

**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](http://www.Oxford-CT.gov)



**Planning & Zoning Commission  
Regular Meeting Minutes  
Tuesday, January 3, 2023  
7:30 PM-Main Meeting Room  
S.B. Church Memorial Town Hall**

**I. Call to Order**

**Chairman Cocchiarella** called the meeting to order at 7:30 PM.

**II. Pledge of Allegiance**

**III. Roll Call**

**Present:** Joshua Dykstra, Carl Bouchard, Sara Locke, Dan Wall, Pete Zbras, Pat Cocchiarella, Brett Olbrys, Ed Rowland, and Robert Carr.

**Not Present:** John Kerwin.

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

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

**V. Public Hearings – 1/3/2023:**

**A. Recessed Hearing:**

**Chairman Cocchiarella** noted that this is a continuation of hearing recessed on 12/6/2022.

1. **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) (Extension granted on 12/6/2022)

**Attorney Tom Regan and Attorney Franke DeRosa** of Brown Rudnick, LLP, City Place I, 38th Floor, 185 Asylum Street Hartford, CT 06103-3402 were present to represent the applicant.

**Attorney Regan** introduced himself as the representative for the applicant. He submitted a memo with six (6) tabs in response to questions raised at the last hearing.

**Attorney Franka DeRosa** highlighted some of the some of the specific information provided in the memo. She noted that applications were submitted to the state of Connecticut Department of Energy Environmental Protection on 9/13/2022, for a crematory. She highlighted some of the concerns the memo addresses from the last hearing, including the air quality, and mercury vapors.

**Chris Ecsedy, CJE Environmental, LLC** prepared tab (3) three in the memo, which also followed up on questions from the 12/6/22 Public Hearing.

**Commissioners** asked questions regarding how mercury would be measured, as well as what type of fuel would be used to power the crematory.

**Chris Ecsedy and Attorney DeRosa** answered the Commissioners questions.

**Attorney McSherry** stated that there is a statute (8-n) that requires a crematory to be at least 500' from a residential district or a residential structure.

**Curt Jones, Civil 1, Engineer** stated referred to Lot 14 on the map, and stated that closest residential homes are within approximately 700'. He also noted that this is in the industrial zone.

**Chairman Cocchiarella** asked if there was anyone from the public that would like to speak.

**The following members of the public spoke on this application:**

*Note:* Any correspondence filed in writing during the Public Hearing is public record and is on file in the Planning and Zoning Department. Public Speakers with a \* after their name submitted written correspondence into the record.

**Ellen Fox\*, 522 Traditions Court North** voiced her concerns with this application. She noted that she has a petition against the crematory, with 225 signatures. She stated that she has emailed or contacted various state departments, agencies, and representatives regarding matters relevant to her concerns with this application.

**Kate McKinney\*, 7 Towantic Hill Road** referred to excerpts from the Town's Plan of Conservation and Development from 9/15/2018. She referred to items outlined in the POCD regarding development in the Town, the uses in the industrial zone, quality of life, and the idea of an environmentally sustainable community. She stated that she has have a concern with the exception made for incineration of human remains in a densely polluted area.

**Candy Calcandy\*, 1051 August Drive** spoke in opposition of this application due to the Town already having two (2) crematoriums, and another nearby, which produce residue, which is harmful to the environment.

**Peter Calcandy\*, 1051 August Drive** mentioned the medical and economic impacts of the crematorium on the Town. He stated that a crematorium would decrease property values in the area. He requested the Commission deny this application.

**Rea-Myron Kolski, 720 Championship Drive** spoke in opposition of this application.

**David Labriola, 185 Riggs Street**, State Representative, 131<sup>st</sup> District, stated that he signed the petition and that he has come to stand in opposition of this application with his neighbors. He explained that he has had many phone calls and emails regarding this application. He noted that the new legislative session begins tomorrow, and this might be an item for discussion. He reiterated that he is opposed to this application.

**Carol Cass, 707 Championship Drive**, stated that she is a healthcare worker and that in her research found that there is much more than just mercury, and that there is very little information on the aggregate effect of crematory emissions on air quality and the environment. She spoke in opposition of the application.

**Corey Ferrell\*, 6 Prokop Road** stated that he would like to see a Cumulative Impacts Analysis to ensure the health and quality of life for Oxford and Middlebury residents will not be compromised with this application.

**Attorney Jackie Kaufman, of Carmody & Torrance\*** was present to represent Hu Brothers, LLC, located at 66 Prokop Road. She expressed why there is not enough information in the record to support the approval of a special permit for this application. She noted concerns for the health, safety, and welfare regarding the standards of the special exception, and requested a Cumulative Impact Study be completed, as a condition of approval. She specifically noted concerns regarding the health, safety, and welfare standards of the special exception, and that the application is not consistent with the Town's Plan of Conservation and Development. She submitted various exhibits, including an appraisal report, and explained that her client's property value would decrease with the approval of this application. She noted concerns that any conditions of approval on this application, if approved, would not be enforceable by the Commission or ZEO.

**Commissioners** asked questions regarding the appraisal, any previous appraisals, and possible discrepancies' in regards to the appraisal value, with Town records.

**Attorney Kaufman** stated that she would get answers to the questions Commissioners have asked this evening.

**Charlie Hu, owner of property at 66 Prokop Road** explained that they were aware of the power plant when they purchased the property for their business.

**Attorney McSherry** asked Mr. Hu what type of business he conducts at 66 Prokop Road.

**Mr. Hu** explained that he is a CNC machinist for aerospace parts, and he explained the business a bit further in detail for the Commission.

**Attorney McSherry** asked Attorney Kaufman about a cumulative impact analysis and what it would include.

**Attorney Kaufman** stated that it would include an environmental impact analysis that would be similar to what the applicant has done. She noted that it would be provided by an independent third party environmental expert, who would review the application and present their findings to the Commission for their consideration before making a decision.

**Commissioner Carr** questioned the involvement of the surrounding properties in a potential environmental analysis.

**Attorney Kaufman** explained that the analysis by a third party would be of the application, property, and it would focus on ways to include conditions that would give local enforceability. She expressed concerns that if there were no local enforceability, then the Town would be unaware of any problems at the facility.

**Commission Secretary Olbrys** stated that if something fails, and it falls under certain state regulations, it would go right to the state.

**Attorney DeRosa** stated that it would go right to the state; it would not be handled by the town.

**Commission Secretary Olbrys** stated that they would find out, if the state had to notify the Town.

A discussion ensued regarding the responsibilities of the parties involved to the Town, if there is a violation regarding the emissions. The discussion also included the responsibilities of the state agencies that regulate any emissions and their responsibilities to notify the local municipality of any violations.

**Attorney Kaufman** and **Attorney McSherry** briefly discussed the ability to have local monitoring and enforceability for this application, even though it is a special exception.

A discussion ensued regarding the applicant regularly demonstrating and reporting compliance with all the federal and state regulations. The special exception process was discussed briefly; it was noted that a special exception approval often has conditions attached that are specific to a particular application or use.

**Attorney Kaufman** reiterated her concerns regarding the property value of the neighboring property.

**Chairman Cocchiarella** asked if anyone from the Public would like to speak again.

**Ellen Fox, 522 Traditions Court** asked if Airamid has ever applied for a crematorium in another town.

**Jim Hu, 66 Prokop Road, Cast Global Manufacturing**, stated that his family owns property adjacent to the proposed site of the crematorium. He stated that he has previously brought up questions and concerns regarding this application. He reiterated his questions; has the crematorium met the regulations for air pollutants and mercury vapor emissions, how many bodies will be cremated per day, hours of operation, impact on property values, the environment, and the health of nearby residents. He went on to explain in further detail his family's concerns regarding the lack of information and data provided as evidence that the proposed use is not harmful to health of neighboring people and properties.

**Attorney Regan** made a brief statement about DEEP and the regulation of air emissions. He then requested a brief recess.

**Chairman Cocchiarella** called for a recess at approximately 9:05 PM.

The remainder of the meeting was not recorded due to technical difficulties.

**MOTION BY Commission Secretary Olbrys** to come out of recess at 9:25 PM.

**Second by Commissioner Robert Carr.**

**All (6) Ayes.**

Motion passed unanimously.

**Attorney Regan** stated for the record that they are granting a fifteen (15) day extension.

**Attorney DeRosa** stated that there were comments and questions that they would like to address at the next meeting. She did note that the town would be notified of any violations of DEEP regulations, and stated that cumulative studies are not required by law.

**MOTION BY Commission Secretary Olbrys** to recess the public hearing to *January 17, 2023 at 7:30 PM.*  
**Second by Commissioner Wall.**

**All (6) Ayes.**

Motion to recess the hearing passed unanimously.

B. New Hearing - None

## **VI. Regular Meeting Business**

### **A. Amendments to the Agenda**

**MOTION BY Commission Secretary Olbrys** to amend the agenda to add Signing of Mylar – Authorize Chairman & Commission Secretary to sign for application: **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) under Old Business.

**Second by Commissioner Wall**

**All (6) Ayes.**

Motion to amend the agenda passed unanimously.

B. Audience of Citizens – (Items not listed on the Agenda) – None

### **C. Correspondence**

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

- a. Email from Helen Leung, Grant Writer  
Re: DEEP CT Recreational Trails Grant Program
- b. Memorandum dated 12/13/22 from the Board of Selectmen  
Re: Public Act 21-29 Opt Outs
- c. Email from Percy Ferris – Ferris Properties  
Re: 65 Prokop Road – Request for extension
- d. Email from Finance Director, Jim Hliva  
Re: New Accounts Payable Procedures

Commissioners took the following action on correspondence (a):

**MOTION BY Commission Secretary Olbrys** to send a letter of support to Helen Leung, Grant Writer, for the Rockhouse Hill Sanctuary Adaptive Trail Network Project.

**Second by Commissioner Carr.**

**All (6) Ayes.**

Motion passed unanimously.

Commissioners took the following action on correspondence (c):

**MOTION BY Commission Secretary Olbrys** to grant a five (5) year extension for application: **Z-15-008, 65 Prokop Road, Ferris Properties** (Site Plan). The new expiration date will be July 7, 2028.

**Second by Commissioner Dan Wall.**

**All (6) Ayes.**

Motion passed unanimously.

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

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)*]

**Motion by Commission Secretary Olbrys to approve TPB, Contractor's LLC:**

I hereby move that the following application is approved subject to the conditions stated herein, regarding application number **Z-20-350, 21-23 Nichols Road, TPB, Contractor's LLC**, for a modification of a Special Exception.

Commission findings on the subject property:

1. It is located in the industrial zoning district.
2. On July 17, 2018, the Commission granted an application for a Special Exception and a site plan for a contractor's yard.
3. The application for the same requested as part of the application permission to engage in rock crushing operations by use of a rock crushing machine, namely a machine that reduces and renders larger rocks into smaller rocks through the application of mechanical force; which portion of the application was denied by the Commission.
4. At that time an appeal of the denial was taken to the Superior Court by the applicant.
5. Subsequently, the commission adopted amendments to the Zoning Regulations of the Town of Oxford concerning earth material processing pursuant to which the proposed rock crushing activities would be permitted subject to certain conditions and requirements of the regulations.
6. Accordingly, the applicant submitted this current application to modify the issued special exception pursuant to Article 2 Section 2.14, Article 9 Section 9.3.31, and Article 10 Section 10.7.2, Subparagraph 6.
7. The record before the commission did not demonstrate that a denial of the application is necessary to protect substantial public interests in health safety or other matters which commission may legally consider.
8. The Commission has conducted a public hearing on the Application on November 15<sup>th</sup>, 2022, and based on the Site Plan dated May 28, 2020, revised July 20, 2020, October 27, 2020 and evidence submitted as follows: Decibel Level Comparison Chart, Vibrascience Decibel Test Report, CT DEEP Noise Regulations, Decibel Measures Crusher, Google Aerial Photo, DEEP AIR QUALITY and Memorandum of Decision Werden v P & Z dated 10/6/2022, the Commission hereby determines that the proposed modification to the Special Exception together with the accompanying Site Plan comply with the Zoning Regulations of the Town of Oxford, and hereby determines that the proposed modification to the Special Exception together with the accompanying Site Plan comply with the Zoning Regulations of the Town of Oxford.

9. The Commission finds it appropriate to permit the proposed rock crushing activities pursuant to a Special Exception Application.
10. The Commission hereby determines that the existing metal building on the site predates the adoption of the aforementioned amendments to the zoning regulations concerning earth material processing and as such a new building or addition to the existing building is not required for the contractor yard decision the commission does hereby approve this application and grants the requested modification to the Special Exception originally issued July 17, 2018, subject to the specific conditions stated herein the commission further grants the amendment to the site plan in accordance with the site plan entitled **"Site plan for 21 Nichols Road, Connecticut prepared for TNC Partners, LLC dated May 28, 2020, revised July 20, 2020, October 27, 2020"**, together with the accompanying submitted building drawings and schematics, specific conditions of approval the rock crushing activity shall be conducted in strict compliance with the Statement of Use.
  1. The Addendum submitted together with the application and the conditions of this decision for hours of operation shall be as stated in the statement of use.
  2. The term holiday is used in the statement of use addendum shall be the holidays observed by the State of Connecticut as defined in Connecticut General Statute Section 1-4, and as determined by the State of Connecticut for any given year.
  3. As a specific condition of this approval and considering the findings above in order to ensure future compliance with this approval the applicant agrees and consents that in January of each calendar year the owner of the subject property shall submit to the Zoning Enforcement Officer a letter granting consent to the Zoning Enforcement Officer to enter upon the subject property and inspect the operation.
  4. The purpose of conducting an inspection of the subject property to ensure compliance with the Statement of Use addendum. Nothing in this approval shall restrict the authority of the Zoning Enforcement Officer from conducting his lawful duties pursuant to Connecticut General Statute section 8-12 with regard to any and all other activities on the subject property under this condition of approval only the Commission has the authority to waive this requirement contained herein.
  5. All rock crushing activities on the subject property shall be conducted solely within the concrete block structure enclosing the rock crushing machine and the concrete block structure shown on the site plan building drawings and schematics and operated as shown thereon. Any rock crushing machine, when being operated on the subject property will be operated solely within the aforementioned concrete block structure, material storage and stockpile shall be within the area shown on the site plan and shall not obstruct drainage, facilities or traffic circulation patterns as certified on the site plan and subject to the following *standard conditions of approval*:
    - 1.) Compliance with all Town of Oxford regulations and ordinances in effect as of this date.
    - 2.) With regard to any modifications or additions to the concrete structure on the property, no substitute material shall be used with regard to the concrete structure without approval of the Planning and Zoning Commission and Town engineer.
    - 3.) The applicant and assigns must, comply with all representations made at Planning and Zoning Commission meetings or at public hearings regarding this application for the

- 4.) The applicant shall submit one copy of the set of plans which reflect these conditions of approval with a copy of the conditions of approval attached.
- 5.) The specific uses on this property shall be limited to those designated within the Statement of use submitted by the applicant.
- 6.) The applicant shall have a pre-construction meeting with the appropriate town staff prior to any additional construction activities with regard to additions or modifications to the concrete block structure on the subject property.
- 7.) Sedimentation and erosion control measures on site shall be maintained in compliance with the proposed site plan and current guidelines subject to field review by the commission's engineer.
- 8.) It is the responsibility of the owner applicant to ensure capability of communication with the fire department and EMS if the requirement is not fulfilled it is the responsibility of the owner applicant to rectify the problem.
- 9.) Site plan approval expires if the work is not completed within five years of the date of approval, and that's the 3<sup>rd</sup> day of January 2028.

**Second by Commissioner Wall.**

**All (6) Ayes.**

Motion passed unanimously.

**E. Old Business – Other Matters**

1. **Z-22-200 [IND] –21 East Commerce Drive – (Lot 17 Woodruff Hill Industrial Park) –**  
**Owner & Applicant:** 589 Investments, LLC, 29-1 Highland Road, Oxford, CT  
*[Major Re-grading +/- 8,200 cubic yards - Article 14, Section 14.1.2; 14.1.5 (C) & (D); and 14.2.3, Section (o)] – (Refer to Jim Galligan)*

**Curt Jones, Civil 1, 43 Sherman Hill Road, Woodbury, Engineer for the applicant** stated that this is a request for a permit to excavate a lot in the industrial zone. It was noted that there is no current use for the site, but a future proposed building is shown on the plan.

The Commission briefly discussed the application and excavation of the site.

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

- a. Application received 12/6/22.
- b. Existing Conditions Map
- c. Grading and Erosion Control Plan with Conceptual Site Plan
- d. Details
- e. Erosion Control Narrative all prepared by Civil 1 and dated 10/20/22
- f. Inland Wetlands Approval dated 10/14/22
- g. Letter dated 1/6/23 from Planning & Zoning Engineer, Jim Galligan

Findings of the Commission:

- 1.) The Application complies with Article 14.1.5 (C) and D of the Zoning Regulations.



- 2.) There will be no negative impact upon the natural environment, nearby properties or traffic circulation.
- 3.) The conditions of the Town of Oxford Zoning Regulations, Article 14, have been met.

**Motion by Commission Secretary Olbrys to approve the Application with the following conditions:**

- 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 regarding this application period
- 4.) The specific uses on this property shall be limited to those designated and submitted by the applicant.
- 5.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.
- 6.) All erosion controls shall be maintained during and after construction.
- 7.) All excavation and fill activity shall be conducted between 8:00 AM and 4:00 PM Monday through Friday.
- 8.) No construction and demolition debris may be brought onto the property, nor may be buried or otherwise deposited on the property
- 9.) The Planning and Zoning Commission shall set a bond to be determined by the Planning & Zoning Engineer and approved by the Land Use Counsel or Town Counsel.

**Second by Commissioner Rowland.**

**All (6) Ayes.**

Motion passed unanimously.

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)(Authorize Chairman & Commission Secretary to sign Mylar)**

**Motion by Commissioner Wall** to authorize the Chairman and Commission Secretary to sign the mylar.

**Second by Commissioner Zbras.**

**All (6) Ayes.**

Motion passed unanimously.

**F. New Business**

1. **CT General Statute 8-24 Referral – Oxford Town Park – Oxford Road/Route 67**

Commissioners discussed that they would like to have the Economic Development Coordinator present at the meeting to answer any questions regarding this item.

Staff noted that they would contact Jeff Luff and request his attendance at the 1/17/23 meeting.

2. **Z-22-204 [IND] – 110 Hawley Road – Owner & Applicant: Robert Werden**  
(Site Plan - construct a building for a rock crusher to be added to a pre-existing contractor's yard)

**Robert Werden, 110 Hawley Road** presented his application to the Commission.

Commissioners and Attorney McSherry briefly discussed the items that Mr. Werden has included with his application.

**Attorney McSherry** has requested some time to go over the application with Mr. Werden and Attorney Kulas to ensure that the application for a site plan is the appropriate application before moving forward at this time.

**Motion by Commission Secretary Olbrys** to table this application to the next regular meeting.  
**Second by Commissioner Zbras.**

**All (6) Ayes.**

Motion passed unanimously.

#### H. Zoning Enforcement

1. Approved Use Permits:

**Steve Macary, ZEO** went over the following applications that he approved administratively.

- a. Z-22-202 – 248 Oxford Road – New Use - Oxford Puff City
- b. Z-22-203 – 248 Oxford Road – New Use - R-Way Signs

Commissioners discussed their concerns with Z-22-202, and requested a detailed Statement of Use, and a detailed interior layout of Puff City. They want to ensure that there is no dedicated “lounge” area inside the store.

**Steve Macary, ZEO** stated that he will speak to the applicant and get the detailed Statement of Use and interior layout for the next regular meeting.

2. Complaints/Enforcement – Items for Discussion by ZEO/Inquiries from Commission

There were no other items discussed at this time.

#### I. Minutes:

**Motion by Commission Secretary Olbrys** to table the following minutes:

- a. 12/6/2022 Regular Meeting Minutes

**Second by Commissioner Zbras.**

**All (6) Ayes.**

Motion passed unanimously.

#### J. Invoices

1. Nafis & Young Invoice #263-22 - Oxford Greens Paving Inspection

**Motion by Commission Secretary Olbrys** to table Invoice #263-22 until the Commission receives further information.

**Second by Commissioner Zbras.**

**All (6) Ayes.**

Motion passed unanimously.

2. Invoice from McSherry Law Office for services from 10/28/22-12/6/22.

**Motion by Commission Secretary Olbrys** to approve the Invoice from McSherry Law Office.

**Second by Commissioner Wall.**

**All (6) Ayes.**

Motion passed unanimously.

3. Rev Invoice – Transcripts from 12/6/22 Meeting – Reimburse Jessica

**Motion by Commission Secretary Olbrys** to reimburse Jessica \$146.00 for an Invoice from Rev Transcription Service for transcripts of a portion of the 12/6/22 meeting.

**Second by Commissioner Carr.**

**All (6) Ayes.**

Motion passed unanimously.

**K. Other Business**

The Commission had no other items to discuss.

- a. Farm Events Ad-Hoc Committee

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

**L. Adjournment**

**Motion by Commission Secretary Olbrys** to adjourn the meeting at 10:28 PM.

**Second by Commissioner Zbras.**

**All (6) Ayes.**

Motion passed unanimously.

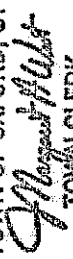
Respectfully submitted,



Jessica Pennell, Coordinator

Planning & Zoning Commission

2023 FEB -1 A 10:28

TOWN OF OXFORD, CT  
  
TOWN CLERK