

## OXFORD PLANNING COMMISSION

### MINUTES

JANUARY 12, 2022

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Wednesday, January 12, 2022, 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 David Baker, Edwin Miller, and Bruce Beglin. Also in attendance was Town Manager Cheryl Lewis and Town Planner Maria Brophy.

The following building permit was reviewed by the commission:

- Permit #21-125, Verizon Communications, 203 Oxford Road, install one new vertical indoor air handling unit and one new exterior condensing unit to be installed at least 3' above grade on steel supports and concrete pad; install new 500 gallon above ground fuel tank anchored to new concrete pad with fuel tank top and all associated fittings to be at least 3' above grade; install new vinyl imitation wood 6' tall fence to screen new fuel tank. Project Manager Jay Kovacs and Project Designer from Kovac Whitney, Nick Kunze, were both virtually present to discuss the application. Mr. Kunze explained that the scope of the work would involve the replacement of two pieces of equipment, one being an air handler unit and the other an exterior condensing unit, both of which would be elevated 3' above grade. The plan also calls for a 500 gallon above ground fuel oil tank which would be anchored to a concrete pad. The top of the fuel tank and associated fittings would be at least 3' above grade. In addition to the tank, is the request for a 6' imitation wood, vinyl fence that would enclose the tank for safety reasons along with screening it from the neighbor's sight. Chairman Bell asked the members for their comments. Mr. Baker pointed out that one problem with the application was the request for a 500 gallon tank to be placed above ground. The Oxford Zoning Ordinance, under Section 32.11, calls for all tanks, in all districts, with a capacity of 300 gallons or greater used for the storage of flammable liquids to be underground in a leak proof containment structure. He explained that the commission had to follow the Zoning Ordinance and therefore could not approve this request but added that because of the conditions, the applicant had a good argument in going before the Board of Appeals asking for the tank to be above ground. Mr. Miller added that the other issue was the height of the requested fence and that Section 32.12 only allows for fencing 4' and under. He too noted that the Planning Commission could not approve this request as well but that it too was something that could be taken before the Board of Appeals as some oversized fences could be used to either enclose or shield things and he felt there was a good argument for it. Chairman Bell reiterated the condition about above ground tanks being no more than 300 gallons and asked if Verizon had considered putting in two smaller tanks at 250 gallons each to meet zoning requirements. Mr. Kunze responded they had but wanted to stick with a 500 gallon tank for simplicity's sake adding that 2 units would take up more space and that the 500 gallon size meets the Verizon standards as to how long they need standby power, especially because this is a somewhat remote area requiring at least 72 hours of standby time. He added that they were looking to go through the appeal

process for both items. Chairman Bell stated that he agreed with his fellow members that the Planning Commission couldn't do much with the tank and fence except to deny the application and send it to appeals, if that is what the applicants want to do, with a letter of recommendation. A motion was made by Mr. Baker to deny the application but to send it on with a positive recommendation to the Board of Appeals for both the fence and 500 gallon tank because both are what the commission would want to approve if they had the power to do so. The motion was seconded by Mr. Miller and unanimously carried. Prior to closing out the discussion, Mr. Kunze explained that the reason behind not wanting to bury the tank was for maintenance and environmental reasons. He noted that was more difficult to monitor a tank below ground and that they were looking to provide the best for the environment and neighborhood. Manager Lewis commented that because the property is located in a high flood area, even if they were to bury the tank, it would still have pipes running to it 5 to 6 feet in the air. Also, though it is allowed to be buried in the flood plain, it was a not a preference in this case. Chairman Bell addressed Mr. Kunze and brought to his attention that the drawings needed to be modified as they listed the wrong address on them and the wrong designation for the road running by the property. Manager Lewis added that the plans also needed to address the correct code and that they would need to verify the information on their elevation certificate. She added that the appeal process could start now, as it would take about 45 days to have the appeal, but the information and corrections requested would need to be completed prior to the hearing.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk