



**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, October 7, 2014**

7:30 PM

Oxford Town Hall

Main Meeting Room

**CALL TO ORDER**

**Chairman Carver** called the Regular Meeting to order at 7:40 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Also Present:** Land Use Engineer, Jim Galligan, Town Planner Brian Miller and Jessica Pennell, Administrative Secretary.

**Absent:** Todd Romagna and Glen Persson.

**CHAIRMAN'S REPORT**

**Chairman Carver** stated that they had a staff meeting with Oxford Town Center in regards to the traffic report and it was attended by Scott Pelletier. She stated that Sergeant Semosky was not in attendance. She commented that she does believe that the Oxford Town Center is working with the Commission to try to address all their concerns regarding the residential entrance. She is awaiting a letters from Scott Pelletier and Sergeant Semosky.

**Commission Secretary Cocchiarella** stated that in the future when the Commission asks for reports from other Town Departments that there should be a date by which those reports should be received by the Commission. If the comments are not received by that date, then "silence is consent" and their comments may not be relevant after that date has passed. Awaiting letters from other departments has delayed applications in the past.

**Vice Chairman Luff** stated that he agrees that the Oxford Town Center wants to work with the Commission and get the job done; he believes that the applicant has done what they could do to appease the requests from the Commission.

**SEATING OF ALTERNATES**

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

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

**AMENDMENTS TO AGENDA**

- 1.) **MOTION BY Commission Secretary Cocchiarella** to **AMEND** the agenda to add a presentation by Andy Bazinet regarding the CPV Towantic Energy Center as New Business #1.  
**Second by Commissioner Cosgrove.**  
**VOTE: All Ayes.**
- 2.) **MOTION BY Commission Secretary Cocchiarella** to **AMEND** the agenda to add the resolution regarding Medical Marijuana Moratorium and the formation of a subcommittee under New Business #5.  
**Second by Commissioner Cosgrove.**  
**VOTE: All Ayes.**
- 3.) **MOTION BY Commission Secretary Cocchiarella** to **AMEND** the agenda to add discussion of House Bill No. 5507 and to appoint the Zoning Enforcement Officer.  
**Second by Vice Chairman Luff.**  
**VOTE: All Ayes.**

**CORRESPONDENCE**

- a.) CT Federation of Planning & Zoning Agencies Quarterly Newsletter (Informational Only)
- b.) Letter dated September 18, 2014 from George Temple to Robbi Costigan. (Informational Only)
- c.) Letter dated September 18, 2014 from George Temple to Alvaro DaSilva. (Informational Only)

**OLD BUSINESS**

- 1.) **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) (***AWAITING RESPONSE FROM TOWN PLANNER AND TOWN FEMA COORDINATOR***)

**Commission Secretary Cocchiarella** read a Memorandum dated October 3, 2014 from Brian Miller, Town Planning Consultant.

**Chairman Carver** stated that if the applicant would like, they can come before the Commission with a permit for a Special Exception.

**Dominick Thomas, Attorney for the Applicant, 315 Main Street, Derby** stated that the apartment was approved by an action of the Zoning Board of Appeals back in 1981. He noted that it was approved with the understanding that the only restriction on it was that no expansion of the non-conformity as it faces the adjacent property to the south. He commented that this is a permitted use by zoning variance and they have no intention of expanding the apartment. He noted that it is his opinion that the matter can be handled, because the only expansion is of the hair salon. He stated that he does not believe that they have secured Wetlands approval, and also a FEMA issue.

**Brian Miller, Town Planner** stated the he was not aware that a variance was issued on this property in 1981. He noted that he would have to review this further.

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

**Second by Vice Chairman Luff.**

**VOTE: All Ayes.**

### **NEW BUSINESS**

1.) **Presentation by Andy Bazinet regarding the CPV Towantic Energy Center.**

**Andy Bazinet**, Director of Development for a company called Competitive Power Ventures was present to discuss the proposed changes to the power plant project. He stated that many people are probably familiar with this project. He stated that there is a dire need to move the project forward now. He commented that they have filed all the necessary applications, except one, that are required to make the necessary modifications to the project. He highlighted the following changes for the Commission:

- 1) The site is still a proposed power plant, a 2 on 1 combined cycle power plant that runs 2 gas turbines and 1 steam turbine. He stated that is largely unchanged, one difference is that the gas turbine technology has been updated and that is primarily to satisfy the need that he has just mentioned.
- 2) The gross output has changed from approximately 525 MW to 805 MW and the configuration with respect to how the gas turbine and the steam turbine are laid out have been flipped. He noted that the reason for that flip is that they are very conscientious of their neighbor, the airport. He stated that by moving the gas turbine and the steam turbine they are mitigating impact on the airport.
- 3) Addition of Lot 9A, is the parcel that is directly south of the existing 20 acre parcel as owned by the project company, Lot 9A is approximately 6 acres and the major reason that they have added that is to facilitate many of the stormwater regulation changes that have happened in the State of Connecticut in the past 15 years, incorporating things like Low Impact Development principles, etc.
- 4) Two other changes that he would like to note are a) the removal of 1 giant building to three smaller enclosures. He stated that the reason for that is that they believe that the visual impacts of the facility are mitigated by the reduction of the size of the building and they are still in compliance with the noise regulations and air regulations. The actual reduction in height facilitates better air dispersion as a result.
- 5) The air cooled condenser, the structure that looks like a radiator almost, that cools all of the steam which is the tail end of the combined cycle process and in the prior approval of that structure, it was 116 feet above grade, they did a lot of due diligence on this and they found that the technology promoted by XPX, which is 85 feet above grade, they feel that overall without any changes in noise they are lowering the overall visual impacts of the site by selecting this technology.

**Andy Bazinet** stated that there are some other effects from these changes, but overall they are overall consistent with the prior plan approval. He stated that the Commission has a list of the changes and a before and after drawing to compare. He stated that what they are here for

tonight is to ask the Commission to authorize a letter acknowledging their awareness of the proposed improvements that CPV is proposing for the site and acknowledge the consistency with the approved plan, but also provide a statement of support.

**Chairman Carver** stated that the technology change, she questioned the benefit of the technology change, how it would benefit the Town.

**Andy Bazinet** stated that not only do taxes go up as a result of that, but the facility itself, the region itself is drastically short of power, so rates beginning in June 2017 across the New England region are going to go up for customers. He commented that the option for capacity resources tripled in February 2014. He noted that the option for new resources is going to happen in February 2015. He stated that with their insertion within the market they are going to mitigate much of that impact. He noted that the efficiency of this technology is a large reason that they are moving forward.

**Chairman Carver** stated that the higher the watts that they are putting out, the Town does get more revenue coming in based on the number of megawatts.

**Andy Bazinet** stated that is correct, and those are details they are going to work out with Andy McGeever and Mr. Temple in future sessions.

**Commission Secretary Cocchiarella** stated that on the new plan there is an auxiliary cooling system fin fan cooler which doesn't exist on the old plan.

**Andy Bazinet** stated that that is correct; they used other auxiliary cooling systems on the old plan.

**Commission Secretary Cocchiarella** questioned if the stack height stays the same or gets lowered.

**Andy Bazinet** stated that the stack height was originally approved by the Siting Council at 160 feet; they will be reduced to 150 feet.

**Commissioner Cosgrove** questioned if they have any other views of the building to share with the Commission and will this be visible from the road and the neighbors. He also questioned whether they would recycle the steam and use it to heat the building in the winter time. He asked about the temperature rising and the effect that it would have on the water.

**Alternate Pete Zbras** questioned if there were any problems with the gas company to secure a contract.

**Andy Bazinet** stated that as was the original proposal, this is a dual fuel proposal, so 11 out of the 12 months of the year they are going to operate on natural gas and there is maybe 30 days out of the year on average that gas is not constrained but it is constrained economically so if you have the money and you want to pay it you can operate on gas. He stated that if they are asked to switch to oil, they actually don't have a choice.

**Alternate Pete Zbras** stated that he thought they were only supposed to use oil no more than 30 days per year and only in an emergency.

**Andy Bazinet** stated that is correct. He stated that will not turn on the oil unless they are directed to do so.

**Alternate John Kerwin** questioned if it would be economically feasible to run on oil, oil is more expensive than natural gas.

**Andy Bazinet** stated “absolutely not”. They would prefer not to run on oil.

**Alternate Ed Rowland** questioned if there is any way to recycle the water.

**Andy Bazinet** stated that they have actually incorporated recycling into their process, so it is an air cooled facility, so they use very minimum water anyway. He explained the process of how they recycle the water.

**Alternate John Kerwin** questioned if they are using the water to cool this?

**Andy Bazinet** stated that the only source of cooling is the big fans to cool the steam. He commented that they were out at some neighboring properties and they took photos because the Siting Council wanted to do a visual impact analysis. He noted that they can take those pictures and superimpose what it will look like from different vantage points, and even Jack’s Hill Road which was the most visible spot last time, you cannot see it anymore because the trees have grown over time. He stated that during winter there might be a slight view. He stated that regarding the recycled steam, they are not planning to use that for the heating of the building.

**Commissioner Cosgrove** questioned who the owner of the building of the facility and the building and how does GE get involved other than the generators.

**Andy Bazinet** stated that they have a partnership and there is a company that owns the development assets and GE is a partner in the project as well.

**Brian Miller, Town Planner** stated that there was a problem with the supply of gas into the Northeast because of the capacity of the existing pipeline and the state has an initiative to actually encourage the use of more natural gas for home and industrial heating. He questioned if that is going to create a strain on the supply of natural gas for your plan?

**Andy Bazinet** stated that there are two ongoing projects, both by Algonquin or Spectra Corporation and those project total about 600 dekatherms a day increasing capacity to the system. He stated that it is all gulf gas right now, there are various inner connections. He stated that the idea is that they are adding compression or upsizing some of their pipe to bring in more gas to the Northeast. He commented that Northeast Utilities and Spectra have a grander project regarding a switchover from oil to gas; the details of that project have not yet been fully released.

**Brian Miller, Town Planner** questioned Mr. Bazinet, as he is going forward, they are confident that the demands on natural gas coming into the Northeast, that the project will be viable.

**Andy Bazinet** stated that they do not even get to make that decision. ISO (Independent System Operator) New England tells them if they will or will not be a viable project. If ISO New England does not believe the project is viable, they will not give the companies the money to assist them. He stated that things have changed substantially in the market over the past year or

two here and that is why they are able to now have the opportunity to move forward with the project.

**Commission Secretary Cocchiarella** brought up the point that if the plant has to be run on oil, that it may not be a consecutive 30 days, it may be a day here or there, but will not exceed 30 days in a year.

**Andy Bazinet** concurred and also stated that it would take about five minutes to switch over from gas to oil.

**MOTION BY Commission Secretary Cocchiarella** to *AUTHORIZE* the Chairman to send a letter regarding this project as it was presented to the Commission this evening.

**Second by Alternate John Kerwin.**

**VOTE: Ayes (7), Abstention (1), Alternate Ed Rowland.**

- 2.) **Z-14-009 [COMM] – Owner: Thomas Hylwa Applicant: Little River Power Equipment, Inc. 117 Oxford Road** (Special Exception, Article 7, Section 7.3.9 & 7.3.10) (Outside Trailer Sales) (*SET PUBLIC HEARING DATE*) (*REFER TO APA COORDINATOR*)

**MOTION BY Commission Secretary Cocchiarella** to set a Public Hearing date for *Tuesday, November 4, 2014 at 7:05 PM.*

**Second by Vice Chairman Luff.**

**VOTE: All Ayes.**

- 3.) **Z-14-100 [IND] – Owner: 207 Christian Street Associates, LLC Applicant: Tim Spahn – Colonial Pet Cremation Services, LLC – 207 Christian Street** (Special Exception – Article 9, Section 9.3.10) (*SET PUBLIC HEARING DATE*)

- a.) Letter dated 9/30/2014 from Tim Spahn.

**MOTION BY Commissioner Cosgrove** to waive the fees for this application, *excluding* the \$60.00 state fee and the **cost of publication of the legal notice for the Public Hearing.**

**Second by Commission Secretary Cocchiarella.**

**VOTE: All Ayes.**

**MOTION BY Commission Secretary Cocchiarella** to set a Public Hearing date for *Tuesday, November 4, 2014 at 7:10 PM.*

**Second by Alternate Ed Rowland.**

**VOTE: All Ayes.**

**Discussion** ensued that an approval stays with the land; it does not go with the applicant. There was discussion because this application was presented and approved for 315 Riggs Street. It was noted that since the address/location is changing, the applicant does have to reapply for the new location even though it for the same use.

- 4.) **Z-14-102 [COMM] – Owner: Robert Fritz, Sr., Applicant: Glenn Fritz – 72 Oxford Road** (Use Permit - Annual Car Show)

**MOTION BY Commissioner Cosgrove** to **forward** this application to the Town Planner for review.

**Second by Commission Secretary Cocchiarella.**

**VOTE: All Ayes.**

**MOTION BY Commissioner Cosgrove** to request that Sergeant Semosky attend one of these events and assess the situation regarding safety.

**Second by Commission Secretary Cocchiarella.**

**VOTE: All Ayes.**

5.) **Resolution regarding Medical Marijuana Moratorium and the formation of a subcommittee.**

**Commission Secretary Cocchiarella read the following resolution:**

**BE IT RESOLVED;**

That the Oxford Planning & Zoning Commission shall not accept, process, consider or take any action on any application or petition for any premises within the Town of Oxford when such application or petition involves, directly or indirectly, the production, distribution and dispensing of marijuana for medical purposes. The reasons for this moratorium are:

1. To allow agencies of the State of Connecticut time to formulate related guidelines and/or regulations;
2. To provide sufficient time for the Oxford Planning & Zoning Commission and other regulatory agencies within the Town of Oxford to review the State of Connecticut Regulations of the Department of Consumer Protection concerning palliative use of Marijuana and the associated application process for producers and dispensary facilities; and;
3. To provide enough time for the Oxford Planning & Zoning Commission, along with other relevant municipal agencies to review and study the State Regulations and formulate draft zoning regulations regarding the production, storage, distribution and dispensing of the controlled substance.
4. This moratorium shall become effective the day after publication of the appropriate legal notice in a newspaper having general circulation within the Town of Oxford and shall remain in effect until the adoption of appropriate regulations or for a period of one (1) year thereafter, whichever occurs first.

**Second by Commissioner Cosgrove.**

**VOTE: All Ayes.**

**MOTION BY Commission Secretary Cocchiarella** to have the Chairman **APPOINT** a **subcommittee** regarding medical marijuana regulations. The Subcommittee will include the following (3) Commission members; Commissioner Cosgrove, Commissioner Jensen and Alternate Commissioner Zbras.

**Second by Alternate John Kerwin.**

**VOTE: All Ayes.**

**BOND RELEASES**

- 1.) **Oxford Greens – Pulte Homes Phase III – Surety Bond # 8195-39-38 – Performance Bond**  
(Request for Bond Release) (***AWAITING INFORMATION FROM TOWN COUNSEL***)(TABLED)

**Oxford Greens – Pulte Homes Phase II & III – Letter of Credit # DBS – 18769 – Soil & Erosion Bond** (Request for Bond Release)

**MOTION BY Commission Secretary Cocchiarella** to make a favorable recommendation to the Board of Selectmen to RELEASE the Letter of Credit # DBS – 18769 in the amount of \$71,250.00 for Pulte Homes Phases II & III.

**Second by Commissioner Cosgrove.**

**VOTE: All Ayes.**

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

**ZONING ENFORCEMENT**

1. Letter dated September 17, 2014 from Kelly Weymer, Acting ZEO to Glenn Fritz  
Re: **72 Oxford Road**
2. Letter dated September 19, 2014 from Kelly Weymer, Acting ZEO to Kevin Condon  
Re: **11 Kerski Drive**

**APPROVAL OF MINUTES**

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

**Second by Vice Chairman Luff.**

**VOTE: All Ayes.**

- 1.) September 16, 2014 Regular Meeting Minutes
- 2.) September 16, 2014 Public Hearing Minutes

**INVOICES**

- 1.) Invoice dated 10/1/2014 from Micci & Korolyshun, P.C. for Garden Homes Appeal.

**MOTION BY Commission Secretary Cocchiarella** to forward the invoice to the Board of Selectmen for payment.

**Second by Commissioner Cosgrove.**

**VOTE: All Ayes.**

- 2.) Invoice No. 14-22 – No. 14-27 from Anne Sohon, Court Stenographer.

**MOTION BY Commission Secretary Cocchiarella** to **APPROVE PAYMENT** of Invoices 14-22 through 14-27 from Anne Sohon, Court Stenographer.

**Second by Commissioner Cosgrove.**

**VOTE: All Ayes.**

- 3.) Invoice # AFC-11148 from the American Folder Company

**MOTION BY Commission Secretary Cocchiarella** to **APPROVE PAYMENT** of Invoice # AFC – 11148.

**Second by Commissioner Cosgrove.**

**VOTE: All Ayes.**

**OTHER BUSINESS**

- 1.) Any other Business the Commission deems necessary for discussion.
- 2.) Discussion of House Bill No. 5507 and Appoint Zoning Enforcement Officer.

**MOTION BY Commissioner Cosgrove** to appoint Steve Macary as the Zoning Enforcement Officer.

**Second by Commission Secretary Cocchiarella.**

**VOTE: Majority vote.**

**UPCOMING EVENTS/MEETINGS:**

**Advanced Land Use Academy Training**

Saturday, November 1, 2014

Middlesex County Extension Office in Haddam, CT

\$40.00 per person.

**Municipal Staff Forum – Inland Wetlands & Aquifer Protection**

Thursday, October 30, 2014

9:00 AM – 12:30 PM

Central CT State University

FREE!!

**ADJOURNMENT**

**MOTION BY Commissioner Cosgrove** to ADJOURN the meeting at 10:00 PM.

**Second by Commission Secretary Cocchiarella.**

**VOTE: All Ayes.**

Respectfully submitted,

  
Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

14 OCT 30 PM 4:20  
TOWN CLERK  
