



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

Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, April 19, 2022
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall

I. CALL TO ORDER

Chairman Cocchiarella called the meeting to order at 7:33 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Joshua Dykstra, Robert Carr, Dan Wall, Pete Zbras, John Kerwin, Pat Cocchiarella, Brett Olbrys, and Ed Rowland.

Also Present: Steve Macary, ZEO, Jessica Pennell, Coordinator, and Kevin McSherry, Land Use Counsel.

Absent: Jesse Schremmer.

IV. SEATING OF ALTERNATES

Chairman Cocchiarella seated Alternate Joshua Dykstra for Commissioner Jesse Schremmer.

V. PUBLIC HEARINGS

A. Recessed Public Hearings

Chairman Cocchiarella opened the recessed hearing on the following application:

Commission Secretary Olbrys stated that he received an opinion by Attorney McSherry and based on that legal opinion; he recused himself from deliberations going forward. He then appointed Alternate Robert Carr to take his seat going forward.

It was noted that Mr. Carr would need to bring himself up to date on all the items in the record in order to be eligible to participate in the vote on the application.

1. **Z- 21-133 [COMM] – 60 Oxford Road – Owner & Applicant:** Pitt-Conn Holdings, LLC,
15 Apple Drive, Oxford, CT 06478 – Proposed, “Dunkin Donuts”
(*Special Exception – Article 10, and Article 7 - Section 7.7.3.2- Drive-thru Window*)

Attorney Dominick Thomas, representative for the applicant, began his presentation. He noted that there were revisions to the plan due to the approval of the zoning text amendment and the traffic study that was submitted to the CT DOT. He also submitted an exhibit to the Commission regarding case law related to expert testimony.

Don Smith, engineer for the applicant went over the revised site plan, and highlighted the changes that were outlined in the 4/11/2022 letter he submitted to the Commission; the letter includes the changes requested by the CT DOT.

Commissioners and Mr. Smith had a brief discussion regarding the size of the trucks that would be pulling into the Dunkin Donuts site.

Dominick Thomas briefly discussed the traffic study. He answered questions from Commissioners regarding the meeting the applicant had with the CT DOT.

Commissioner Kerwin requested the comments the applicant received from the CT DOT.

Attorney Thomas stated that he would submit the comments for the record.

Kermit Hua, traffic engineer, KWH Enterprises, LLC was present remotely. He summarized the traffic report submitted to the Commission.

Commissioner Kerwin and Mr. Hua had a lengthy discussion regarding the traffic study.

Chairman Cocchiarella called for a five (5) minute recess at 8:36 PM.

Chairman Cocchiarella called the meeting back to order at 8:55 PM.

Attorney McSherry explained that Alternate Commissioner Carr needed to be seated by the Chairman.

Chairman Cocchiarella stated that a procedural error had been made earlier in the meeting, and that he is seating Alternate Commissioner Carr for Commissioner Olbrys who has recused himself.

Attorney McSherry explained that he discussed an extension for the application with Attorney Thomas in order to continue the Public Hearing to May 3, 2022. He also noted that his discussion with Attorney Thomas included the Commission closing and acting on the application on May 3, 2022.

Attorney Thomas made further comments on the traffic counts, and the role of experts and their testimony during a public hearing.

Don Smith answered some questions from the Commissioners regarding changes to the site plan and the minor widening of Route 67.

MOTION BY Commissioner Dan Wall to recess the hearing to May 3, 2022.

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

Motion passed unanimously.

Commission Secretary Olbrys rejoined the meeting as a Commissioner at this time.

B. New Public Hearings – NONE

C. Future Public Hearings – NONE

VI. REGULAR MEETING BUSINESS

A. Amendments to the Agenda

B. Audience of Citizens – (Items not listed on the Agenda)

Sara Locke, 97 Bower’s Hill Road stated that she is a representative for All in for Oxford; a group that is interested in learning more about what town government does in order to become more involved.

C. Correspondence – There was no correspondence.

D. Old Business – Matters on which a Public Hearing was held

1. **Z-22-031 [IND] – 2 Pheasant Run Road (Lot 1R) – Owner: 589 Investments, LLC, P.O. Box 506, Oxford, CT – Applicant: Becir & Esma Selmani, 43 Eagle View Road, Southbury, CT**
(Special Exception Use – Self-Storage Facility) (Site Plan – Construct a 30,000 sq. ft. industrial building)

Commissioners deliberated briefly on this application to make sure that they addressed all the items that had been included in the approved text amendment regarding self-storage facilities.

APPLICATION NO. Z-22-031 – 2 Pheasant Run Road (Lot 1R)
Special Exception — Self-Storage Facility – Article 9, Section 9.9.23

RESOLUTION OF APPROVAL

Commissioner Kerwin MOVED TO APPROVE THE FOLLOWING RESOLUTION:

It is hereby resolved that the following application is hereby APPROVED, subject to the conditions stated herein.

FINDINGS

1. The application is in compliance with the current Oxford Zoning Regulations, as amended.
2. The proposed use is permitted as a special exception.

3. The proposed use will not be detrimental to the health safety welfare and property values in the neighborhood, and the other conditions articulated in Article 10.3 et seq.

DECISION

The Commission does hereby approve this Application Z-22-031.

SPECIFIC CONDITIONS OF APPROVAL

1. That the rental of parking spaces is permitted only in the rear parking areas designated for rental on the submitted site plan.
2. In conjunction with the security requirements, the applicant shall be responsible for the conduct of all lessee and visitors to the premises.
3. As required by Article 10.11.4.G, the applicant will be required to maintain a security keypad entry system and a CCTV security system, and perimeter fencing.
4. That the applicant will adhere to the landscape screening proposed on the site plan for this application.
5. That the applicant shall comply with Art. 10.11.4 (A through G).

STANDARD CONDITIONS OF SITE PLAN APPROVAL

This Approval is also subject to the following standard conditions of approval:

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. The applicant and their assigns must comply with all representations made at Planning and Zoning Commission meetings or at public hearings regarding this application.

APPLICATION NO. Z-22-031 – 2 Pheasant Run Road (Lot 1R) Special Exception — Self-Storage Facility Art. 9. 9.23

3. The applicant shall submit one complete copy of the set of plans, which reflect these conditions of approval, with a copy of the conditions of approval attached.
4. The specific uses on this property shall be limited to those designated within the “Statement of Use” submitted by the applicant.
5. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to construction activities on the site.
6. Sedimentation and erosion control measures on-site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the Commission’s engineer.
7. It is the responsibility of the owner/applicant to ensure capability of communication with the Fire Department and EMS, and Police. If the requirement is not fulfilled, it is the responsibility of the owner/applicant to rectify the problem.
8. Site Plan approval expires if the work is not completed within ten (10) years from the date of approval.

Dated this 19th day of April, 2022

Planning and Zoning Commission of the Town of Oxford

Second by Commission Secretary Olbrys.

(Ayes - 5) (Abstention - 1, Ed Rowland)

Motion passed.

E. Old Business – Other Matters

F. New Business – Schedule a Public Hearing

G. New Business – Other

H. Zoning Enforcement

Steve Macary, ZEO discussed briefly with Commissioners the vehicles parked at 317 Riggs Street. He stated that he would review his file and report to the Commission.

I. Minutes

1. April 5, 2022 - Regular Meeting Minutes

MOTION BY Commission Secretary Olbrys to approve the April 5, 2022 Regular Meeting Minutes as presented.

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

Commissioner Kerwin discussed the subcommittee members listed in the minutes.

MOTION BY Commissioner Kerwin to amend the minutes to replace “Dan Wall” with “John Kerwin” as a subcommittee member.

Second by Commissioner Zbras.

All (6) Ayes.

Motion to amend the minutes passed unanimously.

J. Invoices

1. McSherry Law Office

MOTION BY Commission Secretary Olbrys to approve payment of the invoice from McSherry Law Office as presented.

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

Motion passed unanimously.

2. Arrow Printers

MOTION BY Commission Secretary Olbrys to approve payment of the invoice from Arrow Printers as presented.

Second by Commissioner Zbras.

All (6) Ayes.
Motion passed unanimously.

K. Other Business

Commissioner Kerwin briefly explained a memo that he had drafted regarding recusal during a public hearing. There was a short discussion between Commission members regarding when recusal is appropriate.

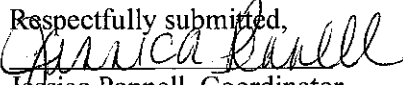
- a. Letter from Lisa Foster dated 12/1/2021
Re: Riverview Drive (*Referred to Land Use Counsel, Kevin McSherry*)
- b. *Riverbend Estates – Bond Release (Referred to Jim Galligan)*
- c. Sub-committee for Farm Events Regulations – Discuss meeting dates and times.

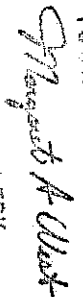
There was a brief discussion regarding the dates and times for the subcommittee.
Jessica will send an email and try to get an idea of availability from the members.

L. Adjournment

MOTION BY Commission Secretary Olbrys to adjourn the meeting at 9:42 PM.
Second by Commissioner Ed Rowland.

All (6) Ayes.
Motion passed unanimously.

Respectfully submitted,

Jessica Pennell, Coordinator
Planning & Zoning Commission

22 APR 26 PM 4:27
TOWN OF OXFORD, CT

TOWN CLERK