

TOWN OF OXFORD

PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall

486 Oxford Road, Oxford, Connecticut 06478-1298

www.Oxford-CT.gov



Public Hearing & Special Meeting Minutes

Tuesday, June 26, 2018

7:00 PM

Main Meeting Room

S.B. Church Memorial Town Hall

CALL TO ORDER

Chairman Jeff Luff called the meeting to order at 7:08 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Greg Wanamaker

John Kerwin

Pete Zbras

Arnie Jensen

Jeff Luff

Pat Cocchiarella

Not Present:

Tanya Carver

Harold Cosgrove

Staff Present:

Steven S. Macary, ZEO

Jessica Pennell

SEATING OF ALTERNATES

Chairman Jeff Luff seated Alternate Commissioner John Kerwin and Alternate Commissioner Greg Wanamaker.

PUBLIC HEARING:

Z-18-194 [IND] Lot 5B Commerce Drive (Map: 25 Block: 25 Lot: 1AAB5)

Owner & Applicant: Damasceno's Landscapes & Construction, LLC, Shelton, CT

Application: (Contractor's Yard – Special Exception per Article 9, Section 9.3.21)

(Site Plan for a ±22,100 sq. ft. building).

Chairman Jeff Luff outlined the Public Hearing Procedures.

Commission Secretary Pat Cocchiarella read the Legal Notice.

Chairman Jeff Luff called for any conflicts of interest from the Commissioners and the applicant.

No conflicts were stated for the record by any Commissioners or the applicant.

Siuyan Cao of Civil 1, engineer for the applicant, submitted the proof of mailings and photo of the sign posted on the property, for the record. He outlined the application for the Commission and referred to the Statement of Use dated 6/26/18. He noted that Damasceno's Landscape and Construction is proposing a 19,450 SF facility, and contractor's yard at Lot 5B Commerce Drive. He explained that the building would be primarily used as a warehouse and for storage. He also stated that at this time, 15 full time employees would work at the proposed location, and the hours of operation would be 8 AM to 5 PM, Monday to Saturday. He also explained that there may be extended hours of operation during certain seasons due to the type of services provided by the company. He reviewed the truck route and stated that the business would generate approximately 5 trucks per day.

Commissioners asked questions regarding the outside storage area. Concerns about the materials being stored on site before a building was built were discussed. The Commissioners also had questions regarding maintenance of vehicles on site and the location of machinery that would be stored on site.

Siuyan Cao addressed the Commission's questions. He noted that they are still waiting for comments from the Town Engineer and approval from Wetlands.

There were no public comments regarding this application.

MOTION BY Vice Chairman Arnie Jensen to recess the public hearing to 7/17/18.

Second by Commission Secretary Pat Cocchiarella.

All (5) Ayes.

Motion passed 5-0.

OTHER BUSINESS:

1. **Z-18-180 [COMM] – 35 Oxford Road, (Map: 80 Block: 35 Lot: 30)**
Owner: Dave Dambryoso/Jave, LLC, 60 Quaker Farms Rd, Oxford, CT
Applicant: Guerrero Construction, 154 Christian St, Oxford, CT
Application: SE; Article 14, § 14.6 (Temporary Use of Processing Machinery for Site Improvement)

The Commission began deliberations regarding this application.

Chairman Jeff Luff noted that he requested the ZEO draft a resolution.

Steven S. Macary, ZEO explained that he would be going over the fees with Mr. Rossi.

Commissioner Pete Zbras questioned if the amount of material being excavated or removed was being tracked, he also asked if the rock crusher will be placed at least 300' from the nearest residential lot.

Chairman Jeff Luff noted that the distances complied last time.

Commission Secretary Pat Cocchiarella questioned the contours of the wall, if that information was received. He asked if the original and proposed would be the same as previously approved.

Chairman Jeff Luff stated that the applicant responded to the questions about the contours and said that it was all the same.

Commission Secretary Pat Cocchiarella expressed that the contours have to be the same as what was approved with the previous application.

Steven S. Macary, ZEO noted that he would discuss, with the applicant, the amount of material that has been removed from the site.

Commissioners discussed the previously approved application and the current application and determined that the applicant must comply with the approval from Application Z-06-002.

Commissioner Pete Zbras asked if the applicant spoke to abutting property owners.

Chairman Jeff Luff stated that notices were sent out and no one showed up at the Public Hearing.

Commissioner Pete Zbras asked if the applicant submitted a letter from the owner that he contacted the abutting property owners.

Chairman Jeff Luff replied, "yes".

Commissioners discussed how the excavation should be tracked and how they should apply fees if it goes beyond the amount in the original application. They agreed that P&Z Engineer, Jim Galligan should determine the final amount of material removed from the site, and then Steve could adjust the fees accordingly.

Commissioners discussed various conditions that they would apply to the approval.

MOTION BY Commission Secretary Pat Cocchiarella to approve Application Z-18-180 with the following conditions:

1. The applicant and their assigns must comply with all representations made at Planning and Zoning 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. A final map shall be submitted to the Planning & Zoning Department for review.
4. 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.

5. 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.
6. Applicant must adhere to section 14.6.20, as follows;

14.6.20 The Commission may permit the temporary use of processing machinery on a site less than 2 ½ acres in size that is located at least 50' from all property boundaries and at least 200' from the nearest residential building for a period of up to 1 month. The Commission may extend the period of time for up to 1 additional month if it finds that delays in the processing were a result of weather or other conditions beyond the control of the contractor.

Such extension may be granted without an additional public hearing based upon testimony presented at the original hearing, and additional information requested by the Commission. The Commission shall only permit the use of processing machinery that generates a minimum amount of dust and noise.

7. A watering truck must be on site at all times for dust control.
8. The Planning and Zoning Commission may modify this motion at will.
9. Excavation fees for materials shall be adjusted accordingly after the Planning & Zoning Engineer reviews the comparison of contours of the original site plan application, Z-16-002, and the amount of material excavated with this approval.
10. The final as-built shall match the contours approved in Application No. Z-16-002.
11. Crushing can only occur Monday to Friday from 8:00 AM to 4:00 PM.

Second by Vice Chairman Arnie Jensen.

All (5) Ayes.

Motion passed (5-0).

The effective date of this approval is June 26, 2018.

The expiration date of this approval is July 26, 2018.

2. **Invoice #124-18 from Nafis & Young Engineers – Lot 3 Moose Hill**
(Tabled on 6/19/18)

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

Second by Vice Chairman Arnie Jensen. All (5) Ayes.

MOTION BY Commission Secretary Pat Cocchiarella to approve payment of Invoice #124-18 from Nafis & Young Engineers.

Second by Vice Chairman Arnie Jensen.

All (5) Ayes.

Motion passed 5-0.

3. **Plan of Conservation and Development Update** – Discussion with possible action.

Vice Chairman Arnie Jensen updated the Commission on the progress of the POCD. He explained that the Board of Selectmen and NVCOG have submitted comments which will be integrated in the updated draft. Once that is complete, it will be sent back to NVCOG for a final review and then the first draft will be uploaded to the Town website to begin the final steps. He noted that the document has to be on the website for at least 30 days before the Public Hearing. He stated that the Public Hearing could be scheduled for the first meeting in September.

A lengthy discussion ensued regarding the comments received from the Council of Governments.

ADJOURNMENT

MOTION BY Commissioner John Kerwin to adjourn the meeting at 8:17 PM.

Second by Commission Secretary Pat Cocchiarella.

All (5) Ayes.


Motion passed 5-0.

Respectfully submitted,


Jessica Pennell

Administrative Assistant

Planning & Zoning Commission

18 AUG -2 PM 4:22
TOWN OF OXFORD, CT

TOWN CLERK