



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

Planning & Zoning Commission

Special Meeting Minutes
Wednesday, January 29, 2014

7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Special Meeting of January 29, 2014 to order at 7:35 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: David Stocker, Pete Zbras, Harold Cosgrove, Wayne Watt, Tanya Carver, Pat Cocchiarella and Jeff Luff.

Also Present: Town Planner, Brian Miller and Administrative Secretary, Jessica Pennell.

Not Present: Don Pelletier, Todd Romagna and Arnie Jensen.

CHAIRMAN'S REPORT

No items were discussed or reported.

SEATING OF ALTERNATES

Chairman Carver seated Alternate David Stocker in Commissioner Romagna's absence.

Chairman Carver seated Alternate Pete Zbras in Commissioner Jensen's absence.

AUDIENCE OF CITIZENS (Not for Pending Applications)

AMENDMENTS TO AGENDA - NONE

OLD BUSINESS

- 1.) **Implementation of judicial decision:** Garden Homes Management Corporation v. Planning & Zoning Commission of the Town of Oxford.
Codification and Incorporation of Article 6A Mixed Income Housing District into Oxford Zoning Regulations - Amendment of Oxford Zoning Map to apply Mixed Income Housing District to property known as 40.79 acres Hurley Road, Donovan Road & Airport Access Road.

Chairman Carver moved that the Commission implement the decision of the Superior Court in Garden Homes Management Corporation v. Planning & Zoning Commission of the Town of Oxford, judicial district of New Britain, docket no. HHB CV 07 4015729 S (November 3, 2009, Pickard, J.), attached hereto as Exhibit A (the "Decision"), as follows:

1. New Article 6A, "Mixed Income Housing District", Resubmission Draft, February, 2007, attached hereto, is hereby approved pursuant to the direction of the Court in the Decision, and we direct that the new zoning district be codified in the Zoning Regulations of the Town of Oxford with the following clerical change (addition is underlined);

Section 2.5 "To the extent they are not inconsistent with this Article 6A, the definitions of Article 2 are hereby incorporated by reference."

2. The Oxford Zoning Map is hereby amended, pursuant to the direction of the Court, to apply the new "Mixed Income Housing District" to the following parcels of land, more particularly described on the attached Exhibit B:

a. 117 Hurley Road, Assessor's Map: 2, Block: 36, Lot: 2; and

b. An unnumbered parcel on Hurley Road, also bounded by Oxford Airport road and Donovan Road, Assessor's Map 2, Block 36, Lot 2B.

We direct that this amendment be incorporated into the Oxford Zoning Map.

3. The foregoing changes are effective as of the date of publication.

There was no second.

Chairman Carver noted that this was something that should have been done in 2009.

MOTION BY Chairman Carver to *table* this item to February 4, 2014.

Second by Commissioner Cocchiarella.

All (5) Ayes.

It was noted by Chairman Carver that the alternates were not present at the Public Hearings for the following applications; therefore they are not eligible to vote.

1A.) **Z-13-162 [RESA] – Address: 10 Walter Lane; Owner: Steve Graham; Applicant: Fred D'Amico** (Proposed Barn exceeding 1,000 square feet) (Special Exception, Article 5, Section 2.6)

MOTION BY Commissioner Cosgrove to *approve* application **Z-13-162**;

WHEREAS, The Oxford Planning & Zoning Commission has received the Application of Steven Graham, Owner; and Fred D'Amico, Applicant, for a Special Exception at 10 Walter Lane for the purpose of constructing a barn consisting of 1, 176 square feet on Lot: 26 B, Block: 69, Map: 23; and

WHEREAS, the public hearing for this application was legally noticed in conformance with Connecticut State Statutes and the Zoning Regulations of the Town of Oxford; and

WHEREAS, The Oxford Planning & Zoning Commission has considered the testimony presented at the public hearing held on January 7, 2014, with input from members of the public.

WHEREAS, information on the application was submitted, along with supporting information on file in the Planning Office of the Town of Oxford;

WHEREAS, the following plan has been considered in this decision:

- Proposed Barn, Lot 9, Marionwood Subdivision, 10 Walter Lane, dated 9/29/2013.

WHEREAS, The Oxford Planning & Zoning Commission finds that this application is in conformance with all components of the Oxford Zoning Regulations for the following reasons:

1. The proposal is in compliance with Article 3, Section 26.12 in that the total building area of all accessory buildings shall cover no more than 2% of the total lot area;
2. The proposal is in compliance with Article 3, Section 26.13, that the accessory building shall be consistent in style, appearance and scale with the surrounding residential neighborhood;
3. The proposal is in compliance with Article 3, Section 26.14, that the accessory building shall not have any detrimental impacts upon any adjacent residential properties; and
4. The proposal is in compliance with Article 3, Section 26.15 that the accessory building shall be used solely for uses accessory to the residential uses, including storage of household item and vehicles, not including any commercial or industrial activity.

BE IT RESOLVED, that based upon the application and testimony, this application is approved because it is in conformance with the Zoning Regulations of the Town of Oxford.

SUBJECT TO THE FOLLOWING CONDITIONS;

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning & Zoning Commission and the Planning & Zoning Commission Engineer.
3. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
4. The applicant and their assigns must comply with all representations made at Planning & Zoning Commission meetings or at public hearings regarding this application.
5. The applicant shall submit three (3) complete copies of the set of plans which reflect these conditions of approval, including an electronic copy.
6. No work to be done until security is set by the PZC Engineer in a form acceptable to Town Counsel.
7. Site Plan approval expires if the work is not complete by January 26, 2019.

Second by Commissioner Cocchiarella.

DISCUSSION:

Chairman Carver noted that it was a part of the Public Hearing that he was supposed to apply for a cottage business permit.

Town Planner, Brian Miller questioned the type of business.

Chairman Carver commented that he is a remodeling contractor who runs his business out of his home. She stated that he paid the application fees with a check from his LLC.

Town Planner, Brian Miller stated that they can amend the motion to state that *“the applicant shall be required to apply for a cottage business permit to be approved by the Planning & Zoning Commission prior to initiation of the building permit”*.

Commissioner Cosgrove stated that it was his understanding that the applicant was going to store vehicles and equipment used for his business in the barn. He stated that the motion does not allow that, and questioned if it should be deleted from the motion.

Town Planner, Brian Miller stated that he had not contemplated that when drafting the motion, but he would suggest that for *#4 on page 2, “the proposal complies with Article 3, Section 26.15”....and insert “and approved cottage business”*.

Commissioner Cosgrove stated that part of the approval would have to be that he would have to apply for and get approval for a cottage business.

Town Planner, Brian Miller concurred and that should be an addition condition, listed as #8.

Commissioner Cocchiarella questioned how that should be phrased.

Administrative Secretary, Jessica Pennell reread her notes, “that a cottage business permit from the Planning & Zoning Commission being applied for and approved before the initiation of a building permit”.

David Stocker questioned if the applicant had to go through another public hearing or notify neighbors that he is going to have a cottage business with equipment going in and out of the property.

Commissioner Cosgrove stated that if he is applying for a 1,100 square foot building, he is going to put something of considerable size in there. He noted that the Commission did have a public hearing on this application and there was no public input, therefore, he believes they have done their due diligence with this application.

Chairman Carver stated that the barn is strictly residential use, if it is found that the applicant is using it for something else, and then they would have to go through the proper complaint process with the ZEO. She reiterated that the barn cannot be used for the cottage business.

Town Planner, Brian Miller stated that maybe the wording on that should be more specific.

He suggested the following: *“a cottage business permit shall be applied for and approved by the Planning & Zoning Commission for use only within the primary residence, prior to the issuance of a building permit for the accessory barn which is subject to this special exception”*.

Discussion ensued regarding what types of vehicles the applicant would have in conjunction with his cottage business permit. The Commission and Town Planner, Brian Miller decided that they could discuss this in detail when the applicant comes before them to obtain the cottage business permit.

Town Planner, Brian Miller noted that the Commission has already stated that getting the cottage business permit is a condition of this approval. When it comes time for him to come before the Commission for the cottage business permit, which is when the Commission can ask him questions about his business.

Chairman Carver stated that right now, in front of them, it is a barn for residential use, and they are requesting that he come in for his cottage business permit.

Chairman Carver asked Commissioner Cosgrove if he accepts the motion as amended.

Commissioner Cosgrove stated that he accepts the motion as amended.

Commissioner Cocchiarella seconded the motion with amendments.

Vote:

All (5) Ayes.

- 2.) **Z-13-163 [OPD] – Address: 556 Oxford Road; Owner(s): John & Julia Steinis**
Applicant: Erika Ball/Tiki Monster Realty, LLC
(Special Exception – Request for Site Plan Approval)

MOTION BY Commissioner Cocchiarella to *approve* application Z-13-163:

WHEREAS, The Oxford Planning & Zoning Commission has received the Application of Tiki Monster Realty for a Special Exception at 556 Oxford Road for the purpose of constructing a 2,400 square foot addition to an existing building and the establishment of a Veterinary Hospital on Lot 14, Block 16, Map 27; and

WHEREAS, the public hearing for this application was legally noticed in conformance with Connecticut State Statutes and the Zoning Regulations of the Town of Oxford; and

WHEREAS, The Oxford Planning & Zoning Commission has considered the testimony presented at the public hearing held on January 7, 2014, with input from members of the public; and

WHEREAS, information on the application was submitted, along with supporting information on file in the Planning Office of the Town of Oxford; and

WHEREAS, the following plans have been considered in this decision:

- Site Plan for Erick Ball, drawn by D’Amico Associates, dated 10/18/2013.
- Details, drawn by D’Amico Associates, dated 10/18/2013.

- Architectural Renderings of “Cat’s Corner Veterinary Hospital” prepared by Animal Arts, dated 10/21/2013.
- Testimony provided at the public hearing of January 7, 2014.

WHEREAS, The Oxford Planning & Zoning Commission finds that this application is in conformance with all components of the Oxford Zoning Regulations, for the following reasons;

1. The proposal is consistent with Article 8, Section 2.2 of the Oxford Zoning Regulations.
2. The proposal is consistent with Article 10, Section 3 of the Oxford Zoning Regulations, which enumerate the findings for approval of special exceptions.

BE IT RESOLVED, that based upon the application and testimony, this application is approved because it is in conformance with the Zoning Regulations of the Town of Oxford;

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning & Zoning Commission and the Planning & Zoning Commission Engineer.
3. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
4. The applicant and their assigns must comply with all representations made at Planning & Zoning Commission meetings or at public hearings regarding this application.
5. The applicant shall submit three (3) complete copies of the set of plans which reflect these conditions of approval, including an electronic copy.
6. No work to be done until security is set by the PZC Engineer in a form acceptable to Town Counsel.
7. Site Plan approval expires if the work is not complete by January 26, 2019.

Second by Commissioner Cosgrove.

Town Planner, Brian Miller stated that the commission should amend the motion to add the following;

8. *A Landscaping Plan shall be included in the final submitted plans.*
9. *The plan shall indicate the location of the dumpster with screening.*

Commissioner Cocchiarella accepted that amendment to the motion.

Commissioner Cosgrove seconded the amended motion.

Vote:

Ayes (5), Abstentions (2), Alternate Stocker & Alternate Zbras.

NEW BUSINESS

- 1.) **Z-14-001 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1)** (Zoning Regulations Amendment- Proposed New Article 5B – Housing Opportunity Development District – HODD)

Chairman Carver stated that she has a comment; she would like the applicant to have a statement describing the manner in which the application does not meet the existing zoning regulations and why the existing zoning district in the regulation cannot be used for the application. She stated that we do have Affordable Housing Regulations in place and she would like an explanation as to why those regulations cannot be used.

Town Planner, Brian Miller stated that he will incorporate that item in his review.

MOTION BY Commissioner Cocchiarella to set a Public Hearing date for *Tuesday, March 4, 2014 at 7:00 PM.*

Second by Commissioner Cosgrove.
Vote: All (7) Ayes.

Chairman Carver noted that the application is complete and all the fees have been paid.

- 2.) **Z-14-002 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1)** (Zoning Map Amendment)

MOTION BY Chairman Carver to set a Public Hearing date for *Tuesday, March 4, 2014 at 7:05 PM.*

Second by Commissioner Cocchiarella.
Vote: All (7) Ayes.

- 3.) **Z-14-003 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1)** (Application for Site Plan Approval)

Chairman Carver stated that after review of Traffic Studies from 2003, for this application they would like a current traffic study. She stated that she would also like to see a current noise study for the air traffic, with actual noise levels at the top of the property and the edge of the property and the study should really reflect the morning time, during the week and during the weekends.

Town Planner, Brian Miller questioned if the Chair would like a peer review of any of these studies.

Chairman Carver stated, yes, the Town will have a noise consultant to review them and it will be an expense of the applicant. She stated that the noise study needs to be substantial because

there is a lot going on in that area. She commented she would like to see the impact of the actual number of jets coming and going. She stated that they need to see how they are planning on terminating the age restriction.

MOTION BY Commissioner Cosgrove to set a Public Hearing date for *Tuesday, March 4, 2014 at 7:10 PM.*

Second by Commissioner Cocchiarella.

Vote: All (7) Ayes.

4.) **Z-14-004 [POD] – 766 Oxford Road, Owner: Preng Pergjoka – Applicant: Altin Pegjoka (George Transport, LLC)** (Cottage Business Permit) (Use Permit)

Altin Pegjoka, 766 Oxford Road stated that they purchased two new vehicles and they are trying to fill out applications with the Assessor's Office, and they told him that he needed to obtain a cottage business permit which is why he is before the Commission.

Administrative Secretary, Jessica Pennell stated that this is a transportation business and questioned Mr. Pegjoka where he parks his vehicles.

Mr. Pegjoka stated that they have too many vehicles; they would not be able to park them there. He also stated that the majority of time the vehicles are in transport.

Town Planner, Brian Miller questioned where the vehicles are parked.

Mr. Pegjoka stated that they are parked in Waterbury in a parking lot. He stated that they are 18 wheelers.

Chairman Carver briefly went over the Statement of Use.

Mr. Pegjoka stated that the taxes for all the vehicles are paid in Oxford because that is where the vehicles are registered.

MOTION BY Commissioner Cocchiarella to *approve Z-14-004* based on plans dated 1/6/2014 with the following **conditions:**

1. Applicant and their assigns must comply with all representations made at P&Z Commission meetings and/or public hearings regarding this application.
2. Compliance with the Statement of Use dated 1/6/2014.
3. Compliance with P.D.D.H. approval dated 1/8/2014.
4. Compliance with Fire Marshal approval dated 1/10/2014.
5. Compliance with Oxford Zoning Regulations as of this date.
6. Any changes and/or modifications to the use permit must come back before the P&Z Commission for approval including any lease changes or changes in ownership.

7. Per Article 3, Section 19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.

The reason for approval is that the application meets the Oxford Zoning Regulations in effect as of this date.

Second by Commissioner Cosgrove.

Vote: All (7) Ayes.

- 5.) **Z-14-005 [RES-A] – 148 Riggs Street, Beth Acres - Applicant & Owner: Brian Botti**
(Re-Subdivision Application)

MOTION BY Commissioner Cosgrove to set a Public Hearing date *for Tuesday, February 18, 2014 at 7:00 PM.*

Second by Commissioner Cocchiarella.

Vote: All (7) Ayes.

BOND RELEASES

LITIGATION

ZONING ENFORCEMENT

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

CORRESPONDENCE

The following correspondence was noted and it was stated that all correspondence is on file in the Planning & Zoning Department.

- a.) Letter to the Board of Selectmen from Planning & Zoning dated 1/9/2014 – Transfer
- b.) Letter to the Board of Selectmen from Planning & Zoning dated 1/9/2014 – Transfer
- c.) FOI Request from Garden Homes Management Corporation dated 1/9/2014
- d.) Letter to First Selectman Temple from Chairman Tanya Carver dated 1/13/2014
- e.) Memorandum from the Selectmen's Office to Planning & Zoning dated 1/16/2014 – Alternates
- f.) Letter to Anna Rycenga, ZEO from Sarah Lingenheld dated 1/14/2014 – Cocchiola Paving, Inc.
- g.) Notice from DEEP **Re:** Notice of Intent to Modify General Permit for Water Resources Construction Activities for Compliance with 2013 Legislative Changes.
- h.) Letter dated 1/15/2014 to Chairman Carver from Kevin Condon, Town Counsel
Re: Towantic Project

ACCEPTANCE OF MINUTES:

- 1.) January 7, 2014 Public Hearing Minutes – 7:00 PM

MOTION BY Commissioner Cocchiarella to *amend* the 1/7/2014 Public Hearing minutes by adding “the ZEO stated that Mr. Graham would have to obtain a cottage business permit from the Commission”.

Second by Vice Chairman Watt.

Vote: All (7) Ayes.

- 2.) January 7, 2014 Public Hearing Minutes – 7:05 PM
- 3.) January 7, 2014 Regular Meeting Minutes
- 4.) January 15, 2014 Special Meeting/Workshop Minutes – 6:00 PM

MOTION BY Commissioner Cosgrove to *approve* the following minutes as amended: January 7, 2014 Public Hearing Minutes – 7:00 PM and to *approve* the January 7, 2014 Public Hearing Minutes – 7:05, January 7, 2014 Regular Meeting Minutes and January 15, 2014 Special Meeting/Workshop Minutes as presented.

Second by Vice Chairman Watt.

Vote: All (7) Ayes.

INVOICES

- 1.) Invoice # 496-13 from Nafis & Young Engineers

MOTION BY Commissioner Cocchiarella to *approve* Invoice #496-13 from Nafis & Young Engineers.

Second by Vice Chairman Watt.

Vote: All (7) Ayes.

MOTION BY Commissioner Cocchiarella to *table* the following invoices from Peter Olson.

Second by Vice Chairman Watt.

Vote: All (7) Ayes.

- 2.) Invoice from Land Use & Conservation Counsel, Peter Olson
- 3.) Invoice from Land Use & Conservation Counsel, Peter Olson
- 4.) Invoice from Land Use & Conservation Counsel, Peter Olson

OTHER BUSINESS

- 1.) “Policies of the Oxford Planning & Zoning Commission” last revised on Feb. 1, 1996

Chairman Carver stated that she would like the sub-committee, which consists of Commissioner Cocchiarella, Commissioner Cosgrove and herself to review the Policies and Procedures. She stated that any Commissioner can be involved; she asked that Commissioner Cocchiarella send out an e-mail to all Commissioners’ once dates and times are set.

- 2.) Any other business the Commission deems necessary for discussion.

UPCOMING EVENTS/MEETINGS:

ADJOURNMENT

MOTION BY Alternate David Stocker to *adjourn* the meeting at 8:49 PM.

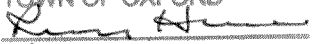
Second by Commission Secretary Luff.

Vote: All (7) Ayes.

Respectfully submitted,



Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

RECEIVED 1/30/2014
AT 4:43 pm
TOWN OF OXFORD

TOWN CLERK

