



TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION PUBLIC HEARING JANUARY 11, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Public Hearing to order at 7:35 p.m.

Regular Members Present: James Conway, Kim Tester, Elaine Urban, Ray Crawford and Alan Johnson

Alternates Present: David Miller

Alternates Absent: Drew Loya

Staff Present: John Cody, Zoning Enforcement Officer and Karen Eddy, Land Use Administrator

Public Present: Marie & Paul Swanson, Paul Herbert, Arthur Singer, Eliot Johnson, Rob Sladen, Holly Floor, Greg Meredith,

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Tester, Crawford, Johnson and Himself.

PURPOSE OF HEARING - APPLICATION BY SWANSON/39 DAVENPORT ROAD FOR A HOME ENTERPRISE – CATEGORY III SPECIAL PERMIT

Legal Notice

Chairman Conway read the legal notice as it appeared in Voices on Dec. 30, 2015 and January 6, 2016.

PUBLIC COMMENTS

Chairman Conway noted that the Commission had received three more letters regarding this application and he and Kim Tester would read them into the record as follows:

Harry Ong - 102 Davenport Road wrote in favor of the application. In his opinion the Swanson's are not contributing to the noise or traffic on Davenport any more than other neighbors in the area. He sees the Swanson's business as an asset to the community and as loss to the town if they were forced out because of a few disgruntled people.

Brian Larkin – 31 Davenport Road wrote in favor of the application. As a neighbor of 35 years he has never been disturbed by noise from the Swanson's especially weekends and holidays during the last fifteen years of his retirement.

John German – 67 Davenport Rd wrote against the application. In his opinion the Swanson's business has grown too large, is unsuitable for a residential zone and negatively impacts the quality of life of the neighborhood. Complaints about the 'horrendous noise', amount of truck traffic and concerns about ground water quality and chemical smells from smoke were also noted.

Chairman Conway noted that the Swanson's have submitted a copy of a filing with the Secretary of State entitled "Articles of Organization" for their business.

PUBLIC COMMENT CONTINUED

Paul Herbert – 152 North Street commented that the Swanson's have provided emergency services to the town's people. He urged people to be good neighbors, make adjustments and settle this out of court.

Arthur Singer – 111 Mallory Road commented that he lives with a commercial business near him. He feels the noise is irritating and depreciates his property value. He urged the Zoning Commission to make tough decision and stop these violations.

Eliot Johnson – 37 Davenport Road owns property next to the Swanson's which he rents. In his letter he commented that he has had no complaints from his tenants regarding the operations at the Swanson's. He noted the Swanson's are long-time multi-generational residents of the area and contributing members of the Community who provide jobs and offer much-needed services to the town. In his opinion they do not store dangerous chemicals or burn hazardous materials. He argued for compromise between the right to have peace and quiet and the right of individuals to earn a living.

Rob Sladen – 74 Davenport Road introduced himself noting he has been a doctor for 45 years in NYC and plans to retire to his "spiritual home" in Roxbury soon. He feels the issue is an industrial vs. a residential zone. He would like to see full disclosure regarding what is happening on the site. This has nothing to do with character of the Swanson's but he feels it is up to them to show that this application has no adverse impact on the neighborhood.

Holly Flor – 160 North Street, a 40-year resident of Roxbury commented that "rules are not suggestions". This is not about the character of the Swanson's or the neighbors. In her opinion this is not the type of business that belongs in a residential zone.

Chairman Conway noted that a section of the application related to outdoor storage was inadvertently omitted and the Commission asked for a voluntary extension of the hearing by the Swanson's to allow them to submit that information. The Swanson's agreed to continue the hearing to next month and submitted a letter of authorization to that effect.

The Public Hearing will be continued on February 8, 2016.

ADJOURNMENT

The Public Hearing adjourned at 8:00 p.m.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

These minutes are not considered official until approved at the next meeting of 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 11, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 8:15 p.m.

Regular Members Present: James Conway, Kim Tester, Elaine Urban, Ray Crawford and John Cody

Alternates Present: Alan Johnson and David Miller

Alternates Absent: Drew Loya

Staff Present: Zoning Enforcement Officer, Gary Coburn and Karen Eddy, Land Use Administrator

Public Present: Rob Horrigan and Greg Cava

SEATING OF MEMBERS

Chairman Conway seated regular members Tester, Cody, Urban, Crawford and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Public Hearing – Sheds – December 8, 2015:

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

Public Hearing – Swanson's/39 Davenport Rd. – December 8, 2015:

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

Regular Meeting of December 8, 2015:

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

BUSINESS

Swanson/39 Davenport Road – Special Permit Application

Chairman Conway noted that the Public Hearing was extended at the request of the applicant to allow them to include "Outdoor Storage" as part of their application.

Tree House Regulations

It was noted that the draft regulations discussed at the last meeting have been submitted to the town attorney for review.

REPORTS

ZEO Report

Mr. Cody noted that he has received another complaint about chickens (Chalybes Road). Section 3.9 was briefly discussed. Mr. Cody will be checking into the complaint.

Chairman's Report

Mr. Conway explained that Alan Johnson has been moved up to a regular member to fill John Cody's vacancy. A search is on for an alternate to replace Mr. Johnson.

Chairman Conway noted that the Planning Commission is putting together some ideas regarding alternative housing to include single-family homes. Peter Filous has requested the opportunity to present Planning's ideas at a future zoning meeting.

Elliott Davis of Mine Hill Distillery (Roxbury Station) will be starting the application process. The initial application presented several days ago was incorrect. Because of the nonconformity of the property and buildings, the process is complicated so we will meet with the town attorney and Mr. David to discuss how the process should proceed. We will also discuss with the Town Attorney the plan to change the zoning regulations to allow the Land Trust to convert a residence into an office with apartment above in the business zone.

Chairman Conway asked about the status of the Weaving complaint. Mr. Cody noted he has a recent complaint from the neighbor that the activity has picked up. Mr. Cody reminded the Commission that Mr. Coburn had previously issued a Notice of Violation. Chairman Conway suggested that Mr. Cody speak with Mr. Weaving, evaluate the situation and report back to the Commission.

By way of reviewing some previously addressed issues Ms. Tester questioned the status of the Hodges permit which was briefly discussed. She also asked about the request by the Stuarts for a sign at the bottom of Weller's Bridge announcing the businesses in the Zone D. Chairman Conway noted it was discussed by the Board of Selectman, but nothing was done. He noted he would bring it up at the next meeting. Chairman Conway noted that according to the town attorney private burials are not allowed under the regulations whereby if a use is not specifically allowed, then it is prohibited. It was noted that the Fine Ordinance was approved by the Board of Selectman. Regulation of blight did not get any momentum.

David Miller spoke about the difficulty involved with intervening in a neighbor dispute such as with Weaving and Singer. Mr. Conway noted that the commission must investigate all complaints of commercial activity in a residential zone. Mr. Crawford explained that it is up to the business owner not to create a problem for the neighbors. He further explained that they were expected to apply for a home enterprise permit. The State requires approval by Zoning before a permit to repair vehicles can be obtained and there are lots of requirements that must be met.

Regarding the Swanson's application, Chairman Conway noted that the town attorney advised that any questions of ownership of the property and business should be clarified. The Commission must ask all of its questions during the public hearing. Once the hearing is closed, no further questions can be asked of the applicant.

ADJOURNMENT

MOTION: To adjourn the meeting by K. Tester, seconded by A. Johnson. Motion carried.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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ROXBURY ZONING COMMISSION REGULAR MEETING FEBRUARY 8, 2016

POSTPONEMENT NOTICE

Due to inclement weather, the Regular Meeting of the Roxbury Zoning Commission scheduled for Monday, February 08, 2016 has been postponed until Thursday, February 11, 2016 at 7:30 p.m.

Respectfully submitted,
Karen Fddy
Land Use Administrator

POSTED: 02/08/2016



TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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ROXBURY ZONING COMMISSION REGULAR MEETING FEBRUARY 11, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Kim Tester, Ray Crawford, Alan Johnson

Regular Members Absent: Elaine Urban

Alternates Present: Drew Loya and David Miller

Staff Present: Zoning Enforcement Officer, John Cody and Karen Eddy, Land Use Administrator

Public Present: Marie Swanson, Paul Swanson, Art & Maureen Singer, Mark Olivieri, Elliott David, Jeremy Oskandy

SEATING OF MEMBERS

Chairman Conway seated regular members Tester, Crawford, Johnson, Loya for Urban and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Public Hearing – Swanson’s/39 Davenport – January 11, 2016

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

Regular Meeting of January 11, 2016

MOTION: To approve the minutes of the Regular Meeting as presented. Motion by Tester, seconded by Crawford and unanimously approved.

BUSINESS

Swanson/39 Davenport Road –Special Permit Application for Home Enterprise – Category III for Excavation/Landscaping Business

It was noted that the previous application by the Swanson’s has been withdrawn. This is a new application which starts the clock again. Chairman Conway reiterated that this is a new Special Permit Application for a Home Enterprise Category III for an Excavation Business at 39 Davenport Road. He suggested that the Commission consider setting a public hearing date at the March Zoning Meeting. He recommended that the applicant stop by the Land Use Office to review the application process.

Proposed text amendment to add residential apartment dwelling and related parking in Business Zone D to the Roxbury Zoning Regulations

Chairman Conway noted that the Land Trust has purchased a house in Zone D which they would like to use for their offices on the first floor and an apartment on the second floor. The current regulations do not allow for apartments except in a residential dwelling. The draft text amendment to expand permitted uses in Business Zone D dated January 26, 2016 was reviewed. It was noted that the amendments outlined in Section 4.6.5 a. – e. would allow for up to three apartments per business property in Zone D. It was noted that the business district is quite small and at most this would represent a dozen apartments.

MOTION: To approve for public hearing the proposed amendments (Section 4.6.5 and Section 13 Parking) to permit residential apartments as a mixed use in Business Zone D. Motion by Crawford, seconded by Tester and unanimously approved.

MOTION: To schedule a public hearing for March 14, 2016 on proposed amendments to permit residential apartments as a mixed use in Zone D. Motion by Conway, seconded by Crawford and unanimously approved.

MH Property, LLC / 5 Mine Hill Road – Petition to revise the boundary of Business Zone D of the Roxbury Zoning Regulations

Chairman Conway explained that the petitioner wishes to expand the boundary of Zone D to incorporate all the buildings related to a special permit request for a distillery. A question regarding the total acreage to be included in Zone D was discussed. It was noted that if the petitioner is Paul Szymanski then consent is needed from MH Properties and the Roxbury Land Trust.

Elliott Davis and Jeremy Oskandy of Arthur Howland & Assoc. arrived at 7:47 PM, the question of the total acreage being added to Zone D and the consents needed to complete the application were addressed. Mr. Cody noted that the town attorney would like to see a 500' circle on the map. Mr. Oskandy said they could put the circle on the key map as well as show the adjacent property owners.

Chairman Conway read from a letter dated January 22, 2016 from Arthur Howland & Assoc. which detailed the reasons for their request to amend Zone D. The letter also explained how the zone change request is consistent with the Roxbury Plan of Conservation and Development.

MOTION: To approve for public hearing the proposed amendment to Zone D (Section 2.4.4) of the Roxbury Zoning Regulations. Motion by Conway, seconded by Loya and unanimously approved.

MOTION: To schedule a public hearing for March 14, 2016 on the proposed amendment to Zone D (Section 2.4.4) of the Roxbury Zoning Regulations by Tester, seconded by Crawford and unanimously approved.

MH Property, LLC / 5 Mine Hill Road – Special Permit Application for a Craft Brewery, Distillery and Winery in Business Zone D

Mr. Oskandy of Arthur Howland, Assoc. presented a general overview of the Special Permit Application and corresponding maps. He noted the main building, garage, driveway, parking area, handicapped parking, screened dumpster area, secondary parking, septic system, proposed addition to the garage and grain bins. He explained that storm water management includes rain gardens to handle drainage from the site and noted that existing catch basins would be utilized along with a yard drain to an underground pipe.

Mr. Davis explained that the special permit process will be done in two phases. The current special permit application includes only the structures identified as the "main building" and the "garage". The structures identified as the "Train Station" and the "barrel house" are not included in this current permit and would be included in a future special permit application following ZBA approval and the required changes to Zone D of the Zoning Regulations. Landscaping and lighting were briefly reviewed.

MOTION: To schedule a public hearing on March 14, 2016 on the special permit application presented here for a craft brewery, distillery, and winery in Business Zone D. Motion by Conway, seconded by Johnson and unanimously approved.

Tree House Regulations

John Cody noted that we have not yet received comments from the town attorney. The merits of regulating tree houses were discussed. Mr. Crawford noted that in the absence of regulations, the courts tend to favor homeowners. Mr. Conway noted the purpose of regulating would be to control height and location. He favors getting legal advice on the impact of regulating.

REPORTS

ZEO Report

Mr. Cody reported on the following:

Weaving complaint - Mallory Road

Progress is being made toward a resolution.

Chalybes Road - complaint regarding chickens

Complaint has been resolved.

EverSource Power Lines

Currently reviewing the proposed location of power lines and the possible jurisdiction issues.

COMMUNICATIONS

Private burial grounds

A Letter from a Roxbury resident requesting a change to the zoning regulations to allow for private burials was addressed. Mr. Cody explained that the State of CT does allow it with the proper permits providing there is no prohibition by the town. Roxbury zoning regulations do not permit private burials. The pros and cons were discussed at length. Chairman Conway asked that Commission members give it some more thought and it will be discussed at future meetings.

Mr. Crawford noted that the Northwest Hills Council of Governments is presenting several workshops at their Goshen site. One will address reading site plans and the other pertains to legal issues. Mrs. Eddy will circulate information regarding the sessions which are free to members.

CHAIRMAN'S REPORT:

Chairman Conway asked members to consider the idea of making some zoning changes in Zone A. Suggestions were to decrease lot size, reduce road frontage and allow shared driveways in an effort to encourage creation of smaller lots and homes. Zone A encompasses 1,125 acres, includes 223 parcels and 661 acres of open land in the center of town and would lend itself to the creation of a Village District. It would allow seniors to be closer to services and might be attractive to family members who want to remain in town. Chairman Conway noted that he would keep this on the agenda for future discussion. He noted that Peter Filous, Chairman of the Planning Commission will be at the April Zoning Meeting with a report on alternative housing.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:50 p.m., by R. Crawford, seconded by D. Loya. Motion carried.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION PUBLIC HEARING MARCH 14, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Elaine Urban, Alan Johnson, Drew Loya, Alternates Present: David Miller, Bill Horrigan, Staff Present: Zoning Enforcement Officer, John Cody and Karen Eddy, Land Use Administrator
Public Present: Jeremy Oskandy, Elliott Davis, Rene David, Susan & Steven Levkoff, Geoffrey & Susan Purdy, Gaila Rossiter

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Loya, Miller for Tester, Horrigan for Johnson and himself.

BUSINESS

MH Property, LLC / 5 Mine Hill Road – Petition to revise the boundary of Business Zone D and to amend Section 2.4.4 (Description of Business Zone D) of the Roxbury Zoning Regulations:

Chairman Conway read the following for the record:

- Legal Notice to Voices published March 2 and March 9, 2016
- Planning Referral Letter dated February 18, 2016 in support of zone change
- Letter from Arthur H. Howland & Assoc. requesting Zone Change from Residence Zone C to Business Zone D dated January 22, 2016, received March 1, 2016
- Letter from Roxbury Land Trust dated February 16, 2016 in support of zone change

Alan Johnson arrived at 7:38 was seated and Bill Horrigan stepped down.

Jeremy Oskandy from Arthur Howland & Assoc. reviewed map prepared for MH Property LLC, Mine Hill Road & Baker Road entitled "Proposed Zone Change Map" by Arthur H. Howland & Assoc., New Milford, CT dated January 21, 2016. This map depicts the property in Zone C that would become part of Zone D. He noted that by placing this property in Business Zone D the historical use of the property would be made conforming and consistent with the properties to the west and south which are currently in the Business Zone D. Mr. Davis noted the related business use in the past was lumber storage.

Geoffrey Purdy of 43 Mine Hill Road asked if the Land Trust House was included in Zone D. Elaine Urban asked about the size of the parcel in question and it was described as 1.067 acres.

ADJOURNMENT

MOTION to close the public hearing at 7:45 p.m. by Miller, seconded by Urban and unanimously approved.

Respectfully submitted,

Karen E. Eddy

Land Use Administrator

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ROXBURY ZONING COMMISSION PUBLIC HEARING MARCH 14, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Public Hearing to order at 7:46 p.m.

Regular Members Present: James Conway, Elaine Urban, Alan Johnson, Drew Loya, Alternates Present: David Miller, Bill Horrigan, Staff Present: Zoning Enforcement Officer, John Cody and Karen Eddy, Land Use Administrator

Public Present: Jeremy Oskandy, Elliott Davis, Rene David, Susan & Steven Levkoff, Geoffrey & Susan Purdy, Gaila Rossiter

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Loya, Johnson, Miller for Tester and himself.

BUSINESS

Proposed text amendments to Section 4.6.5 and 13.2 of the Roxbury Zoning Regulations to permit residential apartments in Business Zone D

Chairman Conway read the following for the record:

- Notice to Roxbury Town Clerk
- Legal Notice to Voices published on March 2 and March 9, 2016
- Planning Referral Letter dated March 11, 2016 in support of text amendments
- Public Notice Registry notification dated February 26, 2016

PUBLIC COMMENT

Steven Levkoff of 127 Baker Road asked if Mine Hill Property planned to put in apartments. Mr. Davis responded that they have no interest in residential apartments and their architectural plans support that statement. Susan Levkoff expressed concern about an apartment building being built across from their residence. Chairman Conway explained that the apartments were only permitted in conjunction with a business and the limitations created by setbacks and wetlands and the size of the zone would make it extremely difficult to erect a new building. He further explained that the Land Trust requested this amendment as they bought a house for their office and would like to put an apartment above it. Susan Purdy also questioned the possibility of a new (apartment) building and Chairman Conway reiterated that it would be almost impossible. Mr. Johnson noted that the apartments must be an accessory use to an existing business and there could be no more than three apartments per business.

Elaine Urban questioned how the commission arrived at three apartments and Chairman Conway noted that it was at the recommendation of the town attorney.

Mr. Purdy asked if this change would affect other areas in Roxbury. Mr. Conway assured him that it would only impact the properties in Business Zone D.

ADJOURNMENT

MOTION: To close the public hearing at 8:00 p.m. Motion by Elaine Urban, seconded by Alan Johnson and unanimously approved.

Respectfully submitted,
Karen E. Eddy
Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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ROXBURY ZONING COMMISSION PUBLIC HEARING MARCH 14, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Public Hearing to order at 8:01 p.m.

Regular Members Present: James Conway, Elaine Urban, Alan Johnson, Drew Loya, Alternates Present: David Miller, Bill Horrigan, Staff Present: Zoning Enforcement Officer, John Cody and Karen Eddy, Land Use Administrator
Public Present: Jeremy Oskandy, Elliott Davis, Rene David, Susan & Steven Levkoff, Geoffrey & Susan Purdy, Gaila Rossiter

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Loya, Johnson, Miller for Tester and himself.

BUSINESS

MH Property, LLC/5 Mine Hill Road – Special Permit Application for a Craft Brewery, Distillery and Winery in Business Zone D.

The following notices were read by Elaine Urban or James Conway:

- Legal Notice run in Voices on March 2 and March 9, 2016
- Wetlands approval letter dated March 8, 2016
- Email from Scott Goldsmith in support of application
- Email from Susan Payne in support of application
- Email from Sterett Kelsey in support of application

Presentation by Elliott Davis – MH Property LLC

Mr. Davis explained that it was his plan to restore the buildings at the Roxbury Station to their original character. He noted that the zoning regulations had been changed to allow for a Distillery in the Business District. Craft spirits will be produced in the “Main Building” (former cigar factory) along with a tasting room and office. The “Garage” will be used for storage and a workshop. They have a total of 7,500 sq. ft. of space.

Mr. Davis noted that Arthur Howland & Assoc. have developed the plans for parking, lighting and Stormwater management and landscaping as shown on maps submitted with the application.

Mr. Davis explained that they are sensitive to screening from neighbors. The exteriors of the buildings will look much better after they are restored. They plan to use 1900 century style exterior lighting. Spotlights on the outside of the buildings have been removed. The carriage style lighting will be minimal and attractive with one light on the porch, ½ lighting along the front and one near handicap parking area. The distillery operation will involve only two people on weekdays. The Tasting Room hours would be 11 am to 6 pm and it will be open 6 to 7 weekends per year. It is regulated by the state. The number of employees will be minimal.

Mr. Davis further noted that parking and traffic will be minimal. No tours will be conducted during the week. He noted the town is encouraging a rail to trail type of activity with Mamie’s restaurant as a stopping point. Mrs. Rossiter noted that they would not allow walking along the railroad bed which is on their property.

Mr. Davis indicated that parking complies with the zoning regulations for retail establishments which requires 16 spaces. Paving will be minimal with only one paved handicap space. Overflow parking will be on the lawn and behind the red garage and will be screened.

Mr. Davis invited all to come for a walk through the property. He noted that this application covers only the main building and garage; the barrel house and train station are not included.

Submitted along with the Special Permit Application were maps prepared for MH Property LLC, Mine Hill Road & Baker Road dated 12-21-15, revised 2-29-16 by Arthur Howland & Assoc., New Milford, CT as follows:

- Property Survey
- Proposed Site Development Plan
- Proposed Landscaping Plan
- Proposed Illumination Plan
- Proposed Sanitary Disposal Systems Plan

Jeremy Oskandy of Arthur Howland's described the Stormwater management plan which he stated would improve the site. He indicated the location of catch basins, a Stormwater depression and rain gardens which would naturally catch/collect runoff. Mr. Oskandy noted that a new pipe would be laid across the road, covered and the road repaved. He also noted that the Wetlands Commission has approved this plan.

Mr. Oskandy described the main traffic routes and parking areas.

Jeff Purdy asked about the disposal of distillery grain (a by-product of the operation). Mr. Davis noted that it would be sold to local farms to be used as compost, animal feed and a medium for growing mushrooms. They expect about 200 gallons per week which would be trucked away.

Curt Smith arrived at 8:25 PM.

Chairman Conway invited questions from the public.

Rene David of 13 Mine Hill Road asked about lighting of the parking areas. Mr. Davis noted the lighting would be minimal, historic looking coach-style lighting and include lanterns on the top of the porch, a single light over the back door and recessed lights in the porch ceiling. The facility would not be open at night in the winter. Their plan calls for low lighting near parking and walking areas.

Gaila Rossiter noted that when Mine Hill was in operation there were 150 houses in the area.

Chairman Conway confirmed that the hours of operation of the distillery would be 8 AM to 4 PM.

ADJOURNMENT

MOTION: To close the public hearing at 8:39 p.m. Motion by Drew Loya, seconded by David Miller and unanimously approved.

Respectfully submitted,
Karen S. Fddy
Land Use Administrator

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Zoning Commission

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ROXBURY ZONING COMMISSION REGULAR MEETING MARCH 14, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Elaine Urban, Alan Johnson, Drew Loya

Regular Members Absent: Kim Tester

Alternates Present: David Miller and William Horrigan

Staff Present: Zoning Enforcement Officer, John Cody and Karen Eddy, Land Use Administrator

Public Present: Jeremy Oskandy

NEW MEMBERS

Chairman Conway noted that Drew Loya has moved up to a regular member and he welcomed new alternates Bill Horrigan and Curt Smith.

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Johnson, Loya, Miller for Tester and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Regular Meeting of February 11, 2016:

MOTION: To approve the minutes as presented. Motion by Loya, seconded by Johnson and approved 4-0. Urban abstained.

BUSINESS

Swanson/39 Davenport Road –Special Permit Application for Home Enterprise – Category III for Excavation/Landscaping Business

Chairman Conway reminded that the Swanson application had been received at the February Zoning Meeting.

MOTION: To schedule a public hearing on April 11, 2016 to solicit public comment on an application by Swanson / 39 Davenport Road for a Special Permit for a Home Enterprise – Category III for an Excavation / Landscaping business. Motion by Conway, seconded by Johnson and unanimously approved. Vote 5-0.

Chairman Conway reminded the Commission that only seated members Urban, Loya, Johnson, Miller and himself can take part in deliberations before a vote.

MH Property, LLC / 5 Mine Hill Road – Petition to revise the boundary of Business Zone D of the Roxbury Zoning Regulations

MOTION: To approve the proposed petition to rezone Zone D and text amendments to Section 2.4.4 of the Roxbury Zoning Regulations as presented. Motion by Urban, seconded by Miller and unanimously approved. Vote 5-0.

Reason for Vote

- Urban – Yes – This will correct the anomaly in the business zone.

- Johnson – Yes - This corrects a previous flaw in regulations.
- Loya – Yes – This completes the zone and is great for the community.
- Miller – Yes – Agrees with other previous comments.
- Conway – Yes - This cleans up a discrepancy in the regulations and it is supported by the POCD.

Proposed text amendment to add residential apartment dwelling and related parking in Business Zone D to the Roxbury Zoning Regulations

Chairman Conway explained that the Roxbury Land Trust requested this amendment and the concerns expressed during the public hearing about apartment buildings are not supported. Mr. Miller noted that the regulation allows up to three apartments and Mr. Johnson added that that does not allow for much of an apartment building.

Restriction to one apartment per business was discussed, but it was decided that the size of the buildings and area are self-limiting. It was suggested that a few more apartments in the business district would not be bad for the town.

MOTION: To approve proposed amendments to the Roxbury Zoning Regulations Section 4.6.5 and 13.2 as presented. Motion by Conway, seconded by Loya and unanimously approved.

MH Property, LLC / 5 Mine Hill Road – Special Permit Application for a Craft Brewery, Distillery and Winery in Business Zone D

Chairman Conway asked for comment from the Commission. Mr. Johnson noted drainage improvements planned; it's a good use for buildings that have fallen in disrepair and the project is a positive improvement for the town. Chairman Conway noted that the regulation was carefully crafted by the town attorney and this is a great use for the town.

MOTION: To approve the proposed Special permit Application by MN Property LLC, 5 Mine Hill Road for a Craft Brewery, Distillery and Winery per Section 4.7.7 of the Roxbury Zoning Regulations. Motion by Conway, seconded by Miller and unanimously approved. Vote 5-0.

Tree House Regulations

Discussion tabled until advice from the town attorney is received.

REPORTS

ZEO Report

Mr. Cody reviewed his written report which was distributed to the Commission.

- Private Funerals – a petition to the change the zoning regulations is expected.
- Hodges - The NOV issued has been complied with.
- Weaving – The Cease and Desist issued will be adhered to by owner.
- Half Story Regulations – This needs to be reviewed and amendments considered.
- Nonconformity regulation was reviewed, addressed by town attorney and discussed with ZBA.
- Zoning Office has been very busy with a number of large projects in the works.

Chairman's Report

Chairman Conway reviewed the status of his ongoing meetings with Peter Filous of the Planning Commission where they are exploring alternative housing ideas. Ideas being discussed are reduction of lot size, frontage, shared driveways, small lots and smaller homes in Zone A. The statistics of the zone were reviewed as were the boundaries which include the Town Park. This will remain on the agenda for future discussion.

ADJOURNMENT

MOTION: To adjourn the meeting at 9:25 p.m., by Miller, seconded by Loya. Motion carried

Respectfully submitted,

Karen S. Fddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION PUBLIC HEARING APRIL 11, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Kim Tester, Elaine Urban, Alan Johnson, Drew Loya

Alternates Present: David Miller, William Horrigan, Curtiss Smith

Staff Present: John Cody, Zoning Enforcement Officer and Karen Eddy, Land Use Administrator, Attorney McTaggart

CONFLICT OF INTEREST

Chairman Conway asked whether any members of the Commission present might have a conflict of interest regarding this application. None were noted.

PUBLIC PRESENT

Marie & Paul Swanson, Rob Sladen, Holly Floor, Greg Meredith, John German, Tom Fee and Terry Connor.

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Tester, Loya, Horrigan for Johnson and himself.

PURPOSE OF HEARING: Application and Site Plan by Swanson/39 Davenport Road for a Special Permit / Home Enterprise Category III – Excavation/Landscaping Business

LEGAL NOTICE: Chairman Conway read the legal notice as it appeared in Voices on March 30, 2016 and April 6, 2016.

NOTICE TO ADJACENT LANDOWNERS

Proof of delivery of notice was confirmed.

PUBLIC COMMENTS

Chairman Conway noted that the following letters had been received regarding this application and he and Kim Tester would read them for the record:

- Kocsis/5 Davenport Road – Opposition letter read.

Alan Johnson arrived at 7:37 and was seated. William Horrigan stepped down.

- Knutson/45 Davenport Road – Supporting letter read.
- Ognan/2 Moosehorn Road - Supporting letter read.
- German/67 Davenport Road – Opposition letter not read as Mr. German was present and asked to address the Commission.
- Robert Sladen/ 74 Davenport Road - Opposition letter not read as Mr. Sladen was present and asked to address the Commission.

PUBLIC COMMENT

John German – 67 Davenport Road spoke in opposition to this application. He noted that his property is separated from the Swanson's by the Knutson's small, wooded lot. Mr. German gave a lengthy address detailing

his history and involvement with Roxbury since March 1971 and his friendship with the applicants. Mr. German stated that he has absolutely nothing personal against the Swanson's as "they are good, hardworking people", but he feels their business has gotten out of hand. He classified it as "industrial" rather than commercial. He does not want them to lose their business but it should not be allowed to continue in a residential area. He spoke about how the Swanson's business has negatively affected his quality of life. He and his wife have had to curtail their outdoor activities such as meals on the patio and gardening on occasion because of the noise. He said he has "looked into moving, but there is not another Roxbury."

Greg Meredith – 62 Davenport Road referred to his letter which details why he feels that this application fails to meet the requirements of the Home Enterprise regulations. Mr. Meredith said he is looking for intent by the applicant to limit the activities to non-disruptive activities subject to specific limitations, reasonable oversight and enforcement. He argued that if he or his neighbors were making application for a similar type of business today, it would not be approved. Mr. Meredith further noted that he expects protection from having to "live in an industrial zone". He suggested that it is the duty of the commission to prevent this.

Rob Sladen – 74 Davenport Road noted he has lived in Roxbury part time for 18 years and has recently retired after 45 years as a physician. He and his wife plan to give up their apartment in New York and live here full time. He strongly stated that he does not feel that Oak Ridge Services is suitable for a residential zone and would create a precedent to allow this sort of business in other neighborhoods. Mr. Sladen said that we all deserve to be able to conduct our business but we should do it with respect and a sense of responsibility for the wider community.

Terry Connor (former resident of Roxbury) said he feels it is a "big mistake to kick the Swanson's business out of Roxbury and argued that a compromise should be reached. He noted that Roxbury is a town founded on small businesses and farms and they are the backbone of the town. Running a small business is difficult and the Swanson's have been here for over 30 years. If you pull the plug the town loses their services and tax dollars. Things should be worked out. If not, you might as well kick out all businesses in Roxbury.

Tom Fee - 356 South Street – Mr. Fee noted his confusion about "selective enforcement" against Oak Ridge Services. In his own lawsuit against a junkyard in town many years ago, it was decided that the grandfather clause protected that business. He questioned why that same principal does not apply to Oak Ridge Services.

Holly Flor – 160 North Street suggested two possible remedies. One is to move this "industrial" activity out of a residential zone and keep the home office or attempt to change the zoning regulations to allow for industrial activity in a residential zone. She urged the Zoning Commission not to make an exception for this business.

Chairman Conway urged commissioners to ask questions now because once the public hearing is closed, no more information would be allowed.

Kim Tester noted and Paul Swanson confirmed that he would no longer haul materials to be processed to the site. He also noted that the existing pile of rocks will eventually be used up and disappear. Kim Tester asked about the status of the saw mill and Paul stated that it was mostly for his personal use and occasionally used for the business.

Alan Johnson asked how many machines are owned and on the site at one time. Mr. Swanson noted that there are usually between 1 and 3 in the yard in the summer. There are several earth moving machines that aren't being used. The worst case is 5 machines at one time. Paul said they are all registered and they can't be seen from the road.

Elaine Urban asked if Paul Swanson has had the opportunity to hear the noise from the neighbor's perspective via a recording. He said he had not and noted that he does wear hearing protection on occasion.

Mr. Cody noted that he had inspected the site on March 29th for wetlands issues and submitted photographs. He noted that the Swanson's have implemented proper erosion control measures.

Chairman Conway asked the applicant what he felt created the noise that has raised all the concerns. Mr. Swanson noted that last year was busy and they did haul a lot of materials in and screened it for three days

straight. The screener is not as noisy as the wood chipper. He noted that financially it will affect him quite a bit as he has given away a lot of material.

Mr. Conway suggested that the applicant has recognized what was creating the noise and has tried to eliminate it. Mr. Swanson indicated his willingness to compromise. He noted that there is nothing happening on the weekends. Mr. Conway reiterated that the applicant has indicated his willingness to live within the statement of use.

Chairman Conway noted that the fuel storage tank must be outside of the 100' wetlands buffer and Mr. Swanson indicated that it would be move out of the regulated area.

Holly Flor asked how the activity on the site would be monitored. John Cody responded that either the Commission would require regular site inspections or it could be complaint driven. Chairman Conway noted he would expect complaints from the neighbors if there were violations.

Rob Sladen complained that the approach is to set up and do what you want until somebody complains as opposed to asking permission ahead of time. His concern is that things would go back to the way they were especially if the business thrives. Mr. Cody reiterated that our system is complaint driven.

Chairman Conway noted that violations would not be tolerated. We anticipate that the applicant would adhere to their statement of use. If they do not, then the Commission would deal with it.

Marie Swanson/39 Davenport Road (Applicant) read a letter which she submitted for the record. It started with a statement by the First Selectman that appeared in the Roxbury Business Directory in which Mrs. Henry urged residents to support home based businesses in Roxbury.

Mrs. Swanson noted that there is no noise ordinance in Roxbury. Having lived on Davenport Road for 52 years she recalled that there were very few houses in the beginning. Since the school and all the houses have been built the traffic has increased a great deal over the years. She noted they have never received complaints but rather they were hired by many of the residents of Davenport to do work for them. Mrs. Swanson noted that their business cannot be seen from the road. There have been numerous building permits issued for large projects along Davenport Road related to the building and expansion of homes. These projects all bring equipment, workers, excavators, bulldozers, skid steer trucks, pickups and others types of large equipment that make noise such as the equipment used to grind up driveway blacktop. This all adds to the traffic and noise on Davenport Road.

Rather than damage Davenport Road as has been charged, Mrs. Swanson feels they have always taken care of the road. She explained the numerous times they have assisted the town road crew with repairs related to storm damage and misuse by other residents.

Mrs. Swanson noted there are lots of businesses like hers in Roxbury run by honest, hardworking people who are just trying to make living. Everyone has to listen to some noise as she does when their neighbors' lawns are being moved. She said, "This is the country so people should get used to it." Mrs. Swanson explained that her property was the former site of a gravel bank and Roxbury was formerly a mining and farming town and is still a busy working town.

MOTION: To close the Public Hearing by Drew Loya, seconded by Johnson and unanimously approved.

ADJOURNMENT

The Public Hearing was adjourned at 8:24 p.m.

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

These minutes are not considered official until approved at the next meeting of 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 11, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 8:25 p.m.

Regular Members Present: James Conway, Elaine Urban, Alan Johnson, Drew Loya, Kim Tester

Alternates Present: David Miller, William Horrigan, Curtiss Smith

Staff Present: John Cody, Zoning Enforcement Officer and Karen Eddy, Land Use Administrator

Public Present: Jeremy Oskandy, Elliott Davis, Mark Olivieri, Stephen Lasar

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Johnson, Loya, Miller, Tester and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

MARCH 14, 2016

- Public Hearing – Zone D Revised - MOTION to approve the minutes as amended by Urban, seconded by Loya. Vote 4-0 with 1 abstention.
- Public Hearing – Permitted Use – Apartments Zone D – MOTION to approve the minutes as written by Urban, seconded by Loya. Vote 4-0 with 1 abstention.
- Public Hearing - Special Permit – Distillery – MOTION to approve the minutes as written by Loya, seconded by Johnson. Vote 4-0 with 1 abstention.
- Regular Meeting – MOTION to approve the minutes as written by Urban, seconded by Loya. Vote 4-0 with 1 abstention.

BUSINESS

SWANSON/39 DAVENPORT ROAD –Special Permit Application for Home Enterprise – Category III Business

Chairman Conway reminded the Commission that they have 65 days to make a decision on this application and they can now begin discussion of it. Kim Tester questioned whether trucks/vehicles would be included as outdoor storage. In Chairman Conway's opinion registered motor vehicles should not be considered part of outdoor storage. Machines that are being stored (not in use) should be counted as storage, but not vehicles that are in use. Elaine Urban expressed concern that vehicles were considered part of outdoor storage in previous applications. Chairman Conway reminded that the previous applications were a different configuration with other issues that would not apply to this one.

Chairman Conway noted that the latest statement of use shows a cutback in the activities that created the most noise. Kim Tester reminded that there is a large pile of stone that would eventually be used up. Chairman Conway did not think that the loading of stone for stonewalls would be a daily activity. The noisier activities such as screening, chipping and track loading are being eliminated. Kim expressed concern about the noise created by the loading of the materials that are stored in bins.

Elaine Urban asked for clarification about what activity would take place on the site. Chairman Conway pointed out that the daily activity on the site was detailed in the statement of use. He noted that trucks would be loaded up in the morning and would not return until evening. There might be an occasional on-site pick up during the day.

Elaine reiterated that a dump truck backs up to a bin, gets loaded with the described material, leaves the site and returns 5 pm. She noted that the screener, which was a major contributor to the noise, would no longer be used.

Kim Tester expressed concern that the saw mill, owned by Paul Swanson and another person, would also contribute to the noise level. Chairman Conway reminded that restrictions and limitations could be required for any onsite activity. However, the commission has no control over trucks that go on Davenport if they are registered and taxed. Alan Johnson expressed concern about the number of registered vehicles continuing to grow. Chairman Conway felt that limits could be place on the number of vehicles.

Chairman Conway noted that inside storage was limited to 2,000 sq. ft. but this application is well below that limit. Mr. Johnson questioned the size of the outside storage bins which were shown as 10' x 10' on the site plan. Chairman Conway noted he had been on the site and they were not huge.

Kim Tester quoted Section 8.6.1 which states that the Home Enterprise must be clearly subordinate to the use as a residence.

Chairman Conway reminded the Commission of previous approvals for Category II permits that had much more equipment and were visible from the road. He also noted that when the Home Enterprise regulations were written it was not anticipated that four excavation contractors would seek approval under these regulations. After approving three prior permits, it is difficult to go in the opposite direction on this one.

Kim Tester asked if a previously approved application could be reviewed. Attorney McTaggart reminded that additional (new) information at this point was not allowed, but if the information was already part of the record that would be fine.

Attorney McTaggart asked about a wetlands sign-off. John Cody confirmed that all activity is outside of the regulated areas.

Chairman Conway confirmed that all seated members planned to be at the May meeting.

MH Property, LLC / 5 Mine Hill Road – Special Permit Application (Phase 2) for a Craft Brewery, Distillery & Winery
Elliott Davis, owner and Jeremy Oskandy of Howland Assoc. addressed the Commission. Mr. Davis noted that this is Phase 2 of the Special Permit application which covers the train station and barrel house. He noted they have received a variance from ZBA to move the train station and the barrel house has been rezoned. They are looking for approval for the restoration of the train station and the use of the barrel house which is now in Zone D. Mr. Oskandy added that the original drainage plan did incorporate these buildings so there would be no modification needed for this application. He noted that the train station, while still nonconforming, will be moved further back from the setback to allow for rebuilding of the historic platform.

Chairman Conway asked for motion to schedule a public hearing.

MOTION: To schedule a public hearing on May 9, 2016 to solicit public comment on an application by MH Property, LLC, 5 Mine Hill Road for Phase 2 of a Special Permit Application for a Craft Brewery, Distillery and Winery per Section 4.7.7 of the Roxbury Zoning Regulations. Motion by Loya, seconded by Tester and unanimously approved. Vote 5-0.

Rower/340 Painter Hill Road – Zoning Application and Site Plan related to proposed Agri-Business including reconstruction of existing barn and construction of a new barn

Architect, Stephen Lasar and contractor, Mark Olivieri introduced themselves and reviewed the application. Mark noted they primarily wanted to discuss the new (barn) construction which is conforming and indicated that the two larger barns would not be attached. The smaller barn would require ZBA approval. The new barn is approximately 11,000 sq. ft. and includes two stories.

Chairman Conway questioned what activities would take place in the new barn. Mr. Lasar said they would be pressing fruit juices, making apple cider, apple cider vinegar and processing medicinal herbs. These products

would not be sold, but rather sent to New York City and to be given to Mr. Rower's employees. Mr. Lasar described this project as a hobby for a gentleman farmer rather than a business.

Chairman Conway questioned whether any raw materials would be imported. Mr. Lasar noted that maple syrup could be brought to the site for processing from their other properties in town.

It was noted that Wetlands Commission approved this application as a nonregulated activity.

Chairman Conway confirmed that growing apples and processing fruit would be considered an agricultural right of use. Zoning's involvement would be to insure that the proposed structures conform to the zoning setbacks.

Mr. Lasar noted that they anticipate hiring two seasonal employees who would not reside on the property.

Mr. Olivieri explained that a variance is needed to move the small barn back 10' from the road for safety. Also needed from ZBA was an amendment to a previous variance to move the larger barn back an additional 5' from the street in order to obtain a driveway permit.

Attorney McTaggart explained that while this might appear to be an intensification of use, they are permitted as agricultural uses. The buildings, as they are nonconforming, will need ZBA approval.

Tree House Regulations

Attorney McTaggart distributed a handout entitled "Tree houses – Issue Spotting" which was intended to help the commission get a handle on the zoning issues involved with tree houses. She noted that most towns consider them an accessory use/structure which is subordinate /customary to a residential use. There is usually no oversight by the Building Department unless they are habitable. The major points were reviewed and discussed. The document noted the current zoning regulations that would come into play and it gave examples of zoning regulations from other towns. After a fairly lengthy discussion, it was decided that the commission would pursue writing a regulation on tree houses.

Swanson's Application

Attorney McTaggart made suggestions to the Commission as to how to proceed with the process. The Commission could develop a proposed resolution and a draft motion. She suggested reviewing the applicable zoning regulations as an aid to preparing such a resolution. Attorney McTaggart clarified that only seated members (not alternates) could take part in the deliberation process and a decision would have to be made within 65 days. She noted that developing a resolution at the next meeting and voting on it at the following meeting would work within the timelines.

REPORTS

ZEO Report

Report tabled.

A handout on half story regulations was noted as it relates to a question that came to Mr. Cody in regards to a new home being constructed on Judd's Bridge Road. He noted that discussion would be continued at the next meeting.

Chairman's Report

Village District/Zone A - Chairman Conway noted that discussion of a Village District in Zone A will remain on the agenda for future discussion as part of the alternative housing review.

ADJOURNMENT

MOTION: To adjourn the meeting at 9:50 p.m., by K. Tester, seconded by D. Loya and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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ROXBURY ZONING COMMISSION PUBLIC HEARING MAY 9, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Public Hearing to order at 7:31 p.m.

Regular Members Present: James Conway, Alan Johnson, Drew Loya, Kim Tester

Regular Members Absent: Elaine Urban

Alternates Present: David Miller, Bill Horrigan, Curtiss Smith

Staff Present: Zoning Enforcement Officer, John Cody and Karen Eddy, Land Use Administrator

Public Present: Jeremy Oskandy, Elliott Davis, Rene, David, Marie Swanson

SEATING OF MEMBERS

Chairman Conway seated regular members Loya, Johnson, Tester, Smith for Urban and himself.

BUSINESS

MH Property, LLC/5 Mine Hill Road – Special Permit Application (Phase 2) for a Craft Brewery, Distillery & Winery in Business Zone D

The following notices and correspondence were read or noted:

- Notice to Town Clerk
- Legal Notice in Voices on April 27 and May 4, 2016
- Notices to adjacent landowners
- Land Trust letter of support dated May 5, 2016

Presentation of Special Permit Application (Phase 2) by Mine Hill Property LLC:

Elliott Davis, owner of MH Property noted that they have gotten approval to rezone the property where the Barrel House is located to include it in the business district (Zone D) and they have obtained approval from ZBA to move the station back an additional 8 feet from the road. He showed a photo of the Train Station dating back to 1872. He explained that they plan to restore the station to its original character to include the platform on three sides and an awning on two sides. He suggested that the platform could be used as public space for a pop-up museum, art gallery and Land Trust fund raising space. The space will be historic on the exterior and functional and open on the interior. The Barrel House will be used as storage for the bourbon Rhine whiskey. Phase 2 involves shifting the station back and using the barrel house for storage. The parking, drainage, rain gardens and lighting were approved under Phase 1 of the proposal. Jeremy Oskandy of Howland and Associates noted additional parking in front of the barrel house which was included on the original site plan. Mr. Davis remarked that the barrel house and the coal shed are under construction. They are on a fast pace and it's been a positive project so far.

Chairman Conway asked if there were additional questions and noted that most of the site plan had been reviewed and approved prior to this application. This Phase 2 has minor changes. Responding to a question from Alan Johnson, Mr. Davis noted that the coal shed will be mostly storage and workshop.

Curt Smith asked about paving the parking areas. Mr. Davis explained that most of the remote parking for overflow will be permeable - chip stone, permeable pavers or grass. The train station and the main building in front of the garage and the distillery will have a short paved stretch. There is already paved parking in front of the garage and they will probably pave part or all of the rail tracks. Their goal is to show the old tracks between the train station and cigar factory.

Curt Smith asked if the plan shows which parking is to be paved and which is not. Jeremy noted that paved parking was not designated but they designed the drainage plan so that it could handle drainage if all the parking were to be paved.

Curt Smith distributed a sheet which highlighted sections of the zoning regulations that he had questions about: Under Section 5.3.b he questioned where there were vehicular entrances onto Mine Hill and onto the state highway. Mr. Oskandy noted there were no entrances onto Route 67. Mr. Smith noted that there are two separate parcels and the barrel house has frontage on the highway. Mr. Oskandy noted that the driveway access is not onto the highway. Mr. Smith noted that the access south of the garage near the rain garden shows 11 spaces up an embankment on the state highway. He asked if the entrance onto a state highway was approved. Mr. Oskandy noted that the state does not require a permit for under a certain number of parking spaces or traffic load. He did not feel this should hold up the permit. Mr. Davis noted that they far exceed the number of parking spaces required by Zoning. Mr. Smith noted they have 45 spaces.

Curt Smith noted that according to Section 5.4 there can be a maximum of one driveway for each lot fronting on a town road and he wondered if a variance had been approved for more than one.

Mr. Oskandy reiterated that the site plan has been approved except for the barrel house and train station and the parking spaces associated with the barrel house. If these are all genuine concerns we can address them, but the driveways and everything else associated with the site plan are not part of this current application. James Conway agreed that the site plan had been approved.

Mr. Smith noted that driveways are supposed to be a maximum of 30 feet, but the site plan approved shows greater than 30 feet.

Mr. Smith asked about the front yard planting strip (Section 7.8.3). In response Mr. Oskandy noted that as a preexisting, nonconforming site, they have done what they could to make it more conforming. Mr. Davis noted that there would not be room to do a planting strip per the ZBA approval. Mr. Smith wondered why the landscape plan was previously approved for the two additional buildings under review. Mr. Oskandy said the permit functions under one big site plan. There were issues with those two building that caused them to be separated from the original plan. A variance was needed to include these two buildings.

Mr. Smith noted that Section 5.4 requires driveway and parking areas to be paved. Mr. Davis explained that various neighbors such as the Land Trust asked them to limit the paved areas to preserve lawn. Mr. Davis reiterated that these questions are not germane to this application.

Mr. Smith noted that the two new driveways do not conform to the town driveway ordinance. Mr. Oskandy argued that they did meet the requirements as driveways are graded by the center line of the driveway. Mr. Davis noted that this is an existing driveway that is already graded and the question was whether it would be paved or not. Mr. Smith asked whether the Board of Selectman has approved paved aprons. He noted that Section 13.4 incorporates the Town's Driveway Ordinance into the zoning regulations.

Mr. Smith presented a photo of a large puddle next to the train station and he wondered if that would be addressed. Mr. Conway noted that when the train station is moved he would assume they would alleviate that drainage issue which Mr. Oskandy confirmed. Mr. Smith reiterated that there is a low point there and the grading would need to be modified to remove it.

Mr. Smith apologized that because he is new to the commission he has tried to bring himself up to speed regarding this application and as a surveyor for 40 years; these are the issues he questioned.

Mr. Oskandy explained that when dealing with a preexisting, nonconforming site they have to work with what they have. Mr. Conway reiterated that the site plan was previously approved and this application involves moving of the train station and the use of the barrel house for storage only.

There being no further questions, Mr. Conway called for a motion to close the public hearing.

ADJOURNMENT

MOTION: To close the public hearing at 7:59 p.m. by Tester, seconded by Loya and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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Zoning Commission

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ROXBURY ZONING COMMISSION REGULAR MEETING MAY 9, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 8:00 p.m.

Regular Members Present: James Conway, Elaine Urban, Alan Johnson, Drew Loya, Kim Tester

Alternates Present: David Miller, William Horrigan, Curtiss Smith

Staff Present: John Cody, Zoning Enforcement Officer and Karen Eddy, Land Use Administrator

Public Present: Jeremy Oskandy, Elliott Davis, Marie Swanson

SEATING OF MEMBERS

Chairman Conway seated regular members Urban, Johnson, Loya, Tester and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES OF APRIL 11, 2016

Public Hearing - Special Permit – Swanson

MOTION: To approve the minutes as amended by Urban, seconded by Loya. Amendments:

Page 2 - under comments by Mr. Fee – first sentence ends after “selective enforcement.” Page 3, para. 9 – change “move” to “moved”; page 4, para. 4 – change “moved” to “mowed”. Unanimously approved - Vote 5-0.

Regular Meeting

MOTION: To approve the minutes as amended by Urban, seconded by Tester. Amendment - Page 4, second caption – correct spelling of Swanson. Unanimously approved - Vote 5-0.

BUSINESS

MH Property, LLC / 5 Mine Hill Road – Special Permit Application (Phase 2) for a Craft Brewery, Distillery and Winery – Discussion following public hearing:

Elaine Urban stepped down and Curt Smith was seated.

Chairman Conway noted that the special permit application is for moving the train station and for use of the barrel house. He explained that these structures could not be included in the first part of the special permit approved in March because a zone change and ZBA variance were necessary. Chairman Conway asked for a motion to approve this application.

MOTION: To approve the application for a special permit (Phase 2) for a Craft Brewery, Distillery & Winery to include the Train Station and Barrel House. Motion by Loya, seconded by Conway and unanimously approved. Vote 5-0. Supporting reasons were given by each member.

Elaine Urban was seated and Curt Smith stepped down at 8:12 PM.

SWANSON/39 DAVENPORT ROAD –Special Permit Application for Home Enterprise

Chairman Conway noted that the public hearing has been closed and only the five seated members can discuss this application. Chairman Conway explained that the town attorney assisted in putting together a draft motion that was circulated to members. All applicable zoning regulations in Section 8 were addressed. Chairman Conway

summarized #2 (on the draft motion) as follows: The applicants seek to gain approval for limited activities (as set out in the statement of use) related to a landscaping and excavating business with on-site activities essentially limited to woodland screened trucks/equipment parking, employee ingress and egress to set up and unload trucks/equipment before/after day's off-site work.

Chairman Conway explained that employees would come to the site, load their tools, get into trucks at 6:50 am and head off to job sites. Outdoor storage would be limited to 4 bins for materials that are used on job sites. They can return to Davenport Road to get small loads of materials and then leave again. There will be no other activity on the site other than loading materials from bins and repairing of equipment in their shop. No piles of earth will be stored. They will gradually remove the pile of stone and not replenish it. Mr. Conway noted that they are essentially parking their equipment and using the site as a starting place in the morning and an ending zone in the evening.

Kim Tester asked about the items being stored in bins. John Cody noted that according to the statement of use there may be one additional trip to the site per day to pick up materials. Deliveries of materials to the site would be once a month or once a year.

Alan Johnson noted that under Section 8.6.7 it states that all activities should be indoors. Chairman Conway stated that item #11 on the draft motion notes that only activities related to outdoor storage as allowed under Section 8.8 would be authorized. Mr. Johnson argued that everything should be indoors. Chairman Conway explained that loading from the outdoor storage bins could be allowed as an exception under a special permit. Elaine Urban reminded that the regulations do allow for outdoor storage.

Mr. Johnson noted that Section 8.6.3 addresses traffic, activity or noise that cause safety hazard or detract from the rural character. He commented that the loading of gravel makes noise. Chairman Conway argued that the activities proposed on the site would not be that noisy. The applicant has agreed that boulders would no longer be stored on site. He felt that adjustments are needed to the regulation.

Mr. Johnson suggested that the loading gravel makes noise. Chairman Conway reiterated that noise is what started this issue but the worst activities are being eliminated. For instance sand being dumped is not loud.

Mr. Johnson questioned whether the home enterprise was "clearly subordinate to the use as a residence (Section 8.6.1). Kim Tester noted that she did the math and the percentages required in Section 8.6.2 are being followed. She questioned whether they were adhering to the 500 sf for outdoor storage. After the current site plan was reviewed, it was determined that there would be compliance with that regulation. In Chairman Conway opinion, parking does not count as outdoor storage. Elaine Urban noted that everything else is registered. Chairman Conway explained that according to the Town Attorney this application must stand alone and not be compared to previous special permit issued.

Alan Johnson inquired about the number of employees. John Cody noted that according to their statement of use, they would be in compliance with 3 employees.

Kim Tester asked about storage of fuel. John Cody noted that there are no wetlands issues regarding fuel storage.

Alan Johnson asked about hours of operation and deliveries. Chairman Conway read from condition B.4 the delivery hours from 8 to 5 M-F and 9-12 Sat. per Section 8.6.9. He noted that the hours of operation were spelled out in the statement of use. (7 – 5 M – F, no work Sunday).

Chairman Conway noted that if the number of vehicles being parked on site goes beyond 5 the applicant would have to come back to amend the permit. Alan Johnson noted that under Section 8.8.6 the number of vehicles being stored may be limited. Chairman Conway argued that registered vehicles should not be counted as storage. There was further discussion as to whether vehicles should be considered as parked or stored.

Chairman Conway noted that a decision on the draft motion/application will be needed by next month. .

It was noted that winter hours for plowing are in the statement of use.

Alan Johnson expressed concern about the business growing and hiring more employees. John Cody reiterated that to remain in compliance they must adhere to their statement of use which shows 3 employees

Elaine Urban wondered if this application could set a precedent for other comparable businesses. John Cody noted that each application stands alone and no precedent would be set.

Alan Johnson asked about the saw mill. Chairman Conway explained that it is not part of this application and is for the owner's personal use. Mr. Johnson confirmed that the rock screening operation is not being requested under this application.

Chairman Conway explained that other conditions could be added by the Commission. Kim Tester questioned whether this permit would remain with the property. John Cody indicated that it would unless the use was discontinued.

Chairman Conway requested that all seated members attend the next meeting.

Tree House Regulations

Chairman Conway noted that after meeting with the Town Attorney, the Commission decided to continue the process of writing a regulation. John Cody will prepare a proposed regulation to be reviewed next month. Several details such as size, height limitation and setbacks were discussed.

REPORTS

ZEO Report

John Cody reported on the following:

- Private Funerals – No further word has been received from the attorney.
- Montessi Junkyard - Mr. Zach's complaint is under review with the Town Attorney.
- Half story Regulation – Per Town Attorneys recommendation Ridgefield's regulation is being reviewed.
- Eversource project on Transylvania to replace existing poles and transmission lines will proceed.
- ZBA Applications – the three new applications were briefly reviewed.

Curt Smith raised the issue of the deer fencing on Davenport Road. John Cody explained that the property fronts on Route 199 and Wetlands approved the project. Mr. Smith expressed concern that it violates the zoning regulations because of setbacks and color of posts.

John Cody noted that it started as a wetlands complaint for clearcutting. The impact and issues involved with pursuing an enforcement action were vigorously discussed. There was some sentiment for proceeding with an enforcement action to set an example to prevent future violations.

John Cody will discuss the matter with the Town Attorney and report back. Ideas for educating homeowners and contractors about deer fencing regulations were briefly discussed.

Chairman's Report

No report given.

COMMUNICATION

P & Z Newsletter

Distributed in meeting packets.

Chairman Conway asked that if regular members can't make the June meeting to let us know so that alternates could prepare in time. He explained the procedure for seating of members that must be followed.

