

OXFORD PLANNING COMMISSION

MINUTES

APRIL 6, 2010

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, Donald Silliman, on Tuesday, April 6, 2010, at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Bernard Witter and Carol Abruzzese. Also in the audience were Commissioners Peter Dunbar and Timothy Kearns, along with Attorneys David Thompson and Brynja Booth.

The minutes of the meeting of March 2, 2010 were approved and accepted as distributed.

The following building permit was reviewed by the Planning Commission:

#10-13 R-2 Paul Haddaway, 107 High Street, demolition of house and outbuildings. Though the applicant was not present to explain the application, the commission had enough information to review permit. Mr. Silliman noted that he had not been inside the house but had seen the fire damage. Mrs. Abruzzese asked if the historic commission had any comments. Mr. Silliman confirmed that he had spoken with the town office and had been told that the historic commission had approved the request. Mr. Witter made a motion to approve the application. The motion was seconded and unanimously carried.

REVIEW OF PROPOSED ORDINANCE 1006 - STORMWATER

Mr. Silliman stated that he had tried to review the proposed stormwater ordinance but had had trouble making any sense out of it. He was of the opinion that it had been written for new development and not necessarily written for that which had already been developed in town, particularly the boatyards. He added, for the record, that Oxford has an interest in keeping their boatyards. Mr. Silliman also added that he could not recommend that Oxford adopt this ordinance particularly since it was so difficult to understand. Mr. Witter also agreed that he had trouble understanding the ordinance as well. Attorney Booth spoke stating that these proposed regulations were adopted by the MDE in May of 2009 and that other jurisdictions were struggling with this ordinance as well. She added that both she and Attorney Thompson are continuing to check on this house bill because it keeps changing. She stated that there may be things Oxford would want to put in its stormwater ordinance in response to the redevelopment sections which would affect the existing details of the town. Mr. Silliman questioned if the commission should table discussion of this ordinance until the house sessions were over. Attorney Thompson responded that as a practical matter, the MDE gave the towns a May deadline in which to do something with regards to this ordinance, but the commission does have some time if they want the MDE to come to Oxford and talk about the issues. He felt that all the commission needed to do was what they were already doing and that they could table it because of their reservations about its impact on the town. Mrs. Abruzzese suggested that it

would be good to get comments from the boatyards. Mr. Tom Campbell, local owner of several boatyards in town, spoke stating that the ordinance makes some residential properties exempt from this ordinance and that perhaps that could be done for the boatyards as well. He went on to state that the boatyards already have to answer to the Army Corps of Engineers and the Maryland Department of the Environment. By adding this ordinance to other laws that the boatyards have to follow, Mr. Campbell felt the ordinance was going to make things even more difficult for the boatyards. Another individual from the audience spoke stating that the ordinance needed some kind of flexibility and that the town already has so many restraints. Mr. Silliman noted that he did not see any place in the proposed regulations whereby there was room for the commission to make any exceptions. Attorney Thompson responded that there is one provision that allows individuals who cannot comply with the ordinance some kind of leniency and that he would try to find that section for Mr. Silliman. Commissioner Dunbar asked if the town had to follow the ordinance as written. Attorney Booth stated that when other towns have tried to change the ordinance that the Maryland Dept. of the Environment would not budge from what was already written. However, she suggested that maybe Oxford could tailor it and send it up stating that this is what the town wanted to do.

CONSULTATION – Elizabeth Cole and Dennis Buttner (Ruffled Duck Bed and Breakfast)

A consultation was held with Elizabeth Cole and Dennis Buttner to discuss the possibility of turning the Ruffled Duck Bed and Breakfast, located at 110 N. Morris Street, into a duplex residential building which would no longer house a bed and breakfast. Mr. Silliman stated that the necessary paperwork and drawings had not been filed and that therefore the commission could not give their permission. Mr. Buttner stated that the last time they had been before the Planning Commission (back in September of 2009) they had thought about dividing the building into 3 units as the definition of the zoning ordinance states a single family dwelling unit can be divided into three sections. The owners now want to make the building into a duplex. Attorney Thompson suggested that the owners proceed to list the property as a duplex as it would seem they could do so without the Planning Commission getting involved. Mr. Silliman added that making the house a duplex seemed to him not to require paperwork. He continued stating that “that would be (up to) the purchasers or they could buy it with a clause saying that you have to get it for them and only settle after you get it.” He ended by stating that that would be something they (as the owners) could work out with their real estate agent. Mrs. Cole asked if they needed to fill out a form. Mr. Silliman responded that they did not but that they needed to talk to their real estate agent as to how they were going to list the property, or talk to an architect about what they want to do. Mr. Buttner pointed out that the definition as read in the zoning book reads that you can have 3 units on separate floors. Mr. Silliman stated that the zoning ordinance gets complicated and that it would be up to the committee to interpret, but “that wouldn’t be your (the owners) problem.” He further stated that they could list the property so that it could be split, which Mr. Silliman verified that they could do, and how they go about the mechanics of splitting it may or may not become an issue for the sale. Mrs. Abruzzese asked if the building housed two separate apartments now. Mrs. Cole responded that they just had the bed and breakfast and a private quarters but that now they wanted to divide it right in half. Attorney Thompson stated that the 3 unit issue had to do with a property on the Strand

that converted a house into condo ownership and that was how that part of the ordinance became law. He added that a duplex is permitted in most zones in Oxford. Mrs. Cole stated that her lawyer had suggested presenting the duplex request to the commission to make sure there was no problem. Mr. Silliman responded that the commission needed to do some homework on this and would need drawings downstairs on what the owners wanted to do and that he did not understand what their (the owner's) attorney was saying. He added that they would need drawings to look at before discussing this matter with her again. Mr. Witter added that she could still list the property under the assumption that they will be able to get this straightened out.

DISCUSSION – COMPREHENSIVE PLAN

The Planning Commission, Commissioners Dunbar and Kearns, and Attorneys Thompson and Booth went over the draft copy of Oxford's Comprehensive Plan. Mr. Witter began the conversation by asking what the purpose of the comprehensive plan was such as fulfilling a legal requirement. The attorneys responded that it was to fulfill a legal requirement. This led Mr. Witter to ask if anyone was going to pay attention to what was written in it, if it was meaningless, or was it supposed to be a true planning document. Mr. Silliman responded that in his experience working with hospitals he thought the plan should be kept general in case one needed to change course for some economic reason. Mr. Witter responded that if that was the case he was not impressed with the plan aspect of the plan and that he felt it was looking backward and not enough in looking forward. He added that he felt it was a helter skelter arrangement of points talking about things that happened in the past and not a good planning document. Mrs. Abruzzese thought it was put together well and saw it as a guideline for use in future planning. Attorney Booth explained to the commission members that there is a legal requirement in having a comprehensive plan by which each town is required to have one. It has gone more bureaucratic in that more things are required to be in the plans. She and Attorney Thompson had tried to include these requirements, some of which are very technical. The plan requires that one show their historical trends. Attorney Thompson added that in looking at this document it is going to help guide individual decision making with individual properties going forward, such as lots within in the historic district. The town may one day want to consider new zoning for the historic district as is called for in the plan such as recognizing that many of the lot sizes within the historic district fall under 10,000 square feet. Mr. Witter countered that there are issues happening in town that are not discussed in the plan such as real threats such as the town shrinking due to such environmental issues such as global warming and how the town is planning to deal with it. He felt the plan should look at threats that the town is one day going to face and what steps the town is going to take now.

A question was raised in the audience as to who will shape the outcome of commercial properties and who will determine the approach of trying to make it easier to allow commercial properties. Commissioner Dunbar responded that the comprehensive plan sets out to determine that so that one can either continue commercial properties in town or not. Attorney Thompson added those are the kinds of issues that needed to be thought about especially since C-2 and C-3 zoned properties no longer have viable businesses. Mr. Witter also noted that the

comprehensive plan made hardly any mention of tourism. Audience member Dale Benson brought up the issue of streetscape and that it had become a rigid guideline thus making the town lose some of its original charm. Attorney Thompson suggested that there was no harm in beefing up what was already written about maritime references and that they don't have to include just boatyards and boat building and that sail heritage was important and beefing up something about the hospitality industry. Attorney Booth reminded the commission that this was their planning document and by making the draft broad they did not have to have all the answers.

Mr. Witter also pointed out that one statement in the plan reads that the town ought to take more advantage of the skills and experience of its residents. He noted that excludes about a quarter of the population that are not residents which live in Oxford full time. He suggested that if the town wants to take advantage of the people who are living here there ought to be a way to get them more involved such as to allow them to vote in issues pertaining to the town. Attorney Thompson pointed out that where those people decide to vote is their choice but one can only vote in one place and that is the law.

Mr. Silliman noted that in the recreation section there was no mention of a town swimming pool. Mr. Witter felt that both buoys and a town swimming pool were hot button issues that should not be mentioned. Attorney Thompson pointed out that the power of the Planning Commission is that they can tell the draftsman what they want to see in the plan. The draftsman will put it in and the Commissioners can decide whether or not to keep it in. Mr. Witter stated he would prefer if they could come up with a generic statement that says the town would encourage recreational facilities provided that they don't involve expenditures by the town specifically to support that and provided it is something that a significant amount of the town is in favor of. Attorney Booth noted that a lot of time towns can get grant money if it is for something listed in their comprehensive plan. Commissioner Dunbar ended the discussion by suggesting that they look at the criticisms that were presented regarding the Town of Trappe's comprehensive plan.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk