



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

Planning & Zoning Commission

Special Meeting Minutes
Tuesday, March 11, 2014
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Special Meeting of March 11, 2014 to order at 8:32 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: David Stocker, Pete Zbras, Harold Cosgrove, Arnie Jensen, Tanya Carver, Jeff Luff, Pat Cocchiarella and Todd Romagna.

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

Not Present: Wayne Watt.

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

Chairman Carver seated Alternate David Stocker in Commissioner Wayne Watt's absence.

AUDIENCE OF CITIZENS (Not for Pending Applications)

OLD BUSINESS

NEW BUSINESS

1.) **Z-14-005 [RES-A] – 148 Riggs Street, Beth Acres - Applicant & Owner: Brian Botti** (Re-Subdivision Application)

a. Letter dated 2/18/2014 from Michael Horbal to Oxford Planning & Zoning Commission

Commission Secretary Luff read the Correspondence (a) from Michael Horbal.

Commission Secretary Luff read a memorandum from Town Planner, Brian Miller dated 3/11/2014.

MOTION BY Commission Secretary Luff to *approve* application Z-14-005:

WHEREAS, The Oxford Planning & Zoning Commission have received Application **Z-14-005**, Beth Acres, for a three lot subdivision;

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 February 18, 2014;

WHEREAS, the information on the application was submitted along with supporting information on file in the Planning Office of the Town of Oxford;

WHEREAS, the applicant has submitted a request for a waiver of Article 8, Sections 1 & 2 of the subdivision regulations which required a payment in lieu of open space dedication;

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

- Subdivision/Resubdivision application Z-14-005; Date accepted, 1/29/2014.
- Record Subdivision Map; "Beth Acres, Riggs Street and Autumn Ridge Road", prepared by Michael H. Horbal, most recently dated 12/26/2013.
- Site Development Plan, Soil Erosion and Sediment Control Plan; "Beth Acres, Riggs Street and Autumn Ridge Road", prepared by Michael H. Horbal, most recently dated 12/26/2013.
- Septic System Data & Standard Detail; "Beth Acres, Riggs Street and Autumn Ridge Road", most recently dated 12/26/2013.

BE IT RESOLVED, that based upon the application and testimony, this application is approved for the following reasons:

1. The Commission finds that the request for the waiver of Article 8, Sections 1 & 2 is justified based upon the substantial tax contributions on the lots over time.
2. The application is in conformance with the Oxford Subdivision Regulations.
3. The application is in conformance with the Oxford Zoning Regulations.

Subject to the following conditions:

1. Compliance with the Oxford Subdivision 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 record subdivision map 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 this application.
5. If improvements have not been completed, subdivision expires after five years from the date of filing the record subdivision map.
6. In accordance with Article 4, Section 3 of the Subdivision 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 inspection and final acceptance of any improvements.
7. Compliance with all Town of Oxford ordinances in effect as of this date.
 8. Payment of a security in an amount established by the Planning & Zoning Engineer, in a form approved by Town Counsel, if required.
 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 Commission Engineer.
 11. No burying of stumps, debris or any other material. A report or receipt must be provided indicating proper stump removal.
 12. Applicant shall contact the Zoning Enforcement Officer and Town Engineer to schedule a pre-construction meeting prior to any activity on site.
 13. The remains of the foundation straddling the proposed lot line between Lots 1 & 2 shall be removed prior to the filing of the mylar.
 14. A common driveway easement as depicted on the "Record Subdivision Map" shall be in a form approved by Town Counsel and filed in conjunction with the filing of the subdivision mylar.
 15. The Conservation Easement as depicted on the "Record Subdivision Map" shall be in a form approved by Town Counsel and filed in conjunction with the filing of the subdivision mylar.
 16. Seven copies of the revised plans, amended in accordance with this motion shall be presented for review by Town Counsel, Zoning Enforcement Officer, Town Planner, Town Engineer and any other required by the Planning & Zoning Commission, to the Planning & Zoning Office.

Second by Commissioner Cosgrove.

DISCUSSION:

Commissioner Cosgrove stated that he is not in favor of waiving the fee in lieu of open space based upon the taxes the applicant has paid.

Anna Rycenga, ZEO stated that the usual fee in lieu of open space is \$7,000.00 per lot.

Chairman Carver stated that she was not at the Public Hearing, but she is not in favor of waiving the fee in lieu of open space.

Commissioner Cosgrove suggested that they delete #1 of the resolution.

Town Planner, Brian Miller stated that if that is the will of the Commission, they should state the following: (1) why the fee waiver is not justified and (2) that there are two lots, which would be \$14,000.00 due in lieu of open space.

Chairman Carver questioned the policy on open space, Article 8, Section 2.

Anna Rycenga, ZEO stated that past practice has been for the Town to receive \$7,000.00 per lot.

Commissioner Cocchiarella questioned if the taxes were paid on separate lots.

Anna Rycenga, ZEO stated, yes, buildable lots.

Commissioner Cocchiarella suggested that they could waive the payment but remove the reasoning of the taxes paid.

Anna Rycenga, ZEO stated that the lots are still being assessed as buildable lots.

Town Planner, Brian Miller stated that the Commission could state that the requirements were satisfied by the conservation easement.

Commissioners agreed to amend the motion by changing the wording in #1 to “The Commission finds that the request for the waiver of Article 8, Sections 1 & 2 is justified based upon the fact that there is already a conservation easement on the property.

Commission Secretary Luff accepted the amended motion, **Commissioner Cosgrove seconded** amended motion.

VOTE: Ayes (6), Nays (0), Absentions (1), Chairman Carver.

- 2.) **Z-14-007 [IND] – 325 Riggs Street, Unit B, Owner: Inside-Environments, LLC, Applicant: Master Brands Connecticut, LLC** (Use Permit)

MOTION BY Commissioner Cocchiarella to *approve* application **Z-14-007** for a use permit based on the “*Tenant Fit-out Plan*” dated November 2, 2005 last revised February 19, 2014 prepared by Mreza Manzouri Architech, AIA revised by the applicant Master Brands CT, LLC with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings regarding this application.
2. Compliance with the Statement of Use dated 2/19/2014.
3. Compliance with the Fire Marshal’s approval dated 2/25/2014.
4. Compliance with the W.P.C.A. approval dated 2/19/2014.
5. No signage is proposed at this time including temporary signage.
6. 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.
7. Compliance with the Oxford Zoning Regulations as of this date.

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

Second by Commission Secretary Luff.

VOTE: All (7) Ayes.

- 3.) **Z-14-008a [POD] – 441 Oxford Road, 2A, Owner: First Oxford House, LLC, Applicant: Jan Wise/Best Wise Associates** (Use Permit)

MOTION BY Commissioner Cosgrove to *approve* application **Z-14-008a** for a use permit based on the Map Drawing Titled “Second Floor Construction Plan” for First Oxford House, LLC, dated 6/27/2013 and last revised 7/8/2013, prepared by H&R Design Facilities/Planners of Danbury, Connecticut.

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings regarding this application.
2. Compliance with the Statement of Use dated 2/19/2014.
3. Compliance with the Fire Marshal's approval dated 2/25/2014.
4. Compliance with the W.P.C.A. approval dated 2/25/2014.
5. No signage is proposed at this time including temporary signage.
6. 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.
7. Compliance with the Oxford Zoning Regulations as of this date.

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

Second by Commissioner Cocchiarella.

VOTE: All (7) Ayes.

Commissioner Cocchiarella noted that at some point, as more tenants apply, the parking for 441 Oxford Road will have to be addressed.

- 4.) **Z-14-008 [IND] – 315 Riggs Street, Unit 2A Owner: Matt Zaloumis, Applicant: The Eri Amyloid Laboratory, LLC** (Use Permit)

James and Margaret Elliot were present to explain their business to the Commission.

It was noted that the Fire Marshal had not signed off on this use permit to date.

MOTION BY Commissioner Cocchiarella to *table* this item.

Second by Commissioner Cosgrove.

VOTE: All (7) Ayes.

- 5.) **Z-14-012 – 117 Hurley Farms Road & Hurley Farms Road, Owner: Third Garden Park, L.P., Applicant: Garden Homes Management Corp.** (Site Plan Approval)

Anna Rycenga, ZEO stated for the record that Application **Z-14-012** is complete and the fees have been paid.

MOTION BY Chairman Carver to set the Public Hearing date for **Z-14-012** for **4/1/2014** at **7:00 PM**.

Second by Commission Secretary Luff.

VOTE: All (7) Ayes.

BOND RELEASES

LITIGATION

ZONING ENFORCEMENT

Anna Rycenga, ZEO discussed briefly with the Commission about Raised Bill No. 5507 which is before the General Assembly. She explained that the bill if passed would go into effect on October 1, 2014. She stated that it is an act concerning the appointment of Zoning Enforcement Officials, Building Officials and Fire Marshals. She noted that there is a copy on file in the office.

CORRESPONDENCE

Commission Secretary Luff noted the following correspondence for the record and stated that it is on file in the Planning & Zoning Office.

- a.) Letter dated 2.20/2014 from Caleb F. Hamel, Esq. of Branse, Willis & Knapp, LLC
Re: FOIA Request
- b.) Letter dated 2/21/2014 from the CT Siting Council
Re: EM-AT&T-108-140206 – Notice of Intent to modify existing telecommunications facility at 338 Oxford Road.

ACCEPTANCE OF MINUTES:

MOTION BY Commission Secretary Luff to *approve* the following minutes as presented:

- 1.) February 4, 2014 Public Hearing Minutes – 7:00 PM
- 2.) February 4, 2014 Regular Meeting Minutes – 7:30 PM
- 3.) February 18, 2014 Public Hearing Minutes – 7:00 PM (Beth Acres)
- 4.) February 18, 2014 Regular Meeting Minutes – 7:30 PM

Second by Commissioner Cocchiarella.

VOTE: All (7) Ayes.

INVOICES

- 1.) Invoice # 006-14 from Nafis & Young Engineers.

MOTION BY Commission Secretary Luff to *approve* Invoice # 006-14 from Nafis & Young Engineers.

Second by Commissioner Cocchiarella.

VOTE: All (7) Ayes.

OTHER BUSINESS

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

UPCOMING EVENTS/MEETINGS:

Public Hearings:

Glendale Continued – March 18, 2014 beginning at 7:00 PM.


ADJOURNMENT

MOTION BY Commission Secretary Luff to *adjourn* the meeting at 9:32 PM.


Second by Commissioner Cocchiarella.

VOTE: All (7) Ayes.

Respectfully submitted,


Jessica Pennell

Administrative Secretary
Planning & Zoning Commission

14 MAR 19 AM 11:46
TOWN OF GORDON, CT

TOWN CLERK