

TOWN OF OXFORD

PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall

486 Oxford Road, Oxford, Connecticut 06478-1298

www.Oxford-CT.gov



Regular Meeting Minutes

Tuesday, August 7, 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 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Greg Wanamaker
Pete Zbras
Jeff Luff
Pat Cocchiarella
Dan Wall
Tanya Carver

Not Present:

John Kerwin
Arnie Jensen
Jessica Pennell

Staff Present:

Steven S. Macary, ZEO
Peter Olson, Land Use Counsel

SEATING OF ALTERNATES

Chairman Jeff Luff seated Alternate Commissioner Greg Wanamaker.

EXECUTIVE SESSION:

MOTION BY Commissioner Tanya Carver to enter into executive session for the following:

Discussion of current litigation and/or settlement regarding **Application No. Z-16-222 [RGCD] – Oxford Greens – Proposed Assisted Living Facility, Owner & Applicant: Timberlake Investment Partners V, LLC.**

Second by Commission Secretary Pat Cocchiarella.

All (6) Ayes.

Motion passed 6-0.

MOTION BY Commissioner Pete Zbras to come out of Executive Session.
Second by Commission Secretary Pat Cocchiarella.
All (6) Ayes.
Motion passed unanimously.

Chairman Jeff Luff noted for the record that no action was taken during Executive Session.

PUBLIC HEARINGS:

Chairman Jeff Luff explained that Z-18-185 which refers to the "Quarry Walk" subdivision is not going to be a public hearing; one is not required for the application.

Z-18-202 [VCMUD] Oxford Towne Center – "Quarry Walk"

Owner & Applicant: Oxford Towne Center, LLC

Application: Zoning Text Amendment – Article 6, §6.2.1, 6.2.2 & 6.2.4 of the VCMUD.

Chairman Jeff Luff outlined the public hearing procedures.

Commission Secretary Pat Cocchiarella read the legal notice.

Chairman Jeff Luff called for any conflicts of interest from the Commission or applicant. Commission members and the applicant both stated that there are no conflicts of interest.

CORRESPONDENCE FOR HEARING:

Peter Olson, Land Use Counsel presented and read an email from Commissioner John Kerwin regarding the application. He noted that any comments or concerns of Commissioner Kerwin's could be discussed during deliberations.

Commission Secretary Pat Cocchiarella read the proposed text amendment in its entirety.

Peter Olson explained that the underlined sections are the proposed amendments to the regulation, the other text is existing language in the regulation.

APPLICANT PRESENTATION:

Dominick Thomas, Attorney for the applicant explained the reasons for the proposed text amendment. He stated that subject property is being divided in accordance with Section 6.2.4 of the Village Center Mixed Use District (VCMUD), not the Subdivision Regulations. He stated that the main function of subdividing the property is financing. He made statements that supported some of the comments in Commissioner Kerwin's email.

Peter Olson, Land Use Counsel explained that the applicant would be creating lots that would not comply with the Zoning Regulations. He noted that subdividing will facilitate financing for the applicant. He noted that Commissioner Kerwin's comments suggest inclusion of a recorded maintenance agreement and deed restrictions, which would be subject to the conceptual plan.

Dominick Thomas stated that any approval after the subdivision would have to be approved according to the conceptual plan.

Peter Olson explained that there are concerns about subsequent owner's wanting to apply for conceptual plans on a subdivided property.

Commissioner Tanya Carver expressed her concerns regarding the subdivision of the property.

Peter Olson outlined the sections of the VCMUD, and explained that there are specific procedures that need to be followed and certain criteria that needs to be met in order to qualify as a VCMUD. He referred to the first and third sentences in the proposed text amendment and proceeded to read them aloud.

PUBLIC COMMENTS:

Linda Czaplinski, 30 Freeman Road noted her concern about the developer not living in Town and asked that the Commission proceed cautiously.

Peter Olson, Land Use Counsel responded that anyone can propose a text amendment as long as they own property in Town. He noted that the proposed changes were drafted by the applicant's attorney and he was asked to review the proposed amendment and advise the Commission.

Peter Olson suggested that the Commission close the Public Hearing.

MOTION by Commission Secretary Pat Cocchiarella to close the Public Hearing.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed unanimously.

REGULAR MEETING ITEMS:

The Commission amended the agenda to add Z-18-185 (Quarry Walk Subdivision) as New Business #1; it does not require a Public Hearing.

Z-18-185 [VCMUD] – 300 & 304 Oxford Road & a portion of 308 Oxford Road

“Quarry Walk” Owner & Applicant: Oxford Towne Center, LLC

Application: Subdivision of property under Article 6, Section 6.2.4 (12 Lots)

Commission Secretary Pat Cocchiarella read correspondence from Attorney Dominick Thomas dated 5/15/18.

Attorney Dominick Thomas referred to a presentation given by Kyle Bogardus, Engineer for the applicant at a previous meeting. He explained that one of the reasons for the subdivision is for purposes of financing. He clarified that the highest numbered lot is 11, but the proposal is for 12 lots, Lot 2 is proposed to become 2A and 2B. He explained that the primary control of the boulevard will be Lot #1, Market 32, and proceeded to explain the areas of the other lots that would be created. He discussed the easements, agreements and maintenance plan.

Peter Olson, Land Use Counsel noted that the subdivision application cannot be approved unless the text amendment is approved.

Commissioner Tanya Carver voiced concerns about the language in the deeds, and that any owner has to comply with the original approval; she also noted that if a use is changed, they have to come back to the Commission for modification.

Peter Olson commented that it is fundamentally the same as a “common interest community”, but accomplished with easements.

MOTION BY Commission Secretary Pat Cocchiarella to add the deliberation of the proposed text amendment to the agenda.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

Commission Deliberations on Proposed Text Amendment:

Peter Olson, Land Use Counsel suggested changing some language based on Commissioner John Kerwin’s comments regarding Section 6.2.4.

The following changes were made:

- #1: **Inserted:** “and agreements for maintenance of the entire parcel, subject to the approved concept plan, as appropriate for the proper functioning of the concept plan.”
- #2: **Added:** Prior to the recording of the subdivision map in the office of the Town Clerk, the owner of the entire parcel, subject to the approved concept plan, shall record in the land records a covenant subjecting such parcel to the requirements of the approved concept plan, said covenant to run in favor of said owner, in a form approved by Counsel to the Commission

Peter Olson explained the effect the changes would have on future owners and applicants.

MOTION by Commission Secretary Pat Cocchiarella to accept the amendments put forth by Peter Olson.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

Peter Olson asked that the Commission amend the motion to add an effective date for the text amendment.

MOTION BY Commission Secretary Pat Cocchiarella to add an effective date of 9/1/2018 to the motion.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

CORRESPONDENCE

Commission Secretary Pat Cocchiarella noted the following correspondence for the record.

- a. Notice of Appeal for 21-23 Nichols Road

Chairman Jeff Luff commented that he would like to send this to Peter Olson, Land Use Counsel, the Commissioners agreed.

AUDIENCE OF CITIZENS

(Items not listed on the Regular Meeting Agenda)

Linda Czaplinski, 30 Freeman Road requested information and an update on the FOI request that she submitted in June.

Chairman Jeff Luff replied that Peter Olson, Land Use Counsel is handling the request. He noted that the item is between Ms. Czaplinski and Attorney Olson, the Commission has no information to give her at this time.

Linda Czaplinski explained that she submitted a request to the P&Z department, received acknowledgement and has not received any information.

Chairman Jeff Luff explained that when the request came in, it was forwarded to Peter Olson, Land Use Counsel, he is going to respond to her request.

A brief discussion took place between Ms. Czaplinski and Chairman Jeff Luff.

Beth Fedack, 8 Stonebridge Road began asking questions regarding the Assisted Living Facility at Oxford Greens.

Chairman Jeff Luff explained that the Commission cannot discuss any items regarding the Assisted Living Facility, as the Town is in litigation with the applicant.

Andrew Tolmie, 46 Highland Road explained to the Commission that he is interested in submitted an application to do tabletop firearm sales out of his home. He noted that there are others in town that have received Commission approval.

Chairman Jeff Luff explained that it is not a prohibited use in a residential zone. He told Mr. Tolmie that if he wanted to move forward with the application, he could pay the fees and come before the Commission.

Commission Secretary Pat Cocchiarella questioned when two FFL's were approved in a residential zone.

Mr. Tolmie produced the approval and minutes of an application approved in 2012.

Commissioner Tanya Carver suggested to Mr. Tolmie, to propose a text change.

Mr. Tolmie noted that he researched the regulation; it has been the same since 1998. He questioned the procedure that previous applicant's were asked to follow.

Chairman Jeff Luff stated that Mr. Tolmie can submit an formal application and the Commission can make a decision.

NEW BUSINESS

OLD BUSINESS

1. **Z-18-203 [RESA] 124 Moose Hill Road**

Owner: Howard & Evelyn Belinsky Revocable Trust

Applicant: Moose Hill Cider, LLC – Principal, Glenn Belinsky

Application: (Site Plan) (Use – Winery)

NOTE: Application withdrawn via email on 8/4/18.

The Commission accepted the withdrawal of this application.

2. **Z-18-207 [IND] Hurley Road, “Oxford Commons”**

Owner: Third Garden Park LTD Partnership, 29 Knapp Street, Stamford, CT

Applicant: Steven Trinkaus, P.E. 114 Hunters Ridge Road, Southbury, CT

Application: (Site Plan Modification)

a. Letter from Jim Galligan.

b. Community Building Layout.

Commission Secretary Pat Cocchiarella read the correspondence into the record.

No action was taken on this application, it will be on the next regular meeting agenda.

3. **Z-18-194 [IND] Lot 5B Commerce Drive**

Owner & Applicant: Damasceno’s Landscapes & Construction, LLC,

Application: (Contractor’s Yard – Special Exception per Article 9, Section 9.3.21) (Site Plan for a ±22,100 sq. ft. building).

a. Letter from Jim Galligan.

Commission Secretary Pat Cocchiarella read the correspondence into the record.

MOTION BY Commission Secretary Pat Cocchiarella:

The Oxford Planning & Zoning Commission received the Application for a contractor’s yard . Information on the application was submitted, along with supporting documents which are on file in the Planning Office of the Town of Oxford.

The following plans have been considered in this decision:

Maps/Plans prepared by Civil 1, 43 Sherman Hill Road, Woodbury, CT.

The applicatin is in conformance with th Oxford Planning & Zoning Regulations.

Subject to the follwing conditions:

- The application conforms to all requirements of the Oxford Zoning Regulations.

The application is approved, subject to the following conditions:

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.

2. Last revised, final plans and mylar showing all necessary changes must be approved by the Planning & Zoning Engineer
3. The applicant and their assigns must comply with all representations made at Planning and Zoning Commission meetings regarding this application.
4. Permit approval expires if the work is not completed within five (5) years from the date of approval.
5. 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.
6. If deemed necessary, a bond shall be posted in an amount reviewed and determined by the PZC Engineer, in a form acceptable to Town Counsel, and installed by the applicant.
7. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
8. 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 PZC Engineer.
9. It is the responsibility of the owner/applicant 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.
10. Any lighting installed by the applicant must be dark sky compliant.
12. No burying of stumps, debris or any other materials. A report or receipt must be provided to ensure proper stump removal.
13. No substitute material shall be used without approval of the Planning & Zoning Commission and the P&Z Engineer.

Second by Alternate Commissioner Greg Wanamaker.

Ayes (4), Abstentions (2), Wall and Carver.

Motion passed 4-2.

ZONING ENFORCEMENT

Steven S. Macary, ZEO discussed a possible text change to the regulations regarding crushing.

Commission Secretary Pat Cocchiarella agreed, suggested looking into the decibal level as a possible criteria rather than the type of machinery.

Commissioners discussed some items that could be considered when revising the regulations in regards to rock crushing and contractor's yards.

Commissioner Tanya Carver, Commissioner Pete Zbras and Commission Secretary Pat Cocchiarella volunteered to look into rock crushing regulations.

APPROVAL OF MINUTES

MOTION BY Commissioner Tanya Carver to approve the following minutes as presented:

1. 6/19/18 – Meeting Minutes
2. 6/26/18 – Special Meeting/PH Minutes
3. 7/17/18 – Meeting Minutes

Second by Commission Secretary Pat Cocchiarella.

All (6) Ayes.

Motion passed unanimously.

INVOICES

OTHER BUSINESS

1. Plan of Conservation and Development Update:

SET PUBLIC HEARING DATE (Tentative date 9/4/18)

Note: The draft proposed updated POCD was uploaded to the Town Website.

The Commission scheduled the Public Hearing for 9/4/18.

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

ADJOURNMENT

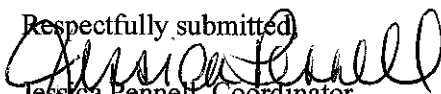
MOTION BY Commissioner Tanya Carver to adjourn the meeting at 9:55 PM.


Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

Respectfully submitted,


Jessica Pennell, Coordinator
Planning & Zoning Commission

18 SEP 13 AM 9:40
TOWN OF OXFORD, CT

TOWN CLERK