

OXFORD PLANNING COMMISSION

MINUTES

FEBRUARY 5, 2008

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairperson, Pamela Baker, on Tuesday, February 5, 2008 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

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

The minutes of the meeting of January 15, 2008 were approved and accepted as distributed with the following corrections: Page 3, under the heading Old and New Business, the 4th line down should be reworded to read "Mr. Lutkus felt that the commission, in fairness to Mr. Klein, probably should have met with him and allowed him to present his case again before the Planning Commission changed their recommendation to the Board of Appeals" and page 4, 4th line up, the word "is" should be "it."

The following building permits were approved in the town office:

#07-81 R-1 Patrick Callahan, 107 Riverview Ave., build fence on sides of house to close in backyard only. Section 32.12.

The following building permit was reviewed by the Planning Commission:

#07-47 R-2 Philip Logan and Barbara Paca, 101 West Strand, revision to previously approved building permit involving minor modification in order to comply with maximum slopes for wheelchair access resulting in an extension of 3' at rear of the existing house on the section of the addition which is recessed from the face of the building. Mr. Logan was present to discuss his building changes and recalculations of impervious area. Mr. Logan stated that he had met with the Historic District Commission and that they had come to compromise of adding an additional 1'6" onto the house as opposed to the 3' that Mr. Logan had originally requested. This would result in an additional decrease of 15 sq. ft. in impervious surface coverage. Mr. Logan noted that originally the impervious surface area that the commission had approved was 3,752 sq. ft. This has been reduced with the elimination of the outdoor a/c units so that the coverage now comes in at 3,706 sq. ft. minus an additional 15 sq. ft. from the result of Mr. Logan's meeting with the Historic District Commission. Mrs. Baker stated that she would like to see accurate figures presented to the Planning Commission, especially since the original pool figures Mr. Logan presented to the Planning Commission were incorrect, along with the most recent changes regarding the 15 sq. ft. Mrs. Baker again asked if Mr. Logan could give the commission something in writing that

would compare to the figures he was referring too due to the conflicting nature of all the figures currently before the commission. Mr. Logan agreed to bring up a letter to the town office formalizing his figures, along with a corrected site drawing. A motion was made by Mr. Lutkus to approve the permit as revised provided that a document is presented and new plans showing the impervious coverage of 3,690 sq. ft. The motion was seconded by Mr. Passarella and unanimously carried with all in favor. Mrs. Baker asked if Mr. Logan knew the status of his stormwater management plan. Mr. Logan stated it thought it should be straightened out by now and noted that he would get in touch with his engineer.

This concluded the review of building permits by the commission.

A consultation was held with David Thompson, town attorney and property owner of 105 Rhonda Avenue. Mr. Thompson described how his property was annexed in 2002 with the understanding he would give the town pedestrian easements and the town, in turn, would agree that it would not put roads through or have a driveway connecting to Bachelors Point Road. Mr. Thompson was now in the stages of trying to figure out how to lay out his future house since he was not sure if his lot should be considered as a corner lot or a through lot and wanted to know what the commission members preferred as to the orientation of his house. Mr. Lutkus noted that it did look as if this property was an extension of Bayview Avenue and that his house could line up with the rest of the houses in that area. Mr. Thompson agreed and presented the commission a concept drawing of what he would like and how the building would face. Mrs. Baker remembered discussing the property a couple of years past and what would constitute a front yard, and backyard, and that the Planning Commission was happy with that orientation. All the commission members agreed that they would be dealing with a front, rear, and two side yards with regards to this property with the front facing Bayview Avenue.

Mr. Thompson then spoke on behalf of Ted and Jennifer Stanley, property owners of 221 South Street. He reported that Mr. and Mrs. Stanley had wanted to build an accessory building on a separate lot several years ago and were told they could not. As a result they entered into a written agreement with the town whereby the town stated that as long as they treated their property as one lot, instead of two, the town would not consider it as two separate lots and they could build their accessory building. However, the Stanley have still been receiving separate tax bills on two separate lots even though years have passed since they considered the two lots to be one lot. In order to clear this problem up, the Stanleys have asked if the town would approve an abandonment of the lot line between the two lots in a formal document that they can show to the assessment office. However, they also recognize that if anyone at some future date wanted to come back and subdivide the one lot into two again, they could. They members all agreed that there was not a problem with the request. A motion was made by Mr. Lutkus that the commission resolve that the surrender of a lot line between the parcels (of Mr. and Mrs. Stanley) is hereby approved and upon submission of a plat

showing that, the approval should be formally granted. The motion was seconded by Mr. Passarella and unanimously carried.

A consultation was then held with Timothy Kearns, architect and agent for the property owners of 103-105 S. Morris Street. Mr. Kearns stated that he had met with the historic commission and that they had liked the approach to renovating by keeping the existing facade the same. However, Mr. Kearns stated that in order to get a building permit, the owners need to declare what the use of the building will be, but that until they renovate the building, they can't gain interest in potential clients. Mr. Kearns noted that the owners needed some clarification to the combination of uses they had come up with as well as what would be grandfathered and what would not. Presently the building has two apartments on the second floor with one being bigger than the other. The plan is to make the two apartments the same size, having a floor space of 1,536 sq. ft. each. This would meet the zoning requirements that apartments must have an area of at least 750 sq. ft. Currently the access to the second story apartments is by way of a staircase on the side of the building. The reason that the existing staircase is so small and not in scale with the rest of the building is because when it was put in the owners ran out of property in order to make it any bigger. The old outdoor staircase would be removed and replaced with a new outdoor staircase leading to the second floor located in the center of the rear of the building accessing the two apartments above. The store front on the first floor presently has three distinct store fronts even though it was being used as two stores. The new owners would like to have the ability to have three store fronts with one space being 1,050 sq. ft., the second being ///, and the third having 880 sq. ft. The existing building has 0' setback in the front and the overall coverage on the property to date is 46.3%. The overall height of the building, which is 24', would stay the same. Mr. Kearns noted that anything the owners decide to do with the store spaces would be dependant on parking. Presently the parking lot in the back of the building can fit 12 car spaces. Mr. Kearns stated the owners could have an office space and two retail spaces, or an office space, museum and retail space, but he did not think they had enough for 3 retail spaces. Thought was also being given to having a carry-out in one of the spaces. The zoning ordinance states that for a restaurant you need 1 space for every 4 seats. In the case of a carry-out, there would be no seating. If the carry-out was required not to have parking, this would allow the parking spaces in the back to be split between the other two remaining store fronts. Mr. Lutkus stated that another consideration is that no one likes that the building is remaining vacant. His thought was that the commission needs to accommodate the commercial use of that building and whatever makes sense to the owners of that building, to make it viable and commercial, the commission should be flexible enough to help them. In closing, the commission members all felt that the 12 spaces in the back, based on their interpretation of parking as shown in Section 8.00, would be adequate to accommodate the two apartments upstairs as well as three commercial businesses, and that the setbacks currently in use on the property would continue to be grandfathered.

William MacFarland, President of the Eastern Shore Heritage, Inc. met with the commission to present information on Eastern Shore Heritage/Stories of the Chesapeake and the importance of having the program adopted by the town because of the financial aid it could provide to both the

Oxford Community Center (OCC) and Oxford Museum. Commissioner Jim Klair, who also was present at this meeting, spoke on behalf of the Commissioners stating that the Commissioners would like to see this program adopted in the town's current Comprehensive Plan and be considered for inclusion in the revised plan that is being worked on now. Mrs. Baker noted that the town of Easton is the only town that has adopted the program. Easton's Comprehensive Plan, under their Economic Goals and Objectives, mention supporting Stories of the Chesapeake which Mrs. Baker believed seemed like a better way of endorsing it. Otherwise one would be endorsing every objective that is found within the plan. Mr. MacFarland explained that Stories of the Chesapeake provides access, such as state funds and the eligibility for tax credits for rehabilitation, to the towns which endorse and join it. He added that it would not put any obligation on the town other than to endorse the program and that typically, what towns have done is to make a reference to it or add it as an appendix to their existing comprehensive plan. Attorney Thompson then spoke stating that previously counties on the shore were resistant to this plan in part because when it first came through the towns had no input. The program came around later and tried to come up with a series of how towns could adopt the plan but still be able to preserve the autonomy of the communities as far as their comprehensive plans were concerned. Mr. Thompson added that he was satisfied the stage has now been set that if the community wants to be part of this plan, which he thought there were real benefits for, that it could be done in a way which would not put the comprehensive plan to risk. He added that he would encourage that the Planning Commission recommend to the Commissioners that they adopt this in an appendix as applicable to the existing Oxford Comprehensive Plan. Mr. MacFarland added that no money would be involved in being a part of this program. The program is funded primarily by the State of Maryland. He noted that a lot was at stake with the town's museum and OCC as both institutions are hoping to secure grants from this program. Commissioner Klair spoke saying when the program was first presented the Commissioners felt they did not have enough information to go on and if there would be any physical impact on the town so they decided not to look further into it at the time. However, at their meeting with the OCC several weeks ago, the issue of the Eastern Shore Heritage was brought back up. This was followed by a Commissioners meeting, in which the OCC made their presentation and the heritage program further explained. The Commissioners felt at that time that any help they could give to two of the jewels in town should be done. The Commissioners also decided that if they could act fast enough and do it, some of the money available through Eastern Shore Heritage could be preserved in grant packages that could go towards the OCC and/or museum. Mr. Lutkus pointed out that the difficulty seemed to be that the program is 250 pages. He asked that if the things in the plan that did not pertain to Oxford could be viewed as not counting and thereby not having to be adopted. Mr. Thompson responded by stating "exactly." Mr. Lutkus went on to say that there are many objectives in the plan that may sound good but the Planning Commission may not be sure that they really want them in the town's plan. He added that the Planning Commission obviously wants to help the community if funds are available but questioned how it could be done without fully adopting the plan. Mr. Thompson responded that that is what has been worked out over time through the Attorney General's Office. The plan can be adopted and approved as meeting State criteria, through a resolution stating that it has been adopted as an appendix to the comprehensive plan insofar as it is applicable to the Town of Oxford. The

Oxford plan would have precedence. Mr. Thompson also explained that there is a difference between a small grant, which is what the museum would be looking for, and a larger grant, which actually comes from the state and is what the OCC would be looking to secure. To make the OCC eligible for that, the town's resolution would need to include a reference to a targeted investment zone. Mr. Thompson stated he asked if the town could identify a particular property as a targeted investment zone to preserve the town's eligibility. Though the state people he talked to had said they have never done that before, they agreed that if the town came up with an appropriate rationale they thought they could support it. Mr. Thompson's rationale was that if the Planning Commission were inclined to make such a recommendation to the Commission, the Community Center, representing the old school, is part of the gateway to Oxford. Mrs. Baker stated that she had looked over the index of the program and in doing so saw that there seems to be a way to work through this even if it's outside the historic district. Mr. Passarella asked what organization did the Community Center have to be a member of to qualify for these grants. Mr. MacFarland responded none but that the town has to be a member in order for them to qualify. Mr. Passarella then asked that if the commission were to pass a resolution at this night's meeting, how long would it take to certify the Town of Oxford, would it be possibly next year? Mr. MacFarland responded that it was possible that it may take up to a year and that the Maryland Heritage Area does have to look at it. Mrs. Baker asked if the commission could pass a resolution stating that it was the Planning Commission's intent to adopt the Eastern Shore Heritage plan; could they say it was their intent to adopt this by reference as part of the town's comprehensive plan to the extent applicable. Mr. Thompson responded that as an appendix to the existing plan to the extent applicable. He added that everybody's deadlines are such that it is going to be very difficult, in the best of circumstances, to get this done to the detail and satisfaction of everyone who has to approve this along the way but that each step the town can take will help and give the town the ability to negotiate the next step. Mr. Thompson further stated that the town's public hearing requirement is a Planning Commission public hearing requirement and that there is not a Commissioner's public hearing requirement. There has been a practice in the past that the Commissioners also have a public hearing, but that is not a legal requirement. He noted that if the Planning Commission were to make this oral resolution reflected in their minutes he thought they would have to schedule a public hearing on this and that it could possibly be done at their next meeting. A motion was then made by Mr. Lutkus stating that it was the Planning Commission's intent to incorporate Stories of the Chesapeake into Oxford's comprehensive plan by reference as applicable. The motion was seconded by Mr. Passarella and unanimously carried without further discussion with all in favor.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk