

TOWN OF OXFORD

PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall
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www.Oxford-CT.gov



Regular Meeting Minutes

Tuesday, March 21, 2017

7:30 PM

**Oxford Town Hall
Main Meeting Room**

CALL TO ORDER

Vice Chairman Jeff Luff called the meeting to order at 8:05 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Jeff Luff, Pat Cocchiarella, Todd Romagna and Bob Costigan.

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

Not Present: Harold Cosgrove and Arnie Jensen.

SEATING OF ALTERNATES

Vice Chairman Jeff Luff seated Alternate Commissioner Pete Zbras and Alternate Commissioner John Kerwin.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

CORRESPONDENCE

There was no correspondence for the Commission.

AUDIENCE OF CITIZENS

John Powers, 600 Birdie Drive explained that his topic are the Trump signs on the Joyce property located on Christian Street. He questioned how long are the signs allowed to be there and has that time expired. He cited zoning regulation 16.4.6, temporary signs.

Commissioner Tanya Carver stated that it is a political sign and not within the Commission's purview.

Mr. Powers again cited 16.4.6 and stated that the sign in question falls into the category of temporary signs.

Tanya Carver disagreed, again stating that it is a political sign and the Commission cannot force them to take down the sign. She also noted that the sign is on private property.

Mr. Powers stated that he does not disagree with the owner's right to have the sign there, but he would like to know if the town has a right to say that the signs can be there or not.

Commission Secretary Pat Cocchiarella stated that is the Commission's understanding.

Commissioner Tanya Carver stated that they can follow up.

Vice Chairman Jeff Luff and **Commission Secretary Pat Cocchiarella** both stated the Commission could contact the owner and let him know that there has been a complaint.

Brian J. Miller, Town Planner stated that it is an issue faced by many communities. He commented the town's regulations do not address electoral or political signs as they are basically governed by the First Amendment.

Mr. Powers thanked the Commission for their time.

Elaine Bartel, 22 Old State Road wanted to get an update on the issues that she brought up at the last meeting regarding Macton. She reiterated that the noise was a problem, 24/7 and that the trees were taken down which makes the building visible from her home.

Steven S. Macary, ZEO stated that he will bring them into the next meeting with a revised site plan and a new statement of use. He commented that the other site plan is expired, the permit for the temporary structures. He noted that the statement of use will address the hours of operation.

Vice Chairman Jeff Luff mentioned that Ms. Bartel alleged that the trees were cut down.

Steven S. Macary, ZEO stated that he would have to look into that, he is not sure and the owner stated that he did not cut any trees down.

Mrs. Bartel stated that it was most likely within the last three (3) to five (5) years.

Steven S. Macary, ZEO stated that he will have this on the agenda for 4/4 and he will bring the old plan and the new plan.

NEW BUSINESS

1. **Z-17-017 [VCMUD] – 300 Oxford Road “Quarry Walk” (Map: 34 Block: 9 Lot: 26)**
Owner & Applicant: Oxford Towne Center, LLC – 30 D Progress Avenue, Seymour.
(Application for a Site Plan Modification to Phase 2D)

Commission Secretary Pat Cocchiarella read correspondence dated 3/7/2017 from W. Kyle Bogardus of Langan. In summary this is a request for a site plan modification to Phase 2D which is the site of the daycare center. The change would be that the building go from a two (2) story building to a one (1) story building. It was noted that the square footage of the building will stay the same as well as the number of parking spaces.

Tom Haynes, owner of Oxford Towne Center, LLC was present to answer any questions the Commission has regarding the site plan modification request.

MOTION BY Commission Secretary Pat Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission have received Application Z-17-017

WHEREAS, The Oxford Planning and Zoning Commission considered this application at a meeting held on March 21, 2017

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

- Application and supporting materials.
- Sheet CS501, Site Plan A, drawn by Langan Associates, last dated 3/7/17.
- Figure 1; Educational Play Care Site Plan Modifications, drawn by Langan Associates, last dated 3/7/17
- Quarry Walk drawings by Phase Zero Design, dated 3-16-17

WHEREAS; The Oxford Planning and Zoning Commission considered the Town of Oxford Application Z-17-017 and finds;

- The application conforms to all requirements of the Oxford Zoning regulations and is consistent with the Conceptual Plan.

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 representation 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 be done 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. The applicant shall receive approval from the Commission for the installation of all signs.

The effective date of approval is March 21, 2017.

Second by Alternate Commissioner John Kerwin. All Ayes.

2. Z-17-019 [RESA] – 92 Punkup Road "Belinsky Subdivision" (Map: 14 Block: 55 Lot: 28)

Owner: The RBT W Belinsky Irrevocable Trust – 92 Punkup Road.

Applicant: Edward Belinsky – 10 Blue Ridge Terrace, Oxford.

(Application for a 3 Lot Subdivision located at 92 Punkup Road)

MOTION BY Commission Secretary Pat Cocchiarella to set a public hearing for *April 18, 2017 at 7:00 PM.*

Second by Alternate Commissioner Pete Zbras. All Ayes.

OLD BUSINESS

1. 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)

Public Hearing closed on 2/7/2017

MOTION BY Commission Secretary Pat Cocchiarella to deny this application. **Second by Alternate Commissioner John Kerwin. All Ayes.**

2. **Z-17-006 [RESA]– Subdivision – Park Place – Park Road (Map: 29 Block: 68 Lot: 1A)**

Owner & Applicant: Matt Dytko, 194 Moose Hill Road
(2 Lot Subdivision)

Public Hearing closed on 3/7/2017

MOTION BY Commission Secretary Pat Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission have received the Z-17-006 Application for Two Lot Subdivision on Park Road;

WHEREAS, the public hearing for this application was legally noticed, in conformance with Connecticut State Statutes and the Zoning Regulations of the Town of Oxford.

WHEREAS, The Oxford Planning and Zoning Commission has considered the testimony presented at the public hearing, held on March 7, 2017 and members of the public.

WHEREAS, information on the application was submitted, along with supporting information on file in the Planning Office of the Town of Oxford:

WHEREAS, the following plans have been considered in this decision:

- Application form and supporting documents.
- Letter requesting waiver for the Open Space requirements for subdivision.
- Record Subdivision Map for Park Place; prepared by D'Amico Associates, most recently dated December 15, 2016
- Site Development Map for Park Place prepared by D'Amico Associates, most recently dated December 15, 2016

BE IT RESOLVED, that based upon the application and testimony, this application is approved, for the following reasons:

1. The Commission finds that, in accordance with Article 8 Section 2 of the Subdivision regulations and CGS Section 8-25.
2. The application is in conformance with the Oxford Subdivision Regulations.
3. The application is in conformance with the Oxford Zoning Regulations.

Subject to the following conditions:

1. Compliance with Oxford Subdivision Regulations as of this date.
2. Latest revised final plans and the mylar showing all necessary changes must be approved by Planning and Zoning Engineer.

3. A 1" to 200' mylar of the record subdivision map be presented to the Town Assessor, as approved by the Oxford Planning and Zoning Commission.
4. An "Auto CAD.DXF" formatted CD of the record subdivision map be present to the Commission.
5. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
6. If improvements have not been completed, subdivision expires after five years from date of filing record subdivision map.
7. In accordance with Article 4, Section 3 of the Subdivision Regulations 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.
8. Compliance with all Town of Oxford Ordinances in effect as of this date.
9. Payment of a security in an amount established by the Planning and Zoning Engineer, in a form approved by the Town Counsel.
10. Letter from Licensed Land surveyor stating that all pins and monuments have been set as indicated on maps.
11. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
12. No burying of stumps, debris or any other material. A report or receipt must be provided indicating proper stump removal.
13. Applicant shall contact Zoning Enforcement Officer and Town Engineer to schedule a pre-construction meeting prior to any activity on site.
14. Three copies of the revised plans, amended in accordance with this motion shall be presented for review by the Town Attorney, Zoning Enforcement Officer, Town Planner, Town Engineer and any other required by the Planning and Zoning Commission, to the Planning and Zoning Office.
15. The plan be revised to clarify the location and nature of the driveway and utilizes access easement, with the appropriate easement document recorded in conjunction with the recording of the subdivision.

The effective date of approval is March 21, 2017.

Second by Commissioner Tanya Carver for Discussion.

The Commission had a lengthy discussion regarding the driveways for this subdivision. They questioned the grade of the driveway and whether or not they should refer to the subdivision regulations or the driveway ordinance. They discussed a recommendation from James H. Galligan, PZC Engineer that states that the driveway should be paved.

The Commission requested a definitive answer from James H. Galligan, PZC Engineer on whether the driveway should be paved. They also requested a legal opinion regarding what takes precedence when the regulations and town ordinances conflict.

Vice Chairman Jeff Luff asked each Commission member whether or not they thought the driveway should be paved.

Alternate Commissioner John Kerwin and **Commissioner Bob Costigan** suggested getting clarification from James H. Galligan, PZC Engineer and town counsel before making the decision.

Brian J. Miller, Town Planner suggested adding **Condition #16** which would state:

“The issue of paving the driveway has not been determined as part of this resolution and will be subject to further action by the Commission.”

Commission Secretary Pat Cocchiarella accepted the addition of Condition #16 to the original motion.

Commissioner Tanya Carver accepted the amended motion.

All Ayes.

BONDS/BONDS RELEASES

ZONING ENFORCEMENT

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

APPROVAL OF MINUTES

MOTION BY Commission Secretary Pat Cocchiarella to approve the following minutes as presented:

1. 3/7/2017 Public Hearing – Pheasant Run
2. 3/7/2017 Public Hearing – Park Place
3. 3/7/2017 Public Hearing – Walsh Subdivision
4. 3/7/2017 Regular Meeting Minutes

Second by Alternate Commissioner Pete Zbras.
Ayes (6), Abstention (1) – Commissioner Tanya Carver.
Motion passed.

INVOICES

- a. **MOTION BY Commissioner Tanya Carver**, seconded by **Commissioner Bob Costigan** to approve payment of Turner Miller Group Invoice #5342 – POCD. **All Ayes.**
- b. **MOTION BY Commissioner Tanya Carver**, seconded by **Commissioner Bob Costigan** to approve payment of Turner Miller Group Invoice #5343 – Pheasant Run. **All Ayes.**
- c. **MOTION BY Commissioner Tanya Carver**, seconded by **Commissioner Bob Costigan** to approve payment of Turner Miller Group Invoice #5344 – Walsh Subdivision. **All Ayes.**
- d. **MOTION BY Commissioner Tanya Carver**, seconded by **Commissioner Bob Costigan** to approve payment of Nafis & Young Invoice #143-17. **All Ayes.**

OTHER BUSINESS

1. Committee Updates (POCD/Policies & Procedures)
2. Updates/discussion regarding Audio/Video System.
3. Any other items the Commission deems necessary for discussion.

ADJOURNMENT

MOTION BY Commissioner Bob Costigan, seconded by **Commissioner Todd Romagna** to adjourn the meeting at 9:21 PM. **All Ayes.**

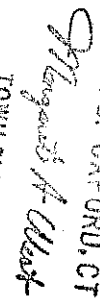
Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

17 MAR 22 PM 4:28
TOWN OF OXFORD, CT

TOWN CLERK