

TOWN OF OXFORD
S.B. Church Memorial Town Hall
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Planning & Zoning Commission

Regular Meeting Minutes

Tuesday, March 6, 2018

7:30 PM

Main Meeting Room

S.B. Church Memorial Town Hall

CALL TO ORDER

Chairman Jeff Luff called the meeting to order at 8:33 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

John Kerwin, Harold Cosgrove, Pete Zbras, Arnie Jensen, Jeff Luff, Pat Cocchiarella, Dan Wall and Tanya Carver.

Also Present:

First Selectman George Temple, Jessica Pennell, Steven S. Macary, ZEO and Land Use Counsel Peter Olson.

Not Present:

Bob Costigan.

SEATING OF ALTERNATES

Chairman Jeff Luff seated Alternate Commissioner John Kerwin for Commissioner Harold Cosgrove.

AMENDMENTS TO AGENDA

AMENDMENT: **MOTION BY Commission Secretary Pat Cocchiarella** to amend the agenda to move Old Business #1 before New Business.
 Second by Commissioner Pete Zbras.
 All (7) Ayes.
 Motion passed unanimously.

CORRESPONDENCE - NONE

AUDIENCE OF CITIZENS (Items not listed on the agenda).

Linda Czaplinski, 30 Freeman Road questioned the Commission about dates of meetings held with representatives for Quarry Walk.

Commissioners responded to Mrs. Czaplinski's statements.

AMENDED AGENDA ITEM - OLD BUSINESS #1:

1. **Z-17-147 [VCMUD] 300 & 304 Oxford Road (Map: 34 Block: 9 Lots: 26 & 27)**
Owner: Oxford Towne Center, LLC, 30 C Progress Avenue, Seymour, CT.
Applicant: Oxford Towne Center, LLC c/o Dominick Thomas, 315 Main Street, Derby, CT.
(Phase 3A Site Plan Application - 150 Residential Units)

Peter Olson, Land Use Counsel distributed copies of the resolution.

Commissioners reviewed the document.

Commission Secretary Pat Cocchiarella made a motion to adopt the following resolution:

PLANNING & ZONING COMMISSION OF THE TOWN OF OXFORD

RESOLUTION OF APPROVAL

MARCH 6, 2018

It is hereby resolved that Application No. Z-17-147 for a Site Plan Approval, submitted by Oxford Towne Center, LLC, and related to property located at 300 and 304 Oxford Road, designated on the assessor's map as Map 34, Block 9, Lots 26 and 27 and located in the Village Center Mixed Use District (the "Property"), is hereby APPROVED, subject to the terms, findings and conditions stated herein.

This Approval is of Phase 3A only, with no action taken on any other Phase, past or future, of the proposed development.

FINDINGS

1. By action on July 1, 2014 with an effective date of July 16, 2014, the Commission approved an amendment to the zoning regulations and the zoning map to create the Village Center Mixed Use District (the "VCMUD") and apply the new district to the Property.
2. Simultaneously, the Commission approved a Conceptual Plan, which, pursuant to the terms of the VCMUD, operates as the governing tool for the zoning of the VCMUD applied to the Property (together with the documents submitted in connection therewith, the "Conceptual Plan").
3. The Conceptual Plan proposed 150 housing units located in multiple buildings in the area designated as Phase 3A, which is the same area covered by this Application.
4. On January 19, 2016, the Commission approved an amendment to the Conceptual Plan (Application No. Z-16-003)

5. On August 29, 2017, the Commission approved a further amendment to the Conceptual Plan (Application No. Z-17-077)

6. This Application consists of the following plan sheets:

- CS101 Cover Sheet, last revised 1-31-18
- CS100 Overall Site Plan, last revised 1-31-18
- CS103 Site Plan C, last revised 1-10-18
- CG103 Grading and Drainage Plan C, last revised 1-31-18
- CU103 Utility Plan, last revised 1-31-18

This Commission has also received and reviewed Architectural Drawings, as follows

- Sheet A1.0 Residential Building B – Basement, last revised 1-30-18
 - Sheet A1.1 Residential Building B – First Floor, last revised 1-30-18
 - Sheet A1.2 Residential Building B – Second and third floor, last revised 1-30-18
 - Sheet A3.0 Residential Building A – Basement, last revised 1-30-18
 - Sheet A1.4 Residential Building A – First Floor, last revised 1-30-18
 - Sheet A1.5 Residential Building B – Second and third floor, last revised 1-30-18
 - Sheet A3.0 Residential Building B – North Elevation, last revised 1-30-18
 - Sheet A3.1 Residential Building B – South Elevation, last revised 1-30-18
 - Sheet A3.2 Residential Building B – East & West Elevation, last revised 1-30-18
 - Sheet A3.3 Residential Building B – Residential Courtyard E & W elevations, last revised 1-30-18
 - Sheet A3.4 Residential Building A – North & South Elevations, last revised 1-30-18
 - Sheet A3.5 Residential Building A – East & West Elevations, last revised 1-30-18
 - Sheet A3.6 Residential Building A – Residential Courtyard E & W elevations, last revised 1-30-18
7. This Application proposes 150 housing units located in two buildings. Building A is proposed to contain 22 1 bedroom housing units and 50 2 bedroom housing units. Building B is proposed to contain 20 1 bedroom housing units and 58 2 bedroom housing units.
8. The Commission finds that the Site Plan is consistent with the approved Conceptual Plan, in that it proposes 150 housing units located in multiple buildings, as did the Conceptual Plan. Although the building configuration is altered from the Conceptual Plan, the Commission determines that such changes are minor. The changes do not have a significant impact upon the overall character, impact, function or circulation of the overall development.

9. The Commission finds that the Application maintains the site design criteria of the VCMUD zoning district, including those criteria relating to circulation, open space and public gathering spaces, building design, signage and parking.
10. The Commission finds that the Site Plan is consistent with the Oxford Zoning Regulations.

CONDITIONS OF APPROVAL

1. The Phase 3A site plan shall be constructed in accordance with the approved plans as enumerated herein. Minor changes to the site plans as implemented in the field may be approved by Commission staff on an administrative basis. The determination of what constitutes a minor change shall be determined by the chair of the Commission.
2. The Commission specifically approves the following unit and bedroom counts for each building:

<u>Building</u>	<u>One Bedroom Units</u>	<u>Two Bedroom Units</u>	<u>Total Bedrooms</u>
A	22	50	122
B	20	58	136
Totals	42	108	258

The unit and bedroom counts approved by the Commission are integral to this decision.

The applicant may (a) adjust the location of one bedroom units and two bedrooms in a manner which differs from the approved architectural plans, or (b) adjust the allocation of one bedroom units and two bedroom units between the two approved buildings, or (c) reduce the total number of units, of one bedroom units or of two bedroom units. Any of such revisions will not require any further zoning approval, either by staff or by the Commission, unless the footprints of the buildings are altered.

The applicant may not make any adjustments which result in an increase in the total number of bedrooms. The applicant may increase the number of one bedroom units or two bedrooms by no more than ten (10) total units, without further zoning approval, provided the total number of units does not increase beyond 150.

3. The unit size shall not be lower than, nor exceed, the sizes stated on the approved architectural plans, for the relevant type of unit (Type A, Type B, Type C, and Type D).
4. The areas on the site plan which are labelled “Open Space Lawn” and “Dog Park” shall remain as open space in perpetuity. The applicant shall grant a conservation easement to cover such areas, in a form as approved by Commission counsel.
5. The applicant shall submit a plan for landscaping the open space areas, which may be reviewed and approved by staff.
6. The architectural elevations referenced herein are considered to be integral to this approval, and may not be substantially altered, except after further review and approval by the Commission.
7. Sample designs for the fit and finish of the interior of the units shall be submitted to Commission staff for review by the Commission, as an advisory matter only.

8. The recommendations of the Board of Fire Chiefs as set forth in a memorandum dated February 5, 2018 are incorporated into this approval as conditions of the approval. The Applicant shall implement such recommendations. No certificate of zoning compliance shall be issued until the Fire Marshal has certified compliance with these conditions.

STANDARD CONDITIONS OF APPROVAL

This Approval is also subject to the following standard conditions of approval:

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 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 owner/applicant is required to ensure capability of communication with the Fire Department and EMS. If the requirement is not fulfilled, it is the responsibility of the owner/applicant to rectify the problem.
11. Site Plan approval expires if the work is not completed within five (5) years from the date of approval.

Second by Alternate Commissioner John Kerwin.

Commissioners discussed the resolution, and made amendments.

Chairman Jeff Luff called for a roll call vote:

Alternate Commissioner John Kerwin (Aye)

Commissioner Harold Cosgrove (Abstention)

Commissioner Pete Zbras (Aye)

Vice Chairman Arnie Jensen (Nay)

Chairman Jeff Luff (Aye)

Commission Secretary Pat Cocchiarella (Aye)

Commissioner Dan Wall (Nay)

Commissioner Tanya Carver (Nay).

Motion passed 4-3.

NEW BUSINESS

1. **Z-18-157 [COMM] 100 Oxford Road (Map: 35 Block: 7 Lot: 11)**

Owner: DTI Enterprises, LLC, 75 Carriage Drive, Bethany, CT - **Applicant:** Luiza Petre
(Use Permit for Medi-Weightloss & Cardiology)

MOTION BY Commission Secretary Pat Cocchiarella to approve Application No. Z-18-157 with the following conditions:

1. The 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 2/1/2018.
3. 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.

The reason for approval is that the application meeting the Oxford Zoning Regulations in effect as of 3/6/2018.

Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

2. **Z-18-158 [COMM] 126 Oxford Road (Map: 35 Block: 7 Lot: 4)**

Owner: Village Retail, LLC, 30 Jelliff Lane, Southport, CT

Applicant: Garrett Homes, LLC c/o BL Companies, 355 Research Parkway, Meriden, CT
(Site Plan Modification Application including two proposed retail buildings of approximately 10,000 square feet combined)

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

- a. Letter dated 2/21/18 from Matthew J. Bruton, P.E.
- b. Authorization letter from the owner; Village Retail, LLC.
- c. Letter dated 2/15/18 from the OCCIWA.
- d. Letter dated 3/5/18 from James H. Galligan, Land Use Engineer.

Matthew Bruton, Engineer for the applicant went over the Statement of Use for the proposed site plan modification as well as all the approvals the application received from other departments.

Commissioners' discussed, the layout of the buildings on the site, parking, uses, traffic, landscaping, sidewalks, architecture and comparison to the previously approved site plan.

Mr. Bruton addressed their questions; it was noted that there are currently no tenants for the

buildings and that they would need to get OSTA approval for the entrance on Route 67.

MOTION BY Commissioner Tanya Carver to table this application.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

3. **Z-18-160 [RESA] 25 Old Good Hill Road (Map: 11 Block: 49 Lot: 18)**

Owner & Applicant: Michele Zurko-Smith, 800 Main Street South, Southbury, CT
(Application for a 2 lot Subdivision)

Commission Secretary Pat Cocchiarella read or noted the following correspondence for the record:

- a. Zoning history prepared by Jesse Judson of Horbal & Judson Land Surveyors and Associates. **(ATTACHMENT A)**
- b. Authorization letter from owner; Michele Zurko-Smith.
- c. P.D.D.H. approval dated 2/6/18.
- d. OCCIWA approval.

Jesse Judson, Surveyor/Agend for the applicant, presented the subdivision and zoning history to the Commission..

Commissioners discussed the application and the open space or payment in lieu of open space.

MOTION BY Alternate Commissioner John Kerwin to table this item, and request staff draft a resolution of approval including a reference to Article 8, Section 1.2.10 of the Subdivision Regulations for the next regular meeting.

Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

OLD BUSINESS (Agenda amended to put this item before New Business)

1. **Z-17-147 [VCMUD] 300 & 304 Oxford Road (Map: 34 Block: 9 Lots: 26 & 27)**

Owner: Oxford Towne Center, LLC, 30 C Progress Avenue, Seymour, CT.

Applicant: Oxford Towne Center, LLC c/o Dominick Thomas, 315 Main Street, Derby, CT.
(Phase 3A Site Plan Application - 150 Residential Units)

ZONING ENFORCEMENT

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

David Logie, 427 Chestnut Tree Hill Road requested to speak regarding letters that he received from Steven S. Macary, ZEO.

Commissioners, the ZEO and Mr. Logie had a lengthy discussion.

Chairman Jeff Luff referred Mr. Logie to the Public Works Director, Wayne Watt.

APPROVAL OF MINUTES

1. **MOTION BY Commission Secretary Pat Cocchiarella** to approve the 12/19/17 – Regular Meeting Minutes as presented.
Second by Commissioner Pete Zbras.
All (7) Ayes. Commissioner Harold Cosgrove abstained.
Motion passed unanimously.
2. **MOTION BY Commissioner Tanya Carver** to approve the 2/20/18 – Regular Meeting Minutes as presented.
Second by Commission Secretary Pat Cocchiarella.
All (7) Ayes.
Motion passed unanimously.

INVOICES

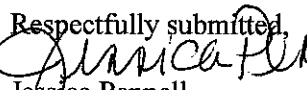
1. **MOTION BY Commissioner Tanya Carver** to approve Nafis & Young Engineers Invoice #005-18 – Roosevelt Drive.
Second by Commissioner Pete Zbras.
All (7) Ayes.
Motion passed unanimously.

