

OXFORD PLANNING COMMISSION

MINUTES

OCTOBER 5, 2021

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, David Baker, on Tuesday, October 5, 2021, 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 Norman Bell, Edwin Miller, and Steve Mroczek. Also in attendance was Town Manager Cheryl Lewis and Town Planner Maria Brophy.

The minutes of the meeting of September 7, 2021, were approved and accepted as distributed.

The following permits were reviewed by the commission:

Permit #21-84, Bartley Eckhart and Bonnie Johnson, 102 East Strand, complete renovation of, and addition to, circa 1930 cottage, including stormwater management, concrete and brick terrace, concrete and brick wheel strip driveway, new electric, water, and sewer. Both Mr. Eckhart and Ms. Johnson were virtually present to discuss the application. Mr. Eckhart reminded the members that at their last meeting they had gone over his application, and he had explained the major impacts of their plan including raising the roof ridge, and rebuilding the front porch by going out 18" further to the north, towards the water. He noted that Town Manager Cheryl Lewis had asked that the 50 ft. and 100 ft. buffer be added on the drawings which were shown on pages C2 and C3, which was the only change made to the plans that the commission members had seen at their previous meeting. Chairman Baker stated that the setbacks were good on the side and the back but that the porch extended a little bit further into the 100' buffer but that the ordinance also has a 25' setback and that it looked like the couple were encroaching into that setback as well. Mr. Eckhart responded that was not the case as they had made sure their plans did not encroach into that. Chairman Baker responded that that was true of the porch itself and it was his understanding that the steps and landings don't count in terms of the setbacks as found under Section 32.13 of the Oxford Zoning Ordinance but he questioned the front walk, which is connected to the steps, and if that was over the 9' limit. Manager Lewis spoke stating that the zoning allowed the steps to encroach into the setback, if necessary, and that the sidewalk would not be relevant. Mr. Eckhardt explained that upon leaving the porch there would be a landing area, required by code, having two steps and that the dimension from the façade of the porch to the toe of the second steps down would be 7'. Chairman Baker responded that was his main concern, but it looked to meet zoning. Planner Brophy spoke stating that the reason this permit had been brought before the Planning Commission was not because of the steps but because the front porch would be encroaching slightly further into the 100' buffer from MHW. Though she had not yet reviewed the application herself, she noted that it was her understanding that this was a non-conforming portion of the project but there was something within the zoning ordinance whereby the Planning Commission could grant that extension into the buffer if there were no other alternatives. Chairman Baker responded that he was aware that single family, residential development, shall minimize extension into the buffer and that redevelopment shall not be located less than 50' from the water but that he needed assistance in understanding that and buffer management, which is 25'. Manager Lewis responded it was permissible to go into the 100' buffer but that it did need the determination from the

group that there was no other alternative place to place that porch, based on the owner's existing porch and his request to extend it and that that was where the Planning Commission needed to make that review and come up with that determination. Mr. Miller asked Mr. Eckhardt if this was the main entrance into his house. Mr. Eckhardt responded that it was and that it was a key element in terms of the Historic District Commission consideration because it was original and that they did not want to remove it. Mr. Miller noted that as an alternative, there was plenty of room on the lot to move the house further back into the property. Chairman Baker responded that was true but there was an extreme hardship here which has a valid concern. Mr. Miller wonder if it would be an extreme hardship for the applicants to move the entire project back. Mr. Eckhart responded that were not going to move the house. Planner Brophy spoke that the owner had just received approval from the HDC for their plans and that the relocation of historic homes is an entirely different ordeal. Manager Lewis added that the HDC also has purview over the location of an historic building. Mr. Miller again questioned if this would be a hardship for the commission to require the applicant to move the entire redevelopment back so that it would not extend into the buffer. Chairman Baker responded that if the Planning Commission were to disapprove the application and suggest that it be taken up by the Board of Appeals, his thought was that the appeal board would immediately state that it meets the requirements for a variance in that it would create a hardship otherwise. He added that the idea of a buffer is to keep water from directly flowing into the bay from this property and that if they were closer than 25' from the water there may be a problem. Mr. Bell asked about other properties along the Strand and if they stuck out further from that which the Eckhart house would extend. Manager Lewis responded that they were staggered but thought the 18" kept it rather consistent with what the Robert Morris Inn has down the Strand. Mr. Bell stated that it appeared 108 and 112 The Strand looked like they were sticking out further and that, to him, the 18" is under the circumstances. At that, Mr. Miller proposed that the Planning Commission approve the applicant's project as presented. The motion was seconded by Mr. Mroczek. Prior to the final vote on the motion, Mr. Bell asked about the porch and its position on the east side and if there was something in the code whereby one could not go beyond the existing building line. Manager Lewis responded that they could and that as long as it is within the setback, they are still ok. A vote was taken and unanimously carried and approved with Chairman Baker abstaining from the vote.

Permit #21-92, Swallows, LLC, 200 Tred Avon Avenue, request for restoration of historic front porch. Architects Christine Dayton and Nick Cappella were virtually present to discuss the application. Ms. Dayton stated that the owner was asking for consideration in restoring an historic porch in the front of the house at 200 Tred Avon Avenue. Mr. Miller pointed out that the porch the applicant wished to restore was depicted in the Douglas Hanks book, "Oxford Then and Now." Chairman Baker noted that it looked like the owner wanted to closely replicate the original porch. Ms. Dayton responded that was correct noting that the lot to the south has a porch that extends 6 ½' out over the front setback, and that they wanted to restore the 200 Tred Avon Avenue porch as closely as they could to the historic photo. Mr. Miller stated that the point here is found under Section 32.10 of the Oxford Zoning Ordinance and questioned if this one porch, on the west side of Tred Avon, established a building line. Chairman Baker responded that that one porch was one, but if one were to look further down the street, one would find all the porches are fairly close to the street and that the original porch at 200 Tred Avon Avenue came out as far as the others. Mr. Miller asked if that would mean every other house on the west side on Tred Avon Avenue could all have porches that stick out that far. Ms. Dayton responded she did not think so but that this property has historic evidence that it was in the location in which they were asking to place it. Mr. Mroczek commented that there were others down the street that are even further out so that the

argument would be others are as far outside of the 25' front yard setback. Mr. Bell stated that in looking at the porch there is a wrought iron fence there and asked if the porch would extend beyond that. Ms. Dayton responded that it would not and that the wrought iron fence was represented by the lines with "x's" on the site plan. Mr. Bell asked if the fence would continue to stand there. Ms. Dayton responded that it is more like a snow fence and may change into an historic fence. She again added that the porch would not go beyond that fence. The owner is asking to go out an additional 5' and the neighbor's porch comes out 6 ½'. Mr. Miller asked if there would be 3 steps leading up to the new porch. Ms. Dayton responded that there would be. Currently the house, with the steps, sets back 9 ½' from the property line. The plan would be to project it out further by an extra 4 to 5 feet. Mr. Miller asked if this meant the new porch would be perfectly in line with the next-door neighbor's porch. Ms. Dayton responded that was incorrect and that it would be back about 1 ½' further than that. Mr. Miller commented that it was admirable the owner wanted to restore the original porch. A motion was made by Mr. Mroczek to approve the application as presented and seconded by Mr. Miller. There being no further discussion the motion was approved. Chairman Baker elected not to vote.

Prior to adjourning, Mr. Miller suggested that Section 32.10 be updated as it "speaks in many cases of the plural". He added that in terms of establishing a building streetscape line, it contemplates there are many buildings and structures that establish a building line and not just one porch. Chairman Baker responded that the town is strange whereby there are some streets that have only one or two houses on them so there is no way to get a streetscape on that. Manager Lewis added that that section had to do with the historic nature of the town.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk