

OXFORD PLANNING COMMISSION

MINUTES

APRIL 5, 2011

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, Donald Silliman, on Tuesday, April 5, 2011 at 7:00 p.m. in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were James Reed, David Baker, Carol Abruzzese, and Patricia Campen.

Prior to the onset of the meeting, Mr. Silliman announced that the Planning Commission had had a request for a demolition permit with regards to the house at 102 Bonfield Avenue. An e-mail was sent out by Mr. Silliman to all commission members explaining this request. The e-mail asked the members if they would approve it via e-mail, unless someone had a problem with it, in which case a meeting would be scheduled. Mr. Silliman noted that he heard from all the members, except one, who gave a positive response. However, the applicant never came through with the demolition permit. Mr. Silliman stated he wanted this information to be recorded in the minutes.

Mr. Silliman also noted that the town attorney had wanted him to inform the members of the commission that new state laws had gone into effect regulating what is considered pervious and impervious. Copies were distributed to the members, which mentioned that any manmade material would count as 100 percent impervious. Exceptions include fences/walls less than 1' in width with no footer, fence posts, walkways in the buffer that give access to a community pier, and decks that have ¼" spaces between boards.

The minutes of the meeting of January 4, 2011 were approved and accepted as distributed.

The following building permits were approved in the Oxford Town Office:

- #11-09 R-2 Peter Rouse, 208 South Street, front deck on small accessory building. Sections 23.03.1a, and 23.03.2a and b.
- #11-12 R-1 Suzanne Grimes, 107 Bonfield Avenue, 4' fence. Section 32.12.
- #11-15 R-1 Hugh Beebe, 803 S. Morris Street, addition of second bedroom and bath. Sections 21.01.1 and 21.05.

The following building permits were reviewed by the Planning Commission:

- #11-17 R-2 Simon Arnstein and Joan Levy, 218 South Street, alteration of existing house and addition of two story extension, basement, and larger accessory work studio at rear of yard. Philip Logan, architect for Mr. Arnstein and Ms. Levy, presented the application to the commission. Mr. Logan noted that he had been before the Historic District Commission twice –

once as a consultation and then at their April 4th meeting for review in which he received a conditional approval for the building plan. He explained that the front portion of the Arnstein/Levy home has some historic value but that the back part was in bad disrepair and was going to need to be rebuilt. As such, the back section would come down and be rebuilt in the same footprint. In addition to that, there would be a new extension built. The front portion would be raised in order to get a proper foundation under it, as well as a crawl space. The existing front porch is on a concrete slab. The concrete slab would be demolished and the porch would be raised up along with the front portion of the house that would be remaining. Mr. Logan stated that one of the concerns is that the front porch may not make the move as the house is brought up. It may have to come off and then be rebuilt. The movers have suggested that it would be easier and safer to remove the front porch, raise the house, and then rebuild the front porch in kind. The owners are proposing that the roof of the front porch be replaced with standing seam metal. Mr. Logan noted that the Historic District Commission was concerned with the main block of the house. He added that he would do anything he could to preserve the integrity of that main house block. Plans also include taking off the roof structure, rebuilding it, and adding to it an additional 15" increase to the overall height of the house. It was noted that the ridge line of the house would be consistent from the front all the way to the back. The portion that the owners are replacing and rebuilding would be over what Mr. Logan thought was a 5' setback line. The new portion that the applicants are adding on to the existing footprint would follow the extension over the setback line. Mr. Logan noted that if an appeal was required for that, the owners would submit an appeal. He added there was also in submission a request to replace an existing studio/shed in the back with a more substantial shed.

Mr. Silliman asked if Mr. Logan could design a new structure that did not require a variance within the building envelope. Mr. Logan responded that he was already setting back the structure from where it was. Mr. Silliman responded that it looked like one of the structures was already over the property line. Mr. Logan replied that the owners had purchased a little corner from the neighbors and have a deed showing the purchase of that portion. Mr. Logan also stated that the owners are planning to relocate their mechanical equipment within a proposed basement. Mr. Baker asked how the owners were going to excavate in order to get the depth needed for a basement and that they may have to get a soil and sediment plan. Mr. Logan responded that it had to do with the size of the property and how much of the property surface is being disturbed but that he would check with the Administrator, Lillian Lord, on that. He added that if a storm water management plan was required, he would do that.

Mr. Baker pointed out that Mr. Logan's site plan showed the setback as being 5'. However, he noted that this property had a 53' street frontage and therefore, according to the Oxford Zoning Ordinance, the sideyard setback was actually 8'. Mrs. Campen asked how far back the existing house was from the property line. Mr. Logan responded that from the west/north corner it was about 3'. He went on to say that the property itself was only 28' wide on the back side. Mr. Baker explained that Section 23.05 mentions that the sideyard requirement is 8' unless the property has a front street lot line of 50' or less. It does not mention the rear lot line. Mr. Logan responded that that would mean that the house addition the owners want to put on the back of their house would only be about 12' wide. Mr. Baker responded that it would only be that if the Board of Appeals did not grant a variance. However, he thought that there may possibly be

a hardship factor because of the narrowness of the lot that would make an appeal appropriate, but he did not know for sure. Mr. Baker added that the Planning Commission is required to follow the ordinance. He also pointed out that the front of the Simon/Levy house is actually on town property. Mr. Logan stated that was correct. Mr. Baker noted that for the amount of work the owners were planning on doing, and since they were raising the house up, he did not feel he could approve the redo of the house, knowing it would be set back down on town property. He asked if the house could be moved back when they raised it. Mr. Logan responded they wanted to put the porch back on the same footprint and that it was grandfathered in its current location. He also suggested that they could leave the porch down and just raise up the rest of the house. Mr. Logan also noted that to move the house back from where it sets now would impact the geometry of the house and that to squeeze in any part of the house would result in a ricochet effect. He added that he thought going to the Board of Appeals would be his next step. Mr. Silliman responded that he did not think the Board of Appeals could give away town property. Mr. Logan countered that it was a grandfathered condition at this point. Mr. Arnstein spoke adding that it was acknowledged this way when he bought the property. Mr. Baker spoke stating that the property requires an 8' side yard setback. That clear fact is going to require the owners to appeal for a side yard variance. Though the lot is an oddly shaped lot, Mr. Baker felt the town was not going to allow anyone to tear something down and then reconstruct it again on town property. Mr. Logan responded the owners were only about 6" off on the face of the front porch. Mr. Baker reminded Mr. Logan there was also the overhang to consider. Mr. Logan responded that he and the owners had looked at that and were under the impression that was not an issue. Mr. Silliman noted the commission was going to have to consult with the town attorney regarding the issue of having a portion of the Simon/Levy house on town property. Mr. Logan thought that for grandfathered properties things were different. Mr. Silliman responded that would be true if no changes were to take place but that in this case changes were expected to be made.

In summing things up, there were two issues the commission needed to address: 1) the sideyard setback and 2) the front yard setback. After a brief discussion, a motion was made by Mr. Baker that the Planning Commission deny the application because of ordinance problems and that they forward it to the Board of Appeals with a recommendation to approve the application so long as they move the house back so that it is no longer on town property. Mrs. Abruzzese seconded the motion which was unanimously carried with all in favor. Mr. Silliman did offer to talk to the town attorney about the front of the house in question.

#11-11 R-1 Mr. and Mrs. Bruce Beglin, 102 Bonfield Ave., 22' x 45' one story shop with a 10' attached open storage area with a shed roof; type of construction has yet to be determined. Mr. and Mrs. Beglin were represented by their realtor, Henry Hale. Mr. Hale explained to the commission members that the Beglins appreciated the commission member's discussion regarding the demolition of the house they are purchasing, as it was necessary in order for them to move forward with the purchase of this property to make sure they could tear down the house and proceed. Mr. Hale verified that the Beglins still want to tear down the house. However, the plans they are presenting at this night's meeting show a new house in the same location, though a little bit different in size than the existing house, and a boat shop. This would not be a commercial boat shop and would be similar to the one built at 104 East Pier

Street. According to Mr. Hale, Mr. Beglin builds wooden rowboats and small sailboats, mostly for his own enjoyment. Mr. Silliman stated that his concern was that originally the commission had gotten a request for the tear down of the house and now, all of a sudden, they do not want it. Mr. Hale responded that he thought there was a miscommunication in the town office and that the Beglins need to submit a separate demolition permit. He stated that obviously they could not build a house on top of a house that is already there and that at the next Planning Commission meeting he would file an official demolition permit. Mr. Silliman stated that he did not want to see a large boat shed on the property and no house. Mr. Hale explained that it was necessary for the sale of the property to go forward to make sure the Beglins could demolish the house that was there. The new plan is that a new house would be built in the same basic location as the existing house and that a separate application would be taken out for the demolition of the existing house. Mrs. Campen asked if there were access to Bradley Street as shown on the plat. Mr. Hale responded that there was not and that this was only a paper street that was never developed. He added that he knew Mr. and Mrs. Beglin did not have any plans on developing it. Mr. Reed stated that one could not build an accessory building without a house. A member of the audience asked if the vote for the boat shed was going to be based on conditional approval subject to a house being built. Mr. Silliman responded it was not because technically there was a house already there, that a certification of occupancy is not required when there is an existing house in place, and for a shed to be there, there has to be a house. Mr. Reed made a motion to accept the application as presented. The motion was seconded by Mr. Baker and unanimously carried without further discussion.

This concluded the review of building permit application.

A recommendation to the Board of Zoning Appeals was being sought by Mr. and Mrs. Raymond Porter, property owners of 219 S. Morris Street regarding a request for a variance. No one was in attendance at the meeting to discuss the issue. The commission members were not comfortable without someone there to explain what it was the Porters were seeking. Mr. Baker made a motion to table the recommendation until the applicant was available or represented by someone. Mr. Silliman noted he would ask the town office to get in touch with Mr. Porter and advise him of such.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk