



Planning & Zoning Commission

**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)**

Minutes approved by  
Planning & Zoning  
Commission on  
\_\_\_\_\_ 2012.

**REGULAR MEETING MINUTES**

**July 17, 2012**

**7:30 PM, Main Meeting Room  
Oxford Town Hall**

**CALL TO ORDER**

Chairman Bill Johnson called the meeting to order at 7:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Alternate Joe Dempsey, Alternate Edna Cruz, Harold Cosgrove, Wayne Watt, Vice Chairman Bonnie Bartosiak, Chairman Bill Johnson, Secretary Pat Cocchiarella and Tanya Carver.

**Also Present:** Jessica Pennell, Administrative Secretary and Anna Rycenga, ZEO.

**Not Present:** Alan Goldstone and Alternate Joe Rasberry.

**CHAIRMAN'S REPORT**

Chairman Bill Johnson briefly discussed the following items:

- (1) Affordable Housing Planning Session was held; in attendance were Chairman Bill Johnson, Secretary Pat Cocchiarella, First Selectman George Temple and Attorney Peter Olson. He stated the purpose was to prepare a preliminary plan for private discussion with the commission and a second discussion will be scheduled for next week with additional commission members.
- (2) Attorney Peter Olsen was appointed as the Oxford Land Use attorney by the Board of Selectmen last week. He stated that since Planning & Zoning now has a land use attorney, he asked Attorney Olsen to work with Town Attorney Kevin Condon on the Timberlake Appeal. He commented that due to the complexity and impact of the appeal, he met with Attorney Olsen and Anna Rycenga, ZEO last week to discuss the appeal and his concerns as well as commission members concerns that were relayed to Anna Rycenga, ZEO. He noted that Attorney Olson has all the paperwork and a copy of the appeal and will report back to the commission on August 7<sup>th</sup> in Executive Session.

- (3) He made commission members aware that Garden Homes has filed an application with Wetlands. He stated that when they come before Planning & Zoning, he would like Attorney Peter Olson at every meeting and will also be utilizing a court stenographer.
- (4) Glendale will be coming in tomorrow for a meeting to discuss uses of their property. He stated that those present will be representatives of Glendale, Chairman Bill Johnson, Attorney Olson, Brian Miller, Anna Rycenga, ZEO and Secretary Pat Cocchiarella.
- (5) He noted that the commission is now working off of the budget was passed for 2012-2013.

#### **AMENDMENTS TO AGENDA**

**Secretary Pat Cocchiarella** moved to amend the agenda to add **Z-12-051 – Oxford High School Football/Soccer Field & Track** (Request for Site Plan Approval) under **New Business #6**. **Second by Harold Cosgrove. All Ayes.**  
**MOTION PASSED UNANIMOUSLY**

#### **AUDIENCE OF CITIZENS**

**Doris Cooper of 403 Maple Shade Road** stated that she was aware that Oxford was a farming community but has been encountering a problem of roosters from a property on Mountain Road in Oxford. She informed the commission that she has a petition signed by 87 Meadowbrook residents to request that the commission modify or establish an ordinance prohibiting the housing of roosters in residential areas. She commented that she checked into the state regulations which state that Planning & Zoning has the power to change or establish a regulation under Chapter 124 of the CGS. She believes that this gives the Planning & Zoning Commission the power to change or add something to the ordinance.

**Chairman Bill Johnson** questioned Anna Rycenga, ZEO about the ordinance on chickens and roosters.

**Anna Rycenga, ZEO** stated that the previous administration approved a Right to Farm Ordinance and the only time the zoning regulations would apply is if it was a commercial operation. She stated that she is familiar with the issue and the state police have gone out there and asked the property owner who owns the roosters to contain them. She stated that it would not apply to zoning because of the Right to Farm Ordinance.

**Chairman Bill Johnson** questioned Doris Cooper if she was filing a formal complaint.

**Doris Cooper** stated that she is not filing a formal complaint, but she would like to prevent anyone else in the community from going through what they have to go through.

**Chairman Bill Johnson** questioned if a permit is needed to build a chicken coop.

**Anna Rycenga, ZEO** stated that you do need a permit and the homeowner did come in and obtain a permit for the chicken coop. She stated that she thinks this petition should be forwarded to the Board of Selectmen because they have the authority to revise the ordinance.

**Secretary Pat Cocchiarella** reiterated that the Board of Selectmen is responsible for revising ordinances, not the Planning & Zoning Commission.

**Anna Rycenga, ZEO** stated that the Board of Selectmen is the legislative body when it comes to Town Ordinances and the Town Charter.

**Commission members** and **Anna Rycenga, ZEO** discussed whether or not they should have a copy of the petition. They decided that it should be given directly to the Board of Selectmen.

**Joe Dempsey** questioned if the owner of the "chicken farm" in Oxford or Seymour.

**Doris Cooper** stated that he lives in Oxford.

**Joe Dempsey** questioned if he within the confines of the Meadowbrook community.

**Doris Cooper** stated that he lives outside Meadowbrook; she stated that she lives on the periphery of Meadowbrook and his backyard abuts her location in Meadowbrook.

**David Stocker, 144 Punkup Road**, stated that when he first moved to Oxford he put chickens on his property. He stated that he put his coop near the road. He stated that someone anonymously called the then ZEO, Derek Valentine and complained. He stated that the ZEO informed him that his coops were less than ten feet from the road and it cost him approximately \$400.00 to move the coops. He stated that Oxford is a farming community and it is regulated by the state not the town.

**Anna Rycenga, ZEO** stated that she does want to state on the record that this commission, on two occasions tried to change the Zoning Regulations to regulate farm animals and livestock and the public vehemently opposed those changes.

**Bill Alberti**, 16 Summer Hill Road, Seymour and **Bill Santini**, 33 Whitegate Road, Oxford approached the commission looking for an action to invalidate the Subdivision of Tilquist Estates. **Bill Santini** commented that the reason they are asking that it be invalidated is because on March 3, 2007, Mr. Rinaldi, by warranty deed, transferred over 50% of the proposed subdivision. **Bill Santini** stated that they took possession of this through a foreclosure. He stated that there was a mortgage on this piece of property that Mr. Rinaldi had sold.

**Chairman Bill Johnson** stated that the commission already heard this item.

**Anna Rycenga, ZEO** stated that the commission received correspondence from Attorney Malafronte regarding Tilquist Estates and in April of 2012 the commission stated that were not taking a standing on this issue.

**Bill Alberti** stated that they have facts that invalidate the subdivision. He stated that they have proof that states that on March 3, 2007, Mr. Rinaldi sold approximately 50% of his subdivision and made a handsome profit. He stated that on March 15, 2007 he submitted to the commission a mylar for signing. He stated that Mr. Rinaldi sold the property two weeks before the commission signed the final mylar. He stated that they are asking the commission to take an action on this because their request is based on facts. The gentlemen referred to the Zoning Regulations which states that no part of the subdivision can be sold without advisement to the commission.

**Chairman Bill Johnson** questioned **Anna Rycenga, ZEO** what they do in a situation like this.

**Anna Rycenga, ZEO** stated that George Temple called her into a meeting with Mr. Alberti, and the problem is that the subdivision was approved, the conditions of approval were met and it was legally noticed. She stated that there was no appeal of the subdivision. She stated if the commission would like to take action, they would have to put Mr. Rinaldi on notice. She stated that the commission has to give Mr. Rinaldi and opportunity to be heard prior to doing that.

**Chairman Bill Johnson** questioned if the Town Attorney has advised on this.

**Anna Rycenga, ZEO** stated that Town Attorney, Kevin Condon recommended that the commission take no action because they were protected under Public Act 11-5.

**Secretary Pat Cocchiarella** stated that this sounds like there is a criminal issue here, of fraud at the least. He stated that he is not sure if the commission should get involved at this time.

**Bill Alberti** commented that the commission's own rules and regulations state that if any part of the subdivision is sold before the mylar is filed, then it becomes invalid. He reiterated that Mr. Rinaldi sold a major piece of the subdivision and that they have the proof.

**Edna Cruz** questioned if Mr. Condon knew about this before the approval.

**Anna Rycenga, ZEO** stated that he was not Town Attorney at the time, but he did review all the issues that had been questioned by Bill Alberti and Attorney Malafronte. She stated that they cannot go by the mylar date filing, because once a subdivision is approved, applicants can come in and get extensions for filing the mylar.

**Bill Alberti** stated that Mr. Rinaldi sold off property contrary to what the Planning & Zoning Commission approved.

**Anna Rycenga, ZEO** stated that the letter that Attorney Malafronte sent in was forwarded to Town Attorney, Kevin Condon. She stated that he was forwarded two letters; the first came in addressed to the ZBA requesting a zoning hearing and the commission asked that they revise the letter and address it to the Planning & Zoning Commission.

**Bill Alberti** stated that he did not know that Town Attorney Kevin Condon reviewed the letters.

**Anna Rycenga, ZEO** questioned if there is a civil lawsuit filed between them and Mr. Rinaldi.

**Bill Alberti** stated that "yes" there is.

**Chairman Bill Johnson** stated that the town cannot get involved in a civil action.

**Harold Cosgrove** stated that it is a simple matter, their attorney should contact Attorney Peter Olson and have them talk and once they decide what to do, then they can contact the commission with their decisions.

**Anna Rycenga, ZEO** stated suggests that the commission do that administratively because if they accepts the opinion or takes action, that is subject to appeal as well. She stated that the commission should forward this to staff to be handled administratively to deal with the attorney.

**Bill Santini** stated that the commission has their own regulations, which give them the power to take action.

**Wayne Watt** stated that this is the first time he is hearing of the situation. He commented that he is familiar with the property. He stated that he would like to be presented with something that he can review before he can make any statement or listen to anymore regarding this matter.

**Bill Alberti** requested that the commission take the information that he has compiled regarding the matter.

**Commission members** refused to accept any documentation from Mr. Alberti at this time.

**Commission members** directed Mr. Alberti and Mr. Santini to give the information that they have compiled to staff. (The information was given to Anna Rycenga, ZEO)

**Anna Rycenga, ZEO** stated that she would forward the information on to Attorney Olson.

#### **ACCEPTANCE OF MINUTES:**

##### **a. June 19, 2012 Regular Meeting Minutes**

**MOTION:**        **Secretary Pat Cocchiarella moved to *approve*** the June 19, 2012 Regular Meeting minutes as presented. **Second by Tanya Carver.**  
**Ayes: 4**  
**Abstentions: 2 – Vice Chairman Bonnie Bartosiak & Wayne Watt**  
**MOTION PASSED**

#### **CORRESPONDENCE**

**Secretary Pat Cocchiarella** read the following correspondence into the record. He noted that all correspondence is on file in the Planning & Zoning Department for review.

- a. Letter dated June 2012 from The CT Environmental Review Team & Brochure
- b. Letter dated 6/18/2012 from Dimple Desai, CD Director – Office of Responsible Growth
- c. Notice received on 6/26/2012 from CT DEEP – **Application # WQC-201107626**
- d. Letter dated 7/3/2012 from the Town of Monroe – Planning & Zoning Commission  
**Re: Application 12-2-RAA – Zone Text Regulation Amendment**
- e. Letter dated 7/11/2012 from Eva Lintzner, Assessor to Dean Contaxis- CNK Investments
- f. Letter dated 7/5/2012 from the CT Siting Council to First Selectman George Temple  
**Re: EM-AT&T-108-120705**
- g. Memorandum dated 7/11/2012 from First Selectman George Temple

**Commission members** discussed correspondence (g) briefly. The commission concurred that the Chairman for most departments has the authority to speak on behalf of that department.

**Chairman Bill Johnson** stated that he believes if he receives a phone call from the press regarding a Planning & Zoning issue, then he can make comments to the press.

Secretary Pat Cocchiarella suggested having the Chairman have a meeting with the First Selectman requesting clarification on this memorandum. His concern is that at, or after meetings, the commission members are asked questions by the press, although he would not want to go against the direction of the First Selectman, the memorandum seems restrictive.

### OLD BUSINESS

1. **Z-02-209 - Jensen Farms Estates Section I & Z-03-301 - Jensen Farms Estates Section II**  
(Request for Release of Maintenance Bonds)  
(Referred to Town Engineer) (TABLED)
2. **Z-02-268 – Fiddlehead Section II, DSA Companies**  
(Request Maintenance Bond Release)  
(Referred to Town Engineer)
  - a. Letter dated 6/18/2012 from Jim Galligan

Secretary Pat Cocchiarella read a letter dated 6/18/2012 from Jim Galligan into the record.

Anna Rycenga, ZEO stated that at this time DSA Companies withdrew their request for the Maintenance Bond Release.

**MOTION:** Secretary Pat Cocchiarella moved to table **Z-02-268**.  
Second by Vice Chairman Bonnie Bartosiak.  
All Ayes.  
**MOTION PASSED UNANIMOUSLY.**

### NEW BUSINESS

1. **Z-12-072 – (Owner): The Hurley Group (Applicant): RnB Enterprises, Inc.**  
**115 Hurley Road, Hurley Farms Industrial Park – Unit 4B/C** (Use Permit)

Chairman Bill Johnson questioned Anna Rycenga, ZEO what the applicant is looking for.

Anna Rycenga, ZEO stated that they are applying for a use permit. She described their business as design, sell and training on AV equipment, projectors, smart boards, etc. She stated that the applicants have a warehouse, an office and a conference room. She also noted that she has received a floor plan/layout from the applicants.

Susan Boutote from Wolcott, Connecticut is present to represent RnB Enterprises, which is currently located in Newtown, Connecticut. She briefly explained the history and nature of the business.

Anna Rycenga, ZEO noted that this application has W.P.C.A. and Fire Marshal approval.

**MOTION:** Secretary Pat Cocchiarella *moved to approve* application **Z-12-072** based on plans dated **6/25/2012** with the following *conditions*:

- 1.) Applicant and their assigns must comply with all representations made at P&Z Commission meetings regarding this application.

- 2.) Compliance with the Statement of Use dated 6/25/2012.
- 3.) Compliance with Water Pollution Control Authority approval dated 6/26/2012.
- 4.) Compliance with Fire Marshal's approval dated 7/2/2012.
- 5.) Compliance with Oxford Zoning Regulations as of this date.
- 6.) Any changes and/or modifications to the use permit must come back before the P&Z Commission for approval, including any lease changes or changes of ownership.
- 7.) Per Article 3, Section 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 the application meets the Oxford Zoning Regulations in effect as of this date.

Second by Vice Chairman Bonnie Bartosiak.  
All Ayes. MOTION PASSED UNANIMOUSLY

2. **Z-12-075– (Owner): Borghesi Building & Engineering - (Applicant): Roller Bearings of America – 104 Willenbrock Road (Site Plan Modification)**

John Philips introduced himself as a Professional Engineer with Borghesi Building in Torrington, Connecticut and he is here on behalf of RBC Bearings. He stated that they received approval to construct a 20,000 square foot building in 2077. He explained that on that plan they had included two future areas for parking expansions. He explained that the only modification that they want to make to the approval is to add some of the parking now, that was previously shown on the plan for future use.

Anna Rycenga, ZEO stated that this was referred to Jim Galligan, and he has provided a letter for the commission.

**MOTION:** Secretary Pat Cocchiarella *moved to approve* application **Z-12-083** based on maps/plans dated **7/16/2012** with the following **conditions**:

- 1.) Applicant and their assigns must comply with all representations made at P&Z Commission meetings and/or at public hearings regarding this application.
- 2.) Compliance with the Statement of Use dated 7/16/2012.
- 3.) Compliance with W.P.C.A. approval dated 7/17/2012.
- 4.) Compliance with Fire Marshal's letter dated 7/17/2012.
- 5.) Compliance with Oxford Zoning Regulations as of this date.

- 6.) Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval including any lease changes or change of ownership.
- 7.) Per Article 3, Section 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.
- 8.) No outside storage of hazardous materials.

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

**Second by Tanya Carver. All Ayes.  
MOTION PASSED UNANIMOUSLY.**

3. **Z-12-081 – (Owner & Applicant): Phoenix Propane, c/o Ken Schiable – 268 Oxford Road** (Site Plan Modification)

**Chairman Bill Johnson** asked **Anna Rycenga, ZEO** to explain the definition of a site plan.

**Anna Rycenga, ZEO** read from the regulations, Article 11, Site Plans, Section 1, General.  
(See Attached)

**Chairman Bill Johnson** questioned Phoenix Propane if they had a site plan and did not build it the way they were supposed to. He stated that they are coming for a site plan modification and he hopes that they will build what they say they are going to build this time.

**Jim Rotondo, of Rotondo Engineering LLC** is present to represent Phoenix Propane. He stated that the modifications to the site plan occur in the upper portion of the site which is designated as the employee area. He stated that during construction, certain site conditions were encountered dealing with site grading and location and the presence of ledge. He then went on to explain the changes that have been made to the site plan.

**Chairman Bill Johnson** stated that as of October 1, 2012 the tenant will be vacating the premises per the conditions of the stipulated agreement.

**Ken Schiable** of Phoenix Propane and commission members discussed the application briefly.

**Secretary Pat Cocchiarella** questioned how soon the retail use would begin, to come into conformance with the zoning.

**Ken Schiable** stated that the retail use most likely would not start until the spring or the maximum of 3 months after the tenant has vacated the property.

**Secretary Pat Cocchiarella** noted that as they are operating right now, the site is non-conforming.

**Ken Schiable** explained that when they started to develop the site, they were hoping for the best but they encountered ledge. He stated that they took out 9,000 tons of rock.

The landscaping plan for the site was discussed briefly.



**Anna Rycenga, ZEO** stated that they are looking for a temporary CO, and Town Engineer, Jim Galligan suggested accepting a bond for the landscaping, plantings and lawn and if that is the case, then putting a limitation on the temporary CO.

**Vice Chairman Bonnie Bartosiak** questioned Anna Rycenga, ZEO about the usual time frame for a temporary CO.

**Anna Rycenga, ZEO** stated that the Building Official usually issues a temporary CO for 90 days, but he also stated that it can be extended for 120 days.

**Chairman Bill Johnson** questioned Anna Rycenga, ZEO if Phoenix Propane is currently operating without a CO.

**Anna Rycenga, ZEO** stated that she has seen the truck there, but she has no evidence.

**Chairman Bill Johnson** questioned Anna Rycenga, ZEO if the sign is legal.

**Anna Rycenga, ZEO** stated that she would have to get back to him on that.

Clarification was made that **Chairman Bill Johnson** is referring to the sign on the tank, not the sign that was approved with the application.

Discussion ensued between commission members, Anna Rycenga, ZEO and the applicant about the sign on the tank.

**Harold Cosgrove** brought up safety concerns about the gas valve, he questioned if it shut off for the evening.

**Jim Rotondo** explained that a fence secures the area and there is a gate across the driveway, there is no free access.

**Harold Cosgrove** questioned if the gas is shut down completely each night.

**Ken Schiable** stated that it is shut down and secured.

**Tanya Carver** questioned Anna Rycenga, ZEO about the retaining wall; she asked the difference between what was proposed and what was built.

**Anna Rycenga, ZEO** stated that she is not sure how high the original retaining wall was, she referred this question to the applicant's engineer.

**Jim Rotondo** stated that there was one that was 4 feet high and one that was 8 feet high. That area is now sloped back at a 2:1 slope.

**Vice Chairman Bonnie Bartosiak** stated that because it is a 2:1 slope, a retaining wall is not required.

**Joe Dempsey** questioned how close the boundary line is to the original Haynes property.

**Jim Rotondo** stated that the retaining wall is about 10 feet from the property line.

**Joe Dempsey** stated that one of the last things that had to be done by Haynes with that section, the whole wall had to go, and that would mean blasting. He had concern with the blasting and the proximity to the propane tanks.

**Harold Cosgrove** questioned the truck parking and the number of delivery trucks.

**Jim Rotondo** stated that the truck parking has been delineated on the site plan. He noted that they previously had nine spaces and they are not losing any of those spaces with the modification.

Applicant stated that deliveries are taken once every eight to ten days.

**Edna Cruz** questioned if the trucks are the long trucks that take up the whole road when they come out.

**Applicant** stated "yes" they are the tanker trucks.

**Edna Cruz** commented that this is a safety issue, when the trucks come out onto Route 67.

**Jim Rotondo** stated that they have adequate site lines for the truck traffic.

**Wayne Watt** questioned if anyone has ever discussed turning lanes, he stated that there should be turning lanes for entering and exiting the property.

**Jim Rotondo** stated that the project did not meet any of the warrants as determined by the state.

**Wayne Watt** stated that he thinks that was an oversight and that there should be turning lanes.

**Secretary Pat Cocchiarella** stated that this was all discussed when the original application was before the commission.

**Anna Rycenga, ZEO** stated that the Town Engineer does have to review this, but she would like direction as to whether the commission would like her to issue the applicant a temporary CO, and if so, for how long. She stated that it would be subject to posting a bond, and the applicant would have to provide her an estimate for the amount of the landscaping and plantings. She stated that she would have to review that with Town Engineer, Jim Galligan to determine if the estimate is sufficient. She informed the commission that they can split the CO so that it is only for the use.

**Harold Cosgrove** questioned Anna Rycenga, ZEO if 120 days would be sufficient.

**Anna Rycenga, ZEO** stated that 120 days would be more than sufficient.

**Chairman Bill Johnson** stated that he is probably the minority, but that he is voting against this. He stated that the fact that they did not follow the site plan or come back is bothersome.

**Vice Chairman Bonnie Bartosiak** stated that it happens all the time, especially in the Industrial Zone.

**Wayne Watt** stated that before any good builder builds they sound the property, dig test holes, and know if there is ledge.

**Harold Cosgrove** moved to authorize Anna Rycenga, ZEO to issue a temporary CO which will expire on October 31, 2012.

**Anna Rycenga, ZEO** stated that the commission could make the motion for 120 days and she will figure out the date.

**MOTION:**        **Harold Cosgrove moved to authorize Anna Rycenga, ZEO** to issue a temporary CO to **Z-12-081- Phoenix Propane** based on 120 days and to comply with a bond approved by Town Engineer, Jim Galligan.  
**Second by Vice Chairman Bonnie Bartosiak.**

**DISCUSSION:**

**Anna Rycenga, ZEO** stated that included in the motion should be that this is for Phase 1.

**Harold Cosgrove** moved to amend his motion to include that the temporary CO is for Phase 1 only.

**VOTE:**

**Ayes:** Vice Chairman Bonnie Bartosiak, Harold Cosgrove

**Nays:** Chairman Bill Johnson, Wayne Watt

**Joe Dempsey** stated that no alternate was appointed to vote, and questioned if Edna was voting or if he was voting.

**Vice Chairman Bonnie Bartosiak** stated that no alternate was appointed in Alan Goldstone's absence. She questioned who was appointed at the last meeting.

**Anna Rycenga, ZEO** stated that according to Peter Olson the chairman does not have to appoint an alternate.

**Chairman Bill Johnson** stated that Joe Dempsey will sit in for Alan Goldstone.

**Wayne Watt** asked that the motion be repeated.

**MOTION:**        **Harold Cosgrove** moved to approve a temporary CO for 120 days to be determined by the Zoning Enforcement Officer, for Phase 1 only, and the posting of a bond, the amount to be determined by the Town Engineer.  
**Second by Vice Chairman Bonnie Bartosiak.**

**VOTE BY ROLL CALL:**

Joe Dempsey – Nay

Harold Cosgrove – Aye

Wayne Watt – Nay

Vice Chairman Bonnie Bartosiak – Aye

Chairman Bill Johnson – Nay

Secretary Pat Cocchiarella – Aye

Tanya Carver – Nay

**Ayes: (3)**

**Nays: (4)**

**MOTION DOES NOT PASS.**

**MOTION:**        **Chairman Bill Johnson *moved to refer*** application **Z-12-081** to Town Engineer, Jim Galligan.  
                         **Second by Wayne Watt.**  
                         **All Ayes.**  
                         **MOTION PASSED UNANIMOUSLY.**

4.        **Z-12-083 – (Owner & Applicant): John Curtis, JCTC, LLC – 95 Willenbrock Road, Unit #3-C (Use Permit)**

**John Curtis** was present to discuss this application. He briefly explained the nature of his business to the commission and informed them that he is currently located in Seymour, Connecticut.

**Anna Rycenga, ZEO** informed the commission that the applicant will have hazardous materials on site, but she has obtained all the MSDS sheets. She stated that MSDS sheets were presented to the Fire Marshal and he signed off on the application today, and has approved the use. She also noted that it has been approved by the W.P.C.A. She commented that the applicant submitted a floor plan and the application does comply with the regulations for the Industrial Zone.

**Edna Cruz** questioned how the hazardous waste is disposed of.

**John Curtis** stated that they use a service to dispose of the hazardous waste.

**Anna Rycenga, ZEO** stated that she has all the information on the environmental company that the applicant utilizes for the hazardous waste.

Commission members asked questions about spill containment and sawdust control, and odor.

**John Curtis** explained how spills are contained, sawdust is controlled and how the odor is controlled.

**Harold Cosgrove** questioned parking.

**Anna Rycenga, ZEO** stated that she pulled the as-built and there is adequate parking.

**MOTION:**        **Secretary Pat Cocchiarella *moved to approve*** application **Z-12-083** based on maps/plans dated **7/16/2012** with the following ***conditions:***

- 1.)        Applicant and their assigns must comply with all representations made at P&Z Commission meetings and/or at public hearings regarding this application.
- 2.)        Compliance with the Statement of Use dated 7/16/2012.
- 3.)        Compliance with W.P.C.A. approval dated 7/17/2012.
- 4.)        Compliance with Fire Marshal's letter dated 7/17/2012.
- 5.)        Compliance with Oxford Zoning Regulations as of this date.

- 6.) Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval including any lease changes or change of ownership.
- 7.) Per Article 3, Section 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.
- 8.) No outside storage of hazardous materials.

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

Second by Tanya Carver. All Ayes.

**MOTION PASSED UNANIMOUSLY.**

5. **Z-12-086 (Owner): Ziat, LLC – (Applicant): 2<sup>nd</sup> Street Leasing, LLC – 315 Riggs Street, Unit 7, Building B** (Use Permit - Special Exception - Article 9, Section 3.16) ***(SCHEDULE PUBLIC HEARING)***

**MOTION:** Secretary Pat Cocchiarella moved to set a Public Hearing date of ***August 7, 2012 at 8:00 PM*** for ***Z-12-086***.  
Second by Wayne Watt. All Ayes.  
**MOTION PASSED UNANIMOUSLY**

Wayne Watt stated that the Chairman is supposed to ask if there is any discussion after a second.

Edna Cruz asked what the application is about.

Anna Rycenga, ZEO explained the history of the previous application for 2<sup>nd</sup> Street Leasing and that the applicant has been utilizing the existing building as an auto repair shop. She stated that they are now coming in to apply for a use permit for the auto repair.

6. **Z-12-051 – Oxford High School Athletic Fields** (Site Plan)

Anna Rycenga, ZEO stated that this had come before the commission for an 8-24 Approval, and is now being presented for site plan approval.

**MOTION:** Secretary Pat Cocchiarella moved to approve ***Z-12-051*** based on maps dated 5/30/2012 with the following ***required conditions:***

- 1.) Compliance with Oxford Zoning Regulations in place as of this date.
- 2.) Applicant and their assigns must comply with all the representations made at P&Z Commission meetings regarding this application.
- 3.) Site Plan approval expires if the work is not completed within five years from date of approval.
- 4.) Compliance with all Town of Oxford Ordinance's in effect as of this date.

- 5.) Developer to contact P&Z staff to set up a pre-construction meeting prior to any activity on the site.

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

Second by Wayne Watt. All Ayes.

**MOTION PASSED UNANIMOUSLY.**

### **ZONING ENFORCEMENT**

**Anna Rycenga, ZEO** asked the commission if they would like her to present Zoning Enforcement.

**Joe Dempsey** stated that he would like to make a motion with regards to Zoning Enforcement.

**MOTION:**        **Joe Dempsey moved** that he would like to make a request and expect that all future ZEO reports to the P&Z Commission be prepared by the ZEO with a printout being available for all P&Z Regular Members and Alternates so that the following meeting agenda can state under Zoning Enforcement "See attached sheets \_\_\_\_through\_\_\_\_dated\_\_\_\_\_".

**Joe Dempsey** stated that this gives the commission something they can look at. He stated that the 27 items the ZEO covered at the last meeting, it was difficult to remember even 10% of them. He stated that at the next meeting, a printout can be handed out and commission members can ask questions. He commented that there are advantages to this, but he would like a second on his motion.

**Vice Chairman Bonnie Bartosiak** questioned if Joe Dempsey means just a "list".

**Anna Rycenga, ZEO** stated that they have an opinion from Town Counsel because the commission received an FOI request which asked that the ZEO itemize every single item she will speak of under Zoning Enforcement. She stated that they have an opinion from Tom Hennick, of the FOI Commission and Town Counsel, which she does not have to itemize every single thing she does. She stated that when she speaks of it, it has to be on there. She stated that all her letters are copied to the commission, and the request to itemize the agenda should go to the Planning & Zoning Secretary.

**Joe Dempsey** stated that all he is asking is that whatever the ZEO is going to speak of should be printed so the commission has it.

**Anna Rycenga, ZEO** questioned if he wants the items printed on the agenda.

**Joe Dempsey** stated that under Zoning Enforcement on the agenda it would say "see attached sheets \_\_\_\_through\_\_\_\_".

**Anna Rycenga, ZEO** stated that the commission did not want copies of all her correspondence.

**Chairman Bill Johnson** stated that if you put anything in writing, the person you are talking about then has rights.

**Anna Rycenga, ZEO** stated that she is reporting what she has done as staff. She stated however the commission can handle it any way they would like, she is ok with it either way.

**Tanya Carver** **SECONDED** the **MOTION** made by **Joe Dempsey**.

**Edna Cruz** questioned if Anna Rycenga, ZEO could e-mail it to them.

**Anna Rycenga, ZEO** stated that she is overworked and understaffed and they are large documents. She stated that her letters are copied to the Planning & Zoning Commission, they are given to the Secretary, she does not prepare the agenda.

**Joe Dempsey** stated that after a long meeting it is difficult to listen to Zoning Enforcement for 54 minutes.

**Anna Rycenga, ZEO** stated that she then recommends that the commission stop tabling Zoning Enforcement. She stated that at every meeting, the commission tables Zoning Enforcement, and if it is too long, then they have to hear it at every meeting so that it does not accumulate.

**Chairman Bill Johnson** called a 5 minutes recess.

**Wayne Watt** stated that what he thinks Mr. Dempsey is looking for is a summary for the commissioners to have ahead of time.

**Vice Chairman Bonnie Bartosiak** stated that a motion is still on the floor.

**Chairman Bill Johnson** called the meeting back to order.

**Chairman Bill Johnson** stated that they have a motion and a second on the floor.

**Secretary Pat Cocchiarella** stated that under discussion they should table this and look at what the attorney had written in his opinion on this.

**Anna Rycenga, ZEO** stated that the opinion from the Town Attorney was verbal.

**Joe Dempsey** withdrew his motion.

Discussion ensued between commission members and Anna Rycenga, ZEO.

**Wayne Watt** stated that even if the information was in an e-mail prepared the day before, it would help them have a better understanding of the items being discussed.

**Anna Rycenga, ZEO** stated that it should be on the agenda if that is what the commission wants. She stated that she will not itemize everything when she copies Jessica on the correspondence.

**Secretary Pat Cocchiarella** stated that this can go on the next agenda under Other Business.

**Anna Rycenga, ZEO** stated that she would like to resolve this issue now.

**Joe Dempsey** stated that it is not necessary to take so much time and can be simplified. He stated that it does not allow for understanding of the items and their importance.

**Anna Rycenga, ZEO** stated that a common folder is located in the Planning & Zoning Department. She stated that the accumulation is a result of the commission tabling Zoning Enforcement.

Joe Dempsey stated that he would like to see all related items discussed at once.

Anna Rycenga, ZEO stated that the items are in order by date.

The commission did not come to a conclusion about Zoning Enforcement at this time.

#### **OTHER BUSINESS**

- a. Invoice # 5090 from Turner Miller Group

**MOTION:** Joe Dempsey *moved to approve* Invoice # 5090. Second Wayne Watt. All Ayes. **MOTION PASSED UNANIMOUSLY.**

- b. Invoice # 205-12 from Nafis & Young

**MOTION:** Secretary Pat Cocchiarella *moved to approve* Invoice # 205-12. Second by Chairman Bill Johnson. All Ayes. **MOTION PASSED UNANIMOUSLY.**

- c. Any other Business the Commission deems necessary for Discussion

Harold Cosgrove stated that he was advised by someone that there are two trailers on Loughlin Road and one has a big tree in it. He stated that there are also two trucks and in front of the house is a huge stump. He questioned if there is any regulations for this.

Wayne Watt stated that the issue has been resolved.

#### **Anna Rycenga, ZEO presented ZONING ENFORCEMENT**

- 1) 5/24/2012 - 51 Oxford Road –Correspondence sent to Mr. Biondi asking him to contact her to set up an appointment for an inspection as the Aquifer Protection Agent. Mr. Biondi has not respond to the letter.
- 2) 5/24/2012 – 1 Oxford Road – Correspondence sent in order to set up an appointment for her to inspect the property as the Aquifer Protection Agent.
- 3) 6/25/2012 – 158 Hogsback Road – Bond Release for \$1,500.00. Anna Rycenga, ZEO stated the original bond was for \$3,000.00, but she did not feel that all areas were stabilized.

Anna Rycenga, ZEO noted that all bonds do have to go before the commission whether they are posted or released.

- 4) 6/25/2012 - 110 Hawley Road- Driveway Bond Released - \$500.00

Chairman Bill Johnson questioned if she would be doing driveway bonds if there is a DEO.

Anna Rycenga, ZEO stated that they have to talk about that issue. She stated that the previous DEO was not taking any paperwork, applications or maps, he was only signing off on the sign off sheets. She stated that although she said that she wasn't going to do it, she is the back-up DEO in the absence of the Public Works Director.



**Wayne Watt** stated that the gentleman who was doing it retired. He stated that the position has been going back and forth between the two unions. He commented that the position is now split, the supervisors union got a certain amount of money for doing the paperwork, and the teamsters union got a certain amount of money for doing the inspections.

- 5) 6/26/2012 – 96 Quaker Farms Road – Letter sent by her to make an appointment to schedule an inspection, the property owner did call her and she will schedule an inspection for some time next week.
- 6) 7/2/2012 – 141 Chestnut Tree Hill Road – Bond posted in the amount of \$500.00 to ensure compliance because the property did not have the money to relocate the shed on his property at this time. She has given him 30 days to relocate the shed, which was 24' from the property line, which does not comply with the setbacks in the RESA zone.
- 7) 7/2/2012 - 30 Carriage Drive – Driveway Bond – Driveway exceed the 10% and they had to pave the driveway – posted the bond for \$2,000.00 on 2/14/2011 – the property owners have since paved the driveway and the bond was released.
- 8) 7/5/2012 - Cease & Desist Order – Issued 517-519 Heatherwood Court, Meadowbrook Estates. She stated that she inspected the property on 6/21/2012 and found several deficiencies and violations. She stated that they lacked proper soil & erosion controls and three retaining walls were over 3 feet in height, dust onsite, and behind unit 517 she questioned the setback. She requested that they address the items, installation of proper soil & erosion controls, a permit must be obtained from Planning & Zoning and the Building Official for the retaining walls and the plans must be revised to reflect that. She also requested a stability analysis to make sure the walls are structurally sound. The retaining walls are not at a 2:1 slope. She also requested that they spread hay over the disturbed soils or water it, to prevent the dust generated on site. She commented that she also requested a foundation as-built to ensure that the setback is in fact 30'. She stated that the approved plot plan for Heatherwood Court must be revised to reflect the changes in the retaining walls and the proper soil & erosion controls. She stated that she would like to inform this commission that for site plan modifications that come before them, they must accept a full set of plans, not a single sheet showing the relocation of the units.
- 9) 7/12/2012 – 51 Oxford Road – Oxford Oil & 1 Oxford Road – Mobil – Aquifer Protection Inspections. She stated that both property owners failed to contact her so she and Larry Secor of Nafis & Young will be going out to inspect the properties tomorrow.
- 10) 7/16/2012 - 203 Chestnut Tree Hill Road – She stated that previously on the property was four family dwelling. She stated that they brought the property into compliance as a single family home. They requested a letter from her stating that it is now a single family dwelling.
- 11) 7/16/2012 – Z-12-018 – Letter sent to Tony Schumann at Oxford Greens as the commission had requested. The letter was in regard for the decks, porches, etc., which is no longer permitted.
- 12) Compliance Certificate form for the Army Corp of Engineers. She stated that she received a phone call regarding Commerce Drive. She stated they need a Certification Form in order to be refunded the bond money.
- 13) Garden Homes – She stated that she spoke to Attorney Peter Olson about the Memorandum of Decision. She stated that she is going to send it to the commission members so they are aware

of what was done in court. There were five things the judge requested (1) have to show a full second access road which is separated from the access on Hurley (2) Additional parking, (3) redesign of the hammerheads for fire trucks (4) snow removal for hammerheads (5) and erosion and drainage on the west side of the property.

**Chairman Bill Johnson** stated that he wants to make it clear that all fees are paid up front.

**Anna Rycenga, ZEO** stated that she will accept the application, and if the fees are not paid, the commission can deny it without prejudice.

**Harold Cosgrove** stated that on the weekends there are people along Route 67, and he is wondering if a schedule to be determined by the ZEO that she be able to schedule a Saturday or Sunday to come in on an overtime basis.

**Pat Cocchiarella** questioned if dated pictures are enough evidence for her to enforce the regulations.

**Anna Rycenga, ZEO** stated that she could take the pictures as evidence, but if they take the signs down before Monday, then the property is then in compliance.

**Harold Cosgrove** stated that if it is acceptable to the Chair, does the commission have to approve her for an overtime basis.

**Chairman Bill Johnson** stated that he would send a letter to the First Selectman.

**Harold Cosgrove** questioned Anna if she would be willing to do the Saturday or Sunday occasionally at an overtime rate.

**Anna Rycenga, ZEO** stated that she would do it, if it is paid as overtime.

#### ADJOURNMENT

**MOTION:** Chairman Bill Johnson moved to *adjourn* the meeting at 10:15 PM. Second by Secretary Pat Cocchiarella. All Ayes.  
**MOTION PASSED UNANIMOUSLY**

Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

12 AUG -2 PM 8:55  
TOWN CLERK  
