



**TOWN OF OXFORD**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

**Planning & Zoning Commission**

**Regular Meeting Minutes**  
**Tuesday, January 20, 2015**  
7:30 PM  
Oxford Town Hall  
Main Meeting Room

**CALL TO ORDER**

Acting Chairman Pat Cocchiarella called the meeting to order at 7:31 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** John Kerwin, Pete Zbras, Harold Cosgrove, Arnie Jensen and Pat Cocchiarella.

**Staff Present:** Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO and Town Planner, Brian Miller.

**Not Present:** Ed Rowland, Glen Persson, Jeff Luff, Tanya Carver and Todd Romagna.

**CHAIRMAN'S REPORT**

**SEATING OF ALTERNATES**

Acting Chairman Pat Cocchiarella seated Alternate John Kerwin and Alternate Pete Zbras.

**AUDIENCE OF CITIZENS** (Not for Pending Applications)

**AMENDMENTS TO AGENDA**

**CORRESPONDENCE**

Jessica Pennell, Administrative Secretary noted the following correspondence for the record and stated that it was on file in the P&Z Department.

- a.) CBA Education & Training For Planning & Zoning (Seminar)
- b.) CT Federation of Planning & Zoning Agencies Quarterly Newsletter
- c.) CFPZA – Save the Date for the Annual Conference

**OLD BUSINESS**

- 1.) **Z-14-135 [IND] – Hawley Road – Patriot Business Park – Owner & Applicant: 589 Investments, LLC c/o Mark Oczkowski** (Site Plan Modification/Earth Excavation – 3,250 cubic yards)

The following **MOTION** was made by **Commissioner Cosgrove**.

**WHEREAS**, The Oxford Planning & Zoning Commission has received Application **Z-14-135** of 589 Investments, LLC, Patriot Business Park, Hawley Road, which is an amendment to the approved application Z-13-013.

**WHEREAS**, The Oxford Planning & Zoning Commission considered the following maps prepared by Civil 1 Engineers, within their deliberations:

- Cover Sheet, dated January 5, 2015
- Sheet 1, Existing Conditions, last revised November 14, 2014
- Sheet 2, Grading Plan, Utility Plan, Erosion Control Plan, last revised January 5, 2015
- Sheet 3, Site Plan, Grading Plan, Erosion Control Plan, Phase 1, last revised January 5, 2015
- Sheet 4, Driveway Profiles, last revised October 1, 2014
- Sheet 5, Storm Drainage Profiles, last revised January 5, 2015
- Sheet 6, Storm Drainage Profiles & Cross Sections, last revised October 1, 2014
- Sheet 7, Details, last revised October 8, 2014
- Sheet 8, Details, last revised October 1, 2014
- Sheet 9, Erosion Control Narrative, last revised November 3, 2014

**WHEREAS**, The Oxford Planning & Zoning Commission considered the application Z-14-134, received December 1, 2014 submitted by X Real Property, LLC (Patriot Business Park).

**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.
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. The maximum height of the accessory building shall be twenty feet, in accordance with the Oxford Zoning Regulations.
10. Compliance with all requirements of approval of Application Z-13-013.

*The effective date of this approval is February 1, 2015.*

**Second by Alternate Commissioner Zbras.**

- 2.) **Z-14-125 [RESA] – Owner: Joe Rodriguez Applicant: Renovations Unlimited, LLC – Loyd Clark – 6 Blueberry Lane (Map: 2 Block: 38 Lot: 2-7)** (Special Exception for a detached Garage/Workshop – 2,000 sq. ft. Article 5, Sections 5.2.5 & 5.2.5.6)

**Commissioner Cosgrove** noted that he would like a condition of approval to be that the owner of the property register all motor vehicles with the Town of Oxford. He stated that the owner of the property has no vehicles registered in the Town.

**Town Planner, Brian Miller** stated that they could make that a condition of approval. He took time to write up the additional condition.

**Commissioner Cosgrove** began reading a Resolution to Approve into the record, and then stated that he had not been present for the Public Hearing.

At this point **Commissioner Cosgrove** and **Alternate Commissioner Kerwin** noted that they had not been present for the Public Hearing on Blueberry Lane.

**Town Planner, Brian Miller** stated that the item should be tabled.

The Commission decided to table this application until the next Regular Meeting.

**MOTION BY Commissioner Cosgrove** to *TABLE* this application until the next meeting.

**Second by Alternate Commissioner Zbras.**

**VOTE: All Ayes.**

- 3.) **Z-14-134 [IND] – Lot 15A Hawley Road – Owner & Applicant: X Real Property, LLC c/o Andreas Hierzer** (Site Plan Modification/Special Exception for Earth Excavation – 51,650 cubic yards)

**MOTION BY Commissioner Cosgrove** to *APPROVE* application **Z-14-134**;

**WHEREAS**, The Oxford Planning & Zoning Commission has received the Application Z-14-134 from X Real Property, LLC to amend the previous approval to remove 51,650 cubic yards of earth material from property known as Lot 15A Hawley Road.

**WHEREAS**, The Oxford Planning & Zoning Commission conducted a duly noticed Public Hearing on January 6, 2015 and considered all comments and documents submitted at the hearing;

**WHEREAS**, The Oxford Planning & Zoning Commission considered the following maps prepared by Civil 1 Engineers, within their deliberations:

- Cover Sheet, dated January 5, 2015
- Sheet 1, Existing Conditions, last revised November 14, 2014
- Sheet 2, Grading Plan, Utility Plan, Erosion Control Plan, last revised January 5, 2015
- Sheet 3, Site Plan, Grading Plan, Erosion Control Plan, Phase 1, last revised January 5, 2015
- Sheet 4, Driveway Profiles, last revised October 1, 2014
- Sheet 5, Storm Drainage Profiles, last revised January 5, 2015
- Sheet 6, Storm Drainage Profiles & Cross Sections, last revised October 1, 2014
- Sheet 7, Details, last revised October 8, 2014
- Sheet 8, Details, last revised October 1, 2014
- Sheet 9, Erosion Control Narrative, last revised November 3, 2014

**WHEREAS**, The Oxford Planning & Zoning Commission considered the Application **Z-14-134**, received 12/1/2014 and submitted by X Real Property, LLC.

**NOW THEREFORE**, the Commission hereby finds as follows:

1. The application constitutes the minimum degree of alteration of the natural contours of the land so as to allow the land to be used for a viable purpose.
2. The application conforms to all requirements of the Oxford Zoning Regulations, including the following sections:
  - a. Article 14, Section 4.3.13 as the re-grading of the land is the minimum necessary to permit the feasible use of the property.
  - b. Article 10, Section 10.3 in which the Commission finds:
    - 10.3.1 The proposed earth excavation/re-grading will not be detrimental to the health, safety welfare and property values in the neighborhood.
    - 10.3.2 The proposed earth excavation/regrading is adequate to carry potential traffic.

**BE IT RESOLVED**, that based upon the application and testimony, this application is **APPROVED**, subject to the following conditions:

1. Compliance with Oxford Zoning Regulations as of this date.
2. The applicant and their assigns must comply with all representations made at Planning & Zoning Commission Public Hearings and/or meetings regarding this application.
3. Compliance with all Town of Oxford Ordinances in effect as of this date.
4. No burying of stumps, debris or any other material. A report or receipt must be provided to the P&Z Department indicating proper stump removal.
5. Applicant shall contact the Zoning Enforcement Officer and P&Z Engineer to schedule a pre-construction meeting prior to any activity on site.

6. As per Article 3, Section 3.19.1 of the Oxford Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
7. A copy of monitoring records from each blasting event shall be placed on file with the Commission.
8. A copy of the insurance policy required by these regulations shall be placed on file with the Commission prior to the commencement of any work under this special permit.
9. A record of the amount of material leaving the site shall be kept by the applicant and a copy of these records shall be submitted to the P&Z Department monthly, by the 10<sup>th</sup> day of each month.
10. The applicant shall submit an as-built grading survey at completion or when requested by the ZEO or the Commission which shall indicate the amount of material removed, to be verified by the P&Z Engineer.
11. The applicant post surety with the Board of Selectmen in a form satisfactory to Town Counsel in an amount approved by the Commission to guarantee maintenance and repair, if needed, of the sedimentation and erosion control measures.
12. 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.
13. No fixed machinery shall be erected or maintained on the premises.
14. No activities in accordance with this special permit shall be conducted on the property except during the hours of 8:00 AM to 4:00 PM, Monday thru Friday, including all rock crushing activities.
15. A complete dust control plan for the site, access way, crusher and other equipment shall be submitted to and approved by the Zoning Enforcement Officer prior to the start of and throughout construction activity. There shall be proper provisions for the control of dust; this dust control plan shall be adhered to during the duration of excavation activities.
16. All blasting on site shall be conducted in conformance with all applicable standards, including a pre-blast survey, as required. A copy of each of these surveys shall be submitted to the P&Z Department.
17. There shall be no fuel storage on site.
18. All applicable prior conditions of approval for earth excavation at this site shall remain applicable unless altered by the above conditions.

**Second by Commissioner Jensen.**

**VOTE: All Ayes.**

**NEW BUSINESS**

**BOND RELEASES**

**ZONING ENFORCEMENT**

**Commission Secretary Cocchiarella** stated that if there are no objections, he would like to deal with Zoning Enforcement and Other Business together.

There were no objections from other Commission members.

1. Commission discussion with ZEO regarding various complaints and zoning violations.

**APPROVAL OF MINUTES**

**MOTION BY Commission Secretary Cocchiarella** to *TABLE* the following minutes:

- 1.) January 6, 2015 Public Hearing Minutes – 7:00 PM – Blueberry Lane
- 2.) January 6, 2015 Public Hearing Minutes – 7:00 PM – XAL
- 3.) January 6, 2015 Regular Meeting Minutes

**Second by Commissioner Cosgrove.**

**VOTE: All Ayes.**

**INVOICES**

**MOTION BY Commissioner Cosgrove** to *APPROVE FOR PAYMENT* the following invoices from Nafis & Young Engineers:

- 1.) Invoices from Nafis & Young:
  - a.) #383-14
  - b.) #384-14
  - c.) #385-14
  - d.) #386-14
  - e.) #387-14
  - f.) #388-14
  - g.) #389-14
  - h.) #389-14
  - i.) #394-14
- 2.) Invoice dated 1/2/15 from Micci & Korolyshun, P.C. – Garden Homes Appeal

**MOTION BY Commissioner Cosgrove** to *FORWARD* the Invoice dated 1/2/15 from Micci & Korolyshun, P.C. to the Board of Selectmen for payment.

**Second by Alternate Commissioner Zbras.**

**VOTE: All Ayes.**

**OTHER BUSINESS**

- 1.) Any other Business the Commission deems necessary for discussion.

**Steven S. Macary, ZEO** stated that he has a complaint on Towner Lane and questioned if the Commission wanted to discuss it.

**Acting Chairman Pat Cocchiarella** stated that **Chairman Carver** has requested it not be discussed without her presence.

**Commissioner Cosgrove** stated that he'd like a motion to open this up and disregard the recommendation by the Zoning Enforcement Officer not to discuss this at today's meeting. He requests that the Commission and Town Planner to come up with the verbiage that this building be torn down and removed from the property.

**Steven S. Macary, ZEO** stated that he does have to meet with Attorney Condon tomorrow to show him the file.

**Commissioner Cosgrove** stated that is fine, but he still wants his motion to be addressed and he accepts the fact that the ZEO asked him not to bring this up at the meeting and he is disregarding that recommendation.

**Second by Alternate Commissioner Zbras.**

**Town Planner, Brian Miller** stated that there are questions here and nothing is black and white and he requests that it be subject to the discussion the ZEO has with the Town Attorney and then he can be briefed. He stated that they need to move very carefully on this item. He stated that he suggests that they all work together on this and it might require further discussion with the Commission perhaps in Executive Session.

**Commissioner Cosgrove** respectfully withdrew his motion, but asked that Jessica Pennell, Administrative Secretary put it on the next agenda as a subject of discussion.

**Alternate Commissioner Zbras** withdrew his second.

**MOTION BY Commissioner Cosgrove** to place Towner Lane on the next agenda for discussion by the Commission.

**Second by Alternate Commissioner Zbras.**

**VOTE: All Ayes.**

**Steven S. Macary** asked if it was possible to have a Commission member there with him tomorrow when he meets with the Town Attorney.

**Commissioner Cosgrove** requested that Pete Zbras and Pat Cocchiarella attend the meeting with Kevin Condon.

**Town Planner, Brian Miller** stated that the discussion tonight should be kept to a minimum until this item is further investigated.

**Acting Chairman Pat Cocchiarella** stated that the Chairman may have had good reason for not wanting the Commission to discuss this in an open meeting. He stated that they should wait until the Zoning Enforcement Officer meets with the Town Attorney before discussing this any further.

**Alternate John Kerwin** stated that it is on the next meeting agenda.

**Steven S. Macary, ZEO** stated that he has handed out a lot of valid information to the Commission members regarding this item.

**Commissioner Cosgrove** questioned the Zoning Enforcement Officer about the property lines.

**Steven S. Macary, ZEO** stated that if the Commission wants to discuss the item, he will discuss the item.

**Acting Chairman Pat Cocchiarella** stated that they should not discuss it at this time.

**Steven S. Macary, ZEO** stated that he just wanted to show the Commission what zone it is in. He got up and spoke briefly regarding the property which was depicted on a map entitled “Oxford Zoning”.

**Acting Chairman Pat Cocchiarella** stated that they will know more tomorrow after the discussion with the Town Attorney.

**UPCOMING EVENTS/MEETINGS:**

1. *Public Hearing – February 3, 2015 @ 7:00 PM.*

**Z-14-129 [IND] – Fox Hollow Industrial Park – Lot #7 – Owner & Applicant: Earthworks Excavating, LLC c/o Mark Oczkowski Map: 25 Block: 18 Lot: 4-7A** (Application for Major Excavation – approximately 16,000 cubic yards) (Special Exception – Article 14, Section 14.3)

2. *Public Hearing – February 3, 2015 @ 7:05 PM.*

**Z-14-139 [OCD] – Applicant & Owner: Donna & Norman Cloutier – 451 Oxford Road** (Special Exception) (Site Plan Application for Retail Sales of Baked Goods)

**ADJOURNMENT**

**MOTION BY Commissioner Cosgrove to ADJOURN** the meeting at 8:25 PM.

**Second by Commissioner Jensen.**

**VOTE: All Ayes.**

Respectfully submitted,

  
Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

15 FEB -2 PM 2:26  
TOWN CLERK  
