



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

Planning & Zoning Commission

Regular Meeting Minutes

July 15, 2014

7:30 PM

Oxford Town Hall

Main Meeting Room

CALL TO ORDER:

Chairman Tanya Carver called the meeting to order at 7:34 PM.

PLEDGE OF ALLEGIANCE:

Chairman Tanya Carver led the Pledge of Allegiance.

ROLL CALL:

Present: Chairman Tanya Carver, Vice Chairman Jeff Luff, Secretary Pat Cocchiarella, Todd Romagna, Harold Cosgrove, Arnold Jensen, and Alternate Peter Zbras.

Staff Present: Jessica Pennell, Administrative Secretary, Anna Rycenga, Zoning Enforcement Official, and Brian Miller, AICP Town Planner

CHAIRMAN'S REPORT:

Chairman Tanya Carver stated that she did not have a report to present.

SEATING OF ALTERNATES:

Chairman Carver stated that Alternate Peter Zbras will be seated for Commissioner Glen Persson.

EXECUTIVE SESSION – LITIGATION:

1. Glendale at Oxford, LLC vs. Oxford Planning & Zoning Commission

MOTION made by **Pat Cocchiarella** and seconded by **Harold Cosgrove** to enter into **EXECUTIVE SESSION** to discuss pending litigation for Glendale at Oxford, LLC vs Oxford Planning & Zoning Commission at 7:35 pm.. **Vote: All Ayes.**

The following Commission Members entered into executive session:

Chairman Tanya Carver, Vice Chairman Jeff Luff, Secretary Pat Cocchiarella, Todd Romagna, Harold Cosgrove, Arnold Jensen, and Alternate Peter Zbras.

Chairman Carver called the meeting back to order at 7:49 pm.

AUDIENCE OF CITIZENS (Not for Pending Applications):

Chairman Carver asked for Audience of Citizens. None.

AMENDMENTS TO AGENDA:

Chairman Carver asked for Amendments to Agenda (if any). None.

OLD BUSINESS:

Chairman Carver stated there is no old business.

NEW BUSINESS:

- 1.) **Z-14-056 [IND] –119 Hawley Road – Lots 12R, 15, 15A Hawley Road – Map: 18 Block: 30 Lots: 12R, 15, 15A – Owner & Applicant: 589 Investments, LLC c/o Mark Oczkowski** (Site Plan Approval for Modification – adding 840 linear feet of additional road).
- Z-14-057 [IND] – 119 Hawley Road – Lots 12R, 15, 15A Hawley Road – Map: 18 Block: 30 Lots: 12R, 15, 15A – Owner & Applicant: 589 Investments, LLC c/o Mark Oczkowski** (Lot Line Revision).
- Z-14-058 [IND] –Patriot Business Park – Lot 15A Hawley Road – Map: 18 Block: 30 Lot: 15A – Owner & Applicant: X Real Property, LLC c/o Mr. Andreas Hierzer** (Site Plan Approval for Industrial Building – 99,000 sq. ft.) (Special Exception – Article 14, Section 14.3)

Chairman Carver asked the Commission Members if they had questions or comments.

Anna Rycenga, ZEO stated that the draft resolution of approval states subdivision however it is not a Subdivision as two are site plans and the other is a lot line revision application.

Chairman Carver asked the Commission Members if they had questions or comments. None stated.

MOTION made by Secretary Cocchiarella to **APPROVE** applications:

WHEREAS, the Oxford Planning & Zoning Commission has received applications

Z-14-056 [IND] –119 Hawley Road – Lots 12R, 15, 15A Hawley Road – Map: 18 Block: 30 Lots: 12R, 15, 15A – Owner & Applicant: 589 Investments, LLC c/o Mark Oczkowski (Site Plan Approval for Modification – adding 840 linear feet of additional road).

Z-14-057 [IND] – 119 Hawley Road – Lots 12R, 15, 15A Hawley Road – Map: 18 Block: 30 Lots: 12R, 15, 15A – Owner & Applicant: 589 Investments, LLC c/o Mark Oczkowski (Lot Line Revision).

Z-14-058 [IND] –Patriot Business Park – Lot 15A Hawley Road – Map: 18 Block: 30 Lot: 15A – Owner & Applicant: X Real Property, LLC c/o Mr. Andreas Hierzer (Site Plan Approval for Industrial Building – 99,000 sq. ft.) (Special Exception – Article 14, Section 14.3).

WHEREAS, the Public Hearing for these applications was legally noticed in conformance with Connecticut General Statutes and Zoning Regulations of the Town of Oxford;

WHEREAS, the Oxford Planning & Zoning Commission has considered the testimony presented at the Public Hearing held on July 1, 2014;

WHEREAS, information on these applications were submitted along with supporting information on file in the Planning & Zoning Office of the Town of Oxford;

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

- Cover Sheet drawn by Civil 1, Patriot Business Park, Hawley Road, last revised June 27, 2014
- Sheet 1 – Existing Conditions
- Sheet 2 – Site Plan
- Sheet 3 – Site Plan, Grading Plan, Erosion Control Plan
- Sheet 4 – Site Plan, Grading Plan, Erosion Control Plan
- Sheet 5 – Site Plan, Grading Plan, Erosion Control Plan
- Sheet 6 – Patriot Way – Road Plan and Profile
- Sheet 7 – Driveway Profile – Access Drive to Basin D
- Sheet 8 – Storm Drainage Profiles & Cross Sections
- Sheet 9 – Details
- Sheet 10 – Details
- Sheet 11 – Sanitary Sewer Details
- Sheet 12 – Erosion Control Narrative

- Cover Sheet drawn by Civil 1, XAL, Inc. Patriot Business Park, Hawley Road & Christian Street, last revised June 27, 2014
- Sheet 1 – Existing Conditions
- Sheet 2 – Site Plan, Grading Plan, Utility Plan, Erosion Control Plan
- Sheet 3 – Site Plan, Grading Plan, Erosion Control Plan Phase 1
- Sheet 4 – Driveway Profiles
- Sheet 5 – Storm Drainage Profiles
- Sheet 6 – Storm Drainage Profiles & Cross Sections
- Sheet 7 – Storm Drainage Profiles & Cross Sections
- Sheet 8 – Details
- Sheet 9 – Details
- Sheet 10 – Details
- Sheet 11 – Erosion Control Narrative

- Lot Line Revision Map drawn by Michael J. Riordan, LLS for 589 Investments, LLC Hawley Road & Christian Street dated June 26, 2012 last revised June 30, 2014

Subject to the following conditions:

1. Compliance with the Oxford Zoning Regulations as of this date.
2. Last revised final plans and the Mylar showing all necessary changes must be approved by the Planning & Zoning Engineer.

3. A 1" to 200' Mylar of the modified map must be presented to the Town Assessor which shows the acreage of each lot.
4. The applicant and their assigns must comply with all representations made at Planning & Zoning Commission meetings or at Public Hearings regarding these applications.
5. If improvements have not been completed, the site plan expires after five years from the date of filing the record map.
6. In accordance with Article 3, Section 3.19.1 of the Oxford Zoning 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 inspections and final acceptance of any improvements.
7. Compliance with the Town of Oxford Ordinances in effect as of this date.
8. Payment of security in an amount approved by the Planning & Zoning Engineer in a form approved by Town Counsel.
9. Letter from a licensed land surveyor stating that all pins and monuments have been set as indicated on maps.
10. No substitute material shall be used without approval of the Planning & Zoning Commission and the Planning & Zoning Engineer.
11. No burying of stumps or other debris or any other material, a report or receipt must be provided to the ZEO indicating proper stump removal.
12. Applicant shall contact the ZEO and Planning & Zoning Engineer to schedule a pre-construction meeting prior to an activity on site.
13. Seven copies of the revised plans, 3 sets of 24" by 36" and 3 sets of 11" x 17", as amended in accordance with this motion shall be presented for review by the Town Attorney, ZEO, Planning & Zoning Engineer and Town Planner and any others required by the Planning & Zoning Commission, to the Planning & Zoning Office.
14. 12" square lot signs with eight inch numbers depicting lots must be visible from the road.
15. Mylar to be submitted to the P&Z Staff and/or P&Z Engineer for their review prior to formal vote and acceptance by the Planning & Zoning Commission.
16. An electronic format of the maps/plans to be presented to the Planning & Zoning Commission.
17. The applicant must show proof that any and all legal documents which pertain to these applications (i.e., conservation easements, slope easements, rights of way, etc.) are filed on the Oxford Land Records prior to approval and release of the Mylar. A note should be placed on the Mylar referring to the Volume and Page number.
18. Compliance with all the Planning & Zoning Engineer's reports.
19. Prior to installation, lighting must be approved by the ZEO and it must be IDA Dark Sky Compliant.
20. Landscaping plan and architectural renderings must be as presented on the site plan. Any variations must be approved by the Planning & Zoning Commission.
21. Compliance with the Fire Chief's approvals.
22. Vehicle directional signs stating entrance and exit are to be clearly marked and with no advertisement.

Second by Commissioner Cosgrove. Vote: All Ayes.

2.) **Z-14-075 [COMM] – Applicant & Owner: Oxford Towne Center, LLC – Project: Oxford Town Center** (Site Plan Application – Phase 1)

Parcels included in application:

- a. 278 Oxford Road –Map: 34 Block: 9 Lot: 31A & 31B

- b. 300 Oxford Road –Map: 34 Block: 9 Lot: 26
- c. 3 Echo Valley Road – Map: 34 Block: 9 Lot: EV6
- d. 274 Oxford Road – Map: 34 Block: 9 Lot: 25 (Owner: 274 Oxford Road, LLC)
- e. Portion of 268 Oxford Road – Map: 34 Block: 9 Lot: EV4A (Owner: Barbara Scianna)

Chairman Carver asked if there was any correspondence relating to this application.

Jessica Pennell, Administrative Secretary noted the correspondence in the file as follows:

- 1. Application.
- 2. Stormwater Management Report dated June 2014 last revised July 2014.
- 3. Site Plans dated March 3, 2014, June 10, 2014 all revised to July 14, 2014.

Anna Rycenga, Zoning Enforcement Official noted that the application is complete and the fees have been paid.

Chairman Carver asked the applicant to proceed with the presentation.

Attorney Dominick Thomas of Cohen & Thomas Law Firm, Derby CT introduced himself and thanked the commission for allowing them to make presentation on the site plan for Phase 1. He stated that the proposed project for phase 1 includes the main anchor store (grocery store), bank, main boulevard, etc. He noted that the site plan is currently before the Inland Wetlands Commission with a public hearing scheduled. He raised a concern with the issue of timing and noted that it is not prohibited, for a project of this size for a commission to permit the applicant to commence certain site work during the pendency of it. He suggested that you may do so by placing an appropriate bond and upon compliance with Inland Wetlands. He stated that the concern is the construction of the large retaining walls that will form the surcharge for the pad for the anchor store building. He noted that that the engineer will present that to the Commission this evening for consideration for approval administratively and will follow up with that once the Inland Wetlands Commission has approved the application.

Kyle Borgardus, Professional Engineer of Langan Engineering & Environmental Services introduced himself and stated that this application is for a site plan for Phase 1 along with the architectural renderings that demonstrate the elevations. The site plan for Phase 1 along Route 67 will include the landscape features and the proposed sidewalk along the whole frontage along Route 67. The secondary entrances are dictated by Phase 2 however we are proposing 3 entrances along Route 67 subject to the approval of the Office of State Traffic Administration.

Brian Miller, AICP asked if the Phase 1 plan is consistent with the conceptual plan.

Kyle Borgadus, P.E., stated yes.

Anna Rycenga, ZEO stated the Bank was not included in the Conceptual Design for Phase 1.

Kyle Borgadus, P.E. stated yes that is correct however it was noted during the Conceptual Design hearings that the phases may overlap but only the component is changed for Phase 1. He stated that the Bank pad is included in Phase 1 Site Plan application. He presented a cross section of the boulevard. He stated that the main boulevard will consist of granite curbing, landscapes, concrete pavers and rock features that were incorporated into the center island are very attractive and inviting if you are walking or driving. The anchor store (Price Chopper), retail stores A-C are part of Phase 1 – Site Plan. He

stated that Grocery Store will consist of 54,275 sf, Retail A store is 11,000 sf, Retail B Store is 10,000 sf, and Retail C Store is 7,200 sf. He stated that the proposed retail stores represent what the market is asking for however there may be some modifications to the size once the tenant is chosen. He noted that they will have to come back to the Commission for approval for the use and the modifications if necessary. He explained the need to get started on the rockery wall and referenced Sheet CG201 with the Rockery Wall Plan and Profile and the walking trail along Echo Valley Road which will be part of Phase 1.

Commissioner Cosgrove suggested having the ability to walk between the parking spaces and feels it's a safety concern.

Kyle Borgadus, P.E. stated that we found that many of the plazas we are involved in especially with a grocer retail with carts in practicality however when it relates to functionality, it doesn't work as well. He explained that cars will park over the walkway but if you put in curbing or wheel stops but it becomes an issue with trip hazards, maintenance and an issue when plowing. Also, customers will load to the rear of their car and this would be an obstruction. He said in his professional experience this concern does come up in projects similar to this but we steer away from that specific layout.

Brian Miller, AICP stated that there are many commercial developments with walkways that go through the parking lots and we are trying to emphasize and encourage pedestrian orientation and circulation. He stated that he has not reviewed the plans to date.

Commissioner Cocchiarella stated that on Sheet CS101 labeled Site Plan A it does note that there are cart corrals proposed.

Commissioner Luff asked if there are any developments of this size in nature that have the walkways through the parking lots.

Brian Miller, AICP stated that Stop & Shop in Cheshire, CT and Walmart in Wallingford, CT. He noted that he would provide some details by researching that information for the commission.

Commissioner Cosgrove stated that Target in Ansonia is an example.

Commissioner Luff stated that he does not find it practical and agrees with the applicant. He stated the customers will just place the carts in walkway.

Steve Duffy, Vice President of Price Chopper introduced himself and stated for practicality purposes it doesn't work. He stated that customers will place their carts on the ramp and the abandon them. Also, customers will not back their car into the parking space just to utilize the pedestrian walkway. It doesn't work or function.

Commissioner Cosgrove stated it will be level.

Steve Duffy stated that as Kyle Borgadus indicated the cars will park over the walkway and will create a bumper overhang. Then it's suggested to introduce a wheel stop but that presents all kinds of liability issues as people will trip over them. He stated that there is litigation everywhere regarding this. He stated that the other negative impact is that we will diminish the number of parking spots. It was noted that the company survive providing a clear easy accessible and generous parking lot. He stated that we would like to be able to provide convenient places to park for our customers. He stated that in his professional opinion and his career he has done over several hundred buildings similar to this in 30 years. He noted that it's a great concept but they are not functional.

Commissioner Cosgrove inquired if Handicap Parking spaces are proposed.

Steve Duffy stated yes. He stated that Price Chopper provides a service to bring the groceries to the car and is an amenity. He noted that that is across the chains and all the states and is their protocol.

Kyle Borgadus, P.E. asked the Commission if they had any questions regarding the proposed delineation of the site plan for Phase 1.

Brian Miller, AICP asked if a bypass line is proposed.

Kyle Borgadus, P.E. stated no a bypass is not proposed.

Commissioner Cosgrove asked Kyle Borgadus to elaborate in the areas of the drive-up pharmacy and recycling areas.

Kyle Borgadus, P.E. discussed the parking and recycling areas.

Brian Miller, AICP asked how many cars will be piled up for the drive through pharmacy.

Kyle Borgadus, P.E. stated there is room for a 4 cars stacking in that area. He noted that you will not get deep cueing like a Dunkin Donuts.

Brian Miller, AICP asked about the reverse vending parking spaces.

Kyle Borgadus, P.E. stated that is for the recycling center.

Commissioner Cosgrove asked what the hours of operation are for the grocery store and if there will be permanent lighting on the flag pole.

Kyle Borgadus, P.E. stated yes and it will be lit for 24 hours as that is proper protocol.

Steve Duffy stated the hours of operation for the grocery store will be 24 hours a day and 7 days a week.

Chairman Carver asked if Phase 1 will consist of less disturbance along Echo Valley Road area.

Kyle Borgadus, P.E. stated that due to the topography that they are trying to create minimal amount of disturbance on site however the site is disturbed. He stated that they will have to stabilize the site and adhere to the proposed planting/landscaping plan.

Brian Miller, AICP stated his concern is the unloading of the trucks related to operations.

Kyle Borgadus, P.E. discussed the loading and uploading operations and landscaping screening. He stated that the 2 tier retaining walls break up the mass of the rockery walls.

Chairman Carver stated that it is important to note that people are going to utilize the walkways and may skateboard.

Kyle Borgadus, P.E. presented the elevation of the retaining walls.

Brian Miller, AICP requested the elevation rendering be part of the record.

Anna Rycenga, ZEO asked Kyle if he could elaborate more on the rockery wall and the height of the retaining walls and to make the clear for the record that the parcels have not merged to date.

Attorney Dominick Thomas stated that the zone can be laid over multiple parcels and Phase 1 consists of all parcels except 274 Oxford Road, LLC. The only piece that is not owned by some entity related to Oxford Towne Center, LLC is piece labeled Scianna. He stated that the contractual agreement that we have with Scianna is subject to approval of the Concept Plan (approved) and Phase 1 – Site Plan approval. He stated a Mylar of the entire parcel and zone boundary will be created and filed. The Oxford Yard & Masonry Supply will quit claim its interest in the property (3 Echo Valley Road & 274 Oxford Road) to Oxford Towne Center, LLC.

Anna Rycenga, ZEO stated that the just so the record is clear the overlay zone is already approved however, the Mylar will not be filed in the Oxford Land Records until Phase 1 – Site Plan is approved.

Attorney Dominick Thomas stated yes but the Mylar recording is also driven by their anticipated financing. He noted that once the map is recorded it will become one parcel.

Anna Rycenga, ZEO suggested a condition of approval to merge the lots of this Phase 1 – Site Plan.

Brian Miller, AICP agreed but also suggested an establishments of cross easements.

Attorney Dominick Thomas stated yes.

Commissioner Luff asked what time frame to complete Phase 1 – Site Plan.

Kyle Borgadus, P.E. stated approximately 12 months.

Kyle Borgadus, P.E. stated that the wall will be a rockery wall that is an engineered design by their firm.

Anna Rycenga, ZEO suggested as a condition of approval that a structural engineer provide a letter to certify it is structurally sound. The Commission Members agreed.

Kyle Borgadus, P.E. stated that they can provide that to the Commission and the height of the walls are between 10-12 feet but changes with the elevations.

Commissioner Cosgrove stated that the height of the wall requires a special exception.

Anna Rycenga, ZEO stated per the Oxford Zoning Regulations, Article 3 General Regulations, Section 3.25 Fences & Walls it states:

The yard and setback requirements of these regulations shall not be deemed to prohibit any necessary retaining wall nor prohibit any fence or wall, provided that in a residential district, no wall or fence shall exceed six feet in height, measures above the grade at the foot of the fence or wall, except that no fence erected within front yard setback shall exceed four feet in height in any residential district. For building constructed within the Residential Golf Community District, Commercial, Planned Commercial, Industrial, Planned Development and Corporate Business District, the Commission, at its discretion, may permit the construction of a retaining wall greater than six feet in height, if it determines the proposed wall shall:

1. *Not detract from the safety of the public*

2. *Not be detrimental to the aesthetic qualities of the proposed project and the Town in general*
3. *Is necessary to grade the property in compliance with the intent of these Regulations.*

The Commission may require the installation of fences for walls greater than six feet in height, if it determines that it is needed for the protection of public safety. In this determination, the Commission may require that the wall be constructed in accordance with the specifications and plans of a licensed structural engineer, the installation of fencing at the top of the wall, or any other such measures that it determines is necessary to protect public safety.

Chairman Carver noted that the town engineer will review the proposed rockery wall along with the ZEO for an administrative approval. The Commission agreed.

Kyle Borgadus, P.E. stated these rockery walls are similar to the walls at Meadow Brook Estates Community. He stated that they will install fencing as the building code also requires it. He stated that the fencing will be transparent.

Commissioner Cosgrove asked about sewer and water and said there doesn't appear to be enough loading docks proposed.

Kyle Borgadus, P.E. stated that the loading docks proposed are sufficient.

Steven Duffy, Vice President of Price Chopper agreed.

Kyle Borgadus, P.E. stated that sewer and water ends at West Street at Tommy K's Plaza and Rolando's.

Kyle Borgadus, P.E. presented a cross section for the proposed boulevard that will consist of a grand entrance to the center with granite curbing on the edges and islands. He stated that the landscaping features in the middle will consist of a continuous band of sculptured rocks. Sidewalks are also proposed along the boulevard with concrete pavers.

Anna Rycenga, ZEO asked if there were any traffic calming devices proposed such as speed bumps.

Kyle Borgadus, P.E. stated no.

Pat Cocchiarella suggested sufficient additional landscape screening along the smaller parking lot areas.

Kyle Borgadus, P.E. stated that is noted.

Brian Miller, AICP stated that is an excellent point.

Todd Romagna asked if there was any type of way to ensure the carts are restricted to the parking areas.

Steven Duffy, Vice President of Price Chopper stated that are techniques to place on the carts to protect them from remote areas but they are more problematic. He stated that those types of techniques are typically in urban areas to prevent them from getting stolen or end up in the remote areas. He noted that they bus the carts regularly and ensure they are maintained. He feels they are more problematic.

Pat Cocchiarella stated that newly constructed T.J. Maxx in Waterbury has the “Cart-tronics” and the issue is that all the carts get stacked up in one location because they can’t surpass a certain point. He doesn’t think it’s appropriate for this project.

Jeff Luff stated that the barrier is Route 67 due to the size of the site as t’s isolated.

Tom Haynes, Haynes Development stated during the design development stages we placed the cart corrals closer to the anchor store and Price Chopper will manage the store, carts, trash, etc.

Attorney Dominick Thomas of Cohen & Thomas Law Firm stated that Price Chopper will maintain the carts.

Kyle Borgadus, P.E. stated that although the project is intended to be developed in phases as outlines in the application materials, the report has been prepared to address the stormwater management for the entire build out of the project as well as the interim conditions. He noted that it has been designed in accordance with the Zoning Regulations, 2004 CT Stormwater Quality Manual, and the 2000 CT DOT Drainage Manual. He stated that hydrologically, the site is located within the Little River drainage basin, a tributary to the Naugatuck River watershed. He stated that the proposed system incorporates significant stormwater quality measures and maintains or decreases the rate of runoff for all storm events analyzed.

Harold Cosgrove asked about parking within Phase 2.

Chairman Tanya Carver stated that Phase 2 is not part of this application.

Anna Rycenga, ZEO noted that the Parking Management Plan was submitted with the Conceptual Plan but however it was not specific and detailed. She requested a detailed Parking Management Plan be submitted with this application.

Kyle Borgadus, P.E. stated he will submit the plan as requested.

Jeff Luff asked if the walkways will consist of lighting. He stated that it’s important to ensure that it is lit from a safety prospective. The Commission Members agreed to ensure the final plan reflects the walkways are properly lit.

Chairman Carver stated for the record the Commission will approve the proposed rockery wall.

Anna Rycenga, ZEO that the town engineer will review the proposed rockery wall along with the ZEO for an administrative approval.

Attorney Dominick Thomas requested that the administrative approval for the rockery wall by the town engineer and the ZEO await for the Inland Wetlands approval

The Commission Members agreed.

Chairman Tanya Carver requested a 10 minute recess at 9:15 pm.

Chairman Tanya Carver called the Regular Meeting **Back to Order** at 9:25 pm.

Tony Amenta of Amenta Architects introduced himself and discussed the architectural renderings for Retail Store A-C and the bank.

Brian Miller, AICP asked if the proposed renderings included a tool kit with written descriptions of all the materials proposed for each building.

Tony Amenta of Amenta Architects stated that all the materials are listed for review and are exhibits for the record.

Tony Amenta of Amenta Architects stated the lead grocer has their proposed architectural designs and prototype. Therefore, we had to mix the architectural design with their proposed design. He recommended that the architectural design for retail stores A-C and the bank be approved by staff.

Anna Rycenga, ZEO stated that she disagreed with proposed administrative approval for the architectural design for the retail stores A-C and the bank as that purview falls within the jurisdiction of the Commission. She also noted that each building permit, use, signage, architectural design, etc. will have to come back before the Commission. She suggested that if Phase 1 is approved that that be a condition of approval.

Brian Miller, AICP stated he would like to discuss the signage.

Attorney Dominick Thomas stated at the next meeting we will provide a more detailed plan with sizes and location etc.

Brian Miller, AICP stated that it's important to realize that there are no sign regulations and no set standards in this zone. He requested that the standards be submitted as part of Phase 1.

Anna Rycenga, ZEO stated that at the preapplication meetings the preliminary plans reflected project columns with stone work and found that to be very attractive on Retail Stores A-C. The Commission Members agreed.

Tony Amenta of Amenta Architects discussed the architectural renderings for the bank. He noted that there is a tenant however they will come back for the architectural details.

Pat Cocchiarella stated that he finds the anchor store to be attractive with all the earth tone colors but is concerned with the architectural renderings for OTC Bank. He finds the preliminary renderings for the bank to be stark with the white color and contrasts with the proposed anchor store.

Tony Amenta stated that the anchor store renderings are very specific but as tenants are secured they will come in with the plans.

Attorney Dominick Thomas stated that during the conceptual plan submittal there were various generic factors and standards that were submitted however they are working with a sign consultant currently and will have that for the next meeting.

Anna Rycenga, ZEO noted that under Article 6 Village Center Mixed Use District, Section 6.4.4 it states:

Signage shall be consisted with an overall theme approved by the Commission, based upon the size of the proposed development, type of uses proposed, layout of the proposed structures, visibility from Route 67, in a manner consistent with the intent of this regulation. The signage as approved by the Commission shall be incorporated within the approved conceptual plan.

Brian Miller, AICP stated that was a condition of approval of the concept design plan.

Brian Miller, AICP requested clarification to the applicant is to truck the grocer independently of the attached building.

Tom Haynes stated that he is working with the tenants for Retail Stores A-C. He stressed that once the tenants are secured they will be back before the Commission for approval. The grocer is expected to be open by July 2015 therefore our time frame is tight. He stated

Harold Cosgrove asked who will be the owners of the building for Price Chopper.

Tom Haynes stated Haynes will be the owner for everything and are negotiating the leases.

Chairman Tanya Carver asked if there are any other questions.

Harold Cosgrove asked about the architectural renderings for Price Chopper.

Steven Duffy, Vice President of Price Chopper introduced himself and stated that we can't disclose our name or brand yet and presented the elevations of the proposed store. He stated that the front elevation will not change with the ground stone found on site at the base, Prodema wood along the entire front of the store, and vertical wood slabs of the pharmacy. The side will consist of stucco and clapboard below it. He discussed the entries to the store, Starbucks, bottle return and the pharmacy. He noted that the store will be a 24 hour grocer facility and the pharmacy will have a drive through. He noted that the pharmacy will have no more than a one care in cue at the drive through and the duration is a few minutes. He noted that they have 5 operational pharmacies right now and that's the cue time.

Steven Duffy discussed the proposed signage on the buildings. He thanked the Commission.

Pat Cocchiarella asked about the pond adjacent to the pharmacy.

Kyle Borgadus, P.E. stated that it is a stormwater quality structure.

Anna Rycenga, ZEO noted for the record that the proposed bank was not part of the Conceptual Plan for Phase 1. However, it was noted at the Conceptual Plan meetings that some phases may overlap. The Commission Members agreed.

Anna Rycenga, ZEO asked about the detailed proposed signage on Route 67. It was noted that a detailed plans would be submitted at the next meeting.

Attorney Dominick Thomas stated that the exhibits will remain with the file for the next meeting and requested to have the expert report prior to the meeting for review. He stated that if the Commission has questions please funnel the questions through staff so we can address at the next meeting. He thanked the Commission.

Chairman Tanya Carver asked the Commission if they had any other questions, comments or concerns. None stated.

Chairman Tanya Carver requested a 15 minute recess at 10:00 pm.

Chairman Tanya Carver called the Regular Meeting **Back to Order** at 10:15 pm.

BOND RELEASES:

- 1.) **Oxford Greens – Pulte Homes Phase III – Surety Bond # 8195-39-38 – Performance Bond**
(Request for Bond Release) *TABLED (Referred to Town Engineer)*

Tabled.

- 2.) **Oxford Greens – Pulte Homes Phase II & III – Letter of Credit # DBS – 18769 – Soil & Erosion Bond** (Request for Bond Release) *TABLED (Referred to Town Engineer)*

Tabled.

- 3.) **Z-11-057 [IND] C.E.D. Services, Inc – 3 Fox Hollow Road**
(Requests for Bond Release) *TABLED (Referred to ZEO)*

Tabled.

- 4.) **Lakeside Estates – The DSA Companies – Maintenance Bond # 98-1388** (Request for Bond Release) *TABLED (Referred to Town Engineer)*

Tabled.

ZONING ENFORCEMENT:

The ZEO presented the following to the Commission:

- a. Letter dated July 8, 2014 from Anna Rycenga, ZEO to Jocelyn Turcott – 156 Park Road
- b. Z-14-076 – 297 Oxford Road (Post Office Relocation)

Anna Rycenga, ZEO noted that she issued an administrative approval through the Chairman for the post office's use permit located at 297 Oxford Road. She presented the application and use permit for review. The Commission Members agreed with the approval and had no issues.

- c. April 2014 Monthly Activity Report
- d. May 2014 Monthly Activity Report
- e. Letter dated June 23, 2014 from John DiBiaso & Letter dated June 25, 2014 regarding Meadowbrook Estates. (16 signatures from MBE residents).

Anna Rycenga, ZEO stated that several commission members walked the site and the areas of concern and she would like to go through item by item on each letter.

Letter dated June 23, 2014 from John DiBiaso of 1009 White Birch Lane, Oxford, CT in summary:

1. Residential Driveway at 1009 White Birch Lane not paved.

White Birch Lane is scheduled to be paved and the residential driveway at 1009 White Birch Lane. Anna Rycenga, ZEO also noted a French drain was also added to catch stormwater runoff.

2. Width of White Birch Lane.

The Commission felt the 20 feet width of White Birch Lane was adequate which includes the 52 feet turn around radius per Scott Pelletier, Fire Marshal.

3. Additional residential dwellings (3) 1 single and 2 attached would be built on a severe slope.

The Commission Members visited the site and determined they can't take action at this time as we do not have a pending application. Once a pending application is received they will send it to the town engineer for review and consideration.

Letter dated June 25, 2014 from residents at Meadow Brook Estates, John DiBiaso of 1009 White Birch Lane, Oxford, CT in summary:

1. Additional residential dwellings (3), 1 single and 2 attached would be a safety hazard on a shared driveway.

Again, the Commission Members visited the site and determined they can't take action at this time as we do not have a pending application. Once a pending application is received they will send it to the town engineer for review and consideration.

Pat Cocchiarella stated that upon his site visit he spoke with a resident, Susan Arpin and she stressed concern over her lawn, woodchips and the overgrown vegetation on the slopes at White Birch Lane. He felt these were all HOA issues.

Anna Rycenga, ZEO stated that we do not want to remove any vegetation on site as they will destabilize the slope.

2. One driveway at White Birch Lane has not been fully paved.

White Birch Lane is scheduled to be paved and the residential driveway at 1009 White Birch Lane.

3. Traffic with heavy equipment going up and down Meadowbrook Road (owned by the HOA) which has caused cracks, tread marks, oil spills, and uneven pavement.

Anna Rycenga, ZEO suggested that a video tape be taken of the current road conditions for documentation of Meadowbrook Road. She stated this was the case with Oxford Greens residents as they had the same concern for their roads.

The Commission Members agreed.

***The tape did not record from this point forward.**

4. 2nd Great Hill Road entrance to accommodate the new construction for the next active construction phase.

Anna Rycenga, ZEO noted that they do have 2 points of egress and ingress. One is in Oxford and the other is in Seymour however this is within the Commission's purview.

The Commission Members agreed it was not necessary to construct the 2nd entrance in Oxford.

5. Construction area debris on site and large dirt piles are not properly capped.

Anna Rycenga, ZEO noted that the construction debris has been removed and the stockpiles can remain on site. According to the 2002 E&S Guidelines, if they are not disturbed for 30 days then they have to temporarily stabilize the stockpiles.

The Commission Members did not see an issue with the stockpiles or observe any construction debris on site that was unsightly or unorderedly.

6. The positions of some driveways in the new section are difficult to enter and exit.

Chairman Tanya Carver stated that she drove on several of the driveways in the new section and found the driveways to be extremely tight with the turning radius but did not see any issues. The Commission Members agreed.

7. One exit going in and out of Meadowbrook Road and concerned for residents to evacuate in case of emergency.

The Commission Members noted there are 2 points of egress and ingress to the community.

8. When Haynes starts the Quarry project can they be assured the last section of Meadowbrook Estates will be finished and continue Meadowbrook Road through to Great Hill Road?

The Commission Members noted that there is no guarantee as the statutory time frames provide sufficient time to complete the project or not as site plans expire.

9. Wetlands issues need to be addressed where the bridge is.

The Commission noted that is not within their purview and to contact the Inland Wetlands Department. The Commission Members agreed.

Chairman Tanya Carver requested a letter and copy of the minutes are sent to the Home Owner's Association for Meadowbrook Estates and John DiBiao.

CORRESPONDENCE:

- a.) Notice of Non-Extension of Letter of Credit for Pulte Group Inc.

Tabled.

- b.) Letter dated July 1, 2014 from Susan Kopec Jutcawitz – Request for remaining Maintenance Bond (*Refer to Town Engineer*).

Tabled.

- c.) Letter dated July 3, 2014 from Arnold M. Karp of First Oxford House, LLC
Re: Request for Bond Release (*Refer to ZEO*).

Anna Rycenga, ZEO stated that the bond release for the asphalt parking spaces as a partial Zoning Certificate of Compliance was issued.

- d.) Letter from Brennan's Shebeen to Tanya Carver, Chairman.

Anna Rycenga, ZEO stated that Brennan's Shebeen is seeking to have outdoor live acoustic music from 3-7 pm on Sundays and would like to modify their use permit. She noted that she would have to verify the State of CT Liquor License to verify live music and consult with the Fire Marshal to ensure there are no safety concerns.

Anna Rycenga, ZEO stated that she notified the owners of Brennan's Shebeen that they have to gate off the patio area. She stated that the Fire Marshall signed off on the Certificate of Occupancy and should not have. However, they have made arrangements to gate off the patio. Also, parking on the weekends have been a concern.

Pat Cocchiarella stated that if you pull out of Governors Hill Road onto Route 67 the customers for Brennan's Shebeen are parking on the grass along Route 67 and it's blocking a site line.

Anna Rycenga, ZEO stated that the parking area was preexisting to the regulation change requirements for parking based on the building and use.

Tabled.

ACCEPTANCE OF MINUTES:

1. May 13, 2014 Public Hearing Minutes – The Hurley Group

MOTION made **Harold Cosgrove** and seconded by **Jeff Luff** to **APPROVE** May 13, 2014 Public Hearing Minutes – The Hurley Group. **Vote: All Ayes.**

2. May 27, 2014 Public Hearing Minutes – Oxford Town Center

MOTION made **Harold Cosgrove** and seconded by **Jeff Luff** to **APPROVE** May 27, 2014 Public Hearing Minutes – Oxford Town Center. **Vote: All Ayes.**

INVOICES:

1. Invoice # 176-14 from Nafis & Young Engineers.

MOTION made **Harold Cosgrove** and seconded by **Jeff Luff** to **APPROVE** Invoice # 176-14 from Nafis & Young Engineers. **Vote: All Ayes.**

2. Invoice from Micci & Korolyshun, P.C. for Oxford Commons – Garden Homes.

MOTION made **Harold Cosgrove** and seconded by **Jeff Luff** to **APPROVE** Invoice from Micci & Korolyshun, P.C. for Oxford Commons – Garden Homes. **Vote: All Ayes.**

OTHER BUSINESS

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

Chairman Tanya Carver stated that at the next Regular Meeting on August 5, 2014 we will schedule a Public Hearing for a Moratorium on Medicinal Marijuana.

UPCOMING EVENTS/MEETINGS:

None stated.

ADJOURNMENT:

MOTION made **Pat Cocchiarella** and seconded by **Jeff Luff** to **APPROVE** to ADJOURN the Regular Meeting at 11:05 PM. **Vote: All Ayes.**

Respectfully submitted,

Jessica Pennell 

Jessica Pennell,
Administrative Secretary
Planning & Zoning Commission

14 AUG 11 PM 4:47
TELETYPE UNIT, CT
Margaret A. West
CLERK

