

September 10, 2020

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, September 10, 2020, at 6:00 p.m., via "Zoom" due to the on-going pandemic of a virus known as Covid-19.

Other members participating in the virtual meeting included board members Robert Hyberg and Robert Trevorrow, along with Town Manager, Cheryl Lewis.

Chairman Campbell opened the meeting asking the members and audience listening in to remember past member of the board, Larry Murray, who passed away in the spring of the year. Chairman Campbell stated that Mr. Murray had been on the board for 18 years and that he was a dedicated member who gave thoughtful insight and approach to the board's process. He added that he would always be grateful, along with the rest of the town, for all the time he spent not only working on the board, but for his community service throughout town as well and asked for one quick moment of silence to remember Mr. Murray.

The meeting opened and the following permits were reviewed:

1. #20-04, Jennifer Stanley, 211 South Street, replace 178 linear feet of timber bulkhead. Mrs. Stanley, along with Mark Hill from Bailey Marine Construction, were virtually present to discuss the application. Mr. Hill spoke stating that this would be a typical bulkhead replacement with the first section to the right of property being replaced in-kind and the remaining bulkhead to be placed 18" channelward of the existing bulkhead. The process would involve the removal of 3 trees on Mrs. Stanley's property. Mr. Hill explained that the reason behind this was because of the anchoring system which would go behind the bulkhead and that the project would be built both from the water and from the land. Chairman Campbell asked if Mr. Hill was going to be using tiebacks on the project and how he was supporting the bulkhead. Mr. Hill responded that tiebacks would be on every piling. Mr. Hyberg asked if this was the reason why the trees needed to be removed. Mr. Hill responded that was correct. Chairman Campbell asked for clarification with regards to the south wall, which had been done several years ago, that the replacement bulkhead would not go round to that corner. Mr. Hill responded that a piece of it had been done on the south end and the new replacement bulkhead would be joining up to that piece. Mr. Hyberg stated that he noticed the new bulkhead was going to be 7' and the other one was 6' and questioned if that was that way in order to meet the other piece that had already been done on the south side or if the grade was going to be changed. Mr. Hill responded the grade would remain as the existing grade but did not understand Mr. Hyberg's reference to the 7' he mentioned. Mr. Hyberg responded that he was looking at the drawing where the old bulkhead was identified as 6'. Mr. Hill responded that was the water depth and that the State required that information in order to approve the permit. Town Manager Cheryl Lewis spoke stating that because the project was going to be done from both land and water, there would need to be an erosion and sediment control form filed along with the Critical Area mitigation, with possibly more than 3 trees needing to be planted to replace the ones being removed. Chairman Campbell asked Mr. Hill if he had filled out a sediment erosion plan already. Mr. Hill replied that Mrs. Stanley had filled out a Buffer Management Plan and that he could check with Lane Engineering with regards to the sediment/erosion plan. Manager Lewis noted that even if less than 5,000 sq. ft. were to be disturbed, a plan would still need to be filled out

on the town level. Mr. Hill addressed Manager Lewis and told her that he would check with Lane Engineering as to how much soil will be disturbed and make the necessary arrangements to get the proper form filed to go out to either the town or county. Manager Lewis explained that the situation in this case is that the State requires that the town acknowledge that the contractor is taking precautions that are needed and that the work will not exceed the 5,000 sq. ft. The tree mitigation for live trees is usually 3 new trees for every one tree removed but that she would see if Critical Areas gives any leeway for water dependence. Mrs. Stanley asked if the trees could be placed in other locations in town to which Manager Lewis responded that they could. The file was reviewed further and found to have approval from both the MDE and Army Corps for the project. Mr. Hyberg made a motion to accept the application as presented conditioned upon the Maryland and Federal permits and follow-up of buffer management and sediment controls permits. The motion was seconded by Chairman Campbell with all in favor.

2. Permit #20-03, Calep Boyd and Lauren Luik, 104 East Street, replace existing pier with a 6' W by 80' L pier, a 200 sq. ft. platform, a 3' W by 10' L finger pier, 1 boat lift, and 4 mooring piles. Both Mr. Boyd and Brian Wingate from Fink and Whitten were present to discuss the application. Mr. Wingate spoke stating that the existing pier on the property was about 60' long and 4' wide. The proposed project is to replace that pier with a 200' sq. ft. platform at the end and a finger pier extended out about 100' in order to get to deep water. The pier would extend from about 3 ½' ft. from MLW to 4' MWL in order to give the boat lift more function and make it easier to get in and out of the area. Mr. Wingate added that the proposed project would not be close to any lateral lines or too close to the harbor line. Chairman Campbell made note that some of the neighbors were virtually present at the meeting and made reference to a letter that neighbor Terry Snyder had sent, which Chairman Campbell read aloud, concerning the request for the boat lift and his being told that boat lifts were no longer allowed on Town Creek and that they were considered to be a view obstruction. Chairman Campbell stated that in looking at the application, as far as the dock was concerned, he did not believe there were any real questions about the pier and "L" head. However the boat lift did come into question. He explained that back in December 1996 an ordinance was developed that no boat lifts be allowed over and upon the waters of Town Creek, which included Crockett's Cove. Since Cemetery Cove was recently annexed into the Town of Oxford's limits, this restriction now applies to piers in those waters as well. Chairman Campbell's feeling was that the board would not be able to approve the boat lift. Fiona Foster, neighbor to Mr. Boyd and Ms. Luik, who was also virtually present at this meeting, spoke stating that she was just curious to see what was happening and how long the project would last. Chairman Campbell responded that the discussion was just concerning the pier. He went on to say that the only other concern he had was that the board typically has used 200 sq. ft. as the maximum guideline for the "L" and "T" heads and pointed out that in this case, with the addition of a finger pier, it puts the project over that square footage by making a horseshoe type of arrangement and questioned what the owners' plans were for that part of the dock. Mr. Wingate responded that its main purpose was for the boatlift as it created a better situation for a lift. Mr. Hyberg spoke stating that it was not clear to him that the lift should be part of the configuration because it would be in the waters of Town Creek and to grant it would be grant something that is not allowed by ordinance. Mr. Trevorrow added that the board could not allow it because of the ordinance which, in his view, would make the finger pier a moot point if there was no boat lift attached to it. Mr. Hyberg suggested that if the owners wanted the full platform they could either get rid of some of that footage or just use pilings. Chairman Campbell agreed there were ways to lessen the square footage and suggested that if the "L" head was more perpendicular to the main pier, it would allow a larger portion out at the end of the dock for a boat to be on either side. Again he noted that he didn't totally

understand the design of the dock and did not know how the finger pier could be permitted with the configuration given. However, Chairman Campbell was quick to note that this was a guideline that, in the past, was approved by the MDE for years but, in this case, he noted that the MDE had approved this application so that it could be he was mistaken. Mr. Wingate stated that the MDE did not consider the finger pier part of the platform and that when they came out with the "GP5" a few years ago, they allowed for a finger pier to extend off of the platform as an accessory to it, though the actual platform or T, depending on how it is set up, would still be limited to 200' and that was the reason why the MD Dept. of Environment had approved this request. Mr. Hyberg asked if that included the boat lift. Mr. Wingate responded that the State had no care if the lift were to be installed or not. In light of this information, Chairman Campbell stated that since the applicants had been granted both their State and federal permits, which the board has copies of, the board was not in a position to say they have a problem with the pier and that he, himself, was just not use to this type of configuration. However, Chairman Campbell added he still felt that the Port Wardens could not approve the boatlift. Mr. Winfield admitted that he had missed that part of the code as it pertained to Town Creek. Chairman Campbell mentioned that this was the first request received from someone in this area since the annexation had taken place. He went on to say that as was mentioned in Mr. Snyder's letter, there were a few existing boatlifts way up in the head waters of Town Creek that were installed prior to the annexation but that none have gone up since that time. Mr. Trevorrow spoke stating that he would not have a problem approving the application minus the boatlift. Mr. Hyberg also stated that he too would vote to approve the application but not the boatlift as it would go against the code. Applicant Caleb Boyd spoke stating that the boatlift was added to the application in anticipation of future needs and if the code didn't allow it, he would gladly abide by that. Mr. Hyberg made a motion to approve the application as it had been presented with the exception of the boatlift being removed from the plans. Chairman Campbell added as well as "receiving approvals from the State and MDE, which they already have at this time". Mr. Trevorrow added "as part of the package as submitted." Mr. Trevorrow then seconded the motion which was unanimously carried with all in favor.

CONSULTATION

A virtual consultation was held with Michael Mueller and his agent Sean Callahan, from Lane Engineering, who were both virtually present at the meeting. Mr. Mueller stated that they were hoping the board could review Mr. Mueller's proposed dock and give him and Mr. Callahan some feedback. Chairman Campbell asked about the street side width of the property and whether or not it was over 50' wide. Mr. Callahan responded that it was at 51'. Chairman Campbell explained that since that was the case, the side setbacks were affected in that 8' was needed instead of 5' as shown on the proposed plan and that because of the 8' setback Mr. Mueller might want to think about putting in a straight pier and bringing in his pilings a couple of feet on either side. Manager Lewis spoke suggesting that Mr. Mueller may need an actual variance but thought he would have a shot at it as the lot lines on this property had just been recently modified and that was what had caused the difference on the property. She explained there had recently been a question about the line between the property Mr. Mueller was looking to purchase and the property to the east. It ended with the owners splitting up the land difference and drawing up a new property line but that resulted in a 1' increase to the front yard width at 210 Tilghman Street. Chairman Campbell pointed out the Mr. Mueller did have the option of a variance but that he could also easily solve the problem as it was just the location of the mooring pilings that were creating the problem. Chairman Campbell then asked Manager Lewis if she thought a variance would be difficult to obtain. Lewis responded that she believed the variance would be easy to

obtain with a positive letter from the Port Wardens giving the argument that the property had gained a foot. Mr. Callahan spoke stating that he would like for the pier and moorings to comply but that he hadn't spoken with Mr. Mueller about it adding that for now they were only looking for the board's thoughts on the project. The discussion ended with Chairman Campbell stating that the board would work with them if needed but he thought they could come up with a solution.

REQUEST FOR MOORING

Jeff Mathias from Mathias Marine was virtually present to discuss the application for Megan Hauck, property owner at 704 S. Morris Street, to place a new mooring in Terrapin Cove. He explained to the members that the #1 buoy in the cove had been abandoned and the chain dropped which he felt would be a logical place for Ms. Hauck's mooring but that it was a long way from her home. As a result, he had picked out some other areas which he felt were open out in the cove. Chairman Campbell spoke stating that the residents in the cove area had all worked together in what they had laid out as far as the moorings were concerned. He suggested that Mr. Mathias look between moorings 5 and 8 as a possible location but added that he might want to talk to the homeowners in that area. He further stated that the board wouldn't have a problem with Ms. Hauck applying for a mooring in the cove and that the board would only need to know the size and swing radius of the mooring. Mr. Mathias explained to the board that he had questions about the process as he had recently taken over this job from Anne Smith of Ship Shape, LLC who had primarily done all the mooring inspections and reports for the town. He noted that he had already performed some inspections and asked if he needed to submit those reports with deficiencies to the Board for them to pursue or to report to the Board and give them a report once the mooring owners have met the mooring requirements of the Oxford Code. Chairman Campbell responded that he thought he should give the report to both parties and then notify the Board once the corrections are made. Mr. Mathias responded that he was working on putting together a report that would point out the moorings having deficiencies and that he was prepared to submit that for all the moorings in the cove. As the repairs are made, they could be marked as corrected so that a paper trail would be in place and at that time, permit stickers could be placed on the approved moorings. Chairman Campbell asked if the deficiencies were labeled as "must do" or "should do". Mr. Mathias responded that the code was clear as to what the expectations are regarding the upkeep of the moorings. Things that are clearly in violation of the code are put in report Mr. Mathias explained, and need to be repaired prior to receiving a permit sticker. Chairman Campbell stated it was good of Mr. Mathias to take on the project and reach out to the mooring owners. Mr. Mathias responded that Ann Smith had set up a solid process and that the only thing he had changed was the use of calipers but that he did not know what the threshold would be to with regards to changing out chains. Manager Lewis spoke stating that the inspection of moorings was a 2-year inspection project in that anything Mr. Mathias approves would need to have assurance that the mooring will be good for another 2 years. Mr. Hyberg spoke stating that in the code he was sure there was something in there about the chain weight but felt there must be something about the potential of chain strength to be used as a guideline. Mr. Mathias responded that he relied on the specifications provided by the manufacturers of the American products that he uses and that he had a chart that he used which he could supply to the Board members for their use. Returning back to the discussion regarding the location of a new mooring for Ms. Hauck, Mr. Mathias asked if there was a more scientific approach to determine the placement of the new mooring. Chairman Campbell responded that he thought the size of the mooring and size of the boat would determine that and since Mr. Mathias was the one maintaining those moorings, he again suggested that Mr. Mathias make contact with the adjacent owners in that area with the recommendation that he not think about bringing the new mooring any closer to shore. Mr. Mathias responded he would look up north toward mooring #8. Mr. Trevorrow asked if Mr. Mathias' drawings

showed the swing radius of the moorings in the cove. Mr. Mathias responded they did not but they could but that most of the moorings did not have boats that residing on them. Mr. Trevorrow stated that he would love to have copies of that data, if it were to be done, to which Mr. Mathias responded it would be his own data but that he could share it with Mr. Trevorrow.

The members and Mr. Mathias then engaged in a discussion regarding unclaimed or lost moorings. Mr. Mathias discussed a mooring that had belonged to Michael Greenhawk that Mr. Greenhawk had lost and what Mr. Mathias believed he had found. A new mooring had recently been moved closer to Mr. Greenhawk's lost mooring. Mr. Mathias reflected that he thought he and Chairman Campbell were in agreement that if you drop a chain, it become fair game whereby another could utilize that mooring. Manager Lewis spoke stating that she had asked the town attorney this question and both she and the attorney had concerns because they felt it would fall under private property. Chairman Campbell countered that maritime law is different and that he believed he and the board knew who most of the owners were of those lost or abandoned moorings. Mr. Mathias added that he had some letters in some of the files from owners stating they were abandoning their moorings and no longer wanted to maintain or service them. Manager Lewis responded that she thought each mooring would have to be viewed separately and that the concern was that it would be going through the town's hands and a clear paper trail would be needed. However, if a mooring had been abandoned and never claimed since the town put in the mooring ordinance, that would be another story but that whatever is decided would have to happen with the town attorney's approval. Mr. Hyberg asked if there was any documentation as to the abandoned locations as he was curious as to how many abandoned sites there were and if the town had an inventory. Mr. Mathias responded there was an inventory but that it was less than 10 years' time. This raised the question about the yacht club with Mr. Mathias asking if anyone knew if the yacht club was going to maintain their own moorings. Chairman Campbell responded that the water around the yacht club area was about 30' deep, very silty, and that the yacht club was wrestling with the expense of maintaining them. Going back to the discussion of the abandoned moorings, Chairman Campbell suggested that possibly the board could work on that list and see if the town can get permission from the past owners to reissue their moorings to others. Mr. Mathias ended the discussion with stating he would follow-up with a more detailed drawing of the placement of Ms. Hauck's prospered mooring and how it would relate to others in that area. Chairman Campbell reminded Mr. Mathias again to talk to the handful of neighbors who would be near the proposed new mooring

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk