

**TOWN OF OXFORD
PLANNING & ZONING COMMISSION**

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



**Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, March 7, 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 Commissioners Sara Locke and Carl Bouchard.

V. Public Hearings:

A. Public Hearing:

Chairman Cocchiarella called the Public Hearing to order 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 as permitted per Amended Regulations*)**

Chairman Cocchiarella outlined the public hearing procedures.

Chairman Cocchiarella called for any conflicts of interest from the Commissioners or the applicant.

There were no Commissioners that had a conflict of interest.

Commission Secretary Olbrys and **Commissioner Zbras** disclosed, for the record that they do use New England Septic to service their septic systems. Neither considered this is a conflict of interest.

Steven Kulas, Attorney for the applicant, stated that the applicant has no conflict of interest.

Commission Secretary Olbrys read the Legal Notice.

Chairman Cocchiarella confirmed with the Coordinator that all public hearing requirements had been fulfilled by the applicant.

Jessica Pennell, Coordinator noted that the items required were received and made part of the record.

Steven Kulas, Attorney for the applicant, 12 Bank Street, Seymour, CT went over the items submitted with the application. He noted that there is a site plan and plans for the building where the rock crusher will be located while in use. He stated that this is an accessory use to the principal use and it will not cause any increased traffic in the area.

Alternate Commissioner Bouchard asked if there would only be rock crushing.

Robert Werden, applicant, 110 Hawley Road stated that there may be some rock screening as well.

Chairman Cocchiarella invited members of the public to make comments.

Darlene Salokas, 99 Hawley Road, stated her house is across the street. She stated that she has concerns about pollution, the vibrations from trucks and the rock crusher causing a problem with her well, the smell of diesel from more trucks, and the smell of septic. She noted that she strongly objects this application.

Carissa Oliveira, 97 Hawley Road main concern is the noise because she has an infant.

Tom Palomba, 97 Hawley Road noted concerns regarding the noise, dust, pollution and increased truck traffic. He noted that he is also concerned with rocks in the road and cracking his windshield. He stated that he is in opposition of the application.

Attorney Kulas explained the location of the crusher and hours of operation. He addressed the concerns brought up by audience members. He noted that there is no anticipated increase in truck traffic; the crusher would be contained within the proposed building.

Mr. Werden stated that he would speak to the IWEO regarding a letter for the Commission.

MOTION BY Commission Secretary Olbrys to recess the public hearing to 3/21/23 at 7:30 PM.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

VI. Regular Meeting Business

A. Amendments to the Agenda

MOTION BY Commissioner Carr to amend the agenda to add the invoice from McSherry Law Office.

Second by Commissioner Olbrys.

All (7) Ayes.

Motion passed unanimously.

B. Audience of Citizens – (Items not listed on the Agenda)

Darlene 99 Hawley Road stated that she had concerns about New England Septic and their business. She stated that she is concerned that there may be septic spillage that could contaminate her well. She questioned if Mr. Werden is allowed in the regulations to transfer sewage from one truck to the other, and also stated that at times it she can smell the septic. She wants to make sure that there is no sewage that is being disposed of improperly.

Commissioners advised her to contact the health department and DEEP.

C. Correspondence

D. Old Business:

The Commission may continue deliberations and/or possibly act on the following application: the Commission must take action on this application by 4/4/23.

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)

Commission Secretary Olbrys reiterated his concerns with the application, and the two (2) statutes that were discussed regarding the 500' distance to residential structures, or residential uses.

Chairman Cocchiarella also reiterated his comments regarding the purview of the Commission regarding the health statute, and that crematories are allowed in the zoning regulations by special exception.

Commissioner Zbras stated that his concerns have not changed; there are residential properties in the area.

Commissioner Rowland stated that he is inclined to agree with the other Commissioners.

Commissioners further discussed the statutes regarding crematories.

Commissioner Olbrys asked Mr. Werden to show him on a Google Earth map where the crusher would be located.

Mr. Werden pointed out his property on the map noted where the crusher would be located.

Commissioners discussed the dust control, and noise levels noted that the applicant would be renting the crusher; he would not own a permanent crusher. They also discussed the previous approvals secured by Mr. Werden going back to 2000, including the contractor's yard approval.

Steve Macary, ZEO referred to Attorney Condon's letter submitted by the applicant.

Attorney Kulas expressed his interpretation of Attorney Condon's letter.

Commissioners discussed the noise and if it would meet the decibel levels in the Town of Oxford, Noise Ordinance.

Attorney Kulas stated the applicant would comply with the noise ordinance, and in the event that the noise level was not within range, they would shut down the operation until they were able to comply.

Darlene Salokas, 99 Hawley Road, reiterated her previous concerns, as well as questioned whether selling the materials would be a part-time business to supplement their septic business. She stated that there are other businesses in the area and they do not produce noise that has an impact on her home.

Thomas Palomba, 97 Hawley Road stated that he is concerned with not having a set schedule of the hours of operation for the rock crushing, especially on weekends.

Commissioners discussed the hours of operation submitted in the Statement of Use.

Carissa Oliveira, 97 Hawley Road stated that the hours of operation is a concern, and she is still opposed to the application.

Commissioners discussed the other contractor's yards and rock crushers that operate in the surrounding area.

Attorney McSherry asked Mr. Werden if the IWEO had visiting the property, and if he has received a letter from the IWEO regarding this proposal.

Mr. Werden explained that an application was not required by Wetlands because there are no wetlands on his property.

Attorney McSherry stated that the Commission needs a letter from the IWEO confirming that the application has been reviewed, and that there are no wetlands on the property.

Attorney McSherry read CGS §8-2n and §19a-320 aloud to the Commission.

Discussion ensued regarding the differences in the statutes as well as the definition of a valid non-conforming use.

Attorney McSherry also further discussed what is a valid non-conforming use, and explained his interpretation for the Commission.

Steve Macary, ZEO also gave his interpretation of a valid-non conforming use.

Chairman Cocchiarella disagreed with the interpretations of a valid-non conforming use.

A lengthy discussion ensued between the Commissioners regarding the state statutes, the zoning regulations and special exception for crematories, as well as the valid non-conforming use.

Commissioners also discussed the information that was submitted by the public and applicant, and the lack of information on the cumulative effect that the crematory would have on the air quality.

Commissioners agreed to have Attorney McSherry draft two (2) resolutions for the 3/21/23 Regular Meeting.

2. Bond Reduction Request – Pulte Homes – Z-16-029 – Oxford Greens – Phase 4 East

- a. Letter dated 3/3/23 from Jim Galligan, P&Z Engineer

Commission Secretary Olbrys read the correspondence from Jim Galligan, P&Z Engineer.

MOTION BY Commission Secretary Olbrys to make a favorable recommendation to the Board of Selectmen to reduce the Performance Bond for Pulte Homes, Phase 4E from \$800,000.00 to \$205,712.42.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

E. New Business

F. Zoning Enforcement

Steve Macary, ZEO gave a brief summary of the complaints and enforcement actions that he is currently handling.

G. Minutes (Tabled)

- a. 2/7/23 Regular Meeting Minutes

H. Invoices

- a. Nafis & Young Invoice #026-23 – 21 E. Commerce Drive Review & Report

MOTION BY Commission Secretary Olbrys to approve Invoice #026-23.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

- b. Nafis & Young Invoice #006-23 – 671 Oxford Road – Review & Report

MOTION BY Commission Secretary Olbrys to approve Invoice #006-23.
Second by Commissioner Zbras.
All (7) Ayes.
Motion passed unanimously.

c. Invoice from McSherry Law Office (added as amendment)

MOTION BY Commissioner Rowland to approve the invoice for McSherry Law Office.
Second by Commissioner Zbras.
All (7) Ayes.
Motion passed unanimously.

I. Other Business

a. Possible discussion on next steps for Farm Events Regulations.

Attorney McSherry explained that the final draft would be ready for the next meeting.

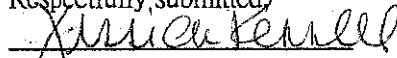
b. Any other business the Commission deems necessary for discussion.

The Commission discussed the budget and budget process.

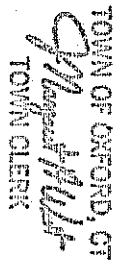
J. Adjournment

MOTION BY Commission Secretary Olbrys to adjourn the meeting at 8:57 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

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