TOWN OF OXFORD
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Planning & Zoning Commission

Regular Meeting Agenda
Tuesday, April 5, 2016
7:30 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Arnie Jensen called the meeting to order at 7:32 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Tanya Carver, John Kerwin, Pete Zbras, Glen Persson, Arnie Jensen, and Pat Cocchiarella.
Harold Cosgrove arrived at 7:55 PM.
Not Present: Jeff Luff, Todd Romagna and Bob Costigan.
Staff Present: Steven S. Macary, ZEO, Jessica Pennell, Administrative Secretary, Attorney Eugene Micci and Attorney Kevin Condon.

EXECUTIVE SESSION

1. **Discussion regarding litigation with Garden Homes Management Corporation.**

MOTION by Alternate Commissioner Tanya Carver to enter into Executive Session at 7:33 PM to discuss litigation with Garden Homes Management. **Second by Commission Secretary Pat Cocchiarella. VOTE**: All Ayes.

The following people were invited into Executive Session; Attorney Eugene Micci, Attorney Kevin Condon, all Commission members and staff present.

MOTION by Commission Secretary Pat Cocchiarella to come out of Executive Session at 7:45 PM. **Second by Alternate Commissioner Tanya Carver. VOTE: All Ayes.**

CHAIRMAN'S REPORT – NONE

SEATING OF ALTERNATES

Chairman Arnie Jensen seated Alternate Commissioner Tanya Carver, Alternate Commissioner John Kerwin and Alternate Commissioner Pete Zbras.

AMENDMENTS TO THE AGENDA

AMENDMENT #1:

MOTION by Commission Secretary Pat Cocchiarella to amend the agenda to add 16 North Larkey Road, Larkey Land Investors, LLC – Commission discussion with possible action as New Business #2. **Second by Commission Alternate Tanya Carver. VOTE: All Ayes.**

AMENDMENT #2:

MOTION by Commission Secretary Pat Cocchiarella to amend the agenda to add Turner Miller Group Invoices #5281 and #5283 as #2 under Invoices. **Second by Alternate Commissioner Tanya Carver. VOTE: All Ayes.**

AUDIENCE OF CITIZENS

CORRESPONDENCE

Commission Secretary Pat Cocchiarella read correspondence from Robert Clark regarding CPV, Towantic Energy. He noted that the previous letter from Mr. Clark was noted in the March 15th minutes.

OLD BUSINESS

1. **Canterbury Estates** – Authorize Chairman and Secretary to sign Mylar.

MOTION by Alternate Commissioner Tanya Carver to authorize the Chairman Arnie Jensen and Commission Secretary Pat Cocchiarella to sign the Mylar for "Canterbury Estates", Christian Street, Oxford Connecticut prepared for Glendale at Oxford, LLC, dated December 7, 2015. **Second by Alternate Commissioner Pete Zbras. VOTE: All Ayes.**

NEW BUSINESS

1. **Z-16-013 – 2 Fox Hollow Road – Owner: CNK Investments, LLC Applicnt: Green Earth Energy c/o Jeff Weber** (Site Plan - Installation of Solar Panels)

MOTION by Commission Secretary Pat Cocchiarella to approve application **Z-16-013, 2 Fox Hollow Road, Owner: CNK Investments, LLC – Applicant: Green Earth Energy (Site Plan Modification – Installation of Solar Panels) based on a map dated 4/7/2011, last revision 4/24/12, prepared for CNK Investments, LLC, Lot 8R, Fox Hollow Industrial Park** with all applicable standard conditions. **Second by Alernate Commissioner Pete Zbras. VOTE: Ayes (6), Absention (1 – Harold Cosgrove).**

2. **16 North Larkey Road, Larkey Land Investors, LLC**

Discussion ensued between Commission members and Steven S. Macary, ZEO.

Alternate Commissioner John Kerwin stated that there is no application before the Commission, they have complaints in front of them and they should be processed as complaints through the proper procedure and investigated by the ZEO.

Kevin Condon, Town Counsel stated that he was just made aware of these complaints, and did speak to Attorney Teodosio. He noted that this is a Zoning Enforcement issue that should be handled by Steven S. Macary, ZEO and bring his findings to the Commission so that it could be adequately discussed and understood.

Steven S. Macary, ZEO asked the Commission if those that are present to speak on this item could be allowed to speak.

Attorney Fran Teodosio stated that he was asked to be here tonight, and requested that he be able to speak under the Audience of Citizens.

MOTION by Alternate Commissioner John Kerwin to table this item until it has been investigated by Steven S. Macary, ZEO. **Second by Alternate Commissioner Tanya Carver. VOTE: All Ayes.**

MOTION by Alternate Commissioner John Kerwin to reopen the Public Comment portion of the meeting. **Second by Alternate Commissioner Tanya Carver. VOTE: All Ayes.**

Francis Teodosio, Attorney for Sue Kasmin, 14 North Larkey Road here to express a complaint regarding 16 North Larkey Road. He stated that over the past week there has been an operation at 16 North Larkey Road which is essentially the processing of asphalt in two (2) portable containers and the activity was occurring as early as 4:00 AM one day. He commented that as he sees the approvals for 16 North Larkey Road, that kind of use, right now is not authorized. He stated that on behalf of his client he is asking that the Commission direct Steven S. Macary, ZEO to investigate. He stated that he does have a written complaint on the zoning complaint form which was mailed to him this morning. He stated that in addition to that violation of the regulations as he sees it, this is actually a process with no special exception asked for, no change as far as new use asked for and it is one of the most egregious uses to have, even in an industrial site. He stated that the processing of asphalt is noted as one of the more egregious uses, but with regard to the current use, specifically what the Commission approved as Z-15-148, the owner of 16 North Larkey Road is not in compliance with your site plan approval with regard to buffers around the property. Whether that property that is designated as the "strip" is considered to be parking or it is considered to be storage and he would like to submit to them that it is considered to be parking, the Commission has not approved that because your approval of Z-15-148 back in November or December of 2015 had to do with the use and when you go back to the original application in 2009 it shows no storage or parking on that strip. He commented that since he is on that "strip" they have pictures of the strip which he can show the Commission if they want, otherwise he will give them to the ZEO. He stated that because this is also a complaint, that there is substantial work being done on this strip that is elevating it higher and higher. He commented that he is not sure why, but that there is enough process and material there to turn it into a roadway, which there is no authorization for; also he mentioned in the beginning that the operation occurred as early as 4:00 AM on day last week. He commented that he understands that it is an industrial zone and activity can occur in an industrial zone 24/7, however; you have a noise ordinance in Town that was passed by the Board of Selectmen that causes the ZEO to be the enforcing entity but it limits the times that noise can be made to daytime and nighttime hours. He stated that at 4:00 AM, running those asphalt operations, with the emissions and the banging of the backs of the trailers is not something that complies with the noise ordinance. He also commented that with regard to that noise ordinance the Commission is not the board that anybody can appeal to an exemption to, it has to go to the First Selectman by the text of your own ordinance.

Chairman Arnie Jensen directed Attorney Teodosio to give the written complaint to the ZEO and they will have him investigate.

Attorney Teodosio stated for the record that he is not going to submit tonight, but he was told that the matter was being heard tonight.

Anthony Russo, owner Larkey Land Investor's, LLC stated that with the matter of this confusion he would like to hold off until the next meeting so they can address all of their complaints properly in writing with their counsel.

Chairman Arnie Jensen asked Steven S. Macary, ZEO to have a report for the next meeting.

Alternate Commissioner John Kerwin stated that Steven S. Macary, ZEO can contact the applicant when they take up the complaints.

Wayne Johnson, 68 Dorman Road stated that with regard to this discussion, a few days ago he was driving up Jack's Hill Road early in the afternoon and there was an extreme thick smell of asphalt at 16 North Larkey Road.

Roberta Wilson, 126 Jack's Hill Road stated that she walked out of her house on Friday morning and there was a horrible, awful smell; she thought it might be the airport, like jet fuel or something. She stated that she wasn't sure what the smell was until Sue Kasmin came to her house today and she was supposed to come here tonight to complain. She is here because she talked to Sue. She commented that it was a horrible, offensive smell and it can't be healthy. She stated that she was here to hear someone from the plant speak about it, but guessed that is not going to happen.

Kathy Johnson, 68 Dorman Road stated that she respects this board and understands wanting to go through the proper motions, but from her vantage point she feels the Commission has thrown a lot at Steve and somebody is not communicating in the Town. She stated that as being part of an executive board she wants to know why this happened and she feels that Steve was dumped on a little bit. She commented that she doesn't know how this lack of communication happened but there are parties in this room that expected to have their day here, whatever side you want to take about this and it didn't happen today and she finds it very disappointing. She commente4d that the other thing is , she knows theat they are talking about a noise ordinance more than anything else and she is wondering if they did a special exception correctly, but commented that if she lived up in that area, and she knows the Town wants industry, but she thought the Town wanted clean industry, she wouldn't want to live with that kind of stench, there are still people living all over there on Jack's Hill Road and there is still maybe one (1) house on North Larkey, but there are still human being living there and she wants this board to facilitate in a way....

Alternate Commissioner Pete Zbras stated that he thought they were taking this up at the next meeting.

Kathy Johnson stated that she is speaking under Audience of Citizens. She stated that she wants to see the board facilitate in a way that they think of everyone at once. She thanked the Commission.

Mitch Flynn, Burns Construction, Stratford, CT stated that he represents the tenant in question. He commented that they own the asphalt recyclers and they are the ones that put them up there. He stated that he very quickly wanted to address the board. He noted that the two (2) machines in question are asphalt recyclers. They are basically big drums that have a heater, just like a furnace in a home, it rotates and the asphalt warms up and it basically breaks back down to loose, soft asphalt that you can put in a paver and put back down. He explained that it is a very green process; it does smell sometimes, especially if the wind is blowing the wrong way. He stated that it smells like asphalt, like someone is tarring the road in front of your house. He commented that they have always been committed to being good neighbors and this is the first he has heard of a complaint about being there at 4:00 AM, with the smell or anything else. He stated that he got a call from their landlord saying that they have to address the zoning board. He commented that he also thought they were going to have a say here today which is why he drove an hour and a half to come here after work. He stated that as they move forward, the point is, they want to work with the town, they are not looking to bully anyone or make enemies of new neighbors. He commented that they like to go where they are wanted and if they are not wanted by someone, they won't go there.

BOND RELEASES

ZONING ENFORCEMENT

1. Commission discussion with ZEO regarding various items, complaints and zoning violations.

   A. 360 Oxford Road – the hole from the old well has been filled in.

   B. **Pete Zbras** – Route 67 across from the liquor store.

      Steven S. Macary, ZEO stated that they are on his radar.

   C. **Commissioner Harold Cosgrove** brought up an abandoned house at the corner of Park Road and Seth Den Road and questioned why it hasn't been taken down.

      Steven S. Macary, ZEO stated he would discuss it with Gordon Gramolini, Building Official.

   D. **Commissioner Harold Cosgrove** mentioned that there are several signs that need to be pulled down off of telephone poles.

      Steven S. Macary, ZEO stated that he would look into getting the signs down.

Steven S. Macary, ZEO stated that he asked Fran Teodosio to be here tonight. He stated that he wasn't planning on discussing the two (2) complaints that came in today at 5:00 PM, but he has been speaking to Fran and Kevin on this and he thought it was unfair that they came tonight but could not be heard.

Alternate Commissioner John Kerwin stated that there is a process to follow.

Steven S. Macary, ZEO stated that he was told that any complaints on this property should be brought before the Commission because of the history.

APPROVAL OF MINUTES

1. **MOTION by Commission Secretary Pat Cocchiarella** to approve the 2/16/16 Public Hearing Minutes as presented. **Second by Alternate Commissioner Tanya Carver. VOTE: All Ayes.**
2. **MOTION by Commission Secretary Pat Cocchiarella** to approve the 2/16/16 Regular Meeting minutes as presented. **Second by Alternate Commissioner John Kerwin. VOTE: All Ayes.**

3. **MOTION by Commission Secretary Pat Cocchiarella** to approve the 3/1/16 Public Hearing Minutes and the 3/1/16 Regular Meeting Minutes as presented. **Second by Alternate Commissioner John Kerwin. VOTE: All Ayes.**

4. **MOTION by Commission Secretary Pat Cocchiarella** to approve the 3/15/16 Regular Meeting Minutes as presented. **Second by Alternate Commissioner Tanya Carver. VOTE: All Ayes.**

INVOICES

1. **MOTION by Commission Secretary Pat Cocchiarella** to forward the Statement dated 3/17/16 from Micci & Korolyshun, P.C. to the Board of Selectmen for payment. **Second by Alternate Commissioner John Kerwin. VOTE: All Ayes.**

2. **MOTION by Alternate Commissioner John Kerwin** to table Invoice #5281. **Second by Alternate Commissioner Tanya Carver. VOTE: All Ayes.**

   Alternate Commissioner Tanya Carver noted for the record Section 3.19.1 of the Oxford Zoning Regulations.

   MOTION by Alternate Commissioner Tanya Carver to approve payment of Invoice #5283. **Second by Alternate Commissioner Pete Zbras. VOTE: All Ayes.**

OTHER BUSINESS

a. Subcommittee Update - Plan of Conservation & Development
b. Subcommittee Update - Policies & Procedures.
c. Any other business the Commission deems necessary for discussion.

ADOURNMENT

MOTION by Commissioner Glen Persson to adjourn the meeting at 8:25 PM. Second by **Alternate Commissioner Tanya Carver. VOTE: All Ayes.**

16 APR 13 PM 4:34
TOWN OF OXFORD, CT
TOWN CLERK

Respectfully submitted,

Jessica Pennell
Administrative Secretary
Planning & Zoning Commission