



**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, May 3, 2022
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall**

PLEASE NOTE:

- The only action item on the agenda was Application No. Z-21-133 - 60 Oxford Road - "Dunkin Donuts"

The meeting was accessible online by using the following information:

Meeting Link:

<https://us06web.zoom.us/j/83135808236?pwd=VEpJQ3VVTk9tWmk5T3dIZ2I3c1NWUT09>

Meeting ID: 831 3580 8236

Passcode: 398502

Join by Phone: +1 929 205 6099

I. CALL TO ORDER

Chairman Pat Cocchiarella called the meeting to order at 7:33 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present: Pete Zbras, John Kerwin, Dan Wall, Brett Olbrys, Jesse Schremmer, and Edward Rowland.

Pat Cocchiarella was present remotely.

Alternates Present: Joshua Dykstra and Robert Carr.

Also Present: Kevin McSherry, Land Use Counsel.

Not Present: Steve Macary, ZEO and Jessica Pennell, Coordinator.

IV. SEATING OF ALTERNATES

Commission Secretary Brett Olbrys stated for the record that he is recusing himself.

A brief discussion ensued regarding whether or not an alternate needed to be seated if there is a quorum. There was also discussion regarding whether Alternate Robert Carr would be seated for the Public Hearing on Z-21-133.

Chairman Pat Cocchiarella seated Alternate Robert Carr for Commissioner Brett Olbrys.

Chairman Cocchiarella asked Alternate Commissioner Carr if he had listened to all the recordings and gone over all the materials in order to make himself familiar with the record.

Alternate Commissioner Carr stated for the record that he has made himself familiar with the record for this application.

V. PUBLIC HEARINGS

A. Recessed Public Hearings

The following Public Hearing recessed to May 3, 2022:

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)

Dominick Thomas, Attorney for the applicant, 315 Main Street, Derby was present remotely. He noted that the Public Hearing was continued to give the Commission the opportunity to review the traffic information submitted by the applicant's traffic engineer.

Don Smith, Engineer for the applicant, 56 Greenwood Circle, Seymour, CT explained that they are working on their responses to DOT. He explained the configuration of the site distances on Route 67. He also noted that he received an email from Scott Pelletier, Fire Marshal, which requested that “NO PARKING” signs be installed in a specific area on the site.

Kermit Hua, Traffic Engineer for the applicant was present to answer questions from the Commission.

A discussion ensued regarding the consideration of other developments in Town, and if they were factored into the traffic study for this application. Mr. Hua also discussed with the Commissioners the traffic study in relation to the Zoning Regulations that pertain to this application.

Commissioner Jesse Schremmer asked to make a motion to close the Public Hearing.

Chairman Pat Cocchiarella stated that the Commission has been presented with all documentation requested from the applicant throughout the Public Hearing process.

Commissioner John Kerwin stated for the record that he had concerns regarding the accuracy of some of the information provided by the applicant's traffic engineer in relation to the use and the impact it will have on traffic in Oxford.

MOTION BY Commissioner John Kerwin to close the Public Hearing.

Second by Commissioner Dan Wall.

All (7) Ayes.

Motion passed unanimously.

B. New Public Hearings - NONE

C. Future Public Hearings - NONE

VI. REGULAR MEETING BUSINESS

A. Amendments to the Agenda - NONE

B. Audience of Citizens - There will be no audience of citizens at this meeting.

C. Correspondence - NONE

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

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)

MOTION BY Commissioner Dan Wall to approve Z-21-133.

Second by Commissioner Jesse Schremmer.

- 1.) Whereas, on Tuesday, September 7, 2021, at its regularly scheduled meeting the Planning & Zoning Commission **accepted application Z- 21-133 [COMM] – 60 Oxford Road from Owner & Applicant: Pitt-Conn Holdings, LLC 15 Apple Drive, Oxford, CT 06478** for a Proposed, “Dunkin Donuts” pursuant to the zoning regulations of the Town of Oxford Out of the following sections: *(Special Exception – Article 10, and Article 7 - Section 7.7.3.2- Drive-thru Window)*
- 2.) Whereas, on Tuesday, October 5, 2021, the Planning & Zoning Commission scheduled a public hearing for October 19, 2021:
- 3.) Whereas, the Planning & Zoning Commission continued the public hearing to November 16, 2021;
- 4.) Whereas, the Planning & Zoning Commission continued the public hearing to January 18, 2022;
- 5.) Whereas, the Planning & Zoning Commission continued the public hearing to March 1, 2022;
- 6.) Whereas, the Planning & Zoning Commission continued the public hearing to April 19, 2022;
- 7.) Whereas, the Planning & Zoning Commission continued the public hearing to May 3, 2022;
- 8.) Whereas, the Planning & Zoning Commission closed the public hearing on May 3, 2022:

Whereas, the applicant submitted the following documentation in support of its application in the form of maps and plans, reports, approval of Conservation Commission/Inland Wetlands and architectural renderings:

1. A map entitled Site Plan entitled " Prepared for Pitt-Conn Holdings, LLC 60 Oxford Rd (CT. RT 67) Oxford CT" prepared by Donald W. Smith, Jr., P. E. Consulting Engineer 56 Greenwood Circle, Seymour CT dated 4/8/2022.
2. James D. Smith Architect Sheet A- 5.0 dated 8/23/2021 exterior elevations, Sheet A-5.1 dated 8/23/2021 Exterior Elevations and Sheet A-1.0 Floor Plan dated 8/11/2021
3. Traffic impact study February 2022 by KWH enterprises, LLC submitted April 11, 2022.
4. A Statement of Use, Article 11, Section 2, dated August 27, 2021, (city water/sewer 2406 square foot restaurant;
5. Notice to Aquarium Water and DPH
6. Engineering Report dated August 24, 2021.
7. November 10, 2021 Conservation Commission/Inland Wetlands Agency approval.
8. Extension Letters granted through May 3rd, 2022 to keep the Public Hearing open.

I make a motion that the Commission approve application Z- 21-133 and grant the requested special exception, in accordance with the findings and specific conditions stated herein.

Findings:

In Article 10.3 of the Zoning Regulations, the Planning and Zoning Commission may grant a Special Exception to permit a use specified as a Special Exception in Article 10 and elsewhere in the Zoning regulations, provided that the Commission finds that in addition to all other pertinent Zoning Regulations the following conditions found in 10.3.1, 10.3.2, 10.3.3 and 10.3.4 are satisfied;

The Commission makes the following findings:

- 1.) The proposed use, buildings, or other structures will not be detrimental to the health, safety, welfare and property values in the neighborhood.
- 2.) The proposed use is permitted in the Commercial (COMM) Zone
- 3.) The proposed use of a Dunkin' with a drive-thru in an existing building will not be detrimental to the neighborhood of commercial uses;
- 4.) The site will be suitably landscaped and the design and set-back of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.

5.) The proposed development will have Best Management practices for stormwater drainage and protect the adjacent watercourse/wetlands and well field.

6.) The proposed use, buildings, and 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.

7.) The land in which the use, building, or other structure is proposed to be established is of adequate dimensions to prevent construction of the facilities and conduct of the use in such a manner that it will not be detrimental to adjoining property in the neighborhood.

Conditions for Z-21-133:

1.) Compliance with all town of Oxford regulations and ordinances in effect as of this date.

2.) The applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application from initial review through the issuance of a Zoning Certificate of Compliance.

3.) The applicant and their assigns must comply with all representations made at Planning and Zoning Commission meetings and/ or public hearings regarding this application; including testimony that there will be regarding parking and information regarding the site plan and floor plan.

4.) The specific uses of this property shall be limited those designated to win the statement of use, dated 8/27/2021 and submitted as part of this application

5.) The applicant and their assigns must comply with all applicable conditions required by the OCCIWA and emergency services, (fire, police, and ambulance), and this approval is conditioned on the OCCIWA and emergency services, (fire, police, and ambulance), and approval of any applications or conditions subject to this application.

6.) All signs included within this approval shall be subject to the approval by the Oxford Planning and Zoning Commission.

7.) Sheet A-1.0 Floor Plan dated 8/11/2021 shall be reviewed by the Commission and can be considered a modification to the Special Exception in regards to parking and/or additions to patron capacity on the floor plan.

8.) RT-67 (Oxford Road) is a state highway. A Traffic Report Submitted by the applicant and has been submitted to the Connecticut Department of Transportation and has been reviewed by the DOT and as a specific condition of approval, the applicant shall be required to comply with all conditions set forth by the Department of Transportation. Any changes required by the Department of Transportation shall be updated on the site plan and filed with the Commission.

9.) Sedimentation and erosion control measures on the site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the commission's engineer.

- 10.) The applicant shall have a pre-construction meeting with appropriate town staff prior to any construction activities or modifications to the site.
- 11.) It is the responsibility of the owner applicant to ensure the capability of communication with the fire department and EMS.
- 12.) Site plan approval expires if the work is not completed within five (5) years from the date of approval.
- 13.) "No Parking" signs shall be installed along the back curb line on the circle on the East side of the parking lot as stated in the email from Scott Pelletier, Fire Chief/Fire Marshal, in his email dated 5/3/2022.

Discussion:

Commissioner John Kerwin stated for the record his reasons for being opposed to the application.

Commissioner Pete Zbras stated for the record his reasons for being opposed to the application.

Chairman Pat Cocchiarella called for a Roll Call vote:

Alternate Robert Carr (Aye), Commissioner Dan Wall (Aye), Commissioner Pete Zbras (Nay), Commissioner John Kerwin (Nay), and Commissioner Jesse Schremmer. (Aye), Commissioner Ed Rowland (Aye).

Motion passed 4-2.

- E. Old Business - Other - None
- F. New Business - Schedule a Public Hearing - None
- G. New Business - Other - None
- H. Zoning Enforcement - None
- I. Minutes - None
- J. Invoices - None
- K. Other Business - None
- L. Adjournment

MOTION BY Commissioner Ed Rowland to adjourn the meeting at 8:28 PM.

Second by Commissioner Dan Wall.

All (7) Ayes.

Motion passed unanimously.

Respectfully submitted,


Jessica Pennell, Coordinator
Planning & Zoning Commission

22 MAY 12 PM 4:55
TOWN OF OXFORD, CT
TOWN CLERK
Angela H. White