



TOWN OF OXFORD
S.B. Church Memorial Town Hall
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Planning & Zoning Commission

Regular Meeting Minutes
Tuesday, November 21, 2017
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Jeff Luff called the Regular meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners/Alternates/Staff	
John Kerwin	Present
Mackenzie Macchio	Absent
Pete Zbras	Present
Pat Cocchiarella	Present
Jeff Luff	Present
Arnie Jensen	Present
Tanya Carver	Present
Dan Wall	Present
Harold Cosgrove	Present
Jessica Pennell	Present
Steve Macary	Present

Also Present: Land Use Counsel, Peter Olson.

SEATING OF ALTERNATES

Chairman Jeff Luff seated Commission Alternate John Kerwin.

AMENDMENTS TO THE AGENDA

EXECUTIVE SESSION

Item: Litigation - Re: Garden Homes Management Corp. Et Al v. Oxford Planning & Zoning Commission.

MOTION BY Commissioner Tanya Carver to enter Executive Session at 7:33 PM to discuss litigation regarding Garden Homes Management Corp., Et Al v. Oxford Planning & Zoning Commission.

Second by Commission Secretary Pat Cocchiarella.

All (7) Ayes. Motion passed 7-0.

Chairman Jeff Luff invited all Commissioners present, Steven S. Macary, ZEO, Jessica Pennell, Administrative Secretary and Land Use Counsel Peter Olson into Executive Session.

MOTION BY Commission Secretary Pat Cocchiarella to exit Executive Session at 8:35 PM.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes. Motion passed 6-0. (Commissioner Tanya Carver left Executive Session at 8:00 PM)

Chairman Jeff Luff stated for the record that no action was taken in Executive Session.

CORRESPONDENCE

AUDIENCE OF CITIZENS

NEW BUSINESS

1. **Z-17-127 [RESA] – 5 Pine Street – Owner & Applicant: Gary Franco**
(Cottage Business/Use Permit)
 - a. Application Z-17-127
 - b. Statement of Use dated 11/1/2017 with attachment.
 - c. As-built dated 1/18/2017 prepared by D'Amico Associates

MOTION BY Vice Chairman Arnie Jensen to approve this application with conditions.

Second by Commissioner Pete Zbras.

All (6) Ayes. Motion passed 6-0.

2. **Z-17-131 [IND] – Lot 2RA Pheasant Run Road – Owner: 589 Investments, LLC – Applicant: RS Site and Sports** (Site Plan to construct a 16,500 sq. ft. Building)
(Request Commission to determine if “Proposed Multi-Use Development” requires a Special Exception under Article 9, Section 9.3.21 and 9.3.22)

MOTION BY Commission Secretary Pat Cocchiarella to hold a Public Hearing for Z-17-131 on Tuesday, December 19, 2017 at 7:00 PM.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes. Motion passed 6-0.

OLD BUSINESS

1. **Z-17-071 [RESA] – Riverview Subdivision – Riverview Road – Owner: Lars Realty, LLC – Applicant: Cocchiola Paving, Inc.** (Re-subdivision of Parcel “D”)

CLOSED PUBLIC HEARING ON 9/19/2017 – Commission has 65 days to act on the application.
(Must render decision by 11/21/2017)

2. **Z-17-072 [RESA] – Riverview Subdivision – Riverview Road – Owner: Lars Realty, LLC – Applicant: Cocchiola Paving, Inc.** (Excavation Permit – 16,000 cubic yards)

CLOSED PUBLIC HEARING ON 9/19/2017 – Commission has 65 days to act on the application.

(Must render decision by 11/21/2017)

Commission Secretary Pat Cocchiarella read the following resolution:

DECISION

Application Nos. Z-17-071 and Z-17-072
November 21, 2017

WHEREAS, The Oxford Planning and Zoning Commission have received the following applications:

Application Z-17-071, purporting to be an application to re-subdivide "Parcel D," a piece of property within the previously approved Riverview Subdivision.

Application Z-17-072, purporting to be an application to excavate 16,000 cubic yards from "Parcel D" of the previously approved Riverview Subdivision.

WHEREAS, by decision, dated April 3, 2008, the Commission approved Application No. Z-06-239 Lars Realty, LLC/Cocchiola Paving, Inc. 4 Lot Subdivision at 262 Roosevelt Drive and Special Permit for excavation in Res-A-Zone, Z-06-240

WHEREAS, the Oxford Planning and Zoning Commission, by decision dated April 3, 2008, agreed to settle the Appeal, Cocchiola Paving, Inc. v. Oxford Planning and Zoning Commission, CV-07-40083565, due to the desire to avoid the possibility of what it believes to be an outcome less conducive to the health, safety, and welfare of the Town of Oxford

WHEREAS, the Commission, based on the desire to have a controlled outcome, which will ensure the maximum control over the development of the parcel in question, and based upon the record before the Commission at the time of the hearing, the Commission made the findings of fact enumerated in the Planning and Zoning minutes of 4-3-08

WHEREAS, the Commission considered Application Nos. Z-17-071 and Z-17-072 at public hearings held August 15, 2017, September 5, 2017, and September 19, 2017

WHEREAS, the Commission has considered the original maps, plans, and accompanying document of the approved subdivision as well as the following documents within their deliberations:

- Letter dated April 17, 2013 from Nafis & Young Consulting Engineers
- Letter dated May 3, 2013 from Donald W. Smith, Jr., PE Consulting Engineer
- Letter dated November 12, 2013 from Donald W. Smith, Jr., PE Consulting Engineer
- Letter dated March 21, 2013 from Pomperaug District Department of Health
- Letter dated May 15, 2015 from Conservation Commission/Inland Wetland Agency
- Letter dated April 13, 2017 from Lars Realty, LLC
- Letter dated September 12, 2017 from Nafis & Young Consulting Engineers
- Reforestation Plan from Lars Realty, LLC revised December 18, 2006
- All surveys, maps, and plans provided and filed by Michael A. Horbal, Land Surveyors & Planners

WHEREAS, the Commission finds the following concerning Application Nos. Z-17-071 and Z-17-072

1. Both Applications are linked and should be considered integral to each other;
2. The Applications are in conformance with the Oxford Zoning Regulations;
3. The Applications are consistent with the sound and rational development of the original subdivision Z-06-239, 262 Roosevelt Drive.

BE IT RESOLVED, based upon the Applications and materials received, and testimony provided at the public hearings, Applications Z-17-071 and Z-17-072 are hereby approved.

This approval is subject to the following conditions:

1. All conditions of approval of Application Nos. Z-06-239 and Z-06-240, Lars Realty LLC/Cocchiola, 4 lot subdivision, 262 Roosevelt Drive and Special Permit for Excavation in Res A-zone, together with the Stipulated Judgment entered April 7, 2008 between Cocchiola Paving, et al v. Oxford Planning and Zoning Commission.
2. The applicant will be required to pay all costs of special consultants or studies deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
3. The applicant and their assigns must comply with all representations made at Commission meetings or at public hearings regarding this application.
4. Applicant shall submit three complete copies of the set of plans which reflect these conditions of approval, including and electronic copy.
5. No work to be started until financial security is established by the Commission Engineer in a form acceptable to Town Counsel and provided by the applicant.
6. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
7. All documents required by the approval of these applications and prior approved applications shall be provided and approved prior to the issuance of a zoning permit by the Zoning Enforcement Officer.
8. The Reforestation plan presented by the applicant is adopted by the Commission and shall be implemented in accordance with the Forester's recommendation. All plantings to be completed by May 15, 2018.
9. No excavation or building to begin on the re-subdivision property until such time as the Reforestation plan, as it applies to the approved subdivision, is complete and approved by the Zoning Enforcement Officer.
10. Once excavation on lots 5 and 6 of the re-subdivision is permitted to begin, no more than five (5) industry standard truck loads may leave the premises, on a daily basis, due to the inherent danger to the residents of the subdivision.

Vice Chairman Arnie Jensen made a motion to approve the resolution read by Commission Secretary Pat Cocchiarella with the conditions and amendments made during discussion.

Second by Commissioner Pete Zbras.

Ayes (3), Nays (1, Commission Alternate John Kerwin). Motion passed 3-1.

Effective date of approval, November 21, 2017.

APPROVED MOTION AFTER DISCUSSION:

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November 21, 2017

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WHEREAS, the Commission, based on the desire to have a controlled outcome, which will ensure the maximum control over the development of the parcel in question, and based upon the record before the Commission at the time of the hearing, the Commission made the findings of fact enumerated in the Planning and Zoning minutes of 4-3-08

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6. The Applications are consistent with the sound and rational development of the original subdivision Z-06-239, 262 Roosevelt Drive.

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This approval is subject to the following conditions:

11. All conditions of approval of Application Nos. Z-06-239 and Z-06-240, Lars Realty LLC/Cocchiola, 4 lot subdivision, 262 Roosevelt Drive and Special Permit for Excavation in Res A-zone, together with the Stipulated Judgment entered April 7, 2008 between Cocchiola Paving, et al v. Oxford Planning and Zoning Commission.
12. The applicant will be required to pay all costs of special consultants or studies deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
13. The applicant and their assigns must comply with all representations made at Commission meetings or at public hearings regarding this application.
14. Applicant shall submit three complete copies of the set of plans which reflect these conditions of approval, including and electronic copy.
15. No work to be started until financial security is established by the Commission Engineer in a form acceptable to Town Counsel and provided by the applicant.
16. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
17. All documents required by the approval of these applications and prior approved applications shall be provided and approved prior to the issuance of a zoning permit by the Zoning Enforcement Officer.
18. The Reforestation plan presented by the applicant is adopted by the Commission and shall be implemented in accordance with the Forester's recommendation. All plantings to be completed by May 15, 2018.

19. No excavation or building to begin on the re-subdivision property until such time as the Reforestation plan, as it applies to the approved subdivision, is complete and approved by the (delete Zoning Enforcement Officer) insert ***Planning & Zoning Commission***.
20. Once excavation on lots 5 and 6 of the re-subdivision is permitted to begin, no more than five (5) industry standard (***non-articulated***) truck loads may leave the premises, on a daily basis, due to the inherent danger to the residents of the subdivision.
21. Once excavation commences the applicant must provide monthly excavation reports to the Planning & Zoning Department.

(Commission Alternate John Kerwin left the meeting at 9:17 PM).

BONDS/BONDS RELEASES - NONE

ZONING ENFORCEMENT

- Report of the ZEO on complaints, violations and any other items deemed necessary for discussion/action by the Commission.

APPROVAL OF MINUTES

1. **Motion by Commission Secretary Pat Cocchiarella** to approve 9/19/2017 Public Hearing Minutes - Riverview as presented.
Second by Vice Chairman Arnie Jensen.
All (5) Ayes. Motion passed 5-0.
2. 10/3/2017 Public Hearing Minutes – POCD – No action.
3. **Motion by Commission Secretary Pat Cocchiarella** to approve the 10/3/2017 Regular Meeting Minutes as presented.
Second by Vice Chairman Arnie Jensen.
All (5) Ayes. Motion passed 5-0.
4. 10/10/2017 POCD Workshop Minutes – No action.
5. 10/17/2017 Regular Meeting Minutes – No action.
6. 10/18/2017 Regular Meeting Minutes – No action.

INVOICES

1. Turner Miller Group Invoice – POCD (Tabled on 10/17/2017) – Item remained tabled.
2. **Motion by Vice Chairman Arnie Jensen** to approve Invoice #368-17 from Nafis & Young Engineers – Pheasant Run.
Second by Commissioner Pete Zbras.
All (5) Ayes. Motion passed 5-0.
3. **Motion by Commission Secretary Pat Cocchiarella** to approve Invoice #401-17 from Nafis & Young Engineers – Pheasant Run.
Second by Vice Chairman Arnie Jensen.
All (5) Ayes. Motion passed 5-0.

OTHER BUSINESS

1. Approve 2018 Regular Meeting Schedule.

Motion by Commission Secretary Pat Cocchiarella to approve the regular meeting schedule as presented.

Second by Commissioner Pete Zbras.

All (5) Ayes. Motion passed 5-0.

2. Update on Corrections/Modifications of the POCD

Jessica Pennell, Administrative Secretary gave a brief update on the corrections to the POCD. She stated that a letter was sent to OPM to declare that the current POCD is expired. Kathleen O'Neil and Robbi Costigan, both from the Grant Writer's office are aware of the waiver letter that needs to accompany any grants the town is applying for, until the POCD is finalized and approved.

Vice Chairman Arnie Jensen requested that the Commission have the revised copy of the POCD by the next regular meeting.

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

Vice Chairman Arnie Jensen stated that when he became Chairman two years ago, there were many things that the Commission wanted to accomplish. He referred to updating the Policies and Procedures, the audio/video equipment upgrades, the fee structure and updating the Zoning Regulations. He commented that he hopes that the Commission can continue to try to work on these projects.

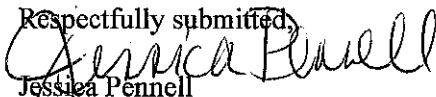
ADJOURNMENT

MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 9:41 PM.

Second by Commissioner Pete Zbras.

All (5) Ayes. Motion passed 5-0.

Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

17 NOV 29 PM 1:24
TOWN OF OXFORD, CT
Pat Cocchiarella
TOWN CLERK