



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
Tuesday, December 3, 2013
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Regular Meeting of **December 3, 2013** to order at **7:30 PM**.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Alternate Joe Dempsey, Harold Cosgrove, Arnie Jensen, Wayne Watt, Tanya Carver, Jeff Luff, Pat Cocchiarella and Todd Romagna.

Absent: Alternate Joe Rasberry.

Also Present: Brian Miller, Town Planner, Anna Rycenga, ZEO and Administrative Secretary, Jessica Pennell.

CHAIRMAN'S REPORT

1. **Chairman Carver** stated that she would like all Commission members to get their picture taken so that they can get badges.

SEATING OF ALTERNATES

No alternates were seated, as a full commission is present.

AUDIENCE OF CITIZENS (Not for Pending Applications)

AMENDMENTS TO AGENDA

MOTION BY Vice Chairman Watt to *amend the agenda* to add **Z-13-163** (Reference # Z-13-144) to the agenda under New Business # 1.

Second by Commissioner Cocchiarella.

Vote: All Ayes.

OLD BUSINESS

- 1.) **Z-13-145 [OPD] 556 Oxford Road, Owner(s): John and Julia Steinis, Applicant(s): Erika Ball/Tiki Monster Realty, LLC** (Request for Zoning Regulation Text Amendment)

Commission Secretary Luff read a memorandum dated 12/3/13 from Town Planner Brian Miller.

WHEREAS, The Oxford Planning & Zoning Commission has received the Application Z-13-145 to amend Article 8 of the Oxford Zoning Regulations; Route 67 Professional District.

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

WHEREAS, The Oxford Planning & Zoning Commission has considered the testimony presented at the public hearing held on November 19, 2013.

BE IT RESOLVED, that based upon the application and testimony, this application is approved as amended below:

Add the following to Article 8, Section 4:

4.15 Small Animal Companion Veterinary Hospitals which treat small animal companions as defined by the regulations of the State of Connecticut providing that:

- There shall be no overnight boarding of animals.
- There shall be no outside kennels or areas for recreation of animals.
- There shall be no day care of dogs or other animals.

This application is approved for the following reasons;

1. The approval of this application is consistent with the comprehensive plan.
2. The application is in conformance with the overall recommendation of the Route 67 Commercial area within the 2007 Oxford Plan of Conservation and Development which states that commercial development should be encouraged along Route 67 at a scale, design and locations to meet the needs of Oxford residents.

The effective date of this approval is December 15, 2013.

Commissioner Cocchiarella seconded the motion for discussion.

Commissioner Cosgrove stated that he does not like the idea that it is stated that “there shall be no overnight boarding of animals”.

The Commission discussed amongst themselves the definition of boarding an animal in conjunction with medical care, and they brought up instances where an animal may have to be kept overnight at the veterinary hospital while not receiving medical care.

Chairman Carver asked Anna Rycenga, ZEO to read the wording regarding the definition of Veterinary Hospital.

Anna Rycenga, ZEO read the following:

Veterinary Hospital

A building licensed by the State Department of Health having facilities, medical staff and all necessary personnel to provide diagnosis, care and treatment of a wide range of acute conditions or chronic diseases including injuries for domestic animals. All facilities are completely enclosed indoors with no outdoor runs, kennels or dog daycares. For the purposes of these regulations, kennels and dog daycares shall be distinct uses, separate and apart from a veterinary hospital use.

The Commission members and Brian Miller again discussed the definition of the “boarding” of an animal.

Commissioner Cocchiarella stated that the definition should be included in the motion.

Anna Rycenga, ZEO stated that as staff she has the ability to speak to the applicant after the close of the public hearing. She noted that she was informed that if no boarding is a condition, this will not work for the applicant.

Commissioner Romagna questioned if the applicant is asking for boarding of animals with no medical purpose.

Anna Rycenga, ZEO replied that from what she understands after speaking with the applicant’s counsel, yes.

Brian Miller also questioned if the applicant is looking for non-medical boarding.

Anna Rycenga, ZEO replied “yes”.

Chairman Carver questioned all commission members if they were ok with “boarding”.

Anna Rycenga, ZEO read the definition of Veterinary Hospital again.

Commissioner Cocchiarella stated they need to remove the prohibition for boarding, because it will be covered in the definition of Veterinary Hospital which will be included in the resolution.

Town Planner, Brian Miller questioned if the definition of Veterinary Hospital is to be included definition section of the Zoning Regulations.

Chairman Carver stated the following amendments to the motion

- change 4.14 to 4.15
- remove the item referring to “overnight boarding”
- addition of the text for “Veterinary Hospital”

MOTION BY Commissioner Cosgrove to *accept the amendments* to the original motion.

Second by Commissioner Cocchiarella.

Vote: All Ayes.

- 2.) **Z-13-144[OPD] – Address: 556 Oxford Road; Owner(s): John & Julia Steinis c/o Attorney Fred Stanek, Applicant(s): Erika Ball/Tiki Monster Realty, LLC**
(Request for Addition) (Request Sign Permit) (Change of Use)

Commission Secretary Luff read a letter dated December 3, 2013 from Kevin J. Curseaden, Attorney for the applicant Erika Ball.

The letter requested that the commission *accept a withdrawal* of this site plan application (**Z-13-144**).

Anna Rycenga, ZEO explained that because the text amendment was approved, their site plan application now becomes a Special Exception, which requires a public hearing. She stated that the only question that was raised was the fees. She informed the commission that the state fee is non-refundable, and they did pay the fees for the Special Exception application. The applicant has asked that they be credited some of the fees if possible.

Chairman Carver stated that the withdrawal is accepted.

NEW BUSINESS

- 1.) **Z-13-162 [RESA] – Address: 10 Walter Lane; Owner: Steve Graham; Applicant: Fred D'Amico** (Proposed Barn exceeding 1,000 square feet) (Special Exception, Article 5, Section 2.6) ***SET PUBLIC HEARING DATE***

Anna Rycenga, ZEO stated that the application is complete.

MOTION BY Chairman Carver to set a Public Hearing for *January 7, 2013 at 7:00 PM*.

Second by Commission Secretary Luff.

Vote: All Ayes.

BOND RELEASES

- 1.) **Z-06-069 [RESA] – John Fitzgerald, Chestnut Tree Hill Estates, Blue Skies Estates Subdivision – Lantern Ridge Court** (Request for Bond Release)
AWAITING TOWN ENGINEER REVIEW

a.) Letter dated 11/21/2013 from Neubert, Pepe & Monteith, P.C.

Re: Notice of Non-Renewal of Letter of Credit for Chestnut Tree Hill Estates, LLC

Anna Rycenga, ZEO stated that she needs to research the status of the bonds.

MOTION BY Commissioner Cocchiarella to *table* this item.

Second by Vice Chairman Watt.

Vote: All Ayes.

- 2.) **Z-06-185 [RESA] – CT Realty Investment Group, LLC, Hunters Hollow Subdivision – Newgate Road** (Request for Bond Release)

- a.) Status Report dated 10/21/2013 from James H. Galligan, P.E., Nafis & Young Engineers

Anna Rycenga, ZEO stated that this bond also needs to be researched. She asked that the Commission table this item.

MOTION BY Commissioner Cocchiarella to *table* this item.

Second by Vice Chairman Watt.

Vote: All Ayes.

ZONING ENFORCEMENT

The ZEO will present to the Commission any reports/information/or other items deemed necessary.

Anna Rycenga, ZEO presented the following items to the Commission;

- 1.) New policy that is effective immediately regarding the completeness of an application. Particularly the number of copies that are required to be submitted to staff.
- 2.) Revenue Reports for October and November.
- 3.) Monthly Activity Report for November.

Chairman Carver *accepted* the ZEO's reports as presented to the Commission.

- 4.) **149 Punkup Road** – will be requesting to abandon their subdivision. She asked that the owners write a letter to the Commission requesting this action.
- 5.) Letter dated 11/21/13 to Kathleen O'Neil, Grant Writer
Re: 447 & 543 Roosevelt Drive
- 6.) Letter dated 11/25/13 to Jim Hliva, Finance Director
Re: Lawn Bond Release – 17 Edgewood Road

CORRESPONDENCE

Commission Secretary Luff read the following correspondence into the record:

- a.) Letter dated 11/19/2013 from Neal R. Maison, Jr.
Re: Request for extension of subdivision approval per Public Act 11-5.

MOTION BY Commission Secretary Luff to *approve the extension* of Z-07-192 to have a new expiration date of 12/6/2017.

Second by Vice Chairman Watt.

Vote: Ayes (6), Nays (1), Commissioner Cocchiarella.

- b.) CT Federation of Planning & Zoning Agencies Quarterly Newsletter

Commission Secretary Luff noted that this newsletter is on file in the Planning & Zoning Office.

ACCEPTANCE OF MINUTES:

MOTION BY Chairman Carver *approve* the following minutes as presented:

- 1.) November 19, 2013 Organizational Meeting – 6:50 PM
- 2.) November 19, 2013 Public Hearing – 7:00 PM
- 3.) November 19, 2013 Public Hearing – 7:05 PM
- 4.) November 19, 2013 Regular Meeting Minutes

Second by Vice Chairman Watt.

Vote: All Ayes.

INVOICES

MOTION BY Commission Secretary Luff to *approve* the following invoices for payment to Nafis & Young Engineers.

- 1.) Invoices # 375-13, 365-13, 401-13, 407-13 & 400-13 from Nafis & Young Engineers.

Second by Commissioner Cocchiarella.

Vote: All Ayes.

MOTION BY Commission Secretary Luff to *forward* the following invoices for Land Use Attorney, Peter Olson to the Board of Selectmen for payment.

- 2.) Invoices # 1023.4, 1023.5 & 1023.6 from Land Use Counsel Peter Olson.

Second by Commissioner Cocchiarella.

Vote: All Ayes.

OTHER BUSINESS

- 1.) Resolution regarding extension of the Accessory Apartment Amnesty Plan.

Anna Rycenga, ZEO stated that at the last meeting the Commission concurred that they would like to extend the Accessory Apartment Amnesty Plan out for one year. She has prepared a resolution to extend the plan.

Anna Rycenga, ZEO explained that only page one would need to be read, but she has included all attachments for the Commissions perusal.

MOTION BY Commission Secretary Luff to *approve the extension* of the Town of Oxford Planning & Zoning **Accessory Apartment Amnesty Plan;**

WHEREAS, The Oxford Planning & Zoning Commission's zoning provide that accessory apartments may be permitted, by site plan approval, in certain zoning districts. An accessory apartment is defined as "A specified separate room or group of rooms which contains food preparation facilities separate from those of the property owner or tenant".

As part of its ongoing effort to identify existing housing stock in the Town of Oxford which may qualify as affordable housing under state guidelines, the Planning & Zoning Commission hereby adopts this Accessory Apartment Amnesty Plan. The program began on July 1, 2013, any person who has an existing accessory apartment which has not been approved by the Planning & Zoning Commission, may at any time prior to December 31, 2013; obtain a retroactive approval of the apartment by submitting an Application to the Planning & Zoning Commission under this Amnesty Plan. **This date is extended to December 31, 2014.** The letter request shall contain the following:

The Commission will waive the fee for any such request, but will require a recording fee for the Covenant.

Any person who has an approved accessory apartment but has not submitted the required annual statement may do so prior to **December 31, 2014** without penalty.

Commencing **January 1, 2015**, the Commission will implement the following measures:

1. A Town wide inventory of legal and illegal accessory apartments;
2. Issuance of Cease and Desist orders for illegal accessory apartments;
3. Initiation of legal action to compel removal of illegal accessory apartments including the recovery of daily fines and attorneys' fees; and
4. Amendment of the Regulations to limit the circumstances in which an accessory apartment may be approved.

Please note that this program is designed to secure compliance with the Zoning Regulations AND increase the affordable housing stock in the Town of Oxford. No aspect of this program shall be deemed to waive any required approvals from the Building or Health Department, nor shall it provide any exemptions from real property taxation.

Certain aspects of Section 2.8 of the Regulations regulate the use and users of the principal dwellings and the Apartment, such as the requirement that the owners of the premises reside in the principal dwelling. These use requirements cannot be waived prospectively. An approval under this program will forgive past violations of these use requirement Regulations, and approve Apartments which do not met the physical requirements of the Regulations, but not future violations.

Second by Vice Chairman Watt.

Discussion ensued between Commission members, the ZEO and Town Planner, Brian Miller regarding the 40 year deed restriction.

Vote: All Ayes.

2.) Approve Regular Meeting Schedule for 2014.

MOTION BY Vice Chairman Watt to *approve* the Regular Meeting Schedule for 2014 as presented.

Second by Commissioner Cocchiarella.

Vote: All Ayes.

3.) Any other business the Commission deems necessary for discussion.

Alternate Joe Dempsey stated that “the Commission may not deem it necessary but I do”.

“Since his previous time served on this board I have learned a lot about conditions applied and circumvention of same. I have seen too much of same that concerns me. In reference to conditions set and approved against Z-13-138 Oxford Town Center”

“1.) Page 9, Item 2B, II – It says proposed earth excavation, re-grading is adequate to carry potential traffic and my concern that provisions have been made for entering and leaving the site. What are the provisions and have they been recorded so that the applicant thoroughly understands them and we know what we have to go chasing after?”

Commissioner Cocchiarella replied that all the trucks will enter and leave from the entrance on Route 67, and he is aware of it, no trucks will be leaving from the Echo Valley Road entrance.

“The next one I had was on page 10, Item 7, all I’m saying, is it has to do with the blasting and the 500’ and so forth; shouldn’t something be listed in there with regards to the Fire Marshal as the overseer of all this?”

Commission members stated that it is state law that the Fire Marshal oversees that aspect.

“Page 11, Item 13 which states a record of the amount of material leaving the site shall be kept- this is the one that I thought should be done on a weekly basis, not monthly, but my concern here is weekly keeps them on their toes, but also what happens if they miss the monthly, has anything been decided what they are going to do?”

Anna Rycenga, ZEO stated that the Town Engineer, Alan Young reviewed that and he came up with that recommendation to show and the pre and the post survey.

“What are they going to do if he doesn’t get it in by the 10th?”

Anna Rycenga, ZEO stated that the site is going to be shut down.

“You have gone through on that duration of permit, you said it expires on August 1, 2014, then you said it will be put on the agenda for July of 2014 and if the special permit has not expired according to those conditions, it goes on to November 1, 2014. Why do we go to November 1, 2015?”

Anna Rycenga, ZEO stated that the dates are the way they are because they want the applicant to come in with a site plan.

“If he is going to have everything done, by his own words, by August 1st, I think November 1, 2014 is fine.”

Anna Rycenga, ZEO stated that it is incentive to come in with a site plan if he needs an extension.

Commissioner Cocchiarella stated that it also has to do with the Phasing

UPCOMING EVENTS/MEETINGS:

- 1.) *A Public Hearing is scheduled for 3:00 PM on December 6, 2013
(Crestview Ridge Expansion)*

ADJOURNMENT

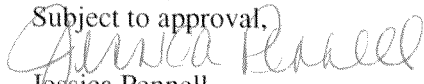
MOTION BY Commission Secretary Luff to *adjourn* the meeting at 8:38 PM.

Second by Alternate Joe Dempsey.

Vote: All Ayes.

Respectfully submitted

Subject to approval,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

13 DEC -5 PM 12:15
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK

VERBATIM PLEASE.

UNDER ANY OTHER BUSINESS THE
COMMISSION DEEMS NECESSARY -

"THE COMMISSION MAY NOT DEEM IT
NECESSARY BUT I DO."

"SINCE MY PREVIOUS TIME SERVED ON THIS
BOARD I HAVE LEARNED A LOT ABOUT
CONDITIONS APPLIED & CIRCUMVENTIONS
OF SAME." I HAVE SEEN TOO MUCH OF
SAME THAT CONCERNS ME. IN
REFERENCE TO CONDITIONS SET &
APPROVED AGAINST Z-13-138 OXFORD
TOWN CENTER:

1) PAGE 9, ITEM 2, B, II - WHAT ARE THE
PROVISIONS & ARE THEY LISTED IN
THE RECORDS FOR APPLICANTS
KNOWLEDGE & ADHERENCE TOO?

2) PG. 10, ITEM 7, - SHOULD NOT THE FIRE
MARSHALS INVOLVEMENT BEEN LISTED?

3) PG. 11, ITEM 13 - WEEKLY REPORTS KEEPS THEM
ON THEIR TOES BUT WHAT HAPPENS
WHEN THEY MISS THE MONTHLY TENTH
DEADLINE?

ITEM 19 - WHY OPEN UP ANOTHER YR.
CONSIDERING PREVIOUS TRACK RECORD?

4) ADD AN ADDITIONAL CONDITION - "NO MATERIAL
IS TO BE BROUGHT ON SITE FOR RE-SALE."

For Zumpay Dec 3, 2013