



**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, May 5, 2015**

**7:30 PM**

**Oxford Town Hall  
Main Meeting Room**

**CALL TO ORDER**

**Chairman Carver** called the meeting to order at 7:42 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Harold Cosgrove, Pat Cocchiarella, Pete Zbras, Arnie Jensen, Glen Persson, Todd Romagna and Tanya Carver.

**Staff Present:** Steven S. Macary, ZEO, Jessica Pennell, Administrative Secretary and Town Planner, Brian Miller.

**Not Present:** Jeff Luff, John Kerwin and Ed Rowland.

**CHAIRMAN'S REPORT**

**SEATING OF ALTERNATES**

**Chairman Carver** seated Alternate **Pete Zbras**.

**AMENDMENTS TO THE AGENDA**

**AUDIENCE OF CITIZENS**

**CORRESPONDENCE**

**Commission Secretary Cocchiarella** noted the following correspondence and stated that it is on file in the Planning & Zoning Department during regular business hours.

- a.) CT Federation of Planning & Zoning Agencies Newsletter – Spring 2015

**OLD BUSINESS**

- 1.) **Z-15-014 [COMM] – 72 Oxford Road – Owner: Applicant: Glenn Fritz**  
(Site Plan Modification) (Sign)

**Commission Secretary Cocchiarella** read the following letter from Town Attorney, Kevin Condon into the record.

- a. Letter dated 4/27/2015 from Attorney Kevin Condon.

**Chairman Carver** entertained a motion to approve application **Z-15-014**.

**MOTION BY Commissioner Romagna** to **APPROVE** for discussion.  
**Second by Commission Alternate Zbras.**

**Discussion:**

**Commission Secretary Cocchiarella** stated that in the Planning & Zoning Regulations, **Section 3.28** is the explanation for Temporary Use Permits. He read the following into the record:

The Zoning Enforcement Officer may issue a Temporary Use Permit for a period not to exceed thirty days, for uses which are inherently temporary which would not otherwise be permitted in the district in which it is located, for uses such as charitable events, sidewalk sales, outdoor fairs and other similar uses, in accordance with the following criteria:

- 3.28.1** The use shall be compatible with the surrounding neighborhood.
- 3.28.2** The use shall not create a nuisance on any surrounding properties.
- 3.28.3** The use shall be for a maximum period of 30 days. The Commission may vote to extend the period in which the temporary use is permitted for an additional 30 day period.
- 3.28.4** The Commission may impose conditions upon the proposed use to bring it into a maximum conformity with the surrounding neighborhood.
- 3.28.5** The temporary use shall not involve the construction of a building or other permanent structure.
- 3.28.6** The Zoning Enforcement Officer may issue a permit for temporary signs in conjunction with an approved temporary use permit. Such signs shall not be installed more than 15 days prior to the temporary event, and shall be removed within 24 hours of the cessation of the event. Such temporary signs shall not be placed within a public right of way; shall not interfere with the site lines of vehicles at intersections of public roads, or from private driveways entering public roadways; shall not exceed six square feet in area and shall not be illuminated.

**Commission Secretary Cocchiarella** stated that based on what he just read, he somewhat disagrees with the Town Attorney's opinion. He commented that it states in the regulations that the Commission is allowed to regulate temporary uses.

**Commissioner Cosgrove** stated that that he would like to make a MOTION to request that the Town's land use attorney review this and get an opinion from him.

(There was no Second)

**Chairman Carver** stated that they requested a review from the Town Attorney, Kevin Condon. She noted that Attorney Condon, verbally and in writing, stated that Planning & Zoning does not regulate the car show. She stated that if the Commission wants to regulate it then there needs to be a motion, and in the motion there has to be a condition to regulate; because they are not discussing it any further.

**Commission Secretary Cocchiarella** questioned if the Town Attorney is aware of the Temporary Use Permit regulation.

**Steven S. Macary, ZEO** stated that Attorney Condon is aware of the regulation. He also commented that he does not consider this a temporary use; he considers it a permanent use as part of the restaurant business.

**Commission Secretary Cocchiarella** stated that the regulation includes fairs or other similar uses.

**Steven S. Macary, ZEO** questioned if the Commission regulates the fair held by the Fire Department.

**Commission Secretary Cocchiarella** stated that they should get a temporary use permit.

**Steven S. Macary, ZEO** questioned if they have ever gotten a permit for the fair in the past.

**Commission Secretary Cocchiarella** stated that he does not have that answer.

**Town Planner, Brian Miller** stated that he did write an opinion a couple of months ago and he defers to the Town Attorney's letter. He commented that the Town Attorney would be the one who would have to defend anything should it go to court.

**MOTION BY Commissioner Romagna to APPROVE:**

**Z-15-014 [COMM] – 72 Oxford Road – Owner: Applicant: Glenn Fritz** (Site Plan Modification) (Sign Permit):

**WEHERAS**, the Commission has received the plan for the "Proposed Outdoor Dining Area" for Fritz's on April 2, 2015.

**WHEREAS**, the Commission has heard the presentation of the applicant.

This application is approved subject to the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings regarding this application.
2. Compliance with all representations presented at meetings of the Planning & Zoning Commission and depicted on the plans submitted and titled "Proposed Outdoor Dining Area".
3. Compliance with the Town of Oxford Zoning Regulations as of this date. Reason for approval is that it meets the Oxford Zoning Regulations in effect as of this date.

4. No additional parking areas or curb cuts shall be created other than presented within this application.
5. All uses shall be in compliance with the Town of Oxford Zoning Regulations.

**Second by Commissioner Jensen.**

**Chairman Carver** called for a Roll Call vote:

**Ayes:**

(Commissioner Romagna, Chairman Carver, Commissioner Jensen and Commissioner Persson)

**Nays:**

(Commission Secretary Cocchiarella, Commissioner Cosgrove and Commission Alternate Zbras)

**MOTION PASSES 4-3.**

- 2.) **Z-15-001 [OCD] – 451 Oxford Road – Owner & Applicant: Donna & Normand Cloutier**  
(Special Exception – Article 8A, Section 8A.3.3) (Retail Sales-Bakery)

**Chairman Carver** entertained a motion to approve.

**MOTION BY Commission Secretary Cocchiarella to *APPROVE*:**

**Z-15-001 [OCD] – 451 Oxford Road – Owner & Applicant: Donna & Normand Cloutier**  
(Special Exception – Article 8A, Section 8A.3.3) (Retail Sales-Bakery).

**WHEREAS**, The Oxford Planning & Zoning Commission has received the application **Z-15-001** for a Special Exception;

**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.

**WHEREAS**, The Oxford Planning & Zoning Commission has considered the testimony presented at the public hearing held on April 7 and April 21, 2015.

**WHEREAS**, The Oxford Planning & Zoning Commission reviewed the following documents presented as part of the application;

- Town of Oxford application Z-15-001- Applicant & Owner: Normand & Donna Cloutier – 451 Oxford Road (Special Exception) (Site Plan application for Retail Sales of Baked Goods)
- Statement of Use
- Soil Erosion & Sedimentation Control Plan, Proposed Bakery Plan, 451 Oxford Road, drawn by Brian E. Neff, P.E.; Sheet 1 of 2, last dated January 11, 2015.
- Soil Erosion and Sedimentation Control Plan, Proposed Bakery Plan, 451 Oxford Road, drawn by Brian Neff, P.E.; Sheet 2 of 2, last dated January 11, 2015.
- Letter from Brian E. Neff, P.E. to Normand & Donna Cloutier, dated January 25, 2015.
- Existing Exterior Elevations, 451 Oxford Road, Proposed Renovation and addition to existing buildings prepared by Cartelli Associates, last dated January 26, 2015.
- Proposed Exterior Elevations, 451 Oxford Road, Proposed Renovation and addition to existing buildings, prepared by Cartelli Associates, last dated January 26, 2015.

**BE IT RESOLVED**, that based upon the application and testimony, this application is approved for the following reasons;

1. The application is in conformance with the requirements of the Oxford Zoning Regulations.
2. The application is consistent with the Comprehensive Plan and the Plan of Conservation and Development.

**SUBJECT TO THE FOLLOWING CONDITIONS;**

1. Compliance with the Oxford Zoning Regulations in effect as of this date.
2. Applicant and their assigns must comply with all representations made at P&Z Commission meetings regarding this application.
3. No substitute material shall be used without the approval of the Planning & Zoning Commission and the Planning & Zoning Commission Engineer.
4. The applicant shall submit three complete copies of the set of plans which reflects these conditions of approval, including an electronic copy.
5. 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 certificate of compliance.
6. No work to be done until security is set by the Planning & Zoning Commission Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. Site Plan work shall be completed by July 1, 2019.
8. The applicant shall have a pre-construction meeting with the appropriate Town Staff prior to any construction activities.

**Second by Commission Alternate Pete Zbras.**

**VOTE:** All Ayes.

- 3.) **Z-15-016 [RESA] – Mountain Road Estates, Meadow Brook Estates** (Site Plan Modification – increase from 14 to 16 Homes)  
(*Referred to P&Z Engineer, Jim Galligan & Town Planner, Brian Miller*)

- a. Letter dated 4/23/2015 from P&Z Engineer, Jim Galligan.
- b. Memorandum dated 5/3/2015 from Town Planner, Brian Miller.
- c. Plans dated 4/25/2015 and received from Kathy Ekstrom, Mountain Road Estates, with revisions per P&Z Engineer's letter dated 4/23/2015.

**Jessica Pennell, Administrative Secretary** notified the Commission that the applicant has asked that this application be tabled until the next Regular Meeting.

**MOTION BY Commission Secretary Cocchiarella** to **TABLE** this application.  
**Second by Commissioner Cosgrove.**

**VOTE:** All Ayes.

**Commissioner Cosgrove** suggested that all the Commission members go out and visit the site.

**Chairman Carver** stated that was a good idea.

**Town Planner, Brian Miller** stated that they should not go out together, if they do not want it considered a meeting.

**Chairman Carver** stated that they could go out two or three Commission members at a time.

**Town Planner, Brian Miller** stated that if this is an expansion of their approved development it would be subject to a Special Exception.

### **NEW BUSINESS**

- 1.) Presentation by Elaine LaBella – Director of Land Protection – Housatonic Valley Association

**Re: Pomperaug Valley Watershed Coalition**

**Elaine LaBella** and **Carol Haskins** presented the Commission with valuable information regarding how all individuals can be a part of keeping water clean in Connecticut. The presentation was a joint presentation between the Department of Land Protection – Housatonic Valley Association and Pomperaug River Watershed Coalition. They discussed items such as installing rain gardens, planting riverside buffers, growing native plants, reducing lawn area, reducing hard surfaces, using fewer chemicals, using water efficient fixtures, recycling and composting and many other effective ways to help keep Connecticut's water clean.

**NOTE:** There is information in Town Hall and in the Planning & Zoning Department if you are interested in learning more.

- 2.) **Z-15-023 [RESA] – 105 O'Neill Road – Applicant & Owner: Timothy J. Butterworth**  
(Special Exception – Garage – approximately 2,000 square feet)

**MOTION BY Commission Secretary Cocchiarella** to *SCHEDULE* a Public Hearing for *Tuesday, June 2, 2015 at 7:05 PM.*

**Second by Commissioner Jensen.**

**VOTE:** All Ayes.

- 3.) **Z-15-027 – [IND] – Lot 3A Fox Hollow Road – Applicant: Gary Mead – Owner: Entrepot, BUI** (Site Plan – 29,000 square foot building) (Excavation – approximately 4,000 cubic yards)

**Gary Mead, agent for the applicant** explained that the owners of Entrepot, BUI would like to buy the adjoining lot, Lot #3A on Fox Hollow Road. He stated that part of the procedure is that a small parcel of open space that was dedicated to the Town when the subdivision was approved has now been requested to become part of Lot #3A. He explained that to balance that out a bigger conservation easement is being proposed around the vernal pool that separates the existing brewery from the lot that is going to be purchased. He went on to explain that the new facility is going to be 29,000 square feet and is going to be a warehouse; they are going to move most of their storage operation to this site. He commented that they would like to build it out in 3 phases,

about 10,000 square feet for each phase. He noted that the 1<sup>st</sup> phase would include the loading dock areas, all the parking areas, the storm drainage, small offices, bathrooms and a lunchroom. He showed the Commission a rendering of the proposed building and stated that it is the same kind of design as their existing building.

**Chairman Carver** stated that this really isn't an application because she assumes that this would require a Public Hearing. She also stated that it involves a piece of land owned by the Town and that would require a lot line revision, which would have to be requested from the Town.

**Jessica Pennell, Administrative Secretary** stated that this application would not require a Special Exception, as the proposed building is only 29,000 square feet.

**Chairman Carver** questioned if there is an application and maps.

**Jessica Pennell, Administrative Secretary** stated that an application was received.

**Mr. Mead** explained that there have been meetings with the First Selectman to propose this land swap and the Town, through the First Selectman has been in favor of doing this which is why they were able to go before Wetlands for approval. He stated that Wetlands did not want to consider it unless the Town voiced their approval of this land swap. He commented that they have Wetlands and W.P.C.A. approval.

**Town Planner, Brian Miller** questioned if the property is currently owned by the Town.

**Mr. Mead** stated "no", Lot #3A, which is part of the industrial subdivision and between Lots #2 & #3 was dedicated as open space when the subdivision was originally approved.

**Town Planner, Brian Miller** questioned if the open space is owned by the Town.

**Mr. Mead** replied "yes".

**Town Planner, Brian Miller** questioned if they are going to ask the Town of Oxford to transfer ownership of that property to them as part of the development proposal.

**Mr. Mead** agreed with Brian Miller's statement. He stated that Curt Jones, engineer for the applicant has arrived and that he was the one involved in dealing with the Selectmen. He also stated that they are before the Commission tonight with an application.

**Chairman Carver** questioned if the Commission has the application.

**Jessica Pennell, Administrative Secretary** stated that the Commission does have the application, it is for a site plan approval and the applicant paid approximately \$9,000.00 in fees. She noted that Curt Jones has brought all the plans and he has 11x17 copies for the Commission members.

**Curt Jones, Civil 1, engineer for the applicant**, explained that this is an application for a site plan and they have received Wetlands approval. He commented that Wetlands was very interested in this application because it allows them to increase the separating distance to the vernal pool.

**Commissioner Cosgrove** stated that there is a critical need in this area for parking because when people go to the brewery on Saturday they are parked all the way down at the bottom of the hill.

**Mr. Jones** stated that they have had a number of conversations with the First Selectman as well as the Town Attorney regarding this parcel. He explained the process that the Town wanted them to follow and that is why they are here tonight, to get the site plan approval from the Commission. He noted that subject to the Planning & Zoning approval, if it is forthcoming, then it was his understanding that the Selectmen would initiate the process the Town has to undertake to transfer this parcel. He reiterated what Mr. Mead had said, that it is a 29,000 square foot building that is being proposed in 3 phases to allow for an orderly expansion of the business. He stated that they have analyzed truck turning movements in and out of the site and have found them to be adequate. He also noted that he understands that staff would need time to review the application.

**Chairman Carver** stated that the Commission will forward this to the P&Z Engineer.

**Mr. Jones** requested that the application be reviewed by Brian Miller, Jim Galligan and Steve in order to receive their input and respond to any comments.

**Chairman Carver** commented that the town is giving the applicant something, and questioned what is coming back to the Town.

**Mr. Jones** stated that of prime importance was the separating distance of 175 feet from the building to the tip of the vernal pool. Secondly, they are installing a rain garden which was not on the approved plan.

**Chairman Carver** asked that Curt Jones refer to this area on the map.

**Mr. Jones** referred to the map and explained that before, all parking and access was on “this” side so the idea is to get all the dirty storm water to a different area and then it bypasses the wetlands, and is treated through the rain garden. He pointed out on the plans the conservation easement which is being increased as well as the vernal pool on the south side of the site between Lot #3A and the existing building on Lot #4.

**Commissioner Romagna** questioned if this has been approved legally, because if the Town cannot legally give the applicant the property, then they are getting ahead of themselves with this discussion.

**Mr. Jones** stated that was the initial question they had, what was the proper sequence for this process. He explained that it has taken them awhile to get to this point because they had a lot of conversations with the Selectmen and so it is their understanding that they had to get the Wetlands approval, get Zoning approval and then it would be considered a feasible project that the Selectmen can bring to the Town.

**Matthias Neidhart, owner, Entrepot, BUI**, stated that Mark Oczkowski, the owner of Lot #3A, had asked if they would be interested in buying it. He commented that Mark had indicated that he may have someone interested in purchasing the property, and Mark had given him the option to purchase it first. He stated that he is interested in buying the property because they want to expand. He noted that there was never an issue until the Town found out that there is a vernal pool on the site. He explained that he told Mark that they could not purchase the property (Lot #3A) unless they knew exactly what they would be allowed to do on the lot. He commented that it is designated as an industrial lot and if they cannot do what they need to do on the lot, then



they cannot make the purchase. He stated that his company and Mark signed a contract to purchase the lot subject to the Town's approval. He noted that they have talked to Wetlands, and they are okay with the project, especially after seeing what they are going to do to the vernal pool. He commented that they had the idea of swapping the land to make sure that nothing will ever happen to the vernal pool; in fact that the vernal pool would be even more protected if this application is approved. He commented that his company was asked by the Town if they would be agreeable to the land swap, and his company is agreeable to the land swap. He noted that this process and what has transpired has taken approximately 12 to 18 months.

**Commission Secretary Cocchiarella** questioned if the section of the property that the pool is on, is actually owned by the Town or is it an easement to the Town.

**Mr. Jones** stated that it is not currently owned by Town and in the future it will be a conservation easement in favor of the Town.

**Commission Secretary Cocchiarella** stated that Mark Oczkowski owns Lot #3A.

**Mr. Jones** confirmed **Commission Secretary Cocchiarella's** statement.

**Mr. Mead** stated that Mark owns Lot #3A and the vernal pool is split between Lot #3A and Lot #4. He depicted the location of the vernal pool on the map and noted that it is on private property.

**Commission Secretary Cocchiarella** then stated that the Town does not have to sell or swap any property.

**Mr. Neidhart** explained that they wanted to buy Lot #3A exactly as designated by the Town as an industrial lot until the Town found out that there is a nearby vernal pool, then the Town said that because of the vernal pool, they would have to impose restrictions on Lot #3A and he asked the Town exactly what restrictions would be imposed.

**Commission Secretary Cocchiarella** stated that this is a Wetlands issue.

**Mr. Jones** stated that about 18 months ago when Mr. Neidhart was first interested in the property, they went and spoke to Andy Ferrillo in Wetlands and he had indicated that he thought there was a vernal pool. He explained that they had about 3 meetings with Andy and he had suggested that they just flip it and protect the vernal pool. He stated that after that they spoke to George about getting the other property and now they are here in front of Planning & Zoning.

**Commission Secretary Cocchiarella** questioned what property they have to get from the Town.

**Mr. Jones** referred to the area of property on the plans.

**Commission Secretary Cocchiarella** stated that if there is town property that is involved in this application, it has to be obtained legally by BUI.

**Town Planner, Brian Miller** commented that they will have to come in with a map to delineate the property transfer; this would make the Town of Oxford a signatory on the site plan application. He stated that once that happens, then they can do an 8-24 Referral.

**Mr. Jones** stated that they consider that a separate process, after the site plan is approved.

**MOTION BY Commission Secretary Cocchiarella to *TABLE* this application.**

**Second by Commissioner Cosgrove.**

**VOTE:** All Ayes.

4.) **Z-15-028 [VCMUD] – Oxford Town Center** (Site Plan Modification)

**Kyle Bogardus, Langan**, engineer for the applicant stated that they are before the Commission tonight for a site plan modification in Phase 1. He commented that he would like to go over how they have gotten to this point and update the Commission on the progress; which has been quite substantial. He explained that the applicant did a text change and a zone change to get the property in the right parameters to receive a project. He stated that after that approval, they went through a conceptual site plan approval that established the framework for the project. He noted that after the conceptual plan was approved, they came back for a Phase 1 site plan approval which included the grocery store, attached retail A, B & C, the whole boulevard, the entire parking field, the rockery wall, the boulevard out to Route 67, the offsite improvements and the bank outparcel. He stated that tonight they will explain a few modifications to that approval and put it in context to the overall development. He explained that during the conceptual site plan approval process, they did the traffic impact study, the storm water management for the entire development, and an extensive parking study. He noted that all that baseline framework & design work was done in that stage and that is what they are using as their guidance document throughout Phase 1. He stated that previously Phase 1 was in conformance with that framework and design, and now the modifications are also in conformance with the framework and guidelines that were approved as part of the conceptual site plan.

**Tom Haynes, Owner & Applicant, Oxford Towne Center** brought the Commission up to date on progress and the schedule; which has been modified a bit. He stated previously Price Chopper had a start date of April 9<sup>th</sup>. He commented that at that time they had hoped that they would have the bank ready and they would open the store by the end of October. He explained that Price Chopper decided that they were going to delay the start of their construction until August. He noted that they would start construction in August and open by June/July 2016. He stated that they are still working with them on getting those dates finalized, but Price Chopper has a number of other things going on right now. He commented that they have a tenant for the bank, Newtown Savings Bank, who is here tonight to present to the Commission, and the bank would also like to be open at the same time as Price Chopper/Market 32. He stated that they are working on some tenants and their goal is to come before the Commission with additional tenants to get approvals for the buildings to the right of the grocery store. He explained that their goal is to open #1 and some of #2 in June/July of 2016 with the goal of still opening the medical office building in the fall of 2016. He commented that they have been working on the site; leveling the site, the construction of the rockery wall and taking down the wall on Route 67. He shared before and after pictures with the Commission and referred to the plans while explaining the site work that has been done to date. He explained that they are adjusting the grades to make the site better and more manageable which Kyle will explain in further detail. He stated that their goal is to take another 8 weeks (+/-) to finish blasting across the front; they are hoping to have the wall down by September. Once they take the wall down, they can start the boulevard and bank pad which is scheduled to be turned over to the tenant sometime this fall. He commented that regarding the off site utilities they are just finishing up getting their approvals and permits from the state; they expect that the sewer and water will start sometime this summer. He noted that the traffic light was just approved and the bonds were filed a month ago. He stated that they will hopefully start the Route 67 construction this summer; fall at the latest.

**Commissioner Cosgrove** questioned what kind of fuel would be used for heating.

**Tom Haynes** stated that it will be gas; the gas line will run up Route 67 to Riggs Street.

**Commissioner Cosgrove** questioned if the gas, sewer and water are going to be put in by Haynes.

**Tom Haynes** answered “yes”.

**Commissioner Cosgrove** stated that he is concerned about the dust that it getting outside of the wall.

**Tom Haynes** stated that they have had some issues and they have taken further steps, a water truck, and water onsite and recently it has been getting better but they are putting better dust controls in place.

**Commissioner Cosgrove** stated that anytime the winds get up there, it could lead to poor visibility and that could be a problem.

**Tom Haynes** agreed and stated again that they are implementing better dust control measures.

**Chairman Carver** questioned why the rock wall along Route 67 will not be completely down until September.

**Tom Haynes** stated that it is a process and they are blasting everyday. He commented that the reason is the location, the blasting can only be so large and the shots are small so it takes much longer.

**Commissioner Cosgrove** questioned what they do with the giant boulders.

**Tom Haynes** stated that they have used some on the rockery wall, some they break up and crush, and some are stockpiled because they have more walls to build and some are trucked out to other locations.

**Commissioner Cosgrove** stated that the rock walls that you can see from Echo Valley Road are very high, he questioned if Mr. Haynes has done this with an engineer so that they have protection if any rocks fall.

**Tom Haynes** stated that they have an engineer on site and it is inspected constantly by an outside engineer for the construction. He commented that Kyle can explain that in more detail. He stated that they have a geotechnical engineer and an engineer onsite watching and inspecting the construction of the wall. He noted that photographs are taken and reports are compiled regularly.

**Kyle Bogardus** stated that the engineers have to certify to the tenants that the wall; which holds up the building has been constructed to a certain conformance.

**Tom Haynes** stated that Market 32/Price Chopper itself requires certification, so all the fills, all the lifts, everything that is done on site is stamped, certified and inspected, and it then gets turned over to Price Chopper.

**Kyle Bogardus** stated that he is going to go over the modifications in Phase 1. He noted that he broke them into two categories; (1) changes that are the result of other conceptual work that they have been doing in the background such as workshops with the Commission, how the project is progressing, and the portion of Phase 1 that they want to get modified to be able to receive the full project, and (2) the bank. He stated that the last time they were here with the bank it was more of a placeholder or shell of a building. He noted that there is now a tenant for the bank who is present this evening.

**Kyle Bogardus** went on to explain the changes in Phase 1 associated with the previous conceptual plan; it did not have a walkway through the parking lot and that was discussed at length at the time it was presented. The applicant mentioned that they would add that in, that is now part of the project and it adds to the pedestrian connectivity that they are trying to create. He stated that another change is how the walk and wall work at the rear of the project. He stated that they were able to shape the grades a little differently and create the wall, therefore they were able to extend the walkway and actually provide a connection back to the center from below, previously they were having challenges as to how to get back up that hill so they were able to work out how they were going to do that wall coming around the corner on Echo Valley and it even allowed them to get that walkway back to the plaza and create a full circle of pedestrian connectivity.

**Kyle Bogardus** stated that to make the grades work, they will lower the finished floor of the Price Chopper. He noted that the previous elevation was at 304 and now they are going to be at 300. He stated that the delta or change in grade to get back up to the plaza will be a little bit less, the slope from Route 67 back to the plaza is a little bit less and they were also able to lower the actual roofline of the Price Chopper. They were also able to flatten out the portion of the site designated for the medical office building and in doing so they have provided more connectivity to Route 67 which is beneficial to the retailers as well. He commented that to the naked eye you would never know, it is about 770 feet from Route 67 back to Market 32. He explained that by changing that elevation by 4 feet, they are talking about ½ % average across that 770 feet, this is a very minor grade change.

**Town Planner, Brian Miller** questioned if they are excavating more materials in order to change the grade.

**Kyle Bogardus** stated “no”, most of that is still in the fill zone, the Market 32 was in the fill zone. He stated that across the front there may be an increase in cut there but they were able to put it back behind that wall in the rear of the property. He commented that from an export perspective it is a wash, but they are able to use more onsite in that back pocket. He noted that 4 feet sounds like a lot, but over the scale of this project it is very minimal.

**Town Planner, Brian Miller** stated that by bringing it down 4 feet it is having less of an impact on the neighbors.

**Tom Haynes** stated that one of the things this does, in the back of the building is it drops it down, but the back wall and the berm stay at the same height so that building actually tucks further down behind that screening for Echo Valley Road.

**Chairman Carver** questioned how it will affect the Wetlands.

**Kyle Bogardus** stated that they are still within the buffer and the limit of disturbance of what had been approved by the Wetlands Commission.

**Chairman Carver** questioned if they see any engineering issues with Jim Galligan.

**Kyle Bogardus** stated that he does not see any issues, he had a brief conversation with Jim and obviously his review is required along with Brian Miller's and they welcome those reviews.

**Commissioner Cosgrove** stated that on the phasing plan only one entrance is shown and questioned if that was an oversight?

**Kyle Bogardus** stated that there will be two entrances, the second entrance is part of Phase 2 and will be finalized and built out when those pads go in.

**Commissioner Cosgrove** commented that the state will not let them put in a third entrance.

**Kyle Bogardus** stated that is correct.

**Chairman Carver** stated that they have emergency access between Phase 2.

**Kyle Bogardus** stated that they worked out with State and Town Officials having an emergency entrance.

**Kyle Bogardus** stated that the other change is on the bank outparcel. He explained that it was previously approved for a 3,500 square foot building, parking and drive-thru, that was all part of the Phase 1 site plan approval. He presented the new bank to the Commission stating that it is a little bit of a different shape, a little smaller, still has surface parking and a drive-thru. He stated that it is a much more attractive building. He noted that it is in the same general area on the site, on the same pad and the building is configured a little differently than previously approved.

**Ron Quicquaro, Architect for Newtown Savings Bank** noted that a representative from Newtown Savings Bank is also present this evening. He explained some changes to the bank out parcel. He stated that the bank is an "L" shape, it is not just a block or a rectangle, it is articulated and it is oriented in a way that faces Oxford Road and has a stronger relationship to it. He stated that the main entrance is really on the east side and faces Price Chopper's row of parking. He commented that there is what they call a ceremonial entrance on the Oxford Road side, but the building really has no backside. He went on to explain the interior layout of the bank to the Commission. He noted that what is more important to note is why the building looks the way it does, and that has to do with who the bank is and how they want to present themselves. Newtown Savings Bank is a New England style. Alternatively the bank is not just an old school bank, but they are current with all the modern aspects of banking today. He stated that the building has a contemporary nature as well; they wanted to compliment them both with the architecture. He commented that each of the four sides has a strong symbolic gable form and it is immediately recognizable and they hope it can be iconic to Newtown Savings Bank. He stated that is what drove the design and aesthetic. He noted that the second thing you will see is there is a rhythm and scale to how the façade breaks up, the columns are very purposeful and they are there for breaking down the scale of the façade, making the building more approachable. He stated that hopefully the first that you see is the gable forms and clean horizontal lines along with a lot of transparency. He explained that they did not want this modern glass building but the transparency is important to have in order to have an indoor/outdoor relationship and that is how the bank wants to present itself. He commented that the palette is really very simple, in addition to the indigenous stone there is white clapboard and a dark shingled roof.

**Chairman Carver** questioned if the bank is one level.

**Ron Quicquaro**, “yes” it is one level.

**Commissioner Cosgrove** questioned if they plan on taking the ATM machine inside.

**Ron Quicquaro** stated that the ATM machine is in the vestibule and it will require card access.

**Commissioner Jensen** voiced a concern about the snow sliding off the metal canopy roof.

**Ron Quicquaro** stated that the building is equipped with snow guards which prevent the snow from sliding off the roof. He commented that this canopy is not sloped so in the worst case scenario it drains internally.

**Ken Weinstein** introduced himself; he is the Senior Vice President for the Newtown Savings Bank branches. He stated that Newtown Savings Bank is 160 years old; they are a mutual savings bank which means that they are owned by their depositors. He explained that they have been looking to be a part of the Oxford community for many years and when this project came up, they were very excited to be a part of it.

**Commission Secretary Cocchiarella** questioned if there is also a drive thru ATM.

**Ken Weinstein** stated “yes” the trend in banking has moved away from approaching the teller to a much more open counter type space. He stated that they are not going to have the tall boxes in front of people. He also stated that the bank will not have typical cash drawers which allow employees to move about more freely. He stated that they intend to staff the branch with a mortgage loan officer, a manager, an assistant manager, customer service representatives and tellers.

**Chairman Carver** stated that she is concerned about the drive thru, if there is enough space.

**Ken Weinstein** stated that because this branch is new construction, they can make sure that the drive thru can accommodate the variety of vehicles that are on the road today.

**Kyle Bogardus** stated they have done the turning movements, but the concern has been noted.

**Chairman Carver** stated that it is just thought, it seems to be a tight area there coming around.

**Kyle Bogardus** stated that those are the new changes, they understand that the changes have to be reviewed by Jim Galligan and Brian Miller, and they welcome those comments.

**Chairman Carver** called for a 5 minute recess.

**Chairman Carver** called the meeting back to order at 9:30 PM.

5.) Planning & Zoning Commission Discussion – Zoning Regulations Text Amendment  
**Re: Medical Marijuana**

**Steven S. Macary, ZEO and Pete Zbras** have been working on these regulations. A copy of what they have done was provided to Commissioners. It was decided that the Commission

members will review the proposed regulation and have a final draft to discuss at the June 16<sup>th</sup> meeting.

### **BOND RELEASES**

- 1.) **Central Park Associates – Bond Release Request**  
(Awaiting report from P&Z Engineer, Jim Galligan)

### **ZONING ENFORCEMENT**

- 1.) Commission discussion with ZEO regarding various items, complaints and zoning violations.

**Steven S. Macary** noted that he has just been presented with Old English Lane. He is currently reviewing information that was dropped off to him late last week.

**Chairman Carver** requested that Steve set up a Site Walk for Oxford Towne Center.

### **APPROVAL OF MINUTES**

**MOTION BY Commission Secretary Cocchiarella** to **APPROVE** the following minutes as presented:

- 1.) April 21, 2015 Public Hearing Minutes – 451 Oxford Road
- 2.) April 21, 2015 – Regular Meeting Minutes

**Second by Commissioner Cosgrove.**

**VOTE:** Ayes (6), Abstention (1), Glen Persson.

### **INVOICES**

**MOTION BY Commission Secretary Cocchiarella** to **APPROVE** the following invoice from Turner Miller Group:

- 1.) **Turner Miller Group Invoice # 5246**

**Second by Commissioner Cosgrove.**

**VOTE:** All Ayes.

**MOTION BY Commission Secretary Cocchiarella** to **FORWARD TO THE BOARD OF SELECTMEN** the following invoice from Turner Miller Group:

- 2.) **Micci & Korolyshun, P.C. Invoice – Garden Homes Appeal**

**Second by Commissioner Cosgrove.**

**VOTE:** All Ayes.

### **OTHER BUSINESS**

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

### **Glendale Update**

**Chairman Carver** explained that Glendale came in for a pre-construction meeting in December of 2014. She stated that they would like to change the name of the development and that they needed to review some minor housekeeping issues. She informed the Commission that the first week in April they were looking for a permit. Town officials and staff had a meeting with Chris Smith, attorney for Glendale in order to make a list of items that need to be addressed in order to move forward with the project. Chris Smith will be summarizing and presenting the changes to the Commission for their information. She stated that this will not be an amendment to the conditions of approval.

### Fees

**Pete Zbras** stated that it was mentioned to him that some companies are interested in locating to Oxford, but when they are presented with the fees to apply that they are usually inclined to not move forward with their application.

**Commission Secretary Cocchiarella** stated that the Commission just went through the fees and they lowered the Commercial/Industrial fees.

**Steven S. Macary, ZEO** stated that since he has been ZEO, two companies have decided not to pursue the application process once they were presented with the fees.

**Commissioner Cosgrove** mentioned that some businesses can receive incentives if their location is within 2 miles of the airport. He stated that most companies probably do not realize that this incentive is available.

**Commission** discussion ensued and it was determined that this would have to be researched further.

**Chairman Carver** mentioned possibly appointing a subcommittee to review the fees.

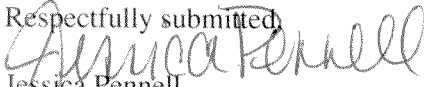
### ADJOURNMENT

**MOTION BY Commissioner Cosgrove** to **ADJOURN** the meeting at 9:55 PM.

**Second by Commissioner Jensen.**

**VOTE:** All Ayes.

Respectfully submitted,

  
Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

15 MAY 21 PM 12:29  
TOWN CLERK  
C. J. Smith  
TOWN CLERK