

March 11, 2021

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, March 11, 2021, 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, and Town Attorney Lyndsey Ryan.

A virtual consultation with held with Cheryl Tomey from Lane Engineering and Gail Steckler, new property owner of 106 Benoni Street, to discuss the possibility of building a new pier on that property. Ms. Tomey explained that since meeting with the Port Wardens in December, the new property owner, Ms. Steckler, had been informed as to what had taken place as that meeting regarding the past owner's (Carol Hammond) application to build a pier. She explained that Ms. Steckler had hired a land use attorney to review the restrictions on her Benoni Street property that were mentioned in that past meeting. She noted that Ms. Steckler's attorney did not believe the covenant prohibited the construction of pier. Ms. Tomey added that she and Ms. Steckler have since made a number of revisions to the original plan submitted back in December. Ms. Tomey noted that originally she had had a 5' setback shown on the setbacks from the lateral lines which have now been changed to the correct side setbacks of 8'. Also the length of the pier has been reduced to a length of 80' so that it would roughly come out even with the pier to the north, owned by Elizabeth Candler. The side yard setback of 8' would also be held on the south side. The proposed width of the pier would be 6'. Ms. Tomey also noted that she had also added a pier exhibit that would detail how close Ms. Steckler's proposed pier would come to the neighbor to the north and added that Ms. Candler was proposing to lengthen her pier to the full 150', which the Port Wardens had approved, sometime over the coming summer months. Ms. Tomey also stated that Ms. Candler had indicated she would be willing to provide Ms. Steckler with a letter of No Objection, which is currently being worked on through Ms. Candler's attorney. Ms. Steckler spoke stating that she had been in contact with Ms. Candler, who indicated Ms. Candler wanted time to verify the lot line between herself and Ms. Steckler's lot line and that her letter would be forthcoming. Ms. Tomey noted that Ms. Steckler's proposed pier would go over her setback about 3' thus making it about 5' from Ms. Candler's lateral line but that it would not cross over the lateral line. Chairman Campbell briefly went over the concerns that the Port Wardens had when last meeting to go over what was then Carol Hammond's pier application. He stated that he had read the note from Ms. Steckler's attorney regarding the covenant which was written in a way that stated no structures could be placed on that additional portion of land belonging to 106 Benoni Street but it did not mention piers specifically. Chairman Campbell acknowledged that when the Port Wardens originally met with the past owner, Gail Hammond, in a consultation setting, they were unaware of a lot of the problems that came up with regards to the land side. He acknowledged to Ms. Steckler that the board was aware of what her attorney had sent them but that the lot dimensions seemed to be different from what they originally were given. He also added that the owner was looking to build was something that the Port Wardens would not be able to approve as she would need an 8' setback on either side. He suggested that Ms. Steckler work with her neighbors and that it would be helpful if all the neighbors communicated and agreed on her proposal. Chairman Campbell also suggested that Ms. Steckler go out into her yard and set a chair out 16' from her trees in order to get a good view of where she wanted to place her pier. He noted that the piers in her area were right on top of each other and that if she wanted to dock a boat out there, it would be almost impossible to do so. Ms. Steckler responded that she did not intend to be docking a boat on the proposed pier. Chairman Campbell noted that he just wanted to voice his concerns, especially since the actual dimension of her lot now shown had changed from what the board had originally seen. Ms. Steckler noted that she was only looking for a 1' variance. Chairman Campbell

addressed Attorney Ryan stating that what concerned him were the covenants attached to property. Attorney Ryan responded that she had looked at it as a deed restriction on the land and that the Port Wardens have the purview of development within the harbor. Any restriction that would be on the land that would prevent the owner from building on the land was not something for the Port Wardens to decide. The Port Wardens decide the setbacks and whether a pier, based on the setbacks on the sides, have an adverse impact on the surrounding properties and their riparian rights. Aside from that, it is the issue of the property owners. She added that if the Port Wardens all decided, based on the setbacks and letter of no objections, that the pier did not negatively impact or affect the neighboring riparian owner's rights, and they did approve it, the neighboring property owners or some other interested party could then file a judicial review in the court and the judge would decide the land use issue but that the Port Wardens themselves do not take into review any restrictions. Mr. Trevorror spoke stating that his only comment was regarding Michael Klein's comments at their last meeting and that Mr. Klein was adamant about any pier being built next to him. Attorney Ryan responded that Mr. Klein could come before the Port Wardens and give his reasons why it would affect his riparian rights and the board would have to make the decision as to how they wanted to handle it. Chairman Campbell asked Ms. Steckler if she had spoken with Mr. Klein to which she responded she had not had a chance. Chairman Campbell offered a word of advice to Ms. Stecker, stating that because the underlying covenant was a concern and because of the unusual offset of the property line there with her neighbors Elizabeth Candler and Michael Klein, Ms. Steckler might consider making the function of her dock more of a viewing pier and that it would be best to try to work with the Kleins and Ms. Candler as he was afraid if Ms. Steckler moved forward without doing so, the review could become contentious. He added that he felt she was off to a good start so far, by trying to communicate with the neighbors for their comments. Ms. Steckler agreed adding that if she could put in pier, she would like to do so. The conversation ended with Chairman Campbell summing up that Ms. Steckler work with Cheryl Tomey and continue with what she was doing by communicating with the neighbors and preparing a permit for the Port Warden's review at an upcoming meeting.

Chairman Campbell informed the board that he was getting ready to do maintenance dredging around the first week in April at his Town Creek boatyard which would take about 2 weeks and that all his permits were on file in the town office. He noted that the spoils are to be moved out through Bonfield Avenue. Chairman Campbell also stated that he would walk through his neighborhood to make everyone aware of what was going to happen. He added that if there was a major problem, he would shut the process down. Chairman Campbell also stated that his permits were good for 10 years but that he needed to start the process within that 10 year deadline in order to ask for an extension, if needed.

Mr. Hyberg spoke stating that he had a question regarding the scope of riparian rights. Attorney Ryan responded she would look into it and get back to him.

Prior to adjourning, Mr. Hyberg made a motion that the board approve the minutes of the meeting of December 10, 2020. The motion was seconded by Mr. Trevorror and unanimously carried with all in favor.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk