

**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, July 18, 2023
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall**

A. Call to Order

Chairman Pat Cocchiarella called the meeting to order at 7:33 PM.

B. Pledge of Allegiance

C. Roll Call

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

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

Not Present: Dan Wall and Joshua Dykstra.

D. Seating of Alternates

Chairman Cocchiarella seated Alternate Commissioner Locke, and Alternate Commissioner Bouchard.

E. Approval of Minutes

a. June 6, 2023 Regular Meeting Minutes

MOTION BY Commission Secretary Olbrys to approve the 6/6/23 Regular Meeting Minutes as presented.

Second by Commissioner Rowland.

All (6) Ayes.

Motion passed unanimously.

b. June 20, 2023 Regular Meeting Minutes

MOTION BY Commission Secretary Olbrys to approve the 6/20/23 Regular Meeting Minutes as presented.

Second by Commissioner Rowland.

All (6) Ayes.

Motion passed unanimously.

F. Public Hearings - Tuesday, July 18, 2023 during the regular meeting:

RECESSED from Tuesday, June 20, 2023:

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)

Rob Blanchette from Borghesi Building, representative for the applicant, was present to follow up on outstanding items from the public hearing held on June 20, 2023. He noted that they have received approval from Inland/Wetlands. He also went over the detailed Statement of Use requested by the Commission. The Commission also discussed the amount of parking spaces reserved for future use as calculated according to the Zoning Regulations.

MOTION BY Commission Secretary Olbrys to close the public hearing.

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

Attorney McSherry noted that he would have a resolution prepared for August 15, 2023.

Chairman Cocchiarella opened the public hearing on the following items:

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

- 1.) Accessory Dwelling Unit Regulations (Attachment A)
- 2.) Farm Events/Activities Regulations (Attachment B)

Chairman Cocchiarella read the intent of the public hearing, and called for any conflicts of interest from the Commission members.

There were no conflicts of interest from any of the Commissioners.

Commission Secretary Olbrys read the legal notice.

ACCESSORY DWELLING UNITS PORTION OF HEARING

Attorney McSherry read the new proposed Accessory Dwelling Unit regulation in its entirety.

Chairman Cocchiarella asked if there were any members of the public would like to comment on the proposed regulations.

Jim Locke, 97 Bower's Hill Road, is in favor of the accessory dwelling unit regulations and stated that it is a good option for diverse communities. He questioned if this regulation would replace the current regulations, or if it would be an addition to the regulations.

Ann Krane, 411 Mulligan Drive, is in favor of the regulations, but suggested there be a minimum lot size in the regulations, and that the maximum should be greater than 500 square feet.

Linda Czaplinski, 30 Freeman Road, stated that there is a need for this for seniors and people with disabilities. She also suggested that the owner be required to reside on the premises at the time of application, and that the square footage be increased to 700 square feet.

Mary Beth Nelson, 80 Coppermine Road, stated that she supports the regulation and suggested an increase from 500 square feet to 800 square feet.

Rich Connors, 4 Tall Pines Drive, stated that 500 square feet is not large enough for two occupants and would like to see it increased to 800 square feet.

Chairman Cocchiarella asked if there was anyone else that wanted to speak; there were no further comments from the public at this time.

Commissioners discussed the proposed maximum square footage of 500, and some noted concerns with the size and suggested increasing the maximum size allowed.

Chairman Cocchiarella noted that changes can be made to the regulation when the Commission deliberates.

Chairman Cocchiarella asked the public if they had any further comments at this time.

Rich Connors, 4 Tall Pines Drive, stated that living in a 500 square foot dwelling is different than renting one for a short period of time.

A brief discussion ensued regarding the allowance of 800 square foot units for "universal access".

Jill Drayton, asked if an in-law and accessory dwelling unit would be allowed on one lot.

Jim Locke, 97 Bower's Hill Road, asked about the breezeway, attached, and detached options.

Marsha Franko, 35 Dutton Road, asked if the accessory dwelling unit could be based on a percentage of the main house.

Keith Nelson, 80 Coppermine Road, questioned if the approval of the accessory dwelling unit would be transferred to a new owner.

Chairman Cocchiarella asked the Commission if they had any other comments.

There were no further comments from the Commission.

MOTION BY Commission Secretary Olbrys to close the public hearing.

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

Commission Secretary Olbrys made a motion to recess the meeting at 8:16 PM.

Second by Commissioner Carr.

All (6) Ayes.

Motion passed unanimously.

Commission Secretary Olbrys made a motion to come out of recess at 8:25 PM.

Second by Commissioner Carr.

All (6) Ayes.

Motion passed unanimously.

FARM EVENTS/ACTIVITIES REGULATIONS PORTION OF HEARING

Chairman Cocchiarella called the Farm Events/Activities public hearing to order.

Public Hearing Procedures were previously outlined by the Chairman.

Attorney McSherry read the proposed regulation into the record in its entirety.

Chairman Cocchiarella asked if there was anyone from the public that would like to comment on the proposed regulation.

Jennifer Camarro, 37 Reality Road, outlined her concerns regarding the noise.

Attorney McSherry made comments regarding the source and location of the noise.

Marc Deslauriers, 81 Newgate Road, noted that there is possibly an oversight in the schedule because they discussed Halloween themed events and the timeframe to hold events only goes until October 1st.

Attorney McSherry clarified that in his draft the end date is October 31st and the Commission may want to consider that during deliberations.

Bill Santini, 33 Whitegate Road, stated that he is in favor of the regulation.

Michael Bawlick, 224 Moose Hill Road, congratulated the board and stated the he supports the use of farmland. He also noted that 30 (thirty) acres is excessive, and suggested the end date be more around Thanksgiving.

Motion by Commissioner Ed Rowland to close the public hearing.

Second by Commission Secretary Olbrys.

All (6) Ayes.

Motion passed unanimously.

G. Regular Meeting Business

1. Amendments to the Agenda - None
2. Audience of Citizens – (Items not listed on the Agenda)

Linda Czaplinski, 30 Freeman Road asked for the status of the follow-up information requested at the last meeting from Jim Galligan, P&Z Engineer.

Chairman Cocchiarella stated that the Commission is still awaiting the response from Jim Galligan.

Mrs. Czaplinski also noted that the correspondence that she sent in is not listed on the agenda.

Jessica Pennell, Coordinator, noted why the correspondence sent by Mrs. Czaplinski is not listed on the agenda under correspondence.

Mrs. Czaplinski stated that she has sent two (2) letters, one dated 6/23/23, as well as several emails that have been circulated between Steve and some Commissioners. She requested that the letters and emails be read into the minutes of the meeting. She asked for a commitment from the Commission regarding when she can expect responses to her questions.

Jessica Pennell noted that she has a letter from Mrs. Czaplinski dated 6/26/23.

Mrs. Czaplinski also noted that she sent emails that she would also like read into the record.

Steve Macary, ZEO stated that he has the all the emails and sent them out.

Attorney McSherry noted that items addressed to the ZEO are still in process and explained that some items would be discussed under Zoning Enforcement.

Commission Secretary Olbrys read the letter dated 6/26/23 into the record.

Mrs. Czaplinski stated that she would like written responses to the questions that she has submitted.

A discussion ensued between Chairman Cocchiarella and Mrs. Czaplinski regarding when she can expect to receive the information.

Attorney Robert Nichols, of Middlebury stated the he is representing his son Houk Nichols. He made statements regarding the property on Old Good Hill Road. He noted that he has provided information to the ZEO showing that Old Good Hill Road is not a paper road. He explained the previous issues that have been addressed by the Town and in the appellate court. He further explained items regarding abandonment of the road, Mrs. Czaplinski's ownership, public and private easements, and the property owner's right to maintain or repair the road without Mrs. Czaplinski's approval.

Chairman Cocchiarella stated that the Commission is receiving a lot of information regarding a very complex issue that needs to be addressed by Attorney McSherry.

Attorney Nichols concluded by stating that he has given all the information to Town Counsel, Kevin Condon, and also to Attorney McSherry for their review.

Tony Pevornick, 14 Sioux Drive, requested that the Commission explain the steps that have been taken to remedy the situation regarding his neighbors at 10 Sioux Drive.

Chairman Cocchiarella stated that some of the items previously discussed have been addressed.

Mr. Pevornick cited the zoning regulations and explained his interpretation of those regulations. He expressed his concerns regarding the neighboring property.

Attorney McSherry stated that he is not going to render a legal opinion on at this time.

Mr. Pevornick continued to discuss the violations he believes are taking place on the neighboring property.

Chairman Cocchiarella called for a recess.

MOTION BY Commission Secretary Olbrys to recess the meeting at 9:07 PM.

Second by Commissioner Carr.

All (6) Ayes.

Motion passed unanimously.

MOTION BY Commission Secretary Olbrys to come out of recess at 9:28 PM.

Second by Commissioner Rowland.

All (6) Ayes.

Motion passed unanimously.

MOTION BY Commission Secretary Olbrys to instruct the ZEO to order a Cease & Desist pursuant to Article 5, Section 5.2.2 of the Oxford Zoning Regulations for the property address 10 Sioux Drive, while conducting his investigation and determines remedies for compliance.

Second by Commissioner Carr.

Ayes (4)

Abstention (1) – Commissioner Rowland

Opposed (1) – Chairman Cocchiarella

Motion passed.

Tim Czaplinski, 30 Freeman Road clarified some of the items for the Commission regarding the access and grading on Old Good Hill Road.

Houk Nichols, 108 Old Good Hill Road explained the reasons why he grading and maintaining Old Good Hill Road. He requested that the Cease & Desist he was issued be lifted so that he can access his home. He provided photos for the Commission to view.

A brief discussion ensued regarding whether or not a Cease & Desist should have been issued.

Attorney McSherry explained the current issues regarding the grading and runoff onto the neighbor's property.

Mr. Nichols explained how the water is getting onto the neighbor's property when he grades and maintains the road.

A brief discussion ensued on whether the water is intentionally being diverted onto the neighboring property.

Attorney McSherry stated that this is an engineering issue that needs to be addressed.

Chairman Cocchiarella explained what he witnessed when he visited the property.

Commissioners and the Zoning Enforcement Officer discussed the violations outlined in the Cease & Desist issued to Mr. Nichols.

Steve Macary, ZEO also noted that he issued a Cease & Desist to the owners of 104 Old Good Hill Road.

Attorney McSherry went on to further explain the rights of the property owners to repair the road, but that it should adhere to an engineered plan.

Commissioner Rowland noted that his concern is the ability of emergency services to utilize the road in an emergency situation.

Attorney McSherry stated that the Commission could lift the Cease & Desist for the purpose of making the road accessible to emergency vehicles while they wait for an engineered plan to be submitted by Mr. Nichols. He also noted that he would like to remove this item from discussion under Audience of Citizens.

MOTION BY Commissioner Rowland to amend the agenda to add the lifting of the Cease & Desist for 108 Old Good Hill Road to the agenda under Zoning Enforcement.

Second by Commissioner Carr.

All (6) Ayes.

Motion passed unanimously.

3. Correspondence

Commission Secretary Olbrys read the following letter into the record.

- a. Letter dated 7/10/23 from Stephanie Cummings
Re: Riverview Road

Jessica Pennell, Coordinator noted this request was originally from 2017 and has not been resolved.

Commissioners requested that Attorney McSherry contact Attorney Cummings to finalize the Road Deed.

4. Old Business

- 1. **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)**

Commission Secretary Olbrys read the following resolution:

Whereas, Timberlake Holding Company, LLC 42 Cherry St., P.O. Box 3530, Milford, CT herein “the Applicant” and Timberlake Investment Partners IV; Timberlake Downs Partners, LLC; Timberlake Development Partners, LLC, “the owners”, have requested an amendment to their Special Exception - Conceptual Plan Amendment, pursuant to Article 5A, Section 5A.9 of the Oxford Zoning Regulations.

Whereas, The Oxford Planning and Zoning Commission considered this application at a Public Hearing on June 6, 2023, and deliberated during their Regular Meeting on July 18, 2023.

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

- 1.) OCCIWA Approval of April 11, 2023.
- 2.) TPA Design Group - Storm water Design Memo Phase 6 dated 11/14/22.
- 3.) TPA Design Group - Storm water Design Memo Phase 5 dated 1/18/23.
- 4.) Letter dated 6/1/23 from James Galligan, Planning & Zoning Engineer.

- 5.) Community Center Alternate Floor Plan/ Elevation 1823 Oxford/ John Wicko, Architect
- 6.) Community Center – Alternate Floor Plan/ Elevation 1823 Oxford/ John Wicko Architect
- 7.) TPA Design Phase 5 -1/17/23 – 87 Pages – Development Plans (169 Homes)
- 8.) TPA Design Phase 6 -1/17/23 – 53 Pages – Development Plans (56 Homes)
- 9.) Conceptual Plan Modification – Conceptual Plan Manual dated 4/25/23.
- 10.) Map depicting the 8th Amendment Overview dated 5/4/22.

Commission Secretary Olbrys moved to approve **Application No. Z-23-129**, a Special Exception to modify the approved Conceptual Development Plan for Oxford Greens Residential Development, located on Riggs Street and Chestnut Tree Hill Road. The application(s) modify the number of homes in Phase 5, from 131 single-family homes to 151 attached homes, and 18 single-family homes; and to modify the number of homes in Phase 6 to 56 units; and to remove Residential Area No. 6, (Phase 8) from the Conceptual Plan in its entirety, pursuant to Article 5A, Section 5A.8, subsection, 5A.8.1 Special Exception – Major Regrading/Excavation pursuant to Article 14, Section 14.2.2 and Site Plan Approval, Article 5, Section 5A.6, subsection 5A.6.1 in accordance with the findings, conditions of approval and standard conditions herein.

FINDINGS:

- 1.) The applicant must comply with the Statement of Use.
- 2.) All prior approvals and conditions of the original Special Exception/Site Plan, Application No. Z-00-243, shall remain in full force and effect except as modified by the amendments requested by the applicant.
- 3.) The proposed use will not be detrimental to the health, safety, welfare, and property values in the neighborhood.
- 4.) 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.
- 5.) 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.
- 6.) 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.
- 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.
- 7.) Construction of Phase 6 shall not commence until Chestnut Tree Hill Road is open for access and exit.
- 8.) Applicant is required post a Surety Bond in the amount \$500000.00 to ensure installation and maintenance of all sedimentation and erosion control measures in a form acceptable to the Planning & Zoning Commission Counsel.
- 9.) Applicant is required post a Surety Bond in the amount \$100000.00 for Phase 5 and in the amount \$100000.00 for Phase 6 prior to commencement any work within the respective Phase.
- 10.) No earth materials may be removed from the site and no earth materials shall be brought on to the site except Road Materials, Drainage Improvement Materials, and Landscaping Materials to complete the proposed development.
- 11.) Compliance with all Schedule A Submissions and evidence placed into the record by the applicant in support of its application.

Second by Commissioner Carr.

All (6) Ayes.

Motion passed unanimously.

2. **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)**

Commission Secretary Olbrys read the following resolution:

Whereas, the applicant has requested a Special Exception Modification – Site Plan Modification to reduce the number of single-family homes and replace with a mix of single family homes and attached homes pursuant to Article 5A, Section 5A.8 - subsection, 5A.8.1, and Special Exception – Major Regrading/Excavation pursuant to Article 14, Section 14.2.2 and Site Plan Approval Article 5, Section 5A.6, subsection 5a.6.1.

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.) TPA DESIGN GROUP Stormwater Design Memo Phase 6 dated 11/14/22.
- 2.) TPA DESIGN GROUP Stormwater Design Memo Phase 5 dated 1/18/23.
- 3.) Nafis & Young Letter of 6/1/23.
- 4.) Conservation Commission/Inland Wetlands Agency approval of April 11, 2023.
- 5.) Community Center Alternate Floor Plan/ Elevation 1823 Oxford/ John Wicko Architect

- 6.) Community Center Alternate Floor Plan/ Elevation 1823 Oxford/ John Wicko Architect,
- 7.) TPA Design Phase 5 -1/17/23- 87 Pages- Development Plans 169 Homes
- 8.) TPA Design Phase 6 -1/17/23-53 Pages- Development Plans 56 Homes
- 9.) Conceptual Plan Modification- Conceptual Plan Manual 4/25/23- 170 pages
- 10.) Map 8th Amendment Overview 5/4/22
- 11.) Schedule A Submissions

Commission Secretary Olbrys moved to approve Z-23-130 (a), Special Exception Modification Chestnut Tree Hill Road, Oxford CT 06478 -Site Plan Modification to modify the number of single-family homes from 131 in Phase 5 to consist of 151 attached homes and 18 single family homes and in Phase 6 to allow 56 units and remove Phase 8 (Residential Area 6) from the Site Plan(Residential Area 6) pursuant to article 5A, section 5 A.8 - Subsection, 5A.8.1 Special Exception -Major Regrading/Excavation pursuant to article 14 section 14.2.2 and Site Plan Approval Article 5, Section 5A.6, subsection 5a.6.1.in accordance with the Findings, Conditions of Approval and Standard Conditions herein.

FINDINGS:

- 1.) The Applicant must comply with the Statement of Use.
- 2.) All prior approvals and conditions of the Original Special Exception/Site Plan Z-00-243 shall remain in full force and effect except as modified by the amendments requested by the applicant;
- 3.) The proposed use will not be detrimental to the health, safety, welfare and property values in the neighborhood.
- 4.) 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.
- 5.) 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.
- 6.) 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.
- 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.
- 7.) Construction of Phase 6 shall not commence until Chestnut Tree Hill Road is open for access and exit.
- 8.) Applicant is required post a Surety Bond in the amount \$500000.00 to ensure installation and maintenance of all sedimentation and erosion control measures in a form acceptable to the Planning & Zoning Commission Counsel.
- 9.) Applicant is required post a Surety Bond in the amount \$100,000.00 for Phase 5 and in the amount \$100,000.00 for Phase 6 prior to commencement any work within the respective Phase.
- 10.) No earth materials may be removed from the site and no earth materials shall be brought on to the site excepting Road Materials, Drainage Improvement Materials and Landscaping Materials to complete the proposed development.
- 11.) Compliance with all Schedule A Submissions and evidence placed into the record by the applicant in support of its application.

Second by Commissioner Carr.

All (6) Ayes.

Motion passed unanimously.

3. **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)**

Commissioner Carr read the following resolution:

Whereas, the applicant requested a Special Exception Modification- Major Regrading/excavation Article 14, Section 14.2.2 – Site Plan Approval Article 5A, Section 5A.6, Subsection 5A.6.1.

Whereas, The Oxford Planning and Zoning Commission considered this application at a Public Hearing on June 6, 2023, and deliberated during their Regular Meeting on July 18, 2023.

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

- 1.) OCCIWA Approval of April 11, 2023.
- 2.) TPA Design Group - Storm water Design Memo Phase 6 dated 11/14/22.
- 3.) TPA Design Group - Storm water Design Memo Phase 5 dated 1/18/23.
- 4.) Letter dated 6/1/23 from James Galligan, Planning & Zoning Engineer.
- 5.) Community Center Alternate Floor Plan/ Elevation 1823 Oxford/ John Wicko, Architect
- 6.) Community Center – Alternate Floor Plan/ Elevation 1823 Oxford/ John Wicko Architect
- 7.) TPA Design Phase 5 -1/17/23 – 87 Pages – Development Plans (169 Homes)
- 8.) TPA Design Phase 6 -1/17/23 – 53 Pages – Development Plans (56 Homes)
- 9.) Conceptual Plan Modification – Conceptual Plan Manual dated 4/25/23.
- 10.) Map depicting the 8th Amendment Overview dated 5/4/22.

11.) Schedule A Submissions

Commissioner Carr moved to approve application Z-23-130 (b), Special Exception Modification for Riggs Street, Oxford, CT 06478 in accordance with the Findings, Conditions of Approval, and Standard Conditions herein.

FINDINGS:

- 1.) The applicant must comply with the Statement of Use.
- 2.) All prior approvals and conditions of the original Special Exception/Site Plan, Application No. Z-00-243, shall remain in full force and effect except as modified by the amendments requested by the applicant.
- 3.) The proposed use will not be detrimental to the health, safety, welfare, and property values in the neighborhood.
- 4.) 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.
- 5.) 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.
- 6.) 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 and/or public hearings regarding this application.
- 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.
- 7.) Construction of Phase 6 shall not commence until Chestnut Tree Hill Road is open for access and exit.
- 8.) Applicant is required post a Surety Bond in the amount \$500,000.00 to ensure installation and maintenance of all sedimentation and erosion control measures in a form acceptable to the Planning & Zoning Commission Counsel.
- 9.) Applicant is required post a Surety Bond in the amount \$100,000.00 for Phase 5 and in the amount \$100,000.00 for Phase 6 prior to commencement any work within the respective Phase.

- 10.) No earth materials may be removed from the site and no earth materials shall be brought on to the site except Road Materials, Drainage Improvement Materials, and Landscaping Materials to complete the proposed development.
- 11.) Compliance with all Schedule A Submissions and evidence placed into the record by the applicant in support of its application.

Second by Commission Secretary Olbrys.

All (6) Ayes.

Motion passed unanimously.

5. New Business

1. **Z-23-154 [RESA] – 403/407/411 Roosevelt Drive** – **Owner:** New Haven Rowing Club, Inc., 407 Roosevelt Drive, Oxford, CT 06478 **Applicant:** Stuart Lathers Associates, LLC (Applicant's representative), 319 Peck Street, New Haven, CT 06513
SET PUBLIC HEARING DATE - Tentative Date: Tuesday, August 15, 2023

(Special Exception – Article 10, Section 10.5 – Non-Commercial Recreational Use) (Site Plan – Construct a 5,048 sq. ft. building)

MOTION BY Commission Secretary Olbrys to schedule a public hearing on Tuesday, August 15, 2023 at 7:30 PM.

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

2. **Z-23-159 [RESA] – 115 A/B Newgate Road** – **Owner:** Deane Herde, 152 Good Hill Road, Oxford, CT 06478 **Applicant:** Michael Herde, 152 Good Hill Road, Oxford, CT 06478
(Request for Common Driveway – Recommendation from Planning & Zoning Commission to the Board of Selectmen)

Commission Secretary Olbrys read the following letters into the record:

- a. Letter dated 6/30/23 from Jim Galligan, Planning & Zoning Engineer
- b. Letter dated 6/28/23 from Wayne Watt, Driveway Enforcement Officer

MOTION BY Alternate Commissioner Bouchard to make a favorable recommendation to the Board of Selectmen to allow a common driveway as requested for 115 A/B Newgate Road based on the letters from Jim Galligan, Planning & Zoning Engineer, and Wayne Watt, Driveway Inspector.

Second by Commission Secretary Olbrys.

All (6) Ayes.

Motion passed unanimously.

6. Zoning Enforcement

Commission Secretary Olbrys noted that the agenda was amended to discuss the Cease & Desist on 108 Old Good Hill Road.

A lengthy discussion ensued between Commissioners and Attorney McSherry regarding how to handle the situation without lifting the entire Cease & Desist so that Mr. Nichols can repair the road.

The Commissioners discussed the importance of making sure that emergency vehicles have adequate access to the homes on the road. The discussion included how to come up with a long-term solution that would satisfy all parties involved, and they also discussed who would be responsible for costs related to the engineering.

Attorney McSherry stated that the Commission could authorize the ZEO to oversee the repairs allowed to make the road accessible to emergency vehicles.

Commissioners request that Mr. Nichols begin to find an engineer who can come up with a plan for the road.

Chairman Cocchiarella stated that the Commission could leave the current Cease & Desist, but also order a Cease & Restore.

A brief discussion ensued regarding Mr. Nichols and Mr. Renzoni possibly accessing their property from another location.

MOTION BY Commissioner Zbras to allow Mr. Nichols to fill the holes in the road in order to make it accessible to emergency vehicles until the party or parties come up with an engineered plan.

Second by Commission Secretary Olbrys.

All (6) Ayes.

Motion passed unanimously.

7. Invoices

8. Other Business

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

9. Adjournment

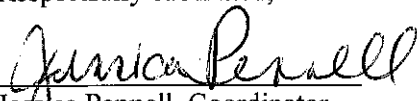
MOTION BY Commissioner Rowland to adjourn the meeting at 11:03 PM.

Second by Commission Secretary Olbrys.

All (6) Ayes.

Motion passed unanimously.

Respectfully submitted,


Jessica Pennell, Coordinator

2023 AUG 22 A 9:27
TOWN OF WINDHAM
CLERK