

OXFORD PLANNING COMMISSION

MINUTES

SEPTEMBER 6, 2016

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, David Baker, on Tuesday, September 6, 2016, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Stephen Mroczek, Edwin Mill, James Reed, and Bruce Beglin. Also in attendance was Administrator/Clerk-Treasurer Cheryl Lewis.

The minutes of August 2, 2016 were approved and accepted as distributed.

There were no building permits for review.

REQUESTS FOR RECOMMENDATIONS

Discussions took place pertaining to two upcoming appeal requests. The first was a request for a special exception for the property at 104 N. Morris Street, owned by Oxford Mercantile, in order to run what they were technically referring to as a café in their building. Zak Smith, attorney for Oxford Mercantile, stated that the owners were seeking a recommendation from the Planning Commission for a request that was consistent with the Oxford Comprehensive Plan. Barbara Ranson, a representative for Oxford Mercantile, noted that it was the hope of the owners that the town would support the idea for a place offering customers light fare that they could take with them or sit inside and eat. Mr. Miller asked what the total square footage of the café would be and the planned seating capacity. Tim Kearns, residential designer for the project, responded that there would be 20 to 23 seats based on the square footage which would be around 500 sq. ft., not counting the bathroom. The owners are hoping to be open for breakfast and close around 10 or 11 p.m. during the week. The owners are in the process of looking into the requirements for a liquor license in order to sell wine and liqueurs. There are no plans for bar seating as it would not be that kind of café. Mr. Miller asked if there were any plans to include the building's little porch out front facing onto Morris Street. Mr. Kearns responded that it would not be used for the café and that it belonged to another unit in the building. Mr. Miller asked if there were any plans for outside seating. Mr. Kearns responded that there were not any plans for seating outside at this time but that the potential was there and that it had been discussed. Mr. Miller then asked if the owners had thought about using some of the apartments to expand the café use. Ms. Ranson responded that the owner was interested in having workforce housing and that having the mixed use of apartments and a business were the long term plans. Mr. Kearns added that the physical aspects of expanding the building were not possible. Questions were raised with regards to a new entrance being added to the building which would face onto Town Park. Administrator Lewis spoke stating

that the secondary entrance would be used as an emergency exit only. When questioned about parking, Mr. Kearns responded that the existing parking is maintained by the existing zoning for "C-2" use and that the present tenants were accommodated. Ms. Ranson referred to Section 8.00.C1 of the Oxford Zoning Ordinance which states, in part, that an exception to parking exists "in cases where a lot is shown on a plot or deed which was recorded on or prior to June 20, 1953,such lot shall be exempt from this requirement," and that only new construction needs to adhere to the parking regulations. She added that for the possible 20 people using the café, they would need 5 spaces and that there was more than enough room in the back of the building to meet that need. Mr. Miller asked if the applicant would have any objection if a recommendation were made by the Planning Commission to the Board of Appeals that the special exception be conditioned to apply only to the first floor of the building. Mr. Baker pointed out that if the applicant wanted to expand to the second floor at a later date, he/she would have to go through this process again because it would be a change of use from a residential use of an apartment upstairs to commercial use. Mr. Baker informed the commission that they were supposed to assess the impact of this request based upon the town's comprehensive plan and that the plan looked favorably on having restaurants. Mr. Mroczek made a motion that the Planning Commission recommend to the Board of Appeals that they favorably consider the application. The motion was seconded by Mr. Miller and unanimously carried with all in favor.

A second request was heard for a variance request from George and Kathy Radcliffe, property owners of 303 S. Morris Street, to rent the front half of their home, consisting of a living room, dining room, area that had been a kitchen (which can easily be reinstalled), two bedrooms and a bath. Each half of the house would consist of approximately 1,500 sq. ft. The reasons for this request is to 1) have one section of the house occupied 12 months of the year, 2) to downsize the owners living quarters, and 3) to allow Mrs. Radcliffe to remain in her home of 25 years for half of the year. Mrs. Radcliffe spoke stating that she had talked to the neighbors abutting her and her husband's property, Mr. and Mrs. James Deerin and Mrs. Jennifer Stanley, and that they did not have any problems with the request. Mr. Miller stated that as a former member of the Talbot Co. Commission on Ageing he was familiar with older adults wanting to stay in their homes for as long as they could. He added that though he was sympathetic to the idea, the Oxford Comprehensive Plan does place an emphasis on maintaining the residential integrity of the residential units, and, as such, was struggling to find out what the hardship would be should the variance not be granted. Mrs. Radcliffe responded that if her husband were to die before her she would not be able to afford to live in the house and would have to move. Mr. Baker noted that by making one unit into two units, side by side, in the house, a change would be made from a single family dwelling into a duplex and that in order to do that, the property itself would have to have a minimum of 15,000 sq. ft., which this property does not have. The Oxford Zoning Ordinance also mentions, in part, under Section 23.01.C, that a residential structure which is in existence at the effective date of the ordinance may be altered to contain as many

as three separate dwelling units as long as the exterior appearance of the structure is not significantly changed and that there be no more than one dwelling unit per floor. In this case, the Radcliffe house would contain two units, both of which would occupy both the first floor and the second floor. Mr. Baker suggested that the Board of Appeals may look more favorably on the request if the Radcliffes were to have something written in their deed whereby should the house be sold it would convert back to a single family dwelling. Mr. Radcliffe responded that he and his wife were thinking of doing that in the hope that it would solve some problems. Mr. Miller questioned what the Radcliffes were going to charge to rent the other half of their home and if it would contribute to Oxford's affordable housing issue. Mr. Mroczek responded that there were really not any good examples in town of a house this size for rent, as most other rentals were smaller. Mr. Miller made a motion that the Planning Commission forward to the Board of Appeals no recommendation – neither positive nor negative – with the sentiment that the Board of Appeals should consider the hardship issues as proposed by the applicant. Mr. Mroczek suggested that some cautionary wording about this arrangement transferring with the deed be added. Mr. Reed responded that he had a hard time not recommending a favorable recommendation especially if there were to be a provision that the change (of the two units) would not transfer with a deed because of the circumstance. Mr. Reed stated that he would recommend to the Board of Appeals that the request be looked favorably upon, if there was something in the deed. Mr. Mroczek seconded Mr. Reed's statement. Mr. Miller asked what the commission would do if someone else were to come before them with the same request. Mr. Mroczek responded that this house had a unique situation in how it was constructed in that nothing really had to change and that every application stands on its own merits. Mr. Miller's motion was not seconded. A vote was taken on Mr. Reed's motion that was reworded to state that the Planning Commission recommend to the Board of Appeals that if they grant this variance, that it not transfer with the deed, and to ensure whatever legal procedure has to be handled. The motion carried by a vote of 3 to 2 as follows:

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| Bruce Beglin | - | yeah |
| Stephen Mroczek | - | yeah |
| James Reed | - | yeah |
| David Baker | - | nay |
| Edwin Miller | - | nay |

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk