



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

Planning & Zoning Commission

Regular Meeting Minutes
Tuesday, September 15, 2015
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Regular Meeting of September 15, 2015 to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Staff Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO, Attorney Eugene Micci, James H. Galligan, PZC Engineer and Brian J. Miller, Town Planner

Not Present: Ed Rowland and Jeff Luff.

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

Chairman Carver seated Alternate John Kerwin.

AMENDMENTS TO THE AGENDA

AUDIENCE OF CITIZENS

Kathy Johnson, 68 Dorman Road commented to the Commission that they have to address the vulnerability of Oxford to high-density housing. She referred to a grant that the town had received to implement Incentive Housing Regulations. She stated that the Town threw away those regulations and that the affordable housing regulations currently in place are not enough to protect the Town from high density housing.

CORRESPONDENCE

Commission Secretary Cocchiarella noted that the following letter addressed to the Board of Selectmen’s Office and copied to Planning & Zoning. It was noted by the Secretary that the Board of Selectmen have not formally requested a review of this item from the Planning & Zoning Commission.

- a. Letter dated August 26, 2015 from William K. Cleaver
Re: Status of Cedarstone Road

No Action Taken – Awaiting referral from the Board of Selectmen

OLD BUSINESS

- 1.) **Extension Request - Z-10-011 – Central Park Associates, LLC – 94 Christian Street & Larkey Road** (8-30g Application) (Site Plan Modification)
(TABLE PER APPLICANT’S REQUEST)
- 2.) **Z-15-082 [COMM] – 357 Oxford Road – Owner & Applicant: Alliance Energy Corp.**
(Site Plan Modification)

Commission Secretary Cocchiarella read the following correspondence into the record:

- a. Letter dated September 9, 2015 from **James H. Galligan, PZC Engineer.**
- b. Memorandum dated September 10, 2015 from **Brian J. Miller, Town Planner.**

Kevin Doyle, Project Manager for Alliance Energy was present to explain the site plan. He discussed the landscaping of the site and addressed the parking.

Chairman Carver requested that **Brian J. Miller, Town Planner** prepare a resolution for **Application Z-15-082.**

- 3.) **Glendale at Oxford — Authorize Chairman and Secretary to sign the mylar.**

Steven S. Macary, ZEO stated that he and **Commission Secretary Cocchiarella** went over the map extensively.

MOTION BY Commissioner Cosgrove to **AUTHORIZE** the Chairman and Secretary to sign the Mylar entitled “Glendale at Oxford – Christian St/Jacks Hill Rd, Oxford, CT Map: 19 Block: 26 Lot: 1, prepared for Glendale at Oxford, LLC”.

Second by Commissioner Jensen.

Vote: All (8) Ayes.

NEW BUSINESS

- 1.) **Garden Homes Management Corporation – “Oxford Commons” – Hearing on Remand from Superior Court**

Chairman Carver stated that this is not a Public Hearing but they will allow the public to comment. She stated that they could discuss the four specific issues that Judge Frazzini has required the Commission to further consider. She noted that the Commission has received the following correspondence:

- Report from Adler Consulting dated September 10, 2015.
- Letter from Sergeant Dan Semosky dated September 14, 2015.
- Letter from Scott Pelletier, Fire Marshal dated September 15, 2015.

Chairman Carver stated that all copies of the correspondence are on file.

Chairman Carver stated that the Commission will have a Special Meeting on the 29th of September in which the Commission will deliberate. She explained that they will not be accepting any new evidence at that time.

Attorney Mark Branse, representing Garden Homes stated that as Chairman Carver has noted this is here on remand. He explained that he has a number of handouts for the Commission. The first handout is a timeline based on Judge Frazzini's remand. He explained that Judge Frazzini gave the Commission ninety days to address the remand, which expires October 29th. He stated that they supplied their documents to the P&Z Department on August 19th. He commented that Judge Frazzini's remand was for the Commission to address the four items. He explained that they (the applicant & his representatives) did review the Judge Frazzini's decision and made revisions to the plans. The revised plans were sent to Mr. Galligan on the 19th of August. One of the things in the Adler report is a suggestion that besides a no left turn sign at Emily Drive that they configure a way so traffic is kind of pushed into a right turn only and Mr. Trinkaus has done a sketch that illustrates how that can be done.

Steve Trinkaus, engineer for the applicant from Southbury stated that as part of the remand they reconfigured and dropped three units from the site plan, 2 in the northwest corner, previously Emily Drive extended to just east of the detention pond, so two units were eliminated there, a unit was eliminated (here) which is one spot for a playground. According to the decision, there is to be a second playground and they have left it up to the Commission to pick one of the other parcels or anywhere on the site where they want to see the second playground; they will convert that unit to a playground. They also eliminated, this road used to go straight through and in order to address the 50-foot tangent issue that Jim Galligan raised, Emily Drive, which comes in (here), now comes all the way around so they made it a continuous road, so they eliminated intersections on it. He explained that they revised the vertical geometry to address Jim's comments and he is signed off on that. They reconfigured the units (in here) obviously when the road went away. The curves on Naomi Drive; any of these single or 90 degree turns, previously the radius of the pavement was 25 feet, that was increased to 30 feet which puts the center line out at 42 which Jim was looking for, so this corner, this corner, this corner, all of these 90 degree turns have that; all of the 90 degree intersections or "T" intersections all have a 25 foot radius which is what actually the subdivision regulations require. Similarly, at both Oxford Commons West and Emily Drive there are 25 foot curb returns out onto Hurley Road. For Emily Drive what they proposed to do is make the radius on the west side 35 feet instead of 25 and this is the sketch that he put together. He explained that they are going to do a concrete island, a low island with striping so you could plow over it and a fire truck could drive over it, but it will direct people to a right turn only situation. The reason he increased the radius was to allow for a 12-foot wide aisle. Therefore, those were the changes. From the Storm water prospective, the modifications of the elimination of three units, driveways and the elimination of the road and reconfiguration of the road they actually wound up with 200 square feet less impervious cover on the site so the storm water basins particularly, the one in the northwest corner is a little bit more oversized than it was previously so there is no fundamental change there to that. Those are the highlights of the changes that have been made on the plan.

Attorney Branse introduced **Kermit Wah** to address the report he prepared.

Kermit Wah, professional engineer in the State of Connecticut, KWH Enterprise, and LLC stated that he wrote a letter to Mr. Freedman dated 8/25/2015 in response to Jim Galligan’s comments. Mr. Galligan wrote a letter dated 9/14/2015 to the Chairwoman, which essentially said that he had no more comments regarding the two main issues that were covered in his letter. The two items were the roadway radii and the roadway grades at intersections. He explained that he would not spend too much time on those two items. He stated that the one thing he did want to point out that was covered in his letter is that he will emphasize the access roadways they are proposing on the side, they meet the definition of AASHTO which is a National Highway Standard Organization which covers very low volume, local roads. He explained that what that means is that according to the 2011 AASHTO manual, those kinds of roads are frequently traveled by drivers who are very familiar with their configurations; because of their low volume nature, the likelihood for accidents or crashes are very low, statistically that’s a very low occurrence, he just wanted to emphasize, those roads will be safe just because they are low volume and of a local nature and they will not provide any hazard to the public health and safety.

Mr. Wah went on to say that in response to the Adler letter they received the remaining issue he raised was one about stop signs they are proposing at curved access roadways. He stated that Mr. Adler’s argument is because many drivers do not conform to the stop sign or do not tend to stop he doesn’t think that a reasonable measure on traffic control at this point. He (Mr. Wah) disagrees, he thinks most drivers in Connecticut, when they see a stop sign on public roads or a residential site like this, they do stop, not necessarily a full stop to a speed of zero, some may do a rolling stop, so that does provide the advantage of slowing down traffic and allow them to safely navigate the curves and roadways on the site.

Mr. Wah stated that the other issue that is raised in the Adler letter is about a fire truck turning on the site. The attorney will discuss this further. Mr. Adler used an astro template which is bus, bus 45 with a turning radius of 47.5 feet. He commented that in this case they feel that is not a correct way to do it because this radius is much larger than the actual fire truck radius. He explained that what Mr. Adler is showing on those sketches, all those turning radiuses are much larger than the turning radius of the fire truck that the town currently uses. He stated that the last point that Mr. Adler made is about the OSTA requirement, essentially the filing of this project after they receive the town approval. He commented that they realize that they need to do that after they receive an approval letter just because the development exceeds 100 units, according to OSTA regulations. He further went on that other than that he thinks most of the traffic related issues have been resolved at this point.

Attorney Branse questioned Mr. Wah if the application to OSTA; does OSTA receive those before this final local approval?

Mr. Wah answered, no; they (OSTA) only start the reviewing process after they receive the approval letter from the Town, that is their administrative procedure.

Attorney Branse stated “so we couldn’t apply now?”

Mr. Wah answered “no”.

Mark Branse handed out another copy of Mr. Wah’s report and also in the packet is a design of another mobile home park recently approved that has those “L” intersections, in addition, their client, just to show how common these “L” intersections are; counted up the number in Stamford. He lives in Stamford, so he knows Stamford, there were 73 of them in one town. Then he has provided the Commission with some blow ups of some of the individual ones, aerial photographs to show what they really look like. The last page in the package is an illustration of the bus shelter gazebo that the

Commission had requested. This is what they propose; if there is something you'd like better we are certainly happy to consider it. Then the question is where you'd like it located, they have no preference as to the location.

Attorney Branse questioned if Mr. Adler is here this evening.

Chairman Carver replied "no".

Attorney Branse stated that in accordance with the case of Frommer vs. Inland/Wetlands Watercourses Commission he moves to strike his (Mr. Adler's) testimony entirely from the record. He handed out copies of the case) He stated that he know that this is something the Commission does not run into very often, and it is just a superior court case, but the idea is that if a witness is not present to be questioned on their testimony, that party can move that it be stricken from the record and not considered. He stated that in this case, Mr. Adler's testimony should be able to be questioned.

Attorney Branse stated that there are flaws in the Adler report:

1. For his truck turning data he used a turning radius of 47.5 feet and you'll see the document that is being handed out to the Commission now is from the record on appeal (the last time they were here). It is the turning radius of Oxford's largest fire truck that was provided to us by the Town. And he uses a 39 foot 7 inch turning base. So Mr. Adler is using 47 when the Town Fire Chief himself gave them this different template. So the turning radii that he's using are simply wrong; they are not the ones the Town told the applicant to use and told them to base the design.
2. Mr. Adler did not realize in his report, he indicates that a corner radius of 25 feet is not adequate, and that it should be more.

Attorney Branse went on to explain that in Section 4.4 of the Subdivision Regulations in Oxford require as your specification, a 25-foot corner radius. Mr. Galligan requested that the applicant provide that, in his early comments he noted that many of the radii were unlabeled and therefore he wasn't sure if they met that 25-foot recommendation. We aren't subject to subdivision regulations, but Mr. Galligan felt that the 25-foot radius was the one they should be using. We did use it, we clarified our plans and then Mr. Adler is saying that's not adequate for Oxford's fire trucks. If Mr. Adler is correct, every subdivision that you've ever approved, the 25-foot radius as required by your subdivision regulations, can't be accessed by your fire trucks.

3. Mr. Adler says there are places where the firetruck would overrun the curbs and sidewalks, doesn't know what plans Mr. Adler was reviewing; these plans don't have curbs or sidewalks. The comment indicates that he just didn't review the plans.
4. Mr. Adler says that people won't stop at stop signs, they will run stop signs. However, Mr. Adler himself, we have one full copy of a report that he did in which he recommends replacing a stop light with a stop sign because he says it is less maintenance, lower cost and just as effective. Apparently, he is not consistent on that.
5. Mr. Adler also says that people won't honor stop bars, and he says people won't heed those painted things. But again in a report that Adler Consulting drafted, they recommend for traffic calming purposes the painting of center lines and shoulder stripes on pavement, and indicated

that people would honor those painted stripes. Mr. Adler seems not to be consistent with the advice that he provides to his clients.

6. The other question that the court asked the applicant to address and that Mr. Adler raises and that your State Trooper raises is how you enforce the on street no parking when these are private roads.

Attorney Branse stated that the answer is that the Connecticut Fire Prevention Code specifically allows the local Fire Marshal as the “authority having jurisdiction” to designate fire lanes, to designate areas on streets, including private street, private property and to designate no parking areas. NFPA Section 18.1.1.1 says the authority of the Fire Marshal applies to all public and private access roads. Section 18.2.3.5.1 says that the authority having jurisdiction again, is your Fire Marshal, he can require signs to be posted for fire lanes. In the plan that you have in front of you we have No Parking signs, if your Fire Marshal so requests, we can change those signs to say “No Parking – Fire Lane”. It is enforceable by your Fire Marshal even though it is private property. Section 18.2.3.5.2 defines fire lanes as being areas where parking, loading or standing are prohibited so you do have the authority even on private property to enforce these no parking areas where it is necessary for fire access.

Attorney Branse stated that your honor asked us to address additional enforcement on “no on street parking” and I’ve handed out a paragraph to you and they are prepared to put in all of their leases, penalties for on street parking and it’s also grounds for termination of the lease. He is not sure what else they can do; they can work with the Fire Marshal. He added that the vehicles can be towed at the owner’s expense and again they are prepared to put that in their leases.

Attorney Branse commented that they have addressed the items that were in the remand and there are these reports that they have received today from your Resident State Trooper and your Fire Chief. Different stuff, the Sergeant says that he wants the third access and will all due respect, it is not in the remand, they have already gone from one versus two access points, the court has already reviewed that. It has been 11 years, you fought the good fight, and it’s over.

Attorney Branse stated that there are some choices the Commission needs to make; where the gazebo goes; where the second playground area is located; whether or not the Commission likes the design they have submitted and the design for the right turn only.

Attorney Branse stated that one other thing that he thought he would share with the Commission from September 10th last week, from Judge Bates. He explained that it was an affordable housing appeal and it was a Garden Homes appeal which he briefed and argued. He noted that it was a Fairfield case where the Fairfield Planning & Zoning Commission denied a 95 unit affordable apartment building because they said that the driveway was too narrow, it was 20 feet, our roads are 24 feet, there was only one means of access, not two as they propose, the claim was that there would be on street parking despite posting signs saying no on street parking. He noted that Judge Bates did not accept any of those claims, that case is out there now and the authority of the Commission to deny affordable housing is shrinking by the day. He stated that he thinks they have addressed the comments. He stated that there were a number of conditions that they offered in this application that they printed out, all of those conditions are on the revised plans so the Commission does not have to restate them if they wish. He stated that they are just trying to simplify it for the Commission to be as responsive and constructive as they can be.

Chairman Carver noted correspondence dated September 14, 2015 from James H. Galligan, PZC Engineer.

Attorney Branse stated that he had one more letter; it was not addressed in the remand, but it was a question regarding sewer capacity. He presented a letter to the Commission from the Borough of Naugatuck W.P.C.A. that stated that there is enough capacity for the number of units proposed. He commented that it was something that Judge Frazzini said that the Commission could make a condition of approval and you still can, but now we have evidence that they do have the capacity for this number of units.

Chairman Carver questioned if James H. Galligan, PZC Engineer had any comments.

James H. Galligan, PZC Engineer stated that he is all set.

Chairman Carver questioned if Attorney Micci had any comments.

Attorney Micci stated that he would like to say something. He advised the Chair to deny the motion to strike Mr. Adler's report. He stated that it is true that Mr. Adler is not present tonight, and true that the applicant has not had an opportunity to cross-examine Mr. Adler. He stated that they could talk to Mr. Adler and tell him the applicant's concerns, then get him to respond to those concerns immediately. He stated that the authority that Mr. Branse sites is not a Supreme Court case; it is simply a superior court case that has not been published. He commented that they have gone to great lengths to get the traffic study done and he does not think they should throw it out the window now, he thinks Mr. Adler should have an opportunity to respond to the issues that have been raised, which are legitimate issues. He stated that he does not think they should strike his report, and he would ask the Chair to so rule.

Chairman Carver denied the request of Mark Branse to strike Mr. Adler's report from the record and will give Adler Consulting the opportunity to reply to the concerns raised by the applicant.

Chairman Carver questioned Dan Semosky if he would like to speak.

Sergeant Dan Semosky stated that he is going to go over his letter and some of his concerns.

Chairman Carver asked that he state his name for the record.

Sergeant Dan Semosky, State Police and head of the Oxford Police Department stated that he as reviewed the plans and had some meetings and after reviewing the plans he did come up with several public safety concerns:

1. Parking bans on private roads cannot be enforced by law enforcement. He stated that Mark Branse did go over this regarding the Fire Marshal. He stated that people are going to park on the roads. He commented that they may have to contract with the local garage to have them on standby at all times. He pointed out holidays such as Labor Day, July 4th and house parties, he questioned where people are going to park. He stated that his in-laws live in Meadowbrook and during family events, they basically shut down certain cul-de-sacs. He stated that he has a problem with that. He stated that he is the guy, when there is a problem and there is an emergency or a crime in progress, who has to get to all points in this development and having cars parked on the road could actually delay response time and that could actually be seconds or minutes, they count. He stated that is a big problem, when he needs to get someplace, he needs to get there and seconds do count. He mentioned that one thing he did not hear about were speed tables or speed bumps, something that could be considered.

2. He commented that the next concern was the left turn only onto Hurley Road. He stated that he looked at the revised plan, and they don't work, they sound good but they don't work. He commented that there is one down by Nardelli's on Route 67 and people, if they want to go south on 67, they go south on 67. He added that another one is West Street in Seymour by CVS. He stated that people drive the wrong way on West Street to get into CVS to avoid the traffic light. He commented that if someone is going to want to go the left or to the right, they are going to go whichever way they want unless there is an actual barrier preventing them from doing so.

3. His next concern was that there are two entrances, but they are both at the same location on Hurley Road. He commented that this backs up to Airport Access Road and that's quite a long ways. He explained that the backup for a violent crime would come from Interstate 84 from the State Police Barracks in Southbury and Exit 16 to Route 188 to Hurley Road. Now we have seen in the past, in the last couple of years we have had blizzards, hurricanes, ice storms and we have had where many parts of town are shut down, that is just going to increase it. He commented that things happen, people are hurt. In fact we just had a gentleman who just murdered his wife that they had to respond to. He just plead guilty down in Milford court. Things happen in Oxford, we have to get there as soon as possible, I just can't see there's not another way to get in or a way to get out of the place. Now if the Fire Department goes in for any type of call, or we already have a call, that is basically going to shut down the entire area until they are done. It's a very narrow area, and its kinda crazy after looking at it (refers to plan) if I have to get over here, I might as well just stop up on Airport Access Road and jump the fence to get to that house.

Chairman Carver noted for the record that Sergeant Semosky is pointing out Units 115-121.

Sergeant Semosky stated he was referring to Units 115-121 along the back.

Sergeant Semosky stated that they are in an industrial and there is a lot of commercial traffic and a lot of tractor trailers. He mentioned that there is a brewery across the street that has taste testing so there are people drinking, possibility of DUI's coming out of that brewery into this area (referred to map) where we have a lot of children playing.

4. **Sergeant Semosky** commented that the other thing he was very surprised about was that there are no sidewalks in this place. There are sidewalks at Oxford Greens and Meadowbrook. People use them, people walk and you are going to have children in here, they are going to be walking in the street and you have a straightaway and people are going to drive fast. If you look down here (referred to map) you are going to drive fast, that's just the way it is, its human nature. I would hope you wouldn't and stop signs, ever since I have seen, and I have 28 years in the Connecticut State Police and ever since we've had the right turn on red it has affected where people do not stop at signs, they do not stop at red lights when making a right turn, they drive through it. They slow down sometimes and sometimes they just blow right through. If it was approved already that's one thing, but where are these children going to walk? How are they going to walk to the playground without walking into the road with traffic? This is my experience, when they feel very comfortable in a certain area, everyone always says that more accidents happen within a mile of the house and they feel comfortable and what happens when that child runs out from the backyard chasing a basketball or something? Where are they going to ride their bicycles? There are just so many things. This is my job, to actually think about public

safety cause I'm the guy that has to respond for that child that gets hit on the bicycle. I'm the guy that has to respond if down at Unit 117 someone is being assaulted by somebody else, I'm that person and I have to get there and when I need to get there, I need to get there quick.

Steven S. Macary, ZEO commented if there is five feet of snow and there is a snowbank, it's snowing like crazy and you are coming off 188 to go onto Airport Access Road, say there is a violent crime in the back, you can probably see it but you can't get there because you can't drive over the snow, you are going to have to drive all the way around and that's going to take you a minute or two or three, who knows?

Sergeant Dan Semosky agreed that Steven S. Macary, ZEO is correct.

Steven S. Macary, ZEO commented especially when there is snow and it's banked up in February and there's a gunshot, a murder, a domestic, you actually have to drive by the crime scene and come all the way around and it's going to take you at least a minute or two more. Let's not forget when it snows, people clean their cars off, piles in bank, yes they are going to clean it, but how good are they going to clean it.

Sergeant Dan Semosky stated that they have had this problem in town before, where we've had a couple of big blizzards and after a while you just run out of places to put the snow. He stated that they had a problem at the Greens, they have had problems where the town has had to step in and at Meadowbrook also. At times, they have had to wait to follow a public works truck to a different call, it's been that bad. He questioned what the applicant is going to do with the snow and that will just make the road here (referring to map) more narrow. I know my own personal driveway; it's been that way and same with the roads in Town. And then we have the problem where you have your left turn only and then the site line, which they have to deal with all the time. There is no site line so then you have cars getting into accidents and t boning each other. There are many different things, the weather of New England, that's just the way it is. The way the trees have been coming down, blocking roads and the snowstorms, I mean we had a snowstorm on Halloween a few years ago ant that just shut everything down.

Attorney Micci questioned if the second exit were on Airport Road, would that be a better situation?

Sergeant Dan Semosky stated that he definitely thinks so, it would be easier for our response time and back up coming from 188, coming from 84, it would give you a second way in and what happens if Hurley Road is shut down from snow or a tree down? You cannot say it's not going to happen because it does happen. It does happen in Oxford and all of you have experienced that.

Alternate Commissioner Zbras commented that on these here right hand turns, this might work fine on an ordinary day, but if there is fire in there and you go rushing out of there, you have two entrances going out the same place; people, because both entrances are turning in the same direction that's gonna be a problem because traffic is going to be backed up and you are actually going to be trapping people.

Sergeant Dan Semosky stated that the problem is also that you also have fire trucks and everyone responding because that is how they get in and out and that's also how the Fire Department and the rescue people get in.

Steven S. Macary, ZEO commented let alone the tractor-trailer trucks if they are coming out too.

Alternate Commissioner Zbras commented that they were up there and they had an instance where you parked on the side of the road and there were tractor-trailers coming down there and almost hit the car.

Chairman Carver recognized **Alternate Commissioner Kerwin**.

Alternate Commissioner Kerwin asked Sergeant Semosky if he could tell the Commission, what effect rush hour traffic would have with the large volume? He stated that with 115 Units you can assume even if 75% of them are going to work at rush hour, what effect would that have on rush hour and safety response time trying to get into that area where there is that narrow opening?

Sergeant Semosky stated that they already get complaints from Pope Road; people are going to the industrial park, speeding, they have to work radar up there and that's just for those people there, not to mention 121 Units with possibly two cars to each unit. It would definitely be a problem because they'd have to go out this way (referring to map). If some went out this way or some went out this way that would actually break it down a little bit. But they all have to go out at the same spot. Ok there are two entrances, but they are side by side. I just don't see, I suppose it is better than just one, but they are side by side.

Alternate Commissioner Kerwin questioned what would happen if the restricted left turn only, just change the problem up into the earlier intersection on the cars leaving on 89, 80's lots trying to get over to the end of the road on the far left. What impact would that have on traffic safety?

Sergeant Semosky stated that it would have a definite impact. We had a crash here on Hurley Road and we had traffic zooming past. It is a tough place to get to from the center of town because this is only a certain way to get in. If that's shut down you are gonna have to go all the way down to Airport Access or Hurley to Donovan and try to get into it that way – it's just kinda tough. I worry about that and I am concerned for the safety of these people. That's my job, I have to be concerned, I'm the guy who has to get in there.

Alternate Commissioner Kerwin stated that he had one more question.

Chairman Carver recognized **Alternate Commissioner Kerwin**.

Alternate Commissioner Kerwin questioned with respect to, seeing Sergeant Semosky's expertise in traffic safety and parking restrictions, what is the method in Connecticut to enforce a violation of "no parking"?

Sergeant Dan Semosky answered that it would be an infractions summons.

Alternate Commissioner Kerwin stated that they would issue the infraction to the owner.

Sergeant Semosky stated that they would have to find the owner, they don't leave those tickets on cars because you have to issue it to the person; you have to know who you are giving it to.

Alternate Commissioner Kerwin questioned the time frame it takes to get to court. He questioned if the owner can pay those by mailing them in.

Sergeant Semosky stated that they can pay it; it is sometimes as much as six months before it comes down to if they plead not guilty and they receive the subpoena.

Alternate Commissioner Kerwin questioned if it is moving violation.

Sergeant Semosky stated “no”.

Alternate Commissioner Kerwin asked if they can basically come in and pay the fine and be on their way.

Sergeant Semosky stated that is another thing that just happened up at Oxford Greens. There were people who had an estate sale and they have a no parking restriction on their roadway by Country Club Road. He stated that on that particular day these people had an unauthorized estate sale. He commented that the people converged on that one house and they parked on both sides of the road and it basically shut down Country Club Drive; they had to be called up there.

Sergeant Semosky stated that there are just so many different things he sees as a problem.

Chairman Carver gave the members of the public an opportunity to speak on any of the four items that are being discussed this evening. She requested a five to ten minute recess.

Commission Secretary Cocchiarella *MOVED* to take a 10 minute recess.

Second by Commissioner Cosgrove.

Vote: All (8) Ayes.

Commissioner Cosgrove *MOVED* to come out of recess.

Second by Commission Secretary Cocchiarella.

Vote: All (8) Ayes.

Chairman Carver stated that she would give Attorney Branse an opportunity to make his last comments. She stated that based upon his first request, that the Commission will have Adler Consulting here on September 29th to be able to respond to his questions. She commented that if he is not available, then they will try to make a date, but hopefully he will be available to answer questions before that. She reiterated that they will have him there on the 29th to discuss that particular part.

Chairman Carver stated that she does have some questions for Sergeant Semosky. She noted that she wanted to clarify in regards to the two points he made. She asked for clarification regarding the parking bans on private roads.

Sergeant Semosky stated that the parking bans will make them (roads) impassible and will make it bad and delay response time.

Chairman Carver stated that if when they talk about the parking ban, and Attorney Branse suggested that we put fire lanes, right, no parking - parking bans. She questioned if there are two fire lanes on a 25-foot road, what would that take on the left and right side, because you don't want any parking bans on either side of the road, so what does that take?

Sergeant Semosky stated that it would take up most of the entire road.

Chairman Carver stated that she just wanted to make sure if they do that, then they are actually making the road shorter. She commented that the other part is in regards to the turn, left turns are not suitable and may actually confuse the issue, as few will obey.

Sergeant Semosky stated that it will actually confuse people. He stated that they see it all of the time and that's how accidents happen. That is how you have people injured in motor vehicle accidents because people become confused while they are driving and add that along with the snow we have been having. I am hearing it is going to be a bad winter this year too.

Chairman Carver inquired as to speaking about the job site where people become confused and things like that, if there is what is your experience when there is a situation in an area, like the one that we had in Oxford where the person got shot, what is the normal panic of that person? Does the person tend to stay or they just want to get away from the scene?

Sergeant Semosky stated that it depends on each situation. Normally people panic and start running from the scene. He commented that if you would have a fire in there, imagine at Unit 111; that would basically shut down that entire area. If you are watching the news, look what is happening in California right now. Entire neighborhoods are going up in smoke, if you haven't seen a house fire when it is just a wall of flames, anything in the area goes with it; if that happened here, these people are stranded.

Sergeant Semosky stated that this is public safety, the safety of the public who live there is in jeopardy. He stated that has been his experience where he has seen it. He stated that he has been the Resident Trooper of Oxford for eight years, so he has seen a lot in this town. He commented that he has been elsewhere in the state of Connecticut including Stamford and Bridgeport and also up in Litchfield as well as the Resident Trooper of the Town of Bridgewater. He stated that this is where things happen and if you get this many people living here, this is where the majority of our calls are going to come from because there is that many people in one particular area. He noted that it is going to be busy here, and things are going to happen.

Chairman Carver mentioned that one of the other items is the stop signs. She asked Sergeant Semosky to clarify in regards to the stop signs within the project are not enforceable?

Sergeant Semosky stated that it even goes back to this is no better than you putting up a stop sign on your own driveway. This is a private road; it's a private driveway. He stated that unless the State Traffic Commission or the Board of Selectmen make it a town road, they (law enforcement) have no authority to enforce this. People will roll through it. He commented that there is a big thing now up in Oxford Greens, if you have noticed, and I'm not sure how many of you have been up there lately. They have within their group a traffic; they call it Speeding Incorporated. He explained that a bunch of residents got together to try to handle the speeding problem up there, as well as any other thing involving cars. He noted that they put up stop signs and now they are complaining that no one is stopping at the stop signs, including the residents. He stated that when people don't stop at the stop signs, they call law enforcement and there is nothing that they can do about it unless the guys is drunk or acting in a reckless manner. He explained further; unless he is involved in a serious injury accident, then they can do something. He stated that if someone just rolls up to the stop sign they cannot enforce that because it's a private driveway.

Sergeant Semosky stated that this will create a dangerous situation because most children who are walking from here over to the playground are thinking that car is going to stop at that stop sign as they walk over and what if that guy doesn't stop; we have a tragedy now. It will happen, I have seen it happen, this does happen. It is not like what is going to happen, you know these things happen and things like this do happen in town. He commented that 9/11 is not only the anniversary of the attack of the World Trade Center; it is also the anniversary of a little four year old girl being killed on Route 188. We have had children, babies killed in accidents, things happen in this case.

Chairman Carver recognized that James H. Galligan, PZC Engineer would like to ask a question.

James H. Galligan, PZC Engineer stated that Sergeant Semosky brought up a point that he just wanted to make sure he understood. He referred to the map and stated that if you have a fire at Units like 13 and 23, by the entrance, is there any way that the rest of the people of the entire facility can get out?

Sergeant Semosky stated “absolutely not”.

James H. Galligan, PZC Engineer questioned if there was an access road onto Airport Access Road, would there then be a way for them to get out?

Sergeant Semosky stated “yes, absolutely”, that would be a separate driveway out. He commented that when the fire truck comes to a structure fire, that is fully involved or we need to respond to a serious violent crime, we are not going to worry about blocking the driveway. He stated that they (firefighters) have to go in there and put the fire out and they (law enforcement) have to go and stop the bad guy. He explained that they will block, and the people based here (referring to map) are going to just have to sit in their homes because they are not going anywhere. He reiterated that there are two entrances, but they are side by side, if there was something here on the Airport Access Road; that would solve that problem.

James H. Galligan, PZC Engineer questioned if it would be safer if there was an access onto Airport Access Road.

Sergeant Semosky replied “absolutely”. He stated that if there is one from Donovan, or that’s even longer as far as response time and that’s what I said before. He commented that if there is something going on here (referred to map) at 109, 115, 178 and I’ve got to get there because there is someone in there and some crazy guy is attempting to kill his wife, which we had in this town, and we got to get there, would it be better for us to stop, park the cars and climb the fence and try to wade through the brook that is over here? It would be better than coming all the way around. If you have a separate driveway coming off Airport Access, we would be able to reach them.

Chairman Carver thanked Sergeant Semosky.

Attorney Branse representing Garden Homes stated that eleven years they have been at this and now on the second remand your Resident State Trooper has all sorts of concerns. He commented that the concerns he expressed or the one we complied, as he himself has seen with any development anywhere. He stated that with regard to the access to Airport Road, as the Commission knows, he apparently does not, we went through this extensively on the record on this appeal. He explained that the DOT has a non-access line; therefore, they will not all a roadway out of Airport Access Road. He reiterated, they will not allow it. He stated that they requested it and they were refused. He commented that they attempted to get an emergency access and they refused. And it is on that basis that Judge Pickard remanded this to create a second access not on Airport Road, which is what we did. You can’t go out onto Donovan Road because to the large wetland area, which your Wetlands Commission required us to provide; to place under conservation easement. He stated that the access points are the access points that are of course, outside the scope of the remand.

Attorney Branse stated that he doesn’t know whether to go home or not. He stated that he lives on a road that is sixteen feet wide, it is a residential street, it has no sidewalks. He commented that at least since 1947 when subdivisions were approved, we have not had one single injury or accident involving a pedestrian or anybody else. He stated that a sixteen feet wide residential development and its fairly high density, there is no sidewalk on his street. He stated that he know there is no sidewalk on lots of

other people's streets. He noted that they did offer during the Public Hearing to stripe out an area for sidewalks and that offer is still on the table.

Attorney Branse stated that another thing he would like to say is that he is just lost in regard to the comment about the fire lanes and if you put a fire lane on each side there won't be room to drive. He commented that a fire lane is an area where you are not allowed to park. It is not an area you are not allowed to drive. He explained that saying "no parking, fire lane" simply means an area you cannot park or stand. He stated that if that is something the Commission likes, they are willing to do it. He stated that if you do not want us to do it, they won't. He stated – eleven years – and we are hearing all of the same stuff for the last eleven years.

Attorney Branse questioned if they would be able to question Mr. Adler on the 28th.

Chairman Carver stated "yes".

Attorney Branse thanked the Chair and began to say that initially.....

Chairman Carver stated that Attorney Branse asked for specific questions during his statements in regards to Adler. She stated that he made some comments so they are going to ask the traffic engineer to answer to confirm the questions.

Attorney Branse questioned if they would have the opportunity to follow up?

Attorney Micci stated that the applicant should have the opportunity to question Mr. Adler.

Attorney Branse said thank you and that he has nothing else this evening.

Chairman Carver said thank you and entertained a motion to set a Special Meeting for Tuesday, September 29th at 7:00 PM.

MOTION BY Commission Secretary Cocchiarella to hold a **Special Meeting on Tuesday, September 29, 2015 at 7:00 PM** to continue the hearing for Garden Homes Management Corporation – "Oxford Commons".

Second by Alternate Commissioner Kerwin.

Vote: Ayes (7), Nays (1), Commissioner Cosgrove.

BOND RELEASES

- 1.) **Central Park Associates – Bond Release Request (TABLED)**

ZONING ENFORCEMENT

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

APPROVAL OF MINUTES

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

- 1.) September 1, 2015 Regular Meeting Minutes

Second by Commissioner Jensen.

Vote: Ayes (7), Abstention, (1) Commissioner Romagna.

INVOICES

1.) Nafis & Young Invoices

a. #267-15

MOTION BY Commission Secretary Cocchiarella to *APPROVE PAYMENT* of Invoice #267-15.

Second by Commissioner Jensen.

Vote: All (8) Ayes.

b. #268-15

MOTION BY Commission Secretary Cocchiarella to *APPROVE PAYMENT* of Invoice #268-15.

Second by Commissioner Jensen.

Vote: All (8) Ayes.

c. #269-15

MOTION BY Commission Secretary Cocchiarella to *APPROVE PAYMENT* of Invoice #269-15.

Second by Commissioner Jensen.

Vote: All (8) Ayes.

d. #270-15

MOTION BY Commission Secretary Cocchiarella to *APPROVE PAYMENT* of Invoice #269-15.

Second by Commissioner Jensen.

Vote: All (8) Ayes.

2.) Micci & Korolyshun Statement dated September 1, 2015 – Garden Homes

MOTION BY Commission Secretary Cocchiarella to *FORWARD* the Statement received from Micci & Korolyshun to the Board of Selectmen for payment.

Second by Commissioner Jensen.

Vote: All (8) Ayes.

OTHER BUSINESS

- 1.) Any other business the Commission deems necessary for discussion.
- 2.) Naugatuck Valley Council of Governments Recommendation to Board of Selectmen.

ADJOURNMENT

Respectfully submitted,

Jessica Pennell
Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

15 SEP 22 PM 4:47
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK