



TOWN OF ROXBURY, CONNECTICUT

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

Town of Roxbury Responds to Inaccurate Claims Regarding Zoning Enforcement at Properties on Rucum Road

ROXBURY, CONNECTICUT – September 1, 2026

The Town of Roxbury is issuing this statement to address inaccurate claims made publicly regarding the Town's enforcement of its zoning regulations for property at 87 Rucum Road which has been described by the owners' advocates as including a 10-acre tract with small cottage and an adjoining vacant 40 -acre tract for a total of 50 acres. Recent correspondence and media coverage have mischaracterized the Town's lawful application of neutral, longstanding zoning rules that apply equally to all Roxbury properties and property owners in Roxbury and the process by which these properties were reviewed.

Background

The owners of these properties (Charles and Elizabeth Copley) proposed to operate a fee-based business whereby members of the public would pay to access private trails for dog walking and hiking. This proposed use was advertised last April on a commercial platform and involved charging customers for hourly access to the property for dog walking and hiking.

Roxbury's Zoning Regulations, like those in most Connecticut municipalities, operate on a permissive basis: Uses that are not expressly permitted in a particular zone are prohibited. This principle has been repeatedly affirmed by Connecticut courts and ensures predictable, even-handed application of zoning rules across all Town properties.

The Proposed Use Is Not Permitted Under Current Zoning Regulations

The property at 87 Rucum Road (and referenced adjacent land) is located in a residential zone. The proposed commercial dog-walking and trail-access business is not expressly listed as a permitted use in that zone under Roxbury's Zoning Regulations.

The property owners explored classifying their use as a home-based enterprise. However, Roxbury's home enterprise regulations require that such activities be conducted within a dwelling or accessory building by residents of that dwelling, and that the use be customary, incidental and subordinate to the residential use of the property. It was determined that the larger parcel involved contains no dwelling and is not occupied by the property owners, who reside in the neighboring town of Woodbury. The 10-acre tract has a small dwelling that is not occupied by the owners. For these reasons, the proposed use on either property does not qualify as a home enterprise under Roxbury's existing regulations.

The property owners have suggested that the proposed use be classified as agriculture or forestry. While Roxbury's regulations permit agricultural and forestry uses in residential zones, the proposed business—charging fees for public access to walking trails and for dog walking—is not the same as forestry activities such as timber production, forest management, or silviculture. There is a clear distinction between activities conducted *on* forest land and the practice of forestry itself. A fee-based dog-walking and trail-access business is a commercial recreational use, not an agricultural or forestry operation.

Forest Management Plan Does Not Override Zoning

The property owners have cited a forest management plan prepared in conjunction with a licensed forester. The Town recognizes the value of responsible forest stewardship. However, a forest management plan does not amend or supersede the Town's zoning regulations, nor does it authorize commercial uses that are not otherwise permitted under those regulations. Forest management plans are stewardship tools designed to guide sustainable practices on private woodland; they do not grant zoning approval for new commercial enterprises.

Procedural History

In April 2025, a Possible Notice of Violation was sent to the 87 Rucum property owner citing the dog trail use for a fee as advertised on a commercial website. The notice asked that the owner to cease business operations unless the home enterprise requirements could be met. It turned out the properties lack the threshold zoning requirements for a home enterprise: commercial activity conducted inside an occupied house or accessory structure on the same property. The commercial ad was taken down and no appeal was filed.

In early August 2025, the owners applied for a special permit to charge a “conservation fee” for “agritourism” and educational activities to fund the implementation of their conservation/forest management plan. They described the agritourism activities as forestry activities, that would include hiking with or without dogs. At the October, 2025 public hearing on this application, the Zoning Commission learned that the proposed dog walking trails would traverse two parcels--not one as set forth in the application. This meant the Commission could not go forward with the hearing because the notice by the applicants to neighboring property owners was defective—it did not include all adjacent owners of both parcels. Also, questions raised about the legality under zoning of operating a dog-trail business on the unoccupied property. The owners were advised to withdraw their application “without prejudice”, to resubmit with corrected information and to address a valid basis for the special permit. The application was withdrawn that night.

In early December, 2025 the owner was involved in a number of communications with the zoning officials discussing the best process to accomplish their desired commercial dog trail use. He asked if the matter could be mediated with agricultural mediator. Having been told that a new zoning regulation was the best option, he requested either to process a resubmission of the

withdrawn special permit application or “an informational session with the Zoning Commission re Agritourism at 87 Rucum.” He provided a proposed revised special permit application now covering both parcels and a proposed zoning amendment for discussion by the Commission. Neither were officially submitted it was too late to add the discussion to the already issued December 11, 2025 meeting agenda. At that point the Commission was involved in a comprehensive review and update of the zoning regulations that would include examining the agricultural use regulations. Therefore, the owners were advised to wait until the review of the new regulations took place before taking up a proposed zoning amendment. In response the owner asked if he could carry on the agritourism while the zoning review was underway, He was told that the owners cannot conduct any business-related activities on their residential properties without appropriated approval.

The mediation proposal was not acceptable because zoning is not done by contract and lacking a qualifying application, there was nothing denied and there is nothing to mediate.

In mid-February 2026 the zoning officials contacted the owner to initiate a discussion regarding the owners’ use proposals and to discuss alternatives; the owner responded asking if the use is commercial only because money is exchanged, whether the home enterprise regulation applies if activities are outside the dwelling and if the short term rental ordinance is inapplicable because of the hourly rental prohibition and because there is no rental of a dwelling. Keith Rosenfeld, Land Use Administrator, provided very clear answers explaining:

- “It is not because solely because money would be exchanged for access, [but that the use] is regulated because what you are proposing is a NEW land use and ALL land uses are regulated, either administratively by a[n] land use officer or by a land use commission.”
- You are correct that home enterprise provisions regulate ONLY activities conducted within or clearly associated with a (PRINCIPAL) dwelling on that same parcel/lot and CAN ONLY BE carried out on the same parcel as the residence. Not having this occurring in your proposal makes the Home Enterprise zoning regulations NOT apply here.
- “. . . you are able and allowed by the regulations to propose new regulatory language as text amendments that allow the land use you are proposing to be considered by the zoning commission as a "regulated" land use.”
- “I agree that the Short-Term Rental Zoning Regulation does not apply because it regulates the rental of dwellings (as defined in the Roxbury Zoning Regulations. It is my understanding that YOUR proposal does not involve the rental of a dwelling, as defined by the Town.”

The owner responded that he agreed that the Short Term Rental and Home Enterprise regulations do not apply but disagreed with the interpretation that the dog walking business is a new use.

The owner asked for another round of explanations for the activities being classified as commercial rather than an agricultural accessory use—questions already answered over the last year.

The owners did not appeal the Land Use Administrator's decision or interpretation and never followed through with submitting a formal zoning text amendment—a procedure for that is fully set out in the zoning regulations.

The Town's records show that the zoning officials were very responsive with the owners and once they knew the facts, provided clear direction. It has now been almost 6 months since these last communications. The ball is clearly in the property owners' court.

To date, the property owners have failed to exhaust their options, opting instead to abandon the structured process in favor of what appears to be a coordinated public relations assault against the Town and its officials.

Equal and Neutral Enforcement

Roxbury enforces its zoning regulations neutrally and consistently for all property owners. The issue here is not about preventing property owners from enjoying their land or hosting private guests. Rather, it concerns whether a commercial, fee-based business offering public access for dog walking and hiking is permitted under the Town's zoning regulations in a residential district. Under Roxbury's Zoning Regulations this use is not permitted.

The Town has an obligation to all residents to apply zoning regulations fairly and predictably. Allowing one property owner to operate a commercial use not permitted by the regulations would be arbitrary and would undermine the integrity of the zoning framework that protects all Roxbury residents and property owners.

Constitutional and Legal Claims

Recent correspondence on behalf of the owners has raised constitutional claims, including assertions that the Town's enforcement violates equal protection, due process, and property rights. The Town is confident that its enforcement of duly enacted, facially neutral zoning regulations is entirely lawful and constitutional. Connecticut law expressly authorizes municipalities to regulate land use by district and to prohibit all uses that are not expressly permitted. Roxbury's regulations were adopted through proper legislative process and have been applied consistently.

The assertion that the proposed uses should be allowed because other similar uses are permitted in Roxbury is inaccurate. Permitted agricultural activities such as farm stands, and other expressly authorized agricultural uses (apple picking) are fundamentally different from a commercial dog-walking and trail-access business. The only allowance of agritourism in Roxbury is in the business zone in conjunction with a craft distillery use.

Comparing a commercial dog walking business open to the public to short term rentals is akin to comparing apples and oranges. The Connecticut courts generally determine if an activity violates residential zoning by evaluating what the users are actually doing on the property. In a short-term rental context, guests eat, sleep, bathe, and relax—activities identical to that of a permanent resident. But running a paid dog trail or park changes the principal use of the land into a commercial enterprise available to the public. Unlike short term rentals, paying customers bring their dogs to use a property for recreation—they do not inhabit the property residentially. The service provided does not involve anyone “making a home” or using the property to sleep, eat or reside. The hourly fee conflicts with the rent for short term rentals, that in Roxbury and elsewhere, cannot be hourly.

The Town does not selectively enforce its regulations.

Public Process Remains Available

If the property owners wish to pursue a change to Roxbury's zoning regulations to expressly permit commercial dog-walking and trail-access businesses in residential zones, the appropriate avenue is a formal petition for a zoning text amendment. That process includes a written petition, a fee, public notice, a public hearing before the Zoning Commission, and an opportunity for all residents to be heard. Such a process ensures transparency and allows the community to weigh in on whether such a use is appropriate for residential neighborhoods. In these cases, the Commission acts legislatively and has substantial discretion as to whether to adopt the proposed change.

The Town stands ready to work with any property owner who seeks to use the established legal processes available under Connecticut law and Roxbury's regulations.

Conclusion:

Roxbury is committed to fair and consistent enforcement of our zoning regulations. These rules exist to protect the character of our residential neighborhoods and to ensure that all property owners are treated equally. The owners of 87 Rucum Road and adjoining land have been provided clear information about the Town's regulations and processes available to them. Our Town respects property rights as well as the rule of law. If the property owners wish to seek a change to our zoning regulations, the public process is open to them, as it is to all residents.

Contact Information

For further information, please contact:

Patrick Roy, First Selectman

Town of Roxbury

29 North Street

Roxbury, CT 06783

proy@roxburyct.com

860-354-9938