

## **OXFORD PLANNING COMMISSION**

### **MINUTES**

**DECEMBER 6, 2022**

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell on Tuesday, December 6, 2022, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Steve Mroczek, Lucy Garliauskas, and Cameron MacTavish. Also in attendance were Town Manager Cheryl Lewis and Oxford Planner Maria Brophy.

The minutes of the meeting of November 1, 2022, were approved and accepted as distributed.

### **RECOMMENDATION TO BOARD OF APPEALS**

The commission reviewed an appeal request from Christopher Rissmiller, property owner at 214 N. Morris Street, who is seeking an appeal from the side and rear yard setbacks as they apply to the placement of propane gas bottles, 3 outdoor condenser units, and a rear porch. Mr. Rissmiller was represented by his contractor, Victor MacSorely. Mr. MacSorely explained that Mr. Rissmiller's property is only 32' wide, that it is the only commercial parcel in the area, and because it is a commercial property, the side yard setbacks are 15', unlike the other, less restrictive setbacks shared by other residential properties surrounding his property. Mr. Rissmiller is looking to construct a small porch on the back of his building, one of which had been there in the past, which will require a variance in order to put it back, in the center, of the rear of the house. In order to construct it, it would need a setback of 12' of one side and 11' on the other side. The property owner is also looking for another side yard variance for two air conditioning condensers (which Mr. MacSorely noted had already been installed), one of which is 3' from one side of the property and the other at 6' from the other side of the property. Mr. Mroczek asked if the property was being used as a commercial property. Manager Lewis responded that it's mixed use and it is required to remain that. It was pointed out by a member of the commission that the propane tanks were shown on the site plan and would also be in need of a variance. Mr. MacSorely stated that the owner had decided to bury the tanks. Planner Brophy spoke stating that they will still be part of the variance even though they may be underground because they would be only 10' from the required 15' setback. Chairman Bell noted that the appeal document mentioned two condensers, not three. Mr. MacSorely stated there was one on the roof that had been removed but that the owner wants to replace it with a new one in the same location and it too would need a variance because if one were to run a line straight up, the condenser on the roof would also not meet the setbacks. Planner Brophy noted that because it is on the roof of an existing residence and is being replaced in-kind, she did not think it was necessary to include that in the variance application but that it was part of the scope of work. Mr. MacTavish asked if the condensers were newer models that were quiet with variable speeds. Mr. MacSorley responded that they were and that the brick wall that they were against buffers any sound that they do create. Chairman Bell stated that he would like the document to the Board of Appeals be corrected for only the two outdoor units, not three, so that the appeal request would be straight. Ms. Garliauskas seconded Chairman Bell's statement which was unanimously carried. Mr. Mroczek made a motion that because it seems like there is no alternative to doing this (the work requested) that the Planning Commission recommend to the Appeals

Board that they favorably consider this variance. The motion was seconded by Chairman Bell and unanimously carried with all in favor.

#### **CLARIFICATION REQUEST**

A discussion was held with Wilbert and Irina Cawley with regards to the Cawley's recent purchase of the vacant lot at 101 South Street and their request for the commission to clarify what the setbacks would be for that property. Planner Brophy pointed out that the office did not list this as a consultation because a building permit has not been submitted yet and that what the owners need is a preliminary site plan approval for reduced setbacks because this is a corner lot and a unique piece of property. Chairman Bell stated that according to the plat presented, there was a house on this property at one time and asked the owners if they were planning on using that footprint or a new footprint. Mr. Cawley responded by stating that he just wanted to know that their options were. Mr. MacTavish noted that on the larger plan presented, which shows no house, there are Building Restriction Lines indicated. He asked if those lines shown refer to Section 32.10 of the Oxford Zoning Ordinance, and if those lines shown on that plan indicate where the other houses are situated facing South Street. Mr. Cawley responded that was correct. Manager Lewis pointed out to the members that the uniqueness of this property is that even though they need to take into consideration that this a corner lot, and even though the other buildings might be close to the road, those buildings contribute to creating hazards within the road. Currently Market Street is a one-way street, though it may not always be that way. She suggested the commission may want a line of sight across the corner because that is a requirement elsewhere in the ordinance, adding that the original footprint was likely not grandfathered, though it was a buildable lot. Mr. MacTavish pointed out that the houses on the west side of South Street do not run parallel to the street. He also noted that the house at 212 Market Street, across from the Cawley's lot, is square to Market and Morris Street and that the Cawley's lot will create a dilemma if they don't have a square corner. Mr. Cawley responded that they definitely wanted their plans for the house to face South Street and figured they would follow the same plane as the house to the right of them. Manager Lewis read aloud Section 32.02 of the Oxford Zoning Ordinance, pertaining to Traffic Visibility, which states, "On a corner lot in any zoning district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and a half (2 1/2) feet and ten (10) feet above the centerline grades of the intersection streets, in the area bounded by the street edges of such corner lots and a line formed by joining points along said street edges at a location thirty (30) feet from their point of intersection." Manager Lewis stated that her interpretation of this would be to take the point of the intersection and go in 30' to get the answer. She added that the everyone needed to remember that this property has 2 front yards and front yards normally have a 25' setback requirement. It also has 2 side yards, which have an 8' setback, and no back yard setbacks. Mr. Cawley again stated that the side of the property that faces South Street is where they would like to concentrate as using as their front yard and therefore would work to make the 25' setback on Market Street. Both Manager Lewis and Planner Brophy agreed that the Planning Commission could grant Section 32.10 but would need to look at that section carefully as South Street does not have a clear setback line. Mr. MacTavish pointed out that it would be good if the Cawley's were to build a porch on the front of their house and not a garage in the front, if their house is to face South Street. Mr. Cawley responded by stating he was not going to build a huge house there and did not think the setbacks would affect him that much. The commission members were all in agreement with Mr. Cawley planning to line up his future house with the neighboring house at 107 South Street. A question was raised as to what Mr. Cawley's intentions were with any garage plans. Mr. Cawley stated that he and his wife had talked about

it and, if they were to put in a garage, it would be in the back corner facing Market Street. Manager Lewis addressed the Planning Commission stating that if he were to do that, the commission could not give him relief from the 25' setback for the garage because that would allow for him to place the garage on the street, which is not typical of Oxford historically, and that the garage could only be accessed off the one way street. Thus concluded the discussion of the Cawley property.

### **COMPREHENSIVE UPDATE REVIEW**

The commission members, along with Manager Lewis and Planner Brophy, addressed the updating of Chapter 3 – Land Use, of the Oxford Comprehensive Plan. A strong discussion took place with everyone working together and presenting their ideas. Chairman Bell suggested that at the next meeting they get their ideas on paper, talk it through, and boil it down to they what they want to change. Manager Lewis suggested scheduling work sessions that would be open to all and would allow a brief opportunity for any public input. She suggested the commission focus only on Land Use for now as Talbot County is currently working on their water and sewer plan. Planner Brophy will look at available dates for upcoming workshop meetings. The dates can be placed in the town's upcoming newsletter so that the public is made aware of the planned workshops. Manager Lewis added that she will make a recommendation to the county that the Town of Oxford does not want anything scheduled for water and sewer until the town has updated its own comprehensive plan.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk