

November 2, 2017

The regular monthly meeting of the Oxford Port Wardens was called to order by the chairman, Tom Campbell, at 6:00 p.m., on Thursday, November 2, 2017, in the meeting room of the Oxford Community Services Center.

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

The minutes of the meeting of August 3, 2017 were approved and accepted as distributed.

The following permit was reviewed by the board:

Permit #17-01 for Michael Sullivan and Jamie Garner, property owners at 110 Bayview Avenue, request to add a lift to an existing dock and pilings with the possibly of adding another lift. Mr. Sullivan explained to the members that the existing dock on his property goes straight out with pilings on either side. He added that he had been in contact with the MDE and that he was in the process of submitting his application to them for approval. Mr. Murray asked if there were three pilings on the south side. Mr. Sullivan replied that there were alongwithtwo pilings on the north side. Mr. Murray commented that he didn't see any problem with the request. Mr. Pepe stated that as long as Mr. Sullivan wasn't adding anymore pilings he agreed with Mr. Murray's comment. Mr. Murray made a motion to approve the application as presented. The motion was second by Mr. Pepe with the caveat that approval from the MDE is granted. The motion was unanimously carried with all in favor.

A consultation was held with Chris Moore from Weems Brothers to discuss the upcoming submission of an application for Megan Hauck, property owner at 704 S. Morris Street, to construct a 104' long by 6' wide pier, including a 20' x 10' end section platform, and one four-pile boat lift, two PWC lifts, and one mooring piling, not to exceed approximately 79' channelward of the mean high water line.

Mr. Moore pointed out that the Hauck property was one of the few properties in the area that does not have an existing pier. An application for the proposed work has been sent to the MDE. Mr. Moore stated that the MDE was ready to approve the request pending approval from the town. Questions had arisen from the neighbors at 109 W. Pier Street, Mr. Jim Jackson and Ms. Rebecca Keegan, who were both present for the discussion. Mr. Moore stated his understanding was that the Town of Oxford used the same lateral lines that the county uses but there was some question as to when the use of lateral lines was implemented. He noted that if one were to look at all the piers along the particular shoreline in question, one would find that all the piers fall properly within the property lines extended. However, when looking at the piers using the lateral line method, the existing piers become all non-conforming which he felt complicated the request from Ms. Hauck as to which method of measure would apply to her request. Mr. Moore noted that he had been working with Mr. Jackson and Ms. Keegan as to what options were applicable in this case so that they and Ms. Hauck would both be agreeable as to the layout proposed. Mr. Moore added that if the lateral lines are to be applicable to Ms. Hauck's request, it would not be a big issue for her because there is enough buildable area for either method but it would put her in closer proximity to the property located to the south of her owned by the property owners at 706 S. Morris Street), who are also aware of the project. Mr. Moore stated that his purpose for this consultation was to find out which method of measurement would apply in this case. Mr. Jackson stated that his interest in coming to hear the consultation was to find out if Mr. Moore could come up with a plan using the lateral line method as that would give both he and Ms. Keegan better access to the

water. Mr. Campbell noted that lateral lines were often used in cases of hardship in order to try to solve a problem and that property lines extended have historically been used if it works in everyone's best interest. Mr. Moore stated that he started working on a way to come up with a plan for the dock using the possibility of an extension using lateral lines. However, in doing that it would change the angle of the dock compared to the other piers along this stretch of land. Mr. Campbell responded that in past cases, when lateral lines were used, there had been compromises that had been agreed upon by the individual neighbors involved, in writing, regarding setbacks. He added that Mr. Moore had presented a good concept but he and his client would need to get the surrounding neighbors to agree on how it would work. He added that this may require Ms. Hauck having to move her pier over a little so as not to cut off the neighboring property at 706 S. Morris Street. Mr. Pepe commended that by using the extension of the lateral lines in Ms. Hauck's case, she would be creating a problem for the property at 706 S. Morris Street should anyone there want to do an extension to the existing pier because it would cause the extension to then be over the line. He added that the lateral line method would present more spacing between the Jackson/Keegan pier and the Hauck pier but it would create a pinch between the Hauck's proposed pier and that of the 706 S. Morris Street pier. Mr. Pepe then pointed out that the pier that Jackson/Keegan partially own was built as a joint ownership pier to be shared with the owners at 109 and 111 W. Pier Street to make unusable pieces of waterfront properties useable. He strongly stated that he did not think it would be fair to compromise another's property because Jackson/Keegan already have gotten a deal by having a pier and that he would rather see the Hauck's proposed pier shifted over in order to make the onus to the neighbor on the right instead of the neighbor on the left thus balancing the proposed pier more evenly between the neighboring properties. He added that there would be enough room to make that one change. Mr. Campbell agreed that could be done provided that there is an agreement with the two neighboring property owners as far as the property line setbacks. Administrator Lewis spoke stating that her recommendation would be for Mr. Moore to redraw the plan and notify the neighbors affected by the plans. She added that generally one uses property line setbacks in these instances and that the setback is 15'. It is possible that the setback could be lessened given the neighbor's permission. Mr. Campbell stated he wanted to make sure that the waters would be navigable for all property owners in this area. The consensus of the board members was that Ms. Hauck needed to pull the project as far to the north as she could and honor the 15' setback. Mr. Jackson expressed concerns that as his view would be compromised. Mr. Campbell again pointed out that the best solution would be to move the whole structure over and not create another impediment by using the lateral lines and to create as much navigable water between everyone.

A brief discussion was held regarding a request from Davenport West, resident at 805 S. Morris Street, for a new mooring. Mr. Campbell stated that he had spoken with Mr. West who told him that he was looking to set up a mooring along the far corner of Cemetery Cove, which the Port Wardens do not have jurisdiction over. Mr. Campbell added that Mr. West also asked what his other possibilities would be. Administrator Lewis questioned how Mr. West would access the mooring if it were to be located out at Cemetery Cover and that if he wants to be closer to town he would have to have a mooring permit.

A discussion took place regarding a proposed Ordinance 1707 – **AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND CHAPTER 11 OF THE TOWN CODE TITLED "HARBOR MANAGEMENT ORDINANCE" AND TO ADD SECTION 11.14 TITLED "CHARTER ACTIVITIES"**. Administrator Lewis explained that this ordinance has to do with charter activities in town and in particular charter boats. The basic points include: 1) establishment of the best locations for charter boat operations as the town is currently having issues with limited available parking, and 2) finding a means for trash removal at these areas as things such as old bait, fish heads, etc., tends to get thrown overboard right now. Mr. Campbell felt as though he should abstain from voting on the ordinance given that he owns and operates several

boatyards in town. He added that he was aware of the fish disposal issue and that he did not allow that to happen in any of his marinas. Administrator Lewis noted that the town slips for watermen are provided for different reasons and that the town does supply dumpsters for their use. The town also provides sufficient parking spaces for its leased boat slips. Mr. Pepe pointed out that in reading Section B – All other Charter Activities Prohibited – he felt that the way it was currently written it would apply to paddleboard, kayaks, jet ski rentals, etc., and that the town may have to redefine this section. His feeling was that the town should try to promote the water activity businesses. It was suggested that under Section 11.7 – Definitions – CHARTER ACTIVITIES – that the word first word of the definition, which is “Renting,” should be removed so that the definition would become “Operating a boat or vessel for commercial activities for profit, including fishing, sailing, touring, or other creational activities.” The members also discussed how water taxis would fall under this definition. Administrator Lewis stated she would try to address that.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk