



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

Oxford Planning & Zoning Commission

SPECIAL MEETING MINUTES

PUBLIC HEARING

TUESDAY, AUGUST 16, 2016

7:00 PM

Main Meeting Room, S.B.Church Town Hall

Oxford Planning & Zoning Commission's **Special Meeting/Public Hearing** on application:

Z-16-060 [IND] – Donovan Road & Christian Street (17/34/1C)

Owners: Mary T. Williams & Casper Realty, LLC

Applicant: BMC Property Rentals, LLC c/o Brian & Chris Wargo

Special Permit for (Excavation/Filling – proposed driveway & parking area)

At the Hearing interested parties may be heard and written correspondence will be received.

CALL TO ORDER

Chairman Arnie Jensen called the Public Hearing to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL/SEATING OF ALTERNATES

Present: Tanya Carver, John Kerwin, Pete Zbras, Harold Cosgrove, Glen Persson, Jeff Luff, Arnie Jensen, and Pat Cocchiarella. Todd Romagna arrived at 7:10 PM.

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

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

CHAIRMAN OUTLINES INTENT OF PUBLIC HEARING AND PUBLIC HEARING PROCEDURES

Chairman Arnie Jensen read the intent of the Public Hearing and outlined the Public Hearing Procedures.

SECRETARY READS THE CALL OF THE MEETING/LEGAL NOTICE

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

CHAIRMAN CALLS FOR CONFLICTS OF INTEREST

Chairman Arnie Jensen called for any conflicts of interest from the Commission and the applicant.

The Commission members and applicant stated that they had no conflicts of interest.

CORRESPONDENCE

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

- a. Statement of use signed by Chris Wargo, dated 6/23/16.
- b. Letter dated 6/23/16 that lists the proposed uses of the property.
- c. A paper with the listed property owners.
- d. Letter from Mary T. Williams authorizing the applicant to apply for the permit.
- e. Letter dated 8/9/16 from James H. Galligan, PZC Engineer.
- f. Memorandum dated 8/13/16 from Brian J. Miller, Town Planner.

PRESENTATION BY APPLICANT/APPLICANT'S REPRESENTATIVE(S)

Pete Kendall of 126 Buck's Hill Road was present to represent his daughter Chris Wargo. He made the following statements in response to James H. Galligan, PZC Engineer's comments:

1. They are trying to balance the road going in to 1500 yards instead of 3500 yards, instead of bringing in fill.
2. There are no drainage structures; they want to have a leech off every 75' to 100'.
3. The eastern gravel driveway is on the lot next door. He also stated that she submitted a revised drawing last week.
4. There are calculations for the boulder retaining wall on the revised plans.
5. The detention system, there is one next door that they will be able to use.
6. He stated that there is no building on this lot; it will be used for storage.

Mr. Kendall and staff approached the table and discussed the maps with the Commission members.

COMMENTS & QUESTIONS FROM THE CHAIRMAN & COMMISSION MEMBERS

Brian J. Miller, Town Planner stated that if it is two separate lots and the driveway exits onto another lot and not the road, he recommends if the lots are mutually owned, to combine the them. If they are not mutually owned, then to file an easement over the lot for the driveway.

Steven S. Macary, ZEO stated that they have not received wetlands approval.

Chairman Arnie Jensen questioned if the applicant has all the other approval, they know they are waiting for wetlands.

Commission Secretary Pat Cocchiarella stated that the application should go to the Fire Marshal because of the length of the driveway.

Chairman Arnie Jensen stated that he had two questions, the engineered design of the boulder retaining wall and #3 of James H. Galligan, PZC Engineer's comments regarding the gravel driveway.

Mr. Kendall stated that it is on the new plan.

Chairman Arnie Jensen stated that James H. Galligan, PZC Engineer would have to review the revised plans and then send the applicant any further comments.

Alternate Commissioner Tanya Carver questioned if the applicant submitted the return receipts.

Jessica Pennell, Administrative Secretary stated they were submitted.

Alternate Commissioner Tanya Carver questioned if the applicant should be submitting a lot line revision with this application.

Brian J. Miller, Town Planner restated that they should at least get an easement over the property for the driveway.

Commissioner Harold Cosgrove questioned what LOD represents.

Chairman Arnie Jensen answered that it signifies Limit of Disturbance.

Chairman Arnie Jensen asked that the applicant's engineer submit any responses in writing to the Commission.

COMMENTS & QUESTIONS FROM THE PUBLIC

Kathy Johnson, 68 Dorman Road stated that this seems to be a benign application for a contractor's yard. She commented that she is concerned about the protections they have. She noted that they have another situation where they do have a construction yard where the neighbors are not liking the odor in the air, etc. She questioned who is to say now, creating another yard, they have set precedent and what happens down the road if something else that isn't very tasteful to people ends up there besides what they are talking about today. She wanted to say to the board, just as a citizen, and very sincerely to look over the regulations and start trying to protect the citizens of the town.

Herman Schuler, 125 Meadowbrook Road and the former EDC Director for Oxford stated that this property has been for sale for well over 12 years. The building that has been purchased by the same owner has severe limitations for parking because of a large wetlands area. He commented that if they are going to do construction they are going to need a place to park vehicles and materials and all of the things that happen in construction yards. He stated that they are basically proposing a driveway to an area for parking and storage which doesn't access either Donovan Road or Christian Street. He commented that the two lots are going to have to be combined into one lot so a permanent easement can be established. He stated that as far as the general comment about construction yards, construction yards are contractor's yards, they employee people, they pay taxes, they have equipment that goes on the grand list and they are good business for the town. There is nothing offensive about this.

Jennifer Yonka, 48 Donovan Road stated that she would like everyone to take into consideration that this is also a residential area. She commented that she moved there a little over 13 years ago and since then 5 businesses have come into the area. She stated that the traffic has increased ten-fold. She also commented that she understands that they are putting parking lot for the power plant at the other end of Christian Street, again more traffic. She stated that families have homes on these streets and people don't care that she has children crossing the streets on their bikes and skateboards and that she is pulling out of her driveway and getting hit almost everyday. She ask that they please take that into consideration when considering these plans.

David Logie, 427 Chestnut Tree Hill Road, asked if someone could explain why this application is a special exception.

Commission Secretary Pat Cocchiarella stated that this is a special permit which requires a higher level of scrutiny. He stated that it is not an exception to anything it is just a special permit. He stated that all requests for special permits require a Public Hearing.

Sarah Beauprey, 78 Donovan Road, questioned where the driveway will be.

Chairman Arnie Jensen answered that it will be off Christian Street, there is an existing driveway and there will be a driveway off the existing driveway.

This application is just to move equipment; it is not going to turn into an asphalt plant.

Chairman Arnie Jensen answered that the statement of use says it is for the storage of equipment.

Sarah Beauprey questioned who is going to be responsible when the people on 78 Donovan Road get traffic from these trucks when their kids are out riding bikes? Do we call you? When we call the police they don't do anything.

Chairman Arnie Jensen stated that it is not a zoning matter.

Pete Kendall, representative for the applicant stated that they do not own a dump truck.

COMMENTS FROM THE CHAIRMAN & COMMISSION MEMBERS

Alternate Commissioner Pete Zbras asked the applicant if this is going to be an asphalt yard or if they will be burning asphalt.

Pete Kendall said no.

Alternate Commissioner Pete Zbras questioned if this would be strictly storage.

Pete Kendall said yes.

Vice Chairman Jeff Luff questioned if this driveway will come out onto Donovan Road.

Commission members stated that it would come out on Christian Street.

Chairman Arnie Jensen questioned if the primary use would be for storage of material or equipment.

Pete Kendall answered equipment.

Commission Secretary Pat Cocchiarella stated that the property that abuts Donovan Road is very overgrown. He stated that he would like to see them keep as much of the natural buffer there as possible so that the residents will not have as much exposure to the site.

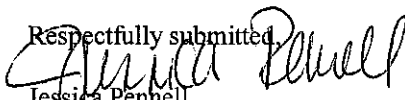
CONTINUE/CLOSE

MOTION BY Commission Secretary Pat Cocchiarella to recess the *Public Hearing to September 6, 2016 at 7:00 PM*. Second by **Alternate Commissioner John Kerwin**. All Ayes.

ADJOURNMENT

MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 7:40 PM. Second by **Alternate Commissioner John Kerwin**. All Ayes.

Respectfully submitted,


Jessica Pennell
Planning & Zoning Commission
Administrative Secretary

16 AUG 22 PM 11:35
TOWN OF OXFORD, CT
TOWN CLERK
Patricia A. Bluest