**TOWN OF KITTERY PORT AUTHORITY**
**RULES AND REGULATIONS**
**PERTAINING TO THE HARBOR, PORT, AND**
**CHANNELS WITHIN THE TOWN OF KITTERY, MAINE**

# Table of Contents


| | | Page |
|---|---|---|
| **I.** | **DEFINITIONS** | 3 |
| **II.** | **HARBOR USE REGULATIONS** | |
| A. | Speed of Vessels, Reckless Operation, and Wake of Vessels: | 6 |
| B. | Channels | 7 |
| C. | Anchorage | 7 |
| D. | Buoys other than for Mooring Vessels | 8 |
| E. | Public Wharves and Landings | 8 |
| F. | Water Skiing, Skin and SCUBA Diving, Aircraft, Sailboards, Jet Skis/Personal Watercraft, and Windsurfing | 9 |
| G. | Environmental Protection of the Harbor and Waters of the Town of Kittery | 10 |
| H. | Harbor/Water Usage Fees and Schedules | 10 |
| **III.** | **MOORINGS** | |
| A. | Assignment of Mooring Sites | 11 |
| B. | Application to the Mooring Site Waiting List | 12 |
| C. | Mooring Site Permit Application Information | 13 |
| D. | Annual Renewal of Mooring Site Permits | 13 |
| E. | Use of Permitted Mooring Sites | 14 |
| F. | Choice of Mooring Site and Resolution of Conflict | 15 |
| G. | Adequacy of Moorings | 15 |
| H. | Vessels Moored so as to Impede Navigation/Endanger other Vessels | 16 |
| I. | Moving or Interfering with Moorings Belonging to Another | 16 |
| J. | Transient Courtesy Moorings, Commercial Service, Rental Moorings | 16 |
| K. | Moored Floats | 17 |
| L. | Outhauls | 17 |
| M. | Spar Mooring floats | 17 |
| N. | Riparian Rights Mooring Sites | 17 |
| O. | Abandoned Mooring Sites | 18 |
| P. | Revocation of Mooring Site Permit | 18 |
| Q. | Disposal of Mooring Tackle | 19 |
| **IV.** | **PIERS, WHARVES, FLOATS AND OTHER MARINE-RELATED STRUCTURES** | |
| A. | Authority | 20 |
| B. | Permits | 20 |
| C. | Application Requirements | 21 |
| D. | Application Process | 21 |

## TABLE OF CONTENTS (Continued)


| | | Page |
|---|---|---|
| E. | Findings of Fact | 23 |
| F. | Conditions of Approval | 23 |
| G. | Performance Standards | 23 |
| H. | Administration and Enforcement | 24 |
| **V.** | **HARBORMASTER DUTIES AND AUTHORITY** | |
| A. | Duties | 26 |
| B. | Qualification, Salary, and Appointment | 27 |
| C. | Assistants | 27 |
| **VI.** | **PENALTY** | |
| A. | Violations | 27 |
| B. | Enforcement by Harbormaster | 27 |
| C. | Additional Enforcement Authority for Violations of State Statute | 28 |
| D. | Responsibility of Owner | 28 |
| E. | Expenses of Moving a Vessel | 29 |
| **VII.** | **APPEALS** | |
| A. | Appeal of Decisions of the Harbormaster | 28 |
| B. | Request for reconsideration of decisions of the Port Authority | 29 |
| C. | Appeal of Decisions of the Port Authority | 29 |
| **VIII.** | **FEDERAL REGULATIONS** | 30 |
| **IX.** | **CITIZEN COMPLAINTS** | |
| A. | Complaint Procedures | 31 |
| B. | Action of the Harbormaster | 31 |
| **X.** | **FEES** | |
| A. | General Provisions | 31 |
| B. | Mooring Site Fees | 31 |
| C. | Harbor/Water Usage Vessel Fee | 31 |
| D. | Other Fees | 31 |
| **XI.** | **SEVERABILITY** | 33 |
| **XII.** | **EFFECTIVE DATE AND RECORD OF CHANGES** | 33 |

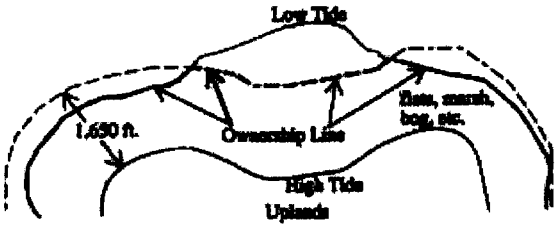
**TOWN OF KITTERY PORT AUTHORITY**
**RULES AND REGULATIONS**
**PERTAINING TO THE HARBOR, PORT AND**
**CHANNELS WITHIN THE TOWN OF KITTERY, MAINE**

These Rules and Regulations are promulgated under Section 4 of the Act Creating the Town of Kittery Port Authority, Chapter 163, Private and Special laws 1961, 100th Legislature of the State of Maine, HP 682 (Legislature Document No. 960), and under the laws of the State as amended from time to time and shall have the force and effect of law as municipal ordinances and shall be construed in accordance with Title 38 M.R.S.A. as amended. These Rules and Regulations apply to boats, boating and the use of waters within the Town of Kittery and as applicable to any construction lying within the jurisdiction of the Town of Kittery Port Authority.

## I. DEFINITIONS

**Berth**: The place where a ship lies when at a wharf or pier.

**Boundaries** (Along Tidal Water): Tidal water is defined as any body of water that is naturally influenced by the ebb and flow of the tide. Tidal waters include rivers from their mouths to the point upstream where the ebb and flow of the tides are negligible. Title to land abutting and below the high water mark of tidal water is determined by the title deed and application of state law and common law presumptions. The common law presumption is that a conveyance of land bounded by tidal water will convey title to the low tide mark or to 1650 feet (100 rods), whichever is closer to the high tide line (see figure, below). This presumption of tidal water boundary applies equally to all lands along the ocean, bays, and rivers affected by the tides, even though the tidal river water may contain fresh rather than brackish or salt water. The line of low tide may fluctuate because of accretions and erosion. An owner's lands will increase or decrease accordingly. Beyond the low tide or beyond 1650 feet, whichever is closer to high tide, the State has title.




**Channels**: Areas of the harbor kept open for navigation or other purpose by rule or regulation of the Port Authority, the Department of Army or other regulatory or legislative body.

**Commercial Use**: The boat shall be considered as used for commercial use when its principal purpose or use is in the pursuit of one's business or trade for the purpose of earning a livelihood. The burden of proof in establishing the commercial use of a boat shall be upon the boat owner.

**Dinghy, Tender or Skiff**: A vessel 12'6" or less in length and 5'0" or less in beam associated with a specific larger vessel and principally used for transportation from the larger vessel to a landing or other vessel.

**Dock**: The slip or waterway extending between two (2) piers or projecting wharves or cut into the land for the reception of vessels.

**Float**: A platform that floats and is anchored, moored or secured at or near the shore, used for landing or other purposes.

**Finger Float**: A float extending from the main float of a pier, ramp and float system that creates slips and/or increases the float or pier edge available for docking boats.

**Harbor**: The harbor shall include the tidal waters within the geographical limits of the Town of Kittery, Maine.

**Harbor/Water Usage:** A fee assigned to mooring and vessel owners for the maritime facilities and services provided by the Town of Kittery and the Kittery Port Authority.

**Harbormaster**: An officer employed by the Port Authority to oversee the jurisdictional area of the authority with power to make arrests, and having the authority, duties and responsibilities conferred by state statute and municipal rules, regulations and ordinances. In the absence, incapacity, or vacancy of the Harbormaster position the Port Authority may designate an acting Harbormaster who shall have the same authority, powers, and duties as set forth in these Rules and Regulations.

**Kittery Port Authority**: A board of seven members appointed by the Kittery Town Council, without compensation, for the purpose and duties contained in the above act, and the Land Use and Development Code, and to serve the Council in the construction, maintenance and addition to town wharves under the jurisdiction of the Port Authority. Port Authority members in their role shall adhere to conflict of interest protocols as outlined under the General Provisions of Article XII of the Town Charter.

**Navigable Tidal Waters**: All harbors and bays as well as major rivers as far as they can be navigated "continuously" from the sea without obstructions.

**Knot**: One nautical mile per hour or approximately 1.15 statute mile per hour.

**Landing**: A place for landing or discharging persons or things, as from a vessel.

**Marina**: A business establishment that has compliant frontage on navigable water and that provides, as its principal use, for hire moorings or docking facilities for boats and yachts or any pier and float system capable of supplying four (4) or more 15' or greater slip spaces in addition to the main float as of July 5, 2007, but not including float systems and applications in existence before this date. A marina may also provide accessory services such as boat and related sales, boat repairs to small craft 19.8 meters (65 feet) or less, indoor storage of boats and marine equipment, boat and tackle shops, marine fuel service facilities.

**Mean Low Water Line**: For the purpose of these rules, approximation of mean-low water made by observation of low tide during a 0.0 foot tide (as determined by the National Oceanic and Atmospheric Administration).

**Mooring**: A mooring is a permanent, adequate means of securing a boat to the bottom in an anchorage, which is not carried aboard a craft when underway as regular equipment.

**Mooring, Commercial** - A mooring utilized by an individual, partnership, or corporation used in the pursuit of business or trade.

**Mooring, Private**. A mooring utilized by a vessel for private use only.

**Mooring, Public:** A mooring owned or leased by the Town of Kittery as a transient or courtesy mooring for public use.

**Mooring, Rental**: Any mooring offered by individuals or marinas for transient or seasonal rental including moorings controlled by clubs.

**Mooring Site**: A specific point on the ocean bottom in a mooring area assigned by the Harbormaster to a specific vessel and its owner or owner and use. Approval of the physical mooring tackle (hardware) is covered separately and is approved by the Harbormaster for the particular location permitted.

**Mooring Site Waiting List**: A list or lists of boat owners, arranged by serial number, requesting a mooring site in the tidal waters of the Town of Kittery. Persons shall be selected from such list or lists in accordance with the allocation provisions described in these Rules and Regulations.

**Mooring Site Permit**: Shall be the assignment by the Harbormaster of a mooring site. All such mooring site permits shall be issued by the Harbormaster upon application by the boat owner according to these Rules and Regulations.

**Mooring, Transient Courtesy:** A transient courtesy mooring, other than one maintained by the Town of Kittery, shall be a private mooring provided by commercial business and service organizations, including yacht clubs, for the occasional and limited use of guests.

**Normal High Water Line**: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominately aquatic and predominantly terrestrial land.

**Outhaul**: A assembly consisting of a submerged pulley and continuous line between a moored boat and a fixed point on shore for the purpose of boarding a boat from the shore without the need of a dinghy. Outhauls are customarily used by people with shorefront property for mooring small boats.

**Pier:** A breakwater or mole extending into the harbor for use as a landing place, a promenade, or to protect or form a harbor; a structure built out into the water with piles for use as a landing place.

**Pier, Commercial**: Any pier that exceeds six (6) feet in width shall be considered a commercial pier.

**Pier, Residential Development Use, Ramp & Float System:** A pier and/or ramp and float system which is used in common by lot owners or residents of a subdivision or residential planned development. The purpose is to provide waterfront access to the owners of lots in a residential development that has the potential for more than one waterfront lot. The object is to minimize the number of piers, ramps and floats resulting from new development and possible elimination of Riparian Moorings.

**Port:** The port includes the town wharves at Kittery and Kittery Point, together with all now known landings or wharves that might be acquired by the Town of Kittery or the Port Authority.

**Swim Float**: A structure that is moored on a temporary basis no earlier than June 1 and no later than October 15 for swimming purposes only, with no water-craft tied to the float for any extended periods of time.

**Temporary Mooring Site Permit**: Shall mean a mooring site permit issued or assigned by the Harbormaster on a temporary basis not to exceed one (1) season (May 1st through May 1st) per assignment.

**Tidal Waters**: Areas where there are two Low Waters and Two High Waters generally every 24 hours and 50 minutes. The average High Water rises 8.7 ft. from Low Water in the Kittery area.

**Town Resident**: Also referred to as "Municipal resident" means any person who owns real property in Kittery or resides in the Town of Kittery for more than one hundred eighty (180) days in a calendar year.

**Vessels**: Vessels shall include boats of all sizes propelled by sails, machinery or hand; scows, dredges, shell fish cars and craft of any kind.

**Wharf**: A structure of timber, masonry, concrete, earth or other material, built on the shore of a harbor, river, canal, or the like, especially on extending parallel to the shore line, so that vessels may lie close alongside to receive and discharge passengers and cargo.

## II. HARBOR USE REGULATIONS:

A. Speed of Vessels, Reckless Operation, and Wake of Vessels:
Vessels shall be operated in the harbor at a reasonable and prudent speed with due regard to all prevailing circumstances and in such a manner as to not endanger craft, persons or

property. Vessels shall be operated so they do not create a wake that endangers or damages any person, vessels or property, whether anchored or underway, waterfront piers, floats or other property or shorelines, either directly or by effect of the wash or wake created by the Watercraft through its speed or otherwise, nor exceed the speed of five (5) m.p.h. in the following areas:

1. Pepperrell Cove Including Chauncey Creek:

   a. From the entrance to Pepperrell Cove channel (RED NUN BUOY #4) to the Town Wharf including the complete mooring area of Pepperrell Cove

   b. From the entrance of Chauncey Creek channel to the upper end of Chauncey Creek.

2. Spruce Creek:
The area from Hicks Rocks Inner Channel below Kittery Point Bridge to fifty (50) yards north of the old railroad trestle in Spruce Creek.

3. Back Channel:
From red nun buoy #4 at the Southeasterly end of the back channel, up the river to both the North and Southeast sides of Badger's Island terminating at Western end of Badger's Island.

EXCEPTION: Nothing in these speed or wake regulations shall make unlawful any action necessary for (a) navigational safety; (b) observance of the rules of the road, and emergency missions by emergency or public safety craft. The burden shall be upon any person asserting the exception provided by this Section as a defense to a prosecution for violation of any speed or wake regulation.

B. Channels:
Channels for the passage of boats shall be maintained in the area under the jurisdictional limits of the Port Authority and shall be clear of any and all obstructions.

1. A channel is established from Nun Buoy Number 4(Fishing Island), one hundred fifty (150) feet wide, to the town wharf at Kittery Point; also a fifty (50) foot wide deep water channel at the entrance of Chauncey Creek from Nun Buoy No. 4 to a line from the southern end of Phillip's Island (which is sometimes known as Moore's Island) to the northern end of Gooseberry Island. Chauncey Creek above this line shall be maintained as a mooring area with the Harbormaster laying out mooring sites in such a manner as to insure that the channel shall not be obstructed. The Harbormaster may require bow and stern moorings, if necessary to insure clear passage in this area.

2. A fifty (50) foot channel is established from red nun buoy #6, at Hick's rocks, Northwest and Westward up the back channel between green can #3 and red nun buoy #4. Up the river to both the North and Southeast sides of Badger's Island, terminating at the Western end of Badger's Island. The center of the channel being determined by the deepest water in the unmarked portions.

C. Anchorage
Vessels shall be anchored in the harbor only in such places or areas as the Harbormaster shall direct. The Harbormaster may at any time order any vessel at anchor to change position when, in the exercise of his or her judgment, he or she determines that such vessel is so anchored as to impede navigation or to endanger other vessels. The normal anchorage area is designated as being to the North and West of Nun Buoy No. 4 and to the west of Pepperrell Cove mooring area.

D. Buoys other than for Mooring Vessels:
No buoy of this type shall be placed in channels leading to wharves, nor shall such buoys be placed less than three (3) vessel lengths from a mooring for that vessel. The Harbormaster is empowered, in the interest of public safety, to require the removal of buoys.

E. Public Wharves and Landings:

1. Obstruction:
No person shall obstruct by any means whatsoever, including fishing, the free use of piers, docks and other common landing places. The town wharves shall be used only for loading and unloading. Vessels shall not remain moored to the wharf or float for a period longer than thirty (30) minutes except by permission of the Harbormaster. The Harbormaster shall remove or cause to be removed any unattended vessel obstructing free use of piers, docks or other common landing places after due effort has been made to notify the Master or owner of said vessel of the above violation.

2. Boats careening, adjacent to, or tied to Public Wharves or Piers shall have a maximum 24 hour emergency period in that docking condition under the approval of the Kittery Harbormaster. Extension of time shall be at the discretion of the Harbormaster under the authority of the Kittery Port Authority.

3. Public Nuisance: No person shall loiter, create a public nuisance or partake of alcoholic beverages on town wharves or landings. Town wharves or piers may be closed by the Police Department when it is warranted by acts of vandalism or disturbance of the peace and threats to Natural Resources.

4. Closure of Facilities: Town wharves, piers, floats, and landings may be closed by order of the Port Authority when warranted by acts of vandalism, disturbance of the peace, storms, and public safety or Natural Resources. The Harbormaster may act in lieu of the Port Authority in times of impending storms, or threats to public safety or Natural Resources.

5. Swimming: No person shall dive from, swim or skin dive without permission of the Harbormaster, within thirty (30) feet of Town-owned floats.

6. Tying of dinghies to town floats:

a. Dinghy painter length required.

All dinghies, skiffs, or tenders tied to Town owned floats shall allow at least 10 feet of line between the float and boat.

b. Size of dinghies allowed.

No boat more than twelve feet six inches (12' 6") in length shall be tied to a town owned float except for loading and unloading.

c. Damage done by dinghies.

Boats tied to town owned floats causing damage to adjacent craft, whether due to their construction, design, or location shall be subject to removal by owners on order of the Harbormaster. All dinghies, skiffs or tenders tied to town floats are to be maintained and bailed free of water. The Harbormaster shall segregate dinghies (i.e., aluminum, inflatable, etc.) as required to minimize damage to adjacent craft.

d. Marking of dinghies.

Either a mooring number or boat name shall be prominently displayed on all dinghies, skiffs or tenders.

e. Removal of dinghies for winter.

Except where otherwise permitted by the Harbormaster, all dinghies, skiffs and tenders shall be removed from Town-owned floats by October 15th of each year. Any tenders left after this date will be charged a late fee of $50.00 to be assessed the following year before tying tenders to town piers.

7. Storage of personal property on town piers, floats, and landings:

Personal property, such as lobster traps, bait, automobiles, cradles, boats, floats, etc., shall not be stored on Town wharves or landings. The Loading Zone, as designated by the Harbormaster, shall be used only for lobster traps, fishing gear and items in transit. Except June 1st to after Labor Day from 5:00 p.m. Friday - 5:00 p.m. Sunday, no lobster traps are permitted on the main aluminum float at Pepperrell Cove Pier.

8. Use of Restrooms at Pepperrell Cove (Reserved)

9. Parking adjacent to all Town Landings and waterfront accesses including Pepperrell Cove, Government Street, and Traip Academy Ramp (Reserved)

F. Water Skiing, Skin & SCUBA Diving, Aircraft, Sailboards, Jet Skis/Personal Watercraft, and Windsurfing:

1. Water skiing, skin and SCUBA diving, and sailboards, shall be governed by the appropriate Rules, Regulations and statutes of the state. There shall be no Water skiing or windsurfing in congested mooring areas, anchorage areas or in speed limited areas governed by the Authority. Water ski Jumps may be allowed by the Authority on a case by case basis as Temporary moored floats covered in section III below.

2. Operators of jet skis/personal watercraft shall observe the same Rules and Regulations applicable to other vessels.

3. Aircraft shall observe the same mooring and anchorage rules that apply to other vessels and shall be regulated by the Maine Aeronautics Commission. In addition they shall be regulated by applicable state and federal rules, regulations and statutes.

G. Environmental Protection of the Harbor and Waters of the Town of Kittery:

1. Waste and Refuse.
No person or vessel shall deposit, throw, sweep, pump or otherwise cause to be deposited into the waters of Kittery, or into adjacent waters, any sewage waste, gas or oil or bilge water containing same, dirt, stones, gravel, mud, logs, planks, or any other substance tending to obstruct the navigation or pollute the waters of said harbor or waters adjacent thereto.

2. Use of Dumpsters.

No trash or refuse shall be placed on any town float or pier except in designated containers. During the summer season a courtesy dumpster is provided at Pepperrell Cove only for the use of fishermen and boaters. No household trash or refuse of any kind not generated on the vessel may be placed in this dumpster. Recyclable items must be properly deposited in the containers provided as specified in Town recycling regulations. Fishermen and boaters must carry out their own trash after the season ends and the dumpster has been removed.

3. Oils and Hazardous wastes.
No oil or other hazardous wastes shall be deposited in town Dumpsters or left on Town piers, floats, or landings under any circumstances. Such material must be disposed of properly at the Town's designated disposal site as specified in the appropriate waste disposal regulations.

H. Harbor/Water Usage Fees and Schedules

The Kittery Port Authority has the authority to assess user fees necessary to manage, maintain and operate the harbors, ports and tidal waters and channels within the Town of Kittery including, but not limited to, Harbor/Water Usage fees, transient boat fees and administrative and legal fees.

All fees collected under this section must be placed in a separate dedicated KPA account to be used only for maintenance and improvements to the harbors, ports and tidal waters and channels within the Town of Kittery, including capital improvements, wharf construction and repair, dredging, equipment and land acquisitions.

Harbor/Water Usage fees are due upon vessel registration, or upon exceeding 14 days in Kittery waterways. Failure to remit payment to the Town of Kittery will result in a fine not to exceed $50.00, payable to the Town of Kittery. Vessels in boat yards for repair are exempt from this fee.

1. Kayaks, canoes, sailboards, row boats, skiffs, paddleboards, single person sailboats and motorboats displaying the milfoil stamp used solely in freshwater are exempt, but are subject to the KPA launch fee schedule. (See Section X)

2. Vessels that have paid KPA mooring fees are exempt from separate Harbor/Water Usage fees, and will be issued a colored sticker to be affixed to the port bow.

3. Vessels not on Town-owned moorings that have paid their Harbor/Water Usage Fee will be issued a colored sticker to be affixed to the port bow.

4. KPA mooring and Harbor/Water Usage stickers will be issued at the time of fee payment.

5. Liability for Costs: Vessel owners are liable for all legal and administrative costs incurred in any attempt to collect past due fees or to enforce the provisions of this section.

I. Fishing Policy

A valid Saltwater Fishing license is required to fish from Town facilities.

## III. MOORINGS

These Rules and Regulations are promulgated to meet the requirements of Title 38, Maine Revised Statutes Annotated (M.R.S.A.), as amended:

1. Assignment of Mooring Sites:

All mooring sites except as otherwise provided by Title 38 M.R.S.A. et. seq. shall be under the exclusive control of the Harbormaster. When the requests for mooring sites exceed the sites available, mooring sites shall be assigned according to the allocation provisions of this section from established mooring site area waiting lists maintained by the Harbormaster. The mooring site areas are designated by the following letter codes:

IS= Isles of Shoals (Landowner or Lessee only)
CC= Chauncey Creek including Gerrish Island
PC= Pepperrell Cove
FM= Fort McClary to Kittery Point Bridge
SC= Spruce Creek above the Kittery Point Bridge
BC= Kittery Point Bridge to Memorial Bridge
BI= Badgers Island
PR= Memorial Bridge to Rt. 95 Bridge
EL= Rt. 95 bridge to Eliot line
OH= Outhauls

2. Assignment of Mooring Site with no Waiting list:

If at the time an individual applies for a mooring site, there is no waiting list for that area (except at the Isles of Shoals where the applicant must be a landowner or lessee to be assigned a mooring site), this individual shall be assigned a mooring site without regard to allocation provisions of these Rules and Regulations.

3. Assignment of Mooring Sites from the Waiting List

a. The Harbormaster shall maintain a separate waiting list for each area for both commercial and non-commercial applicants. These lists shall be further separated by Town resident and non Town resident and arranged by serial number. The burden of proof in determining Town residency and the principal use of a vessel shall be upon the applicant. The current mooring list existing on April 4, 2002, shall be closed but all mooring assignments made after this date shall continue to be made from the mooring list, as it exists prior to April 4, 2002, until all applicants on that list shall be dealt with. After April 4, 2002, all requests for mooring assignments shall appear on two lists, and all mooring assignments shall be made on a first come, first serve basis from these lists, without regard to residency.

b. With regard to all names appearing on the mooring waiting lists as it exists prior to April 4, 2002, the Harbormaster shall offer the next mooring site that becomes available in an area to the first person on the commercial list and if declined, then to the first person on the non-commercial list, with the pre-April 4, 2002 mooring list in such a manner as to maintain a (5:1) ratio of resident to non-resident new assignments. When the pre-mooring lists are exhausted, all applicants for a mooring assignment appearing on the two lists (Commercial and Non-Commercial) created after April 4, 2002 shall be issued in the order that the names appear on the two lists on a first come, first serve basis.

c. Persons on the waiting lists may decline an offered mooring site or temporarily accept an alternative and retain their relative position on the Mooring Site Waiting List.

d. Waiting list applicants who change their status from pleasure to commercial shall be assigned to the bottom of the commercial list for area desired.

B. Applications to the Mooring Site Waiting List:

1. Person(s) may add their name to an area mooring site waiting list by filling out a mooring site permit application available at the Town Hall and paying the application fee. Such fee is due on an annual basis. The application must be filled out as follows:

a. The application must indicate a choice of mooring site area using the area designation codes in section III.A above.

b. The application must be filled out in the name of the person to whom the boat will be registered or documented regardless of whether there is multiple ownership of the vessel.

2. Upon receipt of the completed application the Harbormaster will review the application with regard to space available in the areas requested and place the name on the appropriate

area list(s) as discussed in section A above. An applicants name may only be listed once on an area waiting list except that an individual may be listed on both the commercial and non-commercial list at the same time. The mooring site waiting list is considered a public document under the Freedom of Access Law.

3. Any false or misleading information provided or set forth in the application to the mooring site waiting list shall be grounds for the Harbormaster to disqualify an applicant from being added to the waiting list for a period of five (5) years.

4. Commercial mooring permit applications must show with sufficient and credible documentation satisfactory to the Harbormaster that the primary source of income for the vessel to be moored is through the vessel's use and operation. Vessels that don't land a product such as ferry boats, water taxis, fishing charters and similar type vessels, shall provide documentation of bookings, plus previous year's Maine or Federal income tax returns showing the business declaration sufficient to satisfy the Harbormaster that the vessel is used and operated as a commercial vessel.

C. Mooring Site Permit Application Information:

1. Address: Each new and renewal mooring site permit application shall contain the most current legal address of the mooring site permit applicant. Should this address change while the applicant maintains mooring privileges, the Harbormaster shall be immediately notified in writing of the new address and the Harbormaster shall so note the change on all appropriate records. All notices required to be sent to the mooring site permit holder pursuant to any provisions of these Rules and Regulations shall be sent to the address as it appears on the mooring site permit application or as updated following a written notice to the Harbormaster. Proof of mailing to such address by the Port Authority or the Harbormaster shall satisfy any mailing or notice requirements imposed by these Rules and Regulations.

2. Mooring Tackle: The Port Authority shall presume that the mooring site permit holder is the owner of the mooring tackle located or to be located in the mooring site. In the event that the mooring tackle (hardware) is owned by someone other than the mooring site permit holder the name and address of the mooring tackle owner shall be provided to the Harbormaster and updated as required from time to time.

3. Vessel identification: The mooring site permit application must clearly identify the vessel which will be placed on the mooring. The name(s) of the mooring site permit holder recorded on the application and the name listed as the vessel owner on the state registration or federal documentation certificate must be the same.

D. Annual Renewal of Mooring Site Permits:

All mooring site permits must be renewed and all fees paid by April 15th of each year and prior to putting his or her boat on that mooring. (In effect as of January 1, 2003)

1. All mooring permits begin on January 1st and expire on December 31st of the calendar year.

2. Forfeiture notification letters will be sent on or after April 16 by certified mail by the Harbormaster or his duly appointed agent to the permit holder's last known address as it appears in the Port Authority records, that they may request a hearing before the Port Authority within thirty days of the mailing of said notice, or the revocation is final and the mooring will be reassigned. If an appeal is finally denied, the revocation will take effect from the date of the denial.

