



**TOWN OF OXFORD
PLANNING & ZONING COMMISSION**
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Planning & Zoning Commission
Regular Meeting Agenda
Tuesday, August 17, 2021
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall

The meeting is accessible online by using the following information:

Zoom Meeting: <https://zoom.us/j/6727345461?pwd=d3NvbG8zWmNSWnlVQmgrZGdBNyt6dz09>
Meeting ID: 672 734 5461
Passcode: 588851

Join by Phone: +1 929 205 6099
Meeting ID: 672 734 5461
Passcode: 588851

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. SEATING OF ALTERNATES

V. PUBLIC HEARINGS

A. Recessed Public Hearings – NONE

B. New Public Hearings- NONE

C. Future Public Hearings

1. PUBLIC HEARING - *September 7, 2021*, on the following:

**Proposed Amendment to the Zoning Regulations - Proposed Moratorium on retail sales,
manufacture, and cultivation of Marijuana/Cannabis**

VI. REGULAR MEETING BUSINESS

A. Amendments to the Agenda – NONE

B. Audience of Citizens – (Items not listed on the Agenda)

C. Correspondence

- a. Memorandum from the Office of the First Selectman
RE: Fiscal Year 2020-2021 Annual Report (Due by Monday, August 23, 2021)
- b. CT Federation of Planning & Zoning Agencies Quarterly Newsletter- Summer 2021

D. Old Business – Matters on which a Public Hearing was held – NONE

E. Old Business – Other Matters

F. New Business – Schedule a Public Hearing

1. **Z-21-126 [COMM] – 126 Oxford Road – Owner:** Mark Cipriano, Napoli Woodbury, LLC –
Dollar General Plaza, 58 Pleasant Drive, Southbury, CT – **Applicant:** Gagandeep Sachdeva, – 9 Fox
Run Lane, Seymour, CT 06483 (*Application for a Special Exception pursuant to Article 7, Section
7.3, 7.3.16 – Sale of Alcoholic Beverages*)

Schedule Public Hearing – Suggested date: September 21, 2021

G. New Business

H. Zoning Enforcement

1. None

I. Minutes

1. 7/20/2021 – Regular Meeting Minutes
2. 8/3/2121- Regular Meeting Minutes

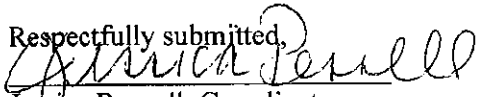
J. Invoices

K. Other Business

- a. Any other business the Commission deems necessary for discussion.
- b. Possible Updates from Land Use Counsel, Kevin McSherry
- c. Planning & Zoning Policies & Procedures Review.

L. Adjournment

Respectfully submitted,


Jessica Pennell, Coordinator
Planning & Zoning Commission

21 AUG 12 PM 4:22
TO: JESSICA P. PENNELL
FROM: JESSICA P. PENNELL
SUBJECT: Z-21-126

PLANNING & ZONING COMMISSION

TOWN OF OXFORD
 486 Oxford Road
 Oxford, CT 06478
 (203) 888-2543

Z#:	<u>2-21-126</u>
Date Rec'd:	<u>8-10-21</u>
Date on Agenda:	<u>8-17-21</u>
65-Day Expiration:	_____

ZONING PERMIT APPLICATION

(This permit is hereby applied for in accordance with the requirements of the Oxford Zoning Regulations)

Property Identification

Street Address: 126 OXFORD RD. OXFORD CT-06478
 Subdivision Name: _____ Date Approved: _____
 Map: 35 Block: 7 Lot: 4 Zoning district: Comm

Owner/Applicant

Owner Name: MARK CIPRIANO
 Owner Address: _____
 Owner Telephone: 203-509-6525
 Applicant Name: Gagandeep Sachdeva, RAVINDER CHAWLA,
 Applicant Address: 9 Fox Run Ln, Seymour, CT-06483
 Applicant Telephone: 203-502-9224

Miscellaneous Information

Special Exception: Article 17, 10.1 Section _____ Yes _____ No _____
 Site Plan Approval: Article _____ Section _____ Yes _____ No _____
 Estimated Cost of Construction: _____
 Variance Granted: _____ Date Granted: _____

Signatures/Authorization

Application for Zoning Permit approval as described herein is hereby made. The Oxford Planning & Zoning Commission and its technical staff are authorized to enter the property for the purpose of evaluating this application.

Permit Void If: a) Work or activity not commenced within 1 year of the date of issuance or b) Authorized construction not completed within 2 years of the date of issuance.

This permit, if issued, is based upon the plot plan submitted. Falsification, by misrepresentation or omission, or failure to comply with the conditions of approval of this permit constitute a violation of the Oxford Zoning Regulations.

Gagandeep Sachdeva

Property Owner or Agent

08-09-21
 Date

Purpose

____ New Home
 ____ Addition
 ____ Garage
 ____ Cottage Business
 ____ Swimming Pool IG AG
 ____ Sign
 ____ Shed
 ____ Barn
 ____ Change of Use
 ____ Excavating/Filling
 ____ Trailer
 ____ Other _____

Use

PACKAGE STORE
 ____ Single-Family Residence
 ____ Multi-Family Residence
 ____ Commercial
 ____ Industrial
 ____ Residential/POD
 ____ Other _____

Required Approvals and Dates

____ Inland Wetlands _____
 ____ P.D.D.H. _____
 ____ Fire Marshal _____
 ____ Z.B.A. _____
 ____ W.P.C.A. _____
 ____ Floodplain _____
 ____ Copy of Deed _____
 ____ Driveway _____
 ____ Erosion Control Plan _____
 ____ Plot Plan * _____
 ____ Other _____

\$ 2851 Town Fee
970.00 State Fee
 Total Fee

*Draw plot plan of proposed construction and attach. Plan must show property boundaries and dimensions; location of proposed buildings on property with respect to boundaries; location of existing buildings on property; outside dimensions of all buildings proposed or now existing; location of water supply; location of sewage system. All copies must have a complete sketch. Construction and use must be exactly as described in this application. If later changes from this plan are desired prior approval of an amended application is necessary.

Denied _____ Approved _____ By: Stuart J. My Date: 8/9/21
 Title: _____
 Reason for Denial: 2EO

ZPA-1
 (Adopted 5/15/97)



TOWN OF OXFORD
S.B. Church Memorial Town Hall
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www.Oxford-CT.gov

Planning and Zoning Commission

Application #: 2-21-126
Date: 08-09-2021

STATEMENT OF USE

Article 11, Section 2

Property Address: 126 OXFORD RD. Zone: Comm Map: 35 Block: 7 Lot: 4

Name and Address of Owner: Gigandeep Sardola (9 Fox Run Ln. Seymour CT-06483)

Name and Address of Applicant: " SAME as ABOVE

Name of Proposed Business: _____

Total Square Footage: 2300

Hours of Operation: 8 to 10 M/SAT 10 to 6 SUNDAY

Number of Employees: 6 EMPLOYEES

List Hazardous and/or Chemicals Material on site: _____

Provide Approval from: PDDH _____ Fire Marshal _____ Other _____

PACKAGE STORE, SIGN IS PENDING

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

I understand that if any of the above statements are false, I may be subject to fines and/or penalties.

[Signature]
Applicant's Signature

08-09-2021
Date

Napoli Woodbury LLC/
Dollar General Plaza Oxford Ct
58 pleasant Drive
Southbury CT 06488

August 10, 2021

Oxford Package Store (Name to be determined)
126 Oxford Road
Oxford, CT

RE: PROPOSAL TO LEASE / PERMISSION GRANTED TO GAGANDEEP SACHDEVA TO
REPRESENT ME MARK CIPRIANO AT ALL ZONING MEETINGS IN OXFORD CT

126 Oxford Road, CT

Dear Steven at Oxford Ct Zoning dept.

We have a family headed by **Gagandeep Sachdeva** interested in leasing and opening a liquor store in our property at 126 Oxford Rd oxford CT.

Tenant: Oxford Package Store (Name to be determined)

Demised Premises: The building located at 126 oxford Road Oxford CT consisting of 2400 square feet of rentable total area and a portion of the parking area serving the building.

received
8-10-21

Mark Cipriano
Managing Partner



August 10, 2021

Re: Special Exception Application

[126 Oxford Road](#)

Sachdeva

Z-21-126

Dear Mr. Macary,

I represent the above applicant regarding the above Special Exception Application for a package store at 126 Oxford Road. Please ask the Commission to accept the application and schedule a public hearing. My clients are available for a workshop if necessary. Given that the structure has already been approved I may consider asking that some of the pre-requisites be waived ie: architectural, parking... That, however, will be under separate letter.

Thank you for your consideration.

Sincerely,

Francis A. Teodosio, Esq.

fteodosio@tsattorneys.com

Teodosio Stanek, LLC

Shelton Office

[375 Bridgeport Avenue, Shelton CT 06484](#)

203-925-3000 x 207/ fax: 203-925-3003

Oxford Office

[481 Oxford Road, Oxford CT 06478](#)

203-881-3600 x 207/ fax: 203-881-3606

TOWN OF OXFORD
PLANNING & ZONING COMMISSION

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APPLICANT ACKNOWLEDGEMENT FORM (AAF)

I, Gagandeep Sachdeva, have read and reviewed the Oxford Planning and Zoning regulations relevant to Application # Z-21-126, including, but not limited to:

_____	_____
_____	_____
_____	_____

Applicant acknowledges that failure to comply with Oxford Planning and Zoning regulations may lead to delays, additional fees, and/or other penalties related to the application. Applicant acknowledges receiving a copy of completed Form AAF.

BEFORE SIGNING, APPLICANTS PLEASE NOTE:

- i. if an individual, that the signer is the applicant; or
- ii. if an entity (e.g. corporation, llc, partnership, trust, association) that he or she is legally authorized to sign on behalf

Applicant Name (please print)

Gagandeep Sachdeva

Applicant Signature

[Signature]

Date: 08-09-21

Witness Name

STEVE MAURY

Witness Signature

[Signature]

Date: _____

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2
21
126

RECEIPT 293229

DATE 8/10/21
RECEIVED FROM GOGAN DEEP
ADDRESS 126 OX RD DOLLARS \$ 970.00
FOR SPECIAL EX

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK	1351
BALANCE DUE		MONEY ORDER	

BY [Signature] ©2001 REDIFORM® S1657N-CL

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Webster Bank

OFFICIAL CHECK

0002442851

145 Bank St.
Waterbury, CT 06702

00074 100953

08/10/2021

51-2010
2111

*****\$970.00

970 DOLLARS AND 00 CENTS

PAY TO THE ORDER OF

TOWN OF OXFORD

REMITTER For zoning LIQUOR APPLICATION

AUTHORIZED SIGNATURE [Signature] MP
AUTHORIZED SIGNATURE (TWO SIGNATURES REQUIRED OVER \$25,000) [Signature] MP

⑈0002442851⑈ ⑆211170101⑆ 0010200104⑈

Security Features Indicated Details on Back



Office of the First Selectman

MEMORANDUM

DATE: August 5, 2021

TO: All Boards, Commission's and Departments

RE: Fiscal Year 2020 – 2021 Annual Report



In accordance with Section 4-2 (F) of the Town Charter, the Board of Selectmen prepares and publishes an Annual Town Report. Each board, commission and department are required to provide a written report of their activity for the previous fiscal year for inclusion in this report.

This is a request to submit your written report for fiscal year 2020 – 2021 to the Selectmen's office by Monday, August 23, 2021. ***When comprising your report please be sure that it is single-sided and not stapled.***

As always, feel free to contact this office at your earliest convenience should you have any questions.

Thank you in advance for your attention to this matter.

/kmw

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2021

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HISTORICALLY BUSY STATE LEGISLATURE PASSES NUMEROUS BILLS AFFECTING ZONING

Taking advantage of the pandemic and its associated lock-down protocols, the State Legislature passed more laws applicable to zoning than have been done in its prior 25 years. While many more bills were considered, only those discussed in this newsletter actually became law. The Federation finds it troubling that the legislature, during a pandemic, would seek to fundamentally change zoning when the ability of the public to participate in the process was severely compromised. Below is a summary of the new laws.

I. ACCESSORY APARTMENTS

State imposed zoning regulations in regard to accessory apartments was part of an omnibus piece of legislation known as Public Act 21-29. This lengthy new law amended Sec. 8-2 of the Connecticut General Statutes by adding definitions for certain types of multi-family housing and by greatly changing how accessory apartments are regulated.

As of January 1, 2022, zoning regulations must designate locations or zoning districts where accessory apartments are allowed. Zoning regulations must also permit, as of right, at least one accessory apartment on any single-family lot and the apartment

cannot be required to be affordable housing. In addition, zoning regulations cannot impose setbacks, lot size, lot frontage or lot coverage requirements greater than that required for a single-family home. These limitations on local control also include landscaping, height and architectural standards, none of which can exceed those required for a single-family home.

It appears that the only limits placed on accessory apartments from germinating in every single-family home is if the home is serviced by a well or private sewage system. Where there is a public sewer system available, the municipal sewer district or WPCA cannot consider an accessory apartment to be a new residential use unless the accessory apartment is part of a newly constructed single-family dwelling.

Commissions have until January 1, 2023 to amend their zoning regulations to comply with this new law. Failure to do so renders their existing accessory apartment regulations void and the content of Public Act 21-29 as their applicable regulation.

Fortunately, an opt-out provision was included in this legislation. In order to opt-out of these accessory apartment state mandates, a Commission and its town's legislative body must act before January 1, 2023. First, by a 2/3 vote of the Commission, a motion to opt-out must be approved. The public hearing process set forth in Connecticut General Statutes Sec. 8-7d must be followed.

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Once a Commission has made its decision to opt-out of the accessory apartment provisions of PA 21-29, its municipal legislative body must act, by a 2/3 vote, to opt-out.

II. RECREATIONAL CANNABIS

The 2021 Special Session of the State Legislative Assembly saw the passage of a law which decriminalizes the sale and use of marijuana. It should be noted that under Federal Law, these activities are still illegal. This new law, known as Public Act 21-1, allows for the operation of 'Cannabis Establishments' which are defined as: "a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager".

Under this new state law, a municipality may, by amending its zoning regulations or by adopting a local ordinance, do the following: prohibit cannabis establishments, regulate such establishments by adopting reasonable restrictions regarding the hours of operation, signage and/or establish restrictions on the proximity of cannabis establishments to a church, school or charitable institution. The regulation can require that a special exception is needed for a retailer or micro-cultivator of cannabis. If a municipality fails to adopt a regulation or ordinance, then cannabis establishments are to be treated the same as any similar use.

In a similar fashion as for liquor stores, only a certain number of cannabis establishments can be approved for any given municipality. At present, only one cannabis retailer and one cannabis micro-cultivator can be approved for every 25,000 residents. On or after July 1, 2024, the State's Department of Consumer Protection may change this residency number.

III. SPECIAL PERMITS

Public Act 21-29's amendment to Sec. 8-2 of the General Statutes eroded a commission's authority to deny an application for a special exception. Long standing law held that such an application could be denied solely on the basis that the proposed use would not be in character with the surrounding neighborhood. The term 'character' has now been stricken from zoning law and been replaced with 'physical site characteristics of the district'. These characteristics must be set forth in the regulations by 'clear and explicit physical standards for site work and structures.' One suspects that this is a push to adopt what is known as a form-based code. Thus, such codes may provide a guide as to the level of detail needed to satisfy this new standard.

IV. PARKING SPACES

Parking regulations must now comply with the new standards found in PA 21-

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29. Only one parking space can be required for a one-bedroom dwelling unit and no more than two parking spaces for a dwelling with two or more bedrooms. However, a municipality can choose to opt out of this state mandated parking regulation by following this process: First, by a 2/3 vote of the Commission, a motion to opt-out must be approved. The public hearing process set forth in Connecticut General Statutes Sec. 8-7d must be followed. Once a Commission has made its decision to opt-out of the accessory apartment provisions of PA 21-29, its municipal legislative body must act, by a 2/3 vote, to opt-out.

V. AFFORDABLE HOUSING

Pursuant to Connecticut General Statutes Sec. 8-3j as amended by PA 21-29, municipalities are required to adopt, if they had not already done so, or amend an affordable housing plan. The plan is to be submitted to the Secretary of the Office of Policy and Management no later than June 1, 2022. This state law has been amended to allow the affordable housing plan to be incorporated into the municipality's plan of conservation and development if such plan is due on or before June 1, 2022.

Once adopted, the plan is to be amended at least every 5 years and the amended plan submitted to the Secretary of the Office of Policy and Management. Public meetings can be held on the

adoption and amendment of the plan. In addition to public meetings, public hearings can be held as well. Notice of any hearing must be posted at least 35 days prior thereto. The amendment to Sec. 8-3j states only that notice be posted on the municipality's website. However, it is recommended that the procedure set forth for public hearings in Sec. 8-7d be followed as well.

VI. OUTDOOR DINING

A recently enacted State Law, which was part of the 790-page budget bill, mandates that all municipalities allow outdoor dining as an accessory use to a restaurant. Outdoor dining is to be permitted as-of-right subject only to site plan review in order to determine compliance with zoning requirements as well as the requirements in this new law. This state law does provide that an application for outdoor dining can be denied if it would result in the expansion of a nonconforming use.

Outdoor dining must be permitted to take place on sidewalks which abut the principal restaurant use. However, a pathway not less than 4' wide must be maintained that extends the length of the lot upon which the use is located and the pathway must comply with any requirements of the Americans with Disabilities Act [42 U.S.C. 12101]. The use of sidewalks is subject to any reasonable conditions that can be imposed by the municipal official

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charged with issuing right-of-way or obstruction permits.

In addition, outdoor dining is to be permitted on off-street parking spaces associated with the restaurant use even if these spaces are required by the zoning regulations. Lots, yards and open spaces that abut the principal use can also be used for outdoor dining as long as the zoning district in which the outdoor dining will occur permits restaurant uses. It should be noted that outdoor dining must be allowed to take place until 9:00 p.m. Zoning regulations may permit a later closing time.

VII. EXPIRATION OF PERMITS

Approvals for various land use applications have been extended in order to take account of the COVID-19 pandemic. For certain site plans, subdivisions and wetlands permits, the time their approvals remain valid has been greatly extended. These extensions apply only to those approvals made on or after July 1, 2011 but prior to July 1, 2021 and that the approvals have not expired prior to March 20, 2020.

For a site plan that is for fewer than 400 units, the deadline for expiration has been extended to 14 years from the date of approval. An extension of an additional 5 years can be granted by the Commission.

For a subdivision, a similar time period has been imposed. An approval is valid for 14 years from the date of

approval with a possible extension of 5 more years. If the subdivision is for 400 or more units, the approval period is 19 years.

For inland wetlands permits, the approval period has also been extended to 14 years from the date of approval with another 5 years possible.

VIII. LAND USE TRAINING

Connecticut General Statutes Sec. 8-3(e) authorizes a zoning commission or combined planning and zoning commission to appoint any person as its enforcement official. Starting on January 1, 2023, a commission can only appoint a person who has been certified by the Connecticut Association of Zoning Enforcement Officials.

Zoning enforcement officials are not the only ones who have to go back to school for training. Again, starting January 1, 2023, every member of planning commission, zoning commission, combined commission and zoning board of appeals, must complete 4 hours of training by January 1, 2024. After that date, the 4 hours of training must be completed every two years.

The Office of Policy and Management will be providing guidelines for training by January 1, 2022. Beginning March 1, 2024, each commission must report annually to its municipal legislative body whether this required training has taken place. This

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new law does not provide a penalty for noncompliance.

IX. APPLICATION FEE LIMITS

Connecticut General Statutes Sec. 8-1c provides the authority for land use commissions to impose application fees. In addition to an established fee, an applicant could also be required to "pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any other technical aspects of the application."

This law has now been amended to require that any such application fee be "accounted for separately" and not be used to pay salaried employees of the town. In addition, any unspent portion of the application fee must be returned to the applicant not later than 45 days after the completion of the technical review.

The schedule of application fees cannot be greater for affordable housing projects or multi-family buildings of 4 or more units than for other residential dwellings, for example on a per unit basis or square footage basis.

X. REMOTE MEETINGS

The Freedom of Information Act, codified as Connecticut General Statutes Sec. 1-200 et seq., has been amended to allow public meetings and hearings of municipal agencies to be held fully or partially by remote electronic means as

well as in person as long as certain requirements are met. These changes to the FOIA remain in effect until April 30, 2022.

Before a public meeting can be held through electronic means, proper notice must be given. This is done by providing direct notice that the meeting will be held fully or partially by electronic means to each member of the municipal agency at least 48 hours before the meeting is to take place. This same notice must also be posted either in the town clerk's office or the agency's regular office and also on the town's website. These notices are in addition to the usual requirements for posting a meeting agenda. The agenda must include directions so that the public can attend the meeting and provide comment via electronic means.

If a municipal agency decides to hold a meeting solely or partially by electronic means, it must provide certain accommodations to the public. If a member of the public makes a written request to attend by electronic means, the agency must provide a physical location and the necessary electronic means for doing so. Said request must be provided at least 24 hours before the meeting is to take place. Any member of the municipal agency must be allowed to participate by electronic means. However, the meeting does not need to be continued due solely to an interruption of the electronic connection to the remote member unless the loss of

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this member results in the loss of a quorum.

When a meeting being held fully or partially by electronic means is interrupted by a failure, degradation or disconnection of electronic communication and the Chairman determines that this has made the electronic means unacceptable to the conduct of the meeting or the electronic connection to a member needed to constitute a quorum has similarly been degraded or disconnected, the Chairman can resume the meeting not less than 30 minutes nor more than 2 hours from the chairman's determination. The resumed meeting can be done solely in person if a quorum exists or solely or partially by electronic means. If the meeting is resumed, notice of the resumption should be posted on the agency's website. Similarly, if the meeting is to be continued to a later date, this information should be posted in a similar fashion. The state law recommends that at the start of any meeting held partially or fully by electronic means, the agency should announce its procedures for when the degradation or failure of electronic communications cause the interruption of a meeting.

Any meeting held fully or partially by electronic means must be transcribed or recorded and such recording or transcription posted on the agency's website and made available in the agency's office or regular place of business not more than 7 days after the

meeting and maintain them in place for 45 days thereafter. Any vote taken at a meeting during which any member participates by electronic means shall be taken by roll call, unless the vote is unanimous. The minutes of the meeting shall record a list of members that attended such meeting in person and a list of members that attended such meeting by means of electronic equipment.

MEMBERSHIP IN THE FEDERATION IMPORTANT NOW MORE THAN EVER

During this past legislative session, the Federation stood practically alone in defending local zoning authority from increased State controls and mandates. This drive to consolidate zoning authority under state and regional authorities appears likely to continue. That is why your continued membership is vital. If you have let your membership lapse, please contact us at cfpza.live.com and we can send you a membership form.

ABOUT THE EDITOR

Steven Byrne is a practicing attorney with an office in Farmington, Connecticut. A principle in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.