

1. Call to Order

Chairperson Philbrook called the meeting to order at 6:00 PM.

Members present: Kelly Philbrook, Chair, Bruce Crawford, Vice Chair, Steve Lawrence, Member, Bryan Bush, Member, Charlie Patten, Member, Niles Pinkham, Member.

Absent: Mark Drummond, member

2. Pledge of Allegiance

3. Agenda Amendments

Chair Philbrook requested the addition of a reconsideration of mooring revocation from Michael Johnson and Matthew Garthwaite along with a riparian mooring transfer and application from Night 4, LLC, under Item 11. New Business.

Chair Philbrook moved to accept the agenda as amended.

4. Acceptance of Previous Minutes

May 8, 2019 - Chair Philbrook asked that line 11 on page 3 be changed to "Pocahontas Road" and the spelling of Peter Lucas' name be corrected.

Chair Philbrook moved to accept the May 8, 2019 minutes as amended.

Mr. Lawrence seconded the motion.

Motion carries 6-0-0.

5. Harbormaster Report and Budget Report

Harbormaster Brosnihan stated that there is \$6,531.46 remaining in the budget. Harbormaster Brosnihan added that there is roughly \$2,800 in outstanding bills to be paid. Harbormaster Brosnihan stated that as expected, the boat equipment and maintenance account is \$3,219 over budget and the building and ground maintenance account is \$3,500 is over budget.

Harbormaster Brosnihan stated that revenue is currently higher than expected by \$19,684.75, due to transient slips, transient moorings and pier use fees.

Mr. Lawrence asked what costs attributed to amount used in the building and maintenance account.

Harbormaster Brosnihan stated he believed some of it was due to the rigging, and last year's repairs but he would look further into the account and report back.

Harbormaster Brosnihan stated that the Department of Public Works removed the jersey barriers and put down additional black top to allow for additional parking at Pepperrell Cove. Harbormaster Brosnihan reported on various boat issues, repairs and signage.

Vice Chair Crawford asked about addressing the budget overage items for next year. Harbormaster Brosnihan informed the board that the overall budget has been increased by \$9,000 for next year.

6. All Items Involving Town Officials or Invited Guests - None

7. Public Hearing

- a. The Kittery Port Authority moves to hold a public hearing on an application from Robert Goldman 54 Heron Point Lane, Kittery ME (Map 34, Lot 3-13) for the construction of a 4'x8' access way, a 6'x24' fixed pier, a 3'x25' gangway, and a 10'x20' float located by two helical moorings. Agent is Steve Riker, Ambit Engineering.**

John Chagnon of Ambit Engineering, spoke to the project and noted that a question was raised regarding the distance to an adjacent structure on the other side of the water. Mr. Chagnon stated that the distance is 224 feet. Mr. Chagnon supplied the board with updated plans.

Mr. Lawrence moved to approve the application for Robert Goldman 54 Heron Point Lane, Kittery ME (Map 34, Lot 3-13) for the construction of a 4'x8' access way, a 6'x24' fixed pier, a 3'x25' gangway, and a 10'x20' float located by two helical moorings. Mr. Crawford seconded the motion.

Chair Philbrook noted that Heron Point is in Kittery Point, ME.

Motion carries 6-0-0.

- b. The Kittery Port Authority moves to hold a public hearing on an application from the Heirs of John Hall (Everett Hall) Cedar Island at the Isles of Shoals, Kittery ME (Map 70, Lot 1) to add a 4'x80' gangway supported by a 12'x12' float and a 10'x10' float and a 10'x24' float.**

Mr. Hall stated that some changes to the plans have been made, including pins in the rock, instead of pilings. Mr. Hall stated that the Army Corps of Engineers are satisfied, but he needs to go through the DEP next.

The board discussed the changes to the plans which now result in a 4'x60' gangway, 3'x25' gangway, 2, 8'x12' floats and an 8'x10' float, per Mr. Hall.

Mr. Lawrence stated that the construction will require more support than is listed on the plans.

Chair Philbrook asked Mr. Hall when he intends to do the proposed work. Mr. Hall stated that he is waiting for DEP approval before moving forward, but expects he won't begin until late July.

Chair Philbrook stated that she believes the measurements proposed are correct. Chair Philbrook requested Mr. Hall submit a new packet of information due to the updated measurements, and the board schedule a new public hearing.

The board agreed to revisit Mr. Hall's application in July.

8. Piers, Wharves and Floats

- a. The Kittery Port Authority moves to review and accept an application from Douglas and Karen Beane 24 Williams Ave, Kittery ME 03904 for a 32 sf access way, a 4'x 10' fixed pier, a 3' x35' gangway, and a 10' x 20' float located by 2 moorings. Agent: Steve Riker Ambit Engineering**

John Chagnon from Ambit Engineering spoke to the application and stated that the plans require one correction for an "exposed ledge" that was incorrectly labeled as a "retaining wall", near the mean-high water mark.

Chair Philbrook requested Mr. Chagnon add dimensions to the plans, regarding the 32 sf access way.

Mr. Patten raised questions regarding the various water marks as they're noted on the plans.

The board continued to discuss the proposed plans.

**Chair Philbrook moved to accept the application from Douglas and Karen Beane 24 Williams Ave, Kittery ME 03904 for a 32 sf access way, a 4'x 10' fixed pier, a 3' x35' gangway, and a 10' x 20' float located by 2 moorings.
Mr. Bush seconded the motion.**

Chair Philbrook scheduled a site walk for Monday, July 17, 2019 at 5:30 PM.

Motion carries 6-0-0.

9. Public Segment - None

Chair Philbrook request that the board move on to Item 11, then back to Item 10, to which the board agreed.

11. New Business

- a. The Kittery Port Authority moves to consider an appeal from Leon Hecht for the revocation of his mooring.**

Chair Philbrook stated that Mr. Hecht's mooring was revoked due to non-payment.

Chair Philbrook moved to reinstate Mr. Hecht's mooring under the condition that Mr. Hecht has now read the rules and regulations and understands the mooring renewal deadline is April 15.

Mr. Lawrence seconded the motion.

The motion carries 6-0-0.

- b. The Kittery Port Authority moves to consider an appeal from Michael Johnson for his mooring revocation.**

Chair Philbrook stated that Mr. Johnson has been on a mooring with his father for a long time, and his father has recently passed away. Chair Philbrook stated that Mr. Johnson said the renewal paperwork went to the estate and he did not receive it.

Chair Philbrook moved to approve the request for appeal and to allow Mr. Johnson to keep his mooring under the condition that the fees are paid by June 13, 2019.

Mr. Lawrence seconded the motion.

The motion carries 6-0-0.

- c. The Kittery Port Authority moves to consider an appeal from Matthew Garthwaite for the revocation of his mooring.**

Chair Philbrook said that Mr. Garthwaite stated he did not receive renewal notifications due to the Harbormaster having an incorrect email on file.

The board discussed the reconsideration of Mr. Garthwaite's mooring.

Chair Philbrook moved to reinstate Mr. Garthwaite's mooring, under the condition that the fees are paid by June 13, 2019.

Mr. Bush seconded the motion.

Motion carries 6-0-0

- d. The Kittery Port Authority moves to review an application for the transfer of riparian mooring 707 from Diane Wyman to Tom Cote of Night 4, LLC.**

Chair Philbrook stated that in the past, the board has approved riparian moorings be transferred to new property owners. Chair Philbrook acknowledged that Mr. Cote would be required to pay the mooring fees, and late fees if he would like to keep the mooring.

Chair Philbrook moved to transfer riparian mooring 707 for a 19' boat to Tom Cote of Night 4, LLC under the condition that all fees are paid by June 13, 2019.

Mr. Bush seconded the motion.

Motion carries 6-0-0.

- e. The Kittery Port Authority moves to review an application from Night 4 LLC. for a riparian mooring associated with Lot 69, Map 4.**

The board discussed the mooring and that it had not been maintained or paid for since 2014.

Chair Philbrook stated that the mooring does not meet state guidelines to be transferred with the property.

Mr. Lawrence moves to deny an application from Night 4 LLC. for a riparian mooring associated with Lot 69, Map 4.

Vice Chair Crawford seconded the motion.

Motion passes 6-0-0.

10. Unfinished Business

- a. Float Regulations Draft**

Chair Philbrook stated that the Town Manager has passed along a legal opinion on the subject from the Town attorney. Chair Philbrook's opinion is that the regulation cannot move forward in the way that it's currently written.

The board discussed the float regulation draft and moved it off the table for the time being.

- b. Outhaul Regulations Draft**

Chair Philbrook stated that she made corrections as discussed at the last meeting. Chair Philbrook noted a request from the Town Manager to ask the board to define a "recreational boating facility" as stated in the draft.

The board agreed to wait for all drafts to be approved by the board, before scheduling any public hearings.

c. Swim Float Regulations Draft

The board discussed swim float regulations, defining use of the word “from shore”, fees and possible liability.

The board agreed to make edits as discussed.

12. Committee and Other Reports

a. Communications from the Chairperson

Chair Philbrook stated that she received a request from Town Council Chair, Judy Spiller for someone from the fishing community to join the Climate Adaptation Committee.

b. Government Street Wharf Updates

Vice Chair Crawford stated that there are only a few items left to complete, including: electrical, galvanized metal dipping of the ladder and additional paving. Vice Chair Crawford stated that he believes the pier may be operational by next week.

The board thanked Vice Chair Crawford for his continued hard work and dedication to the project.

13. Board Member Issues or Concerns

Mr. Patten - Asked what had been resolved at the recent Port Authority Workshop that he was unable to attend. Chair Philbrook stated that not much had been resolved, but she was happy with the discussion.

Mr. Pinkham - None

Vice Chair Crawford - None

Mr. Bush - Stated that Maritime has done a wonderful job with the Government Street Wharf.

Chair Philbrook - Wanted to comment on a past discussion to offer the option of installing floats in the Back Channel to five commercial fishermen, within two families. Chair Philbrook has been informed at least one of the parties has felt forced into that option. Chair Philbrook stated that while the option was proposed, they are not required to go that route. Chair Philbrook asked Harbormaster Brosnihan to speak to the applicants and address the situation in July.

Mr. Lawrence - Thanked Bruce Crawford for his hard work on the Government Street Project. Mr. Lawrence also thanked Kittery voters for the funding of the project. Mr. Lawrence advised the board that Harbormaster Brosnihan is working on a Blessing of the Fleet for the near future.

Chair Philbrook asked the board to revisit the motion made at the last meeting regarding hourly mooring rentals.

Mr. Lawrence moves to authorize Harbormaster Brosnihan to create two spots for hourly dock tie-ups with a maximum of 2 hours at \$10.00 per hour, as a pilot program, and to bring the data back to the board for review.

Mr. Bush seconded the motion.

Motion passes 6-0-0.

14. Executive Session - None

15. Adjournment

Mr. Bush moved to adjourn the meeting at 7:55 PM

Mr. Pinkham seconded the motion.

The motion carries 6-0-0.

Submitted by Suzanne Esposito

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.