



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, December 15, 2015
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Arnie Jensen called the meeting to order at 7:35 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Harold Cosgrove, Bob Costigan, Glen Persson, Arnie Jensen, Jeff Luff, Pat Cocchiarella and Todd Romagna.

Also Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO and Kevin Condon, Town Counsel.

CHAIRMAN'S REPORT

Chairman Arnie Jensen noted that he has spoken to the staff. He spoke to Jessica and has requested that all documents are sent out the Thursday before the meeting so that Commission members have time to review the agenda items. He also cautioned the Commission members to not "reply all" to any emailed documents as it could constitute a meeting. He mentioned that the budget cycle is from January 1 to July 1 and that the Commission will need to prepare a budget in January to forward to the Board of Selectmen. He asked that any Commission member that thinks there is something that the Commission or department needs, they can contact him or staff to see if they can plan for the item in the budget.

SEATING OF ALTERNATES

No alternates seated.

AMENDMENTS TO THE AGENDA

AUDIENCE OF CITIZENS

Francis Teodosio stated that there is a matter on the agenda that he would like to discuss, he questioned if he should speak now or under Zoning Enforcement.

Chairman Arnie Jensen stated that Mr. Teodosio would be able to speak under Zoning Enforcement.

CORRESPONDENCE

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

- a. Bulletin from CCM
Re: Municipal Sign Ordinances (Forwarded to P&Z from the First Selectman)
- b. Notice from the United States of America Federal Energy Regulatory Commission
Re: Supplemental Notice of Intent to Prepare an Environmental Assessment for and Requesting Comments on the Proposed Atlantic Bridge Project (Emailed to Commission Members)

OLD BUSINESS

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

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

- a. Letter dated 7/17/2015 from Matthew Zaloumis.

Matthew Zaloumis, in the letter dated 7/17/2015, requested a 5-year extension of application Z-10-011.

- b. Letter dated 12/3/2015 from Kevin Condon, Town Counsel.

Kevin Condon, Town Counsel stated in his letter, dated 12/3/2015, that the application approval date would be the date that the Commission approved a settlement agreement with Central Park Associates, LLC; the approval date was 5/12/2011. He explained that it was his opinion that the date the Commission approved the settlement would supersede the approval of the original application and serve as a new approval of the amended application.

Chairman Arnie Jensen stated that it is in the Commission's best interest to extend the application for 5 years as requested.

Commission Secretary Pat Cocchiarella commented that they do not have to extend it for 5 years, they can extend it for a lesser period of time.

Chairman Arnie Jensen stated that if they extend it for a lesser period, the applicant might just come back and request another extension.

Matthew Zaloumis, owner, Central Park, LLC stated that he believes a precedent has been set grant 5 year extensions.

Kevin Condon, Town Counsel stated that if the Commission is going to grant the extension, they should grant it for the time that has been requested.

MOTION BY Commissioner Harold Cosgrove to extend application Z-10-011 for 5 years as requested by the owner, Central Park Associates, LLC (Matt Zaloumis).

Second by Commissioner Todd Romagna.

VOTE: All (7) Ayes.

2. **Z-14-003 (Glendale at Oxford) “*Canterbury Estates*”** – Review and approve “*Declaration of Canterbury Estates, Oxford, Connecticut*” – (Condition #39 of Final Approval states that the Commission must review and approve the Declaration)

- a. Declaration of Canterbury Estates (emailed to Commission members)

Michael Dolan, Attorney with Harlow, Adams and Friedman represent Glendale at Oxford, LLC. He gave the Commission a brief background on the previous application that was changed from over 55 condominiums to workforce housing in 2014. He stated that he submitted the Declaration to the Commission, Kevin Condon, Town Counsel and staff for review. He commented that he is here tonight to obtain the approval of the Commission as required by the 2014 conditions of approval. He explained that the Declaration removes the over 55 restriction, applies the workforce place restriction, changes the name of the development from Glendale at Oxford, LLC to Canterbury Estates to create a new identity for the homes. He noted that there were 9 units that were constructed and those now will fall under the workforce restrictions and 3 of the 9 units immediately become workforce homes which will be sold under the affordability aspect. He reiterated that they are looking for approval of the Declaration so that the document can be executed and recorded on the land records.

Commission Secretary Pat Cocchiarella questioned if the Declaration covers the town with state so that they get credit for the units.

Kevin Condon, Town Counsel stated that he believes it does, but he would like verify that before saying yes.

Commission Secretary Pat Cocchiarella stated that if they have to live with this then he wants to make sure that the town is getting credit per the state statutes.

Commissioner Harold Cosgrove stated that he would suggest that they vote on this at the next meeting in January because there is a lot to absorb and to read to make sure that they understand it all and what they are voting on. He stated that that is a motion on his part.

Chairman Arnie Jensen reiterated that Commissioner Harold Cosgrove made a motion to extend this item until January.

Alternate Commissioner Pete Zbras questioned if the 9 units that are built are being rented out right now.

Michael Dolan stated that they are rented out on a month-to-month basis.

Alternate Commissioner Pete Zbras questioned what they are going to do with the 3 houses that are up to be sold at a discount rate.

Michael Dolan stated that they would have the tenants move out; that is why they are on a month-to-month basis. He commented that they knew going in that it was a situation where they were going to have to move out once this got approved.

Chairman Arnie Jensen stated that it is his understanding that the maps have not been filed.

Michael Dolan stated that the maps have not been filed; he only got them this afternoon. He has provided a copy to Attorney Condon and he is prepared to provide one to Mr. Macary and the Commission.

MOTION BY Commissioner Harold Cosgrove to postpone this item until the first regular meeting in January (1/5/2016).

Second by Vice Chairman Jeff Luff.

VOTE: All (7) Ayes.

Chairman Arnie Jensen requested Kevin Condon, Town Counsel to have a motion prepared for that meeting.

Kevin Condon, Town Counsel commented that the Declarant must have an administrator to handle the workforce homes. He stated that he has spoken to Attorney Dolan about that and he is endeavoring to find an Administrator.

Michael Dolan stated that there was misunderstanding; they thought that the Town was going to administer it to make sure that complied. He explained that they have begun a search to find an administrator who would have to submit his/hers qualifications and credentials and get the approval of the Commission to become that administrator.

Commissioner Harold Cosgrove stated that he thinks the second meeting in January would be a better choice. He amended his motion to state “the second meeting in January (1/19/2016)” in place of the “first meeting in January”.

Commissioner Harold Cosgrove stated that they also want to make sure that the P&Z Engineer approves where they are putting these homes and he is not sure if the P&Z Engineer has seen the maps and some of the locations in town we are getting houses built that are very ridiculous where they are putting them up. Some have no backyards, it's a slope; and he doesn't want that to happen again.

Commission members stated that this application and site plan is approved.

Commissioner Harold Cosgrove stated that they want to make sure that the P&Z Engineer gets a copy of the maps and that he has a chance to review it and gives us a report for our next scheduled meeting so that at the following meeting they will have all the information they need.

Vice Chairman Jeff Luff questioned the definition of “workforce homes”; he stated that he doesn't remember reading anything like that in our zoning regulations.

Chairman Arnie Jensen stated that he believes it was included in the packet that was sent out by Jessica.

Michael Dolan stated that it is specifically set forth in the Declaration.

Kevin Condon, Town Counsel stated that what type of housing it is and the location is also in the Declaration.

Commission Secretary Pat Cocchiarella stated that he and Steven S. Macary, ZEO went over the maps three times just to make sure that they were correct.

Michael Dolan stated that the maps show where each of the workforce homes will be located within the entire 137-unit development.

Commissioner Todd Romagna stated that they are going to discuss this again the second meeting in January; he questioned Attorney Dolan if he thought that would be enough time vet and decide on an administrator.

Attorney Michael Dolan stated that he would hope so, but it may be tough with the holidays. He stated that they have started their search and certainly, if the Commission was amenable to it, they would ask them to approve everything subject to the last piece being put in place, which would be the administrator. He said they would not sign or record the Declaration until the review and approval of the administrator. He commented that they are just trying to get the paperwork part of it done, because it is a complex project.

Chairman Arnie Jensen stated that the motion they have it to postpone it until the next meeting.

Commissioner Harold Cosgrove stated the second meeting in January.

Chairman Arnie Jensen stated that they approved a vote to have it on the next meeting agenda. He questioned if the Commission wanted to amend this to the second meeting in January.

