

OXFORD PLANNING COMMISSION

MINUTES

MARCH 2, 2010

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, Donald Silliman, on Tuesday, March 2, 2010 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Bernhard Witter, Anthony Passarella, and new commission members David Baker, Carol Abruzzese, and James Reed. Also in attendance were Commissioners Peter Dunbar and James Klair, along with Attorney David Thompson and Attorney Brynja Booth.

The following building permits were approved in the town office:

- #09-59 R-2 Thomas Corl/Mary Cotton, 206 N. Morris St., raise existing main house 6: on new foundation of brick; maintain existing main house; remove rear additions and add two story frame bedroom/bath/garret above living room; one story kitchen and porch; add one foot in width to addition on south. Section 23.01 and 33.06.04. To Historic District Commission.
- #09-60 R-2 Marsha Lonergan, 112 E. Strand, convert existing screened porch into a garden room with same roof and same footprint; add one fixed skylight to roof. Section 23.01.1. To Historic District Commission.
- #09-61 R-1 Oxford Business Association, 26342 Oxford Rd., welcome to Oxford sign. Section 8.02
- #09-62 R-2 Jennifer Stanley, 225 S. Morris St., new handicapped ramp with wrought iron railings, stairs and landing; new door that open out; existing door jamb and transom window reinstalled to height to match raised vestibule floor. Section 23.01.1 and 10.01.2. To Historic District Commission.
- #09-63 R-2 Mr. and Mrs. Simon Cooper 319 N. Morris St., construct blue stone 15' x 28'6" patio. Sections 23.01.1, 32.19, and 33.06.4. To Historic District Commission.
- #09-64 R-2 Mr. and Mrs. William Adkins, 208 Tred Avon Ave., remove exterior stairs leading up to 2nd level deck; replace decking with IPE wood; replace existing white wood railings around deck; add new section of railing where stairs are removed; replace triple French door with center door opening; replace backyard fence with white picket fence; repaint house and shed; repair/replace rotten wood on house and shed door. Sections 23.01.1 and 32.12. To Historic District Commission.

- #09-66 R-2 Mr. and Mrs. Elden Hartshorn, 400 S. Morris St., first floor one story bathroom addition to existing residence. Section 23.01.1 (setbacks approved by Board of Appeals, hearing case #09-03). To Historic District Commission.
- #10-01 R-1 Janice Haddaway, 103 E. Pier Street, roof and truss replacement; full interior renovations, exterior siding. Section 21.01.1
- #10-05 R-2 Beth Trujillo, 105 Benoni St., replace existing fence with same fence, same location. Section 32.12. To Historic District Commission.

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

The first order of business was the discussion of proposed Ordinance 1006 to adopt a Stormwater Management Ordinance pursuant to the Annotated Code of Maryland, Environmental Article, Title Four, Subtitle Two. Attorney Booth explained to the commission that the 2009 Legislative Session of the Maryland General Assembly enacted new legislation to require that towns adopt updated stormwater management plans according to a created, prescribed model. Attorney Booth noted that it is a long, technical document and there is not much one can do to change it. She added that Maryland towns are supposed to have this in place by May 2010. However, there is some legislation pending because though it is fine for new development, smaller towns like Oxford are finding problems with re-development. Other areas in the state have sent out their outcries as to whether the state is going to soften this or create exceptions for redevelopment areas. Attorney Booth asked that the commission review the ordinance and figure out how it will affect the town's local boatyards. She informed the commission that it would be possible for them to "make a pitch" to the state but it would probably involve dialogue being sent back and forth. Mrs. Abruzzese asked if there were upgrades that Oxford would have to put in place to meet these requirements. Attorney Booth responded that nothing would be affected until one started to develop and that new development would be easier. Attorney Thompson added that small, routine residential projects, under 5,000 sq. ft., would be exempt and that most modest residential projects in Oxford would not be seriously impacted by the law as it stands now. What concerned Attorney Thompson was how maritime businesses were going to be affected, especially those at the water's edge and those with almost 100 percent impervious surface coverage. The way this ordinance is written, those maritime properties looking to put up a new building may find they will have to swap something out in order to meet all the new stormwater requirements. These requirements may include putting underground cisterns in a specified location. The reality and expense of trying to do that, for the limited benefits one would get from it, makes one wonder about the practicality of such. Attorney Thompson added that his personal concern was that the town has traditional industries in it and to add these regulations that are difficult to comply with would place huge expenses on the town's maritime properties and may cause the town to lose them because they may want to relocate. Commissioner Dunbar suggested the need to make a strong objective based upon a catastrophic impact to the town. He added that he would not

look at this as being completed and that the town is unable to do anything about it. Mr. Silliman stated that the Planning Commission would address this issue at next month's meeting because none of the members has had the time to look over and address it. Mrs. Abruzzese asked how the commission could get input from the boatyards. Attorney Thompson suggested putting the ordinance in the hands of the maritime owners, or phoning them, and asking them to read it and to see how it would affect their business or businesses.

OXFORD COMPREHENSIVE PLAN UPDATE

Attorneys Thompson and Booth next presented to the commission the town's draft 2010 comprehensive plan. Mr. Silliman pointed out that the previous date affixed to the updated plan was 2006. Attorney Booth responded that in the 2006 legislative session she and Attorney Thompson participated as representatives at the Maryland Municipal League and at that time there was a fight between counties and towns over annexation and who should be the boss of whom. The result of that fight was that the annexation statute should be left alone but Article 66B in the Comprehensive Plan should not. The result of that legislation was that it required detailed specifics in comprehensive plans that had never been there before and two of the key features were the water resources element and new growth elements. As a result, there are much more details and specificity in this document compared to what had been in the comprehensive plan in the past. That was the reason for the lag. Attorney Thompson added that what was being presented to the commission was a draft and that he and Attorney Booth expected there would be changes.

Another aspect of the revised comprehensive plan is the growth plan requirement. Attorney Thompson brought up for discussion the Rodney Spring property that has been part of Oxford's growth area for a very long time. Several years ago, Mr. Spring proposed the annexation of this parcel in order to build 33-34 homes on it. The Commissioners at that time had said they would support the annexation if the density was in the low 20's with the thought being that the location, adjacent to the sewer, was probably a good place for modestly priced housing, which was at that time perceived as a need. An argument ensued between the property owner, Mr. Spring, and the town, with the owner wanting the 30+ homes. Eventually Mr. Spring ended up suing the town. The case went all the way to the Court of Appeals and the Court of Appeals upheld what had been announced as policy for years which was no extension of water and sewer outside of town except to cure public health issues or with annexation or annexation covenants. The Spring property recently received their LDA classification from the county. Mr. Spring has submitted plans to the MDE for review and plans to the county for review to develop that property a revised plan for only 18 houses. Since a concept plan has now been filed with the county for the Spring development, located off Bachelor Point Road, and since this property is within the town's growth area, Attorney Thompson warned that the Planning Commission will be asked to react to this plan in the near future as it proceeds through state and county development. One of the questions that will be asked of the commission is if this property is located within the town's growth area, if Oxford wants it, and what does the town think about it. Attorney Thompson added that he would be getting information with regards to this

property together to send to the Planning Commission members and Commissioners. Mr. Silliman asked if this was a good time for this kind of plan to go forward in light of the current real estate market. Attorney Thompson responded that just getting this through the MD Department of the Environment process is quite long so he may as well start now. Attorney Booth stated that she had put together a time line with regards to the comprehensive plan because there were requirements for state review. Both the state and county agencies need to review the plan. She recommended that she would like this to be a joint process of the Commissioners and Planning Commission members as well. Mr. Silliman commented that he still had the old comprehensive draft and asked if what had been written for it had been incorporated into the new draft as presented at this night's meeting. Attorney Booth responded that they had tried to put everything from the old plan into this one such as pieces of the background studies and facts. Mr. Silliman voiced his concern that this project began about 5 years ago and that some things might have changed since then. Attorney Booth responded that the population projects were based on the 2000 census and that has not changed. By the time the new population projections are out, it will be 2012.

Attorney Booth again summed up the timeline for the comprehensive plan project by stating that she and Attorney Thompson were going to send the draft comprehensive plan to the state in order to get their comments now. She recommended that the Planning Commission and Commissioners go through the draft now and mark up any changes that need to be made or corrected. Attorney Booth also recommended that there be a workshop of the Planning Commission and Commissioners at the Planning Commission's next regularly scheduled meeting in April. Her thought was that by the end of May they could start to have a dialogue between the county and town planning commission (as part of a required meeting), and public hearings in July, and adopt the comprehensive plan by the end of July. She added that she and Attorney Thompson were going to get an extension from the state but asked everyone to read over the draft now while it is all fresh. Mr. Silliman asked that his commission members read over both the stormwater management ordinance and draft comprehensive plan and be prepared to discuss them at the next meeting. He asked if the Commissioners would want to have a workshop with the Planning Commission during their April 6th meeting. Commission Dunbar stated he would be away on April 6th and suggested having a workshop again later.

Prior to adjourning, the minutes of the meeting of November 19, 2009 were approved and accepted as distributed. (There were no minutes for the months of December, January, and February because there were no meetings during those months.)

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk