

OXFORD PLANNING COMMISSION

MINUTES

FEBRUARY 7, 2023

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Tuesday, February 7, 2023, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Lucy Garliaskas and Cameron Mactavish. Also in attendance was Town Manager Cheryl Lewis and Town Planner Maria Brophy.

The minutes of the meeting of January 3, 2023, were approved and accepted as distributed.

A consultation was held with Timothy Kearns, residential designer, acting as a representative for the prospective purchaser of 512 E. Strand. Mr. Kearns presented the commission with some background information regarding the house on the property explaining that the building had been deemed as historic and had housed a "salon" within it that had, at one time, been part of a sailing ship, that has since been removed from inside the house and donated to a local museum. The current owner of the property, Giovanni Salvo, had gone through the process in having plans drawn up to make changes to the house that included a second story addition, as well as also seeking permission to demolish the house and build a new one in its place. Neither of his plans came to fruition and, until recently, the house had been rented for a period of time. The owner is now trying to sell the property and the individual looking to purchase it wants to know about the setbacks. Ms. Garliaskas questioned why the house could not be demolished. Mr. Kearns responded that it was because the HDC had said it was an historic house and because it was not found to be blighted, it could not be demolished. Ms. Garliaskas stated that under the historic preservation rules, even if a building is a contributing structure to the historic district, it does not preclude it from being allowed to be torn down. Manager Lewis responded that may be, but one has to apply the local zoning laws, not federal law, to the situation. Planner Brophy added that an engineer would be needed to determine if the building was structurally blighted. She added that she had looked through past minutes involving the property and had found that the HDC had ruled that the building could not be demolished and that their decision was taken to the Board of Appeals by the property owner for a ruling with the board finding that the HDC had acted properly in their decision. In going back to the issue of the setbacks, Mr. Kearns asked if he could put together a plan to build on top of the existing foundation and keep everything that is there now. He referred to Section 32.10 of the Oxford Zoning Ordinance (Variance of Front Yard Requirements to Preserve Existing Building Line), noting that this house was the closest to the street. Planner Brophy stated that this would be a vertical expansion of a non-conforming structure and that the Oxford Zoning Ordinance does not address vertical expansion and questioned whether a variance would be needed to have a second floor expansion. In looking over past minutes she found that Mr. Salvo had gone before the Planning Commission in 2009 for a consultation whereby the commission stated they would recommend that a variance be approved by the Board of Appeals should any plans go before them. When questioned about overhangs and how they relate to the setbacks, Planner Brophy confirmed that the setback is measured from the overhangs. She added that the problem here was with the narrowness of the front property line and the unsurety of how wide it is. Chairman Bell asked

if the setback mattered if an addition were to be added going straight up from the footprint. Manager Lewis echoed Planner Brophy's comment that though the footprint of the existing house is grandfathered, it was not clear in the zoning if one could go straight up with the non-conformity or not, and that the members may need to go back and read the code. Her thought was that they would need a site plan to know for sure what they were talking about. Planner Brophy added that her concern was that the building currently does not meet the side setbacks. Manager Lewis pointed out that the sketch provided by Mr. Kearns doesn't tell one what the footprint of the house is or what the overhangs are, and that determination needed to be made as to what part of the actual structure is within the setbacks. Manager Lewis explained that 25' is the minimum distance allowed for going towards the water for an accessory structure and technically 50' for a house, and that one wouldn't be able to expand the house any closer to the water. Chairman Bell questioned if the commission had enough information to provide Mr. Kearns with any answers. Mr. Kearns stated that he understood he would need to get a survey as accurate as possible. Manager Lewis added that it might be best to talk with the historic commission in a consultation to make sure they would be receptive to any changes to the existing house, especially the plans for a second story. Mr. Kearns responded that the HDC had been OK with it the first time around 10 years ago. Planner Brophy referred back to a copy of the past HDC minutes whereby the owner wanted to remove the house and replace it with a new house that would go up with a second story and they had turned it down. Mr. Kearns asked about a past consultation whereby the commission was agreeable to Mr. Salvo's plans. Manager Lewis pointed out that a consultation doesn't carry any weight. Planner Brophy stressed that a new survey should be done that would also contain lot coverage and flood zone information as the property is in close proximity to the flood hazard area. The members agreed. Planner Brophy offered to check with Critical Areas to see if they would have any restrictions. In closing, Manager Lewis noted that if there was any question about a vertical expansion variance, the variance would be with the side yard setback and that she believed that no one could ever enforce anything relevant to the expansion on the front line and that any problems would either be with the side yard, critical areas, and/or the floodplain. Again it was stressed that a proper survey would be needed showing the overhangs along very accurate details, including a property elevation.

This concluded the consultation.

Old Business

Chairman Bell asked the members if they wanted to go forward at this evening's meeting with reviewing the Comprehensive Plan. Manager Lewis noted, as pointed out by Commissioner Costigan during his attendance at a last Planning Commission Comprehensive Plan workshop, that the commission seemed more productive in the morning. It was agreed not to review the Comprehensive Plan during this evening's meeting. Manager Lewis stated she would put together some information for the commission members to think about at their next scheduled workshop meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk