

1. Call to Order

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

Members present: Steve Lawrence, Member; Kelly Philbrook, Chair, Charlie Patten, Member, Bryan Bush, Member, Bruce Crawford, Vice Chair, Mark Drummond, Secretary

Harbormaster Alessi was absent.

2. Pledge of Allegiance

3. Agenda Amendments

None.

4. Minutes: October 5, 2017

Line 7 - Add secretary after Mr. Drummond;

Line 48 - change to "Moore's"

Lines 68 and 87 - change zip code 03905 should be not 03904

Line 77 - "to" not "of" the pier

Line 172 - change to "should be prohibited from all facilities"

Line 189 - take out "this year" at the end of sentence

Mr. Lawrence moved to accept the Minutes of October 5, 2017 as amended.

Mr. Alessi seconded the motion.

The motion carried 7-0-0.

5. Harbormaster Report and Budget Report

Chair Philbrook gave the reports in Scott Alessi's absence.

- Float out went well on October 18th and the volunteers did a great job. The Chair gave a special thanks to Dick Draper, Milton Hall, Peter Whitman, Scott Alessi, Charlie Patten, Jim Forbes Mark Drummond and Bryan Bush.
- The dumpster at Pepperrell Cove was removed yesterday and the water will be shut off on November 8th. The bathrooms will be closed on November 7th.
- A second quote for paving at Pepperrell Cove came in at \$50,000. The first quote was \$18,500. DPW is helping the Harbormaster to get additional pricing

quotes. Board members questioned the reason for the significant difference from the first quote. Chair Philbrook suggested the first option may be less involved and added there is \$21,000 in the CIP fund for this project.

- The Harbormaster is working with Cameron Adams from Maine DEP regarding ramp repairs and is looking to do it without a permit. Mr. Adams would like to know details before moving forward.
- The Harbormaster's winter schedule is as follows: Town Hall - Monday 9:00 a.m. to Noon; the Pepperrell Cove office - Monday 12:00 p.m. to 3:30 p.m. The Pepperrell Cove office Tuesdays and Wednesday 9:00 a.m. to 3:30 p.m. and appointments by request.

Budget Report

Revenues:

- \$150 was added from a mooring transfer;
- \$100 was added from application fees; and
- \$20 received for a waitlist payment.

Expenses:

- Moores Crane float out was \$2,355; and
- Winterization of moorings - \$1,525.

Chair Philbrook explained they were billed separately from the restaurants' floats that were taken out the same day. Chair Philbrook explained the cost is \$2,355 more than what they paid last year and includes the cost for the signaler. They will ask the Harbormaster for the amount of last year's fee.

6. All Items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

None.

7. Public Hearing

a. The Kittery Port Authority moves to hold a Public hearing on an application from Kevin & Theresa McCoy, 24 Goose Point Road, Kittery Point ME 03905 for the construction of a 6'x10' ramp, 6'x8' stairway, 6'x55' fixed pier, 3'x40' ramp, a 12'x24' float and a float haul-out. Agent is Atlantic Environmental LLC, Woolwich Maine.

Lisa Vickers, Atlantic Environmental, explained the owner would like to reconstruct their existing pier and she described the proposed plan to expand it and have it permanent.

She also described how the pier will be supported. A float haul-out is proposed for winter storage of the float. She has not received comments from Maine DEP and Army Corps of Engineers at the time of the meeting but has comments from the Department of Marine Resources who had no issues. She has confirmed to them the float will be on float skids and added the existence of marine worms will be added to her assessment.

The Chair opened the public hearing. There being no comments, the Chair closed the public hearing.

Chair Philbrook informed the Board one abutter contacted her questioning the length of the pier. She explained the added length is to gain a few more hours of the tide and added the KPA does not have different rules for docks and floats for Spruce Creek.

Mr. Lawrence moved to approve the application from Kevin & Theresa McCoy, 24 Goose Point Road, Kittery Point ME 03905 for the construction of a 6'x10' ramp, 6'x8' stairway, 6'x55' fixed pier, 3'x40' ramp, a 12'x24' float and a float haul out. Mr. Drummond seconded the motion.

The motion carried 7-0-0.

8. Piers, Wharves & Floats

a. The Kittery Port Authority moves to hear a request from Pepperrell Cove Mooring Service to increase the size of a float on mooring #659 in the back channel from a 10x30' float to a 10x48' Bellingham concrete float.

Mr. Bush recused himself.

Barry Bush, representing Pepperrell Cove Marine Services, reported they have provided to the Board the Army Corps of Engineer's permit, which he recently received. He added they have amended their original permit to change the size of the floats. Chair Philbrook explained they had a float in the back channel and they have existing cement blocks. The applicant added he has not found any issues other than a minor size difference and the concrete float has been in place for a while.

Mr. Lawrence moved to approve request from Pepperrell Cove Mooring Service to increase the size of a float on mooring #659 in the back channel from a 10x30' float to a 10x48' Bellingham concrete float.

Mr. Patten seconded the motion.

Chair Philbrook informed the applicant their rules state only one side can be used.

The motion carried 6-0-0.

b. The Kittery Port Authority moves to review and accept an application from Phillip & Christine Crawford, 22 Chauncey Creek Road, Kittery Point ME 03905 (Map 44, Lot 65A) for the construction of a wooden access structure consisting of a 11'x4' upper stairway and landing, a 12'x8' upper deck, a 13'x3' lower stairway, and a 8'x6' lower deck. The access structure is supported by 8 pressure-treated 4x4 posts on 12" concrete footings. Agent is Ambit Engineering, Inc. Portsmouth NH.

Steve Riker, Ambit Engineering, explained he was contacted by the applicant in August after the structure begun construction which was stopped by the building inspector due to no permit. He added the applicant had hired contractor, Shawn Harriman, to build an access way. The building inspector suggested the applicant come to the KPA. Mr. Riker described the existing and proposed conditions plan. The access way is 90% complete other than the lower stairway which was in progress at the time they were told to stop. He added a full boundary survey has been completed along with title datum. He described the area which includes a steep slope so the purpose for the access way is to allow the owner to maintain his property. There is a propane tank that requires better access for maintenance too. Using a standard ladder would not be safe. The application to Maine DEP has been accepted and a site walk is scheduled. The lower wooden deck and lower stairs will be constructed so the stairs can be stored when not in use. The structure has been built to code. A locked gate exists for safely.

Chair Philbrook explained she has not received a letter from the Planning Department releasing this item because there is significant upland development. She received an email from the Town Planner listing several code issues. This email was added to the Board packets. Because this is not a functionally water dependent use, the Town Planner suggested the Port Authority contact an attorney for an opinion. She followed the rules and placed this item on the agenda. The packet is complete. She asked members if they wish to move forward and added she believes this is upland development because they are requesting access for the propane tank, therefore, not an item for the KPA.

Mr. Patten asked for clarification regarding the elevation of the lower deck vertically to low high water and referred to photos 1 and 2. Mr. Riker replied he did not have an answer and will get it. Mr. Patten also referred to photo 3 and questioned if high water will be over the concrete pilings.

Mr. Patten pointed out a discrepancy on the plan and the DEP application of the measurement of the upper stair way, landing and upper deck. Mr. Riker recalculated the measurements and will change to 140 ft. on the plan.

Mr. Riker explained the lower stairway and deck is temporary. Shawn Harriman, contractor, explained how the stairway and deck would be removed and stored. He added the lower deck and stairs are made of cedar to save on weight. Mr. Harriman also explained the construction of the structure and how the pilings are fastened together. Mr. Patten noted the structure does not look temporary. Mr. Harriman explained the platform would be used for work and to maintain the area and described the condition of the cribbing, which is stacked and not attached.

Vice Chair Crawford questioned why the applicant needs the large wooden deck and observed this deck could be used for seating. Mr. Harriman replied the property already has docks for seating and the owner has no plan to use the deck other than for maintenance.

Extensive discussion of the intention of the deck ensued. Mr. Patten also questioned how the applicant would prevent the deck from floating away. Mr. Harriman replied it will be attached to the cribbing that is not seen in the photos and the stairs would be a form of an anchor.

Mr. Lawrence recommended getting the opinion of the Town attorney and Mr. Drummond agreed.

Chair Philbrook commented she understands the issue with the propane tank but does not believe this involves the KPA. She added her concern of this becoming a permanent structure and she finds there is no functional water dependent use attached to this item. Mr. Harriman added it was his idea to do the structure this way and did so for safety reasons when maintaining the area. Vice Chair Crawford commented he would not vote in favor of this with the lower deck.

Mr. Alesse recommended this item go to the Planning Board. The Chair will request the Town Manager to get an opinion from the Town attorney and will put this item on the December agenda.

Chair Philbrook moved to continue the application for application from Phillip & Christine Crawford, 22 Chauncey Creek Road, Kittery Point ME 03905 (Map 44, Lot 65A) to the December 7, 2017 meeting of the Kittery Port Authority.

Mr. Lawrence seconded the motion.

The motion carried 7-0-0.

9. Public Comment

The Chair opened the public hearing.

Milton Hall commented on the previous application and explained Pickering Marine worked on the structure, and in his time, it was temporary. He also commented on the upcoming ballot giving up authority from the State board. He added it is a power play on the part of the Town and they have been trying to have the KPA under them since 2007. He gave examples of the advantages in the past of being a State Board.

John McCollett 29 Wilson Road, commented on the KPA's changing policies and protocol for revoking moorings. He explained the incident involving him. After appearing in front of the Board, he did not get a letter of their decision, which may have included an explanation for appealing. He spoke of his 18 years as a harbormaster and explained how he handled this type of matter. He added money was taken from him for the year for the mooring. He was hoping the Harbormaster would be in attendance tonight and he is unable to make the next meeting. Mr. McCollett mentioned a picture plot of Pepperrell Cove exists and when he requested to see it, he was given a Google map by the Harbormaster.

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

Chair Philbrook commented Mr. McCollett was in attendance and heard their decision, though she could have sent a letter as well.

10. Unfinished Business

a. Pier use permit changes

Chair Philbrook stated the pier use permit changes were included in the Board's packets. Mr. Alesse suggested the following edits:

- Eliminate “G” and add the following to No. 1a: - “Users should provide any documentation requested by the harbormaster”.
- Under A - change sentence to read “allows commercial fishing vessels, paying the appropriate fee, the use of the pier, floats, etc.
- Under B to read “allows commercial vessel owners, paying the appropriate fee, the use of the floats, piers and facility for commercial use which may include loading and unloading of supplies that can be manipulated manually, and passengers.
- Change next sentence to “Permit holder must be able to produce proof of insurance.”
- Under C - change to “Allow commercial vessel haulers paying the appropriate fee, the use of a facility for the staging, launching and hauling of vessels.
- Under D - add “work permit fees”. Discussion of the last sentence ensued regarding exemption of fees.
- Under E and F - last sentence add “from this prohibition”.
- Appendix - C.2.e - change end of sentence to “with a capacity greater than six passengers.”

The Chair will make the changes and bring this to the next meeting.

b. Qualified Mooring Inspector

The Town attorney’s opinion was given to the Town Manager and he stated they can require qualifications for mooring inspectors. Chair Philbrook added this to the Board packets. The word “registered” was added to the description of qualified mooring inspectors.

c. Temporary mooring program changes

Because the Board was unable to address this item at their last workshop, another workshop was scheduled for Thursday, November 16th at 5:30 p.m.

11. New Business

**a. Changes in Piers, Wharfs, floats and other Marine – Related Structures
application fees – ASA Fees**

Chair Philbrook reported the packets have old and new copies of the piers, wharfs and float marine related structure application. She explained the new application has

contact information added and she pointed out the changes which came from suggestions from the planning staff. The Chair explained there has been confusion with ASA fees. Their regulation change includes they will no longer be posting public hearings in the newspaper and only on the Town's website. Vice Chair Crawford pointed out Page 2 has language that does not match the language in their rules. He agreed to highlight the changes. Consensus of the Board was to change the ASA fee to \$45.

12. Committee and Other Reports

a. Communications from the Chairperson

Chair Philbrook received a communication from a resident asking of the allowability of swim floats. Chair Philbrook could not find any information in the Rules and Regulations for temporary swim floats and added swim floats are secured by an anchor. After discussion, Board members decided no discussion is necessary unless the floats become an issue. The Chair will review the Rules and Regulations again to find out if swim floats are listed.

b. Committee Reports

*** Government Street Wharf Updates**

Vice Chair Crawford is still waiting to have a discussion with DOT and is continuing to work on the grant application. Chair Philbrook suggested having the Harbormaster help since he is on winter hours. She has given the group support letter to the Harbormaster and posted it on Face Book.

c. Updates

Chair Philbrook reminded Board members it is CIP time and went over the list of items she reviewed with the Town Manager. She reported Mr. Alessi got a quote from Sealite for 14 no wake buoys. The price came in at \$388 apiece. She added the Harbormaster wants Option 1 at \$475 a pierce because they have external weight and would work better in the back channel. The Chair suggested only four buoys this year. Other items included: 3 channel markers at \$706 total; a new pin system at \$685 total; and 2 8-foot floats for Pepperrell Cove at \$17,500. The Town Manager approved money for the channel markers with money already in the CIP fund. Board members discussed the estimate for the floats and decided to get more quotes.

***Traip Boat Ramp repairs**

Chair Philbrook told the Town Manager the repairs would cost \$3,500 with the concrete method or they can try the rock method. The Harbormaster is checking if they are required to get permit from DEP.

Chair Philbrook reviewed the following accounts:

- Boat reserve account - \$17,098.02 (\$7,500 added annually);
- \$21,461.88 account for paving (no money was added this year);
- \$50,686 KPA reserve account (\$13,000 added annually);
- \$1,057 remains in the Pepperrell Cove light and railing account;
- Facilities reserve account \$59,354.50 (\$50,000 will be added next year).

The Chair suggested replacing lights at Frisbee Pier, organization of the mooring field of Pepperrell Cove, and purchasing AED's.

13. Board Member Discussion

Steve Lawrence - none.

Mark Drummond - none.

Bryan Bush - Need to follow up on purchasing a memorial in honor of Frank Frisbee.

Bruce Crawford - none.

Mark Alesse - none.

Charlie Patten - asked what happened to the plaque at Frisbee's. Mr. Drummond replied it was taken down for cleaning and repair. He also asked for the Harbormasters winter schedule. the Chair reiterated Town Hall - Monday 9:00 a.m. to Noon; the Pepperrell Cove office - Monday 12:00 p.m. to 3:30 p.m. The Pepperrell Cove office Tuesdays and Wednesday 9:00 a.m. to 3:30 p.m. and appointments by request.

14. Adjournment

Mr. Lawrence moved to adjourn at 8:05 p.m.

Mr. Alesse seconded the motion.

The motion carried 7-0-0.

Submitted by Mary Mancini, recording secretary.