Commissioner Harold Cosgrove stated that he did.

Vice Chairman Jeff Luff seconded the amendment to the original motion made by Commissioner Harold Cosgrove.

VOTE: All (7) Ayes.

Chairman Arnie Jensen reiterated that this item is postponed until January 19, 2016.

BOND RELEASES

1. Central Park Associates – Bond Release Request

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

- a. Letter dated 2/23/2015 from Matthew Zaloumis.
- b. Letter dated 12/3/2015 from Kevin Condon, Town Counsel.

Matthew Zaloumis, in his letter dated 2/23/2015 requested a bond release for 3 wetlands crossings that was posted on 1/28/2010. He stated in the letter that there has not been any work done on site for a few years and that the site is completely stabilized.

Kevin Condon, Town Counsel provided the Commission with an opinion dated 12/3/2015, which states that he has reviewed the file, spoken to the Inland/Wetlands Enforcement Officer and P&Z Engineer, Jim Galligan. He stated in the opinion that the result of the review and conversations is that the Commission should deny the bond release for Z-06-121. He also suggested Mr. Galligan and Mr. Ferrillo provide a detailed list of work to be completed on site. Such a list would provide the applicant notice of the site deficiencies.

Matthew Zaloumis explained that he thinks there is some confusion because he never met P&Z Engineer, Jim Galligan at the site; they met offsite. He commented that the issue that he has is that this bond approval was for the previous approval for Central Park (Z-06-121). He stated that the 2006 approvals are for a site plan that was never active. He commented that Central Park is a different site plan now, which went to court and has an approved settlement (Z-10-011). He noted that the site is stabilized and he would like to meet Jim on site, but he thinks what Jim is requesting him to do is everything that was on that bond to finish it for a site that is not going to be developed in that manner. He stated that he is trying to say that he is not developing that site based on the 2006 approvals, so he is trying to get the bond released for that approval because it has never been developed and there are new approvals now.

Commission Secretary Pat Cocchiarella stated that they may need to research the original approval and what it said the bond was for, versus the current approval. He commented that the it got changed from an over 55 to affordable housing.

Chairman Arnie Jensen stated that his suggestion would be to refer this to P&Z Engineer, Jim Galligan, ask him for a report and postpone it until the next meeting.

Matthew Zaloumis stated that he will meet Jim out there but he needs to know that this was a prior approval; he doesn't think Jim realized that.

Kevin Condon, Town Counsel agreed that this should be referred to P&Z Engineer, Jim Galligan. He questioned if there would be a new bond required.

Matthew Zaloumis stated there would be a new bond when he goes to develop the property with the new approvals.

MOTION BY Commissioner Harold Cosgrove to postpone this item to the January 19, 2016 meeting and that any fees incurred by professional staff be paid before the bond is released.

Second by Commission Secretary Pat Cocchiarella.

VOTE: All (7) Ayes.

ZONING ENFORCEMENT

1. Commission discussion with ZEO regarding various items, complaints and zoning violations.
 - a. 14 North Larkey Road

Steven S. Macary, ZEO stated that he is currently involved in enforcement action with 14 N. Larkey Road.

Chairman Arnie Jensen questioned what enforcement has been done since the last meeting.

Steven S. Macary, ZEO stated that he has sent 14 N. Larkey Road three or four notices and has placed a caveat on the land records. He commented that the Commission members should have a copy of everything in front of them. He noted that the applicant is present. He questioned how the Commission would like to handle this item. He commented that the correspondence before the Commission is:

- a. Letter from Steven S. Macary, ZEO to Susan Kasmin dated 9/8/2015
- b. Letter from Steven S. Macary, ZEO to Susan Kasmin dated 9/28/2015
- c. Letter from Steven S. Macary, ZEO to Susan Kasmin dated 10/8/2015
- d. Letter/Municipal Citation from Steven S. Macary, ZEO dated 11/30/2015

Francis Teodosio, Attorney from Welch, Teodosio and Stanek stated that he is present tonight to respond to what he thinks is a failed enforcement action. He stated that what he thinks the proper resolution to this would be is to have a proper appeal from the Zoning Enforcement Officer's actions. He commented that the ZEO has already pointed out a series of letters that he has provided to the Commission. Those series of letters are seriously deficient with regard to the general statute that handles cease and desists. He commented that there is nothing in any of those letters that puts his client on notice that 10 days after the cease and desist order she is going to start incurring a fine. He stated that no fines are allowed under 8-12 until 10 days after the cease and desist order is issued. He commented that he has copies of the statute. He explained that in addition to that, she is entitled to the ability to come before the Commission and appeal section 8-12 because the action of the Zoning Enforcement Officer is handled by Planning & Zoning, not the Zoning Board of Appeals. He noted that he would like to submit a letter at the end of this, and he handed out copies of Section 8-12 for the record. He commented that the caveat is there without any proper right having been given to my client having come before the Commission and contest. He stated that what you effectually have done is you have branded her property with no due process. He commented that if you look at the citation that's issued, the citation has all the language that is supposed to be in the cease and desist order, it talks about the right to appeal to this board, but that has not happened with the original cease and desist order on October 8th. He stated that the Commission has the copy that was sent, and he is not disputing that it was sent, what he is telling the Commission is that none of the information in there is valid with regard to procedure, let alone the substance that's alleged in there. He commented that the substance that is alleged in there is that she is boarding horses. He commented that you may understand from previous meetings that there was an issue of boarding horses, but at the September meeting the Commission told her that she couldn't board horses. He explained that she has shut down the LLC that was boarding horses and the two horses that were being boarded on her premises are no longer there. He stated that all happened in September. He commented that the October 8th letter that comes, if you set aside the procedural irregularities, says that she is boarding horses. He stated that she doesn't have to prove that she is not boarding horses, the Commission has to prove that she is boarding horses. He stated that what he is asking the Commission to do is to give them the right of an appeal. He asked that the Commission give them the right to come before the Commission in January to contest what is a cease and desist order and what she should have had the right to come before the Commission and do. He commented that at that time, they can prove to the Commission that substantively that should fail also. He stated that he would like to point out that Section 8-12 says that the maximum amount of a fine that can be issued under 8-12 is \$2,500.00. He commented that he thinks what happened is that they are mixing their citation authority with their cease and desist authority and the paperwork is all wrong. He stated that on behalf of his client, he would like to submit a letter that summarizes what I just said and give them the opportunity in January to come before the Commission, like they should be able to, appeal his order and get a decision from the board. He stated that the enforcement action was instigated by the neighbor and he would also request....that's in the file.

Kevin Condon, Town Counsel questioned the identity of the neighbor.

Francis Teodosio stated that the neighbor is Mr. Russo.

Commission Secretary Pat Cocchiarella stated that actually, the issue of the horses was because of her own statement in front of the Commission. He commented that it had nothing to do with the neighbor.

Francis Teodosio questioned Commission members if they wanted to see the email.

Alternate Commissioner Pete Zbras pointed out that in the September 1st minutes Ms. Kasmin states that she has six horses and two of them are hers and four of them are boarded and she also has one sheep.

Fran Teodosio stated that is the September meeting with regard to the boarding of horses, regardless of that the ZEO issued a cease and desist order that didn't comply.

Chairman Arnie Jensen stated that they issued a cease and desist order a week later that said that you cannot board horses and they gave her 30 days to respond.

Alternate Commissioner John Kerwin questioned where in the statute does it state the provision about the 10 days.

Fran Teodosio commented that it is the second to the last sentence.

Chairman Arnie Jensen reiterated that they received no response.

Commissioner Harold Cosgrove stated that he is looking at the November 30th letter.....

Fran Teodosio stated that she has 10 days and she has to have the right to appeal.

Commission Secretary Pat Cocchiarella questioned if she had the right to appeal, why didn't she appeal?

Fran Teodosio stated that she didn't know she had to appeal, she came to see me to ask me what was going on and he told her that she has the right to appeal.

Alternate Commissioner John Kerwin questioned what case says that you are required to provide her with all the notices, and does the Commission have to tell her this that she has to consult with an attorney.....

Fran Teodosio stated that when you submit a cease and desist order to somebody, you have to tell them that this is a cease and desist order, this is what you do in regard to a cease and desist order, a fine goes in place after 10 days and that they have the right to appeal.

Alternate Commissioner John Kerwin questioned what case Attorney Teodosio is relying on that says that.

Fran Teodosio stated that he doesn't have his cases with him, but he will get them. He stated that you don't issue a cease and desist order and just say stop; you tell the person what they are supposed to do in order to appeal that. You don't just say...

Alternate Commissioner John Kerwin stated that the nature of a cease and desist order is "cease and desist" the activity.

Commissioner Harold Cosgrove read a part of the November 30th letter sent to Ms. Kasmin by Steven S. Macary, ZEO:

This judgement will result in a lien being placed on the subject property and a judgement entered through the Superior Court per Section 7-152 (c) of the Connecticut General Statutes as amended.

Commissioner Harold Cosgrove stated that there is a reference to the state statute and notification by the Zoning Enforcement Officer.

Steven S. Macary, ZEO stated that Ms. Kasmin knew all about this, she met with him and Joanne Pelton, she knew exactly what was happening and how much time she had. He stated that he put down 30 days to give her the benefit of the doubt in three months. He commented that he believes his actions were correct. He pointed out that each letter states that she has 30 days to comply. He referred to all the letters he sent to Ms. Kasmin before he issued the citation. He also noted that he can go over \$2,000.00.

Steven S. Macary, ZEO stated that the letter dated November 30th quotes the general statutes that Attorney Teodosio is talking about.

Fran Teodosio stated that is in November, and that is what he is trying to say.

Steven S. Macary, ZEO stated that they had no proof that she wasn't or was boarding horses, she had told the Commission that she was and then they pulled her business off the website, which is not even permitted at the property. He asked the Commissioners to look at page 5 that he had sent out, that's the citation.

Fran Teodosio stated that the October 8th letter is the letter that starts the thing. That is the letter that the citation is based on. It says "order to remove horses". He stated that he doesn't see anywhere where it says you have 30 days to comply.

Commissioners and Steven S. Macary, ZEO stated that it was on the subsequent letter, dated September 8, 2015.

Fran Teodosio stated that September is not the order that the cease and desist is based on.

Steven S. Macary, ZEO commented that it is, she didn't prove to them that she wasn't boarding horses.

Fran Teodosio stated that the citation is based on the October 8th letter, that is what he is trying to say. The citation goes to the October 8th letter; the October 8th letter says nothing about any right to appeal. It's not the September letter that the citation is keyed to, the citation is keyed to the October 8th letter.

Steven S. Macary, ZEO referred to the sentence that states that if the property is not in compliance, she will be fined \$150.00 per day until the horses are removed.

Fran Teodosio stated that he didn't say it said that, he said that the letter didn't say anything about a right of appeal, it didn't say anything about 10 days.

Steven S. Macary, ZEO questioned where Attorney Teodosio gets the 10 days. He commented that it is 30 days, 30 days and then the fine starts after the 30 days.

Chairman Arnie Jensen stated that it seems to him that this argument is about legal technicalities, but the issue is whether or not she is boarding horses. He questioned if Ms. Kasmin is boarding horses.

Fran Teodosio stated that she is not boarding horses, and she hasn't been boarding horses since she came to your meeting. He commented that it is incumbent upon the Commission to prove that she is boarding horses, you can't just issue her a \$6,000.00 fine and say you are boarding horses because we think so.

Chairman Arnie Jensen stated that she came to a meeting and told us she was boarding horses.

Fran Teodosio stated that then they issued an order on October 8th.

Chairman Arnie Jensen stated that a week after she came in front of us she was sent a letter and she never responded.

Fran Teodosio stated that the October 8th letter does not say that she has 30 days to respond.

Steven S. Macary, ZEO questioned how many horses are on the property now.

Fran Teodosio referred to the letter that he has.

Chairman Arnie Jensen stated that it is missing the second page.

Steven S. Macary, ZEO questioned how many horses has she had on the property in the last three weeks?

Chairman Arnie Jensen asked Ms. Kasmin how many horses she has on the property now.

Ms. Kasmin answered that she has 4 horses, a mini and a sheep. She stated that at the meeting she told the Commission that she had 6 horses, a mini and a sheep. She commented that the 2 horses that she was boarding are gone. She also stated that she brought Steven S. Macary, ZEO a letter and handed it to him personally on September 30th saying that in response to the September 8th letter that asked her to remove the horses and they were removed. She commented that the horses that are on the property are pets and she has veterinary records.

Commissioner Bob Costigan stated that the regulations state that you can only have 1 large animal per acre.

Alternate Commissioner John Kerwin stated that she is on notice with respect to the September 8th letter, and the ZEO sent 3 letters.

Steven S. Macary, ZEO questioned if Attorney Teodosio has the second page of the October 8th letter.

Fran Teodosio stated that he does have the second page.

Steven S. Macary, ZEO stated that his fines continued from September 8th on, he could have made it more but he did not. He commented that he went by the property a few weeks ago and there were 5 horses there.

Commissioner Bob Costigan stated that she just admitted that she has 4 large animals on her property which is only 2.5 acres.

Fran Teodosio stated that is not what she was cited for, she was cited for boarding horses.

Commissioner Bob Costigan stated that she is still not in compliance.

Steven S. Macary, ZEO reiterated Commissioner Bob Costigan's statement that she is still not in compliance.

Fran Teodosio stated that boarding horses is boarding horses for pay.

Steven S. Macary, ZEO questioned how Attorney Teodosio defines boarding horses.

Fran Teodosio stated that they could go into any dictionary because that is one of the arguments that Ms. Kasmin told him they were making. He commented that every boarding horse definition involves money.

Commissioner Bob Costigan stated that you are still not allowed more than one large farm animal per acres.

Fran Teodosio stated that they did not cite her for that, they cited her for boarding horses. He commented that the order says boarding horses, the citation says based on the letter dated October 8th.

Chairman Arnie Jensen questioned Ms. Kasmin if she responded to the September 8th letter.

Ms. Kasmin stated that she did, she personally handed Steve Macary a letter that stated that she is no longer boarding horses and that the horses on her property are her personal pets. She noted that she is not taking money for any of the horses on the property, they are hers and her fiancés. She stated that she has veterinary records to prove that they are pets. She stated again that she is not taking any money and she is not doing business there. She stated that the business she got in the letter is her equine massage business and she goes to other farms and works, there is nothing being done on her property, it is her home.

Vice Chairman Jeff Luff questioned if there is any documentation for a horse.

Ms. Kasmin answered that sometimes they are registered, if you do a rescue, many times you just buy it from the person, you don't get a receipt for it.

Vice Chairman Jeff Luff questioned if she could provide documentation that she owns the horses.

Ms. Kasmin answered 2 of the horses are registered.

Steven S. Macary, ZEO stated that he always thought that every horse had a registration and a certificate, and you cannot go by the vet bills because most people who board horses take the horse to the vet and the owner would pay the caretaker of the horse.

Fran Teodosio submitted documentation to Chairman Arnie Jensen that shows that the company is dissolved.

Vice Chairman Jeff Luff stated that a horse has to be registered in some manner or form legally so for Ms. Kasmin to come up with the proper paperwork to prove to the Commission that the horses are hers is not asking too much.

Fran Teodosio stated that is what they wanted to do in January, they just want a forum to show that they don't board the horses.

Vice Chairman Jeff Luff stated that if Ms. Kasmin provides the registration forms he thinks they have a new thing to talk about, it just might go away.

Alternate Commissioner John Kerwin stated that it might just go away, but he also thinks the Commission is entitled to take her comments at face value when Ms. Kasmin came to the meeting and said that she was boarding horses and the same amount of horses she has, she is no longer boarding them, they are pets. He commented that is something the Commission should look into as well.

Commissioner Todd Romagna stated that if Ms. Kasmin came in and brought suspicion to this board that she was boarding horses, we listen to that, we addressed it through the ZEO and there are some issues of how it was addressed. He stated that they are sitting here tonight and deciding whether they are going to listen to that process and the Commission hears another violation that there are 6 animals that are pets, that due the regulations are 4 over what is allowed to a homeowner. He commented that there is a whole new issue that they need to address because there is only supposed to be one large animal per acre and Ms. Kasmin just admitted that there were 6.

Commission Secretary Pat Cocchiarella stated that section is under the boarding of horses, it does not apply to your personal pets. He commented that on his 1.5 acres he can have 3 horses if he wants in a residential zone.

Fran Teodosio stated that the Commission does not have a regulation of private ownership of horses in an industrial zone, the Commission only has it in their residential zone.

Steven S. Macary, ZEO stated that they have regulations for boarding in an industrial zone.

Fran Teodosio disagreed, he stated that has to do with boarding, it doesn't have to do with personally owning them.

Steven S. Macary, ZEO stated that they don't know if she is personally owns them or if she is boarding them.

Kevin Condon, Town Counsel stated that (1) there is no boarding in an industrial zone, (2)....

Alternate Commissioner Pete Zbras stated that Ms. Kasmin came into the Planning & Zoning Department and spoke to him and Jessica and she stated that she had already gotten rid of the horses that she was boarding and that she only has 2 horses on her property. She questioned if she complied with the letter. He commented that Jessica said that as long as you got rid of the horses that you were boarding you are in compliance; Ms. Kasmin then asked about the other horses. He explained that she was told that they are trying to set up a meeting to get this all squared away; unfortunately the next two meetings were cancelled. He commented that now they see that she got rid of the 3 horses to pacify the letter but that she has resumed taking horses back onto her property again.

Commissioner Harold Cosgrove suggested discussing this in January.

Tanya Carver, 1 Old Moose Hill Road stated that she is coming in front of the Commission as a prior Chairman and at this point, she is going to say with an expert opinion regarding what the American Equine Association of Equine Practitioners requires. She commented this is because (1) she just attended a conference as she is in the veterinary market and she stated that she did make that known when she was the Chairman. She explained that the boarding of horses as stated, is the act of either being paid to have a horse on your property or you are paying someone to board horses. She stated that the (2) papers for a horse are required; whatever type of horse it is, you are required to have papers different from any other pet. She commented that if you own the horse you are required to have papers.

Commission members thanked her for her clarification.

Chairman Arnie Jensen suggested that they ask the homeowner to bring the Commission proof that she owns the four horses that are still there; they will postpone this until next time. He asked that she clarify that it is in fact four horses on the property.

Ms. Kasmin stated that she has four horses, a mini and a sheep.

Chairman Arnie Jensen stated that they would ask her to bring proof that they are her horses then clearly, Ms. Kasmin is not boarding; then the boarding violations do not apply.

Kevin Condon, Town Counsel questioned what exact zone they are discussing.

Fran Teodosio stated that this is an industrial zone; you only have a zoning regulation in your industrial zone that covers boarding of horses.

Kevin Condon, Town Counsel stated that you cannot board horses in an industrial zone.

Fran Teodosio agreed and they are saying that they are not boarding any horses.

Kevin Condon, Town Counsel questioned if the house was built prior to 1995.

Fran Teodosio answered yes.

Kevin Condon, Town Counsel questioned if there is a section that says that in a Residential A zone you may board horses with a Special Exception if you have 5 acres of property.

Fran Teodosio stated that is in a residential zone.

Kevin Condon, Town Counsel stated that if the residence was built prior to 1995 then I think her property reverts back to, for her purposes, a residential zone. He commented that therefore she would be subject to Section 5.3.2 which says 1 animal per acre.

Steven S. Macary, ZEO stated that he agrees with Kevin Condon, Town Counsel.

Commission Secretary Pat Cocchiarella stated that section refers to boarding.

Kevin Condon, Town Counsel read Section 5.3, 5.3.2 (b) which states that there shall be a maximum of one horse or other large farm animal, such as cattle, sheep or goats kept per acre of the property. This shall include all animals kept on the subject property including animals owned by the property owner.

Fran Teodosio questioned if that is right out of the Boarding section.

Kevin Condon, Town Counsel stated that his point is an industrial zone does not allow boarding at all. However, there is a section that says if the property was utilized as a residence prior to 1995 then it reverts to residential; where you can board horses with a Special Exception. He stated that if you have 5 acres of land in the residential zone, with the proper permits, you can board horses. He commented that he was told that there were 2 acres of land.

Fran Teodosio stated that there are 2 acres of land, but then you get into if it is a non-conforming use before it reverts because there was previously livestock on the premises before there were horses.

Steven S. Macary, ZEO stated that there was a cow and a chicken. He stated that then you get into the fact that you are not expanding a non-conformity.

Fran Teodosio stated that is not what they are here to discuss.

Kevin Condon, Town Counsel asked the Chair what he suggests.

Chairman Arnie Jensen stated that his suggestion is that they ask the landowner to bring proof that she owns the horses that are there, that means that she is not boarding horses, which means she is not in violation.

Alternate Commissioner John Kerwin stated that Ms. Kasmin came to the Commission to make a complaint about her next door neighbor's use of property and that his operation was affecting her business of boarding horses. He commented that she initiated this by making a complaint about another lawful use of property in the industrial zone. He stated that at that time she came in and admitted that she was boarding horses on September 1st and now on September 8th she states that she is no longer boarding horses; that she owns the horses outright. He stated that he agrees with the Chairman that if should come in to show ownership of the horses on her property now. He stated that he would like to see what happened to the boarding operation because she came in and testified that she is no longer boarding horses.

Chairman Arnie Jensen stated that he has a document regarding the dissolution of the business.

Fran Teodosio questioned what the Commission would do in January; he stated that he came here because there is a \$6,000.00 order saying that she is boarding horses.

Chairman Arnie Jensen stated that they could see what paperwork comes in January and that then they can continue the discussion.

Alternate Commissioner John Kerwin stated that Attorney Teodosio has a concern regarding the fine issued.

MOTION BY Commissioner Harold Cosgrove to stay any further actions, fines or otherwise until the owner provides proof of ownership of any horses on the property; said documentation shall be submitted to the Planning and Zoning Department/Commission for the meeting on January 5, 2016.
Second by Vice Chairman Jeff Luff.

VOTE: All (7) Ayes.

APPROVAL OF MINUTES

1. October 6, 2015 Regular Meeting Minutes

MOTION BY Commission Secretary Pat Cocchiarella to approve the October 6, 2015 Regular Meeting minutes as presented.

Second by Vice Chairman Jeff Luff.

VOTE: All (7) Ayes.

2. November 9, 2015 Special Meeting Minutes
3. November 17, 2015 Organizational Meeting Minutes
4. November 17, 2015 Regular Meeting Minutes

MOTION BY Commissioner Harold Cosgrove to approve the 11/9/15, 11/17/15 Organization Meeting and the 11/17/15 Regular Meeting minutes as presented.

VOTE: All (7) Ayes.

INVOICES

1. Statement dated 12/1/15 from Micci & Korolyshun, P.C. – Garden Homes Litigation

MOTION BY Vice Chairman Jeff Luff to forward the statement dated 12/1/15 from Micci & Korolyshun, P.C. to the Board of Selectmen for payment.

Second by Commissioner Harold Cosgrove.

VOTE: All (7) Ayes.

2. Turner Miller Group Invoices

- a. #5272 – Garden Homes

MOTION BY Commission Secretary Pat Cocchiarella to approve payment of Invoice # 5272.

Second by Commissioner Harold Cosgrove.

VOTE: All (7) Ayes.

- b. #5273 – Alliance Energy

MOTION BY Commission Secretary Pat Cocchiarella to approve payment of Invoice # 5272.

Second by Commissioner Harold Cosgrove.

VOTE: All (7) Ayes.

- c. #5275 – Miscellaneous

MOTION BY Commission Secretary Pat Cocchiarella to table payment of Invoice # 5272.

Second by Commissioner Todd Romagna.

VOTE: All (7) Ayes.

MOTION BY Commission Secretary Pat Cocchiarella to approve the transfer of funds within the Planning & Zoning budget line items.

Second by Commissioner Harold Cosgrove.

VOTE: All (7) Ayes.

OTHER BUSINESS

1. Approve Transfer for Contracted Services – Court Stenographer

MOTION BY Commission Secretary Pat Cocchiarella to approve the transfer of funds within the Planning & Zoning budget line items.

Second by Commissioner Harold Cosgrove.

VOTE: All (7) Ayes.

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

ADJOURNMENT

MOTION BY Commissioner Harold Cosgrove to adjourn the meeting at 8:57 P.M.

Second by Alternate Commissioner Pete Zbras.

VOTE: All (7) Ayes.

Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

15 DEC 30 PM 2:44
TOWN OF OXFORD, CT
Margaret A. Clark
TOWN CLERK