

OXFORD HISTORIC DISTRICT COMMISSION

MINUTES

MARCH 3, 2008

The regular monthly meeting of the Oxford Historic District Commission was called to order by the chairman, George Gaffney, on Monday, March 3, 2008 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other members in attendance were David Baker, Dorothy Fenwick, Suzanne Litty and Heinrich Schmitz.

The minutes of the meeting of February 19, 2008 were approved and accepted as distributed.

The following building permits were reviewed by the commission:

1. Permit #08-01, Giovanni Salvo, 512 E. Strand, raise existing house; build new foundation; remove existing house roof; add second story and rebuild back porch. Both Mr. Salvo and his architect, Jay Corvan, were present to discuss the permit. Mr. Corvan noted that when he and Mr. Salvo had last met with the commission they had discussed six points that needed to be addressed. These were as follows: 1) an agreement to raise the house no more than 8", 2) that a one story shallow bay window could be used, 3) that the roof was to be taken down to a 5/12 pitch, 4) an agreement that the house would come up only one step to accomplish the additional 8" height on the house so that now there would be four steps instead of three, 5) an observation, made in passing, that the exterior of the house would be covered with stained shingles, and 6) that the whole house would be raised up and the old foundation demolished and replaced with a new foundation. This would involve dropping the house back down on its new foundation, and removing or lifting off the roof in order to rebuild the second story. Mr. Baker stated that he still thought the overhangs off the front porch were a little heavy but would be acceptable. He also expressed some concern that when one opens the front door there would be no way one was going to be able to use the right hand side of the porch because the door would be there. Mr. Baker also worried about the plans showing the lack of a storm door and that that might be something that would have to be shown as an addendum to the plans at a later date. Mr. Schmitz pointed out that the house plans showed symmetry just about everywhere on the house except for the south side and asked if a window could be placed within the second floor bathroom. Otherwise, Mr. Schmitz thought the plans looked good. Ms. Litty made a motion that the commission accept the plans with the strong recommendation that a window be added on the south side elevation. Mr. Corvan stated he would be happy to accept that as a contingency for that elevation. The motion was seconded by Mrs. Fenwick and unanimously carried with all in favor.

2. Permits #'s 07-47 and 07-48, Philip Logan, 101 W. Strand, progress report of renovations and additions to existing house and new guesthouse. Mr. Logan wanted to give the commission an update on his project, particularly bringing the commission up-to-date on the color chosen for his house (which would be off white) and shutters (which would be black). He asked if permission would be needed to replace an existing metal roof with a new metal roof. Mr. Baker responded it would not be needed as long as he was going with the same material and color. Mr. Logan responded the color chosen to replace his metal roof would be "Weathered Zinc" which is the same color that was to be used on his new metal roof. Ms. Litty indicated that would not be a problem. Mr. Logan then identified areas where design revisions had been made to his previously approved plans to the exterior of his main house and guest house. This included the relocation of a chimney on the guest house from an exterior brick chimney to an interior brick faced chimney. By eliminating the west elevation exterior chimney facing the "Sandaway" next door, this resulted in one single window (instead of the previously approved two windows) facing west. Mr. Baker pointed out that once one gets a permit that the commission has approved, one has to submit a modification to the permit if they plan on making changes. Mr. Schmitz noted that it would be helpful if Mr. Logan were to come back with a new drawing that the commission can refer to in order to see what the changes are so that they could see them and focus on them. Mrs. Fenwick asked if the commission should consider this Mr. Logan's notification to the commission as to the potential changes in the roof and chimney to which Mr. Logan responded, "yes." Mr. Schmitz stated he would still like to see a drawing. Mr. Logan agreed to do so and stated he would annotate his drawings and give them to Mrs. Lord in the town office. The commission members pointed out the changes were not approved until Mr. Logan got back to them with the revised plans.
3. Permit #08-03, Suzanne Litty and James Foster, 107 Tilghman Street, renovation of existing house; two story addition in rear of house; one story side porch addition and one story mechanical room addition. Ms. Litty pointed out to the commission that this was an historic house, though not significant, that had been neglected. She added that it was her desire to save the house and fix it up on a limited budget by keeping it a simple but adding to it a small addition. Ms. Litty's architect, Tim Kearns, added that the house was basically a complete square/rectangle. The plans call for the addition of a side porch in an area which had originally housed just a stoop. The front porch will be rebuilt. The house has been elevated slightly to get it out of the floodplain. The plans call for a one story shed addition on the rear of the house that would be used for a mechanical space. Mrs. Fenwick questioned the two sided stairs coming off the side of the house and expressed concerned that they did not fit the house. Ms. Litty offered to change the steps. Mr. Schmitz congratulated Mr. Kearns on the set of photos he provided with Ms. Litty's application stating that they were helpful to the commission. However, Mr. Schmitz expressed concern over the use of a shed roof on the new addition to the house. He felt its size was almost 50% of the house roof elevation thus resulting in the shed roof having a life of its own because of it being so

predominant. Mr. Schmitz suggested that because this is such a straightforward house, everything added to it should result in a reduction as much as possible. It was agreed by the commission members to table the permit in order for Ms. Litty and her architect to come up with a different idea for handling the shed roof over the new addition. However, the commission agreed to hold a special meeting for Ms. Litty on Monday, March 10, 2008.

This concluded the review of building permits.

A consultation was held with Jane Selden, property owner at 100 Tilghman Street, who came before the commission to express her concerns over her next door neighbor's property at 102 Tilghman Street. According to Mrs. Selden, her neighbor's property caught on fire in November of 2005 resulting in a tremendous smell over the next 12 months whenever it rained heavily. Mrs. Selden pointed out that in the 2 ½ years from the time the house caught on fire it has taken on a tremendous amount of rain and, as a result, the possibility of mold and airborne diseases may be present. Mrs. Selden thought it was uncharacteristic of an historic town to have this building any longer in this condition. According to Mrs. Selden, the front of the house, which consists of one room downstairs and one room upstairs, is the historic part of the home. Unfortunately, Mrs. Selden thought this section had sustained the most damage and continues to sustain the most damage through mold. Mrs. Selden stated it was her goal to have the historic commission collaborate with other committees in town and bring resolution to this in a timely fashion. Mr. Baker pointed out that the commission had a building engineer look at this house and he did not recommend taking it down. Mrs. Selden asked if he mentioned mold and that she would like a mold report done by the state. Mr. Gaffney spoke stating that the historic commission had written two requests to the Commissioners for their reaction to this situation. The dilemma is that the house is falling apart, which it should not be allowed to do, due to neglect. Mr. Baker stated that if Mrs. Selden is concerned about health issues she could talk to the town and have the Talbot County health officer come out and look at it. Mr. Schmitz added that there are other houses in town in similar conditions, such as the one being discussed, that need to have something done to them. Attorney Thompson spoke stating that they were grappling with one of the most difficult problems of local governments everywhere. However, he added that it is not good practice to talk about enforcement issues in public sessions because often things get repeated to others and one can end up in litigation. He asked that everyone present agree that they are involved in a potential piece of litigation and thus this matter be viewed as a privileged conversation. The Historic District Commission meeting was then adjourned from open session to go into a closed session to discuss a zoning/historic district nuisance enforcement relating to a property on Tilghman Street with a couple of neighbors who were interested in that issue and resolution on said matter.

The meeting was reopened and a workshop was held with the members of the historic commission and Commissioners Tim Kearns and James Klair. The commission members discussed the following:

1. The need for the commission to have photos included with permit applications in order for the commission to have resources to refer to and allow for support documents for their own protection. Attorney Thompson stated he did not see a problem with the commission telling applicants this is what the commission requires. Mr. Thompson added that the basic rules are one cannot enter someone's property without permission unless there is a visible violation of the code from a public way. Commissioner Kearns stated that the commission needs to provide a handout that spells out fully everything the commission requires including the time in which applications need to be submitted to the town office in order to be heard at the next upcoming meeting.
2. Pictures that were taken by historic commission members of houses in town which are in various stages of disrepair and/or neglect. The commission felt it was their job to protect the public and were wondering how, as a commission, they could pursue a resolution to the properties that were being neglected. Attorney Thompson stated that every five years or so the town makes a push to address this situation and makes some progress each time. A person whose house is not a nuisance to the public has the right to live in substandard circumstances, if they choose, according to Mr. Thompson.
3. Houses that have approved permits whereby the applicants have not finished the work. Mr. Baker expressed his frustration that the historic commission does not get a copy of any enforcement letters that may have been sent out by the town office adding that the "town office gets touchy if you bring it up." Attorney Thompson responded that he hated the idea of passing an ordinance for everything that happens around town. Mr. Baker countered that Article 31 states that it is intent and purpose of the historic commission to preserve property values throughout town and that these houses may be drawing down property value so the commission should be concerned about that. Commissioner Klair noted that he saw few cc's (copies) on letters going out of the town office and that if a letter was going to go out to a property owner the Commissioners would try to instill that copies by sent out.
4. Questions regarding two historic commission members looking over applications at the same time. Attorney Thompson stated that he did not have a problem with two members looking over plans. However, when three or more commission members are going over plans at the same time that becomes a quorum and is therefore seen as a meeting. He added that this may have been something the town office was not aware of because in the case of members on the Board of Appeals, two or more members cannot discuss a case because they are an advisory judicial agency, not a regulatory agency, such as the Historic District Commission.
5. Questions regarding color. Commissioner Klair stated that one of the issues the Commissioners were concerned about was that of color and whether the commission could really recommend what shade to paint one's house. Mrs. Fenwick stated that

Scott Whipple, Administrator of local preservation projects, had mentioned to the commission that they should not deal with color. Commissioner Kearns again mentioned that the commission needs to make sure that everyone knows the rules and that applicants have things specified. Mr. Schmitz suggested that the commission could give a total check list for the office and applicants to use.

6. Applications approved whereby the owner does not do what was accepted. Mr. Baker expressed further frustration over applications that have been evaluated and approved by the commission whereby the owners does something completely different and then comes back to the commission and asks for reconsideration after the work has already been done. Attorney Thompson responded that his office is subject to the priorities of the Commissioners and boards and are perfectly willing to take part in positions when they are told what it is they want Attorney Thompson and his team to do. The difficult part about taking a position is that it can result in litigation and litigation is expensive. Attorney Thompson asked that if a problem starts “bubbling”, he needs everyone to take the same position and tell him right away. Mrs. Fenwick reminded Mr. Thompson that they had done this in the case of the property at 208 E. Strand and that Mr. Thompson had never gotten back to the commission. Attorney Thompson responded that in retrospect the tough position that everyone should have taken in that case was, “sorry, you violated your permit but what you are saying now isn’t what you said and you are screwed.” However, Mr. Thompson added that what was done was done and a very nice house is going up that will look very nice in the community. Mr. Baker stated he would settle for something coming back to the commission stating that whatever the concern is is being looked at and that the Commissioners are not letting something slide.
7. Enforcement. Mr. Gaffney asked if what the Commissioners are looking for is for the commission to take a proactive position and as soon as they see something wrong to bring it to the Commissioners attention to do something about it. Commissioner Klair responded that the town does not have an enforcement inspector in town and that inspections are made after something has been completed. Eventually, part of the Administrator’s (Lillian Lord) responsibility will be to go out on the field and inspect and observe what is going on.

The workshop ended with the Commissioners congratulating the Historic District Commission on the excellent job they are doing.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk