

OXFORD PLANNING COMMISSION

MINUTES

AUGUST 2, 2022

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Tuesday, August 2, 2022, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were David Baker, Edwin Miller, and Bruce Beglin. Also in attendance was the Town Planner, Maria Brophy.

The minutes of the meeting of June 7, 2022 were approved and accepted as distributed.

REQUEST FOR APPEAL REVIEW

Dani Racine from Lane Engineering met with the commission as the representative for Mary Cerrone and Kevin Wagstaff, contract purchasers of a vacant lot at 100 Stewart Avenue. She explained that the lot was zoned "R-2", that the lot size was 3,600 sq. ft, and that given the lot is only 47 ½' deep, it would require two setback variances. She added that there had been a house on the property in the past, along with a driveway, and that the original footprint had been grandfathered. The contract purchasers were seeking to secure a variance from the front and rear yard setbacks, prior to purchasing the property, in order to build a two-story home with a garage and porch, as well as seeking a favorable recommendation from the Planning Commission to be sent to the Board of Appeals.

In looking over the plan, Mr. Baker commented that he thought the plan looked good but was unsure as to the proposed height of the new house. Ms. Racine responded that the contract purchasers were both architects and were familiar with the requirements with regards to building within a designated flood zone area and that the 1st floor of the home would be 2 to 3 feet above the base elevation. She added that the conceptual plan had gone before the Historic District Commission as a consultation and that generally speaking, they were good with it. Mr. Baker responded that he was impressed with the drawing and that it would be an improvement within Stewart Avenue and that he would have no problem with recommending an approval to the Board of Appeals. Nearby neighbor to the property at 100 Stewart Avenue, Stuart Parnes, addressed the commission stating that he had no issue with the proposed house but that he was seriously concerned about the impact of stormwater runoff in the area. He stated that an engineered plan was going to need to be required to drain that property as that lot was the collection area for all the rainwater on in and around that street and that with a house being built there, it may not be able to collect the rain water run-off any longer. Town Planner Maria Brophy responded the once the couple receive a variance, they will need to submit a permit application to the town and within that application they will need to provide full construction plans along with fully designed stormwater plans, planting plans, and erosion and sediment control plans, all of which will be sent to the town's hired engineering firm and that these plans will all need to be addressed prior to the review of the building permit plan itself. Mr. Parnes questioned the proposed coverage for the property. Planner Brophy responded that currently they are proposing no more than 40% coverage, which meets the town's zoning ordinance requirements. The next door neighbor to the discussed property, Scott Rensberger, added that

he too thought it would be an improvement but, that as a journalist, he had looked into the history of the property and found that at one time it had been a wetland area that had been dug out, which resulted in the post office succumbing to flooding. Afterwards, flooding started on Stewart Street and that now the water just stays there and doesn't leave. Mr. Rensberger noted that some of the houses in his area have been elevated, creating more run-off on his property at 102 Stewart Avenue. He added that his own house could take its own rainwater, but not everyone else's and questioned how the construction of a new house, right next door to his own, would affect his property. Mr. Rensberger added that Oxford's past Public Works Superintendent, Scott Delude, and told him that the pipes on Morris Street literally go right underneath his yard and drain out in that area. Though he was in favor of a structure next door to him he was concerned because every decision made in that area, so far, has impacted he and his family. His only wish was that the new house was just a little more to the right as this would give he and his neighbor a good 12' apart from one another. Mr. Beglin asked if, after a heavy rain, was this section of town the last to dry out. The residents in that area who were present in the meeting all responded that it was which led Mr. Beglin to ask the question if that area could be pumped out by the town. Planner Brophy responded that she could look into that. This led other neighbors to begin discussing their own stormwater problems within and around Stewart Avenue. Chairman Bell reminded all present that the Planning Commission was simply addressing a setback issue at this time. He noted he understood that there was concern about the continuing water problem arising in the area from construction and that it would need to be addressed during the permitting process. Town Planner Brophy agreed stressing that the applicants would need to have a very extensive stormwater plan when they get ready to submit their permit application and that every substantial building permit application has to have a stormwater plan. Mr. Parnes stated that he was worried the buyers might not be aware of the stormwater problem after they get everything approved. It was noted that the contract purchasers were in the process of having a stormwater study done. This led to a brief discussion of how this property was at the bottom of a funnel and there being a need to get the base problem solved. Planner Brophy stated that she would talk to Manager Lewis about this. Chairman Bell suggested that the commission bring this to the attention of the town office as well.

Chairman Bell asked for a motion with regards to a recommendation being made to the Board of Appeals on the setbacks for this house. Mr. Baker, in putting together a motion, stated that everyone agreed that this was a buildable lot, and that the contract purchasers have tried to make it work in providing the parcel with a house, a driveway, and a garage and had done a good job by taking into consideration that this lot has several problems. He made a motion that the Planning Commission recommend to the Board of Appeals that they look favorably on granting a variance on this and felt it would be an asset to the neighborhood. Chairman Bell reminded those in attendance at the meeting that this was just a recommendation to the Board of Appeals to grant a variance for setbacks on the property and had nothing to do with design or engineering of the property or any other issues that the neighbors had brought up in their discussion of the area. He referenced the Oxford Zoning Ordinance regarding provisions for variances, which, states in part, that the powers of the Board of Appeals is to give a variance where special conditions and circumstances exist which are not caused by the actions of the applicant but which are peculiar to the land, structure, or building involved which are generally not applicable to other lands, structures, or buildings, in the same district. Chairman Bell added that what this meant to him was that the applicant had done nothing to deteriorate the ability to build on this property and therefore they should not be penalized on required setback requirements. He again reminded those present that the Planning Commission was just talking about the setbacks and that a lot of work would need to be done in

order to go forward now after the commission's discussion at this meeting. For now, the Planning Commission just needed to agree if they would recommend to the appeals board the need to give a variance on setbacks for this piece of land.

In reviewing the zoning ordinance, Mr. Miller pointed out that Section 32.10 – **Variance of Front Yard Requirements to Preserve Existing Building Line**, would allow for the applicants to build their proposed house as shown as it would preserve and maintain the existing setback line as defined by the neighboring homes. As such, this would result in only the need for a rear yard setback variance. Mr. Miller then seconded the motion that a positive recommendation be sent to the Board of Appeals but just for a variance to grant a rear yard setback. The motion was carried with all in favor. Chairman Bell confirmed that the commission would recommend to the Board of Appeals that they grant the request for the rear setback and that the setback in the front of the property is covered under Section 32.10 of the Oxford Zoning Ordinance.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk