

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 **(MOTIONS & VOTES)**

Tuesday, July 17, 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, John Kerwin, Pete Zbras, Arnie Jensen, Jeff Luff, Pat Cocchiarella and Tanya Carver.

Also Present: Steven S. Macary, ZEO, Jessica Pennell, Administrative Secretary and Land Use Counsel, Peter Olson.

SEATING OF ALTERNATES

No alternates were seated.

PUBLIC HEARINGS:

Chairman Jeff Luff noted that this is a recessed public hearing.

Commissioner Tanya Carver recused herself because she is a nearby property owner.

Public Hearing: **Z-18-170 [RESA] – 25 Lisa Drive “Moose Hill Acres”**
Owner: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Applicant: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Application: Re-subdivision of Lot 3 Moose Hill Acres (2 Lots)

Commission Secretary Pat Cocchiarella read correspondence dated 7/17/18 from Attorney Stephen Bellis (also the applicant).

Commission Secretary Pat Cocchiarella read a letter dated 7/10/18 from Town Counsel, Kevin Condon.

MOTION BY Commission Secretary Pat Cocchiarella to close the public hearing.
Second by Vice Chairman Arnie Jensen.
All (5) Ayes.
Motion passed 5-0.

Commissioner Tanya Carver has recused herself from this application, she was not seated and did not vote.

Chairman Jeff Luff opened the recessed public hearing on the following:

Public Hearing: **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).

MOTION BY Commission Secretary Pat Cocchiarella to close the public hearing.
Commissioner Pete Zbras.
All (4) Ayes. Commissioner Tanya Carver abstained; she noted for the record that she was not present at the 6/26/18 Public Hearing and did not listen to the recording.
Motion passed 4-0.

REGULAR MEETING:

AMENDMENTS TO AGENDA

MOTION BY Commission Secretary Pat Cocchiarella to amend the agenda to add the following applications as New Business #3 for the purpose of setting a Public Hearing date.
Second by Vice Chairman Arnie Jensen.
All (6) Ayes.
Motion passed 6-0.

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.

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 (11 Lots)

CORRESPONDENCE

- a. Memorandum dated 7/12/18 from the Selectmen's Office
Re: Planning & Zoning Commission Appointment

AUDIENCE OF CITIZENS

(Items not listed on the Regular Meeting Agenda)

NEW BUSINESS

1. **Z-18-218 [COMM] 126 Oxford Road – “Dollar General”**

Owner: MCG Oxford, LLC, Harwinton, CT

Applicant: Garrett Homes, LLC, Harwinton, CT

Application: (Use Permit – Retail)

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-18-218 with the following conditions:

- 1) Applicant and their assigns must comply with all representations made at P&Z Commission meetings regarding this application.
- 2) The applicant and their assigns must comply with all applicable conditions required by the OCCIWA, Emergency Services (Fire, Police and Ambulance) and the State of Connecticut Department of Transportation (OSTA). This condition shall be made part of the record.
- 3) All conditions of approval from the OCCIWA, Emergency Services (Fire, Police and Ambulance) and the State of Connecticut Department of Transportation (OSTA) shall be depicted on said map.
- 4) Applicant shall follow the Town of Oxford's approved Permit Procedure which includes review and sign-offs from Town Departments including the OCCIWA, ZEO, W.P.C.A, Fire Marshal and any other applicable departments before work begins.
- 5) The sign on the building must be reduced in size to comply with the sign regulations. See attached (Exhibit C)
- 6) The stand alone sign that is 20' in height is withdrawn. (See attached Exhibit D)
- 7) The stand alone sign that is 8' in height must be modified to include the street number as stated in the sign regulations. (See attached Exhibit B)
- 8) The sign must be reviewed and approved by the Chairman and Commission Secretary before an sign off is issued by the Zoning Enforcement Officer.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed 6-0.

2. **Z-18-229 [COMM] 24 Hawley Road**

Owner & Applicant: C. Thomas Tarby, Oxford, CT

Application: (Change of Use Permit - Catering facility to Corporate Offices)

MOTION BY Commissioner Pete Zbras to table this item until further review by Land Use Counsel.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed 6-0.

Amendment to the Agenda:

3. **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.

**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 (11 Lots)

MOTION BY Commission Secretary Pat Cocchiarella to set a public hearing date of 8/7/18.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed 6-0.

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)

MOTION BY Commission Secretary Pat Cocchiarella to table this application to 8/7/18.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed 6-0.

2. **Z-18-183 [IND] 21 & 23 Nichols Road**

Owner: T & C Partners, LLC c/o Atty. Dominick Thomas, Derby, CT

Applicant: TPB Contractors, LLC

Application: Special Exception; Article 9, Section 9.3.21 (Contractor’s Yard)

Commissioner Tanya Carver read the following motion prepared by Land Use Counsel, Peter Olson:
I move that we approve Application Z-18-183, Application for Special Exception and Site Plan, 21-23 Nichols Road (Parcel ID: 18/30/6 & 6-1), except as stated herein.

1. The Commission finds that the Applicant has submitted an acceptable site plan or plot plan drawn to scale showing the proposal, and that this site plan meets the requirements of Articles 10 and 11 of the Oxford Zoning Regulations (the “Regulations”), and it is hereby approved as a Site Plan, except as stated herein.

2. The proposed use “Contractor’s Yard” is defined in the Regulations as “Property used for the conduct of a contractor business, including the storage of equipment, building materials and earth materials used in the conduct of the contractor business.” A Contractor’s Yard is allowed in the Industrial Zoning District by Special Exception. See Regulations § 9.3.21. To the extent that the Application proposed a “Contractor’s Yard”, the Commission finds that the application meets the requirements of the Regulations and it is hereby approved except as stated herein.

3. Except as stated herein, the Commission hereby finds (See Regulations § 10.3):

- That the proposed use, buildings or other structures will not be detrimental to the health, safety, welfare and property values in the neighborhood.
- That the proposed use, buildings, or other structures are adequate to carry the potential traffic and that provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off street parking and loading facilities will be provided.
- That the site will be suitably landscaped and that the design and setbacks of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.
- That the lot on which the use, building or other structure is proposed to be established is of adequate dimensions to permit construction of the facilities and conduct of the use in such a manner that it will not be detrimental to adjoining property and the neighborhood.

4. The Regulations state, in Schedule C – Prohibited Uses, that the following uses are prohibited within the Town of Oxford:

1. Any use which emits offensive dust, dirt, fly ash, smoke, odors, gasses, or fumes into the air in violation of applicable standards of the State of Connecticut, Federal Government, or any other applicable jurisdiction, *except that stone crushing and processing machinery may be permitted on a temporary basis in accordance with the requirements of Article 14, Section 6 of these regulations.*

2. Sand and gravel processing plants and stone crushing operations.

(emphasis added). Regulations Article 14, Section 6 allows temporary use of processing machinery to be conducted in accordance with an approved, bona fide earth excavation activity. See § 14.6.2. The Commission finds that the purpose of this section is to facilitate bona fide construction projects, not to permit ongoing and permanent use of earth material processing equipment on land within the Town of Oxford, even if conducted on a limited number of days per year.

The Commission also finds that the term “Contractor’s Yard” as defined in the Regulations does not, in the ordinary course, encompass the use of earth material processing equipment as defined in the Regulations.

Further, the Applicant has not submitted an application under Article 14 for the temporary use of earth material processing equipment, and therefore no public hearing has been held on the requested special exception, even if the proposed use did fit within the criteria of that Article of the Regulations.

Further, the Applicant has not submitted an application under Article 14 for the temporary use of earth material processing equipment, and therefore no public hearing has been held on that requested special exception, even if the proposed use did fit within the criteria of that Article of the Regulations.

Accordingly:

- a. The proposed use of the areas on the plan labelled “Topsoil Screener” and “Crusher”, for earth material processing equipment, is hereby DENIED;
 - b. The Application for Special Exception, insofar as it is deemed to request a special exception for the use of earth material processing equipment, is hereby DENIED as to that request only, but otherwise approved as stated above.
5. The Commission hereby directs the Zoning Enforcement Officer to conduct a review of similar operations in the Town of Oxford, and to report back to the Commission with recommendations as to potential enforcement actions, recommended directives as to interpretation of the Regulations, and recommended amendments to the Regulations on this topic, if any.

Second by Vice Chairman Arnie Jensen.

Commission discussion:

The Commission agreed to remove the words “Topsoil Screener”, and “and” from 4. a.

Commissioner Tanya Carver accepted the amendment to the main motion.

Vice Chairman Arnie Jensen accepted the amendment to the main motion.

Vote on amendment: All (6) Ayes.

Passed 6-0.

Vote on main motion: All (6) Ayes.

Motion to approve with amendments passed 6-0.

3. **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)

MOTION BY Commission Secretary Pat Cocchiarella to table this application.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed 6-0.

ZONING ENFORCEMENT

- Report of the ZEO on complaints, violations and any other items deemed necessary for discussion and/or action by the Commission.

APPROVAL OF MINUTES

1. 6/5/18 – Regular Meeting Minutes

MOTION BY Commissioner Tanya Carver to approve the 6/5/18 Regular Meeting Minutes as presented.

Second by Commission Secretary Pat Cocchiarella.

All (6) Ayes.

Motion passed 6-0.

INVOICES

1. Conn. Digital Graphics, LLC – I.D. Badges

MOTION BY Commission Secretary Pat Cocchiarella to approve the invoice from Conn. Digital Graphics, LLC. **Second by Commissioner Tanya Carver.**

All (6) Ayes.

Motion passed 6-0.

2. Transcription Services – (Return of Record for Riverview)

MOTION BY Vice Chairman Arnie Jensen to approve the invoice from Kate Brinley for transcription services rendered for litigation.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed 6-0.

3. Transcription Services – (Return of Record for Riverview)

MOTION BY Commission Secretary Pat Cocchiarella to approve the invoice from Kate Brinley for transcription services rendered for litigation.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed 6-0.

OTHER BUSINESS

1. Update of the POCD – Discussion with possible action
2. Any other business the Commission deems necessary for discussion.

ADJOURNMENT

MOTION BY Alternate Commissioner John Kerwin to adjourn the meeting at 9:52 PM.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed 6-0.

Respectfully submitted,

Jessica Pennell
Jessica Pennell

Administrative Assistant

Planning & Zoning Commission

18 JUL 19 PM 4:46
TOWN OF OXFORD, CT
Gregory H. West
TOWN CLERK