



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

Planning & Zoning Commission

Regular Meeting Minutes

Tuesday, August 4, 2015

7:30 PM

Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Regular Meeting of **August 4, 2015** to order at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Pete Zbras, Harold Cosgrove, Glen Persson, Arnie Jensen, Tanya Carver and Pat Cocchiarella.

Staff Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO, Attorney Eugene Micci and Larry Secor of Nafis & Young Engineers.

Not Present: Ed Rowland, Jeff Luff, John Kerwin and Todd Romagna.

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

Chairman Carver seated Alternate Pete Zbras.

AMENDMENTS TO THE AGENDA

MOTION BY Commission Secretary Cocchiarella to *AMEND* the agenda to add Z-15-042 – 10 Oxford Road – Applicant & Owner: Dave Steeves (S/E for a Garage & Office) as New Business #2.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

EXECUTIVE SESSION – Discuss litigation with Garden Homes Management Corporation.

MOTION BY Commission Secretary Cocchiarella to enter into Executive Session at 7:32 PM.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

Chairman Carver invited all Commission members present and Attorney Eugene Micci into Executive Session.

MOTION BY Commission Secretary Cocchiarella to come out of Executive Session at 8:10 PM.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

AUDIENCE OF CITIZENS

CORRESPONDENCE

Commission Secretary Cocchiarella noted the following correspondence and stated that it is on file in the Planning & Zoning Department during regular business hours.

- a. CT Federation of Planning & Zoning Agencies Newsletter – Summer 2015 (FYI)
- b. Letter dated July 17, 2015 from the Naugatuck Valley Council of Governments
(This item will be on the next agenda)
- c. Memorandum dated July 30, 2015 from the Selectmen's Office

RE: 2014-2015 Annual Town Report

(Tanya Carver noted that she would prepare the Annual Report)

OLD BUSINESS

- 1.) **Z-15-037 [OPD] – 556 Oxford Road – Owner & Applicant: Tiki Monster Realty, LLC – Erika Ball** (Site Plan Modification)

Commission Secretary Cocchiarella read a letter dated July 28, 2015 from James H. Galligan, PZC Engineer.

MOTION BY Commission Secretary Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission has received the Application Z-15-037 for a Site plan Modification:

WHEREAS, The Oxford Planning and Zoning Commission reviewed the following documents presented as part of the application:

- Application for Zoning Permit Z-15-037 submitted to Oxford Planning and Zoning Commission.
- Sheet 1 of 5; Existing Conditions and Demolition Plan, Cats Corner Veterinary Hospital; drawn by Donald W. Smith, PE, last dated 5-12-15
- Sheet 2 of 5; Site Plan, Cats Corner Veterinary Hospital; drawn by Donald W. Smith, PE, last dated 5-12-15
- Sheet 3 of 5; Grading, Utility & Erosion Control Plan, Cats Corner Veterinary Hospital; drawn by Donald W. Smith, PE, last dated 7-6-15
- Sheet 4 of 5; Details, Cats Corner Veterinary Hospital; drawn by Donald W. Smith, PE, last dated 6-29-15
- Sheet 5 of 5; Details, Cats Corner Veterinary Hospital; drawn by Donald W. Smith, PE, last dated 6-29-15

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

1. The application is consistent with the Oxford Zoning Regulations.
2. The application is consistent with the Comprehensive Plan and the Plan of Conservation and Development.
3. The application represents a minor change from that of the original approval.

BE IT RESOLVED, that based upon the application and testimony, this application is **APPROVED**, because it is in conformance with the Zoning Regulations of the Town of Oxford;

SUBJECT TO THE FOLLOWING CONDITIONS;

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning 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 Planning and Zoning Commission meetings or at the public hearings of the original approval 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 begin until security is set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. Site Plan approval expires if the work is not complete by August 4, 2020.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

The effective date of approval is August 4, 2015.

The expiration date of this approval is August 4, 2020.

- 2.) **Z-15-055 [IND] – Lots 12 & 15 B Patriot Way (Patriot Business Park) – Owner: 589 Investments, LLC c/o Mr. Mark Oczkowski – Applicant: Northeast Stihl c/o Mr. Casey McGrath (Site Plan)**

MOTION BY Commission Secretary Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission has received the Application Z-15-055 for a Site Plan;

WHEREAS, The Oxford Planning and Zoning Commission considered this application and supporting materials at their meetings of May 5, 2015 and May 19, 2015.

WHEREAS, The Oxford Planning and Zoning Commission reviewed the following documents presented as part of the application:

- Cover Sheet for Northeast Stihl Inc., Patriots Business Park; Hawley Road and Christian Street, drawn by Civil One, last revised June 26, 2015.
- Sheet 1 Existing Conditions, last revised June 26, 2015.
- Sheet 2 Site Plan, grading Plan, Erosion control, Plan Phase I, last revised June 26, 2015.
- Sheet 3 Site Plan, grading Plan, Erosion control, Plan Phase II, last revised June 26, 2015.
- Sheet 4 Site Plan, grading Plan, Erosion control, Plan Phase III, last revised June 26, 2015.
- Sheet 5 Driveway Profile Phase I & II Station 0+00 to 11+00, last revised June 26, 2015.
- Sheet 6 Driveway Profile Phase I & II Station 11+00 to 23+75, last revised June 18, 2015.
- Sheet 7 Driveway Profile Phase III, last revised June 18, 2015.
- Sheet 8 Storm Drainage Profile West Swale, last revised June 18, 2015.
- Sheet 9 Storm Drainage profile East Access Drive & Swale, last revised June 18, 2015.
- Sheet 10 Driveway & Storm Drainage Profiles Phase I, last revised June 18, 2015.
- Sheet 11 Storm drainage Profile Phase I & II, last revised June 18, 2015.
- Sheet 12 Storm Drainage Profile Phase III, last revised June 18, 2015.
- Sheet 13 Storm Drainage Cross Sections, last revised June 18, 2015.
- Sheet 14 Details, last revised June 18, 2015.
- Sheet 15 Details, last revised June 18, 2015.
- Erosion Control Narrative, last revised June 18, 2015.
- All application forms and associated materials.

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

1. The application is consistent with the Oxford Zoning Regulations.
2. The application is consistent with the Comprehensive Plan and the Plan of Conservation and Development.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning 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 Planning and Zoning 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 set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. Site Plan approval expires if the work is not completed within 5 years from the date of approval.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. All lighting shall be dark sky compliant.
10. All truck traffic shall enter and exit Hawley Road to and from the east towards Christian Street. Appropriate signage directing exiting truck traffic to the east along Hawley Road shall be placed at the exits from the property.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

The effective date of this approval is August 4, 2015.

This approval expires on August 4, 2020.

3.) **Extension Request - Z-10-011 – Central Park Associates, LLC – 94 Christian Street & Larkey Road** (8-30g Application) (Site Plan Modification)

(Referred to Kevin Condon, Town Counsel for review)

Jessica Pennell, Administrative Secretary stated that she had spoken to Kevin Condon and that in order to act on this request the Commission would need something in writing that states that Mr. Zaloumis would like to abandon the project. Once that is submitted, then the Commission can discuss the Bond Release. He had also stated that the Commission would need to declare the application null and void and record that decision on the land records.

Chairman Carver asked that Jessica Pennell, Administrative Secretary send a letter to Matt Zaloumis regarding his intentions with Central Park.

NEW BUSINESS

1.) **Z-15-052 [RESA] – 149 Punkup Road – Owner: Chris Petronis** (Lot Line Revision)

Commission Secretary Cocchiarella asked that staff check the owners of this property before acting on this application.

MOTION BY Commission Secretary Cocchiarella to *TABLE* this application until the next meeting.
Second by Commissioner Persson.

VOTE: All Ayes.

2.) **Z-15-042 – 10 Oxford Road – Applicant & Owner: Dave Steeves**

(S/E for a Garage & Office)

MOTION BY Commission Secretary Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission has received the Application Z-15-042 — 10 Oxford Road — Applicant & Owner: Dave Steeves (S/E for a Garage & Office)

WHEREAS, The Oxford Planning and Zoning Commission reviewed all documents presented at the public hearing held on July 21, 2015, and continued to August 4, 2015 as part of the application the following documents presented as part of the application:

1. Application Z-15-042.
2. Statement of Use for Application Z-15-042.
3. Three black and white photographs of property as it currently exist.
4. Rendering or proposed improvements to site, in accordance with the application.
5. Subsurface Sewage Disposal Design Plan; Dave Steeves, drawn by D'Amico Associates, last dated 5/27/15, updated 7/27/15

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

1. The application is in accordance with Article 3, Section 3.3 of the Oxford Zoning Regulations in that the change and enlargement of the existing use would be in greater conformance with the intent of the zoning regulations, as there is a multitude of commercial uses in proximity to the subject property.
2. The application is consistent with Article 10 Section 3 of the Oxford Zoning Regulations, which requires that the Commission make certain findings to approve a Special Exception.
3. The application is consistent with the Comprehensive Plan and the Plan of Conservation and Development.

SUBJECT TO THE FOLLOWING CONDITIONS;

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning 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 Planning and Zoning 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 set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. Site Plan approval expires if the work is not completed within 5 years from the date of approval. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
8. All construction equipment shall be stored within the garage.
9. The improvement of the existing house and construction of the new garage shall be in conformance with the plans and renderings submitted as part of this application.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

The effective date of this approval is August 4, 2015.

This approval expires on August 4, 2020.

BOND RELEASES

1.) Central Park Associates – Bond Release Request

Commission Secretary Cocchiarella read a letter dated August 3, 2015 from James H. Galligan, PZC Engineer.

2.) RBC Bearings – Maintenance Bond Release Request

Commission Secretary Cocchiarella read a letter dated August 3, 2015 from James H. Galligan, PZC Engineer.

MOTION BY Commissioner Cosgrove to recommend to the Board of Selectmen that they release the remaining 15,000.00 maintenance bond for RBC Bearings, located at 104 Willenbrock Road.

Second by Alternate Commissioner Zbras.

VOTE: All Ayes.

ZONING ENFORCEMENT

1.) Commission discussion with ZEO regarding various items, complaints and zoning violations.

a. 38 Jenny Lane 2

Commission Secretary Cocchiarella read a letter dated August 4, 2015 from James H. Galligan, PZC Engineer.

Lawrence Secor, CHMM from Nafis & Young was present to go over the findings explained in James H. Galligan, PZC Engineer's letter.

Also in attendance were the owners of 38 Jenny Lane 2.

Larry Secor explained the findings in James H. Galligan, PZC Engineer's letter. He stated that Nafis & Young estimates that approximately 20,000 cubic yards of material was deposited at the site. He also commented that he was given the soil testing results and explained those findings to the Commission. The Commission requested that he write a letter explaining his findings to be given to the homeowners of 38 Jenny Lane 2 (ATTACHMENT A).

Nathan & Rachel Teodosio stated that they are still working on applying for their permits and that they are also waiting to hear from the Town of Beacon Falls regarding the property.

Fred D'Amico, Engineer for the applicant stated that the OCCIWA and the Town of Beacon Falls are leaning toward leaving the fill. He noted that the homeowners needed to get slope rights before any decisions can be made. He stated that they have installed triple silt fences on the bottom; they have also installed a berm. He added that they have installed two rows of silt fence on top. They increased the barrier to decrease the silt; it is stable but not finished. He noted that the wood chips would be taken out.

Alternate Commissioner Zbras questioned where they would take the wood chips.

Fred D'Amico stated that they would be using them on site for landscaping.

Commission discussion ensued as to whether or not the fill would need to be removed from the site or if it could be left and stabilized.

Commissioner Cosgrove questioned if they would be installing a fence along the property where the fill was deposited.

Nathan & Rachel Teodosio stated that they would be installing a fence for safety reasons.

Commissioner Persson questioned if the fill was left, what would be planted.

Fred D'Amico stated that they would plant grass if the slope is 2:1 or less, if not then they will plant shrubbery, such as blue rag juniper.

b. 360 Oxford Road – Letter dated July 21, 2015 from James H. Galligan, PZC Engineer.

Commission Secretary Cocchiarella read a letter dated July 21, 2015 from James H. Galligan, PZC Engineer.

Fred D'Amico, owner of 360 Oxford Road was present to update the Commission on the status of his property. He stated that he did start cleaning up the site, he acquired a building permit, the walls will be poured early next week and he cleaned up the front. He stated that the machine operation found a well on the property, and he is looking into that. He stated that he has a machine lined up the clean up the entire property and it should be done within the month.

Alternate Commissioner Zbras stated that if the site is not cleaned up within the month, he suggests doubling the bond amount suggested by James H. Galligan, PZC Engineer.

c. Towner Lane

Steven S. Macary, ZEO stated that he had them install three drywells and hydroseed the area.

He stated that he would monitor the site and go out during the next rainstorm.

APPROVAL OF MINUTES

MOTION BY Commission Secretary Cocchiarella to *APPROVE* the following minutes as presented:

- 1.) July 21, 2015 Public Hearing Minutes – 10 Oxford Road
- 2.) July 21, 2015 Regular Meeting Minutes

Second by Commissioner Cosgrove.

VOTE: All Ayes.

INVOICES

OTHER BUSINESS

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

ADJOURNMENT

MOTION BY Commissioner Cosgrove to *ADJOURN* the meeting at 9:15 PM.


Second by Commissioner Persson.

VOTE: All Ayes.

Respectfully submitted,


Jessica Pennell

Administrative Secretary
Planning & Zoning Commission

15 AUG 17 PM 1:09
TOWN OF OXFORD, CT

TOWN CLERK