ADJOURNMENT

MOTION: To adjourn the meeting at 9:25 p.m. by Drew Loya, seconded by E. Urban and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

These minutes are not considered official until approved at the next meeting of 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 13, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Elaine Curley, Alan Johnson, Drew Loya, Kim Tester

Alternates Present: William Horrigan, Curtiss Smith

Alternates Absent: David Miller

Staff Present: John Cody, Zoning Enforcement Officer and Karen Eddy, Land Use Administrator

Public Present: Marie Swanson, Mr. & Mrs. German

SEATING OF MEMBERS

Chairman Conway seated regular members Tester, Curley, Johnson, Loya and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES OF MAY 9, 2016

Public Hearing – MH Distillery – Special Permit

MOTION: To approve the minutes as amended. Motion by Loya, seconded by Johnson and approved. Vote 4-0 with 1 abstention.

Amendments: Page 1 – Under public present remove comma after Rene’.

Page 2, para. 4 – Curt Smith noted that Section 5.4 states that driveways are supposed to be a maximum of 30’ in width. There can be a maximum.....

Page 2, last para.1st sentence - Mr. Smith noted that the two new driveways do not conform to the town driveway ordinance add since they exceed 5% grade within 25’ of the road.

Regular Meeting

MOTION: To approve the minutes as amended. Motion by Curley, seconded by Tester and unanimously approved. Vote 5-0. Amendment: Page 3, para. 5, first sentence ...would have to come back and seek to amend the permit.

BUSINESS

Swanson/39 Davenport Road – Special Permit/ Home Enterprise – Deliberation/Decision

Chairman Conway reminded the Commission that only seated members could speak during this deliberation phase. He asked if any seated members felt they had a conflict of interest regarding this application. No conflicts were noted.

Chairman Conway referred to the Draft Motion (Resolution) with conditions that was discussed at the last meeting. He explained that this is the official document; however, the Commission could still make changes to it.

Kim Tester noted that according to the statement of use the “storage bins” will be restocked every few months or once per year. She suggested that this needed clarification for potential future owners as the permit goes with the property. Alan Johnson suggested limiting the number of truck with deliveries to a maximum of three per month. Jim Conway suggested limiting the amount of yardage received to 10 yards per month. Kim Tester noted she would not be in favor of increasing the number. Following a lengthy discussion the consensus was to leave this

section alone. Elaine Curley noted that the statement of use infers a limited amount of truck traffic and any increase would be subject to scrutiny.

Alan Johnson raised the issue of limiting the number and type of vehicles which could be stored on site at a given time. The distinction between vehicles (cars, trucks and vans) and equipment (excavators, trailers, etc.) was discussed at length. Jim Conway argued that the 5 vehicles allowed to park on the site should not be included as part of the 500' of outdoor storage. He would consider them as parked vehicles not storage. Alan Johnson argued that this approach is not consistent with the spirit of the regulations and he would like to see specific limits placed on the number of vehicles/equipment that could be on the site to no more than 10-14. Jim Conway noted that the applicant has provided a list of 19 vehicles and pieces of equipment included in the business. He felt that the effect on the neighbors was minimal. Elaine Curley noted that Section 15c of the "resolution" states that the proposed activities do not substantially impact or alter the natural features nor are they detrimental to the neighborhood. Drew Loya suggested that any major changes regarding the amount of equipment on site would indicate a change of use that would need to be addressed. After further discussion the Commission was polled. The majority felt that it was not necessary to establish a particular number of pieces of equipment.

Alan Johnson noted that Section 8.6.7 of the Regulations requires home enterprise activity to be contained inside buildings. Chairman Conway explained that on advice from the town attorney some aspects of the regulations could be tweaked and each special permit is different. He reiterated that the amount of activity being conducted is much less than before and should not upset the neighbors. Alan Johnson questioned whether this was stretching to accommodate the activity and whether it was in the best interest of the community. Chairman Conway explained that the Commission is trying to make this work for both sides.

Jim Conway called for a motion to approve the resolution. He noted that individual reasons for a vote were not necessary as all reasons were included in the resolution.

MOTION: To approve the application of Paul & Marie Swanson of 39 Davenport Road for a Category III Home Enterprise Special Permit contingent upon the attached resolution and with conditions.
Motion by James Conway, seconded by Drew Loya. Vote 4 in favor – 1 against. Motion carried.

Tree House Regulations

John Cody distributed a proposed tree house regulation which was reviewed and discussed. It was suggested that treehouses should be considered structures as they are attached to the ground rather than accessory buildings.

The following language was suggested. (Added language is underscored).

Definition: from lowest point on the ground to the highest point of the tree house.

Section 4.9.17: add human habitation and no permanent electrical, water shall be allowed...

Section 5.2.2: Maximum height of the tree house will be limited to 25'.

Section 5.2.3: treehouses must conform to setback regulations.

It was suggested that tree houses be treated like sheds which require a permit (for location), but no fee. Consideration of a "Trees Preservation" list of endangered species/ancient trees was discussed. John Cody will draft a regulation for further discussion. It was noted that David Gardiner is the town's tree warden.

Half Story Regulations

John Cody noted that concern was raised in regard to a house on Judd's Bridge with a third floor that looks like it has 3 stories. He noted the owner plans to finish only 50% of the floor area of the 3rd floor.

Section 20.69 Story - Mr. Cody distributed a proposed regulation along with related background materials. Following a brief discussion, Chairman Conway asked that this information be reviewed for discussion at the next meeting.

REPORTS

ZEO Report

John Cody reported on the following:

- Rower/Calder barn – ZBA approved a 10,000 sq. ft. barn on Painter Hill.
- Hemlock/Weller's Bridge – The carriage house will need ZBA approval. The second cottage would be torn down and rebuilt. The foundation issue is not a legitimate hardship.
- Booth/Grassy Hill – The burning permit, held up by the Fire Marshall, was issued after this property was assigned an address.
- Topland's Farms – Inquiries about a Farmer's Markets have been made. As they are not currently permitted under our Zoning Regulations, a new regulation would have to be written.
- Montessi – Notice of Violation was issued regarding screening of junkyard.

Chairman's Report

No report given

COMMUNICATION

NHCOG Forum on "Supporting Local Food & Agriculture" will be held on June 30th at South Farms, Morris.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:45 p.m., by Kim Tester, seconded by E. Curley and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION REGULAR MEETING JULY 11, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Elaine Curley, Alan Johnson, Kim Tester

Regular Members Absent: Drew Loya

Alternates Present: Curtiss Smith

Alternates Absent: William Horrigan, David Miller

Public Present: Bob Montessi

SEATING OF MEMBERS

Chairman Conway seated regular members Tester, Curley, Johnson, himself and alternate Smith for Loya.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Regular Meeting – June 13, 2016

Correction to the minutes under Treehouse Regulations: the last sentence on page 2 should read: **It was suggested that treehouses should be considered structures rather than accessory buildings as they are attached to the ground.** **MOTION:** To approve the minutes as amended. Motion by Smith, seconded by Johnson and unanimously approved.

BUSINESS

Treehouse Regulations

After lengthy discussion the following changes to the propose regulation were recommended by the Commission: (new language is underscored).

- **Section 18.2.4** – There shall be no fees required for permits pertaining to treehouses regardless of size.
- **Section 5.2.2** - The maximum height of a treehouse shall be limited to 25' measured from the lowest ground elevation anywhere under the structure to the highest point of the roof.
- **Section 4.9.17** – Treehouse(s) shall not be used..... No plumbing or permanent electrical shall be allowed.

Half Story Regulations

Tabled until next meeting.

REPORTS

ZEO Report

The ZEO Report was reviewed.

Diebold's Topland's Farm – It was noted that Diebold's would like to open a Farmer's Market in one of their barns. Chairman Conway noted that the Farmer's Market in Morris is in a commercial zone. He explained that the Zoning Regulations would have to be amended to allow Farmer's Markets on private property. In towns that allow Farmer's Market's they are usually on town property. Creating a regulation to allow Farmer's Markets by special permit was discussed. Chairman Conway agreed to consult the town attorney regarding this issue.

MOTION: To add Bob Montessi to the agenda. Motion by Elaine Curley, seconded by Kim Tester and unanimously approved.

Mr. Montessi explained that in 1986 he got a permit to build a house on 12 acres on 67 Garnet Road. As part of a special permit granted to him by Zoning Commission he was required to plant trees on three sides of the property (700') in order to screen an existing junkyard from view of the neighbors. He noted the junkyard was incorporated in 1954. He was also required to post a letter of credit at the time. Mr. Montessi stated that he planted the trees 3 separate times but they never grew well because of a dense canopy in the area. He questioned why after 30 years the neighbor (Michael Zack) has chosen to complain. He suggested that the statute of limitation on such a complaint has run out.

The Commission was uncertain as to the exact nature of the complaint as they had not seen the Notice of Violation letter. They asked that discussion be postponed until John Cody returns and can provide a thorough explanation to the Commission.

Air BNB Inquiry - After discussion the Commission agreed that this is an area that would be difficult to regulate.

Transylvania Road – the ZEO report noted that road work and drainage issues are being corrected.

Chairman's Report

Mr. Conway noted that he is scheduled to meet with the Chairman of ZBA. They have concerns that too many ZBA applications are coming in because the zoning regulations are too restrictive. They would like the Zoning Commission to consider changing regulations to allow for expansion of nonconforming structures which now require ZBA to deny requests when there is no legitimate hardship.

Elaine Curley asked how many applications ZBA is actually receiving and said she would not be in favor of allowing expansion of nonconformities. She feels the current setbacks are moderate. Curt Smith noted that Woodbury has recently changed their regulations to allow for expansion of nonconformity. Chairman Conway thought that this sentiment might be the result of the recent application for Rower's barn. In that case the barn was actually torn down and they requested permission to rebuild it as a nonconforming structure very close to the road. He stated he would not be in favor of allowing large additions on small (nonconforming) houses. Chairman Conway will report back to the Commission following the meeting.

NHCOG Workshop - Chairman Conway and John Cody attended a workshop on "Supporting Local Food and Agriculture". He explained that Roxbury is way ahead and has been doing most of the things they discussed for the past 10 years.

COMMUNICATIONS

None

ADJOURNMENT

MOTION: To adjourn the meeting at 8:42 p.m. by Curt Smith, seconded by Kim Tester and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION REGULAR MEETING AUGUST 8, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Elaine Curley, Alan Johnson, Kim Tester & Drew Loya

Alternates Present: William Horrigan

Alternates Absent: David Miller & Curtiss Smith

Public Present: None

SEATING OF MEMBERS

Chairman Conway seated regular members Tester, Curley, Johnson, Loya and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Regular Meeting – July 11, 2016

MOTION: To approve the minutes as written. Motion by E. Curley, seconded by A. Johnson and unanimously approved.

BUSINESS

Treehouse Regulations

Chairman Conway noted that proposed regulations are under review by the town attorney.

Half Story Regulations

Chairman Conway noted that proposed regulations are under review by the town attorney.

Farmer's Market

Chairman Conway noted that the Diebold's would like to open a Farmer's Market on their property. He noted that in towns that allow them they are usually on town property and the Farmer's Market in Morris in in a commercial zone. Roxbury's regulations would have to be changed to permit Farmer's Markets. We have been unable to find other towns that allow them on private property. Chairman Conway noted that we are awaiting return of the town attorney to get some guidance on the issue.

ZBA – Nonconformity Issues

Chairman Conway noted that he had met with the Chairman of ZBA. They are concerned that they are turning down applications for modest additions where hardships cannot be proven. ZBA would like Zoning to consider relaxing the regulations to allow for some minor expansions on nonconforming properties to eliminate the burden of going to ZBA. Chairman Conway noted that they discussed allowing expansion up to 25% of the footprint as long as additions were going away from setbacks. Several commissioners spoke in favor of allowing minor expansions within a limited scope. Chairman Conway suggested that members present ideas for amending the regulations at the next meeting. Elaine Curley volunteered to prepare some proposed text.

