

**TOWN OF ROXBURY, CT
PLANNING COMMISSION
REGULAR MEETING**

**DECEMBER 10, 2009
MINUTES**

CALL TO ORDER

Robert Munson, Chairman, determined a quorum and called the meeting to order at 8:00 PM. (It was noted that beginning next month the regular meeting starting time will be at 7:30 PM.)

IDENTIFICATION OF MEMBERS

The members present identified themselves for the record: Robert Munson, Chairman, Arlene Kershner, Damien St. James, Joseph Famighette and Steve Zaleta, Regular Members.

Also present: Barbara Henry, First Selectman, James Conway, Mr. and Mrs. Charles Lobdell.

APPROVAL OF MINUTES

Public Hearing Held November 12, 2009

The minutes of the Public Hearing held November 12 were reviewed by the members. A motion was made by Arlene Kershner to approve the minutes of the Public Hearing held on November 12, 2009 as presented. The motion seconded by Steve Zaleta and carried unanimously.

Regular Meeting Held November 12, 2009

The minutes of the Regular Meeting held November 12, 2009 were reviewed by the members. A motion was made by Arlene Kershner to approve the minutes of the Regular Meeting held November 12, 2009 as presented. The motion was seconded by Damien St. James and carried unanimously.

Motion by Joseph Famighetti to move New Business to be considered before Old Business on the agenda. The motion was seconded by Damien St. James and carried unanimously.

NEW BUSINESS

Charles Lobdell – 389 South Street – Lot Line Revision

Mr. Lobdell explained in a letter to the Commission that the intent of the lot line revision is to transfer 1.895 acres to his neighbor Ira Moskowitz and have this land merged with his existing parcel at 381 South Street.

The Planning Commission reviewed the map for the proposed lot line revision. Mr. Lobdell told the members of the Commission that the property was originally a 9.031-acre parcel, which was subdivided in 1983. There currently is no dwelling on the property of Mr. Moskowitz. Arlene Kershner questioned whether each lot had adequate road frontage and it was determined that there was adequate frontage on both lots. A

letter has been received from the Newtown District Department of Health stating that the Lobdell residence has an approved code complying septic reserve area.

A letter is on file from Mr. Moskowitz agreeing to the proposed lot line revision.

The original area of Parcel B was 4.895 acres. The area to be transferred is 1.895 acres. The proposed area of Parcel B is 3 acres. The original area of Parcel A is 4.136 acres and the proposed area of Parcel A is 6.031 acres.

The members discussed whether the zoning regulations allowed for the creation of a three-acre lot and agreed that this would be permitted because the property was located in Zone B.

Motion by Damien St. James to approve the application of Charles Lobdell for a Lot Line Revision to the property located at 389 South Street. The motion was seconded by Arlene Kershner and carried unanimously.

The members reviewed their understanding of the Zoning Regulations in regard to a free or first cut. The first division of a property before subdivision called a first or free cut is allowed to be a minimum of three acres. Any/all future subdivisions must be a minimum of four acres for property with adequate road frontage and a minimum of six acres plus access way for interior lots.

Arthur Carter – Judd’s Bridge Road – Conservation Restriction

Robert Munson read a letter from Attorney Wendy Federer describing a gift by Arthur Carter of a Conservation Restriction to the Roxbury Land Trust over a portion of his property located in Roxbury. The restricted area represents a total of 382 acres. Area “A”, 20,1879 acres will not be subject to the Conservation Restriction. There will be no residential building allowed in the restricted area. Agricultural uses will be permitted. The restricted area will allow for the placement of septic and other utilities to service other land of Arthur Carter not subject to the restriction.

The maps of the proposed conservation restriction were reviewed.

A letter has been submitted stating that the Roxbury Land Trust has voted unanimously to accept the 382-acre conservation easement from Arthur Carter.

The members of the Planning Commission agreed that the map of the conservation restriction could be approved for filing.

James Conway explained that according to his experience with the Frazier McCann property that land in a Conservation Easement does not come off the tax records. The Land Trust holds the easement not the title to the property.

Robert Munson welcomed James Conway as the new Chairman of the Zoning Commission and said that he looked forward to working together with him.

OLD BUSINESS

Plan of Conservation and Development

Copies of the final revisions to the Amendments to the Plan of Conservation and Development have been circulated to the members of the Planning Commission for their review.

Robert Munson said that he had hoped to have a full membership of the Planning Commission in attendance for the final review and approval. The Commission agreed to table further review until next month's meeting.

Steve Zaleta told the Planning Commission members that he is frustrated with the time it has taken to get the Zoning Commission to enforce their regulations.

Robert Munson said that the Zoning Commission and the new Zoning Enforcement Officer are trying to enforce the regulations but it is a painful process.

Steve Zaleta said that he was looking for some language in the Plan of Conservation and Development that calls for Board and Commissions to follow due process.

Robert Munson said that he has heard positive things about the Zoning Enforcement Officer and hoped that she would follow up with Mr. Zaleta's complaint. Mr. Munson suggested that Mr. Zaleta draft suggested verbiage for the Plan and the Commission can review it next month.

Damien St. James said that the draft Amendments do state the need for enforcement.

Steve Zaleta described the storage of construction equipment on his neighbor's property. He felt that it was clearly more than a home enterprise. Damien St. James said that this was different from other home enterprises because of the large vehicles.

Robert Munson said that they should give the new Zoning Enforcement Officer chance to follow up on the many complaints that she has received.

Barbara Henry reported that the Zoning Enforcement Officer has looked at Mr. Zaleta's neighbor's property and has attempted to follow up with Mr. Zaleta.

COMMUNICATIONS

Inland/Wetland Commission Minutes

The minutes of the most recent meeting of the Inland/Wetland Commission were reviewed. The members agreed that there was nothing significant to discuss.

Zoning Commission Letter – 12/8/09

Robert Munson circulated a letter from the Zoning Commission dated 12/8/09. Arlene Kershner acknowledged that it was a very nice letter from the Zoning Commission. The Planning Commission members expressed their hope that this represents a new beginning.

Robert Munson expressed that he feels that the issue of the election of all Town Board and Commission members which the Planning Commission worked painstakingly on and was on the November ballot was defeated for several unfortunate reasons. He said that many people had told him that they did not see the question on the ballot. There were 100 ballots that were not marked on the issue at all. He felt that the location on the ballot was difficult for the voters to find. Also the article by Barbara Henry in the

newspaper had an influence on the decision. Mr. Munson also reported that a poll worker pointed out the issue to many of the voters. Barbara Henry that the poll watchers should have monitored this and that there is supposed to be no communication with the voters.

Damien St. James said that the last election is not a true reflection of the public's view on the issue of the election of members of Boards and Commissions.

Barbara Henry told the Commission that the State designs the location of any questions on the ballot. She also remarked that you can't keep voting on an issue until you get the answer you want.

Members were reminded that the Regular Meetings for 2010 would begin at 7:30 PM.

Motion by Damien St. James to adjourn at 8:50 PM. The motion was seconded by Steve Zaleta and carried unanimously.

Respectfully submitted,

Christine M. Giordano

Christine M. Giordano,
Planning Administrator

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