



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

Planning & Zoning Commission

Regular Meeting Minutes
Tuesday, February 17, 2015
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Acting Chairman Cocchiarella called the Regular Meeting to order at 7:35 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Pete Zbras, Harold Cosgrove, Glen Persson, Arnie Jensen, and Pat Cocchiarella.

Not Present: John Kerwin, Ed Rowland, Jeff Luff, Tanya Carver and Todd Romagna.

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

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

Acting Chairman Cocchiarella seated Alternate Pete Zbras.

MOTION BY Commissioner Cosgrove to *APPOINT* Jessica Pennell, Administrative Secretary as Acting Secretary for the Commission.

Second by Alternate Zbras.

VOTE: All Ayes.

AUDIENCE OF CITIZENS (Not for Pending Applications)

AMENDMENTS TO AGENDA

- 1.) **MOTION BY Commissioner Jensen to *AMEND* the agenda to add 23 Towner Lane – Discussion of Resolution with Possible Action as Old Business #2.**
Second by Commissioner Cosgrove.
VOTE: All Ayes.
- 2.) **MOTION BY Commissioner Jensen to *AMEND* the agenda to add 451 Oxford Road – Request for Temporary Use Permit as New Business #2.**

Second by Commissioner Cosgrove.

VOTE: All Ayes.

CORRESPONDENCE

Acting Commission Secretary Jessica Pennell noted the following Correspondence for the record and stated that it is on file in the Planning & Zoning Department during regular business hours.

- a.) Letter dated 1/30/2015 from State of Connecticut, Department of Transportation
Re: Oxford Towne Center

OLD BUSINESS

- 1.) **Z-14-129 [IND] – Fox Hollow Industrial Park – Lot #7 – Owner & Applicant: Earthworks Excavating, LLC c/o Mark Oczkowski – Map: 25 Block: 18 Lot: 4-7A** (Application for Major Excavation – 16,000 cubic yards) (Special Exception – Article 14, Section 14.3)

Jessica Pennell, Administrative Secretary stated that at the last meeting the Commission requested a resolution from **Brian Miller, Town Planner**.

MOTION BY Commissioner Cosgrove:

WHEREAS, The Oxford Planning and Zoning Commission have received Application **Z-14-129 Applicant: Earthworks Excavation, LLC**.

WHEREAS, The Oxford Planning and Zoning Commission conducted a duly noticed public hearing on February 3, 2015, and considered all comments and documents submitted at the hearing;

WHEREAS, The Oxford Planning and Zoning Commission considered the following documents and maps prepared by Civil 1, received by the Town Planner on February 3, 2015; for their deliberations at the public hearing:

1. Application Z-14-129 including all supporting information.
2. Cover Sheet; Lot 7, Fox Hollow Industrial Park , prepared by Civil 1, dated November 5, 2014
3. Grading Plan, Sheet 1 of 3, prepared by Civil 1; last dated November 14, 2014.
4. Details/Temporary Sediment Trap Cross-Sections prepared by Civil 1; Sheet 2 of 3, last dated November 14, 2014.
5. Erosion Control Narrative; prepared by Civil 1; last dated November 14, 2014.

NOW THEREFORE, the Commission hereby finds as follows:

1. The application constitutes the minimum degree of alteration of the natural contours of the land so as to allow the land to be used for a viable purpose.
2. The application conforms to all requirements of the Oxford Zoning regulations, including the following sections:

- a. Article 14, Section 14.3.13, as the regrading of the land is the minimum necessary to permit the feasible use of the property.
- b. Article 10 Section 10.3 in which the Commission finds:
 - 3.1 The proposed earth excavation/regrading will not be detrimental to the health, safety, welfare and property values in the neighborhood.
 - 3.2 The proposed earth excavation/regrading are adequate to carry potential traffic, and that.

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. The applicant and their assigns must comply with all representations made at Planning and Zoning Commission meetings or Public Hearings regarding this application.
3. Compliance with all Town of Oxford Ordinances in effect as of this date.
4. No burying of stumps, debris or any other material. A report or receipt must be provided to the Planning & Zoning Department indicating proper stump removal.
5. Applicant shall contact the Zoning Enforcement Officer and P&Z Engineer to schedule a pre-construction meeting prior to any activity on site.
6. As per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
7. A copy of monitoring records from each blasting event shall be placed on file with the Commission.
8. A copy of the insurance policy required by these regulations shall be placed on file with the Commission prior to the commencement of any work under this special permit.
9. A record of the amount of material leaving the site shall be kept by the applicant. A copy of these records shall be submitted monthly, by the tenth of each month.
10. The applicant shall submit an as-built grading survey at completion, or when requested by the ZEO or the Commission, which shall indicate the amount of material removed, to be verified by the P&Z Engineer.
11. The applicant post surety with the Board Selectmen of Oxford in a form satisfactory to Town Counsel in an amount approved by the Commission to guarantee maintenance and repair, if needed, of the sedimentation and erosion control measures.
12. 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.

13. No fixed machinery shall be erected or maintained on the premises.
14. No activities in accordance with this special permit shall be conducted on the Property except during the hours of 8:00 AM to 4:00 PM, Monday through Friday, including all rock crushing activities.
15. A complete dust control plan for the site shall be submitted to and approved by the Zoning Enforcement Office prior to the start of and construction activity. There shall be proper provision for the control of dust. This dust control plan shall be adhered to during the duration of extraction activities.
16. All blasting on-site shall be conducted in conformance with all applicable standards, including conducting a pre-blast survey, as required. A copy of each of these surveys shall be submitted to the Planning Office.
17. There shall be no fuel storage on site.
18. A timetable for completion of the process shall be provided to the ZEO, to be confirmed by the PZC.

Second by Commissioner Jensen.

Commissioner Cosgrove questioned if there would be a rock crusher on site.

Brian Miller, Town Planner stated that if the applicant needs a rock crusher then they would have to come back to the Commission for another Special Exception.

Commissioner Cosgrove questioned the route of the trucks that would be carrying the material.

Alternate Pete Zbras noted that the application does not include any material to be taken off site.

VOTE: All Ayes.

2.) **(Added as Amendment) 23 Towner Lane – Discussion of resolution with possible action.**

Robert DeCrescenzo, Attorney for the Applicant stated that he believes that the resolution before the Commission was reviewed by Town Attorney Kevin Condon.

Jessica Pennell, Administrative Secretary noted for the record that Town Attorney, Kevin Condon left her a voicemail earlier stating that he had reviewed the document and that the Commission could act on the resolution this evening.

Acting Chairman Cocchiarella noted that he does see some wording that he would like changed. He referred to the second “BE IT RESOLVED” and asked that the words “due to its subdivision in a residential zone in 1948, which predates the Zoning Regulations” be removed.

Attorney Decrescenso was amenable to that change.

Commission members were also amenable to that change.

Acting Chairman Cocchiarella also questioned when this resolution would be filed on the land records.

Attorney DeCrescenzo stated that it would be filed once it is approved and signed by the appropriate official. He also stated that they could add to the resolution the sentence “There shall be no construction activity on site prior to the recordation of this resolution”.

Acting Chairman Cocchiarella agreed to that addition.

MOTION BY Commissioner Cosgrove to **APPROVE** the following resolution with changes:

RESOLUTIONS
PLANNING AND ZONING COMMISSION FOR THE TOWN OF OXFORD, CT

WHEREAS, CIL REALTY INCORPORATED, with an address of 157 Charter Oak Avenue, Hartford, Connecticut 06103 (“CIL”) is the owner of a parcel of land in the Town of Oxford, Connecticut, known as 23 Towner Lane (the “Property”), more particularly described in the Statutory Form Administrator’s Deed dated as of February 12, 2014, and recorded in the Oxford Land Records in Book 391 at Page 819, a copy of which is attached hereto as Exhibit A;

WHEREAS, CIL submitted to the Oxford, Planning and Zoning Commission (the “Commission”) a certain Zoning Permit Application, dated July 22, 2014 (the “Application”) to construct a Single-Family Residence on the Property;

WHEREAS, the Commission’s Zoning Enforcement Officer (the “ZEO”) issued an Approval Letter for the Application dated July 28, 2014 (the “Approval”), which contained eight (8) conditions to the Approval for CIL to construct a Single-Family Residence on the Property (the “Conditions”);

WHEREAS, in reliance upon the Approval, CIL commenced construction on the Property;

WHEREAS, the ZEO thereafter issued an Order to Discontinue / Stop Work Order dated December 19, 2014 (the “Cease and Desist”) which cited purported violations of the Town of Oxford’s Zoning Regulations and the Conditions;

WHEREAS, it has become apparent to CIL and the Commission that the Application and the Approval contained an inadvertent error with respect to the zoning district of the Property;

WHEREAS, CIL and the Commission wish to correct the error with respect to the zoning district of the Property as set forth in these Resolutions.

NOW, THEREFORE, the Commission resolves as follows:

BE IT RESOLVED: The Application is hereby amended such that the designation of the Zoning District as “Res-A” is replaced with “Industrial District; Pre-Existing, Non-Conforming Lot”.

BE IT RESOLVED: The Commission affirms that the Property is currently located in the Industrial Zone, and that a Single-Family Residence is permitted to be constructed because the Property qualifies as a pre-existing, non-conforming lot upon which a non-conforming residential use is permitted.

BE IT RESOLVED: The Commission reaffirms the Approval based upon the Application as amended herein.

BE IT RESOLVED: The Commission confirms that CIL has satisfied the Conditions of the Approval.

BE IT RESOLVED: The Commission directs the ZEO to revoke the Cease and Desist.

BE IT RESOLVED: Upon the ZEO's revocation of the Cease and Desist, the Commission directs CIL to cause these Resolutions to be recorded on the land records of the Town of Oxford. There shall be no further construction activity on the Property prior to the recordation of these Resolutions.

IN WITNESS WHEREOF, the Resolutions herein are made as of the 17th day of February, 2015.

PLANNING AND ZONING COMMISSION
TOWN OF OXFORD

By: _____
Pat Cocchiarella
Acting Chairman

Second by Glen Persson.

VOTE: Ayes (4), Abstention (1), Alternate Pete Zbras.

NEW BUSINESS

- 1.) **Z-15-002 [IND] – 119 Hawley Road – Owner: V.A.S.E., LLC c/o Vincent Sinopoli – Applicant: Greenleaf Energy Solutions c/o George Porto (Use Permit)**

MOTION BY Commissioner Cosgrove to *APPROVE* application **Z-15-003 for Use Permit based on the "Tenant Fit-out Plan" dated January 8, 2015 with the following conditions:**

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings regarding this application.
2. Compliance with the Statement of Use dated February 4, 2015.
3. Compliance with the Fire Marshal's sign off dated January 8, 2015.
4. Compliance with the W.P.C.A. sign off dated January 8, 2015.
5. No signage was proposed with this application.
6. Per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
7. Compliance with the Oxford Zoning Regulations as of this date.
8. M.S.D.S. sheets shall be submitted to Planning & Zoning and then forwarded to the Fire Marshal.

Second by Glen Persson.

VOTE: All Ayes.

- 2.) (Added as Amendment) **Letter dated February 17, 2015 from the Oxford Baking Company – Request for a Temporary Use Permit.**

Commissioner Cosgrove read a letter dated February 17, 2015 from the Oxford Baking Company.

The applicant is requesting a temporary use permit so that they can work on the inside of the existing structure. Since the P&Z Engineer and the applicant's engineer cannot get the measurements needed for the engineering reports until the snow is gone, the applicant is requesting permission from the Planning & Zoning Commission under Article 4, Section 4.7 of the Oxford Zoning Regulations, which refers to Temporary Use Permits.

The Commission discussed the request briefly and made the following motion:

MOTION BY Commissioner Cosgrove to APPROVE a Temporary Use Permit for the Oxford Baking Company under Article 4, Section 4.7 of the Oxford Zoning Regulations. The Temporary Use Permit is valid until June 20, 2015.

Second by Alternate Pete Zbras.

VOTE: All Ayes.

BOND RELEASES

ZONING ENFORCEMENT

1. Commission discussion with ZEO regarding various complaints and zoning violations.

APPROVAL OF MINUTES

- 1.) February 3, 2015 – Public Hearing Minutes – 7:00 PM – Lot #7 – Fox Hollow Road

MOTION BY Commissioner Cosgrove to APPROVE the February 3, 2015 – Public Hearing Minutes – 7:00 PM – Lot #7 – Fox Hollow Road.

Second by Commissioner Jensen.

VOTE: All Ayes.

- 2.) February 3, 2015 – Public Hearing Minutes – 7:05 PM – 451 Oxford Road

MOTION BY Commissioner Cosgrove to APPROVE the February 3, 2015 – Public Hearing Minutes – 7:05 PM – 451 Oxford Road.

Second by Commissioner Jensen.

VOTE: All Ayes.

- 3.) February 3, 2015 – Regular Meeting Minutes – 7:30 PM

MOTION BY Commissioner Cosgrove to APPROVE the February 3, 2015 – Regular Meeting Minutes – 7:30 PM.

Second by Commissioner Jensen.

VOTE: All Ayes.

- 4.) February 11, 2015 – Special Meeting Minutes – 6:00 PM.

MOTION BY Commissioner Cosgrove to *AMEND* the February 11, 2015 Special Meeting Minutes: Page 2, 1st sentence should read “MOTION BY Commissioner Cosgrove to recommend to the Board of Selectmen that Robbi Costigan be hired as a permanent part-time clerk at the rate of \$17.00 per hour”.

Second by Alternate Pete Zbras.

VOTE: All Ayes.

MOTION BY Commissioner Cosgrove to *APPROVE* the February 11, 2015 Special Meeting Minutes as amended.

Second by Commissioner Jensen.

VOTE: All Ayes.

INVOICES

- 1.) Invoices from Nafis & Young Engineers

a. #014-15

MOTION BY Commissioner Cosgrove to *TABLE* Invoice #014-15.

Second by Alternate Pete Zbras.

VOTE: All Ayes.

b. #040-15

MOTION BY Commissioner Cosgrove to *APPROVE* Invoice #040-15.

Second by Glen Persson.

VOTE: All Ayes.

OTHER BUSINESS

- 1.) ZEO Manual – Discussion

A ZEO Manual that was created by the ZEO with the assistance of Robbi Costigan was presented to the Commission.

- 2.) Any other business the Commission deems necessary for discussion.

ADJOURNMENT

MOTION BY Commissioner Jensen to *ADJOURN* the meeting at 8:32 PM.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission