



# TOWN OF ROXBURY CONNECTICUT

Planning Commission

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

## ROXBURY PLANNING COMMISSION REGULAR MEETING FEBRUARY 11, 2016

### MINUTES

#### CALL TO ORDER

Peter Filous, Chairman, called the meeting to order at 7:30 PM.

Members Present: Peter Filous, Bob Munson, Gary Steinman, and Peter Mariano. Alternate Deirdre Daly was seated as a regular member.

Others Present: Rob Horrigan, Bill Horrigan Bill Curran, Elliot Davis, Mark Olivieri, Jeremy Oskandy, and Greg Cava

#### APPROVAL OF MINUTES

Regular Meeting --- December 10, 2015

MOTION: To approve the minutes of the 12/10/15 Regular Meeting. Motion by Gary Steinman, seconded by Peter Mariano and approved 4-0-1. Filous abstained.

#### NEW BUSINESS

Application for Lot Line Revision – Horrigan/63 & 67 Hemlock Road

Bill Horrigan came forward and reviewed the Boundary Line Revision Map dated January 13, 2016. The proposal is to convey property from 67 Hemlock Road to 63 Hemlock Road to increase lot size of #63 from 1.4 acres to 1.7 acres. A letter was noted as in the file from the property owner of #67 approving this request. #67 will remain over 3 acres to accommodate zoning lot size requirements. #63 is a pre-existing lot; however, this conveyance and lot line revision will allow for proper setbacks.

MOTION: To approve the application for Lot Line Revision for Horrigan/63 & 67 Hemlock Road as shown on Boundary Line Revision Map dated January 13, 2016. Motion by Bob Munson, seconded by Peter Mariano and unanimously approved.

Bill Horrigan agreed to submit the Mylar.

Application for a Lot Line Revision - Rower/Painter Hill Road (Map 38, Lots 1 & 27)

Mark Olivieri, agent for applicant Sandy Rower, came forward and explained that Mr. Rower is requesting a slight lot line revision to allow for the setbacks for barn extensions. A Property Boundary Survey map was reviewed.

Gary Steinman noted that it appears that the PA490 designation for this property is not appropriate and suggested that this be referred to the Assessor.

Mr. Olivieri explained that the two parcels are owned by Mr. Rower and the only change would be to adjust the property line to allow for the barn extension, which will be proposed to the Zoning Commission as an agricultural activity. The plan is for an extension on the existing barn and addition of new barns. Additionally, the rebuilding of a historic barn for which they received a variance in 2008 will be completed.

The lot will increase from 7.76 to 7.85; therefore, 0.14 acres would be changed via this lot line revision request.

MOTION: To approve this application for a Lot Line Revision - Rower/Painter Hill Road (Map 38, Lots 1 & 27). Motion by Bob Munson, seconded by Peter Mariano and unanimously approved.

Referral from Zoning – Petition to amend Zone D by MH Property, LLC, 5 Mine Hill Road, Roxbury

Elliot Davis, owner of Roxbury Station property, and Jeremy Oskandy of Arthur Howland and Associates came forward. Chairman Filous explained that this is a referral to Planning from the Zoning Commission for the extension of Zone D to the easterly portion of 6 Mine Hill Road. This is part of the general plan for Mine Hill Distillery which will restore and preserve this historical site.

The Planning Commission determined that this is in accordance with the Plan of Conservation and Development.

MOTION: To respond in the affirmative to the Referral from Zoning – Petition to amend Zone D by MH Property, LLC, 5 Mine Hill Road, Roxbury. Motion by Gary Steinman, seconded by Bob Munson and unanimously approved.

MOTION: To add to the agenda 8-24 Referral for Proposed Property Purchase from the Town by Ed Cady on Flag Swamp Road. Motion by Bob Munson, seconded by Peter Mariano and unanimously approved.

8-24 Referral for Proposed Property Purchase from the Town by Ed Cady on Flag Swamp Road

The Planning Commission reviewed the map and the memo from First Selectman Barbara Henry dated 2/10/16. It was explained that Ed and Sarah Cady own property that requires a crossing over town property to access. The Town has no use for this 0.112 acre piece of land; therefore, the Board of Selectmen unanimously voted in favor of selling it to Ed and Sarah Cady for \$1,400.

MOTION: To respond in the affirmative to the 8-24 Referral for Proposed Property Purchase from the Town by Ed Cady on Flag Swamp Road. Motion by Peter Filous, seconded by Gary Steinman and unanimously approved.

**OLD BUSINESS**

N/A

**CHAIRMAN'S REPORT**

Discuss and make suggestions regarding subdivision regulations to accommodate Smart Growth as per Plan of Conservation and Development

Review of "Smart Growth Subdivision" memo

Peter Filous discussed the memo distributed and reviewed at previous meetings that included suggestions for subdivisions. He explained that this memo was in reference to having more diversified land planning available if the market accepts it. He reviewed a common interest ownership subdivision concept with single family homes not exceeding 12 buildings on at least 25 acres.

Bob Munson explained that since the Smart Growth Committee has been disbanded this matter is now a Zoning Commission issue. Planning will discuss ideas; however, Zoning is required to act on it in order for anything to go forward.

Gary Steinman reminded the group that at the last meeting they discussed the need for gaining information from the townspeople regarding what kind of accommodations they want in the regulations and how much of a demand there is. He offered to have the Conservation Commission go forward with working on ways of surveying the townspeople perhaps in a town hall meeting type forum. Peter Filous noted that any meeting with the town regarding the use of land should be in conjunction with the land use commissions including Planning and Zoning.

Attorney Greg Cava advised that if you are going to plan small lot zones they should not be done as overlay zones. He explained that Zoning has no authority over land owned in common; this is beyond their authority. Forms of ownership cannot be regulated. Use and density are the only things the Zoning Commission can regulate. You cannot legislate forms of ownership; all you can do is not discriminate against it.

Attorney Cava explained that the town should figure out what problem they would like to solve. For instance, small lot single family homes would attract children. This would require a covenant to restrict the size of the houses.

Gary Steinman questioned whether under current regulation if someone could subdivide a property and create a common interest subdivision. Mr. Cava confirmed that this can occur under currently existing regulations.

Rob Horrigan reported that he had heard grumblings about the three acre zones. He questioned why the Planning Commission does not recommend to the Zoning Commission the return to the three acre zoning. Bill Curran noted that Rob Horrigan brings up a point regarding the return to 3 acre zoning. It was questioned why the Planning Commission would not recommend downzoning as part Smart Growth.

Rob Horrigan noted that common wall housing was mentioned at the last Zoning meeting. Peter Filous explained that seniors often prefer common wall housing for safety.

Bill Horrigan noted that the controlling factors for development are health, setbacks and wetlands. The costs of accessibility and the land are often prohibitive in making homes affordable.

Bill Curran questioned what Planning is trying to accomplish. Peter Filous explained that they would like to have options available. The Town wants to encourage younger families and make it possible for the older population to retire in Roxbury.

#### **COMMUNICATIONS**

##### Available on-line

- Minutes – Zoning Commission Meetings
- Minutes – Wetlands Commission Meetings

#### **ADJOURNMENT**

**MOTION:** To adjourn the meeting at 9:01 PM, motion by Gary Steinman, seconded by Peter Mariano and unanimously approved.

Respectfully submitted,

*Jai Kern*

Tai Kern, Secretary

*These motions are not considered official until approved at the next Regular Meeting of the Roxbury Planning Commission*