



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
MOTIONS
Tuesday, October 6, 2015
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 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, Brian J. Miller, Town Planner and Attorney Peter Olson.

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

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

Chairman Carver seated Alternate Pete Zbras.

AMENDMENTS TO THE AGENDA

AUDIENCE OF CITIZENS

CORRESPONDENCE

Commission Secretary Cocchiarella noted that the following correspondence is on file in the Planning & Zoning Department.

- a. Referral Notice from Town of Monroe Planning & Zoning – Proposed Text Amendment

OLD BUSINESS

1. **Extension Request – Z-10-011 – Central Park Associates, LLC – 94 Christian Street & Larkey Road** (8-30g Application) (Site Plan Modification)

Commission Secretary Cocchiarella read an e-mail from owner Matt Zaloumis.

Matt Zaloumis, owner, Central Park Associates told the Commission that he has no intention of abandoning the project. He stated that he would just like to move forward with the extension request.

Chairman Carver stated that she would like Attorney Olson to review the settlement agreement from 2010 and report back to the Commission with a ruling as to whether or not this project is eligible for an extension. She also stated that she would like Attorney Olson to review the Bond Release request submitted by Mr. Zaloumis.

MOTION BY Commissioner Jensen to **FORWARD** the abovementioned items to Attorney Olson for review, and **TABLE** this item until the next regular meeting.

Second by Commissioner Persson.

VOTE: All Ayes.

2. **Z-15-082 [COMM] – 357 Oxford Road – Owner & Applicant: Alliance Energy Corp.**
(Site Plan Modification)

MOTION BY Commission Secretary Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission have received **Application Z-15-082** 357 Oxford Road — Owner & Applicant: Alliance Energy Corp.

WHEREAS, The Oxford Planning and Zoning Commission considered the following maps, within their deliberations:

- Sheet LL1; Existing Landscape Conditions Plans, Drawn by Mark J. Papa, LA., LLC, dated July 8, 2015.
- Sheet LL2; Landscape Plan, Drawn by Mark J. Papa, LA., LLC, dated July 8, 2015.
- Conceptual Rendering; Global, 7/24/15
- Conceptual Rendering View 2, 7/24/15

BE IT RESOLVED, that based upon the application and testimony, this application is approved because it is in conformance with the Oxford Zoning Regulations, subject to the following conditions:

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.

3. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
4. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
5. The applicant shall submit three complete copies of the set of plans, which reflect these conditions of approval, including an electronic copy.
6. No work to be done until security is set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant to ensure the replacement of the landscaping
7. Site Plan approval expires if the work is not completed within 5 years from the date of approval.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. Approval from the State Department of Transportation to install landscaping within the State right-of-way shall be obtained, with proper documentation submitted to the Zoning Enforcement Officer.
10. Landscape plans for the north section of the property which is currently graveled should be prepared and submitted as part of the approved application. The landscaping may be low-maintenance and include wildflowers or other native vegetation which requires a minimum of water and maintenance. However, it should enhance the aesthetics and environment of the area.

The effective date of this approval is October 6, 2015.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

3. **Garden Homes Management Corporation – “Oxford Commons” – Hurley Road – Remand from Superior Court**

Chairman Carver read the proposed resolution.

MOTION BY Commissioner Cosgrove to *APPROVE* the PROPOSED RESOLUTION.
Second by Commission Secretary Cocchiarella.

DISCUSSION:

Commission members and staff went through the resolution and corrected minor typographical errors.

Commissioner Cosgrove accepted the minor changes to the resolution.
Second by Commission Secretary Cocchiarella.

Commissioner Cosgrove moved the question to vote in favor of the resolution.

VOTE: All (6) Ayes.

RESOLUTION ADOPTED BY A VOTE OF (6-0). (ATTACHMENT A)

NEW BUSINESS

1. **Oxford Parks & Recreation Department – Corner of Governor’s Hill and Great Oak Road & corner of Hogsback Road and Great Oak Road** (Application for Sign Permits)

MOTION BY Commission Secretary Cocchiarella to *APPROVE* the signs based on the rendering that was submitted with the application dated 10/6/2015.

Second by Commissioner Jensen.

VOTE: All Ayes.

2. **Z-15-145 [COMM]– 144 Oxford Road (Unit 2E) Owner: 144 Oxford Road, LLC – Applicant: Adriene Radcliffe** (Change of Use Permit) (Sign Permit)

MOTION BY Commission Secretary Cocchiarella to *APPROVE* application **Z-15-145** for a use permit and sign permit based on the Statement of Use dated 9/21/2015 and Sign Rendering dated 9/22/2015 with 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 the Statement of Use dated 9/21/2015.
3. Compliance with the P.D.D.H.’s approval dated 9/18/2015.
4. Compliance with the OCCIWA approval dated 9/18/2015.
5. Compliance with Article 16 Sign Regulations.
6. 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.
7. Compliance with the Oxford Zoning Regulations as of this date.

Second by Commissioner Persson.

VOTE: All Ayes.

3. **Z-15-148 – [IND] – 16 North Larkey Road – Owner & Applicant: Larkey Land Investors, LLC** (Change of Use Permit)

MOTION BY Commission Secretary Cocchiarella to *APPROVE* the modification of the use permit as requested on the Statement of Use form dated 9/30/2015 and submitted by Larkey Land Investors, LLC.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

4. **Z-15-149 – [IND] – 150 Hawley Road – Owner & Applicant: X Real Property, LLC**
(Site Plan Modification)

MOTION BY Commission Secretary Cocchiarella to **APPROVE** the addition of one sign on the building and additional lighting as proposed by the applicant, and to install a sign near the driveway/entrance of the building that identifies the street number.

Second by Commissioner Jensen.

VOTE: All Ayes.

BOND RELEASES

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

ZONING ENFORCEMENT

1. Commission discussion with ZEO regarding various items, complaints and zoning violations.
 - a. 360 Oxford Road
 - b. 38 Jenny Lane 2

APPROVAL OF MINUTES

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

1. September 15, 2015 Regular Meeting Minutes
2. September 29, 2015 Special Meeting Minutes

Second by Commissioner Cosgrove.

VOTE: All Ayes.

INVOICES

1. Court Reporters Office - Invoice dated 9/21/2015

MOTION BY Commission Secretary Cocchiarella to **APPROVE** Invoice #1.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

2. Micci & Korolyshun Statement dated 10/1/2015 – Garden Homes

MOTION BY Commission Secretary Cocchiarella to **FORWARD** Invoice #2 to the Board of Selectmen for payment.

Second by Commissioner Cosgrove.

VOTE: All 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

MOTION BY Alternate Commissioner Zbras to *ADJOURN* the meeting at 9:18 PM.

Second by Commissioner Romagna.

VOTE: All Ayes.


Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

15 OCT -8 PM 10:38
TOWN OF OXFORD, CT

TOWN CLERK

FINAL RESOLUTION

As directed by the Superior Court (Frazzini, J.) in a Memorandum of Decision dated July 20, 2015 in the matter of *Garden Homes Management Corporation v. Planning & Zoning Commission of the Town of Oxford*, judicial district of Hartford at Hartford, docket no. HHD CV 14 6052002 S, the Planning & Zoning Commission of the Town of Oxford has received this matter on remand, and has evaluated the traffic safety issues identified by the Court and the parking ban.

In particular, the Commission:

- received from the Applicant a Revised Plan dated August 16, 2015, prepared by Trinkaus Engineering and other documents submitted by the Applicant;
- engaged an outside expert consultant, Adler Consultant, to evaluate the issues identified by the Court and remanded to the Commission;
- held a hearing, open to the public, on September 15, 2015, which was continued to September 29, 2015;
- received additional documents and testimony from the Applicant and its consultants;
- received additional documents and testimony from the Commission's consultants, Brian Miller, AICP, PP of Turner Miller Group and James Galligan, P.E. of Nafis & Young Engineers, Inc.; and
- received additional documents and testimony from the Town's public safety agencies, including Resident State Trooper Daniel Semosky and Fire Chief and Fire Marshal Scott Pelletier.

Based on all of the foregoing information, the Commission hereby makes the following findings and conclusions.

1. The adequacy of stop signs and stop bars to address the vertical curve issue.

- a. The Commission finds that stop signs and stop bars should be required at each intersection.
- b. The Commission finds that the Revised Plan has increased the centerline radii of the two non-intersection curves on Emily Drive and the two non-intersection curves on Naomi Drive to 42', which is sufficient enough that the installation of stop signs and stop bars in the middle of such curves is not required. See Lt. from J. Galligan to T. Carver, September 14, 2015.
- c. Notwithstanding the foregoing, the Commission finds that the vertical curve issue has not been addressed. The centerline radii of the roads, both at intersections and non-intersection curves,

Garden Homes Management Corporation, Hurley Road
Resolution on Remand, October 6, 2015

Page 1 of 10

Attachment A

continue to be insufficient to allow safe passage of the fire apparatus used by the Town of Oxford. The Commission finds that this presents a safety issue to the public and the residents of the proposed development which outweighs the need for affordable housing, since the fire department will not be able to quickly or adequately respond to emergency situations. In making this finding, the Commission relies on the expert testimony provided to it as follows:

- Lt. from B. Adler to J. Pennell, September 10, 2015, stating that the Ladder Quint Arrow XT fire truck used by the Town of Oxford would overrun the curbs at numerous points ("the curb radii currently proposed for Oxford Commons would require that the Ladder Quint Arrow XT overrun sidewalks at most of the internal roadway intersections. When the Oxford Fire Department attempts to enter Oxford Commons from Hurley Road using the Ladder Quint Arrow XT in an emergency situation, the vehicle would overrun curbs and parcels at both intersections and along Oxford Commons West and Emily Lane. The Figures also indicate that when the Ladder Quint Arrow XT leaves Oxford Commons to turn onto Hurley Road, the fire truck would cross the south side of Hurley Road onto the shoulder and may actually leave the public ROW due to the required turning radius.")
- Lt. from B. Adler to T. Carver, September 25, 2015 (same);
- Testimony of M. O'Rourke, September 29, 2015, at 2-5;

d. The Commission finds that the internal roadways in the proposed development are not bounded by sidewalks, curbs, mountable curbs, or other clear areas, but rather by bio-swales designed for storm-water control and conveyance. These bio-swales are located one foot from the roadways, and are ten feet wide and one foot deep. As such, an emergency vehicle which "overran" the curb also runs the risk of becoming mired in the bio-swale. The Commission finds that this exacerbates the problems identified in subparagraph c. In making this finding, the Commission relies on the expert testimony provided to it as follows:

- Testimony of M. O'Rourke, September 29, 2015, at 10;

e. The Commission finds that the width of the roadways is too narrow to allow people to yield to emergency vehicles by pulling to the side, particularly because they cannot pull off the road due to the bioswales. As such, the roadways do not meet the minimum required width for safe emergency vehicle access. In making this finding, the Commission relies on the expert testimony provided to it in the original Record as follows:

- Lt. from J. Versteeg to M. Branse, April 15, 2014, Record No. 117 ("Fire Department access roads shall have an unobstructed width of not less than 20 ft.");

- Lt. from J. Versteeg to M. Branse, April 15, 2014, Record No. 117 ("The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.");

f. The Commission finds that the written statement and oral testimony provided by the applicant's expert witness, Kermit Hua of KWH Enterprise, LLC, is not credible on the issues discussed in subparagraph c and subparagraph d, for the following reasons:

- Mr. Hua prepared his calculations based upon information contained in Record Document 17, which was submitted to the Commission by the applicant, and ignored the information contained in Record Document No. 13, provided by the Town of Oxford Board of Fire Chiefs to the Commission by email on April 16, 2014, a detailed dimensional diagram of the Ladder Quint Arrow XT.
- The Commission finds that the omission of this information led Mr. Hua to prepare inaccurate turning calculations.

As such, the Commission chooses to rely on the turning templates prepared by Adler Consulting as they are more accurate since they are based on the more accurate information contained in the record. In making this finding, the Commission relies on the expert testimony provided to it as follows:

- Lt. from B. Adler to T. Carver, September 25, 2015;
- Testimony of M. O'Rourke, September 29, 2015, at 11, 35-40;

Accordingly, as to the adequacy of stop signs and stop bars to address the vertical curve issue, the Commission finds that the issue has not been addressed, and the proposed development continues to present significant risks to the safety of the public and the residents of the proposed development. These public safety issues outweigh the need for affordable housing, since the residents clearly deserve to reside in homes which can be safely accessed by emergency vehicles. The Commission cannot approve the application as a result of this outstanding safety issue, and stands by its initial denial.

2. The adequacy of the no-left-turn sign on Emily Drive to address the line of sight issue.

a. In evaluating and addressing this issue, the Commission first must consider the directives of the Superior Court (Picard, J.) as contained in the Memorandum of Decision dated November 3, 2009 in the matter of *Garden Homes Management Corporation v. Planning & Zoning Commission of the Town of Oxford*, judicial district of New Britain at New Britain, docket no. HHB CV 14 4015729 S, wherein the Court sustained the appeal, remanded it to the Commission, and ordered that the Commission:

... approve the site plan and zoning permit applications subject to reasonable and necessary conditions, not inconsistent with this decision, for: 1) a full second access road which is separated from the access on Hurley Road; ...

In addressing this issue, the Court stated

My own review of the record leads me to conclude that a single access point for the 99 units in Oxford Commons West presents a serious health and safety issue which clearly outweighs the need for affordable housing. Affordable housing units should be just as safe as any other form of housing. The emergency access proposed by the plaintiffs is inadequate to safeguard the residents from the danger of one entrance being blocked. The reliance upon the proposed emergency entrance is insufficient. The use of this access would be subject to confusion and to human error in the event of a real emergency. This issue could be resolved with a condition that requires the plaintiffs to provide a full second access point which is separated from the access on Hurley Road.

Accordingly, the starting point for the Commission's analysis is this requirement that the applicant provide a full second access point which is separated from the access on Hurley Road.

b. The Commission finds that the proposed second access via Emily Drive fails to satisfy this requirement as set forth by Judge Pickard.

c. The Commission finds that (i) a driver seeking to make a left turn onto Hurley Road from Emily Drive is faced with an unsafe turning maneuver because the sight line to the right on Hurley Road is an inadequate and substandard sight line (only 250 feet), and (ii) a driver proceeding east on Hurley Road approaching Emily Drive is faced with the unsafe condition of drivers pulling out from Emily Drive in front of them with insufficient distance to stop due to the inadequate sight line. In making this finding, the Commission relies on all of the expert testimony presented to it as all of the experts, and the Superior Court (Frazzini, J.), agree that the sight line is inadequate.

d. The Commission finds that the provision of a no-left-turn sign on Emily Drive will not address the line of sight issue because motorists will ignore the prohibition, and as such, the proposed second access via Emily Drive is unsafe. In making this finding, the Commission relies on the expert testimony presented to it, as follows:

- Lt. from Resident State Trooper D. Semosky to Planning & Zoning Commission, September 14, 2015 ("Left turns only are not suitable and may actually confuse the issue as few will obey");
- Lt. from B. Adler to J. Pennell, September 10, 2015 ("However, it is the considered professional opinion of Adler Consulting that the proposed installation of no-left turn signs would not be sufficient to prevent left turns since motorists routinely ignore signs for their own convenience");
- Lt. from B. Adler to J. Pennell, September 10, 2015 ("A left-turn prohibition sign R3-2) with no roadway appurtenances to physically restrict left-turn movements is not sufficient to

prevent left-turn movements. In that the safe stopping sight distance on Hurley Road is severely limited, motorists attempting to make the left-turn movement from Emily Drive present[s] a significant safety issue”)

- Testimony of Resident State Trooper D. Semosky, September 15, 2015 at 20 (“Now the left turn only, and I just looked at the revised plan, they don’t work, okay. The sound good; they don’t work. We have one down by [Nardelli’s] on Route 67 and people – if they want to go South on 67, they’re going to go South on 67. The other one I see a lot is on West Street in Seymour by CVS and you a few will drive the wrong on West Street to get to CVS to avoid traffic. So somebody is going to want to go to the left or to the right. They’re going to go whichever way they [want] unless there is an actual barrier preventing them to do it.”)
- Testimony of M. O’Rourke, September 29, 2015, at 6;

e. The Commission finds that the physical geometry of the entrance at Emily Drive does not permit maneuvers by the fire apparatus used by the Oxford Fire Department, and as such, the proposed second access via Emily Drive is unsafe. In making this finding, the Commission relies on the expert testimony presented to it, as follows:

- Lt. from B. Adler to J. Pennell, September 10, 2015 (“A left-turning fire truck would overrun the far curb of the roadway while entering the Site”);
- Lt. from B. Adler to J. Pennell, September 10, 2015 (“Fire Department vehicles in the Town of Oxford would be limited in their ingress and egress of Emily Drive suggesting that Emily Drive is a poor location as a secondary means of access into and out of the development”);
- Testimony of M. O’Rourke, September 29, 2015, at 6;
- Testimony of B. Miller, September 29, 2015 at 43-44.

f. The Commission finds that a low-profile physical barrier to left turns onto Hurley Road, such as striping, mountable curbing or Belgian Blocks, would not be effective to prohibit left turns, as motorists will continue to ignore the prohibition. In making this finding, the Commission relies on the expert testimony presented to it, as follows:

- Testimony of M. O’Rourke, September 29, 2015, at 6, 13-16;
- Testimony of B. Miller, September 29, 2015 at 44.

g. The Commission finds that a more robust physical barrier to left turns onto Hurley Road, including geometry changes, guiderails and high-profile curbing could be effective to prohibit left turns in most cases. However, such physical barriers would create the additional problem of prohibiting access to

the site by emergency vehicles, and as such, cannot be considered a safe solution. In making this finding, the Commission relies on the expert testimony presented to it, as follows:

- Lt. from B. Adler to J. Pennell, September 10, 2015 (“This, therefore [a physical solution] represents an additional problem in that the left turners need additional physical barriers to preclude the left-turn movement, but the presence of the physical barrier could preclude access by emergency vehicles. This ‘Catch-22’ indicates that Emily Drive is not an appropriate location for a secondary means of access.”);
- Lt. from B. Adler to J. Pennell, September 10, 2015 (“While a physical channelization island would greatly contribute to inhibiting the left-turn movement, it is also shown in this letter that Fire Department vehicles in the Town of Oxford would be limited in their ingress and egress of Emily Drive suggesting that Emily Drive is a poor location as a secondary means of access into and out of the development.”);
- Testimony of M. O’Rourke, September 29, 2015, at 6, 13-16;

g. The Commission finds that a second access to the site from Hurley Road to Emily Drive does not meet the criteria set forth by Judge Pickard, that a full second access, “separated from the access on Hurley Road” be provided. The close proximity of the two entrances does not safeguard residents from, as stated by Judge Pickard, “the danger of one entrance being blocked”, since obstructions which affect one entrance will almost certainly affect the other, increasing response time in emergencies and preventing safe evacuation of the proposed development. In making this finding, the Commission relies on the expert testimony presented to it, as follows:

- Lt. from Resident State Trooper D. Semosky to Planning & Zoning Commission, September 14, 2015 (“For safety reasons the property requires another emergency vehicle access that is not on Hurley Road for response time to potential active emergency crime and medical calls”);
- Testimony of Resident State Trooper D. Semosky, September 15, 2015 at 20-22.

Accordingly, as to the adequacy of the no-left-turn sign on Emily Drive to address the line of sight issue, the Commission finds that the proposed second access on Emily Drive does not meet the criteria set forth by Judge Pickard, and the proposed no-left-turn signage does not alleviate the significant risks to the safety of the public and the residents of the proposed development. These public safety issues outweigh the need for affordable housing, since the residents clearly deserve to reside in homes which can be safely accessed, both by private vehicles and public or emergency vehicles, and can be safely evacuated in the event of an emergency.

As held by Judge Pickard, a second access to the property, separated from the access on Hurley Road, is required to provide for a safe development. A second access just 140 feet away, also on Hurley Road, does not meet this requirement. The Applicant must rethink whether this property is suitable

for safe development at the scale it desires, unless it can find some way to provide this needed secondary access.

The Commission cannot approve the application as a result of this outstanding safety issue, and stands by its initial denial.

3. The cross-slopes issue.

The Commission finds that the Revised Plan includes a 50 foot tangent section and grades not exceeding five (5 %) percent at each intersection, and therefore the inadequacy of the cross-slopes at these intersections has been addressed. In making this finding, the Commission relies on the letter provided by the Town Engineer stating that this issue has been resolved. See Lt. from J. Galligan to T. Carver, September 14, 2015.

4. Enforcement of the parking ban.

a. The Commission finds that the proposed parking ban on these private roadways is not enforceable by the Town. In making this finding, the Commission relies on the expert testimony provided to it as follows:

- Lt. from Resident State Trooper D. Semosky to Planning & Zoning Commission, September 14, 2015 ("Parking bans on private roads cannot be enforced by law enforcement.");
- Lt. from B. Adler to J. Pennell, September 10, 2015 ("The proposed parking ban will not work to the extent necessary in that they are enforceable by the police department. The Streets of Oxford Commons are private, not public, streets. Therefore, Connecticut State Troopers will not issue citations for violations of public parking regulations. Accordingly, a private parking ban could prove ineffectual.");
- Lt. from B. Adler to T. Carver, September 25, 2015 ("It is noted that parking regulations and STOP signs cannot be enforced by the Town on private property.");
- Testimony of Resident State Trooper D. Semosky, September 15, 2015 at 19 ("The parking bans on private roads cannot be enforced by law enforcement, okay");
- Testimony of Resident State Trooper D. Semosky, September 15, 2015 at 29-30 (enforcement of parking violations would be by infraction summons, which would require personal delivery to the owner, not simply leaving a ticket on the car);

b. The Commission further finds that the parking of vehicles on the private roadways presents a safety hazard to the public and to the residents of the proposed development. This is a result of (a) the narrow (24 foot) width of the proposed roadways, meaning that parked cars would obstruct the clear travel on the roadways and (b) the lack of curbs, sidewalks or other clear area to the side of the

roadways and (c) the placement of ten foot wide, one foot deep drainage bio-swales one foot from the edge of the roadways. In making this finding, the Commission relies on the expert testimony provided to it as follows:

- Testimony of Resident State Trooper D. Semosky, September 15, 2015 at 19 (“...because I am the guy when there is a problem and there is a violent crime in progress, who has to get to all points of this development. And having cars parked on the road could actually delay that. And any delay, no matter if it be seconds or minutes, that there is a big problem. When I need to get someplace, I need to get there and seconds do count.”);
- Lt. from B. Adler to J. Pennell, September 10, 2015, detailing the difficulty with turning movements of fire apparatus even in unobstructed roadways;
- Lt. from B. Adler to T. Carver, September 25, 2015 (“Permitting any on-street parking would only increase the response time to an emergency vehicle[s] as they navigate through the Site.”);

c. The Commission finds that the applicant’s proposal that the fire marshal designate all of the roadways within the development as fire lanes is impractical, as it subverts the narrowly drawn purposes of the Connecticut Fire Prevention Code. Further, it would shift the expense of ensuring compliance with a private parking ban onto the Town.

d. During the hearing on remand, the applicant proposed to include language in each lease that permitted the owner to impose fines on unit owners for violating the parking ban, and provide grounds for termination of the lease. The Commission finds that this language in and of itself is not sufficient to resolve the issue, in that it provides no mechanism to enforce against non-residents.

e. During the hearing on remand, the applicant affirmatively responded to a question from a Commission member as to whether a contract with a towing company would be acceptable. Based on this affirmative response, the Commission finds that it is possible that the following parking enforcement policy may provide sufficient protection against illegal parking:

- As proposed by the applicant, provisions in each lease which provide substantial fines to the lessee for violations of the parking ban, either by the lessee, residents in the lessee’s unit, such as children or other family members, guests or invitees, or service providers. The Commission suggests a fine of no less than \$500 for a first offense, payable to the owner within seven (7) days, and immediate commencement of summary process proceedings for non-payment or for a second offense.
- A contract with a Connecticut licensed towing business (dealer/repairer license) to provide for immediate removal of illegally parked vehicles, seven days a week, twenty-four hours a day. The contract should provide for regular monitoring throughout the day by the towing

company, and for the towing fees to be paid to the towing company, which would provide a financial incentive to the towing company to diligently enforce the parking ban. Video monitoring would be preferable. A copy of the contract must be provided to the Commission on an annual basis to ensure compliance.

- Reporting of each fine, eviction or tow to the Commission on a quarterly basis to ensure compliance with the parking ban and to review the effectiveness of the parking enforcement policy;
- Recordation of the parking enforcement policy in the land records as an encumbrance against the property and as a covenant running with the land in favor of the Town;
- Acknowledgement that failure to comply with the parking ban and/or the enforcement policy constitutes a violation of the zoning regulations and subjects the owner of the property to cease and desist orders, zoning enforcement orders and actions, and fines and penalties as may be provided in the statutes and town ordinances;
- Provisions for the continuation of the requirements of the parking enforcement policy in the event ownership to all or a portion of the property is transferred to another entity, or if the units are sold as individual units.

The findings and conclusions contained herein relate solely to the issues identified by the Court and remanded to the Commission. The Commission does not address the issues stated in its initial denial of the application, and does not concede that they have been resolved.

Based on the foregoing findings and conclusions, and based on the findings and conclusions in the original Decision, be it now resolved that the proposed revised site plan, dated August 16, 2015, is hereby denied.

Dated this 6th day of October, 2015

Planning and Zoning Commission of the Town of Oxford

By: Tanya J. Carver
Tanya Carver, Chairperson

Vote

Number of Commission Members in favor of Foregoing Resolution: 6

Number of Commission Members opposed to Foregoing Resolution: 0

Mr. Kerwin did not attend the meeting and therefore did not vote on this Resolution.