

## KITTERY PORT AUTHORITY

APPROVED

June 3, 2010

Council Chambers

7:00 P.M. – 9:35 P.M.

Members Present: John Carson, Chairman, Barry Bush, William Bailey, Kelly Philbrook, Joan Castellano, Thomas Smith, Russell White representing the Planning Board and Harbormaster Bion Pike.

### 1. Minutes of Meeting: May 6, 2010:

Ms. Philbrook moved to approve the minutes of May 6, 2010, seconded by Mr. White with all in favor.

### 2. Budget Report:

Ms. Castellano stated there was currently \$10,683.00 left in the budget and from that they needed to subtract bills that had not appeared yet such as the rental of the crane to put the floats in, electricity bill, trash bill, telephone bill and other miscellaneous expenses. She continued that there was still a problem with Waste Management in that there was a bill for that month for \$959.88 and \$479.00 of it was for a one month charge. She continued that Harbormaster Pike was going to speak with someone at Waste Management about the bill. Ms. Castellano stated the figure that she came up with through rough estimation was \$2093.91. Chairman Carson indicated that he took a look at things and there was a spread of about 6% so they may have \$2,500 to \$3,500 left over in the budget.

### 3. Harbormaster Segment:

Harbormaster Pike wanted to thank all of the volunteers who helped launch the floats in May.

Harbormaster Pike noted relative to the dumpster there were two issues at Pepperrell Cove with the new owner. He continued relative to the Waste Management issue that he did not think there had been extra pickups and he was going to speak with Waste Management to find out why the bill was so high. Harbormaster Pike indicated there was only one pickup a week. Harbormaster Pike stated that he was looking for the Port Authority's authorization to end that relationship with Mr. D'Amico. Chairman Carson stated he agreed and no one else objected. Harbormaster Pike continued the controls for the lights at Pepperrell Cove are in the restaurant and the lights had been getting turned off at night so there was no light at the pier. He continued that he was going to speak with Mr. D'Amico again and find out what they needed to do to make sure the lights stayed on. Ms. Philbrook asked if anything had been done to look at moving the electricity and water out of the restaurant. Harbormaster Pike responded that he could get some quotes if the KPA was interested. Chairman Carson indicated Harbormaster Pike should go forward with getting some quotes to move the electricity and water.

Harbormaster Pike indicated relative to mooring renewals that they had gone smoothly. He continued he had sent out letters to 8 people telling them there moorings were considered abandoned and he received calls back from 6 of those people. Harbormaster Pike noted he received a letter from the Army Corps of Engineers who agreed that the yacht club could use the moorings provided they were out by 2011 and were not renting them out.

Harbormaster Pike stated relative to launch fees, they had collected over \$700.00 during the Memorial Day weekend. Chairman Carson asked what the estimated time was to get a mooring at Pepperrell Cove. Harbormaster Pike responded the last person he assigned a mooring to had been on the list for 7 years. Ms. Philbrook stated relative to the launch fees that fishermen had informed her that boaters were getting out of their cars and try to stuff money into the Harbormaster shack and maybe there should be a box put out to collect the money. Harbormaster Pike indicated at Pepperrell Cove they could put a mail slot in the door and an honor box at Traip. Chairman Carson indicated they should do that.

Harbormaster Pike noted there were two “No Restaurant Parking” signs at Pepperrell Cove which were paid for by Mr. D’Amico and they seemed to be working.

Harbormaster Pike stated he had picked up the new security system. He continued the cost was far less than they expected and were much higher quality. Harbormaster Pike indicated they now needed to decide where to put the cameras.

Harbormaster Pike indicated his handheld radio charger had died the previous week and he had purchased a new one for \$70.00.

Harbormaster Pike noted the work on the dolphin at Pepperrell Cove had started the previous day and was expected to be finished that day.

Harbormaster Pike indicated they received approval from the Army Corps to put the float in at Traip and now they needed to get the hardware and plate.

Harbormaster Pike stated the harbormaster boat was operational and running fine.

Harbormaster Pike noted he had provided a revised draft of the storm plan incorporating most of the changes that were recommended.

Harbormaster Pike requested if there was money in the budget at the end of the season, he would like to purchase some Port Authority tools. Chairman Carson responded he should put together an estimate and they should stay on top of the budget day by day.

#### 4. Marinas, Piers and Floats:

Zachary Taylor of Riverside Marine came to the podium and stated the owners, Colette Tilton and Dennis Burnside, wanted to build a private, residential dock on their property at 5 Sparhawk Lane consisting of a 4’ x 45’ fixed pier, with a 3’ x 40’ ramp and a 10’ x 20’ float. He continued because of the riparian lines there was a limited area where the project could go which is why the

dimensions were the way they were. Mr. Taylor stated the project should have a minimal impact. Chairman Carson asked how long they were estimating to be in the mud. Mr. Taylor responded they would try to get out of the mud as quickly as possible and it should be a relatively short time. Mr. Taylor stated he had spoken with DEP and the Army Corps and at this point there were not any issues and that DMR had cleared the project.

Mr. White moved to approve the application of Colette Tilton and Dennis Burnside for a 4' x 45' fixed pier, with a 3' x 40' ramp and a 10' x 20' float at 5 Sparhawk Lane, seconded by Ms. Philbrook.

Mr. Carson asked Mr. Taylor if he agreed to accept the approved minutes of the meeting as written findings of fact. Mr. Taylor responded that he would.

A roll call vote was taken with all in favor. Motion passes 7/0.

Zachary Taylor of Riverside Marine came to the podium and stated he represented Joseph and Deidre McEachern on an application for a 6' x 35' fixed pier, with a 3' x 30' ramp, and a 10' x 30' float located at 16 Trefethren Avenue. He continued they were looking to build a private, residential dock off the existing deck that at one point in time was a boathouse. He indicated they were trying to incorporate the existing deck to reduce the amount of pier needed and there was plenty of clearance from the setbacks. He noted it would have water at all times so float stops would not be necessary. Ms. Philbrook asked how much water it would have a low tide. Mr. Taylor responded it would have about 3 or 4 feet. Ms. Philbrook asked why they were proposing 6 feet for the pier. Mr. Taylor responded there was no marsh grass and it would not cause any impact and the six feet would give it more stability. Mr. Taylor stated he had spoken with DEP and they did not have any issues with the project at that time.

Mr. White moved to approve the application for Joseph and Deidre McEachern for a 6' x 35' fixed pier, with a 3' x 30' ramp and a 10' x 30' float at 16 Trefethren Ave, Kittery, Maine, Map 10, Lot 25, seconded by Mr. Bush.

A roll call vote was taken with all in favor. Motion passes 7/0.

Zachary Taylor of Riverside Marine came to the podium and stated he was working with Tom McCullum of Civil Consultants on an application from Peter and Wendy Reich for a 4' x 20' fixed pier with a 3' x 42' ramp and a 10' x 20' float at 140 Pepperrell Road. He noted this was a continuation from the last meeting. Mr. Taylor indicated they figured out what the riparian lines were going to be for the cove by using the shortest distance in the cove and incorporated the properties that were going to be involved. He continued that Civil Consultants had gotten a survey done and the riparian lines they proposed appeared to make the most sense. Mr. Taylor stated there was really only one good spot to put the float. He continued at this point they believed that this was the best spot to put the project and it was a matter of getting the appropriate signoffs which they would get before the public hearing the following month. Mr. Taylor stated he would have the full application package with the signoffs prior to the July public hearing.

Mr. White moved to schedule a public hearing for the application of Peter and Wendy Reich for a 4' x 20' fixed pier with a 3' x 42' ramp and a 10' x 20' float located at 140 Pepperrell Road, for the July KPA meeting contingent upon timely submission of a full package and abutter consents, seconded by Ms. Philbrook.

A roll call vote was taken with all in favor. Motion passes 7/0.

5. Presentation: Mooring Field Grid Planning/Dave Merrill:

Dave Merrill of Boat Moorings, Inc. gave a presentation on the possibilities of gridding the Pepperrell Cove mooring field. Mr. Merrill explained prior projects his company had worked on and the benefits of mooring field grid planning. Chairman Carson stated the information was helpful and thanked Mr. Merrill for his presentation.

6. Public Comments and Issues

Milton Hall came to the podium. Mr. Hall stated relative to the Shoreland Zoning Act that was just passed by Council, it had previously noted the time for an appeal of the Port Authority was 30 days and the current version had it listed it as 45 days.

7. Correspondence to/from Chairman:

Chairman Carson stated they would be accepting the Harbormaster Code of Ethics in the next couple of meetings and would approve it as KPA policy.

Chairman Carson indicated relative to the SHIP grant, they had submitted the application to the Maine DOT for the small harbor improvement program which would have a total value of about \$282,000.00 to extend and widen the fisherman's pier. He continued the grant request was for \$240,000 and they were supposed to hear back by September.

Chairman Carson noted that it was time for the KPA to look at their rules and regulations. He asked Mr. Bush, Mr. Smith and Mr. White to review the rules and regulations and come up with some suggestions and meet back in early July.

Chairman Carson stated relative to Fort McClary mooring field, there was a letter from the Portsmouth Yacht Club which followed up his recent meeting with them. Chairman Carson stated that the Yacht Club had misunderstood some of the issues that were discussed and he was going to send them a letter to clarify the issues.

Chairman Carson indicated there had been some discussion about opportunities for new mooring fields. Harbormaster Pike stated on the waiting list application, it designated Ft. McClary as a mooring field and this was something that needed to be addressed. He continued that it was an area they could potentially put in some moorings in close to shore but that would need to be passed through the Fisherman's Advisory Committee to make sure that it would not create problems for the fishermen. Harbormaster Pike noted that Ft. McClary may need to come off the

wait list application and be designated an area of special consideration. Chairman Carson stated there was a higher demand for moorings in Kittery then they could provide but did not know if they could satisfy it appropriately without causing problems. Chairman Carson indicated they need to study the area and review it with the Fisherman's Advisory Committee and see how many moorings they could practically fit in there. Harbormaster Pike stated one of the big issues was the exposure to the weather. Mr. Smith stated it was his feeling they should wait until they redo the rate structure because he thought there would be a lot of empty moorings. Mr. Smith indicated he thought they should have the same rate structure as New Hampshire. Chairman Carson asked what the other options were if Ft. McClary was ruled out. Harbormaster Pike responded they were pretty much tapped out but they could offer for two people to share a mooring. Harbormaster Pike indicated the back channel had the most potential for getting a few more boats in. Chairman Carson thought they should decide yes or no on Ft. McClary in an organized manner and would like to decide during the next two meetings if they should even look at the area. He asked Ms. Philbrook to get some input from the Fisherman's Advisory Committee and bring it to the July meeting.

#### 8. Board Members New and Old Business:

Ms. Philbrook stated that the following Wednesday, she and Steve Lawrence were going to take out the 2<sup>nd</sup> graders on a lobster boat for the annual school year end trip.

#### 9. Executive Session:

Mr. White moved to go into executive session in accordance with 1 M.R.S. § 405 (6)(A) to discuss personnel matters, seconded by Ms. Philbrook with all in favor. Motion passes 7/0. Executive Session opened at 9:20 P.M.

Mr. White moved to come out of executive session, seconded by Mr. Smith, with all in favor. Executive Session ended at 9:35pm.

#### 10. Adjournment:

Mr. White moved to adjourn, seconded by Mr. Bailey with all in favor. Meeting adjourned at 9:35 P.M.