

TOWN OF OXFORD

PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall

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Regular Meeting Minutes

Tuesday, June 7, 2016

7:30 PM

Oxford Town Hall

Main Meeting Room

CALL TO ORDER

Chairman Arnie Jensen called the meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Jeff Luff, Arnie Jensen, Pat Cocchiarella and Bob Costigan.

Staff Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO and Brian J. Miller, Town Planner.

Not Present: Glen Persson, Todd Romagna and Tanya Carver.

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

Chairman Arnie Jensen seated Alternate Commissioner John Kerwin and Alternate Commissioner Pete Zbras.

AMENDMENTS TO THE AGENDA

MOTION BY Commission Secretary Pat Cocchiarella to amend the agenda to add **Z-16-047 – Hawley Road, Civil 1 – Lay Down Area**, seconded by **Alternate Commissioner Pete Zbras**. All Ayes.

AUDIENCE OF CITIZENS

Attorney Fran Teodosio stated that he is present to ask if the Commission is still being designated as the Zoning Enforcement entity or if that has ceased since the hearing. He stated that he is asking because there is activity occurring on-site that happened from the day after the hearing to as current as today.

Commission members agreed that any complaints should be sent to Steven S. Macary, ZEO. The Commission would receive the complaints via the ZEO if necessary.

CORRESPONDENCE

Commission Secretary Pat Cocchiarella read Correspondence (1) into the record and noted Correspondence (2); he stated that both are on file in the Planning & Zoning Department.

1. Letter dated 5/18/16 from Reid A. Blute to Oxford P&Z Department
Re: Fairview at Oxford Greens Remodeling Requests
2. Letter dated 5/19/16 from Connecticut Department of Economic and Community Development
Chairman Arnie Jensen
Re: State Historic Preservation Office

Commission Secretary Pat Cocchiarella stated that in reference to Correspondence (1) from Reid A. Blute the approvals will have to be researched by looking into the file.

Steven S. Macary, ZEO stated that there is a statement in the approval that there can be no extensions to the foundation.

Brian J. Miller, Town Planner stated that the previous approval for Phase 4 stated that previous approvals have had conditions imposed, there would need to be research done regarding the Phase 4 approval.

Commission Secretary Pat Cocchiarella stated that anything would have to go through the approval process.

Brian J. Miller, Town Planner stated that if the Commission says that someone can build a deck or extension, it does not really matter because it is ultimately up to the Homeowner's Association.

Chairman Arnie Jensen stated that they will send a letter to the Homeowner's Association regarding this item and requested that staff retrieve the pertinent information regarding the Phase 4 approval.

OLD BUSINESS

1. **Z-16-028 – Oxford Greens Phase 4 East – Owner & Applicant: Timberlake Investment Partners IV, LLC (Site Plan Modification)**

Commission Secretary Pat Cocchiarella noted correspondence from Dan Semosky, Resident State Trooper, Scott Pelletier, Fire Marshal and Jerry Schwab, Oxford Ambulance Association. All parties stated that they did not have any comments to submit for this application.

Attorney Christopher J. Smith was present representing Timberlake Partners IV, LLC. He explained that there are two (2) applications. The first, Z-16-028, is a request to modify the phasing designation associated originally with Phase 6. He stated that a portion of Phase 6 would be re-designated as proposed new Phase 4 East.

Commission Secretary Pat Cocchiarella read correspondence from James H. Galligan, PZC Engineer dated June 6, 2016.

MOTION BY Commission Secretary Pat Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission have received Application

Z-16-028 requesting site plan modification approval for Oxford Greens Phase 4 East.

WHEREAS, The Oxford Planning and Zoning Commission considered the following plans and maps, within their deliberations:

- Sheet PH-1 Oxford Greens Phasing Plan Drawn by TPA Design Group, last dated March 31, 2016.

NOW THEREFORE, the Commission hereby finds as follows:

1. The application is in conformance with the approved Oxford Greens
2. Conceptual Plan as revised.
3. The application conforms to all requirements of the Oxford Zoning regulations.

BE IT RESOLVED that based upon the application and testimony, this application is approved, subject to the following conditions:

1. Compliance with Oxford Zoning Regulations as of this date.
2. Conformance with all representations made by the applicant or his agents, verbally and in writing.
3. Conformance with all other relevant provisions of the initial and subsequent approvals of the Oxford Greens Concept Plan
4. This application is approved with all standard applicable conditions.

This approval shall be effective June 14, 2016.

Second by Vice Chairman Jeff Luff. All Ayes.

2. Z-16-029 – Oxford Greens Phase 4 East – Owner & Applicant: Timberlake Investment Partners IV, LLC (Site Plan)

Attorney Smith explained that this application is a request for the overall site plan approval after Phase 4 East has been approved.

MOTION BY Commission Secretary Pat Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission have received Application Z-16-029 requesting site plan approval for Oxford Greens Phase 4 East.

WHEREAS, The Oxford Planning and Zoning Commission considered the following plans and maps, within their deliberations:

- Oxford Greens Phase 4 East Residential Development, 39 Homes, Drawn by TPA Design Group, last dated March 31, 2016.
- Sheet SU-1, Boundary Survey, Drawn by Connecticut Civil Group, dated March 6, 2004.
- Sheet SU-2, Boundary Survey, Drawn by Connecticut Civil Group, dated March 6, 2004.
- Sheet SU-3, Boundary Survey, Drawn by Connecticut Civil Group, dated March 6, 2004.
- Sheet SU-4, Topographic Survey, Drawn by Connecticut Civil Group, dated March 6, 2003
- Sheet SU-5, Topographic Survey, Drawn by Connecticut Civil Group, dated March 6, 2004
- Sheet SU-6, Topographic Survey, Drawn by Connecticut Civil Group, dated March 6, 2004

- Sheet ECS-1 of 3, Existing Conditions Study, Drawn by Connecticut Civil Group, dated September 12, 2005
- Sheet ECS-2 of 3, Existing Conditions Study, Drawn by Connecticut Civil Group, dated September 12, 2005
- Sheet ECS-3 of 3, Existing Conditions Study, Drawn by Connecticut Civil Group, dated September 12, 2005
- Sheet OS-1, Overall Site Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet OSP-1, Open Space Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet WS-1, Wetlands and Slopes Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet WS-2, Phase 4 East, Wetlands and Slopes Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet K-1, Key Map, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet WS-1, Wetlands and Slopes Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet PH-1, Phasing Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet EC-1, Existing Conditions Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet SP-1, Phase 4 East Site Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet LP -1 Phase 4 East Layout Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet E-1, Phase 4 East Erosion and Sedimentation Control Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet E-27, Erosion and Sedimentation Control Plan Details, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet E-28, Erosion and Sedimentation Control Plan Details, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet E-29, Erosion and Sedimentation Control Plan Narrative, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet G-1, Grading Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet U-1, Utility Plan, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet P-28, Plan and Profile, Tilllinghast Drive, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet P-29, Plan and Profile, Mackenzie Lane, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet PX-16, Cross Country Profiles, Tilllinghast Drive and Mackenzie Lane, Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- Sheet D-1 through D-21, Miscellaneous Oxford Greens, Drawn by TPA Design Group, dated March 31, 2016
- *(Other documents as revised and presented at the June 7, 2016 PZC Meeting)*

NOW THEREFORE, the Commission hereby finds as follows:

The application is in conformance with the approved Oxford Greens Conceptual Plan as revised.

The application conforms to all requirements of the Oxford Zoning regulations.

BE IT RESOLVED, that based upon the application and testimony, this application is approved, subject to the following conditions:

1. Compliance with Oxford Zoning Regulations as of this date.
2. Conformance with all representations made by the applicant or his agents, verbally and in writing.
3. Last revised final plans showing all necessary changes must be approved by Planning and Zoning Engineer and the Zoning Enforcement Officer.
4. If improvements have not been completed, approval expires after five years from date of filing the record subdivision map, or as otherwise provided by State Statute.
5. 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.
6. Compliance with all Town of Oxford Ordinances in effect as of this date.
7. Payment of a security in an amount established by the Planning and Zoning Engineer, in a form approved by the Town Counsel.
8. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
9. No burying of stumps, debris or any other material. A report or receipt must be provided indicating proper stump removal.
10. Applicant shall contact Zoning Enforcement Officer and Town Engineer to schedule a pre-construction meeting prior to any activity on site.
11. The applicant shall comply with all requirements of the approved conceptual plan for the area now designated as Phase 4 East Oxford Greens.
12. The applicant shall have a licensed Professional Engineer conduct an inspection of Championship Drive as to its condition prior to the start of construction on Phase 4 East and the completion of Phase 4 up to the proposed intersection of Tillinghast Drive.
13. The applicant shall be responsible for restoration of Championship Drive, and all other existing roads within the Oxford Green development, if damage occurs, prior to the completion of Phase 4 East. If the Commission determines that all or a portion of that damage was caused by the developer of Phase 4, the costs of such damage shall be determined by the Commission upon such information submitted to the Commission at an appropriate hearing.
14. The boundaries between the area planned for development and the no disturbance area should be marked by a surveyor prior to any disturbance or construction to occur within the area, as approved by the Zoning Enforcement Officer.
15. All architectural renderings, elevations and other drawings submitted and / or displayed to the Commission shall be followed as a condition of approval.
16. All zoning permits shall be issued in conformance with the building footprints shown on the site plan.
17. The limits of Phase 4 East be shown on all the relevant detailed documents, including the site plans, layout plans, erosion and sedimentation control plans, and grading plans for all additional submittals.
18. Conformance to comments of the Town Engineer to his satisfaction.
19. The final maps/plans be submitted to the Planning & Zoning Department with all conditions of approval depicted on the maps/plan.

This approval shall be effective June 14, 2016.

Commission members added #19 “final plans approved shall be submitted to the Planning & Zoning Department printed on the maps/plans”.

Second by Alternate Commissioner Pete Zbras. All Ayes.

NEW BUSINESS

1. **Z-16-039 – Owner & Applicant: Morse Watchman – 2 Morse Road** (Industrial Addition 800 sq.ft.)

Fernando Pires, owner, Morse Watchman was present, but all documents needed by the Commission to make an informed decision were not submitted.

Mr. Pires explained briefly that he was adding an 800 square foot addition to an industrial building located at 2 Morse Road.

MOTION TO TABLE by Commission Secretary Pat Cocchiarella, second by Alternate Commissioner Pete Zbras. All Ayes.

2. **(Added as an Amendment) Z-16-047 – Hawley Road, Civil 1 – Lay Down Area For Temporary Storage – Christian Street**

Curt Jones, Engineer from Civil 1 was present to explain this application to the Commission.

Commission Secretary Pat Cocchiarella read the Statement of Use, which stated the following:

- Property will be used as a temporary storage area for equipment and materials
- The property will be used in this capacity for 26 months.
- Land disturbance will be kept to a minimum.
- Temporary fencing will be installed.
- Temporary electricity will be installed for security lighting.
- Hours of operation will be from 6:00 AM – 6:00 PM, Monday – Saturday.
- At the conclusion of the temporary storage use, the fencing, utilities, driveway material and geotextile fabric will be removed.
- All disturbed vegetated areas will be restored.

Curt Jones stated that this temporary use is located at the intersection of Hawley Road and Christian Street. He noted that it is approximately 20 acres of open field. He stated that there will be a gate which will be locked during hours that the area is not being utilized. He also noted that there would be a small storage tank or equipment; it is a double walled fuel tank for equipment that will be used for unloading materials.

Alternate Commissioner John Kerwin questioned what would be stored there.

Curt Jones answered that they were going to be storing equipment and building supplies for the power plant.

Alternate Commissioner John Kerwin questioned if they would be storing petroleum products.

Curt Jones stated that they are not storing petroleum products; they have a fuel tank onsite.

Alternate Commissioner John Kerwin questioned where they would keep the MSDS sheets.

Curt Jones stated that there will also be a small trailer on the property and they will be stored there.

Further discussion ensued regarding the height of the fence, the two entrance/exits to the property and the location of the fuel tank. The Commission request that the fuel tank be moved further back from the road for safety reasons.

Chairman Arnie Jensen suggested a bond to make sure the site is cleaned up after the area is no longer needed.

Curt Jones stated that he does not believe there would be an objection to a restoration bond.

Commission Secretary Pat Cocchiarella questioned if they have submitted the permission from the land owner with the application.

Curt Jones noted that there is a lease on file in the land records that gives CPV an interest in the property for the next 26 months.

Chairman Arnie Jensen requested that Brian J. Miller, Town Planner prepare a resolution for this application.

MOTION BY Vice Chairman Jeff Luff to table this application to the June 21, 2016 Regular Meeting. **Second by Alternate Commissioner Pete Zbras. All Ayes.**

BOND RELEASES

1. Fiddlehead Estates, Section II, Jem Woods Road – Request for Maintenance Bond Release.

MOTION BY Commission Secretary Pat Cocchiarella to refer this bond to James H. Galligan, PZC Engineer for review, **second by Vice Chairman Jeff Luff. All Ayes.**

2. Belmar Farms, LLC – Request for Bond Release.

MOTION BY Commission Secretary Pat Cocchiarella to table this bond release request until more information regarding the bond is presented to the Commission. **Second by Commissioner Bob Costigan. All Ayes.**

ZONING ENFORCEMENT – REPORT OF THE ZEO

Steven S. Macary, ZEO requested that the Commission get an opinion on the Noise Ordinance from Town Counsel, Kevin Condon because complaints regarding noise are still coming into the office.

The Commission agreed that a legal opinion may be helpful, and granted the request.

APPROVAL OF MINUTES

MOTION BY Commission Secretary Pat Cocchiarella to table the minutes, second by Alternate Commissioner Pete Zbras. All Ayes.

1. May 17, 2016 Regular Meeting Minutes

INVOICES

1. Invoice submitted by Hearing Officer Mark F. Gross
Re: Oxford v. Kasmin

Discussion ensued between Commission members and Steven S. Macary, ZEO regarding Mr. Gross's invoice. They expressed that the invoice amount was very high.

Alternate Commissioner John Kerwin also noted some legal reasons why the invoice should not be paid at this time.

MOTION BY Vice Chairman Jeff Luff to table this invoice for legal and moral reasons and to have staff send a letter to First Selectmen Temple outlining their concerns. **Second by Commission Secretary Pat Cocchiarella. All Ayes.**

Chairman Arnie Jensen also requested that staff respond to Mark Gross and ask him to submit any documents that were submitted during the hearing and to have him note the outcome and conclusion of the hearing.

OTHER BUSINESS

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

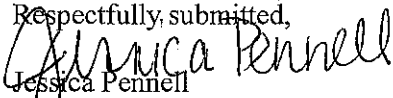
The Commission discussed the July 5th meeting. Many members stated that they would not be present.


MOTION BY Vice Chairman Jeff Luff to cancel the July 5, 2016 Regular Meeting.
Second by Alternate Commissioner John Kerwin. All Ayes.

ADJOURNMENT

MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 9:30 PM. **Second by Vice Chairman Jeff Luff. All Ayes.**

Respectfully submitted,


Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

16 JUL 11 AM 10:48
TOWN OF OXFORD, CT

TOWN CLERK