



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

Planning & Zoning Commission

Regular Meeting Minutes
Tuesday, August 5, 2014
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the August 5, 2014 Regular Meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Pete Zbras, Harold Cosgrove, Arnie Jensen, Jeff Luff, Tanya Carver and Pat Cocchiarella.

Staff Present: Jessica Pennell, Administrative Secretary, Anna Rycenga, ZEO, Jim Galligan, P&Z Engineer and Kevin Condon, Town Attorney.

Absent: John Kerwin, Ed Rowland, Todd Romagna and Glen Persson.

CHAIRMAN'S REPORT – NONE

SEATING OF ALTERNATES

Chairman Carver seated **Alternate Pete Zbras**.

Chairman Carver stated that she would like to change the agenda regarding the Audience of Citizens. She stated that it will be moved under Old Business #1, therefore the public will be able to speak on that application.

AUDIENCE OF CITIZENS (Not for Pending Applications)

PLEASE NOTE THAT THE PUBLIC IS INVITED TO MAKE COMMENTS DURING THIS MEETING REGARDING Z-14-075 – Oxford Town Center – Phase 1.

Dick Burke, 447 Quaker Farms Road stated that it is not directly related to the site plan application. He commented that he is bothered by the fact that there was a petition for Public Hearing related to that site plan which was submitted to the Planning & Zoning Office on or about July 24th, and it is not listed on the agenda.

Chairman Carver stated that she apologizes for that but they will discuss that particular petition and how it is going to be handled under **Old Business #1**.

AMENDMENTS TO AGENDA

Anna Rycenga, ZEO stated that there is one amendment to the agenda **Application Z-14-082, 101 Willenbrock Road – Application for a Use Permit.**

This item will go under New Business as Item #2.

CORRESPONDENCE

Commission Secretary Cocchiarella read the following correspondence into the record.

- a.) Letter dated 7/25/2014 from State of CT Siting Council
Re: EM-SPRINT-108-140702 – Modify existing telecommunications facility at 107 Willenbrock Road.
- b.) Letter dated 7/23/2014 from Debbie Gatto
Re: Aggie Park Conceptual Plan – Presentation by Aggie Park Building Committee

Glen Shumitz, Chairman of the **Aggie Park Building Committee** and **Brian Nesteriak, Town Engineer** gave a brief summary and presented the Conceptual layout of the park to the Planning & Zoning Commission. The presentation was for informational purposes only, no action was taken.

NEW BUSINESS

- 1.) **589 Investments, LLC – Hawley Road & Christian Street – (Lot Line Revision) Map: 18 Block: 30 Lots: 15 & D12** (Authorize Chairman & Secretary to sign Mylar)

Anna Rycenga, ZEO stated that under Condition #9, it stated a letter from a licensed land surveyor stating that all pins and monuments have been set as indicated on maps. She stated that the issue with that condition is that the road construction has not started yet; therefore she is asking the Commission if they will consider a modification of that condition of approval. She explained that they can state that upon completion of the road construction that the pins and monuments be installed as on the maps.

MOTION BY Commissioner Cosgrove to **AMEND** the original conditions of approval, specifically Condition #9 to read “Upon completion of the road construction all pins and monuments must be shown as installed on maps”.

Second by Commission Secretary Cocchiarella.

VOTE: All Ayes.

- 2.) **Z-14-082 – 101 Willenbrock Road, LaPietra Thin Stone & Veneer, Inc** (Application for a Use Permit) (Site Plan)

Anna Rycenga, ZEO stated that this application was received today; it still needs to be reviewed by the Fire Marshal and the P&Z Engineer. She stated that all the Commission is doing is receiving the application and the fees were paid.

MOTION BY Commission Secretary Cocchiarella to **TABLE** this application.

Second by Vice Chairman Luff.

VOTE: All Ayes.

OLD BUSINESS

1.) **Z-14-075 [COMM] – Applicant & Owner: Oxford Towne Center, LLC – Project: Oxford Town Center** (Site Plan Application – Phase 1)

Parcels included in application:

- a. 278 Oxford Road –Map: 34 Block: 9 Lot: 31A & 31B
- b. 300 Oxford Road –Map: 34 Block: 9 Lot: 26
- c. 3 Echo Valley Road – Map: 34 Block: 9 Lot: EV6
- d. 274 Oxford Road – Map: 34 Block: 9 Lot: 25 (Owner: 274 Oxford Road, LLC)
- e. Portion of 268 Oxford Road – Map: 34 Block: 9 Lot: EV4A (Owner: Barbara Scianna)

Chairman Carver stated that the PZC received a petition in regards to the petition; it requested the PZC to allow the Public to speak during the site plan application, Phase 1. She noted that the PZC does not have to have a formal Public Hearing for a site plan application based on CT General Statute Section 8-7(d). She commented that this commission will allow the public to speak on this site plan application for Phase 1. She stated for the record that the intent of the public hearing is to have the applicant present to the Commission and the public all information that is necessary or pertinent to the application, also to hear questions from the Commission members and/or staff relevant to the application and to hear questions or input from the public relevant to the aspects to this application only, including comments in favor of or opposed to the application. She stated that they are, as a PZC allowing the public to speak. The petition has been taken into consideration, and they will allow the public to speak. She advised the public that the Commission has 65 days to render a decision on this site plan, Phase 1.

Dominick Thomas, Attorney for the applicant, 315 Main Street, Derby stated that tonight will be focused on responses to the Town Planner and Town Engineer's comments. He stated that he wanted to update the Commission on the consolidation of all the lots. The surveyor has created the map, there is going to be a moderate land swap with the Kurt Lee property so that it will have an access to Echo Valley Road. He noted that all the deeds have been drafted, and he will record the map possibly this week. He also noted that a meeting will be held with the Assessor, Fire Marshal and Building Official. He stated that there will be a meeting to discuss how the property will be "addressed". He went on to say that **Item #1** of the **Town Planner's comments** relate to the 24 hour store. He stated that a 24 hour store is a tremendous convenience. He commented that they will be presenting some signage concepts later in the presentation.

Steven Duffy, Vice President of Store Planning & Design, Price Chopper, explained that he would be going over the comments from Town Planner, Brian Miller.

Brian Miller Comment #1 – The presentation during the public hearing stated that the proposed supermarket would be open 24/7. This was not indicated during previous presentations. This is an item of concern because of the following:

- a. An increase in night consumer activity may have adverse impacts upon the Echo Valley neighbors, as well as the future residents of Oxford Towne Center.
- b. Deliveries are an integral component of the operation of a supermarket. They often involve large trucks delivering products to the supermarket to be stacked on the shelves, which are inherently noisy, especially with their back up alarm. These noises can be especially disruptive when done during night hours.

- c. One option of the commission is to limit the hours of operation and delivery. However, the applicant may present an alternative operation plan, which includes adequate visual buffering and noise abatement procedures to the Commission for its consideration. Any noise abatement procedures should be based upon a submitted analysis from an acoustic engineer which addresses the impact and effectiveness of any noise abatement procedures.

Steven Duffy Responded to (a) – They are very sensitive to the safety of their guests, most supermarkets are open, they may not necessarily be operating to the public, they find that it provides a convenience to the community; they have security measures and a loss prevention department. They have safe and appropriate lighting in the parking lot.

Steven Duffy responded to (b) – Price Chopper seeks to be a good neighbor and mitigate impacts to its operation. However, if the business is to succeed and provide the highest quality fresh products it must have the ability to deliver subject to operating needs supporting the community. Some of the deliveries occur during night hours. In regard to internal night time operations such as stocking shelves, no noise is generated during that process. There are times during the week that they will need to take deliveries earlier than 6:00 AM, which may vary depending on the nature of the season and the product. He noted that they are also taking a look at other measures to mitigate the impact of some of those deliveries which will be explained by **Kyle Bogardus, Engineer for the applicant**.

Steven Duffy responded to (c) – Additional screening was added to the plan during the Conceptual Site Plan approval. Kyle Bogardus, Engineer for the applicant will discuss this in further detail.

Brian Miller Comment #5 – The conceptual emphasis of the proposed development and resultant rezoning was to establish a mixed use environment which would be conducive to pedestrian circulation, as well as accommodation of the necessary automobile traffic. To that end, there should be pedestrian connections through large parking lots to the front of the supermarket and the adjacent retail spaces along the pad with the outlying commercial buildings along Route 67. This could include walkways between opposing alternative parking aisles, but there may be alternatives which can be considered by the Commission. This was a requirement of the conceptual plan and should be shown on the final site plan for Phase 1.

Steven Duffy responded to #5 – He stated that what they have done is presented their perspective in detail at the last meeting. He stated that the concern is that if you provide a walkway, whether it is a raised walkway, or flushed walkway when you do that there are safety issue and it can be problematic. He stated that the other issue is that if they introduce those walkways in the parking lot, there will not be enough room for parking and that is a major concern to them. He stated that when you have landscaping on each side of it, there is no way that when you are on the raised curb, you have to go through the landscaping to get to a car to load groceries. He also stated that wheel stops are an issue with trip and fall accidents. He stated that on a host of reasons they oppose the insertion of those into the parking lot, they will not work.

Brian Miller Comment #18 – How will the recycling facilities be accommodated? Will they be entirely within the supermarket or will they be external facilities?

Steven Duffy responded to #18 – He stated that they have a recycling facility with parking spaces that is in connection with the pharmacy drive thru. He noted that they have gone through site lines, turning radii, accessibility and free movement through the area.

Brian Miller Comment #27 – There should be some placement of pedestrian furniture, such as benches, bicycle racks, etc. This should be shown on the site plan.

Steven Duffy Responded to #27 – There are not a lot of opportunities for these features in Phase 1, most of these amenities will be associated with the Green and the Market Place at Oxford Towne Center. However, Price Chopper will discuss their streetscape amenities during the August 5th meeting. He stated that they will have a bike rack, benches and tables as well.

Jim Galligan Comment #30 – The Architect of Record should clarify the exterior materials of Construction for the Commission.

Steven Duffy responded to #30 – He stated that the renderings he has before the Commission are consistent with what has been previously shown to the Commission. He stated that they have the actual construction documents which have the finishes specified and they will submit that document for the record. He stated all the documents and exhibits are here and are consistent with prior presentations.

Kyle Bogardus, Langan Engineering, Engineer for the applicant explained that he will go through the comments from Brian Miller and Jim Galligan. He stated that some of the comments are outside of Phase 1 so they are not going to spend too much time on those.

Brian Miller Comment #4 – It is unclear as to whether the original proposed phasing plan is still in effect as to boundaries of the proposed phases. If the original phasing plan is to be revised, this should be clearly shown to the Commission for their approval.

Kyle Bogardus Responded to #4 – The original phasing plan is still in effect, however as noted on the phasing plan that was approved during the Conceptual Site Plan approval and as indicated in the presentations, they do expect portions of the various phases to happen in parallel. He stated that really the only change is that the bank outparcel has been included with this site plan application and an updated Phasing Plan has been prepared to more clearly indicate the limit of work associated with this application. He stated that they are happy to report that progress with the bank has gone faster than expected so they are including it in Phase 1.

Anna Rycenga, ZEO asked that he reference the plan number.

Kyle Bogardus, Engineer for the applicant stated that the plan number is PH-1. He stated that one of the questions that Steven Duffy discussed was truck deliveries and movements. He stated that they will enter through the main signalized intersection and it will come up the boulevard to a driveway; go around the back of the facility to the one of the two loading docks. He commented that when they leave they will come out, back down the boulevard to the signalized intersection. He explained that there were several comments that dealt with the screening and they are going to address that at the back of the store. He stated that there is a pretty generous landscape evergreen screen and a solid fence at the top of the retaining wall which they feel is going to encapsulate that back area. They also showed plans as to how they are screening the loading area from the rest of the development on site and the residential area. He stated that one of the other comments was the aesthetics and the look of the rockery wall (**Brian Miller Comment #10**). **Kyle Bogardus responded** that the wall will be built from the onsite quarried material. The cross section presented at the July 15th meeting seemed to be well received by the Commission and they feel the “natural” look of this wall will be much better from an aesthetics perspective than an engineered rock wall.

Pete Zbras referred to the pine trees along the wall and stated that could cause some problems.

Kyle Bogardus, Engineer for the applicant stated that there is a potential there if you plant that with the wrong root structure that it cause some problems with the wall. He stated that they have allocated a bermed area to keep the root mass above and out of the structural part of the wall.

Commissioner Cosgrove questioned if the walls would be engineered if they are over 6'.

Kyle Bogardus, Engineer for the applicant answered "yes".

Kyle Bogardus, Engineer for the applicant discussed **Jim Galligan Comment #16**. He responded by depicting those specifics while referring to the plan.

Commission Secretary Cocchiarella questioned the distance from that cross section.

Kyle Bogardus, Engineer for the applicant stated that from the center of Echo Valley Road to where he is depicting it on the plan is about 575'-600'.

Commissioner Cosgrove questioned the height of the building versus Echo Valley Road.

Kyle Bogardus, Engineer for the applicant stated that Price Chopper's finished floor is 304 and out at Echo Valley Road it is about 260 to 262.

Anna Rycenga, ZEO questioned the closest home to the rear of the Price Chopper.

Kyle Bogardus, Engineer for the applicant stated that he believes it is 450'.

Kyle Bogardus, Engineer for the applicant responded to (Jim Galligan Comment #19) to clarify on the water/sewer issue; by stating that they submitted "Will Serve" letters were submitted with the Conceptual Site Plan approval and will be provided again for Phase 1. The applicant is in discussion with both Aquarion and Heritage Water to service the project. He stated that Governor's Hill Road is where the water currently goes up to and Heritage Water Company services that area. The other option is to go with Aquarion, which is a little more complicated.

Commissioner Cosgrove questioned the gas.

Kyle Bogardus, Engineer for the applicant, stated that gas is being brought up by Yankee Gas and that will be from Chestnut Tree Hill Road.

Anna Rycenga, ZEO questioned if an official application has been made to W.P.C.A.

Kyle Bogardus, Engineer for the applicant stated that they met with W.P.C.A. and the Building Official last Thursday and they are in the process of filing those applications.

Commissioner Cosgrove questioned if they have had any thought about using solar panels.

Kyle Bogardus, Engineer for the applicant, stated that typically it is not, the incentives do not offset having them and there are maintenance issues with maintaining solar panels. He next responded to **(Jim Galligan Comment #6)** which requested them to provide plans and profiles for extension of Seth Den Road to CT Route 67 and to provide a second light at the intersection. The comment also mentioned that minor realignment of the third entrance to the project site may be required. **Kyle Bogardus responded that** the existing grades do not allow for the required vertical alignments in this

area while meeting CTDOT vertical geometry requirements, this is not a feasible alternative. He stated that there are a lot of constraints and Little River also runs through there. **Kyle Bogardus responded to (Jim Galligan Comment #7)** which stated should the layout for **Comment #6** not prove feasible, the applicant should provide an alternative layout for the North entrance to Olds State Road which included “squaring off” of the intersection and providing a second light at the second entrance to the project site and also that minor revisions to the project site plan may be required. **Kyle Bogardus responded** by stating that a second traffic light is not feasible for this project for the following reasons: **a.)** based on their OSTA meeting on 7/18/2014, CTDOT has already indicated that they would not allow for a second signalized intersection along the frontage of the project, furthermore, their recommendation is to eliminate the Right in, Right out entrance from the project so they are going to lose that curb cut and OSTA is only going to allow the one signalized intersection at the Boulevard and the driveway along their frontage; and **b.)** CTDOT requires that numerous signal warrants be met in order to allow the installation of a traffic signal specifically including the eight hour vehicular volume warrant in the MUTCD. He stated that the volume from Seth Den Road will not “warrant” a signal to be installed.

Anna Rycenga, ZEO questioned if that is based on the proposed traffic from the project or the existing traffic as it is now.

Kyle Bogardus, Engineer for the applicant responded that it is based on the proposed traffic.

Commissioner Cosgrove stated that the proposed traffic signal and the right in, right out entrance, is there a chance on that right in, right out entrance that you could put a sign stating that “stop on a red light on 67” and he explained that his reason is so that the people that are coming out of the side street could have a chance of getting onto Route 67.

Kyle Bogardus, Engineer for the applicant stated that he understands Commissioner Cosgrove’s request, but the right in, right out is going to be eliminated from the project by DOT. He stated that DOT is going to allow them to have a full movement intersection with the traffic signal and another intersection. He stated that one thing that will help the traffic on Old State Road on both sides is the installation of the traffic signal at the main entrance to the project.

Chairman Carver questioned when you come into the development, it is kind of like a blind corner, you are coming down from the package store, and when you are coming around the corner you are not going to see the traffic light. She questioned if there is any way to put something up to alert people that they are approaching a traffic signal.

Kyle Bogardus, Engineer for the applicant stated that is something that he can look at, what he thinks may be just a little misleading is, you do get a little bit more of a sight line, and that is one of the requirements with DOT, as you come around that corner, than you may envision. He stated that the current driveway is not the same location as the proposed driveway; they are moving it up to the straight part of Route 67 for that exact reason, to get the sight lines so people can see what is ahead of them. He commented that he will discuss the request with DOT.

Commissioner Cosgrove stated that is there a chance in still allowing for safety that when trucks are delivering that they could put some kind of muffler over their back up bells to reduce the noise level and then pull them off when they are pulling out.

Kyle Bogardus, Engineer for the applicant stated that he knows there are minimum requirements for safety but he does not know how easily that is controlled from the trucking vendors or private companies. He stated that it is typically the back up is required for safety.

Commissioner Cosgrove asked him to look into that.

Kyle Bogardus, Engineer for the applicant stated that he would look into that.

Commissioner Cosgrove stated that he read in the newspaper that Price Chopper is going to start in September, but they didn't say the year. He questioned the official estimated start date of the project.

Kyle Bogardus, Engineer for the applicant stated that the start date is September 2014. He stated that it is a 12-18 month construction window and some of the work is ongoing now from the earth excavation phase. He commented that if you recall, back in October of last year, they came before the Commission to get some of the mass earthwork initiated. He again stated that work is ongoing and in preparation for delivering a Price Chopper pad this summer, for them to start their construction this fall.

Commissioner Cosgrove questioned when Price Chopper will be available.

Kyle Bogardus, Engineer for the applicant stated that it is 12-18 months away; the target date is July of 2015.

Pete Zbras stated that the first driveway with no signal, he stated that they have talked about this before; they talked about the trucks entering and exiting from that driveway to avoid all the foot traffic. He explained that the last couple of weekends he has been going to these shopping centers and watching people and they do not watch where they are walking. He stated that if they use the one driveway to keep the truck traffic away from the foot traffic, there will be more safety on the retail/residential side, as well as less noise.

Kyle Bogardus, Engineer for the applicant stated that they have looked at it, one entrance (signalized) it is for a larger slower moving vehicle that requires a longer time for the vehicle to cross the lanes, so from a safety perspective it is not ideal to use the other entrance for trucks.

Pete Zbras stated that the first driveway (no signal) has a better line of sight than the other entrance.

Kyle Bogardus, Engineer for the applicant stated that there were two components, and it was actually a comment made by Nafis & Young regarding sight line distances, they did provide those as part of the Traffic Impact Study. He showed some of the examples to the Commission. He stated that one of the challenges is that there is some vertical that comes into play. He stated that sight line distances are not only horizontal; there are obstructions from the crest of the hill and so forth. He stated that the best and most appropriate place to have a traffic light is right where they are showing on the straightaway on Route 67.

Pete Zbras questioned if they would let them put a light in on the other side.

Kyle Bogardus, Engineer for the applicant, stated "no".

Dominick Thomas, Attorney for the applicant stated that it is very difficult for a supermarket to tell you how many trucks it has a day because it depends on stocking. He stated that on the worst day, you would have 7 semi trucks entering/exiting the site. He stated that the industry standard of truck deliveries is 5 to 7 per day.

Pete Zbras stated that he thinks that is a lot of trucks in a 24 hour period.

Dominick Thomas, Attorney for the applicant stated that is on the "worst" day, most days you are talking 2 to 3 trucks per day.

Chairman Carver stated that she does want to back up Pete because he has been driving big trucks for his entire life.

Anna Rycenga, ZEO stated that she does see in a lot of grocery stores, they do have the refrigerated trailers, they are temporary but they end up being permanent and they are pretty loud. She stated that at the grocery store that she does occasionally shop at she sees that they do have one there, her question is one proposed because they do generate a significant amount of noise.

Steven Duffy, Price Chopper stated that typically that is not their practice; he commented that the only time that would typically occur is if they had some type of refrigeration error.

Chairman Carver stated that its 54,000 square feet for Oxford, what size is that for all the many Price Choppers? Is it a small store, medium...?

Steven Duffy, Price Chopper stated that if you were to take the average for the chain, some of their largest flagships are 90,000 square feet at the high end and the very low ones would be "neighborhood markets" are 17,000 – 19,000 square feet. He stated that the mean number is probably in the 45,000 – 48,000 square foot range. He noted that it is the appropriate size for this community.

Chairman Carver stated that she did go through the website and through the stores, and not all stores are open 24 hours.

Steven Duffy, Price Chopper stated that there are a few that are not, but the majority of their stores, 92-95% are 24 hour operations.

Tanya Carver stated that 20% of their stores are not 24 hours. She stated that the 24 hours will be a quality for the residents of Oxford.

Commissioner Cosgrove stated that he was looking at CS-100 on the right hand side, in front of Retail B and Retail C there are 1) no carriage returns and 2) the number of handicapped parking spaces. He stated that we are a senior citizen community to some extent and many people have handicap stickers so could you think about that. He also asked that the carriage returns in front of Retail B & C, could you update that and at the back end of the carriage returns opposite the grocery store, A, B, and C, the back half have absolutely no carriage returns at all.

Kyle Bogardus, Engineer for the applicant, stated that for A, B, and C they don't really know those tenants, or what size retailer, and some of those retailers don't have shopping carts, they use bags and not carts. He stated if the retailer does use shopping carts, they would add the cart corrals on that side of the property. He commented that as far as the parking requirement, the Oxford Zoning Regulations refer back to the CT General Statutes and for parking lots of 300-400 parking spaces, 8 is the required number of handicapped parking spaces. He stated that there will be different uses on the site where they will have higher than that percentage, for instance the medical building may have more handicap parking spaces.

Pete Zbras questioned if they might put some parking spaces that are for the mother's with children.

Steven Duffy, Price Chopper stated that is Pandora's box, they had a location in the capital district area and they provided that and it sort of becomes one group versus another group saying why are they not given the same level of deference and it literally spiraled out of control, where they had 20 spaces

up front that were allocated and it created more issues. He commented that they thought they were doing the right thing and it ended up not being the right thing.

Dominick Thomas, Attorney for the applicant stated that they would like to reemphasize again what Kyle said with respect to some of the comments in Brian Miller's memorandum, which are comments that they are going to take to heart, but they are unrelated to the Site Plan for Phase 1.

Chairman Carver stated that when we received the packet and its 008, just go through it and there are just some numbers that are not lined up correctly, someone needs to take a look at it....

Dominick Thomas, Attorney for the applicant questioned what document is labeled 008.

Chairman Carver stated it is a map and it is not properly indexed.

Commissioner Cosgrove stated that on the map CS-100, when the Commission will get an updated map.

Kyle Bogardus, Engineer for the applicant stated that they will be sending that out this week. He wanted to present all the comments and responses, get the feedback from the Commission and then revise the maps as needed.

Tony Amenta, Architect for the applicant, stated that he is going to address a comment that was made regarding the buildings that are going to be facing Route 67. He stated that the only one of the buildings that is the site plan application tonight is the bank. He brought the proposed architectural rendering of the bank. He stated that the bank has not signed off on this rendering officially. He depicted the side that faces the road. He noted that the only difference between the side that faces the road and the front of the building is the door. He stated that the windows, awnings and signage will look the same on both sides so that the people driving on Route 67 will see something that does not look like the back or the side of the building.

Jim Galligan, PZC Engineer stated that just for a point of clarification, front means Route 67, and side means the entrance driveway. He stated that the concern is that the front is going to face south; the side is going to Route 67, what is the part that faces the entrance driveway going to look like? That is the answer he is trying to find out. He believes that Brian Miller is questioning the face of the building that is seen driving into the boulevard.

Tony Amenta, Architect for the applicant stated that the only thing that will distinguish the back of the building will be the drive-thru.

Kyle Bogardus, Engineer for the applicant stated that the only thing they did do from the conceptual plan to this plan was to internalize the drive-thru.

Commissioner Cosgrove stated that this looks like a white elephant in comparison to the other architectural designs for the other buildings. He has reservations for a totally white building without any stone.

Tony Amenta, Architect for the applicant stated that there is stone on the bank building, and it is on the bottom of the building. He noted that it is the same stone that is depicted on the Price Chopper building. He stated that if there is any one color that represents architecture in New England it is white.

Chairman Carver called for a 10 minute recess at 9:05 PM.

Chairman Carver called the meeting back to order at 9:20 PM.

Tony Amenta, Architect for the applicant stated that the building will not necessarily be white that will be up to the tenant that leases the building.

Dominick Thomas, Attorney for the applicant stated that the Commission is approving the footprint; they are approving the location and approving the use. He commented that he has been sent copies of the lease for his review, and when that tenant comes in and is going to change the colors, and then they will come back before the Commission with revised site plan sheets for the architectural plans.

Anna Rycenga, ZEO stated that she does not know if it would be appropriate to approve the use now because the tenant would have to apply and fill out the statement of use form.

Dominick Thomas, Attorney for the applicant stated that the Commission is approving the use for a financial institution, but when the tenant comes in they will then fill out their own statement of use.

Anna Rycenga, ZEO agreed with Attorney Dominick Thomas.

Dominick Thomas, Attorney for the applicant stated that this is a bank building that they can begin construction on.

Anna Rycenga, ZEO stated "correct", the statement of use will come later with the architectural renderings. She stated for the record that Retail stores A-C and the bank, the final architectural renderings may be modified, therefore, they are not approved. She commented that however, they would have to come back to the Commission to fill out a Statement of Use and show the proposed architectural renderings for consideration. She stated that is standard for a use permit. That would be a condition of approval.

Chairman Carver asked them to look at 008, this is for the architect, just make sure the index matches what they are referring to.

Tony Amenta, Architect for the applicant asked if Chairman Carver would like him to resubmit those.

Chairman Carver noted that she would like them resubmitted.

Tony Amenta, Architect for the applicant stated that he would resubmit the sheets that are not correct. He stated that the last comment on the list was a comment made by Mr. Miller regarding signage. He stated that they have some thoughts on the signage, but they do not have the full package. He revealed the ideas they have come up with regarding the signage for the project. He went into minor details about the signs that they have shown to the Commission. The sign depicted would be made from quarried rock from the site.

Dominick Thomas, Attorney for the applicant also spoke briefly regarding the sign and stated that their focus was the material that they were using from the quarry for the sign, not the size. They would be able to tell the Commission the size of the sign once it is lifted out of the quarry. He also showed what a typical pylon sign looks like.

Chairman Carver and Commission Secretary Cocchiarella stated that they are in favor of the rock being used for the signage.

Anna Rycenga, ZEO also commented that the rock is a nice natural feature for the sign.

Commissioner Cosgrove stated that on the main entrance going in, is it is 16' wide and where the right hand turn is going to be for the trucks to go in to go around the building, there is no dimension on that, can someone supply the Commission with some dimension on that. He stated that he was referring to Map CS-102.

Kyle Bogardus, Engineer for the applicant stated that is a 30' drive aisle, referring to Map CS-102, he commented that because of the scale of the project they dimensioned that on Map CS-101.

Chairman Carver questioned if the applicant was done with their presentation.

Dominick Thomas, Attorney for the applicant stated that they are done with their presentation, they have responded to all the questions, and if there are any more responses or clarifications needed by Mr. Galligan or Mr. Miller, they would be glad to present that.

Anna Rycenga, ZEO noted for the record that the plans did go to the W.P.C.A, the Fire Marshal, Oxford Ambulance Association and the Oxford Police Department. She stated that she did request the reports from those departments be submitted by August 19th.

Chairman Carver recommended to the Commission members to go and see the site.

Commission Secretary Cocchiarella stated that he would really like the reports from the other departments prior to August 19th so that the Commissioners can review the reports before the meeting.

Chairman Carver stated that for this application, some of the departments needed about 3 weeks. She commented that on a go forward basis they will request the reports to be ready before the meetings.

Chairman Carver asked if anyone from the public would like to speak on this application.

Don Gonyea, 121 Newgate Road commented that he had some questions about waste disposal and water disposal. He stated that he was wondering if all the appropriate approvals have gone through the State DEEP for a sewer extension as well as any rights of way by DOT were taken into consideration in the sewer line to the facility. He stated that he was also wondering if the applicant has submitted a storm water pollution prevention plan and registration under the storm water construction program with the State DEEP prior to commencing any work on the site.

Anna Rycenga, ZEO stated that upon submittal of their excavation permit they did apply for their general permit from the DEEP and a copy is on file in the office.

Dominick Thomas, Attorney for the applicant stated that with respect to the sewer, there is no DEEP permit required.

Kyle Bogardus, Engineer for the applicant stated that the applicant has had 2 site walks with DOT, they walked the entire sewer line extension with them and an encroachment permit will be required, but initial discussions have happened.

Anna Rycenga, ZEO questioned if a formal application has been submitted.

Kyle Bogardus, Engineer for the applicant stated that a formal application has not been submitted to DOT.

MOTION BY Commission Secretary Cocchiarella to **TABLE** this application to August 19, 2014.
Second by Vice Chairman Luff.
VOTE: All Ayes.

BOND RELEASES

- 1.) **Oxford Greens – Pulte Homes Phase III – Surety Bond # 8195-39-38 – Performance Bond**
(Request for Bond Release) **TABLED (Referred to Town Engineer)**
- 2.) **Oxford Greens – Pulte Homes Phase II & III – Letter of Credit # DBS – 18769 – Soil & Erosion Bond** (Request for Bond Release) **TABLED (Referred to Town Engineer)**
- 3.) **Z-11-057 [IND] C.E.D. Services, Inc – 3 Fox Hollow Road**
(Requests for Bond Release) **TABLED (Referred to ZEO)**
- 4.) **Lakeside Estates – The DSA Companies – Maintenance Bond # 98-1388** (Request for Bond Release) **TABLED (Referred to Town Engineer)**

a.) Letter dated 7/29/2014 from Nafis & Young Engineers.

Commission Secretary Cocchiarella read the letter dated 7/29/2014 from Nafis & Young Engineers.

MOTION BY Commission Secretary Cocchiarella to make a **FAVORABLE RECOMMENDATION** to the Board of Selectmen to release Maintenance Bond # 98-1388.
Second by Commissioner Cosgrove.
VOTE: All Ayes.

- 5.) **Randal Drive – Susan Kopec Jutcawitz** (Request for release of Maintenance Bond)
TABLED (Referred to Town Engineer)

ZONING ENFORCEMENT

The ZEO informed the Commission of the following items:

- 1.) Revised letter to Civil 1 regarding 119 Hawley Road – 589 Investments, LLC.
- 2.) Letter from Anna Rycenga, ZEO to Anika Singh Lemar dated July 21, 2014
Re: Freedom of Information Request
- 3.) Letter from Anna Rycenga, ZEO to Gregory & Dawn Stramoski dated July 22, 2014
Re: 11 Kerski Drive
- 4.) Letter from Anna Rycenga, ZEO to Jim Hliva dated July 23, 2014
Re: Bond Release – 1 Oak Glen Hill Road
- 5.) Letter from Anna Rycenga, ZEO to Jim Hliva dated July 23, 2014
Re: Bond Release – 441 Oxford Road

Anna Rycenga, ZEO stated that she received complaint from one of the tenants, Jan Wise regarding the outdoor seating at the pub. She stated that they had 3 tables; she spoke to the owner of the Irish pub and explained to him that he needed a railing to go all around the patio. She noted that he did install that railing. She commented that the upstairs tenant was concerned with the tables because the claim was made that her clients couldn't get into the door. She noted that she again spoke to the owner of the

pub and he now only has 2 tables outside. She stated that she has brought this to the Commission because the owner would like to keep the tables outside during all business hours.

Commission Secretary Cocchiarella stated that the tables are off where there is no foot traffic.

Commission members expressed that having 2 tables outside is not a problem.

MOTION BY Commission Secretary Cocchiarella to **MODIFY** use permit approval for application **Z-13-168** to **allow** outdoor seating up to 2 tables on the front patio in the area designated; to the left side of the main entrance where there is no foot traffic.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

- 6.) Letter from Anna Rycenga, ZEO to Jim Hliva dated July 24, 2014
Re: Bond Posted – 13 Davis Road

ACCEPTANCE OF MINUTES

MOTION BY Commissioner Cosgrove to **APPROVE** the minutes listed below as presented.

Second by Commission Secretary Cocchiarella.

VOTE: All Ayes.

1. July 1, 2014 Public Hearing Minutes – Patriot Business Park/XAL, Inc.
2. June 10, 2014 Special Meeting Minutes.
3. April 15, 2014 Public Hearing Minutes – Garden Homes.

INVOICES

- 1.) Invoice # 176-14A from Nafis & Young Engineers.

MOTION BY Commission Secretary Cocchiarella to **APPROVE PAYMENT** of Invoice # 176-14A.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

- 2.) Invoice # 176-14-B from Nafis & Young Engineers

MOTION BY Commission Secretary Cocchiarella to **APPROVE PAYMENT** of Invoice # 176-14B.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

- 3.) Invoice from Micci & Korolyshun, P.C. for Oxford Commons – Garden Homes.

MOTION BY Commission Secretary Cocchiarella to **FORWARD TO THE BOARD OF SELECTMEN FOR PAYMENT.**

Second by Commissioner Cosgrove.

VOTE: All Ayes.

4. Invoices from Turner Miller Group: 5197, 5185 & 5200.

MOTION BY Commission Secretary Cocchiarella to **APPROVE PAYMENT** of Invoice # 5197.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

**MOTION BY Commission Secretary Cocchiarella to *APPROVE PAYMENT* of Invoice # 5185.
Second by Commissioner Cosgrove.**

VOTE: All Ayes.

**MOTION BY Commission Secretary Cocchiarella to *APPROVE PAYMENT* of Invoice # 5200.
Second by Commissioner Cosgrove.**

VOTE: All Ayes.

OTHER BUSINESS

1.) Discussion with possible action regarding a Moratorium on Medicinal Marijuana.

**MOTION BY Commission Secretary Cocchiarella to hold a Public Hearing for *September 2, 2014*
at 7:00 PM.**

Second by Commissioner Cosgrove.

VOTE: All Ayes.

Chairman Carver discussed briefly that she had gone to the Finance Director to request that a part-time person be hired for Planning & Zoning. She stated that they have agreed to allow part-time help to cover when staff is absent and to assist with administrative tasks. She noted that there is an ad in the paper that will run until August 11, 2014. She also stated that the ad states that it is a Land Use Clerk that may be utilized by other land use departments.

Commissioner Cosgrove asked if they would report to the Chairman.

Chairman Carver stated they would report to the Chairman.

Commission Secretary Cocchiarella stated that any hours not worked in the Planning & Zoning department, but a different land use department should be billed to that department, not Planning & Zoning.

UPCOMING EVENTS/MEETINGS:

Public Hearing on *August 19, 2014 at 7:00 PM* – Planning & Zoning Commission Proposed Text Amendments.

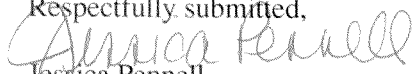
ADJOURNMENT

MOTION BY Commissioner Cosgrove to *ADJOURN* the meeting at 10:10 PM.

Second by Commission Secretary Cocchiarella.

VOTE: All Ayes.

Respectfully submitted,


Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

14 AUG 29 PM 4:07
TOWN CLERK
