Town of Oxford

Appeals Board

February 15, 2024

Meeting Minutes

1. The meeting was called to order at 4pm by Chair, Jon Tibbetts.

1A. Roll of those present: Chair Jon Tibbetts, Board Member Trish Larrivee, Board Member Jay Goforth, CEO Kingston Brown, Deputy Clerk Kathleen Dillingham, Attorney Mark Bower (remote)

1. Minutes of prior meeting motion accepted by Member Goforth and seconded by Member Larrivee. Voted unanimously to accept.
2. Business
   1. Variance Appeal Request – Stephen Whittier, 6 Longmire Lane

Mr. Whittier explained reasoning for variance request to allow expansion of home in order to live at residence fulltime. Requesting a variance from the 29’ set back from center of line requirement to a 23’ set back from center of line. The home is located on a private dead-end road.

Upon request, CEO Brown provided the current setbacks of the other homes on the road.

Board member Larrivee stated that she could see no objection based upon variance requirements.

Chair Tibbetts read Undue Hardship requirements:

1. Land Cannot Yield a Reasonable Return

The board stated requirement was satisfied.

1. Unique Circumstances of the Property

The board stated requirement was satisfied.

1. Will Not Alter the Essential Character of the Property

The board stated requirement was satisfied.

1. The Hardship is Not the Result of Action Taken by the Applicant or a Prior Owner

The board stated requirement was satisfied.

Option 1: The Board finds that the Appellant has satisfactorily demonstrated that strict application of the ordinance to the petitioner and the petitioner’s property would cause undue hardship and therefore GRANTS the variance.

Option 2: The Board finds that the Appellant has NOT satisfactorily demonstrated that strict application of the ordinance to the petitioner and the petitioner’s property would cause undue hardship and therefore DENIES the variance.

Member Larrivee moved that the Board accepts Option 1. Member Goforth seconded the motion. Chair Tibbetts called for the vote.

The vote was unanimous to accept.

* 1. Variance Appeal Request – The Robinson Mill, A Caleb Group Community, 283 King St

Presenters for the Robinson Mill proposal

Suzanne Decavele, The Caleb Foundation

Stephen Bushey, PE, Gorrill-Palmer

Andy Jackson, Dovetail Consulting

Before the presentation, Attorney Bower explained to the Board that those present would have to have a unanimous agreement if they found grounds for approval of granting a variance due to only three of the five-member board being present.

Ms. Decavele guided the Board through a slide presentation of the project which explained their mission, their portfolio and experience in creating multi-family and older adult communities to meet housing needs. Ms. Decavele shared that they have found Older Adult Communities reduce social isolation, reduce food insecurity, provide medical clinics, educational and activity programs. Mr. Bushey spoke to slight changes in the proposal, such as additional parking spaces which he shared had been of concern to the Oxford Selectboard as well as the phases of development that would result in removing the storage buildings, providing environmental cleanup of the site, restoring the 1865, 1898, and boiler house buildings to provide single bedroom living units. Mr. Jackson spoke to senior affordable housing definitions, guidelines and funding requirements needed to meet Maine State Housing Authority approval. Mr. Jackson further shared that the threshold for acceptance in senior affordable housing is based on 60% of the median income for Oxford County which is estimated to be between $32,000 and $36,000. He shared should the site be developed for profit using market rate to set rental amounts, the one-bedroom units would have to be set at an amount of $2,250-$2,400 per month and using an affordable housing model and Maine Housing financing along with other state and federal subsidies, the rental amount per unit would be estimated at $853.00 per month. Mr. Bushey presented the site plan and issues with the existing code and asked the Board to grant a variance from the 4000-sf minimum lot area/dwelling unit (present in Section 15.A.1 & 15.A(1)a) to 2544.7-sf. This reduction would allow for 80 units.

Member Goforth asked for clarification if these would be one-bedroom units with a second caretaker room as he had seen in other developments. It was answered that these would all be one-bedroom units and through their experience, 77% of similar housing was single occupancy units.

Member Larrivee asked for number of units being proposed and was answered that the proposal would allow for 80 units.

Ms. Ducavele shared information on the ability to levy grant funds for this type of older adult housing proposals and the need to meet MSHA cap for their funding framework as well as application for historical building status to levy grants for historical structures.

Member Goforth asked to be provided with proposed floor plans and the board was shown proposed floor plans.

Member Larrivee asked what views citizens would be expected to see from the site. (resident and non-resident) It was answered that removing the existing metal storage buildings would provide views of the historic buildings once again, open the dam bridge to public pedestrian foot traffic, and by reducing the current footprint the project would provide increased green space.

CEO Brown verified that the members of the Board had received a copy of the letter from the DEP. All said they had received a copy of the letter.

Member Goforth asked if the 4000-sf ordinance was set by the Town of Oxford or by the State of Maine. Attorney Bower answered that the Town of Oxford had passed the ordinance. He shared State of Maine Chapter 1000, Guidelines for Municipal Shoreland Zoning Ordinances requires a town to adopt shoreland zoning ordinances. The state minimum lot area (sq. ft) within the shoreland zone model plan is 40,000 sf/unit. Town of Oxford ordinance is less and was submitted to and approved by DEP.

Member Larrivee asked for clarification of DEP’s concern that the request did not meet the requirements for undue hardship.

Attorney Bower asked for current use of property and it was answered that there is one tenant that is storing furniture.

Mr. Jackson shared with the Board that they received the letter from the DEP one week ago but had not been given any opportunity to meet with or discuss the Department’s concerns with them. He stated that they disagree with the DEP findings.

Attorney Boyer stated that he does not believe there is a viable use of the property in its present condition.

The presenters shared that this was estimated to be a $32 million dollar project.

Chair Tibbetts asked if the Boards decision overrules the DEP concerns. CEO Brown explained that the DEP would have the ability to appeal if the Board had an affirmative decision and their window to appeal would be 45 days.

Attorney Bower offered to write the decision for the Board, if it were a decision that needed to be sent to the DEP and the Board agreed to meet again to look at said decision if needed.

The Board at the direction of Chair Tibbetts moved on to discuss the criteria for the Undue Hardship Test.

Criteria 1- Land Cannot Yield a Reasonable Return

Member Larrivee stated that she disagreed with the DEP on this criterion, citing the costs that it would take to rehabilitate the property, creates a hardship. Member Goforth further added that the property in its current condition is providing little value and the investment needed to remediate the property would result in market returns that could not be met in our area, whether it would be a commercial, residential, or recreational use; therefore, it would not be reasonable.

Chair Tibbets asked if the members were ready to vote. Member Larrivee moved that Criteria 1 had been satisfied. Member Goforth seconded the motion. The vote was unanimous.

Criteria 2 – Unique circumstances of the Property

Member Larrivee and Goforth spoke about the historic value of the property with its ties to Civil War woolen production and how that lends a uniqueness to the neighborhood and surrounding community. The historic value will lend to the ability to draw on historic tax credit to rehabilitate the historic buildings on the property.

Member Goforth motioned that the criteria had been satisfied and it was seconded by Member Larrivee. The vote was unanimous.

Criteria 3 – Won’t Alter Character of the Locality

Discussion pointed out that remediation would enhance the area and removing the buildings that had been added on over the years would expand the green space compared to what is existing. There was agreement that older adult housing would be consistent with the locale and reopening of the footbridge would add value to the neighborhood.

Member Larivee motioned that the criteria has been satisfied and seconded by Member Goforth. The vote was unanimous.

Criteria 4 – No Self-Created Hardship

Discussion around the property sitting empty for numerous years without maintenance or repair of the buildings, grounds are unkept, and any needed chemical remediation has not been done. All of these issues existed long before current owners. Also, the currents owners were not part of the discussion that led to the current ordinance.

Member Goforth motioned that the criteria has been satisfied and seconded by Member Larrivee. The vote was unanimous.

Motion made by Member Larrivee to grant a variance to allow the square footage of 2544.7 per unit. Member Goforth seconded the motion. The vote was unanimous.

Members agreed to meet on February 22nd at 4pm to approve language.

Motion made and accepted to adjourn. The vote was unanimous.