

December 9, 2021

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, December 9, 2021, at 6:00 p.m., via "Zoom" due to the on-going pandemic of a virus known as Covid-19.

Other members virtually present included Robert Hyberg and Robert Trevorrow, along with Town Manager, Cheryl Lewis, Town Planner/Planning Officer, Maria Brophy, and Town Attorney, Lyndsey Ryan.

The minutes of the virtual meeting of November 18, 2021 were approved and accepted with the following correction: Page 4, 23<sup>rd</sup> line down from the top, the number written as "34" should be corrected to the number "30", so as to read "he asked Ms. Steckler if she would be willing to make her pier 30' shorter."

The following permit was revisited and reviewed:

- Permit #21-03, Gail Steckler, 106 Benoni Avenue, continuation of request to construct a new pier with continuous width of 4', 69 linear feet from MHW, for a total of 80 linear feet. Ms. Steckler, along with her agents, Cheryl Tomey and Sean Callahan from Lane Engineering, were virtually present. Also virtually present were Ms. Steckler's neighbors, Michael Klein, Elizabeth Candler, and Vladimir Dubinsky. Ms. Tomey addressed the board noting that from their last meeting on November 18, there were three items that the board asked to be addressed. The first was the shortening of the pier so that it would be less of a navigational hazard to allow more space between the Candler pier and the proposed Steckler pier. The second issue was the question of the lateral lines and the third issue was the suggestion to have the deed cleaned up and re-recorded along with a recording of the plat of the property. Since the last meeting those items have been addressed and new printed, scaled drawings have been completed by Lane Engineering and submitted to the board. Ms. Tomey noted that the plat and deed of the Steckler property had been recorded but that it just came through on December 8 and that the newly recorded plat, which has been submitted to the board, shows the shortening of the proposed pier. Ms. Tomey explained that they had looked at shortening the pier 10, 20, and 30 feet, along with looking at the water depth along the way. She reminded the members that in November they commented Ms. Steckler's proposed pier was 18" away from Ms. Candler's pier. In looking at shortening the Steckler pier, they decided to make it 20' shorter as that would give the distance between the two neighboring piers an overall total of 19.1' and would not take away from Ms. Steckler's water depth. She added that if they were to shorten an additional 10', the water depth would decrease by a half foot. This change would create the new pier having a total length of 60' and 49' from MHW. Along with shortening the pier, Lane Engineering reassessed where they were placing the lateral lines and went over the measurements with their surveyor, along with reviewing the Oxford Town Code, and were still continuing to show the lateral lines in the same spots. Chairman Campbell spoke stating that this was a unique property in that it has two property lines that face the water and asked if they were referencing the corner of the bulkhead that is the corner of the Steckler property and the Candler property as a starter point. Ms. Tomey responded that was correct. Mr. Trevorrow stated he wasn't sold on how they had established the northern lateral line adding that it was his belief that the property line has to run along the bulkhead. Ms. Tomey responded that was the MHW on the backside of the bulkhead and added that it was a tough lot

to work with because it was shaped differently but that Lane Engineering stood by their survey. Mr. Trevorrow stated that he thought that the northern most property line was where it meets MLW and that was where the radial of the lateral line should be taken. Sean Callahan from Lane Engineering addressed the members stating that the definition of the lateral line was a two part definition taken from the side lot line and reference to other piers located on the adjacent lots. Chairman Campbell spoke stating that this was why the Port Wardens don't usually use lateral lines, except in extreme cases. Neighbor Elizabeth Candler spoke stating that she had had a survey done by Lane Engineering too and was finding that some of the property lines shown on her survey were not jibing with the Steckler survey and did not know what impact that would have on her dock. Mr. Trevorrow asked if he understood correctly that the property line extension which extends north to the outside of the bulkhead was the end of the surveyed property. Ms. Tomey responded that was correct. Mr. Trevorrow then asked who owned the rectangular piece of property along the bulkhead. Ms. Tomey responded that Ms. Steckler owned the bulkhead on the other side and that the State owned the waters. Ms. Candler asked who put in the riprap. Chairman Campbell responded that was a gray area to which Ms. Candler questioned who was responsible for the debris that got stuck in the area there. Chairman Campbell responded that was a joint neighbor issue and thought that there were other places like that within the community. Chairman Campbell asked the board members if they were now in agreement with the lateral lines as shown. Mr. Trevorrow responded he was and understood now that the property line adjustment was just the corner off the bulkhead, in the northerly direction, and that Ms. Steckler owned the bulkhead but that her property line does not go down there. Chairman Campbell responded that was correct. Chairman Campbell went back to Ms. Candler's concern regarding her survey and told her that she should go back to Lane Engineering on that as her question was separate from the issue being reviewed at this night's meeting. Mr. Hyberg asked where the dock started. Ms. Tomey responded it started off the riprap through the middle, centered into the property.

