

OXFORD PLANNING COMMISSION

MINUTES

JULY 17, 2018

The regular monthly meeting of the Oxford Planning Commission was called to order by the chairman, David Baker, on Tuesday, July 17, 2018, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Stephen Mroczek, Edwin Miller, Bruce Beglin, and James Reed.

The minutes of the meeting of June 5, 2018 were approved and accepted as distributed.

The following building permits were reviewed by the commission:

Permits #18-46 and #18-47 for Linda Fredeking, 5012 Hel's Half Acre, demolition of existing dwelling down to foundation; footers and lower foundation to be re-used, and partial demolition of existing two-story house and reconstruction. Mrs. Fredeking was represented by her contractor, Rob Charest. Mr. Charest explained that the house on the property has been vacant for about 10 or 12 years. The plan is to take the house down to the existing foundation and reduce some of the existing impervious areas. The house, which is located out of the floodplain, will be kept at 30' maximum height. The main section of the house will be on the same footprint with a new 2' entrance section in the front of the house. Mr. Mroczek made a motion to approve the demolition. The motion was seconded by Mr. Reed and unanimously carried with all in favor. In looking over permit #18-47, Mr. Baker noted that the all the setbacks met the Oxford Zoning Ordinance. Mr. Charest pointed out to the commission members that the existing swimming pool on the property is in serious need of repair and that the owner wanted to keep it and use it. He added that steps have already been taken to remove all the vegetation that had been in it and that a wooden cover has been created to go over it which will stay in place until the construction process has been completed. Mr. Mroczek made a motion to approve the application. The motion was seconded by Mr. Miller and unanimously carried with all in favor.

Permit #18-45, Moby, Inc., 502 E. Strand, remove two existing 4,000 gallon underground diesel and gasoline storage tanks and install new 10,000 gallon, double-wall fire rated above ground tank for 5,000 gallon diesel and 5,000 gallon gasoline; includes new double-wall underground piping, electronic monitoring and new fuel dispensers. A "surrogate" representative for the application was present to help explain the permit. The person who was scheduled to attend the meeting was unable to do so as his flight was cancelled due to inclement weather. Mr. Baker stated that in looking over the permit he noticed the applicants had shown the NFPA setbacks but showed nothing of Oxford's own setback requirements. He explained that this was a commercial property that bordered a residential property and, as such, required a 15' setback from the property line. The actual structure submitted with the

permit, which would include the concrete slab on which the tank would sit, showed a setback of 5'. Mr. Baker stated that the proposal was too close to the neighboring property and that the commission was bound by law to deny the application but that the applicants could go before the Board of Appeals if they so desired. The other problem that the commission found was that the applicants have requested that the nre tank be placed above ground. Mr. Baker also pointed out that Maryland regulations state, under COMAR 26.10.01.12, " above-ground storage sites with storage capacity of 10,000 gallons or more shall be surrounded with a continuous dike or wall capable of effectively holding the total volume of the largest storage container located within the area enclosed by the dike or wall," and that the "Administration may exempt from this diking requirement any facility that can provide adequate alternative procedures for oil spill control," but that this "request for this exemption shall be submitted to the Administration in writing," and that the "Administration shall advise the person of approval or disapproval in writing". He also stated that he did not see anything in the permit packet that addresses this and that the applicants would need something in writing by the State of Maryland to attach to the permit before the Planning Commission could approve it. Mr. Baker also noted that above ground tanks of the size that the applicants were asking for are not allowed according to the town's codes. Mr. Baker suggested that the applicants consider a smaller sized tank. Mr. Mroczek pointed out that if the applicants decide to take their application before the Board of Appeals for a variance they would need to explain why it would be a hardship if they were not to get approval and why the tanks would have to be above ground. Mr. Mroczek made a motion to deny the application based on the location setback and question of containment, as found under the COMAR requirements, along with Section 31.11 of the Oxford Zoning Ordinance for placement of above ground storage tanks. The motion was seconded by Mr. Beglin and unanimously carried with all in favor.

This concluded the review of building permit applications.

CONSULTATIONS

A consultation was held with property owner on West Street, Al Smith, and the prospective purchasers of Mr. Smith's adjacent vacant lot. Mr. Smith explained they the purpose of the consultation was to talk about a piece of his property that had been part of his complex on 100 West Street until 1985 when he had registered a separate plat for it and has now decided to put up for sale. The lot has an existing accessory structure on it. The purchasers have plans to utilize the structure but questions have now been raised as to what they could do with the property. Mr. Smith asked the commission for guidance on how to proceed. Mr. Mroczek explained setbacks and coverage. Mr. Baker verified that the lot was a buildable lot even though it only had 7500 sq. ft. because at the time Mr. Smith's property was divided, lots of these sizes were considered as buildable. Mr. Baker also noted that an error made by the town had taken place back when Mr. Smith received a permit for the accessory structure on his lot as accessory structures are not permitted on lots without a primary structure. Mr. Baker pointed out that when considerations are being made to build on the property, thought should be given as to where a driveway could be placed as the zoning ordinance mentions that all new residences need off street parking. The purchasers asked what their next steps should be. Mr. Mroczek suggested the couple meet with the Oxford Historic District Commission to get their opinion of what it is they want to build on the

property. Mr. Baker added that they should have their design drawn to scale with details for review for the HDC. He added that the town would guide them with any other questions they may have.

A second consultation was held with local real estate agent Jane McCarthy who was acting as representative to John Miller, property owner of 104 Jefferson Street. She explained that Mr. Miller is interested in purchasing a small section of land belonging to Bradford Clubb, property owner of 302 Market Street whose property abuts Mr. Miller's property. The purpose of the purchase would result in the straightening out of the property line between the two aforementioned properties. Mr. Clubb's property is a conforming property which currently has 10,628 sq. ft. However, Mr. Miller's property is currently non-conforming having only 9,389 sq. ft. The parcel that Mr. Miller wants to purchase (shown as "Parcel 1" on the plat drawn up by Rauch, Walls, and Lane date 7/31/92) from Mr. Clubb contains 724 sq. ft. Ms. McCarthy was looking for any indication that the Planning Commission would be willing to approve this transaction prior to having the necessary paperwork and plats drawn up to present to the commission. The exchange of property would result in Mr. Miller having a conforming property and Mr. Clubb being left with a non-conforming lot. The exchange would also straighten out the property line between the two properties which currently goes in and out. Planning member Edwin Miller noted that it seemed like an equitable to swap to him. Mr. Mroczek added that generally one cannot make a lot less conforming but in this case one was just switching the figures. Planning member Edwin Miller added that he did not see any point in agonizing over 200 sq. ft. Both Mr. Beglin and Mr. Reed agreed. Mr. Baker stated that the general consensus of the commission was that they would look upon the change favorably and that the next step would be for Ms. McCarthy to bring in a new revised lot line plat with the proper signature lines.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk