



**TOWN OF OXFORD**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

## **Planning & Zoning Commission**

### **PUBLIC HEARING MINUTES**

April 15, 2014

7:05 PM

Main Meeting Room  
Oxford Town Hall

### **CALL TO ORDER**

**Chairman Carver** called the continued Public Hearing to order at 7:45 PM.

### **ROLL CALL**

**Present:** John Kerwin, Pete Zbras, Harold Cosgrove, Arnie Jensen, Jeff Luff, Tanya Carver, Pat Cocchiarella and Todd Romagna.

**Staff Present:** Eugene Micci, Anna Rycenga, ZEO, Town Planner, Brian Miller and Jessica Pennell, Administrative Secretary.

### **PUBLIC HEARING**

**Z-14-012 – Oxford Commons – Owner & Applicant: Garden Homes Management Corp., By Mark Branse, Esq. Address: 117 Hurley Road (Map:2 Block: 36 Lot: 2) & Hurley Road (Map:2 Block: 36 Lot: 2B) (Application for Site Plan Approval – C.G.S. 8-30g) (Proposed Development for manufactured housing community containing 124 home spaces and infrastructure)**

### **CORRESPONDENCE**

**Commission Secretary Cocchiarella** read the following correspondence into the record:

- a.) Memorandum from Brian Miller dated 4/7/2014
- b.) Letter from Jim Galligan dated 4/8/2014

**Anna Rycenga, ZEO** stated for the record that Brian Miller and Jim Galligan have submitted their resumes to the Planning & Zoning Department and a copy of each resume will be placed in the file.

- c.) Letter dated 4/15/2014 from the Board of Fire Chiefs

**Anna Rycenga, ZEO** stated that nothing has been received from Oxford Ambulance Association.

d.) Letter from Steve Trinkaus – Response to Nafis & Young Engineers.

**Mark Branse** stated that they are okay with the letters submitted by the applicant this evening not being read into the record, he stated that he was going to summarize the letters during their presentation. He stated that he knows that Jim Galligan is not here this evening and the applicant's engineer is also not present. He stated that he understands that Mr. Galligan and Mr. Miller will have to review Mr. Trinkaus's comments. He commented that they are willing to answer any questions the Commission has this evening.

**Chairman Carver** stated that Mr. Branse could summarize the responses and then she would go back to the Commission for questions, and then out to the public before scheduling the continued Public Hearing.

### **APPLICANT PRESENTATION**

**Mark Branse** stated that they have submitted some letters for the record, in response to Mr. Galligan's report, Mr. Miller's and also the Fire Chief. The first letter that he called to the Commission's attention is dated April 15<sup>th</sup> from our firm and these are their responses to the Galligan and Miller letters. He stated that the high points that he would like to discuss are that Mr. Galligan and Mr. Miller both pointed out that this plan is different than the one that was the subject of the appeal in 2007 and the answer to that is it certainly is because the Wetlands Commission denied that application and the court upheld that denial and required certain changes to the way the plan was laid out and your Commission denied that application and the same court required changes in the way it was laid out. He stated that for example, the hammerheads were an issue, so it's been redesigned now so there are no cul-de-sacs or hammerheads. He commented that if they had gotten approvals in 2007 it would not be different. He commented that they are responding to the actions of the Wetlands Commission and this Commission in these redesigns. He noted that one of the reasons why they filed a site plan applications was because they recognized that, although this is here on remand from Judge Pickard, that there are changes to the plans, they are treating this as a remand but have also filed an application. He commented that the changes are in response to what the Town of Oxford has required of them. He commented that the other point that was raised by Mr. Miller has to do with the increase in total unit count from 113 to 124. He stated that the reason for that is viability of the affordability component of this project. He noted that one of the letters that is in the packet tonight is a letter from Garden Homes; Mr. Freedman reviews the costs that have driven this project over and above land costs. He commented that Mr. Freedman summarizes why the increase in the number of units has been triggered, which is by litigation, requirements and fees charged by the Town of Oxford. He noted that in his letter, Mr. Freedman talks about the cost of the town's review, the reimbursement for the review of these engineers and planners, and one of the things that they just discovered is that on April 2, 2014, the Board of Selectmen held a meeting to apply for CT Community Development Block Grants, and the town has applied for these grants for a number of years in the past.

**Mark Branse** stated that the Board of Selectmen adopted a resolution and that resolution makes certain representations to the Department of Housing in order to qualify for those CDB Grants. He referred to page 8 of the April 2, 2014 minutes and quoted "The Town of Oxford will provide special technical assistance to groups and representatives of low to moderate income persons, the Town of Oxford will provide a reasonable amount of technical assistance through the use of either staff or consultants to persons or groups who are or who represent low to moderate income persons. The assistance will be made available at no cost to the person or group such assistance will be provided upon request with the level and type of assistance to be provided, determined by the First Selectman." He commented that this indicates to them that technical assistance should be provided to assist them in reviewing this application at no cost to the applicant. He also mentioned the Town's Fair Housing Action Plan and one of the commitments that the town has made to the Department of Housing is, he quoted "review local building and zone codes, remove overly restrictive occupancy standards, family definitions and density requirements." He went on to stated that they have a letter dated today from a fire code compliance company, and the one place where they need help from staff and the commission would be regarding the turning radius. He stated that the Fire Marshal indicated that the turning radius is not adequate, but that can't be determined by their expert without knowing the specifications of the largest fire truck. He requested that Commission staff find out from the

Fire Marshal the specifications of the largest truck. He commented on the Board of Selectmen minutes of April 2, 2014, stating that at the beginning of this proceeding, they had raised questions of predetermination and conflicts of interest by the Commission and Mr. Micci has advised the Commission that, in his legal opinion, there is not a conflict of interest or predetermination, they reserve that claim. He stated that there was one thing from the April 2, 2014 minutes that troubled them which was on page 14 where the Board of Selectmen's minutes where the Board of Selectmen voted to retain Attorney Micci and in the discussion it stated that First Selectmen Temple stated that Mr. Micci is being hired for Planning & Zoning, and a reason he gives for hiring Attorney Micci is because the Town will have to go to litigation with Garden Homes. He stated if they get an approval there won't be any litigation from Garden Homes. He concluded the summary of his documents. He also suggested that Mr. Galligan and Mr. Trinkaus meet regarding the issue of the sight line.

**Chairman Carver** stated that she would make sure to get the information for the fire truck and will also make sure that Jim Galligan meets with Steve Trinkaus.

### **QUESTIONS/COMMENTS FROM THE COMMISSION**

**Chairman Carver** asked that the Commission make their comments at this time.

**Pete Zbras** stated that we have a volunteer fire department, he did a quick look online regarding trailer park fires, he referred to a few articles which he had printed out from the internet and which were submitted to the record.

**Chairman Carver** asked that they be referred to as manufactured homes.

**Commissioner Cosgrove** stated that he would like to know if there are any plans for a laundry with washing and dryer facilities. He questioned the heating system.

**Chairman Carver** questioned Attorney Micci about the questions being asked regarding the inside ergonomics of the site plan and she is not sure that this is something that can be discussed.

**Attorney Micci** stated "no", that is something that need not be discussed.

**Commissioner Cosgrove** stated that they are marketing around having children at this location, but he fails to see a fence around the pond.

**Chairman Carver** stated that answer has been provided.

**Commissioner Cosgrove** stated that he still has problems with the pick up area, and having bicycle racks. He stated that since they are going to have so many children in the area, they should have some outdoor street lighting.

**Chairman Carver** stated that they aren't discussing that.

**Commissioner Cosgrove** stated that he wants it on the record that he asked for it. He questioned if storage sheds will be permitted, and if so, where?

**Chairman Carver** stated that is not part of the discussion.

**Commissioner Cosgrove** stated that the distance between the buildings is only 5' which is way too close. He also asked that if the could get the engineer to do a calculation on the amount of volume of snow with a 6" snowfall and a 12" snowfall. He questioned trash pickup.

**Vice Chairman Jeff Luff** stated that they are asking for an additional 11 units based on financial hardship, it was always his belief that the Commission does not make decisions based on finances.

**Mark Branse** stated that in an affordable housing application the statute specifically states that there cannot be conditions imposed on an approval that make the affordable housing units not financially viable. He stated that Vice Chairman Luff is correct, except in this particular situation where the applicant has to restrict their selling price for 30% of the units.

**Vice Chairman Jeff Luff** questioned if that information was presented to the judge. He questioned the applicant if they told the judge that they increased the units because of litigation costs.

**Mark Branse** stated that the judge couldn't have considered that, the judge was only allowed to consider what was on the record in 2007.

**Vice Chairman Jeff Luff** questioned if they run into more problems or issues, then the applicant could come back with 154 units.

**Mark Branse** stated that could be, and that is why it would be prudent for the town to stop spending the taxpayers money. He stated that the town has already spent \$350,000.00 on the first application. He commented that it is a considerable waste of his client's money and the town's.

**Vice Chairman Jeff Luff** stated that the Commission is following their regulations.

**Mark Branse** stated that the Commission cannot follow their regulations because in this situation, they do not apply. He stated that the only criteria that you are allowed to consider are substantial adverse impacts and health or safety, and that are substantial enough that they outweigh the need for affordable housing in Oxford which is currently at less than 1%.

**Attorney Micci** stated that he still thinks the Commission has considerable discretion, what the judge ordered was the approval of the site plan. He commented that the only plan he had before him was for 113 units, he didn't order approval of 124 units. He stated that you can work with that and you can work with the applicant on that, but you are not obligated to accept the greater number of units to put in effect the judge's decision that is not what the judge said.

**Mark Branse** stated that they do not agree with that, they feel that they have filed this as an 8-30(g) site plan pursuant to Section 6A of the regulations, which the Commission has adopted and that this unit count complies with Section 6A.

**Chairman Carver** stated that every member here got sworn in to protect the safety, health and well being of all the residents of Oxford, whether you are a resident of Oxford or now or a resident of Oxford later, we are here protect that. She read something from Judge Pickard, "in opposition to the Commission's expert, the plaintiff argued that the entrance on Hurley Road will be divided by islands which will separate the entrance and existing traffic, making it more difficult to block. However, the Commission's expert opinion is that this layout does not provide sufficient geometry to be considered anything other than a single access. My own review of the record leads me to conclude that a single access for the 99 units in Oxford Commons west presents a serious health and safety issue which clearly outweighs the need for affordable housing. Affordable housing units should be just as safe as any other form of housing; the emergency access proposed by the plaintiffs is inadequate to safeguard the residents from a danger of one entrance being blocked. The reliance upon the proposed emergency entrance is insufficient; the use of this access would be subject to confusion and to human error in the event of a real emergency. This issue could be resolved with a condition that requires the plaintiff to provide a full access point which is separated from the access point on Hurley Road."

**Commission Secretary Cocchiarella** stated that his questions are engineering questions so he reserves his time for when both engineers are present.

**Todd Romagna** stated that it seems that the housing has increased substantially which has in turn created some safety risks. He stated that in this application there is not supposed to be any monetary effect, but it has caused an effect financially and we've created a situation where there are turning radii issues, there is risk to the health of the residents there. He stated that because they have increased the housing to make it more affordable for the applicant, we are in turn creating health and safety concerns for the residents.

#### **QUESTIONS/COMMENTS FROM THE PUBLIC**

**David Stocker, 144 Punkup Road** stated that there are a lot of safety issues especially at the entrances and exits. He stated that there is a fence that runs along the Airport Access Road and if there was a problem with the two entrances on Hurley Road, the fence would be a problem in an emergency. He also stated that there is a pond on Hurley Road which may cause problems with erosion. He submitted pictures for the record. He stated that the applicant stated that there would be 60 to 70 children. He commented that would constitute 10 bus trips a day, and there is no bus stop proposed. He stated that regarding the traffic study, they changed from 113 units to 124 units and he is concerned about those 2 cars per unit at 248 trips a day. He is concerned with the dam and flooding; the dam should be replaced or repaired. He commented that he did not see any handicapped or ADA compliant parking spots depicted on the plan. He is concerned with the traffic at Pope and Hurley Road.

**Buccini, 22 Pope Road** stated that every time she comes here this application changes and questioned how many units are now proposed.

**Chairman Carver** stated that 124 units are proposed.

**Buccini, 22 Pope Road** questioned if they would be rentals or sold to owners.

**Chairman Carver** stated that cannot be considered at this time.

**Commission Secretary Cocchiarella** stated that it does matter, but it cannot be considered in their deliberations.

**Chairman Carver** stated that they have certain conditions that the applicant has to adhere to for compliance with the judge's decision. She stated that is all that can be considered at this time.

**Buccini, 22 Pope Road** questioned how close the units are to each other.

**Chairman Carver** stated 5' apart from each other.

**David Stocker, 144 Punkup Road** stated that some other towns have rental permits and it allows the town or city to come in and make sure that the units are still livable.

**Patricia Riebe, 72 Pope Road** stated that she had an issue about safety, she questioned if crime was considered. She also stated that Hurley Road is severely eroded and asked if that will be addressed.

**Chairman Carver** stated that crime cannot be considered and that the erosion can be addressed in the conditions of approval.

**Chairman Carver** stated that today was her first day visiting the site and she had taken some pictures.

**Pete Zbras** stated that he could not find any extra parking on the east side of the development.

**Commissioners** agreed that there are no parking spaces on the east side.

**Chairman Carver** stated that some of Commissioner Cosgrove's points are very valid as the way this is presented; there will be more families with children.

**Commissioner Cosgrove** questioned a play area.

**Chairman Carver** stated that the applicant stated that they will install a play area.

**Mark Branse** stated that in response to David Stockers comments, some will be addressed per Inland/Wetlands conditions of approval. He also stated that designated handicap parking spaces are not required. He also noted that mobile manufactured homes are now subject to a national, federal building code which governs fire, insulation and a number of other factors. He stated that older mobile manufactured homes were governed by much lower standard codes. He commented that they are allowed but restricted to 10'x10', and only one per unit. He stated that they had indicated in their letter that if it is a condition of approval, a bus shelter and play area will be provided. He noted that he will inquire about street lighting and any existing road that needs improvement is the responsibility of the Town of Oxford.

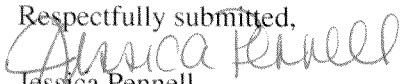
**Mark Branse** stated that he believes it is concrete but he will verify.


**Commissioner Cosgrove** questioned the construction of the pad for the mobile home, will it be dirt or asphalt. He also asked about provisions for mosquito control.

**CONTINUE/CLOSE**

**MOTION BY Chairman Carver** to continue this *Public Hearing to May 6, 2014 at 7:05 PM.*  
**Second by Commission Secretary Cocchiarella.**  
**All Ayes.**

Respectfully submitted,

  
Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

14 JUL 29 PM 3:04  
TOWN OF OXFORD, CT  
  
TOWN CLERK