



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

Planning & Zoning Commission

**Planning & Zoning Commission**

**Regular Meeting Minutes**

Tuesday, October 1, 2013

7:30 PM

Oxford Town Hall

Main Meeting Room

**CALL TO ORDER**

Chairman Bill Johnson called the **October 1, 2013 Regular Meeting** to order at 7:30 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Alternate Arnie Jensen, Alternate Joe Dempsey, Alternate Joe Rasberry, Wayne Watt, Chairman Bill Johnson, Secretary Pat Cocchiarella, Tanya Carver and Jeff Luff.

**Staff Present:** Anna Rycenga, ZEO and Jessica Pennell, Administrative Secretary.

**Absent:** Vice Chairman Bonnie Bartosiak.

**CHAIRMAN'S REPORT**

**SEATING OF ALTERNATES**

Chairman Bill Johnson seated Alternate Joe Dempsey for Vice Chairman Bonnie Bartosiak.

Chairman Bill Johnson seated Alternate Joe Rasberry for Harold Cosgrove.

**AUDIENCE OF CITIZENS** (Not for Pending Applications)

**AMENDMENTS TO AGENDA**

**MOTION BY Secretary Pat Cocchiarella** to amend the agenda to add **Z-06-069 – Blue Skies Estates – Chestnut Tree Hill Estates, LLC – Lantern Ridge Court** (Request for Bond Release) as New Business #2.

Second by Wayne Watt. All Ayes.

***\*PLEASE NOTE THAT ITEMS WERE NOT ACTED ON AS DETAILED ON THE AGENDA***

**OLD BUSINESS**

- 2.) **Z-12-131 – [COMM] - 71 Oxford Road, Unit G, Applicant: Joe Fischetti, "Peachwave"**  
**Owner: Wally Archer – Oxford Park, LLC** (Temporary Sign Permit) (Modification)

**Applicant Lisa Fischetti** was present to explain the modification to the existing permit to the commission members.

**Anna Rycenga, ZEO** stated that the use permit has been extended to include an outdoor eating area.

**Commission members** each outlined their safety concerns regarding the tables and chairs being on the sidewalk, and questioned if it imposed on pedestrian traffic. After a lengthy discussion, most Commission members stated that they would like the measurement of the sidewalk in order to decide if it was wide enough to accommodate the tables and chairs along with the pedestrian traffic. Most Commission members also expressed concerned about all the children generated by the dance studio, karate studio, and "Peachwave". They were concerned that there is no crosswalk in the parking lot.

Suggestions were made that a crosswalk be installed in the parking lot.

**Anna Rycenga, ZEO** stated that she spoke with the owner, Wally Archer, and that is would be the applicant's responsibility to install the crosswalk.

Commission members stated that they would each go to "Peachwave" to observe the conditions.

**Anna Rycenga, ZEO** encouraged Lisa Fischetti to put up the temporary signs that would make drivers aware that there are children in the area.

**Jeff Luff** suggested that Anna Rycenga, ZEO measure the sidewalk.

**MOTION BY Tanya Carver** to *table* this application to the October 15, 2013 Regular Meeting.

**Second by Joe Dempsey. All Ayes.**

#### **NEW BUSINESS**

- 1.) **Z-13-141- [COMM] – 71 Oxford Road, Unit # Owner: Oxford Park, LLC – Applicant: New Haven Pediatrics – Satellite Office** (Use Permit)

**MOTION BY Secretary Pat Cocchiarella** to *approve* application **Z-13-141** based on plans dated **9/30/2013** with the following conditions;

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use dated 9/30/2013.
3. Compliance with the P.D.D.H. letter dated 9/27/2013.
4. Compliance with the Fire Marshall's approval dated 9/30/2013.
5. Compliance with the Oxford Zoning Regulations as of this date.
6. Per Article 3, Section 19.1 of the Oxford Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.

**Second by Tanya Carver. All Ayes.**

1.) **Z-13-048 – [RES-A] (Applicant & Owner): Glendale at Oxford, LLC c/o Mark IV Construction Co. Inc. – Christian Street – Map: 19 Block: 26 Lot: 1 a/k/a Lot 1A**

**Z-13-048a- Zoning Text Amendment (Article 18 of the Oxford Zoning Regulations)**  
Proposal to create a new zone designated as “Designed Conservation District”.

**Z-13-048b- Zoning Map Amendment (Article 18 of the Oxford Zoning Regulations)**  
Request to re-zone the subject property if the new “Designed Conservation District” is adopted.

**Z-13-048c- Special Permit/Site Plan Approval (Article 10, Section 9A)**  
Proposal to permit a 137 dwelling, common interest residential community on property located on Christian Street.

**Commission members** discussed this briefly.

In the matter of **Applications Z-13-048 (a-c)**, Glendale at Oxford, LLC, Christian Street and Jacks Hill Road, Map 19, Block 26, Lot 1 or 1A, comprising approximately 72.08 acres of land (hereinafter, the “Property”), **Secretary Pat Cocchiarella MOVED as follows:**

1. As to Application **Z-13-048(a)**, a proposed amendment to Article 18 of the Oxford Zoning Regulations to create a new zoning district entitled “Designed Conservation District”, the Commission hereby finds as follows:

- a. The base residential density of 0.5 units per acre provided by the proposed zoning district is equivalent to the two acre lot requirements of the Residential A zoning district, which is the principal residential zoning district in the Town. However, the proposed zoning district would permit such housing to be constructed in a clustered configuration, rather than on individual lots at least 2.0 acres in size. The proposed zoning district throughout the Town, a change which the Commission does not believe is appropriate at this time.
- b. The density bonus of 2.0 additional residential units per acre would result in residential densities which are five times that of the Residential A zoning district. The proposed zoning district would therefore result in a substantial change in the character of the Residential A zoning district throughout the Town, a change which the Commission does not feel is appropriate at this time.
- c. The requirement that twenty (20%) percent of the total units be reserved as affordable is a laudable goal that meets the Commission’s stated goals to increase affordable housing throughout the Town. However, the significant increase in density over the Residential A zoning district would, as stated, result in too substantial a change in the character of the Residential A zoning district. As such, the adoption of the proposed zoning district would not promote the best interests of the entire community.

Based upon the foregoing findings, and upon the evidence and testimony presented at the public hearing, the Commission, acting in its legislative discretion to provide for responsible planning in the Town, hereby denies Application **Z-13-048(a)** for the following reasons:

- a. The proposed new zoning district would result in such a significant change to the character of the Residential A zoning district that it is not in conformance with a comprehensive plan, that is, the general plan to control and direct the use of property in the Town according to the present and potential use of the properties.

2. As to Application **Z-13-048(b)**, a proposed amendment to the Oxford Zoning Map to apply the proposed zoning district to the Property, the Commission hereby finds as follows:

- a. The proximity of the Property to the Waterbury-Oxford Airport (OXC) presents significant concerns as to the public health and safety due principally to noise levels of departing and arriving aircraft which were not resolved by evidence presented at the public hearing. In particular, there was no evidence presented as to actual decibel levels experienced on the ground on the Property.
- b. The Commission has reviewed the written statements, oral testimony and other evidence provided by Stanley Gniazdowski of Realty Concepts Inc. concerning the fiscal impact of the proposed project, and finds that Mr. Gniazdowski is a competent expert witness on this subject. The Commission has also reviewed written statements, oral testimony and other evidence provided by Brian Miller of Turner Miller Group in review of Mr. Gniazdowski's work, and finds that Mr. Miller is also a competent expert witness on this subject. The Commission finds that the evidence presented did not establish that the proposed project would have a positive fiscal impact on the Town, nor did it establish that the proposed project would provide additional positive fiscal impacts on the Town as compared to the existing approved project.
- c. There remains an unmet need in the Town for housing for persons 55 years of age and older.

Based upon the foregoing findings, and upon evidence and testimony presented at the public hearing, the Commission, acting in its legislative discretion to provide for responsible planning in the Town, hereby denies Application **Z-13-048(b)** for the following reasons:

- a. The denial of the proposed text amendment renders this application moot, and it is therefore denied;
- b. The Property does not present an appropriate location for dense residential housing, due to the proximity to the Waterbury-Oxford Airport;
- c. The proposed project would not provide a positive fiscal impact to the Town;
- d. The elimination of the existing approved housing for older persons does not provide a public benefit; and
- e. Application of the proposed new zoning district to the Property would result in such a significant change to the character of the Residential A zoning district surrounding the Property that is not in conformance with a comprehensive plan, that is, the general plan to control and direct the use and development of property in the Town according to the present and potential use of the properties.

3. As to Application **Z-13-048(c)**, for Site Plan and Special Permit, the Commission hereby denies application since it is moot as a result of the denial of the proposed text and map amendments. In rendering this denial, the Commission expresses no opinion as to the compliance of the proposal with either the proposed zoning district or any other provision of the Oxford Zoning Regulations, or as to the civil engineering, drainage, site and road layout, and other site development aspects of the proposal.

**Second by Tanya Carver.**

**VOTE: All Ayes. (7-0)**

- 2.) **Z-06-069 – Blue Skies Estates – Chestnut Tree Hill Estates, LLC – Lantern Ridge Court**  
(Request for Bond Release)

**MOTION BY Secretary Pat Cocchiarella** to send this to the Town Engineer and Public Works Department for review.

**Second by Tanya Carver. All Ayes.**

### **ZONING ENFORCEMENT**

**The ZEO will present to the Commission any reports/information/or other items deemed necessary.**

**The commission took a 5 minutes recess at 8:30 P.M.**

### **CORRESPONDENCE**

The commission Secretary presented the following correspondence to the commission and noted that all items are on file in the Planning & Zoning Department.

- (a) Letter dated 9/17/2013 from R. Jeffery Holzman to Connecticut Housing Finance Authority RE: Letter of Compliance for Oxford Senior Housing – Crestview Ridge
- (b) Memorandum dated 9/19/2013 from the Selectmen's Office RE: Planning & Zoning Commission Appointments
- (c) Letter dated 9/19/2013 from the State of CT Siting Council RE: Petition No. 1058 CT Light and Power Company Petition – Request to temporarily change hours of construction.
- (d) Letter dated 9/20/2013 from the State of CT Siting Council RE: Petition No. 1058 CT Light and Power Company Petition – Request to temporarily change hours of construction
- (e) Letter dated 9/20/2013 from the State of CT Siting Council RE: Petition No. 1058 – CT Light and Power Company Petition (This one has an address of 3 Echo Valley Road)
- (f) Breast Cancer Awareness Month – Weekly drawings at Town Hall

### **ACCEPTANCE OF MINUTES:**

- 1.) September 17, 2013 Regular Meeting Minutes

**MOTION BY Wayne Watt** to *accept* the minutes of the September 17, 2013 Regular Meeting.

**Second by Tanya Carver. All Ayes.**

### **OTHER BUSINESS**

**MOTION BY Secretary Pat Cocchiarella** to *schedule* a Site Walk for 10/7/2013 at 3:00 PM, to commence at 268 Oxford Road. (Z-13-138 – Oxford Towne Center).

**Second by Chairman Bill Johnson. All Ayes.**

- 1.) Invoice # 338-13 from Nafis & Young Engineers

**MOTION BY Tanya Carver** to *approve* payment of Invoice # 338-13.

**Second by Wayne Watt. All Ayes.**

2.) Copy of Invoice # 1074 from New England GeoSystems, LLC

Informational purposes only – No action required.

3.) Basic Land Use Academy – Saturday October 26, 2013

No action required.

4.) Land Use Academy Advanced Training – November 9, 2013

No action required.

5.) Invoice # 352-13 from Nafis & Young Engineers

**MOTION BY Tanya Carver** to *approve* payment of Invoice # 352-13.  
**Second by Secretary Pat Cocchiarella.** All Ayes.

**UPCOMING PUBLIC HEARINGS/SPECIAL MEETINGS:**

**PUBLIC HEARING SCHEDULED FOR *October 15, 2013 @ 7:00 PM***  
**on the following application:**

**Z-13-139 [RES-A] 501 Roosevelt Drive, Owner & Applicant: Michael Ligi**

(Special Exception - Article 10, Section 3, Site Plan approval, Article 3, Section 2.5 – 8' Retaining Wall)

**PUBLIC HEARING SCHEDULED FOR *October 15, 2013 @ 7:05 PM* on the**  
**following application:**

**Z-13-138 – [COMM] Oxford Towne Center – 278 Oxford Road, 3 Echo Valley Road, 268 Oxford Road, 274 Oxford Road– Owner(s): Oxford Towne Center LLC and Oxford Yard Masonry Supply, LLC, Applicant: Oxford Town Center, LLC**

(Special Exception, Article 14, Sec. 2.2 – Excavation Permit)

**EXECUTIVE SESSION** to discuss a personnel matter.

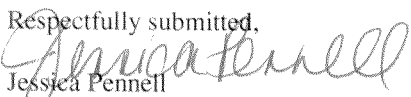
**MOTION BY Tanya Carver** to enter into Executive Session at 8:55 P.M. to discuss a personnel matter.  
**Second by Joe Dempsey.** All Commission members present and staff were invited into Executive Session.  
All Ayes.


**MOTION BY Chairman Bill Johnson** to come out of Executive Session at 9:28 P.M. **Second by Joe Dempsey.** All Ayes.

**ADJOURNMENT**

**MOTION BY Chairman Bill Johnson** to *adjourn* the meeting at 9:28 P.M.  
**Second by Joe Dempsey.** All Ayes.

Respectfully submitted,

  
Jessica Pennell  
Administrative Secretary

13 OCT 10 PM 3:36  
TOWN OF OXFORD, CT  
  
TOWN CLERK