

TOWN OF OXFORD

PLANNING & ZONING COMMISSION

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



Regular Meeting Minutes

Tuesday, September 4, 2018

7:30 PM

Main Meeting Room
S.B. Church Memorial Town Hall

CALL TO ORDER

Chairman Jeff Luff called the meeting to order at 7:38 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Arnie Jensen
Pete Zbras
Jeff Luff
Dan Wall
Tanya Carver
John Kerwin

Not Present:

Pat Cocchiarella
Bob Costigan
Greg Wanamaker

Staff Present:

Steven S. Macary, ZEO
Jessica Pennell

SEATING OF ALTERNATES

No alternates were seated.

PUBLIC HEARING:

Proposed Updates to the Plan of Conservation and Development

The Planning & Zoning Commission and the POCD Update Committee, along with assistance from NVCOG have prepared numerous updates to the Town's Plan of Conservation and Development.

Chairman Jeff Luff opened the hearing and went through the public hearing procedures.

He asked if any Commissioners have a conflict of interest.

All Commissioners replied that there were no conflicts of interest.

Vice Chairman Arnie Jensen read the Legal Notice.

Chairman Jeff Luff asked that Vice Chairman Arnie Jensen present the POCD to the Commission.

Vice Chairman Arnie Jensen stated that they worked with the Commission, and NVCOG on the update.

Vice Chairman Arnie Jensen explained that the only two significant changes were with the parcels Route 67 and Route 34.

Commissioner Tanya Carver noted that a committee, formed by the Board of Selectmen worked on the initial review. That committee was part of the project for eighteen months, a lot of time was put into the updates and revisions.

There were no other comments from Commissioners.

Chairman Jeff Luff opened the floor to the public.

There were no comments from the public.

MOTION BY Vice Chairman Arnie Jensen to close the Public Hearing.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

MOTION BY Vice Chairman Arnie Jensen to accept and adopt the draft updated POCD dated 7/20/18 as the final updated Plan of Conservation and Development for the Town of Oxford.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed unanimously.

CORRESPONDENCE

AUDIENCE OF CITIZENS

(Items not listed on the Regular Meeting Agenda)

NEW BUSINESS

1. **Z-18-250 [MIHD] Christian Street & Jack's Hill Road - "Canterbury Estates"**
Owner & Applicant: Glendale at Oxford, LLC, 1137 Seaview Avenue, Bridgeport, CT
Application: Site Plan Modification

Vice Chairman Arnie Jensen read or noted the following correspondence into the record:

- a. Letter of authorization from owner of Glendale at Oxford, LLC., dated 8/23/18.
- b. Statement of the requested changes to work force housing units (Attachment A).
- c. Letter from Commission Secretary Pat Cocchiarella dated 9/4/18.
- d. Letter of approval from OCCIWA dated 8/29/18.

Michael Dolan, Attorney for the applicant presented the proposed modification to the Commission. He explained that the developer is adhering to the approval by the Planning and Zoning Commission; a 1 to 3 ratio of work force and market rate units. He noted that some of the requests to change the units are the field conditions and topography, which increases the cost of building the homes. He commented that he doesn't think it is unreasonable or unfair to request changes in the designation of units as situations arise.

Commissioners asked questions and voiced concerns, and they proposed that the applicant give them 2 additional "work force" units if they grant the requested changes to Unit #6 and Unit #15.

Attorney Dolan stated that he would speak to his client about the Commission's proposal.

MOTION BY Vice Chairman Arnie Jensen to table this application.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed unanimously.

2. **Z-18-251 [COMM] 268 Oxford Road (modified to 312 Oxford Road)**

Owner: RKNE Realty, Ralph Tirella, Jr.

Applicant: Michael Palumbo, 40 Transylvania Road, Roxbury, CT

Application: Use Permit "Lucky Dog Food Truck"

Chairman Jeff Luff noted that this application has been modified, the address is **312 Oxford Road**.

Steven S. Macary, ZEO presented the application and paperwork submitted by the applicant.

Commissioners discussed signage, parking and safety concerns with the applicant.

MOTION BY Commissioner Tanya Carver to approve application Z-18-251 based on maps/plans dated 9/4/18, with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use dated 9/4/18.
3. Compliance with the PDDH approval dated 8/27/18.
4. Compliance with the Fire Marshal's letter dated (N/A).
5. Compliance with the Oxford Zoning Regulations as of this date.
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.

Reason for approval is that it meets Oxford Zoning Regulations in effect as of this date.

Second by Vice Chairman Arnie Jensen

Ayes (5), Nays (1), Commissioner Pete Zbras.

Motion passed 5-1.

OLD BUSINESS

Commissioner Tanya Carver recused herself for this application.

Vice Chairman Arnie Jensen stated for the record that he was absent for the meeting but he has listened to the recording and is up to date.

1. **Z-18-170 [RESA] – 25 Lisa Drive (Map: 18 Block: 29 Lot: 21A) – “Moose Hill Acres”**
Owner: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Applicant: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Application: Re-subdivision of Lot 3 Moose Hill Acres (2 Lots)

MOTION BY Vice Chairman Arnie Jensen:

WHEREAS, the Oxford Planning and Zoning Commission received the application for a re-subdivision of Lot 3, “Moose Hill Acres,” herein referred to as Parcel 3.

WHEREAS, the public hearing for this application was legally noticed, in conformance with Connecticut State Statutes and the Oxford Zoning Regulations.

WHEREAS, the Oxford Planning and Zoning Commission has considered the testimony of the applicant, members of the public and documentary submissions presented at the public hearings, held on May 30, 2018, June 19, 2018 and July 17, 2018.

WHEREAS, information on the application was submitted, along with supporting information on file in the Planning Office of the Town of Oxford.

WHEREAS, the following plans have been considered in this decision:

- Application **Z-18-170** dated March 29, 2018
- Record Subdivision Map, Resubdivision, Lot 3, Moose Hill Acres

BE IT RESOLVED that based on the application, documentary submissions and public testimony, this application is **approved**, for the following reasons:

1. The Commission finds that, in accordance with **Article 6, Section 1** of the Oxford Subdivision Regulations (hereinafter “Subdivision Regulations”), Old Moose Hill Road is not an accepted Town road, but rather Old Moose Road is a private road, as defined by **Article 2, Section 7** of the Subdivision Regulations. Old Moose Hill Road is accessed only from Lisa Drive, an accepted Oxford town road. Old Moose Hill Road provides the only access to Parcel 3, the subject of this application.
2. The Commission finds that the Town of Oxford provides no paving, plowing maintenance or essential services to the private road known as Old Moose Hill Road, and additionally that the other residents of lots afforded access by Old Moose Hill Road maintain control over this private road. In addition, regular mail service is not provided by the U.S. Postal Service. Instead, mail is delivered to mail boxes situated on Lisa Drive, adjacent to the entrance to the Old Moose Hill Road.

3. Old Moose Hill Road is a preexisting, unimproved single-lane gravel way maintained by those residential landowners to whom it provides access. Old Moose Hill Road was originally intended to provide access to a previously approved, yet abandoned subdivision that required as a condition of approval that Old Moose Hill Road was to be improved, dedicated and accepted by the Town of Oxford. Those conditions never occurred.
4. In addition, the Town of Oxford does not own Old Moose Hill Road and has never accepted Old Moose Hill Road as a town road.
5. The Commission finds that, contrary to **Article 6, Section 1** of the Subdivision Regulations, the subject parcel of this application, Parcel 3, is not accessed by a public roadway.
6. However, pursuant to **Article 6, Section 6** of the Subdivision Regulations the Commission finds good cause to approve this subdivision, in accordance with the conditions in **Article 6, Sections 6.1 to 6.10**.
7. The commission find that in accordance with **Article 6, Section 6.5**, because Old Moose Hill Road is an existing private road already providing access to other residents, good cause exists to vary the town road standards for Old Moose Hill Road.
8. The commission finds that in accordance with **Article 8, Section 1.2.2** and **Article 8, Section 2**, because parcel 3 has no frontage on a public road, nor is said parcel adjacent to or accessible from adjacent open space that has frontage on a public road, the applicant shall make a payment equal to 10% of the fair market value of the total value of the raw subdivision of land, as determined by the procedures set forth in Article 8, Section 2 of the Subdivision Regulations.

This Approval is subject to the following SPECIAL CONDITIONS:

- 1) Compliance with **Article 6, Sections 6.1 to 6.10**, of the Oxford Subdivision Regulations, except as stated in Resolution #7 above.
- 2) That a Resubdivision Mylar shall be filed by the applicant, at the applicant's expense, and said Mylar shall include in the notes and in the included map, adjacent to the area representing Old Moose Hill Road, the following language:
 - (a) *Old Moose Hill Road is not a Town Road and is not owned nor maintained by the Town of Oxford.*
 - (b) *The Town of Oxford offers no services or maintenance to Old Moose Hill Road.*
- 3) Pursuant to **Article 6, Section 6.2 and 6.3** of the subdivision regulations a Restrictive Covenant explaining the common land owner's (those owners of the subdivided property referred to as Parcel 3) maintenance and ownership requirements, in accordance with the provisions of General Statutes § 47-42f, reviewed and approved by the Commission counsel, shall be recorded on the Oxford Land Records.
- 4) The deeds of each lot resulting from the Subdivision of Parcel 3 shall contain common ownership in the private road known as Old Moose Hill Road, with a right of ingress and egress and the duty to maintain, again in conformance with General Statutes § 47-42f.
- 5) Prior to the signing of the Mylar, the applicant shall submit in a form satisfactory to Commission counsel an agreement for the sharing of maintenance and costs for Old Moose Hill Road, pursuant Gen. Stat § 47-42f.

Subject to the following standard conditions:

1. Compliance with Oxford Subdivision Regulations as of this date.
2. Last revised final plans and the mylar showing all necessary changes must be approved by Planning and Zoning Engineer.
3. A 1" to 200' mylar of the record subdivision map be presented to the Town Assessor, as approved by the Oxford Planning and Zoning Commission.
4. An "Auto CAD.DXF" formatted CD of the record subdivision map be presented to the Commission.
5. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
6. Subdivision expires after five years from date of filing record subdivision map if improvements have not been completed
7. In accordance with **Article 4, Section 3** of the Subdivision Regulations 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.
8. Compliance with all Town of Oxford Ordinances in effect as of this date.
9. Payment of a security in an amount established by the Planning and Zoning Engineer, in a form approved by the Town Counsel.
10. Letter from Licensed Land surveyor stating that all pins and monuments have been set as indicated on maps.
11. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
12. No burying of stumps, debris or any other material. A report or receipt must be provided indicating proper stump removal.
13. Applicant shall contact Zoning Enforcement Officer and Town Engineer to schedule a pre-construction meeting prior to any activity on site.
14. Three copies of the revised plans, amended in accordance with this motion shall be presented for review by the Town Attorney, Zoning Enforcement Officer, Town Planner, Town Engineer and any other required by the Planning and Zoning Commission, to the Planning and Zoning Office.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

ZONING ENFORCEMENT (Report of the ZEO)

Steven S. Macary, ZEO stated that he is still working on the bamboo issue. He also stated that he will be visiting 241 Oxford Road with Dan and Pete this week.

APPROVAL OF MINUTES

1. **MOTION BY Commissioner Pete Zbras** to approve the July 11, 2018 – Timberlake Settlement Hearing Minutes as presented. **Second by Vice Chairman Arnie Jensen.**
All (6) Ayes.

Motion passed unanimously.

2. August 7, 2018 – Regular Meeting (Tabled)
3. August 21, 2018 – Regular Meeting (Tabled)

INVOICES

OTHER BUSINESS

1. Updates to the Zoning Regulations.

Chairman Jeff Luff stated that the Town hasn't signed a contract with NVCOG.

Commissioners were asked to send any comments or concerns about a regulation, email it to staff so they can compile a list. They discussed the process and procedures for amending the regulations.

Vice Chairman Arnie Jensen questioned the rock crushing operations currently going on in Town, and asked how the Commission is handling those situations.

Chairman Jeff Luff explained that they are doing some research on the applications before beginning any enforcement actions.

Steven S. Macary, ZEO also replied to Arnie's questions.

Commissioner John Kerwin expressed his thoughts regarding how to handle expired permits.

Vice Chairman Arnie Jensen brought up concerns regarding the property at 24 Hawley Road.

Steven S. Macary, ZEO informed the Commission that there is a church that is interested in purchasing the property.

2. Any other business the Commission deems necessary for discussion.

ADJOURNMENT

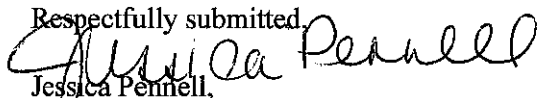
MOTION BY Commissioner Tanya Carver to adjourn the meeting at 9:10 PM.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell,
P&Z Coordinator
Planning & Zoning Commission

18 SEP 13 PM 3:47
TOWN OF OXFORD, CT
TOWN CLERK