

May 5, 2011

The regular meeting of the Oxford Board of Port Wardens was called to order by the chairman, Thomas Campbell, on Thursday, May 5, 2011, at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

Other board members in attendance were Larry Murray and Nancy Cook.

The minutes of the meeting of March 3, 2011 were approved with the following correction: The last sentence of the 3rd paragraph should read, "It was the opinion of the members present that without drawings locating the neighboring piers a determination could not be made."

A consultation was held with Ron Walker, contract purchaser of 103 First Street, and his realtor, Henry Hale. Mr. Hale explained to the commission members that Mr. Walker was coming before them to discuss what the options he has for the property he is considering buying. He noted that around 1987, the Port Wardens had used lateral lines for the neighboring Oxford Landing property in order to allow that development to have their docks. The problem for Mr. Walker is that the First Street property had 4 slips. Now it has 2 slips with about half of another slip. The question Mr. Hale posed was what could be done here? Mr. Walker knows the bulkhead needs to be repaired. Could he put up a 40' pier? Could he put in finger piers going out to the pilings? He noted that Mr. Walker wanted to find out what his options are and, if possible, get something in writing from the board because his offer is contingent on his feeling comfortable and his ability to do something with that space.

Mr. Walker then spoke explaining that he and his wife had visited the town office and looked through the Oxford Landing file. He noted that he had pointed out to Mr. Hale that the riparian rights were based on bisecting angles and that he himself had gotten out his compass and checked that. He noted this property was advertised as having 4 slips. Mr. Hale interjected that his agency had understood it to be 4 slips. However, for the purposes of the sale of the property, they wanted to make sure they were correct and that is when they found that there are only 2 slips with another half slip. Mr. Walker stated he was looking to do either one of two options: 1) use the existing pilings for 3 finger piers or 2) do a 40' pier.

Mr. Campbell spoke stating that his experience with lateral lines was that they had been used by the Port Wardens in the past. However, when he got on the board they no longer wanted to use lateral lines and he thought that part of the reason was the members did not understand how to measure and calculate them properly. Now the board requires drawings for pier permits to be done by a licensed surveyor. This helps validate that they are being done properly. Because of past history, the board is also asking property owners to get a letter from the two neighboring parcels to say that they are in favor of what is being requested. Mr. Campbell added that he thought in this case Oxford Landing

would probably be very happy if Mr. Walker opted to go with a pier which would solve some non-conformities which are taking place. Mr. Murray added that the basic problem would be if Mr. Walker wanted to go with the 3 finger piers as the ordinance allows just one pier per residential lot. Mr. Hale concurred and stated he had discussed this with the Town Administrator, Lillian Lord, in which he explained to her that technically this property had 4 slips, which was now down to 2 ½, but that they are grandfathered slips. The question Mr. Hale had was would Mr. Walker be able to put finger piers on those slips. Mr. Murray responded that he did not think that would be acceptable whereas the single pier would certainly be within the regulations as he saw it. Mr. Campbell agreed that the idea of putting in a single pier on a single property would be the most favorable way to approach it. He added that Mr. Walker was going to need a 15' setback for the pier and mooring pilings. Mr. Murray noted that it appeared a 40' pier would easily fit in the area.

Mr. Walker stated that if he and his wife decided to pursue the property, they would have the property surveyed and he would have the surveyor do the riparian line work as well so that it would become part of the deed. Mr. Murray stated he was not clear about two pilings and that if Mr. Walker were to get the property surveyed and those pilings appear on that property, he did not think there was a thing that could be done about it because it would be grandfathered there, which may be the case. Mr. Campbell stated that there are non-conformities there and if Mr. Walker decides to create lateral lines he would be making a substantial change. If he agrees to make the change so he can make his other pier, for example, would he be giving up those non-conformities, Mr. Campbell wondered. Mr. Campbell thought this may be a question for the town attorney. Mr. Walker replied that when dealing with grandfathered land in the past, he found that if something was grandfathered in, and if you started modifying it, then it had to be brought up to code. Mr. Campbell agreed that was what was going to happen here as well and asked if Mr. Walker had had a survey done already. Mr. Walker responded he had not and was hoping to get something in writing from the Port Wardens or just use these minutes to tell him what he could do because he did not want to spend a lot of money on surveys and then find out he could not do something he planned to do. Mr. Campbell replied that he understood but that the Port Wardens would not be able to give him a definitive answer without proper engineering drawings/survey. Mr. Walker asked if the board could say that doing the dissecting angles creates the riparian right and that he would be allowed one pier, and if the pier fits within the setbacks of 15', then there should be no problem? He also asked if he would still need approval from both neighbors. Mr. Campbell responded that the neighbors would get notified anyway and that he thought there should be a letter from the neighbors saying they approve doing the lateral line configuration for pier construction as an appropriate thing to do. He added that the Port Wardens have not dealt with

using lateral lines very often. Mr. Hale asked what would happen if one of the neighbors was opposed to what Mr. Walker was trying to build, even if it was built within the setbacks. He asked if the Port Wardens would say that then Mr. Walker could not build what he wanted. Mr. Murray responded that the Port Wardens could not say that. The only thing that could be done, if a neighbor was to strongly object, would be for the neighbor to appeal the application. He added that if what Mr. Walker wants to meet the requirements, then the board can approve it. Mr. Campbell stated that he thought the lateral lines were a good way to deal with this situation. He added that Mr. Walker could have the discussion of the minutes to go by, but that he should not think of it as a commitment of any sort. Mr. Walker stated that he understood. In closing, Mr. Campbell stated that if Mr. Walker wanted to do mooring pilings later, the board would not be able to approve them and he would have to go through the process of asking for a special exception, getting letters from the neighbors, and going through the appeal process, which is a long one.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk