

November 9, 2023

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the Chairman, Thomas Campbell, on Thursday, November 9, 2023, at 5:00 p.m., in the meeting room of the Oxford Community Services Building.

Other board members present were Robert Trevorrow, Robert Hyberg, and Henry Hale. Also present was Town Manager, Cheryl Lewis.

The minutes of the meeting of August 10, 2023, were approved and accepted as distributed.

The following permits were reviewed by the board:

- Permit #23-07, Jennifer Stanley, end of First Street, installation of a living shoreline. Mrs. Stanley, and her contractor, David Wilson, were present to explain the application. Chairman Campbell asked for a general idea of what Mrs. Stanley was planning and the reason behind it. Mrs. Stanley deferred to Mr. Wilson to present the application. Mr. Wilson explained that though Mrs. Stanley has a lot of rock down along the shoreline, she had decided to replace it with a living shoreline. He pointed out that, in general, living shorelines have taken precedence over anything else over the past few years, and so the plan is to create a 20' wide living shoreline which would act as a filter for the creek. A stone sill will be built to keep the sand in and be about 100' away from the nearby marina. Chairman Campbell noted that the marina referenced belonged to him and that Mrs. Stanley had been keeping him informed about the project. Mrs. Stanley explained that the existing rock wall had been failing and that looking east from that wall one would see a lot of erosion that has taken place along with trees that have fallen into the water. Mrs. Stanley confirmed to Chairman Campbell that the jog in the shoreline, going down to where the trees are eroding, was also property that belonged to her. Chairman Campbell noted that the project seemed as though it needed to come as far out as was being requested but asked about the other end of the project, where the street end goes into the creek, noting that neighbors and the Oxford Kids Camp use that area to launch small boats and kayaks. Mrs. Stanley confirmed that she would not be taking that away and that the project wouldn't be taken to the street end as that area belonged to the town. Mr. Hyberg commented on an area 8' from the edge of the street, where the existing riprap enters the water, noting that on the edge of that line, as he perceived it, there appeared to be a new wall protruding beyond that. Mr. Wilson responded that they could move that wall in, if needed. Manager Lewis responded that if it was going to go past the rip rap, they would need to talk about that. Mrs. Stanley responded that it was not her intention to go beyond the riprap. Chairman Campbell stated that the biggest concern they had was addressing the location of the groin on First Street and making sure that the project does not protrude into that area where people launch boats. He then read aloud a note from neighbors Tom Hofman and Whitney Tull that that they had no problem with the project and supported it. Chairman Campbell opened up the floor for discussion to those present at the meeting. A member of the audience, in proximity to the project, asked about the end of Mrs. Stanley's property, that comes up to the end of First Street, and if that area was going to remain as a natural end space and if so, would there be any chance of erosion coming from that. Mrs. Stanley responded by noting that there is a section where gravel is located at that street end whereby the gravel has been misplaced but

that it wasn't actually erosion. She added that the bulkhead would be taken down with a gradual beach like extension, much like what she has in front of her own waterfront property on South Street. Another question was asked, by the same individual, concerning the sill at the furthest point, in which she questioned if there was going to be any filling on the opposite side over time. Chairman Campbell recused himself for one brief minute from the board in order to answer the question since he was the owner of the marina across the river from where this project is taking place. He noted that he was the most affected by that potential, and that it was far enough away that it would not affect his marina. Upon making that statement, Chairman Campbell rejoined the group as a member of the Port Wardens. Chairman Campbell asked if the plan was to recycle the existing stone or if it would be trucked out of the area. Mr. Wilson responded that the stone would be used as a core inside of the sill and that trucks would be coming in and out of the area for about 3 months as the area was too shallow to come in to work by barge. Chairman Campbell noted that the fact they were going to be recycling stone already on the site should help tremendously and minimize any impact, though he requested that the neighbors be made aware of the plans before the project begins. Mr. Hyberg expressed concerns about the weight of the trucks bringing in so many cubic yards of sand and the significance of the weight that would be going down First Street. Manager Lewis stated that the best way to reduce that impact would be to manage it. She also noted that the area is a tight one and that there would be a need for a soil and erosion sediment plan done with this permit because the project will need a truck entrance in which to drive the trucks onto. Mr. Hyberg questioned why, if the plan calls to remove the wall, were they going to need to go out 35' and why couldn't they use the same design as was done on Mrs. Stanley's home property whereby there is a natural slope leading into Town Creek. Mr. Wilson stated they wanted as many square feet of marsh grass planted as they could get and the reason why they were going out 35' is because that is the furthest distance MDE would allow one to go. Mrs. Stanley responded that when she built the living shoreline on her property it too came out 35'. Mr. Hyberg questioned the location of the opening and wondered why it was where it was. Mr. Wilson responded that the opening could be anywhere. Mr. Hyberg noted that it was an open area for the sand to flow and that when the tide goes out, it will drag the sand out. Mr. Wilson responded that they could create an overlap that would prevent the loss the sand. Mr. Hyberg pointed out that they would be moving the mean high water line and questioned what that would do to the buffer line. Manager Lewis responded that would not be relevant because this was property that could never be built upon. Mr. Hyberg also asked about project's orange fencing, noting that the permit did not indicate how long the fencing would be in place. Mr. Wilson responded that it would be about 2 years based on the success of the growth rate of the vegetation. Concerns expressed by the members included the return out of the town road right-of-way and the need to resubmit the drawings to show whether or not there would be an overlap on the berm. Chairman Campbell stated that if the board stipulates their concerns with an approval, he thought they could approve the application. Manager Lewis suggested that if they already had their state permit, they may want to have someone overlay the drawing presented on a good survey so that they would have good records and the board could clearly say they didn't approve something that was on town property. Manager Lewis again reminded Mr. Wilson that they would need to work out a sediment and erosion control plan as well. A motion was made by Mr. Trevorrow to table the application until the next port warden's meeting and for the applicant to bring in a modified drawing that shows the end of the roadway in relation to the project and

also the overlap as discussed. The motion was seconded by Chairman Campbell and unanimously carried with all in favor.

- Permit #23-08, Tred Avon Condo Association, 408-418 E. Strand, re-construct 216 linear feet of existing bulkhead in-place; re-construct an existing 15' x 71' platform in-kind; and reconstruct (8) existing mooring slips to include (2) 30' x 3' finger piers, (2) 42' x 3' finger piers and (10) mooring pilings. Chris Moore from Weems Brothers was present on behalf of the Association. Mr. Weems confirmed that the application had met both the State and Army Corp approval. There are 8 existing slips which will be reconstructed and not going out any further channelward and would remain the same size. The existing tapered finger piers, which run ½ the slip length, will be changed to run the full slip length. Construction will be done by barge and backfill will have to be done by land. The plan is to do the work during the off season. Mr. Weems confirmed to Chairman Campbell that the south bulkhead is part of the project and that he will be driving behind the existing bulkhead. Chairman Campbell pointed out that the project does adjoin the town's bulkhead on that corner and that the town's living shoreline project will be going on around the same time Mr. Moore is planning to work in the area. A discussion took place with Manager Lewis as to when the work will start and if Mr. Moore had looked at what is going to be done in the town's parking lot area on the Strand. She noted that Mr. Moore would need to be conscious of all that the town has planned to take place in that area during the time in which Mr. Moore was planning to work there, as well as notifying him that the entire parking lot will be in the process of being repaved, which Mr. Moore will not be able to take advantage of, and the need for Weems Brothers to be conscious of not damaging that road after it has been rebuilt as well as how the project terminates when it touches town property and that it needs to be functional for everyone. Chairman Campbell mentioned the possibility of the need for a sediment and erosion control plan. Manager Lewis stated if they were going to have equipment out there and tearing up the grass, they would need it for that and also for the construction. Mr. Moore stated he would contact Sean Callahan with Lane Engineering to look into the matter. Chairman Campbell asked if the reconstructed bulkhead would be timber. Mr. Moore responded that it would be either timber or vinyl. There being no further questions, Mr. Trevorrow made a motion to approve the application as submitted. The motion was seconded by Mr. Hale and unanimously carried with all in favor. Chairman Campbell added that all federal and state permits had been approved and were included in the file.

This concluded the review of permit applications.

Old Business

It was mentioned that at the past meeting floating docks were discussed and that Planner Brophy had spoken of the possibly getting someone from MDE to talk to the board about them. Manager Lewis responded that she had not heard back from anyone and would check into it.

Chairman Campbell reminded that board members that there had also been a discussion concerning moorings. Because mooring items are being pulled out if not maintained, Manager Lewis stated they would need to look at an amendment to the ordinance to address that. Chairman Campbell also asked about the moorings in Terrapin Cove, and who they would belong to should someone move away from that area. Manager Lewis stated that once the mooring is in the water, it still belongs to the owner who installed it, not the owner of the property who has a mooring in front of their house, unless it was put

into the deed attached to the house. Also, if someone is no longer using their mooring, they can't just turn it over to someone else as the moorings are designed for certain sized boats and whoever takes over an old mooring would have to come back before the Board of Port Wardens for approval.

Prior to adjourning, Manager Lewis mentioned that the town has some design funding available to them and that they were looking into putting in a small floating dock to the right of the ferry to be used to drop a kayak or launch a small craft and that she may have to come before the Board of Port Wardens for a permit for that. She noted she was just mentioning this as it would depend on MDE/DNR funding and that it would require State/Federal permits as well. Chairman Campbell mentioned that the board members were having issues with floating docks. Manager Lewis stated that this would be a real dock permit that the town would be applying for that would be attached to high land someplace that would go over the living shoreline. Mr. Hale pointed out that the weather gets rough in the area Manager Lewis was looking at and suggested that should the dock be installed, the town may want to look into taking out during the winter. When questioned about the launching area on the other side of the ferry, Manager Lewis pointed out that no one could use it because it was treacherous and too slimy on the cement and that the town was just looking to create a safe access that wouldn't be too complicated.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby

Assistant Clerk