

August 18, 2022

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, August 18, 2022, at 6:00 p.m., in the meeting room of the Oxford Community Services Building.

Other board members in attendance were Robert Hyberg and Robert Trevorrow. Also in attendance was Town Manager, Cheryl Lewis.

The minutes of the meeting of April 14, 2022 were approved and accepted as distributed.

The following permit was reviewed:

- Permit #22-05, Stephen Mulholland, 105 First Street, in-kind replacement of existing 50' x 6' pier, 6 mooring pilings and new boatlift in location of existing pilings. Mr. Mulholland was represented by Leifur Sweitzer of Sweitzer Marine, LLC. Prior to the start of the review, Mr. Sweitzer acknowledged that he was made aware that boatlifts are not allowed within Town Creek and removed that request from the application. Chairman Campbell spoke stating that the board members had reviewed other piers in this location before and that there was a dock to the left of the Mulholland property whereby the board had to make some concessions with the pilings, involving agreements with the neighbors, allowing them to put the pilings back in the same location. He added that all the moorings on the Mulholland dock are non-conforming and as a replacement in-kind, they would need to go back exactly where they are. Chairman Campbell stated that his thought was that because the existing pier is 4' wide, and the replacement pier was going to be 6' wide, this would not be a replacement in-kind, even though it was going back in the same general location, because it would still be a bigger pier. He noted that maintenance and repair was what the Port Wardens considered as being the replacement of pilings or the resurfacing of a deck, not the replacement of an entire pier. Mr. Sweitzer responded that this was his first meeting with the Oxford Board of Port Wardens and that something of this nature was acceptable in Talbot County. The request to widen the pier to 6' was simply for safety reasons and that the pilings would still be going back in their same location. He added that he did not think it would be a problem if the pier had to stay at the 4' width but that generally that was something his company did for ADA laws and safety. Mr. Hyberg pointed out that that would constitute a change as opposed to a repair. Chairman Campbell added that if they file for a larger pier, than they have to file with the MD Department of the Environment as well for the change and include a plat showing what the setbacks would be on either side of the property. He explained in further detail that in Oxford most properties are in close proximity to one another and as a result the board needed to be cautious. If what is being proposed is not an exact replacement in-kind, the board does require proper engineered drawings with the setbacks shown. Though he acknowledged that he didn't know if there was going to be an issue here, it would still require approval from the MDE as well. Mr. Hyberg agreed. It was also mentioned that there was some serious riprap erosion under the ramp which the owner would like to straighten out and make even with both sides of the riprap. Mr. Sweitzer stated that that area would be enhanced with cloth underneath by pulling the old rock out, laying the cloth down, and putting the riprap back in place in the same location. All agreed this would fall under maintenance

and repair. Chairman Campbell opened the floor up for comments. A neighbor nearby the Mulholland property asked that if the dock was to become 6' and the pilings were to remain where they were, what, if anything, would the slip widths become. Chairman Campbell responded that as they exist, the widths are already quite wide and wouldn't change. The neighbor responded that he supported the plan as long as the outward pilings remain in the same spot and that the project doesn't adverse the visibility of the slips. Chairman Campbell replied that it shouldn't and that, in his opinion, the project is very viable. The applicant will, however, need to produce updated drawings and come back with the pier drawn to scale and the property lines extended as well as applying for a permit with the MDE. Mr. Sweitzer asked that if the owner decided to stay with a 4' wide pier, would the Port Wardens be willing to do an in-kind replacement. Chairman Campbell responded that he would not recommend replacement of the 4' pier with another 4' pier though he guessed that realistically the Port Wardens could permit an exact replacement in-kind but that it would be up to Mr. Sweitzer and his customer.

This concluded the review of permits.

### **CONSULTATIONS AND FLOATING DOCKS**

A series of consultations were held with the Port Wardens, all primarily dealing with desires to have a floating docks, beginning with Todd Jones, property owner at 309 Bonfield Avenue, who was looking to attach a floating dock to an existing pier along with resurfacing his dock. Though Mr. Jones was not in attendance at the meeting, the board members went over the information he had provided. Chairman Campbell pointed out that the floating dock request didn't mention the proposed size of the floating dock. As far as the size that is allowed, it can go up to 200 sq. ft., but that size includes the main pier that the floating dock would be attached to, so one would need to calculate both the pier size and the floating dock size to insure that together they would not exceed 200 sq. ft. He added that the other issue with floating docks is that they do require a permit from MDE to install them as their concern is with water depth and that they won't allow floating docks in shallow water that is less than 2' deep and that if Mr. Jones wanted to sketch something up to give the Port Wards to look in a future meeting time, that would be fine.

A consultation was held with William Saum, property owner at 107 Pleasant Street. Mr. Saum presented to the board members a sample photo of a floating dock from Chesapeake Dock Outfitters that he was considering purchasing. When asked about the size of his pier, Mr. Saum responded that it was 6' wide. Chairman Campbell noted that the floating pier Mr. Saum was looking at having would need to be smaller in order to meet the criteria and again explained that Mr. Saum would need to figure out the overall area of his dock, subtract that from 200 sq. ft., and that the sum remaining was what the square footage of the proposed floating dock could be. He added that he thought it would be possible for Mr. Saum to have a 10' x 12' floating dock and that the shallowness of the water in which Mr. Saum lived shouldn't be a problem. The only thing Mr. Saum would need to do is to go through the full procedure, including the submission of a permit application to the Board of Port Wardens.

The next consultation took place with David Kane, property owner of the developed property at 215 South Street, and the separate vacant lot he owns next door to it. Mr. Kane, along with Dani Racine from Lane Engineering, were present to discuss the possibility of installing a floating dock to Mr. Kane's pier that is

situated on his vacant lot. Chairman Campbell spoke stating that originally these 2 properties that Mr. Kane now owns had started out as one single lot with a single residence. The house was removed, and the property separated into 2 lots with the pier being left on the undeveloped lot. When the subdivision took place, the pier became non-conforming and though the pier should have been removed, it still exists today. Chairman Campbell added that he was fairly certain that the town and county do not allow for a pier to be on a single lot and addressed Town Manager Cheryl Lewis asking if this was correct. Manager Lewis explained in further detail that the original house was on a single lot, that the property was sold, and the new owner decided to subdivide the lot. The existing house was demolished, and plans were made to build a house on each of the two newly created lots. The owner submitted an application to build on one of the lots but never submitted the application to build a house on the second lot. This made the pier on the second lot become a non-conformity and because of this, a floating dock cannot be attached to a non-conforming structure as it would become part of that permanent non-conforming structure, which allows for no modifications of any kind. Chairman Campbell reminded Mr. Kane that whatever he decides to do would require approval from the MDE as well. Mark Hill from Bailey Marine asked that if the floating dock was not fastened to the dock or a piling, and, instead just tied up as if it were a boat, would it no longer be considered a permanent structure, especially if they were to get a permit from MDE allowing the float to be tied up and not permanently bolted to anything. Another suggestion was given as to the possibility of attaching the floating dock to the bulkhead. Chairman Campbell responded he would be surprised if the MDE would allow either suggestion but that the property owner could give it a go, suggesting that if he did so, the floating dock be put on the bulkhead that fronts the lot where the house is located. He added that the dock probably should have been removed when the property was split into two and that not only is the dock non-conforming, it is also over the harbor line. Mr. Hill asked that if the pier were to be removed and relocated on Mr. Kane's other property, in front of the house, could the pier be put back at the same length. Chairman Campbell responded that though the board was reviewing the harbor line, no changes to it had been made as of yet and the answer at this time would be no. He also noted that a floating dock cannot go beyond the harbor line and that even if the harbor line gets corrected, anything having to do with the non-conforming pier must remain as it is, as it will still be a non-conformity, with no modifications allowed. Mr. Kane asked about the possibility of allowing the dock to be shared by both of his properties. Manager Lewis suggested he contact the MDE about this as they might allow it and that she would have to seek legal advice with regards to the question as to the possibility of a common easement. Mr. Kane asked if he had a better chance of doing what he was asking for if the pier and/or the floating dock was in the front of his house then in front of his vacant lot. Manager Lewis responded that was correct and that the language does not allow for any expansion of a non-conformity. She added that Mr. Kane needed to ask himself if we wanted to continue to have a separate, buildable lot, or one, overall lot, where he could build all his amenities.

A last minute consultation was held with Ronnie Cutts, owner of Cutts and Case, Inc. on Tilghman Street. Mr. Cutts, along with Dani Racine, discussed with the board his desire to install new bulkheading and travel lift runways on the west side of his boatyard's property. Ms. Racine explained that there is currently an existing pier in that area that would need to be removed and moved as far as possible to allow for the travel lift space to be installed, along with a finger pier that would need to be shifted over a couple of feet while still maintaining the proper setbacks. The runways would be approximately 75' long with a distance of 40' between them. Chairman Campbell stated that in this case, it wouldn't be a harbor line problem but more of trying to understand the impacts the neighboring property. Discussion took place concerning how wide the travel lift machine would be, the pad under it, and the effect the lift would have over the

ground it would be running over. Ms. Racine noted that they were just looking to get some feedback in general on the addition of the travel lift, along with bulkhead replacement and the pier shifting. Chairman Campbell responded that he thought everyone would be excited about the project and willing to assist with helping the boat business thrive. Chairman Campbell noted again that he was concerned about the effect this would have on the neighboring property, which is also zoned as commercial, as well as the use of lateral lines for measurement. He added that if they were to make the lift smaller, it would seem like they might want to think about moving it away from the property line a little bit. Ms. Racine asked if they should be using a different method of measurement. Chairman Campbell responded that the board has been mostly using property lines extended and only using lateral lines in certain cases. However, in this instance, it would depend on the lift and if they needed a large amount of space, so they could use lateral lines, but property lines extended would be preferred. As far as any bulkhead work went, he did not see any problem with that. Chairman Campbell asked the public for their thoughts of which there were none. Mr. Cutts asked about the harbor line and since it had been changed, could he come out 150' in length with his proposed pier. Mr. Hyberg responded that he thought by doing so Mr. Cutts would be imposing on the property next door and reducing access to the properties in the back area. Mr. Trevorrow was of the opinion that the only thing he would be obstructing were his own slips if he were to go out further. The discussion ended with Chairman Campbell suggesting that Mr. Cutts finalize his plans, decide how he wants to use his travel lift and how he was going to use the basin.

Prior to adjourning, Chairman Campbell addressed the audience stating that the board was always open to consultations and discussions and that the board was working on reassessing the harbor line. There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Administrative Assistant

