

**ROXBURY ZONING COMMISSION  
ROXBURY, CONNECTICUT 06783**

**Regular Meeting  
Monday, February 9, 2009**

**MINUTES**

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

**Alternates Present:** Stewart Kellerman and Mary Elizabeth Peck

**Alternate Absent:** William Weed

**Others Present:** Paul Szmanski, Doug DiVesta, Barbara Henry and Tammy McVey-Camilleri of Voices

**Call to Order:** Chairman, Robert Falconer, called the Regular Meeting to order at 9:28 p.m.

**Seating of Members:** Chairman Falconer seated members Robert Falconer, James Conway, Gary Coburn, Elaine Urban and Toby Goldfarb.

**Approval of Minutes:**

- Page 3, para 11: Mr. Goldfarb noted that it should be clarified that they do not have a ZEO due to the resignation of Jim Pierpont.

**MOTION:** To approve the minutes of the Regular Meeting of January 12, 2009 as amended.

**MOTION BY:** Toby Goldfarb, seconded by James Conway. Approved 4-0 with one abstention.

**Mygatt/Ranney Hill – Special Permit Application –Interior Lot- 6.03 acres**

Mr. Coburn discussed that the 250 foot building circle merely needed to be within the property lines since it is an interior lot. Ms. Urban noted that the proposal meets all requirements for an interior lot.

**MOTION:** To approve the application of Mygatt/Ranney Hill – Special Permit Application –Interior Lot 6.03 acres subject to Planning approval.

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

**Mygatt/Ranney Hill – Special Permit Application –Interior Lot- 7.36 acres**

Ms. Urban noted that the proposal meets all requirements for an interior lot.

**MOTION:** To approve the application of Mygatt/Ranney Hill – Special Permit Application –Interior Lot-7.36 acres subject to Planning approval.

**MOTION BY:** James Conway, seconded by Toby Goldfarb. Approved 5-0.

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

The Commission decided to table discussion regarding this Special Permit to allow for time to review the letter and pictures submitted at the Public Hearing.

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

Mr. Falconer read the report from the ZEO report regarding the construction of a driveway without a permit as well as noting intentions to build a barn for home enterprise.

Paul Szymanski Jr. explained that his father, Paul Szymanski Sr., was unaware that a driveway permit was required. A permit application has since been submitted. Mr. Szymanski submitted a copy for the record.

Paul Szymanski explained that Paul Szymanski Sr. is part owner of Moonlight Excavating. He owns one dump truck, a trailer and four pieces of equipment which are parked at times on his property in Roxbury. The office for Moonlight Excavating is located in Naugatuck and at this time there is not an accessory building on his property used for this business. Mr. Szymanski asked the Commission for direction because this does not meet the definition of a Home Enterprise per Regulations.

Ms. Urban suggested that the Commission take time to review the Regulations regarding this situation. The Commission agreed not to make a decision at this time.

**High Meadow Riding Club – Special Permit Application**

Tabled- No application in file

**Building Lot Requirements – Continue discussion**

Tabled

**Utility Cabinets – Clarify Regulations**

Mr. Falconer confirmed that the Commission received the e-mail from the Town Attorney regarding this issue. Mr. Goldfarb noted that the Town Attorney is researching whether the utility companies have been given the authority by the State.

**ZEO Report**

**Review of Zoning Regulation Section 18.1.1 - Appointment of ZEO**

Barbara Henry reported that she has received five applications for the position of ZEO. She explained that the Selectmen are discussing whether this position should continue to be an employee of the Town or a subcontracted position. Another option would be to hire someone to cover the enforcement portion of the position and the Building Official would do the administrative portion of the position.

Gary Coburn reported that they are working on developing a new job description. He noted that his research has found that the position can require education anywhere from a high school diploma to a Master's in Urban Planning. Barbara Henry explained that Certification from the State should be sufficient, which a couple of the applicants have.

Mr. Goldfarb noted that 95% of the position is administrative; therefore, most of the job could be covered by the Building Official. Mr. Conway suggested appointing a Commission member to do the enforcement portion of the position. Mr. Kellerman explained that it has been his experience that the enforcement portion of the position is more difficult. Mr. Falconer did not like the idea of splitting the position. He noted that he would like the person who takes the position to attend the Zoning meetings. Mr. Falconer voiced his concerns with the availability of a subcontractor in this position. Barbara Henry explained that she felt a subcontracted person would be reliable and cost effective.

Mr. Falconer, Mr. Conway and Ms. Henry agreed to meet February 12<sup>th</sup> at 5:30 to further discuss the position.

#### **Chairman's Report**

Mr. Falconer noted that he had nothing to report.

#### **Communications:**

##### **Planning, Wetlands and ZBA Minutes P & Z Newsletter**

Mr. Falconer confirmed the Commission's receipt of the communications.

**MOTION:** To adjourn the meeting at 10:31 p.m.

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

Respectfully submitted,

Tai Kern, Clerk

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

**Minutes are subject to approval by the Roxbury Zoning Commission**