



TOWN OF OXFORD
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Planning & Zoning Commission

Regular Meeting Minutes
Tuesday, December 20, 2016
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Arnie Jensen called the meeting to order at 9:35 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

SEATING OF ALTERNATES

Chairman Arnie Jensen seated Alternate Commissioner Pete Zbras.

AMENDMENTS TO THE AGENDA

MOTION BY Commission Secretary Pat Cocchiarella to amend the agenda to add Z-16-237 Tyler Shamaly, 6 Benson Road as New Business #1. **Second by Vice Chairman Jeff Luff.**
All Ayes.

CORRESPONDENCE

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

- a. Letter dated 12/15/16 from Town Clerk Margaret West (Resignation of Glen Persson)
- b. Memorandum dated 12/20/16 from the Board of Selectmen (Appointment of Tanya Carver)

- c. Letter dated 12/16/16 from Mark Oczkowski, Earthworks Excavating & Landscaping, Inc & 589 Investments, LLC (Request for bond reduction and acceptance of Patriot Way)

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

AUDIENCE OF CITIZENS

NEW BUSINESS

1. Z-16-2 237 [IND] – 6 Benson Road (17/23/2)

Owner: Glenmore, LLC

Applicant: Tyler Shamaly – Ascension Performance, LLC

Special Permit: Health & Fitness Use in the Industrial Zone

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-16-237, based on special permit materials submitted to the Planning & Zoning Commission, with the following conditions:

- 1) Compliance with the Oxford Zoning Regulations in place of this date.
- 2) Applicant and their assigns must comply with all representations made at P&Z Commission meetings regarding this application.
- 3) Prior to installation, lighting must be approved by the ZEO.
- 4) Compliance with the Statement of Use dated 12/1/2016.
- 5) Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval; including any lease changes or changes in ownership.
- 6) Per Article 3, Section 19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
- 7) Applicant must contact the Oxford Building Official prior to occupancy or construction.
- 8) An application for a sign permit must be obtained if the sign is to be modified.

Reason for approval is because this application is in compliance with the Town of Oxford Zoning Regulations in effect as of this date.

Second by Commissioner Tanya Carver

Ayes (5), Abstentions (3) – Harold Cosgrove, Tanya Carver and Bob Costigan. Motion passed.

BONDS/BONDS RELEASES

- 1. Riverview Subdivision, Riverview Road**
(Bond Release & Road Acceptance)
(Commission accepted Road on 12/6/16)
(Bond Release request – Action needed)

MOTION BY Commissioner Harold Cosgrove to make a favorable recommendation to the Board of Selectmen to **release** the following bonds:

Surety Bond No: 105143501 in the amount of \$30,000.00 – Soil & Erosion

Surety Bond No: 105143503 in the amount of \$35,000.00 – Performance & Restoration, and to **reduce**

Surety Bond No: 105143505 in the amount of \$235,000.00 – Performance to a Maintenance Bond in the amount of \$23,500.00 to be held for one (1) year.

Second by Commissioner Tanya Carver. All Ayes.

ZONING ENFORCEMENT

- **Report of the ZEO on complaints, violations and any other items deemed necessary for discussion/action by the Commission.**

The ZEO discussed various item, violations and complaints he has received and the current actions he is taking.

APPROVAL OF MINUTES

MOTION BY Commissioner Tanya Carver to table the following minutes. **Second by Commission Secretary Pat Cocchiarella. All Ayes.**

1. 12/6/2016 Public Hearing Minutes – 10 Robinson Lane
2. 12/6/2016 Public Hearing Minutes – Hogsback Subdivision
3. 12/6/2016 Regular Meeting Minutes

OLD BUSINESS

1. **Garden Homes Management – Response to Court's Remand**
Discussion with possible action by the Commission

Chairman Arnie Jensen questioned if the Commission ever received a letter from the manufacturer.

Jessica Pennell, Administrative Secretary replied that they did not receive a letter from the manufacturer.

Chairman Arnie Jensen stated that they also had a letter from Adler Consulting.

Attorney Peter Olson stated that at the 12/6/16 meeting the Commission received the certificate of title and the technical drawing of the firetruck. He stated that they sent the truck drawing to Bernie Adler who was the Commission's expert during the hearing for Garden Homes. He stated that the Commission asked him to review the drawing and write a report. He explained that the report is dated 12/9/16 but was not received until today. He also explained that in this letter Mr. Adler says that he misread the technical information on the fire truck that was in the record and instead of the wheel base being 347 inches, it is 247.5 inches, which in his opinion make a difference in the expert opinion that he had provided to the Commission.

Attorney Peter Olson stated that he and Attorney Micci discussed the letter and suggest it be included in what is sent to court. He also commented that the Commission should also amend their decision, to revise it to reflect what Mr. Adler is now telling the commission and the issues that this resolves and the Commission has to note that they are resolved. He noted that because of the short time frame he has drafted a resolution that the Commission can review and adopt this evening.

Commission Secretary Pat Cocchiarella recused himself at this time because he was not present at the Public Hearing of July 20, 2015.

Alternate Commissioner Tanya Carver made a motion to adopt the resolution that was prepared by Attorney Peter Olson. (The following resolution was not read at the meeting).

RESOLUTION

As directed by the Superior court (Frazzini, J.) in a Memorandum of Decision dated October 25, 2016 in the matter of Garden Homes Management Corporation vs. Planning & Zoning Commission of the Town of Oxford, judicial district of Hartford, at Hartford, docket no. HHD CV 14 6052002 S, the Planning & Zoning Commission of the Town of Oxford has received this matter on remand, and has evaluated the wheel base and turning radii of the Ladder Quint Arrow XT fire truck owned by the Town.

In evaluating this issue, the Commission has received the following documents:

1. Certificate of Title to the Town of Oxford Ladder Quint Arrow XT fire truck;
2. Technical Drawing No. 20492 AD
3. A letter from Adler Consulting dated December 9, 2016 updating their prior report with the information provided.

Based on the foregoing, the Commission believed that it should revise and/or amend its prior decision of July 20, 2015 in the following respects.

1. The adequacy of stop signs and stop bars to address the vertical curve issue.

- c. Section c is revised to state "Based on the revised letter from Adler Consulting dated December 9, 2016, the Commission finds that the vertical curve issue has been addressed by the applicant.
- d. Section d is deleted.
- e. Section f is deleted.

2. The adequacy of the no-left turn sign on Emily Drive to address the line of sight issue.

- e. Section (e) is revised to state as follows:

"The Commission finds that the physical geometry of the entrance at Emily Drive does not permit maneuvers by the fire apparatus used by the Oxford Fire Department, and as such, the proposed second access via Emily Drive is unsafe. In making this finding, the Commission relies on the expert testimony presented to it, as follows:

- Lt. from B. Adler to J. Pennell, September 10, 2015 ("A left-turning fire truck would overrun the far curb of the roadway while entering the Site");
- Lt. from B. Adler to J. Pennell, September 10, 2015 ("Fire Department vehicles in the Town of Oxford would be limited in their ingress and egress of Emily Drive suggesting that Emily Drive is a poor location as a secondary means of access inot and out of the development");
- Testimony of M. O'Rourke, September 29, 2015 at 6;
- Testimony of B. Miller, September 29, 2015 at 43-44.

- Letter of B. Adler, December 9, 2016 at 2 (“However, despite the smaller turning radius, the Town’s Aerial Fire Truck still cannot successfully negotiate two exiting movements. As shown on Figure I, the wheels of the Aerial Fire Truck cross over the road on the far side of Hurley Road as the vehicle turns right from Oxford Commons West and from Emily Drive. These turning movements are explicitly shown on the attached illustration.”)

The Commission finds that the physical geometry causing fire truck overrun may be resolved by an adjustment to the physical geometry, but submission of a revision to the project development plans would be required to fully evaluate the adjustment in light of the comments of Mr. Adler.

Nothing in this decision shall be construed to modify, revise or amend any other portion of the Commission’s decision of July 20, 2015 or prior decisions, which remain in full force and effect. The Commission reserves all rights and remedies it may have concerning such decisions and the application.

Second by Vice Chairman Jeff Luff. Ayes (5), Abstention (1) Commissioner Bob Costigan, and Commission Secretary Pat Cocchiarella recused himself for this discussion and vote because he was not present on July 20, 2015. **Motion passed.**

INVOICES

1. **Commissioner Tanya Carver** moved to approve invoice from Arrow Printers, Inc #5072 – Zoning Permit Application. **Second by Alternate Commissioner Pete Zbras. All Ayes.**
2. **Commissioner Tanya Carver** moved to forward the Land Use & Conservation Counsel Invoice – Garden Homes 2014 Appeal to the Board of Selectman/Finance Department for payment. **Second by Commissioner Harold Cosgrove. All Ayes.**
3. **Commissioner Tanya Carver** moved to forward Land Use & Conservation Counsel Invoice – 16 N. Larkey Road to the Board of Selectmen/Finance Department for payment. **Second by Alternate Commissioner Pete Zbras. All Ayes.**
4. **Commissioner Tanya Carver** moved to forward the Land Use & Conservation Counsel Invoice – Tirella Complaints to the Board of Selectmen/Finance Department for payment. **Second by Alternate Commissioner Pete Zbras. All Ayes.**
5. **Commissioner Tanya Carver** moved to approve Turner Miller Group Invoice #5324– Hogsback. **Second by Vice Chairman Jeff Luff. All Ayes.**
6. **Commissioner Tanya Carver** moved to approve Turner Miller Group Invoice # 5325– General. **Second by Alternate Commissioner Pete Zbras. All Ayes.**
7. **Commissioner Tanya Carver** moved to approve Nafis & Young Invoice #445-16 – Riverview Road Acceptance. **Second by Commissioner Harold Cosgrove. All Ayes.**

OTHER BUSINESS


1. Committee Updates
 - a. POCD Committee
 - b. Schedule next Policies & Procedures Workshop

2. Updates/discussion regarding Audio/Video System.
3. Any other items the Commission deems necessary for discussion.

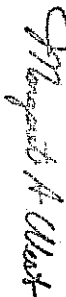
ADOURNMENT

**MOTION BY Alternate Commissioner Tanya Carver to adjourn the meeting at 10:10 PM.
Second by Commissioner Bob Costigan. All Ayes.**

Respectfully submitted,


Jessica Pennell

Administrative Secretary
Planning & Zoning Commission

16 DEC 29 PM 3:26
TOWN OF OXFORD, CT

TOWN CLERK