

OXFORD PLANNING COMMISSION

MINUTES

OCTOBER 6, 2020

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, David Baker, on Tuesday, October 6, 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, and Steve Mroczek. Also in attendance was Town Administrator Cheryl Lewis and Oxford resident Norman Bell.

It was agreed by the members to hold off on approving the minutes of the meeting of September 1, 2020 as those minutes arrived late or, in some cases, not at all, for the members to review on time.

CONSULTATIONS

A virtual consultation was held with Michael Mueller, contractor purchaser of 210 Tilghman Street, along with his engineer, Sean Callahan, and residential designer Timothy Kearns. Chairman Baker recused himself prior to the start of the discussion, as he and his wife are the current owners of 210 Tilghman Street, and turned the meeting over to James Reed, in the role of Acting Chairman, for this portion of the meeting.

Engineer Sean Callahan addressed the members stating that in their last virtual meeting with the Planning Commission, he and Mr. Mueller had talked about developing this property with a single house, swimming pool, pier, and garage. The house had been shown as being close to the water at that time and the specifics on what the owner was wanting to do were light. Since that time, more work has been done including a more detailed plan on the main structure. The house is now shown as being moved closer towards Tilghman Street, in order to be in line with the existing house next door, with a larger garage in the front yard along with a courtyard parking area between the house and garage. A proposed swimming pool would still be located on the waterside of the property. Mr. Callahan noted that wetland delineation had been done and it was found that there is a ditch on the right hand side of the property which is wet and tidally influenced. Currently Mr. Mueller is waiting for some feedback from the State of Maryland on the degree to which that ditch is tidal, which could possibly affect the setback from the ditch. Mr. Callahan added he thought the site plan made better sense now though he noted that there may be some discretion with the desire to have accessory structures on either side of the property. In looking over the site plan, Mr. Callahan went over the grades of the lot and pointed out a perimeter swale that brings the street flow runoff from the street front area and down the common line with the neighboring property and from there, down to the wet swale area. Mr. Callahan pointed out that the swale area was only about ½ a foot deep and that it was self-sufficient and vegetative. He believed the plan should meet with the town’s stormwater regulations. Mr. Kearns addressed the commission with regards to the house itself stating that it would be a very Oxford style house with a long porch on front and telescoping in the back, having a screend porch on the rear overlooking the proposed swimming pool. He added that there was room to move the house laterally to the east or west, if needed. Mr. Kearns also pointed out that an important feature that the owner is taking advantage of would be the placement of an accessory in the front yard that two (2) of his neighbors

have. It would act as a parking structure as well as a buffer from Tilghman Street. Acting Chairman Reed thanked Mr. Kearns and Mr. Callahan for their presentations. He explained that this property is a "through lot" in which one can choose either the street side or the water side as their front yard. The Oxford Zoning Ordinance allows for accessory structures to be on only the back or side yards. He posed the question to Mr. Mueller and his team which side they were designating as the front yard and which side as the backyard. Mr. Kearns responded that it was a question of which accessory structure they would like to have in the front yard – the swimming pool or garage and that both swimming pools and garages have been located in front yards within town. Acting Chairman Reed responded that since the swimming pool would be a future part of this project, should Mr. Mueller submit his permit for the house and garage with the creek side being designated as the front, and without the submission of the swimming pool, the permit would be able to be granted. Later, at some future point in time, the permit for the swimming pool could be submitted knowing that it would have to go before the Board of Appeals for a variance/special exception. The way in which this was being presented in consultation, with the house, garage, and swimming pool all being connected, the application would have to be denied. Acting Chairman Reed added that this was just a suggestion on his part that Mr. Mueller and his team might want to think about this. Mr. Mroczek spoke stating that he thought Acting Chairman Reed did a good job of summarizing what he too agreed with. Mr. Callahan spoke stating that they were showing the garage to be closer to the street at 15' than the building restriction line permitted of 25', but that the garage would line up with the structure next door. He questioned if that was a variance action. Mr. Mroczek responded it would depend on whether they were choosing the Tilghman Street side as the rear or front yard of the property. Mr. Kearns pointed out that other neighbors have a connection between what is essentially the accessory structure and main house. He asked if they were to slide the garage within the building restriction line and connect it to the house, would they be considered as having a single structure within the building restriction line. He added that they could easily connect the garage to the house by changing the orientation of the open front porch. Mr. Miller responded that if they connected it to the house so that it was all one structure, they would still be faced with having to meet the 25' setback from the street. Mr. Kearns rephrased his question by asking that if both the garage and the connecting structure to the house were within the building restriction lines, would that then allow the applicant to have the waterside as the backyard in order to have the swimming pool. Acting Chairman Reed responded that was correct. Mr. Miller added that by making that change, the applicant would only have one accessory structure as opposed to two and that Mr. Kearns' suggestion made sense. Mention was made again by Mr. Mroczek that thought be given to removing the swimming pool from the plans and be submitted at a later date as the house and garage as shown on the preliminary site plan would work. Acting Chairman Reed stated that it was up to the purchaser of the property to decide what he would like to do and that a new drawing would be needed if he decided to connect the garage to the house. He that he did not see a problem with that, adding that he was sorry the commission could not give Mr. Mueller a more definitive answer as they could only go with what was written in the Oxford Zoning Ordinance.

Mr. Reed turned the meeting back over to Chairman Baker who introduced David Thompson, who was virtually present, to discuss his interest in a lot line revision on Bayview Avenue.

Mr. Thompson proceeded to give a history of tax parcel 839, which was previously owned by Andy Latka. Mr. Latka bought it from the railroad and also owned, at one time, 106 Riverview Avenue and 107 Bayview Avenue –a property to the west of a lot that he (Mr. Thompson) owns. The Latka lot is subject to an old ingress/egress easement which is an alley. The north side of the Latka garden plot has a 15' wide alley that runs all the way to S. Morris Street. There is also a second lot that was part of the Latka property that was the old Bachelor Point Road when it was owned by the railroad. The property

at 106 Riverview Avenue is located between two (2) alleys. Mr. Thompson stated that he had purchased the two (2) Latka parcels which include a 20' wide alley to the west of what he considers the Latka garden lot. These were two separate parcels which Mr. Thompson stated he had bought as two parcels. He explained that he wanted to consolidate the garden piece, which is to the south of 106 Riverview Avenue, with his larger lot which is owned by an LLC that Mr. Thompson created called Park Neighbors. He noted that the plan is when this lot consolidation is finished, the Park Neighbors lot will be expanded by 4700 sq. ft., Park Neighbors will then convey the property to Mr. Thompson himself and his wife, Jane, and the LLC will be dissolved with Mr. and Mrs. Thompson building their retirement home on that parcel. Chairman Baker observed that the railroad alley itself goes to Morris Street between Lot B/840 and 106 Riverview, separating the 2 lots. He started to ask if that was now going to be part of Lot 840. Mr. Thompson interjected by saying, "yes," adding that that line there was not a boundary line, rather it was just showing the easement area. He added that it would be part of Parcel 840 but it would be subject to an easement on the 15' strip on the northern side. Mr. Thompson noted that the 15' alley runs all the way through the backyards of both of the houses that face Riverview and the houses that front on Bayview, all the way to South Morris Street. As a means of access, Chairman Baker asked if Mr. Thompson would still come in essentially from somewhere down between 106 Riverview and property owner Phil Dietz's property at 104 Bayview Avenue. Mr. Thompson responded that was correct and that his main entrance was going to be Bayview Avenue. Mr. Thompson explained that when his property was annexed into the town, there was no access by deed and by agreement with the town. There was also no access either from Phil Dietz's lot that Mr. Thompson had sold to him or the lot Mr. Thompson retained. There is also no access from Bachelors Point Road by deed restriction. As such, what was agreed years ago was that when any house was built on these parcels, they would be oriented towards Bayview and that would be the main access. However, Mr. Thompson added that his lot will have 2 back drive kind of accesses across the property that will be retained by his LLC and shared with the property owners of 106 Riverview Avenue (Donna Patchett) and 107 Bayview Avenue (Judd Vreeland) as it runs to those two properties, and then the alley that runs perpendicular to the railroad alley that runs all the way back to South Morris Street. Mr. Miller asked Mr. Thompson who was the original beneficiary of the easement shown in Mr. Thompson's drawing. Mr. Thompson responded that that easement was disputed by the Latka heirs who inherited the property after their mother died. Specifically, the easement was for use by the former owner of 106 Riverview Avenue, Clarence Russell, who bought his property from Mr. Latka in the 1960's. It was also for the use of the other parcel to the west, 107 Bayview Ave., now owned by Judd Vreeland. Those 2 properties were the beneficiaries of that easement. Mr. Thompson added that as a matter of fact, that alley had and has been used by others living near and around that area but the only ones with the legal deeded right to use it are the property owners of 106 Riverview Avenue (Donna Patchett) and 107 Bayview Avenue (Judd Vreeland). Mr. Miller asked that if the lot line revision goes through, would the use of that easement be deprived from anyone else. Mr. Thompson responded "no", that that he would be leaving it there. He added that it once was a problem but that his plan was such that once he and his wife get all the deed transactions done, to put the title in his wife's and his name. He further stated that he was going to ask his neighbors to enter into a formal agreement so that they could all share the maintenance of the easement that they will all get to use. Chairman Baker stated that he noticed the surveyor's comment on Mr. Thompson's plat that indicated that he had essentially gotten agreements from everyone whose name was on the deed and that they had approved of it, which essentially includes Donna Patchett and Judd Vreeland. He added that this would indicate no one is against the proposal. Mr. Thompson responded that he had written a title policy for Mrs. Patchett as her agent and had guaranteed to her that she had the right to use that easement. Chairman Baker asked if Mrs. Patchett had a separate driveway on her property at 106 Riverview Avenue. Mr. Thompson responded that she used parcel 839, Lot 1, which would stay the same. Chairman Baker noted that he had found some

discrepancies as to the actual square footage of tax parcel 840/Lot B when comparing Mr. Thompson's submission with the STAT data base and another tax map listing he had found. Mr. Thompson agreed he needed to check on that but he was being pragmatic about it only because he knew the lot was large enough to be built upon and that impervious surface coverages shouldn't be a problem. Chairman Baker addressed the commission members and asked if they had any comments. Mr. Mroczek stated that it all seemed pretty straight forward as presented. Mr. Miller spoke stating that the only issue he was concerned about was being sure the lots were all owned by the same entity. Mr. Thompson responded by explaining that once he knows that he has a plat that will be approved, the title of which he could use in a deed, there would then be several deeds created. The first deed will be a deed from Railway Alley Maintenance Co, LLC (tax parcel 839/Lot 2) to Park Neighbors, LLC. Park neighbors, LLC owns Lot B, revised tax parcel 840. Mr. Thompson confirmed that Park Neighbors, LLC is owned by himself and his wife, Jane. Once he is able to get these two (2) parcels combined into Park Neighbors, LLC, Park Neighbors, LLC will be dissolved and the combined lots conveyed to both he and his wife individually before they do their borrowing to build a house. Mr. Thompson closed by stating that if the commission gives its OK, he was going to go ahead and do the first deed without reference to the plat that will be the deed of Lot 2 to Park Neighbors, LLC and present that deed to Administrator Lewis so that the commission will know that it is in common ownership and that it will be the next deed or the 3rd deed that will actually refer to the plat and that will be the deed that transfers Park Neighbor's interest to he (Mr. Thompson) and his wife Jane. Chairman Baker asked that if there was no further discussion that a motion be made. Mr. Mroczek made a motion to approve the lot line revision. The motion was seconded by Mr. Miller and unanimously carried by all those present. Mr. Thompson ended with saying he would coordinate with Administrator Lewis on recording the deeds and plat.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk