



**TOWN OF OXFORD
PLANNING & ZONING COMMISSION**
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, October 19, 2021
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall

The meeting was accessible online using the following information:

Zoom Meeting: <https://zoom.us/j/97297727409?pwd=Q0F3MEg2cWZYK2Nsall5L0xvTWxmZz09>
Meeting ID: 972 9772 7409
Passcode: 588851

Join by Phone: +1 929 205 6099
Meeting ID: 972 9772 7409
Passcode: 588851

I. CALL TO ORDER

Commission Secretary Pat Cocchiarella called the meeting to order at 7:30 PM.

II. PLEDGE OF ALLEGIANCE

Commission Secretary Pat Cocchiarella nominated Commissioner Dave Sauter as Chairman Pro Temp.
Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

III. ROLL CALL

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

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

Not Present: Steve Macary, ZEO.

IV. SEATING OF ALTERNATES

Chairman Pro Temp Sauter seated Alternate Commissioner Dykstra for Vice-Chairman John Kerwin.

V. PUBLIC HEARINGS

A. Recessed Public Hearings – NONE

B. New Public Hearing:

1. **Z- 21-133 [COMM] – 60 Oxford Road** – Owner & Applicant: Pitt-Conn Holdings, LLC, 15 Apple Drive, Oxford, CT 06478 – Proposed, “Dunkin Donuts”
(*Special Exception – Article 10, and Article 7 - Section 7.7.3.2- Drive thru Window*)
(*Referred to Planning & Zoning Engineer, Jim Galligan*)

Chairman Sauter outlined the public hearing procedures.

Jessica Pennell, Coordinator confirmed that the applicant fulfilled all the public hearing requirements, and submitted all necessary documentation.

Commission Secretary Pat Cocchiarella read the legal notice.

Chairman Sauter called for any conflicts of interest from the Commissioners.

Commissioner Brett Olbrys stated that he related to the applicant, but has no financial or personal interest in the proposed business.

All other Commissioners stated that there was no conflict of interest.

Chairman Sauter called for any conflicts of interest from the applicant.

The applicant stated that he has no conflicts of interest.

Chairman Dave Sauter concluded outlining the public hearing procedures and invited the applicant’s representative to begin the presentation.

Donald Smith, Jr., 56 Greenwood Circle, Seymour, engineer for the applicant began his presentation.

Mr. Smith gave the Commission a presentation of the application. The major items that he noted are the following:

- Application is for a drive-thru Dunkin Donuts located at 60 Oxford Road. T
- The property is located at the fully signalized intersection of Great Hill Road, and Route 67.
- The building is approximately 2,000 square feet.
- Currently there is one tenant on the second floor that intends to stay.
- The parcel is located in an Aquifer Protection Area.
- The parcel predates zoning regulations.
- It is served by water, sewer, and natural gas.
- They are working with Aquarion Water Company & Inland Wetlands on the Storm Water Management Plan. Inland/Wetlands the storm water management plan.
- The stacked parking spaces for the drive-thru is 14, and the overall there are 24 parking spaces.

- The current lighting fixtures will be upgraded.
- The building exterior will be painted, consistent with Dunkin Donuts color scheme.
- The dumpster will be enclosed.
- The applicant is proposing three attached signs, and one freestanding sign.
- OSTA is requiring a traffic study to identify any potential traffic issues.

Chairman Pro Temp Dave Sauter opened the floor to the Commission.

Commissioners agreed that they would like to hear any public comments at this time.

Comments from the public:

Joe, 11 Apple Drive stated that he is in support of the project; he would like to be able to spend his money in Town.

Regional Manager, 71 Oxford Road thanked the Commission for considering their proposal and stated that it has been a privilege to serve Oxford for the past six (6) years. He explained that the customers that frequent the current location have expressed great interest in having a drive thru.

Melissa Swan, 147 Quaker Farms Road stated that she is in support of this application.

Katy Holmes, (no audible address), stated that she is in support of this application.

Chairman Dave Sauter asked for questions from the Commission.

Commissioners asked questions and expressed concerns regarding the parking and safety of customers pulling out of parking spaces while drivers are waiting in the drive thru queue and customers crossing the parking lot to enter the building.

Don Smith, Jr., explained that they are proposing to widen the bypass area to 15 feet.

Commissioners and Don Smith, Jr. discussed the three (3) proposed signs.

Don Smith, Jr., gave the dimensions of the signs.

Commission Secretary Pat Cocchiarella questioned the traffic study.

Don Smith, Jr., stated that a traffic study is not required in the zoning regulations, but is required by the Department of Transportation. He explained that the applicant did not want to do a traffic study until there was approval from Planning & Zoning.

Commissioners and Don Smith, Jr. discussed further the parking in the back of the building as well as the parking located parallel to the drive-thru lane. They also discussed if there would be any outside seating.

Don Smith, Jr., stated that there is no outdoor seating proposed at this time.

Commissioners questioned the number of employees for the current tenant.

Joe Tzepos, applicant, 15 Apple Drive, Oxford stated that the current tenant has two (2) employees.

Commissioners and Don Smith Jr., discussed the interior set-up, including the maximum number of people.

Don Smith Jr., stated that there are fourteen (14) seats inside.

Commissioner Jesse Schremmer questioned the hours of operation.

Regional Manager stated that the hours of operation would be 6:00 am to 10:00 pm.

Commissioner Pete Zbras questioned the applicant if Commissioners could walk the site.

Don Smith Jr., stated that Commissioners were free to visit the site.

There was no further discussion.

MOTION BY Commission Secretary Pat Cocchiarella to recess the Public Hearing to November 16, 2021.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

C. Future Public Hearings:

Public Hearing on 11/16/21 on the following application:

1. **Z-21-142 [VCMUD] – 400 Boulder Pass – Owner & Applicant:** The Residences at Quarry Walk, LLC in c/o Attorney Dominick Thomas, 315 Main Street, P.O.Box 313, Derby, CT (*Re-subdivision – Article 6, Section 6.2.4*)

VI. REGULAR MEETING BUSINESS

A. Amendments to the Agenda – NONE

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

C. Correspondence – NONE

D. Old Business – Matters on which a Public Hearing was held:

1. **Proposed Amendment to the Zoning Regulations** - *Proposed 18-month Moratorium on retail sales, manufacture, and cultivation of Marijuana/Cannabis.*

Public Hearing closed on 9/7/21; Commission unanimously approved an extension for action by 11/16/21.

2. **Z-21-126 [COMM] – 126 Oxford Road – Owner:** Mark Cipriano, Napoli Woodbury, LLC – Dollar General Plaza, 58 Pleasant Drive, Southbury, CT – **Applicant:** Gagandeep Sachdeva, – 9 Fox Run Lane, Seymour, CT 06483
(*Special Exception –Article 10, Article 7, Section 7.3.16, and Article 17 - Sale of Alcoholic Beverages*)

Public Hearing closed on 10/5/21; Commission action required by December 7, 2021.

MOTION BY Commissioner Brett Olbrys to approve the following resolution for application Z-21-126, Applicant: Gagandeep Sachdeva, Owner: Napoli Woodbury LLC:

Whereas, Gagandeep Sachdeva “Applicant” and Mark Cipriano as manager of the owner of the property, Napoli Woodbury LLC, have filed a Special Exception Application for the property located at 126 Oxford Rd., Oxford dated August 31, 2021;

Whereas, the Planning and Zoning Commission approved a Site Plan Modification for the property located at 126 Oxford Rd., Oxford on March 20, 2018 (Z-18-158);

Whereas, the approval of March 20, 2018, approved two (2) retail buildings of approximately 10,000 square feet combined to be constructed at 126 Oxford Rd Oxford;

Whereas, one (1) building containing 7,500 square feet is built and occupied, and a second building is the subject matter of this Special Exception Application is built containing over 2,500 square feet;

Whereas; the applicant wishes to receive a special exception permit to allow him to utilize the second building with the square footage of over 2,500 square feet for a liquor store;

Whereas, the Commission has reviewed the regulations applicable to the sale of alcoholic beverages and the establishment of a liquor store;

Whereas, the Commission has considered the location of the proposed use in proximity of churches, schools, libraries, playgrounds or any places frequented by minors in granting this approval;

Whereas, the Commission has considered that the approval of the Special Exception for a liquor store is not detrimental to the public interest and the immediate neighborhood;

The applicant has filed the following in support of the Special Exception Application:

1. Completed application
2. Statement of Use
3. Owner Authorization
4. Approval of application Z-18-158 from March 20, 2018.
5. Site plan
6. Exterior finish plan/ proposed elevations
7. Applicant acknowledgement form.

Whereas, the prior approvals and conditions from application Z-18-158 effective March 20, 2018 shall be in full force and effect;

Therefore, the Special Exception for application Z-21-126 is approved with the following conditions:

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 cost how 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.

3. The specific uses on this property shall be limited to those designated within the Statement of Use, dated 8/9/ 2021 and submitted it as part of this application.
4. The applicant and his assigns must comply with all applicable conditions required by the OCCIWA and Emergency services, (Fire, Police, and Ambulance), and this approval is conditioned on OCCIWA an emergency services (Fire, Police, and Ambulance), and approval of any applications or condition subject to this application.
5. All signs included within this approval shall be subject to approval by the Oxford PZC In accordance with the standards and guidelines as interpreted by the commission.
6. The applicant shall follow the Town of Oxford's approved Permit Procedure which includes reviews and sign offs from the OCCIWA, ZEO, WPCA, fire marshal, and any other applicable Town Departments before commencing work.
7. A copy of all state permits shall be provided to the Land Use office and made part of the file.
8. The applicant and there are signs must comply with all representations made at the Planning and Zoning Commission meetings regarding this application.
9. Monument signs are prohibited.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

E. Old Business – Other Matters

F. New Business – Schedule a Public Hearing - NONE

G. New Business – Other

1. **Z-21-149 [IND] – 6 Benson Road** – Owner: Grand Realty, LLC – 37 Jolie Road, Naugatuck, CT 06770 – Applicant: Paragon Signs & Graphics – 6 Benson Road, Oxford, CT
(Use Permit) (Tabled on 10/5/2021)

Commissioners were informed that the subject property is currently under enforcement action.

MOTION BY Commission Secretary Pat Cocchiarella to remove this item from the agenda.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

2. **Z-02-237 – Mountain Road Estates** – “Meadowbrook Estates” *(Bond Release Request)*

- a. Letter from Kathy Ekstrom, Development Manager

Commission Secretary Pat Cocchiarella read the letter from Kathy Ekstrom.

Jessica Pennell, Coordinator noted that this is the final bond release request, and referred to a prior letter that was received by Jim Galligan, P&Z Engineer.

Commissioner Pete Zbras asked if Jim Galligan should do a final inspection before the Commission takes action.

Commissioners agreed to have Steve Macary, ZEO conduct an inspection and report to the Commission at the 11/16/21 meeting.

3. **Z-21-157 [COMM] – 144 Oxford Road, Unit 1B** – Owner: Thomas Kelleher Family, Lmted. Partnership – Applicant: Melissa Swan, Cultivated, LLC, 42 Cherokee Drive, Oxford, CT (*Change of Use*)

Melissa Swan, 147 Quaker Farms Road, was present to answer any questions regarding the proposed use. She explained that the business would be serving salads, soups, wraps, and shakes. She also stated that the unit is approximately 1,800 square feet, and would have sixteen (16) seats available for dining.

MOTION BY Commissioner Brett Olbrys to approve Z-21-157 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or public hearings regarding this application.
2. Compliance with the Statement of Use dated 10/12/2021.
3. Compliance with the Pomperaug District Department of Health approval dated 8/24/2021.
4. Compliance with the Oxford Zoning Regulations as of this date.
5. Per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.

Reason for approval is that it meets Oxford Zoning Regulations in effect as of this date.

Second by Commissioner Dan Wall.

All (7) Ayes.

Motion passed unanimously.

H. Zoning Enforcement

No discussion.

I. Minutes

1. 9/7/2021- Regular Meeting Minutes

MOTION BY Commissioner Pete Zbras to approve the 9/7/2021 meeting minutes as presented.

Second by Commission Secretary Pat Cocchiarella

All (7) Ayes.

Motion passed unanimously.

2. 9/21/2021 – Regular Meeting Minutes

MOTION BY Commissioner Pete Zbras to approve the 9/7/2021 meeting minutes as presented.

Second by Commission Secretary Pat Cocchiarella
Ayes (6), Abstention (1), Joshua Dykstra.
Motion passed.

J. Invoices – NONE

K. Other Business

- a. Possible Updates from Land Use Counsel, Kevin McSherry.

Attorney McSherry brought the Commission up to date on the requests regarding the dissolution of Moose Hill Estates; he explained the next steps and items that would be on the next agenda for Commission action. He also briefly discussed the Public Acts that the Commission could opt out of, which would need to be sent to the Board of Selectmen for action.

- b. Moose Hill Estates – Bond Release – (see above).
c. Public Act 21-29 – Opt Out – Parking & Accessory Apartments – Discussion with possible action (see above).
d. Planning & Zoning Policies & Procedures Review.

It was noted that currently this item is on hold and will be discussed at a future date.

- e. Any other items the Commission deems necessary for discussion.

Commission Secretary Pat Cocchiarella explained a request from the grant writer regarding 81 acres of land that abut the town owned Jackson Cove property. He explained that if the Commission is in favor of this purchase, Vice-Chairman John Kerwin, would send a letter of support to the grant writer, on the Commission's behalf.

MOTION BY Chairman Dave Sauter to authorize Vice-Chairman John Kerwin to send a letter to the grant writer endorsing the acquisition of the Vaill property.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

Commission Secretary Pat Cocchiarella also explained another request from the grant writer regarding construction of an adaptive trail network at Rockhouse Hill Sanctuary and for the submission of a grant application to the CT Department of Energy and Environmental Protection for funding assistance.

MOTION BY Chairman Dave Sauter to authorize Jessica Pennell to send a letter to the grant writer stating that the Oxford Planning and Zoning Commission agreed to support the proposal for the construction of an adaptive trail network at Rockhouse Hill Sanctuary and for the submission of a grant application to CT Department of Energy and Environmental Protection for funding assistance.

Second by Alternate Commissioner Joshua Dykstra.

All Ayes.

Motion passed unanimously.

L. Adjournment

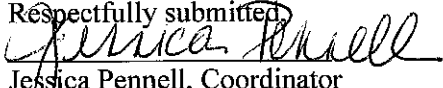
MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 8:56 PM.

Second by Commissioner Brett Olbrys.

All Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

21 NOV 30 AM 10:05
TO: HONORABLE
C. J. NICHOLS
JUDICIAL