REPORTS

ZEO Report

The ZEO Report submitted by John Cody was reviewed. It was noted that a letter requesting compliance regarding unregistered motor vehicles was sent to 14 Weller's Bridge Road. The fence issue on Weller's Bridge Road is also being addressed. Chairman Conway noted that the complaint against Mr. Montessi is an enforcement issue which is being addressed by the ZEO.

Chairman's Report

None.

COMMUNICATIONS

A Planning & Zoning Newsletter was distributed with the meeting packets.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:17 p.m. by Kim Tester, seconded by Drew Loya and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION REGULAR MEETING SEPTEMBER 12, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:30 p.m.
Regular Members Present: James Conway and Alan Johnson
Alternates Present: William Horrigan, David Miller and Curtiss Smith
Public Present: Mr. & Mrs. Montesi and Mr. Piskura

SEATING OF MEMBERS

Chairman Conway seated regular members Johnson, Horrigan for Curly, Miller for Tester, Smith for Loya and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Regular Meeting – August 8, 2016

MOTION: To approve the minutes as written. Motion by Horrigan, seconded by Miller and unanimously approved.

BUSINESS

Treehouse Regulations

Chairman Conway noted that the proposed regulations have been approved, but the Commission will hold off on the public hearing until the other pending regulations are ready.

Half Story Regulations

Mr. Cody noted that he had asked the town attorney to approve the proposed changes approved by the Commission and was surprised to receive a memo with several pages of new recommendations. Mr. Cody noted that a diagram (from Ridgefield's regulation) was included in the previous meeting packet. Chairman Conway said he would prefer to see a condensed version of the memo. He noted that these recommendations had just been received and he suggested that the Commission review them for discussion at the next meeting. He reminded the Commission that a complaint regarding a house on Judd's Bridge Road prompted scrutiny of this regulation.

Farmer's Market

Chairman Conway noted that we are waiting for advice from the town attorney. He noted that we do not have a regulation to allow Farmer's Markets so the Commission will have to write one.

ZBA - Nonconformity Issues

Chairman Conway noted that Elaine Curly had volunteered to develop a proposed regulation. Mr. Miller felt that expansion of nonconformity must only be granted when a hardship can be proved. He stated that he would not be in favor of an automatic 25% increase. He expressed concern that there are already a limited number of smaller homes for young people. If we allow the smaller homes to be enlarged they become unaffordable and are no longer available as starter homes. He is in favor of protecting these smaller homes through the use of zoning regulations.

Chairman Conway explained that previously the Commission had discussed the idea of allowing expansion of up to 25% of the footprint. This would allow an elderly couple to add a second bathroom or a younger family to add another bedroom, etc. He noted ZBA's concern that they can't approve these applications because personal hardship is not a valid consideration. ZBA has asked Zoning to consider some regulation changes that might provide some relief.

Chairman Conway read a letter he received from Mr. Piskura. The letter in part asked, "If the road side setback line bisects a house, can one legally add onto the rear of the house, provided the addition is entirely on conforming ground?" The letter also expressed opposition to a 25% restriction.

Chairman Conway also read the Bridgewater and Washington regulations. Mr. Smith noted that in his experience Bridgewater and Washington's interpretation are more common in that an addition behind the setback line is unlimited. Roxbury's interpretation prevents an increase to the mass and/or changes to the characteristics of the nonconforming use.

Mr. Horrigan noted that the concern is having something massive built without some restriction – hence the 25% limit.

MOTION: To add Mr. Piskura to the agenda. Motion by Miller, seconded by Johnson and unanimously approved.

Mr. Piskura reiterated that under Roxbury's interpretation of its regulations if any part of a building is nonconforming, then the whole building is considered nonconforming. He suggested that Zoning restrictions are arbitrary and imposed after the fact. Mr. Miller argued that Zoning regulations are neither arbitrary nor after the fact as these rules were in place when the homes were purchased,

Mr. Piskura noted that Washington's regulations do allow for expansion of a nonconforming building as long as the expansion was in the conforming area outside of the setback.

Mr. Miller explained that the purpose of Zoning is to protect the town. He noted that the town's need for smaller houses could be supported by zoning regulations. He noted that he would be sympathetic to the personal hardship examples presented. He gave an example of homeowners who build on every square inch of property and then have to park across the street.

Mr. Horrigan suggested that we could write a regulation for the elderly couple. Mr. Cody noted that ZBA has the authority right now to grant that as a hardship. Mr. Smith noted that topographic hardships are allowed. He used the example of a very narrow lot along a river where there is no property to expand on. Mr. Miller argued that he did not feel that topography constitutes a valid hardship.

Chairman Conway noted that the zoning regulations were changed to allow handicap access without going through ZBA. He further noted that ZBA presented the case where an elderly couple needed a bathroom downstairs and they could not approve it because there was no valid hardship. Mr. Cody reminded that the reason nonconformity is in the regulations is to reduce or eliminate the nonconformity, not to rubber stamp them.

Mr. Conway expressed the need to work with people and encourage them to stay in town and the 25% would help in these situations.

Mr. Smith wondered if building permits have been denied for additions to nonconforming homes that are beyond the 50 foot setback as that would be unusual. Mr. Piskura suggested that it is permissible to consider a nonconforming house as a guest house and put a larger house beyond the setback.

Mr. Miller noted that his concern is with the 1 & 2-acre lots that are being over built. Mr. Smith worries about denials being appealed if the addition is beyond the setback. Mr. Miller noted that it does defeat the notion of affordable housing.

Mr. Conway asked about the percentage of housing that must be affordable. He noted that in the past the town's quota was satisfied by rental properties. Mr. Miller suggested that it is based on a formula as a % of the number of homes for sale.

Mr. Piskura suggested differentiating between conforming acreage and frontage. Bridgewater's regulation requires a conforming use in a nonconforming building. This eliminates barns within setbacks being converted. Mr. Piskura argued that anything built in a conforming area (outside the setback) should be allowed. He suggested allowing expansion on 3-acre parcels. Mr. Johnson argued that most of the village homes are on smaller lots and should be considered.

Mr. Horrigan suggested that a small bump-out for a bathroom would not affect a 1-acre lot at all. Maybe we need a sliding scale. Mr. Smith cautions that lot coverage should be a consideration.

Mr. Miller said that expansion is prohibited now. Mr. Smith argued that we can't prohibit expansion beyond the setback. Mr. Conway noted that we do allow building beyond the setback. Mr. Miller felt we should restrict the amount of build out.

Mrs. Eddy explained that the town attorney wrote the current zoning regulations. Mr. Cody read a section of the zoning regulations on Non-Conformity which explains that nonconforming buildings cannot be enlarged or altered except where the result is to reduce or eliminate the nonconformity.

Mr. Piskura wondered why the town would want to be more restrictive than other towns. He noted that the ZEO in Brookfield believes that ZBA should offer relief to people in these situations. Mr. Piskura suggested that it is ZBA's job to keep an eye on zoning. Mr. Miller explained that ZBA should not override zoning unless a hardship is proven.

Mr. Horrigan suggested the idea of expansion by creating a second story. Mr. Cody noted that would be considered an intensification of nonconformity and not allowed.

Mrs. Eddy noted that the current regulations were changed 15 years ago and the change was precipitated by the expansion of the Berkley house on Town Line Road. Prior to that the interpretation of nonconformity was as Mr. Piskura suggested, but that was before a huge addition was added to back of a nonconforming house. Mr. Conway noted that if we allow 4,000 sq. foot houses 50 feet from the road, it will change the character of the town.

Mr. Piskura voiced his opinion that expansion behind the 50-foot setback should not be limited. Mr. Smith added that current regulations are not in keeping with other towns. He noted that Woodbury has recently changed its regulation to allow expansion up to a certain percentage on the side of a house as long as it is no closer than 10 feet from the street line.

Mr. Conway noted that the Commission is following its regulations as they currently exist but they would continue to review this issue. If the Commission finds there is need to amend the regulations, then it will work toward that end.

REPORTS

ZEO Report

Mr. Cody reviewed his written report.

- Farmer - 72 Weller's Bridge - The fence is now in compliance.
- Daly's - 14 Weller's Bridge - An extension was granted.
- Hastings - 57 Chalybes West - Investigation proved no compliance issue. The complaint regarding smell was directly to the Newtown Health District.
- Booth - Grassy Hill - No barn permits have been applied for as of yet.
- Rower - 340 Painter Hill Road - They are working on the foundation.
- Mine Hill Distillery - They are beginning the dismantling of the train station.

- Montesi – 67 Garnet Road – A Notice of Violation was issued. The next step would be a Cease and Desist which can be appealed to ZBA. Chairman Conway noted the commission can have no input as this is an enforcement issue

Chairman's Report

None

COMMUNICATIONS

Outdoor wood burning furnaces

Mr. Cody noted the state regulations would apply. He feels there is no need to develop town regulations. A memo from Environment & Human Health (EHHI) was mentioned. It notes that 19 CT towns do prohibit these furnaces.

NHCOG

Housing Forum will take place Sept. 14 at the office in Goshen. It was noted that Elaine Curly could not attend and wondered if other members might be available.

ADJOURNMENT:

MOTION: To adjourn the meeting at 8:32 p.m. by D. Miller, seconded by A. Johnson and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION REGULAR MEETING OCTOBER 11, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:30 p.m.
Regular Members Present: James Conway, Kim Tester and Alan Johnson
Alternates Present: William Horrigan, David Miller
Staff Present: John Cody and Karen Eddy
Public Present: None

SEATING OF MEMBERS

Chairman Conway seated regular members Johnson, Tester, Miller for Curley, Horrigan for Loya and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Regular Meeting – September 12, 2016:

MOTION: To approve the minutes as amended: Motion by Conway, seconded by Johnson and approved with one abstention. (Amend Page 4 -- ZEO Report – Hastings -- change directly to directed).

BUSINESS

Half Story Regulations

Chairman Conway read the definition of Half Story, Section 20.68.1. John Cody explained that this regulation is being scrutinized because of a house Judd's Bridge Road that appears to be three stories high. The owner claims they will not finish the entire third floor interior. Mr. Cody further noted that in the town attorney's recommendations, the word "story" appears many times throughout the regulations and must be addressed.

The Commission discussed at length the factors that determine a half story and a full story in terms of building issues such as rafter placement/angle and flooring along with the differences between pitched roof and flat roof homes. Also discussed was the maximum height of 40' and whether that needed to be adjusted.

In summary, Chairman Conway noted that our proposed changes to the regulations on half story would not ultimately accomplish the desired result of preventing construction of another three-story home in Roxbury. By consensus the Commission decided to leave the current regulation in place.

Farmer's Market

Chairman Conway suggested that a regulation be developed to allow Farmer's Market's by special permit. This would give the Commission control over the number and location of farmer's markets in town. State criteria for certification of a bona-fide farm or /agricultural enterprise could be required. Factors such as number of vendors, parking requirements and days/hours of operation could all be managed.

Mr. Miller raised the issue of bringing in prepared food such as ice cream from local dairy farms.

Chairman Conway encouraged the Commission to work toward regulations requiring a special permit. This would allow neighbors the opportunity to have a voice in the approval process. He urged the Commission to continue to review and study this issue and noted it will remain on the agenda.

ZBA – Nonconformity Issues

Chairman Conway noted that Curt Smith has issues with the current regulations.

After rethinking his original position David Miller suggested that it might be reasonable to allow for expansion of a nonconforming structure as long as the addition is outside of the setback and there is enough property to accommodate it.

Mr. Conway noted that the town attorney previously interpreted this regulation (Section 3.10.4) in a letter that was distributed in which she states that there is no such thing as a conforming portion of a nonconforming building. Mr. Cody noted that a structure is either entirely conforming or nonconforming. He also noted that other towns such as Washington that allow expansion usually do it under a special permit by ZBA.

Chairman Conway suggested allowing for a 25% expansion so that a family in a smaller home could add a bedroom or a kitchen without quadrupling the size of the house. Bill Horrigan raised the issue of a nonconforming house on 100 acres such as the house on Town Line Road. Mrs. Eddy noted that that was the house that started the original controversy with this regulation. Chairman Conway suggested that our residents would probably be upset if we begin to allow large additions like that on nonconforming houses close to the road. He reiterated that we have been correctly following our regulations as interpreted by the town attorney.

Mr. Conway said it's up to the Commission to control the size of additions as that affects the streetscape and look of the town. His suggestion of allowing up to 25% of the footprint would help some families. Mr. Johnson agreed and suggested that even on larger homes, 25% of the footprint would not change the aesthetics as it would be proportional to the house. Ms. Tester said she would not be in favor of additions that are in the setback. Mr. Horrigan spoke of allowing vertical expansion as in a second floor. Chairman Conway and Mr. Johnson argued in favor or limiting it to the footprint only to prevent exceeding the height of the existing structure.

Curt Smith arrived at 8:40 p.m. He was provided a copy of the letter from the town attorney. In his opinion Section 3.10.5 does allow for expansion of a nonconforming structure and it conflicts with Section 3.10.4. Mr. Cody explained that Section 3.10.5 refers only to lots, not structures. Mr. Smith argued that he interprets Section 3.10.5 differently. Chairman Conway commented that he would have to go along with the town attorney's opinion.

Mr. Horrigan recounted his experience with ZBA in which he was given permission to expand vertically, but only after he had reduced the footprint of the structure.

Chairman Conway suggested that since we have a difference of opinion on the interpretation of Section 3.10.5, he would seek clarification from the town attorney.

Mr. Smith asked how Section 3.10.11 figures in on this issue. Chairman Conway explained that that regulation was added strictly for expansion of the Roxbury Market which falls under a special permit use.

Mr. Smith asked to submit an amendment to the minutes (which had been approved earlier in the meeting). Motion by Chairman Conway to amend the approved minutes of the September 12, 2016 meeting at the request of Mr. Smith to clarify his statement. Motion seconded by Mr. Johnson and unanimously approved.

Amendment: Page 3, last sentence: He noted that Woodbury has recently changed its regulations to allow expansion **(delete)** *up to a certain percentage on the side of a house as long as it is no closer than 10 feet from the street line;* **(add)** of a pre-existing non-conforming structure as long as the expansion is no closer to the street than the existing structure.

Chairman Conway reiterated that he would send an email to the town attorney requesting clarification of Section 3.10.5.

Mr. Johnson suggested adding height limits as well. Mr. Conway noted the intent was to protect the aesthetics of areas like South Street that have tiny houses close to the road by preventing big additions to them. Mr. Miller suggested looking at the various zones. He pointed to the Hat Shop House (on Church Street) where a 25% addition might be very small. Mr. Miller and Mr. Johnson noted their agreement with the concept of a 25% expansion.

Mr. Smith stated that he had not spoken to Mr. Piskura about this issue and noted that other towns do allow it. Mr. Conway refuted the suggestion of adding a second building one foot behind an existing building (to get around the regulations). He noted that two houses on one lot would not be allowed. He is in favor of providing "a little relief" that won't change the character of the town too much. Mr. Johnson agreed. They noted that most of the nonconforming homes are smaller homes.

REPORTS

ZEO Report

Mr. Cody reviewed his written report dated October 6, 2016.

Chairman's Report

Chairman Conway reiterated that the Zoning Commission is working on treehouses and farmer's market regulations. The half story regulation is now off the table.

COMMUNICATIONS

- NHCOG hand-out was noted. The Zoning Commission is invited to attend a presentation by Jocelyn Ayer at the Planning Commission Meeting on Thursday, October 13th at 7:30 pm in the town hall.

ADJOURNMENT

MOTION: To adjourn the meeting at 9:06 p.m. by D. Miller, seconded by W. Horrigan and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy, Land Use Administrator

These minutes are not considered official until approved at the next meeting of 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 14, 2016

MINUTES

CALL TO ORDER

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

Regular Members Present: James Conway, Kim Tester, Alan Johnson and Elaine Curley

Alternates Present: William Horrigan, David Miller, Curtis Smith

Staff Present: John Cody and Karen Eddy

Public Present: None

SEATING OF MEMBERS

Chairman Conway seated regular members Johnson, Tester, Curley, Smith for Loya and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Regular Meeting – October 11, 2016:

MOTION: To approve the minutes as amended: (Page 2, para.7, last sentence – change or to of. Page 3, para.5, 4th sentence – change or to of). Motion by Smith, seconded by Tester and approved with one abstention

BUSINESS

Farmer's Market

Chairman Conway noted the Commission had received advice from the town attorney at the October meeting. Mr. Cody noted that we have not received a proposal from Mr. Diebold. Without a proposal before the Commission, Chairman Conway questioned whether the Commission wanted to spend time on this issue right now. Mr. Diebold had originally proposed the idea of housing a Farmer's Market in one of his existing barn. There was discussion as to whether the Commission wanted to develop a regulation that laid out general guidelines governing Farmer's Market's within the special permit process. These could cover such issues as minimum acreage, hours of operation, vendor count, parking, etc. Mr. Cody noted that the town attorney suggested that a State Farmer's Market certification could be required as part of the special permit process. Mr. Smith suggested that a starting point would be to answer the questions asked by the town attorney in her memo.

Mr. Miller discussed the state requirement for a Farm Certificate. Tax exempt status and 490 Status with the town were discussed. Mr. Conway noted there are three phases of agriculture: good crop land, pasture land and one other. Mr. Conway noted that sales tax exemption should be a minimum requirement for establishment of agricultural/farm land.

Answers to the general questions set out by the town attorney were discussed at length:

- Definition of "locally-grown"
- Sale of processed goods (cider, honey, etc.)
- Type of shelter permitted
- Definition of the type of farmer's market in terms of sales arrangement including "coops".

Chairman Conway discussed the term "bonafide farm" which according to Roxbury's Assessor requires a tax exempt status.

Chairman Conway suggested moving forward with the process of developing basic standards for farmer's markets under special permits as follows:

- 1) Address the town attorney's questions
- 2) Use the State guidelines for Farmer's Markets
- 3) Require sales tax exemption

ZBA - NONCONFORMITY ISSUES

It was the consensus of the commission to pursue amending the current regulations to allow for a 25% expansion to nonconforming structures under certain conditions. The expansion must be either up or back. Town attorney's response to Section 3.10.5 was discussed. Mr. Smith felt it does not address his concern. He expressed concern that our regulations are not clear and they are written in the negative. He suggested that they be rewritten for clarity. Mr. Miller argued that section 3.10.4 does clearly address the current question. Mr. Cody agreed to draft an amendment to present to the Commission for review.

REPORTS

ZEO Report

Mr. Cody reviewed his written report dated Nov. 10, 2016.

The complaint regarding outdoor lighting at 53 Southbury Road was reviewed. Mr. Cody was able to get voluntary compliance to the satisfaction of both parties. Roxbury's regulation, Section 5.5 was reviewed. Outdoor Lighting Regulations from the Town of Washington were distributed and discussed at length. Chairman Conway noted that he would like to incorporate Washington's Section 12.15.1 and asked that outdoor lighting remain on the agenda for further discussion.

Chairman's Report

Chairman Conway noted that the Zoning Commission will continue to work on tweaking it's regulations as questions and problems present themselves.

OTHER BUSINESS

Meeting Schedule for 2017

MOTION: To approve the Zoning Meeting Schedule for 2017 as presented (see attached). Motion by Smith, seconded by Curley and unanimously approved.

Election of Officers for 2017

Tabled.

COMMUNICATIONS

- P & Z Newsletter was distributed with the meeting materials.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:39 p.m. Motion by Tester, seconded by Smith and unanimously approved.

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION REGULAR MEETING DECEMBER 12, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:30 p.m.
Regular Members Present: James Conway, Kim Tester and Alan Johnson
Alternates Present: William Horrigan and David Miller
Staff Present: John Cody and Karen Eddy
Public Present: None

SEATING OF MEMBERS

Chairman Conway seated regular members Johnson, Tester, Horrigan for Loya and himself.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Regular Meeting – November 14, 2016

MOTION: To approve the minutes as amended by Tester, seconded by Horrigan and unanimously approved.
Amendments: On page 1, para. 9, third sentence – change one other to scrub brush. On page 2, first sentence – change tax exempt to 490 status; second para. – delete item 3.

BUSINESS

Farmer's Market

John Cody distributed the memo that he sent to the Town Attorney. Item 3 was discussed at length. Mr. Conway will speak to the town's assessor to clear up the question of tax exempt requirements for a "Bona Fide Farm" status. The Commission agreed to wait for advice from the Town Attorney and take it from there.

Nonconformity Regulations

Chairman Conway noted that he had assured Curt Smith that the Town Attorney reviews all proposed regulations by the Commission. Mr. Cody recommended that "footprint" be changed to "square footage". Following discussion the Commission agreed that "footprint" should be the basis for the 25% expansion. Chairman Conway noted the intent would be to keep the nonconforming houses from becoming too large. Expansion up such as with a second story was discussed. The total expansion can only be 25% of the existing footprint/foundation. John Cody was instructed to rework this draft regulation and forward it to the Town Attorney for review. All agreed to add primary dwelling and one expansion per lot to the draft regulation.

Outdoor Lighting

John Cody noted the Town Attorney has the proposed regulation. Kim Tester led discussion of Washington's Section 12.15.1 which states "All exterior lighting shall be shielded and aimed so that the lamps (bulbs) or other light sources cannot be seen from beyond the property served". Members agreed to include this language.

Chairman Conway noted that the public hearings for both the treehouse and lighting text amendments could be done at the same meeting.

REPORTS

ZEO Report by John Cody

- DALY/Weller's Bridge Road – Both cars are now registered. Mr. Cody will inform them that the two new storage pods have a 90-day limit per zoning regulations.
- NOGID/53 Southbury Road – the Schoenholtz's are satisfied with the fix of the outdoor lighting.
- HASTINGS/57 Chalybes West – The chickens will be moved behind the house so they are located outside of the setback.
- FLOR/North Street – Mr. Lowe has dredged Flor's pond and deposited the soils across the street. Mr. Cody advised him that erosion control was needed. The Commission discussed the zoning regulation which limits the amount of fill that can be deposited. It was noted that Mr. Lowe is selling the dirt.
- ROWER/Painter Hill - The barn they are erecting is made of concrete. Mr. Cody noted that a statement of use is on file. He will keep an eye on the project.

Chairman's Report

None

OTHER BUSINESS

Election of Officers for 2017

MOTION: To elect Kim Tester Vice Chairman of the Zoning Commission for 2017. Motion by Horrigan, seconded by Johnson and unanimously approved.

MOTION: To elect James Conway Chairman of the Zoning Commission for 2017. Motion by Johnson, seconded by Horrigan and unanimously approved.

COMMUNICATIONS

NHCOG – A handout regarding the next meeting to be held Dec. 21st was distributed.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:35 p.m. Motion by Tester, seconded by Johnson and unanimously approved

Respectfully submitted,

Karen S. Eddy

Karen S. Eddy

Land Use Administrator

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