



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

Planning & Zoning Commission

PUBLIC HEARING MINUTES
Tuesday, May 20, 2014
7:05 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Public Hearing to order at 8:15 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Harold Cosgrove, Jeff Luff, Ed Rowland, Tanya Carver and Pat Cocchiarella.

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

Not Present: Arnie Jensen, Glen Persson and Todd Romagna.

SEATING OF ALTERNATES

Chairman Carver seated Alternates John Kerwin, Pete Zbras and Ed Rowland.

PUBLIC HEARING:

Oxford Planning & Zoning Commission Proposed Regulation Amendments:

1. Eliminate Article 7A in its entirety.
2. Eliminate Article 5A, Section 5A.4.2.B.
3. Eliminate Article 10, Section 10.10.8.A.

Chairman Carver explained, Item #1, which is regarding Article 7A. She stated that this article has not really been utilized and it conflicts somewhat with the new Village Center Mixed Use District. She asked for Public Comments at this time.

Joe Demspey, 4 Sunrise Drive stated (the following is taken from written correspondence that he submitted to the Commission) that in "regards to eliminating Article 7A, he would recommend keeping Article 7A in conjunction with newly accepted Article 6. With a better review of each, appropriate

changes, additions and maybe some deletions would prove beneficial. Some of the items I found in my quick review were:

Article 7A, Section 4.7, dealing with traffic impact, is more explicit than Article 6, Section 6.6, and item 6.6.2.2L.

Article 7A, Section 4, with the heading Unified Development Plan is a list comprising 11 different criteria items, whereas Article 6, Section 6.6.2, only 2 items.

Article 7A, Section 5, with the heading Applicability and Standards has a list showing minimum setbacks. However they were among the missing in Article 6. His suggestion: Spell out the detail in Article 6. Don't jump all over the regs listing other locations for the same; the cost, a sheet of paper and time to prepare.

In addition, **Article 5** also has considerable verbiage within four items dealing with delivery, freight handling and storage concealment from off site viewing, outdoor storage including equipment and materials; also listing that all utilities being located underground with wire and cable within conduit. In Article 6 – none.

Article 7A, Section 8, headed Landscaping, sixteen requirements in detail listed; maybe not all applicable in Article 6, but in Article 6 only four lines of non-detailed verbiage.

One heading I did not find in Article 7A but was an item in Article 6 was signage.

Please hold off on a decision on this item, put your heads together and consider keeping Article 7A along with Article 6 on behalf of the town, its tax payers and residents. Thank you."

Chairman Carver asked if anyone else from the public would like to speak on Article 7A.

Tom Kelly, 11 Seth Den Road, stated that 7A has language in it regarding town access to roads and the concern he has is that it appears to be that if you eliminate it, there appears to be no language to cover that and so I'd like to know how, if it's possible, how the Article 6 covers that. Do these roads that are impacted currently by 7A, are they private roads and do they remain private roads or do they now fall into a public road category. He commented that would be detrimental to the town if they became public because then the town has to maintain the roads, anything that is underneath it and all those ancillary expenses that go with it. His major concern is cost to the town.

Chairman Carver now stated that they would take comments regarding **Article 5A** and **Article 10**.

Joe Dempsey, 4 Sunrise Drive, submitted written correspondence that stated the following:

I wholeheartedly recommend retaining Article 5, Section 4.2B as is, without change. By eliminating this item, it leaves the town with responsibility within Oxford Greens for:

- 1.) Maintenance of all roads.
- 2.) Plowing, sanding and ice melting application of all roads.
- 3.) Maintenance and cleanout of all catch basins. (#30)
- 4.) Replacement of any damaged curbing.
- 5.) Sweeping of all streets.

What will it require to handle all 5 items properly?

- A.) How many additional plow trucks?
- B.) How many additional workers?
- C.) How many additional sanders?
- D.) How much additional sand and salt?
- E.) How much additional fuel and maintenance?

What might the estimated cost of items A-E be? Multiply it by 2.5. Why 2.5? Well if Article 5A, Section 4.2.B is eliminated should we not soon be requested by Meadow Brook Estates,

Masonicare Facilities and even Glendale looking for the same cost reductions. They would be crazy if they didn't.

The original applicant for Oxford Greens accepted 50 well thought out set of conditions after almost 2 years of scrutinizing development plans, multiple hearings, work sessions and a week spent by Commission members in drafting the approval motion with all its conditions.

How long did it take for the current P&Z to come to a conclusion that disregards the previous P&Z Commission's initiative, taken on behalf of Oxford, but more importantly, why?

Linda Czaplinski, 30 Freeman Road stated that she supports retaining these articles and sections. She commented that it is inappropriate to set precedent for the Town.

Ovin Haskins, 128 Meadow Brook Road would like to see the wording changed to include catch basins and flushing the fire hydrants. He stated that there are 196 units in Meadow Brook which equals \$1 million in tax dollars, zero children, no demands on the school system, and no demands for the roads. He commented that they contribute a lot to the town and do not use much in return.

Andy Ferrillo, 93 O'Neill Road & IWEO stated that he is concerned as the wetlands agent that the maintenance will extend to the detention and retention ponds in town. He stated that the catch basins are an extension of the ponds, a continuation of the storm water systems. He noted that the cost of cleaning detention and retention ponds can be quite expensive depending on the size. He stated that a much smaller pond can cost approximately \$6,000.00 to \$8,000.00. He noted that the ponds at Oxford Greens are much larger and the cost would be substantial. He asked the Commission to strongly consider the cost factor.

Tom Kelly, 11 Seth Den Road stated that the concern that he has is the work that might be asked to be done, or that has been mentioned has fallen under the purview of an existing private arrangement to allow the construction of the facilities involved, through their taxes they make a contribution to the town, and so do all the other residents. There is a difference in that their community was established in a private manner, and special exceptions were made to allow that to occur. He believes it is disingenuous now to say that certain pieces of that should now be changed and taken care of in a different manner. He stated that the concern he has is that it sets a precedent, to set a precedent, now the Town has to defend against any challenges by others who have private roads when the Town does not provide a service they feel is necessary to them. He stated that it is only being mentioned for a small area of involvement, but we leave ourselves open in the future should challenges be made and there will be additional expenses due to legal requirements.

Michael Herde, 152 Good Hill Road stated that he is adamantly against eliminating either of these articles. He commented that one of the things here is the definition is that we are talking about taking over maintenance of roads, usually when a piece of asphalt goes onto a private piece of property it is called a driveway. He stated that this is one large piece of property and it is a driveway and he doesn't think it is any different than his, nor any different than any of the commercial driveways. He stated that he has 2,500 feet of driveway with two wetlands crossings and culverts, if you want to pass this one for them, I would certainly hope that they town would come and maintain his too. He stated that if the Commission was to go through with this format, he thinks it is an incredible burden put on the town. He commented that it comes out as a bait and switch, were this development was passed in one form and now all the sudden it changes, but only for one development and he really thinks it should go around for the whole town and everyone should get maintenance on their private property. He noted again that he thinks this is an unnecessary burden to the town.

Tom Adamski, 17 Council Drive, stated that he is opposed to the elimination of Articles 5 & 10, he thinks this opens a very slippery slope, having the town do work on private property. He stated that he

has a long driveway and if you are going to maintain catch basins on private property, why not his swale and culvert. He commented that this will open the town to a lot of additional expenses.

Dick Burke, 447 Quaker Farms Road stated that he is adamantly opposed to changing the regulation. He stated that when they bought into this, when they welcomed these communities, the town gave up a piece of its character. He stated that their roads are their collective driveways. He stated that by entertaining this they are opening the town to a huge budget increase. He also questioned what is driving this action and can any documentation be provided?

Jack Kiley, 88 Bee Mountain Road, stated that when these two communities were proposed, he was on the Planning & Zoning Commission and the reason they received to approve these projects was that it would improve the tax base of Oxford. He commented that we know that we get taxes from your communities, yes that is the reason that they were put into our community. He stated that when Meadow Brook was proposed, it was over a 30% rate, when it was proposed, they made a special variance to allow it to be built, and it was against the regulations to even put Meadow Brook in. So yes they did it and the town does get the tax revenues from that, there have been a few side effects from that decision that they had to correct. He commented that once you start giving one thing it never stops and it starts costing. He stated that you never take away a service or a benefit; they will always be looking for more add-ons. He noted that the reason that this is before you tonight, it came before the Board of Finance as far as a budget item to clean the catch basins and maintain the fire hydrants for both communities. He stated that at that time the Board of Finance stated that there is a contract with Planning & Zoning and the people that live in those communities and they can't break that contract. He stated that he believes they are here tonight to override the decision of the Board of Finance so that these services can be rendered. He commented that it always comes back to money.

George Temple, 1st Selectman, 2 Jensen Farm Road, stated that he looked at the regulations and there is nothing in here that addresses the flushing of hydrants, it had nothing to do with maintenance of the road, and so as far as he is concerned that provision can remain intact. He stated that he has listened to people talk about a precedent, and a precedent is that you have to come before this board to get any kind of changes in the future. He stated that what he is concerned about is a safety issue, with the flushing of the hydrants. He wants to make sure it is done, and done right and the only way to do that is to have the town pay for it. He stated that two years ago the town did pay for the fire hydrants to be flushed. He commented that what we are talking about it is \$18,000.00 expenditure, the taxes just from Oxford Greens is close to \$3.5 million a year. He stated that when he went up to Oxford Greens and he has been up there on several occasions, and they are not looking for a freebie, this is nothing more than a token, nothing more than showing them a little love, it has no overall significance in our budget because our budget is \$42 million, and \$18,000.00 isn't even on the chart. He stated that the only thing it says for them, is this cash cow we have for the town, is appreciated. He noted that every year they donate a \$5,000.00 scholarship to Oxford High School for a graduating senior. They have been very good citizen over the years. He stated that they joined in Oxford and they want to be a part of Oxford, but there is a little bit of a disconnect. This is basically a token, and this is something he obviously supports. He stated that the fire hydrant flush is more or less nuisance money more or less as far as the town is concerned and as far as they are concerned, but it will give us something to demonstrate to the people once and for all that we are happy to have them be part of our town. He stated that he is expressing the importance of these communities to the Town of Oxford. He stated that if the politicians of Oxford are going to these communities and looks for their vote, let's show them in all sincerity that we care about them.

Dave McKane, 11 Tram Drive, stated that he is opposed to this. He stated that this is an added cost to the town and we are only talking about Oxford Greens and Meadow Brook, but we also have to consider all the other private roads in Oxford. He stated that his concern is the cost to the town should

we have to start having to maintain and improve other private roads. He also noted that having Public Works employees on town roads is a liability.

Lila Ferrillo, 93 O'Neill Road, stated that she is opposed to both revisions and if Mr. Temple is very concerned about the fact that there is a revision for a safety issue, the contract can be amended. She stated that it is a private community, when you talk about cash cows; there are a lot of us cash cows that are here in Oxford that don't have children in the school system. She commented that they pay taxes, they take care of their property, they don't come to Town Hall, looking for the town to take care of their driveways or anything and they do appreciate the fact that these people are a part of our community. She stated that they chose to live in a private area; it is not like we can go up there and have a block party. She noted that when this community came to be, there were certain provisions that we gave them and they gave us to make sure that we all lived together without any animosity. She also noted that two years ago when the town paid to clean the catch basins, the Board of Finance was not aware of that being done because the Board of Finance never agreed to that expenditure.

Paul Linder, 323 Fairway Drive, stated that back in 2012 he wrote a letter to Mr. Temple asking that the town pick up the fees for the fire hydrants. He stated that Mr. Temple was receptive to that idea. He commented that they are not asking for roads, he understands private roads. He stated that on behalf of the residents of Oxford Greens, he would like to have the fire hydrants flushed.

Ted Dutton, 572 Putting Green Lane, thanked the Commission for even considering this; it would be a welcome thing to have the fire hydrants flushed and the storm drains cleaned. He stated that the fire hydrants get flushed every year regardless of who pays for it; in fact they were just flushed this past week. He stated that he is also on the Board of Director's as Vice President; he thinks he can speak for 341 homes and roughly 600 residents that pay taxes also, that they would really appreciate this.

Rocco Trungadi, 336 Spruce Hill Drive, stated that he is amused by the concept that you signed up originally but nothing should change. He stated that everything changes, that is why they are here, because they would like a change. He stated that they are not a gated community, people who live outside the community use the community to walk their dogs, use their walking trails, use the entrances to get back and forth from Oxford to Seymour and vice versa. He commented that they quite a bit of taxes on their houses, just as much as the average single homes in Oxford. He commented that they are part of the community and they were just looking for a little give back, they are not asking for anything that the rest of the community doesn't receive.

Dick Burke, 447 Quaker Farms Road stated that as a member of the Board of Finance this matter of the hydrants, under the definition of police, fire and ambulance, he does endorse that, catch basins he does not endorse. He stated that there are two types of cash cows in Oxford, those within the 55+ communities and those outside. He stated that in this community there are a lot of people who have no kids in the school system.

Joe Dempsey, 4 Sunrise Drive, stated that he considers himself a 57 year prime citizen of this town, but he'd also like to say that his wife and himself purchases a place in Florida in a community of 154 units and they have common fees which takes care of the three huge ponds they have on the property, all catch basins, fire hydrants, roads and if they have a problem, they are going to have to pick up the cost. He stated that he believes if the three fire companies in Town were spoken to, they may be able to flush the hydrants themselves.

Dave McKane, 11 Tram Drive, stated that he wished he was smart enough 9 years ago, to go to the town and ask the town of Beacon Falls, where he owns a condo, but his common fees were used to

maintain the condo. He stated that we all pay taxes in this town and we will pay a lot more if we had to repair all the roads that are now private roads.

Ann Krane, 411 Mulligan Drive, stated that she is on the Board of Directors at Oxford Greens and she would like to thank Mr. Temple for thinking of them and wanting to do a little something for our community. She stated that we love it here and we are not asking for you to take care of our roads, they are not requesting that their roads be taken care of. She requested that she would like the Commission to consider changing the road standards.

Tom Kelly, 11 Seth Den Road, apologizes for using the word precedent incorrectly. He stated that the situation that he sees occurring is just a concern of his, a raising a flag as you will. He commented that we are all a part of a larger community called Oxford, Connecticut. He commented that they are not anything bad about anyone in any particular section or location. He stated that they may have been snookered into paying for something that we shouldn't have, they are not infallible on the Board of Finance. He stated that what he is trying to express to you is his concern, he has all the assurance in the world that in the Commission's minds eye, based on the regulations and based on what is best for the Town of Oxford.

Rocco Trungadi, 336 Spruce Hill Drive, stated that they are not unique in what they are asking for, four years ago, the previous administration formed a committee to look into what exactly condominiums and private communities were getting in throughout the 169 towns and cities in Connecticut. The committee found that a lot of the condominiums all had different items being given back to them. He stated that they are asking for hydrants now, some of the communities had rubbish pick up given to them, some had credit that was given to them at the end of the year. He commented that it was given to the former First Selectmen, and never came to light. He noted that this is nothing new or unique.

Chairman Carver stated that they would now hear from the Commission.

Commission Secretary Cocchiarella stated that as far as fire hydrants go, he thinks that comes under the safety and welfare aspect. He commented that on maintaining the catch basins, now there will be town vehicle encroaching on private property, he questioned what could happen if a catch basin sunk in, and if then the town would be responsible for repair. He stated that there is a lot of legal stuff involved, and when you have town vehicle on the road, there are responsibilities that are incurred. He stated that if they sent a plow truck up there and it ripped up the curb, they would expect the town to pay for the curb. He is concerned about incurring responsibility for the town when they are doing any maintenance on private roads. He questioned the cost of cleaning the catch basins. He commented that his big issue is the encroachment onto private property and the incurred liabilities. He stated that he does not have enough information at this time to make an informed decision.

Vice Chairman Luff stated that most residents feel they are "cash cows" because we all pay taxes. He stated that he is the owner of a business in the Industrial zone and he has to pay to have his fire hydrants flushed, and if it is a safety issue for private roads, it is also going to be drawn into industrial, and those could also be considered safety issues. He stated that the most important part of this is that we cannot do for one group of people and not do for the other group of people. He stated that if we are giving special treatment to a group of people we can't forget about the other 95 % of the population in this town who do their part in supporting the community.

Pete Zbras stated that in discussing the fire hydrants, it is also pertinent to remember the fire suppression tanks, which have to be maintained every two years. He also stated that there are 34 private roads in Oxford.

John Kerwin stated that there is no cost study, there seems to be no actual reason why the Commission is doing this. He stated that he thinks it is incumbent upon the Commission to see if there is a deficiency with our regulations, what is the purpose of the change or is this just a political gift that we are giving them because they vote and pay taxes. He stated that he would like to know why the Commission is proposing this and the purpose behind this. He stated that contract is a contract and you can always come in and make a change and ask to renegotiate it and if that is what is truly happening then he'd like someone to say that specifically, whoever proposed these changes. He stated that he doesn't understand the nexus between the fire hydrants and accepting responsibility for the maintenance of the roads.

Chairman Carver stated that any citizen, any group of people can come in and make a request, it does not have to be in writing, and it doesn't have to be anything formal. She stated that two years ago the catch basins and the fire hydrants were a big to do. The Board of Finance said no because it was in the Planning & Zoning Regulations that internal roads are privately owned and as part of their 50 conditions of approval, it was addressed who would maintain the roads. She stated that she is a believer that anyone that comes into Planning & Zoning and asks for a change should have an opportunity to be heard. She answered Dick Burke, stating that it isn't just one person requesting the change.

Brian Miller, Town Planner stated that this regulation does not have a direct impact on what this Commission does. He stated that the Commission can, when approving these types of developments, require that they all be private roads and infrastructure. He stated that after you do that, and it is built it falls out of the hands of the Planning & Zoning Commission and falls to the regulatory body of the Town as to how they might address certain issues, including issues of public safety, even within those developments. He commented that in many respects, this regulation amendment does not have tremendous impact.

Chairman Carver stated that she spoke to Jim Hliva and got the following financial information. It is \$19 per catch basin, it is \$264.58 per year per hydrant to be flushed by Aquarion Water Company and it is \$577.84 per fire hydrant if flushed by Heritage Water Company.

Anna Rycenga, ZEO stated that she hears a lot of talk this evening of fire hydrants as a safety issue; however, Aquarion Water Company is currently flushing out the hydrants. She questioned how it is a safety issue whether the town does it or whether Aquarion does it. She stated that it is a private community and there is a declaration filed in the Land Records for all these over 55 communities that do specifically state that it is a private community, she questioned if that declaration would have to be amended. She asked what text is actually being proposed, is it just the catch basins or is it just the fire hydrants, she would like to see the actual text to see what they are proposing. She noted that there are four over 55 communities in town effective to date that would have to be taken into consideration.

Commissioner Cosgrove asked that the Chair have the Town Planner compare Article 6 to Article 7A and see where one should be adjusted, possibly keep Article 6 and possibly incorporate what is missing from Article 7A and report back to the Commission in a month.

Brian Miller, Town Planner stated that he would be happy to put in writing a comparison of Article 6 and Article 7A.

George Temple, 1st Selectman stated that he would like the Town Planner to meet with the Town Attorney.

Commissioner Cosgrove verified that the Town Planner has authorization to compare the two articles and report back to the Commission.

Chairman Carver stated, yes, it would be helpful.

CONTINUE/CLOSE

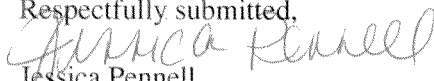
MOTION BY Commission Secretary Cocchiarella to *continue* this **Public Hearing to July 15, 2014 at 7:00 PM.**


Second by Commissioner Cosgrove.

VOTE: All Ayes.

The meeting was adjourned at 9:33 PM.

Respectfully submitted,


Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

14 JUL 18 PM12:10
TOWN OF OXFORD, CT

TOWN CLERK