

OXFORD HISTORIC DISTRICT COMMISSION

MINUTES

DECEMBER 4, 2006

The regular monthly meeting of the Oxford Historic District Commission was called to order by the chairperson, Suzanne Litty, on Monday, December 4, 2006 in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Dorothy Fenwick, David Baker, Alfred Leszczynski, and new member, George Gaffney.

Prior to the start of the meeting, beginning at 5:00 p.m., a workshop was held beginning at 4:00 p.m., with Scott Whipple, Administrator of local preservation programs for Historic Maryland Trust. Also attending the workshop were Commissioners Henry Hale, Timothy Kearns, and James Klair.

Mr. Whipple stated that he was asked by the historic district committee to discuss the significance of the historic district. He explained that Oxford was an exceptional and special area. Having an historic ordinance in place is very important, but the thing to keep in mind is the local zoning ordinance. As long as one does certain things in accordance to the board perimeters the State establishes, the ordinance is the town's to uphold. The significance of a historic district is that it is one's best protection that it stays the desirable place it is. If one lives in an historic district, it is an insurance policy that what is there is going to stay, but it also means responsibilities in that you are only allowed to do certain things. The state of Maryland has one of the best historic rehabilitation tax cut programs in the country. Any work done in the historic district that meets certain federal standards is eligible for a 20% state tax credit. If one spends more than \$5,000 and less than \$250,000, then one is eligible. It is a credit refund which means if the credit exceeds one's tax obligation, one gets the difference back as a check. Though programs change every year, all indications point to the legislature not letting this program go away, according to Mr. Whipple. For further information, Mr. Whipple suggested that interested persons refer to the Maryland Historical Trust website at www.marylandhistoricaltrust.net.

Questions were raised by the commission and the Commissioners that included the following:

- Can you explain the problem of demolition? Mr. Whipple explained that what the state law and Oxford's ordinance closely mirror is something that says that the historic district commission should look at an application to see if what one intends to do to a building is appropriate for that building, as well as the street and setting. If it is, the commission should approve it. Where demolition is concerned, it says that if the commission thinks that the demolishing of a building is appropriate, which it should not be except in a couple of cases, they need to base that decision on a number of factors: 1) that the demolishing of a structure will result in something being built in its place that is important to the well being of the town – an overriding public benefit, or 2) economic hardship, such as the building is beyond repair

and the owner has no economic feasible way in which to restore it.

- What about the problem of defining feasibility? Mr. Whipple responded that the solution is the town's ordinance should be amended to include a process having two elements. The first would be setting up the physical process for the finding, and a hearing on whether a building should be saved to determine if it has significant resources to the town and if the demolition is appropriate. If one finds demolition is not appropriate and it has significant resources, but the owner claims hardship, then there should be a second hearing to consider the economic hardship. An economic hardship hearing has nothing to do with the merits of the application and the hearing considering the merits of the application should have nothing to do with economic hardship. The second thing one would need to do is set up how an applicant proves economic hardship. The burden of proof is on the applicant. In order to prove economic hardship, the application could prove he/she has tried to sell it and at what price, if they received any fair market offers, provide an estimate, present a structural engineers report stating that it is so far beyond repair it would not be possible to repair it, etc. Mr. Whipple believed it was important for the historic commission to set such things up because historic preservation has an easier time when everything is spelled out for the commission and the applicants.
- From an historic viewpoint, the historic commission may have a project considered feasible in which a building will be demolished, but the facade will be saved and later the building rebuilt on the same footprint, but made a little bigger. However, the property owner finds it is no longer economically feasible for this to happen and walks away from the project. What kind of sanctions does the commission have with regards to something of this nature? According to Mr. Whipple, what some jurisdictions do is to require a bond with demolition work. Some jurisdictions also have a policy whereby the policy reads that if one demolishes without permission than a new building cannot be built on that site for 10 years though Mr. Whipple noted he did not recommend such action. Other jurisdictions like to approve what is going to be built in the space before approving demolition and do not allow speculative demolition. He suggested that performance would be the best way to go and that if penalties are set, they should be high enough to be legitimate penalties. Mr. Whipple added, however, why allow demolition in the first place? Historic preservation is not tearing down an historic building and building an exact replica. It was his opinion that keeping a front facade and tearing down everything else should not be called historic preservation, but he added that Oxford is its own town and can do whatever its wants.
- Most houses in the historic district have been affected by termites so a number of complaints involve structural integrity problems. Some may find protecting the primary facade might be the best way to go, especially if there is not anything particularly historic about the other three sides. How would the historic district commission address someone who came in with

December 4, 2006

that particular philosophy? Mr. Whipple noted that just because one's sill is rotten, it does not mean a wall has to be torn out. There are plenty of good contractors around who could address situations of this nature. It was Mr. Whipple's thought that often we are too quick to knock off the things that are not pretty or vernacular.

- How do you protect someone from rebuilding their house one piece of wood at a time? Houses change and the problem is that not one house in town more than 50 years old looks exactly the way it looked on the day it was built, according to Mr. Whipple, though historic preservation recognizes and celebrates that. When historic preservation is working properly it allows buildings to change. All it says is that the change has to be sympathetic. You cannot stop someone from replacing one board at a time.
- What is your thought on demolition of a non-historic property? Mr. Whipple stated that he thought the demolition of a non-historic property may be appropriate but everything needed to be looked at on a case-by-case basis. In the case where demolition of a non-historic property is appropriate, the commission would want to make sure the new construction done in its place was done in a way that was sympathetic to the historic district. Mr. Whipple also noted that though the historic commission might find it would be inappropriate to demolish a non-contributing house, he thought it would be harder to prove.
- Are there model ordinances the commission could review? Historic preservation was just "one sliver" of the zoning that Mr. Whipple was acquainted with. He stated that almost certainly there are samples of performance bond ordinances and that this was also true in the case of enforcement provisions.
- How do we guard or challenge on whether the qualifications of a contractor are good in the case of inspections that state a house should come down? Mr. Whipple responded that if an applicant wants to find that something is structurally unsound they can find a structural engineer who can tell them just that. However, jurisdictions can send in their own structural engineer to have a look. It may be possible to make a small grant in which to hire a structural engineer or just find a structural engineer who loves old buildings. The commission does not have to take the word of the applicant's engineer. It is the commission's legal right to have their own expert go in and access to building.
- Does the historic district, traditionally, have the opportunity to review the plans for maritime property or is it traditionally excluded. Mr. Whipple stated he did not have a good answer for that question and he was not a lawyer. Historic preservation is a zoning layer and it does not do anything to alter the zoning beneath its layer. The commission cannot allow someone to do what they can do by right. Mr. Whipple suggested the commission listen to their lawyer. What the state law says is that anything in the historic district, whether historic or

not, has to go before the preservation district for approval and no permit issued until preservation has given permission. It does not matter what a property is zoned if it is in the historic district and it should go before you, but check with your lawyer.

- What can the town do in terms of a property that is neglected? According to Mr. Whipple, a lot of jurisdictions have proactive maintenance laws and they establish a process through which they identify maintenance problems such as health and safety. The process involves contacting the property owner and informing them there is a problem and to either correct it or appeal that there is not a problem. Many jurisdictions have a process whereby the property owner will not correct the problem and the town may hire someone to do corrective action and bill the property owner. Others set fines for everyday the problem is not corrected. In the case of internal decay, usually an ordinance will have a laundry list of types of problems. Ultimately it all ties back to health and safety.
- Can you explain about historic buildings and how they can be modified based on modern building codes? Maryland is an innovator in terms of preservation and has adopted something called “smart codes.” The smart codes include a chapter devoted to specifically working in historic buildings. It is a waiver that says if you are doing work in an historic building, you don’t have to bring something up to modern safety codes. As long as you do not make something less safe, you do not have to make it more safe.
- Can the historic district enforce that you cannot put extra pickets in your front porch because it is not appropriate? Yes, according to Mr. Whipple, absolutely. The commission knows they have design guidelines and Secretary of Interior Standards to apply to a project and should be applying standards to projects are done in an historic manner. Because of smart codes there should not be a problem. If a building inspector has questions, he/she or anyone else can refer to the website www.dacd.state.md.us where they can search the site for smart codes which can then be downloaded.

This concluded the workshop session.

The regular meeting of the Oxford Historic District Commission was then called to order by the chairperson, Suzanne Litty, at 5:00 p.m., in the meeting room.

The following building permits were reviewed:

- Permit #06-79, Deborah Barbour, 102 S. Morris Street, replace existing wire and board fences and replace existing gate in wire fence with wooden picket fence to match one on S. Morris Street side of property; replace short section on S. Morris Street. Ms. Barbour was represented by Ray Stevens. Photos of the existing fence

and proposed look of the new fence and a survey of the property were presented to the commission. The proposed wooden picket fence would be painted white and would be 36" tall in the front and 41 ½" tall along the side and rear. A motion was made to accept the fence, seconded and unanimously approved without further discussion.

- Permit #06-80, Mr. and Mrs. Sandy Orem, 101 Benoni Street, replace existing fence on west side of property line with white picket fence same as white picket fence surrounding east side of house. Mr. and Mrs. Orem were also represented by Ray Stevens. The Orem's would like to replace their existing stockade fence on the west side of their house with a white picket fence and extend it out a bit further to come up to their front sidewalk. Mr. Baker expressed concerns about the fact that a plat was missing. Mr. Stevens stated he was aware of that fact and had talked with town office about it. Since a plat could not be found, the Orem's neighbors, to which said fence would abut, faxed in a letter to the town office in which they stated that they were aware of the problem and had no problem with it. Mr. Baker made a motion to then accept the application which was seconded and unanimously approved with no further discussion.
- Permit #06-77, Gordon Graves and Phyllis Rambo, 201 South St., one story frame garage with workshop and storage. Mr. Graves and Ms. Rambo were represented by Tim Kearns, their architect. Mr. Kearns explained to the commission that though they had approved this permit last month, since that time he had run into a planning issue and his thought and that of the owners was that they should have a recommendation from the historic commission. The problem faced by the owners was that of location in that an accessory structure cannot be placed in a front yard. Mr. Kearns asked if a recommendation could be written by the HDC stating that this project be given a special exception and that the accessory structure not be attached to the house and be allowed to be built in the front yard. Mrs. Fenwick pointed out that the commission had already approved the permit and that since the commission had already previously voted on it, that it be moved that the commission let the minutes show that the historic commission supports their original decision as to the location of the garage. The motion was seconded and unanimously approved with all in favor.
- Permit # 06-69, Mr. and Mrs. David Wangsness, 213 S. Morris St., revision to existing permit to remove two awing windows in the south elevation and replace with one double hung window to match others in renovated master suite. Mr. and Mrs. Wangsness were also represented by Tim Kearns. Mr. Kearns explained that the owners would like to remove two high awning windows and replace them with just

one double hung window that would match the other windows on the street side of the house. Mrs. Fenwick asked why the new window was not centered. Mr. Kearns explained that the proposed window would be going back into the same space in which the old one was coming out and that the owners wanted to use the existing siding. A motion was made to accept the revisions as submitted, seconded, and unanimously approved with all favor.

- Permit #06-82, Mr. and Mrs. John Kimberly, 200 S. Morris Street, renovate existing home with one story addition on south and west elevations and two story addition on north side; all exterior materials and details to match existing. Mr. and Mrs. Kimberly were also represented by Timothy Kearns. Mr. Kearns explained to the commission that he had brought these plans to the commission in the past as part of a consultation and that overall the design had not changed from what was previously shown to the commission. Though portions of the new additions would be to the front of the house facing Morris Street, they would not be highly visible because the house is situated back from the street and an existing garage on the property would block much of the addition proposed to the north side of the house. The addition to be located on the waterside of the property will consist of a story and half addition with two new dormers which will face the side yard of the addition. All siding will match the existing siding and the new roofing will match the existing roof. A new brick chimney will be added to match an existing brick chimney. Mr. Baker expressed zoning concerns that he thought the proposed addition might be too close to the required setback lines but did not have anything negative to say about the overall design of the proposed project. Mr. Baker made a motion to accept the application as presented. The motion was seconded and unanimously approved with all in favor.
- Permit #06-81, Sam DeCamp, 105 South Street, enclosed screen porch. Mr. DeCamp was represented by his architect, Jay Corvan. Mr. Corvan explained to the commission that what Mr. DeCamp would like to do is basically enclose his existing porch with five new french doors. The change would be difficult to see from the street as the existing porch is located on the rear of the house. Mrs. Fenwick made a motion to approve the plans as presented. The motion was seconded and unanimously carried without further discussion.
- Permit #06-78, Glenn Davis, 311/313 S. Morris Street, new addition to existing residence; raise existing residence to floodplain height, remove some drive area, pave with brick material; docks will remain intact and for rent. Mr. Davis was represented by his architect, Jay Corvan. Mr. Corvan explained to the commission that the existing building that is on this property use to be a store. It was moved back in the past from its street location to its present location. In checking with the town office

Page 7

Oxford Historic District Commission Minutes
December 4, 2006

it was found that this property was rated N/A. Mrs. Fenwick corrected Mr. Corvan

and stated that because the entire Oxford Historic District was accepted by the National Register, the National Register supercedes whatever listings previously existed. Mrs. Fenwick then asked Mr. Corvan what this property was zoned as. Mr. Corvan noted that it was zoned maritime commercial and that only maritime properties did not come before this commission for approval or disapproval. Mr. Baker brought up zoning issues in noting that he thought the property next to Mr. Davis' property on the north side was zoned "R-2" and that perhaps Mr. Corvan did not have the proper setbacks and may want to check into that. Mr. Corvan explained the project to the commission stating that the addition the owner was planning basically created a kind of "H" plan whereby a new structure would be added to the left and a "hyphen" type structure that would connect the old with the new. The reason for doing this type of addition was to keep the scale down. Mr. Corvan explained that Mr. Davis' property consisted of two different lots but that the existing house and additions will be built over both lots. Mr. Baker expressed zoning concerns regarding this matter was told by Mr. Corvan that he had checked with the town office who in turn checked the matter out with the town attorney, David Thompson. According to Mr. Thompson, it was permissible to occupy both lots and that the act of building across two parallel lots was the same as incorporating the lots. Mr. Corvan then went on to explain that the proposed addition and taking out the gravel and replacing it with a brick path drive would result in an overall coverage of 35% though 50% would be allowed under this property's zoning. Both Ms. Litty and Mrs. Fenwick expressed concerns about the overall size of the house with its additions. Mr. Baker expressed displeasure with the proposed gingerbread features to the house. Because of all the concerns with the overall height and size of the project, Mr. Corvan offered to work up a 3-D model of the proposed project, provided the owner was agreeable to such. Mrs. Fenwick suggested that the commission would be willing to table the application and if additional information was received, hold a special meeting two weeks from this evening's meeting in the afternoon. Mr. Corvan stated he would be willing to contact the town office and let them know he and/or the owner would be available. Mr. Baker then made a motion to table the application until the commission receives a 3-D picture. The motion was seconded and unanimously carried.

- Permit #06-83, Jennifer Stanley, 221 South St., replace shake shingle roof on one car garage with slate color asphalt shingles. Though the applicant was not present, the application was self explanatory. A motion by Mr. Gaffney was made to accept the application. The motion was seconded and unanimously carried without further discussion.

The minutes of the meeting of November 6, 2006 were approved and accepted as distributed.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk