

OXFORD PLANNING COMMISSION

MINUTES

JUNE 2, 2020

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, David Baker, on Tuesday, June 2, 2020, at 6:00 p.m., via "Zoom" due to the on-going pandemic of a virus known as Covid-19.

Other members participating in the virtual meeting included James Reed, Edwin Miller, Steve Mroczek, and Bruce Beglin. Also in attendance was Town Administrator Cheryl Lewis.

The minutes of the meeting of December 3, 2019 were approved and accepted as distributed.

The following building permits were reviewed by the commission:

1. Permit #20-17, Jacques and Caitlin Dessailly, 102 Jacks Point Rd., construction of a 6' high by 100' long wooden privacy fence to replace existing split rail fence. Both Mr. and Mrs. Dessailly were virtually present to discuss the application. Mrs. Dessailly noted that she and her husband had spoken with a contractor to erect a 6' privacy fence to run along the back edge of their property line. She further explained to the members that the neighbors behind her property, Mr. and Mrs. David Gordon, at 206 Third Street, have a 16' x 35' swimming pool that runs close to their property line, along with 3 active dogs, making it difficult for the Dessailly's to enjoy the use of their yard, and likewise for the neighbor's to enjoy their yard. Currently there is a split rail fence that runs along the Dessailly's backyard that needs replacing. In speaking with the neighbors, the Gordons, they too agreed they would like to see a 6' fence between the two properties. Mr. Dessailly spoke stating that when he and his wife are in their backyard it was difficult to enjoy themselves due to the proximity of the swimming pool along with the barking of their neighbor's dogs. He added that the fence was needed not only for privacy but to ease the tension between the neighbors. Mr. Miller spoke stating that he had driven by the property and could see the problem as it appeared the back boarder between the two properties was very tight. He also noticed that there were some trees planted in the area to provide screening but that many of those trees had died and that he could understand the need to have some privacy. Mr. Miller also pointed out that in the application there were two (2) positive letters of recommendation from two (2) other neighbors in the area in support for the fence. He questioned why the Planning Commission had not received a letter from the Gordons in support of the fence as well. Mrs. Dessailly responded that the Gordons had submitted ½ of the payment towards the appeal fee adding that she and her husband didn't understand if there was a way to dual sign the appeals application, and since they were having the fence come right on their property line, they thought it would overcomplicate the process to co-sign the appeal with their neighbors. Mrs. Gordon, who was also present via "Zoom", spoke stating that when she and her husband had the swimming pool installed on their property they had had planted approximately 35 arborvitae trees in the hopes of creating a living fence. They had thrived for 6 years, but in 2019 they became diseased and all but 10 of them died. She also noted that she had sought professional help to find an answer as to why the trees had died, but no one could come up with solution. Mrs. Gordon clarified again that she and her husband had worked to

create a living fence because their thought was at the time that they probably would not be able to install a 6' fence but now that the living fence has died, the only choice for privacy for she and her family, along with the Dessaillys, would be for a 6' fence. Chairman Baker spoke stating that he had noticed other evergreens in town have been dying for reasons unknown. Chairman Baker then explained that in accordance with the Oxford Zoning Ordinance, Section 32.12, 6' fences are not allowed and can only be obtained by a special exception through the Oxford Board of Appeals. Therefore, the Oxford Planning Commission would have to disapprove the permit application but the applicants could seek approval through the Board of Appeals, if they so desired. He also stated that the Planning Commission does have the ability to send the application on with a recommendation to the Board of Appeals. Discussion was opened up as to what, if any, recommendation could be sent on to the Board of Appeals. Chairman Baker suggested that it could be sent to appeals with a favorable recommendation but with the specification that if either property changes hands, the fence would have to be taken down so that the fence would go with the owner instead of the property. The Dessailly's responded to this comment by stating that they both liked living in Oxford and were here for the long term nor did they want to disrupt the small town feel or other yards. Mrs. Gordon added that she had been in Oxford for 20 years with no plans of going anywhere else. She added that she did not want discord with the neighbors and was hoping the fence could help. Mr. Mroczek spoke stating that he did not want to specify terms and conditions as he felt the appeals board could make their own judgement. He felt the appeal should be sent without a recommendation one way or the other but to ask the board to take note that both property owners are in favor of the this solution. Mr. Reed spoke stating his property has a 6' fence along the back of his property line which he acquired through the Board of Appeals so he did not want to comment on it. Mr. Beglin spoke stating that requests of this nature have come up before to the commission. He stated that he had come from a small town that was fenced in that it was not a pretty sight. He added that he felt the Planning Commission should not make decisions on individual problems and that requests for privacy fences all had their own reasons for it. In general, Mr. Beglin noted that he was against privacy fences unless a residential property was up against a commercial property or something really ugly behind it and that a privacy fence should be grown, not constructed. Mrs. Gordon again stated that she and her husband had tried to grow it and spent quite a bit of money doing so but that it had failed. Mr. Miller spoke stating that it looked like there was no unanimous feeling one way or the other and made a motion that the Planning Commission deny the application and send it to the Board of Appeals with no recommendation. The motion was seconded by Mr. Mrozek and carried as follows: Edward Miller – yea, Steve Mroczek, yea, James Reed – abstaining, and Bruce Beglin – nay with Chairman Baker stating that his vote was moot.

2. Permit #20-28, Analipsi, LLC, 200 West Street, request to amend permit #19-05A for a reduced setback from 25' to 3'; revision to previously approved permit would move accessory building closer to road putting it in the front yard setback. Architect Christine Dayton was virtually present to discuss the application. Ms. Dayton explained to the commission that there were only 2 houses on West Street and referred the members to a plat showing how buildings are placed close to the road in that area. With that in mind, she stated that it made more sense to pull the previously approved accessory structure closer to the street, like the neighbor's accessory building, and further away for the 100' critical area buffer. Ms. Dayton also referred to Section 32.10 of the Oxford Zoning Ordinance which states that "in all districts on streets or shore fronts where existing buildings and structures create a clearly defined setback line, a new building may be located in such a manner as to preserve the existing building setback line, even

though such building may not provide for the full yard required herein.” She also presented an aerial view of the Analipsi property and the neighboring houses, taken by Sean Callahan from Lane Engineering, in order for the members to have a better understanding of why the change was being requested. Ms. Dayton also mentioned that Town Administrator Cheryl Lewis had commented at the recent HDC meeting that West Street is more like an alley because it is an alley for the houses facing it and most of the structures on the other side of the street are also close to the road. Chairman Baker agreed that Section 32.10 of the Oxford Zoning Ordinance did apply and that he personally did not see the need for a variance. Sean Callahan, also virtually present at the meeting, read aloud Section 32.10 again and commented that he thought the best exhibit showing this was a series of street photos that he had provided to the commission. Mr. Miller responded that he thought the photos were irrelevant, that everyone was familiar with the Al Smith garage, and that the new structures were going to align with the front of Mr. Smith’s garage thus falling within the literal meaning of Section 32.10. He added, however, that his opinion was that it was going to make that alley like a tunnel. Chairman Baker argued that South Street was the same way. Architect Christine Dayton spoke and explained that the residence at 200 West Street was right on the corner and that a fence would be added right along the property line so that there would be the layering of height with a gracious Oxford fence along the property line. Mr. Callahan added that the proposed swimming pool would line up with the main house so that the main house would comply on the streetscape side and the pool would comply with the shore side, if the board was willing to approve the revised setback. Chairman Baker stated that the new accessory structure would look very much like a house and that Mr. Smith’s house has a brick fence in front of it which he (Chairman Baker) did not like because one could not see the water with the brick fence blocking the view. Mr. Beglin stated that he felt Mr. Smith’s wall was an anomaly, and that he did not agree the commission should extend that anomaly, and that he believed one could make the same case of leaving the new accessory structure in the location in which it was originally approved. He also felt it was dangerous to keep referencing Al Smith’s property as it had a number of zoning errors on it. Chairman Baker responded that many houses in town had been built right on the property line and how they got there one may never know. After reading over Section 32.10 for one last time, Mr. Miller made a motion that the Planning Commission approve the applicant’s request to have the reduced front yard setback. The motion was seconded by Mr. Mroczek and carried with the following vote: Edwin Miller – yay, Steve Mroczek – yay, Jim Reed – yay, David Baker – yay, Bruce Beglin – nay.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk