

TOWN OF OXFORD PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall
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www.Oxford-CT.gov



Special Meeting Minutes
Tuesday, August 29, 2017
7:00 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Arnie Jensen called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Tanya Carver, Jeff Luff, Pat Cocchiarella, Arnie Jensen, Todd Romagna and Bob Costigan. (Jeff Luff arrived at 7:04 PM)

Also Present: Jessica Pennell and Steven S. Macary, ZEO.

Not Present: Mackenzie Macchio and Harold Cosgrove.

SEATING OF ALTERNATES

Chairman Arnie Jensen seated Alternate Commissioner Pete Zbras.

Discussion with possible action on the following applications:

1. **Z-17-076 [COMM] – Oxford Towne Center – “Quarry Walk” – 304 Oxford Road - Owner & Applicant: Oxford Towne Center, LLC** (Zone Map Amendment – Change zone from COMM to VCMUD)
2. **Z-17-077 [VCMUD] – Oxford Towne Center – “Quarry Walk” – 304 Oxford Road Owner & Applicant: Oxford Towne Center, LLC** (Conceptual Plan Amendment #2)

Commission Secretary Pat Cocchiarella made a motion:

DECISION

Application Nos. Z-17-076 and Z-17-077

August 29, 2017

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

Application Z-17-076, purporting to be an application to amend the Zoning Map of the Town of Oxford;

Application Z-17-077, purporting to be an application to amend the Conceptual Site Plan for Oxford Town Center;

WHEREAS, by decision dated July 1, 2014, the Commission approved Application No. Z-14-027, for Quarry Walk, Oxford Towne Center, and applied the Village Center Mixed Use District (Zoning Regulations Article 6) (“VCMUD”) as a floating zone to the following parcels of land (the “Initial Properties”):

A portion of 268 Oxford Road, Assessor’s Map 34, Block 9, Lot EV-4A
274 Oxford Road, Assessor’s Map 34, Block 9, Lot 25
278 Oxford Road, Assessor’s Map 34, Block 9, Lots 31A & 31B
300 Oxford Road, Assessor’s Map 24, Block 9, Lot 26
3 Echo Valley Road, Assessor’s Map 34, Block 9, Lot EV-6

WHEREAS, by decision dated July 1, 2014, the Commission approved Application No. Z-14-028 for a Conceptual Plan for Quarry Walk, Oxford Towne Center, pursuant to Zoning Regulations § 6.6.2.3, which covered the Initial Properties.

WHEREAS, by decision dated January 12, 2016, the Commission approved Application No. Z-16-003 Amended Conceptual Plan for Quarry Walk, Oxford Towne Center, pursuant to Zoning Regulations § 6.6.2.3, which covered the Initial Properties.

WHEREAS, The Commission has received and reviewed Application Z-17-076 as an application to amend the Zoning Map of the Town of Oxford to apply the VCMUD as a floating zone to the following parcels of land (the “Additional Properties”):

304 Oxford Road, Assessor’s Map 34, Block 9, Lot 27; and
A portion of 308 Oxford Road, Assessor’s Map 34, Block 9, Lot 28

WHEREAS, the Commission has received and reviewed Application Z-17-077 as an application to approve a Second Amended Conceptual Plan for Quarry Walk, Oxford Towne Center, pursuant to Zoning Regulations § 6.6.2.3, covering the Initial Properties and the Additional Properties.

WHEREAS; the Commission considered Application Nos. Z-17-076 and Z-17-077 at a public hearing on July 17, 2017;

WHEREAS; the Commission has considered the following maps and documents within their deliberations:

- Application Materials include a Statement of Use
- Applications for Rezoning and Conceptual Site Plan Approval
- Sheet CS001 Cover Sheet, last revised 6/13/17
- Sheet CS002 Master Legend & Notes Sheet 01/12/16
- Sheet VB101 Boundary & Topographic Sheet, last revised 8/21/14
- Sheet VB102 Boundary & Topographic Survey, last revised 05/13/16
- Sheet CS100, Overall Site Plan, last revised 08/09/17
- Sheet CU100, Overall Utility Plan last revised 06/13/17
- Sheet LP100 Overall Landscaping Plan, Last revise 06/13/17
- Sheet LL100 Overall Lighting Plan, last revised 6/13/17
- Sheet Ph-1 Overall Phasing Plan, last revised 6/13/17

WHEREAS; the Commission finds the following concerning Application Nos. Z-17-076 and Z-17-077:

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 in conformance with the Oxford Plan of Conservation and Development.
4. The applications are consistent with the sound and rational development of the Village Center Mixed Use District:

WHEREAS, notwithstanding any aspect of the decision rendered herein, the Commission takes no position on whether the approval of a Conceptual Plan under Sections 6.6.2.3, 6.7.1 and 6.7.2 of the VCMUD constitutes final action of the Commission to amend the Zoning Map and apply the VCMUD to specific parcels of land. Rather, the Commission defers the question of whether a site plan approval is also required in order for the application of the VCMUD to such parcels to be final.

BE IT RESOLVED, that based upon the application and materials received, and testimony provided at the public hearing, Application Nos. Z-17-076 and Z-17-077 are hereby approved.

This approval is subject to the following conditions:

1. All required conditions of the approval of Application Nos. Z-14-027, Z-14-028 and Z-16-003. In the event a condition of this Decision conflicts with a condition set forth in any such applications, the provisions of this Decision shall control.
2. No substitute material shall be used without approval of the Commission and the Commission Engineer.
3. 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.
4. The applicant and their assigns must comply with all representation made at Commission meetings or at public hearings regarding this application.
5. The applicant shall submit three complete copies of the set of plans, which reflect these conditions of approval, including an electronic copy.
6. No work to be done until security is established by the Commission Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. Per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside expert the commission assigns to review this application for pre-and post-review.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
10. All exterior signs not directly included within this approval shall be subject to approval by the Commission, in accordance with the standards and guidelines as interpreted by the Commission.
11. 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.

12. The effective date of the conditions of the previously approved Conceptual Plans shall remain in effect, except as otherwise required within this resolution.
13. The Second Amended Conceptual Plan may require excavation and earth removal beyond that which has been than previously approved. If such additional excavation and earth removal is required, the applicant shall include an application for major earth excavation and removal as part of any Site Plan application filed hereafter.
14. The applicant shall submit revised plans reflecting all conditions for approval by the Commission. The conditions of approval shall not be considered complete without final approval of the revisions by the Commission.
15. Safety fencing shall be placed at all points in and around the perimeter of the Quarry Walk development where the approved finished grade exceeds a ratio of 2 horizontal to 1 vertical. Such fencing shall be placed within 50 feet of the boundary of the Quarry Walk development within a location approved by the Planning and Zoning commission. All such fences shall have a minimum height of six feet, and be a design, which would prevent and inhibit climbing across the fence, and as approved by the Commission. ***This condition supersedes Condition 23 of approval Z-14-028.***

The effective date of this approval is _____.

Second by Vice Chairman Jeff Luff.

Discussion:

The following typographical errors were addressed;

- 1) Application Z-17-077, purporting to be an application to amend the Conceptual Site Plan for Oxford Town Center;
- 2) WHEREAS; the Commission considered Application Nos. Z-17-076 and Z-17-077 at a public hearing on July 17 18, 2017;
- 3) Sheet CS002 Master Legend & Notes Sheet (*last revised*) 01/12/16
- 4) Sheet LP100 Overall Landscaping Plan, Last revise(*d*) 06/13/17
- 5) 4. The applications are consistent with the sound and rational development of the Village Center Mixed Use District: (.)

Chairman Arnie Jensen commented on Condition #15, stating that it is new language that clarifies that the intention of the condition is to have fencing for safety in areas where there are steep grades. He commented that it was never the intention to have a fencing across the front of the property or in areas where the grades are flat.

Commission Secretary Pat Cocchiarella stated that Condition #13 is in direct conflict with Condition #19 of the original approval from 2014.

Commissioner Tanya Carver stated that in a letter from Kyle Bogardus, it was stated that they would be doing mass excavation. She commented that the applicant needs to be aware that when he comes for the site plan for that piece of property, he has to come for a major earth excavation permit because his current permit is expired. She suggested taking out the first sentence of Condition #13.

Commission Secretary Pat Cocchiarella also suggested removing the word “such” from Condition #13.

A lengthy discussion took place between the Commission members.

Vice Chairman Jeff Luff suggested deleting Condition #13 in its entirety.

Further discussion ensued.

Commission Secretary Pat Cocchiarella accepted the corrections and amendments to the original motion.

Vice Chairman Jeff Luff accepted the corrections and amendments to the original motion.

Chairman Arnie Jensen called for a vote:

Ayes (5), Nays (1) Commissioner Tanya Carver.

MOTION PASSED 5-1.

REVISED DECISION

Application Nos. Z-17-076 and Z-17-077

August 29, 2017

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

Application Z-17-076, purporting to be an application to amend the Zoning Map of the Town of Oxford;

Application Z-17-077, purporting to be an application to amend the Conceptual Plan for Oxford Town Center;

WHEREAS, by decision dated July 1, 2014, the Commission approved **Application No.**

Z-14-027, for Quarry Walk, Oxford Towne Center, and applied the Village Center Mixed Use District (Zoning Regulations Article 6) (“VCMUD”) as a floating zone to the following parcels of land (the “Initial Properties”):

A portion of 268 Oxford Road, Assessor’s Map 34, Block 9, Lot EV-4A
274 Oxford Road, Assessor’s Map 34, Block 9, Lot 25
278 Oxford Road, Assessor’s Map 34, Block 9, Lots 31A & 31B
300 Oxford Road, Assessor’s Map 24, Block 9, Lot 26
3 Echo Valley Road, Assessor’s Map 34, Block 9, Lot EV-6

WHEREAS, by decision dated July 1, 2014, the Commission approved **Application No. Z-14-028** for a Conceptual Plan for Quarry Walk, Oxford Towne Center, pursuant to Zoning Regulations § 6.6.2.3, which covered the Initial Properties.

WHEREAS, by decision dated January 12, 2016, the Commission approved **Application No. Z-16-003** Amended Conceptual Plan for Quarry Walk, Oxford Towne Center, pursuant to Zoning Regulations § 6.6.2.3, which covered the Initial Properties.

WHEREAS, The Commission has received and reviewed **Application Z-17-076** as an application to amend the Zoning Map of the Town of Oxford to apply the VCMUD as a floating zone to the following parcels of land (the “Additional Properties”):

304 Oxford Road, Assessor’s Map 34, Block 9, Lot 27; and
A portion of 308 Oxford Road, Assessor’s Map 34, Block 9, Lot 28

WHEREAS, the Commission has received and reviewed Application **Z-17-077** as an application to approve a Second Amended Conceptual Plan for Quarry Walk, Oxford Towne Center, pursuant to Zoning Regulations § 6.6.2.3, covering the Initial Properties and the Additional Properties.

WHEREAS, the Commission considered Application Nos. **Z-17-076** and **Z-17-077** at a public hearing on July 18, 2017;

WHEREAS, the Commission has considered the following maps and documents within their deliberations:

- Application Materials include a Statement of Use
- Applications for Rezoning and Conceptual Site Plan Approval
- Sheet CS001 Cover Sheet, last revised 6/13/17
- Sheet CS002 Master Legend & Notes Sheet last revised 01/12/16
- Sheet VB101 Boundary & Topographic Sheet, last revised 8/21/14
- Sheet VB102 Boundary & Topographic Survey, last revised 05/13/16

- Sheet CS100, Overall Site Plan, last revised 08/09/17
- Sheet CU100, Overall Utility Plan last revised 06/13/17
- Sheet LP100 Overall Landscaping Plan, Last revised 06/13/17
- Sheet LL100 Overall Lighting Plan, last revised 6/13/17
- Sheet Ph-1 Overall Phasing Plan, last revised 6/13/17

WHEREAS, the Commission finds the following concerning **Application Nos. Z-17-076 and Z-17-077**:

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 in conformance with the Oxford Plan of Conservation and Development.
4. The applications are consistent with the sound and rational development of the Village Center Mixed Use District.

WHEREAS, notwithstanding any aspect of the decision rendered herein, the Commission takes no position on whether the approval of a Conceptual Plan under Sections 6.6.2.3, 6.7.1 and 6.7.2 of the VCMUD constitutes final action of the Commission to amend the Zoning Map and apply the VCMUD to specific parcels of land. Rather, the Commission defers the question of whether a site plan approval is also required in order for the application of the VCMUD to such parcels to be final.

BE IT RESOLVED, that based upon the application and materials received, and testimony provided at the public hearing, **Application Nos. Z-17-076 and Z-17-077** are hereby approved.

This approval is subject to the following conditions:

1. All required conditions of the approvals of **Application Nos. Z-14-027, Z-14-028 and Z-16-003**. In the event a condition of this Decision conflicts with a condition set forth in any such applications, the provisions of this Decision shall control.
2. No substitute material shall be used without approval of the Commission and the Commission Engineer.
3. 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.
4. The applicant and their assigns must comply with all representation made at Commission meetings or at public hearings regarding this application.

5. The applicant shall submit three complete copies of the set of plans, which reflect these conditions of approval, including an electronic copy.
6. No work to be done until security is established by the Commission Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. Per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside expert the commission assigns to review this application for pre-and post-review.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
10. All exterior signs not directly included within this approval shall be subject to approval by the Commission, in accordance with the standards and guidelines as interpreted by the Commission.
11. 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.
12. The effective date of the conditions of the previously approved Conceptual Plans shall remain in effect, except as otherwise required within this resolution.
13. The applicant shall submit revised plans reflecting all conditions for approval by the Commission. The conditions of approval shall not be considered complete without final approval of the revisions by the Commission.
14. Safety fencing shall be placed at all points in and around the perimeter of the Quarry Walk development where the approved finished grade exceeds a ratio of 2 horizontal to 1 vertical. Such fencing shall be placed within 50 feet of the boundary of the Quarry Walk development within a location approved by the Planning and Zoning commission. All such fences shall have a minimum height of six feet, and be a design approved by the Commission. ***This condition supersedes Condition 23 of approval Z-14-028.***

Effective date of approval _____.

ADOURNMENT

MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 7:48 PM.

Second by Alternate Commissioner Pete Zbras.

All Ayes.


Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

17 SEP 13 AM 9:53
TOWN OF OXFORD, CT

TOWN CLERK