

OXFORD PLANNING COMMISSION

MINUTES

JANUARY 3, 2023

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Tuesday, January 3, 2023, at 6:00 p.m. in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Stephen Mroczek, Bruce Beglin, Lucy Garliaskus, and Cameron Mactavish. Also in attendance was Town Manager Cheryl Lewis.

Chairman Bell announced that member Edwin Miller had resigned from the commission and acknowledged his thanks to Mr. Miller for the time he spent on the commission. Manager Lewis added that David Baker had sent in his notice that he felt it was time for him to retire from the commission in which he stated that he had enjoyed his work with the members and thanked them for all their help.

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

ORDINANCE 2216

Manager Lewis presented **Ordinance 2216 - AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 11 OF THE OXFORD ZONING ORDINANCE TO AMEND THE PROCESS FOR APPEALING A DECISION OR DETERMINATION MADE BY THE PLANNING COMMISSION OR HISTORIC DISTRICT COMMISSION.** She explained that this came about as a result of an appeal made on a decision that had been made by the Oxford Historic District Commission. Normally, in other cases of law, when an appeals board hears a case against a decision made by a planning or historic commission, they will make a determination as to whether that commission followed the law and applied their authority properly or not. However, the town's zoning ordinance does not have that language written into it so that if a decision of the Oxford Historic Commission or Planning Commission is appealed, the Oxford Board of Appeals can make their decision as if they were either the Oxford Historic or Oxford Planning Commission rather than basing their decision on if the commission applied their authority properly. In reviewing this ordinance, Manager Lewis explained that the Planning Commission is allowed, under the zoning code, to give their opinion on the ordinance to the Commissioners but that the actual vote of the ordinance will be made by the Commissioners. In the case of the Board of Port Wardens, any appeal filed against that board is heard by the Commissioners whereby the Commissioners need to determine, based on the case heard by the Port Warden record of case, if they, the Port Wardens, acted properly. Because the Board of Port Wardens fall under Maryland law, they would not be affected by the proposed Ordinance 2216.

Chairman Bell asked if the process would change in the way the commission currently handles permits that they send up to the Board of Appeals. Manager Lewis responded that everything would remain the same whereby the planning commission votes against permits that do not conform to the zoning ordinance and give their opinion to be sent to the Board of the Appeals. The person going to appeals in cases such as these, is not appealing a decision of the Planning Commission but rather they are requesting a variance or special exception.

Chairman Bell next asked that when the Planning Commission rules on an application and decides that a variance shouldn't be given, what, if any, other paperwork would need to be sent to the Board of Appeals. Manager Lewis responded that just their letter of recommendation and/or the minutes. Chairman Bell asked if there were to be any new evidence that should come up, would it be up to the discretion of the Board of Appeals as to whether they hear that new evidence or remand it. Manager Lewis responded that the Appeals Board could hear it, or they could send the new evidence back to the Planning Commission or Historic Commission to be reviewed. However, once determination has been made at the Appeals level, it's done. Chairman Bell noted that it mentioned in the ordinance the Appeals Board having at its hearings, "a representative of the Historic District Commission or Planning Commission and each party or interested person who appeared before the Historic District Commission or Planning Commission or their representative." He asked if that meant that a hearing would require a Planning member to appear at an Appeals hearing. Manager Lewis responded not necessarily, adding that if it was a major situation, it would most likely require the commission or a member of the commission obtaining their own attorney and that the attorney would represent the commission or the individual. Mr. Mroczek made a recommendation to the Commissioners, on behalf of the Planning Commission, regarding Ordinance 2216, that the Commissioners favorably consider it. The recommendation was seconded by Mr. Mactavish and unanimously carried with all in favor.

OLD BUSINESS

Mr. Beglin asked about a previous permit application that the Planning Commission had turned down regarding a property owner who requested a permit to construct a garage attached onto his house and his inability to meet the setbacks. He asked if anyone knew what the outcome was with that homeowner's meeting with the Board of Appeals. Manager Lewis responded that the appeals board approved the application. Mr. Beglin was of the opinion that the request was a blatant land grab and wondered why the Board of Appeals would have allowed that. Manager Lewis stated she did not remember why the vote went the way it did but added that, in the future, when the commission has an opinion, they need to vote on it strongly. When no opinion is given in their recommendations to the Board of Appeals, the Appeals Board handles the request more comfortably. She emphasized that the commission needs to state their reasons why an appeal shouldn't be given by using the zoning ordinance appropriately in basing their opinions.

COMPREHENSIVE PLAN REVIEW

The Planning Commission members, along with Manager Lewis, continued their review the of the Oxford Comprehensive Plan.

The discussion ended with Manager Lewis stating that the commission was off to a good start and that this was good time to look at and go over the study guides (that Manager Lewis offered to send the members links to) to see if they mention anything about growth or annexation.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk