

**THESE MINUTES ARE NOT CONSIDERED OFFICIAL UNTIL APPROVED
BY THE ROXBURY ZONING COMMISSION**

**ROXBURY ZONING COMMISSION
ROXBURY, CONNECTICUT 06783**

**Regular Meeting
Monday, March 8, 2010**

MINUTES

Members Present: James Conway, Mary Elizabeth Peck, Elaine Urban and Gary Coburn

Members Absent: Robert Falconer

Alternates Present: Stewart Kellerman, John Friedman and William Weed

Staff Present: Mary Barton and Karen Eddy

Others Present: Steve Zaleta

Call to Order: Chairman Conway, called the Regular Meeting to order at 7:35 p.m.

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

Public Comment:

Mr. Zaleta noted he had asked via email to address the Commission regarding Mr. Szymanski's application. Mary Barton indicated that she had not seen the request. Chairman Conway explained that because this topic was on the agenda, it could not be addressed under public comment.

Approval of Minutes - Regular Meeting of February 8, 2010:

MOTION: To approve the minutes of the Regular Meeting of February 8, 2010 as written.

MOTION BY: Elaine Urban, seconded by Stewart Kellerman. Motion carried 4-0, 1 abstention.

ZEO Report:

Home Enterprises: Mary Barton explained that she is still reviewing the list of home enterprises as well as Mr. Szymanski's application. She expects to provide a report to the Commission next month about the ranking of the home enterprises. At the Chairman's request, Marty Barton agreed to review the Szymanski application with the Commission at the next meeting.

Deer Fencing: The proposed regulation prepared by Mary Barton was discussed. Mr. Kellerman questioned whether section f & h would be practical. Mary Barton indicated that they were included in the draft regulation from the town attorney. Following discussion it was agreed that sections f thru i would be eliminated. Chairman Conway noted disagreement with section d) regarding the visibility of deer fencing. He argued that deer fencing would be visible from 50'. Following discussion it was decided that the 50 feet would be deleted. Elaine Urban suggested language to prevent perimeter fencing of entire properties. James Conway argued that it would be allowed. It was the consensus of the Commission to retain sections a, b, c, and d with the

exception of the fifty (50) feet. Mary Elizabeth Peck questioned the size of the opening no smaller than 4 square inches. Chairman Conway noted that the fence does come in smaller sizes. After further discussion it was decided to eliminate the opening size. Mr. Kellerman suggested combining b and d. Section b would read “Deer fencing shall be constructed of vinyl or vinyl coated materials, shall be dark green, black or brown in color to blend in with the natural landscape and fence shall be of open design (mesh) such that it is not visible. In the final regulation section d was eliminated.

MOTION: To hold a public hearing on April 12, 2010 to solicit public comment on a proposed addition to the Zoning Regulations on Deer Fencing – Section 3.5.2.a. **MOTION BY** Elaine Urban, seconded by Mary Elizabeth Peck and unanimously approved.

Stuart’s Food Concession/B&B – Mary Barton explained that Mrs. Stuart would like to wait until everything is up before she decides where the lighting would be placed. She wants to be respectful of the neighbors and would submit a final as-built to Mary for review and approval. In response to Mr. Kellerman’s concern, Mary Barton noted that the bathroom will now be inside the building eliminating the need for a Portalet and the proposed septic system meets all health department requirements.

Certificates of Zoning Compliance – Mary Barton reminded that she is still working with the building department on old projects that require certificates of zoning compliance.

Chairman’s Report:

Chairman Conway announced that the Planning Commission would hold a joint meeting with the Zoning Commission before their regular meeting on April 8, 2010 beginning at 7:00 pm. Mary Barton noted that Planning would post the agenda and notice of the meeting will be sent to Zoning members as a reminder. Chairman Conway suggested that the issues for discussion would be the Smart Growth Study Report and the new POCD amendments

Chairman Conway noted the issue raised by Stewart Kellerman about the proposed AT&T Cell Tower on Transylvania Road. A proposed letter to AT&T prepared by Mr. Kellerman was distributed, read and discussed. He suggested that nothing could happen until AT&T files an application with the Siting Council, but it would be good to get our letter on the record. He wondered if the Commission would like Mary Barton to note those areas in which the AT&T proposal does not meet our regulations. Mary Barton agreed to review the regulations and prepare a letter to AT&T. Stewart Kellerman noted that the recent wetlands newsletter, “The Habitat”, discusses how to deal with the Siting Council.

Mr. Kellerman noted a concern about the stormwater runoff onto Transylvania and the location of leaching fields, which might be remediated with some changes to the plan such as increasing the size of PVC pipes and requiring a swale along the road. He further noted that the Zoning regulations call for an independent consultant to determine if a cell tower is needed at a given location. Mrs. Urban noted that the balloon test was conducted the day after Thanksgiving. Mr. Kellerman felt it wasn’t that noticeable from the main roads, but it could be to a house located next door. He noted that the balloon was visible from 67 & Transylvania and at the top of Old Roxbury Road but it appeared very far away. He suggested that all Roxbury’s land use commissions should comment on the plan and he sees no reason why the Siting Council wouldn’t require AT&T to make some changes. Mary Barton noted that the Siting Council would deny more for a drainage or wetlands impact than aesthetic reasons. She explained that the tower would be on a hill and the enclosure would not really be visible although some clearing would be necessary. She also noted

that there is an existing driveway that would lead to an equipment building. The plan calls for the building to be enclosed with barbed wire, which she told AT&T would not be necessary in Roxbury. Mr. Coburn wondered why they couldn't accomplish the same thing through the use of repeaters and Mrs. Barton noted that they did not want to go into that at the meeting. She explained that when they make their formal application to the Siting Council, there would be a public hearing in Roxbury.

MOTION: To instruct ZEO, Mary Barton to prepare a letter to AT&T (regarding proposed Cell Tower on Transylvania Road) addressing the Zoning Commission's expressed concerns regarding adherence to its Zoning Regulations (Section 5.11). Letter is to be mailed to AT&T after approval and signature by the Zoning Chairman. **MOTION BY** Gary Coburn, seconded by Elaine Urban and unanimously approved.

Note: Mrs. Urban suggested adding the Zoning Meeting time of 7:30 PM to the letter.

Review of E-Version Regulations (pages 51 thru 110):

The Commission reviewed pages of the E-Version Regulations per assigned sections as follows: Elaine Urban pages 51-60; Mary Elizabeth Peck pages 61-70; John Friedman pages 71-80 (absent); James Conway pages 81-90; William Weed pages 90-100; Gary Coburn pages 101 – 110 and Stewart Kellerman pages 51-110. Corrections were recorded on the master copy for future revision.

Mrs. Eddy agreed to check the renumbering of Section 9.6. Chairman Conway suggested that all members review the remaining 30 pages for the April Zoning Meeting.

Communications:

Chairman Conway noted the communication materials that were distributed especially the new amendments to the POCD.

Gary Coburn shared statistics regarding the sale of Roxbury properties noting that there are currently 31 properties for sale ranging from 4 to 89 acres.

Mr. Kellerman related potential problems with a homeowner who had ordered a prefab home before all the appropriate permits were obtained.

MOTION: To adjourn the meeting at 10:12 p.m. **MOTION BY** Mary Elizabeth Peck, 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.