

OXFORD PLANNING COMMISSION

MINUTES

AUGUST 2, 2011

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, Donald Silliman, on Tuesday, August 2, 2011 at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were David Baker, Jim Reed, and Patricia Campen.

The minutes of the meeting of June 2, 2011 were approved and accepted as distributed.

The following building permit was reviewed by the Planning Commission:

Permit #11-40, Park Neighbors, LLC, Rhonda Ave., construction of a garden/agricultural use shed as an accessory structure to accommodate the permitted principal agricultural uses of the parcel for growing crops, horticulture, etc., as set forth in the ordinance; 8' x 10' shed with 8' x 12' lean to; the shed will be surrounded by a vegetable garden and fence. Jenny Benson, one of the owners of Park Neighbors, LLC, presented the application. Mrs. Benson explained that she and her husband were moving back to Oxford and had purchased a house on Bayview Avenue. She further explained that she would like to put in a kitchen garden with a fence and an accessory building on this vacant lot property, which is one of a series of lots that go from the end of Bayview to Rhonda Avenue that the Park Neighbors own. Part of the accessory building will be used to house gardening tools and the other portion of it will house a small henhouse containing 14 hens and no roosters. This will serve as an agricultural project for the Benson's children. The children would like to sell their vegetables and eggs at the farmer's market next year. Mr. Baker pointed out that the zoning ordinance states under Section 19.01 – Definitions, under accessory use or structure, that “no accessory building or structure shall be permitted on a lot without a dwelling.” Mrs. Benson stated that according to Section 21.01 – Permitted Principal Uses and Structures - #4 allows for the growing of agricultural crops. Following some discussion, Mrs. Benson asked that in the event that this was a use the Planning Commission would not agree to, than the next step would be to have the lot line revised and consolidated into one piece. Mr. Baker stated if that were to be done, there would be no problem with this application. If not, it would need a variance. Mrs. Benson noted that her viewpoint was that her application does satisfy the permitted principal use (being agriculture) and that therefore the application should be approved. Mr. Silliman stated that there was no problem with the garden and no problem with having a fence but that the issue was the building. The committee members were asked how thought the application should be handled. The consensus was that the structure was incidental and that the lot line should be moved or that the application should go before the Board of Appeals. Mr. Reed made a motion to deny the application. The motion was seconded by Mr. Baker and amended with the recommendation that appeals grant a variance in this case as long as the accessory structure is for agricultural use. The motion was carried as amended with all in favor.

This concluded the review of building permits.

A consultation was held with David Baker, who recused himself from the commission, in order to discuss his request. Mr. Baker explained that he and his wife have a second story porch on their house at 502 E. Strand that is open. They have found that they do not use the second story porch that much and would like to cover the porch with half of it being used as conditioned space. The backyard faces the Tred Avon River with a setback of 25' with the house being closer than the 25' setback. The existing house is non-conforming. Mr. Baker stated that if they were to cover the porch it would be building in the setback region. Mr. Silliman observed that the footprint would not be enlarging and that they would be simply putting a roof over an existing deck and enclosing half of the space. Mr. Baker noted that it would increase the coverage slightly by making the overhang go from 8" to 18". The commission members all agreed that they did not see a problem with something of this nature and that it would not have to go before the Board of Appeals. Mr. Reed stated that this was already a non-conforming use and moved that the commission grant this. The motion was seconded and carried with Mr. Baker abstaining from the vote. Mr. Silliman added that Mr. Baker submit his application for his request which could be approved without having to go before the Board of Appeals.

A consultation was held with Barbara Paca and her assistant, Mr. Shannahan, to discuss Ms. Paca's purchase of 103 Mill Street and her plans for the property. Those items discussed included:

- Elevating the existing building on the property so that it does not flood.
- Bringing up the ceiling in the existing building and installing a "green roof" on top of it.
- Adding a new two story building on the property.
- Adding a greenhouse on the property.
- Installing a small wind turbine for the use of circulating water.

Issues of concern that the commission addressed were the following:

- The use of a wind turbine has never been addressed before. This would not be approved until the commission has researched this issue.
- Only 50% of the property can be covered with impervious surfaces. According to Maryland code there is no such thing as pervious gravel parking.
- The existing building on the property is right on the property line. A 15' setback is required because this commercial piece of property abuts a residential property on one side. If the existing building has more than 50% of any work done to it, it would then have to meet the current codes.
- A question was raised as to what was the principal structure on this lot because principal structures can be higher than accessory structures. This question was raised to town attorney Brynja Booth who noted that the owner could decide which building to make the primary one.

Discussion with Town Attorney Brynja Booth

Attorney Booth gave the commission an update as to what would be coming before the commission. The Commissioners have been asked to put in their budget money to update the critical area ordinance. Peter Johnston, who is a global planner in Easton and who use to be the Talbot County Planner, has agreed to make the necessary revisions. He is also a consultant for the Critical Area Commission. He has been developing a model critical area zoning ordinance that the town can look at in order to incorporate it in their own ordinances. Also, a draft zoning map is being circulated. It makes sense to look at this now because there are proposed changes to the Critical Area mapping. There are properties that have been annexed since the last zoning ordinance that need to be refreshed and updated such as LDA properties that were annexed that are now eligible for IDA designations. Attorney Booth left with the commission a draft map that Mr. Johnston prepared. She noted that maybe by the October meeting Mr. Johnston could come with a draft revision to the ordinance so that this could be a whole project she and the commission could take to the Critical Area Commission.

There being no other business, a motion was made to adjourn.

At the conclusion of the meeting, a workshop meeting was held by the Planning Commission and the Commissioners. Present were Planning Commission members, Donald Silliman, David Baker, Jim Reed, and Patricia Campen. Commissioners present were Peter Dunbar, Carole Abruzzese, and Gordon Graves. Assistant Town Attorney, Brynja Booth, was also present. The purpose of the meeting was to discuss the development proposal that is being proposed in the County on property owned by Rodney Spring, which is adjacent to the Town and in the Town's growth area. The property owner, Rodney Spring, was present with his attorney, Warren Rich, as well as Dane Bauer and Melissa Schmid, who are representatives of Mr. Spring's engineering firm.

Mr. Bauer gave an overview of the project. He advised that Mr. Spring had been working with Talbot County for the approval of a subdivision in the County. Mr. Bauer advised that Mr. Spring had received concept approval from the Maryland Department of the Environment ("MDE") for the creation of a creative marsh as a finishing treatment process for effluent from a tertiary package treatment facility. Mr. Bauer stated that Mr. Spring was prepared to proceed with the County toward the approval process. However, before they finalized the engineering, Mr. Spring and his professionals concluded that it made sense to talk about this project with the Town, as it is in the Town's designated growth area, and is adjacent to the Town boundary. Mr. Bauer stated that they may be willing to pursue annexation into the Town, if there was an interest by the Town.

Mr. Bauer went over a concept plan that he presented to the group. He noted that the concept plan included 21 lots with 40% open space. Mr. Bauer stated that obviously, if the project was developed in the Town, there would be no need for the separate package treatment plant. When Mr. Dunbar asked about the number of lots, Mr. Rich stated that the number of lots was not set in stone, as this was simply a concept.

Chairman Silliman noted that at a previous Planning Commission meeting, the consensus was that Mr. Spring should at least discuss annexation into the Town so that any development would be on Town services instead of the creation of a separate treatment plant. Mrs. Abruzzese asked about entrances off of Bachelor Point Road. Mr. Dunbar stated that he believed that it may make sense to have more than one entrance into the development. Mr. Graves asked about housing prices. Mr. Rich stated that he believed that they would be in the \$300,000-\$400,000 range.

Mr. Dunbar asked Mrs. Booth to give an overview of the annexation process. Mrs. Booth stated that the process would start with the applicant submitted a petition for annexation. She explained that annexation is completely within the legislative discretion of the Commissioners. Typically the details of any annexation are put in an annexation agreement. After a public hearing conducted in accordance with state law, the Commissioners could adopt a resolution to annex the property. After annexation, the details of any subdivision would be worked out at the Planning Commission level.

Mr. Rich asked about the Town's interest in annexation. Chairman Silliman stated that the Planning Commission had already expressed a general consensus that any development of the property should occur in the Town and not in the County. President Dunbar stated that the Commissioners could not bind or commit themselves at a workshop, or before a public hearing, etc. However, the Commissioners indicated that they would entertain any proposal that was submitted to them.

There being no further business, the workshop ended at 7:50 p.m.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk