

April 13, 2023

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, April 13, 2023, in the meeting room of the Oxford Community Services Building.

Other members in attendance were Robert Hyberg, Robert Trevorrow, and Henry Hale.

The minutes of the meeting of February 9, 2023, were approved and accepted as distributed.

The following permit was reviewed by the board:

- Permit #23-02, David Kane, 215 South Street, construction of a 10' x 20' floating platform and two associated piles. Mr. Kane, along with his agent, Dani Racine of Lane Engineering, were present to discuss the application. Ms. Racine reminded the members that back in August of 2022 she had met with the board to discuss the possibility of adding a floating platform on Mr. Kane's south lot. However, it was determined at that time that the lot was non-conforming, and the discussion ended with the board members suggesting that Mr. Kane look into the possibility of placing a floating platform on his property at 215 South Street as opposed to his vacant lot property. As such, Ms. Racine noted that the owner had moved ahead with the project and received his federal permit for the platform to be attached to two pilings. Mr. Hale pointed out that the diagram provided with the application shows the platform to be outside the required setbacks. Chairman Campbell spoke stating that when the board met in August in consultation about this project, it was clarified that Mr. Kane had two properties, next to one another, consisting of one improved lot and one vacant lot and that originally, these properties had been one large parcel that had been divided into two. When the lot was made into 2 separate parcels, a dock which had been in existence on the property, became part of the vacant lot, thus creating a non-conformity. The board members expressed concern over the non-conforming pier that remained on the empty lot and their view that another non-conformity should be added to it. He added that he himself did not have a problem with the owner putting a floating dock on his improved property but that it should meet the 8' setback. Ms. Racine responded that the way she saw it, Mr. Kane would be giving himself a letter of non-objection since he owns the property next door to his along with that area of the waterway. Chairman Campbell turned the discussion over to the board members as to how they thought the matter should be handled. Mr. Hyberg spoke stating he had thought Mr. Kane mentioned he had no plans on selling his vacant lot but even if that were the case, someone else in the future may want to sell it and by allowing Mr. Kane to place his proposed floating platform in the area as shown on the site plan attached to the permit, it would be creating a non-conformity. However, he added that should Mr. Kane agree to comply with the 8' setback, he would not have an issue with the request but if not, he would. Chairman Campbell noted that the board had seen this kind of thing before and that their job was to prevent this kind of thing from happening. He noted that it appeared Mr. Kane had plenty of room to move the proposed floating dock and that the board could make an amendment to the application, if he was agreeable to moving it. Mr. Trevorrow asked if there was a reason why Mr. Kane was requesting to install a floating pier in the location as shown in the application. Mr. Kane responded that he was thinking if someone wanted to use it to get into a kayak, then there would only be 3 sides of water around

it, but, if he needed to move it a few feet, it wouldn't matter. He added that he understood and supported the rules and that he was not trying to get it snug to the dock itself. Town Planner Maria Brophy posed the question that if Mr. Kane were to move his proposed platform request to meet the 8' setback, would the request need to be amended with MDE permitting. Chairman Campbell responded that the MDE has always left the setbacks up to the municipalities to handle and that in the past, the board has just made a red ink modification to the drawings submitted. It was agreed to let Dani Racine make the correction and send an updated drawing back to the board of what was being approved. Ms. Racine agreed to email the correction back within a day. A motion was made by Mr. Hale to approve the application for a floating platform and two associated piles to be moved 8' to the north (from the property line). The motion was seconded by Mr. Trevorrow and unanimously approved with all in favor.

### **Request for Maintenance Repair**

An emergency request for maintenance repair work was received from Doc's Sunset Grille on W. Pier Street. Chairman Campbell reported that he had gone down to the site a week ago when the owners discovered they needed to make some emergency repairs to the sheet piling walings, which were failing. He added that for whatever reason, the owners didn't do that when they were doing the major portion of repair work in the basin. None of the members expressed concern for any of the emergency work being done though Mr. Trevorrow did request a more accurate description of what the board would be approving. Chairman Campbell responding by stating that this was a basic request for maintenance repair to an existing wave break at the inlet to the marina. All voted favorably to approve the request.

### **Old Business**

Chairman Campbell brought up the business of moorings and the need to look over some of the language in the ordinance as it is currently written. Currently the ordinance states that the mooring anchors must be physically pulled and inspected on a regular basis. In the case of Helix anchors, they cannot be pulled up easily and Chairman Campbell felt that the board may want to change the language to say that the anchors be pulled only when failure is discovered during inspection. Mr. Trevorrow suggested that the inspection procedure should include the eye on the moorings. Chairman Campbell added that problems are primarily found with the chains, but not the chains buried in the mud. All agreed that all moorings needed to be pulled every 5 years. Planner Brophy noted that any change in the ordinance would require a text amendment and offered to send out the proposed changes in a text to the members for them to look over and review at their next meeting.

In other news, Chairman Campbell wanted the board members to know that in mid-May, repair work is planned to begin the jetties out at his Bachelors Point Marina and that all approvals for the work has been met by the State.

Mr. Hyberg mentioned that he had watched some videos on moorings though they were geared more for large harbors and marinas. He added that educational software was available should the board wish to look into that. Chairman Campbell responded that the moorings in town were all private and felt that there were not any management issues at this time. He added that many of the moorings have gone away and that even the yacht club had decided not to put in their mooring balls this year.

Prior to adjourning, Planner Brophy asked if the board members were agreeable to starting their meetings at 5:00 p.m., instead of 6, since both the Historic District and Planning Commission were now meeting at that time. All members were agreeable to the time change, which will begin with their next meeting scheduled in May.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk