

**Public Hearing
Monday, September 14, 2009**

MINUTES

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

Members Absent: Gary Coburn

Alternates Present: Stewart Kellerman, William Weed

Others Present: Barbara Henry, John Friedman, Timothy & Michelle Stewart, David Beglan,
Dennis McDonald

Staff Present: Karen Eddy

Call to Order: Chairman Falconer called the Public Hearing to order at 7:48 PM.

Seating of Members: Chairman Falconer seated members Falconer, Conway, Urban, Peck and Weed

Proposed addition to the Roxbury Zoning Regulations – Section 5.3.1.i – Electrical Supply Meter Pods/Utility Boxes:

Chairman Falconer read the text of the proposed amendment as follows:

Section 5.3.1.i: Any Electrical Supply Meter Pod and/or Utility Box located within the 50' (fifty-foot) front setback must be screened from view of any road on which the property fronts. The screening must be a natural type i.e. evergreen trees or shrubs that will not lose their effectiveness throughout the year.

Legal Notice: Chairman Falconer read the legal notice that appeared in Voices on September 2 and September 9, 2009. He noted that the same notice had been sent to the Public Notice Registry.

Chairman Falconer read the Town Attorney's comments, which suggested the following text changes:
Any Electrical Supply Meter Pod and/or Utility Box located within ~~50' (fifty foot)~~ ***applicable*** front setback ***is permitted providing*** it must be screened from view of any road on which the property fronts ***or abuts***.

Chairman Falconer noted that if these suggestions were incorporated into the amendment, it would not require a new public hearing.

Chairman Falconer read the referral to the Northwestern Connecticut Council of Governments (NWCCOG). He noted that their response stated that the proposed amendment does not conflict with any plan or policy of the Northwestern Ct. Regional Planning Commission.

Chairman Falconer noted the referral letter, which was sent to the Housatonic Valley Council of Elected Officials (HVCEO). He read their response as follows: "Category 1: Of local concern but with minimal intermunicipal impact, therefore it is not being forwarded to adjacent municipalities. A copy of this notice is being forwarded back to the initiating commission to confirm this action."

Chairman Falconer noted the referral to the Council of Governments of the Central Naugatuck Valley (CGCNV). He read their acknowledgement of receipt, which indicated proof of compliance with the appropriate statutes

Chairman Falconer read the referral to the Roxbury Planning Commission. He confirmed that no response had been received from the Planning Commission.

Chairman Falconer noted referrals had been sent to the Town Clerks and Zoning Commission of Bridgewater, New Milford, Southbury, Washing and Woodbury.

Chairman Falconer opened the hearing for public comment.

David Beglan of 55 Booth Road remarked that he was unable to hear the readings and suggested that a microphone or megaphone would help members of the public who have hearing problems. Mr. Beglan informed the Commission that he had previously spent 9 years on the Zoning Board and 20 years as head of the Planning Commission.

Mr. Beglan told the Commission that he agreed with the concept of hiding ugly electrical boxes. He explained that meter boxes could be free standing or put on or close to the house. Putting boxes near the road used to be expensive because the homeowner was responsible for the cost of cabling from the meter to the house and that could run several thousand dollars. When the meter is placed on the house, the CL&P connection fee is included up to a certain length. A private contractor makes out well financially if the meters are placed out on the road. Mr. Beglan told the Commission that he has been putting electrical meters in Roxbury since 1955 and has seen the regulations changed many times by the power company. He expressed concern that “we’re making the town very complicated for people so that they have to have a lawyer to handle everything now.” He recalled that 1955 it was very nice to be involved in a rural town and the farmers welcomed him.

Mr. Beglan feels the key issue is to keep life simple and laws uncomplicated so that the average person doesn’t need a lawyer to get things done. He feels that it is important to keeping the rural town concept. In his opinion a rural town does not just mean unpaved roads, it’s how people treat each other. He suggests governing by reaching a consensus of opinion rather than creating laws.

Mr. Falconer said the Commission was told that the utility companies were deciding where the meter boxes were placed and not the homeowner. According to Mr. Beglan the homeowner can chose to put the meter on the house or away from it, but is has to come from a road pole. In the past people moving to town cared about fitting in and doing what was customary. The newer people don’t have that concept and are threatening the rural identity of the town.

Mr. Conway noted the difference between electric meters for an individual house and the big green utility boxes installed by AT&T that connects numerous households. The homeowner doesn’t have a choice as to where those are placed. However, if a homeowner decides to put their meter along the road, then we prefer they screen it from view.

If it’s cheaper for a homeowner to put a meter box on their house, Mr. Falconer wondered why they would put them by the road. Mr. Began said they have the money and it’s done for looks. He reiterated that he’s not against screening, but he’d prefer to let the homeowner do it on their own. Mr. Conway argued that without a regulation they wouldn’t.

Mr. McDonald noted that because of the deregulation of the power company the cost of installing power has gone way up. Mr. Beglan noted that it now costs about \$700.

Mr. Beglan complained that because of the regulations a person building an addition has to have a lawyer or a specialist to help him. He talked about his efforts in the past to simplify the application process to make it easier for people. He cautioned about creating a “big, wealthy suburban town for wealthy people”. Mr. Falconer questioned how Mr. Beglan thought this regulation would cause that. He reasoned that if the meter is put on the house and not by the road, it doesn’t need to be screened. But if the owner chooses to put it by the road and everybody has to drive by and look at their meter box, how is requiring screening destroying the town? Mr. Beglan suggested that some of the boxes are actually on town property. Mr. Falconer said that the homeowner is not allowed to put their meter box on town property. Mr. Beglan said but nobody knows that and people build stonewall right on town property. He told a story about how Arthur Miller was made to move his stonewall off of town property.

Mr. Beglan explained that he is against a lot of regulations. It’s been 20 years since he’s come to a Zoning meeting, but he felt strongly about this issue. He told the story of why he resigned as head of the Planning Commission when his wife pointed out that he was enjoying the power too much. He said that in his opinion “telling” instead of “asking” changes the equation.

Barbara Henry told the Commission that Mr. Beglan had recently been honored for his lengthy service to the town. She noted that she asked the Zoning Commission to look into this issue. She disagreed that people need an attorney to get through our regulations, but they show up with them anyway. She feels the Commissions and the Land Use Administrator work hard at helping people get through the process. Many times people will send their attorney and it’s really not necessary.

Mr. Falconer said the Stuarts are a good example. They got through the process without an attorney. Mrs. Henry said they had to go through a couple of public hearings, but so does everybody who wants a special permit. If people came in and got their permits before they built their stonewalls and found out where the town right of way was located, it would not be a problem. Some people just go ahead and do it without asking.

Mrs. Henry suggested that the regulation should include language such as *attach meter boxes to buildings whenever possible*. She feels these boxes are ugly and should not be seen from the road and they should be on our near the house. If they have to be out by the road, they should not be in the town right of way and they should be screened. She noted that one of the big AT&T boxes was going to be put on South Street. She called the homeowners and they were not happy. She talked to AT&T who found a spot off of a dirt road that is screened by trees. They worked with us. She said that most of the time they put them in without asking. She reiterated that this regulation would not require anyone to get a lawyer. If the meters can be attached to the building then they should be. Mr. Falconer said that it’s cost effective so why they wouldn’t do it.

Mrs. Urban suggested there might be concerns about conductivity or proximity to wiring. Mrs. Henry said the electricity has got to get to the house anyway and questioned why it would be ok to zap others as they drive by? Mr. Weed reasoned that it might be that the builders are responsible for putting the electrical meter by the road and the homebuyer ends up purchasing it that way.

Ms. Peck noted that at 200 Painter Hill Road there is a particularly ugly box, which is actually in the town right of way. She questioned whether they would be required to move it. It was noted that it was screened from the house rather than the road. It was felt that the Board of Selectman should address the issue. Ms. Peck said she had heard that they were also going to be putting in a berm. Mrs. Henry agreed to look into it. She noted several others have been installed, but they were totally screened.

Mr. Beglan said that the meters are supposed to be facing in toward the property owner. Mrs. Peck wondered how the meters are read. Mr. Beglan said the utility company drives by and reads it from a truck up to 50' away.

Mrs. Henry reiterated that she would like to add *attach meter boxes to the building wherever possible*. Mr. Conway felt that Zoning doesn't want to tell the homeowner where to put it, but if they do put it in the 50' setback, then it should be screened. He gave the example that if the home has a 700' gated driveway and they want it out by the road so the gates don't have to be opened every time the meter is read, then it's their choice. Mr. Henry suggested that a permit be required.

Mr. Beglan said his meter was installed in 1960 and is on the building. Since it was too far from the road, he was required to pay for an extra pole and wiring from the pole to the house. He said, "That's the way it was done until the decorator's came." He expressed concern about things getting out of hand, such as requiring where the poles should go, or a generator or lights up in trees. Mr. Conway argued that we are discussing the 50' front setback only. Mr. Falconer said there's not supposed to be anything in that front setback. Mr. Beglan said Washington just required generators to be within 12' the house.

Mrs. Henry said she could see Mr. Conway's point and would withdraw her request. If the meter is not in the town right of way and its screened, then she does not see a problem.

Mr. Beglan feels he has protected the town and wants to keep it from changing. Mr. Weed said this regulation is trying to protect the beauty of Roxbury.

Mr. Beglan told a story about the Old Schoolhouse. He was hired to put in a meter box to feed the schoolhouse. He buried it in some bushes near the stonewall opposite the Widmark house. Mr. Widmark cut down the bushes and complained that he could see the meter box. He wanted the meter to be moved. Mr. Beglan explained the difficulty and expense with moving the box. It's still there today and is now on Land Trust property. He has asked the Land Trust to plant trees around it, but they have never done it.

Mrs. Henry asked if the regulation could prohibit utility boxes from being put in the town right of way? Mr. Falconer explained that the DPUC has given the utility company the right to put these boxes wherever they deem necessary. They said they would work with us, but we are still waiting to have that meeting. In the meantime we figured that if we don't have the power to stop them from putting these structures in our setbacks, we can at least try to screen them from the road. That's what this regulation is trying to do.

Mr. McDonald said that many towns are dealing with the issue of UVERSE cabinets used for Cable TV. The cabinets are the size of a refrigerator and many towns are fighting them because they don't like the looks of them. Mrs. Henry said the first one is being installed near public works behind the town hall.

Mr. McDonald said that the new meters emit a constant signal, which may bother people. They may choose to locate the meter away from the house. He suggested that the regulation should exclude homeowners from putting meters in the side setbacks so they won't impact neighbors.

Mr. Falconer pointed out that homeowners are not allowed to put a structure in the side setback. The utility company can do it, but why would they put a utility pod beyond the 50' setback right on the property line? Mr. McDonald argued that it could be because of issues such as ledge, trees, etc. He felt the regulation should prohibit utility meters from being placed in any open space area (front, rear or side). Mr. Falconer reiterated that the regulations do not allow structures in the setback. This regulation only applies to the utility companies because they don't have to pay attention to our regulations.

Mr. McDonald suggested that the regulations require a permit for any structure with a roof. Mr. Falconer said structure is defined as anything on the ground but it doesn't say roof. He asked Mr. Kellerman to check the regulations. Mr. Kellerman said he was fairly certain that the regulations say no structures but don't specify with roofs. Mr. Falconer suggested the conversation was getting off the track.

Mr. McDonald felt the regulation should protect from meters being placed next to a neighbor property. Mr. Falconer noted that the current regulations already prevent that from happening. He reiterated that this new regulation only applies to the structures that utility companies can put in the setback. Mr. Kellerman said the problem is that the utility companies can ignore our regulations and put them anywhere they want. Mr. McDonald said that utility companies have a blanket easement to put something in the right of way but beyond that they don't have any rights. He suggested that every structure including telephone poles and swing sets have a setback. Mr. Falconer reminded him that telephone pole belongs to the utility company. Mr. McDonald argued that if the pole is off the right of way, that's not true. Mr. Falconer said that if the homeowner's is erecting something and paying for it, then it would be considered a structure. Mr. McDonald argued that structures without roofs are allowed (in the setback).

Mr. Falconer asked for other comments. Mrs. Urban and Mr. Kellerman said they agreed with the town attorney's comments.

MOTION: To close the public hearing by William Weed, seconded by Elaine Urban and unanimously approved. (Hearing closed at 8:42 PM).

Respectfully submitted,

Karen Eddy
Land Use Administrator

CC: Board of Selectman, Planning Commission, Conservation Commission, Town Attorney, Zoning Enforcement Officer

These Minutes are not considered official until approved by the Roxbury Zoning Commission.