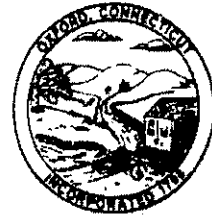


TOWN OF OXFORD
PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
Phone: (203) 828-6512 · Email: pandz@oxford-ct.gov
www.Oxford-CT.gov



Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, September 20, 2022
7:30 PM-Main Meeting Room
S.B. Church Memorial Town Hall

I. Call to Order

Chairman Pat Cocchiarella called the meeting to order at 7:32 PM.

II. Pledge of Allegiance

III. Roll Call

Present: Robert Carr, Joshua Dykstra, Dan Wall, Pete Zbras, John Kerwin, Pat Cocchiarella, Brett Olbrys, and Ed Rowland.

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

Not Present: Jesse Schremmer.

IV. Seating of Alternates

Chairman Cocchiarella seated **Alternate Commissioner Dykstra**.

V. Public Hearings:

A. Recessed Public Hearings:

The following Public Hearings *recessed to Tuesday, September 20, 2022*:

1. **Z-22-096 – Proposed Zoning Regulation Text Amendment** – Applicant: Sit Stay Play Train, LLC c/o Attorney Benjamin Proto, 2885 Main Street, Stratford, CT
(*Proposed Amendments to the Zoning Regulations – Amend Article 9, Section 9.3 – Amend Article 2 – and Amend Article 10*)

Benjamin Proto, Attorney for the applicant stated that he and Attorney McSherry made changes to the regulation based on comments and concerns raised by the Commission during the August 16th Public Hearing. He referenced the pages, and sections of the proposed revisions. He noted that the revisions included items regarding building size, the size, and materials used for the outdoor area, fencing, and the addition of cats.

Chairman Cocchiarella asked if the Commissioners had any questions for the applicant.

Commissioners had no further questions.

Chairman Cocchiarella asked if anyone from the public had comments or questions.

There were no questions or comments from the public.

MOTION BY Commissioner Pete Zbras to close the Public Hearing.
Second by Commissioner Dan Wall.
All (7) Ayes.
Motion passed unanimously.

2. **Z-22-108 [IND] – 79 Prokop Road – Map: 25 Block: 19 Lot: 4 C Owner:** Connecticut Rock Development, LLC 166, Little Fox Lane, Southbury, CT – **Applicant:** Defeo Materials, LLC c/o Attorney Dominick Thomas, 315 Main Street, Derby, CT
(*Special Exception – Article 14, Section 14.2) (Site Plan – Construct a 5,000 sq. ft. building)*)

Commission Secretary Brett Olbrys read a letter dated 9/20/22 from the Dominick Thomas, granting the Commission a fifteen (15) day extension on the special exception application and a thirteen (13) day extension of the site plan application.

Chairman Cocchiarella explained that the public hearing will be continued to Tuesday, October 4, 2022.

- B. New Public Hearings - None
- C. Future Public Hearings - None

VI. Regular Meeting Business

A. Amendments to the Agenda

1. **MOTION BY Commission Secretary Olbrys** to amend the agenda to add the Invoice from McSherry Law Office as #2 under Invoices.
Second by Commissioner Rowland.
All (7) Ayes.
Motion passed unanimously.
2. **MOTION BY Commission Secretary Olbrys** to amend the agenda to add discussion with possible action on acceptance of certain applications and referrals to other departments and/or contracted services for review as (c) under Other Business.
Second by Alternate Commissioner Dykstra.
All (7) Ayes.
Motion passed unanimously.

- B. Audience of Citizens - (Items not listed on the Agenda)
- C. Correspondence
- D. Old Business - Matters on which a Public Hearing was held

1. **Z-22-123 [IND] 178 Christian Street – Map: 18 Block: 25 Lot: 1 A- Owner & Applicant:** Cab Properties, LLC - Steven Buonauto, 178 Christian Street, Oxford, CT
(*Special Exception for an Auto Dealership in the Industrial Zone*)

* Public Hearing closed on 9/6/22; the Commission has 65 days to act on this application.

Chairman Cocchiarella asked if the Commission had anything to discuss regarding this application.

Commission Secretary Olbrys read the final review from Jim Galligan, P&Z Engineer.

The Commission confirmed that all revised plans and comments from the Fire Marshal have been addressed.

The Commission requested Attorney McSherry draft a formal resolution for the October 4th Regular meeting.

- E. Old Business - Other Matters
- F. New Business - Schedule a Public Hearing

Tentative Public Hearing Date: October 19, 2022.

1. **Z-22-131 [RESA] – 266 Maple Tree Hill Road – Map: 5 Block: 43 Lot: 1 A – Owner & Applicant: Tom Loring, 266 Maple Tree Hill Road, Oxford**
(Special Exception – Construct a 4,752 sq. ft. Barn) (Special Exception – Boarding of Horses)
(Special Exception – Construct a 17,136 sq. ft. Indoor Riding Rink)

MOTION BY Commission Secretary Olbrys to schedule a Public Hearing for Tuesday, October 18, 2022.

Second by Commissioner Rowland.

All (7) Ayes.

Motion passed unanimously.

- G. New Business - Other

1. **Z-22-177 [RGCD] – Residential Area No. 6 Oxford Greens – Map: 33-32 Block: 10-11 Lot: 2 1 – Owner & Applicant: BH Oxford Ventures, LLC, 100 Crossways Park Drive W, Suite 111, Woodbury, NY (Site Plan)**

Sal Talamo, of Sullivan Architectural Group, represents the applicant, BH Oxford Ventures, LLC. He presented the Commission with the minor revisions to the original plans for the Apartments at Oxford Greens.

Commissioner Kerwin questioned the settlement agreement with the court.

Attorney McSherry explained the process that would allow Commission and the applicant/owners to agree to the minor improvements.

Mr. Talamo noted that they are not moving any buildings; they are constructing the buildings within the same footprint on the plan as originally approved.

Commissioners briefly discussed how to proceed with Attorney McSherry.

MOTION BY Commissioner Kerwin to consider Application Z-22-177 a minor revision to the site plan for the Apartments at Oxford Greens.

Second by Commission Secretary Olbrys.

All (7) Ayes.

Motion passed unanimously.

Attorney McSherry stated that he would draw up an agreement that the Commission and the applicant/owner would review, and execute to address compliance with the Settlement Agreement.

Commission Secretary Olbrys made a motion to recess the meeting at 8:18 PM.

Second by Commissioner Rowland.

All (7) Ayes.

Motion passed unanimously.

Commission Secretary Olbrys made a motion to come out of recess at 8:24 PM.

Second by Commissioner Rowland.

All (7) Ayes.

Motion passed unanimously.

Chairman Cocchiarella requested that the Commission reconsider the Amendments to the Agenda.
Second by Commission Secretary Olbrys.

All (7) Ayes.

Motion passed unanimously.

New Business added:

1. **Z-22-096 – Proposed Zoning Regulation Text Amendment** – Applicant: Sit Stay Play Train, LLC c/o Attorney Benjamin Proto, 2885 Main Street, Stratford, CT
(*Proposed Amendments to the Zoning Regulations – Amend Article 9, Section 9.3 – Amend Article 2 – and Amend Article 10*)

WHEREAS, the Oxford Planning and Zoning Commission has an application for a proposed “Commercial Boarding Kennel facility” in the Industrial zone of the Town of Oxford, as that area is regulated under Article 9 of the Oxford Planning and Zoning Regulations;

And that “Commercial Boarding Kennels” are not currently permitted in any district of the Town of Oxford by the Oxford Planning and Zoning Regulations,

AND that, as reflected in the Oxford Plan of Conservation and Development, in addition to recent development trends in the Oxford community, Oxford has experienced an increase in residential, “55 and older” communities, as well as residential rental apartments, and the pet-owning residents of these units would benefit from the convenient and local “Commercial Boarding Kennel” to care for their pets during working hours;

AND that the local community would benefit from a local “Commercial Boarding Kennel” that provides the local pet owners with the valuable and convenient service of caring for and providing a safe environment for the boarding of dogs and cats, in a manner not detrimentally affecting the value and quiet enjoyment of the surrounding properties and residential areas;

AND, that the commercial boarding of dogs, based on the nature of the use and the capacity of the dogs to bark and make associated noise, is more consistent with uses permitted in the industrial zone, and conversely is inconsistent with the use of property in the other zones defined under the Oxford Planning and Zoning Regulations;

AND that the commercial boarding of dogs, based on the nature and the capacity of the dogs to bark and make noise, is therefore more appropriately permitted by way of a special exception under Article 10, so as to not detrimentally impact the quiet enjoyment of the surrounding parcels or neighboring properties;

MOTION BY Commission Secretary Olbrys:

The following Text Amendments to the Oxford Planning and Zoning Regulations are hereby adopted:

A. That Article 9. 3 is amended to add the following section:

9.3.24: “Commercial Boarding Kennels” are permitted only in the industrial zone, and only upon the securing of and compliance with a special exception under Article 10 & the special requirements of Article 10, Section 10.12 et seq;

B. That Article 2 is amended to add the following section and reorder

2.13a: Commercial Boarding Kennel facility means, (in addition to the definition of a “commercial kennel” under Connecticut General Statutes § 22-327(3), (as heretofore amended) a facility maintained solely for both daily and overnight boarding, grooming, training and caring for dogs or cats, which dogs or cats are not owned or harbored by the owner or operator of the facility and includes a veterinary facility which boards, grooms or cares for dogs or cats for non-

medical or non-veterinary service. A “commercial boarding kennel” does not mean a “kennel” as defined under Connecticut General Statutes § 22-327(7), nor does it mean a dog shelter, pound, or other facility that provides emergency harboring or shelter to dogs & cats.

C. That Article 10 is amended to add the following section:

10.12.1 Intent: To permit “Commercial Boarding Kennel” facilities only in the industrial zone, in a manner that provides the community with the valuable service of caring for and providing a safe environment for the boarding of dogs and cats, while in a manner to not detrimentally affecting the value and quiet enjoyment of the surrounding industrial zone.

10.12.2 Permitted by Special Exception. “Commercial Boarding Kennel” facilities are permitted by the granting of a special exception in the Industrial Zone, Article 9, under the following conditions, in addition to Article 10, Sections 10.1 to 10.3, where applicable.

A. Setbacks and buffers: In any area where a Commercial Boarding Kennel abuts a residential zone, as established under Article 5 of the Oxford Planning & Zoning regulations, there will be at least a 500’ setback measured directly from the exterior of the kennel building or from the outside perimeter of any associated outdoor exercise area/dog run, to the nearest bordering property line of the residential property. Landscaping shall be provided in all required setback areas and non-parking areas. In addition, suitable buffers and screening, in the form of fencing or landscaping, shall be required at the discretion of the Oxford Planning & Zoning Commission.

B. Breeding prohibited: No breeding activity is permitted in a “commercial boarding Kennel”.

C. Pet Sales Prohibited: The sale of any animal, dog, or cat, by the owner or any person harboring or keeping an animal on the premises of a “commercial boarding kennel” is strictly prohibited.

D. No “walk-in” training or grooming services permitted. Training, grooming, and other associated activities are only permitted for those dogs or cats that are boarded on the premises. Retail sales of pet grooming supplies, animal care products, animal toys and pet food sales are permitted only as an accessory use of a “commercial boarding kennel”; the area for display & storage of such pet grooming supplies, animal care products, animal toys and pet food products shall not exceed ten (10%) percent of the total building gross floor area.

E. Minimum building size. Maximum capacity & required floor and exercise area:

- (1) The minimum indoor floor area for a Commercial Boarding Kennel shall be not less than 5,000 square feet.
- (2) The maximum number of dogs permitted to be boarded and kept at the facility at any one time shall not exceed one (1) animal for every 100’ square feet of floor area.
- (3) Every “commercial boarding kennel” will be required to maintain an outdoor exercise area of not less than 3,000 square feet, with a minimum of a 6’ fence surrounding the perimeters of the exercise area not adjoining the kennel building. The outdoor exercise area shall be comprised of grass, dirt or an artificial grass type material, no impervious material shall be allowed within the exercise area. In addition to fencing required for the exercise area, other suitable landscape buffers and screening shall be required at the discretion of the Oxford Planning & Zoning Commission.

F. Compliance with State Laws and regulations a condition of Special Exception

- (1) A Commercial Boarding Kennel will comply with all state laws and regulations imposed upon it based on the use and activities in which it engages, in addition to and including Chapter 435 of the Connecticut General Statutes, and the regulation adopted thereunder. It shall be the responsibility of the owner or operator of a commercial boarding kennel to apply and maintain required under state law and regulations and maintain compliance with

all laws and regulations, as a condition of a Special Exception granted under Article 10, Section 10.12 et seq of the Oxford Planning & Zoning Regulations.

- (2) All dogs boarded with a commercial boarding kennel must be licensed and vaccinated in accordance with Connecticut General Statutes §22-338. The owner or operator of a Commercial Boarding Kennel shall require the owner or keepers of such pets being boarded at the Commercial Boarding Kennel to provide copies of said licenses and proof of vaccination, and such owner or operator shall keep copies of such licensure on hand.

G. Dog being transported in and out to be leashed at all times; Signage: All dogs being transported in and out of a Commercial Boarding Kennel shall remain on a leash. It shall be a condition of boarding a pet with a Commercial Boarding Kennel that pet owners or other persons transporting pets to the facility will keep all pets in their control and custody leashed at all times. It shall be the responsibility of the owner or operator of the Commercial Boarding Kennel to assure that all dogs being transported into a Commercial Boarding Kennel remain leashed. The owner or operator of a Commercial Boarding Kennel shall post signage reading “All dogs to remain leashed at all times”, in conspicuous areas of the parking area and entrance to the facility.

H. Waste Management Plan: A detailed waste management plan shall be established and maintained for the disposal of all pet waste, included but not limited to feces and urine. In addition to the requirements established by state law and regulations, such plan will take into consideration the disposal of solid and liquid waste to eliminate the impact on groundwater and run off and the emanation of any associated odors.

I. Overnight Boarding: Overnight boarding is permitted with a limit of (1) dog or cat for every 150 square feet of floor area. An employee may remain on-premises at any time a dog or cat is boarded overnight. At no time is any employee, owner, or operator allowed to reside or take up residence in a “commercial boarding kennel”.

Second by Commissioner Wall.

All (7) Ayes.

Motion passed unanimously.

Effective date of this amendment is October 1, 2022.

2. **Z-22-129 [RESA] – 228 Quaker Farms Road – Map: 22 Block: 69 Lot: 34 – Owner & Applicant: Rhode Island Lights, Inc. c/o Attorney Dominick Thomas, 315 Main Street, Derby, CT (4-Lot Subdivision)**

No discussion regarding this application.

H. Zoning Enforcement

Steve Macary, ZEO stated that he had nothing significant to discuss at this time.

I. Minutes

1. **MOTION BY Commission Secretary Olbrys** to approve the 9/6/2022 Regular Meeting Minutes as presented.
Second by Alternate Commissioner Dykstra.
All (7) Ayes.
Motion passed unanimously.

J. Invoices

1. Amazon Business Invoice # 1FXK-1L33-PJCD

MOTION BY Commission Secretary Olbrys to approve Amazon Business Invoice # 1FXK-1L33-PJCD.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

2. Invoice from McSherry Law Office

MOTION BY Commission Secretary Olbrys to discuss the Invoice from McSherry Law Office. **Second by Commissioner Wall.**

Commissioners briefly looked over and discussed line items from Attorney McSherry's invoice.

MOTION BY Commission Secretary Olbrys the Invoice from McSherry Law Office.

Second by Commissioner Wall.

All (7) Ayes.

Motion passed unanimously.

K. Other Business

a. Farm Events Ad-Hoc Committee update (if available).

Farm Events Ad-Hoc Committee Chairman, Pete Zbras stated that tonight was the committee's first meeting.

b. Any other items the Commission deems necessary for discussion.

Jessica Pennell, Coordinator briefly went over a rough draft of a referral template that she and Chairman Cocchiarella discussed regarding the acceptance of applications and referrals to other departments and/or contracted services.

Commissioners had suggestions regarding other items that could be added to the sheet.

Attorney McSherry gave a brief update on the Werden appeal.

L. Adjournment

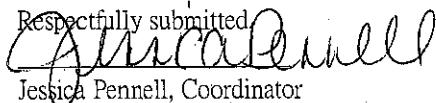
MOTION BY Commissioner Kerwin to adjourn the meeting at 8:45 PM.

Second by Commission Secretary Olbrys.

All (7) Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

22 SEP 26 PM 4:03
TOWN OF OXFORD, CT
Cheryl A. Wall
TOWN CLERK