

OXFORD PLANNING COMMISSION

MINUTES

JANUARY 15, 2008

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairperson, Pamela Baker, on Tuesday, January 15, 2008, at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Theodore Lutkus, Donald Silliman, and Anthony Passarella.

The minutes of the meeting of December 4, 2007 were approved and accepted as distributed.

The following building permits were approved in the town office:

- #07-65 R-2 Marguerite Webster, 103 N. Morris St., replace wooden flooring on front entry porch with tongue and groove wooden flooring; replace two existing wooden steps to front entry porch with brick steps; replace existing wood bannisters with bronze bannisters. Section 10.01.1. To Historic District Commission.

- #07-76 R-2 Comber McHugh, 205 Banks Street, erect black iron, ornamental fence on north side and at back property line. Section 32.12. To Historic District Commission.

- #07-77 R-2 Mr. and Mrs. Gordon Fronk, 104 Division St., add second story to south wing; replace two bathrooms; replace circular stair with straight stair; reside and replace some windows. Section 23.01.1. To Historic District Commission.

- #07-79 RR Mr. and Mrs. Kenneth Joy, 4517 Bachelor Pt. Ct., relocate garage and drive; renovate home; enclose existing first floor open porch on east side and add second story above; renovate existing screen porch and add second story above; relocate and enclose connector from house to garage; renovate and expand first floor open porch on west side; add brick walks. Sections 20.01 and 20.05.

The following building permits were reviewed by the Planning Commission:

#07-49 R-2 Philip Logan and Barbara Paca, 101 W. Strand, request for a swimming pool. Mr. Logan explained to the commission that the request for a swimming pool was for his child who has cerebral palsy and that the pool would work as part of his son's therapy. He noted that there would be a fence around the pool that would be 4' in height and that it would have a pool gate. Currently there is a fence which is on the perimeter of the property. Mr. Lutkus pointed out that this property is very close to being maxed out on its coverage. Mr. Logan stated that they will be eliminating all the outdoor HVAC units as a result of turning to geo-thermal energy and that currently he meets the coverage issue. Mr. Passarella pointed out that one of Mr. Logan's information sheets puts the pool measurement at 476 sq. ft. including the coping around the pool but that another sheets shows it at 541 sq. ft. Mr. Logan confirmed that the correct measurement is 476 sq. ft. (14' x 34' including the coping) and that 541 sq. ft. was an incorrect measurement that he had not noticed. Mr. Silliman made a motion to approve the permit for a swimming pool as submitted with the one correction regarding the square footage, that it should be 476 sq. ft. The motion was seconded by Mr. Passarella and unanimously carried with all in favor.

#08-01 R-2 Giovanni and Lynn Salvo, 512 E. Strand, raise existing house, build new foundation, remove existing house roof, add second story, and rebuild existing back porch. Both Mr. and Mrs. Salvo, and their architect, Jay Corvan, were present to discuss the permit application. Mr. Corvan explained to the commission that this is a difficult site and that though the Historic District Commission had not yet approved the application because of some basic problems they had with the exterior. They did, however, approve the removal of the "Hod", a remnant of an old boat set within the confines of the house, to be taken out and given to an area museum for display. Mr. Corvan went on to explain the various site complications surrounding this particular parcel. The applicants would like to add a second story to their house. According to Mr. Corvan, the addition of a second floor would violate the side, rear, and front yard setbacks. The owners were appearing in front of the Planning Commission at this night's meeting in hopes of attaining a recommendation to be sent to the Board of Appeals. Mr. Corvan added that they felt it was critical to find out about the issue of the variances right away because of the amount of time that would have to go into this process. When asked about the Historic Commission's feel regarding this project, Mr. Corvan responded that they were "more or less receptive to our ideas." Mr. Passarella asked how the footprint on the property would change as a result of the proposed work. Mr. Corvan responded that the addition would go straight up, except for one place where the owners would like to put in a bay window with a foundation. Mr. Passarella thought the eaves would overhang further from what is already there. Mr. Corvan pointed out that they would not overhang any further from the extent that they do now. Mr. Corvan did add, however, that the bay window is new and would result in some increase in coverage. Mr. Lutkus stated that though the existing structure violates all

the setbacks it is OK because it is existing. However, a bay window would increase the violations currently existing. Mr. Passarella noted that the town's ordinance states that if one has a non-conforming structure and it is expanded, it has to conform with the regulations and that the bay window is not a conformity. Mr. Corvan pointed out that the request for an entire second floor is a non-conformity as well and that he and the applicants were wanting the Planning Commission to recommend something for them in order that they might secure a variance. Mr. Passarella asked if the Historic Commission liked the design. Mr. Corvan stated that the only thing they did not like was the roof design which had included dormers that came out on the sides. Mr. Salvo added that their new house plans had been drawn following suggestions offered by the historic commission. Mr. Silliman made a motion that the Planning Commission turn down the application because of various setback violations and because of the plan to build onto a non-conforming structure with an increase in floor area of more than 50%. The motion was seconded by Mr. Passarella and unanimously carried. The Planning Commission then voted unanimously to recommend that a variance be granted to allow construction only within the existing footprint, i.e., to add the second story addition, but not for other proposed additions. Also, assuming the existing deck remains, screening it would not increase the gross floor area of the house and thus should not require a variance.

This concluded the review of building permits.

Old and New Business

Mrs. Baker reported that she had received a memo from Chris Myles-Tochko, chairperson of the Board of Appeals, requesting that the Planning Commission clarify their recommendation with respect to the property at 208 E. Strand (Michael Klein) regarding coverage. Mr. Lutkus felt that the commission, in fairness to Mr. Klein, probably should have met with the commission and presented his case again before the Planning Commission changed their recommendation to the Board of Appeals. Mrs. Baker stated that she had talked to the town attorney, David Thompson, and that he had told her that if we wanted to rescind the resolution, we had a right to rehear the case with notification to the applicant and go through the process again. However, the appeal had been set up and notices sent so that when Mrs. Baker talked to Mr. Thompson again she told him that she was still concerned and that she was thinking of writing a letter just from herself saying that she had second thoughts. Mr. Thompson informed her she could do that or she could ask any other members of the Planning Commission to join her, which is what the commission ended up doing. Also, in a copy of the Board of Appeals Minutes of Facts and Findings, they mention a letter that the Commissioners sent in support of the 40% maximum coverage.

In discussing the matter over, the Planning Commission members agreed that their original decision was to recommend granting a variance based on an assumption of equivalency, such as the validity

of utilizing Best Management Practices (BMP's) to compensate for excess impervious surface coverage. However, subsequent information received regarding Critical Area Commission (CAC) practices clarified that while CAC often recommends Best Management Practices to control storm water runoff, they do not recognize use of equivalency in the LDA and RCA and do not permit variances from impervious coverage. Therefore, the Planning Commission felt it was not appropriate for Oxford to apply equivalency to those areas regulated by the Zoning Ordinance. However, they had no objection to any applicant utilizing Best Management Practices in the IDA in order to minimize the impact of storm water runoff.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk