

February 10, 2022

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, February 10, 2022, 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 Trevorow, along with Town Manager, Cheryl Lewis, and Town Planner/Planning Officer, Maria Brophy.

The minutes of the meeting of January 13, 2022 were approved and accepted as distributed.

The following permits were reviewed by the board:

1. Permit #22-01, Hazen Marshall and Megan Hauck, 4480 Bachelors Point Road, request for construction of new pier, perform maintenance to existing riprap, and stabilize unprotected section of shoreline with a combination of riprap and marsh plantings. The couple, along with Dani Racine of Lane Engineering, were virtually present to discuss the application. Ms. Racine spoke stating that the application was a combination of shoreline stabilization and a new pier. Both the state and federal permits have been submitted and approved. She explained that the shoreline of the property was unique in that the southeast portion had significant erosion, with the middle of the shoreline having a fair amount of riprap, which will be maintained, and the northern section of the shoreline showing signs of slight erosion, which is the area in which the owners are proposing to create a living shoreline. It was noted that there is 85’ of riprap on the southern section, that is experiencing erosion, that the owners want to maintain which also includes some deteriorated bulkhead that the contractors will either remove or leave in place, depending on its condition. On the northern portion, the plan is to take the existing riprap and maintain it within the current footprint but turn it into stone sill and then backfill the area behind it and plant it with marsh grasses. The site plan of the proposed pier showed it as being within the setbacks of the extended property lines. The pier would be 160’ long, with the first 10’ of it located over the riprap. A 10’ x 20’ platform would be located at the end of the pier, along with 4 mooring pilings, 2 jet ski lifts, and 1 boat lift. Chairman Campbell stated that he thought 150’ was the maximum length limit on a pier and asked Ms. Racine if she was taking the measurement from shoreward. Ms. Racine responded that she was and that the limit was 150’ channelward from MHW. The extra 10’ on the land side was just to give the owners access over the existing riprap. Mr. Hyberg asked what size the boat lift would be. Mr. Marshall responded that he did not currently have a boat but was looking to get a 20’—30’ vessel with a center console. Chairman Campbell noted that would take a 10,000 lb. boat lift. Chairman Campbell reported that he had gone out to the site and thought it was great that the couple were working to stabilize the shore shoreline and that the dock placement was well within the property setbacks. He noted that the board had not received copies of the state and federal permits. Ms. Racine responded that she would email them to the office to put in the file. Mr. Hyberg stated he thought the plans were fine and that it was good to see the intentions to restore the property and stop the erosion as best as possible. Mr. Trevorow added that he thought the plan looked good and had no other comments. Mr. Trevorow made a motion to accept the application as submitted given that the appropriate state and federal permits were part of the proposal. The motion was seconded by Mr. Hyberg and unanimously carried with all in favor.
2. Permit #22-02, Mr. and Mrs. John Devlin, 211 South Street, request to replace existing pier with new 72 ft. long by 4 ft. wide pier and 1 new mooring piling, along with replacing 3 existing mooring piles. Ms. Racine, representing the Devlins, explained that both the state and federal permits had

been approved for this project. A site plan of the property lines extended was presented indicating that 3 of the existing mooring piles were within the 5' setback. A letter of No Objection from the adjacent neighbor at 213 South Street was provided indicating that he had no objection to a reduction in the 5' setback for the newly proposed mooring pile as depicted on the Pier Replacement Permit Drawings dated 8/4/21. Ms. Racine pointed out that one existing mooring piling will be removed to allow for the pier extension, resulting in a new 72' long by 4' wide pier. The new mooring piling will be in line with the others. Chairman Campbell stated that the approved copies of the state and federal permits were included in the permit folder, both dated November 24, 2021 along with the letter of No Objection from Bernhard Witter at 213 South Street, and a letter of support from neighbor Patricia Ingram at 203 South Street. Mr. Hyberg spoke stating that he had visited the site and that though the area was tight, the application itself was straight forward and that he had no objection to the request. Mr. Trevorror added that he too had no objections and that it was good that a letter of No Objection had been received from the southerly neighbor. Chairman Campbell added that though the area was "close", there was no problem with navigation and that the request was behind the harbor line. Mr. Hyberg made a motion that the board approve the application as submitted along the MDE and Army Corps of Engineers documentation in support of the permit. The motion was seconded by Mr. Trevorror and unanimously carried with all in favor.

3. Permit #22-03, Robert Fay, 305 Market Street, replace existing pier with 4 lengthened finger piers and 8 mooring piles along with proposal to amend harbor line to eliminate non-conformities on subject property and adjacent properties. Mr. Fay and Dani Racine, from Lane Engineering, were virtually present to discuss the application. Chairman Campbell gave a brief background of the application explaining that the board had met with Mr. Fay at their last meeting in a consultation form to discuss the potential for adjusting the harbor line in this area and all agreed at that time that this would be a good thing to accomplish. Comments were given to Mr. Fay at that time concerning the possible relocation of a piling that was in the setbacks to the south, along with concerns regarding an existing floating dock located inside of the main pier, and review of an adjustment to the harbor line. He added that as a board, the Port Wardens needed to determine if the arrangement provided by Mr. Fay was acceptable and decide if the board could give a favorable recommendation to the Commissioners to make a map adjustment to adjust the harbor line. He then opened up the floor for comments. Mr. Hyberg noted that though this was an application there were no actual engineered drawings included with the permit application itself. Chairman Campbell explained that the board could not approve the dock request at this time and that the main objective was for the applicant to have a plan to support his request to move the harbor line. A plan has been presented showing what exists now and what is being requested. When the Commissioners review this, they will be able to see why the request is being made. Chairman Campbell stated that he felt that dock proposal was a good one and that the applicant had solved the one setback problem he had been concerned about, along with proposing to move the floating dock and tidying things up a bit. He reiterated that Mr. Fay was looking to the Port Wardens, based on the plan he had submitted, to make a potentially favorable recommendation to the Commissioners of Oxford, who, in turn, will review the request and put together a draft ordinance. Town Manager Cheryl Lewis spoke that this was correct but that it would be a process that would take a minimum of 30 days. Chairman Campbell asked if the Port Wardens should consider trying to solve the problem of the harbor line within the entire area of the cove, in which Mr. Fay's property is located, at the same time they are handling Mr. Fay's request. Manager Lewis responded that it was not up to the applicant to solve the other problems within the cove.

She noted that she had spoken with the board members before about looking into a more comprehensive review of the harbor line but that would take a much longer period of time, more time than Mr. Fay would want to wait for. It would also require public input from the town. Chairman Campbell asked if they could at least address Crockett's cove, unless it would complicate Mr. Fay's permit in doing so. Manager Lewis offered that the board could propose to the Commissioners that they would like them to address more than one portion in the cove, if they were willing to do so. Mr. Hyberg asked how that would be handled if Dimillio's Yacht Sales wasn't involved. Manager Lewis responded that as long as the Port Wardens were not taking something away from them, it shouldn't matter. She added that the last time a change was made to the harbor line there were a couple of options presented and one option was more inclusive of the neighboring properties. It was presented to the Commissioners and the Commissioners were able to settle on what they wanted to do there. Chairman Campbell noted that in that past case, there were 5 or 6 neighboring properties that agreed were all in agreement to the line change. In this case, only one property is affected in this spot and it was Chairman's Campbell's opinion that if they were going to go through the process of changing the harbor line there, that they include the Dimillo's property as it just seemed to make sense to do so. Chairman Campbell addressed the board members and asked if there were in favor of giving a recommendation for the relocation of the harbor line in front of the Fay property as presented. Mr. Hyberg stated that he was in favor of it, along with the dock configuration as presented, and had no issues with the request. Mr. Trevorror responded by stating that he would concur in recommending to the Commissioners that the revision to the harbor line looked good the way it has been presented in this evening's meeting and referenced the Lane Engineering colorized version of the plan dated February 8, 2022. The motion was seconded and Mr. Hyberg and unanimously carried with all in favor. Manager Lewis suggested that the board recommend that the Commissioners look at the harbor line to the Dimillo's property so that it will appear in the minutes and to give the Commissioners something further to consider. Chairman Campbell stated, for the record, that he would like to suggest that the Town of Oxford and the Commissioners look at the harbor line for the neighboring property that is currently owned by Dimillo's Yacht Sales (a.k.a. 202 Bank LLC) and a good portion of Crockett's Cove that may be easily addressed in this process (of Mr. Fay's request) at this time. Mr. Trevorror asked about the status of the furthest piling that was associated with Mr. Fay's 5<sup>th</sup> slip. Mr. Fay responded that the piling Mr. Trevorror was referencing would be going away and there would only be 3 finger piers in that slip, even though the plan shows 4. Chairman Campbell ended the discussion by stating that once the harbor line amendment is approved, the board will have to revisit Mr. Fay's plans for the dock one more time and then vote on it.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk

