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APPROVED BY THE ROXBURY ZONING COMMISSION**

**ROXBURY ZONING COMMISSION
ROXBURY, CONNECTICUT 06783**

**Regular Meeting
Monday, February 8, 2010**

MINUTES

Members Present: James Conway, Robert Falconer, Mary Elizabeth Peck, and Elaine Urban

Members Absent: Gary Coburn

Alternates Present: Stewart Kellerman, John Friedman and William Weed

Staff Present: Mary Barton and Karen Eddy

Others Present: Paul Szymanski, Kyle Szymanski and Jane McMahon

Call to Order: Chairman Conway, called the Regular Meeting to order at 7:30 p.m.

Seating of Members: Chairman Conway seated regular members Conway, Falconer, Peck, Weed for Coburn and Kellerman for Urban.

Public Comment:

Chairman Conway noted that this is the first month that public comment appears on the agenda. No members of the public signed up to speak, but it will be kept on the agenda for future meetings and it will be publicized a bit more.

Approval of Minutes - Regular Meeting of January 11, 2010:

MOTION: To approve the minutes of the Regular Meeting of January 11, 2010 as amended: Page 4, Para. 6, second sentence should read: Stewart Kellerman suggested that the issue of serial commas should not be considered. Delete example. **MOTION BY:** William Weed, seconded by Mary Elizabeth Peck. Carried 4-0, 1 abstention.

Elaine Urban was seated at 7:35 p.m. and Stewart Kellerman stepped down.

ZEO Report:

Complaints by Szymanski: Mary Barton noted that a letter had been received from Paul Szymanski withdrawing all his complaints with respect to potential home enterprise businesses. Mary explained that she had reviewed the list of businesses and found that most are Category I, with a few Category II and III. She questioned what direction the Commission would like to take. Mary Barton further noted that Mr. Szymanski has submitted an application for a Home Enterprise Category II. She indicated that she planned to review the application and if it meets the requirements, she would approve it.

MOTION: To accept the letter from Mr. Szymanski in which he withdrew his complaints regarding Home Based Businesses in town. **MOTION BY:** James Conway, seconded by Robert Falconer. Carried 4-0 with 1 abstention.

Robert Falconer suggested that because of Mary Barton's heavy workload, the list be prioritized by addressing only written complaints.

Mary Barton noted that she planned to develop a database of home enterprises from the list. She noted she would rank order them and she suggested starting with the ones that are visible from the road.

Chairman Conway felt that since the issue has been raised, the Commission must look into some of these businesses. He suggested that Mary Barton undertake a review in a manner in which she feels comfortable without a timeline. Mary Barton suggested starting with the ones that are most visible first. James Conway noted that some would simply mean coming to the town hall for a permit.

As suggested by William Weed, Mary Barton indicated that she would prepare a list of the businesses she intended to review and have it for the next meeting. She reiterated that there are only a handful of Category II and III businesses.

MOTION: To direct Mary Barton to investigate home based business in a soft manner.

MOTION BY: James Conway, seconded by Elaine Urban. Motion carried 4 to 1.

Deer Fencing:

Mary Barton noted that she would have some final language for the Commission by the next meeting. Mr. Conway reviewed the Commission's intention to allow 8' deer fencing along the side and rear boundary. The only issue to be decided was the color, which should be something that blends into the background.

Robert Falconer noted that the fence should be invisible at 50', which mitigated the need for a particular color.

Mary Barton confirmed that the Commission did not have a problem with a fence being on the side and rear boundary, as long as it could not be seen at a distance of 50' from the property line. She suggested the colors of black, brown or green would blend into the background. Mr. Kellerman suggested that the regulation should stipulate colors that would blend in with the natural landscape.

Mary Barton noted that the originally proposed text, read "shall be of a dark or other color to blend with the natural landscape". Elaine Urban suggested adding the colors black, green or brown. James Conway noted that the fence must be mesh (not solid) so it can be seen through.

Robert Falconer asked if deer fencing should be seasonal? Mary Barton said she had never seen regulations that require taking the fencing down. James Conway suggested that the fence should not be seasonal because they're expensive to install and they look fine. He reiterated that deer fencing would not be allowed in the front setback, but could be along the side and rear boundary.

Mary Barton agreed to develop a regulation, have the town attorney review it and bring it back to the Commission for final approval.

Living History Farm:

Mary Barton explained that the building official is attempting to close out old files. The Diebold's Living History Farm has several outstanding permits, which require review for Zoning Compliance. Mary Barton asked James Pierpont to accompany her on the site visit to the farm. The Map entitled "Limited Property Survey Map prepared for D. Diebold, Living History Farm, 102 Painter Hill Road, dated 2/26/08 by Arthur Howland" was referenced. On a color-coded copy of the map Mary Barton noted that the (3) pink barns were part of the original special permit. The three yellow barns, one of which is the antique tractor museum, were erected later and would have to be added to the special permit. Mary Barton pointed out where the overflow parking was located. She explained that bus turning radius, drop off and hours of operation have not changed. Mary Barton asked if the Commission wanted to conduct another public hearing regarding the additional buildings. She felt the Commission could amend the special permit because the boundaries of the special permit would not be exceeded.

Chairman Conway felt that if the scope of the special permit has changed, it should go back before the public. He agreed with Robert Falconer's suggestion that the town attorney should be consulted to determine if the Commission could amend the permit or whether a public hearing would be needed.

Mr. Falconer clarified that the new barns were part of the farm and would now be brought under the "Living History Farm" special permit. One is currently being used for the museum and the others are being used as part of the Living History Farm.

Mary Barton explained that the Zoning Regulations don't address this question. She noted the Commission is not under any time constraints.

Stuart's Food Concession/B&B:

Mary Barton explained that since the public health code requires a bathroom, the Portalet would be replaced by a permanent bathroom in the building. She noted that lighting is still missing from the final plan. Mr. Kellerman questioned whether the septic plan for the bathroom might involve wetland issues. Mary Barton indicated that she would insure compliance with all wetland issues. She noted that a septic plan has been submitted and is being reviewed by Keith Vaughn.

Mary Barton also noted that the parking for the B&B and the food stand are shown on the plan, but the location of picnic tables and the sign are not shown. She understood that they were held up by the cost of the septic, but do plan to open the B&B this spring. She will update the Commission when the final site plan is submitted.

Certificates of Zoning Compliance: Mary Barton explained that the Building Department is closing out old files, which requires her to do a review of the file and an inspection of the property to check for zoning compliance. Karen Eddy noted that this has created a lot of additional work for Mary.

Robert Falconer asked about the absence of a description on the Zoning Compliance Report. Karen Eddy said she would check on the program and get back to him.

Zoning Map: Mary Barton noted that she has been gathering the information needed to update the zoning map. It would then go to HVA who would create a zoning map by parcel for Roxbury.

Robert Falconer asked about the build-out report for the Commercial Zone and the status of the nonconforming building at the transfer station. Mary Barton noted that the Chairman chose not to include these items on the agenda, but she would provide a report on these issues.

Chairman's Report:

Chairman Conway asked about the activity on Apple Lane. Mary Barton noted that Mr. Weinshank, who has obtained a variance for the overhang, is turning the barn into the primary residence and the existing house will become an accessory apartment.

Chairman Conway noted that he has approached Robert Munson, Chairman of the Planning Commission, to discuss the idea a joint meeting with the Zoning Commission possibly twice a year in April and October. These would be posted as special meetings with agendas. April's meeting could focus on Zoning's role in the new Plan of Development.

Chairman Conway's hope would be that these meetings might bring the two Commissions a bit closer and provide an opportunity to discuss issues before animosity develops. He asked if this is something the Commission would like to do? John Friedman, Stewart Kellerman and Elaine Urban spoke in favor of the idea.

Following discussion it was decided that further action would depend on the Planning Commission's response to Chairman Conway's request. If they agreed, then the date for a joint meeting would be set at the next Zoning Meeting.

Roxbury Historic District Commission complaint:

Mary Barton noted that a letter of complaint has been received from the Roxbury Historic District Commission regarding a car that has been parked near 7 Church Street. She noted that she had not received any other complaints regarding this issue, but would follow-up on it. Elaine Urban noted that water on the property had created parking problems in the past, but that has been improved.

Mr. Conway stated for the record that the letter from the Historic District Commission has been received and our ZEO will look into the situation.

Communication:

Chairman Conway noted the Planning & Wetlands minutes were received in the meeting packet.

The Historic District Commission letter of complaint was previously discussed.

The Budget Savings Memo from Barbara Henry was discussed and various ideas offered. It was noted that there is not a quality scanner available that can convert documents to PDF. Chairman Conway felt that the Commission should continue to receive meeting packets prior to the meeting with all pertinent information included. It was decided that the minutes from other Commissions could be found on the website and would not need to be included in the packets. Less important items such as newspaper articles could be received at the meeting.

Barbara Henry asked to be voted onto the agenda.

MOTION: To add Barbara Henry to the agenda. **Motion by** William Weed, seconded by Elaine Urban and unanimously approved.

Barbara Henry discussed a report prepared by the Smart Growth Study Group, which looked at alternative housing concepts for Roxbury. She noted that Gary Coburn represented the Zoning

Commission in this study group. She also noted that some of these ideas would be reflected in the Plan of Conservation. The notion of smaller homes addresses a concern by some older residents who would like to be able to downsize and stay in Roxbury. The report suggests planned residential development with smaller homes that are closer together and that would share a common area. It was noted that the report identifies existing regulations that could be used to support alternative types of housing.

Robert Falconer noted that the Zoning Regulations already allow for smaller houses to be built as accessory to primary residents. Barbara Henry argued that not everybody has the property to do that nor do they want to stay on the property. Mr. Kellerman questioned what would happen to the big house suggesting that it might be needed to fund the new living arrangement.

James Conway clarified that Barbara Henry supported the idea of smaller houses, not multi-family dwellings. Elaine Urban talked about an example of this type of housing in Middlebury.

Stewart Kellerman expressed agreement with the need for this type of housing, but felt it would difficult to find a piece of property that would support the wells and septic. He felt the land is too valuable unless the town subsidizes the development. He questioned whether the idea would be attractive to developers.

James Conway suggested the possibility of using Zone A as a Village District to encourage smaller homes within walking distance of the center of town. Two-acre lot size along with reduced frontage and reduced house size would support smaller homes in this zone, rather than development of some pristine farmland or beautiful ridge top. Zone A which includes the area $\frac{3}{4}$ of a mile in all directions from the monument has plenty of open space. He suggested there could be 15 or 20 smaller houses like Marie White's on two-acre lots. Robert Falconer suggested that the Ranney Hill Subdivision could have been used for something like this

Chairman Conway reminded that one could build an 1,800 sq. ft. house on two acres now without changing anything. Nobody is doing it because they can't make money. Barbara Henry argued that a developer could make money on 20 houses and it's something the Commission should look into.

Barbara Henry noted that the Selectman turned down grant money to study housing in the center of town because they felt they did not want to lose the open space and they wanted to preserve its look. She felt that this sort of proposal would be on the outskirts of town. The Selectman wanted to bring this idea to Zoning to see what they could devise.

Barbara Henry suggested that Roxbury has been spared because the land is too expensive for developers to turn a profit. She does not want to see Roxbury become a bedroom community that would be totally unaffordable. With school enrollment dropping, this type of housing could attract young families, but the houses could not be enlarged.

James Conway questioned what type of changes would be expected. William Weed asked if a search for the appropriate property was being conducted. Barbara Henry suggested that there are places for this type of development in town. It would be for people who want to stay in town but don't want to go into senior housing. Right now we don't have anything to offer them.

William Weed noted that Washington is considering several similar housing plans.

Barbara Henry summarized that it's not affordable housing, but smaller size homes (limited to 1800 sq. ft) with common areas and where half the property would be open space. A developer

would have to be able to make a profit or they would not be interested. She noted that the report references the existing zoning regulations that would pertain along with the regulations that would be needed to make this work.

James Conway expressed concern about the impact of 20 houses on two-acre lots with 20 wells, and 20 septic systems all in one area. He said, "That's a lot of wells sucking water out of the same ground."

Elaine Urban said she recognized the trend and need for smaller homes. She questioned whether the number of 20 houses was determined to make it lucrative for developers?

Barbara Henry offered to make copies of the report for the Commission members.

Review of E-Version Regulations (pages 25-50):

The Commission reviewed pages 25 through 50 of the E-Version Regulations. Corrections were recorded on the master copy for future revision. Assignments were made for the review of the next sections of the regulations as follows:

Pages 51-60 – Elaine Urban; pages 61-70 – Mary Elizabeth Peck; pages 71-80 – John Friedman; pages 81-90 – James Conway; pages 91-100 – William Weed; pages 101-110 – Gary Coburn; pages 51-110 – Stewart Kellerman

James Conway asked that the E-Version regulation file be forwarded to him again.

MOTION: To adjourn the meeting at 9:25 p.m. **Motion by** Elaine Urban, seconded by Gary Coburn and unanimously approved.

Respectfully submitted,

Karen Eddy
Land Use Administrator

CC: First Selectman, Town Clerk, Planning Commission, Wetlands Commission, Conservation Commission, ZEO and Town Attorney

Minutes are subject to approval by the Roxbury Zoning Commission.