OTHER BUSINESS

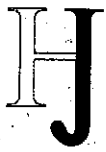
1. Discussion with possible action on items relating to minutes of the Commission.
Commissioners discussed the minutes and what is required to be included. They were presented with a document from FOI and a also checklist for reference from the Town Clerk's Office that outlined the requirements. It was noted that Section 2-5 of the Town Charter also refers to minutes and timelines for filing. (**ATTACHMENT B**)
2. **Update on Corrections/Modifications of the POCD.**
Chairman Jeff Luff referred to Vice Chairman Arnie Jensen regarding the POCD update and progress.
Vice Chairman Arnie Jensen explained how he would like to handle wrapping up the document and getting it approved.
3. **Attendance for the CFPZA Annual Conference (Must register by 3/22/18).**
Commissioners requested that Jessica send out an email with the specifics of the conference.
4. Any other business the Commission deems necessary for discussion.

ADJOURNMENT

MOTION BY Commissioner Harold Cosgrove to adjourn the meeting at 10:34 PM. **Second by Commissioner Tanya Carver.**
All (7) Ayes.
Motion passed unanimously.

Respectfully submitted,

Jessica Pennell
Administrative Secretary

18 MAR 12 PM 12:55
TOWN OF OXFORD, CT
OFFICE OF THE TOWN CLERK
TOWN CLERK



Zoning History

#25 Old Good Hill Road, Oxford

- August 1, 1961 effective date of the Oxford Subdivision Regulations. On this date #25 Old Good Hill Road was a portion of a 39± acre tract of land owned by Felix Kurzrok.
- On September 15, 1964, Mr. Kurzrok sells off 2 parcels of land by deed (Volume 62, Page 625). The first parcel a 5± acre piece that is now #25 Old Good Hill Road, and a second 3± acre parcel that has since been split into #33 & #39 Old Good Hill Road.
- By Oxford Subdivision Regulations definition: "Subdivision. The division of a tract or parcel of land into three or more parts or lots subsequent to August 1, 1961, for the purpose, whether immediate or future, of sale for building development....."
The split of #25 Old Good Hill Road today is creating "three or more parts" so therefore it's a subdivision.
- The split of #25 Old Good Hill Road is not considered a Resubdivision. A Resubdivision by definition is "A change in a map of an approved or recorded subdivision if such change affects any street layout shown on such map, affects any area reserved thereon for public use or diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after approval or recording of such map"
No change of a recorded subdivision map is being proposed.
- A public hearing is only required on applications for a Resubdivision, when a waiver of the Subdivision Regulations is requested, or when a subdivision contains more than 10 lots.
Therefore if the commission deems it unnecessary, a public hearing does not need to be held to split #25 Old Good Hill Road.

278 160

Attachment A

MINUTES

The minutes of an organization should contain a record of what is done and not what is said.

Minutes should contain:

1. Date, place and time of meeting.
2. Whether it is a regular or special meeting.
3. Name of person presiding.
4. Name of secretary. (In small boards, the names of those present should be recorded).
5. All main motions, whether adopted or rejected.
6. The names of the persons making the motions; the name of the seconder need not be recorded.
7. Points of order and appeals, whether sustained or lost.
8. A motion which was withdrawn should not be recorded.
9. When a count has been ordered or the vote is by ballot, the number of votes on each side should be entered; and when the voting is by roll call, the names of those voting on each side and those answering "Present" should be entered.

NOTICES, AGENDAS AND MINUTES OF MEETINGS

Emergency Meeting Agenda

A public institution may hold an Emergency meeting without complying with the agenda requirements under the FOIA, if there is a bona fide emergency justifying such emergency meeting. Note, however, that only emergency matters may be considered at such emergency meeting.^{xx}

MINUTES

The FOIA requires that the following be included in the minutes of a public institution:

1. Time of convening and adjournment.
2. Date and place of the meeting.
3. Names of institution members attending and how they voted on each issue.
4. Statement of each issue discussed or acted on.
5. Purpose of any executive session and who attended such executive session.

Regular Meeting Minutes

Minutes of a public institution's regular meeting must be made available for public inspection and posted on the public institution's website, if available, within seven (7) days of such meeting. Such minutes must adequately set forth the reason for the regular meeting and the business transacted at such meeting.

Special Meeting Minutes

Minutes of a public institution's special meeting must be made available for public inspection and posted on the public institution's website, if available, within seven (7) days of such meeting. Such minutes must adequately set forth the reason for the special meeting and the business transacted at such meeting.

Emergency Meeting Minutes

Minutes of a public institution's emergency meeting must be made available for public inspection and posted on the public institution's website, if available, within seventy-two (72) hours of such meeting. Such minutes must adequately set forth the reason for the emergency meeting and the business transacted at such meeting.^{xxi}

Record of Votes

A record of institution member votes must be "reduced to writing and made available for public inspection within forty-eight hours [(48)] hours." Note that the record of institution member votes must also be included in the minutes of public meetings.^{xxii}