

## OXFORD PLANNING COMMISSION

### MINUTES

OCTOBER 3, 2023

The regular monthly meeting of the Oxford Planning Commission was called to order by the Chairman, Norman Bell, on Tuesday, October 3, 2023, at 5:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Cameron MacTavish and Bruce Beglin, along with Town Planner Maria Brophy and audience members Christine Dayton, Chad Edmondson, and Max Sommerlatte.

The minutes of the meeting were approved and accepted as distributed with the following two corrections: Page 1, under the heading REVIEW OF APPLICATION/REQUEST FOR VARIANCE, 5<sup>TH</sup> sentence, the word "maria" should be "marina;" and the last page, 3<sup>rd</sup> from the last sentence, "Section 11.02.k.1" should be "Section 11.02.D.1".

Prior to the review of the one building permit before the commission, Planner Brophy addressed the applicant and his architectural firm representatives, stating that they had the option to table the application since only 3 of the 5 members of the Planning Commission were present to vote. Mr. Sommerlatte agreed to move ahead with the review.

The following building permit was then reviewed by the commission as follows:

1. Permit #23-73, Robert M. Sommerlatte and Christine Maynard, 501 E. Strand, install new plunge/lap pool. Architect Christine Dayton spoke stating that the requested swimming pool was a pre-made, manufactured unit and that the equipment associated with it was retained within the unit, much like a hot tub. The proposed location of the pool would be on an existing patio area found on the property. The hope is to raise the level of patio, but it would not be encroaching any further into the 100 ft. buffer area. Mr. MacTavish noted he could see where the new pool could come out to the end of the existing patio and asked if the remaining paving/patio area would be removed. Ms. Dayton responded that it would not and that they were looking at raising that entire area in order that it would be level with the first floor area so that when one walks out of the house, one would take one step down to be at the patio level with the step being incorporated into the existing footprint. Mr. Sommerlatte spoke stating that his project was being done in conjunction with the town's Coastal Resilience Shoreline Project, whereby the grading of his property and the town's property would be congruous as the town's project would be coming onto his property, with the Army Corp of Engineers re-grading his property. Chairman Bell asked if there would be fencing around the swimming pool. Ms. Dayton responded that 4' fencing would be located at the back, left corner of the house, ending at the water's edge along with a 4' section of fencing, near the back, right corner of the house that would butt up against the existing fencing of the neighboring property. Gates with safety closings would be used. Mr. Beglin asked if 4' fencing would be added along the waterside of the property. Planner Brophy responded that the town has allowed fencing to go all the way to the

water, as close as possible, but that it does not have to run along the water. The inspector will check to make sure that there are no openings which would allow entrance into the pool area by way of the stone revetment. She added that the reason why this permit had come before the commission was because the Oxford Zoning Ordinance, under Section 33.14.A.4.c. allows the Planning Commission to approve a reduced setback for an accessory structure which has no other feasible location. Mr. Beglin made a motion to accept the permit as presented. The motion was seconded by Mr. MacTavish and unanimously carried with all in favor.

#### **REQUEST FOR VARIANCE**

The discussion continued with Ms. Dayton and Mr. Sommerlatte with regards to Mr. Sommerlatte's property at 501 E. Strand with his desire to seek a variance to relocate his existing buried propane tank closer to his front property line in order to honor a 10' setback from the his newly proposed house addition. Ms. Dayton explained that the existing propane tank is in a similar location on the property as shown on the plat plan of the existing conditions accompanying the variance request. With a new addition to be added onto the front of the house, there is a requirement by the propane company that certain clearance requirements need to be met between the foundation of the house and the propane tank. There is also an issue with Mr. Sommerlatte's geothermal walls coming out at the end of the house towards the owner's shed which will require the propane tank to come closer to the existing front fence line. The new tank location will be less than 2' from the property line, but it will be buried. Mr. MacTavish asked if the existing propane tank is currently in non-compliance, to which Ms. Dayton responded that it was. Mr. MacTavish pointed out that by moving the tank, it would create a further non-conformity. Planner Brophy responded that technically it would, but though it would be closer to the front property line, there really was no other location in which to put it. Mr. MacTavish made a motion to deny the request as it does not comply with the Oxford Zoning Ordinance. The motion was seconded by Mr. Beglin and unanimously carried with all in favor. Chairman Bell asked if the members would like to make a recommendation to the Board of Appeals. Mr. MacTavish responded that he would support the request for a variance, and even though it may increase the non-conformity, it was not to a degree that would be negative to the community. Chairman Bell referenced §11.02(D)(1), of the Oxford Zoning Ordinance, which states "Special conditions and circumstances existing which are not caused by actions of the applicant but which are peculiar to the land, structure, or building involved, and which are not generally applicable to other land, structures, or buildings in the same district", and that under those circumstance he believed the appeals board could give the applicant an approval. Mr. Beglin made a motion that a favorable recommendation be sent to the Board of Appeals that they approve the request for a variance. The motion was unanimously carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk