

**PORT AUTHORITY MEETING
MINUTES OF APRIL 3, 2008
COUNCIL CHAMBERS**

Present: Chairman Milton Hall; Members: Guy Petty, Barry Bush, D. Scott Mangiafico (arrived late), Bill Bailey, Joan Castellano and John Carson. John McCollett, Harbormaster (arrived late). Public present: Zack Taylor & a woman representative from Pickering Marine, Rick & Susie Renner, Ann & Vance Morgan, Steven & Pamela Graves, William Cynewski, Lawrence Bussy, Bion Pike, and one unidentified individual.

Chairman Hall called the meeting to order at 7:02 PM and said he needs a motion to revise the Start Date of new harbormaster to April 15, 2008.

Motion by Mr. Carson to change date from April 1st to 15th; all terms remain the same. Mr. Petty seconded. All in favor by a voice vote 6-0, motion passed.

1. Minutes of Meeting: March 6, 2008 (see caps on page before)

Chairman Hall noted the following corrections:

page one, no corrections

page two, last paragraph replace “emails” with “an email”

page three, no corrections

page four, second paragraph replace “The Renners felt this is excessive for such an extravagant pier” with “The pier is excessive for such a small boat.”

page five, number 6D replace “guide wires” with “guy wires”

page six, no corrections

Mr. Petty moved to accept minutes of March 6, 2008, Chairman Hall seconded. All in favor for a voice vote 6-0, motion passed.

2. Budget Report

Chairman Hall reviewed the budget and noted that the town of Kittery would prefer a budget matching last year. Chairman Hall proposed to cut the part time salary down to \$9,000, and cut the medical down to \$5,000. He also noted that revenue is \$29,835 and increasing, not including excise tax for this year. Chairman Hall also mentioned that \$689 will be added to the budget because part time FICA had not been included. Mr. Carson noted that projected revenues need to be included in the Port Authority budget.

Chairman Hall stated Budget Report approved to let it stand with no errors, with no questions.

3. Harbor Master Segment

Bathrooms on the Dock:

A pipe burst at the bathrooms on the dock. This was discovered April 1st. Harbor Master is trying to have these opened before the main float goes out. Chairman Hall suggested

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that Rhodes turn everything on since he turned it off in the fall. It should be Rhodes' responsibility if pipes break. The Harbor Master mentioned that a woman has been commissioned to clean the bathrooms for \$2 hours each day at \$12/hr.

Security Light & Pilings:

The security light is now up in the southern part of the parking lot. The light which was supposed to be fixed was not repairable; it had to be replaced. This will cost at least \$700. Also, the pilings had to be cut off, but the cost is yet to be determined.

A. Fire Pump:

The old fire pump was WD20X, but the replacement is a WB20X which costs \$499 including pump and motor. There is currently no fire pump.

B. Pier Survey Report & Recommendation:

There is no new info since the town manager released a memo. A larger drill rake is needed to complete the pilings. Mr. Patton expects to be done by the end of April. The floats are built and paid for; being held at Pickering Marine. Harbor Master confirmed that the town moorings are checked yearly. The date for the big floats to go out is April 15, 2008.

C. Capstan at Govt. Street Wharf:

This was supposed to have been done last Wednesday. The old bearings are rusted so bad that the size numbers can't be read. The bearings do not have serial numbers, which was unexpected. Once the new gears come in the project can proceed.

D. Traip Academy Boat Ramp:

This was not discussed.

End of Harbor Master's Report

Questions for Harbor Master:

Chairman Hall asked when the moorings were last checked. Harbor Master McCollett confirmed they are checked yearly.

Chairman Hall also asked when the big floats are going out. Harbor Master McCollett confirmed they will go out on April 14, 2008.

4. Marinas, Piers and Floats

1. Continue Public Hearing for Steven & Pamela Graves, 10 Captains Way, Kittery Point on a Revised Plan for Residential Pier, Ramp and 10'x20' Float.

Before the hearing was opened to the public, Zack Taylor from Pickering Marine mentioned the changes in the ramp and float design. The elevation has been dropped by 5', and the pier has been pulled back by 15' which tucks it into the cove more.

A. Public Comments

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Richard Renner, Lot 1 Pocahontas Road, Kittery Point: Renner sent a packet to each board Mr. with information regarding Weir Creek and his objections to the Graves' ramp and float. Renner referenced the Gooseberry Island bylaw and the Maine National Resource Act. Renner commented that the Graves' ramp and float would be in violation of two of the nine standards which must be met in the Maine National Resource Act. The first being interference of navigation, aesthetics and recreation. Secondly, there are other docks available for the Graves' to use within the neighborhood. According to Renner, the creek is approximately 100' across. Zack Taylor interjected that last week he measured high water mark to high water mark, and it is 190' in front of the proposed site. Mr. Renner said that there already were two floats the Graves' can use. If a third dock is allowed, then more docks will be allowed in Weir Creek.

Vance Morgan, Captain's Way Kittery: Mr. Morgan stated that he and his wife bought their house for the view. Additional docks will create an interference with the fish being able to come through the creek. Morgan does not want to see the wildlife inhibited by further docks. Mr. Renner sent a letter to neighbors and asked pro and con for or against. There are several letters speaking in opposition to the dock. He didn't receive one letter in support of the dock.

Steven Graves, 10 Captains Way, Kittery: Mr. Graves stated that is from Maine, and returned for the quality of life. He wants to be able to go fishing and swimming in his own back yard. Mr. Graves requested approval on the permit as he is not planning to sell the property, but instead to enjoy it with his family.

Chairman Hall closed the hearing to public comments.

B. Board Deliberation

Chairman Hall noted the covenants have nothing to do with the Port Authority. Regarding Mr. Renner's Points from the Maine National Resource Act, Chairman Hall point out that the Dept. of Environmental Protection goes through the things which were discussed by Mr. Renner, and they've already approved the dock. They already conducted a site tour and did not feel that the dock would interfere with aesthetics, recreation not wildlife. Also, the town planner and CEO have also approved the application. Chairman Hall mentioned that the planning board is the best way to stop a pier from going in.

Mr. Bailey noted that the stairway leading down to the dock is missing. Steps are needed going down the bank. Zack Taylor responded that stairs running over the bank need to be permitted after the fact. Pickering has not been contracted to do this. Chairman Hall noted that the original pier was 16.7' high, and is now 14' with 4 steps added.

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Mr. Petty commented that last meeting he was asked to do a review of the Comprehensive Plan. On pages 66 it states, "The entire shorefront is considered a scenic area." Mr. Petty suggested this means the Port Authority is charged to review the ascetic aspects of a decision such as this. Mr. Carson responded that the enjoyment of the water is the right of the landowner as long as it doesn't interfere with others. Chairman Hall asked Mr. Mangiafico if the planning board is working on the shoreline zoning. Mr. Mangiafico responded that they have not yet. Mr. Petty noted the document received from Mr. Renner should be an important piece considered in decision.

Mr. Bush commented that the DEP already authorized the permit. They have already investigated all the points in the Renner document. The covenant is a civil matter. Chairman Hall noted that covenants have to be dealt with in court. Mr. Mangiafico reiterated that the planning board reviews the plans for each property, and they also address these issues.

Mr. Carson asked the Renners if the other docks on Weir Creek are privately owned. He also asked if there is anything in the covenant that demands an owner allow the public to use it. The Renners answered no.

Chairman Hall questioned the safety of the steep bank and ramp. Mr. Bailey noticed the skids under the float, and asked why they were used instead of ganglins. Zack Taylor responded that the original official from the Dept of Marine Fisheries put in a request for float stops. Due to conditions, pilings would need to be driven anyway. The request already went through to the DEP and they passed it through as 4 skids and moorings. Also, the pier and ramp will be safer than trying to access the water over the bank, even with the pitch. Mr. Carson asked how much water time there is from high tide to high tide. It was determined approximately 6 hours.

Motion: Mr. Petty moved to approve the pier ramp, and float system for Steven and Pamela Graves, 10 Captains Way, Kittery Point. Plot 1-6 for a pier 6'x10', ramp 3'x10' leading to a 10'x20' float according to the drawing submitted by Pickering Marine Corporation revised as of 4/2/08. With the following conditions: pier will have a 4 step access, and railing height not more than 42 inches. Mr. Bailey seconded. Roll Call: Barry Bush, Joan Castellano, John Carson, Chairman Milton Hall: Yes; William Petty and Bill Bailey: No; Scott Mangiafico: Abstained. Roll Call Vote: 4:2, motion carried.

2. Application for William & Judith Smart, 36 Mendum Ave., Kittery (Map 3 Lot 48) to construct a 6'X25' Extension to existing Pier, 3'X35' Ramp and 10'X20' Float secured with two pilings.

There was no discussion regarding Application #2.

3. Application for William Cynewski, 30 Rice Ave, Kittery to add: 2'X16' Ramp and 8'X16' Float to existing Pier.

A. Public Comments: none

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B. Board Deliberation

Chairman Hall noted the purpose in discussing the Cynewski application was to get it in order for the next meeting.

William Cynewski, 30 Rice Ave, Kittery: Commented that his pier was pre-existing. The pier is 100' long, and 10' from the city right of way. The edge of the stone pier runs right along the Cynewski property line, although it hasn't been surveyed. Mr. Carson asked which drawing Mr. Cynewski wanted to go with since he submitted two. Mr. Cynewski answered the one where the float is parallel to the shore. Chairman Hall asked how steep the gangway is. Mr. Cynewski answered 16'.

Mr. Mangiafico asked where the low and high water marks are in the channel. He noted the city right of way, but asked that more specific dimensions be placed on the diagram. Mr. Mangiafico noted that the application does not meet Port Authority requirements because more information needs to be on the drawing. Mr. Mangiafico suggested that Mr. Cynewski get a letter from the town to viably apply for a pier extension. If the pier is less than 25' from the abutting line, a letter has to be attained from the abutter, which in this case is the town.

Mr. Cynewski confirmed that the pilings are going to go on the shore line side. Mr. Petty confirmed the plan for railings and gangway. Mr. Bush noted the permit would only be issued as long as town right of way is not encroached upon. Mr. Carson noted that the Cynewski plans need overall clarification for the hearing. It was decided that Mr. Cynewski needs to add high and low water marks to his drawing. He also needs to submit just the one drawing which shows the float parallel to the shore. Lastly, he needs a letter from the Town Manager approving his float since it comes within 10' of the town's line.

Motion: Mr. Mangiafico moved the application for William Cynewski, 30 Rice Ave, Kittery to add: 2'X16' Ramp and 8'X16' Float to existing Pier, including railings must be revised. The revisions should include a plan to show one proposal with float parallel to waterway and on same float design show delineated low water mark. Also, the town manager must be notified. After finding that application complete, Cynewski can be scheduled for the public hearing in May. Mr. Bush seconded. All in favor by a voice vote 7-0, motion passed.

5. Public Comments and Issues

Moorings on Appledore Island:

Lawrence Bussy, Member of Facilities Committee for Star Island Corporation: Star Island would like to rent six new moorings from the Port Authority. They are attempting to change the corporate image by inviting the public to the island. A dining room facility and hotel and been opened up, but the moorings are all privately owned. Star Island would like to install 6 moorings with a launch service to bring the public over to

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Appledore. The moorings would cost \$50 per night including dinner for two at the hotel. It was noted that Appledore is part of the Isle of Shoals.

Harbor Master McCollett noted that the moorings are out of the way and there is a waiting list. But this scenario is different since it proposes new moorings and not already existing ones. Mr. Mangiafico commented that the requirement would be for the corporation to own land on the island, which it does. However, people have been on the waiting list for the last 10 years. The Harbor Master noted that the difference is that Star Island would be using the moorings for commercial use, and not private, where those on the waiting list are all for private use. In conclusion, the Harbor Master suggested that Mr. Bussy start by getting an application from the town.

6. Correspondence to/from Chairman

A. Application for Joseph McEachern who wants a mooring. He has 22,000 square feet of property and there used to be a mooring in the same location. Harbor Master McCollett did not see a problem with this.

B. A letter was received from Horace Walton who wants to give up his mooring. His neighbor might want the available float, which the board considered fine.

C. Chairman Hall noted that \$40,000 to repair the 2 piers was approved by the town council. It's now going to the voters.

7. Board Members new/old Business:

Chairman Hall stated that the Port Authority doesn't have much control over out-hauls. Harbor Master McCollett noted that the Army Corps of Engineers has regulations about this. Mr. Petty stated that regulations should be made. Mr. Mangiafico noted that there are some out-haul regulations which distinguish it from a mooring. If it doesn't get above the high water mark it's not a mooring.

Mr. Bush said a fisherman asked him why there aren't fees for parking boats along the ramp. Also, the Govt. Street pier boom has a bad angle on it. Mr. Bush suggested re-welding so this is not such a problem.

Mr. Mangiafico noted that rental moorings can be a private owner for a commercial entity, but there are no current guidelines. He did not know what the state says about old rental moorings, but feels it should go on the list of updates.

Mr. Carson noted that he has been taking Mr. Pike around to meet town officials.

8. Adjournment:

Motion: Mr. Bill Bailey moved to adjourn the meeting, Mr. Guy Petty seconded. All in favor for a voice vote 7-0 motion passed. Meeting adjourned at 9:19pm.