



**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 20, 2020
7:30 PM - Online/Virtual Meeting**

The Planning & Zoning Commission met remotely on **Tuesday, October 20, 2020, at 7:30 PM.**

Members of the public and applicants were able to join us online by access the meeting using the following information:

Meeting ID:

meet.google.com/tqt-oxuf-dih

Option #2: Join by Phone

Phone Numbers:

(US)+1 530-536-0047

PIN: 173 671 732#

I. CALL TO ORDER

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

There were some technical difficulties, the meeting was paused and resumed a few minutes later.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Mary LoPresti, Joshua Dykstra, Pete Zbras, Dan Wall, Pat Cocchiarella, and Brett Olbrys.

Also Present: Jessica Pennell and Steve Macary, ZEO.

Not Present: Dave Sauter and John Kerwin

IV. SEATING OF ALTERNATES

No alternates were seated at this time.

V. PUBLIC HEARINGS

A. Recessed Public Hearings – NONE

B. New Public Hearing:

Commissioner Pete Zbras read the Legal Notice/Call of the Meeting.

Commission Secretary Pat Cocchiarella outlined the Public Hearing Procedures.

Commission Secretary Pat Cocchiarella called for any conflicts of interest.

There were no conflicts of interest for any of the Commission members.

The applicant stated that there were no conflicts of interest.

Z-20-350 [IND] – 21-23 Nichols Road – Owner & Applicant: TPB Contractors, LLC – c/o Attorney Dominick Thomas, 315 Main Street, Derby CT 06418
(Modification of a Special Exception) (Site Plan)

Exhibits submitted by Attorney Dominick Thomas on behalf of the applicant:

1. Postal Form 3877 – Proof of Mailing
2. Photo of sign posted on the property for Public Hearing.
3. Notice to Property Owner within 250' of 21-23 Nichols Road
4. Notice to Property Owner within 250' of 21-23 Nichols Road
5. Notice to Property Owner within 250' of 21-23 Nichols Road
6. Notice to Property Owner within 250' of 21-23 Nichols Road
7. Notice to Property Owner within 250' of 21-23 Nichols Road
8. Town of Oxford GIS Map radius map for 21 Nichols Road
9. Town of Oxford GIS Map radius map for 23 Nichols Road
10. Copy of Application for a Modification of a Special Exception pursuant to **Article 2, Section 2.14 a, Article 9, Section 9.3.2.1, and Article 10, Section 1.07.2(6).**
11. Copy of Statement of Use dated 9/25/20.
12. Copy of Addendum to the Statement of Use
13. Site Plan for 21 Nichols Road
14. Architectural Drawing #1
15. Architectural Drawing #2
16. Judicial Notice #1 – Motion for Order
17. Judicial Notice #2 – Motion for Judgement in Accordance with Stipulation
18. Judicial Notice #3
19. Judicial Notice #4
20. Rock Crusher – Decibel Levels
21. Map showing surrounding properties and their uses.

Correspondence has submitted by the public for consideration during the Public Hearing.

NOTE: The transcript of the Public Hearing is attached to these minutes (Attachment A).

C. Future Public Hearings – NONE

VI. REGULAR MEETING BUSINESS

Chairman Pro Temp Pat Cocchiarella seated Alternate Mary LoPreseti and Alternate Joshua Dykstra.

A. Amendments to the Agenda – NONE

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

C. Correspondence

a. Adjacent Municipality Referral – Town of Monroe

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

1. **Z-20-327 [RESA] - 312 Chestnut Tree Hill Road - Owner: Estate of Serge Mihaly, Sr. Applicant: Matthew Mihaly, 111 Booth Hill Road, Trumbull, CT (2-Lot Re-subdivision)**
(Request for waiver of dedication of Open Space) (Request for Waiver of fee in lieu of Open Space)

Commission action by 11/17/20.

MOTION BY Commissioner Brett Olbrys:

WHEREAS, The Oxford Planning and Zoning Commission received the Application **Z-20-327** for a Re-Subdivision.

WHEREAS, the public hearing for this application was legally noticed, in conformance with Connecticut State Statutes and the Zoning Regulations of the Town of Oxford.

WHEREAS, The Oxford Planning and Zoning Commission has considered the testimony presented at the public hearing, held on 9/15/2020.

WHEREAS, this applicant submitted a prior application, **Application Z-20-034**, for this same parcel of property, seeking approval of a (4) four lot subdivision. A public hearing was held on application **Z-20-034**; following the public hearing, the application **Z-20-034** was withdrawn and the applicant resubmitted as the instant application, seeking approval for a (2) two lot subdivision.

WHEREAS, there is currently (1) one lot on the original parcel, which contains an existing home and secondary building, and the current application, **Z-20-327** would provide for only (1) one other developable lot.

WHEREAS, information on the application was submitted, along with supporting information on file in the Planning Office of the Town of Oxford, as follows:

- Letter from Oxford Inland Wetlands/Conservation Commission, dated August 28, 2020 regarding Open-Space dedication.
- Letter from Oxford Inland Wetlands/Conservation Commission, dated August 28, 2020 regarding recommendation for fee in lieu of Open-Space dedication
- Letter from James Galligan, P.E., Nafis & Young Engineers, Inc. dated 3/19/2020 [revised on 8/5/2020].
- Letter from James Galligan, P.E., Nafis & Young Engineers, Inc. dated August 31, 2020.
- Letter from Matthew Mihaly, dated September 9th, 2020 requesting waiver of Open-Space fee in lieu of dedication.

WHEREAS, the following plans have been considered in this decision:

- Map titled Re-Subdivision of property located at 312 Chestnut Tree Hill Road, prepared for Matthew Mihaly, prepared by Paul J. Bombero, Sr., L.S. #70049, and last revised 8/27/2020.
- Map titled Site Development – Soil Erosion & Sediment Control Plan – 312 Chestnut Tree Hill Road, prepared by Paul J. Bombero, Sr., L.S. #70049, and last revised 8/27/2020.

BE IT RESOLVED that based upon the application and testimony, this application is approved, for the following reasons:

1. The application is in conformance with the Oxford Subdivision Regulations.
2. The application is in conformance with the Oxford Zoning Regulations.
3. The applicant, in reducing the number of lots from (4) lots to (2) two lots, has addressed the concerns raised at the public hearing held on the prior application, **Z-20-034**.
4. The applicant, in reducing the number of lots from (4) lots to (2) two lots, has addressed the concerns raised by the Oxford Inland Wetlands/Conservation Commission in its letter dated August 28, 2020. The Planning & Zoning Commission recognizes the tremendous benefit that the preservation of open space land has to the community and the environment, and finds that the reduction of the number of lots on this parcel, from (4) lots to (2) two lots, presents the same benefits articulated by the Oxford Inland Wetlands/Conservation Commission in the aforementioned letter.

This approval is expressly subject to the following conditions:

1. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings and/or at public hearings regarding this application.
2. This approval and Subdivision expires after five years from date of filing the record subdivision map if improvements have not been completed, and the failure of the applicant and his assigns to complete all work in connection with this subdivision plan shall result in the automatic expiration of approval of this plan in accordance with Conn. Gen. Stat. Sec. 8-26c.
3. In accordance with **Article 4, Section 3** of the Subdivision Regulations the applicant and assigns will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
4. The applicant and their assigns must comply with all Town of Oxford Regulations and Ordinances in effect as of this date of approval.
5. The applicant and their assigns must provide payment of a security in an amount established by the Planning and Zoning Engineer, in a form approved by the Town Counsel, as provided by Connecticut General Statute Sec. 8-25 et seq..
6. The applicant and their assigns must provide a compliance letter from Licensed Land surveyor stating that all pins and monuments have been set as indicated on maps.
7. The applicant and their assigns expressly agree that no substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
8. The applicant and their assigns expressly agree that they or their agents or employee will cause, permit or allow, the burying of stumps, debris or any other material during any and all phases of this subdivision. A report or receipt must be provided indicating proper stump removal.
9. The applicant and their assigns shall contact Zoning Enforcement Officer and Town Engineer to schedule a pre-construction meeting prior to any activity on site.
10. The applicant and their assigns expressly agree that a 1" to 200' mylar of the record subdivision map will be presented to the Town Assessor, as approved by the Oxford Planning and Zoning Commission.
11. In accordance with Article 8 Section 2 of the Oxford subdivision regulations and Conn. Gen. Stat. 8-23, and for the reasons outlined above, the Commission finds that the requested waiver of both (1) the

dedication of open space land and (2) the fee in-lieu of dedication of open space is appropriate in this particular instance and is therefore granted.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

Subdivision Expires: 10/20/2025

E. Old Business – Other Matters

F. New Business – Schedule a Public Hearing

G. New Business

1. **Z-20-353 [COMM] – 101 Oxford Road - Owner: 101 Oxford Road, LLC, 2465 Black Rock Turnpike, Fairfield, CT - Applicant: Jewels Delmaro & Nicholas Costello “New Age Spiritual Healing”, 296 Seymour Road, Woodbridge, CT (Use Permit)**

Commissioners discussed this application briefly. The applicant was online to answer questions the Commission had regarding the sign.

MOTION BY Chairman Pro Temp Pat Cocchiarella to approve Z-20-353 with the following standard conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use submitted as part of the application and made part of the record.
3. Compliance with the Oxford Zoning Regulations as of this date.
4. 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.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

2. **CGS §8-24 Referral for property located at 656 Oxford Road** - Purchase and Sale Agreement between the Cornerstone Assembly of God and the Town of Oxford.

The Commission discussed the 8-24 process and the reason for the referral. They also noted that the Board of Selectmen is not bound by their recommendation; it is just a part of the process when a municipality buys or sells land.

MOTION BY Commissioner Brett Olbrys to make a favorable recommendation to the Board of Selectmen, pursuant to Connecticut General Statute §8-24; for the purchase and sale agreement between the Cornerstone Assembly of God and the Town of Oxford for property located at 656 Oxford Road.

Second by Alternate Commissioner Mary LoPresti.

All (7) Ayes.

Motion passed unanimously.

H. Zoning Enforcement

Steve Macary, ZEO stated that he would give his report at the next meeting.

I. Minutes

1. 10/6/20 - Regular Meeting Minutes

MOTION BY Alternate Commissioner Joshua Dykstra to approve the 10/6/20 Regular Meeting Minutes as presented.

Second by Commissioner Dan Wall.

All (7) Ayes.

Motion passed unanimously.

J. Invoices – NONE

K. Other Business

- a. **Bond Release Request** – Haynes Construction Company – Meadowbrook Estates
Letter dated 9/30/20 from Kathy Ekstrom, Development Manager, Haynes Development.
(Bond Release Request submitted to Town Counsel and P&Z Engineer for review/clarification)

No action required at this time.

- b. Any other business the Commission deems necessary for discussion.

L. Adjournment

MOTION BY Commissioner Dan Wall to adjourn the meeting at 9:45 PM.

Second by Commissioner Brett Olbrys.

All (7) Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

22 FEB 10 PM 3:29
TOWN OF OXFORD, CT
TOWN CLERK
Christina A. West