

**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
www.Oxford-CT.gov



**Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, June 20, 2023
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall**

A. Call to Order

Chairman Cocchiarella called the meeting to order at 7:34 PM.

B. Pledge of Allegiance

C. Roll Call

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

Not Present: Brett Olbrys and Dan Wall.

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

D. Seating of Alternates

Chairman Cocchiarella seated Alternate Commissioners Sara Locke and Carl Bouchard.

E. Approval of Minutes – No action taken.

a. May 16, 2023 Regular Meeting Minutes

b. June 6, 2023 Regular Meeting Minutes

F. Public Hearing – Scheduled for Tuesday, June 20, 2023 during the regular meeting:

1. **Z-23-135 [IND] – 19 East Commerce Drive** – Applicant: Borghesi Building & Engineering, 2155 East Main Street, Torrington, CT 06790 – Owner: Town of Oxford, 486 Oxford Road, Oxford, CT 06478

*(Special Exception – Article 9, Section 9.3.1- Construct a Building over 50,000 sq.ft).
(Site Plan)*

Chairman Cocchiarella opened the Public Hearing and read the statement of intent for the Public Hearing.

Chairman Cocchiarella called for any conflicts of interest from the Commissioners. There were no conflicts of interest for any Commissioners present.

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

Rob Blanchette of Borghesi Building, 2155 East Main Street, Torrington, CT, representative for the applicant stated that they have no conflict of interest.

Chairman Cocchiarella asked Commissioner Carr to read the call of the meeting.

Commissioner Carr read the call of the meeting as well as the following correspondence:

- a. Letter dated 5/30/23 from Jim Galligan, Planning & Zoning Engineer
- b. Email dated 6/13/23 from Rob Blanchette to Jessica Pennell
- c. Letter dated 6/19/23 from Jim Galligan, Planning & Zoning Engineer

Mr. Blanchette presented the site plan to the Commission. He outlined the size of the building; he discussed the access into and out of the site, the number of employees, and the parking layout. He also noted that there is a landscaping plan, and lighting plan.

Commission Alternate Bouchard asked if a Statement of Use was included in the application.

Mr. Blanchette noted that they are in the process of preparing a detailed Statement of Use.

There was a brief discussion regarding the deferred parking for future use, and Attorney McSherry discussed the calculations.

Mr. Blanchette also presented the architectural renderings to the Commission and described the façade of the building.

Commissioner Zbras asked questions relating to the use of fire to manufacture the candles.

Mr. Blanchette explained that the manufacturing process does not require fire, the wax is melted with hot water and metal bowls.

Commissioners and Attorney McSherry asked questions regarding a sprinkler system, tractor-trailers, the location of the garage doors, and the height of the building.

Mr. Blanchette answered all the questions presented to him by Commissioner Zbras and Attorney McSherry.

Commissioners had no other questions at this time.

Chairman Cocchiarella asked if anyone from the public would like to speak.

Chris Mainor, 10 Sioux Drive asked questions regarding the parking and the lighting.

Jim Locke, Bower's Hill Road asked if there would be any exhaust emitted from the building.

Mr. Blanchette informed the Commission that the application is still pending in Wetlands.

MOTION BY Commissioner Dykstra to recess the public hearing to Tuesday, July 18, 2023 at 7:30 PM.
Second by Commissioner Rowland.

All (7) Ayes.

Motion to recess passed unanimously.

G. Upcoming Public Hearings – Scheduled for Tuesday, July 18, 2023 at 7:30 PM.

1. PZC-23-001 – Proposed Text Amendments to the Oxford Planning & Zoning Regulations:

- 1.) Accessory Dwelling Unit Regulations
- 2.) Farm Events/Activities Regulations

H. Regular Meeting Business

1. Amendments to the Agenda
2. Audience of Citizens – (Items not listed on the Agenda)
3. Correspondence
4. Old Business –The following items required Public Hearings; the public hearings have been closed.

1. **Z-23-116 [IND] – 106 Willenbrock Road** – Applicant: A.G. Sales & Service, LLC c/o Dominick Thomas, 315 Main Street, Derby, CT 06418 - Owner: Tower Business Park, LLC, 15 Bates Place, Danbury, CT 06810

(Special Exception – Addition of motor vehicle repair and used vehicle sales use to an existing 6,000 sq. ft. building per Article 10, Section 9.3.15 of the Oxford Zoning Regulations)

Z-23-116, 106 Willenbrock Road Oxford, CT 06478

Application - Special Exception

Whereas A.G. Sales & Service, LLC herein “the Applicant” and Tower Business Park, LLC “the OWNER” have filed a **Special Exception** application for the use of **106 Willenbrock Road, Oxford CT 06478** to add a **motor vehicle repair and used vehicle sales use**.

Whereas The Oxford Planning and Zoning Commission considered this application at it’s regularly scheduled meetings/scheduled public hearings.

Whereas The Oxford Planning and Zoning Commission considered the following additional information the applicant filed in support:

- 1.) Letter from the Conservation Commission/Inland Wetlands Agency indicating a wetland permit is not required.

- 2.) Town of Oxford Zoning Board of Appeals Public Hearing Notice dated February 21 approving the Certificate of Location of **106 Willenbrock Road** for the applicant A.G. Sales & Service, LLC.
- 3.) Boundary and topographical map, Tower business Park, LLC, 106 Willenbrock Rd., Oxford, CT dated September 26, 1996.
- 4.) The approved site plan dated 10/21/2005 has not been changed.

Motion by Commissioner Carr to approve application **Z-23-116** Special Exception Application for the Use of **106 Willenbrock Road**, Oxford CT 06478 with an **addition of motor vehicle repair and used vehicle sales use** in accordance with the Findings, Conditions of Approval and Standard Conditions herein.

FINDINGS

- 1.) The Statement of Use shall be strictly complied with of cars on site.
- 2.) The proposed use will not be detrimental to the health, safety, welfare and property values in the neighborhood.
- 3.) The site is suitably landscaped and the design and set back of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.
- 4.) The proposed use, buildings, and other structures are adequate to carry the potential traffic and that provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off-street parking and loading facilities will be provided.
- 5.) The land in which the use, building, or other structure is of adequate dimensions to conduct of the use in such a manner that it will not be detrimental to adjoining property in the neighborhood

Conditions of approval:

- 1.) Compliance with all Town of Oxford regulations and ordinances in effect as of this date.
- 2.) 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 the initial review through inspection and final acceptance of any improvement.
- 3.) The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application period.
- 4.) The specific uses on this property shall be limited to those designated within the Statement of Use submitted by the applicant.
- 5.) The applicant shall comply with all requirements of the Fire Marshal.
- 6.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.

Second by Commissioner Dykstra.

Discussion: Commissioner Zbras asked that a condition be added that no junk or stripped down cars be parked outside or visible to the public.

Attorney McSherry stated that the motion can include a reference to the Zoning Regulations, Schedule C – Prohibited Uses, Item 10.

Commissioner Carr amended his motion to add “the applicant must comply with Schedule C – Prohibited Uses, Item 10.”

Commissioner Dykstra seconded the amendment.

Vote on the amendment: All (7) Ayes.

Vote on the main motion as amended: All (7) Ayes.

Motion passed unanimously.

2. **Z-23-129 [RGCD] – Riggs Street and Chestnut Tree Hill Road** Applicant: Timberlake Holding Company, LLC, 42 Cherry Street, P.O. Box 3530, Milford, CT **Property Owner(s):** Timberlake Investment Partners IV; Timberlake Downs Partners, LLC; Timberlake Development Partners, LLC

(Special Exception – Conceptual Plan Amendment; Article 5A, Section 5A.9 of the Oxford Zoning Regulations)

3. **Z-23-130 (a) [RGCD] – Chestnut Tree Hill Road** – Applicant: Timberlake Holding Company, LLC, 42 Cherry Street, P.O. Box 3530, Milford, CT. **Owner(s):** Timberlake Investment Partners IV; Timberlake Downs Partners, LLC; Timberlake Development Partners, LLC

(Special Exception – Site Plan Modification to reduce the number of single family homes and replace with a number of attached homes, Article 5A, Section 5A.8 – Subsection 5A.8.1) (Special Exception – Major Re-grading /Excavation, Article 14, Section 14.2.2) (Site Plan Approval, Article 5A, Section 5A.6 – Subsection 5A.6.1)

4. **Z-23-130 (b) [RGCD] – Riggs Street** – Applicant: Timberlake Holding Company, LLC, 42 Cherry Street, P.O. Box 3530, Milford, CT **Owner(s):** Timberlake Investment Partners IV; Timberlake Downs Partners, LLC; Timberlake Development Partners, LLC

(Special Exception – Major Re-grading /Excavation, Article 14, Section 14.2.2) (Site Plan Approval Article 5A, Section 5A.6 – Subsection 5A.6.1)

5. New Business – None

6. Zoning Enforcement

Steve Macary, ZEO presented the Commission with paperwork regarding a complaint he received regarding the cottage business at 10 Sioux Drive. He explained that the owners of 10 Sioux Drive do have a cottage business permit, but the complaint is in regard to evidence and certain aspects of the business outside of the house. He referred the Commission to the cottage business regulation in Article 5, Section 5.2.

Commissioner Zbras read aloud the regulation regarding cottage businesses. He explained his interpretation of the regulation and the parameters that outlined for a “cottage business”.

Chairman Cocchiarella noted the items that referred to construction vehicles and equipment.

Steve Macary, ZEO noted that in the past he has had to speak to both property owners regarding other items. He also noted that both property owners are present.

Chairman Cocchiarella asked the owner of 10 Sioux Drive provided the owner with a copy of the complaint. He also noted that there is another page in the paperwork titled “Standards of Service”.

Steve Macary, ZEO explained that the document Chairman Cocchiarella is referring was given to him by Mr. Pevornick, and “standards of service” are not part of the zoning regulations.

Chairman Cocchiarella stated, referring to the photos submitted, there is one (1) piece of construction equipment, and one (1) trailer.

Mr. Pevornick stated that the vehicles are labeled with the name of the business.

Commissioner Zbras questioned if the truck and trailer could be enclosed somewhere on the property.

Commissioner Zbras addressed the owner of 10 Sioux Drive regarding the truck and trailer for his business.

Chris Mainor, 10 Sioux Drive explained that the trailer is used to travel to art shows across the state. He explained that he could take the lettering off, but he does not have anywhere else to put the trailer. He also explained his logo is on a personal vehicle truck and has been for four (4) years. He briefly mentioned the lights that Mr. Pevornick shines onto his home.

Commissioner Carr asked Attorney McSherry to give the Commission some insight into what is considered a commercial vehicle.

Attorney McSherry gave his interpretation of the regulation, enclosed structures, fences, and what is considered a “cottage business”.

Anthony Pevornick, 14 Sioux Drive explained his concerns with the lights from 10 Sioux Drive, as well as the work related to the business being done outside the house, in the yard.

Chris Mainor, 10 Sioux Drive noted that this is a hobby, as well as his business.

Steve Macary, ZEO requested direction from the Commission on how to move forward with this complaint.

Chairman Cocchiarella asked Mr. Macary to work with Mr. Mainor to bring his property and business into compliance.

The ZEO and Commission briefly discussed options that could bring the property into compliance.

The Commissioners and Attorney McSherry had a lengthy discussion regarding the parameters of a “cottage business”.

Chairman Cocchiarella reiterated that the ZEO should work with Mr. Mainor to bring the property and business into compliance.

Steve Macary, ZEO discussed concerns with 3 Goffin Court being advertised as an Airbnb. He noted that a permit was issued for an in-law/accessory apartment. He stated that the square footage advertised was beyond the allowed square footage for an in-law/accessory apartment.

Chairman Cocchiarella stated that a measurement from the Assessor would be appropriate to determine the square footage.

Commissioner Zbras questioned if Bed and Breakfast Accommodations under Special Exceptions could apply in this situation.

Chairman Cocchiarella explained that this item has been addressed at this time.

Steve Macary, ZEO informed the Commission that there is an ongoing drainage problem with property located at 108 Old Good Hill Road. He noted that there is correspondence from Jim Galligan, Planning & Zoning Engineer regarding the property.

Commissioner Carr read the letter dated 6/19/23 from Jim Galligan, Planning & Zoning Engineer.

Linda Czaplinski, 30 Freeman Road explained that this is part of an ongoing situation with her property caused by grading done by a neighbor. She requested a clarification of the meaning of "leak off".

Chairman Cocchiarella asked that staff request a clarification from Jim Galligan.

Ms. Czaplinski went on to explain that she is aware that a Cease & Desist has been issued against the property owners that have caused drainage issues on her property. She also wanted to ensure that the Town is willing to act on items that are within their purview regarding encroachments and grading without a permit.

Attorney McSherry noted that there are state statutes that address run-off created by the Town.

Ms. Czaplinski explained that the issues she is referring to have been created by other property owners who have made changes to the road that have caused drainage issues on her property.

Discussion ensued regarding private road versus public road, and paper road.

Attorney McSherry stated that the ZEO can contact the property owners who are doing the work to come in for a permit.

Steve Macary, ZEO stated that for the amount of work that has been done, a permit is required.

Chairman Cocchiarella and the ZEO will set up a meeting with Ms. Czaplinski to go over the concerns that fall within the Town's purview.

7. Invoices

a. Invoice from McSherry Law Office

Motion by Commissioner Zbras to approve the invoice from McSherry Law Office.

Second by Commissioner Dykstra.

All (7) Ayes.

Motion passed unanimously.

b. Invoice from Adobe - Reimburse P&Z Coordinator

Motion by Commissioner Carr to reimburse Jessica Pennell in the amount of \$21.26.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

8. Other Business

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

The Commission discussed requesting money from the ARPA Committee to purchase a vehicle for the Zoning Enforcement Officer.

Commission Alternate Sara Locke inquired about the letter that was going to be sent regarding the status of the Affordable Housing Plan Committee.

Chairman Cocchiarella explained that a letter was not sent, but the question has been referred to those involved.

Attorney McSherry reiterated his comments from previous meetings that the plan is done but needs some additional items relating to the overall presentation. He also noted that the previous grant writer has been working with the new grant writer to get the plan finalized.

Chairman Cocchiarella took a few moments to explain the possibility of looking into open space development as a means to create affordable housing. He explained that he would like the Commission's input when the time comes to discuss the affordable housing.

9. Adjournment

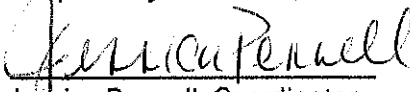
Motion by Commissioner Rowland to adjourn the meeting at 9:20 PM.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

Respectfully submitted,


Jessica Pennell, Coordinator

2023 JUL 13 P 2:17
TOWN OF OXFORD, CT
TOWN CLERK