

OXFORD PLANNING COMMISSION

MINUTES

JUNE 6, 2023

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Tuesday, June 6, 2023, at 5:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Lucy Garliauskas, Cameron MacTavish, and Bruce Beglin. Also in attendance was Town Planner, Maria Brophy, along with 11 others in the audience.

The minutes of the meeting of May 2, 2023, were approved and accepted as distributed.

The following building permits were reviewed by the commission:

1. Permit #23-48, Tim Boyle and Anne Ruecktenwald, 104 N. Morris Street, restoration of street façade and addition of historic porch to match existing home; alteration to east façade on existing footprint; new windows, doors, repairs, and interiors. Property owner Tim Boyle, along with Zach Simms, were present to discuss the application. Mr. Boyle explained that his intention was to build and duplicate the front porch as it appeared in a view of the house from 1919, which clearly showed that a front porch had been a feature of the home at that time. He noted that the house, as it currently exists now, already violates the 25' setback. Mr. Simms referred to Section 32.10 of the Oxford Zoning Ordinance which allows for new construction to be located in such a manner as to preserve the existing building setback line. Planner Brophy spoke stating that approval had been given by the Oxford Historic District Commission for the owner to build the porch to look exactly the way it was in the early 1900's. Neither members of the commission nor members of the audience had any questions. Mr. MacTavish made a motion to accept the application to restore the front porch to the façade at 104 N. Morris Street, as depicted in the clear presentation to the previous historic footprint. The motion was seconded by Mr. Beglin and unanimously carried with all in favor.
2. Permit #23-46, Cheri and Peter Aronsson, 110 First Street, demolition of existing house. Mr. and Mrs. Aronsson were represented by their contractor, William Cawley. Mr. Cawley explained the condition of the house noting that there was nothing inside it, that the floors were all rotten, the wood was rotten, and that the house was built only 1 block above grade. Pictures showing the condition of the house were included with the application. Jody Ware, a member of the audience and resident of the neighboring property at 112 First Street, commented that she was thrilled to hear that the house may be coming down but wondered about the trees in the front of the property. Mr. Cawley responded that the two trees in question would be taken down prior to the house coming down and that he had met with Bartlett Trees who declared the trees as being hazardous and unsafe. Ms. Ware asked if the magnolia tree in the back of the Aronsson property would be protected and that if Mr. Cawley could let her know when the demolition work would be taking place. Mr. Cawley responded that he would take a look at the magnolia tree and that he would be in contact with Ms. Ware prior to the start of demolition. Mr. Beglin made a motion

to approve the request for the demolition of the house at 110 First Street. The motion was seconded by Ms. Garliauskas and unanimously carried with all in favor.

This concluded the review of building permits.

VARIANCE REQUESTS

The commission met with John Litschert, property owner of 212 South Street, to discuss his request for a variance of the front yard setback in order to install a heat pump on his property. A heat pump had been installed on the property over a year ago without having secured an approved building permit to do so. It was found at that time that the unit was placed too close to the property line and an appeal to have it remain in the location in which it was installed was sought. When the Board of Appeals met Mr. Litschert, they suggested that Mr. Litschert think about moving the unit between the bump-out and chimney on the north side of his house and the appeal was pulled. As a result, Mr. Litschert explained that he was now starting over on his request to have a heat pump but moving the current non-conforming structure to the location that had been discussed between himself and the Board of Appeals. However, the new location is too close to the front of the property and therefore will require a variance. Chairman Bell agreed that the new location would be non-conforming and that the Planning Commission would have to deny the application but that they could make a recommendation to the Board of Appeals to which Mr. Litschert replied that was he was wanting. Mr. MacTavish asked Mr. Litschert about a future driveway and an existing garage in the back of the yard and how this newly proposed change in the location of unit was better than what he originally had wanted. Planner Brophy spoke explaining that the request for a driveway had already been approved in an earlier application making it unfeasible for the unit to be placed along that side and that the proposed relocation of the unit would make it less visually obvious. She added that the Board of Appeals, in their previous meeting with Mr. Litschert, felt that the unit, as it is located now, was too close to the neighboring property and that the screening and plants that had been proposed to shield the unit would be encroaching on the neighboring property even further. It was also noted that other units were already located along the back of the house. Chairman Bell noted that he preferred the second choice shown. A motion was made by Mr. MacTavish to deny the application based on the position that it would be within the setback. The motion was seconded by Mr. Beglin and unanimously carried with all in favor. Chairman Bell asked the members if they wanted to send a recommendation to the Board of Appeals. Mr. Beglin responded that he saw no problem with the proposed new location. Mr. MacTavish agreed that it was less of a non-conformity and that most of the houses on that street were in the front yard setback. Ms. Garliauskas made a recommendation that the Planning Commission recommend to the Board of Appeals that they grant a variance for the new location. The motion was seconded by Mr. MacTavish and unanimously carried with all in favor.

The commission next met with Barbara Meade, property owner of 200 Market Street, who was seeking a setback variance from the Pork Alley side of her property. Ms. Meade explained that she had purchased the vacant lot on the corner of Market Street and Pork Alley (200 Market Street) as well as the improved property behind on the corner of Pork Alley and High Street (101 High Street). She explained that she had been given permission to lift the house at 101 High Street in order to place it on a new foundation but after looking at it more carefully, she had decided that the house would fit better on Market Street as there are more 2-story homes located there. Her request is to now seek a permit to move the house from 101 High Street to 200 Market Street and construct a new full foundation. Ms. Meade noted that she had met with the HDC and received their approval for the relocation of her house from 101 High

Street to 200 Market Street with the house facing onto Market Street. The plans also include a 4' bump out from the kitchen and to construct a side and front porch, both of which originally had been attached to the house, and to telescope and addition out from the back of the house. It was noted that there had been a house on the vacant lot at one time, with the grandfathered setbacks being much closer to the alley from what Ms. Meade was requesting. Because this is a corner property, it is viewed as having 2 front yards. Attorney Zak Smith, working with Ms. Meade, stated that there was a question about Pork Alley with regards to the setbacks. In looking at Section 32.10 of the Oxford Zoning Ordinance, it notes that if there is an established setback, the idea is to preserve the streetscape. He added that when one looks at the site, one will see that there is an established setback on Market Street. The new setback on Pork Alley will be further back from what he considered to be the established setback as currently found on the corner of High Street and Pork Alley. Planner Brophy spoke stating that she had reviewed the application and thought Section 32.10 applied to the Market Street side but felt that there was no clearly defined setback on the Pork Alley side because there is nothing on Park Alley. She stated that this was her determination but felt the Planning Commission should review that and decide if they think they agree or not with her view. In the meantime, the owner has applied for a variance just in case she needs to go before the Board of Appeals. Attorney Smith was of the opinion that a setback had been established on Pork Alley because Ms. Meade's house on High Street has been there for years and therefore has established the setbacks on the lot at 200 Market Street facing onto the alley. The house on High Street sets back approximately 3 ½' off of Pork Alley. The proposed relocation of the house onto 200 Market Street would be about 8' off of Pork Alley. Mr. MacTavish asked Ms. Meade if she was planning on integrating her two properties or keeping them separate. Ms. Meade responded she had no plans to do so but did want to fence in the entire two areas. Planner Brophy spoke stating that if the Planning Commission were to determine that Section 32.10 would apply to Pork Alley, then the application would not have to go before the Board of Appeals. Chairman Bell asked the group for their thoughts on the matter. Mr. MacTavish spoke stating that he had spent a lot of time on Pork Alley having worked on the Oxford Mews building project. His thoughts were that what was being proposed should be applauded and that he had no issue with Section 32.10 being applied to Pork Alley as there was not too much to draw on except for the existing house at 101 High Street. Ms. Garliauskas agreed with the interpretation of Section 32.10 in this particular case because of the need to take into consideration the proximity of the neighboring house at 202 Market Street, as the neighbors living there had expressed some concern about future HVAC units and other installations and did not see the rationale of needing to move the Ms. Meade's house further back off of Pork Alley, if one is to look at the entire concept. Attorney Smith again stressed that there is a defensible interpretation of Section 32.10 that would allow the new structure to maintain that established setback along Pork Alley given there is a house now at 101 High Street that it has been there for years. Ms. Meade echoed Attorney Smith's statements adding that if you look at the situation today, the house sits there today, so today that line is defined. A motion was made by Mr. MacTavish to allow the relocated house from 101 High Street to be placed on 200 Market Street as indicated on sheet 3 of 3, decreasing the existing non-conformity along Pork Alley from 3' to 8', plus or minus, and then on Market Street, positioning the house so that it complies with Section 32.10, lining up with the existing line implied by the existing architecture. The motion was seconded by Ms. Garliauskas. Chairman Bell asked if it would be wise for the commission to say that by doing this, they recognize they are removing the existing site line and establishing more clarification in context for why they are making the decision the way they were. All agreed so that Mr. MacTavish added onto his motion that the motion was being based on the way in which the house on

High Street sets now and that once the new house is built, the existing setback will no longer be in existence and that the new setback will basically be 8'. The motion was unanimously carried with all in favor.

OLD BUSINESS

The commission members agreed to meet in a workshop setting on Thursday, June 29th, from 10 a.m. until noon to go over the purposed changes to the Comprehensive Plan and to make their vote on sending the changes onto to the Commissioners.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk