

OXFORD HISTORIC DISTRICT COMMISSION

MINUTES

FEBRUARY 7, 2011

The regular monthly meeting of the Oxford Historic District Commission was called to order by the chairman, William Dial, on Monday, February 7, 2011, at 5:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Suzanne Litty, Dorothy Fenwick, Jennifer Stanley, and Thomas Costigan.

The minutes of the meeting of January 3, 2011 and January 13, 2011 were approved and accepted as distributed.

The following building permit applications were reviewed by the commission:

1. Permit #10-84, Mr. and Mrs. Brian Wells, 102 Tilghman Street, exterior changes to existing shed to include removing newly added rear door and reside south side to match existing building; remove newly added front lower window and reside to match existing; repair roof fascia and soffits and install ½ round gutters to match house; and paint exterior to match house. Henry Hale, representative for the Wells, was present to discuss the application. Mr. Hale explained the Wells were requesting to remove a door on the back side of their shed that had been added at some point, reside the entire shed to match their house, replace the shed trim with Azak and add to it gutters like those found on their house. The owners would also like to remove one window from the front side and reinstall it on the back of the shed. Both front doors on the shed would remain as presently located. A motion was made by Ms. Litty to approve the application as submitted. The motion was seconded by Mrs. Stanley and unanimously carried with all in favor.

2. Permit #11-01, Mr. and Mrs. Colin Linsley, 100 High Street, replace roof shingles; exterior chimney for wood stove; paint shutters, new doors at side porch; remove chimney, and demolish rear shed. Mr. and Mrs. Linsley were represented by their builder, Gene Mazzatenta. Mr. Mazzatenta explained that the applicants would like to replace their existing roof with the same type of shingles as currently found on the house in a "Barkwood" color. They would also like to remove one chimney going through the center of their kitchen which, Mr. Mazzatenta explained, had nothing hooked up to it and was therefore serving no purpose. They would also like to reconfigure their side porch with a double French door which would be about 10' wide consisting of the door and side glass. Mr. Dial asked if the glass was going to be plain glass. Mr. Mazzatenta responded that originally it was done in plain glass because it looked out onto the porch, but if the commission would prefer it to match the windows, Mr. Mazzatenta stated he would understand that as it could be easily seen from the roadway. Mr. Dial thought it looked better the way the house is now. Mr. Mazzatenta explained the reason for the change was to get more light into the house because the ceilings are low and the house is so small. Mrs. Stanley asked if only one door would operate. Mr. Mazzatenta responded that was correct though both could be opened. Mrs. Fenwick made a motion that the commission approve the

plans as presented and as written on the building permit which is to replace the shingles and re-roof the house, build an exterior chimney for the woodstove, paint the shutters, new doors at the side porch, remove the existing chimney, and demolish the rear shed. Mr. Costigan asked about the exterior chimney for the woodstove. Mr. Mazzatenta explained the owners would like to take out their one chimney and put a woodstove inside their front living room with the woodstove pipe being inside the house and coming out at the peak of the roof. Since it would be a metal chimney, a box would be built around it with brick facing so that it would look like a real brick chimney. The brick color would be matched with what is currently there now. Mrs. Fenwick opted to withdraw her motion. Ms. Litty asked about the proposed paint color of the shutters. Mr. Mazzatenta responded he would have to withdraw that request because the owners had not given him a color to present to the commission. Mr. Dial suggested taking motions for each separate item requested.

Mrs. Fenwick made a motion for the replacement of the roof shingles to "Barkwood" shingles as presented by Mr. Mazzatenta. The motion was seconded by Mrs. Stanley and unanimously carried as presented. Mrs. Fenwick then made a motion to approve the destruction of the existing chimney and the addition of a new chimney. Mr. Dial added that the new chimney will match the existing chimney. The motion was seconded by Ms. Litty and unanimously carried with all in favor. Mr. Costigan asked about proposed door. Mr. Mazzatenta responded that he would be meeting with the owners in the coming week to discuss it again with them. Mrs. Stanley thought the proposed door would be a dramatic change to the streetscape. Mr. Dial noted that effect was not uncommon in town. Mrs. Fenwick added that it could not be seen from High Street. Mr. Mazzatenta suggested that if the commission wanted to table the issue of the door they could do so and he would go over the door issue with the homeowners when meeting with them. Mr. Dial took the suggestion and it was agreed to table the addition of the new doors until later. A motion was then made by Mrs. Stanley to allow for the demolition of the existing shed. The motion was seconded by Ms. Litty and unanimously carried with all in favor.

3. Permit #11-05, Mr. and Mrs. John Kimberly, 200 S. Morris St., revision to approved permit #10-36 to revise garage window from a casement window to a double hung window. Mr. and Mrs. Kimberly were represented by their residential designer, Timothy Kearns. Mr. Kearns explained that the Kimberlys were requesting a window change to their previously approved plans to renovate their existing garage. Because of framing and trim work, the Kimberlys had decided to change their window from a casement to a double hung 6 over 6 window. A motion was made by Ms. Litty to approve the revision as requested. The motion was seconded by Mrs. Stanley and unanimously carried without further discussion.

Prior to review of the final two applications, a consultation was held with Mr. Kearns, residential designer, for Mr. and Mrs. Simon Cooper and their plans for a new accessory structure. Mr. Kearns reminded the commission that the last time he and Mrs. Cooper met with them they had discussed demolishing an existing structure. The Coopers have now decided to maintain the structure they had originally talked about demolishing and moving it off towards the back of their property. Now the Coopers are planning on constructing a new guest/carriage house which will have a living space, front porch, and eat-in-kitchen, among other things, including a

second floor. Mr. Kearns presented the commission with a series of images of how the building would look from various locations. The building would have 800 sq. ft. on the first floor and less than 500 sq. ft. on the second floor. All the exterior details would match the existing house. Mr. Kearns wanted to know if the concept he was presenting at this night's meeting was solid enough for him to move on with his plan. Mrs. Fenwick noted that this proposed building was different from the main house and questioned the relationship of the carriage house to the main house with regards to size and visibility. Mr. Kearns asked if the basic shape of what was being proposed was reasonable. Both Ms. Litty and Mrs. Stanley expressed their concerns over the computer drawings provided by Mr. Kearns. Mrs. Stanley noted that the computer drawings were not "cozy and quaint." Mrs. Fenwick stated that she thought the commission's position is to ensure that whatever goes up on the property, which in this case was a substantial building, either compliments the house or is symbiotic to the house. Mr. Kearns asked if the commission felt that the design as presented did that. Mr. Dial responded that he thought the commission members were saying that they liked the concept as Mr. Kearns presented it at this meeting, but that this was not a time for approval of it. He suggested that Mr. Kearns go ahead and do some drawings and the commission could have a special meeting as soon as Mr. Kearns got them done. Ms. Litty noted that she would like to see an architectural rendering of the proposed plans. Mr. Costigan added that he would like to see a very detailed streetscape to go with the plans whereby the proposed building would be inserted into an actual streetscape. Mrs. Fenwick also added that she would like to see the relationship of the proposed building to the main house.

The review of building permits was then continued.

4. Permit #11-03, Mr. and Mrs. Raymond Porter, 219 S. Morris Street, demolition of existing unfinished rear attached workroom; construction of a two story addition with a small one story area. Mr. Porter, along with his wife, Dr. Laura Porter, and their attorney, Mr. Ryan Showalter, were present to discuss the application. Prior to the review of the application, Dr. Porter read aloud a written statement whereby she mentioned that she and her family had been received with contempt and hostility from their neighbors on either side of them and that the things they were asking to do were allowable. Mr. Dial responded that he appreciated Dr. Porter's comments and welcomed the couple to the community but wanted it understood by all those present at the meeting that the purpose of the historic commission was not to deal with personal issues between neighbors. He added that he hoped at this meeting the commission could avoid any personal attacks and deal with the plans as they were being presented and the merits of those plans. Mr. Porter presented his application stating that his latest revision replaced three meetings of discussions about the addition. The points he took away from those prior meetings included the following: 1) interest in the telescope perspective, 2) turning the addition 90 degrees, 3) elimination of the bookend style architecture, 4) lowering the rear roof line, and 5) reducing the window size of having larger windows on the back than those found on the front. Mr. Porter noted that the new design incorporated all those elements along with renderings of how the addition will look from the street. Mrs. Fenwick asked about the windows. Mr. Porter responded that they would be two over two. He added that they had found several two over two windows in the back area of the house that were in disrepair and

that they would be matching those existing windows with new ones. With regards to the door, he stated they were able to match the approximate pane size which ended up being a three pane vertical. Mrs. Stanley stated she thought Mr. Porter's revised plans were a great improvement. Mr. Dial opened up the floor for discussion of the addition adding that he wanted the comments to be specific to the proposal being presented by Mr. Porter. No comments were provided by the audience. Mr. Costigan made a motion to approve the demolition of the unfinished rear attached workroom and construction of the two story addition with a small one story addition as written in the proposal and presented in the drawings and plans. The motion was seconded by Mrs. Stanley and unanimously approved without further discussion.

5. Permit #11-04, Mr. and Mrs. Raymond Porter, 219 S. Morris St., construction of a 10' x 18' secondary building. Mr. Porter explained to the commission that he was proposing to build a 10' x 18' accessory structure to be located 3' off the property line with the overhang coming off 2' from the property line. He noted that the building would be very well concealed from the public right of way and that its height was within the 16' limitation. An effort was made to put this building in the location as shown on the plat because of it having less of an impact on the streetscape and because there is mature landscaping between this proposed structure and the public right of way. Mr. Porter also noted that this building would have the same materials used on it as found on the primary structure. He also stated that they were asking to use similar looking but slightly less standard windows as found on the house. The roofline would have a telescoping look that the commission had talked about in the past. Mr. Dial asked about the visibility from the street. Mr. Porter responded that it could be seen slightly but that between the street and this proposed structure there were mature holly and arborvitae shrubs in a row on the neighbors property that he considered as screening to the public right of way. Mr. Fenwick asked how high the building would be. Mr. Porter responded that it would be 15'9" tall. Mrs. Fenwick stated that the commission had to consider this as mass. Mr. Porter noted that he and his wife wanted to keep things together so that they would have open space in the yard. Mr. Costigan asked about the existing shed on the property, noting that it was in bad shape, and if Mr. Porter was asking for that to be demolished. Mr. Porter responded that he had not specifically put that on the permit but that it was shown on his drawings as to be demolished. He added that if he needed to come back with another permit to have it demolished, he would do so, but he was hoping that the commission could just approve the demolition without it being written down. Mr. Costigan explained that he was curious about the old shed because if Mr. Porter was planning on taking it down, perhaps the new accessory building could be placed in the same area as the old one. Mr. Porter responded he did not want to put the new building in the same space because the new one would be concealed from public view (in the area he wanted it placed) and the removal of the old shed would keep areas of his property open. Mr. Dial asked about the specifics of the existing shed. Mr. Porter stated it was a 10' x 6' shed that had a partial hole in the roof and was rotted about 8 to 10 inches from the bottom. Mrs. Stanley stated that one of the facets of locating the new accessory building where Mr. Porter was planning on placing it concerned her because one of the objections the commission had in prior meetings was that it again created a feeling from the neighbors against a long stretch of building even though the new house addition steps back. She added that she

had a problem with the new accessory building as to where Mr. Porter wanted to locate it and that she was concerned about Mr. Porter's neighbors and that feeling that he had that railroad effect once again by having a long building with no break. She stated she would rather see it back where the present shed he wanted to demolish was located. She further added that she was concerned about Mr. Porter's neighbors and the feeling that Mr. Porter is again creating a long building with no break. Mr. Porter offered two considerations for the commission to ponder: 1) that he had made the accommodation to pull the addition and by doing so it consumed contiguous yard area where the shed could otherwise be. One of the benefits of the shed was its size and that it stepped down and that it is not a two story structure. It complies with the setbacks and height and minimizes the impact of shade which had been one of the neighbor's concerns. 2) The area the commission is suggesting the shed be located has a very significant tree which is very shallow rooted. There is concern that any construction over that tree may impact it by building overtop of the root structure. Mr. Porter also noted that the commission had voice their concern over having telescoping and a broken plane. He pointed out that this plan has a broken plane, that it was not a straight line, and that it was not a bookend of up, down, up and that there has been compromise from this design based on discussions that he had had with the commission. Mr. Porter also pointed out that the neighbors planted arborvitae to create a screening so at some point they must have been ok with the blocked shade. A question was addressed to Mr. Porter regarding the height to the eaves of the shed. Mr. Dial found on the plans that the downside is 10'11 1/2" and the upside 15'8". Mr. Porter stated that the roof had purposefully gone in that direction to reduce the amount of shade impact and also contribute to the telescoping nature of the perspective from the street.

Ms. Litty asked Mr. Porter if he was definitely going to ask for demolition of his other accessory building. Mr. Porter responded that he was. She then asked if he had enough coverage to keep the old accessory building and to build the new shed. Mr. Porter responded he would have to check. Ms. Litty felt that was an important consideration of the historic commission to know that. Mr. Dial countered that was really an issue for Planning and Zoning. Ms. Litty thought it might be a problem if the commission were to approve the application and then were to later find it was a problem. Attorney Showalter stated that the commission could make the approval with a condition upon confirmation of the coverage or not to begin construction until that matter is resolved. Mr. Costigan suggested building the new shed into the old shed so that he could take advantage of the existing impervious surfaces. Mr. Porter stated that when one removes an impervious surface one can add another impervious surface anywhere on site so that if you take something away you can add it back.

Discussion was then opened to the floor. Neighbor Read Madary spoke stating that whatever the commission decided, their decision would be respected, and despite some uncomfortable posturing, they (the Madarys) were dedicated to being good neighbors.

(The following is a continuation of the February 7, 2011 HDC meeting regarding the discussion of the accessory structure at 219 S. Morris Street whereby the meeting is no longer being recorded. The remainder of the minutes has been derived from notes and paraphrased by the Chairman, William Dial)

Mrs. Fenwick noted that by positioning the accessory structure at the northeast corner of the addition to the existing house, it continues the mass visible from S. Morris Street and that mass was the concern with the original application.

Mr. Porter responded that mass should not be the issue because the new application, with the rotation of the addition, breaks up the mass.

Mr. Dial stated that he was uncomfortable with the question of mass when the mass had been reduced by the new plans for the addition.

Mrs. Stanley added that she, too, was still concerned about mass and that by positioning the accessory structure along the property line directly behind the home, the original question of mass continues. Mrs. Fenwick agreed with her stating that the mass issue remained and should be broken. Dr. Porter retorted that the accessory structure broke the mass. Mrs. Stanley noted that she was not sure of the role of the HDC with regards to accessory structures and that perhaps the issue should be tabled until that question could be clarified. Attorney Showalter responded it was not the role of the Historic District Commission to approve accessory structures not visible from the street (though it had been brought out earlier that the northeast corner of the accessory structure would be visible from S. Morris Street). Mr. Dial stated that he too was concerned that decisions regarding accessory structure placement was not the function of the HDC. He added that as long as the structure adheres to guidelines and the setbacks, etc. and satisfies planning and zoning, what role did the HDC have? Mrs. Stanley again argued the point that the positioning of the accessory structure in question appeared to be an addition when observed from the street and that it continued the mass of the original application. Mr. Porter countered that it did not continue the mass. Mrs. Fenwick added that in her opinion it continued the mass as was seen on the original application.

Mrs. Stanley moved that the issue of the accessory structure be tabled. Mr. Porter requested that a vote be made for or against the accessory structure. As a result, Mrs. Stanley withdrew her motion to table the issue and instead moved that the construction of the accessory structure as described in the application be disapproved. Dr. Fenwick seconded the motion which was unanimously carried. Mr. Dial advised Mr. and Dr. Porter of their right to appeal the decision by the Historic District Commission.

Discussion followed among the commission members regarding the Historic District Commission's responsibilities with regards to accessory structures. A workshop was discussed to more clearly define these responsibilities. It was agreed that a workshop should be planned. The Porters were advised that the workshop would be an open meeting and, if they chose, they should attend.

Mrs. Litty moved that the meeting should be adjourned which was seconded by Dr. Fenwick and unanimously carried.

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The meeting ended at approximately 6: 45 PM.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk