



## **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)

### **Oxford Planning & Zoning Commission**

#### **PUBLIC HEARING MINUTES**

**Tuesday, December 20, 2016 - 7:00 PM**  
Main Meeting Room  
S.B.Church Memorial Town Hall

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

**Z-16-222 [RGCD] – Oxford Greens – Proposed Assisted Living Facility (32-33/10-11/2 1)**

**Owner & Applicant:** Timberlake Investment Partners V, LLC

- a. **Special Exception** (Article 5A, Section 8.1, Article 5A, Section 9.1 and Article 10, Section 10.2)
- b. **Site Plan Application** (Modification of previously approved Conceptual Plan)

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

#### **CALL TO ORDER**

**Chairman Arnie Jensen** opened the Public Hearing at 7:05 PM.

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL/SEATING OF ALTERNATES**

**Present:** John Kerwin, Pete Zbras, Harold Cosgrove, Jeff Luff, Arnie Jensen, Pat Cocchiarella and Bob Costigan. (Tanya Carver arrived at 7:24 PM)

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

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

#### **CHAIRMAN OUTLINES INTENT OF PUBLIC HEARING AND PUBLIC HEARING PROCEDURES**

#### **CHAIRMAN CALLS FOR CONFLICTS OF INTEREST**

**Chairman Arnie Jensen** called for any conflicts of interest.

**Alternate Commissioner Pete Zbras** did stated that he lives within 250' of the subject property but does not have a conflict.

There were no conflicts.

**SECRETARY READS THE CALL OF THE MEETING/LEGAL NOTICE**

**Commission Secretary Pat Cocchiarella** read the call of the meeting/legal notice.

**PRESENTATION BY APPLICANT/APPLICANTS' REPRESENTATIVE(S)**

**Chris Smith, Land Use Attorney, partner at Shipman & Goodwin**, stated they did submit the notices already as well as the sign posted on the property. He explained that he is here on behalf of Timberlake Partners, V, LLC and seeking approval of two (2) applications. He commented that the first application is to modify the previously approved conceptual development plan for existing Residential Golf Community District known as Oxford Greens. The second is for a special exception and site plan application seeking approval to permit a proposed 197 unit contemporary assisted living facility community to be located on real property located within Oxford Greens. He then introduced the following, David Golebiewski, from TPA, David Sacco, TPA, Steven Ullman, Traffic Engineer, John Wicko, Architect and Stanley Gniazdowski, Realty Concepts. He stated that Robert Smith the owner was not able to attend tonight.

**Chris Smith** gave a brief overview of the proposed use. He noted that in the RGCD, assisted living is a permitted use subject to special exception review and approval. He stated that the use provides an aging in place lifestyle that addresses a growing need in our current society with a need in Connecticut and in Oxford. He noted that this is not an institutional use. He stated that the community would be age restricted and there would be a provision put in place for services that are menu based addressing the particular needs of each resident. He also noted that these would be rented apartments. He stated that for example, this is a place for couples, where one (1) spouse requires increasing levels of services attributed to a progressive illness and the other spouse is healthy. He stated that they can rent a unit and have services available to them. He also stated that this particular parcel is not part of the Oxford Greens Community, it is separate and the tenants will not have any rights to any of the amenities at Oxford Greens.

**David Golebiewski, TPA, Landscape Architect** stated that they were last here in the spring when they sought approval for the 39 homes for Phase 4 East. He stated that with the application they will be taking out 51 homes and putting in six (6) buildings, the total units would be 197 units. The buildings, for reference are labeled A, B, C, D, E and F. There is approximately the same linear footage of roadway from Riggs Street to the top of the project as was previously approved. The scheme and design shows most of the parking under the units, and there will be an outdoor recreation area. There is trail access and sidewalks down the length of the roadway to Riggs Street. The roadway itself followed standard engineering design and has been submitted for review by James H. Galligan, PZC Engineer. The slopes are 3:1 or less and treated in a manner with landscaping and vegetation compatible with those slopes. Two utilities will come from Phase 1, the water line and gas line down the power lines and those were previously approved utility connections. He stated that those would come down, feed the proposed project, and cap off at Riggs Street. He commented that there is proposed sanitary sewer where there would be gravity feed from the top of the site down to Riggs Street. There will be a force main up to approximately 6,000 feet from the top of the site up to the intersection with Jack's Hill Road. He stated that the landscape plan is similar in treatment and quality to the landscaping at Oxford Greens. He noted that they have paid particular attention to the foundation plantings especially in regard to comments from the Fire Marshal, he has asked for an 8-9 foot path around the exterior of the buildings to accommodate ladders on some of the buildings that don't have drive up access. The emergency access is to Stonebridge Road, as previously approved, it hasn't been built because no construction has taken place in that Phase. He noted that it is in the same location and has been submitted and reviewed by the Fire Marshal as well. He commented that the street would be a 20 mile per hour roadway with two (2) wood bridges similar to the ones that were approved and built in Phase 4.

**Steve Ullman, Traffic Engineer** for the applicant, stated that he has been part of this project since 2011 and he does the OSTA submissions and approvals. He stated that the original 51 homes are part of the original OSTA approval.

He commented that the driveway location to Riggs Street is where it was originally going to be as a part of that original STC application. He commented that the original, original had site line issues, where it is now they can achieve 335 feet of site lines in both directions; north and south. He stated that he reviewed the latest three (3) year crash data for the area (1/1/2012 – 12/31/2014) and there were three (3) crashes, all were vehicles going off the road. He commented that to figure out the impact of the development, they use the ITE trip generation, 9<sup>th</sup> edition that contains different traffic generations for different uses. He stated that in the ITE there are uses for assisted living and congregate care facilities, land use code 254. He explained that the most accurate way to analyze the impact is to assume the number of occupied beds, with 197 units there would be 309 beds in the facility. He commented that the anticipated trip generation, the average daily traffic would be approximately 630 vehicles a day entering and exiting. He explained that in the AM, there would be 71 vehicles, 51 entering and 20 exiting and in the PM there would be 114 vehicles with 45 entering and 69 exiting. He reiterated that there is only once access point, on Riggs Street, the emergency access to Stonebridge is gated and cannot be used for general use. He explained his technical procedure to come up with these numbers and stated that the level of service for the driveway, as well as Greenbriar Road would be level service A. He noted that most of the time not more than one car will be trying to get out of the driveway and he believes the driveway will operate safely and efficiently.

**John Wicko, Project Architect** stated that the buildings meet the general zoning requirements; they are two and a half story buildings with parking underneath, elevators and stairs. He stated that the buildings are user friendly and all are ADA accessible. He stated that they meet the 35' height requirement from the lowest grade. He noted that all the buildings are designed with character, no façade is over 100 feet long, most are 30, 40, or 60 feet in length. He also explained that the buildings are designed in a linear fashion to be in harmony with the contours, slopes and grades at the site. He pointed out key features like common areas, lounges and gathering rooms. He also noted the outdoor recreation area with shallow pool and patio with seating, as well as a fitness area and the location of the administrative and staff offices. He commented that the units are spacious for a family lifestyle and resemble luxury apartments. He went into detail regarding the interior set up of the individual units. He referred to many drawings that were included with the proposal and offered to answer any questions regarding the design and architecture of the buildings.

**Stanley Gniazdowski, Realty Concepts** was asked to do a demand analysis for assisted living market to identify current and future assisted living demand trends based on property type linkages, lifestyle, generational and economic factors. He commented that this is not the old assisted living complex, the institutional type which is room after room in one complex with built in nursing facilities. He noted that there has been a paradigm shift in assisted living and there are different levels of assisted living. He commented that what originally happened was they thought they would build these big large complexes and these people would go from active adults to assisted living for a long period of time and then would transition to nursing care, well that varies, that timeframe varies and the timeframe has dropped for some people and increased for others. He stated that is the level of service required for an assisted living complex. He noted that some occupants of the complex may need assistance with their medication, some may need help bathing, some may need more intensive care. He stated that some things that the assisted living trend has provided is that it assists the family as a whole by not breaking the family up, they can live together in this complex. He commend that there would be two (2) bedrooms, one for the person needing care/assistance and the other for the active adult. He noted that baby boomers who use cell phones, computers, etc., are more tech savvy than before, and the new assisted living complexes are looking more towards what is out in the market places as far as providing the technical services, the recreational activities and they are now also looking for continuing education opportunities, either on site or at nearby. He also stated that they are looking for more social opportunities. He noted that when he performed the analysis one of the things in the report is that a 20-minute drive time is the trade area, which is about ten (10) miles. He stated that allows someone who goes from their single family home into assisted living, to be within close proximity to where they live. Oxford is an ideal location for that because within that ten (10) mile radius, you'll see that there is a pretty high net worth, pretty good income levels and a good amount of aging people that would come to this type of facility or seek it out. He commented that this is really a contemporary assisted living community that provides all those services, that has all the options, it has a menu and you pick and choose the assisted living services that you need. He stated that it is in demand now and not four (4) or five (5) years ago because back in 2008 we had a financial crisis. He commented that when you do your research and look, what they have found is that

there has been a pent up demand, many people delayed the decision or were not able to sell their house or delayed their decision to sell their house and move into an assisted living complex. He noted that the pent up demand is coming to the marketplace today. He stated that on top of that the aging population is increasing so there is more demand because the population in general is aging. He commented that baby boomers, their lifestyle is important, and the pent up demand and again, it's the in place service that is important in today's industry. He stated that the other reason it is important is because it is less costly today than it is going to a typical assisted living complex. Those complexes are rather expensive, they are in the \$5,000.00 a month range where these are half or less than that for the type of in place services that are required. He noted that it is cost effective, it helps the family to stay together, it lets the active spouse continue to function and thrive while still being with their loved ones in the same unit. He also noted that it is age restricted, the cost of services are better, when he did the analysis he didn't include school age children. He commented that he also did a fiscal impact analysis and there is about a \$300,000.00 positive tax revenue based on the cost of construction that he had and he deducted for services such as ambulance, police and senior services. He stated that would be the basic impact to the municipality. He explained that this is a private community therefore roads, landscaping, lighting, etc. is not a burden on the town. He commented that it would be a community that will be well managed and maintained and will be able to provide the services that are in demand in the community today.

**Chris Smith** stated that they did receive wetlands approval and this assisted facility use would be compatible with the current development at Oxford Greens. He stated that progression from independent living in the same neighborhood to assisted living allows people in need of assisted living facilities to remain local and to remain connected socially within their community as they grow older and that really is the theme for this particular use, which is permitted as a special exception use with your regulations.

#### **COMMENTS & QUESTIONS FROM THE CHAIRMAN & COMMISSION MEMBERS**

**Chairman Arnie Jensen** asked if there were any questions from the Commission.

**Commissioner Harold Cosgrove** questioned if they have made provisions to have a carpool to get people to the doctor's office and to do grocery shopping?

**Chris Smith** stated that there would be an operator and this is where, they are referring to this as the Pine Hill Community and that owners are negotiating with different potential operators that would be operating the community and providing those specific types of services. That is something that would happen, that would be part of this program on an occupant, resident-by-resident basis depending on a person's needs.

**Commissioner Harold Cosgrove** stated that he is trying to take an outlook to support the people that are up there and when they bought up there, they were single-family homes and this Commission, in cooperation with the builder allowed to have attached housing. He stated that his attitude would be, with the number of people that are here, and those that couldn't make it; he thinks it would behoove the applicant to take a mailing survey and ask the comments of the people that are living there because they're the ones that are going to live with it, not us. He stated that they should be asked what the perceived effect will have on the value of their homes. He stated that the Commission has been cooperative with the builder but his attitude would be that we should have a survey run by the applicant, sent out to us, a mailer asking the people, are they in favor of it or not, and if now, why and get that input before the Commission makes a decision.

**Chris Smith** respectfully submitted that is the purpose of the Public Hearing.

He stated that this use is consistent with the uses already used by the community. He stated that this would be a stand-alone community. He commented that the overall Oxford Greens community, don't forget, when you adopted the Golf District regulations you provided for this specific type of use and other types of assisted living or growing older uses; congregate care and nursing homes are also permitted in the district so again, this is transitional from the independent and the public hearing process is why we are here. He stated that this is a use that this Commission

saw fit to include in the zone district as a permitted use when you adopted these regulations in this community and that they are requesting a modification to the conceptual plan and a special exception for the specific use. He stated that this community would not have any right to any amenities of the Oxford Greens Condominium Association; it would be a stand-alone community.

**Commissioner Harold Cosgrove** stated that he thought the survey was a way of getting a clear opinion of the residents at Oxford Greens.

**George Temple, First Selectman** stated that Harold brought up an important point, that many people who bought their homes at Oxford Greens bought them with a certain set up assumptions, but did not contemplate that there would be a time when they were going to have an assisted living facility. He noted that he has spoken to people who are in favor of this proposal and also some that thought it would diminish their property values. He stated that Harold's point is well taken, the stated that it is going to add additional senior citizens and they have to look at the impact that has on the town, and he has also been talking with Masonicare.

**Chris Smith** stated that the owners intend to stay the owners and they are talking with potential operators that would be providing the services.

**George Temple, First Selectman** stated that the town would want a pilot program and that he would have to talk to the town attorney, he doesn't want future problems with tax appeals.

**Commissioner Tanya Carver** questioned the 146 units in Phase 4 and how much of Phase 4 is completed.

**David Golebiewski** answered that it is approximately 50% completed.

**Commissioner Tanya Carver** stated that they have a restriction in regards to how much they can go onto the next phase before they can come for another approval.

**David Golebiewski** agreed.

**Commissioner Tanya Carver** questioned if this is in Phase 8.

**Chris Smith** refers to this as the old Phase 8.

**Commissioner Tanya Carver** stated that it is part of Oxford Greens Golf Community.

**Chris Smith** stated that it is in the Residential Golf Community District.

**Commissioner Tanya Carver** stated that in that section there is about 20 acres of open space left, and questioned if it would remain the same.

**David Golebiewski** stated that it would stay the same.

**Commissioner Tanya Carver** commented in regard to the assisted living services; are they bound by any state regulations in regard to the age restriction. She noted that some people who need assisted living are not over age 55.

**Chris Smith** stated that they are bound by the zoning regulations of the RGCD, which is age restricted.

**Commissioner Tanya Carver** stated that this is under the RGCD regulations.

**Chris Smith** stated that is correct.

**Alternate Commissioner John Kerwin** stated to clarify a point, it was stated that assisted living facilities are Permitted under Section 5A.

**Chris Smith** stated, 5A, 8.1.

**Alternate Commissioner John Kerwin** stated that it is permitted by way of a Special Exception.

**Chris Smith** agreed.

**Alternate Commissioner John Kerwin** questioned if the plan is to eliminate a Phase that was approved as Phase 8.

**Chris Smith** said that they use the word “substitute”.

**David Golebiewski** stated that he doesn't know if eliminate the right word, they are making a modification. He commented that there were 50 something homes there previously which would be substituted with this proposal.

**Alternate Commissioner John Kerwin** stated that it is Phase 8, which would have been 50 units of potential development that would have supported the golf community and it is being eliminated, or modified not to exist. He stated that by eliminating that Phase and those units that would have been a part of the golf community. He questioned if any analysis has been done regarding the effect that would have on the golf community and whether the Master Association is in approval?

**Chris Smith** stated that he is pretty sure, he could check and get the answer, but this is a stand-alone parcel that is not associated and does not have rights to the golf community. He stated that when he says the golf community he is talking about the “golf course”.

**Alternate Commissioner John Kerwin** questioned if Phase 8 is a stand-alone.

**Chris Smith** stated that is his understanding, but he will check and get back to the Commission.

**Alternate Commissioner John Kerwin** had a few other questions regarding the association and condominium fees, etc.

**Chris Smith** stated that he would have those answers for the next meeting.

**Chairman Arnie Jensen** referred to the fiscal impact calculation, they didn't compare what the taxes would be on the 51 homes that were already approved, that is the impact he would like to see.

**Stanley Gniazdowski** stated that he can do that for the Commission.

**Commissioner Harold Cosgrove** stated that the application stated that it is in a flood zone.

**David Sacco, Engineer for the applicant** stated that there is a very small portion of the project which is in the flood zone. He explained that none of the buildings, parking areas, etc., would be located within the flood zone.

**Commission Secretary Pat Cocchiarella** questioned if the kitchen facility is large enough to supply a full 309 beds, three (3) to four (4) meals a day.

**John Wicko** stated that there will certainly be enough kitchens because they are designed with individual

kitchens.

**Commission Secretary Pat Cocchiarella** stated that he is referring to the community kitchen and if it could accommodate 309 people for three meals a day.

**John Wicko** stated that they can get that information.

**Commission Secretary Pat Cocchiarella** questioned if there is 24/7 on site medical.

**John Wicko** stated that there is a 24/7 on call office.

**Commission Secretary Pat Cocchiarella** questioned accommodations to get from building to building, especially if the primary social areas are in Building A & Building B.

**Chris Smith** stated that they will get that information to the Commission.

**Alternate Commissioner Pete Zbras** asked if this is combined with Oxford Greens or if it is a separate entity.

**Chris Smith** stated that it is a separate entity.

**Alternate Commissioner Pete Zbras** questioned if anyone evaluated the impact it would have on the current home values.

**Chris Smith** stated that Stan Gniazdowski could answer that question.

**Alternate Commissioner Pete Zbras** stated that a home on Stonebridge is only 75' from one of the buildings, and there is only one (1) entrance into the facility, his main concern is the emergency entrance.

**Stan Gniazdowski** stated that the cul-de-sac emergency exit from Pine Hill could also act as an emergency ingress if there is an emergency that blocks the road, so it works both ways.

**Alternate Commissioner Pete Zbras** stated that it seems like they are taking a residential zone into a commercial zone.

**Stan Gniazdowski** stated that the use is good and he does not see any major impact, it is properly screened and there is enough distance in between the houses.

**Alternate Commissioner Pete Zbras** stated that one of the buildings is above 35' tall.

**Chris Smith** stated that in response to that question and the emergency access question he will refer to David Golebiewski.

**David Golebiewski** stated that there is a point on each building where they are doing the garage under so just where it dips down, (referred to the drawings).

**Alternate Commissioner Pete Zbras** again asked if there is a building higher than 35'.

**David Golebiewski** stated, no. He also stated, in regards to the access, that there was always a single drive and a cul-de-sac with emergency access so that is consistent with what was originally approved and they reviewed the access with the Fire Marshal.

**Alternate Commissioner Pete Zbras** questioned how the proposal would affect emergency services in town?

**Stan Gniazdowski** stated that between now and the next meeting he will talk to the ambulance, fire and police to make sure they have accurate numbers.

**Alternate Commissioner Pete Zbras** questioned First Selectman Temple if the police assist other emergency personnel.

**First Selectman George Temple** stated that they do assist.

**Alternate Commissioner Pete Zbras** questioned if there would need to be an increase in police presence.

**Stan Gniazdowski** stated that he will talk to emergency services.

**Alternate Commissioner John Kerwin** noted that there are no generators depicted on the plans.

**John Wicko** stated that the details sheet shows a flat roof and the generators would be situated on those, those have not been engineered yet and would be governed by building codes.

**Commissioner Tanya Carver** stated that on October 28, 2011 there was a site plan modification for Phase 8, which eliminated parcels from Oxford Greens, they went from 880 to 806 homes for a final number of 781 homes. In Phase 8 there are only 51 homes but the proposal is to build 197 units. She questioned where else, they are going to reduce the amount because they are only allowed a total of 781 homes.

**David Golebiewski** stated that they will take a careful look at that and have a response for the next meeting.

### **PUBLIC COMMENTS**

**Franklin Pilicy, Attorney, 365 Main Street, Watertown** stated that he is here to represent the Village at Oxford Greens, which is part of the Master Association. He noted that in the future, the Village will represent up to 10% of the population of Oxford. He commented that he believes their concerns will be taken very seriously and anything along the lines of a survey being sent to residents is a good idea. He commented that the Village is here to state its concerns and believes many of the concerns can be addressed with proper input from all those involved. He noted that the biggest issue is access. He stated that there are a significant number of homes existing now with one (1) access in and out and there are two (2) emergency access points that are in place. He commented that this component of the district now will be separate and the Village would like it to be separate; it does not want any physical connection whatsoever. He commented that they applaud the separate entrance to the proposed buildings but it brings up the concern that one (1) of the proposed entrances to the entire village that might have one (1) day been a second entrance is now being used. He commented that the second part is eliminate one (1) of the emergency exit points in existence, so they are going from one (1) entrance and continuing to have one (1) entrance to the rest of the village but eliminating one of the access points so they would like to find a way to get a commitment from the developer at an established firm benchmark of when they will have a second entrance and where it will be located. He also noted that visual screening is a concern as well as light trespass. He also noted concerns with the water and sewer and the Village does not want to be responsible for either. He commented that there is a potential walking path and the Village would like that walking path to end, and not have access to the Village. He stated that they also have questions with respect to the number of units and how it will impact in a deduction in units to stay within the total number of units that are approved. He stated that when you have a special exception there are specific standards that have to be met



and they haven't heard how they are going to be met and again that's the impact on the property values.

**Ann Krane, 411 Mulligan Drive** stated that there are two (2) issues, infrastructure and density. She discussed Riggs Street and the potential traffic generated from this proposal. She stated that there are 527 approved units in four (4) Phases, add 5, 6 and 7 still to be built and that density is in a residential area adjacent to and industrial area. She questioned what the complex would do to the neighborhood and the project is a commercial entity and doesn't belong in this area.

**Joseph Geffert, 7 Stonebridge Road** stated that this is a significant deviation from the original plan, they are proposing big buildings in their backyard. He asked if there was a copy of the approved plan that he could look at to see the difference. He questioned the 2 and ½ stories for assisted living, stating that usually they are one floor. He questioned the site lines, elevations, etc., to Stonebridge Road. He emphasized that the design team should walk the site. He also noted concerns about the emergency access in addition, the possibility of it becoming a full access in the future. He asked where he could see copies of the plans, if they are available to the public.

**Christopher Venice, 9 Stonebridge Road** stated that he is concerned with the 35' buildings near his home and what this view would be, as well as the storm runoff and drainage, he questioned how it would affect his property. He also noted his concern with the traffic on Riggs Street.

**Mike Fedak, 8 Stonebridge Road** stated that he is opposed to the approval of this and he agrees with the idea of having a survey sent out. He is concerned that they are going from 51 homes to 197 units. He also noted concerns with the entrance and his property assessment.

**Peter Bunzl, 160 Country Club Drive** stated that he is against this; they are basically apartments that are increasing the density and the interest of the owners is not with the people who currently live in the community.

**Richard Larson, Oxford Greens** invited the applicant to come and give a presentation to the residents of Oxford Greens. He is concerned about the effect on the quality of life, housing costs, traffic and having rental properties adjacent to the village.

**Dave Johnsen, 550 Caddie Court** stated concerns regarding the water main from Oxford Greens that would have been supplying Phase 8, which was 51 homes, there is a big difference in the amount of water that is going to be supplied to the facility. He suggested a study of how much water will be supplied because he doesn't think there will be enough with this, the power plant and the Oxford Greens community.

**Jack Vagnini, 159 Country Club Drive** stated that he is concerned with the ownership and management of this project.

**Yvette Greenberg, 344 Riggs Street** stated concerns because this town already has a potential proposal for assisted living in town. She stated that the active community tries to use the bridal trail and now it is very dangerous to be on Riggs Street because of traffic. She stated that she would like to see a trail of the road that goes down to the bridal trail.

#### **APPLICANT'S RESPONSES**

**Chris Smith** stated that they will address some points and other questions will be answered at the next public hearing.

**David Golebiewski** stated that all the plans and studies are at town hall and are a matter of public record.