

## OXFORD PLANNING COMMISSION

### MINUTES

**AUGUST 4, 2009**

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, Pamela Baker, on Tuesday, August 4, 2009 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Don Silliman, Tony Passarella, and Bernie Witter.

The minutes of the meeting of July 7, 2009 were approved and accepted as distributed.

The following building permits were approved in the town office:

- #09-36 R-1 E.S. Whelen, 808 S. Morris St., construction of inground pool with cover box, deck and fence. Sections 21.03.1j (1-8).
- #09-37 R-1 Nancy Cook, 802 S. Morris St., install screening and roof on second floor porch. Section 21.01.1.
- #09-39 R-2 Peter Rouse, 208 South St., construction of cedar picket fence on southside of property. Section 32.12.
- #09-43 R-2 David Baker, 507 E. Strand, install white picket fence along street side of property. Section 32.12

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

A consultation was held with Timothy Kearns, architect for Giovanni Salvo, property owner of 512 E. Strand. Mr. Kearns explained to the commission that he was attempting to discover all the limitations on the property prior to working on an acceptable renovation design to Mr. Salvo's house. In particular, Mr. Kearns was trying to determine what the building area for this property was particularly since the current front stoop of the Salvo house crosses the front property line. Mr. Silliman stated that the Planning Commission had discussed this property in the past and that they had come up with the recommendation for the property owner to go before the Board of Appeals to seek a variance to build on the original footprint and go up to a second floor. Mr. Passarella agreed but added that the owner wanted to go out over the footprint on the second floor. Mrs. Baker added that she had gone through the past minutes and found that in January 2008 the Planning Commission had written a memo to the Board of Appeals recommending that a variance be granted to allow construction only within the existing footprint, i.e. to add the second story addition, but not for other proposed additions. Mr. Silliman added that if the situation this time remains the same, he would stand by what the commission had decided back in 2008.

One question that Mr. Kearns noted was of concern to him was what the definition of the building envelope was and whether it was defined relative to the overhangs. He questioned if he had the ability to define the building envelope as the overhang of the roof, not in terms of increasing the overall square footage of the house, but just to have more ability to push it forward. He asked if the definition of the footprint was the outside overhang or the foundation. Mrs. Baker responded that what they had discussed before was that it was defined by the foundation because at that time the overhang was going to remain the same. She added that if Mr. Salvo was thinking about moving the house to get his setbacks, she did not think he could move it any closer to the water. Mr. Witter thought the setbacks should be defined as the overhangs. Mr. Passarella thought that the footprint was the footprint and that the overhang should be discussed in terms of coverage. Mr. Kearns disagreed with Mr. Passarella stating that the zoning ordinance refers to the area within the building envelope and that the overhang is the furthest point extended out. Mrs. Baker noted that one of the main reasons there are setbacks is to limit the imposition of a structure on its neighbor's and surrounding areas. By saying that the overhang is as far out as you can build, you are increasing the impact whereby you are further into the setbacks than others on the same side. Mr. Kearns stated that he was aware that whatever the owner decides to do he would have to end up going for a variance. However, he wanted to satisfy most of the constraints as opposed to asking for a group of variances. Mr. Witter asked Mr. Kearns what he would like to see the Planning Commission recommend. Mr. Kearns responded that he just wanted to be made to feel comfortable that if he tried to use some area under the overhang, not all of it, just in certain places, that the commission might make a positive recommendation towards that. Mrs. Baker asked if the owner was still looking at putting on a second story. Mr. Kearns responded that was correct but that the second story would be less than 50% of the existing house and that he did not think it would be a full second story. Mrs. Baker stated that her biggest problem would be if the house were to come out more on the right side because of the house already being 8' off the property line. Mr. Witter thought that the owner would be providing relief from the right hand side if he were to take out the stoop, thus creating more space. Mr. Silliman thought the commission should be concerned about remaining consistent in their thoughts. He referred to the commission's finding several months ago and thought the commission should stick to what they originally recommended and not tell the owner something different unless there were compelling reasons to suggest otherwise. Mr. Witter thought that a condition should be that the owner remove some of his existing structure on the right front of his house in order to get a little relief on the left hand side because that is where he would have the room to make any structural changes. Mr. Kearns stated that his intent, as the architect, was to make better use of the square cottage that is available and to eliminate the stoop that is across the front line of the property and replace it with a more appealing shape. Mr. Passarella asked if what Mr. Kearns was looking to do was to create a second floor plan that would be sticking out over the footprint but not exceeding the impervious surface coverage. Mr. Kearns responded that was a fair summation. Mr. Witter thought that was a reasonable request. Mrs. Baker added that the owner was stuck with the 40% coverage rule and that the commission was agreeable for the house to come up but not for it to go out. She added that if Mr. Kearns would like copies of past minutes addressing this property they could be provided to him. She ended by stating that if

Mr. Kearns planned on coming back to the commission again about this property that he bring with him a site plan.

A consultation was then held with Paul Levine, possible contract purchaser of a vacant lot owned by the Latka family and located adjacent to the property at 106 Riverview Avenue. Mr. Levine presented the commission with a site plan noting that the property was 45' deep with an alley running through the property with an easement as the only way to access the property along side of this one. Mr. Levine asked about the setbacks, the calculable area, access to the property, and if it was buildable. Mrs. Baker responded that the commission had looked at this property in the past and that, at that time, there was no mention of the alley Mr. Levine had pointed out other than this property was at the end of an alley. The question back when this property was originally discussed was also whether it was buildable or not. The Planning Commission had said at that time that it was and that it was also a lot of record. Mrs. Baker added that she also wanted Mr. Levine to realize that gravel was considered impervious. Speaking for the Planning Commission, Mrs. Baker stated that there were some legal issues that the commission was not in a position to address, let alone offer a solution, until they were resolved for the entire property. Mr. Silliman added that the best piece of advice he could offer was to walk away from this property even though, technically speaking, it is a developable piece of property though only because it meets the criteria for developing. Whatever Mr. Levine was planning on building he would have to seek a variance. Mrs. Baker added that the question the commission was previously asked was given the size of the property, and given the front/rear setbacks, could one of the sides be considered for use as the front. The easement was not part of the discussion at that time.

#### New Business

The commission reviewed a draft ordinance to add Section 8.00A to the zoning ordinance to establish regulations for on-street parking within the town. Mrs. Baker reminded the commission that they had looked at something like this back in January of 2009 and had at that time disliked it immensely. She noted that the new draft ordinance has been considerably revised and strictly dealt with parking with enforcement being placed on the Oxford Police Department. Mrs. Baker explained to the commission that the ordinance was prompted by a situation on Market Street. Mr. Witter pointed out that one question that had come up in a Commissioners meeting had to do with the State road and whether the town had the jurisdiction to put in parking restrictions. Mrs. Baker responded that the new draft ordinance still did not seem to address that issue and that that had been one of the Planning Commission's concerns earlier. Mr. Witter commented that at the Commissioner's meeting some people had made the comment that car owners could just move their cars out to Morris Street if the town enforces the rules that a vehicle cannot be left at the same location on a public street or right of way for more than 72 hours. Mr. Witter questioned if it wouldn't be prudent for the town to talk to the State Highway Administration to find out if the town can legally impose parking restrictions even on the State highway by special permission adding that this should be done before putting a regulation in place. Mrs. Baker commented that some of the problems she saw with the draft ordinance were that it still needed a lot of tweeking, such as leaving "sufficient

space and clearance (a minimum of five feet) to permit a direct turning movement in a driveway,” and owners or operators having to leave a minimum of five feet clearance between their vehicle and any other vehicle similarly parked. She also saw a problem with restricting parking in one place to 72 hours since many town residents only drive once a week. Her biggest problem was that she did not see this ordinance as a zoning ordinance and she did not see where it was a zoning issue. If it were to be made part of the zoning ordinance, it would be the only zoning ordinance enforced by the police department. Mr. Witter pointed out that this ordinance could get complicated if one or two houses were being picked on. Also, there was no criteria set as to when one can request another to move his or her car. Mr. Silliman thought the ordinance was more complicated than it needed to be. In summary, the commission agreed that the ordinance should not be adopted and that if such a regulation is needed it should not be a zoning issue but rather one of public safety. Mrs. Baker agreed to type up a memo with regards to the draft parking ordinance for the Planning Commission members to comment on and approve before sending off to the Commissioners.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby  
Assistant Clerk