3. On May 15th anyone having their permit revoked for non-payment of permit or late fees will be notified by certified mail by the Harbormaster or his duly appointed agent at their last known address as it appears in the Port Authority records that they must request a hearing before the Port Authority within thirty (30) days from the mailing of said notice, or the revocation is final and the mooring will be reassigned. Proof of mailing of said notice shall be satisfactory proof that the mailing was sent.

E. Use of Permitted Mooring Sites:

Title 38 M.R.S.A. expressly forbids those who are granted a private mooring site assignment from transferring that right or privilege to another, unless the mooring site was initially granted as a rental mooring site. This section of state law specifically says Assignment of these mooring privileges does not confer any right, title, or interest in submerged or inter-tidal lands owned by the state and further says Assignments shall not be rented unless the provision for rental was part of the agreement when the mooring was originally assigned. Rental moorings issued before 1968 are considered grandfathered by the Port Authority and the Corps of Engineers. The burden of proving through credible and reliable evidence that the mooring was issued as a rental mooring prior to 1968 shall rest with the individual seeking to have the rental mooring grandfathered. All rental moorings issued since 1968, in order to continue as rental moorings, must show proof that the rental mooring was properly documented with the Army Corps of Engineers and the Kittery Port Authority.

Simply stated; a person who is assigned a private mooring site may not rent, loan, lease, lend, give, bestow, permit, accommodate, allow use of, or give permission to any other person to use his or her assigned private mooring site (whether or not money or other consideration is exchanged) except as allowed by the Harbormaster on a case by case basis.

1. Mooring sites cannot be transferred between family members except that a mooring site used for commercial fishing purposes may be transferred at the request of, or upon the death of the assignee, only to a member of the assignee's family and only if the mooring site assignment will continue to be used solely for commercial fishing purposes. "Member of the assignee's family" shall mean an assignee's spouse, parent, child or sibling, by birth or by adoption, including a relation of the half blood.

2. Only a vessel which is properly registered or documented in the name of the mooring site permit holder may be placed on that person's private mooring. The name(s) of the mooring

site permit holder as recorded by the Harbormaster and the name listed as the vessel owner on the state registration or federal documentation certificate must be the same.

3. Approved mooring site permits or assignments for the size and type of boat described on the permit are valid from the date of issuance until March 1st of the following year. Mooring site assignees may change vessels on their assigned mooring site only with the permission of the Harbormaster. In general, mooring site permits shall be limited to the same approximate size and type of vessel unless, in the judgment of the Harbormaster, a change can be made without adversely affecting the Harbor mooring site plan or adjoining mooring site assignees.

4. The Harbormaster shall at any time be authorized to seek information from a mooring site permit holder with respect to the use, location, ownership, or any other factual information relating to the permit application that the Harbormaster deems meaningful. Failure to respond to the Harbormasters inquiry shall be a basis for the Harbormaster to revoke the mooring site permit.

F. Choice of Mooring Site and Resolution of Conflict:
The Harbormaster shall, consistent with these Rules and Regulations and 38 M.R.S.A. and with due regard for the safety of other vessels and of navigation, give consideration to the choice of the applicant. However, where mooring site rights of the individuals are claimed to be invaded or poses a danger to property or navigation and protection is sought from the Harbormaster, he or she shall assign and indicate to the mooring site permit holder the location which they may occupy for mooring purposes, and shall change the location of those moorings from time to time when crowding or other conditions render the change desirable.

G. Adequacy of Moorings:
All mooring tackle set in a mooring site shall be of sufficient size to hold the vessel or which it is used. An "Adequate Mooring" under this section shall conform to the following requirements:

1. All mooring tackles shall be approved by the Harbormaster with the assigned registration number permanently affixed thereon. Such number shall be at least three (3) inches high and shall be clearly visible at all times. The Harbormaster may at any time examine any mooring tackle to determine compliance with this section. Except in cases of emergency, he or she shall notify the owner of his or her intention to examine the mooring tackle and request the presence of the owner during such examination. Mooring tackle found to be inadequate with regards to the requirements of this section shall be corrected within forty-eight hours of being so notified or shall be removed forthwith. Any cost of examination or removal resulting therefrom shall be borne by the holder of the mooring site permit. If a vessel is required to be moved for reasons of the safety of other vessels, the owner shall be responsible for all associated costs.

2. The registered owner listed on mooring site permit shall be subject to responsibility and liability for any damage caused by his or her boat whether such owner is aboard his or her boat or not.

H. Vessels Moored so as to Impede Navigation or to Endanger Other Vessels:

No more than one Vessel shall occupy a single mooring site without said vessels being occupied. All mooring sites, whether now existing or hereinafter set, shall be located in such a way that the vessels will not impede navigation within the harbor, nor endanger other vessels. If the Harbormaster finds that any vessel is moored as to impede navigation or to endanger other vessels he or she may direct that the owner of the vessel take such steps, whether by shortening the scope of the mooring lines, or by the use of additional mooring lines, as will prevent such impeding of navigation or endangering of other vessels; or in the alternative, he or she may order that the mooring be removed from the site or relocated. In requiring the removal of a mooring because of its danger to other moorings, the mooring last set shall be the first removed. Any person so ordered by the Harbormaster acting under this paragraph, shall remove the same within forty-eight (48) hours after so ordered; provided, however, that if the Harbormaster shall find an emergency requiring immediate action to prevent injury to life or damage to property, he or she may cause said mooring or any vessel attached thereto to be immediately removed and relocated. Any expense involved shall be borne by the owner of the mooring or vessel being removed.

I. Moving or Interfering with Moorings Belonging to Another:

Except by direction of the Harbormaster, and with permission of the owner, no person shall move or interfere with any mooring or vessel in the waters of the Town of Kittery. If the Harbormaster deems the situation to be an emergency, he or she may take action immediately, notifying the owner of the vessel involved that such action has been taken.

J. Transient Courtesy Moorings, Commercial Service, and Rental Moorings:

1. Municipal:
Transient Courtesy Moorings are provided and maintained by the Town of Kittery for the use of visiting vessels. Such vessels may use these moorings for a period of no longer than twenty-four (24) hours, except under unusual circumstances and only with the expressed permission of the Harbormaster. A schedule of fees for such usage will be established by the Port Authority.

2. Non-Municipal:
Transient Courtesy Mooring Site Assignments shall be for the use of visiting of guest vessels. Such mooring sites shall not be rented and shall be clearly recognizable and identifiable with distinguishing color or markings as determined by the Harbormaster. No vessels may use these mooring sites for a period longer than twenty-four (24) hours, except under unusual circumstances and only with the express permission of the Harbormaster.

3. Commercial Service and Rental Moorings

Commercial Service and Rental Mooring sites will be allowed only upon the approval of the Port Authority.

K. Moored Floats:

Moored floats are only authorized with expressed permission of the Port Authority and only after receiving an Army Corps of Engineers Permit.

L. Outhauls:

All Outhauls shall be approved by the Harbormaster. Person(s) applying for an outhaul must show that they have authorized access to the location requested.

M. Spar mooring floats:

No new spar mooring floats shall be installed within the waters of the Town of Kittery. Existing spar mooring floats may be retained but must be changed seasonally to avoid becoming hazards to navigation.

N. Riparian Rights Mooring Sites:

The Town of Kittery Port Authority may permit and assign mooring sites to waterfront property owners demonstrating and claiming such right under the requirements of Title 38 Section 3 M.R.S.A.(Mooring Sites) under the following conditions:

1. Legal interest. The applicant must show legal interest in the property and in the case of joint ownership of property, that he or she has legal authority to act for all owners before the application is accepted by the Port Authority.

2. Location. A Riparian mooring site shall be located only in waters immediately in front of the intertidal land associated with the property as defined in the Kittery Land Use And Development Code, Chapter 16.4, Figure 1 . Once a Riparian Mooring has been assigned to a property, it stays with the property and is not subject to the three year rule and may not be moved.

3. Use. A Riparian mooring site shall be used solely by the owner of the property for personal use. Such mooring site cannot be used by a third party, either temporarily or permanently, except under the Temporary Mooring Site Use Program.

4. Practicality. A Riparian mooring site may only be assigned if the proposed location of said mooring site has been determined by the Port Authority to be practicable and safe and not impede free navigation or infringe on the rights of others.

5. Number of moorings. Only one Riparian mooring site per qualifying waterfront lot may be granted, regardless of the amount of shorefront in excess of the 100 foot minimum requirement and 20,000 sq.ft. minimum lot size, except people owning shore rights prior to January 1, 1987, are only required to have a 100 foot minimum shore frontage requirement established by state law.

6. Exceptions

a. An exception to the mooring site location may be granted by the Port Authority if the waterfront property is adjacent to an established mooring field or area and an additional mooring site would result in an unsafe condition. In such cases, the Port Authority may either reassign existing mooring site locations, or, at its discretion, assign the riparian right mooring site to another location. The simple unsuitability of the property location for mooring a particular type of boat does not justify this exception.

b. For the purpose of these regulations, in the case where a property owner's existing mooring fronts his or her qualifying waterfront lot, it is to be considered that property owner's riparian mooring site for as long as he or she owns the property.

c. In the case where a non-qualifying lot has been legally assigned a riparian mooring prior to the adoption of these Regulations, that mooring may continue as a riparian mooring associated with that lot until such time the mooring has either been revoked or abandoned. Should a transfer of ownership of the non-qualifying lot occur, the new owner may continue the use of the riparian mooring subject to the provisions of these Regulations, providing the mooring had not been revoked or abandoned by any previous owner.

O. Abandoned Mooring Sites:

A mooring site shall be deemed to be abandoned and the mooring site permit holders' mooring privileges shall be terminated under the following conditions:

1. Should a current mooring site permit holder fail to renew their mooring site permit within each calendar year from its expiration date (December 31st).

2. Should a newly assigned mooring site permit holder fail to pay all fees to the Town within 60 days of the new assignment.

3. Mooring holders whose mooring remains unused, submerged or un-serviced for three (3) continuous years shall have their mooring sites revoked.

P. Revocation of Mooring Site Permit:

The Harbormaster shall have the authority to revoke an individual's mooring site permit for any violation of these rules and regulations. Upon revocation, the Harbormaster shall promptly notify the individual that the mooring site permit has been revoked. Failure to comply

shall subject the violator to the penalties outlined in Section VI. Mooring site revocation may be appealed to the Port Authority as specified in these regulations.

Q. Disposal of Mooring Tackle:

Upon the abandonment or revocation of a mooring site permit or privilege, as provided by these Rules and Regulations, the mooring tackle shall be disposed of as follows:
Note: For the purpose of this section the term mooring site permit holder shall include the mooring tackle owner if the tackle(hardware) is owned by another person.

1. Notice for Removal. The mooring site permit holder shall be notified by the Harbormaster personally in writing or mailed to the permit holder at the most recent address on the application of the permit holder. The notice shall contain the following information:

a. The provisions of the Rules and Regulations determined to be violated which have resulted in the determination that the mooring site has been abandoned or revoked.

b. A directive to the mooring site permit holder to remove the mooring tackle from the mooring site on or before a specified date not to exceed 30 days from the date the notice is mailed.

c. Notification to the mooring site permit holder that in the event the mooring tackle is not removed from the mooring site on or before the date set forth in the notice for removal, the ownership of the mooring tackle shall vest in the Town subject only to the owners right to redeem the ownership to the mooring tackle as hereinafter provided.

d. Notification that should ownership of the mooring tackle revert to the Town as provided in above by failure of the mooring site permit holder to remove the same within the time period specified in the notice for removal, the Harbormaster, at the expense of the mooring site permit holder, shall take whatever action is deemed appropriate, including the removal and storage of the mooring tackle pending sale or other disposition by the Harbormaster.

e. Notification that the determination set forth in section (a) above may be appealed provided that the appeal procedure set forth in these Rules and Regulations are strictly followed. Any appeal if timely commenced shall not stay any provisions of this section except that no sale of mooring tackle shall occur until any appeal is finally determined.

2. Sale of Mooring Tackle by Harbormaster. In the event that ownership of the mooring tackle vests in the Town as a result of failure of the mooring site permit holder to remove the tackle within the time period set forth in section R.1(b) above, the Harbormaster shall cause written notice to be personally delivered and marked to the mooring site permit holder at the most recent address on the application stating the date on which the mooring tackle will be sold by the Harbormaster. This notice shall be mailed by the Harbormaster to the mooring site permit holder at least 14 days prior to the date set for the sale. This notice shall inform the mooring site permit holder that he/she/it may redeem the mooring tackle prior to the sale by payment in full to the Harbormaster of all expenses and fees outstanding associated with the

removal, storage, and notices undertaken by the Harbormaster. Should the mooring tackle not be redeemed as provided herein, the Harbormaster shall proceed to sell the same in a commercially reasonable manner on the date as specified. Nothing in this subsection shall prevent the Port Authority from retaining the mooring tackle without selling the same.

3. Proceeds From Sale of Mooring Tackle. Upon the sale of any mooring tackle as provided in section R.2 above, the net proceeds from the sale after deducting any selling expenses shall be paid over to the Port Authority to be used as part of its general funds. Should the net proceeds from the sale be insufficient to satisfy any outstanding expenses and/or fees associated with location, removal, storage, and sale of the mooring tackle, then the Town shall have the right to recover any such deficiency in an appropriate civil action against the prior mooring site permit holder.

## IV. PIERS WHARVES, FLOATS, AND OTHER MARINE-RELATED STRUCTURES.

A. Authority:

The Port Authority is the approving body for all marine-related structures to be built in the town of Kittery below the high water line. The Port Authority is also the approving authority for any integral infrastructure for water-dependent use which falls within one hundred feet above the high water line mark. In those cases, the requirements of the Town of Kittery Land Use and Development Code (Chapter 16.11, Marine-Related Development) shall apply in addition to the requirements of these Rules and Regulations, the Maine Mandatory Shoreland Zoning Act and applicable Federal regulations.

B. Permits:

1. No wharf, pier, float, or any other marine-related structure shall be erected, moved, or otherwise altered without a Building Permit therefor, issued by the Kittery Code Enforcement Officer after plan approval is obtained from the Port Authority, as required by these rules and regulations and Chapter 16.16.5.2.5 (Permit Threshold) of the Kittery Land Use and Development Code and in compliance with all requirements of the applicable local, State and Federal requirements.

2. A permit for which no substantial work has commenced within one year from date of issue shall expire. A permit for which work is not substantially complete within two years from date of issue shall expire. Expired permits may be renewed by the Code Enforcement Officer upon application and payment of a fee, provided that such renewal is sought prior to expiration under these provisions and provided that such renewal meets all relevant rules, regulations, ordinances, statutes and codes in effect on the date that the renewal of the expired permit is requested.

C. Application Requirements:

All applications for permits shall be filed with the Chairman of the Port Authority or his or her designated agent using the form provided for that purpose.

1. Plans showing the actual dimensions and shape of the lot to be built upon; the exact size and locations and dimensions of the proposed structures or alterations to existing structures;

2. The Chairman shall cause notice of the public hearing to be sent to all shorefront landowners whose shorefront property line abuts the same water body and is located within a distance of 150 feet of the applicant's shorefront property line. Notices shall be sent at the expense of the applicant. Proof of mailing to the address shown on the Town Assessor's property cards shall satisfy the notice requirements imposed by this section.

3. Any other such information as the Port Authority may deem necessary to determine conformance with these Rules and Regulations, the Town of Kittery Land Use and Development Code, Chapter 16.11, of the Maine Mandatory Shoreland Zoning Act and applicable Federal regulations.

4. The Port Authority may grant a waiver from the specifications of these regulations provided that the Port Authority finds that due to special circumstances of the specific application the granting of a waiver will not adversely impair the public health, safety and general welfare, the use of public waters, navigation, or harm the environment. All such waivers must be supported by sufficient findings of fact.

5. The application must be accompanied by an application fee in an amount set by the Port Authority. No application shall be deemed complete by the Port Authority until payment of the proper fees.

6. Ten (10) sets of all submissions shall be required.

D. Application Process:

1. Acceptance by the Chairman of the Port Authority.
The Chairman shall make a preliminary determination that the application is satisfactory and complete, or waiver requests are submitted for items not included.

2. Receipt and Scheduling Hearing.
Upon acceptance, the Chairman shall place the application on the Authority's agenda for a Scheduling Hearing and issue a dated receipt to the applicant, which shall constitute the official date of submission.

3. Board of Appeals (BoA)/Planning Board Review.
Where a project contains significant upland development as an integral part of the application, review by the BoA or Planning Board as appropriate is encouraged prior to Port Authority

review as indicated in Chapter 16.11.3, Shorefront Development Plan Review of the Kittery Land Use and Development Code.

4. Scheduling Hearing.

a. At the Scheduling Hearing, the Port Authority shall accept or deny the application in accordance with the following:

(1) that the applicant has legal standing by virtue of vested interest (right, title, or interest) in all properties under consideration;

(2) that the application is complete in accordance with these regulations and the Kittery Land Use and Development Code (if Appropriate), or the Authority accepts and approves any requests for waivers of submission contents.

b. If the Authority accepts the plan, it shall determine if additional information is required prior to Public Hearing, (in which case it may require the applicant to provide such information) and shall schedule the date for Public Hearing.

c. The Chairman shall arrange a mutually agreeable time for a site walk by the Authority prior to Public Hearing.

5. Public Notice.

The Chairman shall cause to be placed a public notice of such hearing in a newspaper of general circulation at least seven and not more than fourteen days prior to the scheduled hearing date. The notice shall set forth the general nature of the requested approval and shall be posted at the Municipal Offices, and shall be forwarded to the Clerks of York and Eliot, in the case of a plan located within five hundred feet of their municipal boundaries, at least ten days prior to the hearing. Placing of public notices shall be at the expense of the applicant.

6. Abutter Notice.

a. The Chairman shall cause to be sent notice of Public Hearing to all shorefront landowners whose shorefront property line abuts the same waterbody and is located within a distance of 150 feet of the applicant's shorefront property line. Notices shall be sent at the expense of the applicant. Proof of mailing to the address shown in the Town Assessor's property cards shall satisfy the notice requirement.

b. Notice shall also be sent to the Code Enforcement Officer, Town Planner, and where applicable, the Boa, Planning Board, and Conservation Commission, at least seven days prior to the Public Hearing.

c. Failure of notificants to receive said notices shall not invalidate any Port Authority action.

7. Public Hearing.

a. An accepted application shall normally be scheduled for review and public hearing at the next regularly scheduled meeting of the Port Authority, but no earlier than fifteen days nor later than thirty five days from the date of Port Authority acceptance. With the concurrence of the applicant, this deadline may be modified.

b. The following rules shall apply to the hearing:

(1) The Chairman or acting Chairman shall serve as the presiding officer.

(2) The Port Authority may receive oral and documentary evidence, but shall exclude evidence which it considers irrelevant, immaterial, or unduly repetitious.

(3) The Chairman shall determine the order of presentation by parties represented at the hearing. Each party shall have the right to proceed without interruption, except that rulings by the Chair shall prevail.

(4) Any party may be represented by agent or attorney.

(5) Any Town official having an interest in the application may present into evidence a written summary of findings and recommendations.

(6) The Port Authority may continue the hearing to another time and location, including the site of the project, as it deems necessary.

8. Port Authority action.

a. The Port Authority shall act to approve, approve with conditions, disapprove, table, or continue plans within thirty five days of plan acceptance unless the applicant agrees in writing to extend the period (not to exceed 120 days).

b. In the case of an extension such plan shall automatically be scheduled for the agenda of the next regularly scheduled meeting after the extended period and action completed whether the applicant has accomplished the purposes for which the continuance was granted or not.

c. An applicant or interested party may request reconsideration of any decision by the Port Authority as outlined in Section VII of these Rules and Regulations.

9. Expenses

The applicant is responsible for the application fee in section X in addition to all expenses associated with application process.

E. Findings of Fact:

1. Action by the Port Authority shall be based on sufficient findings of fact which support compliance with all required standards of these Rules and Regulations (or grant waivers for

those things requested) applicable requirements contained in the Kittery Land Use and Development Code, Chapter 16.11 Marine-Related Development, Development Application and Review (Findings of Fact), of the Maine Mandatory Shoreland Zoning Act (M.R.S.A. Title 38), applicable requirements of the Maine Department of Environmental Protection, and applicable requirements of the US Army Corps of Engineers.

2. If it is mutually agreeable to the Port Authority and the Applicant, the official, approved minutes of the meeting may be accepted as the written findings of fact.

F. Conditions of Approval:

An approval by the Port Authority shall take the form of an agreement between the Town of Kittery and the applicant, incorporating as elements the application, the findings of fact, and such conditions as the Port Authority may impose upon approval.

G. Performance Standards:

1. All applications for permits under this section must comply wholly with the requirements of the Kittery Land Use and Development Code, Chapter 16.3.2.17 (Shoreland Overlay Zone), and Title 38 M.R.S.A., and any other applicable federal or state requirements. These requirements apply to all development within 250 feet, horizontal distance, of the normal high water mark of any river or saltwater body. These requirements also apply to any structure built on, over, or abutting a dock wharf or pier, or any other structure extending beyond the normal high water mark of a water body or within a coastal wetland shown on the Official Shoreland Zoning Map.

2. The construction of any piers, docks, wharves, and other structures and uses extending over or beyond the normal high water mark of a water body or within a wetland must comply with all applicable requirements of the Kittery Land Use and Development Code.

3. Non-commercial private piers shall have a maximum width of 6 feet as measured parallel to the shoreline and shall be limited to the minimum size necessary to accomplish their purpose. With the exception of temporary ramps and floats, the total length of a ramp, pier and float structure shall not extend more than 150 feet beyond the normal high water line and piers shall not extend more than 100 feet beyond the normal high water line nor extend below the mean low water mark, whichever is shorter. The maximum height of the pier deck shall not exceed six (6) feet above the normal high water line, and the handrails shall not exceed 42" without the specific approval of the Port Authority.

a. Commercial piers shall be limited to the minimum size necessary to accomplish their purpose. They shall not extend beyond low water mark except with credible proof by the applicant that the extension is necessary for the water-dependent use of the pier. The maximum height of the pier deck shall not exceed six (6) feet above mean high water mark and the handrails shall not exceed 42", without a showing of necessity and specific approval of the Port Authority. Documentation required for an application for a commercial pier, in

addition to all other requirements of these Rules and Regulations, shall set forth credible proof of the commercial usage and shall include at least the following:

i. Written documentation as to the nature of the commercial enterprise and why the applicant is requesting a pier that doesn't meet the non-commercial private pier standards noted in G (3) above;

ii. Written proof of a valid commercial enterprise, such as commercial fishing license, articles or organization/incorporation for the business, proof of Maine or federal income tax showing business declaration;

iii. Documentation of their ownership in the commercial business or enterprise;

iv. Any additional documentation required by the Harbormaster or Port Authority for determining the commercial use and operation of the commercial pier.

4. Piers, wharves, and pilings shall be set back at least 25 feet from property lines and 50 feet from other structures that are fixed in place below the normal high water line and not owned or controlled by the applicant unless a letter of permission is granted by abutting or other controlling property owner. If abutting property owners reach a mutual agreement regarding structures which have a lesser setback, which does not interfere with navigation, is practical and is consistent with the intent of these regulations, that setback may be authorized by the Port Authority if the applicant agrees to record any ensuing permit (which will have that agreement as a condition) and the abutters' letters of no objection, with the Registrar of Deeds, or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property in the Town of Kittery.

H. Administration and Enforcement:

1. 1. Once Port Authority approval is granted, an applicant must apply, within one year of the date of approval, to the Kittery Code Enforcement Officer for a Building Permit prior to commencement of any work on the site or the approval shall terminate. When circumstances are such that a plan that has received Port Authority approval is required to be reviewed by another agency (e.g. DEP, Planning Board, BoA), then the one-year time period for obtaining a building permit from the Kittery Code Enforcement Officer shall be stayed while (a) the plan is pending before that agency, from time of submission to time of decision inclusive, verified by documentation from that agency and (b) the decision of such agency is being reviewed by any appellate board or judicial court, from the time an appeal is filed to the time when an appellate board or judicial court renders the last, un-appealed decision necessary to allow the applicant to obtain a building permit from the Kittery Code Enforcement Officer, verified by documentation from that appellate board or judicial court. In all cases, the Port Authority may extend the effective date of its approval for up to one additional year provided the renewal is sought before the initial approval terminates and the permit meets all Port Authority requirements in effect on the date that the request for the renewal is sought.

2. As set forth in Chapter 16.5.3.6 of the Kittery Land Use and Development Code, the Code Enforcement Officer is required to approve or deny an application for a Building Permit within fourteen working days of receiving said application.

3. The Code Enforcement Officer shall revoke any Building Permit issued if, after due investigation, it is determined the Permit holder has violated any of the provisions of the Port Authority approval, the Kittery Land use and Development Code, or any applicable code, law, or statute.

## V. HARBORMASTER DUTIES AND AUTHORITY

A. Duties:

In addition to, and concurrent with his or her authority as authorized by state statue, the Harbormaster shall enforce all provisions of these Rules and Regulations pertaining to harbors and tidal waters under the jurisdiction of the Kittery Port Authority and the State of Maine and shall cooperate with other Governmental agencies in enforcing their regulations. He or she shall, under the supervision of the Port Authority:

1. Preserve and regulate navigation within the waters defined in these Rules and Regulations,

2. Assign mooring sites, insuring that the mooring tackle is kept in safe condition, and maintain an accurate plot of the location of all moorings sites in the Town of Kittery.

3. Direct the removal of vessels, if necessity or emergency requires,

4. Regulate the use of town owned wharves, piers, docks, landings or floats,

5. Inquire into and prosecute all offenses occurring within his or her jurisdiction.

6. Keep such records as the Port Authority may require.

7. Regulate the use of and insure that all town equipment and property is well maintained and kept in a safe and functioning condition. This property includes but is not limited to wharves, floats, piers, landings, boats, trailers, electronic equipment, cranes, and other miscellaneous tools and safety gear.

8. Enforce State and Federal marine safety laws and regulations and promote safe boating practices.

9. Perform such other duties as the Port Authority may prescribe.

10. Report violations of these rules and regulations or violations of any permit issued by the Port Authority to the Port Authority or CEO as appropriate.

B. Qualifications Salary and Appointment:

The Harbormaster shall be qualified by education, training, and experience as determined by the Port Authority. His or her salary and expenses shall be set by the Port Authority. The Harbormaster's appointment may be revoked by the Port Authority at any time for cause. The Harbormaster shall be appointed for a minimum term of one (1) year, his or her qualifications, salary, and expenses to be determined by the Port Authority. The Harbormaster shall be empowered to make arrests for offenses under the provisions of the regulations as other peace officers are authorized to do.

C. Assistants:

From time to time the Port Authority may authorize the Harbormaster deputies or assistants. These assistants shall be volunteers and shall be trained by the Harbormaster to assist in patrol, mooring site registration, and other such duties as the Harbormaster or Port Authority may proscribe. The Port Authority reserves the right to employ such deputies or assistants if it determines that the assignment is in the best interest of the Port. An assistant's appointment may be terminated at any time by the Port Authority.

## VI. PENALTY

A. Violations:

Whoever violates any of these rules or regulations or refuses or neglects to obey any lawful order of a Harbormaster or his or her duly authorized deputy or other law enforcement officer given pursuant to these Rules and Regulations or State Statute, or obstructs a Harbormaster in the execution of his or her duties, commits a civil violation, which may result in the loss of mooring site privileges in the Town of Kittery, and shall pay a fine of fifty dollars ($50.00).Each day the violation continues after notification by the Harbormaster shall be deemed a separate offense. All fines recovered shall accrue to the Town of Kittery.

B. Enforcement by Harbormaster:

The Harbormaster, his or her duly authorized deputy or any other law enforcement officer authorized to enforce laws within the Town of Kittery shall be authorized to enforce all provisions of this Ordinance and any Rules and Regulations adopted thereunder as well as all applicable State statutes. The Harbormaster is authorized to take all necessary proceedings to seek the recovery of fines authorized thereunder and all such fines and penalties recovered shall accrue to the Town of Kittery.

C. Additional Enforcement Authority for Violations of State Statute:

In addition to the civil penalties imposed hereunder for violations of this Ordinance, Title 38 of the Maine Revised Statutes Annotated as amended provides additional sanctions for violations of statutes that may be enforced by the Harbormaster as provided by law. Among these statutes and sanctions are the following:

1. 38 M.R.S.A. 13 Failure to obey orders of Harbormaster: A person is guilty of failure to obey an order of a Harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a Harbormaster authorized pursuant to this subchapter. Failure to obey an order of a Harbormaster is a Class E Crime.

2. 38 M.R.S.A. 281 Speed restrictions: Whoever operates any Watercraft, vessel, water skis, surfboard, similar devise or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State at a speed greater than is reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings or shores, and for any other conditions then existing shall be guilty of a Class E Crime.

3. 38 M.R.S.A. 282 Endangering persons or property: Whoever operates any Watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State in a manner which endangers any person or property shall be guilty of a Class E Crime.

4. 38 M.R.S.A. 283 Operating Recklessly: Whoever operates any Watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State recklessly shall be guilty of a Class E Crime.

5. 38 M.R.S.A. 284 Operating under influence of drugs and liquor: Whoever operates any Watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana shall be guilty of a Class E Crime.

D. Responsibility of Owner:

1. The owner(s) of a vessel shall be held equally responsible together with the operator of said vessel for any administrative violation of these rules and regulations by said operator.

2. The owner(s) of the vessel are not liable for moving violations which are the fault of the operator of the vessel whether or not permission to operate the vessel was granted unless they have contributed to the fault by neglect, privity or knowledge.

E. Expenses of Moving a Vessel:

In the event that the Harbormaster removes a vessel as set forth in this ordinance, such removal shall be at the cost and risk of the owner of the vessel. The Harbormaster shall charge $100 to be paid by the master or owner of the vessel, which charge, together with the cost of the crew for removing that vessel, the Harbormaster may collect by a civil action in the District Court as set forth in Title 38, M.R.S.A. Section 5.

## VII. APPEALS

A. Appeal of Decisions of the Harbormaster:

1. Any person aggrieved by a decision of the Harbormaster under these Rules and Regulations (other than a decision to pursue a violation of these rules and regulations and/or state statue in a court of competent jurisdiction) may appeal such decision to the Port Authority within thirty(30) calendar days from the date said decision is rendered in writing by the Harbormaster.

2. Such appeal shall be filed in writing with the Kittery Town Clerk setting forth the reasons for the appeal. The filing shall be considered complete when stamped as received by the Kittery Town Clerk. The clerk shall deliver the appeal to the Chairman of the Port Authority for the purpose of scheduling a hearing of the appeal.

3. The Port Authority shall hold a hearing within forty five (45) days of receipt by the Town Clerk of such appeal (Normally the next scheduled meeting). The appealing party shall be given notice by the Port Authority by certified mail at least seven (7) days prior to the date set for the hearing.

4. The Port Authority shall hear all relevant evidence presented to it during the course of the hearing by the Harbormaster and appealing party. Either side may present witnesses or evidence in support of their respective positions. The Chairman of the Port Authority shall serve as the presiding officer and shall determine the admissibility of testimony in evidence. This hearing shall be held on an informal basis with strict rules of evidence not applying.

5. After hearing, the Port Authority shall decide the appeal by simple majority of those present and voting and shall render a decision which may affirm, reverse or modify the decision under review, or may remand the matter to the Harbormaster for further proceedings in accordance with the terms of these rules and regulations. The decision of the Port Authority, which shall be recorded in the minutes of the meeting, shall set forth sufficient findings of fact as appropriate. The Chairman shall provide the appellant written notification of the decision of the Port Authority outlining the findings of fact within 10 days of the decision.

B. Request for reconsideration of decisions of the Port Authority:

1. An applicant requesting reconsideration of a Port Authority decision or other aggrieved person(s) who appear and participate in the hearing before the board may request a rehearing of such decision provided it is made within fifteen (15) calendar days from the date of said decision is rendered and providing the request contains new or substantially expanded information which provides sufficient grounds for reconsideration of the decision.

2. Any such request for reconsideration shall be filed in writing with the Kittery Town Clerk setting forth the reasons for the request. The filing shall be considered complete when stamped as received by the Kittery Town Clerk. The clerk shall deliver the request for reconsideration to the Chairman of the Port Authority for the purpose of scheduling a hearing of the request for reconsideration.
3. The Port Authority shall hold a hearing within forty five (45) days of receipt by the Town Clerk of such request. (Normally the next scheduled meeting). The requesting party shall be given notice by the Port Authority by certified mail at least seven (7) days prior to the date set for the hearing.

4. During the hearing either the applicant requesting reconsideration, or other aggrieved person(s) who are in opposition to the decision may present witnesses or evidence in support of their respective positions.

5. After the hearing the Port Authority shall take the request for reconsideration under advisement and shall issue a decision agreed to by at least a two thirds(2/3) majority of board members of those present and voting which may affirm, reverse or modify the decision under review. Failure to achieve a two-thirds majority will reaffirm the original decision.

6. The decision of the Port Authority, which shall be recorded in the minutes of the meeting shall set forth findings of fact as appropriate. The Chairman shall provide the requester written notification of the decision of the Port Authority within ten (10) days of the decision.

C. Appeal of Decisions of the Port Authority:

Applicants or other aggrieved parties may appeal the decision of the Port Authority directly to the Superior Court, within thirty (30) calendar days pursuant to the rules and procedures established for M.R.C.P. 80(B) Appeals.

## VIII. FEDERAL REGULATIONS

Nothing herein shall be considered as interfering with Federal laws applicable to the coastal waters, tidal waters, tidal rivers and harbors of the state. Where the requirements of these Rules and Regulations are in conflict with other laws or rules, the more restrictive, or that imposing the higher standard, shall govern.

## IX. CITIZEN COMPLAINTS

A. Complaint procedure:

Persons aggrieved by a violation of any regulation contained herein may file a sworn complaint with the Harbormaster giving the following information:

1. Date and time of violation;
2. Boat causing violation, including description and if possible, name and identifying number;
3. Owner, if known;
4. Operator or master of vessel, if Known;
5. Nature of violation;
6. Damage or injuries cause, if any; and
7. Witnesses, including name, address and telephone number.

B. Action of the Harbormaster:

If the Harbormaster determines, based on the complaint and any other investigation he or she may undertake, that probable cause exists to believe that a violation of any regulation has occurred, he or she shall either:

1. Issue a written warning to the alleged offender.
   or
2. Issue a citation and proceed to enforce any violation of these regulations as provided herein in a court of competent jurisdiction.

3. Take other such action as authorized by these regulations or other applicable local, state, or federal laws.

## X. FEES

The schedule of fees for such permits and applications established by the Port Authority in accordance with M.R.S.A. Title 38 et. seq. are as follows: (Note: Government and military vessels are exempt from all fees outlined in this section.)

A. General Provisions:

1. Upon receipt of an approved mooring site renewal application from the Harbormaster, it is the responsibility of a mooring site holder to submit the approved permit application to the Town together with all fees due. Payment of all mooring site fees are due before March 15th of each year.

2. All vessels are required to display the Kittery Port Authority decal attesting that all appropriate fees have been paid. Failure to display said decal(s) shall subject the master or owner to a fine of $25 per offense.

B. Mooring Site Fees:

1. Mooring: $6.00 per foot; Minimum $150.00 (includes the Harbor/Water Usage Fee).

2. Transient Courtesy Mooring sites (Yacht Clubs): $6.00 per foot; Minimum $150.00

3. Rental Mooring sites (Marinas & others authorized as a result of grandfathering or KPA motion): $6.00 per foot; Minimum $150.00

4. Public Memorial Mooring Sites: No fee if approved.

5. Moored Floats: Same as other mooring and Harbor/Water Usage Fees for each vessel using the float. If, with the permission of the KPA and any other agency with jurisdiction, one side is used for rental, the fees noted in 2 and 3 above apply to the rented side. The Harbormaster may approve occasional use of an unused side by a visiting vessel at his discretion.

C. Harbor/Water Usage Vessel Fee: $1.00 per foot.

D. Other Fees:

1. Town Transient Mooring Rental: $20.00 per night (14 day maximum)

2. Applications for Piers, Ramps and attached Floats: $100.00

3. Dinghy seasonal tie up fee: $25.00 for all Town Piers, Floats and Ramps. Only mooring holders may tie up dinghies on a seasonal basis.

4. Outhaul: No charge

5. Mooring Site Waiting List: $10.00 annually.

6. All Kittery Boat Launch Ramps: Non-mooring holders must pay a fee to launch a boat at Kittery launching ramps.

a. Seasonal Launch Fee: $50.00 (residents and non-residents) Includes the Harbor/Water Usage Fee.

b. Day Launch Fee: $5.00 (residents and non-residents)

c. Day and Season Launch Passes are available at Town Hall or Harbormaster's Office at Pepperrell Cove. Passes to be visible on trailer or on vehicle dashboard

7. Removal of Dinghy by Harbormaster after due notice: $100.00 to be assessed at next mooring renewal.

## XI. SEVERABILITY

In the event that any section, subsection or any portion of these Regulations shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or any other portion of these Regulations; to this end, the provisions of these Regulations are hereby declared to be severable.

## XII. EFFECTIVE DATE and RECORD OF CHANGES

These rules and regulations shall take effect on 6 February 1997, and replaces the Town of Kittery Port Authority Rules and Regulations originally approved on June 1, 1989, and amended on February 6, 1992, August 4, 1994, and July 6, 1995. These Rules and Regulations shall remain in effect until altered or repealed by the Port Authority.

THE FOLLOWING CHANGES ARE EFFECTIVE ON THE DATE INDICATED:

Change 001: amended the Regulations in order to conform with the Re-codification of Municipal Ordinances, by the Town of Kittery and was approved by the Port Authority on 6 March 1997.

Change 002: changed the wording on Section IV.D.6; "Abutter Notice" to cause the notice of Public Hearing to be sent to all "shorefront landowners abutting the same waterbody within 150 feet." Also changed Section IV.G.3 to require the "maximum height of the pier deck to be six (6) feet above the normal high water mark." Also changes the word "registered" to

"certified" in Sections VII.A.3 & VII.B.3. Corrects spelling of "intefer" to "interfere." These changes were approved at the regular meeting of the Kittery Port Authority on 1 May 1997.

Change 003: added new paragraph III.O.6c concerning "grandfathering" legally existing riparian moorings to lots that do not qualify for a riparian mooring under these regulations because they do not have 100' of frontage. These changes were approved at the regular meeting of the Kittery Port Authority on 4 September 1997.

Change 004: amended paragraph Section III.N, Temporary Mooring Site Use Program, approved at the regular meeting of the Kittery Port Authority on 5 November 1998.
Change 005: Added "Z" to Definitions for Swim Float. This change was approved at the regular meeting of the Kittery Port Authority on 1 July 1999.

Change 006: Changed definition under Section IV, G.3, Non-commercial private piers.
...the total length of a ramp, pier and float structure shall not extend more than 150 feet...This change was approved at the regular meeting of the Kittery Port Authority on
4 October, 1999.

Change 007: Changed definition of Town Resident "R" also referred to as "municipal resident" for mooring purposes is one who owns real property in Kittery or resides in the Town of Kittery for more than 180 days in a calendar year. This change was also approved at the regular meeting of the Kittery Port Authority on 4 October, 1999.

Change 008: The following corrections and amendments were approved at the regular meeting of the Kittery Port Authority on 4 April 2002:

E.2. Public Nuisance: No person shall loiter, create a public nuisance or partake of alcoholic beverages on town wharves or landings. Town wharves or piers may be closed by the Police Department when it is warranted by acts of vandalism or disturbance of the peace and threats to Natural Resources.

3. Closure of Facilities: Town wharves, piers, floats, and landings may be closed by order of the Port Authority when warranted by acts of vandalism, disturbance of the peace, storms and public safety or natural resources. The Harbormaster may act in lieu of the Port Authority in times of impending storms, or threats to public safety or natural resources.

D. Annual Renewal of Mooring Site Permits: All mooring site permits must be renewed and all fees paid prior to March 1st of each year and prior to putting his or her boat on that mooring, in effect as of January 1, 2003.

E.3. Change date 1st May to March 1st

E.6. Add: Except May 1st to September 1st from 5:00 p.m. Friday - 5:00 p.m. Sunday, no lobster traps are permitted on the Main Aluminum Float at Pepperrell Cove Pier.

N.2. Change two dates 1st May to March 1st.

Change 009: The following amendment was made at the 6 June 2002 meeting:

E.6: "Except June 1st to after Labor Day from 5:00 p.m. Friday - 5:00 p.m. Sunday, no lobster traps are permitted on the main aluminum float at Pepperrell Cove Pier."

Change 010: The following amendments were made at the 3 April 2003 meeting:

X.A.1 Change May 01 to March 1st
X.B.7 Change fee Temporary Mooring Sites: $100 Plus/foot as above

Change 011 Amendments made at the January 5, 2006 Port Authority Meeting:

I.S.a Mean Low Water Line: For the purpose of these rules, approximation of mean-low water made by observation of low tide during a 0.0 foot tide (As determined by the National Oceanic and Atmosphere Administration).
I.S.b. Tidal Waters: Areas where there are two Low Waters and Two High Waters generally every 24 hours and 50 minutes. The average High Water rises 8.7 ft. from Low Water in the Kittery area.

I.J. Navigable Tidal Waters: All harbors and bays as well as major rivers as far as they can be navigated "continuously" from the sea without obstructions.
G.3. and a.: (Insert after normal high water mark) and the handrails shall not exceed 42 inches.
5.e. Removal of dinghies for winter: Increase late fee from $5.00 to $50.00
X.B. Mooring Site Fees: 1) Private Residents: $1 per foot (Min. $30); 2) Private Non - Resident: $5 per foot (Min. $150); 7. Temporary Mooring Site: $150
X.C. Other Fees: 1. Applications for Piers, Ramps and Floats: $100

Change 012: Amendments and additions made at the July 5, 2007 Port Authority meeting:

Under I, Definitions: (M) **Marina**: A business establishment that has compliant frontage on navigable water and that provides, as its principal use, for hire moorings or docking facilities for boats and yachts or any pier and float system capable of supplying four (4) or more 15' or greater slip spaces in addition to the main float as of July 5, 2007, but not including float systems and applications in existence before this date. A marina may also provide accessory services such as boat and related sales, boat repairs to small craft 19.8 meters (65 feet) or less, indoor storage of boats and marine equipment, boat and tackle shops, marine fuel service facilities.

F1. **Finger Float**: A float extending from the main float of a pier, ramp and float system that creates slips and/or increases the float or pier edge available for docking boats.

**U.2. Residential Development Use Pier, Ramp & Float System:** A pier and/or ramp and float system which is used in common by lot owners or residents of a subdivision or residential planned development. The purpose is to provide waterfront access to the owners of lots in a residential development that has the potential for more than one waterfront lot.

The object is to minimize the number of piers, ramps and floats resulting from new development and possible elimination of Riparian Moorings.

**IV.H. Administration and Enforcement:**
1. Once Port Authority approval is granted, an applicant must apply, within one year of the date of approval, to the Kittery Code Enforcement Officer for a Building Permit prior to commencement of any work on the site or the approval shall terminate. When circumstances are such that a plan that has received Port Authority approval is required to be reviewed by another agency (e.g. DEP, Planning Board, ZBA), then the one-year time period for obtaining a building permit from the Kittery Code Enforcement Officer shall be stayed while (a) the plan is pending before that agency, from time of submission to time of decision inclusive, verified by documentation from that agency and (b) the decision of such agency is being reviewed by any appellate board or judicial court, from the time an appeal is filed to the time when an appellate board or judicial court renders the last, un-appealed decision necessary to allow the applicant to obtain a building permit from the Kittery Code Enforcement Officer, verified by documentation from that appellate board or judicial court. In all cases, the Port Authority may extend the effective date of its approval for up to one additional year provided the renewal is sought before the initial approval terminates and the

permit meets all Port Authority requirements in effect on the date that the request for the renewal is sought.

**VII.C. Appeal of decisions of the Port Authority:** Applicants or other aggrieved parties may appeal the decision of the Port Authority directly to the Superior Court within thirty (30) calendar days pursuant to the rules and procedures established for M.R.C.P. 80(B) Appeals.

Change 013: **Article III, Moorings, "D" Annual Renewal of Mooring Site Permits, #3,** Notice of hearing request to Port Authority changed "sixty (60)" to "thirty (30)" days. This change approved at Port Authority Meeting on 6 December 2007.

Change 014: **FEES**- Town Mooring Rental: $15/Day and Dinghy fee: $15 (Resident and Non Residents) Amendments made at November 6, 2008 Port Authority Meeting.

Change 015: **E. Public Wharves and Landings:** Boats careening, adjacent to, or tied to Public Wharves or Piers shall have a maximum of 24 hours. Amendment made at December 4, 2008 Port Authority Meeting.

Change 016: **X. FEES** rewritten based on KPA motions voted after a public hearing held during the December 2, 2010 regular meeting and a hearing on a request for reconsideration held at the January 6, 2011 meeting.

Change 017: Added Section H. Harbor / Water Usage Fees; removed temporary mooring program language; updated fee schedule (Section X); updated Title 16 references and other administrative corrections following the KPA Public Hearing on December 6, 2012.

Checked and certified to be an accurate copy of the regulations as approved at the regular meeting of the Town of Kittery Port Authority on February 6, 1997, and includes administrative changes adopted at the March 6, 1997, May 1, 1997, September 4, 1997 November 5, 1998, July 1, 1999 and October 4, 1999, April 4, 2002, June 6, 2002, April 3, 2003, January 5, 2006, July 5, 2007, September 6, 2007, December 6, 2007, November 6, 2008 and December 4, 2008, October 1, 2009, December 2, 2010, January 6, 2011; December 6, 2012 Port Authority meetings.

By: _____ Date: 12-06-12

Chairman
Kittery Port Authority