

TOWN OF OXFORD
PLANNING & ZONING COMMISSION
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
Phone: (203) 828-6512 · Email: pandz@oxford-ct.gov
www.Oxford-CT.gov



**Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, April 2, 2024
7:30 PM – Basement (Old Library)
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

Present: Sara Locke, Kathleen Lori, Joshua Dykstra, Pete Zbras, Dan Wall, Pat Cocchiarella, Carl Bouchard, Diamond Rosa, and Jason Swan.

Also Present: Jessica Pennell and Kevin McSherry.

Absent: Steve Macary.

IV. Seating of Alternates – No alternates were seated.

V. Chairman Comments – The Chairman had no comments at this time.

VI. Approval of Minutes

a. 3/5/24 Regular Meeting Minutes

Motion by Commission Secretary Carl Bouchard to approve the 3/5/24 Regular Meeting minutes as presented. **Second by Commissioner Pete Zbras.**

All (7) Ayes. Motion passed unanimously.

b. 3/19/24 Regular Meeting Minutes

Motion by Commission Secretary Carl Bouchard to approve the 3/19/24 Regular Meeting minutes as presented. **Second by Commissioner Joshua Dykstra.**

All (7) Ayes. Motion passed unanimously.

VII. Public Hearing - *Postponed to 5/7/24 at 7:30 PM (During the Regular Meeting)*

Proposed Text Amendment to the Oxford Zoning Regulations – Cannabis Regulation

Commissioners agreed to hold the Public Hearing for this item on 5/7/24, at 7:30 PM.

VIII. Regular Meeting Business

A. Amendments to the Agenda

Motion by Commission Secretary Carl Bouchard to amend the agenda to add an invoice from McSherry Law Office under Invoices as Item (a). **Second by Commissioner Pete Zbras.**
All (7) Ayes. Motion passed unanimously.

B. Correspondence – There was no correspondence.

C. Audience of Citizens (Items not listed on the agenda) – None.

D. Old Business

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) (Continue deliberations/Possible Action)

The Commission continued deliberations regarding this application. The following items were discussed.

- Review and discussion of a new form for event applications, including input from members and clarification on emergency access usage.
- Emergency Access and Noise Ordinance Discussion
- The possibility of emergency vehicles needing to exit the site in the event of a fire, prompting a discussion on the authority of emergency personnel in such situations.
- Emphasizes that the fire chief has control over the site during emergencies and can redirect traffic as necessary for safety.
- Confirms that emergency personnel on site have the final say in emergency situations.
- Highlights that the primary entrance meets regulations and that the emergency egress entrance exceeds requirements, as assessed by the fire department.

Whereas, Marc Deslauriers of 81 Newgate Road Oxford, Connecticut, herein “the Applicant/Owner” has filed a **Special Exception** application for the use of the property, located at 81 New Gate Road, **for Farm Events pursuant to Article 5, Section 5.3.5, and Article 10, Section 10.13 of the Zoning Regulations.**

Whereas, The Oxford Planning and Zoning Commission considered the application at regularly scheduled meetings, and public hearings held on 1/16/24, 2/6/24, and 3/5/24.

Whereas, The Oxford Planning and Zoning Commission considered the following additional information the applicant filed in support of his application:

1. Statement of Use dated 11/11/23.

2. Application dated 10/10/23.
3. Letter from Fire Marshall Scott J. Pelletier dated 11/13/23.
4. General Survey (Site Plan – Farm Events) for 81 New Gate Road.
5. Schedule F Federal Tax Return documents for 2021 and 2022.
6. State of Connecticut Department of Revenue Services Farmer Tax Exemption Permit issued 3/8/21 and 1/19/23.
7. Halcyon Hill Farm presentation submitted 2/6/24.
8. Letter from the Conservation Commission/Inland Wetlands Agency indicating a wetland permit dated 1/16/20, permit to expire 1/14/25.
9. Letter from William Santini dated 11/17/23 regarding permission for access.
10. Letter of Intent from applicant dated 11/20/23.

Motion by Commission Secretary Carl Bouchard to approve application **Z-24-205 [RESA]**, 81 Newgate Road, Oxford – **Owner & Applicant**, Marc Deslauriers, 81 New Gate Road Oxford, Connecticut pursuant to *Article 5, Section 5.3.5, and Article 10, Section 10.13*, in accordance with the findings and subject to the conditions stated herein.

The Commission makes the following findings:

- 1.) The proposed use will not be detrimental to the health, safety, welfare, and property values in the neighborhood.
- 2.) The site is suitably landscaped and the design and set back of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.
- 3.) The proposed use, buildings, and other structures are adequate to carry the potential traffic and that provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off-street parking and loading facilities will be provided.
- 4.) The land in which the use, building, or other structure is of adequate dimensions to conduct of the use in such a manner that it will not be detrimental to adjoining property in the neighborhood.
- 5.) The property is a Farm as evidenced by applicant's Schedule F for 2021 and 2022 - Horse Boarding.
- 6.) The property is a Farm as evidenced by applicant's Farmer Tax Exemption Permit Letters from the Department of Revenue Services 3/1/23 to 2/28/25.

Subject to the following conditions of approval:

- 1.) Compliance with all Town of Oxford regulations and ordinances in effect as of this date.
- 2.) 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 the initial review through inspection and final acceptance of any improvement.
- 3.) The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application.

- 4.) The specific uses on this property shall be limited to those designated within the Statement of Use submitted by the applicant and all representations made to the Commission and the Letter of Intent from applicant dated 11/20/2023.
- 5.) The applicant shall comply with all requirements of the Fire Marshal.
- 6.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.
- 7.) Connecticut Department of Revenue Services Farmer Tax Exemption Permit shall be updated bi-annually and filed with the Zoning Enforcement Officer.
- 8.) Schedule F from the applicant's 1040 shall be filed with the Zoning Enforcement Officer each year.
- 9.) Event Permit Form shall be obtained and filed with ZEO at least two weeks prior to each event.
- 10.) Events may be held once a week on Friday, Saturday or Sunday. Events are limited to 12 per year between May 1 and October 31, and cannot be conducted on consecutive weeks.
- 11.) It is the responsibility of the owner/applicant to ensure capability of communication with the fire department, police and EMS.
- 12.) All lighting on the property shall be full cutoff to eliminate light trespass from the property.

Second by Vice-Chairman Dan Wall.

Discussion:

- Suggestion to referencing the noise ordinance in the town charter and specifies the hours of operation to be included in the motion.
- Clarification on the specific section of the town ordinances to reference.
- Suggestion to include the actual daytime hours in the motion.
- Discussion that proposes specific daytime and weekend hours for operation, noting that they are more limiting than previously discussed.
- Discussion on the noise levels allowed in residential zones and the need to set an end time for the hours of operation, as previously discussed by the subcommittee.
- Discussion on Noise Ordinance and Event Regulations
- Point raised about noise levels and the need for regulations.
- Suggestion to refer to the noise ordinance.
- Mention of the need for police department approval for certain aspects of the regulations.

Commission Secretary Carl Bouchard amended the motion by deleting Item #11, and adding the condition that events with amplified music can only be held once per week.

Vice-Chairman Dan Wall seconded the amendments to the original motion. All (7) Ayes.

Vote on the motion with amendments: All (7) Ayes. Motion passed unanimously.

2. **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)

The applicant submitted the following supporting documents with the application:

1. Application dated 3/5/2024; agenda item for 3/19/2024.
2. Statement of Use dated 3/5/2024.
3. Housatonic Valley Health District Plan Approval – new home, dated 1/26/2024.
4. Housatonic Valley Health District Plan Approval – ADU, dated 1/26/2024.
5. Proposed Improvement Location Survey, dated 12/23/2023, last revised 2/29/2024.
6. Zoning Boundary Change approval, dated 6/15/2000 with supporting documentation.
7. ADU floor plan dated 1/13/2024.
8. Assessor's card dated 2/29/2024.
9. Plan 4 Bedroom House, dated 1/8/2024.
10. Plan – Construction Notes and Details – dated 10/2/2023.
11. Nafis & Young letters dated 5/30/2023, and 6/19/2023.
12. Conservation Commission/Inland Wetland Agency Permit approval letter dated 2/29/2024 (permit expires 2/27/29).

The Commission makes the following findings:

- 1.) The proposed use will not be detrimental to the health, safety, welfare and property values in the neighborhood.
- 2.) The site is suitably landscaped and the design and set back of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.
- 3.) The proposed use, buildings, and other structures are adequate to carry the potential traffic and that provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off-street parking and loading facilities will be provided.
- 4.) The land in which the use, building, or other structure is of adequate dimensions to conduct of the use in such a manner that it will not be detrimental to adjoining property in the neighborhood.

Subject to the following conditions of approval:

- 1.) Compliance with all Town of Oxford regulations and ordinances in effect as of this date.
- 2.) 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 the initial review through inspection and final acceptance of any improvement.
- 3.) The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission meetings and/or at public hearings regarding this application.

- 4.) The specific uses on this property shall be limited to those designated within the Statement of Use submitted by the applicant.
- 5.) The applicant shall comply with all requirements of the Fire Marshal.
- 6.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.
- 7.) Site plan approval expires if the work has not completed within five years from the date of approval.
- 8.) Sedimentation and erosion control measures on site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the commission's engineer.
- 9.) The applicant shall have a preconstruction meeting with appropriate town staff prior to any construction activities.
- 10.) The applicant show submit one copy of the set of plans which reflect these conditions of approval, with a copy of the conditions of approval attached.
- 11.) No work shall be done until a bond is set by the Planning and Zoning commission's engineer in a form acceptable to Town Counsel or Land Use Counsel.
- 12.) The applicant shall comply with section 5.2.8 of Zoning regulations regarding barn siding.
- 13.) Certificate of Zoning Compliance and Certificate of Occupancy must be issued for the 4 Bedroom home prior to issuance of a Certificate of Zoning Compliance for the Accessory Dwelling Unit.

Second by Commissioner Joshua Dykstra.

All (7) Ayes. Motion passed unanimously.

E. New Business

F. Pre-Application meeting presentation by Scott Volpe – Housing Proposal (Route 67/Hogsback)

Scott Volpe, owner of Connecticut Residential, 19 Scott Road, stated that he is seeking any feedback and questions from the commission regarding the project proposal previously presented.

There was discussion on the potential number and type of units for the project, considering the market and property constraints. Mr. Volpe clarified that the units will be for sale, not rental. He commented on the difficulty of the site and the limitations on the number of units due to slope and septic constraints.

Commissioners inquired about considering the possibility of incorporating any affordable housing components into the project.

There was a brief discussion regarding the possibility of increasing the number of units in order to accommodate affordable components.

Mr. Volpe did express that he is willing to consider an affordable component, but has concerns regarding the feasibility due to property and financial challenges.

Commissioners raised concerns about making changes to individual parcels without a broader plan, suggesting the need for a more comprehensive approach to zoning and development.

Chairman Pat Cocchiarella mentioned the concept of planned development districts and design development districts to accommodate specific types of development.

Mr. Volpe highlighted the reduced disturbance of the current project compared to a previous one, emphasizing the smart use of the property. He shared his concerns about the significant financial investment required for the application process and the risk of facing a denial.

Commissioners inquired about the distance and scale of the project, seeking clarification on specific details.

Mr. Volpe described describes the layout and appearance of the buildings, and assures that the project will be landscaped properly without the need to remove trees due to wetland regulations. He noted that he collaborates with Steve Trinkus from Southbury, an expert in low impact development. There was further discussion on the septic system that would serve the proposed development.

Commissioners inquired about the project's visibility from a nearby road and its impact on the surrounding area.

Mr. Volpe described the project's appearance, comparing it to a condominium, and emphasizing the use of low ambient lighting to minimize intrusion.

Some Commissioners agreed that the project may not be intrusive and aligns with the overall goal for future housing in Oxford.

Mr. Volpe discussed the target demographic for the development, focusing on young professionals who are currently priced out of the housing market and seeking ownership options.

There was further discussion on Affordable Housing and Development.

Commissioner Joshua Dykstra mentioned the need for affordable housing and the potential for the project to open up the market to a different demographic.

A brief discussion ensued regarding the need for affordable housing and the challenges of meeting higher density targets set by the state.

There was a brief discussion on real estate and construction challenges.

Mr. Volpe thanked the Commission for their time and feedback.

G. Zoning Enforcement – No discussion or update at this time; ZEO not present.

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

H. Invoices

- a. Invoice from McSherry Law Office

Motion by Commission Secretary Carl Bouchard to approve the invoice from McSherry Law Office in the amount of \$3,895.00.

Second by Commissioner Joshua Dykstra.

All (7) Ayes. Motion passed unanimously.

I. Other Business

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

Commissioner Pete Zbras stated the need for affordable housing but also the need to consider the fiscal impacts on the Town.

Chairman Pat Cocchiarella explained that if a larger project comes before the Commission, they can require a fiscal impact statement/analysis be submitted with the application.

A brief discussion ensued regarding planning regarding housing developments and fiscal impact. It was noted that higher density projects need to have sewer and water.

A brief discussion ensued regarding the per pupil cost for education in Oxford.

Alternate Commissioner Sara Locke highlighted the potential economic benefits of younger residents moving to the town, including spending and working locally.

Attorney McSherry explained that the number of possible school aged children residing in a development cannot be considered as a factor in deciding a housing development application.

Commissioner Jason Swan inquired about whether mobile homes count towards the affordable housing quota.

Attorney McSherry clarified that mobile homes are exempt by statutory regulations, and do not contribute the to affordable housing percentage.

A brief discussion ensued regarding Mobile Manufactured Homes.

- b. Consideration of cancellation of the April 16, 2024 meeting

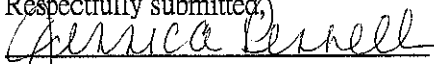
Motion by Commissioner Joshua Dykstra to cancel the April 16, 2024 Regular Meeting.
Second by Vice-Chairman Dan Wall.
All (7) Ayes. Motion passed unanimously.

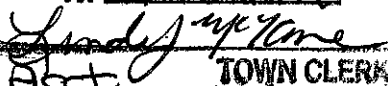
- c. Commissioner Training Opportunities

There was brief discussion on required Commissioner training, and the April 27, 2024 training opportunity.

J. Adjournment

Motion by Commissioner Joshua Dykstra to adjourn the meeting 8:49 PM.
Second by Vice-Chairman Dan Wall.
All (7) Ayes. Motion passed unanimously.

Respectfully submitted,

Jessica Pennell, Coordinator
Planning & Zoning Commission

RECEIVED April 9, 2024
AT 9:30 AM

ASST. TOWN CLERK