

## OXFORD HISTORIC DISTRICT COMMISSION

### MINUTES

JULY 11, 2022

The regular monthly meeting of the Oxford Historic District Commission was called to order by the Chairman, James Deerin, on Monday, July 11, 2022, at 5:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Suzanne Litty, Julie Wells, Patricia Ingram, and Jennifer Stanley. Also in attendance was Town Manager, Cheryl Lewis.

Chairman Deerin announced that Thomas Costigan, past Chairman of the HDC, had recently stepped down as an alternate member of the commission. He has recently now taken the position as a Commissioner of Oxford. Chairman Deerin added that if anyone was interested in serving on the HDC, their application would be welcome.

The minutes of the meeting of June 6, 2022 were approved and accepted as distributed.

The following building permit applications were reviewed:

1. Permit #22-52, Abigail Smith, 219 South Street, 50' fence between pool and neighbor's fence to match property owner's existing fence. Ms. Smith was represented by her friend, Kevin Irvin. Mr. Irvin explained that the project was to add a 4' privacy fence next to Ms. Smith's existing swimming pool. The fence would be approximately 50' long. Chairman Deerin stated that he had taken some photos of the property showing that there is an existing brown fence there now that is halfway around the pool and that this would duplicate what is there but at a 4' height in order to provide additional privacy. Next door neighbor to Ms. Smith and HDC member Jennifer Stanley noted that she was going to do something similar at some point but never got around to doing it. Mrs. Stanley then made a motion to approve the proposal at 219 South Street for a fence between the swimming pool and Stanley property (at 221 South Street) to match the existing brown fence currently going around the swimming pool, at a total height of 4', as described in the application itself. Chairman Deerin mentioned that the photos he had taken would be added to the file. The motion was seconded by Ms. Litty and unanimously carried without further discussion.
2. Permit #22-53, Bernie Witter, 213 South St., replacement of existing fencing with 120' of wire fencing, 4' in height, to run along north side of property. Mr. Witter presented his application stating that his proposed fence was a replacement of various types of fencing that had been there before and that it was needed to keep his dogs within his property. The new fencing would run in a straight line from his house to the water, approximately 120'. The fencing proposed would be wire fencing as Mr. Witter felt it would be the least noticeable and effective. The previous fencing had consisted of three different sections of fencing, that Mr. Witter admitted he had removed, thinking originally that this would just be a replacement which did not need a permit. However, he had found out otherwise, and though he had already removed the old fence, was now submitting an application for the new fencing. Chairman Deerin asked about the height of the recently removed old fencing. Mr. Witter responded that there had been a 2' high piece, a 4'

high piece, and then a 3' high piece, all leading down to the water. Chairman Deerin then asked if the new fencing would resemble a photo of some fencing that was attached to the application. Mr. Witter responded that it would be similar to the twisted wire fencing shown and that it would be silver galvanized wire. A question was raised as to where the fencing would start. Mr. Witter explained that it would start near the corner of his house along to a section of natural grass which would then come out to a brick portion his patio and onto the grass all the way down to the water. Chairman Deerin shared a photo he had taken of the Witter property that showed what Mr. Witter was describing, pointing out that the brick patio was shielded by garden plantings and then out from the patio showing open land straight out to the water. The new wire fencing would be 4' high and the posts would be small metal stakes that the wire would hook into. Chairman Deerin asked the members if they had any questions or comments. Mrs. Ingram noted that when she had heard about this application, she had reviewed the HDC guidelines and looked into what was written about fences and walls. It mentioned that fencing was traditionally wooden picket or iron painted black as well as mentioning about fencing covered with an opaque stain. She was not sure this type of fencing fit within the guidelines at all. Mrs. Wells agreed with Mrs. Ingram adding that she thought the length of this type of fencing would not be attractive at all, that she had liked what was there before, and that smaller pickets would be very pleasing. Chairman Deerin asked Mrs. Ingram what she didn't like about the fencing Mr. Witter was proposing, specifically if it was the use of wire fencing or if it was because the fencing wouldn't be stained. Mrs. Ingram responded that it was the use of wire. Chairman Deerin reminded Mrs. Ingram that there was wire fencing throughout Oxford. Mrs. Stanley added that wire fencing would not be used in front yards and that she personally knew that wire fencing had been used in the area for years on the sides of property, adding that where she lives wire fencing had been used up and down the yard with picket fencing used just in the front. Mrs. Stanley also noted that because wire fencing can be seen through, it does not act as a barrier, like picket fencing. Mrs. Ingram noted that she liked the use of iron fences painted black. A comment was made about the use of wire fencing reflecting sunlight. Mr. Witter responded that he felt the wire fencing was not that silvery, nor would reflect sunlight. It was his opinion that the wire fencing tends to disappear as opposed to other fencing with slots. Chairman Deerin asked if Mr. Witter would have plantings around the fencing to shield it. Mr. Witter responded that there was already a section of where the fencing would go that has plantings, right on the property line. He felt that the section next to the water wouldn't be noticeable. Mrs. Wells asked if Mr. Witter had considered using invisible fencing. Mr. Witter responded he had not, adding that his son visited frequently with his dogs and with all the other dogs already in the neighborhood, it would be easy for one of the dogs to break through an invisible fence. Chairman Deerin spoke stating that a letter to the commission had been received from Mr. Witter's next door neighbors, John and Susan Devlin. Mr. Devlin addressed the commission stating that he found the proposed fencing to be unattractive, especially for its use of keeping dogs within the owner's yard. He noted that 4' fencing had never been in this area before and though several pieces of wire mesh fencing were put in by Mr. Witter in the past, Mr. Devlin and his wife did not give it much thought as the fencing couldn't be seen because there were bushes in front of it. His opinion was that what had previously been there had been better in that one could look over it and not through it and was found to be attractive with Mr. Devlin noting that he himself had painted it several times as well as fixing it. He added that the metal fencing would be an eyesore, especially in the location proposed, as it faced a waterway. He

added that it was a question of taste and that if the commission cared about the appearance of Oxford, they should think twice about this (the fencing). Mrs. Devlin spoke noting that the wire fencing HDC member Jennifer Stanley had on her property wire fencing was hidden by bushes whereas Mr. Witter's fencing, which she referred to as chicken wire, would be highly visible. Chairman Deerin pointed out that Mr. Witter would not be using chicken wire and that the wire fencing he was proposing is considered to be decorative and has been around since the 1800's. Mr. Witter spoke stating that the fencing he had taken out was in bad shape and ready for replacement and that a 2' fence would not be adequate in keeping dogs within the perimeter of his property. A photo was presented showing wire fencing between the properties at 225 and 223S. Morris Street with greens growing within it, making it hardly visible. Neighbor Maddie Yates at 228 South Street addressed the commission stating that she has lived in Oxford since 2004 and always loved the picket fences of Oxford, which was what brought her and her husband to the town. She stated that she and her husband were finding the proliferation of metal fencing disturbing to them, noting that a double loop fence was installed behind their backs without a permit and that now they are faced with Mr. Witter's request for a similar fence. She found it to be disappointing and though she knew this was a process that had to be done, she was just concerned about the drift that the wire fencing was taking and felt it wasn't good for the neighborhood. Mrs. Yates added that the sun does glisten off these fences, as she has experienced it firsthand, from having this type of fencing facing her in both the front and back of her house, and though metal fencing was seen earlier and is considered vintage, it was iron. In closing, she stated that she just wanted to express her and her husband's thoughts and that they would rather have wood pickets. Chairman Deerin clarified to those present at the meeting that there was no reason why Mr. Witter did not have the right to put a fence down along his property as he does along with a legitimate interest because he and his son have dogs and one cannot have dogs run loose throughout town. The only question before the commission was whether the wire fence, that is included in the application, is appropriate for the area in which Mr. Witter wants to install it. Ms. Litty asked Mr. Witter what type of fencing he would use if he couldn't use the wire fencing. Mr. Witter responded it would be wood but that that would be more intrusive. Mrs. Wells stated she didn't agree and would rather have wood all the way around. Mr. Devlin asked about the height of the fencing proposed. Chairman Deerin responded the height of the fencing is governed by the Oxford Zoning Ordinance and the ordinance allows for the maximum height to be 4' so, in this case, the discussion is about the type of fencing and aesthetics and that the commission needed to vote on the use of wire fencing. Mrs. Devlin addressed the commission members stating that they can't overlook the waterfront aspect and the way it will look on the waterfront. Mrs. Stanley addressed Mr. Witter asking him if he thought the objection was the length and maybe he should consider not going all the way down to the water with his proposed fencing. Mr. Witter responded that the length of the fencing would not be as obvious and there would be a section of the fencing that would be broken up. He was of the opinion that most people wouldn't look down there as they would rather view the section with the brick patio and landscape, which would create sort of a natural barrier. Mrs. Stanley asked if Mr. Witter's neighbor, on the other side, had a fence. Mr. Witter responded that his other neighbor's yard kind of curved around and that there was a short section of fencing but no need for a longer fence. Chairman Deerin made a motion that with respect to the application for Bernie Witter at 213 South Street, for the installation of 120' of wire fencing, 4' high, along the northside of the

property, that the commission approve the application. The motion was seconded by Mrs. Stanley. The motion carried with the final vote as follows: James Deerin - Yay; Jennifer Stanley - Yay; Suzanne Litty – Yay; Patricia Ingram – Nay; Julie Wells – Nay.

3. Permit #22-55, Mark and Amber Petry, 209 S. Morris Street, add driveway gate made of 3' Oxford fencing and replace existing wire metal fencing with 3' metal wire fencing. Amber Petry presented the application explaining that she was interested in replacing the wire fencing in the corner of the back and side of her yard, which is a mix of double hoop and straight wire. Also being requested is a 3' driveway gate, to be made with Oxford pickets, and similar to the Petry's neighbor's gate, as shown in a photo attached to the application. It was agreed to address the request of the gate first. No questions were raised. Mrs. Stanley made a motion that the commission accept the proposal from 209 S. Morris Street for a 3' tall Oxford style picket fence gate. The motion was seconded by Mrs. Ingram and unanimously carried with all in favor. In reviewing the request for the metal fencing, Chairman Deerin noted that he had taken pictures of some of the sections of fencing that were missing on the Petry property, located on the side with a shed, and along the back. Mrs. Petry noted that the fencing would remain galvanized and that the sketch plan showed the location placement of the fencing. Mrs. Stanley made a motion that the commission accept the proposal at 209 S. Morris Street for the replacement of metal double loop fashion fencing as previously found on the property, with a height of 3', as shown on the drawing attached to the application. The motion was seconded by Ms. Litty and carried with one Nay vote from Mrs. Ingram.
4. Permit #22-46, William Britton, 206 Tred Avon Avenue, 16" x 3' heat pump for new HVAC system in house; unit located on right side of house. Mr. Britton presented his application stating that when he had purchased the house it did not have central air and that he had had installed central air conditioning with a compressor outside, unaware that he needed a building permit. He noted that the lot was very small and that he was unable to meet the setbacks on either side of the house. He added that he had been before the Board of Appeals with a request for a setback variance, which he had been given. Though the compressor has been installed, Mr. Britton stated that he would be screening it. Presently there is an arborvitae tree in front of it that will grow larger over time. Chairman Deerin asked if the compressor was on a concrete slab. Mr. Britton responded that it was, and his thought was that the slab was located on both his property and his neighbor's property at 204 Tred Avon Avenue. Chairman Deerin pointed out that the HDC guidelines mention that modern equipment should be installed to be not visible from the public way and that the compressor is clearly visible. Mr. Britton responded that the placement of the compressor was the only place on the entire property where the piece could be located in order for it to function properly. Chairman Deerin went on to say that unless one could not, every effort should be made to screen the equipment and that Mr. Britton was doing that with the arborvitae. Mr. Britton responded that was correct, but if he needed something bigger, he would be willing to do whatever was needed to satisfy the commission and happily to do so. Chairman Deerin stated Mr. Britton could screen it with lattice or fencing if he wanted. Mr. Britton responded he could do both easily and that would not be problem. Neighbor Ed Miller addressed the commission stating his name and address and that it gave him no pleasure to speak against his new neighbor but felt his neighbor's actions had been "grievous and in violation of the spirit of the guidelines." He read aloud that section of the guidelines, that Chairman Deerin had already discussed, pertaining to modern equipment, pointing out, what Mr. Miller considered the "critical

part”, that “all efforts to screen equipment should be employed.” He stated that the unit measured out to be 56” high but that the planted arborvitae was 40” high so that it was still exposed to the public way. He added when Mr. Britton’s application went before the Board of Appeals, and that the board, in granting the variance, stated that the applicant would install arborvitae to shield the unit from the public way. Mr. Miller stated he did not believe all actions have been made by the applicant to shield the unit from the public way. Chairman Deerin responded that the commission had talked about that and asked if lattice would work. Mr. Miller responded it would probably be problematic given the narrowness of the area and that it would be simpler for Mr. Britton to buy a bigger tree. Mr. Britton responded that he had not yet seen the documentation of the appeals hearing as he had been out of town and that he could certainly get a bigger tree. Town Manager Lewis addressed the members stating that the unit in question had been placed on Mr. Britton’s property prior to obtaining a building permit. The owner was then notified, an application submitted, review of the permit was made by Planning, and the permit then went before the Board of Appeals for a variance. It was approved as installed with the finding that the applicant would install arborvitae as a screen element in a small amount of time. Mr. Britton confirmed that he would install a bigger tree within the early part of the coming week. Chairman Deerin made a motion with respect to the application at 206 Tred Avon Avenue for a 16” by 3’ heat pump for a new HVAC system, to be located on the right side of the owner’s house, be approved provided the homeowner install a replacement arborvitae placed to shield the entire unit. The motion was seconded by Mrs. Stanley who asked if it might be appropriate to state that a plant or tree could be used, rather than be so specific as to the type of tree. Chairman Deerin agreed by revising his motion to state that the permit was approved provided the homeowner install an appropriate shrub or tree to shield the entire unit. The motion was then carried without further discussion by all in favor.

5. Permit #22-56, David and Victoria Handy, 228 S. Morris Street, overlay existing concrete walk with brick pavers; replace steppingstones with brick pavers; replace grass verge on Benoni Street with 4 landscape rocks and low growing plants. The commission first addressed the resurfacing of the walkway replacement of stepping stones. Mr. Handy presented the application stating that they were resurfacing an existing concrete walk from the street to the front door, including the replacement of their steppingstones with brick pavers. The project is about 1/3 of the way completed as the homeowners were unaware that they needed a permit. Mr. Handy noted that the finished work will look the same as the property at 200 N. Morris Street whereby the stepping stones and concrete walk will be replaced with brick pavers. A motion was made by Mrs. Wells that the commission accept the application for 228 S. Morris Street to overlay the existing concrete walk with brick pavers and replace steppingstones with brick pavers. The motion was seconded by Mrs. Ingram and unanimously carried with all in favor. Discussion then took place regarding the use of large rocks in what Mrs. Handy referred to as a “verge”, that portion of space owned by the town in front of the street sidewalk. Chairman Deerin pointed out that that section of property belongs to the town and landscaping issues were one in which the HDC doesn’t really deal with that. However, with regards to the large rocks that were already set in place there was a need for some discussion. Photos were provided by the applicants to the members of areas around town where large rocks were used in order to support the request being made. Chairman Deerin asked if the rocks being proposed were for aesthetic reason. Mrs. Handy replied that was correct. Chairman Deerin pointed out

that the photos of the other areas in which rocks have been placed were primarily used to prevent others from driving into the lawn. Mrs. Handy responded that trucks had been known to pull into the grass verge and that was why they were looking to protect that space. Town Manager Lewis spoke stating that most of the places where there are rocks placed was for a reason, such as the area of The Strand. The town has to be careful in the placement of certain items, such as rocks when it comes to the issue of plowing, and frown on use of certain places for such items as the applicants were showing. Another factor the town needs to consider is the need to get stormwater off the street and find places where the stormwater can go. She added that she was not aware of the use of any large stones such as those shown in the area where the applicants live. Chairman Deerin spoke stating that his view was that what the owners were requesting was not in keeping with the look of the streetscape in their area of town. He added that when he looked at the rock boulders, he was shocked as to how big they were and how they stuck out visually. He was of the opinion that they disrupted that streetscape, especially when no cars are there. He felt the applicants could do the same kind of thing with just planting, adding again, that that was something the HDC did not govern. Chairman Deerin added that the rocks could always be put inside the applicant's own property, if they weren't visible from the public way. Ms. Litty added that she thought it would look better without the rocks in the verge, adding that grass and flowers would be much more attractive. Mrs. Wells added that the sight of the rocks stops one's eye right away. The applicants agreed to withdraw this request as part of their application. Chairman Deerin stated that the record of this meeting would reflect that David and Victoria Handy withdrew the application of the rocks along the public area that is along the side of their property.

6. Permit #22-57, Norman Martin, 204 Factory Street, removing existing pool deck and brick patio; replace with new 1,204 sq. ft. flagstone patio. Mr. Martin, who was present at the meeting, reiterated that which was written on the application adding that there were some existing Leyland Cypress trees in the back of his property, many of which had died, that he and his wife wanted to replace with hollies. Chairman Deerin asked about a low wall that was shown on the plans as being installed between the swimming pool and green screen. Mr. Martin explained that the wall would be 3½' to 4' tall adding that coverage calculations had been presented to the town. The purpose of removing the existing pool deck and brick patio and relocating it in another portion of the property was to protect the roots off an existing tree that were coming up through the brick. Town Manager Lewis spoke stating that the owners needed to think about the stormwater in their area and that the stormwater was able to filter through their property now. With the change being requested, it may create a problem with filtration. Chairman Deerin asked for a description of the new patio. Mr. Martin explained that it would be blue stone and look similar to the image provided by the landscape architect on the attached plans provided with the application. The coping around the swimming pool would remain brick and the new wall will be brick with a cap of flagstone on top of it. Mrs. Martin addressed Manager Lewis asking if there was some kind of other material that could be used that is permeable. Lewis responded that they should take a look at what they have now and that by taking that away, it was going to cause an impact. She suggested that they just don't make what they are proposing a solid. Chairman Deerin made a motion that with respect to the 204 Factory Street application to remove the existing pool deck and brick patio and replace it with a new 1,024 sq.

ft. flagstone patio be approved. The motion was seconded by Mrs. Stanley and unanimously carried with all in favor.

This concluded the review of building permits.

### **CONSULTATION**

A consultation was held with Residential Designer, Timothy Kearns, with regards to the house at 103 Tred Avon Avenue currently owned by Thomas Skowron. Mr. Kearns explained that he was trying to finish his portion of the work as the house is currently for sale and that the remodeling design that he has come up with is one in which the prospective buyers were interested in developing. He noted that it would be helpful if the commission members could find it acceptable on the exterior and to give a conditioned approval of the façade. Mrs. Wells stated that what Mr. Kearns was showing was the most aesthetically looking design that took into consideration all that the commission members were worried about and that the look for the second floor and addition in the back did the house justice. Overall, the members all agreed the design looked nice. A favorable opinion was given by all the members.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk