



**TOWN OF OXFORD  
PLANNING & ZONING COMMISSION**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

**Planning & Zoning Commission**  
**Regular Meeting Minutes**  
**Tuesday, May 19, 2020**  
**7:30 PM - Online/Remote Meeting**

The Planning & Zoning Commission will meet remotely on Tuesday, May 19, 2020, at 7:30 PM.

Members of the public and applicants that would like to join us online can access the meeting using the following information:

**Option #1:**

Join with Google Meet

[meet.google.com/hfi-cvmc-zyb](https://meet.google.com/hfi-cvmc-zyb)

**Option #2:**

Join by Phone

(US)+1 304-606-4003

**PIN: 959 655 399#**

**I. CALL TO ORDER**

Vice-Chairman John Kerwin called the meeting to order at 7:30 PM.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**Present:** Joshua Dykstra, John Kerwin, Dave Sauter, Pete Zbras, Jesse Schremmer, Pat Cocchiarella, Dan Wall, and Brett Olbrys.

**Also Present:** Steven S. Macary, ZEO, Jessica Pennell, Coordinator, and Keith Rosenfeld, Municipal Planner.

**Not Present:** Mary LoPresti.

**IV. SEATING OF ALTERNATES** - (Vice-Chairman will seat alternates if necessary)

No alternates were seated.

**V. ELECTION OF OFFICER(S)**

**1. Chairman**

**Vice-Chairman John Kerwin** explained that there would be an election for a new Chairman since the previous Chairman resigned. He stated that under 2.4 (A) of the Town Charter, there are no provisions or regulations for when someone has stepped down and a seat needs to be filled. He noted that 2.4 of Article 2 of the Charter states that within 30 days after an elected board takes office, they are required to elect a Chairman and a Secretary, and in addition, there is a provision that allows for the election of a Vice-Chairman. He commented that there is an election on the agenda, and noted that under Article 2, Section 2.6 of the Charter, it is indicated that Robert's Rules of Order, Revised govern the conduct of all meetings of Town boards. He stated that Article 1 of the Charter applies to any Commission established by the Town Charter, and accordingly the Robert's Rules of Order, Revised, applies to the Planning & Zoning Commission meetings. He explained that he wanted to go over Robert's Rules of Order as they apply to nominations and elections. He stated that under Article 11 of the rules, most organizations have open nominations from the floor, and the rules also allow for Chair nominations. He noted that with open nominations is the general procedure which the Commission has relied on in the past. He generalized the rules in regards to nominations. He explained that nominations are not motions, and do not require a second. He also stated that a nomination does not require recognition by the Chair or Vice-Chairman. He explained that the formal process is that somebody can nominate a person, and a person can nominate themselves unless it is prohibited by the by-laws. He stated that once all the nominations are complete, then the Commission moves into the election. He noted that the election can be by ballot or voice, which is the way that it has been done in the past. He noted that the only position right now that the Commission is required to fill is the Chairmanship.

**Vice-Chairman John Kerwin** asked for nominations for Chairman.

**Commissioner Brett Olbrys** nominated Commissioner Dave Sauter for Chairman.

**Vice-Chairman John Kerwin** asked if there are any other nominations.

**Commissioner Pete Zbras** nominated John Kerwin for Chairman.

**Vice-Chairman John Kerwin** called for any other nominations.

**Vice-Chairman John Kerwin** called for any other nominations.

**Vice-Chairman John Kerwin** closed nominations for the position of Chairman.

**Vice-Chairman John Kerwin** stated that they would move to the election, and that protocol does allow for nominees to make a brief statement in support of their nomination. He noted that anyone nominated has the right to accept or deny the nomination.

**Vice-Chairman John Kerwin** asked Commissioner Dave Sauter if he accepted the nomination.

**Commissioner Dave Sauter** stated that he accepts the nomination.

**Vice-Chairman John Kerwin** stated that he accepts the nomination.

At this time, each nominee made a statement.

**Commissioner Dave Sauter** stated that he thinks they have a fantastic board, a very bipartisan board, and that is a trend that he would like to continue. He stated that he believes in open say and collective decision making and that he doesn't believe that the Chairman's role is to necessarily dictate the path in every decision. He also stated that he thinks it is great that the Commission can come together and talk about the different things that they want to do because everyone on the Commission brings a skill set to the table that is needed. He expressed that he is looking forward to working with the Commissioners. He noted that he has experience working with large groups and he is looking forward to the opportunity to run the Commission.

**Vice-Chairman John Kerwin** stated that the Commission is a collective board and they do make decisions collectively. He explained that the Chairman is an important function in dictating the direction of Planning & Zoning, not just operating the meetings, but also to promote economic development for the benefit of the entire town, to maintain the property values, peace, and safety of the Community. He noted that there are not any qualifications listed in the by-laws of the Commission, but at the very least it requires a considerable amount of skill in dealing with legal matters, working with lawyers, both the Town's Land Use Attorney, the local BAR, and Town Counsel. He stated that in that regard, he has been a lawyer in the community and a pro forma member of the Valley BAR. He stated that he knows Attorney Condon very well and has practiced in the same forum with him for 25 years. He stated that he is also well versed in legal issues, and not just researching, but also in anticipating potential legal issues that can arise. He stated that he thinks it is important to move the board in a direction where they are less of a rubber stamp, and where they take an active role in promoting the interests of the Town. He noted some examples of areas where the Commission has fallen in the past, and that is something that can be directly affected by the Chairmanship. He stated that if you look at some of the appeals that the Commission has lost, such as Timberlake, and Cocchiola. He explained that these are the reasons why the Chairman needs to have a specific legal mind or legal expertise. He stated that Commissioner Sauter stated that the Commission has not been partisan, and that's true, but he sensed that the Commission is moving in that direction. He stated that the Chairmanship should go to a person with a lot of experience, and Commissioner Sauter does not have that experience. He asked that the Commission consider the experience of the two nominees in this decision, which is going to affect the direction of the Commission for the remainder of the term. He stated that there are a lot of issues coming up that are going to need legal analysis, and he believes that he is the best person to do that.

**Vice-Chairman John Kerwin** moved to a vote on the nominations.

**Roll Call Vote:**

**Pete Zbras** - John Kerwin

**Pat Cocchiarella** - Dave Sauter

**Dan Wall** - Dave Sauter

**Brett Olbrys** - Dave Sauter

**Jesse Schremmer** - Dave Sauter

**Dave Sauter** voted for himself.

**John Kerwin** voted for himself.

**Dave Sauter** was elected as the new Chairman with a majority vote of 5-2.

A vote for Vice-Chairman and Commission Secretary was not necessary.

## **VI. PUBLIC HEARINGS**

### **A. Continued Public Hearings:**

1. **Z-20-010 [RESA] – 403/407/411 Roosevelt Drive – New Haven Rowing Club**  
**Owner:** New Haven Rowing Club, Inc. – **Applicant:** Stuart Lathers Associates, LLC  
(Special Exception, Article 5, Section 5.3.1 - Non-Commercial Recreational Use)

**Chairman Dave Sauter** explained that the Commission is tabling this public hearing to a point in time when it can be held in a public setting, where the public can actually be in person to present their thoughts and concerns regarding this application.

**MOTION BY Commission Secretary Pat Cocchiarella** to recess the Public Hearing to June 16, 2020 at 7:30 PM. **Second by Commissioner Brett Olbrys.**

**All (7) Ayes.**

Motion passed unanimously.

### **B. New Public Hearings:**

1. **Z-20-031 IND] - 10 Fox Hollow Road, aka Lot 5 Fox Hollow Road - Owner: York Machinery South Inc., 160 Warren Avenue, Westbrook, ME - Applicant: Chadwick-Baross, Inc., 10 Fox Hollow Road (Special Exception/Public Hearing Waiver Request) (Change of Use)**

**Chairman Dave Sauter** outlined the intent of the Public Hearing and procedures.

**Commission Secretary Pat Cocchiarella** read the Public Hearing Legal Notice.

**Chairman Dave Sauter** did a roll call vote to determine any conflicts of interest from the Commissioners.

All Commissioners present stated that they had no conflicts of interest with this application.

**Chairman Dave Sauter** asked the applicant if they had any conflicts of interest.

The applicant responded that they had no conflicts of interest.

**Commission Secretary Pat Cocchiarella** noted the following correspondence for the record:

- a.) Letter dated March 16, 2020, from Ennis Granata, Operations Manager, Chadwick-Baross, Inc.  
Re: Authorization of representation by Civil 1
- b.) Letter dated March 16, 2020, from Siuyan Cao, P.E., Civil 1  
Re: Change of Use Application
- c.) Letter dated March 13, 2020, from Ennis Granata, Operations Manager, Chadwick-Baross, Inc.  
Re: Statement of Use

**Siuyan Cao, Civil 1 Engineers, 43 Sherman Hill Road**, is present representing the applicant. He stated for the record that he has submitted a photo of the sign that was posted on the property. He explained that his client has recently acquired the property located at 10 Fox Hollow Road and is applying for a change of use. He noted that the site was approved in 2008 for a contractor's yard. He stated that due to the nature of the applicant's operation, the new use is more properly classified as heavy equipment sales, storage and rentals, which is a different category under Special Exceptions. He explained that they are not seeking a change to the site plan. He explained that the proposed operation is much less intensive than the currently approved contractor's yard. He noted that they have five full-time employees and one part-time employee; the hours of operation are 7 am-5 pm, Monday-Friday.

**Commission Secretary Pat Cocchiarella** questioned if the applicant is willing to abandon the contractor's yard use on the property.

**Siuyan Cao** stated that the applicant would abandon the contractor's yard use.

**Commission Secretary Pat Cocchiarella** asked if the applicant would put that in writing.

**Siuyan Cao** stated that the applicant would put it in writing.

**Commissioner Pete Zbras** questioned what kind and how much heavy equipment will be moving there.

**Siuyan Cao** stated that they submitted a Statement of Use; the yard will house about thirty pieces of equipment, including but not strictly limited to, excavators, skid steers, rock crushers, and screeners.

**Commissioner Pete Zbras** questioned if they would also be renting out the equipment.

**Siuyan Cao** stated that there will be sales, rental and maintenance.

**Commissioner Pete Zbras** asked if the applicant would object to a road protection bond for a period of time, due to the heavy equipment moving in and out of the site.

**Siuyan Cao** stated that the heavy equipment transportation will be similar to a contractor's yard; it would be equivalent or less intensive than the contractor's yard. He stated that it depends on what type of bond the Commission is requesting.

**Commissioner Pete Zbras** stated that there will be heavy equipment moving in and out of the site, and questioned how much will be moving in and out? He questioned the weight of the equipment and the type of toll it would take on the road. He also noted that his concern is that if the use is approved, that in four or five years, the Town will have to repair the road.

**Siuyan Cao** stated that they would consider the bond.

**Vice-Chairman John Kerwin** confirmed that the applicant would agree to a bond, as requested by Commissioner Zbras.

**Siuyan Cao** stated that they would agree to a bond.

**Vice-Chairman John Kerwin** stated that the bond would have to go to the P&Z Engineer or Town Attorney to come up with a suitable amount. He also reiterated that the applicant would agree, as a condition of approval, that the special permit use for the contractor's yard would be abandoned and terminated.

**Siyuan Cao** was in agreement with the statement by Vice-Chairman Kerwin.

**Vice-Chairman John Kerwin** stated that the applicant indicated that they would be renting rock crushers, and screeners. He stated that as a condition of approval, the applicant would agree that they will not engage in any of that type of activity on site.

**Siyuan Cao** stated that the applicant is not intending to do any rock crushing equipment operations on site.

**Vice-Chairman John Kerwin** referred to the hours of operation and asked if there are any weekend hours.

**Siyuan Cao** stated that based on the statement of use, they will be open from 7am-5pm, Monday through Friday, not on the weekends.

**Vice-Chairman John Kerwin** asked if the return of the rental equipment would be at specified times.

**Siyuan Cao** stated that it would be done during regular business hours.

**Vice-Chairman John Kerwin** noted that there is a brewery across the way that sometimes gets crowded and he asked if that will impact the applicant's operation.

**Siyuan Cao** stated that the proposed operation is similar to the current contractor's yard, therefore they are not expecting a conflict with the brewery. He stated that this is a less intensive operation than the contractor's yard.

**Jessica Pennell** questioned the road bond, stating that usually the Commission will require a performance or maintenance bond for roads that are being constructed, but questioned the type of bond that could be required for an existing Town road.

**Commission Secretary Pat Cocchiarella** stated that something similar was done at Oxford Greens. He explained that the Commission required a "before" and "after" video to determine if there was any substantial damage to the road, other than the normal wear and tear.

**Vice-Chairman John Kerwin** stated that he believes it is called a "road damage bond".

**Commissioner Brett Olbrys** questioned the other pieces of equipment that are not listed.

**Siyuan Cao** stated that there are various types of construction equipment and that they can provide further details regarding the equipment.

**Commissioner Brett Olbrys** questioned the renting of the equipment, and if it would be done on a daily or weekly basis, and how many pieces of equipment would come and go from the site.

**Siyuan Cao** stated that frequency is construction based, therefore if there is a large construction project coming into town, they will work with the contractor or municipality to rent out the equipment. He reiterated that the proposed use is less intensive than a contractor's yard. He stated that equipment will not be brought back everyday for service and maintenance.

**Commission Secretary Pat Cocchiarella** stated that he looked at the site and the primary equipment there were medium sized excavators.

**Chairman Dave Sauter** asked if there were any comments or questions from the public.

There were no comments or questions from the public.

There were no further questions or comments from the Commission.

**MOTION BY Commission Secretary Pat Cocchiarella** to close the Public Hearing on this application.  
**Second by Commissioner Dan Wall.**

**All Ayes.**

Motion passed unanimously.

**Vice-Chairman John Kerwin** questioned how they would work out the bond if the Public Hearing is closed.

**Commission Secretary Pat Cocchiarella** stated that the bond information could be handled by staff.

**Vice-Chairman John Kerwin** questioned if it would have an impact on the approval if Jim Galligan came back with an amount that the applicant does not want to post.

**Commission Secretary Pat Cocchiarella** stated that the bond could be a condition of approval.

2. **Z-20-034 [RESA] - 312 Chestnut Tree Hill Road - Owner: Estate of Serge Mihaly, Sr. - Applicant: Matthey Mihaly, Booth Hill Road, Trumbull, CT**  
(Re-subdivision of Lot #2)

- a. Request to waive the requirement for Open Space

**Commission Secretary Pat Cocchiarella** read the Public Hearing Legal Notice.

**Chairman Dave Sauter** did a roll call vote to determine any conflicts of interest from the Commissioners.

All Commissioners present stated that they had no conflicts of interest with this application.

**Chairman Dave Sauter** asked the applicant if they had any conflicts of interest.

The applicant responded that they had no conflicts of interest.

**Commission Secretary Pat Cocchiarella** noted the applicant's request to waive the open space requirement.

**Matthew Mihaly, Owner & Applicant**, 111 Booth Hill Road, Trumbull explained that the application is currently in front of Wetlands. He stated that it is an 8.2 acre parcel that he is proposing to split into four parcels. He stated that there is an existing house on one lot, and a barn on another lot. He explained that there would be another two new lots that would front on Old Litchfield Turnpike, and would be accessed by improvements to Old Litchfield Turnpike. He stated that regarding Wetlands, he believes that they are near finalizing their approval. He noted that Wetlands has requested a conservation easement as part of their approval. He asked the Commission to consider the conservation easement, which encompasses roughly 1.5 acres of the parcel, which is over 18% of the total parcel, when reviewing the request for the waiver of open space. He noted that Mr. Bombero found some

regulations that said that the open space requirement was 10% of the parcel, and the application complies with the existing zoning regulations.

**Vice-Chairman John Kerwin** questioned if this was a re-subdivision. He stated that he does not see any information on the original subdivision.

**Matt Mihaly** stated that he believes that the original subdivision was done in 1971.

**Vice-Chairman John Kerwin** asked if any of that information is reflected in the current application.

**Matt Mihaly** stated that there is no information included on the original subdivision.

Commissioners discussed where on the drawing a reference to the previous subdivision could be located.

**Vice-Chairman John Kerwin** stated that he knows that there are certain provisions that apply to re-subdivisions, and questioned what conditions of the original subdivision may be still binding on the re-subdivision. He noted that he thinks that the Commission needs to see the original subdivision conditions. He stated that with respect to the request for the waiver of the open space, the conservation easement restricts development in the wetlands, and would be a legal requirement in the deed. He explained that there are other purposes for the conservation easement, or open space donation. He questioned if the applicant would be amenable to pay a fee in lieu of open space. He stated that the letter that was submitted by Bombero Associates indicates that there is open space adjacent to the property, but under the statute, the purpose of CGS 8-25b states that there can be a donation of open space, or to provide funds to the town for acquiring open space. He noted that the intent of the statute is either to provide the land, or the monies for the benefit of the Town to either buy more open space in other areas opposed to adjacent parcels. He asked the applicant would be amenable to the fee in lieu of open space.

**Matt Mihaly** stated that Mr. Bombero said that the conservation easement would count toward the open space requirement.

**Vice-Chairman John Kerwin** referred to CGS 8-25b, allows the Commission to calculate a fair market value of the land that would go into a fund, and that is something that he would request from the applicant. He questioned if a donation was made with the original subdivision in 1971.

**Matt Mihaly** stated that he is unsure if there was a donation in 1971. He asked what the amount of the fee would be, and if it was a fixed amount.

**Vice-Chairman John Kerwin** stated that the open space fee is based on the fair market value of the property, and that there is a statutory procedure in place to determine the amount. He also stated that the Commission will need the original subdivision information and approval.

**Commission Secretary Pat Cocchiarella** stated that due to the amount of questions regarding this application, the Public Hearing should stay open at this time.

**Chairman Dave Sauter** asked if there were any comments or questions from the public.

**Vice-Chairman John Kerwin** asked staff to research the original subdivision documentation.

**MOTION BY Vice-Chairman John Kerwin** to recess the Public Hearing to June 2, 2020.

**Second by Commission Secretary Pat Cocchiarella.**

**All Ayes.**



Motion passed unanimously.

3. **Z-20-035A [COMM] - 248 Oxford Road - Owner: T & J Realty, 3333 Main Street, Stratford - Applicant: The Boar's Nest/Ox Axe Co., LLC**  
(Special Exception - Article 7, Section 7.3.16 - Sale of Alcoholic Beverages)

**Commission Secretary Pat Cocchiarella** read the Public Hearing Legal Notice.

**Chairman Dave Sauter** did a roll call vote to determine any conflicts of interest from the Commissioners.

All Commissioners present stated that they had no conflicts of interest with this application.

**Chairman Dave Sauter** asked the applicant if they had any conflicts of interest.

The applicant responded that they had no conflicts of interest.

**Attorney Karen Fisher, 7 Wakelee Street, Seymour** was present representing the applicant. She explained that the application is for the unit right next door to the Ox Axe Throwing; it is an application for a Special Exception for the sale and consumption of alcohol. She noted that the Statement of Use outlines the applicant's intentions for the space. She stated that they are not planning for it to be a public bar, it is going to be a members only bar, and open to members of the Ox Axe Throwing. She explained that they are going to have an indoor bar space and an outdoor patio area. She stated that they have submitted the layout on a hand sketched drawing to show the indoor and outdoor spaces. She noted that they are anticipating employing two bartenders, two servers, and one security personnel. She stated that there will be an interior door that accesses the Ox Axe Throwing, and explained that the door would be monitored by security. She noted that the interior door will also be utilized by the staff to serve beer and wine to the people who are patrons of the Ox Axe Throwing. She commented that the approval for Ox Axe Throwing included the ability for patrons to bring their own beer and wine into the facility. She noted that this application will allow the applicant to eliminate the patrons ability to bring in alcohol from outside, and therefore, what is being consumed will be more safely and securely monitored. She stated that the servers will be able to tally what people are drinking, and they will be certain that people are only drinking beer and wine.

**Attorney Fisher** stated that people that have participated in ax throwing, and are done, can then go to the bar and socialize. She noted that the hours of operation are listed on the Statement of Use. She explained that patrons cannot re-enter the ax throwing area once they have entered the bar. She explained that this will give the applicant more security, knowing what people are actually consuming once they are inside the ax throwing area. She also noted that food will be prepared on the premises, they are going to utilize Rose's, and other restaurants to deliver food for patrons; food will be allowed in both, the ax throwing and bar area. She stated that this is all within a previous site plan that has been approved, the characteristics go with the rest of the plaza, there are other places that serve alcohol, and there is an adequate amount of parking in the area. She also noted that she submitted the sign that was posted on the property for the Public Hearing.

**Commissioner Brett Olbrys** stated that looking at the drawing, it looks like there are two doors from the outside patio to the bar area. He questioned what would prevent someone from bringing alcohol in backwards through the outside patio area, and then into the bar.

**Attorney Fisher** stated that the outdoor patio area does have two doors that go from the bar to the patio area. She noted that the patio area is going to be completely fenced in, and there are going to be two gate doors on the patio for exit only. She explained that people can only enter and leave the patio area through the bar, but, there will be two emergency exits from the patio. She stated that the applicant is not as concerned with people who are in the

patio or the bar, they are more concerned with making sure that no one is leaving the bar and entering the ax throwing area.

**Commissioner Brett Olbrys** stated that the applicant said that they are going to have security, and will not be allowing anyone to go from the bar to the ax throwing, and questioned if they are going to stop all traffic other than servers from entering the ax throwing area.

**Attorney Fisher** stated that it is the only way it can be monitored.

**Commissioner Brett Olbrys** stated that the applicant wants to eliminate people bringing alcohol in from the outside, and that is the reason for the bar. He questioned how the applicant proposes to stop people from bringing in alcohol from the outside. He asked if they would not be allowing people to bring in coolers.

**Attorney Fisher** stated that coolers will no longer be allowed, and stated that if this application is approved, they will change the membership rules for the ax throwing, which will state that no alcohol is to be brought onto the premises. She explained that the business was only open for a short time before the pandemic hit, but the applicant spent a considerable amount of time monitoring the alcohol that was being brought onto the premises. She noted that the applicant was having to remove people, and having to tell patrons to take their coolers out because they saw alcohol that was not beer or wine. She stated that this is going to alleviate that problem, because the applicant can have 100% control of it, and they don't have to have people searching coolers and being worried about patrons sneaking in alcohol other than beer and/or wine.

**Commission Secretary Pat Cocchiarella** referred to the hand drawing and questioned what fixtures would be located on the patio.

**Attorney Fisher** stated that out on the patio, there will be picnic benches, individual tables, and cornhole games.

**Commission Secretary Pat Cocchiarella** commented that the patio is going to be a recreation area, not just a patio with seating.

**Attorney Fisher** stated that it is not a recreation area.

**Commission Secretary Pat Cocchiarella** reiterated that cornhole is recreational.

**Attorney Fisher** stated that it is the same as any other bar in Oxford having dart boards, a pool table, or cornhole.

**Commission Secretary Pat Cocchiarella** stated that the applicant keeps expanding the use. He noted that first, it was the ax throwing, then ax throwing with bringing in beer and wine, and now it is ax throwing with beer, wine and liquor sales, and an outdoor recreation area. He stated that it seems that the use is growing and growing, instead of it all coming in as one application.

**Attorney Fisher** stated that if the Commission looks at the original application for the ax throwing, the Statement of Use included that people would be bringing in their own alcohol. She noted that from the beginning, they always included the alcohol in the application. She commented that she doesn't see this as alcohol being added in after the business opened. She stated that the applicant saw that people were coming in, what they were requesting, and the space next door being available, the applicant took these things into consideration, and it made more sense to them to do a separate business. She commented that they both fall under the Ox Axe Co, LLC, but it is two different businesses; Oxford Axe Throwing and The Boar's Nest. She noted that The Boar's Nest would be a private members bar, it will not be open to the general public, the public will not be coming in and out of this bar, and the patrons of the bar have to be members of Oxford Axe Throwing.

**Commission Secretary Pat Cocchiarella** questioned if this is the same membership fee that is paid for the ax throwing or if there will be an additional fee to be a member of the bar.

**Attorney Fisher** stated that there will be no additional fee, members of the ax throwing will have access to the bar.

**Vice-Chairman John Kerwin** asked when the original application for the ax throwing was before the Commission.

**Attorney Fisher** stated that the application was approved on January 21, 2020.

**Vice-Chairman John Kerwin** asked when the business opened.

**Attorney Fisher** stated that the business opened on February 21, 2020. She noted that the business was open for three weekends before the pandemic.

**Vice-Chairman John Kerwin** questioned the process to join the club.

**Attorney Fisher** stated that the membership fee is ten dollars, and you have to execute the membership agreement. She stated that she has submitted copies of the membership agreement, and that she spoke with Sergeant Boroski and Scott Pelletier with regards to the language that they wanted included in the handbook; the applicant complied with their requests.

**Vice-Chairman John Kerwin** questioned if the membership process explained by Attorney Fisher has been the process for the last three months, and how many people have joined.

**Attorney Fisher** stated that approximately four hundred people have joined, they do not have the exact number with them tonight.

**Vice-Chairman John Kerwin** stated that Attorney Fisher stated the reason for this application, which includes the sale of alcohol, is because the applicant realized, in just that short amount of time, that there was a problem with people sneaking in non-permitted alcohol.

**Attorney Fisher** replied that the applicant noticed that they were doing a lot of enforcement. She stated that the space to the right was vacant, and the landlord had approached them and asked if they would be interested; the applicant saw it as an opportunity. She explained that after looking for feedback, and talking to different people, it was kind of a request from members of the ax throwing. The patrons thought it would be great if they had a place to go once they were done throwing axes, so that they could continue to hang out with their friends. She stated that the applicant began looking into it and decided that this might be a better option, and it would add additional safety to the ax throwing.

**Vice-Chairman John Kerwin** stated that he recalled Attorney Fisher stating that there was a problem with people sneaking in types of alcohol that are not permitted.

**Attorney Fisher** stated that some members were, they did come across it, and the people were fine. She noted that a lot of the people didn't realize the rule, maybe they hadn't read the agreement completely, and once they were told that you can't have this, they brought it out to their car and came back. She stated that she thinks it was a lot of the fact that it was brand new and a lot of people didn't understand the rules, and that is why the applicant was having some issues.

**Vice-Chairman John Kerwin** stated that it was a significant enough problem that the applicant wanted to change his business model within three weeks of being open.

**Attorney Fisher** stated that her client told her that it happened a couple of times with hard alcohol being brought in, but more concerning was the consumption; there were very large amounts of consumption happening and if the alcohol is being served, the consumption can be monitored. She explained that their intent would be to modify the membership agreement. She asked the Commission to recall that the prior membership agreement gave the owner the right to remove people who were intoxicated or weren't following the rules. She stated that they are going to revise the membership agreement to state that if the servers want to cut you off because they feel that you had enough drinks for the night, the owner has the right to cut them off.

**Vice-Chairman John Kerwin** stated that Attorney Fisher had mentioned that one of the problems that they were having was that people weren't reading the agreement, and that was why they were bringing in the non-permitted alcohol.

**Attorney Fisher** stated that there were two or three people that brought in hard alcohol, but there are four hundred members. She noted that it was also the consumption of alcohol. She commented that it is not stated in the agreement exactly how many drinks you can have a night, but this would allow better monitoring of consumption. She explained that the business fits the characteristics of the plaza, and under a Special Exception, alcohol sales are permitted in the Commercial Zone. She noted that there is a bar in the plaza already, and that bars have been previously allowed in this area. She stated that the difference is that this bar will not be open to the general public, therefore there are going to be a lot more controls on it than you have at the other bar.

**Vice-Chairman John Kerwin** stated that if he wanted to go in there, he pays ten dollars for the year, and then he can enter the bar. So, he could hit "The Office", and then walk over into "The Boar's Nest".

**Attorney Fisher** stated that if you are a member of Ox Axe Throwing, you can go into the bar.

**Vice-Chairman John Kerwin** referred to what Commission Secretary Pat Cocchiarella was indicating; how much of an effect is this going to have on the profit of the establishment, now that they are selling liquor.

**Attorney Fisher** questioned what the profit would have to do with the zoning of the property.

**Vice-Chairman John Kerwin** stated that Commission Secretary Pat Cocchiarella brought up a good point; that the applicant was just before the Commission three months ago, and didn't ask for the sale of alcohol, and now the applicant is coming back and saying that there were problems with the way that the business was working, and it appears more like this is going to be a considerable bump in revenue from his understanding of the beverage industry. He noted that restaurants make most of their profit on selling alcohol, now that this is effectively going to turn into a bar that sells alcohol, and also allows people to toss axes. He stated that he doesn't know if they have an answer to the estimate of the profit, if it is going to double or triple, or what they expect in their monthly revenue.

**Attorney Fisher** stated that she isn't sure if her client has projected that, and that this application is separate, this is for "The Boar's Nest", this isn't Ox Axe, these are two different businesses for them. She noted that they didn't want to include a sit at bar, but they always said that there was going to be alcohol, so the applicant never disguised the fact that there would be alcohol at the facility. She stated that they didn't want to have a bar set-up within the walls of the ax throwing because that could definitely cause liability issues because it would be very hard to monitor. She noted that once they were open and running and members were expressing their interest in

being able to hang out and have drinks after they have thrown axes, and the space next door being vacant, the business owners saw it as an opportunity.

**Vice-Chairman John Kerwin** cited 7.3 of the regulations that apply to alcohol in a commercial zone. He also cited Article 17, which also applies. He stated that according to the regulations, the Commission can consider the number of bars in the area. He noted that there is a bar in Rose's.

**Attorney Fisher** stated that there is a bar in Rose's and that the owner of Rose's is very supportive of Ox Axe Throwing and the The Boar's Nest proposal. She noted that the applicant has talked with the owner and he is providing a lot of the food to the people that are at the ax throwing. She explained that they do a considerable amount of business through him, and he understands that if they are going to go to the bar afterwards, and they are hungry, people are going to most likely order from Rose's because he is right there, even though they will allow anyone else to do a takeout and delivery to bring food into the bar. She noted that the other bar located in the plaza is "The Office".

**Vice-Chairman John Kerwin** stated that his point is that under 17.2.3, the Commission has the right to look at the effect on the area, the number of bars that sell alcohol and the concern and effect which the new permit may have on such a neighborhood. He stated that within that neighborhood, there is The Office, Rose's, and Brookside, which is a quarter of a mile away.

**Attorney Fisher** stated that Brookside is a restaurant with a bar, just like Rose's which is a different clientele. She noted that looking at 17.2.3, and it is saying that it would be detrimental to the public interest. She reiterated that the regulation stated that the Commission has to take into consideration whether or not it is detrimental to the public interest. She commented that she doesn't know that having different locations, and types of places is detrimental to the public. She stated that she thinks it is good for the public to have places to go.

**Vice-Chairman John Kerwin** stated that Attorney Fisher would concede the possibility that reasonable minds might differ, and that some people might say that to have so many bars congested in one area is not healthy, at a certain point, maybe Oxford doesn't need another "sale of alcohol facility". He noted that is the determination that would be vested upon the Commission. He stated that some might not see it as a detriment, but it is something that the Commission may consider. He questioned whether or not there has been any input from the resident trooper and other emergency staff.

**Attorney Fisher** stated that she contacted Scott Pelletier and Sergeant Boroski. She noted that she had several emails and a phone call with the resident trooper. She explained that he reached out to all of the other emergency personnel and came back to her with what everyone was looking for and he was more concerned that if there was an issue with someone who was definitely impaired or intoxicated that the requirement of the employee would be to call the Oxford Police to have that person removed, and that employees were not to remove people on their own. She stated that if someone appeared to be heavily intoxicated, Sergeant Boroski wanted the employee to call 911 to have the police dispatched so that they could remove the intoxicated person.

**Vice-Chairman John Kerwin** questioned if that information was submitted to the Commission.

**Attorney Fisher** stated that she did submit the information, it was included in the revised employee handbook.

**Vice-Chairman John Kerwin** questioned if that information pertained to the first application.

**Attorney Fisher** stated that she submitted a follow-up after speaking with Sergeant Boroski, it included the language and it was submitted to him and the Town.

**Commissioner Dan Wall** stated that this application is more preferable to the current operation, it makes more sense to have a private club rather than BYOB.

**Commissioner Jesse Schremmer** stated that he is new to Planning & Zoning, but he is not new to small business in Town. He stated that he believes the owner recognized that there might be a small issue and he is trying to fix that issue by creating the members only club. He stated that having a server give out drinks is for the better of the business and probably everybody, rather than the BYOB. He also noted that the COVID situation may have hurt this business significantly, as well. He stated that the business was only open for three weeks, and he believes the owners have gotten to a point where they are trying to make their business more successful.

**Commission Secretary Pat Cocchiarella** stated that in the conversation with Vice-Chairman Kerwin, there was a reference made to no sitting at the bar. He stated that he noted on the drawing that it looks like there are seats and tables.

**Attorney Fisher** stated that she did talk about sitting at the bar, but it was in response to when they were discussing why this is happening now, and she was explaining the fact that they didn't want a bar, they always said that there was alcohol there, but they didn't want to have a bar within the walls of the Ox Axe, Co., they didn't think that would be manageable, at the time, and they thought that BYOB would be manageable. She explained that now they can be even better served by having a separate bar, not within the walls of the Ox Axe Co., which makes it so that people cannot bring alcohol from the bar into the ax throwing.

**Commission Secretary Pat Cocchiarella** questioned if a member of the ax throwing can just walk through the ax throwing and into the bar without throwing axes.

**Attorney Fisher** stated that a member of the ax throwing can walk directly into the bar and order a drink.

**Commission Secretary Pat Cocchiarella** questioned if the bartenders or servers are going to check for a membership identification.

**Attorney Fisher** stated that proof of membership will be confirmed at the bar.

**Commissioner Pete Zbras** asked if they signed up four hundred members within the matter of two months.

**Attorney Fisher** stated that they signed up that many members in three weeks because they were booking reservations and parties.

**Commissioner Pete Zbras** questioned if they are affiliated with any other ax throwing companies or clubs, and he also asked if it was a franchise.

**Attorney Fisher** stated that the owners of this LLC, the members of Ox Axe Co., LLC are not associated with any other ax throwing facility.

**Commissioner Pete Zbras** stated that during the last application it was stated that there would be no selling of alcoholic beverages there. He stated that was the one reason why he voted in favor of the application. He noted that he wasn't in favor of selling alcoholic beverages and throwing axes. He commented that now the applicant wants to sell alcohol there and with so much security, it looks like the owner knows that there is going to be a problem.

**Attorney Fisher** stated that they are being cautious, and they want to make sure that they have adequate personnel to ensure that everyone has an enjoyable experience. She explained that they said that they weren't going to sell



alcohol, because at that time, they weren't going to sell alcohol. She stated that the concern would be if you had a physical bar there, you can't monitor who is walking up to that bar and who is throwing an ax, which is why they didn't want to have a bar. She explained that by having a separate facility the only people who can serve drinks are the servers that work at the bar.

**Commissioner Pete Zbras** stated that there are also four other bars in that area, and questioned what is going to stop someone from going to a different bar and then going into the ax throwing if they are a member.

**Attorney Fisher** stated that the membership agreement states that they have the right to refuse to let someone throw axes if they show signs of intoxication or if there are concerns about the health and safety of any of the members in the club. She noted that if someone walks in and reeks of alcohol and is staggering, they will not be allowed to throw axes that night.

**Commissioner Pete Zbras** stated that he knows alcoholics that can hold their liquor pretty good and they can fool anybody. He stated that his concern is the public or the police officers in that place if something happens.

**Attorney Fisher** stated that she understands, but that things can happen in any situation. She noted that the owners of this business have families, they are local people, and are concerned about the safety of the people that are going there. She explained that one of the owners is on site every night that they are open to monitor things and make sure that everything is handled appropriately.

**Chairman Dave Sauter** asked if the public has any comments.

**Commissioner Brett Olbrys** asked if they were going to serve food there.

**Attorney Fisher** stated that they aren't preparing and selling food. She noted that the food will come from Rose's or another restaurant, the facility will not have a kitchen.

**Commissioner Brett Olbrys** stated that having food would be a benefit.

**Attorney Fisher** stated that they get food from places in the community.

**Commissioner Brett Olbrys** asked if the onus would be on the server to make a determination that someone has had enough alcohol.

**Attorney Fisher** stated that is the onus put on every bar owner and bar tender, and it is a judgment call. She noted that when she spoke to Sergeant Boroski and they had a conversation about what exactly is "highly intoxicated", and how it is defined, he said that people have to use their best judgement and be aware of the signs of a "highly intoxicated" person. She stated that any bar has to monitor that the best they can.

**Commissioner Brett Olbrys** asked if there would be some type of training that the servers/bartenders would go through just to look for those types of indicators. He stated that the proposal makes sense from a control perspective.

**Commission Secretary Pat Cocchiarella** suggested that the Commission consider recessing this hearing because there are a lot of questions that still need to be answered.

**Attorney Fisher** asked if the Commission has any specific questions for the applicant.

It was noted that the Commission still wanted to see the communications with Sergeant Boroski, and the revised handbook. Commissioners also wanted to see the positioning of the outdoor patio and exactly where it is relative to the building, and if it will eliminate any of the parking spaces.

**Attorney Fisher** stated that no parking spaces are going to be eliminated to accommodate the patio area.

**Commission Secretary Pat Cocchiarella** requested a sketch of the patio area in relation to the parking spaces.

**Attorney Fisher** stated that she would submit some photos of the area.

**MOTION BY Commissioner Brett Olbrys** to recess the Public Hearing to June 2, 2020.

**Second by Commissioner Pete Zbras.**

**All Ayes.**

Motion passed unanimously.

**C. Future Public Hearings:**

1. **Z-20-033 [IND] - Lot 1R Pheasant Run Road - Owner & Applicant: 589 Investments, LLC, P.O. Box 506, Oxford, CT**  
(Excavation - 13, 320 cubic yards of material)

*Public Hearing scheduled for June 2, 2020.*

**VII. REGULAR MEETING BUSINESS**

**A. Amendments to the Agenda**

**B. Audience of Citizens**

**C. Correspondence**

**D. Old Business – Matters on which a Public Hearing was held - NONE**

**E. Old Business – Other Matters**

**F. New Business – Schedule a Public Hearing - NONE**

**G. New Business**

1. **Z-20-041 [VCMUD] - 306 Center Rock Green, Owner: Oxford Towne Center, LLC**  
**Applicant: Margaret Vance, “Peach Blossom Boutique” (Use Permit)**

**Chairman Dave Sauter** inquired if the applicant was present.

The applicant was not present.

**Vice-Chairman John Kerwin** stated that he really doesn't see the need for the applicant to be present. He stated that this is a retail establishment, and there is nothing in the application that makes it look any different or require any attention other than asking the applicant what they are going to sell. He commented that rather than waste the applicant's time, he is sure that a lot of small business owners on the board would feel the same



way, that they would resent having to come down for a simple application. He also stated that with a simple application like this, he thinks the Commission can grant it, and pretty much allow the Zoning Administrator to grant these unless there is something different, or something out of the ordinary. He stated that if someone comes in with a retail establishment, in a retail zone, he doesn't think they need to come before the Commission.

**Commissioners** agreed with Vice-Chairman John Kerwin's statement.

**Vice-Chairman John Kerwin** stated that the Zoning Administrator can have enough discretion to decide whether or not an applicant needs to appear before the Commission.

**Chairman Dave Sauter** stated that he would like to make sure that the sign is in conformance with the zoning regulations.

**Commission Secretary Pat Cocchiarella** stated that according to the information submitted, the size of the sign is in conformance with the regulations.

**MOTION BY Commission Secretary Pat Cocchiarella** to approve Z-20-041.

**Second by Commissioner Pete Zbras.**

**All Ayes.**

Motion passed unanimously.

**Jessica Pennell** asked for clarification regarding the statements made by Vice-Chairman John Kerwin.

**Chairman Dave Sauter** stated that this is a topic for discussion as "Other Business", at a future meeting.

#### **H. Zoning Enforcement**

##### **1. 317 Riggs Street - Vehicles - Cease & Desist**

**Steve Macary, ZEO** stated that the owner has 50-60 vehicles registered in Town, and owns two lots. He explained that the cars are parked on the wrong lot. He noted that Mr. Zaloumis sent him an email, and he forwarded it to the previous Chairman last month. He stated that he would get the Commission a copy of the email. He also noted that the owner is slowly moving them off of the property.

**Chairman Dave Sauter** stated that he is glad that he is making progress, and questioned if there was a deadline for the vehicles to be removed.

**Steve Macary, ZEO** commented that he gave him approximately thirty days, but in the past, if someone is working with him or the Commission, he tries to be more flexible.

**Vice-Chairman John Kerwin** questioned if the owner has given him an estimate to the amount of time that he will need to bring the property into compliance.

**Steve Macary, ZEO** stated that he will speak with him tomorrow, get a timeframe and report back to the Commission.

**Chairman Dave Sauter** stated that he would like to know what is still there in relation to how much time is left because there is a difference between being flexible for someone versus something that has been ongoing for a long period of time.

2. 27 Silano Drive - Vehicles - Cease & Desist

**Steve Macary, ZEO** stated that he received a text from Alan Goldstone this evening. He explained that Mr. Goldstone originally had sixteen vehicles on his property and now has eleven, and seven of the remaining eleven vehicles have been registered. He noted that Mr. Goldstone just bought a store in Waterbury and all of the vehicles are going to be brought there within the next three weeks to a month.

**Vice-Chairman John Kerwin** stated that it is a residential zone, and questioned where in the regulations it allows the storage of sixteen business vehicles on a residential property.

**Steve Macary, ZEO** stated that if the vehicles are registered in Oxford, there is nothing that he can do.

**Vice-Chairman John Kerwin** reiterated that this a residential zone, and questioned if you could store trucks in a residential zone on your property.

**Steve Macary, ZEO** stated that if the trucks are registered in the Town of Oxford, and the owner is paying taxes on them, he can have fifty vehicles. He commented that if they are not registered or road worthy, the owner cannot store them on his property.

**Vice-Chairman John Kerwin** stated that a residential property can be a parking lot for vehicles.

**Steve Macary, ZEO** stated again, that Mr. Goldstone bought a building in Waterbury and the vehicles will be moved to that location.

**Vice-Chairman John Kerwin** stated that he just doesn't see it the same way, if he had a cottage business he would be allowed to store two trucks, so a residential use doesn't allow you to store business property like cars and basically have a parking lot for your business on a residential property.

**Steve Macary, ZEO** stated that he agrees, but if the vehicles are registered under his name and address, which Mr. Goldstone is claiming, there is nothing that he can do about the vehicles. He stated again that you could park fifty cars at your house if you have them registered to your name and address.

**Vice-Chairman John Kerwin** stated that they are not personal use vehicles, they are vehicles for Mr. Goldstone's business so he doesn't think that is permitted in the residential zone.

**Steve Macary, ZEO** stated that he could try to get copies of his registration. He also stated that he has given Kevin Condon the fine, and it says in the regulations that you can store them there if they are road worthy. He noted that you are allowed to have only one unregistered car on your property.

**Vice-Chairman John Kerwin** questioned where in the regulations it says that you can have business vehicles parked in a residential zone.

**Steve Macary, ZEO** stated that the vehicles are not registered to his business, they are registered to the Town of Oxford, in the owner's name and, at his address. He commented that the owner said he would submit copies of the registration. He noted that the Commission requested the copies of the registration, but that has not been provided to date. He reiterated that the owner is going to be moving his vehicles to his new business.

**Chairman Dave Sauter** commented that Steve should keep the pressure on, and keep this moving forward. He also requested that the ZEO confirm the regulation questioned by the Vice-Chairman.

**Commissioner Brett Olbrys** stated that this has to keep progressing, and requested that the ZEO get a firm and definitive date by which all the vehicles will be removed.

**Chairman Dave Sauter** stated that they need to keep the pressure on the owner to meet the Commission's original deadlines.

### 3. Barry Road/Bower's Hill Road

**Steve Macary, ZEO** stated that he just received a video from the owner of this property. He noted that approximately 80% of the stuff is gone, and he will try to forward the video to the Commission tomorrow.

**Commissioners** agreed that they would like to see the video.

### 4. East Street

**Steve Macary, ZEO** stated that the issue here has been ongoing, but the owner had submitted an application to take out 350 yards of material. He explained that the owner removed more than 350 yards and expanded his yard into the wetlands. He noted that the owner is before Wetlands now for a Cease & Restore Order. He stated that he has sent the owner an order to register his cottage business. He commented that the owner has some heavy equipment that is tucked behind a fence and the property is neat. He stated that he has had a complaint from one neighbor. He noted that once the owner is approved by wetlands, he will bring him in to register his cottage business.

**Chairman Dave Sauter** requested that the actual address be added to the agenda in case any Commissioners would like to drive by the property.

## **Zoning Enforcement - Other Matters Discussed:**

**Vice-Chairman John Kerwin** questioned if there are any excavation permits for Jackson's Cove Road.

**Steve Macary, ZEO** stated that there is a person digging out there. He noted that he believes that the IWEO is going to have the owner cease the activity.

**Vice-Chairman John Kerwin** stated that he saw that the owner was pushing dirt into the brook.

## **I. Municipal Planner**

### 1. Amendments to the Zoning Regulations

**Keith Rosenfeld, Municipal Planner** informed the Commission that he has completed a draft of the new regulations with the amendments. He noted that he has been working closely with Commission Secretary Pat Cocchiarella.

**Commission Secretary Pat Cocchiarella** stated that he has been working on it, and so far, he has two pages of notes. He commented that once he gets through the regulations, he will send all the comments to Keith, and have his comments integrated into the regulations and then send the draft to the Commissioners.

**Keith Rosenfeld** explained some options to the Commission, either taking portions of the regulations as amendments, or doing it all at once. He suggested that the Commission hold workshops for the discussion on the regulations update.

**Commission Secretary Pat Cocchiarella** suggested that the Commission go over the regulations one section at a time.

**Keith Rosenfeld** stated that he and Pat will possibly present something at the second meeting in June, so that the Commission can start reviewing and approving portions of the regulations in a concise and legitimate manner.

**Chairman Dave Sauter** commented that he likes the idea of breaking it down into manageable sections, and giving each section the appropriate amount of attention and review.

**Keith Rosenfeld** mentioned that the online forum does not support the give and take that the Commission will need in order to do a thorough review. He stated that in person workshops will allow everyone to work together and create a complete and concise final document.

**Vice-Chairman John Kerwin** agreed, and he believes that there will be a better opportunity for the public to get involved if the meetings are in person. He commented that they are not the Commission's regulations, they are the Town's regulations, so the public should be able to have their input considered.

**Chairman Dave Sauter** stated that he thinks that the Commission meeting in person would encourage the public to get more involved, and the transparency of the process is also important.

## 2. Information concerning Executive Order No. 7MM

**Keith Rosenfeld** explained the new Executive Order. He stated that every community was given the opportunity per the order to basically suspend the zoning regulations on outdoor dining, retail, parking, setbacks, and site plan reviews. He stated that recently he has been working with Jessica and Steve, and he has drafted a set of guidelines, including some background information, and a very extensive zoning permit that can be used during the pandemic, at least up until October 30th. He noted that the order relates to enforcing and allowing non traditional outdoor dining, parking, outdoor shopping, in areas that are normally reserved for cars/parking. He also explained that the order did not suspend any of the building permits, Fire Marshal's activity, or health department regulations or approvals. He stated that he believes the application is complete, it has been reviewed by a number of departments, and agencies. He added that it does include a Hold Harmless Agreement, and it allows for review from the Fire Marshal, Health Department, and Building Official.

**Commission Secretary Pat Cocchiarella** stated that he read through the information submitted by Keith. He noted that it looks very comprehensive. He commented that if the rest of the Commission agrees, he would vote to utilize the permit so that the business owners can get back to business.

**Keith Rosenfeld** agreed with Commission Secretary Pat Cocchiarella's idea of having the permit process that has been presented; approved by the Commission.

**Chairman Dave Sauter** questioned the process that would proactively get this out to restaurants and businesses.

**Keith Rosenfeld** stated that they have ten days from the first application, and he believes that Steve has already fielded calls from some local businesses.

**Commissioner Brett Olbrys** commented that the seating is limited to 50% of the indoor capacity, and the ten days is upon receipt of the application by the ZEO. He stated that if the ZEO does not respond to the application within the ten days, it is automatically approved.

**Keith Rosenfeld** stated that as part of the order, 50% of the interior capacity will be allowed outside of the building.

**Commissioner Brett Olbrys** questioned the ten day process and if the ten days starts when the application is received.

**Keith Rosenfeld** replied that the ten days does begin when the application is received.

**Commissioner Brett Olbrys** asked if it is automatically approved if it is not acted on within the ten days.

**Keith Rosenfeld** stated that the ZEO is going to have to wait until all the other required signatures have been obtained. He commented that if the other required departments do not sign off, then the zoning permit is not automatically approved. He explained that if the permit is not approved by all the necessary departments; he does not believe the permit can be approved.

**Vice-Chairman John Kerwin** stated that the actual order says that the local enforcement official, which would apply to all the people that have jurisdiction, shall review and approve the permit with conditions. He stated that if one of them doesn't sign, it is approved automatically within ten days. He commented that he thinks the purpose of the Executive Order was to get businesses back up and running. He noted that all the other agencies should be made aware that it is mandatory that they review the application.

**Commission Secretary Pat Cocchiarella** asked who is responsible for telling the other agencies that it is necessary that they do this. He commented that the other departments may have to be made aware that this is an important issue, that requires communication between all the necessary departments.

**Commissioner Brett Olbrys** questioned the internal process to document that Planning & Zoning has notified other required departments that also need to sign off on this. He stated that once the department receives an application, it is scanned and emailed to the specific officials so that each application will have a date and a timestamp.

**Jessica Pennell** stated that there was a meeting regarding this Executive Order, the attendees were Keith, Steve, Scott, and Sergeant Boroski. She noted that the application will go to the other departments before it comes to Planning & Zoning. She also informed the Commission that all the other agencies and departments have reviewed the permit that is before the Commission this evening.

**Keith Rosenfeld** stated that they did meet, and everybody is on board. He commented that it will be up to Steve to determine if what the applicant is proposing will work regarding the outdoor dining and retail.

**Commissioner Brett Olbrys** questioned if there is a step by step process guide that can be put on the website.

**Keith Rosenfeld** stated that all involved want to have the entire package on the website which will encourage the applicant to call the Building Official and health department, and it also encourages them to talk with the Fire Marshal and give them all the processes that they have to go through to obtain the approved permit.

**Chairman Dave Sauter** stated that in the Hold Harmless Agreement, the property owners signature isn't required and he questioned if that was intentional.

**Keith Rosenfeld** stated that he believes it was intentional and he is unsure of the legal reason, it is an agreement for those who are going to spread their businesses into the public right-of-way, therefore it is not necessarily the owner of the property who will be doing the work. He explained that it is the business owner who would be expanding onto a sidewalk or public right-of-way and that agreement will be between the business owner and the Town of Oxford.

**J. Minutes**

- a. May 5, 2020, Regular Meeting Minutes

**MOTION BY Commissioner Brett Olbrys** to approve the May 5, 2020 minutes as presented.  
**Second by Commission Secretary Pat Cocchiarella.**

**All Ayes.**

Motion passed unanimously.

**K. Invoices - NONE**

**L. Other Business**

1. **Bond Release Request** – Z-07-061 & Z-08-040 – Pilot's Mall, LLC –  
Technology Park - Airport Access Road & Donovan Road  
(Awaiting Review from Town Counsel and Jim Galligan, P&Z Engineer)
2. Organization/Departments/Committees List for review/additions.
3. Any other business the Commission deems necessary for discussion.

**M. Executive Session** to discuss pending litigation regarding Docket No. AANCV186029419S  
TPB Contractors LLC, Et Al V. Planning & Zoning Commission Town of Oxford.

**MOTION BY Commission Secretary Pat Cocchiarella** to enter into the Executive Session at 10:09 PM to discuss pending litigation with TPB Contractors, LLC. All Commissioners present, Attorney Peter Olson, and Jessica Pennell were invited into the Executive Session.

**Second by Commissioner Pete Zbras.**

**All Ayes.**

Motion passed unanimously.

**MOTION BY Commission Secretary Pat Cocchiarella** to come out of the Executive Session at 10:28 PM.

**Second by Commissioner Brett Olbrys.**

**All Ayes.**

Motion passed unanimously.

**Commission Secretary Pat Cocchiarella** stated for the record that no action was taken in the Executive Session.

**N. Adjournment**

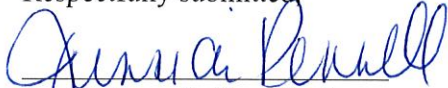
**MOTION BY Commission Secretary Pat Cocchiarella** to adjourn the meeting at 10:32 PM.

**Second by Vice-Chairman John Kerwin.**

**All Ayes.**

Motion passed unanimously.

Respectfully submitted



Jessica Pennell, Coordinator  
Planning & Zoning Commission

20 JUL 13 AM 11:28  
TOWN OF OXFORD, CT  
*Magda H. West*  
TOWN CLERK