



# 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 PM.

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 PM by Curt Smith, seconded by Kim Tester 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*