

November 14, 2019

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the chairman, Thomas Campbell, on Thursday, November 14, 2019, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other board members in attendance were Larry Murray and Robert Hyberg. Also in attendance was town attorney, Lyndsey Ryan.

The minutes of the meeting of July 11, 2019 and October 10, 2019 were approved and accepted as distributed.

The following permit applications were reviewed by the board:

- Permit #19-04, Myles Taylor, 304 Market Street, request to replace existing pier with new pier shifted 12' south. Chairman Campbell reminded the members that in December, 2018, the board had approved Mr. Taylor's application (permit #18-02) to remove his existing pier and construct a 6' wide by 52' long pier with a 10' wide by 20' long "L" platform and to install 5 mooring piles. Following that approval, Mr. and Mrs. Taylor made a request to move the pier over an additional 12' in order to take it out of their line of sight from their house. When the permit was approved back in the December, it was approved with the stipulation that approvals from the MDE and Army Corps of Engineers had been received. Chairman Campbell stated that since that time, the board had received the request to move the pier along with an approval from MDE, dated 9/4/19, and the Army Corps of Engineers, dated 10/11/19. Mark Hill, from Bailey Marine Construction, spoke stating that they would also be doing bulkhead repair. The new pier, to be moved 12' over from its originally approved location, would be a wooden tempered pier. Other than the moving of the pier, everything else would remain the same as what was previously presented and approved in permit #18-02. Attorney Ryan stated that the reason the permit was brought back was so the neighboring property owners could be notified in case they had concerns that were not raised the first time. Chairman Campbell presented a series of emails that had been written back and forth between Mr. Taylor and his neighbor, Bradford Clubb, property owner of 302 Market Street, dated May 23, 2019 in which Mr. Clubb stated that he had reviewed the revised plan for the pier and did not have a problem with what was being requested. Mr. Murray made a motion to accept the permit as presented. The motion was seconded by Mr. Hyberg and unanimously carried with all in favor.

- Permit #19-03, John Miller, 104 Jefferson Street, request to replace 80 linear feet of existing timber bulkhead. Mr. Miller, along with Mark Hill, were both present to discuss the application. Mr. Hill noted that he would be replacing the timber bulkhead on the property by batter piles in the front of the bulkhead to hold it back. Chairman Campbell stated that it was nice to see neighbors working together to fix up the shoreline in that area and presented a letter from neighbor Myles Taylor, dated October 7, 2019, endorsing the project. Chairman Campbell also noted that letters of approval from the MDE and Army Corps had been obtained and were in the file. He asked Mr. Hill if there would be any digging above the bulkhead. Mr. Hill responded that they would not and that they would just be backfilling behind the new bulkhead and that the bulkhead cap would not come off the present bulkhead. Chairman Campbell commented that everything in the area in question was such an improvement including the nice landscaping on Mr. Miller's property. Mr. Murray made a motion to accept the application as presented. The motion was carried by Mr. Hyberg and unanimously approved without further discussion.

This concluded the review of the applications.

NEW BUSINESS

Mr. Hyberg asked Attorney Ryan about an upcoming Port Warden's meeting rescheduled for early next year involving the previously approved application for a pier at 704 S. Morris Street and the reasons behind it coming back to the Board of Port Wardens for review again. Attorney Ryan explained that the neighbors at 109 W. Pier Street were appealing the permit. When one appeals, one has the right to a transcript. Unfortunately, the CD of that meeting was lost and so an actual transcript cannot be made. The appellants were given the choice of going to the Commissioners with the minutes from that meeting, including all the exhibits, or coming back to the Board of Port Wardens for a rehearing so that the meeting could be recorded and a transcript made of that meeting. The neighbors ended up not doing either and filed a lawsuit instead which is why everything has taken so long. The town was part of that lawsuit but ended up being dismissed from it with the understanding that it (the Hauck application) would have to come back to the Board of Port Wardens. The lawsuit had been filed back in March or April of 2019 and was not dismissed until August 2019. Hence the reason for time lag from when the Hauck permit was first heard by the Port Wardens back in March of 2018 and the request for it to be heard again in the coming months. Mr. Hyberg asked Attorney Ryan that had Ms. Hauck begun construction of her dock back when she was given permission, would she have had to stop work. Attorney Ryan responded that because Ms. Hauck had been given approval by the Board of Port Wardens to build the pier she had the option of going ahead and building it. However, should the Port Wardens change their minds the next time they hear this application, she would have to rip up what she had had done and therefore she is waiting to proceed with any work. The rehearing of the Hauck application, along with a permit application from Rebecca Keegan, will probably not be heard until March of 2020 as Ms. Hauck's attorney is not available in December, the appealing neighbors will be away during the month of January, and Port Wardens Chairman Campbell will be away during the month of February.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk