

December 7, 2017

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the chairman, Thomas Campbell, on Thursday, December 7, 2017, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Larry Murray and John Pepe. Also in attendance was Town Administrator, Cheryl Lewis.

The minutes of the meeting of November 2, 2017 were approved and accepted as distributed.

The following permit was reviewed by the board:

Permit #17-02 for David Ober, property owner of 104 Tred Avon Ave., request for boatlift. Both Mr. Ober and Chris Moore, Planner for Weems Brothers, Inc. were present to discuss the application. Mr. Moore stated that the application was straight forward and that the request had been submitted to the state for approval. Mr. Moore added, in what he believed was an interesting aside, that this request illustrates the lateral line issue that he and the Port Wardens had discussed at last month's meeting in that had Mr. Ober requested a larger lift, they would be looking into a situation whereby lateral line interference would come into play. Mr. Pepe pointed out that Mr. Moore was creating an issue whereby there was not one. Mr. Ober's existing pilings are not in conflict and thereby there is no issue in which to speak. Mr. Campbell noted that the request meets the setback requirements and that Mr. Ober's existing pilings and dock are grandfathered. He added that he had no objection to the boatlift but, as a personal observation, he offered to Mr. Ober that the winds and river can be powerful out in his area and cautioned Mr. Ober to be careful as it can be a hazard getting boats on and off boat lifts out along the stretch in which Mr. Ober lives. Mr. Murray made a motion to approve the application based on the proper approval from the state. The motion was seconded by Mr. Pepe and unanimously carried with all in favor. Mr. Campbell added that a note had been received from Mr. Ober's neighbors, Mr. and Mrs. Patrick Naylor, property owners at 105 Tred Avon Ave., stating that they had no objections to the request.

This concluded the review of permits.

A maintenance request from Kent Habecker, property owner at 503 E. Strand, to repair approximately 55 linear feet of existing bulkhead by driving new sheathing, backfilling, and replacing the cap board was reviewed by the board. Mr. Chris Moore explained the request stating that the work did not need federal and state approval as all the work would be done within mean high water. He noted that that Mr. Habecker's sheathing was starting to fail and that Weems Brothers would be digging out behind it, installing new sheathing and replacing the cap board. Mr. Campbell stated that it was great that Mr. Habecker was working to preserve the shoreline in the that area and that he viewed the request as being strictly a maintenance one. Mr. Pepe made a motion to accept the application as written. The motion was seconded by Mr. Murray and unanimously carried with all in favor.

CONSULTATION/DISCUSSION REQUEST

A consultation was held with Chris Moore regarding the pier project for Megan Hauck at 704 S. Morris Street. Mr. Moore reminded the board members that they had asked him to make some slight revisions

to the plans that he had shown them at last month's meeting by moving the proposed pier about 1 to 2 feet. He presented 3 sets of drawings for the board to review. The 1st showed the original request, the 2nd drawing showed what the board members had requested, and the 3rd was an attempt to accommodate the setback of the lateral lines which would put the project over the pier at 706 S. Morris Street. Mr. Moore noted that MDE is willing to issue a permit but that they want it to coincide with the Port Wardens decision. Mr. Moore also stated that the applicant, Ms. Hauck, was amendable to whatever approach the port wardens decided on taking. Neighbor Jim Jackson at 109 W. Pier Street spoke stating that he had emailed the board his thoughts on the project and that he was not at all pleased with the plan to use the property line extended. He added that he and his wife had straight access to the water and that he understood that the lateral line setbacks were now being used and had based his reservations regarding the project based on lateral line extension. He went onto say that he now understood that the Port Wardens wanted to use the property lines extended in this case. Mr. Jackson pointed out that though he had a pier, it was not at all functional at low tide and that should he and his wife decide to install a boat lift, they would need to extend their pier further out into the water. If that be the case, he felt that entire area would become extremely tight to navigate. Mr. Campbell explained that, historically, many of the docks in this area pre-date the building ordinance and Harbor Management Plan that was established in 1982. The existing piers were extended straight out in front of properties. Whether it was intended or not, that was the way it was done. Very few options were even used or applied. If one were to try to establish the strict use of lateral lines now to one of those existing piers, one would have one pier on top of another. All the docks that have been put in over the years established guidelines in which the building property line setbacks were honored. Not until the most recent write up did the use of lateral lines even get that much attention. Mr. Campbell pointed out to Mr. Jackson that if Mr. Jackson were to apply the use of lateral lines extended on his own property, he would have been unable to build any pier at all on his property and that he could not meet the setbacks on either side of him as well. He added that all the docks going down the corridor in which Mr. Jackson lives were built using the property lines extended except for Mr. Jackson's property. In that case, two neighbors worked together in order to have a shared pier. Mr. Pepe spoke stating that Mr. Jackson was incorrect in stating that his dock was unusable because it was, in fact, usable and that the depth of the water was irrelevant. He noted that the dock is used and had been used for years. Mr. Pepe added that he agreed with what Mr. Campbell had stated and that had Mr. Jackson been requesting a pier on his property now, using today's laws, he would not be granted one. By the agreement he has with his neighbor, Mr. Jackson does have a usable dock where there would not be one. He also added that the fact that Mr. Jackson, in wanting to utilize more of his property by using the lateral lines extended, would end up creating a conflict and issues with every other dock on the shoreline whereas the Hauck's application, as presented, would meet all the guidelines and criteria. Mr. Campbell stated that historically lateral lines have been used in places of conflicts, such as areas with corners and curves and only used in necessary cases. In trying to resolve conflicts between neighbors, there have always been comprises and letters from neighbors on how the conflict should be approached. Mr. Campbell felt this situation could be solved with an agreement between Mr. Jackson and Ms. Hauck. Mr. Campbell pointed out that if Mr. Jackson wanted to do more work on his dock, it would be nice if he could work with his neighbors because he is going to find himself running into his own set of setback issues. His feeling was that Option B (or 2) seemed the most feasible to him but that that situation would require Mr. Jackson's blessings. Mr. Jackson responded that he wanted Option C (or 3), not Option B. Mr. Pepe didn't understand why Mr. Jackson couldn't just go with a shared sert of pilings between both his and Ms. Hauck's proposed pier. He added that Mr. Jackson simply could not have it all...meaning a view, a bigger pier, and a boat lift given the size of his property. However, there could be a compromise and that shared piling lines would be the way to go. Mr. Campbell agreed adding that it would be a win/win situation, especially if Mr. Jackson wanted a boat lift further down the

road, and that Mr. Jackson's neighbor was making adjustments to her dock that would help further Mr. Jackson's long term goal. Mr. Moore stated a survey of the Hauck's property had been done and that the proposed work would be staked out when the work begins. Mr. Campbell reminded Mr. Moore that he might want to contact the other neighbors in close proximity to the project letting them know of any changes that have been made to the original request prior to submitting the Hauck's application to the board. Mr. Campbell again explained that though use of lateral lines had always been in the guidelines, it wasn't the rule and, if one were to apply it to everything in town, there would be issues everywhere. Mr. Pepe added that the use of lateral lines works in undeveloped areas. In areas of conflict, there should be compromise between neighbors and, in this case, he felt that this would be the best way to go for everyone. He too felt Option B would be a really good compromise. Mr. Campbell echoed Mr. Pepe's sentiments added that it would be easier for all if a compromise could be worked out between neighbors before the permit is submitted. Mr. Moore asked that if Option B were to be pursued, would a waiver be needed from Mr. Jackson. Mr. Campbell replied that was correct and for the setbacks too. Again, he added that Plan B was a good compromise and that Mr. Moore should let the neighbors know about that plan to see what they think. It was noted that nothing at this night's meeting was being approved. Mr. Pepe summed up the consultation in stating that the Board of Port Wardens had reviewed all three drawings and liked Option B but that the owner of the property needed to come to a compromise with her neighbor Mr. Jackson to accept the plan as well as with her neighbor at 705 S. Morris Street to accept it. Mr. Campbell added that Ms. Hauck had made a nice gesture for approval for the boat lift concept of Mr. Jackson should he want to do it in the future. The next step is to submit an application. It was Mr. Campbell's hope that a compromise could be reached.

NEW BUSINESS

A note was received from Anne Smith of Ship Shape, LLC stating that she had located a mushroom no longer in use in the Strand area which could be used if any new requests are received wishing to have a mooring.

Mr. Pepe noted that a Dolphin had fallen in front of Capsized Restaurant and was just about sunk. He asked if the town could notify the owners of the restaurant as well as the property owner to let them know about it. Administrator Lewis asked if Mr. Pepe could send her an email with regards to the problem and that she would take care of it.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk