



**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**

**Regular Meeting Minutes**

**Tuesday, September 16, 2014**

7:30 PM

Oxford Town Hall  
Main Meeting Room

**CALL TO ORDER**

Chairman Carver called the Regular Meeting of **September 16, 2014** to order at 7:50 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Alternate John Kerwin, Alternate Pete Zbras, Arnie Jensen, Jeff Luff, Tanya Carver and Pat Cocchiarella.  
**Staff Present:** Jessica Pennell, Administrative Secretary and Brian Miller, Town Planner.  
**Absent:** Harold Cosgrove, Ed Rowland, Glen Persson and Todd Romagna.

**EXECUTIVE SESSION**

**MOTION BY Commission Secretary Cocchiarella** to *enter* into Executive Session to discuss Policies and Procedures and the Hiring of the Zoning Enforcement Officer at 7:50 PM.

**Second by Alternate Pete Zbras.**

**VOTE:** All Ayes.

*The following people were invited into Executive Session:*

Alternate John Kerwin, Alternate Pete Zbras, Arnie Jensen, Jeff Luff, Tanya Carver and Pat Cocchiarella.

**Personnel** – Discussion regarding Commission's Policies and Guidelines and Hiring Zoning Enforcement Officer.

**MOTION BY Commission Secretary Cocchiarella** to *come out* of Executive Session at 8:05 PM.

**Second by Alternate Pete Zbras.**

**VOTE:** All Ayes.

**CHAIRMAN'S REPORT**

### SEATING OF ALTERNATES

Chairman Carver seated Alternate John Kerwin and Alternate Pete Zbras.

### AUDIENCE OF CITIZENS (Not for Pending Applications)

Bill Trzyna of 139 Country Club Drive began speaking regarding the Bond Releases on the agenda for Pulte Homes.

Chairman Carver stated that he could speak under the item on the agenda; she noted that the Audience of Citizens is not for items already listed on the agenda for discussion.

### AMENDMENTS TO AGENDA

- 1.) **MOTION BY Commission Secretary Cocchiarella to *AMEND* the agenda to add Z-14-085 [IND] – Owner & Applicant: B. United International Address: 7 Fox Hollow Road (Map: 28 Block: 18 Lot: 4-4A) (28' x 20' Addition) (Use Permit) (Relocate existing parking) (Special Exception: Article 9, Section 9.3.7 & 9.3.20) as New Business #3.**  
**Second by Alternate John Kerwin.**  
**VOTE: All Ayes.**

### CORRESPONDENCE

Commission Secretary Cocchiarella read the following correspondence into the record:

- a.) Letter dated 9/4/2014 from Chairman Carver to George Temple, First Selectman  
**RE: Temporary Part-time Planning & Zoning Clerk**
- b.) Letter dated September 5, 2014 from the Connecticut Siting Council  
**RE: PETITION NO. 1058. (See letter).**
- c.) Letter dated 9/3/2014 from James W. Walsh to Anna Rycenga, ZEO  
**RE: Beth Acres Subdivision (Z-14-005) Performance Bond**

***NO ACTION WAS TAKEN ON ANY CORRESPONDENCE.***

### OLD BUSINESS

### NEW BUSINESS

- 1.) **Z-14-005 – Owner: Brian Botti, “Beth Acres Subdivision” Riggs Street & Autumn Ridge Road** (Request to Authorize Chairman and Secretary to sign mylar for filing)

Commission Secretary Cocchiarella read the following correspondence into the record:

- a. Letter dated 9/3/2014 from Michael H. Horbal.

Commission Secretary Cocchiarella noted the following items were on file:

- b. Copy of Easement for Driveway, Utilities and Drainage.

**MOTION BY Vice Chairman Luff** to *AUTHORIZE* the **Chairman** and **Secretary** to sign the mylar.

**Second by Alternate John Kerwin.**

**VOTE: All Ayes.**

**Chairman Carver** and **Commission Secretary Cocchiarella** signed the mylar for “*Beth Acres*”.

- 2.) **Z-14-091 [COMM] – Owner: Vicki Frenzel, Applicant: G. Nevers Carpentry, LLC 8 Bice Drive** (Site Plan Modification – Addition, Breezeway and Relocation of Existing Garage) (*ACCEPT AS COMPLETE*) (*FORWARD TO TOWN FEMA COORDINATOR*)

**Vicki Frenzel, Applicant & Owner of Pure Platinum** was present along with her **Contractor, George Nevers**. She explained that she knows that the Commission cannot approve this tonight because they still need approval Inland/Wetlands. She commented that she was hoping that the Commission could preview the application and see if there is anything that needs to be changed.

**Vice Chairman Luff** questioned the location of Bice Drive.

**Vicki Frenzel, Applicant** explained the location.

**Commission Secretary Cocchiarella** stated that for full disclosure, he does get his haircut at Pure Platinum.

**Chairman Carver** stated that this is a non-conforming lot.

**Commission Secretary Cocchiarella** read an e-mail dated 9/16/2014 from the applicant’s Attorney, Dominick Thomas.

**Chairman Carver** asked, for clarification, if the applicant is expanding an existing building that is non-conforming, and therefore making it more non-conforming.

**Vicki Frenzel, Applicant** stated that she is not changing the apartment.

**Commission Secretary Cocchiarella** explained that the non-conforming part is the apartment.

**Vicki Frenzel, Applicant**, stated that she is changing the conforming part, just adding more space for the salon.

**Vice Chairman Luff** questioned if there is a garage on the property also.

**Vicki Frenzel, Applicant**, stated that it is not a garage, it is actually a shed and it does not have a foundation. She stated that they are proposing moving the existing shed.

**Vice Chairman Luff** questioned if it was one story.

**Vicki Frenzel, Applicant**, answered that it is one story with a loft.

**Alternate John Kerwin** asked if the parking lot is existing.

**Vicki Frenzel, Applicant** stated that all that would stay the same.

**Alternate John Kerwin** asked how many bays Ms. Frenzel has for customers.

**Vicki Frenzel, Applicant** stated six.

**Alternate John Kerwin** questioned the applicant if she plans to expand.

**Vicki Frenzel, Applicant** stated that they can only have six because that is what the department of health says for water reasons. She stated that if she meters her well she can add more stations as time goes by.

The **Commission** explained that if the applicant wants to increase her stations, she would have to come back before the Commission.

**Chairman Carver** stated that her only concern is that there is a non-conforming use, and she has to check and see what if the applicant is proposing, will make the lot more non-conforming. She stated that this would have to be researched.

**Commission Secretary Cocchiarella** stated the ZBA has already done the variance.

**Alternate John Kerwin** stated that when you get the ZBA approval, it means that you have approval for the existing use, but that doesn't mean that you can expand the business.

**Commission Secretary Cocchiarella** commented that it is in a commercial zone, so the commercial part, it is an allowed use. He stated that the apartment is the non-conforming use and there are no changes being made to the apartment.

**Alternate John Kerwin** questioned if she has the ZBA approval just for the apartment.

**Vice Chairman Luff** answered that she has ZBA approval for the apartment in the commercial zone.

**Commission Secretary Cocchiarella** noted that the apartment was approved in 1980.

The **Commission** noted that this application has been forwarded to the **Town FEMA Coordinator** for review because it is located in a Flood Plain and needs to obtain a Flood Hazard Permit and they also forwarded this to **Town Planner, Brian Miller** for review.

3.) **ADDED AS AMENDMENT:**

**Z-14-085 [IND] – Owner & Applicant: B. United International Address: 7 Fox Hollow Road (Map: 28 Block: 18 Lot: 4-4A) (28' x 20' Addition) (Use Permit) (Relocate existing parking) (Special Exception: Article 9, Section 9.3.7 & 9.3.20)**

**MOTION BY Commission Secretary Cocchiarella to APPROVE Z-14-085** based on Maps dated August 14, 2014 with the following conditions:

- 1) Compliance with the Oxford Zoning Regulations in place as of this date.
- 2) Applicant and their assigns must comply with all representations made at P&Z Commission meetings or at Public Hearings regarding this application.

- 3) Prior to installation, all lighting must be approved by the ZEO.
- 4) Landscaping plan and architectural rendering must be as presented on the site plan. Any variations must be approved by the P&Z Commission.
- 5) No work to begin until security is set, if determined necessary by the P&Z Engineer, and in a form acceptable to the P&Z Counsel.
- 6) No material will be substituted without approval from the P&Z Commission and the P&Z Engineer.
- 7) Per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application from the initial review through inspection and issuance of a Zoning Certificate of Compliance.
- 8) Site Plan approval expires if the work is not completed within 5 years from the date of approval.
- 9) Compliance with all Town of Oxford Ordinance's in effect as of this date.
- 10) Vehicle directional signs stating entrance or exist shall be clearly marked and with no advertisement.
- 11) Applicant to contact P&Z Staff to set up a pre-construction meeting prior to any activity on the site.
- 12) Compliance with the requirements of the Pomperaug Department District of Health.
- 13) Submission of 3 copies of revised maps.

Reason for approval is that it meets the Oxford Zoning Regulations in effect as of this date including the required findings for approval of a Special Exception as per Article 10, Section 10.3.

**Second by Vice Chairman Luff.**

**VOTE: All Ayes.**

### **BOND RELEASES**

- 1.) **Oxford Greens – Pulte Homes Phase III – Surety Bond # 8195-39-38 – Performance Bond** (Request for Bond Release)

**MOTION BY Commission Secretary Cocchiarella to REMOVE this item from the table.**

**Second by Alternate Pete Zbras.**

**VOTE: All Ayes.**

**Commission Secretary Cocchiarella** read the following letter into the record.

- a. Letter dated 9/9/2014 from Jim Galligan, Town Engineer.

**Jessica Pennell, Administrative Secretary** explained to the Commission that the letter from Jim Galligan addresses both Items #1 & #2 under Bond Releases.

**Vice Chairman Luff** questioned if the Homeowner's Association agrees with Nafis & Young's letter.

**Bill Trzyna, 139 Country Club Drive** stated that he is a member of the Board of Directors of the Oxford Greens Homeowner's Association (Phases I, II and III). He commented that he is here to ask that the Commission does not release the Performance Bond in regard to the roads. He stated

the reasons (1) because of the letter that Commission Secretary Cocchiarella just read from Jim Galligan, and (2) because he has additional information and photos to show to the Commission to reinforce what the Town Engineer has already said in his letter. He noted that the engineer pointed out that it was poor quality and that apparently the performance of the workmanship in paving the roads was very poorly done. He submitted photos to the Commission. He explained that the Homeowner's Association has already had to have a contractor come in and redo a part of Putting Green Lane because it was dangerous to the residents of Oxford Greens. He submitted a report from Greenway, the company that repaired the road. He explained that the Homeowner's Association has learned from having to repair roads from Phase I and Phase II that the developer should support the Association and help them to repair the roads before the Performance bond is released.

**Chairman Carver** requested Mr. Trzyna to date the pictures that he has submitted to the Commission.

**Commission Secretary Cocchiarella** read correspondence submitted by Mr. Trzyna.

**Vice Chairman Luff** questioned the name of the developer of the project.

**Mr. Trzyna** stated that it is Pulte.

**Vice Chairman Luff** asked if the Homeowner's Association has confronted the developer.

**Mr. Trzyna** stated that they had and the developer believes it is the responsibility of the Homeowner's Association to fix the roads.

**Vice Chairman Luff** asked how long these roads have been complete.

**Mr. Trzyna** stated that it was done in 2010 or 2011.

**Commission Secretary Cocchiarella** questioned when the Homeowner's Association accepted these roads.

**Mr. Trzyna** stated that he does not know.

**Commission Secretary Cocchiarella** stated that in the past before the Homeowner's Association accepted the roads; there was a punch list of items that had to be completed before the road was turned over to the Homeowner's Association. He commented that the Town holds the bond for non-completion so he isn't sure if the bond and this issue are related, or if this becomes a civil issue.

**Mr. Trzyna** stated that the term is performance bond, so if they didn't perform, isn't that what this bond is for?

**Commission Secretary Cocchiarella** stated that the engineers were out there prior to the Homeowner's Association accepting these roads, it was engineering that was done as the roads were being built.

**Alternate John Kerwin** stated that the purpose of a performance bond is different than the warranty that is made to the Homeowner's Association. He commented that he does not think that it is the Commission's position to render an opinion on that, which would have to be done by

Town Counsel. He commented that the Town has an obligation to release the bond under the terms of the bond and the conditions that were placed on the developer.

**Mr. Trzyna** stated that he would like to have a better explanation of what a Performance Bond is, because in his mind, based on what the engineer stated and the photos, the developer did not perform.

**Chairman Carver** commented that the Commission will forward this to Town Counsel for an opinion.

**Commission Secretary Cocchiarella** asked that Town Counsel also give a proper definition of a performance bond.

**Alternate John Kerwin** also suggested with an emphasis on the effect of the Homeowner's acceptance of the property under the terms of their contract.

**Vice Chairman Luff** explained that the Commission is going to talk to the Town Attorney, he is going to look into the definition of a performance bond, and the Commission will find out if there is anything that they can do to assist the Homeowner's Association. He commented that if there is nothing the Commission can do based upon the Town Attorney's opinion, then it will be between the Homeowner's Association and Pulte.

**Mr. Trzyna** questioned if they were to seek legal counsel would they be able to use the information in the Town Engineer's letter.

**Chairman Carver** stated that it is a public document.

**MOTION BY Commission Secretary Cocchiarella** to **TABLE** Items #1 and #2 under Bond Releases until they hear back from Town Counsel.

**Second by Alternate Pete Zbras.**

**VOTE: All Ayes.**

- 2.) **Oxford Greens – Pulte Homes Phase II & III – Letter of Credit # DBS – 18769 – Soil & Erosion Bond** (Request for Bond Release) (***REMOVE FROM THE TABLE***)

- a. Letter dated 9/9/2014 from Jim Galligan, Town Engineer.

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

### **ZONING ENFORCEMENT**

**Commission Secretary Cocchiarella** read the following correspondence from the ZEO into the record.

1. Letter dated 9/4/2014 from Anna Rycenga, ZEO to Jim Hliva, Finance Director  
**RE: 49 Oakcrest Road (E&S Bond Posted)**
2. Letter dated 9/4/2014 from Anna Rycenga, ZEO to Jim Hliva, Finance Director  
**RE: Lakeside Estates, Fiddlehead Road (E&S and Lawn Bond Posted)**

### **APPROVAL OF MINUTES**

- 1.) May 6, 2014 Public Hearing Minutes – Garden Homes
- 2.) August 19, 2014 Regular Meeting Minutes

**MOTION BY Commission Secretary Cocchiarella** to **APPROVE** Items #1 and #2 under approval of minutes.

**Second by Alternate Pete Zbras.**

**VOTE: All Ayes.**

### **INVOICES**

- 1.) Invoice dated 9/1/2014 from Micci & Korolyshun, P.C. for Garden Homes Appeal.

**MOTION BY Commission Secretary Cocchiarella** to **FORWARD** the Invoice dated 9/1/2014 from Micci & Korolyshun to the Board of Selectmen for payment.

**Second by Vice Chairman Luff.**

**VOTE: All Ayes.**

- 2.) Invoice # 242-14 from Nafis & Young Engineers.

**MOTION BY Commission Secretary Cocchiarella** to **APPROVE PAYMENT** of Invoice # 242-14 from Nafis & Young.

**Second by Vice Chairman Luff.**

**VOTE: All Ayes.**

- 3.) Invoice # 258-14 from Nafis & Young Engineers.

**MOTION BY Commission Secretary Cocchiarella** to **APPROVE PAYMENT** of Invoice # 258-14 from Nafis & Young.

**Second by Vice Chairman Luff.**

**VOTE: All Ayes.**

### **OTHER BUSINESS**

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

**Chairman Carver** stated that they would like to make a recommendation to Jim Hliva to get a secretary from Branford to help to complete the minutes. She asked that a letter be sent to Jim Hliva with this request.

**MOTION BY Vice Chairman Luff** to have Jim Hliva **APPROVE** their request for transcription services.

**Second by Alternate Pete Zbras.**

**VOTE: All Ayes.**

**Chairman Carver** stated that the Commission would also like to increase the hourly rate for Nafis & Young to be consistent with the Town Planner (\$85.00 per hour) for work performed that is billed to applicants. It was stated that town business would still be done at the rate of \$60.00 per hour.



**MOTION BY Vice Chairman Luff** to have a letter sent to Jim Hliva regarding the hourly increase request for the Town Engineer for work that is billed to applicants.

**Second by Alternate Pete Zbras.**

**VOTE: All Ayes.**

**Alternate Pete Zbras** explained that he was approached regarding the Oxford Town Center and a dust cloud. He stated that the resident had tried numerous times to contact Town Hall and was unable to reach anyone. He explained that he also tried to reach Town Hall and he could not get in touch with anyone either. He stated that he called Tanya and she took care of it.

**Chairman Carver** explained that she contacted Haynes and was replied to quickly. She stated that what happened was addressed to her in an e-mail.

**Commission Secretary Cocchiarella** stated that there was a pocket of loose sand that created this dust cloud when they did a blast, it is not a common occurrence.

**UPCOMING EVENTS/MEETINGS:**

**October 7<sup>th</sup> 2014 Public Hearings:**

7:00 PM            **Z-14-088 – Brian & Louise Knies, 29 Fiddlehead Road** (Special Exception)  
(Detached Carriage House)

7:05 PM            **Proposed Moratorium on Medicinal Marijuana Dispensaries**

**ADJOURNMENT**

**MOTION BY Commission Secretary Cocchiarella** to **ADJOURN** the meeting.

**Second by Alternate Pete Zbras.**


**VOTE: All Ayes.**

Respectfully submitted,

  
Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

14 OCT 14 PM 2:51  
TOWN OF OXFORD, CT  
  
TOWN CLERK