



# 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 PM.

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.1<sup>st</sup> 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 3<sup>rd</sup> 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 30<sup>th</sup> at South Farms, Morris.

## ADJOURNMENT

MOTION: To adjourn the meeting at 8:45 PM, by Kim Tester, seconded by E. Curley 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*