

October 6, 2011

The regular monthly meeting of the Oxford Board of Port Wardens was called to order by the chairman, Thomas Campbell, on Thursday, October 6, 2011 at 7:00 p.m., in the meeting room of the Oxford Community Services Building.

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

The minutes of the meeting of September 1, 2011 were approved and accepted as distributed.

Brandon Weems from Weems Construction and a representative from R. Hughes surveyors appeared before the board to discuss the property at 305 S. Morris Street, owned by John Kendall. Mr. Kendall's intent is to rebuild a pier of the same length that is already on the property. He would not be going channel ward any further. The big change is that there are plans to have a gang plank or floating dock at the end of it. Other adjoining properties have used property lines extended as a means of measuring their pier and piling setbacks. In Mr. Kendall's case, if he were to do that he would end up with a cut off situation. According to Mr. Kendall's representatives, the jog in the harbor line is creating a problem for this property and as a result, they were hoping they could use lateral lines as their means of calculating setbacks.

Mr. Campbell pointed out that the problem he saw with this upcoming application was with Mr. Kendall's desire to install new mooring pilings by the pier. He noted that his initial thought was that since Mr. Kendall is the property owner of both 305 and 307 S. Morris Street, maybe he would want to solve the problems on both parcels instead of solving one problem and creating a new one. If Mr. Kendall was not the property owner of both parcels, Mr. Weems and Mr. Hughes would be trying to figure out a compromise with whoever owned 307 S. Morris St. These are two separate parcels and even though Mr. Kendall owns both, he would be creating an issue for one of the parcels.

One of the representatives present noted that the problem with using bisecting angles here would be that the neighbor's pier would become non-conforming and start a domino effect. Mr. Murray thought this would not be a problem unless someone came in and wanted to extend a pier thus crossing into the harbor line, which one cannot do. As long as nothing happened to that pier, it would remain grandfathered. It would just end up being that one could not come in and put in pilings.

Mr. Campbell asked if anyone had spoken to Jennifer Stanley, property owner of 221 South Street, who adjoins Mr. Kendall's property on the waterside, about her mooring pilings which come close to Mr. Kendall's property. Mr. Weems stated that he thought they were being rented. He noted that it was tight on Mr. Kendall's side of those pilings to get a boat in and out of there.

Mr. Weems mentioned that in order to submit Mr. Kendall's application to the Maryland Department of the Environment, he would like to understand what the board would approve in order to secure a permit.

Mr. Campbell asked what the reason was behind the request for the mooring pilings. Mr. Weems responded that Mr. Kendall has a sizeable boat and another slightly smaller boat which

was why he needed the number of mooring pilings that he was requesting. Mr. Weems asked that if Mr. Kendall were to write a waiver, would it need to be included in his deed or just placed in the file for approval purposes. Mr. Campbell stated it would be for the purpose of approval as well as supplying a record of how it was done through the town. Ms. Cook expressed concern that the Port Wardens should not approve something that affected the neighboring property. Mr. Campbell responded that he understood Mr. Kendall owned both the properties at 305 and 307 S. Morris Street so that the neighboring property that would be affected would in fact be the applicant's own. Ms. Cook felt that a public record should be made in case Mr. Kendall was to sell his property so that the waiver would be conveyed with the sale of the property.

Mr. Campbell again pointed out that this upcoming application was really centered on the mooring pilings and that this was not a hardship case, rather that it was just the desire of Mr. Kendall of have additional pilings. Mr. Weems stated that technically he could move the pier as one were looking at it channelward, further to the left property line that would result in having the pilings inside the lateral lines. However, then the moorings that exist for Mrs. Stanley's property would become an issue. Mr. Campbell noted that property lines extended have been the practice for as long as he had been on the board unless there was proof of hardship, in which case lateral lines were used. Mr. Weems again asked if it would be as simple as Mr. Kendall writing a letter to the board stating that as the owner of 305 and 307 he approved the work at 305 and that if he were to sell the property, it would get passed along and that the new owner would have to deal with it. He added that he could ask Mrs. Stanley to also write a letter indicating her awareness of the situation. Mr. Campbell responded that he wished that since Mr. Kendall was the owner of both parcels that he would just fix the piers and pilings on both parcels in order not to create any new or future problems. He added that his biggest concern was that it would be creating a problem for the next owner should Mr. Kendall ever sell his properties. Mr. Campbell again stated that lateral lines are usually used in cases of hardship. He again stressed that this is not a hardship case since both of Mr. Kendall's properties have piers and both properties have access to water. This is simply a matter of wanting a larger slip. Mr. Weems stated that another solution would be to approve the application by using the lateral line method with Mr. Kendall providing a letter as the owner of 305 and 307 saying that he is fine with the plan. The board could also go so far as to have him write an agreement that upon selling the property he would remove the moorings. That way the pier could stay in the same location. Mr. Campbell responded that he was worried about setting a precedent along with future problems. Mr. Weems countered that if the board accepts lateral lines, and Mr. Kendall's lateral lines conform, then there is no way the board could not accept the application. He added that he could not invest Mr. Kendall's money in applying to the State unless he knew the board was going to approve the application. Ms. Cook asked that the issue be on the next month's agenda so that she could have time to look over the proposal, research it, and look at the property. It was agreed by all to table this discussion until next month's meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lisa Willoughby
Assistant Clerk