



Planning & Zoning Commission

TOWN OF OXFORD
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
(P) 203.888.2543 (F) 203.888.4543
www.Oxford-CT.gov

Regular Meeting Minutes
Tuesday, September 6, 2016
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Harold Cosgrove, Jeff Luff, Arnie Jensen and Bob Costigan.
Not Present: Tanya Carver, Glen Persson, Pat Cocchiarella and Todd Romagna.
Also Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO and Brian J. Miller, Town Planner.

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

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

AMENDMENTS TO THE AGENDA

1. **MOTION BY Vice Chairman Jeff Luff** to amend the agenda to add application **Z-16-060**, based on maps/plans dated 8/18/16 as New Business #2. **Second by Alternate Commissioner John Kerwin.** All Ayes.
2. **MOTION BY Vice Chairman Jeff Luff** to amend the agenda to add Invoice #272-16 from Nafis & Young Engineers to the agenda as #2 under Invoices. **Second by Alternate Commissioner John Kerwin.** All Ayes.

CORRESPONDENCE

None.

AUDIENCE OF CITIZENS

None.

OLD BUSINESS

None.

NEW BUSINESS

1. Presentation by Magnolia Audio/Video for upgrades to Main Meeting Room

Representatives from Magnolia Audio/Video were present to discuss and explain the estimate requested by Alternate Commissioner Pete Zbras for an audio equipment upgrade in the Main Meeting Room. The representatives outlined the ideas for the space and explained the different options available. Commission members asked specific questions regarding the monitors and placement of the monitors, how they would scan documentation, discussed adding cameras to the quote as well as possibly investigating the cost of new audio equipment. They also questioned training and customer support.

The representatives explained that there is no data storage, that the system would be used in conjunction with a laptop or tablet.

Chairman Arnie Jensen questioned the cost of a commercial TV compared to a residential TV.

Zack Magnolia representative stated that the biggest difference is the warranty.

First Selectman George Temple was present and noted that he would like any new equipment to have the ability to record meetings so that they can be posted to the Town website. He also asked that the representatives attend the Board of Selectmen's meeting scheduled for the next evening.

Vice Chairman Jeff Luff asked that the new estimate include the entire package, audio, video and recording.

Alternate Commissioner Pete Zbras requested that the Magnolia representatives give an updated estimate based on what was discussed this evening.

BONDS/BONDS RELEASES

1. Belmar Farms, LLC Application
(Remove from the table)

Steven S. Macary, ZEO stated that the owner has a state bond that was \$1 million dollars and he thinks that she confused that bond with the Town's bond. The bond the town holds is surety bond in the amount of \$24,000.00. She wants to forfeit the state bond but the town cannot do that because if she brings equipment to the site to work and ruins the state road someone has to pay for it. He noted that she has hired Attorney Teodosio and he thinks that she is going to forfeit the whole subdivision and her attorney is going to give us a letter and then the town can release the bond. He stated that if she

decides to build again, they would have to resubmit a new application. He stated that he is waiting to hear from her attorney.

ZONING ENFORCEMENT

Chairman Arnie Jensen asked Steven S. Macary, ZEO to explain his findings regarding the excavation permit.

Steven S. Macary, ZEO stated that the

- 1.) **excavation permit** is still active, in effect and still valid because they were approved to remove 50,000 cubic yards of material and they have only removed 41,700 to date. He stated that they have another 9,300 that they can remove. He stated that once they reach that amount, they have to come back in and resubmit for the excavation permit associated with the site development. He commented that they did this in 2013 but it clearly states to take off 50,000 cubic yards. He stated that the reports he has received only go to August, he hasn't received September.
- 2.) **dust control**, it is very dusty and they have 2 machines out there. He stated that he saw them watering twice today, it is dusty but they are trying.

Vice Chairman Jeff Luff stated that he has not seen big plumes of dust.

Chairman Arnie Jensen questioned the claim of encroachment and asked if Steve has received an A-2 survey.

Steven S. Macary, ZEO stated that he has not received a survey.

Steven S. Macary, ZEO stated

- 3.) **hours of operation**, in his opinion was in the charter. He stated that Haynes came in and requested extended hours for Z-13-138. The extension of hours was from 8-4 to 7-5 and it was granted on 2/16/14.

Chairman Arnie Jensen stated that the OPZ Regulations state that the work can be done Monday – Friday, but there have been complaints about them working on the weekends. He stated that he doesn't see anything in the regulations that says that you can excavate on the weekend.

Steven S. Macary, ZEO stated that if you go into the charter, and this is his opinion and interpretation it says daytime and nighttime hours.

Alternate Commissioner John Kerwin stated that this is the noise ordinance.

Chairman Arnie Jensen stated that he thinks the earth excavation regulations apply.

Alternate Commissioner John Kerwin stated that this is an enforcement action that they are engaged in and under Article 19, Section 2 it says that the Commission shall notify the applicant and owner. He stated that no one has notified them and the Commission has not followed their own rules.

First Selectman George Temple stated that you have to give notice that you are going to discuss them regarding a complaint and possible action.

Chairman Arnie Jensen stated that Haynes needs to be notified of all seven (7) complaints.

Lorraine Tirella, 268 Oxford Road, Phoenix Propane stated that she can speak on this issue. She stated that Haynes was here a month ago and that they were going to meet here with Haynes this evening to address the issues.

Alternate Commissioner John Kerwin stated that they cannot discuss this until the owner is notified.

MOTION BY Alternate Commissioner John Kerwin to table this item until the owner/applicant is notified of the complaints. Second by Vice Chairman Jeff Luff. All Ayes.

Steven S. Macary, ZEO stated to the Commission that Goodwill has requested to be tax exempt. He stated that it was in the minutes that they said they would not be tax exempt.

Brian J. Miller, Town Planner stated that it is his understanding that this is not under the purview of the Planning & Zoning Commission.

Steven S. Macary, ZEO stated that there is a boat on Route 67, he has called and asked the owner to remove it. He also stated that he is waiting for an A-2 survey regarding the complaint on Toppenjfell.

APPROVAL OF MINUTES

MOTION BY Vice Chairman Jeff Luff to approve the following minutes as presented:

1. 8/16/2016 Public Hearing Minutes

Second by Alternate Commissioner Pete Zbras. Ayes (5), Abstention (1), Commissioner Bob Costigan. Motion passed.

MOTION BY Commissioner Harold Cosgrove to approve the following minutes as presented:

2. 8/16/2016 Regular Meeting Minutes

Second by Alternate Commissioner Pete Zbras. Ayes (5), Abstention (1), Commissioner Bob Costigan. Motion passed.

INVOICES

1. Turner Miller Group Invoices:

- a. **MOTION BY Commissioner Harold Cosgrove, seconded by Alternate Commissioner John Kerwin to approve payment of Invoice #5301 – General (Meeting Attendance). All Ayes.**

- b. **MOTION BY Commissioner Harold Cosgrove**, seconded by Vice Chairman Jeff Luff to approve payment of Invoice #5302 – Special Exception- BMC Properties (Public Hearing Attendance & Review). **All Ayes.**
- c. **MOTION BY Commissioner Harold Cosgrove**, seconded by Vice Chairman Jeff Luff to approve payment of Invoice #5304 – POCD. **All Ayes.**
2. Invoice #272-16 from Nafis & Young Engineers, Inc. - Review and report for BMC Properties, LLC.

MOTION BY Commissioner Harold Cosgrove, seconded by **Alternate Commissioner Pete Zbras** to approve payment of Invoice #272-16. **All Ayes.**

AMENDMENT TO THE AGENDA:

APPLICATION # Z-16-060 SPECIAL PERMIT – CONTRACTOR’S YARD

Location: Donovan Road & Christian Street (Map: 17 Block: 34 Lot: 1C)

Owner:
Mary Williams
10 Deepwood Road
Easton, CT 06612

Applicant:
Brian & Chris Wargo
126 Buck’s Hill Road
Southbury, CT 06488

Name of Business:
BMC Property Rentals

MOTION BY Vice Chairman Jeff Luff to approve application Z-16-060:

WHEREAS, The Oxford Planning and Zoning Commission have received Application Z-16-060 to establish a contractor’s yard.

WHEREAS, The Oxford Planning and Zoning Commission considered this application at a public hearing on August 16, 2016, and September 6, 2016, and considered all comments and documents submitted at the hearings;

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

- Complete application form for Z-16-16 dated July 11, 2016
- Statement of Use, dated June 23, 2016
- Map of Property, prepared by Nowakowski, O’Bymachow, Kane & Associates dated June 17, 2016
- Grading Plan, prepared by Nowakowski, O’Bymachow, Kane & Associates dated June 17, 2016, most recently revised August 18, 2016
- Soil and Erosion Control Plan, prepared by Nowakowski, O’Bymachow, Kane & Associates dated June 17, 2016, most recently revised August 18, 2016
- Detail Sheet, prepared by Nowakowski, O’Bymachow, Kane & Associates, dated August 3, 2016

WHEREAS, The Oxford Planning and Zoning Commission considered the Town of Oxford Application Z-16-060 and finds;

- The application conforms to all requirements of the Oxford Zoning regulations, including Article 10, Section 10.3 and Article 9 Section 9.3.

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 representations made at Planning and Zoning Commission meetings or at public hearings regarding this application.
5. The applicant shall submit one complete copy of the set of plans which reflect these conditions of approval, with a copy of the conditions of approval attached.
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. The specific uses on this property shall be limited to those designated within the "Statement of Use" submitted by the applicant.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. Sedimentation and erosion control measures on-site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the Commission's engineer.
10. An access easement shall be placed over Lot K-1 to provide access from Lot 1-C in a manner approved by the Town Attorney and the Zoning Enforcement Officer, and properly recorded.
11. The natural vegetation on the west side of the lot, between the storage area and Donovan Road shall be maintained. *(The Commission may require additional planting if deemed necessary.)*

Second by Alternate Commissioner Pete Zbras.

Ayes (4), Abstentions, (1), Commissioner Bob Costigan. Motion passed.

OTHER BUSINESS

1. Committee Updates:

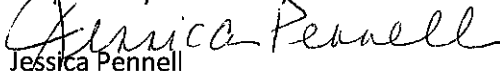
- a. POCD – The Committee has added Kathy Johnson as a member and they are still reviewing and updating information. They are meeting on a regular basis.
- b. Policies & Procedures – Alternate Commissioner Pete Zbras handed out documents containing a drafts of items that the Commission will review and discuss on September 20, 2016 at 7:00 PM.

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

ADJOURNMENT

MOTION BY Alternate Commissioner John Kerwin to adjourn the meeting at 9:04 PM, seconded by Alternate Commissioner Pete Zbras. All Ayes.

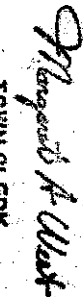
Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

16 SEP 15 PM 3:24
TOWN OF OXFORD, CT

TOWN CLERK