INSTITUTE FOR JUSTICE

November 10, 2026

Via Email to Gail McTaggart (gmctaggart@ctlawyers.com)
Secor Cassidy, PC
Roxbury Town Counsel
c/o Zoning Board of Appeals
Town of Roxbury
29 North Street
Roxbury, CT 06783

Attention: Keith Rosenfeld, kgrosenfeld@roxburyct.com

Re: **Appeal No. VA-26-11872 - 87 Rucum Road, Roxbury, Connecticut 06783,**
Appellant Charles Copley and Elizabeth Grant's Notice of Intention to Resume Operation of Private Hiking at 87 Rucum Road

Dear Ms. McTaggart:

As outlined in our August 27, 2026 letter, under our interpretation of Roxbury's Zoning Code, low impact, private hiking and dog walking are both permissible in Residential Zone C in Roxbury and protected under the Connecticut and United States Constitutions. In our August letter, we asked that if Roxbury's zoning officials disagreed with our interpretation of the Zoning Code or the state or federal constitutions, that they explain their position in writing by September 30, 2026. As we stated, absent a receipt of a zoning determination expressing that the Copleys' proposed use was impermissible, the Copleys would resume allowing low impact, private hiking and dog walking on their property. The Town's position is that, to date, no zoning officials have responded to the Copleys' letter. The only response we received was a September 1, 2026 communication from Roxbury's First Selectman, Patrick Roy. However, during an October 15, 2026 Zoning Board of Appeals ("ZBA") meeting, you represented to us and the ZBA, as Mr. Roy's legal counsel, that he disclaims any authority on zoning matters or the Copleys' case, and that his September 1, 2026 communication did not provide any zoning determination. Therefore, and as previously expressed in our August 27, 2026 letter and at the October 15, 2026 ZBA meeting, the Copleys intend to reopen their hiking trails. **To support these efforts, the Copleys intend to reactivate their Sniffspot reservation page on November 13, 2026.**

I. Roxbury's Zoning Code and the Connecticut and United States Constitutions permit the Copleys to allow low impact, private hiking and dog walking at their 87 Rucum Road property.

As more fully discussed in our August 27, 2026 letter, and again in our September 15, 2026 appeal to the ZBA, the Copleys' proposed land use is permissible as of right

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under Roxbury's Zoning Code and the Connecticut and United States Constitutions.[1] As for Roxbury's Zoning Code, §§ 1.B.1 and 1.C.1 authorize, by-right, all agricultural and attendant agricultural accessory uses in *every* zone. Under the umbrella of agricultural use, both "forestry" and the "operation, management, conservation [and] improvement" of a farm are permitted. Roxbury Code § 7D; *see also* Conn. Gen. Stat. § 1-1(q). While Roxbury's Zoning Code does not further define these terms, they are referenced in the Copleys' forest management plan—a plan recognized by Roxbury as "a true forestry project"—to include recreational uses such as hiking. *See Roxbury Inland Wetlands Comm'n,* Minutes of Mar. 25, 2025 meeting at 1. Further, even if Roxbury's Zoning Code were ambiguous as to the permissibility of the Copleys' land use—and it is not—that ambiguity would have to be read in favor of the Copleys. *See, e.g.*, *Wihbey v. Zoning Bd. of Appeals of Pine Orchard Ass'n*, 323 A.3d 324, 327 (Conn. 2024) ("[Z]oning regulations are in derogation of common law property rights," and thus "doubtful language will be construed against rather than in favor of a restriction." (cleaned up)). Thus, under a fair reading of Roxbury's Zoning Code framed by controlling Connecticut Supreme Court precedent, the Copleys may allow low impact, private hiking and dog walking on their forest trails as part of their forest management efforts.

In addition, and as previously explained, even had Roxbury's Zoning Code prohibited the Copleys from allowing low impact, private hiking on their hiking trails—and again, it does not—such prohibition would be unenforceable because it would violate the Copleys' constitutional rights in multiple ways. First, the Copleys have a right to put their property to peaceful and productive economic use and to invite others onto it. Indeed, article first, § 10 of the Connecticut Constitution prohibits the abolition of common law rights that existed before 1818, and the right to peacefully monetize one's property and to welcome others onto one's property is historically rooted and thus protected. Second, similar uses proliferate around Roxbury, and barring the Copleys from using their property in virtually *identical* ways to neighboring property owners would violate the Copleys' constitutional rights to equal protection. Third, substantive due process principles prevent local officials from conducting arbitrary or irrational zoning actions, enforcing rules that have no authority under local law, or banning completely harmless land uses, like those proposed here.

Put simply, the Copleys are allowed—as a matter of Roxbury's Zoning Code and the Connecticut and United States Constitutions—to allow low impact, private hiking on their forest trails.

II. Roxbury represents that it has not provided any appealable zoning decision concerning the Copleys' desired land use.

In our August 27, 2026 letter,[2] we asked that if the Town disagreed with our interpretation of Roxbury's Zoning Code or the state or federal constitutions, that they explain their position in writing. On September 1, 2026, First Selectman Patrick Roy sent us a letter that seemed to provide the requested response. In his letter, Mr. Roy argued that Roxbury's Zoning Code banned the Copley's proposed land use and that the only way they could allow low impact, private hiking on their hiking trails was to amend the Code. Believing that Mr. Roy's letter represented the official

[1] We reaffirm and reincorporate the August 27, 2026 letter and September 15, 2026 appeal and supporting documents into this correspondence.

[2] The Copleys counsel sent the letter to Roxbury's Zoning Enforcement Officer, members of the Zoning Commission, Roxbury's Land Use Administrator, and Roxbury's First Selectmen.

position of the Town and its zoning officials, the Copleys timely appealed to the ZBA on September 15, 2026.[3]

But then, on October 6, 2026, you sent a letter to Roxbury's Land Use Administrator, Keith Rosenfeld, advising that you did not believe Mr. Roy's September 1, 2026 letter constituted an appealable zoning decision after all. You advised that the "letter" was actually just a "press release" and that, in any event, Mr. Roy has no authority on zoning. As a result, you argued that the ZBA had no jurisdiction to hear the Copleys' appeal and told the ZBA that they "must" decline to address its merits. The Copleys, through counsel, responded to your letter on October 14, 2026, explaining why they believed the ZBA had jurisdiction.

On October 15, 2026, the Copleys, their counsel, and you (as Roxbury's Town Counsel) all made presentations to the ZBA concerning whether Mr. Roy's September 1, 2026 letter constituted an appealable zoning decision. At that meeting, you stated that, in addition to your role as Roxbury's Town Counsel, you also represented Mr. Roy; and that he had authorized you to instruct the ZBA that Mr. Roy had no authority on zoning and that his September 1, 2026 letter was not a zoning decision. The Copleys' counsel responded that if Mr. Roy's letter did not provide a zoning decision, then the Copleys reserved the right to resume offering low impact, private hiking and dog walking on their hiking trails, because they had not otherwise been provided a zoning determination barring the land use. Relying on your representations, the ZBA found that it did not have jurisdiction to hear the appeal.

III. The Copleys will reactivate their Sniffspot reservation page on November 13, 2026.

In light of your representations—adopted by the Town and the ZBA—that Mr. Roy's September 1, 2026 letter was not a zoning determination, the Copleys remain without a formal interpretation from the Town concerning the legality of low impact, private hiking and dog walking on the Copleys' 87 Rucum Road property. But as indicated in our August 27, 2026 letter and throughout the course of this matter, the Copleys' stance is, and remains, that the use is legal; and despite multiple requests from the Copleys on the question, you and the Township have not indicated otherwise. Accordingly, based on our view that the use is legal, and in direct reliance on your representations (and those of your client) that the Town has yet to take a position to the contrary, the Copleys intend to resume their previous use, beginning with offering their property for reservations starting on November 13, 2026.

[3] Before seeking relief from the ZBA, the Copleys, through counsel, advised Mr. Roy and Roxbury's zoning officials that they interpreted Mr. Roy's September 1, 2026 letter to be a formal zoning determination. *E-mail from Ari Bargil* (Sept. 3, 2026, 14:49 ET). The Copleys' counsel asked Roxbury town officials to advise if Mr. Roy's letter was *not* intended to provide a zoning interpretation or decision. *Id.* Roxbury's zoning officials did not respond to the Copleys' request for clarification. *Id.*

Sincerely,

Institute for Justice for Charles Copley and Elizabeth Grant

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