

**TOWN OF OXFORD  
PLANNING & ZONING COMMISSION**

S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298.  
Phone: (203) 828-6512 · Email: [pandz@oxford-ct.gov](mailto:pandz@oxford-ct.gov)  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)



**Planning & Zoning Commission  
Regular Meeting Minutes  
Tuesday, February 21, 2023  
7:30 PM – Main Meeting Room  
S.B. Church Memorial Town Hall**

**I. Call to Order**

**Chairman Cocchiarella** called the meeting to order at 7:30 PM.

**II. Pledge of Allegiance**

**III. Roll Call**

**Present:** Sara Locke, Carl Bouchard, Joshua Dykstra, Pete Zbras, Pat Cocchiarella, Brett Olbrys, Robert Carr, and Ed Rowland.

**Absent:** John Kerwin and Dan Wall.

**Also Present:** Steve Macary, ZEO, Kevin McSherry, Land Use Counsel, and Jessica Pennell, Coordinator.

**IV. Seating of Alternates**

**Chairman Cocchiarella** seated Alternate Commissioner Dykstra.

**V. Public Hearings:**

**A. Upcoming Public Hearing:**

The Commission will hold a Public Hearing on Tuesday, March 7, 2023, during the regular meeting on the following application:

1. **Z-22-204 [IND] – 110 Hawley Road** – Owner & Applicant: Robert Werden, 110 Hawley Road, Oxford, CT (Site Plan) (Special Exception-Modification to add rock crusher to an existing Contractor's Yard as permitted per 2019 Amended Regulations)

## VI. Regular Meeting Business

- A. Amendments to the Agenda - None
- B. Audience of Citizens – (Items not listed on the Agenda)  
There were no members of the public that wished to speak.
- C. Correspondence - None
- D. Old Business:

The Commission began its deliberations on the following applications:

1. **Z-22-182 (a) - Z-22-182 (b) – [IND] –13 E. Commerce Drive (Lot 14 Woodruff Hill Industrial Park)** – Owner: Town of Oxford, 486 Oxford Road, Oxford – Applicant: Airamid, LLC c/o William Kennedy and/or Tiana DiMaria, 511 Brook Street, Rocky Hill, CT (Site Plan Construct 5,332 sq.ft. building) (Special Exception –Article 9, Section 9.3.10)(Extension granted on 12/6/2022, 1/3/2023, and 1/10/2023) (Commission action by 4/4/2023)

**Chairman Cocchiarella** commented that the Commission has to base its decision on the facts presented to them during the Public Hearing, and the parts of the application that fall within the Commission's jurisdiction.

**Chairman Cocchiarella** opened the floor for discussion.

**Commission Secretary Olbrys** outlined the following items that he is considering: abutting property owner has removed their objection to the application, the environmental impacts, and the regulations of other state agencies that oversee crematories, testimony on both sides regarding property values. He also referenced Connecticut General Statute 368k, which he read aloud to the Commission.

**Chairman Cocchiarella** noted that the statute Commission Secretary Olbrys is referencing is a health department statute, and differs from the zoning statute, and the statutes are conflicting.

**Chairman Cocchiarella** discussed the air quality. He stated that the CT Department of Energy and Environmental Protection and the Environmental Protection Agency monitor and regulate air quality, and there is a max limit for cumulative effect. He also noted that crematories are a permitted special exception in the zoning regulations. He stated that the Commission could amend the regulations to removed crematories as a permitted use by special exception from the regulations in the future.

**Commissioner Zbras** referenced the zoning regulations that discuss non-conforming structures and uses, and supports Commission Secretary Olbrys application of the statute he cited earlier.

**Commissioner Rowland** addressed the current locations of the air quality testing and that he does not believe it is represents that of Oxford.

A brief discussion ensued regarding the polluters in the industrial zone, and the cumulative effect in the area. Commissioners acknowledged that they have no jurisdiction over those items.

**Commissioner Rowland** also agreed with Commission Secretary Olbrys, and Commissioner Zbras regarding the statute addressing the distance to surrounding residences.

**Alternate Commissioner Dykstra** noted concerns regarding the safety of the people of the town. He shared his thoughts on the two (2) conflicting statutes, which both address health and safety. The Commission had a lengthy discussion regarding the two (2) statutes that address crematories, as well as the how the regulations address non-conforming uses and structures in the industrial zone. The Commission also discussed and some had differing opinions on whether or not enough information was provided by the applicant regarding the potential detriment to the health and safety of the residents.

**Commissioner Zbras** mentioned concerns with the conflicting information on the application itself, and questioned the reference to William Kennedy as the applicant, and the statements made by Mr. DiMaria at the Public Hearing.

Commissioners also discussed the sources of information submitted by the applicants, public, and Commission members during the public hearing, and the lack of information about the harmful effects of mercury.

Discussion continued regarding what items they can consider when determining that the Commission is going to apply their responsibility of the health and safety to an application.

**Alternate Commissioner Dykstra** asked Attorney McSherry for his perspective on some of the items brought up for discussion.

Commissioners discussed and debated the definition and regulations around non-conforming lots and uses. They also discussed expanding a non-conforming use. Steve Macary, ZEO explained his interpretation of the regulations for the property zoned industrial with valid non-conforming residential uses.

**Commission Secretary Olbrys** again cited CGS 19a-320 regarding crematories, which he reiterated states that the crematory must be more than 500' away.

**Commissioner Carr** stated that as a business owner, there are various federal and state regulations regarding his business, and he must comply. He noted that this business would have to comply as well, and supports other Commissioners regarding the statute as it pertains to this application.

**Chairman Cocchiarella** stated that if the Commission decides to deny this application they have to state their reasons for denial because it is a permitted use in the regulations.

Commissioners discussed the process of the Town selling property, as well as the 8-24 recommendation and the Town Meeting requirements. Commissioners asked for clarification on whether or not the lot was already sold, and if sale had been approved at a Town Meeting.

**Attorney McSherry** explained the 8-24 referral process, and that sometimes it is done a little differently. He explained the process that the Town used to enter into a contract with the applicant; he referred to a Town Meeting held on July 20, 2022.

The Commission further discussed the regulations and the conflicting statutes.

**Alternate Commissioner Dykstra** stated that if they are in violation of the health department regulation, then why is the application even before the Commission.

**Chairman Cocchiarella** stated that it is part of the process and the process includes trusting each entity to do their job as part of the process.

Commissioners discussed the dilemma of being presented an application that is in violation of a state regulation.

**Attorney McSherry** addressed the valid non-conforming uses as defined in the Oxford zoning regulations. He also discussed what happens when a use is abandoned and what happens when a residential use is in an industrial zone, the residential use, if it continues; it is valid non-conforming. He explained what constitutes residential uses. He referred to the legislative history of CGS 19-320. He noted that the Commission has to make their determination based on their interpretations of the valid non-conforming residential use. He also noted the Oxford zoning regulations and the factors for Commission consideration when making decisions on special exception applications.

**Chairman Cocchiarella** noted that in our regulations there is specific language regarding an expansion of a non-conformity.

There was further discussion on the expansion of non-conforming uses.

**Jessica Pennell, Coordinator** noted that the zoning statute that Attorney McSherry was referring to in the earlier discussion is CGS §8-2n.

**Commissioner Carr** had questions regarding the 500' distance and how it could apply at the local level.

**Commission Secretary Olbrys** read CGS §8-2n aloud.

Commissioners debated the words "zoned" and "purposes".

**Attorney McSherry** read CGS 19-320a aloud.

**Commission Secretary Olbrys** explained how this application differed from the Bethel case where the Commission's decision to deny was overturned.

Commissioners and Attorney McSherry further discussed non-conforming uses, abandonment, and how properties are identified and described on the property cards.

**Chairman Cocchiarella** requested that Attorney McSherry prepare two (2) resolutions for this application.

**Chairman Cocchiarella** stated that the motions could be amended if necessary.

**MOTION BY Alternate Commissioner Dykstra** to table this item to the next regular meeting.  
**Second by Commission Secretary Olbrys.**

**All (6) Ayes.**

Motion passed unanimously.

2. **Bond Reduction Request – Pulte Homes - Z-16-029 – Oxford Greens - Phase 4 East**  
(Referred to Jim Galligan, P&Z Engineer) (Item tabled until final review letter is received from P&Z Engineer)

E. New Business

F. Zoning Enforcement

**Steve Macary, ZEO** noted that he is working with the owners of 671 Oxford Road.

Commissioners and Mr. Macary had a brief discussion regarding the violations, fines, soil & erosion controls and the informal conversations regarding what the owner has planned for the property.

**Steve Macary, ZEO** also gave a brief update on a property on Hunter's Mountain Road. He also noted that there is a property on Deerwood that has violations that he is investigating. He also informed the Commission that there is an auto dealership that is filing an application for an auto dealership/repair on Willenbrock Road.

G. Minutes

- a. 1/17/23 Regular Meeting Minutes

**MOTION BY Commission Secretary Olbrys** to approve the 1/17/23 Regular Meeting Minutes as presented.

**Second by Commissioner Carr.**

**All (6) Ayes.**

Motion passed unanimously.

H. Invoices

I. Other Business

Jessica Pennell, Coordinator reminded the Commission about the upcoming CFPZA Annual Conference.

- a. Any other business the Commission deems necessary for discussion.

Staff noted the following:

- Upcoming CFPZA Annual Conference
- New Town Hall Hours starting 4/3/23
- Budget

Commissioners and staff had a brief discussion regarding the budget and items that they would like to see funded this year.

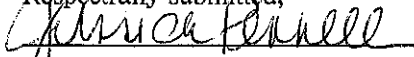
**Commissioner Zbras** also noted that the next Farm Events meeting would be on 3/7/23 at 7:00 PM.

**Commission Secretary Olbrys** also asked about the marijuana moratorium.

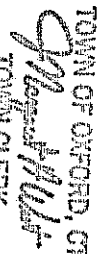
J. Adjournment

**MOTION BY Commission Secretary Olbrys to adjourn the meeting at 9:08 PM.**  
**Second by Commissioner Rowland.**  
**All (7) Ayes.**  
Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator  
Planning & Zoning Commission

TOWN OF OXFORD, CT  
  
TOWN CLERK

2023 MAR 28 P. 3:38