



# TOWN OF ROXBURY CONNECTICUT

Zoning Commission

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

## ROXBURY ZONING COMMISSION REGULAR MEETING OCTOBER 11, 2016

### MINUTES

#### CALL TO ORDER

Chairman Conway called the Regular Meeting to order at 7:30 p.m.  
Regular Members Present: James Conway, Kim Tester and Alan Johnson  
Alternates Present: William Horrigan, David Miller  
Staff Present: John Cody and Karen Eddy  
Public Present: None

#### SEATING OF MEMBERS

Chairman Conway seated regular members Johnson, Tester, Miller for Curley, Horrigan for Loya and himself.

#### PUBLIC COMMENT

None

#### APPROVAL OF MINUTES

Regular Meeting – September 12, 2016:

MOTION: To approve the minutes as amended: Motion by Conway, seconded by Johnson and approved with one abstention. (Amend Page 4 -- ZEO Report – Hastings -- change directly to directed).

#### BUSINESS

##### Half Story Regulations

Chairman Conway read the definition of Half Story, Section 20.68.1. John Cody explained that this regulation is being scrutinized because of a house Judd's Bridge Road that appears to be three stories high. The owner claims they will not finish the entire third floor interior. Mr. Cody further noted that in the town attorney's recommendations, the word "story" appears many times throughout the regulations and must be addressed.

The Commission discussed at length the factors that determine a half story and a full story in terms of building issues such as rafter placement/angle and flooring along with the differences between pitched roof and flat roof homes. Also discussed was the maximum height of 40' and whether that needed to be adjusted.

In summary, Chairman Conway noted that our proposed changes to the regulations on half story would not ultimately accomplish the desired result of preventing construction of another three-story home in Roxbury. By consensus the Commission decided to leave the current regulation in place.

##### Farmer's Market

Chairman Conway suggested that a regulation be developed to allow Farmer's Market's by special permit. This would give the Commission control over the number and location of farmer's markets in town. State criteria for certification of a bona-fide farm or /agricultural enterprise could be required. Factors such as number of vendors, parking requirements and days/hours of operation could all be managed.

Mr. Miller raised the issue of bringing in prepared food such as ice cream from local dairy farms.

Chairman Conway encouraged the Commission to work toward regulations requiring a special permit. This would allow neighbors the opportunity to have a voice in the approval process. He urged the Commission to continue to review and study this issue and noted it will remain on the agenda.

#### ZBA – Nonconformity Issues

Chairman Conway noted that Curt Smith has issues with the current regulations.

After rethinking his original position David Miller suggested that it might be reasonable to allow for expansion of a nonconforming structure as long as the addition is outside of the setback and there is enough property to accommodate it.

Mr. Conway noted that the town attorney previously interpreted this regulation (Section 3.10.4) in a letter that was distributed in which she states that there is no such thing as a conforming portion of a nonconforming building. Mr. Cody noted that a structure is either entirely conforming or nonconforming. He also noted that other towns such as Washington that allow expansion usually do it under a special permit by ZBA.

Chairman Conway suggested allowing for a 25% expansion so that a family in a smaller home could add a bedroom or a kitchen without quadrupling the size of the house. Bill Horrigan raised the issue of a nonconforming house on 100 acres such as the house on Town Line Road. Mrs. Eddy noted that that was the house that started the original controversy with this regulation. Chairman Conway suggested that our residents would probably be upset if we begin to allow large additions like that on nonconforming houses close to the road. He reiterated that we have been correctly following our regulations as interpreted by the town attorney.

Mr. Conway said it's up to the Commission to control the size of additions as that affects the streetscape and look of the town. His suggestion of allowing up to 25% of the footprint would help some families. Mr. Johnson agreed and suggested that even on larger homes, 25% of the footprint would not change the aesthetics as it would be proportional to the house. Ms. Tester said she would not be in favor of additions that are in the setback. Mr. Horrigan spoke of allowing vertical expansion as in a second floor. Chairman Conway and Mr. Johnson argued in favor or limiting it to the footprint only to prevent exceeding the height of the existing structure.

Curt Smith arrived at 8:40 p.m. He was provided a copy of the letter from the town attorney. In his opinion Section 3.10.5 does allow for expansion of a nonconforming structure and it conflicts with Section 3.10.4. Mr. Cody explained that Section 3.10.5 refers only to lots, not structures. Mr. Smith argued that he interprets Section 3.10.5 differently. Chairman Conway commented that he would have to go along with the town attorney's opinion.

Mr. Horrigan recounted his experience with ZBA in which he was given permission to expand vertically, but only after he had reduced the footprint of the structure.

Chairman Conway suggested that since we have a difference of opinion on the interpretation of Section 3.10.5, he would seek clarification from the town attorney.

Mr. Smith asked how Section 3.10.11 figures in on this issue. Chairman Conway explained that that regulation was added strictly for expansion of the Roxbury Market which falls under a special permit use.

Mr. Smith asked to submit an amendment to the minutes (which had been approved earlier in the meeting). Motion by Chairman Conway to amend the approved minutes of the September 12, 2016 meeting at the request of Mr. Smith to clarify his statement. Motion seconded by Mr. Johnson and unanimously approved.

Amendment: Page 3, last sentence: He noted that Woodbury has recently changed its regulations to allow expansion **(delete)** *up to a certain percentage on the side of a house as long as it is no closer than 10 feet from the street line;* **(add)** of a pre-existing non-conforming structure as long as the expansion is no closer to the street than the existing structure.

Chairman Conway reiterated that he would send an email to the town attorney requesting clarification of Section 3.10.5.

Mr. Johnson suggested adding height limits as well. Mr. Conway noted the intent was to protect the aesthetics of areas like South Street that have tiny houses close to the road by preventing big additions to them. Mr. Miller suggested looking at the various zones. He pointed to the Hat Shop House (on Church Street) where a 25% addition might be very small. Mr. Miller and Mr. Johnson noted their agreement with the concept of a 25% expansion.

Mr. Smith stated that he had not spoken to Mr. Piskura about this issue and noted that other towns do allow it. Mr. Conway refuted the suggestion of adding a second building one foot behind an existing building (to get around the regulations). He noted that two houses on one lot would not be allowed. He is in favor of providing "a little relief" that won't change the character of the town too much. Mr. Johnson agreed. They noted that most of the nonconforming homes are smaller homes.

#### **REPORTS**

##### ZEO Report

Mr. Cody reviewed his written report dated October 6, 2016.

##### Chairman's Report

Chairman Conway reiterated that the Zoning Commission is working on treehouses and farmer's market regulations. The half story regulation is now off the table.

#### **COMMUNICATIONS**

- NHCOG hand-out was noted. The Zoning Commission is invited to attend a presentation by Jocelyn Ayer at the Planning Commission Meeting on Thursday, October 13<sup>th</sup> at 7:30 pm in the town hall.

#### **ADJOURNMENT**

MOTION: To adjourn the meeting at 9:06 p.m. by D. Miller, seconded by W. Horrigan and unanimously approved.

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*