



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 PM.

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 PM, by K. Tester, seconded by D. Loya and unanimously approved.

Respectfully submitted,

Karen S. Eddy

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Land Use Administrator

These minutes are not considered official until approved at the next meeting of The Roxbury Zoning Commission