

PORT AUTHORITY MEETING

Remote

APPROVED

June 4, 2020

1. Call to Order

Chair Philbrook called the meeting to order at 6:00 P.M.

Members present: Vice Chair Charles Patten, Bryan Bush, Steve Lawrence, John McCollett, Alan Johnston, and Chair Kelly Philbrook. Members absent: Niles Pinkham.

2. Pledge of Allegiance

3. Agenda Amendments and Adoption

Agenda Amendments under 8. Piers, Wharves & Floats moving item c. to become item b., and removing under 10. Unfinished Business item a. Frisbee Float repairs.

Chair Philbrook cast one vote to accept this agenda as amended to the agenda.

4. Acceptance of Previous Minutes - May 7, 2020

Chair Philbrook moved to accept the May 7, 2020 minutes as amended, seconded by Mr. Bush.

Mr. Bush, Mr. Johnston, Vice Chair Patton, and Chair Philbrook approved.

Mr. Lawrence abstained due to him being absent at the May 7, 2020 meeting.

Motion Carried

5. Harbormaster Report and Budget Report

Parking lot reconstruction at Pepperrell Cove was completed on Friday, 5/22/2020. Project took a little longer than anticipate due to the Covid19 impact. DPW operated limited crews during the time period in order to maintain social distancing. They did make up time the final week when they were able to run a full crew. A layer of sand was placed on the new asphalt in order to minimize "scuffing when vehicles turn their wheels". Project came out very nice. Light vehicle traffic was allowed effective 5/22/2020 at noon. Bait trucks were allowed effective Tuesday, 5/26/2020. Water was turned on to the docks on 5/23/2020. Repair was needed in one location at the entry to the Transient Dock that froze and burst over the winter. Electricity was connected to the docks on 5/29/2020. Initially, due to Governor Mills Executive Order, access to the parking lot, piers and docks were restricted to "Maine Residents Only". This created a significant policing demand on us. On 5/27/2020 a complaint was made to Channel 13 I-Team and a news crew came to Pepperrell Cove. Story was run on Channel 13 evening news on 5/29/2020 and reported the clarification we received from Augusta. On Friday, 5/29/2020, the Town received clarification from Augusta that out of state mooring holders could utilize the facilities to access their boats. This required them to come to the facility, immediately go to their dinghy and out to their boat. The reverse is required when they return. They are not to access anywhere else in ME unless 14-day quarantined. An email was sent to all mooring holders and notice placed on the Town website. Out of state boaters are also allowed to use the boat launches, as long as they did not access anywhere else in ME unless 14-day quarantined. Only ME registered boats are allowed to tie up at the

Transient docks until further notice per Covid19 requirements. Six parking spaces were reserved at Pepperrell Cove for Commercial Fisheries until the Governor's Executive order is lifted. Dumpster was placed at Pepperrell Cove on 5/29/2020. The bathroom at Pepperrell Cove remains closed, but we are exploring options that meet Covid19 requirements to be able to open it. On Saturday, 5/23/2020 an Eliot man drown off Brave Boat Harbor (in York) when his kayak capsized. On 5/27/2020 we receive notice from a homeowner of a kayak washing up on shore in Brave Boat Harbor. On 5/28/2020 the Harbormaster went to Brave Boat Harbor via boat and did a shoreline search but was unable to locate an abandon kayak. Also, on 5/27/2020 we received notice of an abandoned kayak on shore in Spruce Creek near Shepard's Cove. On 5/29/2020 the Harbormaster retrieved the kayak and it was taken to Impound Lot KPD. On 5/20/2020, we received a call from a homeowner in Spruce Creek of a loose float drifting. We responded and noted it was anchored and awaiting placement on a dock when the tide was right. On Saturday, 5/30/2020, a distress call from the USCG was received relative to a boat adrift and on the rocks at the entrance to the Back Channel near Bowen Road. The Harbormaster and diver Gunnar Ek were off Lawrence Lane in the 21' when received, responded, pulled boat off rocks and towed it to their mooring in the Sound Basin at PNSY. The part-time position that has been previously assigned to monitor Traip has been put on hold for now. The Harbormaster and Deputy Harbormaster will be covering both Pepperrell Cove and Traip for now.

As of 6/2/2020:

- 328 mooring holders have paid and renewed for the season (up 20 since last report).
- 149 mooring holders unpaid.
- 46 seasonal launch passes have been purchased. This low compared to prior years.
- Late fees were waived un 7/15 by Town due to Covid19.

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 Christopher Eckel Trust, 3 Knight Ave, Kittery, ME 03904 (Map 4, Lot 70) for the reconstruction of an existing shed constructed on piers. Agent: Rykerson Architecture. (Continued from May 7,2020)

Chair Philbrook read an e-mail from Tom Choate, which approved of the project, as well as expressed, the concern of an abutter at 10 Town Landing that the construction would not impede him from getting to his dock.

Chair Philbrook moved to approve the application from Christopher Eckel Trust, 3 Knight Ave, Kittery, ME 03904 (Map 4, Lot 70) for the reconstruction of an existing shed constructed on piers.

With the condition that the construction or equipment does not block or impede the resident at 10 Town Landing. Seconded by Mr. Lawrence.

Motion Carried 6-0-0

b. The Kittery Port Authority moves to hold a public hearing on an application from Shelly Tamis, 14 Goose Point, Kittery Point, ME 03905 (Map 34, Lot 14) for a seasonal prefab 4'x 16' dock.

Chair Philbrook read emails from Brian Cormier, 12 Goose Point Kittery ME. Chair Philbrook read a part of Town Planner, Bart McDonough's email concerning this application.

Chair Philbrook stated that this was a two-part public hearing and would continue at the June 18, 2020 KPA meeting and discussed getting clarity concerning the deed of the property with the applicant.

8. Piers, Wharves & Floats

a. The Kittery Port Authority moves to review and accept an application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map 18, Lot 35) for a 6'x 45' extension to an existing fixed pier. The existing 3'x46' gangway and 10'x20' float will be reused. The extension will create a structure with 150' of total length. Agent: Steven Riker, Ambit Engineering.

Mr. McCollett abstained from the discussion.

Steven Riker presented the revised plans for a 6'x 45' extension to an existing fixed pier. The existing 3'x46' gangway and 10'x20' float will be reused. The extension will create a structure with 150' of total length.

All the Board members, Mr. Riker and the Miller's lawyer had a discussion about the right of way to the water, the location of the current pier, the deeds of the Miller's at 4 Lawrence Lane, and the abutters the Crotty's at 2 Lawrence Lane. The Board decided to do a site walk.

Chair Philbrook read a letter from the Crotty's lawyer.

Chair Philbrook moved the Kittery Port Authority to accept an application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map 18, Lot 35) for a 6'x 45' extension to an existing fixed pier. The existing 3'x46' gangway and 10'x20' float will be reused. The extension will create a structure with 150' of total length. Seconded by Mr. Bush.

Motion Carried 5-1-0

Mr. McCollett abstained from voting.

Chair Philbrook scheduled a site walk for 6/11/2020 10:00 a.m. low tide. She also stated the first public hearing would be on 6/18/2020 at the KPA meeting and the second public hearing would be at the 7/2/2020 KPA meeting.

Mr. Riker stated that he would stake the line of that defines the boundary of the right of way, the float location for the site walk. Chair Philbrook asked for a stake to be placed at the float at the end of the pier. Mr. Johnston asked for stakes to be placed marking out both sides of the right of way and where the other abutter's property is.

b. The Kittery Port Authority moves to review and approve an application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map 18, Lot 35) for retaining the use of an existing 8'x16' mooring float attached to the Town of Kittery mooring #451. Agent: Steven Riker.

Steven Riker explained the reason the Millers wanted to retain the use of an existing 8'x16' mooring float attached to the Town of Kittery mooring #451.

Chair Philbrook asked the Harbormaster how long the float and mooring had been there. The Harbormaster responded about 5 or 6 years. She asked if both parties were current with the payment of the mooring.

Chair Philbrook asked Mr. Riker if the Millers would they be giving up the mooring when the pier extension was completed. Mr. Riker responded no. She asked if the Millers and the Crottys were still going to share this mooring.

The Harbormaster stated the navigation by the float was pretty narrow.

Chair Philbrook stated the Millers have a riparian mooring and should be able to use it until a decision has been made.

Chair Philbrook asked the Harbormaster to contact the Crottys and get their opinion on the float and mooring.

Chair Philbrook moved to continue the application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map 18, Lot 35) for retaining the use of an existing 8'x16' mooring float attached to the Town of Kittery mooring #451 to the 6/18/2020 KPA meeting.

Seconded by Mr. Bush.

Motion Carried 5-1-0

Mr. McCollett abstained from voting.

c. The Kittery Port Authority moves to review and accept an application from Paul J. & Jessica O. McKeon, 96 Pepperrell Road, Kittery Point, ME 03905 (Map 27, Lot 47) for an addition of a 5' x 12' boat cradle to an existing structure. Agent: Steven Riker, Ambit Engineering Steven Riker presented the plans for an addition of a 5' x 12' boat cradle to an existing structure.

Chair Philbrook moved to accept an application from Paul J. & Jessica O. McKeon, 96 Pepperrell Road, Kittery Point, ME 03905 (Map 27, Lot 47) for an addition of a 5' x 12' boat cradle to an existing structure and schedule a site walk at low tide on 6/11/2020 after the site walk at 4 Lawrence Lane.

Seconded by Mr. Bush.

Motion Carried 6-0-0

Chair Philbrook also stated the first public hearing would be on 6/18/2020 at the KPA meeting and the second public hearing would be at 7/2/2020 KPA meeting.

9. Public Segment (Three Mins.) - None

10. Unfinished Business

a. Future Planning list (Postponed until July)

11. New Business - None

12. Committee and Other Reports - None

a. Communications from the Chairperson

Chair Philbrook spoke to the board about the Town Manager's options for places to hold meetings. She also spoke about the signage on Kittery Point bridge.

Chair Philbrook expressed concern of the mistreatment of the Harbormaster and the Assistant

Harbormaster by the mooring holders and boat owners due to the restrictions of the COVID-19 pandemic.

13. Board Member Issues or Comments

Mr. Bush - None

Mr. McCollett – None

Mr. Johnston – None

Mr. Lawrence - Spoke about the boaters not obeying the wake restrictions on the back channel.

Vice Chair Patten - Spoke about head way speeds at the Memorial Bridge.

14. Executive Session – None

15. Adjournment

Chair Philbrook moved to adjourn at 7:53 p.m. Seconded by Mr. Bush.

Motion Carried 6-0-0

Submitted by Kim Tackett

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.