



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

**Planning & Zoning Commission**

**SPECIAL MEETING/PUBLIC HEARING**

**Tuesday, January 6, 2015**

**7:05 PM**

**Main Meeting Room**

**CALL TO ORDER**

**Chairman Carver** called the Public Hearing to order at 7:30 PM.

**Z-14-134 [IND] – Lot 15A Hawley Road – Owner & Applicant: X Real Property, LLC c/o Andreas Hierzer** (Site Plan Modification/Special Exception for Earth Excavation – 51,650 cubic yards)

**ROLL CALL**

**Present:** Pete Zbras, Harold Cosgrove, Glen Persson, Arnold Jensen, Jeff Luff, Tanya Carver, Pat Cocchiarella and Todd Romagna.

**Not Present:** John Kerwin and Ed Rowland.

**Staff Present:** Steve Macary, ZEO, Jessica Pennell, Administrative Secretary and Brian Miller, Town Planner.

**Chairman Carver** seated Alternate **Pete Zbras**.

**CHAIRMAN OUTLINES PUBLIC HEARING PROCEDURES**

**Chairman Carver** outlined the Public Hearing Procedures and called for any conflicts of interest from the Commission and the applicant. There were no conflicts.

**Commission Secretary Cocchiarella** read the Call of the Meeting and the Legal Notice.

**CORRESPONDENCE**

**Commission Secretary Cocchiarella** noted correspondence dated 11/12/2014 from Curtis Jones, P.E. of Civil I.

**Commission Secretary Cocchiarella** read a letter dated 12/10/2014 from James H. Galligan, P.E., of Nafis & Young Engineers, Inc.

**Chairman Carver** noted that **Commissioner Cosgrove** has arrived as well as **Commissioner Luff**. She unseated **Alternate Pete Zbras**.

### **APPLICANT PRESENTATION**

**Siyuan Cao, Civil 1, Engineer for the applicant** introduced himself to the Commission.

**Chairman Carver** asked that he submit his green return receipt cards.

**Mr. Cao** stated that they were mailed out, but they do not have them with them this evening. He would confirm that it was done and bring it back at a later date.

Staff checked the file and the return receipts were not in the file.

**Steve Macary, ZEO** questioned if the cards were at Mr. Cao's office.

**Mr. Cao** stated that he would have to confirm, but that they have notified the abutters. He commented that he is presenting the design for the XAL Properties. He noted that the XAL Properties belongs to Patriot Business Park. He stated that XAL will be the first tenant in Patriot Business Park, and this application will be focused on this site and the lower drainage area for a separate application for Patriot Business Park. He noted that the XAL property was previously approved in July 2014, they proposed two underground detention basins before, along the building, one on the south side and one on the west side. He stated that due to various concerns, they revised the design. He commented that they eliminated the two underground detention areas and created a larger basin on the south side of the property to detain the stormwater. He noted that they also redid all the drainage, and the new design will have less discharge than existing conditions. He stated that the design has been reviewed by Nafis & Young and they have received the comments from Nafis & Young and have responded. He stated that they are expecting a clean letter very soon.

**Chairman Carver** stated, for clarification purposes, Mr. Cao is looking at map page #2 of 9.

**Mr. Cao** stated that the only difference from the previously approved plan is the detention area along the building. He commented that in this case, the activity contains approximately 51,000 cubic yards of material which would be moved to the lot on the south side. He noted that the previously approved design included 30,000 cubic yards. He commented that the hours of operation will be the same as the last application, 8:00 AM to 4:00 PM, Monday through Friday for excavation activity.

**Commission Secretary Cocchiarella** questioned if these are detention or retention ponds.

**Mr. Cao** stated that they are detention ponds which will discharge all water.

**Vice Chairman Luff** questioned why they changed the design.

**Mr. Cao** stated that there is a lot of rock and there was also a cost issue.

**Commissioner Cosgrove** referred to the bottom right hand corner of map #2 of 9. He noted that the map depicts 30' from the border and he understands that it is supposed to be 40' in the industrial zone.

**Steve Macary, ZEO** stated that if the lot abuts a residential lot, then you add the extra setback footage.

**Commissioner Romagna** stated that the line that Commissioner Cosgrove is referring to is not a setback line.

**Chairman Carver** reiterated that the line is referring to something other than the setback.

It was noted that Commissioner Cosgrove was referring to a line on the map that referred to an existing wire.

**Commissioner Persson** questioned where the rest of the map is. He is referring to map #2 of 9, which seems to be cut off at the bottom.

**Mr. Cao** stated that it is on a separate sheet in the map packet which includes the property on a smaller scale.

**Commissioner Cosgrove** questioned if this application has been reviewed by Jim Galligan.

**Chairman Carver** stated, for the record, that she did speak with Jim Galligan and he did look at the application, which he was ok with, and there is a letter from him that states that all his points have been addressed.

**Commission Secretary Cocchiarella** replied to Commissioner Persson's questions about the map stating that the other part of the map is on page #6 of 9.

**Commissioner Persson** stated that during the last application it was stated that the site would absorb all the water; he questioned if it would still be absorbed.

**Mr. Cao** stated "no" it will be detained in a basin and slowly released by an outlet structure to the lower wetland.

**Chairman Carver** questioned if the applicant has received Wetlands approval for this modification.

**Mr. Cao** stated the he needed to make a clarification, the last approved design, the water was not absorbed either, that was a retention pond, and they are not counting any of the infiltration on the ground.

**Commissioner Persson** stated that it was stated that there was not going to be any run off that it was going to be absorbed on the site.

**Mr. Cao** stated that it would be controlled by another outlet structure, similar to an underground detention pond and they are not counting any infiltration from the soil because it is all ledge within the area.

**Commissioner Persson** commented that now they are proposing this plan and it is going to leech out through to the wetlands.

**Mr. Cao** stated "yes" that it would be conveyed through a grass line swale, just like in the application for Patriot Business Park, they haven't changed anything on that. He noted that Patriot Business Park was also approved in July 2014.

**Chairman Carver** stated that this modification has not yet been approved by the OCCIWA.

**Curt Jones, P.E., Civil I**, for clarification, stated that this hearing tonight is for the change in the earthwork volumes. He stated that they are not talking about the wetland issues; they are talking about the earthwork volumes, which went from approximately 30,000 cubic yards to 50,000 cubic yards. He commented that is the purpose of this hearing.

**Chairman Carver** stated that all the Commission is going to approve is the excavation portion of the application.

Brian Miller, Town Planner stated that the purpose of this revision is to alter the drainage, or that is an impact of this revision?

**Mr. Jones** explained that when they started construction, and started doing all the costs, they did a drilling program in there and they found ledge, they priced it out and the people in Austria stated that they would not build because it is too expensive. He commented that they then came up with some alternatives. Instead of the underground detention pond, they are proposing the above ground detention to the back of the lot and that required an increase in volume of the earthwork material and that is the reason they are here for a special permit.

**Brian Miller, Town Planner** stated that the change, although not necessarily adverse, does impact the discharge into the Wetlands.

**Mr. Jones** stated that there is a change and they have an application before wetlands. He commented that there is also a further change to the storm drainage out front that Jim Galligan reviewed and will come with a separate application outside of this hearing.

**Brian Miller, Town Planner** stated that the applicant needs wetlands approval before it is approved by Planning & Zoning.

**Mr. Jones** stated that what they are asking for is just the earthwork volume as part of this special permit hearing, the site plan modification is a separate application.

**Brian Miller, Town Planner** stated that if the Commission acts on it, the distinction needs to be made that it is only for the earthwork and removal.

**Mr. Jones** stated that Siyuan made the point that the earth materials would be moved to another lot on within the subdivision.

#### QUESTIONS/COMMENTS FROM THE COMMISSION

Commission members asked their questions during the applicant presentation.

#### QUESTIONS/COMMENTS FROM THE PUBLIC – NONE

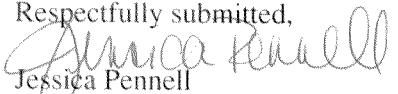
#### CONTINUE/CLOSE

**MOTION BY Commission Secretary Cocchiarella to CLOSE** the Public Hearing pending the administrative receipt of the green return cards.

**Second by Commissioner Cosgrove.**

**VOTE: All Ayes.**

Respectfully submitted,

  
Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

15 JAN 22 AM 11:48  
TOWN CLERK  
