

TOWN OF OXFORD

PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall

486 Oxford Road, Oxford, Connecticut 06478-1298

www.Oxford-CT.gov



Special Meeting Minutes

Wednesday, May 30, 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 7:03 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Arnie Jensen, Jeff Luff, Pat Cocchiarella, and Tanya Carver.

Also Present: Steven S. Macary, ZEO and Jessica Pennell, Administrative Secretary.

SEATING OF ALTERNATES

Chairman Jeff Luff seated Alternate Commissioner John Kerwin.

PUBLIC HEARINGS:

• CHAIRMAN OUTLINES PUBLIC HEARING PROCEDURES

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.

There were no conflicts of interest from the Commissioners or the applicant stated for the record.

1. Z-18-169 [IND] – 66 Hawley Road (Map: 18 Block: 29 Lot: 21A)

Owner: Roller Bearing Co. of America Inc., 102 Willenbrock Road, Oxford, Connecticut

Applicant: Borghesi Building & Engineering, 2155 East Main Street, Torrington, Connecticut

Application: Site Plan for a 60,000 square foot industrial building/Special Exception per Article 9, Section 9.3.1 of the Oxford Zoning Regulations.

Commission Secretary Pat Cocchiarella read the following correspondence into the record:

- a. Letter dated 3/27/18 to the Town of Oxford Departments from Robert Crawford.
- b. Letter dated 4/30/18 to Jeff Luff from Jim Galligan, P&Z Engineer.

Robert Blanchette of Borghesi Building represented the applicant, RBC Bearings. He handed in the certificate of mailings and stated that a sign was posted on the property; he will email a picture of the sign to the P&Z Department.

Mr. Blanchette explained that the subject property is on the Northwest corner of Hawley Road and Willenbrock Road. He informed the Commission that the building was demolished over the winter and the a new 60,000 square foot building is being proposed. He also noted that they are proposing to move the driveway entrance from Hawley Road onto Willenbrock Road. He informed the Commission that the application has received approval from the OCCIWA. He discussed the parking areas, loading docks, buffer area between the proposed building and the road. He briefly went over the interior plan details for the Commission. He noted that the plans show a proposed future 31,250 square foot expansion area.

Mr. Blanchette also noted that they received comments from Nafis & Young, he explained that they are keeping the current drainage system, but will be adding a water quality storm treatment system. He stated that plantings will replace the area of the existing driveway to Hawley Road.

Commission Secretary Pat Cocchiarella read the approval letter from OCCIWA dated 5/15/18.

Commission Secretary Pat Cocchiarella questioned the applicant regarding signage.

Robert Crawford, applicant, RBC Bearings explained that no sign rendering has been included in the proposed site plan.

Chairman Jeff Luff stated that the applicant can submit his sign when he returns to the Commission for the use permit.

Alternate Commissioner John Kerwin asked questions regarding the purpose of the application, and the effect the build out of the expansion would have on the application's compliance with the regulations; and the detention basin. He also questioned the applicant regarding the surrounding residential area.

Mr. Crawford stated that the detention basin was designed with the future expansion in mind.

Commissioners and the applicant discussed the number of shifts, the number of employees at various times of the day and delivery schedules.

Commissioner Pete Zbras questioned the chemicals that would be on site and if they are flammable.

Mr. Crawford dicussed briefly the chemicals that would be on site.

Commissioner Tanya Carver questioned the truck routes and construction traffic.

Commissioner Pete Zbras also made suggestions regarding the discontinued driveway.

Mr. Blanchette answered questions regarding the truck traffic and construction routes. He also stated that the application will be reviewed by the Fire Marshal, and currently the Fire Marshal is in favor of abandoning the existing driveway out to Hawley Road.

Chairman Jeff Luff opened the floor to members of the public.

No members of the public spoke regarding this application.

MOTION BY Commission Secretary Pat Cocchiarella to close the Public Hearing on Application Z-18-169.

Second by Vice Chairman Arnie Jensen.

All (5) Ayes.

Motion passed 5-0.

Chairman Jeff Luff opened the Public Hearing on the following application:

2. **Z-18-170 [RESA] – 25 Lisa Drive (Map: 18 Block: 29 Lot: 21A) – “Moose Hill Acres”**
Owner: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Applicant: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Application: Re-subdivision of Lot 3 Moose Hill Acres (2 Lots)

Commissioner Tanya Carver recused herself from this application as she is a neighbor, her property is across the street from the subject parcel.

Chairman Jeff Luff called for any of conflicts of interest.

The Commissioners, with the exception of Commissioner Tanya Carver who already recused herself, all stated that there were no conflicts of interest.

The applicants stated that there was no conflict of interest.

Stephen Bellis, owner and applicant, explained that they are requesting a re-subdivision of Lot 3, which is approximately 10.7 acres. He stated that they would be creating 2 lots. He referred to the Zoning Regulations and stated that the application meets all the bulk requirements. He requested a waiver of open space from the Commission. He also stated that they have agreed to a conservation easement.

Chairman Jeff Luff asked if there is any correspondence from Fire Marshal, Scott Pelletier.

Staff stated that they have not received written correspondence to date.

Larry Ellis, owner and applicant, stated that he spoke to the Fire Marshal and was told that a letter would not be written.

Chairman Jeff Luff stated that he needs something in writing from the Fire Marshal.

Fred D'Amico, 9 Park Road, Engineer for the applicant stated that the septic systems have been approved, as well as the driveway that crossed over wetlands.

Mr. D'Amico and the **Commission** discussed the driveway grades and paving requirements.

Alternate Commissioner John Kerwin questioned if the property had already been subdivided.

Mr. D'Amico explained that it was subdivided in the 1970's.

Alternate Commissioner John Kerwin referred to 1.2.10 of the subdivision regulations, and asked questions regarding the open space.

Mr. Bellis and the **Commissioners** had a discussion regarding the open space regulations.

Mr. D'Amico stated that **Mr. Bellis** has asked if they can regrade the driveway to keep it under 7%. He explained that the plans before the Commission are just showing the "proposed" grades.

Chairman Jeff Luff stated that it is not part of the current plan in front of the Commission and changes would have to be reviewed by **Jim Galligan**.

Larry Ellis, 23 Macintosh Drive questioned if the plan can come back as a site plan modification.

Mr. Bellis explained that he is only asking for a subdivision and stated that the driveways could be addressed later with a site plan.

Commission Secretary Pat Cocchiarella noted that this is just a lot split.

Chairman Jeff Luff and **Commission Secretary Pat Cocchiarella** made comments regarding the lot split and site plan.

Commission Secretary Pat Cocchiarella questioned an access to Still Road.

Mr. D'Amico stated the GIS, or Assessor's map that **Commission Secretary Pat Cocchiarella** is referring to is incorrect. He stated that Old Moose Hill Road continues out to Bee Mountain Road.

Chairman Jeff Luff referred the applicants to the Assessor to get the incorrect information fixed.

Chairman Jeff Luff opened the floor to the public:

Ed Carver, 1 Old Moose Hill Road stated that Old Moose Hill Road is an unimproved town road. He noted that he is concerned with the safety of the road; he stated that right now the road acts as a driveway. He also stated that to date, he has maintained the road. He reiterated his concern with safety, especially with the surface of the road, when it would be utilized by more people. He referred to Article 11 and Article 3 of the regulations which addresses some items. He encouraged **Mr. Ellis** and **Mr. Bellis** to petition the Board of Selectmen to improve the road. He stated that emergency services has to be able to utilize the road, it is time to improve the road.

Alternate Commissioner John Kerwin referred to Article 3 which discusses Certificates of

Compliance and unfinished roads.

Chairman Jeff Luff questioned if the road should be paved according to the regulation.

Alternate Commissioner John Kerwin stated that the regulation is ambiguous.

Chairman Jeff Luff stated that he did some research and spoke to Scott Pelletier. He noted that Scott Pelletier stated that anything more than 5 lots is a "paper" road, not an undeveloped town road. He also noted that Scott Pelletier stated that if they had any more than 5 lots they would need a tank for putting out fires.

Chairman Jeff Luff stated that there is nothing that says that they need to put in a tank if they are doing 1 or 2 lots. He noted that he also asked Scott Pelletier about the road, and Scott said that he has nothing regarding the road. Chairman Jeff Luff stated that he was told that Old Moose Hill is a town owned piece of property and the applicants and current homeowners have a "right-of-way" over the property and the town has no responsibility for maintenance.

Alternate Commissioner John Kerwin stated that it is a "public right-of-way".

Chairman Jeff Luff also explained that the applicant and/or homeowners can solicit the Board of Selectmen to accept it as a town road.

Mr. Carver stated that when he went through the permit process he was told that it was deemed and unimproved town road, not a "paper" road.

Commission Secretary Pat Cocchiarella questioned if any of Mr. Carver's neighbors have been sharing in the maintenance of the road.

Mr. Carver stated that one neighbor has helped.

Commission Secretary Pat Cocchiarella stated that this would be 5 driveways being served by this unimproved town road.

Edmund Lubowiecki, 11 Lisa Drive, stated that the biggest concern is safety, the houses aren't built and already there is truck traffic. He stated that another big safety hazard is the width of Old Moose Hill Road. He commented that he and Mr. Carver agreed that a speed limit of 5 mph is safe, and he posted signs that state that the speed limit is 5 mph. He expressed his concerns if the town is not widened and if proper drainage is not installed.

Chairman Jeff Luff responded to Mr. Lubowiecki, suggesting that he, along with any other neighbors should get together and petition the Board of Selectmen.

Kathryn Lasky, 9 Lisa Drive stated that her concern is the safety and drainage of the road. She noted that she gets a lot of water on her property. She noted that she is concerned because her property is already affected by the current runoff. She questioned the location of the driveway, the way it is proposed, it is very close to her fence; she requested that the Commission consider a buffer in that area.

Chairman Jeff Luff stated that there are setback regulations and he will have the applicant address the setbacks. He noted that if she disagrees with the applicant's setbacks, the Commission would need an

A-2 survey of her property.

Chairman Jeff Luff explained that any concerns regarding runoff and drainage are handled by the P&Z Engineer and the Wetlands Department.

Timmy Flynn, 9 Lisa Drive, stated that the runoff onto their property has caused a wall to be washed out and he also stated that he has concerns regarding the width of the road.

Kathryn Lasky, 9 Lisa Drive, also expressed concerns about water getting into her house.

Chairman Jeff Luff stated that the way it was explained to him was that the "Town" allows them to use Old Moose Hill Road; but are not responsible for the maintenance. He reiterated that the homeowners should go to the Board of Selectmen. He stated that the homeowners on the road are responsible for maintenance and drainage. The town allows access; but the rest falls onto the homeowners on a common driveway or private road.

Commission Secretary Pat Cocchiarella made comments regarding the natural flow of the water, if it is not increased then there is nothing required of the applicant.

Discussion ensued between the Commissioners and the public regarding the status of the road.

Ed Carver, 1 Old Moose Hill Road stated that in order to get his lot approved for a building, he had to do a lot of research and it was an unimproved town road.

Alternate Commissioner John Kerwin stated that the Commission should seek clarity on this item. He referred to the Subdivision Regulations regarding private roads.

Ed Carver questioned who would get clarity for the Commission.

Chairman Jeff Luff stated that it would be the Board of Selectmen.

Alternate Commissioner John Kerwin stated that he thinks that the applicant has an obligation to show the Commission that this is a town road.

Chairman Jeff Luff stated that when they present this to the Board of Selectmen, they will get a response.

Alternate Commissioner John Kerwin stated that as it relates to this subdivision the applicant has an obligation to show that he has adequate access by a public road.

Chairman Jeff Luff stated that the other problem is that the road goes all the way to Bee Mountain Road and there are 3 houses off of that entrance. Then the road would be serving 8 lots.

Alternate Commissioner John Kerwin stated that if the applicant wants to subdivide this property he has to comply with Section 6.

Mr. Bellis disagreed with the Commissioner's opinion that it is a private road.

Mr. D'Amico stated that "Moose Hill Acres", the approved subdivision, shows it as a road when it

was accepted by the town.

Chairman Jeff Luff stated that it was the responsibility of Moose Hill Acres to build the road, not the town.

Mr. D'Amico stated that they went bankrupt, the mylar was filed.

Alternate Commissioner John Kerwin stated that a trail through the woods doesn't make it a public road, the road has to be publicly dedicated. He referred to Section 2, Definitions. He stated that it requires some type of action and he doesn't believe that ever happened.

Chairman Jeff Luff stated that for the subdivision, the road isn't in their purview.

Alternate Commissioner John Kerwin disagreed.

Commissioners discussed what is required of the applicant at this time regarding the subdivision of the land.

Alternate Commissioner John Kerwin stated if there is no road the applicant has to comply with Section 6.

Commission Secretary Pat Cocchiarella stated that if there is no road you cannot create a lot, there has to be some kind of road or access.

Mr. Bellis responded that he would be willing to go to the Board of Selectmen to ask that the town improve the road. He then referred to case law regarding access being a reason for denial of a subdivision application. He stated that a mylar was filed with the town showing the road that was proposed, it was not built, but it is not private property. He referred to case law in conjunction with CGS §8-25. He noted that this is a public right-of-way.

Alternate Commissioner John Kerwin stated that they are assuming it is a public road that has been accepted.

Mr. Bellis stated that it doesn't have to be accepted.

The applicant and Commissioners had a brief discussion regarding the road acceptance process and the implications of a mylar being filed on the land records.

Fred D'Amico stated that there is a record subdivision map that doesn't show the easements.

Mr. Bellis explained that Mr. D'Amico cannot put easements on a map if they are not present in the deed.

Chairman Jeff Luff would like a copy of the case law that Attorney Bellis presented. He also requested research on how the other three homes were built on Old Moose Hill Road, and the status of the road.

Alternate Commissioner John Kerwin outlined the differences between building a house and applying for a subdivision.

Commissioners suggested that the applicants petition the Board of Selectmen before the next public Hearing.

MOTION BY Commission Secretary Pat Cocchiarella to recess the Public Hearing to 6/19/18.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed 6-0.

REGULAR MEETING AGENDA ITEMS for Commission Action:

Commissioner Tanya Carver returned to the table.

1. **Z-18-165 [RESA] 212 Hogsback Road (Map: 4 Block: 58 Lot: 46)**
Owner & Applicant: Fernando Pires – 212 Hogsback Road, Oxford, CT
(Re-subdivision of Lot A - 5 Lots; 1 existing lot, 4 new lots)

MOTION BY Commission Secretary Pat Cocchiarella:

The Oxford Planning and Zoning Commission received the Application for a (5 Lot Subdivision).

Information on the application was submitted, along with supporting information on file in the Planning Office of the Town of Oxford:

The following plans have been considered in this decision:

Map and plans dated 4/20/18 and prepared by D'Amico & Associates, 9 Park Road, Oxford, Connecticut.

The application is in conformance with the Oxford Subdivision Regulations.

Subject to the following conditions:

1. Compliance with Oxford Subdivision Regulations as of this date.
2. Last revised final plans and the mylar showing all necessary changes must be approved by Planning and Zoning Engineer.
3. A 1" to 200' scale mylar of the record subdivision map be presented to the Assessor, as approved by the Planning & Zoning Commission.
4. A electronic copy of all final maps and plans be submitted to the Planning & Zoning Department.
5. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.

Motion passed 5-1.

Vote on the Amended Motion:

All (6) Ayes.

Motion passed 6-0.

2. **Z-18-171 [IND] – 317 Riggs Street (Map: 25 Block: 18 Lot: 4-2)**
Owner: Belmar Farms, LLC, Shelton, CT
Applicant: 589 Investments, LLC, P.O. Box 506, Oxford, CT
Application: (Earth Excavation of ± 22,355 cubic yards of material/SE per Article 14.3.13).

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-18-171
subject to the following conditions:

1. No substitute material shall be used without the approval of the Planning & Zoning Commission and the Planning & Zoning Commission Engineer.
2. The applicant and their assigns must comply to all representations made at Planning & Zoning Commission meetings and/or public hearings regarding this application..
3. 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.
4. A final map shall be submitted to the Planning & Zoning Department for review.
5. All conditions of approval from the OCCIWA, Emergency Services, and OSTA shall be depicted on said map.
6. The applicant shall submit 3 copies of the final approved plan to the Planning & Zoning Department, including and electronic copy, pdf format is preferred.
7. No work to begin until security is set, the bond amount shall be set by the Planning & Zoning Engineer and presented in a form acceptable to Town Counsel, and installed by the applicant.
8. In accordance with Article 3, Section 3.19.1 of the Oxford Zoning Regulations, 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 initial review through inspection and issuance of a Zoning Certificate of Compliance.
9. The applicant shall have a pre-construction meeting with appropriate Town staff prior to any construction activities.
10. All exterior signs not directly included within this approval shall be subject to the approval of the Planning & Zoning Commission, in accordance with the standards and guidelines as interpreted by the Commission.
11. Site plan approval expires if work is not completed within 5 years from the date of this approval.
12. All fees must be paid by the applicant before work begins.
13. Applicant shall follow the Town of Oxford's approved Permit Procedure which includes review and signatures from Town Departments; OCCIWA, ZEO, W.P.C.A., Fire Marshal, Building, and any other applicable departments before work begins.
14. All permits issued by the State of Connecticut shall be filed with the Land Use Office prior to any work.

The effective date of this approval is May 30, 2018.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed unanimously.

ADOURNMENT

MOTION BY Vice Chairman Arnie Jensen to adjourn the meeting at 8:52 PM.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed 5-0.

Respectfully submitted,

Jessica Pennell



Administrative Assistant
Planning & Zoning Commission

18 JUN 22 AM 10: 58
TOWN OF OXFORD, CT
Stephanie H. West
TOWN CLERK