

OXFORD HISTORIC DISTRICT COMMISSION

MINUTES

JANUARY 9, 2023

The regular monthly meeting of the Oxford Historic District Commission was called to order by the Chairman, James Deerin, on Monday, January 9, 2023, 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, Jennifer Stanley, Patricia Ingram, and Terry Sullivan. Also in attendance was Town Manager Cheryl Lewis.

The minutes of the meeting of December 5, 2022, were approved and accepted as distributed.

The following permits were reviewed:

1. Permit #23-109, James Snyder, Jr., 105 High Street, installation of white, wood Oxford picket fence along west and south property lines, and gate installation on south line, along High Street. Mr. Snyder, along with his contractor, Will Cawley, were present to discuss the application. Mr. Snyder explained that he was seeking to install a 4' high wooden, white, Oxford type of picket fencing on the west and south boundaries of his property along with the installation of a 8' wide gate. He noted that the property had been recently surveyed and staked. The east and north boundaries would remain untouched. When asked if there was any fencing already on his property, Mr. Snyder responded that there was not adding that on the east side of his property, at 107 High Street, there is a white fence which was not associated with his property and on the north side there is a wire type of fencing (in the rear of 204 Market Street which backs up to Mr. Snyder's property) that will be untouched. Mrs. Stanley made a motion to approve the application for a fence at 105 High Street installed to look like the photo on the proposal, to be white picket, and similar but not exactly like an Oxford style fencing. The motion was seconded by Ms. Litty and unanimously approved with all in favor.
2. Permit #23-108, Bernhard Witter, 213 South Street, 4' white picket fence between applicant's property and property at 211 South Street. Mr. Witter was present to discuss his application. Chairman Deerin reminded the members that there had been an original approval of a wire fence on Mr. Witter's property that had been appealed (by Mr. Witter's neighbors) and that the Board of Appeal overturned the decision of the HDC. As a result, Mr. Witter had provided a new application for a white picket fence, which Mr. Witter noted was the only choice he had. He explained that the fence would be 48" high and run from the edge of his house to the edge of the water. Mr. Witter added that his original request for wire fencing was a lot less obtrusive than white picket fencing and even though that request was turned down, it still did not change his mind when it came to the use of wire fencing, as he felt the white fencing would stand out, and that he still thought it was the wrong decision (by the Board of Appeals). When asked about the proposed fencing, Mr. Witter confirmed that it would be wooden picket fencing that narrows at the top. A motion was made by Mrs. Ingram to approve the 4' high white picket fencing, 125 linear feet along the northernmost property line. The motion was seconded by Ms. Litty and unanimously carried with all in favor.

3. Permit #22-107, Michael Gibson, 318 Tilghman Street, replace existing double hung window pair with French door pair with wrought iron handrail on Juliette balcony to provide attic access. Mr. Gibson was represented by his residential designer, Timothy Kearns. Mr. Kearns explained that the applicant was looking to use the second floor of his existing garage for storage and in order to place items on the second floor of the building, he would need to replace the existing windows with something larger coming off of the second story because the interior access to the second floor was so small. The plan had called for the replacement of a pair of existing double hung windows to be replaced with a French door, but Mr. Kearns later discovered, after submitting the permit for Mr. Gibson, that the available height was not sufficient to place a door and so he amended the images to show a French window instead. In front of that would be simple pickets instead of wrought iron as written on the permit application and shown with the attachments. Everything would be painted white. The garage doors would remain as is. Mrs. Stanley asked how the balcony pickets would help if the owners wanted to use this area as a means to lift furniture into the building. Mr. Kearns responded that the pickets would be screwed in and could easily be removed. He added that they had decided against the use of wrought iron as the material would be too heavy. Chairman Deerin noted that this was not an historic garage. A motion was made by Chairman Deerin that with respect to the application for 318 Tilghman Street to replace the existing double hung windows with a pair of French casement style windows, as shown on the revised drawing submitted by email, on January 9, 2023, with a white railing in front of it which could be removed to allow materials to be moved into the attic with the remainder of the garage to remain the same, be approved by the commission. The motion was seconded by Mrs. Stanley and unanimously carried with all in favor.
4. Permit #22-110, Church of the Holy Trinity, 502 S. Morris Street, replace two existing doors with sliding French door on west side of Parish Hall. The church was represented by architect Cameron MacTavish. He explained that the 2003 Parish Hall River Room was in need of replacement doors on the west side facing the columbarium and river, adding that the current doors leak and that the door insulation had failed. Mr. MacTavish stated that the church had been given a set of 4 sliding French Marvin doors, 8' tall and 12' wide, which he believed would make a wonderful addition to the room. Chairman Deerin asked about the windows in the hall and if they were to be removed. Mr. MacTavish responded that was correct and that the framing around the new doors would be white Azek, along with the construction of new header. No steps would be involved in the project. Ms. Litty made a motion to accept the new doors for the church parish house as shown on the various schematics attached to the application itself. The motion was seconded by Mr. Sullivan and unanimously carried with all in favor.
5. Permit #22-106, Frank Martien, 312 N. Morris Street, reconfiguration of kitchen/laundry area with closet doors; enclosing existing storage room to make it part of an existing bedroom; reconfiguration of bathroom. Mr. Martien was represented by his contractor, Scott Cronshaw. Mr. Cronshaw explained that on the rear of the Martien property there is a small concrete slab that has a roof over it that is surrounded by the house. The plan is to simply put an exterior wall around the slab so that it will enclose that area and make it part of the house. A window in the existing bathroom will be removed and reused along with and a sliding door. Nothing would really change in appearance. The same siding will be used which is painted aluminum siding. No change would be made to the roof structure. Mr. Cronshaw stated that this piece is in back of the house

and not really visible from the street. Mrs. Stanley agreed. Mrs. Stanley made a motion to accept the plan for 312 N. Morris Street for closing in the existing storage area in the back of the house as shown on the photos and plans attached to the permit itself. The motion was seconded and unanimously carried with all in favor.

6. Permit #22-68, David and Rose Donovan, 203 N. Morris Street, amendment to replace windows with bronze fiberglass windows, replace deteriorated brick on right-hand side of house, and add brick foundation under front bay windows. Mr. Donovan, along with his residential designer, Timothy Kearns, were present to discuss the application. Mr. Donovan handed out to each of the members his revised building plans explaining that he had two basic requests, one of which were for bronze windows and the other for roof and shingle colors. He explained that the entire existing brick façade on the north side of the house was failing. As such he asked for approval for taking down the existing brick and replacing it, in its entirety, with new red brick to match as closely as possible to what is there now, adding that the intention is to paint all the brick anyway. In going over the plans, Mr. Donovan pointed out that the 2 bay windows on the front of the house, which had already been approved to be replaced with wider and taller bay windows, and which had been scheduled to go down to the base foundation at bottom, was something that he and his wife would like to change by removing the brick below the windows, which is currently flush with the windows, and rebuilding to bring it out and up to the bottom of the new windows. This would be done under both bay windows. With regards to the asphalt color, Mr. Donovan presented a sample of the color roofing which was called weathered wood. The last request was to install bronze fiberglass windows all the way around the house. Mr. Donovan apologized for oversight with regards to the windows, noting that it was an honest mistake in not presenting specifically the color choice for his windows in his meeting with the HDC back in August of 2022. He explained that when going before the commission back in March of 2022 for a consultation regarding the overall design, he and Mr. Kearns had looked at the lead time for fiberglass and aluminum windows and learned that aluminum windows were out 16 months plus for delivery and 10 plus months for fiberglass. Since the size and shapes had previously been discussed, they went ahead and ordered the windows early in May thinking they were done given that that had received the commission's approval on the shapes and sizes of the windows. Mr. Donovan admitted that there was an error made, as was later learned by a complaint received, when they went before the commission for final approval in August, in that they had not included that the intent was to put in bronze windows, as opposed to white windows. He noted that the elevation plan did show contrasting colors which was not called out at the meeting, and that though the error may have been on his part, Mr. Donovan still believed the bronze color made sense and a monochromatic trim against an off-white wall would be unattractive and inconsistent with neighboring homes in the historic district. Mr. Donovan went on to say that when he and his wife heard that their neighbor called and filed a complaint with the town office, he had called his neighbor to apologize for the mistake made explaining that they were truly unaware of their error. This led to his neighbor stating that even if they submitted their request for the bronze windows, it would never be approved because only white windows are presented in the historic district. This, in turn, led Mr. Donovan to do some investigating around town whereby he found many structures with a wide variety of colored window trim, as well as shutters, painted in dark and varied colors. This led him to believe that the notion of only white windows being allowed was wrong. From there, Mr. Donovan stated he referred to the Oxford Zoning Ordinance that

establishes the HDC and its guidelines, along with reviewing the guidelines of the Department of the Interior, to see what both had to say about requiring only white window trim. He found nothing that would apply to his house, which was built in the 1960's, adding that his home was "an anachronism of an unfortunate accident of the 1960's dropped into the middle of Oxford's otherwise largely preserved residential area." He further added that according to the Department of the Interior's Guidelines, ordinary buildings built after 1961 shall not be considered as contributing to the significance of the district unless a strong justification concerning the historical nature or merit is given. Mr. Donovan stated that he understood the commission has obligations to review changes, even non-contributing structures like his home, and that the zoning ordinance dictates the standard review the commission is to apply. However, the town guidelines do mention being lenient to structures of little historic value unless changes would seriously impair the historic or historical value of the surrounding structures in the surrounding area and questioned if his use of bronze window trim would seriously impair the historic or historical value of those structures around him. Other items of interest found by Mr. Donovan within the HDC guidelines including that all applications should be considered individually based on their own merit and unique situation within the historic district and with most important item being that the general design element is in scale. He noted that HDC guidelines specifically discuss windows, and that the color of windows is mentioned in only one place but that it only applies to historic windows, and that he did not find any prohibition to color trim. Mr. Donovan also noted that even in the section for new construction, no reference to window trim color is found. As far as the streetscape was concerned, Mr. Donovan noted that his home is set further back on the street from other homes in the area and that the view of his home is concealed by trees. He added that the color of the home is currently red brick but the commission had been advised previously that the plan is to paint the brick a whiteish color. Mr. Donovan stated that a leniency standard should be considered unless the changes would seriously impair the surrounding area. Mr. Donovan also pointed out that something different is not a reason to deny a request and that the Department of the Interior Guidelines notes that new construction and additions must be different. In going over the view of house, Mr. Donovan was of the opinion that the windows on the side and back do not raise any issues as they are not visible from the street, as well as those windows on the north which are covered by landscaping. Ms. Litty pointed out that the windows on the river side can be seen from the river and that view is considered a public way. Mr. Donovan responded that the distance of the house from the water is twice the distance of the house from the front and that as far as the front of the house was concerned, he didn't see how the bronze trim would impair the historic or architectural value of the surrounding historic structures. Mr. Donovan stated, for the record, that he did go around town and found blue windows, red windows, a purplish color on the Customs House, gray, green, many other different colors. He again stated that the bronze windows wouldn't seriously impair the historic value of those houses around him and turned the discussion over to Mr. Kearns. Mr. Kearns spoke stating that many times historic windows have been different colors and that there were many examples in town. He added that the use of bronze came about as an alloy used in ancient times that weathered well and became fashionable with the more affluent and governmental buildings, especially in the 20th century, adding that he would propose that, historically, bronze is an appropriate color. In closing, Mr. Donovan noted that the HDC was not the Oxford design committee and that it did not exist to protect taste and preferences of anyone in the community

who may or may not like something. He again stated that there was nothing written that would prohibit the HDC from allowing someone to use non-white window trim and that the decision of denying his request would be arbitrary and capricious. Chairman Deerin spoke stating that the existing bay windows have a significant amount of trim around them and asked if there was going to be any trim on the new bay windows. Mr. Kearns responded stating that the body of house was painted whatever color and that there were some trims that were painted white. The white may remain, or it may be a deeper shade of beige, but that he wasn't sure. Chairman Deerin rephrased his question asking if the bronze color would be going around the windows. Mr. Donovan responded that it would not, just the window units themselves would be bronze. Mrs. Stanley asked if the objection made was from the original drawing for the windows to be white. Chairman Deerin stated the HDC had gone on the basis that the windows were going to be white and that the only issue that the applicants were back before the commission now was just for the bronze color. As for the layout and placements of the windows, they were all approved originally. Mrs. Stanley stated that she thought the dark windows with the trim would enhance the house and that she didn't look at it as a mistake. Mrs. Wells spoke stating that she was concerned about the streetscape and was surprised by the black windows that were installed, hence the reason why something was said about them as the plans had called for white. She added that she thought that if anyone on the commission had seen something that was contrary to what had been approved, they too would have said something as well and that she still objected to the bronze windows adding that she didn't really care for black windows/dark windows and also objected to them within the historic district. She added that she was averse to the bronze windows and that they looked very modern and more 21st century in appearance. Mrs. Ingram stated she was curious as to what the HDC had done (at their previous meetings) as she believed the proposed material was to have been aluminum and white, adding that she remembered it being mentioned that there would be a delay in getting them. She asked if there was any way to get the change amended. Town Manager Cheryl Lewis spoke stating that the reason this was before the HDC was because if something is done contrary to what has been approved, the permit comes back to the HDC and that if they make a change, it will be attached to the permit. In addressing Mr. Donovan, she noted that Mr. Donovan had said that the brick was going to be painted but that the commission had never heard what color it was going to be painted. Mr. Donovan responded that they were going to come back to the commission with a specific color. Chairman Deerin stated that it had been discussed the color would be beige but that the commission would like to see the actual paint color when it has been decided. Mr. Donovan acknowledged that he understood they would need to come back for that. Mrs. Ingram spoke stating that it would have been better had Mr. Donovan not put in the windows that the commission hadn't approved. Mr. Donovan responded by stating that they were as surprised as anybody to learn that the windows hadn't been approved as they thought they had been and that it was just a mistake. Chairman Deerin steered the conversation back to the 3 items before the commission beginning with the reconfiguration of the bay windows to be taller and all the way to the ground on a masonry foundation. Mr. Donovan explained that they would have the brick on the front the same as what the brick use to look like on the rear and would bring the brick façade out 18" or so, so that it would be flush to the bottom windows down to the ground. Chairman Deerin stated that he would like to have something for the record to show that change. Mr. Kearns responded that he could make a drawing showing how that configuration would be. The members were agreeable

to Mr. Kearns' offering. Mr. Kearns added that in addition to that was the brick façade which would be put back in place as shown on the original drawing and that the north elevation would remain the same as how it had looked and that it would just be painted. Chairman Deerin moved that the commission approve the reconfiguration of the bay windows on the street side of the house which will go all the way to the ground instead of having a fixture beneath them and that Tim Kearns will provide the commission with a revision of that to have for the record to attach to the plans. The motion was seconded by Mrs. Ingram and unanimously carried with all in favor. The commission next turned their attention to the matter of roofing colors. Mr. Donovan stated that the plans called for the metal roofing to be the color of "burnished slate", and that the asphalt shingles would be "weathered wood." Mrs. Stanley asked where the metal roofing would be going. Mr. Donovan responded that it would be in the front, right above each of the bay windows as well as over the front door. The asphalt roofing material would be used on the rest of the house. Chairman Deerin made a motion that with respect to 203 N. Morris Street, the commission approve of the metal roofing as shown on the plans as the color "burnished slate", and for the roofing shingles, the color "weathered wood." The motion was seconded and unanimously approved. A question was raised by a member of the audience who asked that if the structure was non-confirming, why would it still require a vote as the commission had established that there were parts of that process that didn't need to be handled by the commission. Chairman Deerin responded by explaining that the HDC reviews any application to change any structure within the historic district regardless of whether it is of an historic nature or not. The same member of the audience then asked that when a neighbor is on the commission, is it appropriate for that member to vote or recuse themselves. Chairman Deerin responded that it is up to the individual member and that because the committee is so small and that all the members are pretty much neighbors to one another, if they were to recuse themselves from every property in town, they wouldn't have much of a commission. Another member of the audience joined in stating that it seemed as though Mrs. Wells had already prejudged this case and that that is a prejudgment matter, one in which he felt that member ought to recuse herself from this part of the application. Chairman Deerin again stated that it was up to the member to make that decision. Mrs. Wells responded to the accusations by stating that an application of a similar nature had come before the commission regarding a project on Stewart Avenue involving the proposal of black clad windows. Chairman Deerin elaborated on what Mrs. Wells was referring to by stating that there was an application for a new construction of a home on Stewart Avenue and one item discussed was if they would have black mullein window units put in that new construction. Following that consultation between the commission and the aforementioned application, the property owner agreed not to use the black window units. Chairman Deerin also noted that the commission is not bound by anything that has happened in the past. Mrs. Stanley added that the discussion regarding the Stewart Avenue windows had more to do than just the use of black windows as it also involved the use the black trim which created a big presence of black which was not the same as what was being discussed in Mr. Donovan's case. Chairman Deerin made a motion that on the issue of the bronze windows he would move that the commission approve, for 203 N. Morris Street, the change in the approved color of the aluminum, which will now be fiberglass, in a bronze color, as can be seen on the building now, and that the commission approve the change from aluminum to fiberglass and from the color white to bronze

with the configuration to remain as shown on the original plans. The motion was seconded by Ms. Litty and carried with Mrs. Wells recusing herself from the voting process.

7. Permit #22-100, Tom Wheeler, 514 E. Strand, continue deck from side deck to wrap around pool patio ending at corner near house; repeat proposed vinyl fence along bulkhead with cable deck railing. Mr. Wheeler was represented by his contractor Eric Haro. Mr. Haro reminded the members that he had previously submitted an application for this property that the commission approved involving the replacement of wood decking on the property and new white, vinyl picket fencing to match the adjacent neighbor's fence. The owners of the property are now wanting to make their deck parallel the driveway bigger and wrap it around so that they can put out lawn chairs to face the water. The additional decking would be 8' wide and as long as the existing swimming pool. The owner is also hoping to change his original approval of white vinyl picket fencing with cable railing which would be attached to the back deck fascia side of the deck. It would be the same height as if it were the vinyl fencing. The new deck will tie into the decking that has already been done. Chairman Deerin asked if the cable fencing would surround the pool at the water side with the rest of the fencing being white picket fencing. Mr. Haro responded that was correct. Chairman Deerin made a motion that with respect to 514 E. Strand that the commission approve the continuation of the deck as shown on the attached sketch plan as shown in blue, the extension of the deck, and secondly that the commission approve the installation of cable railing as shown on the sketch plan in orange along the waterside subject to safety requirements and lot coverage. The motion was seconded by Ms. Litty and unanimously carried with all in favor.
8. Permit #23-01, Berry Passano, 201 Tred Avon Avenue, replace HVAC equipment for primary bedroom and kitchen and add screening. Town Manager Lewis explained that the application came in at the last minute and because the owner was having heating problems, the office granted an emergency installation for the applicant to put the unit in place, noting that it was just a little further out from the unit which it was replacing and that the owner has proposed to place white screening around it. It was noted that the old unit wasn't visible and that the new unit will only be able to slightly from the road. Chairman Deerin made a motion that with respect to the 201 Tred Avon Avenue application for installation of new HVAC equipment, as shown on the application, in terms of a slight move from one area to another which will include screening as shown on the application, that the commission approve the application. The motion was seconded by Ms. Litty and unanimously carried with all in favor.

This concluded the review of building permits.

DISCUSSION

Chairman Deerin announced that at the last meeting of the HDC Mrs. Wells had raised the issue of amending the guidelines to include landscaping. Manager Lewis explained that if desired, it would go through a lengthy process. She presented the members with copies of language from other municipalities with regards to landscaping that Town Planner Maria Brophy had found and asked that the members let Ms. Brophy know if they were interested in the material given to them so that Ms. Brophy would have some direction in which to go in order to put together a draft ordinance for the commission to review. Chairman Deerin asked the members if they wanted to deal with the handling of trees and landscaping. Manager Lewis stated that it would be more a matter of urgency if the commission members felt strongly about this. Chairman Deerin suggested he and the members could look at the material given to them and

come back with some comments by email to Ms. Brophy. Mrs. Stanley asked about the idea of modern equipment and if the commission wanted to upgrade that in their guidelines as well. Manager Lewis stated if that be the case, they could look at that as well but that the two items should be done separately.

Prior to adjourning Chairman Deerin announced there was an upcoming town meeting in which there is being proposed a new ordinance to amend the process for appealing decisions made by the Planning Commission or Historic District Commission. Manager Lewis explained that currently there is no reference in zoning as to how the Appeals Board is to look at cases such as these. This ordinance would allow the Board of Appeals to be able to determine if the Planning Commission or Historic District Commission acted properly in their decisions.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk