

Minutes approved by  
Commission  
on \_\_\_\_\_.

Planning & Zoning Commission

**Special Meeting/Public Hearing Minutes**

June 20, 2013

7:00 PM

**Chairman Bill Johnson** called the Special Meeting of June 20, 2013 to order at 7:04 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Alternate Joe Rasberry, Harold Cosgrove, Wayne Watt, Vice Chairman Bonnie Bartosiak, Chairman Bill Johnson, Secretary Pat Cocchiarella and Tanya Carver.

**Not Present:** Alan Goldstone, Alternate Edna Cruz and Alternate Joe Dempsey.

**Also Present:** Jeff Holzman, Interim ZEO, Anna Rycenga, ZEO, Attorney Peter Olson, Town Planner, Brian Miller, Engineer, Allan Young and Jessica Pennell, Administrative Secretary.

**Chairman Bill Johnson** seated Alternate Joe Rasberry in Commissioner Alan Goldstone's absence.

**Chairman Bill Johnson** opened the Public Hearing on the following application:

**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.

**Secretary Pat Cocchiarella** outlined the Public Hearing Procedures.

**Secretary Pat Cocchiarella** read the Legal Notice that was published in the newspaper.

**Secretary Pat Cocchiarella** read correspondence (a) and (b) into the record. He then noted the remaining correspondence (c-p) (*Attachment A*), and stated that it is on file in the Planning & Zoning Department during normal business hours.

**Attorney Peter Olson** stated that the applicant would make his presentation first and when it is time for public comments he explained that the public would raise their hand and be recognized by the Chairman. He asked that comments be brief, concise and specific and that they remember that this commission is focused on the zoning issues related to the application. He stated that things outside the scope of the application should not be discussed.

**Chairman Bill Johnson** called for any conflicts of interest from commission members.

All commission members present stated that they had no conflicts with this application.

**Chairman Bill Johnson** asked the applicant if he had any conflicts of interest.

The applicant stated that there is no conflict of interest.

**Attorney Chris Smith**, Land Use Attorney, Shipman & Goodwin, stated that he would be speaking on behalf of the applicant, Glendale at Oxford, LLC. He introduced Manny Silva, of Rose & Tiso, the engineer for the project and Stanley Gniazdowski of Realty Concepts, who prepared the Impact Analysis for the project. He submitted a copy of the letter that was sent out by certificates of mailing and the proof of mailing to the property owners within 250' of the project location. He also submitted two photos of the signs that were posted on the property giving notice of the Public Hearing.

**Attorney Chris Smith** submitted a packet which was prepared for commission members including exhibits and pertinent information. He handed out the packets to present commission members and experts. He explained that there are three applications, a zone text amendment, a zoning map amendment and a special permit/site plan.

**Attorney Chris Smith** explained the documents that were included in the packet handed out to commission members.

**Attorney Chris Smith** explained that there is a partially developed residential community for the subject property. He referred to a map titled "Overall Site Plan – Glendale" which is dated 8/25/2003. He commented that this is the development that is currently approved. He explained that the approval provides for 94 dwellings, all with three bedrooms, with an age restriction of 55 and older. He stated that his client has built out nine homes, and it is a common interest community, with an existing association. He commented that Glendale at Oxford owns all nine homes and rents them out.

**Chairman Bill Johnson** asked if they were rented or leased.

**Attorney Chris Smith** explained that they are leased not rented. He commented that their proposal is to keep those nine dwellings as approved and extended to 2015 and to have the balance of the homes, 127 two bedroom non age restricted units. He stated that they will also be providing a second access with the new proposal and all the roads would be private.

**Attorney Chris Smith** briefly explained the pre-application process.

**Attorney Chris Smith** stated that the proposed modified residential community will continue as a common interest community, and will be serviced and maintained by the community, not by the Town of Oxford. He stated that this proposal has 27 dwelling units that will qualify at the 80% median income level. He noted that the density bonus would provide for 2.5 dwellings per acre. He stated that they are proposing a new overlay zone for the Town, called a Conservation Design District (*Attachment B*).

**Attorney Chris Smith** stated that the DCD zone would be an overlay zone of the Residential District A. He explained in detail the text of the zoning amendment.

**Commission members** asked some questions of Attorney Chris Smith regarding some aspects of the proposed DCD zone.

**Attorney Chris Smith** pointed out that if the application for the site plan is not submitted within one year of the zone change then the overlay zone becomes null and void.

**Secretary Pat Cocchiarella** stated that the commission can modify the proposed DCD zone.

**Attorney Chris Smith** stated that this zone will supplement the R-2 (Res-A) zone that currently exists in Oxford. He also stated that this is a legislative decision of the commission.

**Anna Rycenga, ZEO** commented that there was no lighting plan included, and that needed to be addressed. She also stated that this application has not been approved by Wetlands to date. She went on to discuss other information that the commission should receive for consideration of this application.

**First Selectman George Temple** joined the meeting.

**Attorney Chris Smith** referred to Tab (D), pages 6 & 7 which outlined the Affordability Plan.

**Attorney Peter Olson** stated that he and Brian Miller had comments on this that would need to be addressed.

**Attorney Chris Smith** turned the presentation to Manny Silva, Civil Engineer for the applicant.

**Anna Rycenga, ZEO** stated for the record that the remaining fees that were due were paid by the applicant.

**Manny Silva, Rose Tiso, Civil Engineer** for the applicant referred to Tab (E). Tab (E) depicts the previously approved maps and the proposed new site plan maps. He explained the differences and similarities between the previous approval and the proposed new approval. He discussed emergency access and turnarounds, roadways and fire hydrants. He also explained the storm water management system to the commission.

**Harold Cosgrove** questioned play areas.

**Manny Silva** stated that there are 2 designated play areas on the plan.

**Tanya Carver** questioned the roadways being the same while the population would increase if this development went from 55+ to non-age restricted.

**Attorney Chris Smith** stated that the plans are being reviewed by the Fire Marshall.

**Manny Silva** addressed questions from the commission regarding basements, garages and storage space.

**Attorney Chris Smith** noted for the record that the architect for the project was unable to attend this meeting, but would be present at the next meeting.

Manny Silva stated that there is a substantial landscaping plan for the entire development.

**Chairman Bill Johnson** asked Anna Rycenga, ZEO the status of their previous application and approval.

**Anna Rycenga, ZEO** stated that they are current on all approvals and they have no violations at this time.

**Allan Young, Nafis & Young Engineers**, who represent the Town of Oxford updated the commission on the status of the wetlands application.

**Attorney Chris Smith** introduced Stanley Gniazdowski of Realty Concepts.

**Stanley Gniazdowski** of Realty Concepts explained that he did a general consulting report (Impact Analysis) that was submitted with the application. He summarized the report and stated that he found no negative fiscal impact on the Town of Oxford.

**Chairman Bill Johnson** stated that the community is in close proximity to the power lines and in the flight path of Waterbury-Oxford Airport.

**Harold Cosgrove** asked that the flight path be submitted with the site plan for the next meeting.

**Attorney Chris Smith** stated that he had hoped to have that information tonight, but he will have it for the next meeting.

**Chairman Bill Johnson** announced a 10 minutes recess at 9:44 P.M.

**Chairman Bill Johnson** reconvened the meeting at 9:58 P.M.

### **PUBLIC COMMENTS**

**Fred Rowland, 62 Towner Lane** stated that this was previously his land. His concern is the extra houses that were being proposed and the extra burden they would put on town services.

**Richard Wilbur, 31 Wilson Drive** and commented on the zoning text amendment, and stated that the proposed regulation would be more restrictive than an 8-30(g) application, and it would help preserve open space.

**Alan Goldstone** arrived at 10:04 P.M.

**Nancy Prior, 30 Wilson Drive** questioned why the commission would amend the regulations and map amendment and just turn applicants down for approval.

**Attorney Peter Olson** stated that it is a legislative decision of the commission, and they have the ability to approve the map amendment if it is in conformance with the Town's Plan of Conservation and Development.

**Devon Chapin, 47 Long Meadow Road** stated that he is concerned about the increase in houses for the development.

**Ann Krane, 411 Mulligan Drive**, questioned if the 27 homes would be deed restricted.

**Attorney Peter Olson** stated that they would be deed restricted.

**Ann Krane, 411 Mulligan Drive** suggested that basements be included with homes, extra parking for service personnel, a building for the Association to meet, visitor parking cut outs and larger garages. She also stated that she is upset that the Planning & Zoning Commission accommodated the developer to put in a 55+ housing complex. She voiced concern about the power lines and flight path.

### **COMMENTS FROM COMMISSION MEMBERS**

**Harold Cosgrove** requested that the applicant verify calculations on open space and wetlands for the next meeting.

**Secretary Pat Cocchiarella** requested that the architect be present at the next meeting.

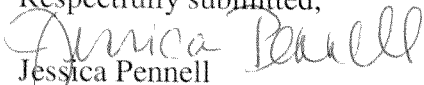
**Attorney Peter Olson** asked that Chris Smith review all the reports and revise the proposed regulation. He asked that it be submitted by July 16, 2013.

**MOTION BY Chairman Bill Johnson** moved to continue the Public Hearing to Tuesday, July 23, 2013 at 7:00 P.M. **Second by Harold Cosgrove. All Ayes.**

**ADJOURNMENT**

**MOTION BY Wayne Watt** to adjourn the Special Meeting at 10:20 P.M. **Second by Tanya Carver. All Ayes.**

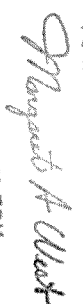
Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

13 JUN 26 PM 4:25  
TOWN OF OXFORD, CT  
  
TOWN CLERK



Oxford Planning & Zoning Commission

**Public Hearing Packet**  
**Z-13-048 (a-c) – Glendale at Oxford**  
**June 20, 2013 – 7:00 PM**

**Correspondence from Applicant to Commission:**

- a.) Letter dated 4/15/2013 from Christopher J. Smith of Shipman & Goodwin, LLP.
- b.) Letter dated 4/19/2013 from Christopher J. Smith of Shipman & Goodwin LLP.
  - b1.) Application for the following: Zone Change, Zoning Text Amendment & Special Exception.
  - b2.) Statement of Use dated 4/12/2013.
  - b3.) Proposed New Article 5B – Designed Conservation District
  - b4.) Housing Affordability Plan – Submission Draft, April 2013.
- c.) Letter dated 4/19/2013 from Elizabeth N. Caron regarding notice letters sent to Regional Planning Agencies.
- d.) Letter dated 6/4/2013 from Christopher J. Smith to Town Clerk Margaret West.
- e.) Impact Analysis received from Realty Concepts Inc. on 6/13/2013.
- f.) Letter dated 6/17/2013 from Christopher J. Smith regarding the payment for consulting services.

**Correspondence from Commission:**

- g.) Letter dated 4/29/2013 from Jessica Pennell to the Regional Planning Agencies.

- h.) Referral dated 5/16/2013 from Jessica Pennell to various departments.
- i.) Letter dated 5/28/2013 from Jessica Pennell to applicant regarding notice of action.
- j.) Letter to Shipman & Goodwin, LLP from R. Jeffrey Holzman regarding expert technical review fees.

**Correspondence received from Regional Planning Agencies:**

- k.) Letter dated 5/28/2013 from the Greater Bridgeport Regional Council regarding the Zoning Text Amendment.
- l.) Staff Referral Report dated 5/28/2013 from Samuel Gold, Assistant Director, Regional Planning Commission, COGCNV regarding the Zoning Text Amendment.
- m.) Letter dated 5/29/2013 from Rick Dunne, Executive Director, Regional Planning Commission, VCOG regarding the Zoning Text Amendment.

**Correspondence from Town Engineer:**

- n.) Letter dated 5/23/2013 from Allan Young, P.E. to the Planning & Zoning Commission.
- o.) Letter dated 6/19/2013 from Allan Young, P.E. to the Planning & Zoning Commission regarding the traffic study.

**Miscellaneous:**

- p.) Statement from the Assessor's Office – Impact to Town of Oxford
- q.) Site Engineering Report (Not in Packet)
- r.) Traffic Study (Not in Packet)



PROPOSED NEW

## ARTICLE 5B - DESIGNED CONSERVATION DISTRICT

Section 1 - Purpose

- 1.1 The Designed Conservation District (DCD) is intended to permit creative development of land in a manner that will conserve natural, scenic and historic areas, including views and vistas observed from public streets, preserve open space and other natural resource and environmentally sensitive areas, and promote efficient development and housing opportunities.

Section 2 - General

- 2.1 Nature of District. The DCD is an overlay district. The requirements and provisions of the DCD shall supplement the requirements and provisions of the underlying zone. In the event of a conflict between the provisions of this section and another section of the Zoning Regulations, the provisions of this regulation shall apply.
- 2.2 Location. The DCD may be applied only to land located within the Residence District A zoning district.
- 2.3 Size of District. The DCD may be applied only to parcels of land consisting of at least 5 acres.
- 2.4 Ownership.
- 2.4.1 Dwellings within a DCD may be located on individual lots pursuant to an approved subdivision plan, or may be located in one or more common interest ownership communities.
- 2.4.2 Where the dwellings are located in common ownership interest communities, all private roads and common open space shall be maintained by the homeowners' association.
- 2.4.3 The homeowners' association shall be established prior to issuance of any certificates of occupancy.
- 2.4.4 Membership in the homeowners' association shall be mandatory for each dwelling unit owner.
- 2.4.5 It shall be stated on the site plan and recorded on each deed or declaration of common interest ownership community condominium in the office of

Town Clerk that each dwelling unit owner possesses an undivided interest in all private roads, common areas and open space and is jointly and separately responsible for their maintenance and for the payment of all required taxes thereon.

**Section 3 - Permitted Uses.**

3.1 The following uses shall be permitted in the DCD overlay district:

- A. Uses as permitted in the underlying zoning district.
- B. Single family detached dwellings (whether held in individual subdivided lots or in one or more common interest ownership communities).
- C. Multifamily dwellings containing no more than two units per structure (whether held in individual subdivided lots or in one or more common interest ownership communities).
- D. Accessory uses to the above, which may include, in addition to uses customarily incidental to the principal uses, and recreational facilities for use by the residents of the DCD.

**Section 4 - Design Standards**

- 4.1.1 Base Density.
- 4.1.2 Definitions.
  - a. The term "Gross Area", for the purposes of this Article, shall be the total combined area of all parcels proposed to be placed in the DCD overlay district, stated in acres.
  - b. The term "Net Area", for the purposes of this Article, shall be the total combined area of all parcels proposed to be placed in the DCD overlay district, exclusive of the area occupied by wetlands and watercourses and slopes in excess of 25 %, stated in acres.
- 4.1.3 The number of dwelling units that shall be permitted on a parcel of land shall be determined by multiplying the Net Area by 2.

A fractional dwelling unit total shall be rounded down to the nearest whole number if below 0.5 and rounded up to the nearest whole number if the fraction is greater than or equal to 0.5.

- 4.1.4 The base density may not exceed the maximum number of dwelling units that would be permitted on the parcel by the underlying zoning district.
- 4.1.5 Density Bonus.

a. In an effort to encourage the development of more diverse housing opportunities in the Town, a density bonus is permitted subject to the development including an affordable housing component. Additional dwelling units on a parcel of land shall be permitted provided that a certain percentage of the total dwelling units on the parcel of land are subjected to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, as defined by CGS Section 8-30g (a) (7). The required percentage of the total dwelling units designated as affordable housing dwellings, and the applicable density bonus for this Section 4.1.5, are as follows:

	<u>Percentage of affordable housing dwellings of total dwelling units</u>	<u>Total dwelling units permitted per net acre on parcel</u>
i.	15%	2.25
ii.	20%	2.50
iii.	30%	2.75

- b. The total number of dwelling units that shall be permitted on a parcel of land as provided by Article 5B, Section 4.1.5, shall not exceed 2.75 units per Net Acre.

c. Additional dwelling units may be permitted by special permit, as part of an affordable housing application, as that term is defined by CGS Section 8-30g (a) (2).

d. A development proposal that utilizes an affordable housing density bonus shall submit an affordability plan that complies with CGS Section 8-30g (b) and regulations adopted pursuant thereto.

Section 5 -      Dimensional Standards.

5.1 For dwelling units located on individual lots:

5.1.1 Minimum lot area (for dwellings) 6,000 square feet

5.1.2 Minimum lot width: 50 feet

5.1.3 Minimum front setback: 20 feet

5.1.4 Minimum side setback:

a. Principal building: 8 feet

b. Accessory building: 5 feet

5.1.5 Minimum rear setback:

a. Principal building: 25 feet

b. Accessory building: 5 feet

5.1.6 Maximum building height:

a. Feet 35 feet

b. Stories 2 ½ stories

5.1.7 Maximum Impervious Coverage: 20 percent of gross lot area

5.2 For dwelling units not located on individual lots:

5.2.1 Minimum setback:

a. Principal building: 20 feet

b. Accessory building: 20 feet

5.2.2 Minimum building separation: 10 feet

5.2.3 Maximum building height:

a. Feet 35 feet

b. Stories 2 ½ stories

5.2.4 Maximum Impervious Coverage: 20 percent of gross lot area

The provisions of this section shall supersede any dimensional standards of the underlying zone.

#### Section 6 - Other Standards

6.1 Sewer And Water - If the underlying zoning district is the R-10 or RR-10 zoning district, all uses in the DCD shall be served by municipal sewer and water.

6.2 Private Roads.

6.2.1 All private roads within and providing access dwelling units in a DCD shall be designed and constructed in accordance with the standards of the Town of Oxford for municipal roads, except that cul-de-sac roads of 800 feet in length or less providing access to dwelling units in a common interest ownership community may have a minimum paved width of 22 feet.

6.2.2 Private roads shall be permanently deeded and shall be shown on the site plan as private roads not to be deeded to the Town of Oxford.

6.2.3 Upon completion of construction, the Town of Oxford shall receive as-built plans of the private roads and a seal of certification from a registered professional engineer licensed by the State of Connecticut attesting that he/she has inspected the private road(s) and determined that it meets all the design construction standards of the Town for municipal roads.

6.3 Open Space.

6.3.1 No less than 35% of the gross area of land in a DCD shall be reserved for open space.

6.3.2 No more than half (50%) of the area reserved meeting the minimum open space requirement shall consist wetlands, watercourses and steep slopes in excess of 25%.

6.3.3 The open space may be conveyed to the Town of Oxford, an appropriate conservation organization, or a homeowners' association (subject to a conservation easement).

6.3.4 Any additional area containing wetlands and watercourses and slopes in excess of 25% shall also be subjected to a conservation easement, or may be conveyed to an appropriate conservation organization or the Town of Oxford.

6.3.5 The method of ownership and maintenance of all common open space shall be specified in the application documents.

#### 6.4 Landscaping.

6.4.1 All buildings, parking areas, driveways and walkways shall be substantially screened from all streets and adjoining properties by a landscaped treatment acceptable to the Commission.

6.4.2 A mix of shade trees, evergreen trees, flowering trees and shrubs shall be planted in all buffer areas and around the buildings to provide suitable year round screening and a pleasant aesthetic environment.

6.4.3 To the greatest extent possible, all mature trees shall be retained on the site.

### Section 7 - Age Restricted Community.

7.1 A DCD may apply to a community including "housing for older persons" as defined in 42 USC 3607 (b) (1).

7.2 An applicant for a DCD that proposes to include housing for older persons shall submit to the Commission prior to the close of any public hearing, and in addition to any other documents required by these regulations, draft public offering statements, common interest community declarations, restrictive covenants, policies and procedures that will be implemented to ensure compliance

with the Fair Housing Act to maintain the community as housing for older persons.

- 7.3 The applicant shall also provide sufficient information to the Commission to allow the Commission to determine the effect of the failure of the community to maintain compliance with the Fair Housing Act, including, among other things, the effect on traffic, school enrollments, open space, municipal services, and other considerations.

**Section 8 - Application Procedures.**

- 8.1 Zone Change - An application to apply the DCD to a parcel of land constitutes a petition for legislative action to amend the Zoning Map and:

A. The petition shall be submitted to the Commission and shall be signed by the owner(s) of all the land within the proposed District.

B. Upon receipt of the petition the Commission shall hold a public hearing and act on the petition in the same manner as required for an application to change zone district boundaries and as specified in the Connecticut General Statutes.

C. Required Submittals - All applications to apply the DCD to a parcel of land shall include concurrent submission, review, and action by the Commission of:

- i. A petition to amend the zoning map.
- ii. An application for special exception as provided for under Article 10.
- iii. A conceptual site plan showing the proposed location of all streets, driveways, structures, detention and drainage structures and other improvements and, if applicable, proposed lot lines.
- iv. A conceptual subdivision plan which would conform to the regulations of the underlying zoning district, so that the Commission can ascertain that the base density per Subsection 5.8.G.1 does not exceed the density as allowed in the underlying district. The conceptual subdivision

plan shall be both feasible and prudent. This provision shall not apply to an application that is found by the Commission to qualify for the density bonus provided by Article 5B, Section 4.1.5 of these Regulations.

- v. A written report explaining how the application of the DCD to the parcel of land will meet the purposes stated of this Regulation and will be consistent with the Town Plan of Development.
- vi. A suitable boundary description and A-2 survey map of the proposed District boundaries, including a delineation of the areas within the proposed District which are to be reserved for open space as defined and required herein.
- vii. A topographic map with at least two foot (2') contours.

**8.2 Detailed Plans** - Within one (1) year after approval of a DCD, and prior to the issuance of any zoning and/or building permits for building or development within the DCD, the applicant shall submit an application for approval of a Site Development Plan, consistent with the Conceptual Development Plan, prepared in accordance with the specifications for a Site Plan under Article 11, which shall be reviewed by the Commission under the provisions thereof as a Site Plan.

**8.3 Subdivision Plans** - If any portion of a development proposal requires that the property be divided, then within one (1) year after approval of a DCD, and prior to the issuance of any zoning and/or building permits for building or development within the DCD, the applicant shall submit an application for subdivision.

**8.4 Simultaneous Applications** - An applicant may simultaneously file applications for approval of the following: (a) Zone Change; (b) Detailed Plans; and (c) Subdivision Plans, if applicable; under Article 5B.

**8.5 Expiration** - In the event that an application for a Site Development Plan and/or Subdivision Plan is not submitted within one (1) year of the effective date of the DCD, the approval of such District shall be rescinded, the zoning map shall automatically be amended so that the zoning



district of the parcels of land shall revert to the  
district in which they were originally located.