



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

## ROXBURY ZONING COMMISSION REGULAR MEETING FEBRUARY 11, 2016

### MINUTES

#### CALL TO ORDER

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

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It was noted that the previous application by the Swanson’s has been withdrawn.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 PM, by R. Crawford, seconded by D. Loya. Motion carried.

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*