

April 2, 2009

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the chairman, Thomas Campbell, on Thursday, April 2, 2009 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other board members in attendance were Larry Murray and Stanley Bright.

The minutes of the meeting of March 5, 2009 were approved and accepted as distributed.

The board members again met with Skip Case, member and representative for the Oxford Landing Homeowners Association, as part of an ongoing consultation with regards to a decayed bulkhead the association is requesting to replace. Mr. Case reported that since his last meeting with the Port Wardens he had received letters of no objection from his two adjoining neighbors and had sent a letter to the Commissioners requesting temporary use of the town dock. Mr. Murray reported that he had investigated the use of lateral lines. It appeared to Mr. Murray that the past Port Wardens had used the lateral line concept in order to allow property owners in Oxford Landing to put their piers in the way that they currently exist. Mr. Murray stated that he had worked with the harbor map and figured out the lateral lines in this area himself. He found that his calculations were a little more restrictive than what Mr. Case's architect had done. Mr. Murray noted that the one problem he did find was that part of what Mr. Case was asking to do would be inside the lateral lines but that the other part would fall outside the lateral lines, which the Port Wardens would not be able to approve. Mr. Murray suggested that Mr. Case go back to his engineer and have him put in the lateral lines per the town's rules. Mr. Case responded that he could do that.

Mr. Case reported that the association thought their adjoining neighbor was the State Highway Administration but that the Port Wardens had mentioned that the adjoining neighbor was the town. Mr. Case asked if the board thought he would need to get a letter of "No Objection" from the town as well. Mr. Murray responded that Mr. Case would have to get a letter of "No Objection" from the town for a particular piling that he showed on his plan. Mr. Campbell added that it would not be necessary if the piling were put back in the same spot and that the Port Wardens would approve the piling remaining where it was and being replaced in kind. Mr. Case asked, that based on the Port Warden's calculations and his engineer's calculations, assuming those calculations match up, if there would be a problem. The members all agreed that there would not be.

The discussion then turned to the matter of the bulkhead. Mr. Murray stated that it was his feeling that the bulkhead could not protrude past the property line. Mr. Campbell added that he too was concerned about building out in front of another person's property. In the past, this has been something objected to by other

neighbors in previous instances. Mr. Campbell added that though he understood Mr. Case had letters of non-objection, it was the Port Wardens job not to allow the building of impervious surface in front of another property. Mr. Case noted that at some point his neighbor's bulkhead was going to need to be replaced as well. He asked that if his neighbor comes out 18" would the neighbor be impacting the association's property. Mr. Campbell responded that "in a small way you could say yes" but that the association's property would definitely impact the neighbor's property far greater than 18". Mr. Case asked if that meant the association would have to demolish their bulkhead and replace it as is. Mr. Murray responded that he did not think the board would have any problem with that at all, and that the same thing would have to be done on the other side. Mr. Case asked why that would be necessary on the other side that abuts the State when they already expressed no concern over the matter. Mr. Murray responded that it was necessary because it would involve the town's land as well. Mr. Bright agreed that the association was entitled to repair their bulkhead but only if they were to tear out the old and replace it. Mr. Case expressed concern over the cost of such a project and that the bulkhead had been there since the 1960's. Mr. Campbell stated that the association would be allowed to put the bulkhead back in place of where it is now but because of the proximity of the neighboring properties the commission could not approve it being built out any further than it is now. However, the association could apply to do it the way they wanted to but that it would have to go before the Commissioners as the Port Wardens would not feel comfortable approving that without the consent of the town on the one side. Mr. Case argued that he could understand the Port Wardens wanting to see that done on the one side abutting the Wilson property but not the other side. Mr. Campbell responded that the other side was a sensitive area because of the relationship with the town owned docks and the municipal waters of Oxford. Mr. Campbell added that it was his thought that it would be encroaching into somebody else's space in a way that has not been. Mr. Murray suggested talking to the town attorney, David Thompson, about the matter as he believed it was a minute problem. Mr. Case again stated that he understood about the Wilson property and that the argument was valid for that side but he did not understand where the property line on the State Highway side would be adversely impacted by 18". He added that he thought the board could get some opinion on this and let Mr. Case know which way to proceed. It was also agreed that the board members did not have an issue with the proposed floating piers.

In closing, Mr. Case noted that he would have his drawing redone. He asked that if his measurements did not match the Port Wardens measurements would the board accept his engineer's measurements. Mr. Murray responded that they would. The Port Wardens, in the meantime, will check with David Thompson regarding the

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bulkheading on the one side. It was agreed that the two sides will trade comments at the meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk