

**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, November 1, 2022
7:30 PM-Main Meeting Room
S.B. Church Memorial Town Hall**

***NOTE* - DUE TO TECHNICAL DIFFICULTIES THIS MEETING DID NOT RECORD.**

I. Call to Order

Chairman Pat Cocchiarella called the meeting to order at 7:36 PM.

II. Pledge of Allegiance

III. Roll Call

Commission Members present: Dan Wall, Pete Zbras, Pat Cocchiarella, Brett Olbrys, and Robert Carr.

Alternate Commissioners present: Carl Bouchard, Sara Locke, and Joshua Dykstra.

Commissioners not present: Ed Rowland and John Kerwin.

IV. Seating of Alternates

Chairman Cocchiarella seated **Alternate Commissioner Dykstra**.

V. Public Hearings:

A. Recessed Public Hearings:

The following Public Hearing recessed to *Tuesday, November 15, 2022 at 7:30 PM:*

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)

B. New Public Hearings:

Note: Items 1-4 are scheduled for *before* the Regular Meeting.

Note: Item 5 is scheduled for *during* the Regular Meeting.

1. 6:00 PM **Planning & Zoning Commission Public Hearing** to opt-out of the Accessory Apartment Requirements as outlined in Public Act No. 21-29.
2. 6:10 PM **Z-22-180 [IND] – Proposed Text Amendment to the Industrial Zone**
– Owner: 8 Pheasant Run, LLC, c/o Mark Oczkowski, 4 Woodruff Hill Road
Applicant: Vesta Modular c/o Robert Sizemore, 1000 Town Center Suite 975, Southfield, MI (*Proposed zoning regulation text amendments: addition of Article 2, Section 2.13a and addition of Article 9, Section 9.3.23*)
3. 6:20 PM **Z-22-181 (a) Z-22-181 (b) – [IND] – 8 Pheasant Run Road** – Owner: 8 Pheasant Run, LLC, c/o Mark Oczkowski 4 Woodruff Hill Road – Applicant: Vesta Modular c/o Robert Sizemore, 1000 Town Center Suite 975, Southfield, MI (*Site Plan – Construct 5,000+sq.ft. building*) (*Special Exception –Use – Article 9, Section 9.3.23*)
4. 6:30 PM **Z-22-182 (a) Z-22-182 (b) – [IND] –13 E. Commerce Drive (Lot 14 Woodruff Hill Industrial Park)** – Owner: Town of Oxford, 486 Oxford Road, Oxford – Applicant: Airamid, LLC c/o William Kennedy and/or Tiana DiMaria, 511 Brook Street, Rocky Hill, CT (*Site Plan – Construct 5,332 sq. building*) (*Special Exception –Article 9, Section 9.3.10*)

Chairman Cocchiarella opened the Public Hearing on the following application:

5. 7:30 PM **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*)

Commission Secretary Olbrys read the Legal Notice.

Attorney Dominick Thomas, representative for the applicant, explained that this is a four (4)-lot subdivision. He noted that it has wetlands approval and the applicant has placed conservation easements on the property per a condition of approval from Wetlands.

Fred D'Amico, Engineer for the applicant, explained that this is a fourteen (14) acre parcel with three (3) acres of open space. He noted that it has the health department and wetlands approval. He explained that one lot has an existing barn that will be removed.

Chairman Cocchiarella asked if there were any comments from the Commissioners.

There were no comments from the Commissioners at this time.

Chairman Cocchiarella asked if anyone from the public had any comments.

Cynthia Soucy, 241 Quaker Farms Road had questions regarding the percentage of open space per lot. She also noted that she has a very low producing well and is concerned that this may further affect her well and/or water. She also stated that she has arsenic in her water.

David Stocker, 214 Quaker Farms Road, noted concerns about having livestock next door and animals close to the property line. He also expressed concerns about potential owners knowing ahead of time that they are buying a home near an active farm with ongoing farming activities.

John Lucas, 240 Quaker Farms Road mentioned the importance of soil and erosion controls.

Marie Stocker, 214 Quaker Farms Road asked if there would be any blasting.

John Lucas, 240 Quaker Farms Road questioned the conservation easement.

The applicant's representatives and Commissioners answered the questions from the public.

Fred D'Amico, engineer for the applicant, in response to the statement, regarding the low producing well; the septic systems and wells have been approved by the health department, and the plans have been reviewed by the Planning & Zoning Engineer.

Mr. D'Amico, Attorney Thomas, and Commission members also addressed the following questions and concerns;

- the potential owners buying lots near farms; the Town of Oxford has a Right to Farm Ordinance, and farming activities are allowed,
- the stone wall will not be removed,
- the site will be monitored during all
- phases of the project.
- if blasting is necessary, it will be processed through the Fire Marshal's Office, and he will be able to address any concerns regarding foundations or wells.

Chairman Cocchiarella asked the Commission if they had any other questions for the applicant.

There were no further questions or comments from the Commission.

MOTION BY Commission Secretary Olbrys to close the Public Hearing.

Second by Commissioner Wall.

All (6) Ayes.

Motion to close passed unanimously.

C. Future Public Hearings:

Tuesday, November 15, 2022 at 6:05 PM:

1. **Planning & Zoning Commission** – Opt out of Public Act 21-29 requirements regarding Parking

Tuesday, December 6, 2022 at 7:30 PM (during Regular Meeting):

1. **Z-22-190 [IND] – 21-23 Nichols Road** – **Owner:** – TPB Contractors, LLC c/o Attorney Dominick Thomas, 315 Main Street, Derby, CT – **Applicant:** T&C Partners, LLC c/o Attorney Dominick Thomas, 315 Main Street, Derby, CT (Site Plan) (Modification of Special Exception) (*Article 2, Section 2.14a, Article 9, Section 9.3.21, Article 10, Section 10.7.2 (6)*)

VI. Regular Meeting Business

A. Amendments to the Agenda

- 1) **MOTION by Commission Secretary Olbrys** to amend the agenda to add an invoice from McSherry Law Office under Invoices.
Second by Commissioner Zbras.
All (6) Ayes.

Motion passed unanimously.

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

C. Correspondence - None

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

1. **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*)

Chairman Cocchiarella noted that the hearing on this application is closed.

Commissioners briefly discussed the application for the Special Exception.

Commission Secretary Olbrys read the following resolution of approval:

Z-22-108 [IND] - 79 Prokop Road – Map: 25 Block: 19 Lot: 4C – Special Exception

Owner: Connecticut Rock Development, LLC

Applicant: Defeo Materials, LLC

The following information was submitted for the consideration of the Planning and Zoning Commission regarding this application.

- 1.) Application
- 2.) Site Plan - 3 pages last revised June 21, 2022 – 5,000 sq. ft. building
- 3.) Inland Wetlands Approval dated October 14, 2022
- 4.) Letter dated 8/4/2022 Jim Galligan Nafis & Young, Town Engineer
- 5.) Letter dated 10/10/2022 Jim Galligan Nafis & Young, Town Engineer
- 6.) Letter dated 10/10/2022 Jim Galligan Nafis & Young, Town Engineer
- 7.) Statement of Use

SPECIAL EXCEPTION

The Commission received the application on July 19, 2022, conducted public hearings on August 16, 2022, September 6, 2022. September 20, 2022, October 4, 2022 and October 18, 2022.

Findings of the Commission:

- 1.) The Application complies with section 14.2 of the Zoning Regulations.
- 2.) There will be no negative impact upon the natural environment, nearby properties or traffic circulation.
- 3.) All conditions of Article 14 are met.

I move to approve the Special Exception with the following conditions:

Conditions of approval:

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

- 2.) The applicant 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 the initial review through inspection and final acceptance of any improvement.
- 3.) The applicant and its assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application period
- 4.) The specific uses on this property shall be limited to those designated and submitted by the applicant.
- 5.) Rock crusher shall be used to prepare the site. Rock crusher shall be removed once the site is prepared. A rock crusher shall not be used in the business.
- 6.) The business shall be conducted as a wholesale only and there shall be no retail sales or displays.
- 7.) The Site Plan is approved for a 5,000 square foot building within office and two pieces of construction equipment.
- 8.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.
- 9.) All erosion controls shall be maintained during and after construction.
- 10.) Business operation is not to commence before completing all site work.
- 11.) Duration of Permit-Special Exception shall expire two years after the expiration of the appeal period. Extensions may be granted per section 14.2.4.
- 12.) All excavation and fill activity shall be conducted between 8:00 AM and 4:00 PM Monday through Friday.
- 13.) No construction and demolition debris may be brought onto the property, nor may be buried or otherwise deposited on the property.
- 14.) The Commission shall have the right to require financial surety to assure completion of site plan features. The Commission shall set the bond and in a form satisfactory to Town Counsel.

Second by Commissioner Dan Wall.

All (6) Ayes.

Motion passed unanimously.

Commissioner Wall read the following resolution of approval:

Z-22-108 [IND] 79 Prokop Road Map 25 Block 19 Lot 4C – Site Plan

Owner: Connecticut Rock Development, LLC

Applicant: Defeo Materials, LLC

The following information was submitted for the consideration of the Planning and Zoning Commission regarding this application.

- 1.) Application
- 2.) Site Plan 3 pages last revised June 21, 2022-5000 sq. ft. building
- 3.) Inland Wetlands Approval Dated October 14, 2022
- 4.) Letter dated 8/4/2022 Jim Galligan Nafis & Young Town Engineer
- 5.) Letter dated 10/10/2022 Jim Galligan Nafis & Young Town Engineer
- 6.) Letter dated 10/10/2022 Jim Galligan Nafis & Young Town Engineer
- 7.) Statement of Use

SITE PLAN

The Commission received the application on July 19, 2022, conducted public hearings on August 16, 2022, September 6, 2022, September 20, 2022, October 4, 2022 and October 18, 2022.

Findings of the Commission:

- 1.) The Application complies with Article 11 of the Zoning Regulations.
- 2.) There will be no negative impact upon the natural environment, nearby properties or traffic circulation.
- 3.) Section 11.3 Standards have been met.

I move to approve the Site Plan with the following conditions:

Conditions of approval:

- 1.) Compliance with all Town of Oxford regulations and ordinances in effect as of this date.
- 2.) The applicant 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 the initial review through inspection and final acceptance of any improvement.
- 3.) The applicant and its assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application period
- 4.) The specific uses on this property shall be limited to those designated and submitted by the applicant.
- 5.) Rock crusher shall be used to prepare the site. Rock crusher shall be removed once the site is prepared. A rock crusher shall not be used in the business.
- 6.) The business shall be conducted as a wholesale only and there shall be no retail sales or displays.
- 7.) The Site Plan is approved for a 5000 square foot building within office and two pieces of construction equipment.
- 8.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.
- 9.) All erosion controls shall be maintained during and after construction.
- 10.) Business operation is not to commence before completing all site work.
- 11.) Duration of Permit-Special Exception shall expire two years after the expiration of the appeal period. Extensions may be granted per section 14.2.4.
- 12.) All excavation and fill activity shall be conducted between 8:00 AM and 4:00 PM Monday through Friday.
- 13.) No construction and demolition debris may be brought onto the property, nor may be buried or otherwise deposited on the property.
- 14.) The Commission shall have the right to require financial surety to assure completion of site plan features. The Commission shall set the bond and in a form satisfactory to Town Counsel.

Second by Commissioner Zbras.

DISCUSSION:

Some Commissioners expressed concern that this business falls under the definition of a contractor's yard.

VOTE ON MOTION:

Ayes (0), Nays (5)

Votes taken by Roll Call, **Chairman Cocchiarella** did not vote.

Motion to approve did not pass.

- E. Old Business – Other Matters - None
- F. New Business – Schedule a Public Hearing
- G. New Business – Other
- H. Zoning Enforcement
- I. Minutes

1. 10/18/2022 Regular Meeting Minutes

MOTION by Commission Secretary Olbrys to approve the 10/18/22 minutes as presented.
Second by Commissioner Zbras.
All (6) Ayes.
Motion passed unanimously.

J. Invoices

1. Invoice from McSherry Law Office

MOTION by Commission Secretary Olbrys to approve the invoice from McSherry Law Office
Second by Commissioner Zbras.
All (7) Ayes.
Motion passed unanimously.

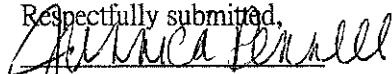
K. Other Business


- a. Farm Events Ad-Hoc Committee (Upcoming workshop on 11/21/22)
- b. Any other items the Commission deems necessary for discussion.

L. Adjournment

MOTION BY Commission Secretary Olbrys to adjourn the meeting at 8:55 PM.
Second by Commissioner Wall.
All (6) Ayes.
Motion passed unanimously.

Respectfully submitted,


Jessica Pennell, Coordinator
Planning & Zoning Commission

22 NOV 23 AM 11:13
TOWN OF UXFORD, CT

TOWN CLERK