

TOWN OF OXFORD
PLANNING & ZONING COMMISSION
 S.B. Church Memorial Town Hall
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Planning & Zoning Commission
Regular Meeting Minutes
 Tuesday, March 19, 2024
 7:30 PM – Main Meeting Room
 S.B. Church Memorial Town Hall

I. Call to Order

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

II. Pledge of Allegiance

III. Roll Call

Commissioner/Alternate	
Sara Locke	Present
Kathleen Lori	Present
Diamond Rosa	Present
Josh Dykstra	Present
Dan Wall	Present
Pete Zbras	Present
Pat Cocchiarella	Present
Carl Bouchard	Present
Jason Swan	Present
Staff Present:	
Jessica Pennell	Present
Steve Macary	Present
Kevin McSherry	Present

IV. Seating of Alternates – No alternates were seated.

V. Chairman Comments

VI. Approval of Minutes

a. 3/5/24 Regular Meeting Minutes

Motion by Commissioner Pete Zbras to table the 3/5/24 minutes.

Second by Vice-Chairman Dan Wall. All (6) Ayes.

Motion passed unanimously.

VII. Commission Deliberations on the following application:

Public Hearing closed on 3/5/24 – The Commission has 65 days to act on this application.

Commission action required by 5/7/24.

1. **Z-23-205 [RESA] - 81 Newgate Road** - Owner & Applicant: Marc Deslauriers, 81 Newgate Road, Oxford, CT (Special Exception - Article 10, Section 10.13 - Farm Events)

The Commission began deliberations on the application; the following items were discussed:

- The catalyst for the Farm Events Regulation was a complaint by a neighbor.
- There were numerous meetings on the regulation during the time it was being drafted, and also public hearings which allowed opportunities for input by the public before the regulation was adopted.
- The Commission heard comments from many residents, those in favor of and not in favor of the application.
- If the regulation had not been adopted, any homeowner could do what they wanted.
- The Cease & Desist was removed because there wasn't a violation of the regulations because there was no regulation in place for these types of activities.
- Agri-tourism is becoming more popular, and is adjacent to farming.
- Commission was trying to find middle ground between proponents and opponents.
- The presentation by the applicant was well done
- Opponents proposed no suggestions or changes to the regulations
- The question of whether this was a farm came up many times.
- Discussion amongst Commissioners if this is truly a farm. Commissioners agreed that they believe this is a farm.
- It is listed in the Assessor's records as a farm.
- They submitted their Schedule F.
- Noted that the applicant went through the regulation line by line and explained how the regulations were met.
- Discussed that the conditions regarding noise would have to be addressed until the time of an event.
- The Commission allowed two weddings after the complaint, and Cease & Desist because they felt that it would have been a hardship to the parties that had already booked weddings.
- Reiterated that there was no violation of the regulations, because there was no regulation in place.
- The applicant was very cooperative.
- Discussed if there would be specific times for weddings to be held.
- Discussed that times could be addressed under conditions of approval.
- The subcommittee discussed that it would come down to the noise ordinance and the police will ensure that the noise ordinance is followed.

- The state is certifying that this is a farm, the proper paperwork was submitted.
- Discussion on the emergency access onto Flora Lane is an extra safety feature for this application.
- The Fire Marshal has approved this plan and access.
- There will need to be an event form drafted for these applications, the form would be filled out after any approval is issued.
- The Commission can consider, as part of the motion, CGS§1-1(q), which is the definition adopted by the Commission.
- The applicant provided documentation that the State recognizes the property as a farm.
- The Commission can add other conditions of approval as necessary.
- Comments made by the public alluded to the farm regulation being written with only this application in mind; there are 13 other farms that would be able to apply under this regulation.
- Took into consideration and addressed items such as safety and noise.
- Sub-committee took their time with the regulation, had a lot of input from the public.
- Regulation supports farms, which are not cheap to maintain.
- There are conditions in the regulation that address the noise and hours.
- The number of events has already been outlined in the regulation.
- Any day an event is held is considered an event, even if the event is on a weekday.
- Conditions can address the questions regarding consecutive days, the hours and times of the events.
- The regulation over a year to draft and approve, very thought out.
- There were 3 public hearings on this application, which gave the public many opportunities to speak.

Chairman Pat Cocchiarella stated that he would like to recess deliberations to the next meeting to give Commissioners an opportunity to go over the comments made tonight, and discuss any further questions or comments at the next meeting.

Commissioners agreed to recess the deliberations to the next meeting, on 4/2/24.

VIII. Regular Meeting Business

- A. Amendments to the Agenda – None
- B. Correspondence – None
- C. Audience of Citizens (Items not listed on the agenda)
- D. Old Business

1. Bond Release Requests – Pulte Homes –Phase 4 East

- a. Letter dated 3/7/24 from Jim Galligan, Planning & Zoning Engineer

Commission Secretary Carl Bouchard read the letter from Jim Galligan.

Motion by Commission Secretary Carl Bouchard to make a recommendation to the Board of Selectmen to release the bond. **Second by Vice-Chairman Dan Wall.**

An audience member spoke out and stated that there are people in the audience that would like to speak on this item.

A brief discussion ensued regarding whether or not the audience should be allowed to speak at this time.

Chairman Pat Cocchiarella allowed public comments at this time, but noted that this a courtesy and not usual procedure.

Thomas Blank, 924 Tillinghast Drive, and president of the HOA, stated that there are items in Phase 4 East that are still incomplete. He noted broken curbing, insufficient thickness of the paving, and several driveways that are incomplete, and starting to fail. He noted that all these items were installed last November and they want to have an engineer's report to review the items of concern before the bond is released.

Chairman Pat Cocchiarella stated that they received a letter from the Planning & Zoning Engineer recommending the bond release.

Mr. Blank stated that everything is not complete, and there are also problems with drainage, and storm drains.

Steve Macary, ZEO noted that he has been given photos of the flooding to the Planning & Zoning Engineer.

Mr. Blank went onto explain the further problems with the curbing, and problems with McKenzie Drive, where there is inadequate drainage.

Attorney McSherry explained the process when a bond is released, and noted that the HOA will be responsible for these items when the bond is released.

Mr. Blank explained the responsibilities of the HOA, prior to taking ownership of the roads.

Chairman Pat Cocchiarella asked if there were any other members of the audience that would like to speak at this time.

Unidentified Speaker, requested that the Commission defer this until the residents feel more comfortable with the situation.

Scott Riemer, 909 Tillinghast Drive, explained that he is the person who provided photos and videos to the ZEO.

Steve Macary, ZEO asked that the Commission move this item to the next meeting so that he can meet with the Planning & Zoning Engineer on site.

There was a brief discussion to clarify if the issues are in Phase 4, or Phase 4 East.

Attorney McSherry asked residents to clarify what streets are the ones with the issues.

Unidentified Speaker noted that the streets are Tillinghast Dr. and McKenzie Lane. He also requested that the Commission explain the process for bond releases.

Chairman Pat Cocchiarella explained the process for bond releases.

There was further discussion regarding what happens if the work is not done by Pulte.

Unidentified Speaker stated that the ground fills with water and doesn't drain to the retention pond.

Chairman Pat Cocchiarella asked the HOA to submit the engineering report to Jessica when it is complete, and then the Commission will address this item when they receive that report.

There was a brief discussion regarding the timeframe for this process.

There were no further comments at this time.

Motion by Commission Secretary Carl Bouchard to table the bond release. Second by **Commissioner Joshua Dykstra**.

All (7) Ayes.

Motion passed unanimously.

2. Bond Release Request - Site Plan Bond – Markim Center (a/k/a Oxford Towne Center/Quarry Walk)

- a. Letter dated 3/7/24 from Jim Galligan, Planning & Zoning Engineer

Commission Secretary Carl Bouchard read the letter from Jim Galligan.

Motion by Commission Secretary Carl Bouchard to make a favorable recommendation to the Board of Selectmen to release the Soil, Erosion and Sediment Bond No. 929583679, in the amount of \$475,000.00. Second by **Commissioner Joshua Dykstra**.

All (7) Ayes.

Motion passed unanimously.

E. New Business

1. **Z-24 – 012 [RESA] – 184 Riggs Street** – **Owner & Applicant:** Walter Cabrera Home Improvements, LLC, 61 Arcadia Avenue, Bridgeport, CT, 06610 – **Applicant's Representative:** Jesse Judson, Horbal & Judson Land Surveyors (Site Plan – New house and detached Accessory Dwelling Unit)

- a. Transmittal Letter dated 3/5/24
- b. Application submitted on 3/5/24
- c. Statement of Use dated 3/5/24
- d. Conservation Commission/Inland Wetlands Agency letter dated 2/29/24
- e. Improvement Location Survey dated 12/22/23, last revised, 2/29/24
- f. Proposed floor plan for accessory dwelling unit, dated 1/13/24
- g. Preliminary Plan (architectural) dated 1/8/24, last revised 1/10/24

Jesse Judson from Horbal & Judson Land Surveyors & Associates represents the applicant **Walter Cabrera**.

Commission Secretary Carl Bouchard noted the items listed, and noted that they were submitted with the application.

Mr. Judson presented the application to the Commission. He noted the following regarding the application:

- Parcel is 2.85 acres
- 615' road frontage
- Zoned Residential A
- Existing 2-bedroom house is 730 square feet (bedroom located in the attic)
- Application includes construction of a new home
- Application proposes to convert existing home to a 730 square foot accessory unit
- Attic area would be converted to attic, removing the 2 bedrooms, staircase to attic removed
- New home and accessory unit will use the same driveway entering from Riggs St.
- Accessory unit meets the requirements of Article 5, Section 5.2.5.7.1
- Approved by Housatonic Valley Health District and OCCIWA
- Proposing a sub-surface stormwater management system
- Standard soil and erosion control methods will be used
- Explained briefly the history of the property and that it was rezoned from industrial to RES-A in 2000

Questions from the Commissioners:

Commission Secretary Carl Bouchard asked if the existing structure would be converted to the ADU.

Mr. Judson reiterated that the attic would be removed in the existing structure, and converted to the ADU.

Commission Secretary Carl Bouchard asked if the basement would be living area.

Mr. Judson stated that there would not be living area in the basement.

Commissioner Jason Swan referred to the regulations that require the owner live on the property.

Mr. Judson stated that the owner of the property would reside there; but that it would not necessarily mean that it would be Mr. Cabrera.

A discussion ensued regarding the requirement in the regulation that refers to the owner living on the property. The discussion also included that the accessory unit would be “accessory” to the primary home, and that the owners should be occupying the main home before anyone occupies the accessory unit. The process for certificates of occupancy was also discussed, as well as the floor plan and size of the new construction.

The Commission had no further questions at this time.

Motion by Commission Secretary Carl Bouchard to table this application to the 4/2/24 Regular Meeting. **Second by Vice-Chairman Dan Wall.**

All (7) Ayes.

Motion passed unanimously.

F. Pre-application presentation for by Scott Volpe (Hogsback Road)

Chairman Pat Cocchiarella explained the provisions for pre-application meetings.

Scott Volpe, 19 Scott Road presented the Commission with a proposed plan for a housing development on the property located on the corner of Route 67 and Hogsback Road. He noted that the property is 26 acres, and is zoned OPD “Oxford Professional District”.

Mr. Volpe explained the access to the homes would be off of Hogsback Road. He noted that the proposal currently has 22 to two-bedroom units, and 4 one-bedroom units, and they would be market rate homes with no age restriction, and for ownership, not rental.

Commissioners inquired whether the project would include an affordable component, and if this is type of project is permitted, or meets the requirements of the OPD. A suggestion was made the Mr. Volpe explore the idea of a planned development district, as well as having an affordable component to the project. Many Commissioners agreed that affordability is important.

Mr. Volpe explained that only approximately 7 acres of the parcel would be used, and that there are wetlands constraints. He noted that he wants to provide options for those interested in not having to maintain their property, or are looking for smaller starter homes, and workforce housing.

There were questions from the Commission regarding traffic and size of the units.

Alternate Commissioner Sara Locke noted that there are incentives for housing from the USDA. **Mr. Volpe** went over the proposed floor plans, and discussed the outdoor lighting.

A suggestion was made that there should be consideration of areas inside that could potentially be converted into bedrooms in the future, and there was a question regarding if each unit would have 2 floors.

Mr. Volpe addressed the comments regarding the potential of future conversion of space into bedrooms, and noted that all the units are 2-stories.

Chairman Pat Cocchiarella stated that Mr. Volpe should take some time to look into a planned development district, and then come back to the Commission for another pre-application presentation.

Mr. Volpe thanked the Commission for their time.

G. Zoning Enforcement

- a. Approved Use Permits
- b. Complaints/Enforcement Actions

Steve Macary, ZEO informed the Commission that he issued an event permit for Cultural Arts. He noted the event would be held at Town Hall.

H. Invoices

- a. Nafis & Young Invoice #045-24 (DeFeo Bond & Inspection)

Motion by Commission Secretary Carl Bouchard to approve payment of Invoice #045-24 from Nafis & Young Engineers. **Second by Vice-Chairman Dan Wall.**

All (7) Ayes.

Motion passed unanimously.

- b. Nafis & Young Invoice #063-24 (Final Inspections- Pulte Bond Releases)

Motion by Chairman Pat Cocchiarella to table Invoice #063-24 from Nafis & Young Engineers.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

I. Other Business

- a. Status Update on Affordable Housing Plan

Chairman Pat Cocchiarella noted that the Commission is waiting on information from the Board of Selectmen.

- b. CFPZA Conference – Final number of attendees

The final number of attendees was determined.

- c. Any other business the Commission deems necessary for discussion.

J. Adjournment

Motion by Commissioner Joshua Dykstra to adjourn the meeting at 9:23 PM. **Second by Vice-Chairman Dan Wall.** All (7) Ayes.
Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

RECEIVED March 28, 2024

AT 3:55 pm


ASST. TOWN CLERK