

**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](mailto:pandz@oxford-ct.gov)  
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**Planning & Zoning Commission  
Regular Meeting Minutes  
Tuesday, November 15, 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 7:33 PM.

**II. Pledge of Allegiance**

**III. Roll Call**

**Commission Members present:** Robert Carr, Pete Zbras, Pat Cocchiarella, Brett Olbrys, and Ed Rowland.

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

**Commissioners not present:** John Kerwin and Dan Wall.

**IV. Seating of Alternates – No alternates were seated.**

**V. Presentation / Discussion with the Naugatuck Valley Council of Governments (NVCOG) regarding preparation of Regional Plan of Conservation and Development (RPOCD) for 2023.**

**Josh Lecar, Director of Planning and Christine O'Neill, Regional Environmental Planner** both from NVCOG, introduced themselves before Mr. Lecar proceeded to present information to the Commission on the Regional Plan of Conservation and Development for 2023.

(Presentation by Mr. Lecar attached to these minutes as Attachment A)

**Commission Secretary Olbrys** made a motion to take a (five) 5 minute recess at 7:51 PM.

**Second by Commissioner Carr.**

**All (5) Ayes.**

*Motion to recess passed unanimously.*

**Commission Secretary Olbrys** moved to come out of recess at 7:54 PM.

**Second by Commissioner Carr.**

**All (5) Ayes.**

*Motion passed unanimously.*

## VI. Public Hearings:

### A. Recessed Public Hearings:

The following Public Hearings recessed to *Tuesday, November 15, 2022*:

**6:00 PM**      **Planning & Zoning Commission Public Hearing** to opt-out of the **Accessory Apartment Requirements** as outlined in Public Act No. 21-29.

**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*)

**NOTE:** The following hearings will be held during the 11/15/22 Regular Meeting and may not commence promptly at 7:30 PM.

**7:30 PM**      **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*)

**Chairman Cocchiarella** opened the recessed Public Hearing.

**Commission Secretary Olbrys** read the following correspondence into the record:

- a. Letter from James and Karen Olsen dated 11/6/22 in support of this application
- b. Letter from Wayne and Sandy Watt dated 11/6/22 in support of this application
- c. Letter from Chris Olsen dated 11/14/22 in support of this application

**Commission Secretary Olbrys** also noted a copy of a notarized document between the applicant and Chris Olsen regarding a good faith deposit to purchase an additional 5.1 acres. He also noted a petition signed by approximately twenty (20) residents in support of this application.

**Tom Loring, owner & applicant, 266 Maple Tree Hill Road**, outlined for the Commission items that have been addressed since the first public hearing. He noted that he has worked with his engineer on the setbacks, he has been working on a manure management plan that includes the use of a dumpster, and he has entered into an agreement with Chris Olsen to purchase an additional five (5) acres of property.

**Mr. Loring** also took time to give a brief history of his wife's accomplishments as a horse trainer; noting that the farm and training facilities would be a reflection of her love of horses.

**Mr. Loring** also noted that he is working with the USDA on a comprehensive nutrient management plan and are in the grant process which aides them in the best practices for farming.

**Commissioner Zbras** asked the applicant how many horses he would have on the farm.

**Mr. Loring** stated that there would (fifteen) 15 horses, there is one (1) horse allowed per acre.

**Commissioner Zbras** noted that he spoke to wetlands and that he learned that the urine from the horses would purify itself before it got close to any wells.

**Amie Loring, owner & applicant**, explained that the horses would be stabled, and the hay with urine would be disposed of in the dumpster.

**Chairman Cocchiarella** asked if there were any members of the public that would like to speak.

**Christina Stanevich, 4 Toppenfjell Lane** noted concerns about increased traffic and odors.

**Greg Sweeney, 9 Toppenfjell Lane** noted concerns about the ponds and corrals, urine and the fencing.

**Rebecca Kayfus, 22 Thorson Road** read a letter to the Commission that noted various questions and cited sections of Article 5 of the Planning & Zoning Regulations (Attachment B).

**Chris Olsen, 278 Maple Tree Hill Road**, previously owned the property and supports the applicants and their intent to keep it as a farm. He briefly discussed the history of the property going back to when his grandparents farmed the land.

**Tom Loring**, applicant responded to questions asked by the public. He discussed the traffic, the ponds, the urine, odor, and fencing.

Commissioners and Fred D'Amico, the applicant's engineer, also discussed the topography and the idea of the proposed use affecting the water of neighboring wells.

There were no further questions from the public.

There were no further questions from the Commission.

**MOTION BY Commission Secretary Olbrys** to close the public hearing.

**Second by Commissioner Zbras.**

**All Ayes.**

*Motion to close passed unanimously.*

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The following Public Hearing is recessed to ***Tuesday, December 6, 2022 during the regular meeting:***

**7:30 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.ft. building) (Special Exception – Article 9, Section 9.3.10)**

B. New Public Hearings:

**6:05 PM      Planning & Zoning Commission – Opt out of Public Act 21-29 requirements regarding Parking**

C. Future Public Hearings:

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

**7:30 PM**     **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**

- a. **Motion by Commission Secretary Olbrys** to amend the agenda to add the **Planning & Zoning Commission** – Opt out of the **Accessory Apartment Requirements** as outlined in Public Act No. 21-29. under Old Business – Items on which a Public Hearing was held.

**Second by Commissioner Zbras.**

**All (5) Ayes.**

*Motion passed unanimously.*

- b. **Motion by Commission Secretary Olbrys** to amend the agenda to add the **Planning & Zoning Commission** – Opt out of Public Act 21-29 requirements regarding Parking under Old Business – Items on which a Public Hearing was held.

**Second by Commissioner Zbras.**

**All (5) Ayes.**

*Motion passed unanimously.*

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

### **C. Correspondence**

**Commission Secretary Olbrys** noted the following correspondence for the record:

- a. CFPZA Quarterly Newsletter – Fall 2022

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

1. **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*)

Commissioners agreed that the text amendment was too vague.

**Attorney McSherry** advised that Commissioners bring their ideas regarding additional wording to add to the amendment to the next meeting, or to email it to Jessica prior to the meeting.

**MOTION BY Commission Secretary Olbrys** to table this item to the next meeting.

**Second by Commissioner Carr.**

**All (5) Ayes.**

*Motion passed unanimously.*

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2. **Planning & Zoning Commission** – Opt out of the **Accessory Apartment Requirements** as outlined in Public Act No. 21-29.

**MOTION BY Commission Secretary Olbrys** to adopt the following resolution:

**RESOLUTION TO OPT OUT OF THE PROVISIONS OF § 6 (a) to (d) of PA 21-29  
CONCERNING ACCESSORY APARTMENTS.**

**WHEREAS**, Connecticut Public Act 21-29, effective October 1, 2021, establishes default provisions that allow construction of ADUs (referred to in the Act as “accessory apartments”) on lots accompanying single-family homes, unless a municipality chooses to opt out of this provision. Zoning regulations must be amended by Jan 1, 2023 to follow the law, lest non-compliant sections of zoning regulations would become null and void (in which case the law will govern);

and **WHEREAS**, a municipality, by vote of its legislative body may opt out of the provisions of § 6 (a) to (d) of PA 21-29 concerning Accessory Apartments, provided the planning and zoning commission pursuant to PA §6 (f),(1) first holds a public hearing in accordance with the provisions of section 8-7d of the General Statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d of the General Statutes, (3) states upon its records the reasons for such decision, and (4) publishes a notice of such decision in a newspaper having substantial circulation in a municipality not later than 15 days after such a decision has been rendered;

and **WHEREAS**, in addition to allowing ADUs accompanying single-family homes, P.A. 21-29 places limits on other conditions of approval, including:

- a. ADUs cannot be restricted to homeowners or relatives of occupant of primary structure;
- b. Approval process shall not require a public hearing, special permit or special exception; and decisions must be rendered within 65 days of application;
- c. Permission to construct an ADU shall not be conditional to correcting a nonconformity or requiring fire sprinklers if they are not required by the fire code for the principal dwelling;
- d. Regulations shall not require ADUs to have an exterior door, be connected to the primary structure, or have more than one parking space;
- e. Regulations must permit the maximum size of the ADU be 1,000 SF, or 30% of the size of the primary structure, whichever is smaller;
- f. The construction of an ADU may not trigger more restrictive lot coverage requirements than applicable to the primary home, require greater setbacks than are required for the primary home, require greater height, 4884-5652-1743, v. 2 landscaping, and architectural design standards than apply to single family dwellings;
- g. ADUs shall not be required to be affordable;
- h. Municipalities may regulate the use of ADUs as short term rentals;
- i. ADUs shall not be required to be served by separate utilities and shared septic systems shall not be considered “community wastewater systems” for regulatory purposes; and

- j. ADUs built or permitted after 1/1/22 that are not deed-restricted do not count toward denominator (total dwelling units) in §8-30g threshold calculation

**WHEREAS**, the Planning and Zoning Commission of the Town of Oxford, has complied with the requirements of § 6 (f) of Public Act 21-29 prior to acting upon this resolution.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD**, that it declares its affirmative decision to opt-out of the provisions of § 6 (a) to (d) of PA 21-29 concerning Accessory Apartments;

**BE IT FURTHER RESOLVED THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD** bases this decision and declaration on multiple factors including:

- (1) the density of occupation and concentration of structures in many of Oxford's residential districts;
- (2) the incompatibility of accessory apartments within the residential neighborhood which have been designated as historic or are eligible for such a designation;
- (3) Oxford's large number of multi-family housing units and affordable housing options suitable for providing temporary, affordable housing options for individuals likely to be served pursuant to § 6 (a) to (d) of PA 21-29;
- (4) the failure of Public Act 21-29 to provide the Planning and Zoning Commission of the Town of Oxford, the Board of Selectmen and the people of the Town of Oxford with enough flexibility to regulate accessory apartments in a way that is compatible with the goals of the Oxford Zoning Regulations and its Plan of Conservation and Development,
- (5) the small number of zoning enforcement personnel available to the Town of Oxford whereby it may be difficult, if not impossible, to assess whether a particular accessory apartment complies with the provisions of the General Statutes, as amended by Public Act 21-29.

**AND BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD**, that by adoption of this resolution by the Planning and Zoning Commission of the Town of Oxford, it votes to opt-out of the provisions of this law, with the recognition that such opt-out shall not be valid and effective until the Board of Selectmen and legislative body of the Town of Oxford, also holds a vote to opt-out of the provisions of § 6 (a) to (d) of Public Act 21-29;

and **BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD** that the Town clerk be directed to publish notice of the passage of this resolution in a newspaper having substantial circulation in the Town of Oxford not later than fifteen (15) days after this Resolution has been adopted, and following the publication of this Resolution, refer this matter to the Board of Selectmen for discussion and action.

Dated at Oxford, Connecticut this 15<sup>th</sup> day of November 2022.

ATTEST \_\_\_\_\_

Patrick Cocchiarella Chairman, Planning and Zoning Commission

ATTEST: \_\_\_\_\_

Jessica Pennell, Coordinator, Planning and Zoning Commission

Second by Commissioner Carr.

All (5) Ayes.

*Motion to opt-out passed unanimously.*

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

**MOTION BY Commission Secretary Olbrys** to adopt the following resolution:

**RESOLUTION TO OPT OUT OF THE PROVISIONS OF CONN. GEN. STAT. §8-2 (D)(9), AS AMENDED BY THIS PA 21-29, §4, REGARDING LIMITATIONS ON “PARKING SPACES FOR DWELLING UNITS”**

**WHEREAS**, Connecticut Public Act 21-29, effective October 1, 2021, §8-2 (d)(9) of the General Statutes establishing limitations on parking spaces for dwelling units;

and **WHEREAS**, a municipality, by vote of its legislative body may opt out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by this PA 21-29, §4, regarding limitations on “Parking Spaces for Dwelling Units”, provided the planning and zoning commission pursuant to PA §5, (1) first holds a public hearing in accordance with the provisions of section 8-7d of the General Statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d of the General Statutes, (3) states upon its records the reasons for such decision, and (4) publishes a notice of such decision in a newspaper having substantial circulation in a municipality not later than 15 days after such a decision has been rendered;

and **WHEREAS**, the planning and zoning commission of the Town of Oxford, has complied with the requirements of § 5 of Public Act 21-29 prior to acting upon this resolution.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD**, that it declares its affirmative decision to opt-out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by Public Act 21- 29 concerning limitations on parking spaces for dwelling units;

**BE IT FURTHER RESOLVED THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD** bases this decision and declaration on multiple factors including (1) the density of occupation and concentration of structures in many of Oxford's residential districts; (2) the existing zoning regulations adequately address the parking needs for the Town of Oxford; and (3) the failure of Public Act 21-29 to provide the Planning and Zoning Commission of the Town of Oxford, the Board of Selectmen and the people of the Town of Oxford with enough flexibility to regulate the parking needs in a way that is compatible with the goals of the Oxford Zoning Regulations and its Plan of Conservation and Development.

**AND BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD**, that by adoption of this resolution, the Planning and Zoning Commission of the Town of Oxford votes to opt-out of the provisions of this law, with the recognition that such opt-out shall not be valid and effective until the Board of Selectmen and the legislative body of the Town of Oxford, also holds a vote to opt-out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by this PA 21-29, §4; and 4884-5652-1743, v. 3

**BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFORD** that the clerk be directed to publish notice of the passage of this resolution in a newspaper having substantial circulation in the Town of Oxford not later that fifteen (15) days after this Resolution has been adopted, and following the publication of this Resolution, refer this matter to the Board of Selectmen for discussion and action.

Dated at Oxford, Connecticut this 15th day of November 2022.

ATTEST \_\_\_\_\_

Patrick Cocchiarella Chairman, Planning and Zoning Commission

ATTEST: \_\_\_\_\_

Jessica Pennell, Coordinator Planning and Zoning Commission

**Second by Commissioner Zbras.**

**All (5) Ayes.**

*Motion to opt-out passed unanimously.*

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- 4. 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)*

**Chairman Cocchiarella** noted that the public hearing on this application has been closed.

**MOTION BY Commission Secretary Olbrys** read the following resolution for Z-22-129:

**WHEREAS**, the following information was submitted for consideration by the Planning & Zoning Commission regarding this application:

- 1.) Application
- 2.) Revised plans dated October 11, 2022
- 3.) Conservation Commission Inland Wetlands Approval
- 4.) Letter dated, from Jim Galligan, P&Z Engineer
- 5.) Revised letter dated Jim Galligan, P&Z Engineer

I move to approve application **Z-22-129 - 228 Quaker Farms Road Subdivision**, with the following 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 pursuant to Article 4, Section 3 of the Subdivision Regulations.
3. The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application.
4. Conveyance of Open Space shall be submitted by the applicant and approved by the Town Land Use Counsel or Town Attorney in accordance with Section 3 of the Oxford Subdivision Regulations.
5. Conservation Easements shall be submitted by the applicant and approved by the Town Land Use Counsel or Town Attorney in accordance with Section 4 of the Oxford Subdivision Regulations.



6. The applicant shall prepare any documents to convey the open space to the beneficiary of the open space prior to any permits being issued for the subdivision.
7. The applicant shall comply with any and all conditions required by the health district.
8. The applicant must post all necessary bonds for sedimentation and erosion control measures as required by the Conservation Commission and or Planning and Zoning Commission as recommended by the Town Engineer.
9. Letter from a Licensed Surveyor confirming the placement of all pins and monuments.
10. No substitute materials without the approval of the Planning and Zoning Commission or its Engineer.
11. 1" to 200' Mylar of the record subdivision shall be presented to the Town Assessor and the Planning & Zoning Commission.
12. No Burying of stumps, debris or other material and the applicant shall submit a report/receipt for stump/debris removal.
13. A mylar of the record subdivision shall presented for approval by the Planning and Zoning Commission, and filed on the Oxford Land Records, prior to sale of any lots.

**Second by Commissioner Carr.**

**Discussion:** Commissioners discussed if the approval should include the condition regarding the buildings that would be removed or demolished.

The following condition was added to the approval.

14. Demolition of existing buildings on the property as shall be done prior to sale of any lots.

**Commission Secretary Olbrys** accepted the motion as amended.

**Commissioner Carr** seconded the motion as amended.

**All (5) Ayes.**

*Motion to approve as amended passed unanimously.*

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E. Old Business – Other Matters – None

F. New Business – Schedule a Public Hearing - None

G. New Business – Other - None

H. Zoning Enforcement

I. Minutes

**MOTION BY Commission Secretary Olbrys** to table the 11/1/2022 Public Hearing minutes and the 11/1/2022 Regular meeting minutes.

**Second by Commissioner Zbras.**

**All Ayes.**

*Motion passed unanimously.*

1. 11/1/2022 Public Hearing Minutes:

- a. **Planning & Zoning Commission Public Hearing** to opt-out of the **Accessory Apartment Requirements** as outlined in Public Act No. 21-29.
- b. **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*)
- c. **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*)
- d. **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.ft. building*) (*Special Exception – Article 9, Section 9.3.10*)
- e. **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*)

2. 11/1/2022 Regular Meeting Minutes

J. Invoices – None

K. Other Business

- a. Approve 2023 Regular Meeting Schedule

**MOTION BY Commission Secretary Olbrys** to approve the 2023 Regular Meeting schedule as presented.

**Second by Commissioner Carr.**

**All (5) Ayes.**

*Motion passed unanimously.*

- b. Farm Events Ad-Hoc Committee (Next update on 12/6/22)

- c. Any other items the Commission deems necessary for discussion.

L. Adjournment

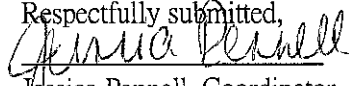
**MOTION BY Commission Secretary Olbrys** to adjourn the meeting at 9:32 PM.

**Second by Commissioner Carr.**

**All (5) Ayes.**

*Motion passed unanimously.*

Respectfully submitted,



Jessica Pennell, Coordinator  
Planning & Zoning Commission

22 DEC 12 PM 4:13  
TOWN OF DEXTER, CT  
Cynthia A. West  
TOWN CLERK