



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

Planning & Zoning Commission
Regular Meeting Agenda
Tuesday, January 19, 2021
7:30 PM - Online/Virtual Meeting

The Planning & Zoning Commission will meet remotely on **Tuesday, January 19, 2021, 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:

Join Zoom Meeting:

<https://us02web.zoom.us/j/86184641484?pwd=Z1hCcU1BWxc0ckRiT1BEV1BPS2M1QT09>

Meeting ID: 829 3584 3658

Passcode: 6yrtBB

Connect by Phone: +1 646 558 8656

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 Hearings- NONE

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. Memorandum from the Board of Selectmen
Re: Capital Improvement Plan

D. Old Business – Matters on which a Public Hearing was held – NONE

E. Old Business – Other Matters – NONE

F. New Business – Schedule a Public Hearing – NONE

G. New Business

H. Zoning Enforcement

I. Minutes

- 1. 1/5/21 - Regular Meeting Minutes

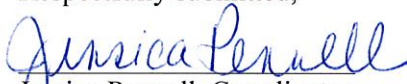
J. Invoices – NONE

K. Other Business

- a. Any other business the Commission deems necessary for discussion.
- b. Moose Hill Estates Requests – Discussion with possible action.
- c. Riverview Subdivision – Request from Horbal & Judson – Referred to Attorney Kevin McSherry

L. Adjournment

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

21 JAN 15 AM 10:07
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK



RECEIVED
1/11/20

Office of the First Selectman

MEMORANDUM

DATE: January 6, 2021
TO: All Departments
RE: Capital Improvement Plan

As in accordance with section 3-4 of the Town Charter, the Capital Plan Town Meeting is annually scheduled for the second Monday of March. However, as we are still currently in the global pandemic of COVID-19, an in-person meeting will not be held.

The Board of Selectmen kindly request that each department submit its Capital Improvement Plan expenditure requests to the Selectmen's Office by February 1, 2021. This information is necessary in order for the Board to act on this matter at their regular meeting on February 3, 2021. In accordance with Governor Lamont's Executive Order No. 7JJ, Paragraph 4, the Board of Selectmen is authorized to approve the Capital Plan in lieu of holding a town meeting.

Each Capital Improvement Plan shall include the ensuing fiscal year and the four (4) fiscal years thereafter and any of the following that apply:

- Present condition/status of your department's capital assets
- Projected development, expansion or construction of buildings, roads, parks, bridges, waterlines, sewers, etc. along with their estimated costs
- Major equipment and vehicle requirements of your department

Please feel free to contact this office should you have any questions. Thank you.

/kmw



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

Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, January 5, 2021
7:30 PM - Online/Virtual Meeting

The Planning & Zoning Commission will meet remotely on **Tuesday, January 5, 2021, at 7:30 PM.**

Zoom Meeting:

<https://us02web.zoom.us/j/82935843658?pwd=a0ZnZml1UWU1NEs4TVN6ZmJhL2RQZz09>

Meeting ID: 829 3584 3658

Passcode: 932650

Connect by Phone: 1-646-558-8656

I. CALL TO ORDER

Chairman Dave Sauter called the meeting to order at 7:31 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Mary LoPresti, Joshua Dykstra, John Kerwin, Dave Sauter, Pete Zbras, Jesse Schremmer, Pat Cocchiarella,
Dan Wall, and Brett Olbrys.

Also Present: Steven S. Macary, ZEO, Jessica Pennell, Coordinator, and Attorney Kevin McSherry.

IV. SEATING OF ALTERNATES

No alternates were seated.

V. PUBLIC HEARINGS

A. Recessed Public Hearings – NONE

B. New Public Hearings- NONE

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)

Thomas Beard, owner 13, 21, and 23 Nichols Road, stated that Bob and Steva Werden, the owners of New England Septic, located at 110 Hawley Road have expanded their use with no permit. He stated that New England Septic stores 10,000 gallons of raw sewage, bacteria, and disease. He noted that we are in the middle of a pandemic, and state law says that these trucks must be empty or have a recovery tank to match the capacity at which those trucks can store when they are stored on the premises. He commented that it does not have this, and questioned where the disease will go if they leak because each one of the trucks has a five-gallon bucket hanging off the back. He stated that he has pictures and video to submit to the Commission.

He stated that the trucks must be parked in a containment area, and New England Septic does not have a containment area, and New England Septic has three trucks that transfer sewage from truck to truck on a daily basis. He stated that they are operating a raw sewage transfer station without a permit. He noted that they have a public health license and they know they aren't supposed to do these any of these things.

He went on to say that New England Septic stores and transfers 10,000 gallons of coronavirus and disease on a daily basis. He stated that state law also says you cannot wash these sewage trucks on your property without having a containment area to recover the wastewater, and dispose of it at a sewage treatment plant. He stated that this has been happening for the nine years that he has been here. He stated that New England Septic lets it run all over the ground, he noted that he has videos of the hoses with the sewage coming out.

He stated that New England Septic is a major public health risk to everyone in the neighborhood. He explained that the water runs down over Nichols Road, across his property at 13 Nichols Road, down through the wetlands and into the stream (videos and pictures). He observed Steva Werden with a shovel in her hand digging a trench because the low side of her property is adjacent to Nichols Road. He noted that there is a piece of property between their property and Nichols Road and there is a house that they do not own. He stated that she shovels the trench so the water will not drain out.

Chairman Dave Sauter asked Mr. Beard if this has been filed as a formal complaint with the ZEO.

Tom Beard explained that he has filed numerous complaints over the years, and was told by the ZEO that his hands were tied by the former Planning & Zoning Chairman.

Chairman Dave Sauter stated that he cannot speak to any prior history, but suggested that Mr. Beard put his documentation in writing as a formal complaint and submit the complaint and any videos or pictures to the ZEO. He explained that the Commission will review the complaint and materials and decide, with the help of the Attorney McSherry, which items fall under the purview of the Planning & Zoning Commission. He reiterated that for the Commission to take any action, they will need it in writing and presented to the ZEO.

Mr. Beard stated that the ZEO has several complaints in writing from him already, which is why he brought these concerns to the Commission. He noted that this is just the beginning of several other things that New England Septic and Bob & Steva Werden are not in compliance.

Chairman Dave Sauter stated that some allegations have been made, and if there are other concerns, he suggested separating those so they could be handled individually. He also suggested documenting everything issue by issue so the Commission can take a closer look at it, and decide if they are able to do anything after investigation and consulting with Counsel.

Attorney McSherry commented that if Mr. Beard does submit the items, he along with the Commission can direct him to the proper enforcement agency because some of the items may not be under the Commission's authority.

C. Correspondence - NONE

D. Old Business – Matters on which a Public Hearing was held – NONE

E. Old Business – Other Matters – NONE

F. New Business – Schedule a Public Hearing – NONE

G. New Business

1. **Z-20-368 [IND] – 353 Christian Street – Owner: Mark Sippin, 234 Main Street, Monroe, CT – Applicant: Chris Bardugone, dba “BDG Enterprise, LLC, 4 Woods Way, Woodbury, CT (Change of Use Permit)**

Chris Bardugone, 4 Woods Way, Woodbury was present to answer questions regarding his application. He explained that he does E-commerce, and wholesale distribution of items related to hunting. He also stated that he warehouses and sells live ammunition.

Commissioners asked questions regarding safety precautions, security, and licensing.

Chris Bardugone stated that all safety and security measures are in place and that you do not need a license to sell ammunition.

Vice-Chairman John Kerwin asked if the applicant would agree to the condition that there would be no retail sales.

Chris Bardugone stated that he agrees to that condition.

MOTION BY Commissioner Brett Olbrys to approve application **Z-20-368** with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use dated 12/20/20.
3. Compliance with the Fire Marshal’s approval dated 12/21/20.
4. Compliance with the Oxford Zoning Regulations as of this date.
5. Per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.

Second by Commission Secretary Pat Cocchiarella for discussion:

Commission Secretary Pat Cocchiarella added the condition, “retail sales are prohibited”.

Commissioner Brett Olbrys accepted the amendment to the motion.

Commission Secretary Pat Cocchiarella seconded the amended motion.

All Ayes.

Motion passed unanimously.

H. Zoning Enforcement

Steve Macary, ZEO discussed briefly, **H.I. Stone on Willenbrock Road**. He explained that the company has brought extra equipment onto their site. He stated that he has to review the previous approval, and will report to the Commission at the next meeting.

Vice-Chairman John Kerwin questioned the progress on **Old Good Hill Road**, referring to the previously discussed woodcutting operation. He asked if Steve has visited the property.

Steve Macary, ZEO stated that he has visited the property, and it is about 90% clean. He also mentioned that the owner emailed him some state statutes on farming.

Vice-Chairman John Kerwin stated that he has seen people bringing wood onto the property, and he has a picture. He also stated that he would like to see the documentation and/or pictures because it looks like he is actively working on the property. He noted that he may be allowed to farm, but he thought that the Commission had discussed that the owner would clear out whatever timber was on the property, and would not be importing any more logs. He stated that he has a picture of a truck pulling in with a load of logs, and that he doesn't think that the owner is abiding by what he had previously told the Commission. He requested that Steve go out to the property and take pictures, and start documenting what is on the property and what has been removed.

Commissioner Pete Zbras commented on **316 Riggs Street**. He noted that he had sent a photo of them towing more trucks to the property. He stated that they are bringing the trucks onto the property again.

Steve Macary, ZEO stated that there were about 60 vehicles there, and now there is under 15. He stated that the owner told him that his business closed, he is getting the trucks there, and then getting rid of them slowly. He also stated that the owner bought a place in Stratford and he is going to be moving the trucks to that location. He mentioned that was about a month ago, and he does not have anything in writing.

I. Minutes

1. **MOTION BY Commission Secretary Pat Cocchiarella** to approve the 12/1/20 - Regular Meeting Minutes as presented.
Second by Commissioner Pete Zbras.
All Ayes.
Motion passed unanimously.
2. **MOTION BY Commission Secretary Pat Cocchiarella** to approve the 12/15/20 – Regular Meeting Minutes as presented.
Second by Commissioner Pete Zbras.
All Ayes.
Motion passed unanimously.

J. Invoices – NONE

K. Other Business

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

Chairman Dave Sauter informed the Commission that the 12/15/20 action of the Commission taken on TPB Contractors has been appealed by Robert and Steva Werden, the owners of New England Septic. He informed the Commission that he has referred this to Attorney Kevin McSherry.

b. Riverview Subdivision – Request from Horbal & Judson – Possible Update

Chairman Dave Sauter stated that he has decided to involve Attorney McSherry in the review and resolution of this request.

Attorney Kevin McSherry stated that he reviewed this item briefly and found a CT Supreme Court case, Cady vs. the Town of Burlington ZBA. He explained to the Commission that many of their concerns may be addressed with a Lot Line Revision, as long as there is not a creation of a non-conforming lot. He stated that the lot line revision would be filed on the land records as a single lot, with any conditions cited on the map.

Vice-Chairman John Kerwin questioned if that would prohibit them from trying to redevelop that section.

Attorney McSherry replied that they could make a condition that there would be no further division of the parcel allowed.

Vice-Chairman John Kerwin also noted that for the use of the driveway they would only have a right of way, therefore, they would need to get a variance.

Attorney McSherry agreed that they would need to get a variance of the regulations.

L. Adjournment

MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 8:03 PM.

Second by Commissioner Dan Wall.

All Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

21 JAN 15 AM 10:07
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK

SECOR, CASSIDY & MCPARTLAND, P.C.

ATTORNEYS AT LAW

GAIL E. MCTAGGART
THOMAS G. PARISOT
PATRICK W. FINN
DAVID J. BOZZUTO
JAMES R. STRUB
TARA L. SHAW
CONNOR P. MCNAMARA
AMY B. SMITH
WILLIAM F. BREG
ANNE MURDICA

41 Church Street
P.O. Box 2818
Waterbury, CT 06723-2818
Phone (203) 757-9261
Fax (203) 756-5762
www.ctlawyers.com

Southbury Office:
555 Heritage Road, Suite 105
P.O. Box 304
Southbury, CT 06488
(203) 264-8223
Fax (203) 264-6730

**Also Admitted in New York

Of Counsel
DONALD MCPARTLAND

Tax Counsel

JOHN J. PALMERI, CPA, JD, LL.M.^{†**}
[†] Taxation

December 2, 2020

RECEIVED
12/3/20
via email.

Oxford Board of Selectmen
486 Oxford Road
Oxford, CT 06478
Via E-Mail: firstselectman@oxford-ct.gov

Oxford Planning and Zoning Commission
486 Oxford Road
Oxford, CT 06478
Via E-mail: pandz@oxford-ct.gov

Re: Request for Dissolution/Confirmation of Expiration of Moose Hill Estates Subdivision;
SCM File 200052 **Request for the Matter to be Placed on Agendas**

Dear Selectmen and Commissioners:

Please be advised that our firm represents C and M Homes, Inc (also C & M Homes, Inc.) the developer and owner of Moose Hill Estates 7-lot Subdivision on property known as 47 Moose Hill Road; this subdivision was approved by the Oxford Planning and Zoning Commission ("P & Z") December 6, 2007 (Application Z07-192) and is set out on the record map, "SUBDIVISION PLAN MOOSE HILL ESTATE PREPARED FOR C & M HOMES, 97 MOOSE HILL ROAD, OXFORD, CT AUGUST 13, 2007" REVISED TO NOVEMBER 14, 2008 SCALE 1" = 60', SHEET 1 OF 1, PREPARED BY DYMAR, Southbury, Connecticut, recorded at Vol. 35 page 89 of the Oxford Land Records ("MAP"). This Subdivision expired December 6, 2017. (It was not extended- see attached related correspondence).

The subdivision was planned to have Roslyn Lane constructed and accepted by the Town as a Town Road. To date, no lots were ever sold, no construction or other subdivision work has ever taken place, this subdivision is expired, and Neal Maison the owner of C and M Homes, Inc. (also C & M Homes, Inc.¹) desires to terminate, all the subdivision Lots (1-7), returning the property to a single parcel. This will eliminate the need to construct Roslyn Lane (deeded to the Town by Warranty Deed from C & M Homes to the Town of Oxford dated and recorded August 12, 2008 at Vol 340 Page 547 of the Oxford Land Records) and related road construction and drainage features. Specifically, without any work conducted or lot sales, the subdivision has

¹ C and M Homes, Inc. registered in Connecticut and C & M Homes, Inc. registered in New York, are both Neal Maison's companies. Both names were used in the subdivision.

expired based on Conn. Gen. Stat. Section 8-26c(e) which provides for expiration of subdivision approval prior to July 1, 2011 to expire 9 years after the date of such approval which possibility for extension for additional years for total of 14 years. The subdivision would thus have expired December 6, 2016 if not further extended to complete all or part of the work. There has been no such extension request. Thus, the record map may be endorsed as expired and a new perimeter map filed extinguishing the subdivision lots and road.

To this end, attached is a Quit claim and Release from the Town, authorizing the deed back to C & M Homes, Inc, also C and Homes, Inc of the Roslyn Lane road property and the release of the related subdivision road and drainage easements in favor of the Town of Oxford. The above should allow for the complete unconditional release of the \$572,000.00 Letter of Credit issued by Naugatuck Savings Bank (now known as Ion Bank) in favor of the Town of Oxford for the improvements associated with the construction of Roslyn Lane and related subdivision improvements.

Please have the Town Attorney Kevin Condon, and the Town Engineer approve the release of the Letter of Credit, attached is a notice to Ion Bank authorizing the release of the Letter of Credit.

Enclosed please find a revised map entitled "Compilation Plan Map showing Dissolution of Subdivision Moose Hill Estates Prepared For C & M Homes, Inc 97 Moose Hill Road, Roslyn lane, Oxford, Connecticut" December 2019, SCALE 1" = 60', Prepared by Roy V. Cheney, LLC, Bethlehem, Connecticut showing elimination of lots 1-7 to create a single parcel ("Cheney Map"). I believe review and affirmative action by the Planning and Zoning Commission is required to record this revised map. I am hopeful that this can occur at the next regularly scheduled Planning and Zoning Commission (the "Commission") meeting.

At the upcoming Planning and Zoning Commission meeting it is our request that the following actions either be taken or recommended by the Commission:

1. Approval for recording of the revised Cheney Map (all former lots and road areas will be merged into and restored as an undivided single parcel).

2. Approval of the recording of Easement Releases as follows:

a. Release of Drainage Easement by C and M Homes, Inc also C & M Homes, Inc. as Owner of Lot #5 on a certain map entitled "SUBDIVISION PLAN MOOSE HILL ESTATE PREPARED FOR C & M HOMES, 97 MOOSE HILL ROAD, OXFORD, CT AUGUST 13, 2007" REVISED TO NOVEMBER 14, 2008 SCALE 1" = 60', SHEET 1 OF 1, PREPARED BY DYMAR, Southbury, Connecticut, recorded at Vol. 35 page 89 of the Oxford Land Records ("MAP"), releasing the right to drain water from Lot #5 over Lot #6 designated on said Map as "25' DRAINAGE EASEMENT see Note 12" as well as the right to construct and maintain a storm water detention basin which easement released is dated and recorded August 12, 2008 in Volume 340 at Page 548 of the Oxford Land Records, and also releasing a similar grant of a Drainage Easement from C and M Homes, Inc. to C & M Homes, Inc. dated August 20, 2008 and record August 27, 2008 in Volume 340 at Page 1087 of the Oxford Land Records.

b. Release of Drainage Easement by C and M Homes, Inc, also C & M Homes, Inc releasing the drainage easement in favor of Lots 1 through 6 to drain over an area of Lot #7 on said Map and

designated as "EASEMENT AREA TO LOTS 1 THROUGH 6 ... (33,277 S.F.; 0.764 AC)" with right to construct and maintain storm water detention basin and related structures which easement was dated and recorded August 12, 2008 in Volume 340 at Page 549 of the Oxford Land Records, and also releasing a similar Drainage Easement from C and M Homes, Inc. to C & M Homes, Inc. on Lot 7 on said Map with release of right to construct and maintain storm water detention basin and related structures which easement is dated August 20, 2008 and recorded August 27, 2008 in Volume 340 at Page 1085 of the Oxford Land Records.

3. A recommendation by the Planning & Zoning Commission to the Board of Selectmen to schedule a Town Meeting, as appropriate, to approve the granting of the following a quit claim deed to the proposed road property and unconditional releases of related subdivision easements as follows:

1. Quitclaim by Town of Oxford to C & M Homes Inc., of Roslyn Lane and all related rights and easement and extinguishing any right to create said road as described in a Warranty deed to the Town of Oxford and as shown on a certain map entitled "SUBDIVISION PLAN MOOSE HILL ESTATE PREPARED FOR C & M HOMES, 97 MOOSE HILL ROAD, OXFORD, CT AUGUST 13, 2007" REVISED TO NOVEMBER 14, 2008 SCALE 1" = 60', SHEET 1 OF 1, PREPARED BY DYMAR, Southbury, Connecticut, recorded at Vol. 35 page 89 of the Oxford Land Records ("MAP"). See draft Quit Claim attached.

2. Attached Release by Town of Oxford and C and M Homes, Inc also C & M Homes, Inc of "Detention Basin Maintenance Agreement and Access Easement to Detention Basin" ("Agreement and Easement") releasing easement for construction and maintenance of detention basin located on Lot 7 as shown on a certain map entitled "SUBDIVISION PLAN MOOSE HILL ESTATE PREPARED FOR C & M HOMES, 97 MOOSE HILL ROAD, OXFORD, CT AUGUST 13, 2007" REVISED TO NOVEMBER 14, 2008 SCALE 1" = 60', SHEET 1 OF 1, PREPARED BY DYMAR, Southbury, Connecticut, recorded at Vol. 35 page 89 of the Oxford Land Records ("MAP"), which Agreement and Easement is dated and recorded August 12, 2008 in Volume 340 at Page 550 of the Oxford Land Records, and also releasing a similar Easement and Agreement dated August 20, 2008 and recorded August 27, 2008 in Volume 340 at Page 1088 of the Oxford Land Records.

3. Release by Town of Oxford of Fire Suppression and Fire Tank Easement originally granted from C & M Homes, Inc. in favor of the Town of Oxford and shown on said Map as "Easement to Town of Oxford for Fire Tank Easement" which easement is dated and recorded August 12, 2008 in Volume 340 at Page 552 of the Oxford Land Records, and also releasing the grant of a similar Fire Suppression and Fire Tank dated August 20, 2008 and recorded August 27, 2008 in Volume 340 at Page 1092 of the Oxford Land Records.

4. Release by Town of Oxford of "TEMPORARY TURNAROUND EASEMENT" in favor of the Town of Oxford over Lots 3 and 4 as shown on said Map which easement was dated and recorded August 12, 2008 in Volume 340 at Page 554 of the Oxford Land Records, and releasing a similar "TEMPORARY TURNAROUND EASEMENT" dated August 20, 2008 and recorded August 27, 2008 in Volume 340 at Page 1090 of the Oxford Land Records.

5. Release by the Town of Oxford of a "Slope Easement" over Lots 1 and 3 as shown on said Map which easement was dated and recorded August 12, 2008 in Volume 340 at Page 555 of the Oxford Land Records, and releasing a similar Slope Easement dated August 20, 2008 and recorded August 27, 2008 in Volume 340 at Page 1086 of the Oxford Land Records.

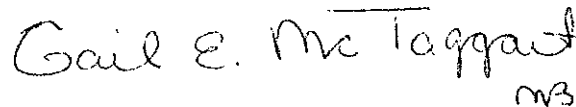
6. Release by Town of Oxford of Slope Easement over Lot 7 as shown on said Map for right to slope by cutting or filling which easement dated and recorded August 12, 2008 in Volume 340 at Page 556 of the Oxford Land Records, and releasing similar Slope Easement for right to slope by cutting or filling in favor of the Town of Oxford which easement was dated August 20, 2008 and recorded August 27, 2008 in Volume 340 at Page 1091 of the Oxford Land Records.

Attached is a proposed Release by the Town of Oxford for items 2 through 6 above.

Please schedule the related meetings to effect this termination and related releases and quit claim.

Thank you.

Sincerely,

Handwritten signature of Gail E. McTaggart in black ink. The signature is written in a cursive style and includes the initials "m3" at the bottom right.

Gail E. McTaggart
Secor, Cassidy & McPartland, P.C.

GEM/mab

Enc.

cc: Attorney Kevin Condon
(via e-mail: kwcondon@comcast.net)