

OXFORD PLANNING COMMISSION

MINUTES

NOVEMBER 6, 2007

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairperson, Pamela Baker, on Tuesday, November 6, 2007 at 7:00 p.m., in the meeting room of the Oxford Municipal Building.

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

The minutes of the meeting of October 16, 2007 were approved and accepted as presented with the following changes: Page 5, next to the last sentence, change the word "ball" to "project" and the words "can be" to "move that it"; Page 5, line 5, Mrs. Cole was not present; page 2, line 21, the last word in that sentence should be "accommodate" not "accompany", and page 2, line 10, remove the words "removed a later replaced" and write "remove and replace."

The following building permit was reviewed by the Planning Commission:

#07-66 R-2 208 The Strand, LLC, 208 E. Strand, demolition of existing parking pad and existing two car garage to be replaced with same. Mr. Michael Klein, partial owner of the property, was present to discuss the permit. Mr. Klein stated that he had a new survey done which included the overhangs and a recalculation of the impervious surface coverage for the dwelling which came out to, including the overhangs, a total of 3,264 sq. ft. Mr. Klein noted that he added non-dwelling improvements such as walkways, the proposed garage, and wet bay to the site plan, and attached a spread sheet showing what the impervious surface was and what is proposed. Though still above the 40% allowable coverage mark, Mr. Klein stated he had met with Circuit Rider to the Critical Areas Commission, Mr. Roby Hurley. According to Mr. Klein, Mr. Hurley endorsed the plan of the dry well that Mr. Klein suggested at his last meeting with the Planning Commission, and will provide Mr. Klein an e-mail to that effect. Mr. Klein reported that he had spoken to an engineer about putting in a dry well and was told that it would be simple to do from an engineering standpoint. Mr. Klein also mentioned that he did not have an engineer's drawing of the dry well at this time because he was waiting for direction from the Planning Commission. Mr. Klein also mentioned that Mr. Hurley liked the idea of taking up the brickwalk on the town's property. Mr. Silliman addressed Mr. Klein stating that the Planning Commission could not give Mr. Klein permission to tear up the town's brickwalk and that that would have to be taken up with the Town's Commissioners.

Mr. Klein next presented the commission with the reasons he thought he should be granted a variance. These reasons were as follows:

- If a variance was granted that permitted improvements per the plans submitted in May, 2007, the impervious surface total would be reduced from 4,871 sq. ft. to the proposed 4, 715 sq. ft.
- The property is located at the corner of The Strand and Norton Street. No parking is permitted on The Strand in front of the residence.
- Norton Street provides the only available on street parking. However, this street is narrow (13' wide exclusive of curb/gutter), and a vehicle parked on Norton Street reduces the available space for vehicles, fire trucks, or ambulances to less than 9'. The Oxford Fire Company recommends an available width of no less than 10'.

Mr. Klein asked the commission to reject his permit request, if they had to, but to send it on the Board of Appeals with an endorsement of Mr. Klein's plan. Mr. Silliman responded that the Planning Commission has never done a drywell equivalency before, but from what he had read, it was allowable. However, Mr. Silliman wanted to see something put together that would endorse the project, specifically dealing with soil permeability and if the soil in this area was suitable enough to have a dry well placed in it. Mr. Klein argued that for him to spend thousands of dollars for a plan that may or may not be accepted did not make sense to him. He suggested that the Planning Commission adopt the conceptual plan and then say they would not sign off on it until they have a P.E.'s plan that incorporates what Mr. Klein has been saying, which is that he will be able to trap 2,000 gallons of rainwater.

Mrs. Baker stated that she felt the real issue here regarded the coverage. The town office discovered Mr. Klein was over on his impervious surface calculations and that he had written a letter stating that he would remove or reduce things in order to bring the coverage down. Mr. Silliman added that in the past the commission has had applicants come in with calculations that turn out to be erroneous and that is why the commission asks for calculations from licensed surveyors. Mrs. Baker went on to say that Mr. Klein had written in his letter he would reduce the garage and parking. However, his recent calculations show the figures as increasing. Mr. Klein countered that Mrs. Lord, Administrator in the town office, had told him that he did not have to live by what was written in the letter if he decided to appeal his case. Mr. Klein argued that what he was presenting dealt with run-off which in turn affects impervious surface. He stated that what he was suggesting by having a dry well installed and trapping water was better than if he were to knock everything down and replace it with sod. Mr. Klein stated that because Mr. Hurley said it would work, he had to take him at his word that this was so. He questioned why he should have an engineer write up anything at this time

if it turns out the concept is rejected. He added that the letter to Mrs. Lord was written so that he could get a building permit and that Mrs. Lord understood there were two choices at that point – to reduce the coverage or take the matter before the Board of Appeals.

Mr. Silliman asked the commission if anyone had a problem with the concept of an equivalency of a dry well as long as there is an appreciation for the design of it? Mr. Lutkus responded that the only thing the Planning Commission could go on would be the letter from Mr. Hurley, who is an expert who is qualified to make a judgement with regards to this matter, and that he would go along with that. Mr. Passarella stated that his work with Habitat for Humanity involved using this same type of process because in their case, there is not enough ground based on the number of houses that are being planned for an area in Easton. He further added that this was how Habitat was solving their impervious surface problems and that no one has had a problem with it. Mrs. Baker added that she would like to see a maintenance plan for the dry well. Mr. Silliman asked if there was anything in the zoning ordinance that dealt with equivalencies. Mrs. Baker responded there was not, just the 40% coverage. Mr. Lutkus stated that the permit had to be denied and that the commission had to decide if they wanted to give a positive or negative recommendation to the Board of Appeals. Mrs. Baker agreed the permit had to be denied but that she would like to see some attempt made to reduce the impervious surface coverage as well especially with regards to the concrete pad. Mr. Klein stated he did not want to reduce the coverage; that he was simply trying to polish up his house and that he was dramatically mitigating 3,200 sq. ft. or more.

Mr. Silliman made a motion to turn down the application as the Planning Commission is required to do in the regulations and that they then recommend to the Board of Appeals the use of residential best management practices as endorsed by Roby Hurley, specifically the use of dry wells to mitigate the excess square footage and that the commission would strongly recommend that the design of the dry well be based on the permeability of soil conditions present on the property and this information be required to be submitted before approving. Mrs. Baker rephrased Mr. Silliman's motion as follows: the building permit application of 208 The Strand, LLC be denied as per Section 23.05 of the Oxford Zoning Ordinance. The Planning Commission recommends to the Board of Appeals to allow the plan as drawn if tests indicate that use of residential best management practices, specifically a cistern or dry well to mitigate excess coverage is feasible. Such system should be designed and certified by a P.E. and approved by Talbot Co. Stormwater Management, which will also inspect the installation. The motion was seconded by Mr. Passarella and unanimously carried with all in

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favor. As an aside, Mrs. Baker asked that Mr. Klein stick with his numbers and not change them again.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk