

November 18, 2021

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, November 18, 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, and Town Planner/Planning Officer, Maria Brophy.

Prior to the start of the meeting, Chairman Campbell asked for a brief moment of silence in remembrance of Dale Benson, who had been to many of the Port Warden meetings over the years and whose family ran the Oxford Ferry for many years.

The approval of the minutes of October 14, 2021 accepted and approved as distributed.

The following permits were reviewed by the commission:

- Permit #21-04, Pier Street, LLC, 104 W. Pier Street, construct and backfill 495 linear feet of replacement vinyl bulkhead within a maximum of 18 inches channelward of a deteriorated bulkhead and construct 135 feet of stone revetment within a maximum of 10 feet channelward of the MHW line. David Valliant, owner of the property, along with his attorney, David Thompson, were virtually present to discuss the application. Prior to the start of the discussion of the project, Chairman Campbell noted that both the MDE and Army Corps of Engineers had approved the application. Attorney Thompson spoke stating that the application was fairly straight forward and routine for shoreline protection for the bulkhead and riprap, both of which were in need of work. Chairman Campbell asked if the plan was to just do riprap work along the south front of the property. Thompson responded this was correct. Charles Dolby, from Mr. Valliant's engineering firm, who was also virtually present, clarified that the riprap would be between the property owner and restaurant on the south side. The bulkhead work would be on the backside of the parking lot where all the charter boats are and the end wall area that one sees as one is coming into the marina. Neither Mr. Hyberg nor Mr. Trevorrow had any questions. Chairman Campbell noted that the bulkheads in this area are deteriorating rapidly and that the backside the marina, where cars are parked, is an area where one can literally see water coming through that bulkhead. Chairman Campbell added that his only comment was that the stone revetment, on the front side, is an area where careful attention should be made, as the waters really do hammer that area and to make sure that the rocks, when they are added, have something thorough behind them so they don't get backwashed. Mr. Dolby responded that the riprap was chosen over the bulkhead just to break up the wave energy in that area. Mr. Hyberg made a motion that the board accept the application as found in the supporting documentation and appropriate permits from MDE and Army Corps that are present. The motion was seconded by Mr. Trevorrow and unanimously carried without further discussion.
- 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 agent, Cheryl Tomey from Lane Engineering, were virtually present. Prior to the start of the discussion, Chairman Campbell noted, for clarification, that this request for a dock at this location had been going on since October 8, 2020, when Carol Hammond, who owned this property at the time, applied for a permit. Ms. Steckler, who now owns the property, has visited

with the Port Wardens once in consultation form and again for a permit presentation. He added that adjustments have been made to Ms. Steckler's drawings since her last visit and that letters from some of the neighbors had been received. Ms. Tomey spoke explaining that since they had last reviewed this project in October her firm had put together an existing condition survey of the property. Almost all the property corners had been found and the deeds and the plats of record have since been scrutinized by the surveyor. In reviewing Ms. Steckler's deed, it gives the description of the property and references to the 1974 plat that shows a line agreement between the past owners of Mr. Klein's property and those of Ms. Stecker's property. It establishes the description of the property that all working on the project were familiar with and had been working with. Following that, in Ms. Steckler's deed, it also references an additional deed and plat from 1987 that reestablishes the property line between her and her neighbor to the north, Elizabeth Candler, and that plat and deed establishes a line agreement between 2 iron rods, that were found as property corners, which turn and end at the bulkhead. This was created to figure out where the property lines were so that the neighbors could do a bulkhead replacement. Therefore, the existing conditions now show where the property lines have been re-established and things tweaked just a bit differently than what the board saw before, as a result of these plats. She explained that by looking at the plat from 1987, on the north side, they were able to reestablish the property lines because this plat superseded the original plat. As a result, this changed the width of the waterfront from the 19.85' that was on the original 1974 plat, making it become wider. Where the applicant is proposing a 4' wide, 80' long pier with a railing, her land width is over 21' and there is 8' on either side, making it possible for her to do so. She added that they were able to stay within the 8' setbacks from the lateral lines and able to stay 18' wide from the end of Ms. Candler's pier to the north. Chairman Campbell asked if the other port wardens had a chance to read the deed dated October 15, 1987, by Thomas and Jean Williams and William and Elizabeth Holt, Jr. which indicates a bulkhead dispute between the two properties back in 1987 whereby Holt grants a bulkhead to Williams as seen in the plat showing the new division lines. Both Mr. Hyberg and Mr. Trevorow acknowledged that they had seen it. Mr. Trevorow stated that he was trying to follow along with the engineer's definition of the property line, in particular the jag that goes west to the bulkhead whereby the property line shown on the drawing ends at the inside edge of the bulkhead. He asked who owned the bulkhead. Chairman Campbell responded it belonged to Gail Steckler. Mr. Trevorow asked if that was the case, then wouldn't the property line continue to the outside edge of the bulkhead. Ms. Tomey responded that their surveyor's assessment was that they located the bulkhead because that was something that would stay in place for years to come and could be relocated again but that due to the laws that the surveyor's use, the actual property line would continue to the outside edge of the bulkhead and that was what Lane Engineering followed, the outside edge of the bulkhead and out to MHW. Mr. Trevorow went on to say that he was questioning all of that going on and in addition felt that the lateral line shown was not the same bearing as the property line shown on a section of the drawing. Ms. Tomey responded it was not the same because at the point referred, the lateral line would be placed where it meets MHW and they were following MHW and the bulkhead on the waterside and that she had placed it where it met at that corner of the bulkhead. Mr. Trevorow responded by asking with what bearing and that he felt one needed to follow the bearing of the property line there. Ms. Tomey responded that it was doing so, but it went back between the one behind it to the very north. Mr. Trevorow asked if she would follow the property line along there

to which Ms. Tomey responded she would not because that was the water line going along the water. She noted that she had had this discussion with the surveyor, and he had wanted her to place the lateral line where the property line met the water and so he had her place the lateral line where the jag turns and meets the bulkhead, and where that goes to the outside edge of the bulkhead he considered was being where the point was that met the water. Mr. Trevorrow responded that made no sense to him and that he wanted to go on record as saying so. He added that the Port Wardens have to go by the survey, but he was questioning why the lateral line was not the same bearing as the property line and that maybe the board needed a larger drawing. Chairman Campbell responded that his point was taken. Chairman Campbell noted that the board had received some letters with regards to this application that he wanted to go on record. A letter had been received by neighbor Michael Klein dated October 12, 2021 stating his concerns about the application and his belief that this permit should not be permitted along with an additional letter from Mr. Klein dated 11/16/21 in which he again stated his concern about that pier with some questions that Chairman Campbell felt may have been answered as this night's meeting. He spoke stating that the 1987 deed did shed some light on how a portion of the lot had gotten wider whereby there was some agreement between the neighbors, at that time, where an issue had come up and basically 18" of land was deeded. This would explain how the Steckler property became wider. A letter was also received from neighbor Elizabeth Candler, who could not virtually attend this night's hearing, stating that she did not want anything decided at this night's meeting until she had an opportunity to see the drawings. One other letter was received from Raymond and Linda Sattler stating they opposed the construction of the pier. The meeting was then opened to the public for comment. Neighbor Michael Klein, who was virtually present, stated that he was struggling with the entire issue given that all were being told to ignore previous submissions with regards to this application particularly the lateral line that no longer followed the lateral lines given in the past submissions. If the deed was correct, and the property has grown 2', it now becomes 21' wider and he questioned how that could happen. He wondered if the property at 19' wide, could support a 4' pier, also questioned the lateral lines converging as they do and depicted on the land line. His other point was that the applicant wanted an 80' pier to crab off of and allow a boat dock up to. He wondered how either was even possible when at low tide one could basically walk out to almost the end of their pier without getting more than their knees wet. Ms. Tomey acknowledged that she understood what Mr. Klein was saying but that he was continuing to reference the original plat from 1974 and that that they had established with a survey and Ms. Steckler's deed, that there was a change made on the north side, a property line agreement of the northern neighbors to add in the jog to the bulkhead that was established in 1987, and that they felt very confident with the information being presented on the existing condition. Ms. Steckler spoke stating that a survey had been done and data was found. She indicated that all she wanted from the pier was to have a place to put in a kayak and that the important question was whether or not she was impinging on someone's riparian rights or not and that she believed that she had been told she was not and therefore did not understand what the objection was. Chairman Campbell responded that there had been multiple deeds presented, all relating to the property being 19.85' ft. He noted that he had gone out to the site himself and measured inland between the fencing and bulkhead. Though he had not reviewed the deed from 1987, closer to the waterfront he did measure 20.5' between a plastic fence post and the bulkhead so he felt the measurements given were actual. Between the scale of the drawings that had been

presented, along with the “Zoom” meetings, he noted that it has made it difficult for the board because the plans show small sizes and the deeds are confusing because they conflict with each other when they reference the 1987 deed. He felt it was apparent that there was more land gained when the bulkhead went in but wasn’t acknowledged in the deed, making it hard for the board. He also noted that the board hadn’t had any legal counsel to discuss that item. Mr. Trevorrow asked if one would need to include the outside edge of the bulkhead. Chairman Campbell responded with stating that he was going face to face and if he were to include the outside, it would increase the size of the measurement even more. Mr. Trevorrow stated his question was who owned the bulkhead. Chairman Campbell responded that he was pretty sure it belonged to Ms. Steckler but that the deed doesn’t reflect the gain in dimension and that that was an arguing point. Sean Callahan from Lane Engineering, who was also virtually present, spoke asking if it would be easier and to everyone’s best interest if Ms. Steckler were to record a deed of her property in the land records and her deed rewritten to refer to the new recorded plat and legal description of her property lines. Chairman Campbell replied that it would, along with having a set of scaled drawings. He asked that the applicant be patient and that the application could be tabled until further information has been received. Chairman Campbell then brought up another thought, with regards to this application, that recently came to his own attention. He explained that when one looks at the drawings, they show the spacing of the piers as having 18’ between the 2 docks (Candler’s and Steckler’s proposed dock) but he was not sure the pilings were being represented. His concern was that if one were to dock 2 vessels in this area at one time, one would have 17’ of boat in an 18’ space. In order to make the application more acceptable and given with what Ms. Steckler intends to use her dock for, he asked Ms. Steckler if she would be willing to make her pier 34’ shorter. In doing so, it would not impede on the Candler pier to the north for navigational use. He added that this came to light in looking over the new drawings which presented more detail from those shown in the past. Ms. Steckler asked that if she could do that, and had the deeds clarified, and the setbacks met, would this end their conversation in allowing for her to have a pier and be acceptable to the neighbors. Mr. Klein responded that he could only speak for himself, noting that would be more tolerable but that he wanted was a waterfront, not a pier front. Chairman Campbell responded that the board was trying to get an answer for Ms. Steckler, noting that this was a unique parcel and maybe not meant to have a pier. Mr. Trevorrow spoke stating that if the lateral line followed the property line, then he would be happier with the drawing. Chairman Campbell made a motion to table the permit until their December meeting. Mr. Klein stated he wanted to see new drawings. Town Planner Maria Brophy spoke asking if the board thought they needed a legal opinion submitted to them for the deed and site plan inconsistency. Town Manager Cheryl Lewis replied that the applicant could submit a legal opinion with the changes Ms. Steckler was going to make to this deed. Mr. Klein spoke again stating he didn’t want a pier there and posed the question if a shorter pier was better than a longer one. In answering his own question, he replied “yes” but didn’t want to commit until he could see a drawing. It was unanimously agreed to table the application until the December 9th meeting until the additional information discussed is submitted. Mr. Trevorrow suggested that when the correct drawings come in, that they be sent to Ms. Candler as a follow-up to her letter/email.

This concluded the review of permit applications.

CONSULTATION

A consultation request had been received from Peter Clancy, new property owner at 106 Myrtle Avenue to discuss a possible docking system that he was considering. Mr. Clancy was not virtually present to discuss his request. Chairman Campbell explained that Mr. Clancy was proposing an in-water docking system, much like a floating pool, with a boat sitting inside it. Chairman Campbell questioned if the board would consider this as a permitted item as it sits in the water constantly, covering the bottom of the water thus creating a constant shadow. He noted that he had had a brief conversation about this with MDE, and they seemed to think they would have concerns with the product sitting there constantly. Mr. Trevorrow thought they should ask Mr. Clancy to get approval from the environmental agency prior to having it considered by the board. Chairman Campbell stated that he had never heard of this product before and viewed it as an extension of the dock, covering around 300-400 sq. ft. of surface. Manager Lewis wondered what would keep the product in place if a boat were not on top of it and what would happen to it in bad weather. After a brief discussion, Chairman Campbell stated he would get in touch with Mr. Clancy and ask him to reach out to MDE first and get their take on it.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk