



**TOWN OF OXFORD**  
**PLANNING & ZONING COMMISSION**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

**Planning & Zoning Commission**  
**Regular Meeting Agenda**  
**Tuesday, October 20, 2020**  
**7:30 PM - Online/Virtual Meeting**

The Planning & Zoning Commission will meet remotely on **Tuesday, October 20, 2020, at 7:30 PM.**

Members of the public and applicants that would like to join us online can access the meeting using the following information:

**Option #1:** Join with Google Meet

**Meeting ID:**

[meet.google.com/tqt-oxuf-dih](https://meet.google.com/tqt-oxuf-dih)

**Option #2:** Join by Phone

**Phone Numbers:**

[\(US\)+1 530-536-0047](tel:+15305360047)

**PIN:** 173 671 732#

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. SEATING OF ALTERNATES**

**V. PUBLIC HEARINGS**

**A. Recessed Public Hearings – NONE**

**B. New Public Hearing**

**Z-20-350 [IND] – 21-23 Nichols Road – Owner & Applicant:** TPB Contractors, LLC – c/o Attorney  
Dominick Thomas, 315 Main Street, Derby CT 06418  
(Modification of a Special Exception) (Site Plan)

Exhibits submitted by Attorney Dominick Thomas on behalf of the applicant:

1. Postal Form 3877 – Proof of Mailing

2. Photo of sign posted on the property for Public Hearing.
3. Notice to Property Owner within 250' of 21-23 Nichols Road
4. Notice to Property Owner within 250' of 21-23 Nichols Road
5. Notice to Property Owner within 250' of 21-23 Nichols Road
6. Notice to Property Owner within 250' of 21-23 Nichols Road
7. Notice to Property Owner within 250' of 21-23 Nichols Road
8. Town of Oxford GIS Map radius map for 21 Nichols Road
9. Town of Oxford GIS Map radius map for 23 Nichols Road
10. Copy of Application for a Modification of a Special Exception pursuant to **Article 2, Section 2.14 a, Article 9, Section 9.3.2.1, and Article 10, Section 1.07.2(6).**
11. Copy of Statement of Use dated 9/25/20.
12. Copy of Addendum to the Statement of Use
13. Site Plan for 21 Nichols Road
14. Architectural Drawing #1
15. Architectural Drawing #2
16. Judicial Notice #1 – Motion for Order
17. Judicial Notice #2 – Motion for Judgement in Accordance with Stipulation
18. Judicial Notice #3
19. Judicial Notice #4
20. Rock Crusher – Decibel Levels
21. Map showing surrounding properties and their uses.

Correspondence has submitted by the public for consideration during the Public Hearing.

**C. Future Public Hearings – NONE**

**VI. REGULAR MEETING BUSINESS**

**A. Amendments to the Agenda – NONE**

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

**C. Correspondence**

- a. Adjacent Municipality Referral – Town of Monroe

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

1. Z-20-327 [RESA] - 312 Chestnut Tree Hill Road - Owner: Estate of Serge Mihaly, Sr. Applicant: Matthew Mihaly, 111 Booth Hill Road, Trumbull, CT (2-Lot Re-subdivision) (Request for waiver of dedication of Open Space) (Request for Waiver of fee in lieu of Open Space)

*Commission action by 11/17/20.*

**E. Old Business – Other Matters**

**F. New Business – Schedule a Public Hearing**

**G. New Business**

1. Z-20-353 [COMM] – 101 Oxford Road - Owner: 101 Oxford Road, LLC, 2465 Black Rock Turnpike, Fairfield, CT - Applicant: Jewels Delmaro & Nicholas Costello “New Age Spiritual Healing”, 296 Seymour Road, Woodbridge, CT (Use Permit)

2. **CGS §8-24 Referral for property located at 656 Oxford Road** - Purchase and Sale Agreement between the Cornerstone Assembly of God and the Town of Oxford.

#### **H. Zoning Enforcement**

#### **I. Minutes**

1. 10/6/20 - Regular Meeting Minutes

#### **J. Invoices**

#### **K. Other Business**

- a. **Bond Release Request** – Haynes Construction Company – Meadowbrook Estates  
Letter dated 9/30/20 from Kathy Ekstrom, Development Manager, Haynes Development.  
(Bond Release Request submitted to Town Counsel and P&Z Engineer for review/clarification)

**No action required at this time.**

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

#### **L. Adjournment**

Respectfully submitted,

---

Jessica Pennell, Coordinator  
Planning & Zoning Commission



## TOWN OF OXFORD

S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

### Planning & Zoning Commission

**TOWN OF OXFORD**  
**PLANNING & ZONING COMMISSION**  
**PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the Town of Oxford, Connecticut will hold a Public Hearing on **Tuesday, October 20, 2020 at 7:30 PM** on the following application:

**Z-20-350 [IND] – 21-23 Nichols Road – Owner & Applicant:** TPB Contractors, LLC – c/o  
Attorney Dominick Thomas, 315 Main Street, Derby CT 06418  
(Modification of a Special Exception) (Site Plan)

At the meeting, interested persons may be heard, and written correspondence will be received. Please submit written correspondence to [pandz@oxford-ct.gov](mailto:pandz@oxford-ct.gov) at least 24 hours before the meeting. A copy of the proposal will be posted online at least 24 hours before the meeting.

**Information to join the Public Hearing:**

**Meeting ID:**

[meet.google.com/tqt-oxuf-dih](https://meet.google.com/tqt-oxuf-dih)

**Phone Numbers:**

[\(US\)+1 530-536-0047](tel:+15305360047)

PIN: 173 671 732#

Dated at Oxford, Connecticut this 7th day of October 2020.

**PLEASE PUBLISH on October 9<sup>th</sup> & October 16<sup>th</sup>, 2020.**

BY: Jessica Pennell, Coordinator  
Planning & Zoning Commission



**TOWN OF OXFORD**  
 S.B. Church Memorial Town Hall  
 486 Oxford Road, Oxford, Connecticut 06478-1298  
 www.Oxford-CT.gov

Z#:	<u>2-20-350</u>
Date Received:	_____
Date Accepted:	_____
Date on Agenda:	_____
65 Day Exp.:	_____
Extension:	_____
2 <sup>nd</sup> Extension:	_____

**Planning and Zoning Commission**

**\* Please Note:**

- Read Instructions Thoroughly Before Completing Form
- This form Must Be Completely Typewritten or Legibly Printed in Ink

1) **APPLICATION:** This is an application for: *(Check the ones that apply)*

- |   |   |  |                              |
|---|---|--|------------------------------|
| <input type="checkbox"/> Subdivision          | <input type="checkbox"/> Resubdivision                                | Total Number of Lots: _____                | <b>Art 2, Sec 2.14a</b>      |
| <input type="checkbox"/> Zone Change          | <input checked="" type="checkbox"/> Modification of Special Exception | S/E (Include Article & Section No.): _____ | <b>Art 9, Sec 9.3.21</b>     |
| <input type="checkbox"/> Excavation           | <input type="checkbox"/> Map/Text Amendment                           | (Include Article & Section No.): _____     | <b>Art 10, Sec 10.7.2(6)</b> |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Other _____                                  |  |                              |

Name of Project Title (Subdivision/Resubdivision): \_\_\_\_\_

2) **PROPERTY LOCATION(s):**

a) Street Address: 21 & 23 Nichols Road

Town Clerk Record Map Number: N/A

Assessor's Identification Numbers:

Map: 18 Block: 30 Lot: 6 & 6-1 Unit: \_\_\_\_\_

**Zoning District:** *(Check One)*

- |                                  |                                    |   |   |
|----------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> RES A   | <input type="checkbox"/> RES Golf  | <input type="checkbox"/> COM            | <input type="checkbox"/> Planned COM                            |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input checked="" type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input type="checkbox"/> Other |

**Water and Sewer:** *(Check the ones that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems    | <input type="checkbox"/> Public Water  |

b) Street Address: \_\_\_\_\_

Town Clerk Record Map Number: \_\_\_\_\_

Assessor's Identification Numbers:

Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Unit: \_\_\_\_\_

**Zoning District:** *(Check One)*

- |                                  |                                    |                              |   |
|----------------------------------|------------------------------------|------------------------------|---|
| <input type="checkbox"/> RES A   | <input type="checkbox"/> RES Golf  | <input type="checkbox"/> COM | <input type="checkbox"/> Planned COM                            |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input type="checkbox"/> Other |

**Water and Sewer:** *(Check the ones that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems    | <input type="checkbox"/> Public Water  |

Please indicate who will be the **POINT OF CONTACT**:

*(All communications and correspondence will be directed to the Point of Contact)*

(Check one)

**APPLICANT**    **OWNER**    **LAND SURVEYOR**    **ENGINEER**    **ARCHITECT**

**3) APPLICANT: TPB CONTRACTORS, LLC**

Address: C/O Atty. Dominick Thomas, 315 Main Street  
Town: Derby State: CT Zip Code: 06418  
Phone: (203) 735-9521 Fax: (203) 7382-8129 Email: djt@cohen-thomas.com

**4) OWNER(s): T&C PARTNERS, LLC**

Address: C/O Atty. Dominick Thomas, 315 Main Street  
Town: Derby State: CT Zip Code: 06418  
Phone: (203) 735-9521 Fax: (203) 732-8129 Email: djt@cohen-thomas.com

**5) APPLICANT'S OWNERSHIP INTEREST: Common ownership of LLCs / tenant of owner**

**6) LAND SURVEYOR: \_\_\_\_\_ REG. No: \_\_\_\_\_**

Address: \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**7) CIVIL ENGINEER: JAMES SWIFT \_\_\_\_\_ REG. No: \_\_\_\_\_**

Address: 1  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: (203) 209-3746 Fax: (\_\_\_\_) \_\_\_\_\_ Email: jim@swiftpe.com

**8) ARCHITECT: \_\_\_\_\_ REG. No: \_\_\_\_\_**

Address: \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**9) PREFERRED OR RECOMMENDED NAMES OF NEW ROADS TO BE CONSTRUCTED: \_\_\_\_\_**

*(Subject to BOS Approval)*

*(Check One)*    Private Road    Town Road   \_\_\_\_\_ Length of Road

**10) STATUS OF WETLANDS PERMIT: PREVIOUSLY APPROVED**

*(Please Provide a Copy)*

**11) ACREAGE OF OPEN SPACE and/or CONSERVATION EASEMENTS: N/A**

**12) SURETY OPTION (See Article 9 of Subdivision Regulations): N/A**

*(Check the one that applies)*

- Improvements will be completed prior to endorsement and filing of record subdivision.
- Surety will be provided.
- Conditional approval is requested.

**13) WAIVERS: \_\_\_\_\_**

*(Check the one that applies)*   **N/A**

- No waivers of the subdivision regulations are required.
- Waivers of one or more sections of the subdivision regulations are requested.  
*(Please provide a written description of the reason for the waiver and attached to and make part of this application.)*

19) AUTHORIZATION AND ENDORSEMENTS:

a) APPLICANT:

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

APPLICANT SIGNATURE

NAME PRINTED Attorney Dominick Thomas  
Attorney for Applicant

DATE 9/25/2020

b) PROPERTY OWNER(s):

The undersigned, being all of the owners of the premises referred above, hereby consent to the filing of this application together with meeting of all requirements of the applicant by the Commission for same.

OWNER SIGNATURE

NAME PRINTED Attorney Dominick Thomas  
Attorney for Owner

DATE 9/25/2020

20) INFORMATIONAL:

Communications with and recommendations from contracted P&Z staff are the sole responsibility of the applicant.

\*\*\*\*\*

21) ACTION TAKEN:

(This SECTION is to be filled out by Planning & Zoning Staff ONLY)

DENIED /  APPROVED  
(Check One)

APPROVED WITH CONDITIONS  Yes or  No  
(Check One)

See Letter dated \_\_\_\_\_ for DETAILS of ACTION taken and attach a copy hereto.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
(Name & Title)



**TOWN OF OXFORD**  
 S.B. Church Memorial Town Hall  
 486 Oxford Road, Oxford, Connecticut 06478-1298  
 www.Oxford-CT.gov

Planning and Zoning Commission

Application #: Z-20-350  
 Date: September 25, 2020

**STATEMENT OF USE**  
 Article 11, Section 2

Property Address: 21-23 Nichols Road Zone: IND Map: 18 Block: 30 Lot: 6 & 6-1

**APPLICANT:** T & C PARTNERS LLC and TPB CONTRACTORS LLC  
 Address: C/O Attorney Dominick Thomas, 315 Main Street  
 Town: Derby State: CT Zip Code: 06418  
 Phone: (203) 735-9521 Fax: (203-) 732-8129 Email: djt@cohen-thomas.com

**OWNER(s):** T & C PARTNERS LLC  
 Address: 21 Nichols Road  
 Town: Oxford State: CT Zip Code: 06478  
 Phone: ( ) Fax: ( ) Email:

Name of Proposed Business: TpB Contractors LLC

Total Square Footage Existing building -6000 + s/f Hours of Operation: See Addendum

Number of Employees: Self Number of Parking Spaces: N/A

List Hazardous and/or Chemicals Material on site (In & Outdoor): None  
 (Must provide MSDS Sheets if applicable)

Provide Approval from: PDDH \_\_\_\_\_ Fire Marshal \_\_\_\_\_ Other \_\_\_\_\_

Description of Business (Include as much detail as possible or the application will be considered incomplete)

**SEE ATTACHED ADDENDUM.**

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

I understand that if any of the above statements are false, I may be subject to fines and/or penalties.

Dominick J. Thomas, Jr.  
 Applicant's Signature  
 Attorney for Applicant and Owner

9/25/2020  
 Date



## STATEMENT OF USE ADDENDUM

The Commission approved a Contractor Yard Special Exception in 2018 without rock processing. The Commission then enacted new regulations (Sec. 2.14a and 10.7 et seq.) which permit rock processing as part of a contractor yard use. This application is to modify the approved special exception permit to permit rock processing in a building as per Section 10.7.2(6). The building has been previously reviewed by the Commission. Rock processing, when needed, would be performed Monday to Friday between the hours of 8:00am and 5:00pm and Saturday from 8:00am to 12:00pm. There would be no rock processing on Sunday or holidays. A modified site plan, previously reviewed by the Commission, is submitted herewith along with a building elevation. The proposed processing building and site plan are exactly as approved by the Commission for the settlement of the pending zoning appeal.

Name and Address of Sender

Check type of mail or service:

- Certified
- COD
- Delivery Confirmation
- Express Mail
- Insured
- Recorded Delivery (International)
- Registered
- Return Receipt for Merchandise
- Signature Confirmation

Affix Stamp Here  
 (If issued as a certificate of mailing, or for additional copies of this bill) -  
 Postmark and Date of Receipt

Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1.	Glenn Persson 124 Hawley Rd Oxford, CT 06478											
2.	Nichols Road LLC 21 Finance Dr Danbury, CT 06810											
3.	Stihl Incorporation 536 Viking Dr Virginia Beach, VA 23452-7											
4.	Oxford Land LLC 154 Route 202 Lincolndale NY 10540											
5.	Marie Seno & Marie Nitsche 130 Hawley Rd Oxford, CT 06478											
6.												
7.												
8.												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)									



PS Form 3877, February 2002 (Page 1 of 2)

Complete by Typewriter, Ink, or Ballpoint Pen

*DTT/Beard/9030516*  
*5 Certificates of Mailing*  
*CK# 7370 \$11.00*





**NOTICE OF HEARING**

OXFORD PLANNING & ZONING COMMISSION  
TUESDAY, October 20, 2020 @ 7:00 PM  
REMOTE HEARING

See online agenda for connection information  
FOR MORE INFORMATION CONTACT  
OXFORD TOWN HALL / [WWW.OXFORD-CT.GOV](http://WWW.OXFORD-CT.GOV)  
203-888-2543

**COHEN AND THOMAS**  
**ATTORNEYS AT LAW**

315 MAIN STREET  
POST OFFICE BOX 313  
DERBY, CONNECTICUT 06418

(203) 735-9521  
FAX: (203) 732-8129  
e-mail: [djt@cohen-thomas.com](mailto:djt@cohen-thomas.com)

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JAMES E. COHEN  
RETIRED

DAVID B. COHEN  
(1936-1991)

LITCHFIELD OFFICE  
15 MEADOW STREET  
LITCHFIELD, CONNECTICUT 06759  
(860) 567-3754  
FAX (860) 567-3894

October 8, 2020

RE: Notice of Scheduled Public Hearing

Glenn Persson  
124 Hawley Rd.  
Oxford, CT 06478

Pursuant to the Zoning Regulations of the Town of Oxford, Connecticut, as an abutting property owner or an owner within 250 feet of 21 and 23 Nichols Road, this letter is to notify you of a pending application for a Modification of the Special Exception Permit (Z-18-183) for a contractor yard to permit rock processing in accordance with Section 10.7 et seq. of the Oxford Zoning Regulations which application requires a Public Hearing.

Application #: Z-20-350  
Applicant Name: TPB CONTRACTORS LLC  
Property Owner: T & C PARTNERS LLC  
Site Address: 21 AND 23 NICHOLS ROAD

**A Public Hearing will be remote and held on October 20, 2020 at 7:00PM.**

The Public Hearing will be remote. Connection information is as follows:

**Meeting ID**  
**[meet.google.com/tqt-oxuf-dih](https://meet.google.com/tqt-oxuf-dih)**

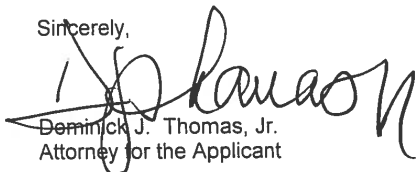
**Phone Numbers**  
**( US ) +1 530-536-0047**  
**PIN: 173 671 732#.**

The application and plans are on file in the Planning & Zoning Office and the Town Clerk's Office, located at 486 Oxford Road, Oxford, Connecticut. The Town Hall is open Monday-Friday BY APPOINTMENT ONLY. A reduced size copy of the application, Statement of Use, site plan and elevations is attached.

Should you have any further questions or concerns regarding this matter, please contact the Planning & Zoning Secretary at (203) 828-6512 / OR

Attorney Dominick Thomas, 203-735-9521 / [djt@cohen-thomas.com](mailto:djt@cohen-thomas.com)

Sincerely,

  
Dominick J. Thomas, Jr.  
Attorney for the Applicant

**COHEN AND THOMAS**  
**ATTORNEYS AT LAW**

315 MAIN STREET  
POST OFFICE BOX 313  
DERBY, CONNECTICUT 06418

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LITCHFIELD, CONNECTICUT 06759  
(860) 567-3754  
FAX: (860) 567-3894

October 8, 2020

RE: Notice of Scheduled Public Hearing

Nichols Road LLC  
21 Finance DR.  
Danbury, CT 06810

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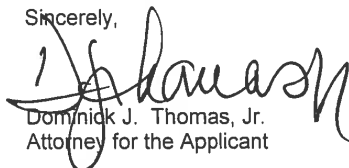
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Sincerely,



Dominick J. Thomas, Jr.  
Attorney for the Applicant

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15 MEADOW STREET  
LITCHFIELD, CONNECTICUT 06759  
(860) 567-3754  
FAX: (860) 567-3894

October 8, 2020

RE: Notice of Scheduled Public Hearing

Stihl Incorporation  
536 Viking Dr.  
Virginia Beach, VA 23452-7

Pursuant to the Zoning Regulations of the Town of Oxford, Connecticut, as an abutting property owner or an owner within 250 feet of 21 and 23 Nichols Road, this letter is to notify you of a pending application for a Modification of the Special Exception Permit (Z-18-183) for a contractor yard to permit rock processing in accordance with Section 10.7 et seq. of the Oxford Zoning Regulations which application requires a Public Hearing.

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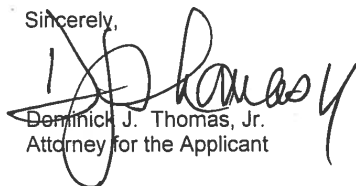
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Sincerely,



Dominick J. Thomas, Jr.  
Attorney for the Applicant

**COHEN AND THOMAS**  
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October 8, 2020

RE: Notice of Scheduled Public Hearing

Oxford Land LLC  
154 Route 202  
Lincolndale, NY 10540

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Application #: Z-20-350  
Applicant Name: TPB CONTRACTORS LLC  
Property Owner: T & C PARTNERS LLC  
Site Address: 21 AND 23 NICHOLS ROAD

**A Public Hearing will be remote and held on October 20, 2020 at 7:00PM.**

The Public Hearing will be remote. Connection information is as follows:

**Meeting ID**  
**[meet.google.com/tqt-oxuf-dih](https://meet.google.com/tqt-oxuf-dih)**

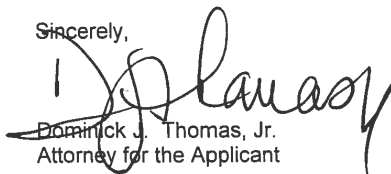
**Phone Numbers**  
**( US ) +1 530-536-0047**  
**PIN: 173 671 732#.**

The application and plans are on file in the Planning & Zoning Office and the Town Clerk's Office, located at 486 Oxford Road, Oxford, Connecticut. The Town Hall is open Monday-Friday BY APPOINTMENT ONLY. A reduced size copy of the application, Statement of Use, site plan and elevations is attached.

Should you have any further questions or concerns regarding this matter, please contact the Planning & Zoning Secretary at (203) 828-6512 / OR

Attorney Dominick Thomas, 203-735-9521 / [djt@cohen-thomas.com](mailto:djt@cohen-thomas.com)

Sincerely,



Dominick J. Thomas, Jr.  
Attorney for the Applicant



**COHEN AND THOMAS**  
**ATTORNEYS AT LAW**

315 MAIN STREET  
POST OFFICE BOX 313  
DERBY, CONNECTICUT 06418

(203) 735-9521  
FAX: (203) 732-8129  
e-mail: [djt@cohen-thomas.com](mailto:djt@cohen-thomas.com)

DOMINICK J. THOMAS, JR.  
IAN A. COLE  
CHRISTINE L. CURTISS  
GAYLE C. CARR  
GREGORY M. THOMAS

JAMES E. COHEN  
RETIRED

DAVID B. COHEN  
(1936-1991)

LITCHFIELD OFFICE  
15 MEADOW STREET  
LITCHFIELD, CONNECTICUT 06759  
(860) 567-3754  
FAX (860) 567-3894

October 8, 2020

RE: Notice of Scheduled Public Hearing

Marie Seno & Marie Nitsche  
130 Hawley Rd.  
Oxford, CT 06478

Pursuant to the Zoning Regulations of the Town of Oxford, Connecticut, as an abutting property owner or an owner within 250 feet of 21 and 23 Nichols Road, this letter is to notify you of a pending application for a Modification of the Special Exception Permit (Z-18-183) for a contractor yard to permit rock processing in accordance with Section 10.7 et seq. of the Oxford Zoning Regulations which application requires a Public Hearing.

Application #: Z-20-350  
Applicant Name: TPB CONTRACTORS LLC  
Property Owner: T & C PARTNERS LLC  
Site Address: 21 AND 23 NICHOLS ROAD

**A Public Hearing will be remote and held on October 20, 2020 at 7:00PM.**

The Public Hearing will be remote. Connection information is as follows:

**Meeting ID**  
**[meet.google.com/tqt-oxuf-dih](https://meet.google.com/tqt-oxuf-dih)**


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**( US ) +1 530-536-0047**  
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Attorney Dominick Thomas, 203-735-9521 / [djt@cohen-thomas.com](mailto:djt@cohen-thomas.com)

Sincerely,



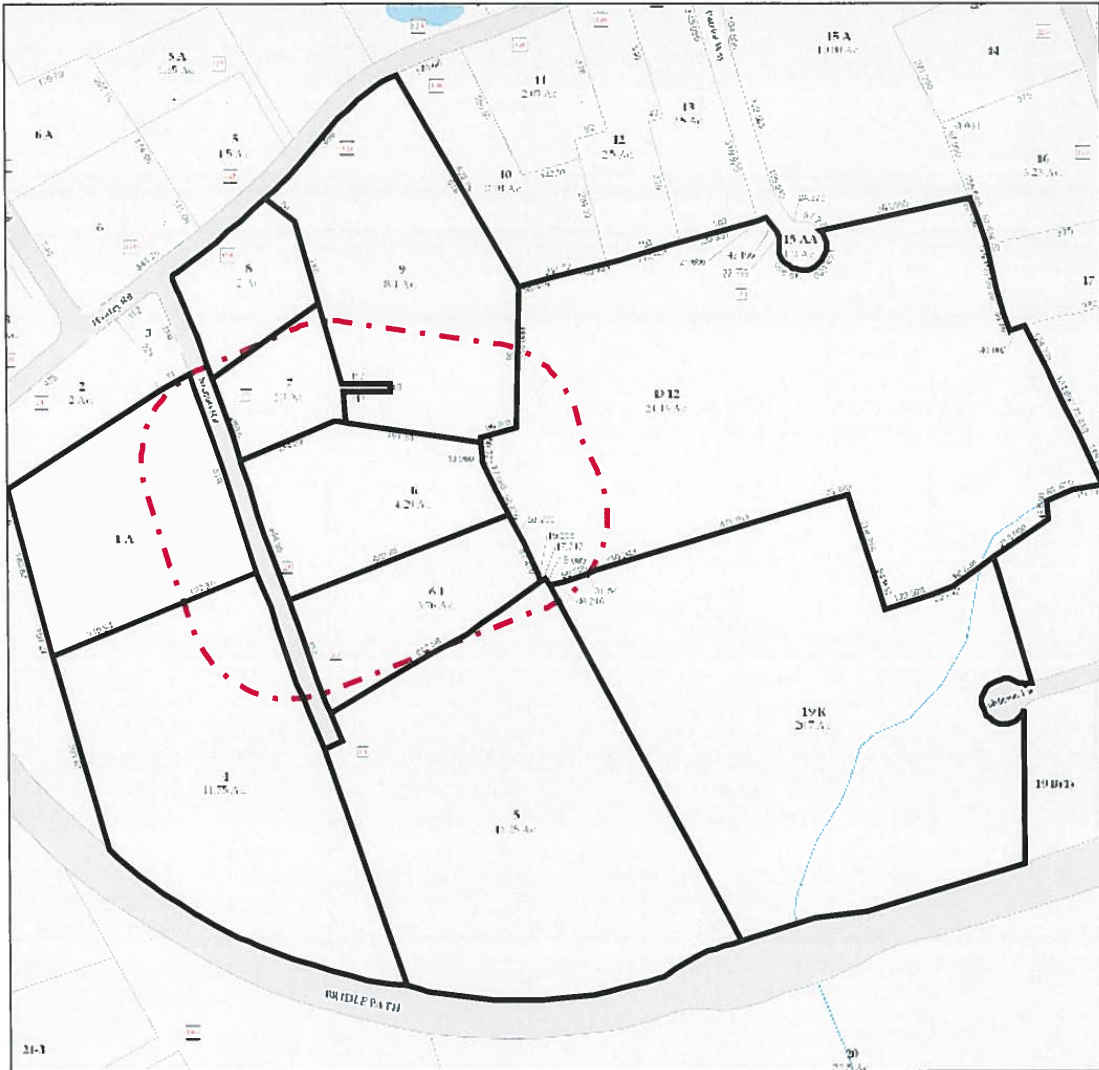
Dominick J. Thomas, Jr.  
Attorney for the Applicant

# Town of Oxford

Geographic Information System (GIS)



Date Printed: 10/8/2020



**MAP DISCLAIMER - NOTICE OF LIABILITY**

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Oxford and its mapping contractors assume no legal responsibility for the information contained herein.

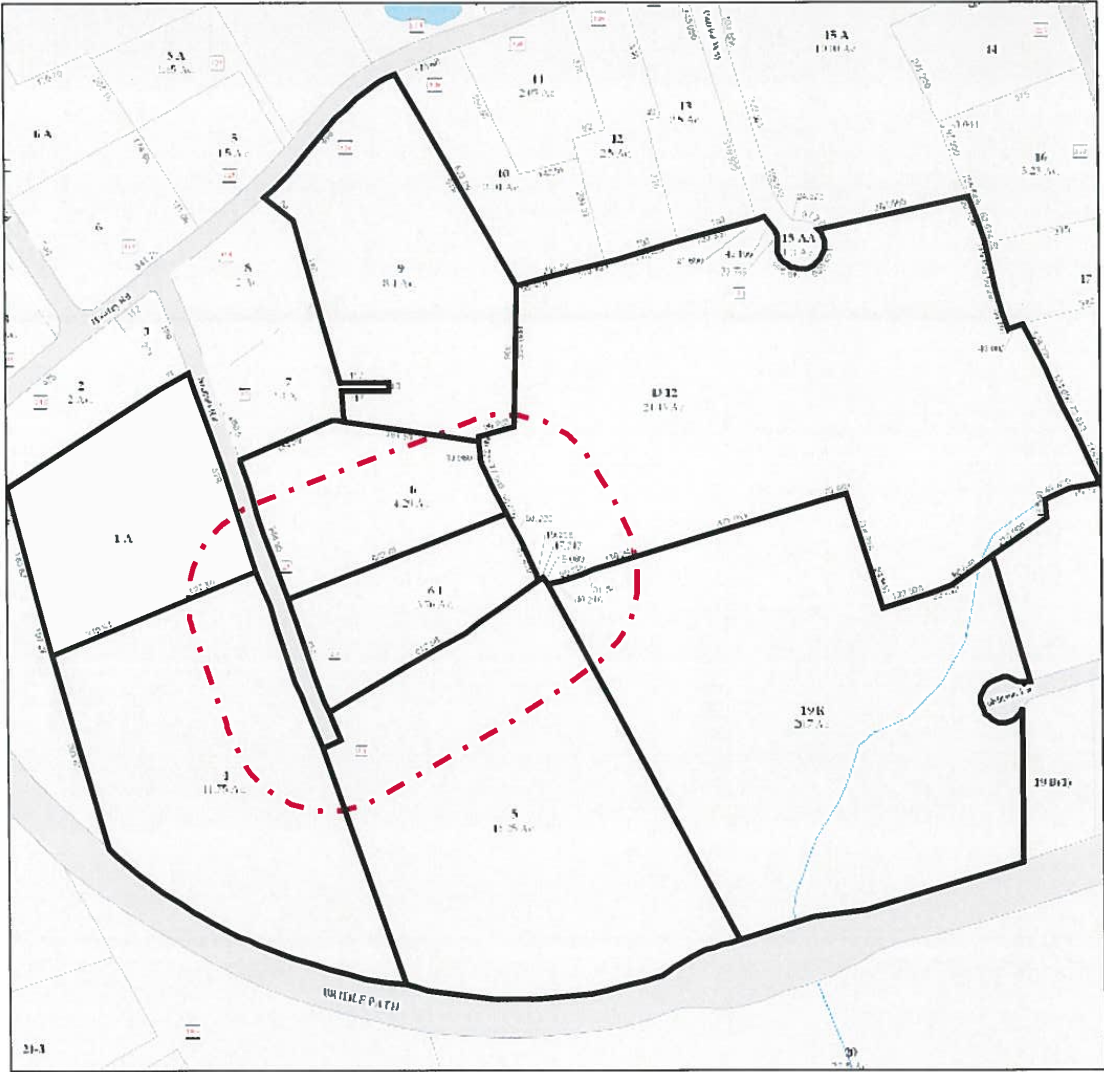
Approximate Scale: 1 inch = 400 ft



**Town of Oxford**  
Geographic Information System (GIS)



Date Printed: 10/8/2020



**MAP DISCLAIMER - NOTICE OF LIABILITY**

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Approximate Scale: 1 inch = 400 ft





Planning and Zoning Commission

TOWN OF OXFORD  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
www.Oxford-CT.gov

Z#:	_____
Date Received:	_____
Date Accepted:	_____
Date on Agenda:	_____
65 Day Exp.:	_____
Extension:	_____
2 <sup>nd</sup> Extension:	_____

\* Please Note:

- Read Instructions Thoroughly Before Completing Form
- This form Must Be Completely Typewritten or Legibly Printed in Ink

1) APPLICATION: This is an application for: *(Check the ones that apply)*

- |   |  |  |                              |
|---|--|--|------------------------------|
| <input type="checkbox"/> Subdivision          | <input type="checkbox"/> Resubdivision   | Total Number of Lots: _____                | <b>Art 2, Sec 2.14a</b>      |
| <input type="checkbox"/> Zone Change          | <input checked="" type="checkbox"/> <sup>Modification of</sup> Special Exception | S/E (Include Article & Section No.): _____ | <b>Art 9, Sec 9.3.21</b>     |
| <input type="checkbox"/> Excavation           | <input type="checkbox"/> Map/Text Amendment                                      | (Include Article & Section No.): _____     | <b>Art 10, Sec 10.7.2(6)</b> |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Other   | _____                                      |                              |

Name of Project Title (Subdivision/Resubdivision): \_\_\_\_\_

2) PROPERTY LOCATION(s):

a) Street Address: 21 & 23 Nichols Road

Town Clerk Record Map Number: N/A

Assessor's Identification Numbers:

Map: 18 Block: 30 Lot: 6 & 6-1 Unit: \_\_\_\_\_

Zoning District: *(Check One)*

- |                                  |                                    |   |   |
|----------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> RES A   | <input type="checkbox"/> RES Golf  | <input type="checkbox"/> COM            | <input type="checkbox"/> Planned COM                            |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input checked="" type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input type="checkbox"/> Other |

Water and Sewer: *(Check the ones that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems    | <input type="checkbox"/> Public Water  |

b) Street Address: \_\_\_\_\_

Town Clerk Record Map Number: \_\_\_\_\_

Assessor's Identification Numbers:

Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Unit: \_\_\_\_\_

Zoning District: *(Check One)*

- |                                  |                                    |                              |   |
|----------------------------------|------------------------------------|------------------------------|---|
| <input type="checkbox"/> RES A   | <input type="checkbox"/> RES Golf  | <input type="checkbox"/> COM | <input type="checkbox"/> Planned COM                            |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input type="checkbox"/> Other |

Water and Sewer: *(Check the ones that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems    | <input type="checkbox"/> Public Water  |

Please indicate who will be the **POINT OF CONTACT:**  
(All communications and correspondence will be directed to the Point of Contact)

(Check one)

APPLICANT    OWNER    LAND SURVEYOR    ENGINEER    ARCHITECT

3) APPLICANT: TPB CONTRACTORS, LLC  
Address: C/O Atty. Dominick Thomas, 315 Main Street  
Town: Derby State: CT Zip Code: 06418  
Phone: (203) 735-9521 Fax: (203) 7382-8129 Email: djt@cohen-thomas.com

4) OWNER(s): T&C PARTNERS, LLC  
Address: C/O Atty. Dominick Thomas, 315 Main Street  
Town: Derby State: CT Zip Code: 06418  
Phone: (203) 735-9521 Fax: (203) 732-8129 Email: djt@cohen-thomas.com

5) APPLICANT'S OWNERSHIP INTEREST: Common ownership of LLCs / tenant of owner

6) LAND SURVEYOR: \_\_\_\_\_ REG. No: \_\_\_\_\_  
Address: \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

7) CIVIL ENGINEER: JAMES SWIFT REG. No: \_\_\_\_\_  
Address: 1 \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: (203) 209-3746 Fax: ( ) \_\_\_\_\_ Email: jim@swiftpe.com

8) ARCHITECT: \_\_\_\_\_ REG. No: \_\_\_\_\_  
Address: \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

9) PREFERRED OR RECOMMENDED NAMES OF NEW ROADS TO BE CONSTRUCTED: \_\_\_\_\_  
(Subject to BOS Approval)  
(Check One)    Private Road    Town Road   \_\_\_\_\_ Length of Road

10) STATUS OF WETLANDS PERMIT: PREVIOUSLY APPROVED  
(Please Provide a Copy)

11) ACREAGE OF OPEN SPACE and/or CONSERVATION EASEMENTS: N/A

12) SURETY OPTION (See Article 9 of Subdivision Regulations): N/A  
(Check the one that applies)  
 Improvements will be completed prior to endorsement and filing of record subdivision.  
 Surety will be provided.  
 Conditional approval is requested.

13) WAIVERS: \_\_\_\_\_ N/A  
(Check the one that applies)  
 No waivers of the subdivision regulations are required.  
 Waivers of one or more sections of the subdivision regulations are requested.  
(Please provide a written description of the reason for the waiver and attached to and make part of this application.)

14) EARTH EXCAVATION:

(Check one)

Yes  No

If yes, how many cubic yards of material to be removed, filled, and/or dispersed. \_\_\_\_\_ cubic yards.

15) FLOOD ZONE:

(Check one)

Yes  No If yes, what zone. \_\_\_\_\_

16) APPLICATION/SUPPORTING DOCUMENTS:

(Indicate Attached or Not Applicable)

<input checked="" type="checkbox"/> Project Narrative Letter	_____ Fire Marshal's Review
_____ Record Subdivision Plan	_____ Letter from Public Water Supply
<input checked="" type="checkbox"/> Site Development Plan	_____ P.D.D.H. Approval
_____ Plan and Profile	_____ Inland Wetlands Approval
_____ Standard Construction Details	_____ W.P.C.A. Approval
_____ Connecticut Highway Department	_____ Legal Boundary Description
_____ Engineering Department Review	_____ Zoning and Subdivision History
_____ Drainage Calculations	_____ Certificate from Assessor
_____ Other: _____	_____ Other: _____

17) REFERRALS:

(Check the ones that apply)

- A portion of the property effected by the decision of the Commission is located within five hundred (500) feet of the boundary of an adjoining municipality.
- A portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage system within the adjoining municipality.
- Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- Subdivision/Resubdivision includes land which abuts or is partially located in the Town of \_\_\_\_\_.
- Referral to Regional Planning Agencies is required.

If any of the above applies, the applicant is required to give written notice of his/her application to the adjoining municipality and submit a copy to P&Z. Notification must be by **CERTIFIED MAIL/RETURN RECEIPT.**

18) APPLICATION FEES: (Additional fees may apply - See Schedule of Fees)

Application Fee is as follows:

\_\_\_\_\_ Building Lots (x) \$ \_\_\_\_\_ per lot = \$ N/A

\_\_\_\_\_ Cubic yards (x) \$100 for each 1,000 cubic yards = \$ N/A

Public Hearing Fee = \$ 600.00

Other Fees = \$ 650.00 (300 + \*350)

State Fee = \$ 60.00

Total Fee = \$ 1310.00 (Clk#) \_\_\_\_\_

19) AUTHORIZATION AND ENDORSEMENTS:

a) APPLICANT:

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

APPLICANT SIGNATURE

NAME PRINTED Attorney Dominick Thomas  
Attorney for Applicant

DATE 9/25/2020

b) PROPERTY OWNER(s):

The undersigned, being all of the owners of the premises referred above, hereby consent to the filing of this application together with meeting of all requirements of the applicant by the Commission for same.

OWNER SIGNATURE

NAME PRINTED Attorney Dominick Thomas DATE 9/25/2020

Attorney for Owner

20) INFORMATIONAL:

Communications with and recommendations from contracted P&Z staff are the sole responsibility of the applicant.

\*\*\*\*\*

21) ACTION TAKEN:

(This SECTION is to be filled out by Planning & Zoning Staff ONLY)

DENIED /  APPROVED  
(Check One)

APPROVED WITH CONDITIONS  Yes or  No  
(Check One)

See Letter dated \_\_\_\_\_ for DETAILS of ACTION taken and attach a copy hereto.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
(Name & Title)



**TOWN OF OXFORD**  
 S.B. Church Memorial Town Hall  
 486 Oxford Road, Oxford, Connecticut 06478-1298  
 www.Oxford-CT.gov

**Planning and Zoning Commission**

Application #: \_\_\_\_\_  
 Date: September 25, 2020

**STATEMENT OF USE**

Article 11, Section 2

Property Address: 21-23 Nichols Road Zone: IND Map: 18 Block: 30 Lot: 6 & 6-1

**APPLICANT:** T & C PARTNERS LLC and TPB CONTRACTORS LLC  
 Address: C/O Attorney Dominick Thomas, 315 Main Street  
 Town: Derby State: CT Zip Code: 06418  
 Phone: (203) 735-9521 Fax: (203-) 732-8129 Email: djt@cohen-thomas.com

**OWNER(s):** T & C PARTNERS LLC  
 Address: 21 Nichols Road  
 Town: Oxford State: CT Zip Code: 06478  
 Phone: ( ) Fax: ( ) Email: \_\_\_\_\_

Name of Proposed Business: TPB Contractors LLC

Total Square Footage Existing building -6000 + s/f Hours of Operation: See Addendum

Number of Employees: Self Number of Parking Spaces: N/A

List Hazardous and/or Chemicals Material on site (In & Outdoor): None  
(Must provide MSDS Sheets if applicable)

Provide Approval from: PDDH \_\_\_\_\_ Fire Marshal \_\_\_\_\_ Other \_\_\_\_\_

Description of Business (Include as much detail as possible or the application will be considered incomplete)

**SEE ATTACHED ADDENDUM.**

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre, and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

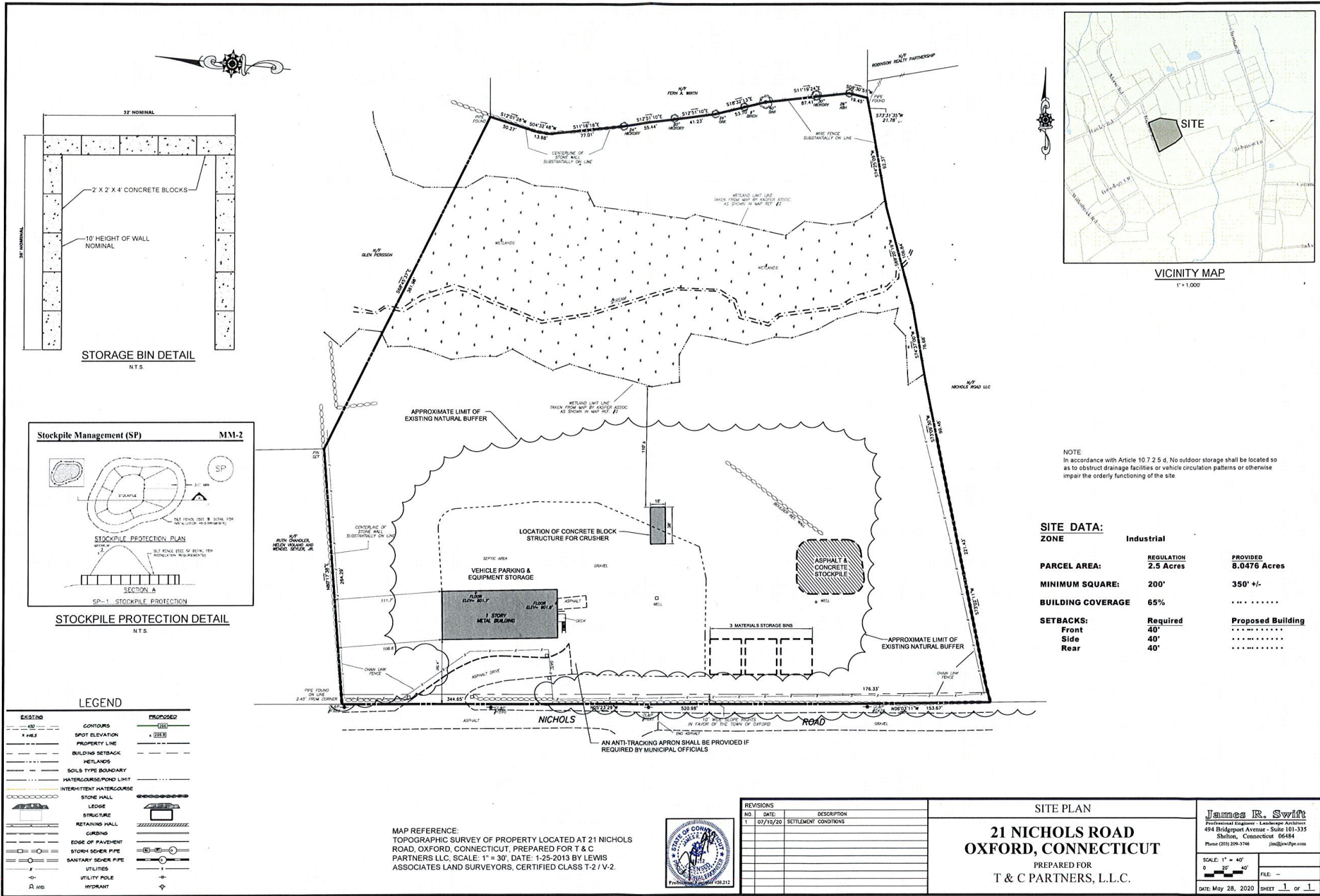
I understand that if any of the above statements are false, I may be subject to fines and/or penalties.

Dominick J. Thomas, Jr.  
 Applicant's Signature  
 Attorney for Applicant and Owner  
 \_\_\_\_\_  
 Date 9/25/2020



#### STATEMENT OF USE ADDENDUM

The Commission approved a Contractor Yard Special Exception in 2018 without rock processing. The Commission then enacted new regulations (Sec. 2.14a and 10.7 et seq.) which permit rock processing as part of a contractor yard use. This application is to modify the approved special exception permit to permit rock processing in a building as per Section 10.7.2(6). The building has been previously reviewed by the Commission. Rock processing, when needed, would be performed Monday to Friday between the hours of 8:00am and 5:00pm and Saturday from 8:00am to 12:00pm. There would be no rock processing on Sunday or holidays. A modified site plan, previously reviewed by the Commission, is submitted herewith along with a building elevation. The proposed processing building and site plan are exactly as approved by the Commission for the settlement of the pending zoning appeal.



**SITE DATA:**

ZONE	Industrial	PROVIDED
<b>PARCEL AREA:</b>	REGULATION 2.5 Acres	8.0476 Acres
<b>MINIMUM SQUARE:</b>	200'	350' +/-
<b>BUILDING COVERAGE</b>	65%	.....
<b>SETBACKS:</b>	Required	Proposed Building
Front	40'	.....
Side	40'	.....
Rear	40'	.....

**NOTE:**  
In accordance with Article 10.7.2.5 d, No outdoor storage shall be located so as to obstruct drainage facilities or vehicle circulation patterns or otherwise impair the orderly functioning of the site.

MAP REFERENCE:  
TOPOGRAPHIC SURVEY OF PROPERTY LOCATED AT 21 NICHOLS ROAD, OXFORD, CONNECTICUT, PREPARED FOR T & C PARTNERS LLC, SCALE: 1" = 30', DATE: 1-25-2013 BY LEWIS ASSOCIATES LAND SURVEYORS, CERTIFIED CLASS T-2 / V-2.

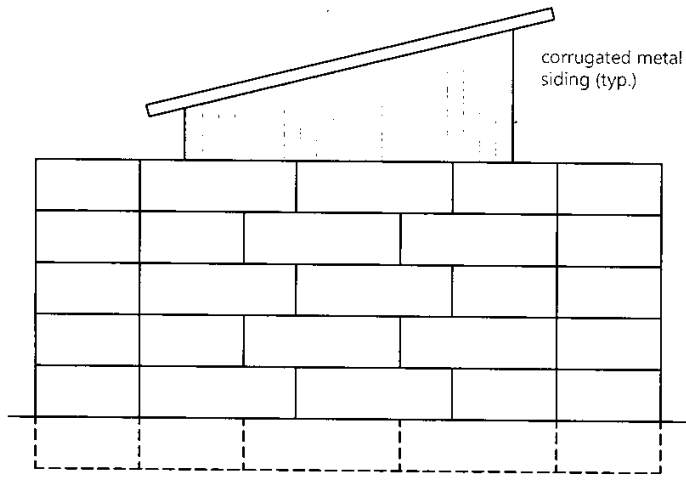


REVISIONS		
NO.	DATE	DESCRIPTION
1	07/19/20	SETTLEMENT CONDITIONS

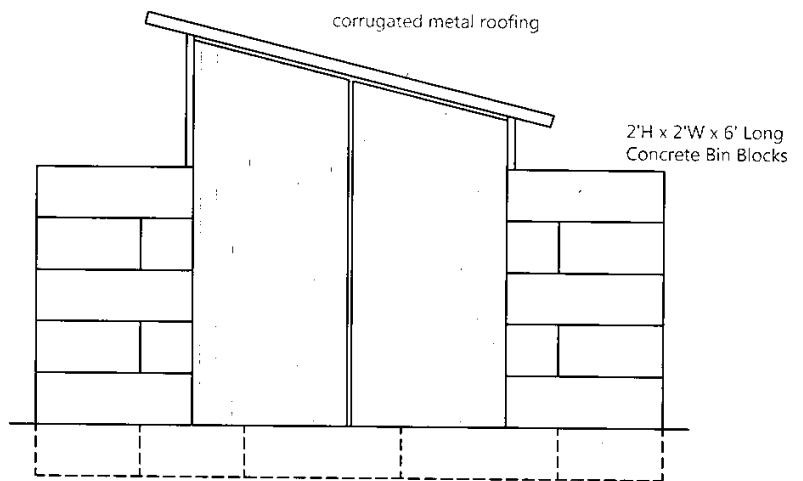
**SITE PLAN**  
**21 NICHOLS ROAD**  
**OXFORD, CONNECTICUT**  
PREPARED FOR  
**T & C PARTNERS, L.L.C.**

**James R. Swift**  
Professional Engineer - Landscape Architect  
494 Bridgeport Avenue - Suite 101-335  
Shelton, Connecticut 06484  
Phone (203) 299-3748 jim@jrsjpe.com

SCALE: 1" = 40'  
0 20' 40'  
DATE: May 28, 2020 SHEET 1 of 1



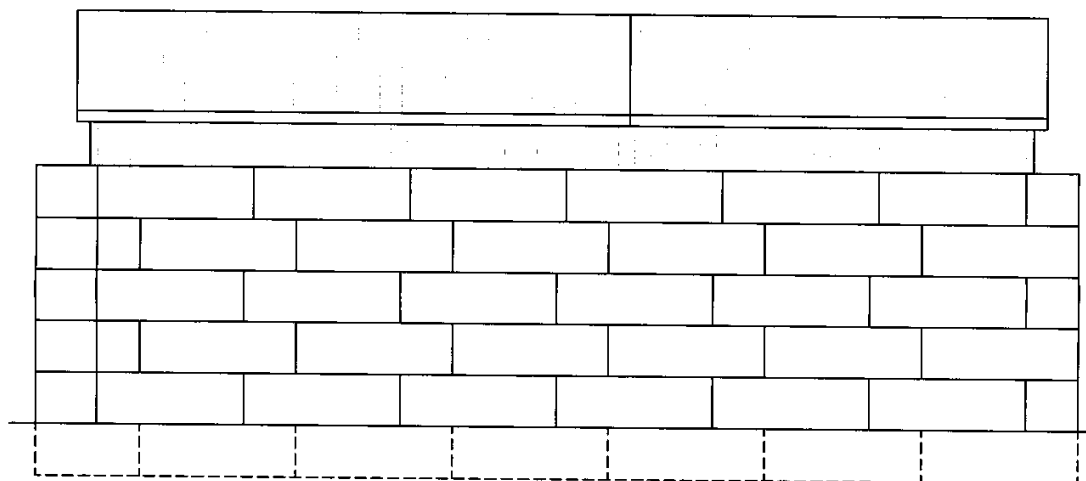
Rear Elevation



Front Elevation

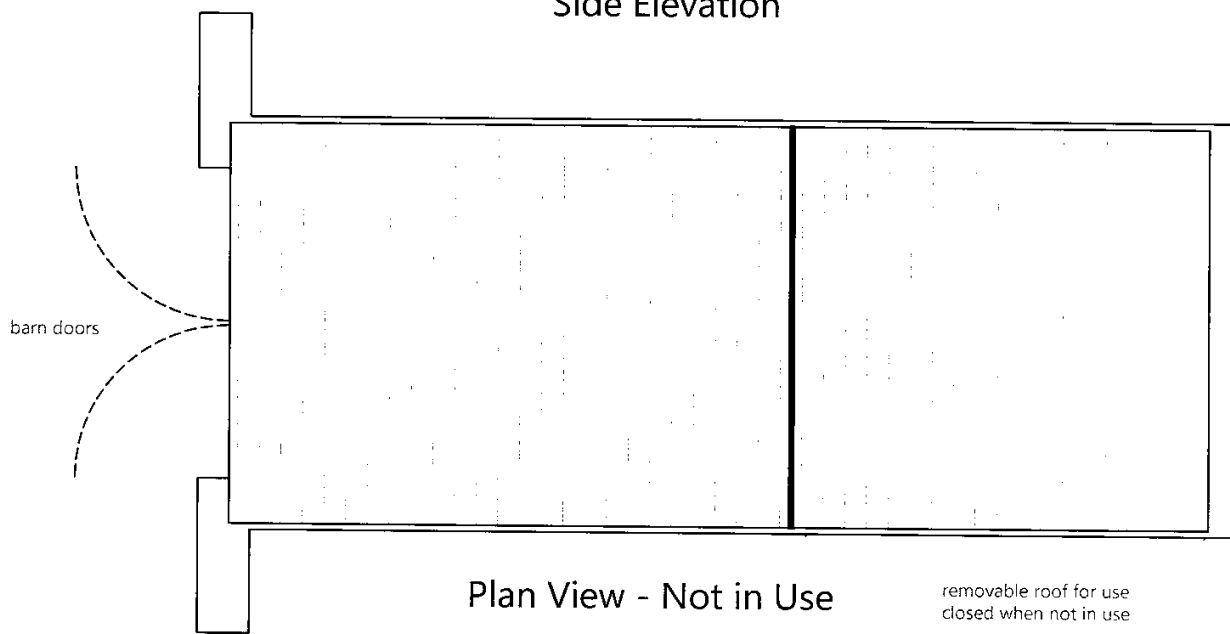
course of block below grade (typ.)

2'H x 2'W x 6' Long Concrete Bin Blocks



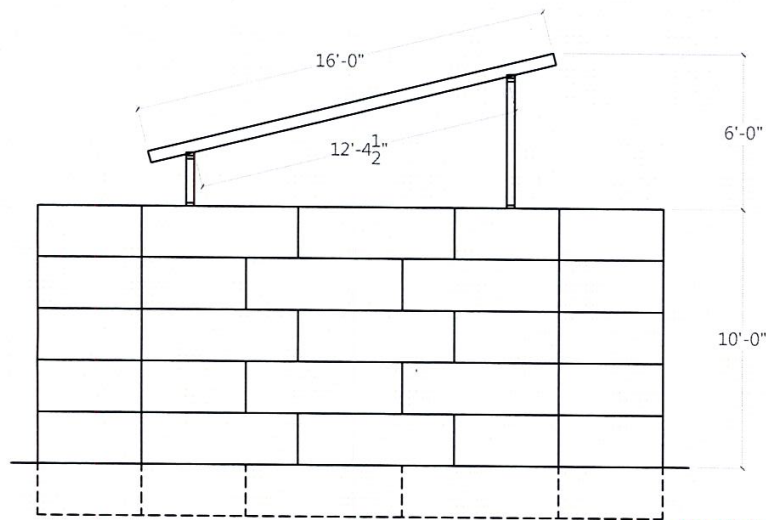
Side Elevation

course of block below grade (typ.)

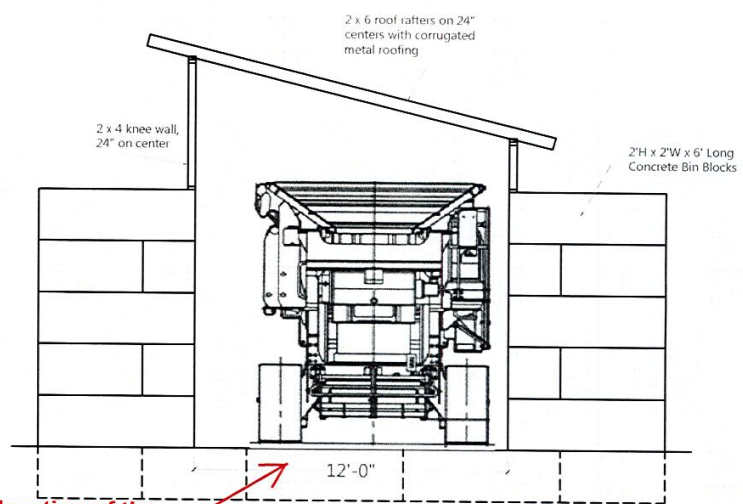


Plan View - Not in Use

removable roof for use closed when not in use

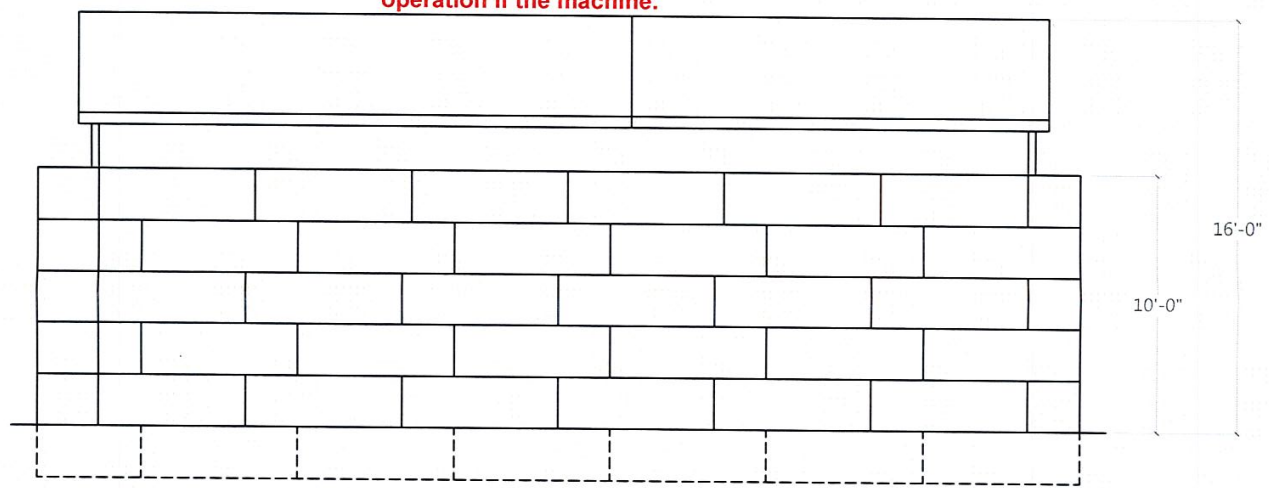


Rear Elevation

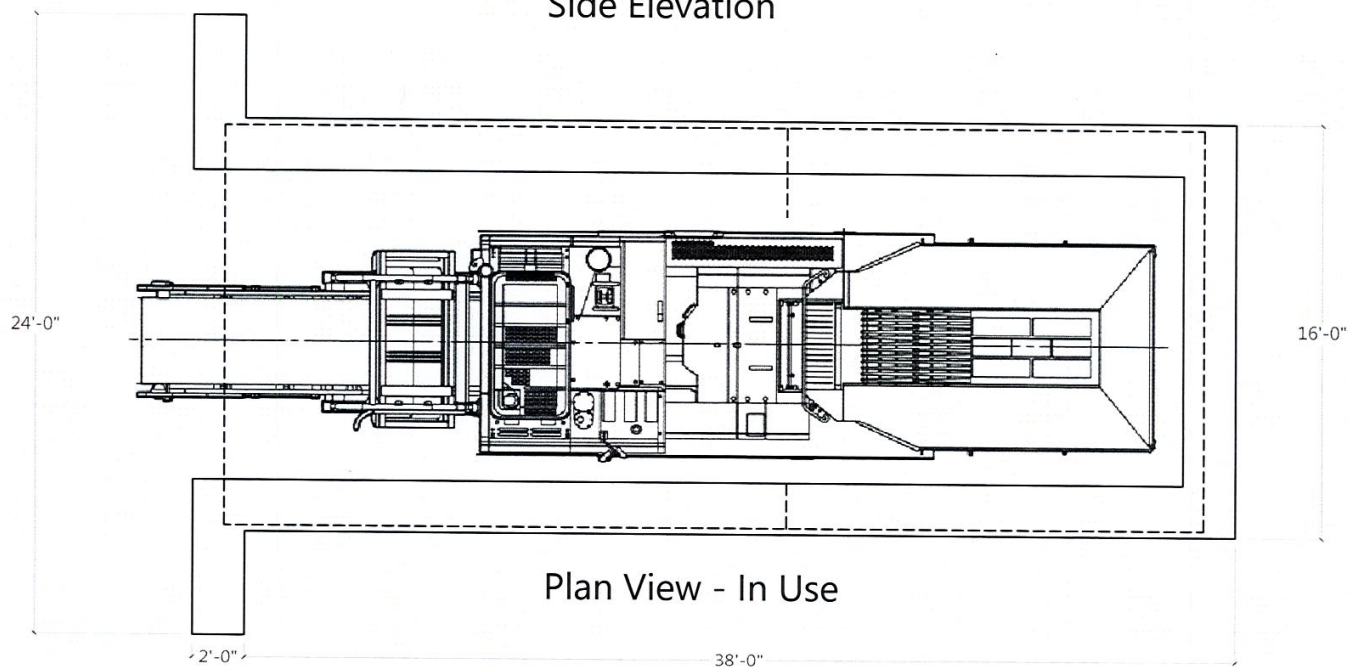


Front Elevation

**Note: The interior elevation of the floor of the structure will be 6" to 12" lower than the exterior ground elevation to insure proper operation if the machine.**



Side Elevation



Plan View - In Use

**Notice Content:**Notice Issued: **09/15/2020**Docket Number: **AAN-CV-18-6029419-S**Case Caption: **TPB CONTRACTORS, LLC Et Al v. PLANNING AND ZONING  
COMMISSION OF THE TOWN OF OXFO**Notice Sequence #: **1**

## JDNO NOTICE

Re: 138.00 - MOTION FOR ORDER

The foregoing, having been CONSIDERED by the Court, is hereby:

DENIED

On September 25, 2018, the court (Hiller, J.) granted the Werdens' motion to be made party defendants in this administrative appeal. See Order at Docket Entry No. 101.10. Judge Hiller's order of September 25, 2018 is the law of the case. "Underlying the law of the case doctrine is the view that '[a] judge should hesitate to change his own rulings in a case and should be even more reluctant to overrule those of another judge.' Breen v. Phelps, 186 Conn. 86, 99, 439 A.2d 1066 (1982). The doctrine provides that '[w]here a matter has previously been ruled upon interlocutorily, the court in a subsequent proceeding in the case may treat that decision as the law of the case, if it is of the opinion that the issue was correctly decided, in the absence of some new or overriding circumstance.' (Internal quotation marks omitted.) Haggerty v. Williams, 84 Conn.App. 675, 683, 855 A.2d 264 (2004)." (Footnote omitted.) Wasko v. Manella, 87 Conn. App. 390, 395, 865 A.2d 1223 (2005).

The court does not conclude that Judge Hiller decided the question of the Werdens' intervention incorrectly, and the plaintiffs have not demonstrated that any new or overriding circumstance exists sufficient for this court to change the order of September 25, 2018. Moreover, in order for the court to "drop" the Werdens pursuant to General Statutes § 52-109 and Practice Book § 9-19, the court must conclude that the Werdens were "misjoined". See General Statutes § 52-109 & Practice Book § 9-19 ("New parties may be summoned in, AND PARTIES MISJOINED MAY BE DROPPED, by order of the judicial authority, at any stage of the cause, as it deems the interests of justice require." [emphasis added by capitalization].) The record fails to demonstrate that the Werdens were misjoined in this action.

For the foregoing reasons, the motion is DENIED.

Pierson, J  
9/15/20

**Notice Content:**

Notice Issued: **09/15/2020**

Docket Number: **AAN-CV-18-6029419-S**

Case Caption: **TPB CONTRACTORS, LLC Et Al v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**

Notice Sequence #: **2**

**JDNO NOTICE**

**RE: 129.00 - MOTION FOR JUDGMENT IN ACCORDANCE WITH STIPULATION**

The foregoing, having been CONSIDERED by the Court, is hereby:

**DENIED**

Familiarity with the case law and arguments recited by each party is presumed and need not be generally repeated.

By a motion to be made party defendants dated September 12, 2018 (Docket Entry No. 101.00), Robert and Steva Werdens asked to intervene in this litigation, involving an administrative appeal. In the foregoing motion, the Werdens argued, inter alia, that they would suffer harm if the plaintiffs were successful in their appeal herein. On September 25, 2018, the court (Hiller, J.) granted the foregoing motion, thereby making the Werdens defendants in the action. See Docket Entry No. 101.10.

Before the court is a Joint Motion For Judgment In Accordance With Stipulation, Docket Entry No. 129.00 (joint motion), by which the plaintiffs and the defendant, Planning and Zoning Commission of the Town of Oxford, move the court to enter judgment in accordance with an agreement reached by them. The Werdens object to the joint motion and proposed stipulated judgment. See Docket Entry No. 136.00.

On September 14, 2020, the court held a hearing on the joint motion pursuant to General Statutes § 8-8(n).

General Statutes § 8-8 (n) reads, in part, that "[n]o appeal taken under subsection (b) of this section shall be withdrawn and no settlement BETWEEN THE PARTIES to any such appeal shall be effective unless and until a hearing has been held before the Superior Court and such court has approved such proposed withdrawal or settlement." (Emphasis supplied by capitalization.) Our Appellate Court has held that "[A]LL OF THE PARTIES MUST CONSENT to a stipulated judgment in a land use appeal made pursuant to section 8-8 [n] . . . ." (Emphasis supplied by capitalization; citations omitted; internal question marks omitted.) Dietzel v. Planning Commission, 60 Conn. App. 153, 160, 758 A.2d 906 (2000).

CONTINUED ON PAGE 2...

**JDNO NOTICE**

**AAN-CV-18-6029419-S TPB CONTRACTORS, LLC Et AI v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**

Notice Issued: **09/15/2020**

**Court Address:**

CLERK, SUPERIOR COURT  
ANSONIA-MILFORD JD  
14 WEST RIVER STREET  
PO BOX 210  
MILFORD, CT 06460

**Website:** www.jud.ct.gov

**Notice Content:**

Notice Issued: **09/15/2020**

Docket Number: **AAN-CV-18-6029419-S**

Case Caption: **TPB CONTRACTORS, LLC Et AI v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**

Notice Sequence #: **3**

**JDNO NOTICE**

It cannot be disputed seriously that the Werden defendants are "parties" to this action, as that word is commonly understood and as it is used in § 8-8 (n). See General Statutes § 1-1 (a) ("In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly."). "Ordinarily, the word 'party' has a technical meaning, referring to . . . the party plaintiff or defendant, whether composed of one or more individuals and whether natural or legal persons." (Citations omitted.) Lieberman v. Reliable Refuse Co., 212 Conn. 661, 669, 563 A.2d 1013 (1989).

General Statutes § 8-8 (n) allows this court to approve a proposed settlement "between the parties", which, by definition and of necessity, includes the Werdens. For the court to sanction the proposed stipulation and enter it as a judgment of the court would be to approve a settlement between SOME of the parties only--a result that is not contemplated by the plain language of the statute. Moreover, such an outcome would contradict the Appellate Court's directive in Dietzel, supra, to the effect that ALL of the parties must consent to a stipulated judgment in a land use appeal under § 8-8 (n).

The moving parties attempt to distinguish the status of the Werdens on the grounds that they are permissive intervening defendants only, whose presence is unnecessary to the disposition of this case, and who were not made parties to this action as a matter of right (as was the case in Dietzel). While the moving parties emphasize the distinction between permissive versus mandatory, necessary or as-of-right intervention, neither the language of § 8-8 (n) or Dietzel makes such a distinction.

CONTINUED ON PAGE 3...

Attorney/Firm: COHEN & THOMAS (010072)

E-Mail: [firm@cohen-thomas.com](mailto:firm@cohen-thomas.com)

**Notice (JDNO)**

Docket No: AAN-CV-18-6029419-S  
Issue Date: 09/15/2020  
Sent By: Civil/Family  
My Tags: DJT

**JDNO NOTICE**

**AAN-CV-18-6029419-S TPB CONTRACTORS, LLC Et AI v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**

Notice Issued: **09/15/2020**

**Court Address:**

CLERK, SUPERIOR COURT  
ANSONIA-MILFORD JD  
14 WEST RIVER STREET  
PO BOX 210  
MILFORD, CT 06460  
**Website:** [www.jud.ct.gov](http://www.jud.ct.gov)

**Notice Content:**

Notice Issued: **09/15/2020**  
Docket Number: **AAN-CV-18-6029419-S**  
Case Caption: **TPB CONTRACTORS, LLC Et AI v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**  
Notice Sequence #: **4**

**JDNO NOTICE**

Rather, both reflect that all parties to a case must stipulate to an agreement before it can be approved and entered as a judgment of the court.

The joint motion is DENIED accordingly. This order is, of course, without any prejudice to the plaintiffs' right to move to withdraw this appeal in accordance with the provisions of General Statutes § 8-8 (n).

It is so ORDERED.

Pierson, J  
9/15/20



The crusher in full operation has a noise level as follows:

80 decibels at 100 feet away

74 decibels at 200 feet away


68 decibels at 300 feet away

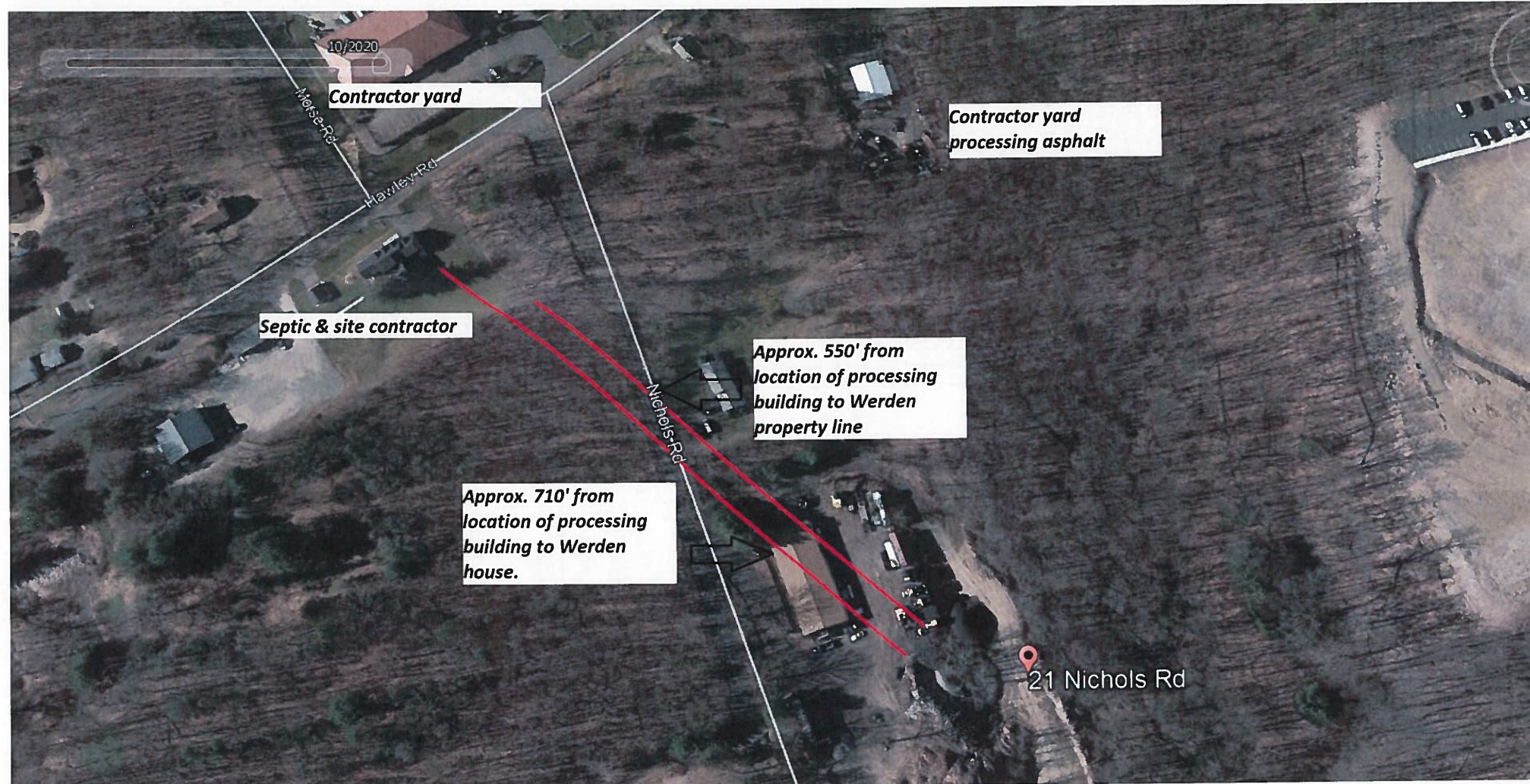
These readings were taken while the crusher operation was set up and running out of doors.

The operation we are proposing is as an inside operation.

The building will have 4" insulated walls, 6" roof and doors to contain the noise to the inside of the building.

Please note: An upright vacuum cleaner in your home has a noise level of 85 decibels.

# 4  
3/15/01  




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




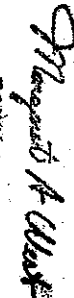
**MEMORANDUM**

**DATE:** June 20, 2019  
**TO:** Margaret West-Mainor, Town Clerk  
**FROM:** Planning & Zoning Commission  
**RE:** Approved Amendments to the Oxford Planning & Zoning Regulations

.....  
The Planning & Zoning Commission, at their meeting on 6/18/2019 approved the attached amendments to the Oxford Zoning Regulations. The amendments include changes to Article 2 – Definitions, Article 10 – Special Exceptions, and Article 14 – Earth Excavation and Regrading.

I have attached the final approved amendments, which will become effective as of July 1, 2019.

Sincerely,  
  
Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

19 JUN 20 AM 10:11  
TOWN OF OXFORD CT  
  
TOWN CLERK

## ARTICLE 2 – DEFINITIONS

2.14a Contractor Yard – A property used for (a) storage of vehicles, construction or earthmoving equipment, (b) storage of earth or biological materials, and (c) processing and recycling of earth or biological materials.

## ARTICLE 10 – SPECIAL EXCEPTIONS

### Section 10.7 – Contractor Yards

10.7.1 Purpose. Because of the nature of these businesses, many contractors' yards resemble a construction site, with similar impacts, such as erosion, dust, noise, a concentration of heavy vehicle traffic, and substantial outdoor storage of materials and equipment. The purpose of this Section is to set standards that will allow operation of such yards over a long period of time, without causing serious detriment to public health, safety, and the value of surrounding properties.

10.7.2 Standards. In addition to the requirements of this Article for the issuance of a special exception, the following additional standards, requirements and conditions shall apply.

1. The minimum lot size shall be at least five (5) acres.
2. No contractor yard shall be approved unless it includes an enclosed building with a minimum gross floor area in accordance with the following schedule. The total land area shall exclude land which is wetlands and/or watercourses on site.

<u>Total Land Area</u>	<u>Minimum Building Size</u>
5 Acres to 10 Acres	5,000 square feet of gross floor area plus 2,000 square feet per acre in excess of 5 acres
10 Acres to 25 Acres	15,000 square feet of gross floor area plus 1,000 square feet per acre in excess of 10 acres
Over 25 Acres	30,000 square feet of gross floor area

3. Parking and storage of vehicles and equipment
  - a. No parking of passenger vehicles may occur within the setbacks.
  - b. No parking or storage of vehicles or equipment may occur within one hundred (100') feet from any property line, unless screened by a building.
  - c. All vehicles and equipment parked or stored in outdoor areas (a) shall be registered with the Department of Motor Vehicles or other appropriate state agency for operation in the State of Connecticut or (b) if such registration is not required, shall be in operable condition. All other vehicles and equipment shall be parked or stored in enclosed buildings only.

d. All vehicle and equipment parking and storage areas shall be screened from view from adjacent properties with vegetative plantings or buildings.

4. Maintenance of vehicles and equipment

a. All maintenance and repair of vehicles and equipment shall occur in an enclosed building.

5. Outdoor Storage

a. All earth and biological material storage shall be in areas enclosed on at least three sides by walls of at least three (3') feet in height.

b. Earth and biological materials which are subject to becoming airborne as dust shall be covered.

c. All outdoor storage areas shall be screened from view from adjacent properties by vegetative plantings or buildings.

d. No outdoor storage shall be located so as to obstruct drainage facilities or vehicle circulation patterns or otherwise impair the orderly functioning of the site.

e. No demolition debris or other waste may be stored or processed on the site.

6. Processing of earth and biological materials

a. All machinery and equipment for Earth and Biological Material Processing shall be operated only within an enclosed building. All Earth and Biological Material Activities shall occur only within an enclosed building.

7. Dust, odor, noise and erosion control.

a. The applicant shall provide for an on-going dust, odor and erosion controls program to ensure that migration of dust, soil and odor off the site does not occur.

b. All buildings shall be constructed in a manner to ensure that the site does not exceed the sound decibel limits proscribed by the State of Connecticut Department of Energy and Environmental Protection, Conn. Agencies. Regs. § 22a-69.

c. The site shall be operated in a manner to ensure that the site does not exceed the sound decibel limits proscribed by the State of Connecticut Department of Energy and Environmental Protection, Conn. Agencies. Regs. § 22a-69.

d. The sound decibel limits proscribed by the State of Connecticut Department of Energy and Environmental Protection, Conn. Agencies. Regs. § 22a-69 are incorporated herein by reference, and zoning enforcement officer shall be authorized to enforce such limits as part of these Zoning Regulations.

## 8. Traffic

- a. The volume of traffic entering and exiting the site and the condition of the vehicles shall not cause hazardous conditions or be otherwise detrimental to the appropriate and orderly development or use of the surrounding neighborhood.
- b. The site shall provide for an anti-tracking pad at all entrances and exits to the site.

### 10.7.3 Additional Application Requirements

In addition to all other Special Exception requirements, the application shall contain the following additional information:

1. Size, location, maximum height and type of materials in any stockpiles or other outdoor storage areas.
2. The site plan shall show all areas for passenger vehicle parking areas, with spaces numbered.
3. The site plan shall show all areas for parking and storage of other vehicles and equipment, labelled with the maximum number of such vehicles and equipment to be parked or stored in such areas.
4. A narrative describing the type, size and number of vehicles and equipment entering and exiting the site on a regular basis and to be stored on the site.
5. For any processing activities, the size, location and type of equipment, and the anticipated volume and/or capacity of such equipment and the type of materials.
6. Types of vehicle maintenance to be performed and provisions for waste disposal.
7. Building size, proposed uses and general floor plan layout.
8. Renderings showing the proposed visual impact of the proposed site from each public street bordering the site, and from points along any state highway from which the site will be visible, with foliage shown in spring, summer and winter.

19 JUN 20 AM 10:12  
TOWN OF OXFORD, CT  
*Margaret A. Clark*  
TOWN CLERK

## **ARTICLE 2 - DEFINITIONS**

*[new]* **2.9a Biological Materials** – tree stumps, logs, branches and leaves, brush and other vegetative debris, but not including construction and/or demolition debris.

*[new]* **2.18 Earth Materials** - earth, sand, gravel, clay, stone, loam, topsoil or asphalt, but not including construction and/or demolition debris.

*[amended and renumbered]* **2.18a Earth and Biological Material Processing** – Any activity which involves the processing of Earth and Biological Materials, with or without the use of mechanical equipment, including without limitation, crushing, washing, sorting, screening, grinding, chipping, mulching, or otherwise processing Earth and Biological materials.

*[amended and renumbered]* **2.18a Earth and Biological Material Activity** – Any activity which involves the excavation, blasting, cutting, filling, grubbing, grading or regrading of land, with or without the use of mechanical equipment, or which involves the removal of trees, stumps, brush and other vegetation.

## **ARTICLE 14 - EARTH AND BIOLOGICAL MATERIAL PROCESSING AND ACTIVITIES**

### **Section 14.1 Prohibition on Earth and Biological Material Processing and Activities**

14.1 No person shall carry out any Earth and Biological Material Processing or Activities except pursuant to a permit issued pursuant to this Article, or pursuant to a Special Exception issued pursuant to Article 10.7.

### **14.2 Special Exception for Earth and Biological Material Processing and Activities**

14.2.1 All Earth and Biological Material Processing and Activities, except those exempted under Section 14.3 hereof, shall require a Special Exception issued pursuant to Article 11 of these Regulations. A Special Exception for Earth and Biological Material Processing or Activities shall only be granted in conjunction with an application for a Site Plan for a bona fide construction project otherwise permitted by these regulations.

14.2.2 An Application for Special Exception for Earth and Biological Material Processing or Activities pursuant to this section shall, in addition to all other requirements of these regulations, be accompanied by the following:

(a) In the case of proposed earth material activities, a plan drawn to a scale of not less than 100 feet to the inch at a contour level of 2 foot intervals, showing:

- (1) Grades of the land at the time of the application, based upon a field survey;
- (2) Proposed grades at the completion of the excavation;
- (3) Indication, by shading of those areas where the existing grades are in excess of 35%;

(b) In the case of proposed earth material activities, an assessment of the geological and bedrock conditions by a geotechnical engineer or other qualified professional engineer with appropriate experience, which would include an evaluation as to whether blasting would be needed to accomplish the plan.

(c) In the case of proposed biological material activities, a plan drawn to a scale of not less than 100 feet to the inch at a contour level of 2 foot intervals showing the areas of proposed activities.

(d) The Commission may require the submission of such additional information, including data on soil conditions, location and depth of rock ledge and ground water conditions that it deems necessary to make a reasonable review of the application. The Commission may waive in whole or in part the requirements for submission of a plan of existing and proposed contours in cases where the contours are not deemed necessary for reasonable review of the application.

#### 14.2.3 Criteria for Decision

The Commission, after public hearing on due notice, may grant a Special Exception, subject to appropriate conditions and safeguards, to permit the proposed Earth and Biological Material Processing or Activities, provided the following criteria are present and the requirements and conditions set forth below are met:

- (a) The final grades called for in the site plan reflect the minimal disturbance to the property that would be required to achieve the purpose of the development.
- (b) The final grades called for in the site plan reflect the minimum amount of earth or biological materials to be brought on to the site or removed from the site which is necessary to achieve the proposed development.
- (c) Not more than 5,000 cubic yards of material are to be removed from the site.
- (d) That the plan provides for proper drainage of the area both during and after the excavation.
- (e) No sharp declivities, pits, depressions or soil erosion problems will be created. All areas that have been disturbed by the activities shall be regraded to a slope necessary to maintain stability, with a maximum finished slope of 2:1 (2 feet horizontal to 1 foot vertical), except areas in which exposed solid rock is left exposed to the surface, in which case, the maximum permitted slope shall be 1:4 (1 foot horizontal to 4 feet vertical).
- (f) That the proposed activities will not impair the future use of the property in accordance with these Regulations and that the finished grades will not impair good development and safe use of the property after the completion of the activities.
- (g) That the proposed activities will not depress land values or adversely affect surrounding property in the neighborhood.



- (h) That there shall be no activities within 50' of a property or street line except to an elevation equal with or above the grade of the adjoining street, or when done in conjunction with the re-grading of an adjoining property, and determined by the Commission. The Commission may permit activities within 50' of a property or street line for property within the Commercial, Industrial, High Technology Industrial or Corporate Business Park District if it determines that such activities will have no detrimental impacts upon the orderly use and development of the adjacent property.
- (i) There shall be no activities that degrade or adversely disrupts the flow of groundwater.
- (j) That the top layer of arable soil for a depth of 6" shall be set aside and retained on the premises and for re-spreading over any excavated area upon completion of the excavation or removal, in accordance with proposed site plans, and seeded with a suitable cover crop.
- (k) That no fixed machinery shall be erected or maintained on the premises, excepted as permitted herein.
- (l) That proper provision will be made for control of dust.
- (m) That the proposed truck passage will not create safety or traffic hazards.
- (n) That the plan provides for proper fencing or barriers to discourage outside access to any part of the premises in which removal or storage of materials or terrain factors may cause danger.
- (o) Earth and Biological Material Activities shall only be permitted in conjunction with the preparation of the land for development in accordance with an approved site plan or subdivision. Where permitted in conjunction with the preparation of the land for an approved site plan or subdivision, the Commission must find that the degree of the activities, including the amount of material to be removed and placed, is the minimum necessary to facilitate the development of the land as permitted in a feasible manner, except the Commission may grant a Special Exception for major re-grading for properties in the Commercial, Industrial, or Corporate Business Park districts, when done for the preparation for land development. In such circumstances, the applicant shall submit a Conceptual Site Plan that shows the proposed location of buildings and preliminary grading plans.
- (p) That a soil erosion and sediment control plan for the excavation has been submitted and certified in accordance with Article 12.
- (q) That the relevant conditions of Article 10 have been complied with.
- (r) If the application is approved in phases, the Commission may impose additional conditions for subsequent phases as determined by factors discovered during previous phase work.
- (s) All excavation and fill activities shall be conducted between 8:00 AM and 4:00 PM, Monday through Friday.

(t) No biological or foreign materials shall be buried or otherwise deposited.

(u) No construction or demolition debris may be brought onto the property, nor may it be buried or otherwise deposited on the property. The Commission shall not authorize such activities as part of any Special Exception.

14.2.4 Duration of Permit. A Special Exception for Earth and Biological Material Processing or Activities shall expire two (2) years after the expiration of the appeal period for any decision to grant such a special exception, and all activities not completed by that date shall cease. The Commission may, at its discretion (a) grant a maximum of two (2) extensions for no more than two (2) years each for a total of no more than four (4) years or (b) allow the Special Exception to expire at the same time as the Site Plan or Subdivision in conjunction with which it was approved is due to expire.

### Section 14.3 Zoning Permit for Certain Earth and Biological Material Activities

14.3.1 Earth and Biological Material Activities in conjunction with the construction of a new single family residential home in conformance with valid building and zoning permits may be carried out upon issuance of a Zoning Permit by the Zoning Enforcement Officer, subject to the following requirements and conditions:

(a) all materials brought onto the site in connection with such activities shall be consistent with what is customarily required to construct the house, driveway and to create a usable yard area;

(b) all such activities shall be the minimum necessary to construct the house, driveway and create a usable yard area;

(c) all such activities shall occur within 150' of the foundation of the house, except for activities associated with the construction of a driveway;

14.3.2 Earth and Biological Material Activities which meet the following criteria may be carried out upon issuance of a Zoning Permit by the Zoning Enforcement Officer:

(a) Earth Material Activities wherein the net volume of materials to be excavated, blasted, cut, filled, graded, regraded or removed from the property is less than 1200 cubic yards;

(b) Earth and Biological Material Activities wherein less than one (1) acre of land is disturbed, and less than (1) acre of land is subject to the removal of the removal of trees, stumps, brush and other vegetation.

14.3.3 Earth and Biological Material Processing may not occur pursuant to a Zoning Permit issued pursuant to this Section.

14.3.4. The following conditions shall apply to all Zoning Permits issued pursuant to this Section:

(a) no biological materials, foreign materials or construction or demolition debris shall be buried or otherwise deposited; and

(b) all earth materials brought onto the site shall be earth materials classified as clean fill by the Department of Environmental Protection, State of Connecticut and shall not include, garbage, debris, waste or any other foreign material that would require any permit to fill from the Department of Environmental Protection.

(c) the applicant shall provide a narrative setting forth the purpose of the activities.

(d) The Zoning Enforcement Officer may request additional information from the applicant to demonstrate compliance with this section.

#### Section 14.4 - Enforcement

14.4.1 Whether pursuant to a Special Exception or Zoning Permit, the applicant shall submit reports at intervals not exceeding once every 6 months, or the completion of each phase as designated on the approved plan, whichever is more frequent, that shows the progress of the earth excavation/removal. Such report, including a certified plan, shall be prepared by a licensed engineer or land surveyor and shall include the following information:

(a) Existing contours, which shall include a comparison with the proposed grades approved within the plan.

(b) The existing grades at 2 foot contours in locations required by the Commission, which shall include a comparison with the proposed grades within the plan.

(c) Sedimentation and erosion control features in place.

(d) Estimate of the amount of material which has been removed.

The Commission or the zoning enforcement officer may require a report which contains the information required above at any time in which the Commission or the zoning enforcement officer have reason to question the conformance of the earth re-grading/removal operation with the approved plan, or if unforeseen problems or issues arise.

14.4.2 All costs incurred by the Town of Oxford in monitoring the applicant's compliance with any earth removal approval, including the cost and services of, but not limited to, the zoning enforcement officer, Town Engineer, Town Planner and any others as determined appropriate by the Commission shall be paid by the applicant within 30 days after billing applicant for same. Failure to provide such payment shall void any approval under this Section.

#### Section 14.5 - Nonconforming Uses

No Earth or Biological Material Processing or Activities shall occur or be allowed from any site for which a non-conforming earth or biological material activity use is claimed except in accordance with this section.

14.5.1 The owner of the site shall, upon request of the Commission, provide with all facts and data which indicate a legal non-conforming use does exist. If the Commission shall agree that a legal non-

conforming use does exist, it may request that the owner of the site indicate specifically and in writing, what the owner's activity plans or intentions are. The Commission may request that the owner supply the Commission with information set forth in Section 14.2 of this Article. The Commission may request such information annually or at any time it appears said plans, intentions or information has been changed.

14.5.2 The Commission may require that one or more of the conditions set forth in Section 14.2 of this Article be satisfied prior to any continued activities if the Commission shall conclude that the health, welfare, safety or environmental factors requires the imposition of such conditions. Specifically and without limitations, "health, welfare, safety or environmental factors" shall include such matters as noise and dust, soil stability, traffic, pollution of streams and rivers, effect of activities upon neighbors' septic tanks and wells, blasting effects, if any, prevention of erosion and avoidance of dangers due to sharp cliffs and declivities during and after activities.

14.5.3 The permit period shall not exceed 2 years. A written request for extension must be submitted in writing if the applicant wishes to apply for an extension which shall not exceed 2 additional years.

14.5.4 If the site contains any fixed machinery which has legal, non-conforming use status, or manmade pits or holes, the Commission may require that the machinery, pits or holes be enclosed during non-working hours to prevent injury to outsiders.

14.5.5 If the above conditions are not satisfactorily complied with, the Commission may order removal or excavation operations be stopped.

#### **Section 14.6 Temporary Use of Earth and Biological Processing Equipment for Site Improvement**

14.6.2 The temporary use of Earth and Biological Processing equipment in conjunction with Earth and Biological Material Activities is permitted only after the granting of a Special Exception by the Commission, and may only be granted in conjunction with a Special Exception for Earth and Biological Material Activities in accordance with this Article. Nevertheless, an application for temporary use of processing machinery may be submitted at any time during which a Special Exception is in full force and effect.

14.6.3 The Earth and Biological Processing equipment which may be utilized pursuant to a Special Exception granted pursuant to this section shall be limited to the temporary use of a portable, self-contained, enclosed, single stage or two stage reduction, with spray bar, stone crushing machine and/or other related support machinery necessary for the operation of the stone crushing machine and/or other related support machinery necessary for the operation of the stone crushing machine to further the removal of earth, sand, gravel, clay, stone or other earthen material, or equipment necessary for the processing of biological material for site improvement for a limited period of time.

14.6.4 The use of such machinery shall be limited to Monday through Friday, inclusive, between the hours of 8:00 AM and 4:00 PM.

14.6.4 Such a Special Exception may be granted only if the Commission finds that the following conditions and requirements have been met:

- (a) That the site must be a minimum size of 2 acres, except as provided for in Section 14.6.4 (t).
- (b) That such Special Exception may be granted only when in conjunction with a bona fide earth and biological material activity proposal which has been submitted and is in conformance with Article 14 and other applicable Regulations.
- (c) That such a Special Exception may be granted only when such machinery is necessary to further a site plan approval or other approved use of the subject premises.
- (d) The Commission may impose such conditions and safeguards as are necessary for the control of noise, drainage, dust, erosion and sedimentation, blasting, fuel spillage and cleanup.
- (e) That the machinery, equipment or structures may be directed to be located at a particular specified location on the premises so as not to adversely impact the public health, safety and welfare.
- (f) That no machinery, equipment or structures covered by this Special Exception shall be operated or located outside of the area for which this Special Exception is granted.
- (g) That such machinery shall be removed from the premises immediately upon termination of the Special Exception or upon revocation of same.
- (h) That all other conditions and requirements of this Article shall be met regarding earth excavation at the subject premises.
- (i) That the relevant conditions and requirements of Article 10 have been complied with.
- (j) That the Commission may grant extensions not longer than 2 years upon application, which extension may be granted within the sole discretion of the Commission.
- (k) Such machinery, equipment or structures may be used only for processing materials from the same site as originally approved.
- (l) No such machinery, equipment or structures shall be located on the site within less than 150' of any property or street line or within less than 300' of an existing residential building or on any other lot, or 500' from any adjoining Town line, except as provided for in Section 14.6.20.
- (m) Applicant to provide copy of suitable insurance policy to the Town. The policy shall provide levels of protection satisfactory to Town Counsel. Said policy shall name the Town as co-insured on the policy.
- (n) The area open to the work at any given time shall be no more than 6 acres. Every attempt to stabilize any excavated area shall be made prior to October 15th of any given year. No security reductions will be granted prior to the actual stabilization should work on that section

be done after October 15th. This reduction comment shall apply to the amount of security designated for such purpose.

(o) Those areas not stabilized by October 15th shall require additional sedimentation and erosion control measures until the next growing season.

(p) A condition of approval at this time is that any substantial deviation from this approval will be in accordance with Article 19 of the Oxford Zoning Regulations and in accordance with standard procedures as established by the Oxford Planning & Zoning Commission.

(q) Any and all costs associated with the enforcement of these Regulations may be billed to the applicant and/or owner and/or operator of the property involved.

(r) The Commission may consider allowing the addition of other processing equipment to the site if it feels the completion of the work will be hastened. The removal of this additional processing equipment must be made immediately after the completion of the work or if/when the Commission feels it has exhausted its use.

(s) The manufacturer and model of the specific machinery to be used shall be presented to the Commission for their review and approval. All machinery used shall be designed to generate a minimum amount of dust and noise.

(t) The Commission may permit the temporary use of processing machinery on a site less than 2 1/2 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.

14.6.5 Under no circumstances shall the use of temporary processing machinery continue unless a Special Exception is in full force and effect, nor shall it continue beyond the point where a certificate of occupancy has been issued.

19 JUN 20 AM 10:11  
TOWN OF OXFORD, CT  
*Margaret A. Wolf*  
TOWN CLERK

**E. Old Business – Other Matters**

**1. 21-23 Nichols Road – TPB Contractors, LLC and T&C Partners, LLC**

Application for Site Plan and Special Exception - Consideration of Proposed Settlement of Appeal Pursuant to Practice Book Sec. 14-7B (j) - TPB Contractors, LLC v. Planning & Zoning Commission of the Town of Oxford, Docket No. AAN CV 18 6029419 S

**Note:** Materials related to the proposed settlement are on file in the zoning office.

**Peter Olson, Land Use Counsel** was present to explain the proposed settlement to the Commission. He stated that the Commission approved this application for a Special Exception for a contractor's yard, except that the Commission denied the applicant permission to conduct rock-crushing activities. He noted that subsequent to that, the Commission adopted new regulations that cover contractor's yards and earth processing activities. He explained that this application was made before the new regulations took effect. He stated that there is an appeal pending; the property owner has approached the Commission with a proposed resolution of the appeal. The resolution would be to allow the rock crushing within a building constructed on the property, which complies with what the new regulations require for rock-crushing within a building. He noted that some materials were submitted for the Commission to review. he shared a preview of the proposed building and the site plan.

**Attorney Olson** also explained the process for settling a pending appeal. He stated that although this isn't a public hearing, the Commission may give the public an opportunity to speak.

\* **Vice-Chairman John Kerwin** questioned how the Commission can know that the proposal complies with the current regulations.

\* **Attorney Olson** stated that because the application was filed before the regulations were changed, there is no requirement that they comply with the new regulations. He noted that a settlement can paper over anything that it deemed to not comply. He explained that by the applicant putting the crusher in a building, the Commission has let the applicant propose something that complies with the regulations.

**Vice-Chairman John Kerwin** asked if the proposed particular enclosure, if it were to come under the new regulations, would it comply.

**Attorney Olson**, stated "correct".

**Attorney Dominick Thomas**, representing the applicant, stated that he has been working with Peter Olson, Land Use Counsel, and his client has taken the extra step to create the building.

**Attorney Steven Kulas**, representing Robert Werden, who is also a party to the current pending appeal, stated that if you look at the new regulations, the settlement does not comply. He noted that the new regulations are not limited to having a crusher contained, they also limit the type of materials to be crushed, and where the materials are to come from. He explained that the settlement does not comply with the old regulations or the new regulations. He noted that the settlement does not address the materials to be crushed, the hours of operation, or noise barriers. He stated that there is insufficient information in the settlement that would address the concerns in the new regulations. He stated, on behalf of Mr. Werden, that the board deny the settlement agreement.

Discussion ensued regarding the roof of the building related to noise and dust.

**Attorney Olson** stated that the point of the enclosure is to minimize the noise, but it will never be completely eliminated with a rational idea of what a building could be for this type of use.

**MOTION for discussion, by Commissioner Brett Olbrys** to accept the settlement and authorize counsel to take the necessary steps to implement the proposed settlement.

**Second by Commission Secretary Pat Cocchiarella.**



**TOWN OF OXFORD**  
 S.B. Church Memorial Town Hall  
 486 Oxford Road, Oxford, Connecticut 06478-1298  
 www.Oxford-CT.gov

Planning and Zoning Commission

Z#:	<u>218-183</u>
Date Received:	_____
Date Accepted:	_____
Date on Agenda:	_____
65 Day Exp.:	_____
Extension:	_____
2 <sup>nd</sup> Extension:	_____

**\* Please Note:**

- Read Instructions Thoroughly Before Completing Form
- This form Must Be Completely Typewritten or Legibly Printed in Ink

1) **APPLICATION:** This is an application for: *(Check the ones that apply)*

- |                                      |   |   |
|--------------------------------------|---|---|
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Resubdivision                | Total Number of Lots: _____                                   |
| <input type="checkbox"/> Zone Change | <input checked="" type="checkbox"/> Special Exception | S/E (include Article & Section No.): <b>Art 9, Sec 9.3.21</b> |
| <input type="checkbox"/> Excavation  | <input type="checkbox"/> Map/Text Amendment           | (include Article & Section No.): _____                        |
| <input type="checkbox"/> Site Plan   | <input type="checkbox"/> Other                        | _____   |

Name of Project Title (Subdivision/Resubdivision): \_\_\_\_\_

2) **PROPERTY LOCATION(s):**

a) Street Address: 21 & 23 Nichols Road

Town Clerk Record Map Number: N/A

Assessor's Identification Numbers:

Map: 18 Block: 30 Lot: 6 & 6-1 Unit: \_\_\_\_\_

Zoning District: *(Check One)*

- |                                  |                                    |   |   |
|----------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> RES A   | <input type="checkbox"/> RES Golf  | <input type="checkbox"/> COM            | <input type="checkbox"/> Planned COM                            |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input checked="" type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input type="checkbox"/> Other |

Water and Sewer: *(Check the ones that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems    | <input type="checkbox"/> Public Water  |

b) Street Address: \_\_\_\_\_

Town Clerk Record Map Number: \_\_\_\_\_

Assessor's Identification Numbers:

Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Unit: \_\_\_\_\_

Zoning District: *(Check One)*

- |                                  |                                    |                              |   |
|----------------------------------|------------------------------------|------------------------------|---|
| <input type="checkbox"/> RES A   | <input type="checkbox"/> RES Golf  | <input type="checkbox"/> COM | <input type="checkbox"/> Planned COM                            |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input type="checkbox"/> Other |

Water and Sewer: *(Check the ones that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems    | <input type="checkbox"/> Public Water  |

**FILE COPY**

14



Please indicate who will be the POINT OF CONTACT:

(All communications and correspondence will be directed to the Point of Contact)

(Check one)

APPLICANT  OWNER  LAND SURVEYOR  ENGINEER  ARCHITECT

3) APPLICANT: TPB CONTRACTORS, LLC

Address: C/O Atty. Dominick Thomas, 315 Main Street  
Town: Derby State: CT Zip Code: 06418  
Phone: (203) 735-9521 Fax: (203) 7382-8129 Email: djt@cohen-thomas.com

4) OWNER(s): T&C PARTNERS, LLC

Address: C/O Atty. Dominick Thomas, 315 Main Street  
Town: Derby State: CT Zip Code: 06418  
Phone: (203) 735-9521 Fax: (203) 732-8129 Email: djt@cohen-thomas.com

5) APPLICANT'S OWNERSHIP INTEREST: Common ownership of LLCs / tenant of owner

6) LAND SURVEYOR: \_\_\_\_\_ REG. No: \_\_\_\_\_  
Address: \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

7) CIVIL ENGINEER: JAMES SWIFT REG. No: \_\_\_\_\_  
Address: 104 VILLAGE ROAD  
Town: SHELTON State: CT Zip Code: 06484  
Phone: (203) 926-9665 Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

8) ARCHITECT: \_\_\_\_\_ REG. No: \_\_\_\_\_  
Address: \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

9) PREFERRED OR RECOMMENDED NAMES OF NEW ROADS TO BE CONSTRUCTED: \_\_\_\_\_  
(Subject to BOS Approval)  
(Check One)  Private Road  Town Road \_\_\_\_\_ Length of Road

10) STATUS OF WETLANDS PERMIT: PREVIOUSLY APPROVED  
(Please Provide a Copy)

11) ACREAGE OF OPEN SPACE and/or CONSERVATION EASEMENTS: N/A

12) SURETY OPTION (See Article 9 of Subdivision Regulations): N/A  
(Check the one that applies)

- Improvements will be completed prior to endorsement and filing of record subdivision.
- Surety will be provided.
- Conditional approval is requested.

13) WAIVERS: \_\_\_\_\_  
(Check the one that applies) N/A

- No waivers of the subdivision regulations are required.
- Waivers of one or more sections of the subdivision regulations are requested.  
(Please provide a written description of the reason for the waiver and attached to and make part of this application.)

14) EARTH EXCAVATION:  
(Check one)

Yes  No

If yes, how many cubic yards of material to be removed, filled, and/or dispersed. \_\_\_\_\_ cubic yards.

15) FLOOD ZONE:  
(Check one)

Yes  No If yes, what zone. \_\_\_\_\_

16) APPLICATION/SUPPORTING DOCUMENTS:  
(Indicate Attached or Not Applicable)

<input checked="" type="checkbox"/> Project Narrative Letter	_____ Fire Marshal's Review
_____ Record Subdivision Plan	_____ Letter from Public Water Supply
<input checked="" type="checkbox"/> Site Development Plan	_____ P.D.D.H. Approval
_____ Plan and Profile	_____ Inland Wetlands Approval
_____ Standard Construction Details	_____ W.P.C.A. Approval
_____ Connecticut Highway Department	_____ Legal Boundary Description
_____ Engineering Department Review	_____ Zoning and Subdivision History
_____ Drainage Calculations	_____ Certificate from Assessor
_____ Other: _____	_____ Other: _____

17) REFERRALS:  
(Check the ones that apply)

- A portion of the property effected by the decision of the Commission is located within five hundred (500) feet of the boundary of an adjoining municipality.
- A portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage system within the adjoining municipality.
- Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- Subdivision/Resubdivision includes land which abuts or is partially located in the Town of \_\_\_\_\_.
- Referral to Regional Planning Agencies is required.

If any of the above applies, the applicant is required to give written notice of his/her application to the adjoining municipality and submit a copy to P&Z. Notification must be by **CERTIFIED MAIL/RETURN RECEIPT.**

18) APPLICATION FEES: (Additional fees may apply - See Schedule of Fees)

**EXACT COPY**

Application Fee is as follows:

\_\_\_\_\_ Building Lots (x) \$ \_\_\_\_\_ per lot = \$ \_\_\_\_\_

\_\_\_\_\_ Cubic yards (x) \$100 for each 1,000 cubic yards = \$ \_\_\_\_\_

Public Hearing Fee = \$ 2779

Other Fees = \$ 970.00

State Fee = \$ \_\_\_\_\_

Total Fee = \$ \_\_\_\_\_ (Ck#) \_\_\_\_\_

16

**19) AUTHORIZATION AND ENDORSEMENTS:**

**a) APPLICANT:**

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

APPLICANT SIGNATURE *[Signature]*  
NAME PRINTED Attorney Dominick Thomas DATE 4/26/2018  
Attorney for Applicant

**b) PROPERTY OWNER(s):**

The undersigned, being all of the owners of the premises referred above, hereby consent to the filing of this application together with meeting of all requirements of the applicant by the Commission for same.

OWNER SIGNATURE *[Signature]*  
NAME PRINTED Attorney Dominick Thomas DATE 4/26/2018  
Attorney for Owner

**20) INFORMATIONAL:**

Communications with and recommendations from contracted P&Z staff are the sole responsibility of the applicant.

\*\*\*\*\*

**21) ACTION TAKEN:**

(This SECTION is to be filled out by Planning & Zoning Staff ONLY)

DENIED /  APPROVED  
(Check One)

APPROVED WITH CONDITIONS  Yes or  No  
(Check One)

See Letter dated \_\_\_\_\_ for DETAILS of ACTION taken and attach a copy hereto.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
(Name & Title)

FILE COPY

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**TOWN OF OXFORD**  
 S.B. Church Memorial Town Hall  
 486 Oxford Road, Oxford, Connecticut 06478-1298  
 www.Oxford-CT.gov

Planning and Zoning Commission

Application #: 2-18-183  
 Date: April 26, 2017

**STATEMENT OF USE**  
 Article 11, Section 2

Property Address: 21-23 Nichols Road Zone: IND Map: 18 Block: 30 Lot: 6 & 6-1

**APPLICANT:** T & C PARTNERS LLC and TPB CONTRACTORS LLC  
 Address: C/O Attorney Dominick Thomas, 315 Main Street  
 Town: Derby State: CT Zip Code: 06418  
 Phone: (203) 735-9521 Fax: (203-) 732-8129 Email: djt@cohen-thomas.com

**OWNER(s):** T & C PARTNERS LLC  
 Address: 21 Nichols Road  
 Town: Oxford State: CT Zip Code: 06478  
 Phone: ( ) Fax: ( ) Email:

Name of Proposed Business: TPB Contractors LLC

Total Square Footage Existing building -6000 s/f Hours of Operation: Variable - See below

Number of Employees: Self Number of Parking Spaces: See below

List Hazardous and/or Chemicals Material on site (In & Outdoor): None  
 (Must provide MSDS Sheets if applicable)

Provide Approval from: PDDH  Fire Marshal  Other

Description of Business (Include as much detail as possible or the application will be considered incomplete)  
The site is the former site for the Metcalf Paving contractor yard and other industrial uses. TPB Contractors is an Excavation/site/property maintenance contractor. TPB also does work for the State of Connecticut. The use is a contractor yard and business. Topsoil, stone, process, salt and sand is sold from the site on an on-call basis.  
The owner is the only employee. The hours of operation are governed by work contracts. The business requires the use of a crusher no more than eight (8) times a year to process material from site work jobs. A sifter for topsoil is used throughout the year. Stock piles on the site are properly secured and stabilized. The site is in full compliance with the bulk standards for the industrial zone. SEE ADDENDUM

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

I understand that if any of the above statements are false, I may be subject to fines and/or penalties.

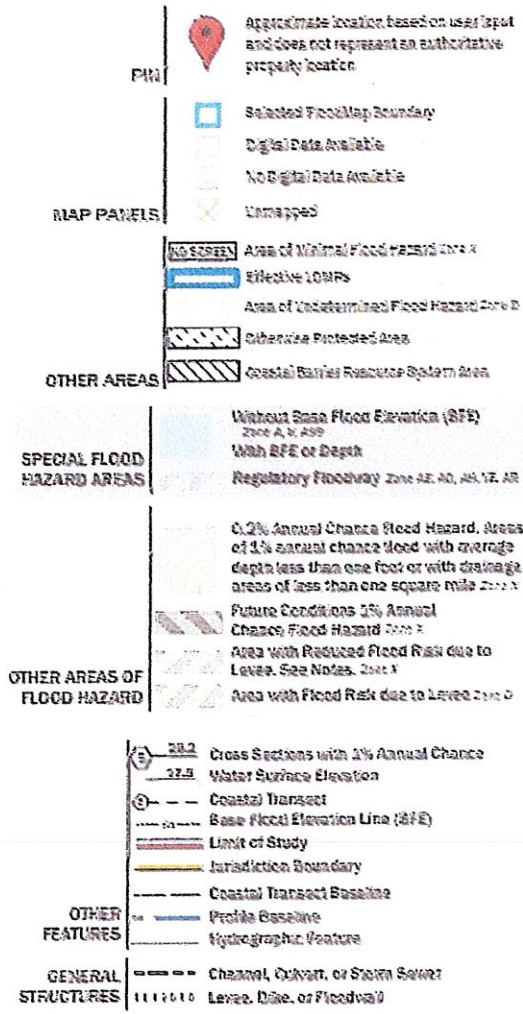
Dominick J. Thomas, Jr. 4/26/2018  
 Applicant's Signature Date  
 Attorney for Applicant and Owner

Form P&Z 001 (Rev 1/27/09)

18

**ADDENDUM TO STATEMENT OF USE:  
SPECIAL EXCEPTION PERMIT  
T & C PARTNERS LLC  
TPB CONTRACTORS LLC  
21-23 NICHOLS ROAD**

Use of the crusher is accessory to the Contractor Yard use permitted by Special Exception in the Industrial Zone. It will be used will be no more than eight (8) total workdays in a year. The crushing activity will be on Monday to Saturday from 8:00am to 5:00pm. Crushing activity will not necessarily be on a single full work day (eight (8) hours) but may be a work day divided over several days. The Zoning Enforcement Office will be advised of the accessory crushing activity.



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NO: AANCV186029419S : SUPERIOR COURT  
TPB CONTRACTORS, LLC : JUDICIAL DISTRICT  
 : OF ANSONIA-MILFORD  
v. : AT MILFORD, CONNECTICUT  
PLANNING AND ZONING COMMISSION : SEPTEMBER 14, 2020  
OF THE TOWN OF OXFORD

\* E X C E R P T \*

BEFORE THE HONORABLE W. GLEN PIERSON, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

ATTORNEY DOMINICK J. THOMAS, JR.  
Cohen & Thomas  
315 Main Street  
P.O. Box 313  
Derby, Connecticut 06418

Representing the Defendant Planning & Zoning Commission of the  
Town of Oxford:

ATTORNEY PETER S. OLSON  
Land Use & Conservation Counsel  
275 Greenwood Avenue  
Bethel, Connecticut 06801

Representing the Defendants Robert and Steva Werden:

ATTORNEY STEVEN P. KULAS  
246 Bank Street, 2<sup>nd</sup> Floor  
Seymour, Connecticut 06483

Recorded and Transcribed By:

Ellen Bowen  
Court Recording Monitor  
106 Elizabeth Street  
Derby, Connecticut 06418

21

1           ATTY. OLSON: I'll start with Attorney Kulas'  
2           comments. First, his comment about the proposed  
3           order is selective reading at best. He ignores the  
4           comma after the word sustained and ignores the  
5           language that says: (as read) but is amended as  
6           stated herein. Simply the way we drafted it, if we  
7           had the Court reverse the commission's decision,  
8           there wouldn't be anything left to base the  
9           modification of the order on. So the appropriate way  
10          to do it is for the Court to sustain the decision but  
11          amend it as follows. And we listed all the  
12          conditions, which includes the change to allow the  
13          rock crushing.

14                 Second, if the Court deems it appropriate, and  
15                 as Attorney Thomas conceded, you can incorporate the  
16                 hours of operation as stated in the application as  
17                 part of the proposed order. There is no reason that  
18                 can't be added, and that's probably an appropriate  
19                 change.

20                 Third, I want to clarify my comment on  
21                 nonconformity. And it's a little complicated. But  
22                 the new regulations that the commission adopted  
23                 regarding contractor yards require that a  
24                 contractor's yard have a building on it. And there's  
25                 a minimum size set forth. The reason the commission  
26                 did that is they were concerned about, essentially,  
27                 raw land in Oxford increasingly being used for



1 contractor's yards and, essentially, becoming big  
2 parking lots for equipment and junk and materials and  
3 the town not receiving any benefit from that in the  
4 form of an increased tax base from, you know,  
5 building new projects. So if you want to do a  
6 contractor's yard, you have to have a building.  
7 That's the way it works. The regulations also say if  
8 you want to do crushing, you have to do it within a  
9 building. But the building that satisfies the  
10 contractor yard provision is not the same as the  
11 building that satisfies the crushing provision.  
12 Those are two different concepts. And, sure, they  
13 could be combined into one, but they don't have to  
14 be.

15 The commission approved the application for  
16 contractor's yard submitted by this applicant before  
17 those new regulations came into place. So the  
18 nonconformity isn't being created by what we're doing  
19 here. It was already created when the commission  
20 adopted those new regulations. That nonconformity is  
21 the allowance of a contractor's yard without a  
22 building of a minimum size. Now, I do note that  
23 there is a building on the property, it's 6,000  
24 square feet in size. It just is not the 12,000  
25 required by the new regulation. So that's the  
26 nonconformity I was referring to. Allowing crushing  
27 to occur in a new building is not in any way out of

1 conformity with the regulations.

2 Attorney Thomas will go into more detail, I'm  
3 sure, on this because he's yelled at me many times  
4 about this, is that you cannot conduct a crushing  
5 operation solely within an enclosed building.  
6 There's no way to get the material in, no way to get  
7 the material out, no way to control the dust and  
8 fumes in a way that doesn't kill everybody working in  
9 there. So the compromised building, which the town  
10 has allowed on other sites and is now allowing here,  
11 is a building with a door that opens and areas for  
12 the material to come in through the roof and go out  
13 through the front. Then when it's not in use, it  
14 closes up. That's the compromise that the commission  
15 has come up with that we think has a mitigating  
16 effect on the neighborhood for dust and noise and  
17 smoke.

18 The last comment I'd like to make is that the  
19 individuals who spoke referred to a neighborhood and  
20 their residences. But what's very clear is that this  
21 is an industrial zone. And there may be residences  
22 in the industrial zone. But the zoning regulations  
23 that govern the area are the industrial zoning  
24 regulations, which allow contractor's yards by  
25 special exception. And those regulations now allow  
26 rock crushing by special exception. And allows other  
27 activities that associate with those materials and

1 activities that create noise and dust and smoke. And  
2 that's why it's in the industrial zone. And so, I  
3 don't mean to minimize the effect that industrial  
4 activities have on residences and neighborhoods, but  
5 it needs to be kept in mind that that's the zone  
6 these properties are located in. This is not a  
7 subdivision neighborhood, you know, out in the middle  
8 of nowhere. So that's all I have.

9 Well, I, sorry, I have one last comment. I  
10 agree with the *Dietzel* decision that certain types of  
11 interveners have veto rights. The point of these  
12 hearings isn't just to ask people: Do you object?  
13 It's to make sure the public has notice when  
14 decisions that commissions make are changing. Like I  
15 said, I've had this happen to me where an approval-a  
16 denial that I was perfectly happy with representing a  
17 neighbor was turning into an approval, and I had no  
18 way to deal with it. The purpose of these hearings  
19 is for the Court to hear from the public, and so  
20 we're glad that the Court was able to do that. But  
21 that doesn't mean that the public should be allowed  
22 to object to a hearing-to a settlement that's in the  
23 best interest of the matter and in judicial economy.  
24 The Court's job is to make that decision. So with  
25 *Dietzel*, it may be that there's no case law that  
26 specifically is held that an individual that is not  
27 statutorily aggrieved has the right to object. But

1           there's nothing that says that that is the law that  
2           they're required to have the right to object. There  
3           are different classes of interveners, and here they  
4           are not statutorily aggrieved. And, therefore, they  
5           don't--they should not have the right to object to a  
6           settlement that's in the best interests of the  
7           matter. Thank you, Your Honor.

8                           \*\*\*\*\*END OF EXCERPT\*\*\*\*\*

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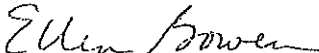
26

NO: AANCV186029419S : SUPERIOR COURT  
TPB CONTRACTORS, LLC : JUDICIAL DISTRICT  
 : OF ANSONIA-MILFORD  
V. : AT MILFORD, CONNECTICUT  
PLANNING AND ZONING COMMISSION : SEPTEMBER 14, 2020  
OF THE TOWN OF OXFORD

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Ansonia-Milford, Milford, Connecticut, before the Honorable W. Glen Pierson, Judge, on the 14<sup>th</sup> day of September, 2020.

Dated this 5<sup>th</sup> day of October, 2020 in Derby, Connecticut.

  
\_\_\_\_\_  
Ellen Bowen  
Court Recording Monitor

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NO: AANCV186029419S : SUPERIOR COURT  
 TPB CONTRACTORS, LLC : JUDICIAL DISTRICT  
 : OF ANSONIA-MILFORD  
 v. : AT MILFORD, CONNECTICUT  
 PLANNING AND ZONING COMMISSION : SEPTEMBER 14, 2020  
 OF THE TOWN OF OXFORD

E L E C T R O N I C V E R S I O N  
C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Ansonia-Milford, Milford, Connecticut, before the Honorable W. Glen Pierson, Judge, on the 14<sup>th</sup> day of September, 2020.

Dated this 5<sup>th</sup> day of October, 2020 in Derby, Connecticut.

*Ellen Bowen*  
 \_\_\_\_\_  
 Ellen Bowen  
 Court Recording Monitor

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TPB CONTRACTORS, LLC Et Al  
 V.  
 PLANNING AND ZONING COMMISSION  
 OF THE TOWN OF OXFO

JUDICIAL DISTRICT OF ANSONIA/  
 MILFORD  
 AT MILFORD

9/15/2020

ORDER

ORDER REGARDING:  
 09/11/2020 138.00 MOTION FOR ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER: DENIED

On September 25, 2018, the court (Hiller, J.) granted the Werdens' motion to be made party defendants in this administrative appeal. See Order at Docket Entry No. 101.10. Judge Hiller's order of September 25, 2018 is the law of the case. "Underlying the law of the case doctrine is the view that '[a] judge should hesitate to change his own rulings in a case and should be even more reluctant to overrule those of another judge.' *Breen v. Phelps*, 186 Conn. 86, 99, 439 A.2d 1066 (1982). The doctrine provides that '[w]here a matter has previously been ruled upon interlocutorily, the court in a subsequent proceeding in the case may treat that decision as the law of the case, if it is of the opinion that the issue was correctly decided, in the absence of some new or overriding circumstance.' (Internal quotation marks omitted.) *Haggerty v. Williams*, 84 Conn.App. 675, 683, 855 A.2d 264 (2004)." (Footnote omitted.) *Wasko v. Manella*, 87 Conn. App. 390, 395, 865 A.2d 1223 (2005).

The court does not conclude that Judge Hiller decided the question of the Werdens' intervention incorrectly, and the plaintiffs have not demonstrated that any new or overriding circumstance exists sufficient for this court to change the order of September 25, 2018. Moreover, in order for the court to "drop" the Werdens pursuant to General Statutes § 52-109 and Practice Book § 9-19, the court must conclude that the Werdens were "misjoined". See General Statutes § 52-109 & Practice Book § 9-19 ("New parties may be summoned in, AND PARTIES MISJOINED MAY BE DROPPED, by order of the judicial authority, at any stage of the cause, as it deems the interests of justice require." [emphasis added by capitalization].) The record fails to demonstrate that the Werdens were misjoined in this action.

For the foregoing reasons, the motion is DENIED.

Judicial Notice (JDNO) was sent regarding this order.

438578

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 Judge: W GLEN PIERSON

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

**Notice Content:**Notice Issued: **09/15/2020**Docket Number: **AAN-CV-18-6029419-S**Case Caption: **TPB CONTRACTORS, LLC Et Al v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**Notice Sequence #: **2**

## JDNO NOTICE

RE: 129.00 - MOTION FOR JUDGMENT IN ACCORDANCE WITH STIPULATION

The foregoing, having been CONSIDERED by the Court, is hereby:

DENIED

Familiarity with the case law and arguments recited by each party is presumed and need not be generally repeated.

By a motion to be made party defendants dated September 12, 2018 (Docket Entry No. 101.00), Robert and Steva Werden asked to intervene in this litigation, involving an administrative appeal. In the foregoing motion, the Werdens argued, inter alia, that they would suffer harm if the plaintiffs were successful in their appeal herein. On September 25, 2018, the court (Hiller, J.) granted the foregoing motion, thereby making the Werdens defendants in the action. See Docket Entry No. 101.10.

Before the court is a Joint Motion For Judgment In Accordance With Stipulation, Docket Entry No. 129.00 (joint motion), by which the plaintiffs and the defendant, Planning and Zoning Commission of the Town of Oxford, move the court to enter judgment in accordance with an agreement reached by them. The Werdens object to the joint motion and proposed stipulated judgment. See Docket Entry No. 136.00.

On September 14, 2020, the court held a hearing on the joint motion pursuant to General Statutes § 8-8(n).

General Statutes § 8-8 (n) reads, in part, that "[n]o appeal taken under subsection (b) of this section shall be withdrawn and no settlement BETWEEN THE PARTIES to any such appeal shall be effective unless and until a hearing has been held before the Superior Court and such court has approved such proposed withdrawal or settlement." (Emphasis supplied by capitalization.) Our Appellate Court has held that "[A]LL OF THE PARTIES MUST CONSENT to a stipulated judgment in a land use appeal made pursuant to section 8-8 [n] . . ." (Emphasis supplied by capitalization; citations omitted; internal question marks omitted.) Dietzel v. Planning Commission, 60 Conn. App. 153, 160, 758 A.2d 906 (2000).

CONTINUED ON PAGE 2...

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**Notice Content:**Notice Issued: **09/15/2020**Docket Number: **AAN-CV-18-6029419-S**Case Caption: **TPB CONTRACTORS, LLC Et Al v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**Notice Sequence #: **3**

## JDNO NOTICE

It cannot be disputed seriously that the Werden defendants are "parties" to this action, as that word is commonly understood and as it is used in § 8-8 (n). See General Statutes § 1-1 (a) ("In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly."). "Ordinarily, the word 'party' has a technical meaning, referring to . . . the party plaintiff or defendant, whether composed of one or more individuals and whether natural or legal persons." (Citations omitted.) *Lieberman v. Reliable Refuse Co.*, 212 Conn. 661, 669, 563 A.2d 1013 (1989).

General Statutes § 8-8 (n) allows this court to approve a proposed settlement "between the parties", which, by definition and of necessity, includes the Werdens. For the court to sanction the proposed stipulation and enter it as a judgment of the court would be to approve a settlement between SOME of the parties only--a result that is not contemplated by the plain language of the statute. Moreover, such an outcome would contradict the Appellate Court's directive in *Dietzel*, supra, to the effect that ALL of the parties must consent to a stipulated judgment in a land use appeal under § 8-8 (n).

The moving parties attempt to distinguish the status of the Werdens on the grounds that they are permissive intervening defendants only, whose presence is unnecessary to the disposition of this case, and who were not made parties to this action as a matter of right (as was the case in *Dietzel*). While the moving parties emphasize the distinction between permissive versus mandatory, necessary or as-of-right intervention, neither the language of § 8-8 (n) or *Dietzel* makes such a distinction.

CONTINUED ON PAGE 3...

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STEVEN PHILIP KULAS (303697)

**Notice (JDNO)**

Docket No: AAN-CV-18-6029419-S

Issue Date: 09/15/2020

Sent By: Civil/Family

My Tags:

**JDNO NOTICE**

**AAN-CV-18-6029419-S TPB CONTRACTORS, LLC Et Al v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO**

Notice Issued: 09/15/2020

**Court Address:**

CLERK, SUPERIOR COURT  
ANSONIA-MILFORD JD  
14 WEST RIVER STREET  
PO BOX 210  
MILFORD, CT 06460  
Website: www.jud.ct.gov

**Notice Content:**

Notice Issued: 09/15/2020

Docket Number: AAN-CV-18-6029419-S

Case Caption: TPB CONTRACTORS, LLC Et Al v. PLANNING AND ZONING COMMISSION OF THE TOWN OF OXFO

Notice Sequence #: 4

**JDNO NOTICE**

Rather, both reflect that all parties to a case must stipulate to an agreement before it can be approved and entered as a judgment of the court.

The joint motion is DENIED accordingly. This order is, of course, without any prejudice to the plaintiffs' right to move to withdraw this appeal in accordance with the provisions of General Statutes § 8-8 (n).

It is so ORDERED.

Pierson, J  
9/15/20

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Connecticut eRegulations System: Portal to Connecticut Regulations

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Browse > List of Titles > Title 22a Contents > Subtitle 22a-174

Browse the Regulations of Connecticut State Agencies

Last updated: 04/21/2017

Section 22a-174-3b

Title 22a - Environmental Protection
Department of Energy and Environmental Protection
Printer-Friendly

04/21/2017

Previous Section

Next :

- (f) Nonmetallic mineral processing equipment.
 (1) The owner or operator of nonmetallic mineral processing equipment consisting of one or more internal combustion engines shall properly maintain and such equipment in accordance with the following conditions:
 (A) If every internal combustion engine that supplies power for the nonmetallic mineral processing equipment has an individual maximum output rating than or equal to 600 horsepower, the owner or operator shall:
 (i) For all such internal combustion engines in combination, not exceed 67,400 gallons of fuel oil usage in any twelve (12) month rolling aggregate.
 (ii) For any fuel oil consumed by such internal combustion engine or engines, not exceed a fuel sulfur content of 0.05% by weight, dry basis, and
 (iii) Not use the nonmetallic mineral processing equipment and associated internal combustion engine or engines to result in emissions of any indivi pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate; or
 (B) If any internal combustion engine that supplies power for the nonmetallic mineral processing equipment has an individual maximum output rating k 600 horsepower, the owner or operator shall:
 (i) For all internal combustion engines supplying power to the nonmetallic mineral processing equipment in combination, not exceed 48,900 gallons of usage in any twelve (12) month rolling aggregate,
 (ii) For any fuel oil consumed by such internal combustion engine or engines, not exceed a fuel sulfur content of 0.05% by weight, dry basis, and
 (iii) Not use the nonmetallic mineral processing equipment and associated internal combustion engine or engines to result in emissions of any indivi pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate.
 (2) The owner or operator of any nonmetallic mineral processing equipment that is powered by electricity shall not use such nonmetallic mineral pro equipment to result in emissions of any individual air pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate.
 (3) The owner or operator of nonmetallic mineral processing equipment shall maintain records of the information necessary for the commissioner to de compliance with the requirements of subdivisions (1) and (2) of this subsection. Information sufficient to make such determinations may include the info specified in subdivision (4) of this subsection. All records made to determine compliance with the requirements of this section shall be:
 (A) Made available to the commissioner to inspect and copy upon request; and
 (B) Maintained for five (5) years from the date such record is created.
 (4) The owner or operator of nonmetallic mineral processing equipment may make and maintain records of the following information:
 (A) Records of the quantity of fuel used, in gallons, for each month and each twelve (12) month rolling aggregate; and
 (B) For each nongaseous fuel shipment received, records of the sulfur content as a percent by weight, dry basis, and type of fuel.
 (g) Surface coating operation.
 (1) The owner or operator of a surface coating operation shall properly maintain equipment and conduct such coating operations only in accordance v following limitations on VOCs, hazardous air pollutants and particulate matter:

Previous Section

Next :

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# Connecticut Department of Energy and Environmental Protection

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[Permits and Licenses \(/DEEP/Permits-and-Licenses/Permits-and-Licenses\)](#)

Air Emissions - New Source Review Program Fact Sheet

[Permits & Licenses Main Page \(/DEEP/Permits-and-Licenses/Permits-and-Licenses\)](#) >

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Search Department of Energy and Environmental Protection

# Air Emissions - New Source Review Program

## An Environmental Permitting Fact Sheet

### Program Overview

The New Source Review permit program, administered by the Engineering and Enforcement Division of the Bureau of Air Management, regulates emissions released to the air from new and modified stationary sources. Examples of such sources include, but are not limited to: boilers; stationary internal combustion engines such as diesels and turbines; incinerators; rock crushing operations; chemical reactors and mixers; paint spray booths; metal degreasers; metal plating and surface treatment operations; printing operations; volatile liquid storage tanks; and many other manufacturing or processing operations.

*Exemption from permitting* is governed by regulation. The Permit Exemptions section of this fact sheet provides more information about those sources eligible for exemption, the related conditions under which they are required to be operated, and references to the appropriate sections of the Regulations of Connecticut State Agencies (RCSA).

Prior to beginning the actual construction of any stationary source or modification of any source to which RCSA Section 22a-174-3a(a)(1) applies, the owner or operator shall:

- apply for and obtain an individual permit; or,
- elect to operate the source in accordance with the provisions of RCSA Section 22a-174-3b, 22a-174-3c or 22a-174-42.

In making a decision to grant an air permit, the Department must determine, at a minimum, that: 1) the proposed activity will incorporate the appropriate control technology and/or operational limitations; 2) the emissions will be in compliance with the state's hazardous air pollutant regulations; and, 3) the proposed activity will not cause any significant deterioration in the air quality.

## Authorizing Statutes

Sections 22a-170 and 22a-174 of the Connecticut General Statutes /DEEP/Laws/Laws-and-Regulations) (CGS)

Clean Air Act (<http://www.epa.gov/air/caa/>) (42 U.S.C., Sec. 7401 *et. seq.*)

## Regulations

Sections 22a-174-2a, 22a-174-3a, 22a-174-3b, 22a-174-3c, 22a-174-26 and 22a-174-42 of the Regulations of Connecticut State Agencies (RCSA) /DEEP/Laws/Laws-and-Regulations)

Title 40 Code of Federal Regulations (<http://www.gpoaccess.gov/cfr/index.html>) (CFR) Parts 60, 61 and 63

## Who Must Apply

Individual permits are required for any new or modified source which is not otherwise exempt under RCSA Section 22a-174-3a(a)(2) and is a:

- New major stationary source;
- Major modification;
- New or reconstructed major source of hazardous air pollutants subject to the provisions of subsection (m) of RCSA Section 22a-174-3a;
- New emission unit with potential emissions of 15 tons or more per year of any individual air pollutant;
- Modification to an existing emission unit which increases potential emissions of any individual air pollutant from such unit by 15 tons or more per year; or

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- Stationary source or modification that becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant;
- Incinerator for which construction commenced on or after June 1, 2009, except if such incinerator is used for the primary purpose of reducing, controlling or eliminating air pollution, or as a solid waste incineration unit subject to an emission guideline issued pursuant to Section 129 of the Clean Air Act;
- New stationary source that emits, or has the potential to emit, equal to or greater than 100,000 tons per year of CO<sub>2</sub>e and 100 tons per year of greenhouse gases;
- Major stationary source when such major stationary source undertakes a physical change or change in the method of operation that will result in a net emissions increase that is equal to or greater than 75,000 tons per year CO<sub>2</sub>e; or
- Stationary source that emits, or has the potential to emit, equal to or greater than 100,000 tons per year of CO<sub>2</sub>e and 100 tons per year of greenhouse gases, when such stationary source undertakes a physical change or change in the method of operation that will result in a net emissions increase that is equal to or greater than 75,000 tons per year CO<sub>2</sub>e.

## Permit Exemptions

The owner or operator of a source or modification which meets the applicability thresholds of RCESA Section 22a-174-3a(a)(1) may conduct the following activities and may construct or operate the following sources without a permit:

- Any activity that:

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- Adds air pollution control equipment or implements process changes to control air pollution unless the addition or implementation results in an increase in actual emissions of any individual air pollutant of 15 tons or more per year, or ten tons or more per year of a hazardous air pollutant subject to the provisions of subsection (m) of RCSA Section 22a-174-3a.
- Relocates a portable rock crusher which is subject to a permit or exemption letter issued by the commissioner pursuant to former RCSA Section 22a-174-3, provided the owner or operator is in compliance with any such permits and provides written notice to the commissioner prior to such relocation.
- Constitutes a conversion from fuel oil to natural gas, or in addition to fuel oil, provided such conversion does not increase actual emissions of any individual air pollutant by 15 tons or more per year, unless such conversion results in reconstruction.
- Constitutes a conversion from residual fuel oil to distillate fuel oil, or in addition to residual fuel oil, provided such conversion does not increase actual emissions of any individual air pollutant by 15 tons or more per year, unless such conversion results in reconstruction.
- Any stationary source that is:
  - a stripping facility used to remove VOC from contaminated groundwater or soil pursuant to an order issued by the commissioner, provided such facility has a control device with VOC removal efficiency of at least 95%;
  - a portable engine or boiler temporarily replacing an existing engine or boiler, provided the replacement units have a combined emission rate equal to or less than the existing units and that the number of days total that any and all such portable engines or boilers may be used does not exceed 90 days in any calendar year;



- in compliance with RCSA Section 22a-174-30, 22a-174-30 or 22a-174-42, unless otherwise subject to RCSA Section 22a-174-3a; or
- a gasoline dispensing facility, as defined in RCSA Section 22a-174-30(a) (3).
- Any mobile source or non-road engine as defined in 40 CFR Part 89.

RCSA Section 22a-174-3b allows for exemptions from permitting for construction and operation of external combustion units, automotive refinishing operations, emergency engines, nonmetallic mineral processing equipment and surface coating operations.

RCSA Section 22a-174-3c allows for exemptions from permitting through limitations on potential to emit for external combustion units, automotive refinishing operations, emergency engines, nonmetallic mineral processing equipment and surface coating operations.

RCSA Section 22a-174-42 allows for an exemption from permitting for construction and operation of a distributed generator.

See RCSA Sections 22a-174-3b, 22a-174-3c and 22a-174-42 for applicability, operating, emissions and record keeping requirements associated with the permit exemptions allowed by these regulations.

## Required Documents

The owner or operator of a stationary source or modification subject to the provisions of RCSA Section 22a-174-3a shall apply for a permit on forms prescribed by the commissioner. These forms are available on the [Applications Forms and Instructions \(/DEEP/Permits-and-Licenses/Air-Emissions-Permits-and-General-Permits\)](#) download page.

Permit application packages shall include:

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- Permit Application for Stationary Sources of Air Pollution - New Source Review (DEEP-NSR-APP-200);
- *Applicant Compliance Information* (DEP-APP-002);

**Depending on your proposed activity, you will need to use the main NSR forms listed above, and you will also need to submit one or more of the supplemental NSR forms listed below:**

- *Manufacturing or Processing Operations* (DEEP-NSR-APP-201);
- *Fuel Burning Equipment* (DEEP-NSR-APP-202);
- *Incinerators or Landfill Flares* (DEEP-NSR-APP-203);
- *Volatile Liquid Storage* (DEEP-NSR-APP-204);
- *Surface Coating or Printing Operations* (DEEP-NSR-APP-205);
- *Metal Plating or Surface Treatment Operations* (DEEP-NSR-APP-206);
- *Metal Cleaning Degreasers* (DEEP-NSR-APP-207);
- *Concrete, Asphalt Concrete, Mineral Processing or Other Similar Equipment* (DEEP-NSR-APP-208);
- *Site Remediation Equipment* (DEEP-NSR-APP-209);
- *Air Pollution Control Equipment* (DEEP-NSR-APP-210);
- *Stack and Building Parameters* (DEEP-NSR-APP-211);
- *Unit Emissions* (DEEP-NSR-APP-212);
- *Major Modification Determination Form* (DEEP-NSR-APP-213);
- *Analysis of Best Available Control Technology Form* (DEEP-NSR-APP-214a);
- *Non-Attainment Review Form* (DEEP-NSR-APP-215);
- *Prevention of Significant Deterioration (PSD) of Air Quality Form* (DEEP-NSR-APP-216);
- *Premises Information Form* (DEEP-NSR-APP-217)

and any other form, information, or documentation required by the forms listed above.

Any document, including application forms, submitted to the commissioner shall be signed by an individual in accordance with the signatory responsibilities requirements of RCSA Section 22a-174-2a(a).

## Fees

An initial application fee of \$940 for each permit for each source is required with the application. Permit fees, based on the inventory of emissions at the premises, are calculated subject to the provisions of RCSA Section 22a-174-26 and billed upon completion of the tentative determination. See RCSA Section 22a-174-26, and CGS Section 22a-174(g) for detailed fee information.

## Review and Processing

Upon receipt of the application package, the initial application fee and the certified copy of the Notice of Application, the application is administratively sufficient. The technical review phase of the process then begins.

In the initial technical review, the maximum potential emissions of the source are determined to assess whether a permit is required. If a permit is not required, the Department will send notification of this to the applicant and refund one-half of the application fee.

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If a permit is required, the permit engineer will then conduct a detailed technical review. This review will consist of several components, depending on the source, including an analysis of all applicable state and federal requirements; a best available control technology analysis (BACT); an ambient impact analysis, including screening analysis and/or refined modeling; and, a determination of compliance with the maximum allowable stack concentration (MASC) for all hazardous air pollutants. On conclusion of this review, a draft permit is written. This draft permit will contain operating limits and conditions, such as fuel and production limits, stack testing or continuous emission monitors (CEM). The draft

permit goes through a rigorous review process that culminates in a tentative determination to grant or deny the permit. The applicant is notified of the tentative determination and billed the permit fee. The Department will publish the notice of Tentative Determination in a newspaper having general circulation in the affected area. The applicant is billed for the cost of publishing the notice. Interested persons have 30 days from publication of the notice to submit written comments on the draft permit or request a public hearing. In certain instances, comments are requested from the Environmental Protection Agency.

After completion of the comment period and the close of any hearing, the Department will consider public comments and issue a final decision on the application.

### **Public Participation**

The applicant is responsible for publishing a Notice of Application when the application is submitted to the Department. Once this notice is published, the applicant must send a copy of the notice to the Chief Elected Official of the municipality in which the regulated activity is proposed, and send a copy of the notice, along with the Certification of Notice Form - Notice of Application (/DEEP/Permits-and-Licenses/Common-Forms) (DEP-APP-005A), to the Department.

Within five working days after the tentative determination has been made, the Department will publish a second public notice stating the commissioner's tentative decision to grant or deny the permit. The applicant is responsible for the cost of this publication. A thirty day comment period is provided during which written comments may be submitted and a public hearing may be requested. A public hearing may be held if requested. The Department may require an applicant to post a sign on the site or to provide any other reasonable form of notice necessary to apprise the public and abutting landowners of the proposed activity.

nose seeking a permit to construct or expand: any electric generating facility with capacity of more than ten megawatts; sludge or solid waste incinerator or combustor; sewage treatment plant with a capacity of more than 50 million gallons per day; intermediate processing center, volume reduction facility or multi-town recycling facility with a combined monthly volume in excess of 25 tons; new or expanded landfill, including, but not limited to, a landfill that contains ash, construction and demolition debris or solid waste; medical waste incinerator; or major source of air pollution, as defined by the federal Clean Air Act, in an environmental justice community must file and receive approval of a meaningful public participation plan from the Department prior to filing an application for such permit and consult with the chief elected official or officials of the town or towns in which the affecting facility is to be located or expanded to evaluate the need for a community environmental benefit agreement. As part of the plan, applicants must organize an informal public meeting at a time convenient to the environmental justice community. During the public meeting, the applicant must make a reasonable and good faith effort to provide clear, accurate and complete information about the proposed facility or the proposed facility expansion and its potential environmental and health impacts. The Department must wait at least 30 days after the public meeting to act on the applicant's permit application.

Refer to [www.ct.gov/deep/environmentaljustice](http://www.ct.gov/deep/environmentaljustice) (<https://www.ct.gov/deep/environmentaljustice>) for more information.

### **Application Average Processing Time**

For this permit program, processing time for a typical application, based upon recent experience is less than 180 days. Past performance is not a guarantee of future processing timeframes. In order to increase the efficiency of application processing, we recommend that you utilize the Bureau of Air Management's Pre-Application and Application Review Meetings (../cwp/view.asp?cid=2684&q=510330&deepnav\_GID=1997) process, assure that your application package is properly completed at the time of submittal, and that you promptly reply to any requests for information.

## Permit Duration

Most permits do not expire, but may, on a case by case basis, be issued for a limited duration.

## Authorized Activities Prior to Permit Issuance

The owner or operator of a stationary source or modification who is required to obtain a permit or non-minor permit modification under the provisions of RCSA Section 22a-174-3a may, prior to obtaining such permit:

- enter into binding agreements or contractual obligations to undertake construction of the proposed stationary source or modification for which a permit is required; and
- begin site clearing activities.

Such activities *do not include actual construction*. Actual construction activities include, but are not limited to, the following activities which are specifically required for construction of the proposed stationary source or modification:

- excavating, blasting, removing rock and soil; or
- installing footings, foundations, retaining walls, or permanent storage structures.

## Permit Revocation

The commissioner may revoke any permit on his own initiative or at the request of the permittee in accordance with CGS Sections 4-182(c) and 22a-174c, RCSA Section 22a-3a-5(d), and any other applicable law. Any such request shall be in writing and contain facts and reasons supporting the request. See [License Revocation Request \(/DEEP/Permits-and-Licenses/Air-Emissions-Permits-and-General-Permits\) Form \(DEEP-AIR-REQ-004\)](#) for additional information on requesting a license revocation.

For permit related questions, call the Bureau of Air Management's Engineering and Technical Services Division at 860-424-4152.

[Air Permitting Main Page \(/DEEP/Air/Permits/Air-Permits\)](#)

[Air Management Regulations of Connecticut State Agencies \(DEEP/Air/Planning/Regulations/Air-Regulations\)](#)

[Connecticut General Statutes \(http://www.cga.ct.gov/asp/menu/statutes.asp\)](http://www.cga.ct.gov/asp/menu/statutes.asp) (CGS)

[Code of Federal Regulations \(http://www.gpoaccess.gov/cfr/index.html\)](http://www.gpoaccess.gov/cfr/index.html) (CFR)

[Clean Air Act \(http://www.epa.gov/air/caa/\)](http://www.epa.gov/air/caa/) (CAA)

### **Contact Information**

Engineering Section  
Bureau of Air Management  
Department of Energy and Environmental Protection  
90 Elm Street  
Hartford, CT 06106-5127  
860-424-4152

*This overview is designed to answer general questions and provide basic information. You should refer to the appropriate statutes and regulations for the specific regulatory language of the different permit programs. This document should not be relied upon to determine whether or not an environmental permit is required. It is your responsibility to obtain and comply with all required permits.*

Fact Sheet DEP-NSR-FS-200

Content Last Updated May 2013

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**TOWN OF OXFORD**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov) 203.828.6503

**Zoning Enforcement Official**

January 6, 2020

T&C PARTNERS  
21&23 Nichols Rd.  
Oxford, CT 06478

Re: 21&23 Nichols Rd. (Z.18.183) No permit for crushing of rock

The Planning & Zoning Department of the Town of Oxford recently became aware that certain activity was taking place on the above-mentioned property. Upon investigation, it was determined that the activity took place and several deficiencies and violations were identified and noted. The files of the Planning & Zoning office do not reflect any permits issued for the above address and a permit is required.

BELOW ARE MEETING MINUTES 7.17.18 (Z.18.183)

**The proposed use of the areas on the plan labelled "Topsoil Screener" and "Crusher", for earth material processing equipment, is hereby DENIED;**

**The Application for Special Exception, as it is deemed to request a special exception for the use of earth material processing equipment, is hereby DENIED as to that request only, but otherwise approved as stated above.**

You are hereby notified to cease operations of rock crushing

As a result, this Notice / Order is issued to inform you that you are currently in violation of the Zoning Regulations of the Town of Oxford, Connecticut.

If you have any further questions or concerns regarding this notice /order, please contact the Zoning Enforcement Official at (203) 888-2543 ext. 3033.

Sincerely,

Steven S. Macary, Zoning Official

Cc : Attorney Kevin Conndon  
First Selectman George Temple  
Chairman Jeff Luff

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**TOWN OF OXFORD**  
**Zoning Board of Appeals**

S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)



**Zoning Board of Appeals**  
**Special Meeting Minutes**  
**February 3, 2020**  
**Main Meeting Room**

**CALL TO ORDER**

Chairman Jeff Holmes called the meeting to order at 7:10 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Jeff Holmes, Larry Ellis, Richard Burns, and Ed Rowland.

The Zoning Board of Appeals will hold a Special Meeting on Monday, February 3, 2020 at 7:00 PM to discuss meetings and procedures.

**MOTION BY Member Larry Ellis** to approve the minutes of the last meeting.

**Second by Ed Rowland.**

**All Ayes.**

Motion passed unanimously.

Board Members discussed a regular meeting schedule.

**Chairman Jeff Holmes** made a motion to set the Regular Meeting schedule for the 1<sup>st</sup> Monday of each month at 7:00 PM.

**Second by Larry Ellis.**

**All Ayes.**

Motion passed unanimously.

**NEW BUSINESS:**

Receive and accept the Notice of Appeal, Z-20-100. Set Public Hearing to entertain a letter dated January 6, 2020 from the ZEO to T&C Partners, LLC located at 21-23 Nichols Road/TPB Contractor, LLC – Attorney Dominick Thomas has appealed the decision of the ZEO's letter dated January 6, 2020.

**MOTION BY Larry Ellis** to accept the letter from T&C Partners, LLC.

**Second by Chairman Jeff Holmes.**

**All Ayes.**

Motion passed unanimously.

**MOTION BY Chairman Jeff Holmes** to schedule a Public Hearing for Monday, March 2, 2020 at 7:00 PM.

**Second by Ed Rowland.**

**All Ayes.**

Motion passed unanimously.

**ADJOURNMENT**

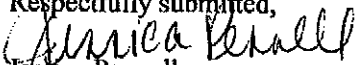
**MOTION BY Chairman Jeff Holmes** to adjourn the meeting at 7:15 PM.

**Second by Larry Ellis.**

**All Ayes.**

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell

Acting ZBA Clerk

20 FEB 20 AM 9:22  
TOWN OF OXFORD, CT  
*Jessica Pennell*  
TOWN CLERK



**ZONING BOARD OF APPEALS**  
**Special Meeting Agenda**  
**Monday, March 9, 2020**  
**Oxford Town Hall**  
**7:00 PM Main Meeting Room**  
**203.828.6503**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. SEETING OF ALTERNATES
5. CONTINUE PUBLIC HEARING

Old Business: Appeal Z-20-100 Commission discussion / letter dated January 6, 2020 From ZEO to T&C Partners LLC 21-23 Nichols RD. / TPB Contractor, LLC Attorney Dominic Thomas has appealed the decision of the ZEO Letter dated January 6, 2020

Respectfully submitted,

Steven S. Macary, ZEO

20 MAR -4 AM 11:03  
TOWN OF OXFORD, CT  
TOWN CLERK  
*Stephanie P. White*

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50 9/25/20



51 9/25/20



52 9/25/20



53 (B1)



54

(B2)





55

(B3)



56 (B4)





Full Town View

Reset Map

Search

Print Map

Help

Select

View Legend

Map Layer



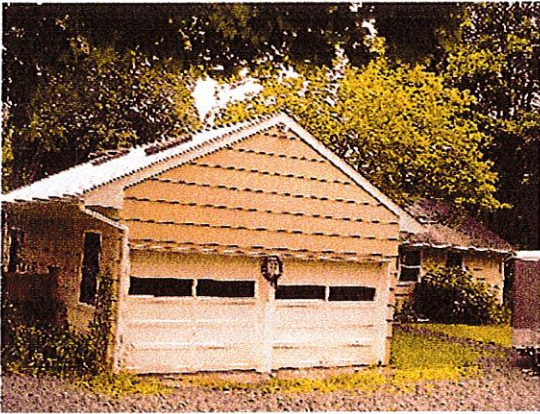


**Property Information**

Owner	SCIORTINO JAMES S & EMILY
Address	7 HAWLEY RD
Mailing Address	7 HAWLEY RD OXFORD , CT 06478
Land Use	- Single Fam w/In-Law
Land Class	R

Census Tract	L 2
Neighborhood	090
Zoning	OPD
Acreage	1.5
Utilities	
Lot Setting/ Desc	/ Clear,Wooded,Wet

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	366000	256200
Outbuildings	0	0
Improvements	366000	256200
Extras	0	0
Land	109300	76500
Total	475300	332700
Previous		

**Construction Details**

Year Built	
Stories	2
Building Style	Colonial
Building Use	Residential
Building Condition	C+
Total Rooms	
Bedrooms	5 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Good
Kitchen Style	Good
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Forced Hot Air
Heating Fuel	Propane
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	3/6/2020
Sale Price	465000
Book/ Page	436/ 3

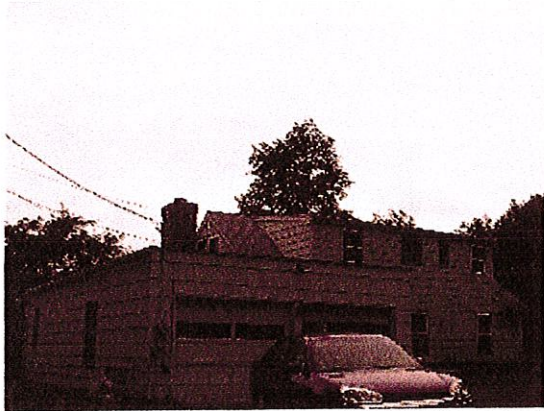


**Property Information**

Owner	TESBIR MICHELE A & TR OF META W HINZE
Address	11 HAWLEY RD
Mailing Address	1169 GEORGES HILL RD SOUTHURY , CT 06488
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 3
Neighborhood	090
Zoning	RESA
Acreage	3.18
Utilities	
Lot Setting/ Desc	/ Clear,Wooded,Wet

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	145000	101500
Outbuildings	0	0
Improvements	145000	101500
Extras	0	0
Land	126100	88300
Total	271100	189800
Previous		

**Construction Details**

Year Built	
Stories	1.75
Building Style	Cape
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	2 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	1/14/2015
Sale Price	
Book/ Page	398/ 305

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**Property Information**

Owner	TOMPOROWSKI VICTOR S & SUSAN
Address	20 HAWLEY RD
Mailing Address	20 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	
Neighborhood	090
Zoning	RESA
Acreage	3.36
Utilities	
Lot Setting/ Desc	/ Clear,Wooded

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	287100	201000
Outbuildings	13800	9700
Improvements	300900	210700
Extras	0	0
Land	127900	89500
Total	428800	300200
Previous		

**Construction Details**

Year Built	
Stories	2.00
Building Style	Colonial
Building Use	Residential
Building Condition	B-
Total Rooms	
Bedrooms	4 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	Carpet

**HEATING/AC:**

Heating Type	Forced Hot Air
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	10/15/2001
Sale Price	399500
Book/ Page	233/1094

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### Property Information

Owner	THE COMMUNITY CHAPEL OF THE
Address	24 HAWLEY RD
Mailing Address	122 SOUTH POMPERAUG AVE WOODBURY , CT 06798
Land Use	- Comm/Res
Land Class	C

Census Tract	
Neighborhood	C06
Zoning	RESA
Acreage	31.54
Utilities	
Lot Setting/ Desc	/

### Photo



### PARCEL VALUATIONS (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	263200	184200
Outbuildings	52400	36700
Improvements	315600	220900
Extras	0	0
Land	475400	332800
Total	791000	553700
Previous		

### Construction Details

Year Built	
Stories	2
Building Style	Restaurant
Building Use	Comm/Ind
Building Condition	Average
Total Rooms	
Bedrooms	
Full Bathrooms	0
Half Bathrooms	
Bath Style	n/a
Kitchen Style	n/a
Roof Style	Gable
Roof Cover	Asph/F Gls/Cmp

#### EXTERIOR WALLS:

Primary	Pre-Fab Wood
Secondary	

#### INTERIOR WALLS:

Primary	Plywood Panel
Secondary	Drywall/Sheet

#### FLOORS:

Primary	Hardwood
Secondary	Ceram Clay Til

#### HEATING/AC:

Heating Type	Forced Air-Duc
Heating Fuel	Oil
AC Type	Central

#### BUILDING AREA:

Effective Building Area	
Gross Building Area	
Total Living Area	

#### SALES HISTORY:

Sale Date	1/10/2019
Sale Price	1100000
Book/ Page	427/ 911

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**Property Information**

Owner	HELLMAN ROBERT R
Address	33 HAWLEY RD
Mailing Address	35 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	
Neighborhood	090
Zoning	RESA
Acreage	23.56
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	331900	232300
Outbuildings	43700	30600
Improvements	375600	262900
Extras	0	0
Land	219600	153700
Total	595200	416600
Previous		

**Construction Details**

Year Built	
Stories	2
Building Style	Colonial
Building Use	Residential
Building Condition	B-
Total Rooms	
Bedrooms	4 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	8/24/2009
Sale Price	0
Book/ Page	350/ 387

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**Property Information**

Owner	HELLMAN ROBERT R
Address	35 HAWLEY RD
Mailing Address	35 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 5
Neighborhood	090
Zoning	RESA
Acreage	3.96
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	324700	227300
Outbuildings	8100	5700
Improvements	332800	233000
Extras	0	0
Land	133900	93700
Total	466700	326700
Previous		

**Construction Details**

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	B-
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Wood Shingle
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	8/24/2009
Sale Price	0
Book/ Page	350/ 387

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Property Information

Owner	MAZZARA PAUL & JENNIFER
Address	77 HAWLEY RD
Mailing Address	77 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 6A
Neighborhood	090
Zoning	RESA
Acreage	8.42
Utilities	
Lot Setting/ Desc	/ Clear

Photo



PARCEL VALUATIONS (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	173300	121300
Outbuildings	30300	21200
Improvements	203600	142500
Extras	0	0
Land	178500	124900
Total	382100	267400
Previous		

Construction Details

Year Built	
Stories	1.75
Building Style	Cape
Building Use	Residential
Building Condition	C+
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

EXTERIOR WALLS:

Primary	Vinyl Siding
Secondary	

INTERIOR WALLS:

Primary	Drywall
Secondary	

FLOORS:

Primary	Hardwood
Secondary	

HEATING/AC:

Heating Type	Forced Hot Air
Heating Fuel	Oil
AC Type	Central

BUILDING AREA:

Effective Building Area	
Gross Building Area	
Total Living Area	

SALES HISTORY:

Sale Date	3/1/2011
Sale Price	170000
Book/ Page	364/ 693

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### Property Information

Owner	BARKER JASON
Address	79 HAWLEY RD
Mailing Address	79 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 6C
Neighborhood	090
Zoning	RESA
Acreage	6.98
Utilities	
Lot Setting/ Desc	/ Clear

### Photo



### PARCEL VALUATIONS (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	343100	240200
Outbuildings	4100	2800
Improvements	347200	243000
Extras	0	0
Land	164100	114900
Total	511300	357900
Previous		

### Construction Details

Year Built	
Stories	2.00
Building Style	Colonial
Building Use	Residential
Building Condition	B-
Total Rooms	
Bedrooms	4 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

#### EXTERIOR WALLS:

Primary	Clapboard
Secondary	

#### INTERIOR WALLS:

Primary	Drywall
Secondary	

#### FLOORS:

Primary	Hardwood
Secondary	

#### HEATING/AC:

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	None

#### BUILDING AREA:

Effective Building Area	
Gross Building Area	
Total Living Area	

#### SALES HISTORY:

Sale Date	4/3/2019
Sale Price	510000
Book/ Page	428/1055

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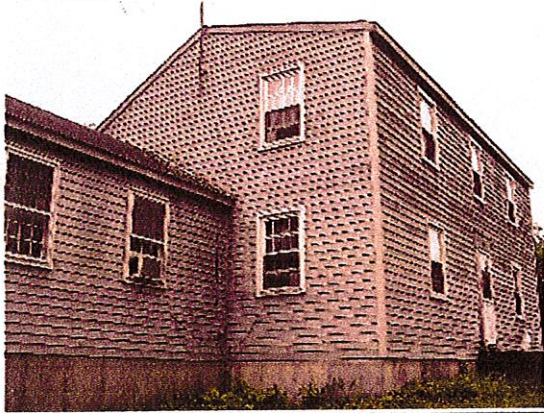


**Property Information**

Owner	WISER MARIANNE W
Address	81 HAWLEY RD
Mailing Address	81 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 6D
Neighborhood	090
Zoning	RESA
Acreage	3.36
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	191100	133800
Outbuildings	30100	21100
Improvements	221200	154900
Extras	0	0
Land	127900	89500
Total	349100	244400
Previous		

**Construction Details**

Year Built	
Stories	1.75
Building Style	Colonial
Building Use	Residential
Building Condition	C+
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Salt Box
Roof Cover	Asphalt

**EXTERIOR WALLS:**

Primary	Clapboard
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	Carpet

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	12/14/2016
Sale Price	
Book/ Page	412/1208

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**Property Information**

Owner	WEINSTEIN MICHAEL
Address	83 HAWLEY RD
Mailing Address	83 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 6B
Neighborhood	090
Zoning	RESA
Acreage	4.3
Utilities	
Lot Setting/ Desc	/ Stream

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	274700	192300
Outbuildings	0	0
Improvements	274700	192300
Extras	0	0
Land	137300	96100
Total	412000	288400
Previous		

**Construction Details**

Year Built	
Stories	2.00
Building Style	Colonial
Building Use	Residential
Building Condition	B-
Total Rooms	
Bedrooms	5 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Good
Kitchen Style	Good
Roof Style	Gable
Roof Cover	Asphalt

**EXTERIOR WALLS:**

Primary	Clapboard
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	10/7/2004
Sale Price	428640
Book/ Page	288/ 646

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**Property Information**

Owner	BONVISUTO GERALD A & PATRICIA D
Address	85 HAWLEY RD
Mailing Address	85 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 6E
Neighborhood	090
Zoning	RESA
Acreage	1.52
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	198000	138600
Outbuildings	1900	1300
Improvements	199900	139900
Extras	0	0
Land	109500	76600
<b>Total</b>	<b>309400</b>	<b>216500</b>
Previous		

**Construction Details**

Year Built	
Stories	2.00
Building Style	Colonial
Building Use	Residential
Building Condition	C+
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Asphalt

**EXTERIOR WALLS:**

Primary	Brick Veneer
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Carpet
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	10/1/2010
Sale Price	0
Book/ Page	90/ 286

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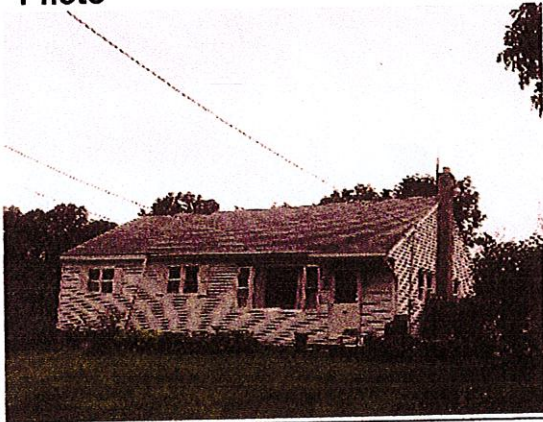


**Property Information**

Owner	LICNIKAS JOSEPH & PALOMBA SUSAN
Address	97 HAWLEY RD
Mailing Address	97 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 7
Neighborhood	090
Zoning	IND
Acreage	1.18
Utilities	
Lot Setting/ Desc	/ Clear

Photo



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	115100	80600
Outbuildings	6100	4300
Improvements	121200	84900
Extras	0	0
Land	104300	73000
Total	225500	157900
Previous		

**Construction Details**

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Forced Hot Air
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	12/31/2014
Sale Price	
Book/ Page	398/ 4

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**Property Information**

Owner	SALOKAS GERALD & DARLENE
Address	99 HAWLEY RD
Mailing Address	99 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 8
Neighborhood	090
Zoning	IND
Acreage	3.43
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	165300	115700
Outbuildings	10200	7100
Improvements	175500	122800
Extras	0	0
Land	128600	90000
Total	304100	212800
Previous		

**Construction Details**

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	C+
Total Rooms	
Bedrooms	2 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Asphalt

**EXTERIOR WALLS:**

Primary	Aluminum Sidng
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Carpet
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	10/1/2010
Sale Price	0
Book/ Page	117/ 161

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**Property Information**

Owner	LICNIKAS JOSEPH E
Address	103 HAWLEY RD
Mailing Address	103 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 8A
Neighborhood	090
Zoning	IND
Acreage	1.5
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	130500	91400
Outbuildings	800	600
Improvements	131300	92000
Extras	0	0
Land	109300	76500
Total	240600	168500
Previous		

**Construction Details**

Year Built	
Stories	1.75
Building Style	Cape
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	2 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Elec Baseboard
Heating Fuel	Electric
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	10/23/1987
Sale Price	0
Book/ Page	133/ 509

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**Property Information**

Owner	WERDEN ROBERT J
Address	110 HAWLEY RD
Mailing Address	110 HAWLEY RD OXFORD , CT 06478
Land Use	- Res/Com
Land Class	R

Census Tract	R 6
Neighborhood	090
Zoning	IND
Acreage	2
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	264700	185300
Outbuildings	70000	49000
Improvements	334700	234300
Extras	0	0
Land	114300	80000
Total	449000	314300
Previous		

**Construction Details**

Year Built	
Stories	1.75
Building Style	Cape
Building Use	Residential
Building Condition	C+
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Shakes
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Carpet
Secondary	

**HEATING/AC:**

Heating Type	Forced Hot Air
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	11/28/1998
Sale Price	0
Book/ Page	206/ 670

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**Property Information**

Owner	V A S E L L C
Address	119 HAWLEY RD
Mailing Address	119 HAWLEY RD OXFORD , CT 06478
Land Use	- Industrial
Land Class	I

Census Tract	
Neighborhood	C06
Zoning	IND
Acreage	2.58
Utilities	
Lot Setting/ Desc	/

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	1019600	713700
Outbuildings	8300	5800
Improvements	1098300	768800
Extras	70400	49300
Land	185800	130100
<b>Total</b>	<b>1284100</b>	<b>898900</b>
Previous		

**Construction Details**

Year Built	
Stories	1
Building Style	Office/Warehs
Building Use	Ind/Comm
Building Condition	Good
Total Rooms	
Bedrooms	
Full Bathrooms	0
Half Bathrooms	
Bath Style	n/a
Kitchen Style	n/a
Roof Style	Gable
Roof Cover	Enam Mtl Shing

**EXTERIOR WALLS:**

Primary	Concr/Cinder
Secondary	Stucco/Masonry

**INTERIOR WALLS:**

Primary	Minim/Masonry
Secondary	

**FLOORS:**

Primary	Concr-Finished
Secondary	

**HEATING/AC:**

Heating Type	Forced Air-Duc
Heating Fuel	Gas
AC Type	Partial

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	1/9/1996
Sale Price	0
Book/ Page	185/1094

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**Property Information**

Owner	LOCKWOOD SUSAN M
Address	121 HAWLEY RD
Mailing Address	121 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 10
Neighborhood	090
Zoning	RESA
Acreage	1.5
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	367500	257300
Outbuildings	10100	7100
Improvements	377600	264400
Extras	0	0
Land	109300	76500
Total	486900	340900
Previous		

**Construction Details**

Year Built	
Stories	2.00
Building Style	Colonial
Building Use	Residential
Building Condition	B-
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	Carpet

**HEATING/AC:**

Heating Type	Hydro-air
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	8/13/2009
Sale Price	0
Book/ Page	350/ 99

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**Property Information**

Owner	PERSSON GLEN
Address	124 HAWLEY RD
Mailing Address	124 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	R 9
Neighborhood	090
Zoning	IND
Acreage	8.4
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**

**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	205800	144100
Outbuildings	46200	32400
Improvements	252000	176500
Extras	0	0
Land	178300	124800
Total	430300	301300
Previous		



**Construction Details**

Year Built	
Stories	2.00
Building Style	Colonial
Building Use	Residential
Building Condition	C+
Total Rooms	
Bedrooms	5 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Siding
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Carpet
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	4/13/1999
Sale Price	147000
Book/ Page	209/ 992

75

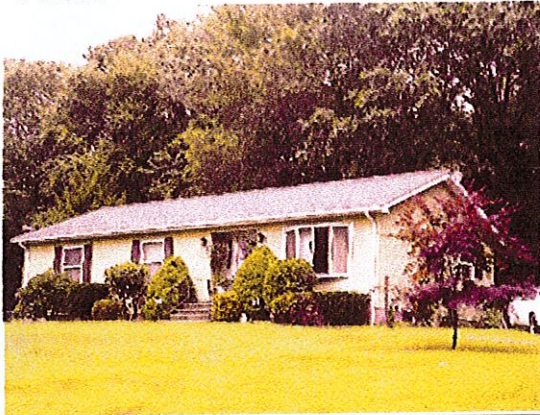


**Property Information**

Owner	ONOFRIO STEVEN P & KATHRYN L
Address	125 HAWLEY RD
Mailing Address	125 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 10A
Neighborhood	090
Zoning	RESA
Acreage	1.65
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	133200	93200
Outbuildings	20800	14600
Improvements	154000	107800
Extras	0	0
Land	110800	77600
Total	264800	185400
Previous		

**Construction Details**

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Aluminum Sidng
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	10/1/2010
Sale Price	0
Book/ Page	104/ 171

76



**Property Information**

<b>Owner</b>	SENO MARIE & NITSCHER MARIE
<b>Address</b>	130 HAWLEY RD
<b>Mailing Address</b>	130 HAWLEY RD OXFORD , CT 06478
<b>Land Use</b>	- Res Dwelling
<b>Land Class</b>	R

<b>Census Tract</b>	R 8
<b>Neighborhood</b>	090
<b>Zoning</b>	IND
<b>Acreage</b>	2
<b>Utilities</b>	
<b>Lot Setting/ Desc</b>	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
<b>Buildings</b>	97300	68100
<b>Outbuildings</b>	1400	1000
<b>Improvements</b>	98700	69100
<b>Extras</b>	0	0
<b>Land</b>	114300	80000
<b>Total</b>	213000	149100
<b>Previous</b>		

**Construction Details**

<b>Year Built</b>	
<b>Stories</b>	2.5
<b>Building Style</b>	Colonial
<b>Building Use</b>	Residential
<b>Building Condition</b>	C
<b>Total Rooms</b>	
<b>Bedrooms</b>	3 Bedrooms
<b>Full Bathrooms</b>	0
<b>Half Bathrooms</b>	
<b>Bath Style</b>	Average
<b>Kitchen Style</b>	Average
<b>Roof Style</b>	Gable
<b>Roof Cover</b>	Asphalt

**EXTERIOR WALLS:**

<b>Primary</b>	Aluminum Sidng
<b>Secondary</b>	

**INTERIOR WALLS:**

<b>Primary</b>	Plaster
<b>Secondary</b>	

**FLOORS:**

<b>Primary</b>	Carpet
<b>Secondary</b>	

**HEATING/AC:**

<b>Heating Type</b>	Forced Hot Air
<b>Heating Fuel</b>	Oil
<b>AC Type</b>	None

**BUILDING AREA:**

<b>Effective Building Area</b>	
<b>Gross Building Area</b>	
<b>Total Living Area</b>	

**SALES HISTORY:**

<b>Sale Date</b>	2/3/1992
<b>Sale Price</b>	0
<b>Book/ Page</b>	159/ 362

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**Property Information**

Owner	MOHYDE DONALD & CAROL A
Address	133 HAWLEY RD
Mailing Address	133 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	L 11
Neighborhood	090
Zoning	IND
Acreage	4.05
Utilities	
Lot Setting/ Desc	/ Pond

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	144800	101400
Outbuildings	7200	5000
Improvements	152000	106400
Extras	0	0
Land	134800	94400
Total	286800	200800
Previous		

**Construction Details**

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	2 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Hip
Roof Cover	Asphalt

**EXTERIOR WALLS:**

Primary	Wood Shingle
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	7/17/2012
Sale Price	210000
Book/ Page	376/ 591

78



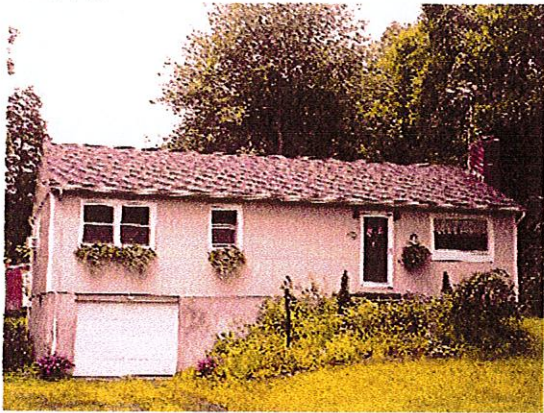


**Property Information**

Owner	CONNELLY JAMES & MELISSA
Address	136 HAWLEY RD
Mailing Address	136 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	R 10
Neighborhood	090
Zoning	IND
Acreage	3.04
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	111400	78000
Outbuildings	2900	2100
Improvements	114300	80100
Extras	0	0
Land	124700	87300
Total	239000	167400
Previous		

**Construction Details**

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	2 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Wood on Sheath
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	None

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	1/25/2016
Sale Price	228000
Book/ Page	405/ 544

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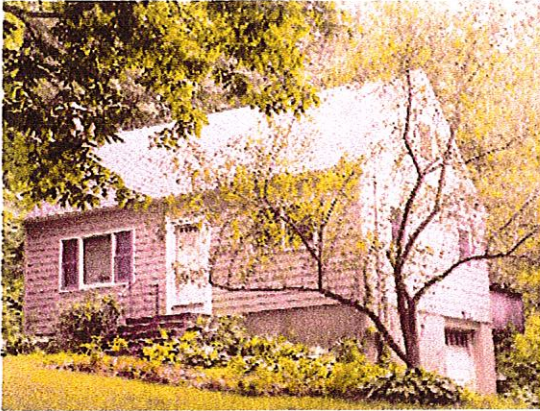


**Property Information**

Owner	484 COLUMBUS AVE, LLC
Address	140 HAWLEY RD
Mailing Address	15 STATE LINE RD NORFOLK , CT 06058
Land Use	- Res Dwelling
Land Class	R

Census Tract	R 11
Neighborhood	090
Zoning	IND
Acreage	2.05
Utilities	
Lot Setting/ Desc	/ Pond

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	107100	75000
Outbuildings	400	300
Improvements	107500	75300
Extras	0	0
Land	114800	80400
Total	222300	155700
Previous		

**Construction Details**

Year Built	
Stories	1.5
Building Style	Cape
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	2 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Vinyl Shakes
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Forced Hot Air
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	6/1/2016
Sale Price	
Book/ Page	408/ 23

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### Property Information

Owner	STOWE WILLIAM JR
Address	146 HAWLEY RD
Mailing Address	146 HAWLEY RD OXFORD , CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	R 12
Neighborhood	090
Zoning	IND
Acreage	2.5
Utilities	
Lot Setting/ Desc	/ Clear

### Photo



### PARCEL VALUATIONS (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	116400	81500
Outbuildings	0	0
Improvements	116400	81500
Extras	0	0
Land	119300	83500
Total	235700	165000
Previous		

### Construction Details

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

#### EXTERIOR WALLS:

Primary	Vinyl Siding
Secondary	

#### INTERIOR WALLS:

Primary	Drywall
Secondary	

#### FLOORS:

Primary	Hardwood
Secondary	

#### HEATING/AC:

Heating Type	Forced Hot Air
Heating Fuel	Oil
AC Type	None

#### BUILDING AREA:

Effective Building Area	
Gross Building Area	
Total Living Area	

#### SALES HISTORY:

Sale Date	10/1/2018
Sale Price	220000
Book/ Page	426/ 163

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**Property Information**

Owner	HOYT GERALYN & LEDDY A DEBRA
Address	148 HAWLEY RD
Mailing Address	148 HAWLEY RD OXFORD CT 06478
Land Use	- Res Dwelling
Land Class	R

Census Tract	R 13
Neighborhood	090
Zoning	IND
Acreage	2.5
Utilities	
Lot Setting/ Desc	/ Clear

**Photo**



**PARCEL VALUATIONS** (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	125700	88000
Outbuildings	0	0
Improvements	125700	88000
Extras	0	0
Land	119300	83500
Total	245000	171500
Previous		

**Construction Details**

Year Built	
Stories	1.00
Building Style	Ranch
Building Use	Residential
Building Condition	C
Total Rooms	
Bedrooms	3 Bedrooms
Full Bathrooms	0
Half Bathrooms	
Bath Style	Average
Kitchen Style	Average
Roof Style	Gable
Roof Cover	Arch Shingles

**EXTERIOR WALLS:**

Primary	Aluminum Sidng
Secondary	

**INTERIOR WALLS:**

Primary	Drywall
Secondary	

**FLOORS:**

Primary	Hardwood
Secondary	

**HEATING/AC:**

Heating Type	Hot Water
Heating Fuel	Oil
AC Type	Central

**BUILDING AREA:**

Effective Building Area	
Gross Building Area	
Total Living Area	

**SALES HISTORY:**

Sale Date	9/9/2009
Sale Price	0
Book/ Page	350/ 725

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### Property Information

Owner	CLAFANIS LLC
Address	150 HAWLEY RD
Mailing Address	133 WEST 19TH STREET 9TH FL NEW YORK , NY 10011
Land Use	- Industrial
Land Class	I

Census Tract	L 23
Neighborhood	C06
Zoning	IND
Acreage	10
Utilities	
Lot Setting/ Desc	/

### Photo



### PARCEL VALUATIONS (Assessed value = 70% of Appraised Value)

	Appraised	Assessed
Buildings	2046900	1432800
Outbuildings	58500	41000
Improvements	2380700	1666500
Extras	275300	192700
Land	260000	182000
Total	2640700	1848500
Previous		

### Construction Details

Year Built	
Stories	1
Building Style	Warehouse
Building Use	Comm/Ind
Building Condition	Average
Total Rooms	
Bedrooms	
Full Bathrooms	0
Half Bathrooms	
Bath Style	n/a
Kitchen Style	n/a
Roof Style	Flat
Roof Cover	Rolled Compos

#### EXTERIOR WALLS:

Primary	Pre-finish Metl
Secondary	

#### INTERIOR WALLS:

Primary	Drywall/Sheet
Secondary	

#### FLOORS:

Primary	Concr-Finished
Secondary	Carpet

#### HEATING/AC:

Heating Type	Forced Air-Duc
Heating Fuel	Gas
AC Type	Central

#### BUILDING AREA:

Effective Building Area	
Gross Building Area	
Total Living Area	

#### SALES HISTORY:

Sale Date	8/28/2020
Sale Price	6000000
Book/ Page	440/ 855

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TOWN OF OXFORD

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298

www.Oxford-CT.gov

Oxford Planning & Zoning

ZONING COMPLAINT

Date: 10/3/2019

Location of the problem property: 21- Nichols Road, Oxford Ct 06478
(Number and Street)

Property Owners Name: Thomas Beard
Address: 149 Newgate Rd, Oxford 06478
Phone #: 203 650 7262

Nature of problem (please be specific, provide date, times, and pictures when possible):
The property located on 21 Nichols Road, Oxford, is being used as a Commercial Sand + gravel Processing Plant, with Stone Crushing operations. Additionally the Processed material is being sold to the general public. (See attached sheet for specifics)

TYPE OF VIOLATION (Cite Article and section(s) of the Zoning regulations): This activity violates section C paragraph 2 of the Oxford zoning regulations

Complainant Name: Robert & Steva Werden
Address: 110 Hawley Road Oxford CT 06478
Phone #: 203-264-2611

\* Under the laws & regulations of the Freedom of Information Act (FOIA), this form is subject to public viewing.

Signature of Complainant: [Signature] Date: 10/3/19

\* Please complete, sign and return to:

Town of Oxford
Planning & Zoning Office - Attn: ZEO
486 Oxford Road
Oxford, CT 06478

\* Please note that the ZEO reserves the right to prioritize.

Date (Received by ZEO): 10/3/19 Complaint #: C-14-

REMARKS: (Cite Article and section(s) of the Zoning regulations):

received 10/3/19

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Attached Sheet:

1. The Complainant's have seen outside trucking companies hauling in material, including rock, dirt, asphalt and concrete, on a daily basis, beginning in the spring of 2019 and continuing to the date of this complaint.
2. The Complainant's have seen various trucking companies hauling out processed stone, again on a daily basis since the spring of 2019 to the present date.
3. The complainant's have observed crushing activity going on at 21 Nichols Road, Oxford CT, on various days and at various times since the spring of 2019 to the present date. These crushing activities occur at various times of the day and into early evening, including Saturdays and Sundays.
4. There is a sign posted on the property, which is in violation of the Oxford zoning regulations, which can be construed as offering screened top soil, screened fill and processed for sale.
5. There is a business named SCOTTYS DEMOLITION SERVICE, LLC, without zoning approval.

received  
10/13/19

85



86



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Home > Search Results

Search results for "21 Nichols Road Oxford Ct". 2 total results found.

Download Results

1 of 1

Business Name	Date Formed (MM/DD/YYYY)	Status	Address	City/State	Principal Name(s)	Agent Name(s)
SCOTTY'S DEMOLITION SERVICE, LLC	03/03/2016	Active	21 NICHOLS ROAD, OXFORD, CT 06478 USA	OXFORD, CT	CHRISTINE BLAKEMAN-BEARD, THOMAS BEARD	CHRISTINE BLAKEMAN-BEARD
TPB CONTRACTORS LLC	01/22/2008	Active	21 NICHOLS ROAD, OXFORD, CT 06478 USA	OXFORD, CT	THOMAS P. BEARD	STEPHEN R. BELLIS

1 of 1

# Business Inquiry

Total Number of Matches: 1

Page: 1 of 1

## Business Search Results

#	Business Name	Business ID	Status	Business Address
1	SCOTTY'S DEMOLITION SERVICE, LLC	1200346	Active	21 NICHOLS ROAD, OXFORD, CT, 06478, USA



# Business Inquiry

Total Number of Matches: 1

Page: 1 of 1

## Business Search Results

#	Business Name	Business ID	Status	Business Address
1	TPB CONTRACTORS LLC	0925443	Active	21 NICHOLS ROAD, OXFORD, CT, 06478, USA

89

**From:** adminassistant@oxford-ct.gov,  
**To:** newenglandseptic@aim.com, zoningenforce@oxford-ct.gov,  
**Cc:** john.kerwin@icloud.com, firstselectman@oxford-ct.gov,  
**Subject:** Re: Crushing at TPB Contractors  
**Date:** Fri, Sep 25, 2020 12:16 pm

Thank you for your inquiry, I have turned this matter over to our Zoning Enforcement, Officer Steve Macary, who will investigate this matter.

ristyn Rosa  
Administrative Assistant  
Office of the First Selectman

On Fri, Sep 25, 2020 at 11:49 AM <[newenglandseptic@aim.com](mailto:newenglandseptic@aim.com)> wrote:

Dear Mr. Kerwin ,  
I would like to inform you that I am making a complaint for crushing against Tom Beard  
TPB Contractors located at 21- 23 Nichols Road.  
He has been crushing for the last 2 days (9/24/20-9/25/20) I would like someone to go out to the property  
ASAP for a site inspection. I am also contacting George Temple and spoke with Kristen Rosa regarding this matter.  
I would like to know what the outcome of your visit to this property.  
Thank you for your prompt attention to this urgent matter.  
Sincerely,  
Bob & Steva Werden

Steva Werden  
***New England***  
***Septic & Excavating, LLC***  
OXFORD, CONNECTICUT 06478

(203) 888-9143 Oxford / Seymour  
(203) 393-2715 Woodbridge / Orange  
(203) 264-5525 Southbury  
(203) 924-7219 Shelton  
(203) 264-2274 Fax



**From:** newenglandseptic@aim.com,  
**To:** newenglandseptic@aim.com,  
**Subject:** Re: Crushing at TPB Contractors  
**Date:** Fri, Sep 25, 2020 11:57 am

Just to let you know Steve Macary drove down Nichols Road and came right back out. 11:55am.

Steva Werden

**New England  
Septic & Excavating, LLC**  
OXFORD, CONNECTICUT 06478

03) 888-9143 Oxford / Seymour  
03) 393-2715 Woodbridge / Orange  
03) 264-5525 Southbury  
03) 924-7219 Shelton  
03) 264-2274 Fax

-----Original Message-----

From: newenglandseptic@aim.com  
To: john.kerwin@icloud.com <john.kerwin@icloud.com>  
Cc: firstselectman@oxford-ct.gov <firstselectman@oxford-ct.gov>; adminassistant@oxford-ct.gov <adminassistant@oxford-ct.gov>  
Sent: Fri, Sep 25, 2020 11:48 am  
Subject: Crushing at TPB Contractors

Dear Mr. Kerwin ,  
I would like to inform you that I am making a complaint for crushing against Tom Beard  
TPB Contractors located at 21- 23 Nichols Road.  
It has been crushing for the last 2 days (9/24/20-9/25/20) I would like someone to go out to the property  
SAP for a site inspection. I am also contacting George Temple and spoke with Kristen Rosa regarding this matter.  
I would like to know what the outcome of your visit to this property.  
Thank you for your prompt attention to this urgent matter.  
Sincerely,  
Bob & Steva Werden

Steva Werden

**New England  
Septic & Excavating, LLC**  
OXFORD, CONNECTICUT 06478

203) 888-9143 Oxford / Seymour  
203) 393-2715 Woodbridge / Orange  
203) 264-5525 Southbury  
203) 924-7219 Shelton  
203) 264-2274 Fax

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From: zoningenforce@oxford-ct.gov,  
To: adminassistant@oxford-ct.gov, newenglandseptic@aol.com,  
Subject: Re: Crushing at TPB Contractors  
Date: Fri, Sep 25, 2020 2:48 pm

did not find any evidence of stone crushing on the property of Tom Beard. Mr. Beard has permission to do all activities except process stone on the crusher. The building was permitted thru the court. You may direct all complaints to Mike Herd or Kristen Rosa

Thanks

On Fri, Sep 25, 2020 at 12:17 PM Kristyn Rosa <adminassistant@oxford-ct.gov> wrote:  
Thank you for your inquiry, I have turned this matter over to our Zoning Enforcement, Officer Steve Macary, who will investigate this matter.

Kristyn Rosa  
Administrative Assistant  
Office of the First Selectman

On Fri, Sep 25, 2020 at 11:49 AM <newenglandseptic@aim.com> wrote:

Dear Mr. Kerwin ,  
I would like to inform you that I am making a complaint for crushing against Tom Beard  
TPB Contractors located at 21- 23 Nichols Road.  
He has been crushing for the last 2 days (9/24/20-9/25/20) I would like someone to go out to the property  
ASAP for a site inspection. I am also contacting George Temple and spoke with Kristen Rosa regarding this matter.  
I would like to know what the outcome of your visit to this property.  
Thank you for your prompt attention to this urgent matter.  
Sincerely,  
Bob & Steva Werden

Steva Werden

***New England***  
***Septic & Excavating, LLC***  
OXFORD, CONNECTICUT 06478

(203) 888-9143 Oxford / Seymour  
(203) 393-2715 Woodbridge / Orange  
(203) 264-5525 Southbury  
(203) 924-7219 Shelton  
(203) 264-2274 Fax

Steven S. Macary  
***Zoning Enforcement Official***

S.B. Church Memorial Town Hall  
Planning & Zoning  
186 Oxford Road  
Oxford, CT 06478  
Tel: (203) 828-6503 or (203) 888-2543 Ext. 3033  
Fax: (203) 888-4543

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**From:** zoningenforce@oxford-ct.gov,  
**To:** newenglandseptic@aim.com, adminassistant@oxford-ct.gov, dtsauter1@gmail.com,  
**Subject:** Re: Crushing at TPB Contractors  
**Date:** Fri, Sep 25, 2020 3:23 pm

will forward all of your questions to OPZ commission. I will have them direct me.

Thanks, Have a good night

1 Fri, Sep 25, 2020 at 2:52 PM <[newenglandseptic@aim.com](mailto:newenglandseptic@aim.com)> wrote:

Hi Steve,  
Did you go non the property and look around?

Steva Werden

***New England***

***Septic & Excavating, LLC***

OXFORD, CONNECTICUT 06478

(203) 888-9143 Oxford / Seymour  
(203) 393-2715 Woodbridge / Orange  
(203) 264-5525 Southbury  
(203) 924-7219 Shelton  
(203) 264-2274 Fax


*Steven S. Macary*  
***Zoning Enforcement Official***

.B. Church Memorial Town Hall  
Planning & Zoning  
36 Oxford Road  
Oxford, CT 06478  
Tel: (203) 828-6503 or (203) 888-2543 Ext. 3033  
Fax: (203) 888-4543

**mail:** [Zoningenforce@Oxford-Ct.gov](mailto:Zoningenforce@Oxford-Ct.gov)

**website:** [www.oxford-ct.gov](http://www.oxford-ct.gov)

**GIS:** <http://www.cogcnvgis.com/>

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**TOWN OF OXFORD**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov) 203.828.6503

**Planning and Zoning Commission**

**ORDER TO DISCONTINUE / CEASE & DESIST STOP WORK ORDER  
TOWN OF OXFORD**

Steven Onofrio  
125 Hawley RD  
Oxford CT. 06478

September 29, 2020

RE: Commercial business residential zone

This Order is issued to you because of the following on your above referenced property:

- Operating a business without any permits / business to intense for a residential zone

**5.2.2** The office in a single family dwelling, to be used exclusively for the profession or trade of the occupant of the dwelling, provided that no evidence of the profession or trade is visible from outside the dwelling or building except for an announcement sign not exceeding four (4) square feet in area, provided that the office does not occupy a floor area greater than 25% of the floor area of the dwelling, and provided that said use not substantially increase traffic in the neighborhood. For the purpose of this section, the office to be used exclusively for the profession or trade of the occupant shall not include uses that are primarily retail in nature or rely on public access other than by appointment. For the purpose of this section, floor area of the dwelling shall mean contiguous heated living space of the main residential structure.

There shall be no more than two commercial vehicles and one piece of construction equipment, each with a gross vehicle weight that does not exceed 16,000 lbs, used in conjunction with the profession or trade of the occupant. The commercial vehicle shall be stored in an enclosed structure or otherwise shielded from view from all adjacent properties and public right of ways. There shall be no outside storage of any equipment or materials used in conjunction with the profession or trade of the occupant.

This / these conditions / activities constitute a violation of the Town of Oxford Zoning Regulations Schedule 5.2.2 Therefore, you are hereby ordered to discontinue the preceding violation(s) immediately and to bring the entire property into conformance with the Town of Oxfords Zoning Regulations, and you must do so within (one)1 day of receipt of this letter.

Failure to comply with this order may result in the Town of Oxford taking additional action against you in order to bring this property into compliance. This may result in injunctive orders

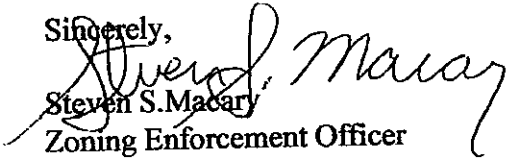
94



of the Superior Court, attorney's fees, and civil penalties as authorized by the Connecticut General Statutes.

You may consult the Zoning Enforcement Officer if there is any question as to the manner and time of established compliance. If you feel this order has been issued to you in error, you have the right to appeal it to the Oxford Planning and Zoning Commission (15) days of receipt of this order. Failure to do so will constitute a waiver of any defense which would be capable of being heard and decided on by the Board.

Sincerely,

  
Steven S. Macary  
Zoning Enforcement Officer

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# Silica

Silica is a common mineral found in many materials on construction sites, like soil, sand, concrete, brick, block, mortar, and granite. When we cut, chip, grind, drill into, or otherwise break or disturb these materials, crystalline silica particles can become airborne and create health hazards. OSHA has developed a new rule regarding silica which comes into effect this year. The best thing about the new rule is Table 1, which discusses dust and respiratory controls to help keep you healthy.

When they're airborne, tiny particles of silica can be inhaled into your lungs. Once you breathe them in, the particles can cause lung disease, lung cancer, kidney disease, and silicosis. Silicosis can be disabling, and even fatal. When silica dust enters the lungs, it can cause scarring that reduces the lungs' ability to take in oxygen. There is no cure for silicosis. And the damage caused by silicosis can make you more susceptible to other lung illnesses such as tuberculosis. It only takes a small amount of silica dust to create a big health hazard for you. If you are exposed to silica dust regularly, stop smoking. Smoking can further increase damage to your lungs.

OSHA's new construction standard (29 CFR 1926.1153) on silica goes into effect (with a few exceptions) on September 23rd of this year. The new rule reduces the permissible exposure limit (PEL) for respirable silica to 50 micrograms per cubic meter of air, averaged over an 8-hour shift. Table 1 in the new standard lists exposure control methods for common construction tasks. When

you use specific dust control methods during specific silica-producing operations, your risk of inhaling silica goes down so much that it becomes unnecessary for the company to monitor or assess your exposure to silica dust. For example, if you are using a stationary masonry saw that has an integrated water delivery system to continuously douse the blade with water, silica dust will not become airborne, and you won't breathe it in.

Sometimes when the work you're doing is creating silica dust, you need respiratory protection even if you're using engineering controls. Table 1 lists the level of protection you'll need, depending on the kind of work and where you're working. In some cases, you may need an N95 or P95 particulate respirator.

So before you use a masonry saw, start removing mortar from a wall, finish drywall, or do any work that involves exposure to crystalline silica, be sure you have reviewed and understand your employer's silica protection program. Know what types of engineering controls and PPE you will need to work safely with silica on your jobsite. Then make sure you use the controls and wear the PPE to protect your lungs. And if you wear a respirator for more than 29 days a year, get checked out by your doctor.

.....  
**SAFETY REMINDER**  
.....

**Most work that creates silica dust also creates a lot of noise. Protect your hearing with earplugs or ear muffs.**

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# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Fall 2020

Volume XXIV, Issue 4

In its lawsuit, the developer accused the abutting property owner of, among other things, interfering with its plans to construct its development by taking frivolous appeals to court which were bound to be unsuccessful and only served the purpose of delay and causing expense. The property owner raised the defense of what is known as the Noerr-Pennington Doctrine. This doctrine shields a person from liability for petitioning a governmental entity for redress.

The court found that this doctrine applies to an appeal of a decision by a zoning commission and that just because a favorable result was unlikely, it was not frivolous or vexatious for the appeal to be brought. *Procurement LLC v. Ahuja*, 197 Conn. App. 696 (2020).

## VARIANCE CANNOT BE APPROVED IF PROPERTY HAS A REASONABLE PERMITTED USE

The owner of a shorefront residentially zoned parcel of land sought to rebuild his home which had been destroyed by Super-Storm Sandy. Due to the revised flood zone regulations issued by FEMA, the proposed replacement building would exceed the permitted building height. The owner sought a variance from the height restriction, which was denied by the zoning board of appeals. The board believed that any hardship was self-created as the proposed building

exceeded the building height limit by only 3.5 feet, which the board believed could be met by revising the building plans. An appeal to court followed.

The trial court sustained the appeal for two reasons. First, the court believed the hardship was not self-created as the increased building height was due to the revised FEMA regulations. Second, the proposed building would actually decrease an existing nonconformity in that the new building would now comply with lot coverage requirements which the destroyed building exceeded.

The trial court's ruling was then appealed to the Appellate Court, which reinstated the board's decision and dismissed the appeal. The court found that even though the revised FEMA regulations imposed a hardship on the property owner, this hardship did not prevent the property from being put to a reasonable use. A single-family home could still be built on the property, just not the one the property owner wanted. Disappointment does not provide a hardship worthy of a variance.

In its decision, the court reminds us that "A variance is not a tool of convenience, but one of necessity ... They are not to be granted when a reasonable use already is present, or plainly is possible under the regulations but an owner prefers otherwise."

In regard to the elimination of a nonconformity, the court dismissed this argument stating that the creation of a

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# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Fall 2020

Volume XXIV, Issue 4

## PROPOSED CHANGES TO ZONING LAWS ENDANGER SINGLE FAMILY ZONE

A Bill was presented to the State Legislature proposing substantial revisions to Sec. 8-2 of the General Statutes. This statute is part of the enabling statutes that provide authority to municipalities to regulate land use. The purpose of the proposed amendment goes beyond the goal of providing more affordable housing. Instead, its purpose is to “replace segregated living patterns with integrated and balanced living patterns” and “foster inclusive communities based on protected characteristics”.

In order to reach these goals, this legislation proposes that certain types of multi-family housing must be regulated in the same fashion as single-family dwellings. Thus, if a single-family home requires only a zoning permit, then a four-unit apartment building must also only require a zoning permit. Furthermore, certain named types of multi-family housing, such as townhouses and triplexes, must be allowed on 10% of a municipality's area and 50% of the area within its town center.

It is the opinion of the Federation that this proposed legislation removes the authority of a local land use agency to preserve what is known as the single-family neighborhood. Instead, the State would usurp this authority and impose in

its place a uniform statewide plan. This legislation is unnecessary as nearly all municipalities have taken steps to amend their zoning regulations so that a variety of housing choices are available to residents of this state. The proposed bill requests significant changes to how zoning authority is exercised in Connecticut and continues the uncomfortable trend of transferring power from local government and concentrating it at the state level. Federation members are encouraged to contact their state representative about this legislation.

In addition, members should also submit to [www.cfpza.org](http://www.cfpza.org) any efforts they have made to improve housing diversity. The Federation can then present this to the legislature to demonstrate that this radical proposal is unnecessary.

## PERSON WHO APPEALED ZONING DECISION PROTECTED FROM LAWSUIT

An eventually successful applicant that gained approval for its special exception application to construct a combined child care apartment housing complex sued an abutting property owner. This abutting property owner had opposed the various applications filed by the developer, both before the planning and zoning commission and then in court.

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# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

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new nonconforming aspect to the property, in this case building height, cannot be the basis for a variance even when another nonconformity would be reduced. *Turek v. Zoning Board of Appeals, 196 Conn. App. 122 (2020)*.

## LOT LINE ADJUSTMENT IS NOT A SUBDIVISION

Just what constitutes a subdivision of land was answered by our State Appellate Court recently. The owner of 2 adjoining parcels of property sought to shift the boundary line shared by the parcels. One lot was 10 acres in size while the other was 15 acres. The lot line would result in a transfer of 10 acres from one lot to the other, resulting in a 20-acre lot and a 5 acres lot. When this plan was presented to the town planner, he referred it the Planning Commission for a determination as to whether it constituted a subdivision of land. Apparently, one of the existing lots had been split off from another parcel a number of years earlier.

The Commission said it was a subdivision due to the large amount of land that was transferred from one lot to the other and that there were actually 3 lots involved due to the earlier lot split. This substantial change, the commission believed, required that a subdivision application be filed. The property owner unsuccessfully appealed to the Superior Court. However, he met a more

favorable result with the Appellate Court.

The Appellate Court found that a boundary line change, no matter how large the amount of land is transferred, is not a subdivision. Instead, what constitutes a subdivision of land is clearly set forth in Connecticut General Statutes Sec. 8-18. It is the division of a parcel of land into 3 or more lots. In this case, there were 3 lots before the boundary line adjustment, and there would be only 3 lots afterward. Thus, no subdivision because there were no new lots created by the boundary line adjustment. *500 North Avenue LLC v. Planning Commission, 199 Conn. App. 115 (2020)*.

## ANNOUNCEMENTS

### **CFPZA Website**

The Federation's website has been up and running for nearly 6 months. The web address is [www.cfpza.org](http://www.cfpza.org). On the website you can find educational materials published by the Federation as well as news items and Federation webinars. Please take time to visit us.

### **Workshops**

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop to be held at your next meeting. At the price of \$180.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed.

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[cfpza@live.com](mailto:cfpza@live.com) [www.cfpza.org](http://www.cfpza.org)



**TOWN OF OXFORD**

S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

Z#:	20-327
Date Received:	8/11/20
Date Accepted:	8/18/20
Date on Agenda:	8/18/20
65 Day Exp.:	
Extension:	
2 <sup>nd</sup> Extension:	

**Planning and Zoning Commission**

**\* Please Note:**

- Read Instructions Thoroughly Before Completing Form
- This form Must Be Completely Typewritten or Legibly Printed in Ink

1) **APPLICATION:** This is an application for: *(Check the ones that apply)*

- |                                      |   |  |
|--------------------------------------|---|--|
| <input type="checkbox"/> Subdivision | <input checked="" type="checkbox"/> Resubdivision | Total Number of Lots: <u>2</u>             |
| <input type="checkbox"/> Zone Change | <input type="checkbox"/> Special Exception        | S/E (Include Article & Section No.): _____ |
| <input type="checkbox"/> Excavation  | <input type="checkbox"/> Map/Text Amendment       | (Include Article & Section No.): _____     |
| <input type="checkbox"/> Site Plan   | <input type="checkbox"/> Other                    | _____                                      |

Name of Project Title (Subdivision/Resubdivision): \_\_\_\_\_

2) **PROPERTY LOCATION:**

Street Address: 312 Chestnut Tree Hill Road

Town Clerk Record Map Number: 17-31

Assessor's Identification Numbers:

Map: 31 Block: 5 Lot: 2 Unit: N/A

**Zoning District:** *(Check One)*

- |   |                                    |                              |   |
|---|------------------------------------|------------------------------|---|
| <input checked="" type="checkbox"/> RES A | <input type="checkbox"/> RES Golf  | <input type="checkbox"/> COM | <input type="checkbox"/> Planned COM                            |
| <input type="checkbox"/> RES POD          | <input type="checkbox"/> Ox Center | <input type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input type="checkbox"/> Other |

**Water and Sewer:** *(Check the ones that apply)*

- |  |   |
|--|---|
| <input type="checkbox"/> Municipal Sanitary Sewers         | <input checked="" type="checkbox"/> Private Wells |
| <input checked="" type="checkbox"/> On Site Septic Systems | <input type="checkbox"/> Public Water             |

Please indicate who will be the **POINT OF CONTACT:**

*(All communications and correspondence will be directed to the Point of Contact)*

*(Check one)*

- APPLICANT  OWNER  LAND SURVEYOR  ENGINEER  ARCHITECT

3) **APPLICANT:** Matthew Mihaly

Address: 111 Booth Hill Road

Town: Trumbull State: CT Zip Code: 06601

Phone: (203) 556-0509 Fax: ( ) Email: \_\_\_\_\_

4) **OWNER(s):** Same as applicant

Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: ( ) Fax: ( ) Email: \_\_\_\_\_

5) APPLICANT'S OWNERSHIP INTEREST: \_\_\_\_\_

6) LAND SURVEYOR: \_\_\_\_\_ REG. No: \_\_\_\_\_

Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

7) CIVIL ENGINEER: Paul J. Bumbero Sr REG. No: \_\_\_\_\_

Address: 7 Hemlock Road

Town: Newtown State: CT Zip Code: 06470

Phone: (203) 530-9779 Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

8) ARCHITECT: \_\_\_\_\_ REG. No: \_\_\_\_\_

Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

9) PREFERRED OR RECOMMENDED NAMES OF NEW ROADS TO BE CONSTRUCTED: \_\_\_\_\_

(Subject to BOS Approval)

(Check One)  Private Road  Town Road \_\_\_\_\_ Length of Road

10) STATUS OF WETLANDS PERMIT: Pending

(Please Provide a Copy)

11) ACREAGE OF OPEN SPACE and/or CONSERVATION EASEMENTS: \_\_\_\_\_

12) SURETY OPTION (See Article 9 of Subdivision Regulations):

(Check the one that applies)

Improvements will be completed prior to endorsement and filing of record subdivision.

Surety will be provided.

Conditional approval is requested.

13) WAIVERS:

(Check the one that applies)

No waivers of the subdivision regulations are required.

Waivers of one or more sections of the subdivision regulations are requested.

(Please provide a written description of the reason for the waiver and attached to and make part of this application.)

14) EARTH EXCAVATION:

(Check one)

Yes  No

If yes, how many cubic yards of material to be removed, filled, and/or dispersed. \_\_\_\_\_ cubic yards.

15) FLOOD ZONE:

(Check one)

Yes  No If yes, what zone. \_\_\_\_\_

16) APPLICATION/SUPPORTING DOCUMENTS:

(Indicate Attached or Not Applicable)

\_\_\_\_\_ Project Narrative Letter

\_\_\_\_\_ Fire Marshal's Review

Record Subdivision Plan

\_\_\_\_\_ Letter from Public Water Supply

<input checked="" type="checkbox"/> Site Development Plan	_____ P.D.D.H. Approval
_____ Plan and Profile	_____ Inland Wetlands Approval
_____ Standard Construction Details	_____ W.P.C.A. Approval
_____ Connecticut Highway Department	_____ Legal Boundary Description
_____ Engineering Department Review	_____ Zoning and Subdivision History
_____ Drainage Calculations	_____ Certificate from Assessor
_____ Other: _____	_____ Other: _____

**17) REFERRALS:**

*(Check the ones that apply)*

- A portion of the property effected by the decision of the Commission is located within five hundred (500) feet of the boundary of an adjoining municipality.
- A portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage system within the adjoining municipality.
- Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- Subdivision/Resubdivision includes land which abuts or is partially located in the Town of \_\_\_\_\_.
- Referral to Regional Planning Agencies is required.

If any of the above applies, the applicant is required to give written notice of his/her application to the adjoining municipality and submit a copy to P&Z. Notification must be by **CERTIFIED MAIL/RETURN RECEIPT.**

**18) APPLICATION FEES:** (Additional fees may apply – See Schedule of Fees)

Application Fee is as follows:

\_\_\_\_\_ Building Lots (x) \$ \_\_\_\_\_ per lot = \$ \_\_\_\_\_

\_\_\_\_\_ Cubic yards (x) \$100 for each 1,000 cubic yards = \$ \_\_\_\_\_

Public Hearing Fee = \$ \_\_\_\_\_

State Fee = \$ \_\_\_\_\_

**Total Fee = \$ \_\_\_\_\_ (Ck#) \_\_\_\_\_**

**19) AUTHORIZATION AND ENDORSEMENTS:**

**a) APPLICANT:**

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

APPLICANT SIGNATURE \_\_\_\_\_



**b) PROPERTY OWNER(s):**

The undersigned, being all of the owners of the premises referred above, hereby consent to the filing of this application together with meeting of all requirements of the applicant by the Commission for same.

OWNER SIGNATURE *Matthew Mihaly*

NAME PRINTED Matthew Mihaly DATE \_\_\_\_\_

**20) INFORMATIONAL:**

**Communications with and recommendations from contracted P&Z staff are the sole responsibility of the applicant.**

\*\*\*\*\*

**21) ACTION TAKEN:**

**(This SECTION is to be filled out by Planning & Zoning Staff ONLY)**

**DENIED** /  **APPROVED**  
(Check One)

**APPROVED WITH CONDITIONS**  **Yes** or  **No**  
(Check One)

See Letter dated \_\_\_\_\_ for **DETAILS** of **ACTION** taken and attach a copy hereto.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
(Name & Title)

RECEIVED  
9/9/20

September 9, 2020

Matthew Mihaly  
111 Booth Hill Rd.  
Trumbull, CT 06611

Mr. David T. Sauter, Chariman  
Planning and Zoning Commission  
Town of Oxford  
486 Oxford Rd  
Oxford, CT 06478

Re: 312 Chestnut Tree Hill Rd, Oxford, CT

Dear Mr. Sauter

Section 1.2.10 of the Oxford Subdivision Regulations allows the commission to waive the requirements for dedication of open space or payment of a fee in lieu for subdivisions and re-subdivisions consisting of three lots or less.

I am asking that you waive the fee as allowed by that section as the application is for two lots. One of those lots already has existing structures on it. Both lots will consist of roughly 4 acres which is twice the minimum lot size. Across the street from Old Litchfield Turnpike, on which both lots border, is the Naugatuck State Forest consisting of thousands of acres of open space. The re-subdivision with the oversized lots maintains the rural character of the neighborhood without the need for dedicating new open space. The reduction in the number of lots from the previous application also reduces the potential sale proceeds and thus the funds to pay the fee in lieu of open space.

Thank you for considering this.

Sincerely,



Matthew Mihaly

PLANNING & ZONING COMMISSION

TOWN OF OXFORD
486 Oxford Road
Oxford, CT 06478
(203) 888-2543

Z#: 2-20-053
Date Rec'd:
Date on Agenda: 10/20/20
65-Day Expiration:

ZONING PERMIT APPLICATION

(This permit is hereby applied for in accordance with the requirements of the Oxford Zoning Regulations)

Property Identification

Street Address: 101 OXFORD RD
Subdivision Name: Date Approved:
Map: Block: Lot: Zoning district: COMM

Owner/Applicant

Owner Name: Paul Ritcher
Owner Address:
Owner Telephone: 203-767-9119
Applicant Name: Jewel Deimaro
Applicant Address:
Applicant Telephone: 203-993-3122

Miscellaneous Information

Special Exception: Article Section Yes No
Site Plan Approval: Article Section Yes No
Estimated Cost of Construction:
Variance Granted: Date Granted:

Signatures/Authorization

Application for Zoning Permit approval as described herein is hereby made. The Oxford Planning & Zoning Commission and its technical staff are authorized to enter the property for the purpose of evaluating this application.

Permit Void If: a) Work or activity not commenced within 1 year of the date of issuance or b) Authorized construction not completed within 2 years of the date of issuance.

This permit, if issued, is based upon the plot plan submitted. Falsification, by misrepresentation or omission, or failure to comply with the conditions of approval of this permit constitute a violation of the Oxford Zoning Regulations.

Purpose

- New Home
Addition
Garage
Cottage Business
Swimming Pool IG AG
Sign
Shed
Barn
Change of Use
Excavating/Filling
Trailer
Other

Use

- Single-Family Residence
Multi-Family Residence
Commercial
Industrial
Residential/POD
Other

Required Approvals and Dates

- Inland Wetlands
P.D.D.H.
Fire Marshal
Z.B.A.
W.P.C.A.
Floodplain
Copy of Deed
Driveway
Erosion Control Plan
Plot Plan \*
Other

Town Fee
State Fee
Total Fee

Signature of Paul Ritcher
Property Owner or Agent

Date

\*Draw plot plan of proposed construction and attach. Plan must show property boundaries and dimensions; location of proposed buildings on property with respect to boundaries; location of existing buildings on property; outside dimensions of all buildings proposed or now existing; location of water supply; location of sewage system. All copies must have a complete sketch. Construction and use must be exactly as described in this application. If later changes from this plan are desired prior approval of an amended application is necessary.

Denied Approved By: Signature Date: 10/5/20
Title:
Reason for Denial

ZPA-1
(Adopted 5/15/97)



TOWN OF OXFORD  
 S.B. Church Memorial Town Hall  
 486 Oxford Road, Oxford, Connecticut 06478-1298  
 www.Oxford-CT.gov

Planning and Zoning Commission

Application #: Z-20-053  
 Date: 10/5/2020

**STATEMENT OF USE**

Article 11, Section 2

Property Address: 101 Oxford Rd Zone: Comm Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Name and Address of Owner: PAUL RICHER 101 OXFORD RD OXFORD CT.

Name and Address of Applicant: JEWEL DELMARO 296 SEYMOUR RD.

Name of Proposed Business: ~~SPR~~ NEW AGE SPIRITUAL HEALING

Total Square Footage: \_\_\_\_\_

Hours of Operation: MONDAY - SATURDAY  
9:00 AM - 10:00 PM SUNDAY  
9:00 AM - 9:00 PM

Number of Employees: 1 - ONE

List Hazardous and/or Chemicals Material on site: \_\_\_\_\_

Provide Approval from: PDDH \_\_\_\_\_ Fire Marshal \_\_\_\_\_ Other \_\_\_\_\_

SPIRITUAL READING, CHAKRA READINGS,  
LOVE & LIFE COUNSELING, COUNSELING MATTERS OF ALL LIFE  
TAROT CARD READINGS, CRYSTAL READINGS

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

I understand that if any of the above statements are false, I may be subject to fines and/or penalties.

Jewel Delmaro  
 Applicant's Signature

10/5/2020  
 Date

# CONNECTICUT COMMERCIAL LEASE AGREEMENT

**I. The Parties.** This Commercial Lease Agreement ("Agreement") made this September 28, 2020 by and between:

**Landlord.** 101 Oxford Road, LLC [Landlord's Name], of 2465 Black Rock Tpke., Fairfield, CT 06825, ("Landlord")

AND

**Tenant.** Psychic of Oxford, Jewels Delmaro aka Jewels Costello and Nicholas Costello, of 296 Seymour Road, Woodbridge, CT 06525, ("Tenant"). Collectively, the Landlord and Tenant shall be referred to herein as the "Parties".

The Parties agree as follows:

**II. DESCRIPTION OF LEASED PREMISES.** The Landlord agrees to lease to the Tenant the following described 1452 +/- square feet (SF) of office space located at 101 Oxford Road, Oxford, CT.

Additional Description: First Floor

Hereinafter known as the "Premises".

**III. USE OF LEASED PREMISES.** The Landlord is leasing the Premises to the Tenant and the Tenant is hereby agreeing to lease the Premises for the following use and purpose: tarot reading office

Any change in use or purpose the Premises other than as described above shall be upon prior written consent of Landlord only.

**IV. TERM OF LEASE.** The term of this Lease shall be for a period of one year commencing on the first day of October 2020 and expiring at Midnight on the 30<sup>th</sup> day of September 2021 ("Initial Term"). However, either Party may terminate this Lease by providing 30-days written notice to the other Party with email being an acceptable form of notice delivery.

**V. BASE RENT.** The net monthly payment shall be one thousand two hundred fifty dollars (\$1,250) payable monthly with the first payment due on November 1, 2020 and each monthly installment payable thereafter on the first day of each month ("Base Rent"). Rent payment for any period during the term hereon, which is for less than 1 month shall be a pro-rata portion of the monthly rent.

**VI. EXPENSES.** It is the intention of the Parties that this Lease shall be considered a "Modified Gross Lease".

In addition to the Base Rent, the Tenant shall be obligated to pay the following expenses:

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



**APPLICANT ACKNOWLEDGEMENT FORM (AAF)**

I, Jewel Demaro, have read and reviewed the Oxford Planning and Zoning regulations relevant to Application # \_\_\_\_\_, including, but not limited to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant acknowledges that failure to comply with Oxford Planning and Zoning regulations may lead to delays, additional fees, and/or other penalties related to the application. Applicant acknowledges receiving a copy of completed Form AAF.

**BEFORE SIGNING, APPLICANTS PLEASE NOTE:**

- i. if an individual, that the signer is the applicant; or
- ii. if an entity (e.g. corporation, llc, partnership, trust, association) that he or she is legally authorized to sign on behalf

Applicant Name (please print)

Applicant Signature

Jewel Demaro

\_\_\_\_\_

Date: 10/5/20

Witness Name

Witness Signature

STEVEN MACALEY

Steven Macaley

Date: \_\_\_\_\_



# Office of the First Selectman

## MEMORANDUM

RECEIVED  
10/8/20

DATE: October 8, 2020

TO: Planning & Zoning Commission

Cc: Attorney Kevin Condon, town Counsel

RE: CGS 8-24 Referral for Purchase and Sale Agreement between the Cornerstone Assembly of God and the Town of Oxford

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At the Board of Selectmen's meeting of 10/7/20 the Board moved to approve the Purchase and Sale Agreement between the Cornerstone Assembly of God and the Town of Oxford, as presented and as reviewed and approved by Town Counsel. This matter has been forwarded to a Town Meeting with a date to be determined.

Please add this matter to your next Planning & Zoning Commission meeting for a CGS 8-24 Referral. A copy of the map is attached to this correspondence. Once complete, please submit your referral action to this office.

Thank you for your prompt attention to this matter.

/kmw

**LEGEND**

-  PROPERTY LINE
-  PROPOSED LOT LINE (LOT LINE REVISION)
-  AREA TO BE DEEDED TO TOWN OF OXFORD
-  AREA TO BE DEEDED TO CORNERSTONE CHURCH

N/F  
TOWN OF OXFORD  
V.218-P.887 2nd PIECE  
MAP 11-29  
1,279,005 SQ.FT  
29.362 ACRES

MAP BLOCK LOT  
18 OF 25  
TOTAL PIECE  
TOTAL AREA =  
29.36 ACRES

N/F  
THE TOWN OF OXFORD  
PARCEL ID: 19-28-10

MAP BLOCK LOT  
18 OF 25  
TOTAL PIECE  
TOTAL AREA =  
29.36 ACRES

645,495 SF  
14.81 ACRES  
TO BE DEEDED TO  
TOWN OF OXFORD

N/F  
EDWARD VAIVODA &  
SHIRLEY VAIVODA

MAP BLOCK LOT  
18 OF 25  
TOTAL AREA =  
315.4 ACRES

N/F  
BRUCE SMITH  
PARCEL ID: 19-28-13A

N/F  
CORNERSTONE ASSEMBLY OF  
GOD, INC.

MAP BLOCK LOT  
19 OF 28  
TOTAL AREA =  
335 ACRES

N/F  
PATRICIA KEDENBURG &  
PATRICIA PETRONIS  
PARCEL ID: 19-28-C1

338,441 SF  
7.77 ACRES  
TO BE DEEDED TO  
CORNERSTONE CHURCH



NO.	REVISION	DATE



CORNERSTONE ASSEMBLY OF GOD  
656 OXFORD ROAD  
OXFORD, CT

SCHEMATIC LOT LINE REVISION

656 OXFORD ROAD

**Civil**  
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DATE: 24 SEP 20  
SCALE: 3/32"  
DRAWN BY: JMD  
CHECKED BY: JMD  
PROJECT NO.: 19-28-10  
SHEET NO.: 11  
LL - 1.1