

**ROXBURY ZONING COMMISSION  
ROXBURY, CONNECTICUT 06783**

**Regular Meeting  
Monday, March 9, 2009**

**MINUTES**

**Members Present:** James Conway, Elaine Urban, Toby Goldfarb and Gary Coburn

**Members Absent:** Robert Falconer

**Alternates Present:** William Weed, Mary Elizabeth Peck and Stewart Kellerman

**Others Present:** Mr. Lasky, Mr. & Mrs. Sherman, Mr. & Mrs. Birkins, Mr. Neff, Mr. Szymanski, Atty. Tracey, Mrs. Henry, Mr. Drummond and Atty. Kelly

**Staff Present:** Mary Barton and Karen Eddy

**Call to Order:** Acting Chairman Conway called the meeting to order at 7:32 p.m.

**Seating of Members:** Acting Chairman Conway seated members Goldfarb, Conway, Urban, Coburn and Peck for Falconer

Mr. Conway introduced the new Zoning Enforcement Officer, Mary Barton. Mr. Conway noted that Mary has lots of experience and is highly qualified. She will attend all Zoning meetings and will be in the office during the regular Land Use hours.

**Approval of Minutes:**

**MOTION:** To approve the minutes of the Public Hearing of February 9, 2009 (Mygatt/6.03-acre interior lot) as written.

**MOTION BY:** Elaine Urban, seconded by Toby Goldfarb. Approved 5-0.

**MOTION:** To approve the minutes of the Public Hearing of February 9, 2009 (Mygatt/7.36-acre interior lot) as written.

**MOTION BY:** Elaine Urban, seconded by Gary Coburn. Approved 5-0.

**MOTION:** To approve the minutes of the Public Hearing of February 9, 2009 (Lasky/Special Permit) as amended.

- Page 2, para. 3 – add Attorney Rebecca Rigdon.

**MOTION BY:** Gary Coburn, seconded by Toby Goldfarb. Approved 5-0.

**MOTION:** To approve the minutes the Regular Meeting of February 9, 2009 as written.

**MOTION BY:** Gary Coburn, seconded by Toby Goldfarb. Approved 5-0.

**Appointment of Zoning Enforcement Officer:**

Mary Barton described her extensive background in Planning, Zoning and Wetlands during her 16 years with the Town of Watertown. She currently works as a part-time Land Use Officer for the Town of Thomaston. She noted she has enforced housing, zoning, subdivision, wetlands, aquifer and floodplain regulations as well as worked on Plans of Conservation and Development.

Mary explained that her enforcement philosophy is to try to educate people first as to what the regulations require.

Gary Coburn asked Mary if she would take a proactive approach to enforcement and she responded that she would take her direction from the Commission.

Mr. Conway noted that Mary Barton is a certified Zoning Enforcement Official. Mary described the training and education required for this certification and noted that she is also a certified in Wetlands Enforcement.

Toby Goldfarb noted that Mary Barton has also been appointed as Roxbury's Wetlands Enforcement Officer.

**MOTION:** To appoint Mary Barton as Zoning Enforcement Officer in accordance with the Roxbury Zoning Regulations.

**MOTION BY:** Toby Goldfarb, seconded by Gary Coburn. Approved 5-0.

Zoning Commission members introduced themselves to Mary.

**Lasky/88 Mallory Road – Special Permit Application**

Gary Coburn noted he had driven up Mallory Road several times and needed a four-wheel drive vehicle to make it through. He felt that heavy trucks might cause some damage to the road. He expressed concern about weight limits and potential damage to culverts from heavy vehicles.

Stewart Kellerman reminded the Commission that no new information could be presented as the public hearing had been closed.

Elaine Urban noted that the photos of vehicles/equipment that were submitted at the public hearing were not actual photos of Mr. Lasky's equipment. She expressed concern about basing her decision on incorrect information. It was noted that the photos in question had been submitted at the public hearing by a neighbor.

James Conway asked about the exact number of vehicles that would be covered by the permit and whether the statement of use had been amended to reflect that number. Mr. Kellerman noted that the statement of use had been amended at the January meeting.

Toby Goldfarb asked for clarification of the final amendments to the statement of use.

Mary Barton suggested that a list of talking points and potential conditions might help the Commission to focus its discussion.

Mr. Conway asked for clarification regarding the square footage of the outside storage and whether it conforms to the regulations.

James Conway reiterated that the following information needed clarification: the number of pieces of equipment, the total square footage/area that will be utilized by the business including outside storage and the number of trips to and from the site

Mary Elizabeth Peck expressed concern that the FSM equipment she has noticed on the road is not the same as the photographs that were submitted.

Frank Lasky offered to submit photos of his actual equipment.

Deborah Sherman noted that she had submitted the photos taken from the Internet as representations of the equipment.

Elaine Urban reiterated her concern about basing a decision on incorrect information.

James Conway asked if the Commission would like a report from the ZEO as to the exact vehicles/equipment that are on the site?

Mrs. Urban expressed concern about the turnover of vehicles and monitoring which vehicles and how many are permitted outside the storage shed.

Responding to the Mr. Coburn's request, Mary Barton agreed to visit the Lasky property and prepare a report of exactly what was there. She asked if ownership of vehicles was an issue and Mr. Goldfarb responded that the issue did not come up.

Elaine Urban clarified that Mr. Lasky could have three employees who would trade vehicles while they are working.

Mary Barton asked about deliveries to the site from other vendors? Elaine Urban recalled that materials were not to be stored on the site.

Mary Elizabeth Peck expressed concern that the aerial photos included in the packet were not a current depiction of the site.

James Conway reiterated that the Commission would like Mary Barton to visit the site and provide an accurate description of the vehicles and an actual number of vehicles. He reminded that the Commission must decide what type of activity should be allowed at the site. This would include the number of vehicles and which vehicles would be permitted and possible screening required. He noted that the Commission must make a decision at the next meeting.

Elaine Urban observed that Mallory Road is in good condition. She felt that because it is narrow and steep it might be vulnerable to damage from this type of vehicle.

James Conway reiterated that the Commission would wait for a report from the ZEO. He noted that six vehicles had been discussed. Mr. Kellerman felt it would be helpful to find out exactly which six vehicles would be included.

Mr. Goldfarb noted that the applicant could extend the decision deadline twice by 65 days.

**Szymanski/230 Baker Road – Complaint regarding home based business**

James Conway and Toby Goldfarb felt that this issue had been resolved at the last meeting. Mr. Goldfarb felt the Commission decided that it was a parking issue and there are no Zoning regulations governing parking.

Stewart Kellerman read from Section 4.9 – “It is to be understood that any building or use not included in Zones A, B, C & D as a permitted use is prohibited.” He suggested that parking and storing commercial vehicles in a residential area could be prohibited unless it is allowed as part of a home enterprise special permit.

Toby Goldfarb felt certain there are many instances of vehicles parked in yards and this could be viewed as a fishing expedition.

Mr. Kellerman noted that a Home Enterprise is allowed to have vehicles used in the business. He reminded that this issue was brought to the Commission as a complaint. He suggested that it would not be difficult to get a class 3 home enterprise permit. Mr. Goldfarb argued that the enterprise is being conducted elsewhere.

Elaine Urban felt that waiting for a decision on the Lasky case would be prudent as there are parallels. She suggested that Mr. Szymanski is probably taking a tax deduction on this property to which he argued that he is not taking a tax deduction. Elaine Urban felt that this could be considered a home enterprise if Mr. Szymanski has a home office and phone.

James Conway noted that at last month's meeting it was determined that Mr. Szymanski's business is based in Naugatuck and they are only parking vehicles at the site, not garaging them in an accessory building.

Elaine Urban asked how the Commission would feel if Szymanski wanted to park more vehicles on the site. James Conway argued that he could find no regulation that restricts parking. Stewart Kellerman reiterated that the use regulations (Section 4.9) do not allow the parking of commercial vehicles as a permitted use. Mr. Conway suggested that this might be an issue for the Commission to address in the future.

James Conway reiterated that since there was no application before the Commission, there was nothing to make a decision on or act on. He noted that the item should be removed from the agenda.

### **High Meadow Riding Club**

Toby Goldfarb asked to be recused and William Weed was seated at 8:18 p.m.

Attorney William Tracey introduced himself as the representative of High Meadow Riding Club. He submitted a copy of the notice and proof of mailings that were sent to satisfy 47-42d of the Statutes related to open space, which requires a 60-day notice of filing of an application. Attorney Tracey also submitted an application for a temporary excavation special permit under Section 9 for the excavation and work in connection with a horse exercise ring on the property belonging to High Meadow Riding Club. He noted that three copies of the site plan along with a statement of use were included. Attorney Tracey expected that a public hearing would be scheduled for April 13<sup>th</sup> as has been discussed.

James Conway confirmed that the application and attached documents included a Special Permit Application with a statement of use, property deed, three copies of the site plan, statutory notice of intent to file an application and a copy of the High Meadow Landowners Agreement. Attorney Tracey noted that the application fees had been submitted in December.

**MOTION:** To accept the application of High Meadow Riding Club for a special permit (pursuant to Section 9.7 of the Roxbury Zoning Regulations for the purpose of earth movement and construction of an exercise ring for houses) and to schedule a public hearing for April 13, 2009.

**MOTION BY:** Elaine Urban, seconded by William Week and unanimously approved.

Attorney Tracey also submitted the following documents to be included with the High Meadow Special Permit: an aerial overview of the property and surrounding area, a letter from the contractor which details the quantities (of materials) that were used and a special inspection report from the Department of Agriculture.

In response to Stewart Kellerman's request, Mr. Tracey noted that environmental information would be presented at the public hearing.

William Weed stepped down and Toby Goldfarb was reseated.

**Building Lot Requirements** – Elaine Urban requested that this item be tabled.

**Utility Cabinets**

It was noted that Chairman Falconer was following up with the Town Attorney regarding this issue. Mr. Conway clarified that the Commission wondered if permits could be required for the utility meters/cabinets that were being installed along the road. Mary Barton noted that statutorily there was no requirement for permits. She offered to get more information.

Barbara Henry noted she brought this issue to the commission because she felt the meters are unsightly and some may be in the town right-of-way. Mrs. Henry noted that she had called CL&P but got no response. She feels that at least these structures should be screened.

James Conway noted that the Commission has been trying to get some clarification from the town attorney as to whether the Zoning regulations on structures and setbacks can be enforced when it comes to these installations.

**Review of Zoning Regulation Section 18.1.1**

Mr. Conway tabled discussion until the Chairman returns.

**Plan of Conservation & Development – Assignment of Zoning Representatives**

It was noted that all Commissions are being requested to send representatives to Plan of Conservation focus group meetings. Elaine Urban volunteered to attend. Mrs. Eddy agreed to forward information about the meeting dates to Commission members.

**ZEO Report**

Mary Barton noted that while it is slow she would start reviewing the regulations and would bring questions to the Commissions. She intends to check with Mr. Pierpont to make sure there are no outstanding enforcement actions.

**Chairman's Report** – No report was given.

**Communication:**

Gary Coburn reported that he would be attending a forum on municipal housing development and budgets. He described it as an information symposium on the myths and truths about housing in small towns.

**MOTION:** To adjourn the meeting at 8:45 p.m. **MOTION BY:** Gary Coburn, seconded by Toby Goldfarb and unanimously approved.

Respectfully submitted,

Karen Eddy  
Land Use Administrator

Cc: B. Henry, P. Hurlbut, R. Dirienzo, R. Lowe, J. Pierpont, R. Falconer, R. Munson, G. Steinman, G. McTaggart

**These minutes are not considered official until approved by the Roxbury Zoning Commission**