Chairman Campbell spoke stating that the board had received a letter from neighbor Michael Klein and, rather than read Mr. Klein's letter aloud, asked Mr. Klein if he would like to speak. Mr. Klein chose to do so and began by explaining that in 1985 the then property owners of his property at 108 Benoni Avenue, Thomas Williams, and of Ms. Steckler's property at 106 Benoni Avenue, William Holt, both went before the Port Wardens to build a bulkhead and included a diagram in their application. The diagram given showed the property line but did not show it as having a notch in it. He felt the property line ultimately was the rear of the Steckler lot and the Candler lot extended but did not have the 3' extension out into the water. Though the diagram was a hand drawn plan, it did indicate a straight line there which was consistent to the deed that existed for 46 years. He went on to say that the existing bulkhead was north of the property and that the two owners at that time went north of that and put in a new bulkhead. In doing so, the lot, measuring from the fence to the outside of the new bulkhead, all of a sudden gained an extra 3'. Chairman Campbell responded that the deed, dated in 1987, between Williams and Holt solved the dispute that Mr. Klein was referencing. That additional piece of land and that bulkhead was bequeathed to the property at 106 Benoni Street, the property that now belongs to Gail Steckler. Though he heard Mr. Klein's concern, that started with a drawing that was not very precise, Chairman Campbell believed that the 1987 deed solved the mystery of this property, that the

property did grow, and that the two property owners at that time were in agreement and thus eliminating the question as to how the Steckler property became larger. Mr. Trevorrow agreed with Chairman Campbell's assessment and that the survey dated July 1987 clearly showed the lot line adjustment to the bulkhead. Chairman Campbell stated he wanted to eliminate the questions as to how this piece of property grew as it was agreed by the neighbors back in 1987 that this had happened, and that this bulkhead was given to the property at 106 Benoni Street. He ended by saying that the bulkhead and piece of land created by it belonged to the Steckler property and that the town is supporting that. Town Attorney Ryan agreed with Chairman Campbell's statement. Chairman Campbell addressed Mr. Klein and asked what his other concerns were. Mr. Klein responded that the board had raised the issue of shortening the pier and had asked for it to be shortened 30'. However, the applicant's plans now show that it will be shortened by only 20'. His other concern was that this pier was not consistent with others in town as the owner is looking to install a rail on it. Chairman Campbell responded that he was not aware of any place where it was written that one could not have a handrail on a dock. In most cases, piers have been made wider so that handrails are not a necessity. However, he believed if one had a 4' wide pier, it wouldn't be unusual for someone to have a handrail as long as it was done tastefully and looked nice. Mr. Trevorrow agreed adding that a handrail is normally the same height as the pilings. Chairman Campbell added that 32" was the standard. Mr. Klein pointed out that the drawing showed the railing at 4'. Ms. Tomey acknowledged that was correct. Chairman Campbell stated that the height seemed high but did not know if the members had it in their power to ask that it be shortened. Sean Callahan spoke stating that he thought the higher railings were commercial standards the lower heights were residential standards. He added that originally they had been looking at installing a 3' wide pier and that they had not had an in depth discussion with Ms. Steckler about the railings. Ms. Steckler spoke stating that there was no reason she had to have the railing at 4'. Mr. Callahan offered to submit a side view detail. Going back to the length of the pier being shortened to 30' as opposed to 20', Chairman Campbell explained that his concern wasn't the spacing between the two neighboring piers but the concern of creating a non-navigational path by keeping it at the original length requested. He wanted to ensure that there would still be some navigational ability between these two piers and with that, the idea of looking at the functionality of this area where you would use small runabouts. The thinking was that if both neighbors decided to tie up, one would want to make sure there would be some clearance allowed between the boats. He noted that this was his opinion, which had nothing to do with the visual from the shore, of wanting to make this pier another 10' shorter so that the finished pier would be 50' in length. Mr. Hyberg stated that he would support any distance gained by shortening the pier and would support that it be 10' shorter. Mr. Trevorrow stated that he had no strong opinion. Ms. Tomey spoke stating why they had requested going only 20' shorter which basically had to do water depth and distance between the piers. Chairman Campbell spoke stating that it was the clearance between vessels that the board was talking about. Because the piers would be so close together, the concern was trying to create a safe environment when this is done, under the assumption that the railing will be on the north side, not the south. Chairman Campbell asked for Ms. Candler's thoughts. Ms. Candler responded that she and Mr. Dubinsky thought what the board was proposing was a good idea and that they would be in favor of that. Mr. Trevorrow noted that in the submittal of the plans, page 2 of 6, note #9, Lane Engineering still referenced the pier of being at a maximum channelward of 80ft. long and that that should be

corrected. Mr. Trevorrow then made a motion to accept the application as per the Lane Engineering drawing, submitted revision on 11/30/21, with the caveat that they reduce the overall length of the pier by another 10', for a total length 50'. Town Planner Maria Brophy spoke suggesting that if the application hasn't been approved by the state and federal government, that should be added. Ms. Tomey requested that because the Port Wardens were reducing the length of the pier, that they make a finding that they are reducing it because it renders navigation too close as presented and that is why they are requiring this amendment. Mr. Trevorrow amended the motion to reflect that the reduced length in the pier is to allow for unrestricted navigational movement between the neighbor's pier and the proposed pier and that the board would require any and all state and federal permits to be in place prior to the issuance of the permit. Mr. Hyberg seconded the motion. Chairman Campbell suggested they address the handrail and acknowledge that it will be a rail style arrangement, not a picket style fence and with that, agreed to go with the motion which was then carried with all in favor. To clarify, Chairman Campbell asked Ms. Tomey if they had a permit from MDE and the Army Corps of Engineers. Ms. Tomey responded that there was an approval with the owner prior to Ms. Steckler, Gail Hammond, who had come before the board with her request but because so much had changed from that time, it would have to be resubmitted. Chairman Campbell ended the review of the application stating that he felt the board had come up with an opportunity and hoped that everyone would accept the outcome and move forward.

This concluded the review of the permit application.

#### **REQUEST FOR REVISION TO PREVIOUSLY APPROVED APPLICATION**

Chairman Campbell recused himself from the board to present his request for a revision to his previously approved application for Campbell's Jack's Pt. Boatyard, 106 Richardson St., to adjust the reconfiguration of the piers A-C. He explained the since the marked had changed considerably, he wanted to reconfigure or replace the existing piers to something very similar with what they have now, just with floating docks. A revision has been submitted to the state and federal agencies, but no response has been received from either as to allow for the change requested. Campbell added that in the original permit they had asked to reduce the slip count but now he would like to keep the same number of slips that he has today. His question was if the board could approve this as a revision. History about the permit was provided and it was noted that the permit had gone before the Commissioners with the request that the existing piers be allowed to be replaced using the same footprint as the existing marina, which the Commissioners approved. Campbell noted that what Lane Engineering had drawn up showed the perimeters of the marina that the boatyard was allowed to work within and that the reconfigurations were similar from what was approved and what was being asked for now. Mr. Trevorrow commented that the drawings were clear. Town Manager Lewis spoke stating she had determined that Mr. Campbell's original permit was still viable and good for 6 years and that the Commissioner's decision was still viable. Therefore, if the federal and state agencies were good with the revision, the town would be good with it as well. Mr. Hyberg made a motion to accept the revised reconfiguration plans as submitted contingent on the appropriate approvals from state and

federal permitting. The motion was seconded by Mr. Trevorrow and carried with the note that the revised drawing was dated 11/2/21.

Prior to adjourning, Mr. Hyberg asked to go back to the Steckler application to get some clarification on one of the lateral lines. Chairman Campbell explained lateral lines fluctuate based on a starting point and that the important fact was that this was an acceptable application and support from the neighbors was a big piece of that. He added that he himself was not a fan of lateral lines and that being the application was approved, felt that this matter shouldn't be discussed at this time. He ended by suggesting that lateral lines could be discussed in a workshop setting in the future.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby  
Assistant Clerk