TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

October 27, 2014 | Kittery Town Council | Council Chambers

Regular Meeting Agenda
7:00 p.m.

1. Call to Order

2. Introductory

3. Pledge of Allegiance

4. Roll Call

5. Agenda Amendment and Adoption

6. Town Manager's Report

7. Acceptance of Previous Minutes

8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

10. PUBLIC HEARINGS

11. DISCUSSION

    a. Discussion by members of the public (three minutes per person)
    b. Response to public comment directed to a particular Councilor
    c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

    a. (100114-2) The Kittery Town Council moves to ordain, pursuant to Section 6.09.1 of the Town Charter, for a supplemental appropriation in the amount of $12,500 for the purpose of matching private donations to fund the preparation of a master plan for the town's athletic field.

13. NEW BUSINESS

    a. Donations/gifts received for Council disposition

    b. (100214-1) The Kittery Town Council moves to approve the disbursement warrants.

    c. (100214-2) The Kittery Town Council moves to set the date of November 10, 2014 for a

public hearing for the transfer of $12,500 from unencumbered surplus, authorized by the voters on June 10, 2014, for the purpose of matching $12,500 in private donations for the preparation of a master plan for the town's athletics fields.

d. (100214-3) The Kittery Town Council moves to set the Date of November 10, 2014 for a public hearing regarding adoption as an emergency ordinance, pursuant to Section 2.15 of the Town Charter, an amendment to Chapter 4.2.3 of the Town Code, Procedures for Council Appointments.

e. (100214-4) The Kittery Town Council moves to set the date of November 10, 2014 for a public hearing on a proposed amendment to Chapter 4.2.3 of the Town Code, Procedures for Council Appointments.

f. (100214-5) The Kittery Town Council moves to set the date of November 10, 2014 for a public hearing on a proposed amendment to Chapter 3.2.10 of the Town Code, Disposal of Property.

g. (100214-6) The Kittery Town Council moves to appoint Kenneth Lemont to the Port Authority for a term to expire on August 20, 2018.

h. (100214-7) The Kittery Town Council moves to appoint Ken Linscott to the Personnel Board for a term to expire on June 13, 2017.

i. (100214-8) The Kittery Town Council moves to schedule a public hearing on amendments to the Kittery Town Code, Chapter 10.2, Stop Intersections Designated, 10.2.2.1 – on Public Ways.

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson
b. Committee Reports

16. EXECUTIVE SESSION:

17. ADJOURNMENT

Posted: October 23, 2014

TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

Town Manager's Report to the Town Council
October 27, 2014

1. **Eliot's Pump Station #7 Request** – In response to Eliot's request to consider expanding existing plans for pump station #7 in order to accommodate additional flows into the future, we prepared the following estimate. I have conveyed this information to Eliot; I expect these costs will undergo their review, and be subject to potential refinement and negotiation should we proceed forward. In any event, we do not anticipate this request can be accommodated for incorporation within the current infrastructure upgrade project.

Item	Estimated Cost
– Amendment to IMA to purchase additional 200,000 gpd capacity at WWTF	$669,000
– New PS #7 (100% cost to Eliot)	$700,000
– Force Main to WWTF	$250,000
Subtotal	*$1,619,000*
Plus Engineering & Contingency (35% of Construction Costs)	$332,500
Grand Total	**$1,951,500**

The Sewer Department will be hosting an open house/tour of the Wastewater Treatment Facility for the Eliot Town Manager, their engineering representative, and others to answer any questions they may have about the infrastructure project.

2. **Air Traffic Noise Complaints** – I have received a few complaints the noise generated by helicopters that now regularly fly over Kittery. In speaking with Portsmouth City Manager John Bohenko, I understand that the best method to record our concerns is through the Pease Noise Complaint Hotline (603-436-6333) and via their web-based complaint form (http://www.peasedev.org/contactus-noisecomplaints.php). John is establishing a regional work group on this topic, and will be inviting Kittery's participation.

3. **Pepperrell Cove Wave Mitigation Study Update** – Attached is a project update memorandum from Wright-Pierce Engineering, regarding a feasibility assessment of the construction of submerged reefs to enhance shoreline protection of Pepperrell Cove. This work is being performed pursuant to a Shore and Harbor Planning grant, awarded last November. Through the Kittery Port Authority, we have notified the U.S. Army Corps of Engineers indicating an interest in potentially using rock spoils from the Portsmouth Harbor and Piscataqua River Turning Basin dredging project.

4. **Phase IV – Section 319 Grant Funding Award** – I am pleased to report our grant application for a fourth phase of work associates with the Spruce Creek Watershed Protection project was successful! As reported to Council at its July 28th meeting, the grant will provide $59,050 in funding to support treatment of storm water prior to entering Spruce Creek, to continue water quality sampling and analysis, and to evaluate the project's efforts to date.

5. **Sewer Department Work in the Foreside** – For approximately the next month the Sewer Department will be repairing and relining a section of line going from pump station #3 behind Anneke Jans restaurant to Sea View Lobster along the waterfront.

6. **Bowen Road Right of Way (ROW) to the Water** – I am working to rectify a situation that has developed as a result of a resident making improvements (installing steps) to the Town's ROW without permission. I will be approaching Council for its input on this development in the near future.

As always, if you have any questions or concerns prior to Monday's evening's meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

Nancy Colbert Puff

WRIGHT-PIERCE
Engineering a Better Environment

MEMORANDUM

TO:	Peter Walsh, Matt Nixon	DATE:	October 13, 2014
FROM:	Jon Edgerton	PROJECT NO.:	JTB14
SUBJECT:	Town of Kittery/KPA: Pepperrell Cove Wave Mitigation Study Project Status Report		

Background

Over the past several months, Wright-Pierce has been assisting the Town of Kittery with a feasibility study associated with the construction of submerged reefs to provide protection of the shoreline and municipal assets at Pepperell Cove in Kittery. The project contemplates the creation of submerged reefs near Fishing and Gooseberry Islands that would enhance the shoreline protection for Pepperell Cove. Ultimately the reef construction would utilize rock dredge material from a vessel turning basin project, near Eliot, Maine, the US Army Corps of Engineers is undertaking in the Piscataqua River in 2015.

The Town has two public piers and mooring field located within the cove. Recent larger storm events, especially those with a south to southwesterly wind direction have caused damage to the public assets in the cove as well as moorings, private piers and the shoreline.

The Town of Kittery received a $20,000 grant under the Shore and Harbor Planning Grant program to undertake an investigation into the feasibility of constructing the shoreline protection improvements proposed.

Study Scope of Services

Task 1: Information Collection.

The initial stage of the project involved the collection of available information regarding Pepperell Cove, the Piscataqua River, Portsmouth Harbor and the dredge project. The information will include acquisition of supplemental bathymetry data within the proposed area as well as compilation of available bathymetry and LiDAR surface geometry of the shoreline and islands in the cove. This information has been brought into a GIS model of the study area.

Natural resource information regarding the area has been collected, such as Eelgrass bed locations, shellfish areas and shorebird habitats. Other meteorological data has been gathered for the project vicinity. Wave information is available from wave buoys at the Isles of Shoals and other relevant sources.

Task 2: Coordination with Regulatory Agencies.

Wright-Pierce has engaged in discussions and correspondence with those regulatory agencies (and secondary resource agencies) expected to have jurisdiction over the project to obtain information that would influence design considerations and natural resource protection considerations for the project. These agencies include the US Army Corps of Engineers and the Maine Department of Environmental Protection, as well as agencies consulted by the DEP and Corps in issuing approvals for projects of this nature, such as the Maine Department of Marine Resources, Maine Geological Survey, Maine Submerged Lands Program and the National Marine Fisheries Service.

The design considerations are likely to include requirements relative to navigational and construction timing elements. Environmental requirements can be expected to include consideration of benthic impacts within the areas directly impacted by reef construction. Consideration of indirect impacts will also be explored. The indirect impacts may include the reef's impacts to circulation changes, and changes in the pattern of sediment deposition. Potential mitigation of these impacts will also be investigated. (see attached summary of investigation into benthic habitat developed for this project by MER Assessment Corporation)

Task 3: Wave Attenuation Assessment.

Wright-Pierce is currently assessing the likely benefits of constructed reefs on wave attenuation. Alternative wave mitigation measures are being considered to develop alternatives for impact assessments. The environmental impacts and the shoreline impacts of the alternative reef configurations are being examined and avoidance and minimization of the impacts will be considered in the design alternatives.

Task 4: Public Input.

On September 4, 2014, Wright-Pierce presented the results of preliminary assessments and agency discussions in a public forum in Kittery to expand public knowledge regarding the initiative and solicit feedback from the public, including: boaters, fishermen, adjacent property owners and other residents of the community. See below for additional detail.

Task 5: Refine Model/Prepare and Present Report.

Wright-Pierce is currently engaged in assessing impacts associated with the conceptual designs, gauging alternative means to establish the goals of protecting the harbor infrastructure and preparing a draft feasibility study report.

<u>Public Forum Summary</u>

KITTERY PORT AUTHORITY: Public Hearing: Wave Attenuation Project
September 4, 2014 Meeting Minutes
Council Chambers, Town Hall

Discussion of the potential use of blasted rock/dredge spoils from the Turning Basin/Piscataqua River dredge project for the purpose of enhanced wave mitigation for Kittery's principal anchorage at Pepperrell Cove.

Jonathan Edgerton, Wright-Pierce Engineers, provided an update and presentation (see presentation materials, attached)

Public Comment:
Mark Drummond, Kittery Point: Will this extend to buoy at Fishing Island?
Mr. Edgerton: The details have not been completed; depends upon footprint allowed and amount of material needed. If no constraints, extending would be the goal. The farther out, impact on current ebbs and flows increases, along with sediment deposits. There are no hard and fast answers at this stage.
Dick Draper: Biggest issue is the southerlies; the goal is to knock some of these waves down.
Mr. Melanson: Communication has been made with owners of Fishing and Gooseberry Islands.
Ms. Philbrook: What is the potential cost to the taxpayer?
Mr. Edgerton: The actual disposal could cost nothing; the report is 80% paid via NOAA funding so the town can arrive at a decision; habitat assessment will need to be made.
Mr. Melanson: There is no cash outlay by the Town for the report.
Discussion followed regarding sediment control in the waters.
Eddie Howells: How long will structure last? Concerned about impact on Fishing Island, causing erosive effects on the Island due to larger waves.
Mr. Edgerton: Depending on the size of the rock material, benefit could be 50-100 years. The Maine Geological Survey is reviewing the proposal and will address the impact on currents and land areas. The more shallow areas will have less velocity than the main part of the channel.
Mr. Melanson: Easements may be needed for riparian rights areas where these deposits will be made.
Kathy Wolf, Foreside: What is the possibility of contaminate material deposited at Pepperrell Cove, and what is the degree/purpose of wave attenuation?
Mr. Edgerton: If there is the potential for upstream contaminants (i.e. heavy metals), analysis by ACOE will be conducted to understand risks. Blasted ledge material and overburden is where contaminants settle, rather than bedrock. NEPA approval will be required, including additional analysis of what the material is composed of, and where it is

going before it is deposited. The purpose of the project is to attenuate waves and provide anchorage protection, primarily from due south/southeast.
Milton Hall: Size of material/tonnage? Need 4-5 ton to hold.
Mr. Edgerton: The material will be a mixed bag.

BOBS CLAM HUT INC.
TIPS ACCOUNT
PH. 207-439-4233
315 US ROUTE 1
KITTERY, ME 03904

52-7450/2112

1468

DATE 10-7-14

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KITTERY POLICE DEPARTMENT

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-1638 Fax: (207) 439-6140

Theodor G. Short
Chief of Police

Russell C. French
Lieutenant

To: Nancy Colbert-Puff, Town Manager

From: Theodor G. Short, Chief of Police

Re: Stop Sign Request Manson Road and Stevenson Road

Date: September 20, 2014

As a follow-up from the Town Council, we have been able to gather some data through the use of our speed trailer regarding traffic speed and count at the intersection of Manson Road and Stevenson Road.

As an aside, we have has some technical difficultly throughout the summer with our speed trailer and it was down for a significant amount of time and is down again.

As a refresher, I was approached by Gerry Mylroie, former Town Planner, to consider a reconfiguration of the aforementioned intersection. There were also other changes that were suggested that I was not in agreement with. To date, Dana Avenue and Manson Road is now in compliance with code as it has been returned back to a stop sign. Remaining is the final decision on a three way stop.

Over as sixteen day period from July 10, 2014 to July 30, 3014 the speed trailer was located on Manson Road west (heading toward Wilson Road), Manson Road east and Stevenson Road (heading toward Manson Road). There were 15,587 vehicles with an average speed of 24.07 miles per hour. Below is a breakdown of the traffic count by road:

Location	Dates	Total Vehicles	Avg. Speed
Stevenson Road	7/10-7/15	5179	22.78
Manson Road East	7/17-7/22	2761	22.96
Manson Road West	7/24-7/30	7647	26.49

*Information compiled by Sgt. Gary Eaton

It has been my opinion that the placement of stop signs at the Manson Road intersection would calm traffic and perhaps reduce the number of vehicles using this neighborhood as a shortcut. In the time that I have served as the Police Chief I have responded to at least three serious motor vehicle accidents at the intersection of Manson Road and Wilson Road. With the data above, personal observations and some neighborhood input, I believe that making this intersection a three way stop will not only calm traffic in the neighborhood, but may also have an impact in reducing serious crashes at the Wilson Road Intersection.

In closing, it is my recommendation that two stop signs be erected at this intersection for public safety purposes.