highway such as Route 67, 317 and 199. There are certain town roads that are close to intersections with town highways where travel distance on town roads would be minimized. He felt it could be allowed in Zone A with the condition that they exit onto a state highway. Mr. Crawford wondered if that requirement should be in the regulation or be considered during the special permit process. Gary Coburn noted he would ask the town attorney about including such a requirement. He also noted that churches, libraries and museums would be affected by such a change. All agreed that emergency services should be considered separately. The safety of people walking, walking dogs, pushing carriages or riding horses on our rural roads must be considered. Gary

explained that according to the town attorney, Southbury looked at impact on neighbors, night meetings and number of attendees, parking and noise from sirens.

Peter Filous arrived and announced that he had received a copy of the town attorney's advice on Smart Growth from Barbara Henry. He offered to summarize her comments for the Commission. Chairman Conway noted that the Commission had not received them yet and asked Mrs. Eddy to email copies to them or they could request a hard copy. Chairman Conway also suggested adding Peter Filous to the agenda.

**MOTION:** To add Peter Filous to the agenda to discuss Smart Growth. Motion by William Weed seconded by Ray Crawford and unanimously approved.

The following is a summary of remarks by Mr. Filous

- The Smart Growth Committee realized that amending the current Conservation Subdivision Regulations would not work. The Section 16A bullets were a consolidation of their work for the last year and a half.
- The town attorney noted that there are no "condominium regulations" in CT but rather a Common Interest Ownership Act that covers both.
- Mr. Filous agreed with the town attorney's suggestion of setting up a working meeting. He suggested that the next SGC meeting be a working meeting including the town attorney and any P & Z members who would be interested in attending.
- The town attorney was uncertain as to whether subdivision approval would be required as there are no individual lots. Peter explained that the concept of 5 phases (lots) of development would be considered as 5 lots from a P & Z standpoint. This is designed to limit the water supply and disposal systems to the number of units in that phase.
- Ray Crawford expressed concern over confusion with the term "lot" when it is also used to quantify the number of bedrooms on a 1-1/2-acre basis. Mr. Filous explained that that makes reference to the entire parcel. The process of determining the number of bedrooms applies to the entire parcel such as how many units are in each phase/lot. That allows control over the number of units.
- Including single-family houses in this type of subdivision is not doable. Each one of those buildings has to be serviced by a well and septic. It would be like going back to the current Conservation Subdivision Regulations. The parcel we are looking at would create 14-16 building lots with each having a septic and well. There would be less open space and fewer units at a much higher price (\$500,000). Mixing the two only works on a large piece of land with municipal water and sewer which would require a treatment plant.
- The town attorney included sample regulations from surrounding towns.
- Architectural integrity was briefly discussed.
- The CIO Act governs condominiums and common interest ownership subdivisions. Each owner owns common elements with other owners based on the size of their unit. It's a private subdivision operated by a home owners association where fees are used for maintenance. Heritage Village was one of the first ones.

Mr. Kellerman felt that trying to work on the SGC regulation along with the setback regulations would be difficult for him. He felt that his current project would take another month or two to complete. He noted his willingness to work on this regulation, but reminded that he is a volunteer with a full time job.

Mr. Filous felt that scheduling a working meeting on Smart Growth might help to consolidate and clarify a preliminary regulation. Mr. Kellerman suggested that starting with a regulation that is close to our needs would be the easiest to modify.

Chairman Conway suggested inviting the town attorney to the May Smart Growth meeting for a work session. Mr. Filous agreed that that would keep the momentum moving and help to solidify a regulation.

Barbara Henry asked if the Zoning Commission was all “on board” with this regulation. Chairman Conway noted that a majority of the Commission decided to move forward with the development of a regulation but it was not a unanimous decision. Mr. Kellerman noted that the Commission has agreed to write a regulation and to let the public hearing process go forward.

Mr. Henry said “The town has to do something to have lower cost housing.”

Mrs. Urban asked why Mrs. Henry felt so strongly about this idea noting that three years ago we talked about alternative housing and adaptive reuse as a means of attracting young families. She expressed concern upon hearing that single-family dwellings will not be included in this development plan. Peter Filous clarified that he said you can’t mix the two. The next goal for Smart Growth will be to consider single-family dwellings. He said, “We won’t stop here.”

Mrs. Urban indicated that she had originally supported diversity and housing that families could afford. Mr. Filous remarked that we are on our way -- you’ve got to start somewhere.

Mrs. Henry commented that this is a good start. She noted that this has also got to be profitable for developers. It should be a win-win for everybody. The next step is to work on smaller, single-family housing. With the school situation we do have to attract younger families with affordable housing. Mrs. Henry noted that she is aware of older people who have moved out of town and would like to move back to Roxbury.

Chairman Conway reiterated the idea of setting up a workshop with the SGC and the town attorney. He emphasized continuing with this aspect of alternative housing by getting a regulation in place and see if it goes forward. Next we’ll start on another aspect of alternative housing. He suggested that this is probably more suitable for seniors. Mr. Filous suggested that young professionals may be interested as well. He noted that this would add to the tax base as tax assessment is the same as for single-family houses.

#### Review of Zoning Regulations - Setbacks and Structures

Mr. Kellerman noted that he had modified the proposed amendments by the town attorney and asked the Commission for some feedback. He explained that currently there is no definition for setback. He suggested exemptions such as mailboxes, meter pods and flag poles. Barbara Henry and Mary Elizabeth Peck objected to utility boxes in setbacks. Mr. Kellerman explained that the Commission was overruled by the Power Company on that issue. Mr. Conway noted the Commission added screening to that regulation.

Mr. Kellerman explained that our current regulations do not specifically say that structures are not permitted in setbacks. While it can be inferred from the regulations, the town attorney agreed that stronger language was needed. He asked for feedback regarding proposed exceptions.

Mr. Kellerman noted that utility boxes were placed in the wrong section of the regulations and should be corrected.

Mr. Kellerman pointed out that the town attorney gave a list of examples of structures.

All agreed that the location of propane tanks should be regulated for safety reasons. Mr. Kellerman agreed to speak with the town attorney about propane tanks and utility boxes.

Mr. Kellerman suggested adding *unless otherwise stated in definitions* to the end of structures. Mr. Crawford asked about lamp posts which all agreed should be added to exemptions.

Mr. Kellerman noted that *structures* was added to Section 3.1. It was clarified that the bulleted item under Section 3.2.2 referred to setbacks from (adjacent) town boundary lines. Mr. Kellerman also noted that the town attorney added Section 3.2.8 (regarding ground mounted mechanical units).

Mr. Kellerman disagreed with the town attorney's suggestion to expand the fence definition. He did agree with all except one of her suggested changes to the master chart.

Mr. Kellerman hoped to have a final version of the amendments on setbacks and structures for the May Zoning meeting.

#### Review of Zoning Regulations – Solar Energy Systems

Gary Coburn noted that there are 23 solar panel installations pending. A handout entitled "existing references to solar in our regulations" was distributed. Most of the installations are roof mounted and only need a building permit. Those that are ground mounted pedestal are not currently regulated. Gary also noted that Section 4 regulates wind turbines, telecommunication towers, but not solar panels. He had obtained two sample regulations that he asked Mr. Kellerman to review. He noted it would go under Section 4.2.11.

Mr. Coburn discussed Solar Glare and proposed a definition and a regulation to be added to Section 5.1.5. Mr. Kellerman asked if this has been a problem and Mr. Coburn knew of only one instance where it had been a problem. Mr. Kellerman noted he would prefer not to over-regulate. Mr. Conway suggested regulating solar panels which should be located so as not to create glare, but he did not agree with regulating windows in houses. Mr. Coburn explained that the current definition of Solar Energy Systems is outdated according to our Building Official and read a proposed amendment to Section 20.66. Mrs. Henry noted that the town plans to use solar powered speed signs. Mr. Conway agreed that we have to regulate solar collector systems.

#### ZEO Report

Gary Coburn remarked that it has been getting busy in the Zoning Office. Health issues have prevented him from following up on some issues. He noted that he will do a site inspection at Prado's on South Street regarding lighting following the meeting tonight.

Mr. Coburn recommended eliminating the numbering of definitions in the Zoning Regulations as they are not referenced anywhere in the regulations. This would eliminate the need to renumber the entire section when a new definition is added. There was general consensus that this was practical.

Mrs. Eddy noted that all of the amendments to the regulations that the Commission has approved for the last three years have now been added to the regulations. She has asked Mr. Coburn to review the final copy for accuracy before they are published.

#### Chairman's Report

Smart Growth will meet the first Tuesday in May and hopefully the town attorney will attend. He invited the Commission to attend.

#### **COMMUNICATIONS**

None

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 9:09 PM. Motion by William Weed, seconded by Ray Crawford and passed.

Respectfully submitted,  
*Karen E. Eddy*  
Karen Eddy  
Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING MAY 12, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:30 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban, Ray Crawford, William Weed

Alternates Present: Mary Elizabeth Peck & John Cody

Alternates Absent: Kim Tester

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Kim Baron, Meg Khare, Gaila Rossiter, John Butler, Jennifer Luna and Tim Tierney

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Urban, Crawford Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Regular Meeting – April 14, 2014

MOTION: To approve the minutes of the Regular Meeting as amended: page 3, para.7 change to Mrs. Henry; page 3, para. 9 add quotes "you've got to start somewhere".

MOTION BY William Weed, seconded by Elaine Urban and unanimously approved.

#### BUSINESS

Roxbury Ambulance Association – Discussion of text amendments:

Chairman Conway noted that Section 4.3 - Permitted Uses by Special Permit of the Zoning Regulations does not include Ambulance Services/Headquarters. He explained that under the current regulations relocation of the Ambulance Headquarters would not be allowed and noted that an amendment to the regulations would be needed to include Ambulance services. The original suggestion was to add *ambulance emergency services* to Section 4.3.4. After further discussion and with advice from the town attorney, language intended to prevent outside (for profit) ambulance services was suggested. Chairman Conway suggested removing *police* to discourage a volunteer police force. He noted that the town attorney recommended concentrating on regulating *uses* and not *buildings*.

Locating emergency services on particular types of roads such as state highways was briefly discussed. Mrs. Urban expressed the concern that the town's ability to clear certain roads in bad weather could affect response times. Mr. Crawford suggested that certain locations might not be safe due to width or condition of the road. Chairman Conway noted that under the special permit process the Commission would have the ability to restrict location on a case by case basis. He felt this would provide more flexibility in the search for a site. Mr. Coburn suggested that adding it to the regulations rather than considering it as part of the special permit process could impact potential ZBA appeals.

Chairman Conway read Section 6.2.4 a. of the Special Permit Regulations which discusses the standards for consideration: *location, type, character, size, scale, proportion, appearance and intensity of the proposed uses and shall be in harmony and conform to the appropriate and orderly development of the Town.*

Mr. Kellerman agreed with Chairman Conway that the language recommended by the town attorney should be added to Section 4.3.4 as follows: *Volunteer fire departments, volunteer ambulance and emergency services, municipal police department or police headquarters*. Mrs. Urban agreed and noted that the special permit process would allow neighbors to comment.

Chairman Conway reiterated that the special permit process is extensive and any amendment to the regulations requires a public hearing. He reminded that if the regulation is amended, the Ambulance Association would still have to obtain a special permit before proceeding.

MOTION: To have a public hearing (on July 14, 2014) to discuss amending section 4.3.4 to eliminate the phrase fire houses and add: *volunteer fire departments, volunteer ambulance and emergency services, municipal police department or police headquarters*.

The approved amendment would read as follows:

4.3.4 Church, Sunday schools ~~buildings~~, rectories, volunteer fire departments, volunteer ambulance and emergency services, municipal police department or police headquarters, schools licensed by the State of Connecticut, libraries and museums.

MOTION: By Stewart Kellerman, seconded by Elaine Urban and unanimously approved

Chairman Conway reminded that this is not an amendment yet and it must go through the public hearing process.

Mr. Kellerman suggested consideration of what is allowed in each zone such as private schools, etc. Chairman Conway agreed that the whole section requires closer scrutiny in the future.

#### Review of Zoning Regulations - Setbacks and Structures

Advice from the town attorney was distributed. Mr. Kellerman noted that she had made some minor changes. He also noted that the town attorney confirmed that placement of meter pods was at the discretion of utility companies. All agreed that unless that changes, there was no reason to amend the regulations.

Mr. Kellerman noted the minor changes recommended by the town attorney regarding setbacks and structures. It was decided that a final version of the amendments would be prepared by Mr. Kellerman and reviewed at the next meeting. It was noted that meter pods should be considered structures.

#### Review of Zoning Regulations - Solar Energy Systems

Mr. Coburn noted that in Mr. Kellerman's opinion ground mounted solar panels should be considered structures and should not be allowed in setbacks. He also noted that the ground mounted panels do require a zoning permit while roof top structures only require a building permit. Gary noted that three applications for ground mounted panels were received in the Zoning Office.

### **REPORTS**

#### ZEO Report

Mr. Coburn noted that most of his time during the past month has been spent on wetlands issues:

- Spargo Road – Progress made, but not completed. .
- Montessi Junkyard – Inspection scheduled for next week.
- South Street lighting issues – Home owner has agreed with ZEO's recommendations for obtaining zoning compliance.

#### Chairman's Report

Chairman Conway noted that the minutes of the Smart Growth meeting of May 5, 2014 were included in member's meeting packets. He commented that the SGC is headed in a direction which will address the Commission's concerns with location, traffic, road conditions, etc. He noted that the town attorney has recommended creation of 'floating zones' and will provide some guidelines. Mr. Kellerman added that "it sounded like a good idea". He explained that the Commission will set the requirements for these zones which

could go anywhere in town. If a developer presents a detailed project that is not acceptable, the commission can “just say no”.

Chairman Conway explained that we would develop a general set of regulations by which the developer could work with the Commission and the town to achieve the same goal. Mr. Crawford noted that implies collaboration between the town and the developer with both working toward the same goal. He explained that there would be more options to reject, direct and/or modify a project without the need to write detailed regulations covering every nuance.

Chairman Conway noted that we are waiting on the town attorney for direction. Mr. Kellerman expected that she would provide sample regulations from other towns. Mr. Crawford thought that similar regulations could also be used for a village district. Mrs. Urban read a definition of “floating zones” from the internet. Mr. Crawford described them as targeted zoning changes based on a location yet to be determined.

Mrs. Urban questioned the town attorney’s statement that the term Common Interest Ownership does not belong in the Zoning Regulations. Mr. Crawford explained that the term implies “who owns it” rather than “what it’s used for”. Mrs. Urban recalled previous discussions of units being owned and not rented. Mr. Conway agreed that units should be owner occupied.

#### **COMMUNICATIONS**

- CCM Leadership Training on Parliamentary Procedures. Interested members should register on line.
- The Commission listened to a portion of the tape from the April 14<sup>th</sup> Zoning Meeting regarding the Roxbury Ambulance Association.

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 8:42 PM. Motion by William Weed, seconded by Ray Crawford and passed.

Respectfully submitted,  
*Karen E. Eddy*  
Karen Eddy  
Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*





# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING JUNE 9, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:30 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban Ray Crawford and William Weed

Alternates Present: Kim Tester and John Cody

Alternates Absent: Mary Elizabeth Peck

Staff Present: Karen Eddy, Land Use Administrator

Public Present: Jeremy Oskandy, Rob Horrigan and Greg Cava

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Urban, Crawford Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Regular Meeting – May 12, 2014:

MOTION: To approve the minutes of the Regular Meeting of May 12, 2014 as presented.

MOTION BY Urban, seconded by Weed and unanimously approved.

#### BUSINESS

Carlson – 156 Baker Road – Site Plan Review

Jeremy Oskandy of Arthur H. Howland & Associates presented a detailed site plan of a proposal to change an existing single-family dwelling to a veterinarian office. Mr. Oskandy noted the following details as part of the site plan review: A map showing the existing condition at 156 Baker Road revealed a driveway with existing house and garage. The entire property is within the regulated wetlands area and is a pre-existing, non-conforming .3 acre parcel on which the house is located within the setbacks. There will be no change in footprint or roof line in the front of the house except to enclose an existing porch. A 12' x 24' waiting room addition will be added to the back of the house which will change the overall footprint from 1,300 to 1,800 sf. The new addition is in the 100-year flood plain and will be built on piers.

Nine parking spaces including a handicap van space with a turnaround area are proposed. A 20' planting strip along the north side is proposed with some additional trees along the south side. An existing garage would be removed. A rain garden would be installed on the south end of the parking area to catch roof runoff. The existing septic would remain.

A letter detailing compliance with all sections of the site plan regulation was distributed and reviewed. The hours of operation will be Monday thru Friday 9-5 and Saturday 9-1. They expect approximately 15 clients per day with two vets on duty in the morning and 1 in the afternoon.

ZBA variances have been obtained and include maintaining the existing driveway. Applicant has requested a waiver from a Performance Bond (Section 7.4 ). There would be no external housing of animals.

Chairman Conway said that he felt the application was complete and noted that the commission could accept and approve the application if they so choose. Mr. Oskandy noted that a meeting has been set up with the DOT to approve the site lines as the property in on a State highway. Mr. Conway noted that the approval could be made contingent upon DOT approval.

MOTION: To accept and approve the site plan application for 156 Baker Road submitted by Mark Carlson for a change of use from a single-family dwelling to a veterinarian office pending Department of Transportation approval of site lines. MOTION BY Weed, seconded by Crawford and unanimously approved

#### Review of Zoning Regulations - Setbacks and Structures

Mr. Kellerman reviewed the changes recommended by the town attorney to the various sections related to setbacks and structures including ground mounted solar panels. He felt the new regulations would help to clarify the rules on setbacks and structures. In the future if they are no longer required by utility companies, meter pods would not be allowed. Chairman Conway explained that currently the utility companies can dictate where the meter pods are placed and zoning can require them to be screened.

MOTION: To schedule a public hearing on August 11, 2014 to consider proposed amendments to the Roxbury Zoning Regulations on Setbacks, Structures, Yard, Utility Boxes and Fences. (Section 3, 5, Definitions, Master Chart and Footnotes to Master Chart). MOTION BY Stewart Kellerman, seconded by Urban and unanimously approved.

Chairman Conway thanked Mr. Kellerman for his work on these regulations.

#### Proposed text amendment to Section 4.3.4 – Public Hearing on July 14, 2014

Chairman Conway noted that a public hearing is scheduled for July on this text amendment.

#### **ZEO REPORT**

No report was given due to the absence of the ZEO.

#### **CHAIRMAN'S REPORT**

Chairman Conway noted that the SGC wanted to look into *floating zones* and asked the town attorney to provide some information. A packet from Attorney McTaggart was distributed. She offered to meet with the SGC to explain it. Chairman Conway noted that this material would be discussed at next week's Smart Growth Meeting. He invited Commissions to read the material, pass along their questions or suggestions and/or to attend the meeting. Peter Filous had planned to be here to review this information, but was unable to make the meeting.

Mr. Kellerman expressed his concerns that the commission has spent a couple of years discussing a "pretty intensive condo development" otherwise known as Common Interest Ownership Subdivision. He feels it is time to stop and reconsider this project. He noted that the commission has repeatedly asked for evidence that such a development would bring families with children to Roxbury, which was the main goal. He has also asked for information on the impact of such a development on neighboring properties and local traffic. He said, "We should stop and think how we would feel with one of these developments next to us." He feels it would lead to a significant decline in property values.

In Mr. Kellerman opinion, a big condo development is not Roxbury, is not in keeping with the rural character of the town and would not bring school children into Roxbury. He noted that towns like New Milford and Woodbury have plenty of condos and are faced with shutting schools down. He felt the initial SGC proposals would have worked well and should have been done first. He feels it's time to put this project on hold until the SGC can present solid, objective evidence that towns like Roxbury have managed to increase the number of school children by putting in condos. He explained that he withheld his opinion in the past so as not to argue with Barbara Henry and Peter Filous, but is convinced "it's a bad project".

Mr. Weed asked Mr. Kellerman to reiterate what he'd like to see before done before moving ahead with this project. Mr. Kellerman indicated that he wants evidence that condo development would bring school children into

town; serious information on the impact of condo development on nearby properties and studies on what 100 cars would do to the area

Mrs. Urban noted she would like to see a study on the true burden that a development of this size would place on town systems, what it would do to our infrastructure and how much improvement and maintenance would be required to handle the additional traffic.

Chairman Conway noted that he has been on the SGC for 18 months and wishes that members had spoken up 12 months ago. He polled the Zoning Commission twice during that time and they were in favor of continuing to move ahead on this project. Now the project is 90% completed and the SGC is about to consider language proposed by the town attorney. Mr. Conway explained that the SGC never said this would bring school aged children to town, but rather it was presented as an alternative housing idea. The SGC could not predict who would move into this type of development. In light of the amount of work the SGC has put in to this point, Mr. Conway explained that he would like to see a regulation written and presented to the public to hear all sides rather than have five zoning members speak on behalf of the whole town. Mr. Conway noted that he respects Mr. Kellerman's opinion but is skeptical that there are studies that would show the effects on a small town. Mrs. Urban argued that there are studies available.

Mr. Kellerman feels that there is still a lot of writing to do and he does not support spending another 2 to 3 months working on a "bad idea". Mrs. Urban noted that she has had major concerns and has voiced them at public meetings in the past. Chairman Conway argued for spending the time needed to finish writing a regulation even if it doesn't get used. Mr. Kellerman expressed concern that if a regulation gets onto the books it might be difficult to prevent it from being used. Mr. Kellerman noted that he has repeatedly asked for a referendum. Mr. Conway feels that without a finished regulation, the town would not know what they were voting on. Mr. Kellerman suggested that the town be polled to see if it wants a large scale condo development in Roxbury.

Chairman Conway asked how the Commission would like him to report to the SGC. Is Zoning done with this project or should the SGC continue until a regulation is written.

Mr. Crawford explained that Mr. Kellerman is asking for some clarity about the end result of such a development. Can we determine, based on experiences or examples, whether this project would provide alternative housing options for our target groups, young families and senior wanting to downsize. At the town meeting a few months ago, people were told this would meet their needs, but there are many unknowns. Will seniors be able to afford the units? Mr. Kellerman is asking for answers to a few simple questions that the SGC could provide with some research. Mr. Crawford feels he could support continuing the project if the research shows it would provide the end result the town is seeking.

Ms. Tester understood that this project was intended to be an alternative housing option and it wasn't a large project. The plan was that this would be developed in stages with the next stage being the village district. Ms. Tester believes the concept is a good one and agrees with Mr. Crawford that there are uncomplicated questions that need to be answered.

Mr. Crawford explained that the floating zones could be an attractive alternative if they offered some controls and might prevent unintended consequences. We need to learn more about them to see if they will provide that kind of control.

Mrs. Urban expressed concern that the project seems larger now than when it began. She noted the following: The 125-bedroom development would comprise about 10% of the town's population and would bring 200 to 250 cars into town. Southbury's school enrollment is down by 550 students and they have had a condo boom. Middlebury and Southbury are facing declining populations while increasing their condo housing. Other towns don't allow this type of development fearing that once the door is open, control is lost. The trend now is to design a town by enhancing its assets to encourage the type of residents it wants to attract. She notes a website that talks about putting smart growth to work for rural communities which encourages supporting rural landscapes and helping existing places to thrive so people will stay. Mrs. Urban sites a study that shows that if you want long

duration residents to stay 20+ years, you build single-family dwellings. The average condo dweller resides 7 to 10 years. She suggests studying these statistics to determine how they would affect the town. She feels there is a way to develop both types of housing, but would vote to do the Village District phase first.

Chairman Conway emphatically urged that this phase of Smart Growth be completed so that work could then begin on the village district. He argued against leaving it incomplete, even it does not go to public hearing at this point.

Mr. Crawford noted that more information is needed on floating zones and that if it does slow the process down, it might be the way to go.

Chairman Conway noted that the Smart Growth Committee meets next week and he will voice the concerns raised by the zoning commission at that meeting.

Mrs. Urban asked if Mr. Conway would be comfortable with tabling the project for 2 to 3 months. Mr. Conway explained that he would like to keep going at least long enough to understand what the floating zone concept is all about. If the commission decides that it does not want to go to a public hearing then at least it will be finished and we can start on the village district. Ms. Tester feels that it's important to understand what the floating zones are all about as that could be a game changer. Mr. Weed agreed and suggested that members read the new materials. He asked Mrs. Eddy to inform the commission of the upcoming SGC meeting.

Mrs. Urban expressed the need to regroup and focus on smart growth for Roxbury. What does Roxbury need to enhance its opportunities and not necessarily line the pockets of developers? She expressed concern that the project has become larger in order to attract developers. Chairman Conway agreed. He advised finishing up this project even it is not used in order to address these other concerns.

Mr. Kellerman expressed concern about using the staged development as a way of avoiding state DEEP regulations.

Chairman Conway reiterated that he would bring the concerns of the Zoning Commission up at the next Smart Growth Meeting and he invited members to attend.

Mr. Kellerman reiterated that he does not want to continue exploring the possibility of a large scale condo project as it's a bad idea. Mrs. Urban noted that each time the commission voted to move ahead on this project, we noted that it was a plan in progress with unknown factors.

Mr. Weed noted he does not want a large scale condo development either, but he did not think that was the only thing being considering.

Chairman Conway reiterated that he just wants to finalize this project. He's not suggesting it be implemented. If it should go to a public hearing, the town would have a chance to review it.

Having missed several zoning meetings, Ms. Tester noted her confusion regarding the size of the project. She would like to take the next month to review minutes in order to gain a better understanding of what's on the table and to read the new information just received.

Mr. Crawford explained that the proposal would permit a 25-acre parcel to be cut into 1-1/2 acre plots with duplexes or town houses of 8 bedrooms each for a total of 126 – 130 bedrooms. He is hopeful that the floating zones would allow for a down-sized, smaller development that would be more palatable and that could be combined with a village district alternative. He feels it would be good to continue with the project to understand if the floating zones could provide those limits.

Mrs. Urban noted that the price of the condos being discussed is around \$400K not including common fees. Mr. Kellerman added that there are houses available in Roxbury for under \$400K. He questioned why somebody would want a condo in Roxbury when there are cheaper ones available in Woodbury.

Chairman Conway suggested that the next SGC meeting be scheduled on Wednesday so that all members could attend.

#### **COMMUNICATIONS**

- Memo regarding the Regional Planning Advisory Committee was distributed. Elaine Urban volunteered to serve on this committee. The first meeting will be July 31<sup>st</sup>.
- Letter regarding a proposed cell town on Washington-Woodbury Road was distributed.

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 8:43 PM, motion by Crawford, seconded by Weed and passed.

Respectfully submitted,

*Karen E. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION PUBLIC HEARING JULY 14, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Public Hearing to order at 7:30 PM.

Regular Members Present: Kellerman, Urban, Crawford and Conway, Alternates Present: Tester, Cody  
Staff Present: Gary Coburn, ZEO, Public Present: Jim Kelly, Curt Smith, Peter Scalzo, Cynthia Risch, Joe Collins, Bill Petruno and Brian Neff

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Urban, Crawford, Cody for Weed and himself.

#### BUSINESS

##### Proposed Text Amendment – Section 4.3.4 – Permitted Uses By Special Permit

Chairman Conway read the proposed amendment to Section 4.3.4 of the Roxbury Zoning Regulations – Permitted Uses by Special Permit. He noted the new wording added.

##### Legal Notices

Chairman Conway read or noted that the following notices had been sent:

- Roxbury Town Clerk – memo dated June 2, 2014
- Voices – Legal Notice appeared in Voices on July 2 and July 9, 2014
- Public Notice Registry dated June 2, 2014

##### Referrals and Notices

Chairman Conway read/commented on the following notices sent/received regarding the proposed amendment to Section 4.3.4:

- The Roxbury Planning Commission's notice dated June 2, 2014
- The Roxbury Planning Commission's favorable response dated July 1, 2014
- Northwest Hills Council of Government's notice dated May 29, 2014
- Northwest Hills Council of Government's favorable response dated June 2, 2014
- Housatonic Valley Council of Elected Official's notice dated May 29, 2014
- Housatonic Valley Council of Elected Official's acknowledgement received
- Council of Governments of the Central Naugatuck Valley's notice dated May 29, 2014
- Council of Governments of the Central Naugatuck Valley's acknowledgement received
- Town Clerks - Bridgewater, New Milford, Southbury, Washington and Woodbury notices dated June 2, 2014

##### Public Comment

Chairman Conway invited public comment. No comments were offered.

#### ADJOURNMENT

MOTION to close the public hearing at 7:39 PM, motion by Urban, seconded by Crawford and unanimously approved.

Respectfully submitted,

*Karen S. Eddy*

Karen S. Eddy, Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING JULY 14, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:39 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban, Ray Crawford

Alternates Present: Kim Tester & John Cody

Alternates Absent: Mary Elizabeth Peck

Staff Present: Gary Coburn, ZEO

Public Present: Jim Kelly, Curt Smith, Peter Scalzo, Cynthia Risch, Joe Collins, Bill Petruno and Brian Neff

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Urban, Crawford, Cody for Weed and himself.

#### PUBLIC COMMENT

None

Stewart Kellerman expressed his opinion that the commission should encourage public comment without restriction. He would like to see the procedure changed.

#### APPROVAL OF MINUTES

Regular Meeting – June 9, 2014:

MOTION: To approve the minutes of the Regular Meeting of June 9, 2014 as presented.

Motion by: Crawford seconded by Kellerman and unanimously approved.

#### BUSINESS

Shepaug Valley Bible Church – Special Permit Application – Church & Rectory

Map entitled “Proposed Site Development Plan - Shepaug Valley Bible Church” dated May 21, 2014 by Brian Neff, Licensed Engineer was reviewed. A question regarding screening was addressed. “First Floor Concept Plan” dated May 13, 2014 by H & R Design Facilities Planners was reviewed. Mr. Neff noted that the proposed church is a one story, 50’ x 110’ building with a full basement. The footprint of the proposed house is 1,800 sf. Screening was discussed and it was noted that there would be no tree cutting except for the home site and driveway.

Mr. Neff noted that health and wetlands approval have been obtained. He also noted that they have not yet applied for DOT approval. Mr. Conway suggested that the public hearing be scheduled in September.

MOTION: To accept the application by Shepaug Valley Bible Church for a Special Permit to erect a church & rectory. Motion by Kellerman, seconded by Crawford and unanimously approved.

MOTION: To schedule a public hearing on September 8, 2014 on the Shepaug Valley Bible Church application. Motion by Kellerman, seconded by Crawford and unanimously approved.

Proposed text amendment – Section 4.3.4 – Discussion following Public Hearing

MOTION: To approve the amendment to Section 4.3.4 of the Zoning Regulations as presented. Motion by Crawford seconded by Kellerman.

VOTE:

- **Urban** – Approve. Amendment adds necessary wording to cover the Volunteer Ambulance & Emergency Services.
- **Conway** – Approve. Amendment allows for relocation within zone A & B and to build a larger quarters if needed. It was necessary change.
- **Kellerman** – Approve. Planning supports the proposal, it agrees with the POCD and it’s necessary for the town.
- **Crawford** – Approve. It accommodates the town’s needs and it follows town attorney’s advice to change language from a building to the use of a building.
- **Cody** – Approve. Amendment addresses the needs of the town.

Chairman Conway noted unanimous approval of the amendment. He also noted that the amendment would become effective in 15 days (after publication).

Proposed Text Amendments - Setbacks and Structures- Public Hearing August 11th

Chairman Conway noted that the public hearing is scheduled for August 11<sup>th</sup>.

**REPORTS**

ZEO Report

Gary Coburn announced that two new houses are going up. Zoning has been relatively quiet. Permit approvals will be included next month. He is still working with Spargo Road, but everything else has been resolved. He noted a new issue which involves a resident on Transylvania Road who has been bringing in large amounts of dirt to extend his side yard. The homeowner had gotten approval from a town official which he misunderstood to mean he did not need zoning approval. Gary explained that under Section 10 of the Zoning regulations either a zoning permit or approval from the State Soil Conservation Board is required. Over 10,000 cubic yards of fill were brought in and anything over 2,000 cubic years requires a zoning permit. Chairman Conway asked if the regulation needs to be reviewed and possibly updated. Gary said he would review the regulation and make a recommendation to the Commission.

Chairman’s Report

Chairman Conway explained that the Smart Growth Committee did not meet in July and therefore, he had no report.

**COMMUNICATIONS**

FCC Notice regarding Cell Tower Route 47 was mentioned.

Mr. Kellerman discussed his concerns with the Smart Growth process. He took issue with a proposal for a condo development that relied on skirting DEEP rules that are meant to protect the health and welfare of the community. He feels this is a moral not just a legal issue. He also expressed concern with “what he feels is “secrecy” surrounding the condo project. He would like more transparency regarding discussions that he alleges have taken place between the developer and the town regarding this project. He noted that Mr. Horrigan had wanted to speak at the last zoning meeting in support of small condo developments. Mr. Kellerman explained that he is not opposed to alternative housing, but he is opposed to skirting DEEP rules. In his opinion the town needs to decide what kind of housing it wants and then develop regulations. He does not agree with using regulations from Southbury as a model for Roxbury.

Mrs. Urban expressed concern that conversations are still occurring. She read that Mrs. Henry is encouraging people to come forward to hear more about what the town wants. Mrs. Urban feels this is a large project representing 10% of the town’s population and facts, concrete information and lots of studies are needed.

Chairman Conway explained that this project is “totally off the table”. The SGC did not meet in July so there was no further discussion of the project. He is uncertain whether the SGC will regroup.



Mr. Crawford feels the process has worked. The issues and concerns have been sorted out. There's general agreement that the town needs growth. He is confident that the good people of Roxbury will do the right thing.

Mr. Kellerman noted his agreement with the ideas presented by the original Smart Growth Committee such as converting barns and larger homes into condos and small cluster developments with smaller homes. He feels these ideas fit the character of the town. Mr. Kellerman said he could not understand how a large scale condo development proposal happened.

Mrs. Urban feels that thinking has evolved through the pros and cons of what has been done over the last two years. Zoning has recently changed the barn regulations to allow additional outbuilding, guest houses, office space and rentals. It's a modest way to introduce alternative housing. She suggested that smaller single-family homes might be more welcoming. She noted Washington's housing authority has created an incentive program to encourage single-family homes as a creative way to bring in new families.

Mr. Kellerman discussed his concerns about the direction that smart growth has taken. He noted his support of Senior Housing that went through all of the land use commissions. He noted that their well capacity is bad and they have tremendous troubles with their wells. He urged consideration of the environmental impact through more oversight, not less. This is a good reason to be overly careful with big projects in the future.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:26 PM. Motion by Kellerman, seconded by Crawford and passed.

Respectfully submitted,  
*Karen S. Eddy*  
Karen S. Eddy  
Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION PUBLIC HEARING AUGUST 11, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Public Hearing to order at 7:30 PM.

#### MEMBERS PRESENT

Present: Kellerman, Urban, Crawford and Conway; Absent: Weed

Alternates Present: Tester, Cody, Peck; Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: None

Chairman Conway seated regular members Kellerman, Urban, Crawford, Peck for Weed and himself.

#### BUSINESS

Proposed Text Amendments regarding Setbacks, Structures, Yards, Utility Boxes and Fences

Chairman Conway entered for the record the document entitled **Amendments on Setbacks, Structures, Etc.**

#### Legal Notices

Chairman Conway read or noted that the following notices had been sent:

- Roxbury Town Clerk – memo dated 6-24-14
- Voices – Legal Notice appeared in Voices on 7-30-14 & 8-6-14
- Public Notice Registry dated 6-23-14

#### Referrals and Notices

Chairman Conway read/commented on the following notices sent/received regarding the proposed amendment to Setbacks and Structures:

- The Roxbury Planning Commission's notice dated 6-20-14
- The Roxbury Planning Commission's favorable response dated 7-10-14
- Northwest Hills Council of Government's notice dated 6-20-14
- Northwest Hills Council of Government's favorable response dated 6-23-14
- Housatonic Valley Council of Elected Official's notice dated 6-20-14
- Housatonic Valley Council of Elected Official's acknowledgement received
- Council of Governments of the Central Naugatuck Valley's notice dated 6-20-14
- Council of Governments of the Central Naugatuck Valley's acknowledgement received 6-23-14
- Town Clerks - Bridgewater, New Milford, Southbury, Washington and Woodbury notices dated 6-24-14

#### Public Comment

Chairman Conway noted that there were no members of the public present and no comments were received.

#### ADJOURNMENT

MOTION to close the public hearing at 7:39 PM, by Kellerman, seconded by Crawford and unanimously approved.

Respectfully submitted,  
*Karen E. Eddy*  
Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING AUGUST 11, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:40 PM.

Regular Members Present: James Conway, Stewart Kellerman, Elaine Urban and Ray Crawford

Regular Members Absent: William Weed

Alternates Present: Kim Tester, Mary Elizabeth Peck and John Cody

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: None

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Urban, Crawford, Peck for Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Public Hearing – July 14, 2014:

MOTION: To approve the minute of the Public Hearing of July 14, 2014 as amended: M. Peck was present.

Motion by Crawford, second by Urban and unanimously approved.

Regular Meeting – July 14, 2014:

MOTION: To approve the minutes of the Regular Meeting of July 14, as amended: Mr. Kellerman expressed his opinion that the commission should (add) allow people to speak during the public comment section without having to sign up in advance but all other restrictions would be in effect.

Motion by Crawford seconded by Urban and unanimously approved.

#### BUSINESS

Shepaug Valley Bible Church – Special Permit Application

Chairman Conway noted that a public hearing is scheduled for September 8, 2014.

Proposed text amendment – Setbacks and Structures – Discussion following public hearing

Chairman Conway noted that Mr. Kellerman has done a thorough job on the regulation and it has been reviewed by the town attorney. Mr. Coburn suggested a minor language change for clarity *open space* to *open area*. Mr. Kellerman felt that the town attorney's wording were precise and she should be consulted about making the change later. Kim Tester noted a typo in Section 20.75.3 (year should be yard) that should be changed.

MOTION: To approve all proposed amendments to the Roxbury Zoning Regulations subject to the public hearing that was concluded tonight. Motion by Kellerman, seconded by Crawford.

#### VOTES

- Approved by Peck - Easier to understand.
- Approved by Crawford - Gives clarity; provides for better likelihood of compliance and allows certain exceptions which are practical for the property owner.

- Approved by Urban - Clarifies the language, makes it easier to understand, and clears up the issue with utility boxes.
- Approved by Kellerman - Makes it easier to understand and the town attorney approved it.
- Approved by Conway - For all the reasons previously stated.
- Motion was unanimously approved.

## **ZEO REPORT BY GARY COBURN**

### Signs

Discussion of problems encountered with the sign regulations (Section 12.8.1 and 12.9.3)

- Realty signs placed off property
- Signs not allowed in town right-of-way

MOTION: To delete Section 12.9.3 (signs in right-of-way) pending advice from the town attorney. Motion by R. Crawford, seconded by M. Peck and unanimously approved.

Chairman Conway noted that if a public hearing is required, this change to regulations would be tacked on to future amendments.

### Storage containers

Gary suggested that the Commission consider allowing and regulating storage containers (Section 4.2 or 4.4) for a maximum of 6 months. The regulation governing construction trailers (Section 13.3.5) was discussed. The problems inherent with allowing containers were discussed. Chairman Conway suggested that Gary review regulations from other towns for further discussion at the next meeting.

### Roxbury Market Sign

A letter was recently sent requesting that the sign which is leaning and dangerous be repaired or removed. He noted that the HDC would like to see a 90-day delay if it is to be removed. If the sign is not fixed or repaired by the required date, the next letter will state that the town will remove it. The HDC is lobbying against removal of the sign because of its historic significance.

### Transylvania Road - Hauling in fill

Gary spoke to the owner about planting trees in the fall. A follow-up letter describing the specific actions required by the owner should be sent. Section 10.2 of the regulation was discussed.

### Montessi / Garnet Road

Gary noted that this complaint has been closed out. Chairman Conway indicated that he has just received a new complaint. Gary asked that complaints be referred to him and he will follow up. He noted that parking outside of the permitted area is not allowed. If compliance is not maintained, fines could be issued.

### Hauling in fill (cont'd)

Chairman Conway questioned whether bringing in over 2,000 yards of fill requires a permit. Mr. Crawford noted that the problem with the regulation is that it comes into play when there are erosion issues but without the requirement for a permit, that is left up to landowner to determine. Chairman Conway suggested that the amount of fill should be considered and the regulation should be adjusted to prevent situations similar to Transylvania Road. Gary suggested that clearer parameters are needed. He was asked to gather regulations from other towns for discussion next month.

## **CHAIRMAN'S REPORT**

The issue of public comment at zoning meetings was addressed and the current procedure was reviewed. Mr. Kellerman would like to see the policy changed to allow people to speak at zoning meetings without prior sign up. Gary commented that public comment is intended for people who want to voice a general concern or raise an issue. Chairman Conway noted that items listed on the agenda cannot be discussed. He noted that in the past public comment was not allowed at zoning meetings. That policy was changed four years ago. The main reason for establishing the procedure was so that residents are aware of the rules ahead of time. Chairman Conway

reiterated that he does not want to discourage any public comment, but he would like to keep the current procedure. It was noted that the policy should be on the town website. Chairman Conway suggested adding (see guidelines) after the agenda item public comment.

#### **COMMUNICATIONS**

##### NHCOG Advisory Committee Forum

Mrs. Urban gave a brief overview of the first meeting that she attended in July. The focus was helping local businesses by reinforcing the value of tourism. The next meeting will be held in October.

##### P & Z Newsletter

Distributed in meeting packets.

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 8:55 PM. Motion by Urban, seconded by Crawford and passed.

Respectfully submitted,

*Karen E. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION PUBLIC HEARING SEPTEMBER 8, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Public Hearing to order at 7:30 PM.

Regular Members Present: Conway and Urban

Regular Members Absent: Weed, Kellerman, Crawford

Alternates Present: Tester, Cody

Alternates Absent: Peck

Staff Present: Gary Coburn, ZEO

Public Present: Mark Stoughton, Joe Collins, Joan & Michael Rowley, Robert Grey, Sondra Grey, Peter Scalzo, Brian Neff, Carrie & Joseph Demillio, Jeffrey Grey, Patty & Ben Stinson and Tim Tierney

#### SEATING OF MEMBERS

Chairman Conway seated regular member Urban, Cody for Weed, Tester for Crawford and himself.

#### LEGAL NOTICES

Chairman Conway read the legal notice as it appeared in Voices on August 20<sup>th</sup> and 27<sup>th</sup>, 2014.

#### BUSINESS

##### Application for Special Permit from Shepaug Valley Bible Church

Chairman Conway listed the applicable sections of the Zoning Regulations and other approvals that are required for a special permit application. Chairman Conway noted that postal receipts were included as proof that adjacent landowners had been notified. He also noted that the application was complete and included a statement of use, site plan, architectural plans, fee and property deed. He read for the Statement of Use for the record.

- Planning Referral:

Chairman Conway noted that a positive referral had been received from the Planning Commission as noted in their August 14, 2014 meeting minutes.

- Wetlands Approval:

Chairman Conway read the minutes of the June 24<sup>th</sup> Wetlands Meetings noting their motion to approve the wetlands application by the Shepaug Valley Bible Church.

- Chairman Conway read the newly amended Zoning Regulation for Section 4.3.4. – Permitted Uses by Special permit.

#### PUBLIC COMMENT

Engineer, Brian Neff noted that three copies of all documents, plans and maps have been submitted. He reviewed the "Proposed Site Development Plan for the Shepaug Valley Bible Church, Baker Road, Roxbury, CT by Brian E. Neff, dated 5/21/14, revised 8/29/12. Mr. Neff indicated the location of the all buildings, driveways and parking areas. He described the site as fairly level, gently sloping and one that would require very little grading, cuts and fills. Soil tests revealed sand and gravel soils which are good for septic and subsurface drainage. The roof drain system proposed for the church building will direct the runoff underground to the open field area. A storm water trench is proposed for the perimeter of the parking area. Mr. Neff projects a zero increase in runoff.

Mr. Neff described the proposed church as a one-story building with a small cupola (under 50 ft. high) in the front. A floor plan of the church depicted the location of the sanctuary, office space, classroom space and a fellowship area near the entry. Mr. Neff pointed out emergency exits and noted a full basement under the church. The floor plan of the parsonage showed a one-story, 1,800 square foot traditional style house with a drive-under garage and three bedrooms on the first floor. Mr. Neff also presented an erosion and sediment control plan along with a sequence of construction.

Mr. Neff also submitted a "Zoning Regulations Compliance Commentary" to show that the special permit application meets the requirements of Roxbury's Zoning Regulations. He noted that a kitchenette is proposed in the church. He further noted that signs have not yet been addressed. The full basement under the church would house mechanicals and possible future expansion.

Chairman Conway noted that the statement of use lists Sunday worship services and Sunday school and if other services were added, a new special permit would be required. Attorney Peter Scalzo clarified that while the primary services would be held on Sunday; there might be other events during the week such as a Wednesday evening Bible Study. Mr. Conway said he would like to have seen that mentioned in the statement of use. Mr. Scalzo asked if they would be allowed to amend the statement of use in order to close the public hearing. Mr. Conway agreed that a written amendment to the statement of use would be acceptable. Gary Coburn suggested that the term "social gatherings" needed to be clarified. Mr. Scalzo explained that if the church decides it wants a day care, that would be a new use and they would have to come back for approval. He noted that social gatherings are part of what a church does. Mr. Conway reiterated that Sunday worship, Sunday school, office space and social gatherings are included, but not day care or dinners. Mr. Scalzo explained that the nursery would be related to the Sunday school. He also noted that youth gatherings during the week could be included under social gatherings.

Mr. Neff noted that evergreen screening is proposed around the north side of the church and parking area (spaced 12-foot on center and staggered) and at the southeast end of the property. He noted that the rear of the property is heavily wooded. Jean Rowley asked if the pine trees would be placed next to hers and Mr. Neff indicated they would.

Ben Stinson of 215 Baker Road asked if a double row of fir trees could be used instead of white pines for screening. Mr. Neff thought that would be ok and noted the proposal calls for a double row of trees at both ends of the lot that would wrap around the parking area and go back 150' into the property. Mr. Stinson asked that lighting be placed at least 30 feet from the property line. Mr. Neff noted that the lighting would be fully shielded to face downward. The lights on the building would shine downward so as not to project light out laterally. He also noted that no tall lights are proposed in the parking area. The only lights would be on the handicapped parking and an emergency exit in the back corner. He also noted that parking areas would be gravel except for paved handicap spaces.

When Mr. Stinson asked about roof drainage, Mr. Neff noted that the proposal allows for the discharge of all water into the underground system at the southeast end of the open field and will be kept on site. Mr. Coburn noted he would monitor the construction for adherence to all regulations.

When Mr. Rowley asked about a stream that runs by his property, Mr. Neff noted that a dedicated drainage system would prevent runoff from going into the brook. Mr. Rowley also asked about headlights from cars coming in and out of the parking lot. Mr. Neff noted that the parking area is located towards the other end of the property and the evergreen screening should eliminate the light.

Joe Demillio who lives across the street asked about the location of the driveway entrance. Mr. Neff noted the driveway would enter near the sign and would go straight into the parking area in the back. There is a small turn around in the front of the church with shrubs. Mr. Neff noted that most of the parking is facing the back wooded area so no spaces would face the road. The driveway is a perpendicular intersection with the road. The only parking spaces facing the road are the ones behind the building which would shield the lights.

Mr. Neff agreed to provide interested neighbors with a copy of the site plan.

A neighbor asked if the style of the building had been approved by the Conservation Commission. Mr. Neff noted that the application was approved by the Wetlands Commission because it is in a regulated area and they are concerned about the environment. He described the church building as a traditional style with a gable roof, standard clapboard siding with a steeple that looks like a cupola. Mr. Neff indicated the roof would be fiberglass architectural shingles.

Mr. Conway noted that the Planning Commission had reviewed the application and had no concerns.

A neighbor commented that she is losing her deer, her fox and her bear because a building will be there instead of a field.

In response to Mr. Stinson's concern about stonewalls, Mr. Neff said that no stone walls including those behind the parsonage would be disturbed on the site. Since the site was not located in the historic district, Mr. Neff noted that there was no involvement by the Historic Commission. Mr. Neff showed the area of disturbance indicating that no clear cutting was proposed (for the church) and only a modest amount of cutting would be needed for the parsonage.

Mr. Stinson asked about box turtles? Mr. Conway confirmed that all required approvals including wetlands, zoning, health, planning and DOT had been received. The Historic Commission did not review the application.

Several neighbors expressed concern about the number of functions/gatherings that might take place in the future. Would they have any recourse if the activity level increased to the point of concern? Mr. Conway explained that the Zoning Commission would look at the Statement of Use including social gatherings. They would take into consideration the comments offered at this hearing and try to make it work for everybody. Mr. Scalzo offered to submit a weekly schedule of intended activities. He asked if it would help to have the Senior Pastor to address the issue.

Pastor Michael Phelps said it the intention of his Church to be a blessing to the community not a cause for upset. He explained that his Church has met at the town hall for 17 years without any objection. They only meet Sunday mornings, not evenings. A typical bible study or prayer group is usually about six people. He said, "We love Roxbury. We feel our church is outside of the walls. We just really need a place to meet where we have Sunday school rooms."

Neighbors expressed concern about the size of the church (90-seat sanctuary) and the future uses of the facility. They questioned whether activities such as Jazzercise and scouting would be offered in the future.

Pastor Michael reiterated that for 17 years they have met only on Sunday mornings. An elder of the Church added that they anticipate meeting on Sunday and maybe one day during the week. He noted they are a regional church with some members coming from 20 miles away. They don't want to pressure people to come back during the week.

A neighbor commented that he hopes the Commission is hearing their concerns and taking them to heart.

When asked about ringing church bells, Pastor Michael did not anticipate that happening.

Mr. Conway explained that the Statement of Use would have to be followed. He felt that the term social gatherings should be narrowed down to address the concerns being raised. It was noted that the Congregational Church has tag sales and barbeques on Saturday. Mr. Conway said if the uses are expanded, the church would have to come back to another public hearing.

Mrs. Rowley noted that there were boundary issues with her property. Mr. Neff offered to walk her property line with her.



Jeffrey Grey noted that if the church doesn't buy this property, the field would be offered for sale to somebody else. He thinks the church is a good thing.

Mr. Stinson noted he has 43 adjoining acres. He questioned whether the property could be offered for commercial use in the future. Mr. Conway answered no.

Mr. Scalzo suggested changing "social gatherings" to "church related activities". He noted that Churches like to be community centers and offer to hold AA meeting or scouts meetings. He explained that those would not be considered church related activities. There might be a wedding of a church member. Mr. Scalzo suggested that it's tough to put legal constraints on churches because of first amendment rights. He felt that adding "church related activities" would help.

Mrs. Urban suggested being open about a realistic schedule (of activities). Mr. Conway reiterated that if they wanted to add uses such as bingo, they would have to come back to the Commission. Mr. Scalzo noted that "church related activities" would be acceptable. If scouts were to be added, they would have to come back to the Commission.

Chairman Conway suggested that the Statement of Use be amended by changing "social gatherings" to "church related activities". Mr. Scalzo amended the written Statement of Use as suggested.

A neighbor expressed concern that in the future it would be difficult for the Commission to prevent expansion because the neighbors don't want it. Mr. Conway explained that the Statement of Use is part of the Special Permit and stays with the property until it is formally changed following a public hearing.

Mrs. Urban asked if everyone who was notified had responded. Mr. Coburn explained that notification, not responses were required. He also noted that once the public hearing is closed, no new information can be received regarding this application. The vote must be based on what has been presented. He encouraged everyone to speak now.

Chairman Conway read the amended Statement of Use for the record.

When asked about church related activities, Chairman Conway indicated the commission would work to define the activities allowed. He did not feel that bingo and spaghetti dinners would be included.

Mrs. Urban suggested that fund raising suppers would be ok.

A neighbor urged the Commission to draw a distinction between daily functions (day care, AA meetings) and occasional gatherings such as dinners, weddings, etc. He expressed concern about constant, daily (business) activity.

A neighbor suggested that a better location (for the church) would be in the center of town, not in a residential area.

#### **ADJOURNMENT**

MOTION to close the public hearing of the SVBC at 8:35 PM. Motion by Elaine Urban, seconded by John Cody and unanimously approved.

Respectfully submitted,  
*Karen S. Eddy*  
Karen S. Eddy  
Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING SEPTEMBER 8, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 8:40 PM.

Regular Members Present: James Conway and Elaine Urban

Regular Members Absent: William Weed, Ray Crawford, Stewart Kellerman

Alternates Present: Kim Tester and John Cody

Alternates Absent: Mary Elizabeth Peck

Staff Present: Gary Coburn, ZEO

Public Present: Tim Tierney

#### SEATING OF MEMBERS

Chairman Conway seated regular member Urban, Tester for Crawford, Cody for Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Public Hearing – August 11, 2014

MOTION: To approve the minutes of the Public Hearing of August 11, 2014 as presented. Motion by Urban, second by Tester and unanimously approved.

Regular Meeting – August 11, 2014

MOTION: To approve the minutes of the Regular Meeting of August 11, 2014 as amended: Page 3 under NHCOG replace tourism with local business development. Motion by Urban, seconded by Cody and unanimously approved.

#### BUSINESS

Shepaug Valley Bible Church – Special Permit - Discussion following public hearing

Elaine Urban expressed concern that there is no lighting in parking lot. Gary Coburn read the appropriate regulations concerning lighting. Mrs. Urban noted that if the building lights are timed to go off, there would be no lights in the parking lot. Chairman Conway suggested a condition that all lights go off by 9:00 or 10:00 pm. as was done for the Market special permit. Gary noted that the store is always closed by 9:00 pm. Elaine asked if there were similar conditions placed on the other churches. Chairman Conway did not believe there were. John Cody asked if the cupola would be lit. It was suggested that no lighting of the cupola should be added.

The following condition were suggested and discussed:

- Proposed screening must be properly maintained. Fir trees preferred; no white pines to be used.
- No outdoor lighting past 10 pm.
- No lighting of the cupola
- Limit church related evening activities to two nights other than Sunday.
  - (Evening means any time after 6:00 PM.)

Mr. Coburn suggested seeking advice of town attorney about whether church activities can legally be limited. It was decided that the Commission would put off making a decision regarding the special permit until after discussion with the town attorney.

Regulations under review:

▪ **Section 12.9.3 ---Signs in right of way**

Mr. Coburn informed the commission that on advice of town attorney they must retract the motion from last month which deleted this regulation.

MOTION to add Tim Tierney to the agenda. Motion by Tester, seconded by Cody and unanimously approved.

Mr. Tierney would like the town to amend the regulation to allow off premise real estate signs in certain situations.

The difficulties with determining the exact location of the right of way on some roads was discussed. Mr. Coburn suggested modifying this regulation to read –“no sign shall hang over any street, etc. so as to constitute a hazard....” He noted he is still working with the town attorney on this regulation.

Chairman Conway asked members to bring their suggestions for amending this regulation to the next meeting.

▪ **Section 10.2 – Land Filling**

Mr. Coburn noted he has gathered regulations from other towns and he asked that discussion be tabled until next month.

▪ **Section 3.2.2 – Setbacks re: open space vs. open area**

Mr. Coburn noted that the town attorney liked his suggested wording and indicated that a public hearing would not be required to amend the regulation.

MOTION: To change the wording in the definition of Yard, Section 20.75 from an “open space” to “open area”. Motion by Conway, second by Cody and unanimously approved. (See amendment attached).

▪ **Section 13.3.5 – Construction trailers/storage containers**

Not discussed.

**ZEO REPORT**

Roxbury Cemetery Application

The Roxbury Garden Club has been given permission to erect a gazebo in the cemetery. No map was available. Gary asked that the Commission waive the requirement for a site plan.

MOTION: To waive the requirement for an A-2 survey from the Roxbury Cemetery Association for the purpose of constructing a gazebo. Motion by Conway, seconded by Urban and unanimously approved.

Roxbury Market Sign

Mr. Burmann has requested more time to comply with the zoning regulations.

**CHAIRMAN’S REPORT**

Chairman Conway reported on the last meeting of the Smart Growth Committee: He noted that there will be a town informational meeting on the topic at which Jocelyn Ayer will do a presentation. The SGC will meet to discuss the contents of the town information meeting.

**COMMUNICATIONS**

- Letter regarding proposed cell tower on Washington/Roxbury border was noted
- Newly amended regulations -- Ambulance and Setbacks were distributed.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 9:35 PM. Motion by Tester, seconded by Urban and passed.

Respectfully submitted,

*Karen S. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING OCTOBER 14, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:30 PM.

Regular Members Present: James Conway, Elaine Urban, Stewart Kellerman, Ray Crawford

Regular Members Absent: William Weed

Alternates Present: Kim Tester, Mary Elizabeth Peck, John Cody

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: Peter Scalzo, Joe Collins, Cynthia Risch and Michael Phillips

#### SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Kellerman, Crawford, and Peck for Weed. It was noted that Mr. Kellerman was not present at the September Zoning Meeting but he did listen to the tapes of the meeting.

#### PUBLIC COMMENT

Elaine Urban commented that she was very disturbed about what she heard on the recording of the August 14<sup>th</sup> Smart Growth Committee Meeting. She felt the comments were inappropriate and should be dealt with accordingly. She noted that there are minutes which show that she supported Smart Growth and the study of diversity of housing.

Mr. Kellerman stated that the only ground for recusal in the State statutes is a pecuniary conflict.

#### APPROVAL OF MINUTES

##### Public Hearing – September 8, 2014

Chairman Conway seated Urban, Kellerman and himself for approval of the minutes.

Mr. Kellerman commented that he read the minutes, then listened to the tape and read the minutes a second time. He commented that he was awed by the job that Karen did and it was amazing how really good the minutes are. Mr. Conway noted that it shows how important the minutes are especially when it comes to a special permit application like this. Karen thanked Kim Tester for taking notes and recording motion from the meeting.

MOTION: To approve the minutes of the Public Hearing of September 8, 2014 as presented. Motion by Urban, second by Kellerman and unanimously approved.

##### Regular Meeting – September 8, 2014

MOTION: To approve the minutes of the Regular Meeting of September 8, 2014 as presented: Motion by Kellerman, seconded by Urban and unanimously approved.

#### BUSINESS

##### Shepaug Valley Bible Church – Special Permit - Discussion continued

Gary Coburn distributed comments from the town attorney. *Members were given time to read them.* Chairman Conway noted that outdoor lighting would be one condition to consider. He explained that the term church related activities was accepted in the statement of use. If there is a credible concern that an activity is not directly church related, the concerned party could file a complaint and the ZEO would look into it. He commented that it

would be difficult to compile a list of all church related activities. Chairman Conway reiterated that the statement of use allows all church related activities. He noted that outdoor lighting should be on a timer to shut off at a certain time.

It was noted that the screening with evergreens was changed to fir trees. Ms. Tester suggested that the maintenance of trees should be a condition of the permit.

Mr. Kellerman asked whether there should be restrictions for things like spaghetti suppers. Mr. Coburn responded that any complaint would be investigated as to whether the activity was church related. Mr. Kellerman said he would be reluctant to impose restrictions that are not on the other churches in town.

After thorough discussion it was decided that 30 minutes after an evening activity ended would be an appropriate amount of time for all outdoor lights to be shut off. It was noted that the lighting of the cupola would have to follow the current zoning regulations governing lighting.

It was noted that the planting of fir trees to be used as screening was included on the site plan and the maintenance of the trees should become a condition of the permit.

Chairman Conway commented that the application was thorough and well done and he called for a motion to approve or deny the application.

Chairman Conway seated Urban, Kellerman and himself.

MOTION: To approve the application of Shepaug Valley Bible Church for a special permit to construct a church and parsonage with the following conditions: Screening by fir trees must be properly maintained and all outdoor lighting would be on timers to shut off within 30 minutes of the end of all night time activities.

Motion by Kellerman, seconded by Conway and unanimously approved.

**VOTE/REASON:**

- Kellerman – Approved. The church has leaned over backward to present a plan that fits with the neighborhood and they have been considerate of the environment and the neighbors.
- Urban – Approved. The Church is a community resource and can only strengthen the community.
- Conway – Approved. It's a good location and it will be an asset to the community.

Responding to a question, Chairman Conway noted that the Smart Growth Committee has been dissolved, but research will be continued through the Planning Commission. The minutes of the last Board of Selectman will reflect that course of action.

Regulations under review

- Section 12.9.3 ---Signs in right of way (*retract previous motion*)

Mr. Coburn noted that the town attorney advised that the previous motion by the Commission as follows:

*MOTION: To delete Section 12.9.3 (signs in right-of-way) pending advice from the town attorney. Motion by R. Crawford, seconded by M. Peck and unanimously approved must be retracted.*

MOTION: To retract the previous motion to eliminate Section 12.9.3 (Signs in the Right of Way) of the Zoning Regulations and put it back on the table for review. Motion by Elaine Urban, seconded by Stewart Kellerman and unanimously approved.

Gary Coburn noted that the town attorney strongly advises against any change in this regulation. She noted that a standard rule of thumb for a right of way is 25 feet from the center of the road.

Mr. Coburn noted that he has been removing many signs for out of town events. He wondered if the Commission should consider allowing a certain number signs for public events. Mr. Conway feels that making allowances for

nonprofit events is adequate. He does not want to become advertising ground for other towns. Gary Coburn noted that Barbara Henry had gotten a complaint about the removal of a sign from an out-of-town group. Mr. Conway noted that business signs are not allowed even for in-town folks. Mr. Crawford felt that allowing some signs and not others would present problems. Mr. Coburn argued that he has to be able to enforce and defend the regulation. Mrs. Urban expressed concern about political signs appearing on vacant properties. It was questioned whether political signs are allowed on the green.

Kim Tester questioned whether there had been any support for allowing a sign post to identify businesses in the Commercial Zone. Chairman Conway noted that the idea had been discussed by the Board of Selectman.

Mrs. Urban noted that she had heard that food was no longer being sold at the burger station.

Chairman Conway noted that this item can now be removed from the agenda.

- Section 10.2 – Land Filling

Gary Coburn distributed regulations on land filling from several towns and asked that members be prepared to discuss them next month.

- Section 13.3.5 – Construction trailers/storage containers

Mr. Coburn noted that construction trailers are allowed for up to one year after issuance of a building permit. Containers or pods used strictly for storage are prohibited. Mr. Conway suggested that the regulation might be amended to allow containers for short periods for temporary storage related to moving. Ms. Tester noted that the current regulation is under parking. Mr. Kellerman suggested including a regulation under "Use". Mr. Crawford noted that these containers are being used for residences on the west coast. Mr. Coburn suggested including a regulation under membrane structures -- Section 4.4.2. & 4.4.3. He noted that Lowe's is getting into this business and that PODS is a shipping container brand. The problem is they are cheaper to buy than rent and they are being used as garages. Mr. Kellerman agreed to work on a regulation.

### **ZEO REPORT BY GARY COBURN**

Gary noted that the list of zoning permits issued was distributed. He reported there are no current zoning complaints.

### **COMMUNICATIONS**

Mrs. Urban noted that next the Northwest Hills Council of Governments fifth Thursday meeting will be October 30<sup>th</sup>. She asked if the Commission had any questions they would like addressed at the meeting.

Chairman Conway asked the Commission to consider waiving the zoning permit fee on Winterkorn's application for a handicap ramp on Church Street. Mr. Coburn noted that the house and property are both nonconforming which meant there was no way to avoid a ZBA appeal. It was noted that the State Deep fee (\$60) could not be waived.

MOTION: To waive the zoning application fee (\$80) on the zoning application by Winterkorn (20 church Street) for a handicap ramp. Motion by Urban, seconded by Crawford and unanimously approved.

### **CHAIRMAN'S REPORT**

Chairman Conway reported that the Board of Selectman met with the Smart Growth Committee and it was decided that the current committee would be dissolved. The Planning Commission will take up the task of continuing to research alternative housing options for the town. He recommended that if anybody was interested in what happened at the town information meeting, they should call Mr. Kellerman. Mr. Conway asked that there be no further discussion of Smart Growth by the Zoning Commission at this point. Mrs. Urban asked if there was grant money available for studies. Chairman Conway gave reasons why the BOS chose not to apply for grants.

Mr. Kellerman noted that there were a considerable number of houses on the market in Roxbury.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:50 PM. Motion by Crawford, seconded by Urban and passed.

Respectfully submitted,

*Karen S. Eddy*

Karen Eddy

Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*





# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING NOVEMBER 10, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:33 PM.  
Regular Members Present: James Conway, Elaine Urban, Stewart Kellerman  
Regular Members Absent: William Weed, Ray Crawford  
Alternates Present: Mary Elizabeth Peck, John Cody  
Alternates Absent: Kim Tester  
Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator  
Public Present: None

#### SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Kellerman, Cody for Crawford and Peck for Weed.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Regular Meeting – October 14, 2014

**MOTION:** To approve the minutes of the Regular Meeting of October 14, 2013 as amended. Motion by Mary Elizabeth Peck, seconded by James Conway. Amendments:

- Pg. 1 – Public Comment: Mr. Kellerman, (commenting on Mrs. Urban's remarks), stated that the only (relevant) grounds for recusal in the State statutes is a pecuniary conflict.
- Pg. 2 – Vote Kellerman: Change they have to it has.

MOTION unanimously approved.

#### BUSINESS

Regulations under review

- Section 13.3.5 – Construction trailers/storage containers

Chairman Conway began review of the regulation submitted by Mr. Kellerman noting the maximum size of containers is 8 feet high with a maximum footprint of 128 sq. feet. Mr. Coburn noted that containers used in overseas moves could be larger. The 90-day limit was deemed reasonable. Mr. Kellerman noted that prohibited uses would be for commercial and residential purposes. Mrs. Urban questioned whether portable bathrooms should be regulated. Mr. Coburn thought regulations would most likely fall under the health codes. Mrs. Urban questioned whether containers should be allowed in the Historic District and Chairman Conway questioned whether they would be allowed in the business zone. Chairman Conway suggested that this proposal be sent to the town attorney for review.

- Section 10.2 – Land Filling

Mr. Kellerman noted that most towns allow either 100 or 400 cubic yards of fill before zoning approval would be required. He suggested using 100 cubic yards of fill excluding mulch and top soil for garden maintenance. The proposed regulation will be sent to the town attorney for review.

Gary Coburn noted that there were several other minor changes in the regulations previously discussed by the Commission. It was noted that once finalized these could be included in the next round of amendments:

- Section 5.1.5 & 5.3.2 - **Electrical Meter Pods**
- Section 10.2.1 c. – **Natural Resource Conservation Service (title change)**
- Section 3.2.2 - Setbacks & Structures – Change **open space to open area**

**REPORTS**

ZEO, Gary Coburn

Mr. Coburn gave a brief summary and shared photos of potential problems he observed related to RRR Maintenance on Chalybes Road. On advice of the town attorney Mr. Coburn noted he has notified the DEEP of the potential problem. He asked the Commission what else they would like him to do and what the proper procedures would be? Mr. Coburn further noted that the five-year recycling permit issued by the DEEP to RRR Maintenance is due for renewal next spring. Mr. Coburn explained that RRR also has a waste hauling permit with the town of Roxbury which could be jeopardized if the DEEP regulations are being violated. Storage of tires, overnight storage of solid waste and expansion of the business onto the adjacent property are the potential problems. Chairman Conway confirmed that Mr. Coburn has permission to consult with the town attorney.

Mr. Coburn reported that Mr. Palumbo on Transylvania Road has been notified that this complaint is being closed out. Mr. Palumbo plans to install a fence in the spring as part of the agreement and will notify Mr. Coburn at that time.

Chairman’s Report

None

**COMMUNICATIONS**

- CCM Research Bulletin
- P & Z Newsletter

Mrs. Urban agreed to provide a summary of the Regional Planning Meeting she attended in October for the December meeting packets.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 8:14 PM. Motion by Elaine Urban, seconded by John Cody and passed.

Respectfully submitted,  
*Karen Eddy*  
 Karen Eddy  
 Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY ZONING COMMISSION REGULAR MEETING DECEMBER 8, 2014

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:33 PM.

Regular Members Present: James Conway, Stewart Kellerman, Ray Crawford

Regular Members Absent: William Weed, Elaine Urban

Alternates Present: Mary Elizabeth Peck, Kim Tester

Alternates Absent: John Cody

Staff Present: Gary Coburn, ZEO and Karen Eddy, Land Use Administrator

Public Present: None

#### SEATING OF MEMBERS

Chairman Conway seated regular members Kellerman, Crawford, Tester for Urban, Peck for Weed and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Regular Meeting – November 10, 2014

MOTION: To approve the minutes of the Regular Meeting of November 10, 2014 as amended. Motion by Kellerman, seconded by Peck.

Amendments: Pg. 1 – Motion to approve minutes should be October 14, 2014. Pg. 1 - Section 13.3.5 - Mr. Coburn thought those regulations would most likely fall under the health codes. Motion unanimously approved.

#### BUSINESS

##### Regulations Under Review

Chairman Conway noted that the amendments listed in the document “Proposed Zoning Amendments for Consideration on 12/8/14” were reviewed at the last meeting. Mr. Kellerman explained that the proposed changes to Meter Pods and Yard Definition had been approved some time ago by the Commission. Mr. Coburn noted that in Section 10.2.1.c. the name **Soil Conservation Service** should be changed to **Natural Resources Conservation Service** which did not require a public hearing.

MOTION: To hold a public hearing on February 9, 2015 on amendments to the Roxbury Zoning Regulations as presented in the document “Proposed Zoning Amendments for Consideration on 12/8/14” concerning Portable Storage Containers, Land Filling, Meter Pods, Building Requirements and Yard Definition. Motion by Crawford, seconded by Tester and unanimously approved.

#### REPORTS

##### ZEO Report, Gary Coburn

Mr. Coburn briefly reviewed his meeting with the town attorney regarding the issues on Chalybes Road. He noted that he had filed an official complaint with the DEEP. She advised that a letter be written to the DEEP requesting

an official response to this complaint. She also advised that a new Notice of Violation be issued. Mr. Coburn said he intends to review the rules for executive session with the town attorney.

**ELECTION OF OFFICERS**

MOTION: To nominate James Conway as Chairman of the Zoning Commission for 2015. Motion by Kellerman, seconded by Tester. No other nominations were offered.

MOTION: To close nominations. Motion by Kellerman, seconded by Crawford and unanimously approved.

MOTION: To elect James Conway as Chairman of the Zoning Commission for 2015. Motion by Tester, seconded by Peck and unanimously approved.

MOTION: To nominate Stewart Kellerman as Vice Chairman of the Zoning Commission for 2015. Motion by Peck, seconded by Crawford. No other nominations were offered.

MOTION: To close nominations. Motion by Conway, seconded by Crawford and unanimously approved.

MOTION: To elect Stewart Kellerman as Vice Chairman of the Zoning Commission for 2015. Motion by Crawford, seconded by Tester and unanimously approved.

Chairman Conway stated that he has enjoyed working with each and every member of the Zoning Commission. He also complimented the work of Gary Coburn, ZEO and Karen Eddy, Land Use Administrator. He remarked that working with such a great group makes his job that much easier.

Zoning members complimented Chairman Conway on his leadership of the Commission and remarked that they have enjoyed working with him.

**OTHER BUSINESS**

Mr. Coburn passed along a recommendation from the Town Attorney that Zoning should review all ZBA variance for the past year to discover any trends that might be addressed. Chairman Conway suggested that this be addressed at the next zoning meeting.

2015 Meeting Schedule

MOTION: To accept the schedule of Zoning Meetings for 2015 as presented. Motion by Tester, seconded by Crawford and unanimously approved.

Chairman's Report

None given

**COMMUNICATIONS**

None noted.

Chairman Conway announced the resignation of Mary Elizabeth Peck and thanked her for her many years of service to the Zoning Commission. All wished her well in her retirement.

**ADJOURNMENT**

MOTION: To adjourn the meeting at 7:54 PM. Motion by Crawford, seconded by Tester and approved.

Respectfully submitted,  
*Karen E. Eddy*  
Karen Eddy  
Land Use Administrator

*These minutes are subject to approval by the Roxbury Zoning Commission*