



TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

ROXBURY ZONING COMMISSION REGULAR MEETING MAY 9, 2016

MINUTES

CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 8:00 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, 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

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Land Use Administrator

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