

**ROXBURY PLANNING COMMISSION
REGULAR MEETING
DECEMBER 11, 2008
MINUTES**

CALL TO ORDER

Robert Munson, Chairman, determined a quorum and called the meeting to order at 7:30 PM.

Present: Robert Munson, Arlene Kershner, Mark Lowe, and Ralph Wescott, Regular Members; Joseph Famighette, Harry Ong and Steve Zaleta, Alternate Members.
Also Present: Doug Divesta, Attorney Greg Cava, Peter Mygatt, and Thomas and Lorraine O'Connell.

APPROVAL OF MINUTES

The minutes of the Regular Meeting held November 13, 2008 were reviewed.

Motion by Arlene Kershner to approve the minutes of the Regular Meeting held November 13, 2008 as presented. The motion was seconded by Ralph Wescott and carried unanimously.

OLD BUSINESS

Plan of Conservation and Development

The item was tabled until later in the meeting.

Smart Development Committee

The item was tabled until later in the meeting.

Frank and Candace Voytershark – 35 Painter Ridge Road – Filing Extension

Robert Munson explained that a request has been received from Brian Neff, as agent for Frank and Candace Voytershark, for a 90-day extension of the filing deadline to resolve the conservation easement agreement.

Motion by Arlene Kershner to grant the request for a 90-day extension of the filing deadline for the Voytershark subdivision. The motion was seconded by Ralph Wescott and carried unanimously.

The Town Attorney as advised that the applicant record a new map with the following language:

“NOTE: This subdivision was approved by the Planning Commission on August 14, 2008, subject to the condition that the “Proposed Conservation Easement” shown hereon be memorialized in a Conservation Easement document approved by the Town Attorney and then recorded on the Roxbury Land Records. Implicit in the Subdivision Approval and the condition is that the Conservation Easement be unencumbered by any mortgages

or lien prior to the sale or conveyance of either Lot 1 or Lot 2 shown hereon. A prior rendition of this map was recorded on September 18, 2008 at 3:00 pm in Volume 18, Page 92 of the Roxbury Land Records; however, at that time and presently an Open-End Mortgage Deed to BNY Mortgage Company LLC dated October 19, 2007 and recorded October 25, 2007 in Volume 104, Page 833 of the Roxbury Land Records encumbers the entirety of the property shown hereon including the "Proposed Conservation Easement" area. In furtherance of the August 14, 2008, approval and with the consent of the applicant and the Planning Commission this map is intended to supersede the above referenced map. Further, this subdivision is still subject to the condition that the Conservation Easement in favor of the Town of Roxbury, which has been recorded on even date herewith, exists unencumbered of any mortgage or lien. Therefore, until such time as the above referenced Open-End Mortgage Deed is either released or subordinated as to the Conservation Easement neither Lot 1 nor Lot 2 may be sold or conveyed. Any such sale or conveyance shall be in violation of the August 14, 2008 approval and the Subdivision Regulations of the Town of Roxbury. At such time that the Conservation Easement exists unencumbered the Planning Commission may issue a notice for recording that this condition has been satisfied."

Motion by Arlene Kershnar that the Planning Commission a new map for the Voytershark Subdivision with the verbiage as recommended by the Town Attorney. The motion was seconded by Ralph Wescott and carried unanimously.

OLD BUSINESS

Paul Kreiger/Thomas O'Connell – 18 Good Hill Lane/Good Hill Terrace – Lot Line Revision

Attorney Greg Cava, agent for Paul Kreiger, explained to the Commission that they are still waiting for an A-2 survey to complete the application. This will hopefully be ready for the next meeting. He told the Commission that letters have been sent to all the neighboring property holders, including the one specifically downstream of the culvert, advising them of the Inland/Wetlands meeting. No neighbors attended the Inland/Wetlands meeting. There has been no formal approve from the Inland/Wetlands Commission yet, although they indicated they have no problem with the plan.

Peter Mygatt – 36 Ranney Hill Road – Lot Line Revision

Doug Divesta, agent for the applicant, described the application. Parcel X is .837 acres. Parcel A will be increased to 44.04 acres and Parcel B will be reduced to 18.159 acres.

Joseph Famighette asked what the purpose of the lot line revision was.

Mr. Divesta explained that the lot line revision would eliminate three wetland crossings in their subdivision proposal. The Inland/Wetland Commission has approved the proposal. The lot line revision does not change any road frontage in the subdivision proposal.

Motion by Mark Lowe to approve the lot line application by Peter Mygatt for the property located at 36 Ranney Hill Road. The motion was seconded by Ralph Wescott and carried unanimously.

Robert Munson reported on a meeting that he attended with the Chairmen of the other Town Land Use Boards. Barbara Henry encouraged all of the Town Boards and Commissions to be involved in the new Plan of Conservation and Development.

It was announced that James Pierpont has submitted his resignation as Zoning and Inland/Wetland Enforcement Officer effective March, 2009. The position will be advertised.

Joseph Famighette questioned why some important decisions by the Zoning Commission do not have to go before a Town Meeting. Robert Munson explained that once the Town adopts particular Zoning Regulations, then they have to abide by the provisions of those regulations.

Plan of Conservation and Development

It was reported that results from the Town Agency Questionnaire are being returned. Postcards have been sent to all Town residents advising them that the resident survey is available on-line.

The next meeting/workshop with the Planning Commission will be set up in January, 2009.

Smart Development Committee

Steve Zaleta reported that the First Selectman and members of the Committee have met with a developer to discuss the concept of a group of smaller homes on smaller lots on property on Southbury Road.

Motion by Ralph Wescott to adjourn at 8:45 PM. The motion was seconded by Mark Lowe and carried unanimously.

Respectfully submitted,

Christine M. Giordano,
Planning Administrator

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