

## **TOWN OF OXFORD**

### **PLANNING & ZONING COMMISSION**

S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)



#### **Regular Meeting Minutes**

Tuesday, April 17, 2018  
7:30 PM  
Main Meeting Room  
S.B. Church Memorial Town Hall

#### **CALL TO ORDER**

Vice Chairman Arnie Jensen called the Regular Meeting to order at 7:45 PM.

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

**Present:** John Kerwin, Pete Zbras, Arnie Jensen, Pat Cocchiarella, and Tanya Carver.

**Not Present:** Jeff Luff, Harold Cosgrove, and Dan Wall.

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

#### **SEATING OF ALTERNATES**

Vice Chairman Arnie Jensen seated Alternate Commissioner John Kerwin.

#### **AMENDMENTS**

#### **CORRESPONDENCE**

Commission Secretary Pat Cocchiarella read the following correspondence into the record:

- A. CFPZA Spring 2018 Newsletter
- B. Letter dated 4/11/2018 from Tom Beck of TCB Ventures, Inc.  
Re: Withdrawal of zoning application

**AUDIENCE OF CITIZENS** (Items not listed on the agenda).

**NEW BUSINESS**

1. **Z-18-166 [RESA] – 219 Meadowbrook Road, “Meadowbrook Estates”**

**Owner & Applicant:** Mountain Road Estates, LLC, 30 D Progress Avenue, Seymour, CT

**Application:** Site Plan Modification – Phase 10

**Kathy Ekstrom, Project Manager for Haynes Development**, 30 D Progress Avenue, Seymour presented a brief summary and history of the application.

**Commissioners’** asked questions about the original number of approved units, and the proposed new number of total units.

**Kathy Ekstrom** explained the process that they have followed for years, which included taking units from one phase and adding them to another phase.

**Tom Haynes, Owner, Haynes Development**, stated that when this was approved the units were square boxes. He explained that the last phase of the project has land that can accommodate more units, and that is the reason for the additional units and the application for the site plan modification.

After some discussion, the Commission advised the applicant to withdraw the current application and submit a new application as a Special Exception and hold a Public Hearing.

2. **Z-18-172 [RESA] – 1-C and 5-1 Autumn Ridge Road, Lot 1 “Beth Acres” & “Stonebridge” Subdivision (Map: 33 Block: 10 Lots: 82 A-1 & 82-1)**

**Applicant:** RAB II, Inc., 15 Blackberry Lane, Shelton, CT

**Owners:** RAB II, Inc., and Brian Botti, 15 Blackberry Lane, Shelton, CT

**Application:** Petition for Common Driveway for Lot #1C and #5-1, Autumn Ridge Road

**Jesse Judson** was present to represent the applicant. He explained to the Commission that he is here to petition the Commission to send a favorable recommendation to the Board of Selectmen for a proposed common driveway. He noted the common driveway in place of the originally approved driveway location has many advantages. He noted that the common driveway provides more accommodation for emergency vehicles, it is more functional, will minimize tree clearing and excavation; therefore there is a reduction of impact to the wetlands.

**Vice Chairman Arnie Jensen** asked who Mr. Judson represents.

**Mr. Judson** stated that he represents the owners of both lots that will share the common driveway.

**Alternate Commissioner John Kerwin** discussed the driveways that were approved with the original subdivision.

**Mr. Judson** and the Commissioners discussed why this was not proposed during the subdivision application. He explained that the driveway was approved with the subdivision, but they are now requesting access to two lots instead of one lot.

**Commission Secretary Pat Cocchiarella** questioned if the original access would be abandoned.

**Mr. Judson** stated that it would not be abandoned, but it would not be built.

**Alternate Commissioner John Kerwin** also stated that he would like to see the previously approved driveway abandoned.

**Mr. Judson** questioned if the Commission wanted the applicant to give up the right to build the previously approved driveway in the future.

**Commissioners** concurred that the previously approved driveway should be abandoned.

**Commission Secretary Pat Cocchiarella** noted that if the applicant wanted to build the other driveway in the future, it would have to go through the proper process for approval.

**MOTION BY Alternate Commissioner John Kerwin** that the Planning & Zoning Commission approve the petition for a common driveway to serve Lot #1C and Lot# 5-1 Autumn Ridge Road as depicted on maps dated 2/21/2018 and prepared by Jesse T. Judson, L.S. REG. NO. 70390 and titled “Easment Map – Proposed Common Driveway”.

The Planning & Zoning Commission makes a favorable recommendation to the Board of Selectmen to approve the proposed common driveway with the provision that the applicant and/or owners waive the right to the originally approved access to Lot #1C Autumn Ridge Road; also known as Lot 1 of the “Beth Acres” subdivision, which was approved in 9/3/2014.

**Second by Commission Secretary Pat Cocchiarella.**

**All (5) Ayes.**

Motion passed 5-0.

3. **Z-17-135 [OPD] – 7 Hawley Road (Map: 3 Block: 38 Lot: 8)**

**Applicant & Owner:** Advanta IRA Adm., LLC FBO Gregory Geaski IRA 1522076  
13191 Starkey Road, Suite 2, Largo, FL

**Application:** Fire Rebuild with In-law, Article 5, Section 5.2.5.7.

**Steven S. Macary, ZEO** explained why this item was placed on the agenda. He noted that the plans that he approved were not the same plans that were submitted to the building department. He noted that the applicant added a carport to the plans after he had signed off on the permit. The Building Official sent the applicant back to zoning for further review regarding the proposed carport. He also stated that the carport is no longer being built.

**Roger Paley, Architect for the applicant,** went over the details regarding this application. He noted that the home was damaged by a fire, but did originally include an in-law apartment that was properly permitted on or before 1997. He explained that the in-law conformed to the regulations, and the owner wanted to reconstruct the in-law and make the base house larger by slightly expanding the footprint.

**Commissioners** discussed whether or not the applicant could expand the footprint.

After some discussion Commissioners and staff noted that the house is located in the OPD, not the industrial zone.

**Commission Secretary Pat Cocchiarella** stated that the rebuild and expansion is permitted in the OPD since it is Residential is the underlying zone.

**Steven S. Macary, ZEO** noted that Mr. Paley has submitted a site plan for the fire rebuild.

**MOTION BY Alternate Commissioner John Kerwin** to approve the plan for Z-17-135 for 7 Hawley Road based on an Improvement Location Survey prepared by Roy V. Cheney, LLS # 18468 last revised 4/11/2018 with the following conditions:

1. The applicant comply with all the requirements outlined in Section 5.2.5.7 of the Oxford Zoning Regulations regarding Accessory Apartments.
2. The applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meeting of 4/17/2018 regarding this application.
3. The applicant comply with all the requirements outlined in Section 3.5.1 of the Oxford Zoning Regulations.

**Second by Commissioner Tanya Carver.**

**All (5) Ayes.**

Motion passed 5-0.

## **OLD BUSINESS**

1. **Z-18-163 [COMM] – 105 Oxford Road**

**Owner:** 105 Oxford Road, LLC, 1830 Middlebury Road, Middlebury, Connecticut

**Applicant:** Dr. Sonnell Patrick, dba Allergy Associates of Waterbury, P.C.

**Application:** Change of Use Permit

**MOTION BY Commissioner Tanya Carver** to approve application Z-18-163 for a change of use permit based on a plan prepared for Dr. Sonnell Patrick dated 2/21/2018 by David P. Petroccia, L.S. CT License #18627 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use dated 3/11/2018.
3. Compliance with the PDDH approval dated 3/12/2018.
4. Compliance with the I.W.E.O approval dated 3/12/2018
5. Compliance with the Oxford Zoning Regulations as of this date.
6. Per Article 3, Section 3.19.1 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 it meets Oxford Zoning Regulations in effect as of this date.

**Second by Commissioner Pete Zbras.**

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

### **ZONING ENFORCEMENT** – Report of the ZEO

**Steven S. Macary, ZEO** discussed the following with the Commission:

**241 Oxford Road** was discussed regarding whether or not the owner is in compliance with the conditions of their cottage business permit. Steven S. Macary, ZEO stated that he has requested the presence of the owner and he has not attended the meetings as requested.

**Commissioners** stated that a certified letter should be sent summoning the owner to the next meeting. It was also noted that the letter should reference Section 19.2 of the Zoning Regulations and that this will be the final notice before

**5 Pine Street** was discussed regarding complaints received by the ZEO. Steve explained that the Chairman and he did visit the address and speak to the owner. Commissioners requested that Steve monitor the property and if any violations occur, to take the appropriate steps in working with the owner to bring the property into compliance.

**Steven S. Macary, ZEO** handed out an email dated 4/16/2018 from Tom Beck, the applicant for the property located on 20 North Larkey Road. The email was a request for a refund of his fees in the amount of \$970.00.

**Commissioners** discussed this item briefly and concurred that the no fees would be refunded to Mr. Beck.

**Steven S. Macary, ZEO** and the Commission also discussed 21 Nichols Road and when they would be submitting their application for the rock crusher.

**Vice Chairman Arnie Jensen** stated that the rock crusher is gone, so they are not in violation of any zoning regulations at this time.

**Commissioners** agreed that without the crusher on site, there are currently no violations on the property.

### **APPROVAL OF MINUTES**

1. **MOTION BY Commissioner Tanya Carver** to approve the 3/20/2018 – Regular Meeting Minutes as presented. **Second by Commissioner Pete Zbras.**  
**Ayes (4), Abstention (1) Alternate Commissioner John Kerwin.**  
Motion passed 4-1.

### **INVOICES**

1. Turner Miller Group Invoice # 5372 – POCD (Tabled on 3/20/18)  
(This invoice remained tabled).

### **OTHER BUSINESS**

1. Update on Corrections/Modifications of the POCD.

**Vice Chairman Arnie Jensen** explained that some members met with NVCOG last week. He stated that he requested information from them and they have already responded. He noted that he is still working on the POCD, but would like to have it for the Commission to review and move forward at the next meeting.

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

**Jessica Pennell** informed the Commission that Jim Galligan offered to include planning reviews for upcoming projects if needed by the Commission.

### **ADJOURNMENT**


**MOTION BY Commissioner Tanya Carver** to adjourn the meeting at 9:15 PM.

**Second by Alternate Commissioner John Kerwin.**

**All (5) Ayes.**

Motion passed 5-0.

Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

18 APR 26 PM 2:58  
TOWN OF OXFORD, CT  
*Thomas H. West*  
TOWN CLERK