

OXFORD PLANNING COMMISSION

MINUTES

JANUARY 6, 2009

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, Pamela Baker, on Tuesday, January 6, 2009 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

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

The minutes of the meeting of November 4, 2008 were approved and accepted as distributed.

The following building permits were approved in the town office:

- #08-56 R-2 John Kimberly, 200 S. Morris Street, patio at rear of house. Section 23.01.1, 23.05, and 32.19.
- #08-69 R-1 Mr. and Mrs. Rob Begor, 110 Bayview Ave., additions to existing house and new attached garage. Sections 21.01.1, 21.05, and 33.06.
- #08-70 R-1 Sally Greenhawk, 207 Oxford Rd., 42" picket fence. Section 32.12.
- #08-71 R-1 Michael and Kelly Greenhawk, 301 Oxford Rd., 42" picket fence. Section 32.12.
- #08-72 R-2 Mr. and Mrs. Al Smith, 100 West Street, renewal of building permit to construct brick patio and garden sitting wall. Section 23.01.1, and 23.05.
- #08-73 R-2 Susan Whitehead, 104 E. Strand, renewal of building permit to renovate and restore historic two story single family house and new addition. Section 10.03.3.

There were no building permits for review by the Planning Commission.

Elizabeth Hasbrouck, property owner of 101 Mill Street, met with the commission to discuss the possibility of having the commission recommend a special exception use to Ms. Hasbrouck's C-2 building. Ms. Hasbrouck proposed that her first floor building be divided into two sections. The first section would be used as an apartment, approximately 854 square feet, and the remaining section would continue to be used as commercial space. The footprint of the building would remain unchanged, though Ms. Hasbrouck acknowledged that she would have to meet with the Historic District Commission to seek approval for new windows she was hoping to install on the north side of her building. Mr. Silliman asked if the retail section would be used as a restaurant. Ms.

Hasbrouck replied that she needed to turn it into a revenue producing property as she originally had used this building as a restaurant but that it has been empty now for about three years. With that in mind she doubted that the commercial space would go back to being used as a restaurant and thought a better use would be for a small retail store depending on who decided to lease the property. Mrs. Baker asked if the previous owners had ever used the upstairs of the building as an apartment. Ms. Hasbrouck replied she did not know if it was formal but thought people lived upstairs at one time. Mr. Silliman noted that apartments are allowed under Special Exception as long as they are at least 750 sq. ft. and that Ms. Hasbrouck could actually rent up to three apartments if she wanted. The only question raised by Mrs. Baker was if a special exception had been granted in the past, and if so, how it read. In conclusion, the members present recommended that this special exception be granted as the property is zoned as C-2 which would allow such a use under Special Exception (Section 26.02.12 which refers to Section 25.02.4). Also, one apartment would continue to allow commercial use of the property as well as adding needed smaller rental space.

The commission members next reviewed a draft proposal to modify the Oxford Zoning Ordinance to add a section regarding parking and vehicles. In reading over the proposed ordinance, all commission members present were vehemently opposed to the change. It seemed to the commission not to be a zoning issue as it related in parts to the streets of Oxford and in part to concerns with unlicensed vehicles thus making it more a vehicle issue resulting in Oxford Police action rather than a zoning issue. In discussing the matter further, the commission members felt that such an addition may cause further results not previously anticipated such as including the number of unlicensed boat trailers in Oxford's boat yards. Also, those who spend their winters or summer at second homes would likely be subject to the parking aspect of the ordinance. It was unclear whether this ordinance would apply to Morris Street since it is a state highway. If it does not, then owners of "permanently" parked vehicles on a side street could simply move them to Morris Street. It would also mean that one could not keep an unlicensed vehicle of any sort in one's driveway and that the commission was not clear that such a situation would necessarily be deemed as detrimental. It was agreed that Mrs. Baker would put together a memo to send to the Commissioners stating the commission's opinion on said proposed ordinance.

The commission then reviewed the draft of an updated zoning map regarding several properties looking to be changed from LDA designated areas to IDA areas. This basically included all the properties which were annexed into the town which were adjacent to IDA areas. In looking over the map, the commission members found many mistakes that needed to be addressed pertaining to matters other than LDA/IDA designated areas. Mr. Passarella commented that he did not have a problem changing the areas in question from LDA to IDA provided the map's other problems were corrected such as mislabeled streets, incorrect zoning designations, and lot line alterations. It was agreed by the commission members present to recommend that the Commissioners move forward with the LDA to IDA area changes but with the thought that they should create an active town map.

The final order of business was concerning a request for a variance from Harry Rhodes, property owner of 206 Bonfield Avenue, claiming, among other things, that the Planning Commission had acted in error with regards to his request for a garage/workshop. Mrs. Baker gave a synopsis of the commission's previous dealings with Mr. Rhodes, beginning with his initial visit with the Planning Commission back in June of 2008 when he wanted to build a garage on his property. The problem encountered at that time was there was some confusion with Critical Area; whether this property was LDA or IDA and fell within the buffer exemption area or not. The commission ended up notifying Mr. Rhodes that he could put his garage where he wanted it, if the Critical Area Commission would give their approval. Mr. Rhodes then came back before the commission in September 2008 with the information that his property was located in an IDA area. At that time there was some discrepancy as to where Mr. Rhodes could locate his accessory structure and how his corner lot was affected with regards to setbacks. Town Administrator Lillian Lord notified Mr. Rhodes that he could not build 15' from Bonfield Avenue and that if he wanted to do so, he would have to go before the Board of Appeals even though the Planning Commission interpreted the setbacks of an accessory structure as it pertains to a corner lot differently. This ended with Mr. Rhodes indicating he would go back and revisit his permit application to try to decide what he would like to do next. The question the commission was faced with at this night's meeting was to decide whether or not they wanted to make a recommendation to the Board of Appeals. Mrs. Baker noted that she would like to see Mr. Rhodes condense his request to the appeals board and simplify it to read that he would like to build his garage with its entry on Bonfield Avenue, that he does not want to set it back 25' and that he would like to set it at 15'. Mrs. Baker added that she would pull some information from the minutes and write up a recommendation for the rest of the commission to read over for their response.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk