

1 **1. Call to Order**

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3 Chair Philbrook called the meeting to order at 6:00 p.m.

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5 Members Present: Steve Lawrence, Member; Mark Drummond, Member; Kelly
6 Philbrook, Chair; Bruce Crawford, Vice Chair; Charlie Patten, Member, Bryan Bush,
7 Member

8
9 Late Arrival: Mark Alesse, Member and Planning Board Representative

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11 Staff Present: Scott Alessi, Harbormaster

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13 **2. Pledge of Allegiance**

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15 **3. Agenda Amendment & Adoption**

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17 Item 11b. has been withdrawn.

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19 **4. Minutes: April 6, 2017**

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21 Line 88 – remove one “s” on chains

22 Line 55 – change to Frisbee main float

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24 **Mr. Lawrence moved to accept the Minutes of April 6, 2017 as amended.**
25 **Vice Chair Crawford seconded the motion.**

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27 **The motion carried 6-0-0. (Mr. Alesse was not present).**

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29 **5. Harbormaster Report**

- 30 • Floats in at Pepperrell Cove are scheduled for Monday;
- 31 • New 6'x 30' dingy float has been delivered;
- 32 • Dumpsters will be delivered after float in and the water will be turned on;
- 33 • At Traip, the port-a-potty is being delivered tomorrow;
- 34 • The new harbormaster boat was picked up last week. He thanked Mr. Patten for
- 35 helping with the T-top;
- 36 • Budget
- 37 ○ Dingy fees have increased for nonresidents;
- 38 ○ Mooring fees - 90 percent have been collected and 53 moorings are short on
- 39 payment;
- 40 ○ Other professional contracted services show a negative of \$197 due to the removal
- 41 of the sailboat after the winter storm;
- 42 ○ Chair Philbrook pointed out the need to watch part-time salaries;
- 43 ○ The bathrooms at Pepperrell Cove will be opening on Wednesday.
- 44

45 The Chair gave an update on the Harbormaster's boat. She explained the boat was seen
46 online located in New York. Negotiations were done and they received approval from the

Town Manager to purchase. The T-top was modified in order to fit under bridges. She thanked Mr. Patten and Mr. Alessi for their effort with the boat. The Sea Pro will be going out to bid and will include a minimum bid amount.

The Harbormaster stated the pilings damaged at Pepperrell Pier from the winter storm were replaced. This was insured and other funds came out of CIP. Railings where the jersey barriers are located will have materials from Mr. Patten and a supplier to build a railing that will be uniform and will give more room for parking. Discussion of the holding tank ensued. A new water tank was put in three years ago.

6. All Items involving the town attorney, town engineers, town employees or other town consultants or requested officials. – None.

7. Public Hearings

a. The Kittery Port Authority moves to hold a public hearing on an application by Sylvia Fallow Brewster 1 Bond Road (map 26, Lot 32), Kittery Point ME to construct a tidal docking structure consisting of a 4'x12' access ramp, a 4'x32' fixed pier, a 3'x30' aluminum gangway, and a 10'x20' float held in place by moorings with attached skids, along shorefront on Barter's Creek.

Steve Riker, Ambit Engineering stated also present was Doug Anderson from Riverside Pickering and Marine Contractors. Mr. Riker described the plan changes and explained there currently is no tidal docking structure. During the site walk, Board members were shown the new location, which was moved 20 feet closer to the shore. The title datum shows the mean low and mean low, low water marks. The float and gangplank are seasonal structures. The application has been approved by the DEP and the Army Corps of Engineers.

Chair Philbrook opened the public hearing.

Tom Allen, 3 Bond Road, explained he is an abutter and pointed out there was an error on the plan attachment. Chair Philbrook stated the error was corrected. He asked for an explanation of the change of 30-ft. to 32-ft. for the fixed pie as stated on the website. The Chair explained it may have been her error and 32-ft. is correct. He appreciates having the pier pulled back from the public swimming area but expressed his concern with future owners having such a long pier in that area.

There being no further comment, the Chair closed the public hearing.

The float barely extends to the low water mark but not to the low, low water mark. There are no restrictions on floats in this area. Chair Philbrook stated the Board needs to take into consideration what is in front of them now not what a future owner may do.

Mr. Lawrence moved to accept the application of Sylvia Fallow Brewster 1 Bond Road (Map 26, Lot 32), Kittery Point ME.

Vice Chair Crawford seconded the motion.

The motion carried 7-0-0.

8. Piers, Wharves, and Floats

a. Application for Heidi Lawson, 33 Tower Road, Kittery Point ME 03905 (Map 58, Lot 32) for the construction of a 4'x 22' fixed pier, a 3'x16' ramp, and an 8'x16' float. Along 128' of shorefront on Chauncey Creek.

Lisa Vickers, Eco-Analysts, explained the area is an undeveloped, unbuildable lot and across the street from the applicants. They are proposing to construct a 4-ft. x 2- ft. fixed pier and a ramp with a float in place on a seasonal basis. They have received the Army Corps. of Engineers permit and the DEP permit is forthcoming. No concerns from F&W and DMR. Ms. Vickers also explained how the pier will be anchored the ramp was shortened to meet the requirement from the Army Corps. of Engineers.

The DEP requirement to have the highest annual tideline is on the plans and explained how she determined it. Mr. Alesse commended her on the report. They did not show mean low water on the plan because the creek drains completely out.

The applicant will use the float for kayaks, paddleboards and a skiff.

Vice Chair Crawford moved to accept the application and schedule a site walk and public hearing for Heidi Lawson, 33 Tower Road, Kittery Point ME 03905 (Map 58, Lot 32) for the construction of a 4'x 22' fixed pier, a 3'x16' ramp, and an 8'x16' float.

Mr. Alesse seconded the motion.

A site walk was scheduled for May 24, 2017 at 4:00 p.m.

The motion carried 7-0-0.

b. Application for Bryan Cormier, 12 Goose Point Road, Kittery Point ME 03905 (Map 34, Lot 16) for the construction of an 8'x24' seasonal/temporary aluminum dock. Along 185' of shorefront in Hutchins Cove in Spruce Creek.

Mr. Cormier explained the application is a portable aluminum roll in deck for kayaking. It is under review for the Army Corps of Engineers. No other permits were required due to it being a temporary structure.

Mr. Lawrence asked about the riparian lines on the plan. The applicant responded the Army Corps of Engineers required a 25-ft. setback and it is marked on the tax map.

Mr. Lawrence moved to accept the application for Bryan Cormier, 12 Goose Point Road, Kittery Point ME 03905 (Map 34, Lot 16) for the construction of an 8'x24' seasonal/temporary aluminum dock. Along 185' of shorefront in Hutchins Cove in Spruce Creek.

Mr. Alesse seconded the motion.

A site walk was scheduled for May 24, 2017 a 4:30 p.m. and the owner will add stakes as requested.

The motion carried 7-0-0.

c. Application for Dr. Brandon R. Smith, 57 Cutts Island Lane, Kittery Point ME 03905 (Map 45, Lot, 30B) for the construction of a 4'x 20' gangway and a 10'x 20' float along 170' of shorefront on Chauncey Creek.

The Chair noted a 4' x 8' seasonal ramp was added.

Dr. Smith explained the float will be stored on the other side of the house which is upland. It is seasonable float and will be pulled out of the water in the off season.

Mr. Alesse moved to accept the application for Dr. Brandon Smith 57 Cutts Island Lane, Kittery Point ME (Map 45, Lot, 30B) for the construction of a 4'x 20' gangway and a 10'x 20' float along 170' of shorefront on Chauncey Creek and schedule a site walk and public hearing.

Mr. Drummond seconded the motion.

A site walk was scheduled for May 24, 2017 at 5:00 p.m.

Mr. Lawrence asked if the application was submitted to the Army Corps. of Engineers. The applicant said he contacted them and they said it was okay to go to Town approval first. Mr. Lawrence pointed out it isn't the normal procedure.

The motion carried 6-1-0.

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169 **9. Public Segment**
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171 The Chair opened the public hearing.
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173 Milton Hall explained receiving the approval from the Army Corps of Engineers before the
174 Board's isn't necessary. Mr. Lawrence stated he will add this to his notes. He asked why
175 the applications coming have the requirement of the shorefront listed. Chair Philbrook
176 said it should be in there. Mr. Hall also pointed out the importance of the application
177 dates being listed with approvals in case they go to court. For standard floats, 10 'x 20'.
178 is what he went by. Mr. Hall stated, according to the rules, Registered owners on the
179 mooring permits are subject for the responsibility and liability.
180

181 There being no further comments, the Chair closed the public hearing.
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183 **10. Unfinished Business**
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185 a. Rules and Regulations Update
186

187 Chair Philbrook gave an update on a recent workshop. She explained the suggestions
188 from Chairperson Beers and Council Dennett. She explained the color coding for the
189 highlighted wording in the document that was in their Board packet.
190 She suggested holding another workshop and go through the document again.
191

192 A workshop was scheduled for May 17th at 5:00 p.m.
193

194 b. KPA Insurance Update
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196 The new volunteer agreement will be used at the upcoming floats in. Slip rental
197 agreement needs further discussion. Chair Philbrook stated they need to add transient
198 language for moorings. These items will be discussed at the workshop.
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200 **11. New Business**
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202 a. Mooring Issues
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204 Members discussed preventing mooring holders from transferring their moorings to others
205 and adding their names to the mooring cards. This is against KPA rules and the State
206 law states no transfer of moorings unless for commercial fishermen. Double name
207 mooring holders will be notified and only primary owners are allowed on the mooring
208 cards.
209

210 **12. Committee and Other Reports**

211 a. Communications from the Chairperson

A commercial fisherman contacted her requesting consideration to pay \$40 instead of \$100 to use the Traip pier. The Board was in consensus to deny his request.

- Workshop May – Previously discussed.

b. Committee Reports

- Lighting and Railing Update

Vice Chair Crawford reported three light poles will be replaced because the wall thickness was too thin. After this is done, H.L. Patten will be paid the final amount. He added the work was very good.

c. Sign Update

Signs will be ordered shortly.

d. Board Updates – Previously discussed.

12. KPA Member Discussion

Mr. Lawrence – None.

Mr. Drummond – None.

Mr. Bush – None.

Vice Chair Crawford – the application for piers, wharves and floats did not match what the actual rules stated. He has made the corrections.

Mr. Alesse – None.

Mr. Patten – Vice Chair Crawford did a good job observing the light poles.

13. Adjournment

Mr. Lawrence moved to adjourn at 7:17 p.m.

Mr. Alesse seconded the motion.

The motion carried 7-0-0.

Submitted by Mary Mancini, Minute Recorder, on May 23, 2017.