

**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; Niles Pinkham, Member

Staff: Scott Alessi, Harbormaster

**2. Pledge of Allegiance**

Chair Philbrook welcomed Niles Pinkham to the Board.

**3. Agenda Amendments**

Chair Philbrook requested to hear Items 4 and 5 after Item 12. There were no objections.

**4. Minutes: January 10, 2018**

Line 35 - training is "March" not "February"

Line 36 - \$1,586

Line 48 - Dormor not Delmar

Line 193- "Spruce Creek" not "Pepperrell Cove"

Line 195 - "assisting" the owner not "recovering"

**Chair Philbrook moved to accept the Minutes of January 10, 2018 as amended.  
Mr. Lawrence seconded the motion.**

**The motion carried 7-0-0.**

**5. Harbormaster and Budget Report**

Mr. Alessi reported he does not have the expense report with him tonight due to formatting issues. He will email this to Board members on Monday.

Revenues:

Dingy fees - \$1,240

Application fee - \$100

Mooring fees - \$7,810

Mr. Alessi reported he has 28 mooring permit renewals left to send out. The new dingy floats were delivered to Pepperrell Cove. He is working on the fiscal year 2019 budget presentation that is due February 22<sup>nd</sup>. He gave the Board copies from his CIP presentation. He has requested \$36,000 for the Pepperrell Cove parking lot paving for fiscal year 2019. If approved, that amount, plus the current amount they have of \$21,000 would be enough to get the paving done in the Fall. Chair Philbrook informed the Board the budget is due February 22<sup>nd</sup>. She added her and Mr. Alessi reviewed it yesterday with the Town Manager who informed them it will be a lean year. The Town Manager wants to stay at status quo. The Chair explained they can't stay at status quo with rigging and explained they need to increase this line and listed some of the expenses. Mr. Alessi added he has asked for an increase of between \$8,000 and \$9,000 for this. They need another \$300 for water along with \$300 for the cell phone because the percentages are halfway spent, and it is only halfway through the year. Chair Philbrook encouraged members to contact Mr. Alessi if they have any questions or concerns.

## **6. All Items involving the Town Officials or invited guests**

### **a. Pepperrell Cove Group**

The Board invited the Pepperrell Cove Group to attend tonight's meeting to discuss their plans for parking at Capt. Simeon's and Frisbee Market. Chair Philbrook explained she had heard from residents who have concerns about the parking for the summer. She added the KPA is unable to prohibit who parks in spaces by the dock. Two of the four partners, Donna Ryan and Ann Kendall, were in attendance. Chair Philbrook asked the owners what areas the restaurant will designate for parking. Ms. Kendall explained some of their plans include using the pathway from a parking lot to Frisbee Wharf which will be renovated with lights and benches and should encourage people to use it. The store will have two, fifteen-minute parking spots, which should open spots for those who are using parking for a longer time. Ms. Ryan explained there will be valet service in the summer and functions will be encouraged to use trolleys. She added they want to see their own parking lot less congested and safer. When asked about allowing parking across the street for boat owners, Ms. Ryan replied she hasn't thought of that at this point and wants to work with the KPA on this. She suggested issues be addressed as soon as they occur, and the owners are approachable. Chair Philbrook will ask to have signs made up stating overflow

parking is located at Mitchell School and she gave a history of the parking for that area. Ms. Ryan stated they have given the post office three spots to use during the day and added fifteen-minute parking spaces have been successfully used at Wallingford Square. Mr. Patten suggested having simple signage placed in strategic places designating restaurant parking across the street. Ms. Ryan commented they are new at this and encouraged KPA members to give advice. She invited Board members to tour of their business and to contact her if they are interested.

Ms. Ryan added they would like to discuss with the Board an issue that came up as they were bringing the buildings up to code for the fire suppression system. They discovered they need a two-inch line for water and the Water District recommended they speak with the KPA to ask for permission to tie into their line that goes down to the dock. This will only be used if there is a fire. She added they are willing to replace the smaller line that is that goes to the bistro. Vice Chair Crawford questioned this being allowed to come off an existing line instead of a dedicated two-inch line. Ms. Ryan referred to Mr. Livingston, who has spoken with the Water District on the Pepperrell Cove Group's behalf. He explained the Water District suggested an automated shut off valve be placed in KPA's two-inch line above the shut off for the water in the winter. The water would only be used if needed for a fire. Chair Crawford pointed out there would be liability if the valve malfunctions and he asked why not have a dedicated fire service line from the main. Mr. Livingston explained they can't get to the water main because it is located off the main road. and he was told they are not allowed to excavate because of the new payment. A talk will take place next week between the owners, the KPA and Town staff to address this and move it forward. Ms. Ryan explained they cannot open until it is resolved. Chair Philbrook informed Ms. Ryan the parking lot will be paved in the Fall.

## **7. Public Hearing**

- a. The Kittery Port Authority moves to hold a public hearing to seek input on the replacement of the Government Street Wharf. The process replacing the Government Street Wharf is in its very early stages. As we continue to pursue funding options it is important that we receive comments on the future of Government Street, so we can move forward with developing a plan for rebuilding.

The Chair opened the public hearing.

Ken Lemont, commercial fisherman, thanked the Board for their support in replacing the wharf. Mr. Lemont described the past fishing season and the effect of the weight limit. He believes having it downgraded brought attention to replace it. He informed the Board the Foreside Committee is in support of replacing the wharf and keeping the working waterfront, but they would like to see it as a tourist destination, which he would not. It is a generational fishing pier. He referred to the Comprehensive Update Committee meetings, which Chair Philbrook is a member, having a lot of conversation of commercial fisherman and maintaining the access to the working waterfront. He read a goal/objective that referred to maintaining the working water front and read the action item that went with the goal. He believes the funding process needs to move faster. CIP is slowing funding the project and Vice Chair Crawford is looking at grants. He recommended a letter from the committee to the Town Council would help them recognize this is a need to be done now. Mr. Lemont added his lobster dealer is in support of replacing and upgrading the wharf and explained why it is important to the lobstermen.

Milton Hall handed out a diagram of a 6-ft. float that would make the wharf more user-friendly for people. He added the Town does not have a deed to the property and he measured the area and found it was 25-ft. He added the map states 45-ft. He pointed out the elevation of the wharf is 12.5-ft., which is low. He also pointed out the pier use to extend out to middle of the channel and was cut back. He gave a suggestion about adding the length back if they chose to. The original pier was built in 1955 and was supposed to be replaced in 2019. Mr. Hall clarified his diagram regarding the float extending all the way to the wharf to Mr. Patten.

Jim Forbes commented that he occasionally fishes on the wharf and requested to have the debris that is in the mud at the bottom of the wharf cleaned up when it is replaced.

Chris Tobey, who lives next to the wharf, commented he does not support adding the float because it would create issues and the wharf should be improved and kept commercial.

Mr. Lawrence will get letters of support from commercial fisherman and submit them to Town Council. Vice Chair Crawford asked about CIP and if there is a way to speed up the process. Mr. Lemont replied CIP is completed for the year and a workshop will take place to discuss it. He added the wharf should be replaced and done right and suggested putting it out to a bond and placing it on the ballot. After discussion, Mr. Lemont will look into the bond idea further.

Michael Crawford, a property abutter, does not support a float added and asked if it a new pier would require the same footprint. Chair Philbrook responded it will most likely be an in-kind replacement other than the height. Mr. Crawford pointed out if the elevation of the wharf increases, the water run off could go to his property.

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

Chair Philbrook pointed out the wharf is in a tight area and would need to be replaced in-kind and if adding a float or ramp along the side, the width would need to be reduced. She expressed her concern of the safety for visitors because of the large trucks and trailers that use the wharf. Mr. Lawrence agreed with the Chair and believes the wharf needs to be a replacement in-kind. He described the plot plan for the Wallingford Square area that shows the abutter's riparian lines are at 25-ft., which is the limit in the code. Mr. Bush agreed with Mr. Lawrence of the wharf being a replacement in-kind and he would like to look at options for building materials that will last more than 20 years. Mr. Patten suggested addressing the drainage issue by using storm drains to catch the run off and stop it from going to Mr. Crawford's property.

Chair Philbrook commented she was on the Board when they had to repair the Pepperrell Pier and the infrastructure project for Pepperrell Cove. A bond was used for this and was paid back. She will draft a letter to Town Council regarding speeding up the funding process. The Board discussed the consultant's recommendations to make temporary repairs to extend the wharf's use for five years and added there would still be weight limits. Mr. Lawrence stated the current size of the wharf is perfect.

## **8. Piers, Wharves and Floats**

- a. The Kittery Port Authority moves to review and accept an application from James and Carol Forbes (Map 23, Lot 7B-1) for the construction of a 4' x 60' fixed pier and 3' x 32' seasonal ramp and a 10' x 20' seasonal float.

Chair Philbrook commented the packet was received and is adequate. Mr. Forbes stated he is waiting for approvals from the Army Corps. of Engineers and the State DEP who asked him to give notice to other residents in the cove along with his abutters. He explained the float is set to the ramp and is hinged to make it removable. Mr. Bush referenced Exhibit 3 on the plan showing the anchor set up that he thought is limiting. Mr. Forbes replied it is engineered that way because of the size of his boat will be 16-ft.

**Mr. Lawrence moved to accept the application from James and Carol Forbes (Map 23, Lot 7B-7) for the construction of a 4' x 60' fixed pier and to schedule a site and bring to a public hearing on March 1, 2018.**

**Mr. Bush seconded the motion.**

A site walk was scheduled for February 15<sup>th</sup> at 5:00 p.m.

**The motion carried 7-0-0.**

## **9. Public Segment**

The Chair opened the public segment.

Milton Hall commented his suggestion for the float was because Mr. Thomson wanted to make the wharf friendlier though he does not agree. The pier was used in 1966 by the public works who took it up to grade.

Josh Blake commented on his boat has been anchored in Spruce Creek. He explained he is working on a nonprofit website about cleaning up the oceans. He also explained he is making a documentary on the algae. He respects his neighbors and anchors have never broken. He makes decisions on safety first.

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

## **10. Unfinished Business**

### **a. Anchorage Rules and Regulations**

Chair Philbrook explained Mr. Alessi's suggestions were added to the anchorage rules and regulations. The Board was given the draft to show the appearance. Mr. Patten was concerned with Items 2 and 5 being misunderstood regarding requiring someone be on a boat all 7 days. The Chair agreed. The following changes were made:

- Mr. Patten suggested changing the verbiage to "Vessels and water craft anchoring in Kittery waters must not be left unattended for an unreasonable amount of time at the discretion of the Harbormaster."
- It was agreed that Item 1 will be reworded to "Vessels must be anchored in the harbor only or such places or areas as the Harbormaster may direct", which is the original language in the rules.
- Chair Philbrook pointed out her issue of 7 days for Item 2 and, after discussion, the Board agreed to replace with 14 days.

- Item 3 was moved to the top of the page and contains the explanation of anchorage.
- Discussion of adding language for Item 4 ensued. After a poll, the Board decided to keep the language as is.
- Item 6 dates will change to December 15<sup>th</sup> to March 1<sup>st</sup>.

Chair Philbrook read the definition for anchorage area: “an area of anchorage set aside for the temporary anchoring of vessels” and also for anchoring: “to secure a vessel to the bottom within a body of water by dropping anchor or anchors or other ground tackle which is carried aboard a vessel when underway as regular equipment.”. Board members agreed with the definitions. Chair Philbrook will make changes for next month’s meeting.

- b. Boat Ramp Update.  
None.

## **11. New Business**

- a. Bylaw Update

Chair Philbrook reviewed her additions to the Bylaws. She added if the Chair and Vice Chair are absent, the Secretary will run the meeting if a quorum is present. She asked the Board to get back to her if they would like her to post the agenda at the two post offices. Discussion of special meeting definition ensued. Mr. Patten suggested, for clarity, the following change for Page 4, Line 154: “When a question is under debate, the only motions that may be received by the Chair are subsidiary motions that are used for treating or disposing the main motion and they are in order of precedence: adjourn, lay on the table, move to a previous question, postpone to a specified date, commit or refer to a committee, amend or postpone indefinitely. Board members agreed to the change.

Chair Philbrook pointed out the language regarding attendance and feels it is too lenient and needs to be changed to missing more than three meetings within a year will fail to stay on the Board. She would like to strike “consecutive” and “five regular meetings”. The Chair will make the changes and bring to the next meeting.

- b. Additional Dingy Tie Up at Pepperrell Cove

The Chair shared the Harbormaster’s idea of adding two floats to Pepperrell Cove for more dingy space. She explained the finger float caused a large bottle neck situation. and the Harbormaster suggested putting two 60 ft. floats off the last finger float located at the transient facility and relocate a piling. This would give more dingy space. They have the two floats and, if they decide to do this, would need to go through permitting process. Mr. Alessi added he will use brackets on the floats salvaged from one of the floats being replaced. The Board agreed to move forward.

## **12. Committee and Other Reports**

### **a. Communications from the Chairperson**

Chair Philbrook informed the Board their next meeting will have float requests for two moorings in the back channel. One mooring was approved for a float but never went through the Army Corps. of Engineers for approval. The other one broke apart and is gone. Since this was last approved over five years ago, it needs to come back before the Board. Both applicants are close to each other which could be a problem.

Chair Philbrook informed the Board July 4<sup>th</sup> is on a Wednesday and to let her know if she needs to reschedule the meeting for the second Thursday.

Chair Philbrook added they have Maine Municipal Association coverage for insurance. Liability insurance will be under the Town now, which will save money.

### **b. Committee Reports**

#### **\* Government Street Wharf Updates**

Vice Chair Crawford reported he has been working on the grant application and it is ready to go before Council. He would still like to submit it as a back up to the bond idea. He added the wharf's deck surface will need to be raised a couple of feet and they will need to deal with the drainage issue on the sides. He is planning to submit replacement in-kind intent for the DOT application.

Vice Chair Crawford added he has gotten one price for a survey and doesn't want to discuss until he has more. He has received interest for the geotechnical survey, but no proposal has been returned yet. He added he would like to get quotes from three local surveyors.

## **13. Board Member Issues or Concerns**

Charlie Patten - none.

Niles Pinkham - none.

Bruce Crawford - spoke of his concern about the connection to their line with Pepperrell Cove Group. The owners need to look at that and have their own line.

Bryan Bush - thanked the Pepperrell Cove Group for coming in and they seem to be neighborly.

Mark Drummond - is concerned about sharing the water line as well. Chair Philbrook stated she is not sure this will come to them to decide and she will speak to the Town Manager. Mr. Pinkham added if the Water District allows this, there needs to be assurance of their liability for the valve.

Steve Lawrence - welcomed Mr. Pinkham to the Board. He appreciates Vice Chair Crawford's work on Government Street Wharf. Chair Philbrook thanked him for the work on the wharf and with the railings and lighting as well.

#### **14. Adjournment**

**Mr. Patten moved to adjourn at 7:58 p.m.**

**Mr. Bush seconded the motion.**

**The motion carried 7-0-0.**

Submitted by Mary Mancini, recording secretary.