



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

**Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, December 15, 2020
7:30 PM - Online/Virtual Meeting**

The Planning & Zoning Commission met remotely on **Tuesday, December 15, 2020, at 7:30 PM.**

Members of the public and applicants were able to join us online and access the meeting using the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83861691118?pwd=RGRUeFcxMFMvSGRuOWkvQWVYc3h4dz09>

Meeting ID: 838 6169 1118

Passcode: 116237

Connect by Phone: Dial 1-646-558-8656

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Joshua Dykstra, John Kerwin, Pete Zbras, Dave Sauter, Pat Cocchiarella, Dan Wall, Brett Olbrys, and Jesse Schremmer.

Mary LoPresti joined the meeting at 7:38 PM.

Also Present: Steve Macary, ZEO, and Jessica Pennell, P&Z Coordinator.

IV. SEATING OF ALTERNATES

No alternates seated.

V. PUBLIC HEARINGS

A. Recessed Public Hearings – NONE

B. New Public Hearings- NONE

C. Future Public Hearings – NONE

VI. REGULAR MEETING BUSINESS

A. Amendments to the Agenda – NONE

B. Audience of Citizens – (Items not listed on the Agenda)

C. Correspondence

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

- a. Letter from Gail E. McTaggart, Secor, Cassidy & McPartland, P.C.
Re: Request for Dissolution/Confirmation of Dissolution of Moose Hill Estates

The Commission discussed this item briefly.

Vice-Chairman John Kerwin stated that the releases included in the documentation prepared by Gail McTaggart should be reviewed and clarified by the Board of Selectmen before they take action. He noted specifically the Quit Claim Deed (page 5), the Releases, (page 6), and the mortgages, (page 8).

Commission Secretary Pat Cocchiarella moved to make a positive recommendation to the Board of Selectmen to take the appropriate action as requested in the December 2, 2020 request by Gail McTaggart.

Vice-Chairman John Kerwin seconded the motion with discussion. He suggested adding the words, “option 3”, as outlined in Gail McTaggart’s request.

Commission Secretary Pat Cocchiarella accepted the amendment to the motion.

Amended motion seconded by Vice-Chairman John Kerwin.

All Ayes.

Motion passed unanimously.

D. Old Business – Matters on which a Public Hearing was held

1. **Z-20-350 [IND] – 21-23 Nichols Road – Owner & Applicant: TPB Contractors, LLC – c/o Attorney Dominick Thomas, 315 Main Street, Derby CT 06418**
(Modification of a Special Exception) (Site Plan)

The Commission discussed the prepared resolution.

Chairman Dave Sauter noted that he would like to remove the reference to 11/17/20 meeting, as there was no public hearing held on that date.

MOTION BY Vice-Chairman John Kerwin to approve the following resolution:

It is hereby resolved that the following application is hereby APPROVED, subject to the conditions stated herein.

APPLICATION NO. Z-20-350 – 21-23 Nichols Road

TPB Contractors, LLC, Applicant
Modification of Special Exception

FINDINGS:

1. The Subject Property is located in the Industrial Zoning District.
2. On July 17, 2018, the Commission granted an Application for Special Exception and a site plan for a Contractor's Yard.
3. The Application for same requested as part of the Application permission to engage in rock crushing operations by use of a rock crushing machine, namely, a machine that reduces and renders larger rocks into smaller rocks through the application of mechanical force (hereinafter "rock crushing machine"). That portion of the Application was denied by the Commission at that time.
4. An appeal of that denial was taken to the Superior Court by the Applicant.
5. Subsequently, the Commission adopted amendments to the Zoning Regulations of the Town of Oxford concerning earth material processing, pursuant to which the proposed rock crushing activities would be permitted subject to certain conditions and requirements of the regulations.
6. Accordingly, the Applicant submitted this current application to modify the issued Special Exception, pursuant to Article 2, Section 2.14a, Article 9, Section 9.3.31 and Article 10, Section 10.7.2(6)
7. The record before the Commission does not demonstrate that a denial of the application is necessary to protect substantial public interests in health, safety or other matters, which the Commission may legally consider.
8. The Commission has conducted public hearings on the current application on October 20, 2020.
9. Based on the substantial evidence submitted into the record during the public hearing, the Commission hereby determines that the proposed modification to the special exception, together with the accompanying site plans, complies with the Zoning Regulations of the Town of Oxford, and it is appropriate to permit the proposed rock crushing activities pursuant to a special exception.
10. The commission also finds, and the record reveals, that the applicant, prior to the submission of this application, was engaged in certain rock crushing activities: to wit, at various times prior to the submission of this application, the applicant operated a rock crushing machine on his property without required prior approval by way of a special exception or other permit from the Oxford Planning and Zoning Commission.
11. The Commission hereby determines that the existing metal building on the site pre-dates the adoption of the aforementioned amendments to the Zoning Regulations concerning earth material processing, and as such, a new building or addition to the existing building is not required for the contractor yard.

DECISION:

The Commission does hereby approve this Application Z-20-350, and grants the requested modification to the Special Exception originally issued July 17, 2018, subject to the specific conditions stated herein. The Commission further grants the amendment to the Site Plan in accordance with the Site Plan entitled "Site Plan, 21 Nichols Road, Oxford, Connecticut, Prepared for T & C Partners, L.L.C.", dated May 28, 2020, revised to July 20, 2020, October 17, 2020, together with the accompanying submitted building drawings and schematics.

SPECIFIC CONDITIONS OF APPROVAL:

1. The rock crushing activities shall be conducted in strict compliance with the Statement of Use Addendum submitted together with the Application, and the conditions of this Decision.
2. Hours of operation shall be as stated in the Statement of Use Addendum.

3. The term "holiday" as used in the Statement of Use Addendum shall be the holidays observed by the State of Connecticut, as defined in General Statutes § 1-4, and as determined by the State of Connecticut for any given year.
4. As a specific condition of this approval, and considering the findings above, in order to ensure future compliance with this approval, the applicant agrees and consents that on January of each calendar year, the Owner of the Subject Property shall submit to the Zoning Enforcement Officer a letter granting consent to the Zoning Enforcement Officer to enter upon the Subject Property for the purpose of conducting an inspection of the Subject Property, to ensure compliance with the Statement of Use Addendum. Nothing in this approval shall restrict the authority of the Zoning Enforcement Officer from conducting his lawful duties pursuant to Connecticut General Statutes Sec. 8-12, with regard to any and all other activities on the subject property. Under this condition of approval, only the commission has the authority to waive this requirement contained herein.
5. All rock crushing activities on the Subject Property shall be conducted solely within the concrete block structure enclosing the rock crushing machine (hereinafter the "concrete block structure"), shown on the Site Plan), building drawings and schematics, and operated as shown thereon. Any rock-crushing machine, when being operated on the subject property, will be operated solely within the aforementioned concrete block structure.
6. Materials storage and stockpiles shall be within the areas shown on the Site Plan, and shall not obstruct drainage facilities or traffic circulation patterns as certified on the Site Plan.

STANDARD CONDITIONS OF APPROVAL:

This Approval is also subject to the following standard conditions of approval:

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. With regard to any modification or additions to the concrete structure on the property, no substitute material shall be used with regard to the concrete structure without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
3. The applicant and their assigns must comply with all representations made at Planning and Zoning Commission meetings or at public hearings regarding this application.
4. The applicant shall submit one complete copy of the set of plans which reflect these conditions of approval, with a copy of the conditions of approval attached.
5. The specific uses on this property shall be limited to those designated within the "Statement of Use" submitted by the applicant.
6. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any additional construction activities with regard to additions or modifications to the concrete block structure on the subject property.
7. 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.
8. It is the responsibility of the owner/applicant to ensure capability of communication with the Fire Department and EMS. If the requirement is not fulfilled, it is the responsibility of the owner/applicant to rectify the problem.
9. Site Plan approval expires if the work is not completed within five (5) years from the date of approval.

Dated this 15th day of December 2020

Planning and Zoning Commission of the Town of Oxford

Second by Commissioner Brett Olbrys.

All Ayes.

Motion passed unanimously.

Chairman Dave Sauter noted that the reference to 11/17/20 meeting removed from the motion, as there was no public hearing held on that date.

E. Old Business – Other Matters

F. New Business – Schedule a Public Hearing

G. New Business

1. **Z-20-357 [COMM] – 330 Center Rock Green (Unit 203) – Owner: Oxford Towne Center, LLC – Applicant: Mark Necio, P.O. Box 294, Roxbury, CT – “Driver Education Station” (Use Permit)**

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-20-357.

Second by Commissioner Dan Wall.

All Ayes.

Motion passed unanimously.

H. Zoning Enforcement

Steve Macary, ZEO explained that there was a very bright blinking sign in front of a church on Route 188. He stated that it is no longer blinking, but that the church would like to keep the sign there permanently. He also noted that he has been contacted by a member of the church to discuss the sign.

Commission Secretary Pat Cocchiarella questioned if the church applied for a sign permit.

Commissioners discussed that the church is located in a residential zone, and lighted signs, or signs with these dimensions are not permitted in the residential zone.

Steve Macary, ZEO discussed briefly, New England Septic, located at 110 Hawley Road. He stated that they are transferring sewage, and washing their trucks on site. He also noted that there is a fuel port on the property. He stated that they have outgrown their site and that they should apply for a Special Exception to address these issues.

Commissioners discussed this item and decided it should be tabled to a future meeting.

I. Minutes

1. **MOTION BY Commission Secretary Pat Cocchiarella** to table the 12/1/20 - Regular Meeting Minutes.
Second by Vice-Chairman John Kerwin.
All Ayes.
Motion passed unanimously.

J. Invoices

K. Other Business

- a. Approve 2021 Regular Meeting Schedule.

MOTION BY Commission Secretary Pat Cocchiarella to approve the 2021 Regular Meeting Schedule.
Second by Vice-Chairman John Kerwin.

All Ayes.

Motion passed unanimously.

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

- c. Riverview Subdivision – Request from Horbal & Judson

Commissioners discussed the request from the applicant to abandon the previous approval for Lots 5 & 6, and combine the lots into one lot, which would be "Lot 5". They discussed the access to the lot, and reduce the amount of material that would need to be excavated.

Chairman Dave Sauter stated that he would contact the applicant or his representative and discuss possible options available.

L. Adjournment

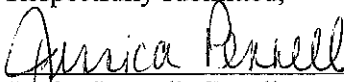
MOTION BY Vice-Chairman John Kerwin to adjourn the meeting at 8:29 PM.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

21 JAN -5 AM 9:54
RECEIVED
OFFICE OF THE
CLERK
PLANNING & ZONING COMMISSION