

OXFORD PLANNING COMMISSION

MINUTES

APRIL 3, 2007

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairperson, Pamela Baker, on Tuesday, April 3 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Theodore Lutkus, Donald Silliman, and Anthony Passarella.

The minutes of the meeting of March 6, 2007 were approved and accepted as distributed.

The following building permits were approved in the town office:

- #07-08 R-2 Edwin Lewis, 220 S. Morris St., install new a/c system; new wooden steps for side porch; replace damaged front porch posts back to original style; cover brick front porch floor with 3" fir flooring; cover front brick steps with wood; raise pitch of front porch roof six inches; new porch roof. Section 23.05. To Historic District Commission.

- #07-09 R-2 Richard Schramm, 208 S. Morris St., removal of existing glass sliding doors and windows; replacement with new sliding doors and windows; removal of existing wood decks; new brick steps; additional lumber framing over new wider opening; additional framing in living room to support existing roof. Section 23.01. To Historic District Commission.

- #07-12 R-1 Mr. and Mrs. Ned Crabb, 104 Oxford Rd., reinstall fence on approx. 50% of property line, install new fence on other 50%, add 2 sections within property. Section 32.12.

The following building permits were reviewed by the Planning Commission:

- #07-18 M Margaret Love, 315 S. Morris Street, construction of low level hardwood deck to side of house (patio area) and brick/path and brick parking strips (pad) and low drystack retainer around tree for protection. Both Ms. Love and her attorney, Bruce Armistead, were present to discuss the permit. Mr. Armistead briefly went over the events leading up to this permit reminding the commission that his client had gone before the Board of Appeals to seek a variance from the impervious surface coverage which was denied. Since that time, Ms. Love has taken care of the coverage issue by removing a brick patio which she hopes to replace with a wooden

deck. Mrs. Baker stated that conceptually Ms. Love is headed in the right direction. However, one issue that is still outstanding is that which pertains to stormwater drainage. In talking with the town's legal counsel, Mrs. Baker noted that the commission would rather not act on this permit at this night's meeting and wait until the stormwater issue, particularly that involving a 14" state highway pipe is resolved. Mrs. Baker further stated that the State Highway Administration (SHA) people stated, as of late afternoon on this date, that Ms. Love needs to submit a plan to the town office for replacement and/or repair of the pipe including elevations, materials, and that the replacement pipe be at least the diameter of the existing pipe. Mr. Armistead responded that he and his client disagreed with this approach stating that the proposed parking strips and walkway have at least 10' of distance between where they are to be located and where the pipe is to be located. For that reason, Mr. Armistead did not think the two needed to be tied together and felt there was no reason why these items could not proceed even with the stormwater issue still being an open question. However, Mr. Armistead noted that in talking to the town's attorney, David Thompson, they acknowledged that they "did not know exactly what is going to be required or who is going to be required to do what." To that extent Ms. Love may wait to install the items which she has asked for, but Mr. Armistead thought that what she was asking for at this night's meeting was the commission's blessing that since she has solved the impervious surface coverage issues and that if she elects to go forth with her driveway and walkway, she will do so at her own risk should the pipe matter require modification. Mrs. Baker asked about the deck and noted that it appeared that the SHA line was going underneath the existing brick wall that Ms. Love had erected which was right on the property line. Ms. Love stated that the relationship between her property line marker and the mark in the street where the pipe came in was not correct on the drawing. Mrs. Baker responded then that too would be a problem of the commission as they have had to rely on drawings that have been submitted as part of Ms. Love applications in the past that were incorrect. As a result, Mrs. Baker did not want to accept the drawing knowing there was already a mistake on it. Mr. Passarella asked if anybody knew where the damage to the drainpipe was located. Ms. Love responded there was some dispute as to whether there was any damage. She went on to say that the pipe was about 60 years old, according to her contractor and landscaper. One of the reasons she put a new pipe in on her property was because the water was not going through the old pipe very well. According to Ms. Love, her contractor has suggested she go in and fix the old pipe to which she added that she would be happy to do so. According to Ms. Love, both her contractor and landscaper think they know where the link in the pipe needs to be fixed and that it is fairly close to the road. Mr. Armistead added that they know approximately where the pipe is and the point he was trying to make was that they know it does not conflict with the driveway. Mrs. Baker stated that it may be

a problem with the brick wall. Ms. Love responded that if it turned out to be a problem with the brick wall then the brick wall would have to go but that does not have anything to do with the driveway and front walk. She added that those were the two items she would really like to deal with because they are so far away from the pipe. Mrs. Baker again stated that she was not comfortable doing any more approvals until the big issue (stormwater) is resolved and fixed. Mr. Armistead questioned what that had to do with impervious surface issues. Mrs. Baker responded that it may change the majority of the application with regards to the patio area. She did not want to see another issue whereby Ms. Love may have to take out a deck again. Mr. Armistead asked if it was feasible to the commission to approve the plan and sign off on the plan based on the coverage amount. Again, he stated that he thought Ms. Love needed to know if this plan met with the commission's impervious coverage standards. He added that if the pipe issue were to become an issue with the deck, Ms. Love will have to decide to either not install it until she get the OK with the SHA or install it and be prepared to put in writing to the town that if she does install anything that conflicts with the stormwater, then it is at her risk and her expense to remove it and replace it with whatever is necessary to solve the pipe issue. Mr. Silliman noted that the members involved with the coverage (of Ms. Love's property) have had problems in the past and he thought the commission needed to look at the plans carefully. Mrs. Baker then pointed out that of the 6 sets of plans submitted by Ms. Love at this night's meeting 3 sets were different from the other 3. Ms. Love stated that Lane Engineering put together the numbers and then her landscape architect measured the amount of the brick patio which had been taken out resulting in Lane Engineering's figures differing somewhat from the landscape architect's figures. Discussion then took place with regards to the brick paving strips. Ms. Love requested that the commission consider two 2' x 20' parking strips but Mrs. Baker pointed out that the plans showed 18' long strips and that one of the problems the commission had been facing with Ms. Love were the inconsistencies found in her plans. This led to a brief discussion regarding impervious surface calculations and the 2 sets of documents presented by Ms. Love that fail to agree. Another change that Ms. Love wanted was for her brick walk to be 18' long but her site plan showed it at a length of 17' and being calculated as such. Mr. Silliman advocated that the submission should be rejected and that new drawings be submitted that were clear and non-controversial. Mr. Lutkus stated that he had a problem with the hardwood deck because nothing in the plans showed how the deck would be constructed and in a fashion that would make it pervious, such as having gravel underneath it and the spacing between the boards. Mrs. Baker added that the Board of Appeals specifically said to dig out the underlaying soil of the brick patio. Mrs. Baker added that specifically Ms. Love would need something to indicate that the brick patio is gone and that the soil underneath it will be decompacted and then go back with 6" of gravel. Mr. Lutkus added that rather than amending the original

April 3, 2007

plans it would be better to submit a new, original plan with the changes on it and the computations made and signed off by the engineering firm. Mr. Armistead again stated that the commission could at least give he and his client guidance that if they make the changes as proposed and present the commission with a plan that confirms so the square footage is acceptable, that what they have proposed is the way to go, otherwise Ms. Love may be spending a lot of time and money not knowing that her request is going to go through. Mrs. Baker again stated that the Planning Commission felt that conceptually Ms. Love was on the right track; that she had gotten the coverage down, was moving toward a pervious deck, and getting the parking strips and sidewalk in and that was all fine. Mr. Lutkus noted that in previous meetings with Ms. Love this was the course of action they had suggested she take and that he agreed she was headed in the right direction. Mrs. Baker then asked about Mr. Armistead's earlier statement as to Ms. Love sending a letter to the town in writing to certify that she would go ahead and correct the stormwater problem. Mr. Armistead responded that was correct but added that he wanted to repeat what he had said in that context. Mr. Armistead stated "you all seem reluctant to approve anything that might have to be changed or dug up in the plans. In addition to committing to repair that she volunteered to repair, Margie is prepared to take