

1. Executive Session

The Kittery Port Authority moves to go into executive session with the Town Manager and the Harbormaster in accordance with 1 M.R.S. §405 (6) (A) for the harbormaster's six-month evaluation.

Mr. Lawrence made a motion to come out of Executive Session at 6:00 p.m.

Mr. Alesse seconded the motion.

The motion carried 7-0-0.

2. Roll Call

Members present: Steve Lawrence, Member; Mark Drummond, Member; Kelly Philbrook, Chair, Charlie Patten, Member, Bryan Bush, Member, Mark Alesse, Member and Planning Board Representative, Bruce Crawford, Vice Chair

Staff Present: Scott Alessi, Harbormaster

3. Call to Order

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

4. Pledge of Allegiance

Agenda Amendments

None.

5. Minutes: May 4, 2017

Change date to May 4th not May 5th

Line 45 – add “she explained the boat”

Line 54 – replace water tank with holding tank

Line 52 – change to “Jersey barriers are located”

Vice Chair Crawford moved to approve the Minutes of the May 4th meeting as amended.

Mr. Lawrence seconded the motion.

The motion carried 7-0-0.

6. Harbormaster Report and Budget Report

Budget Report

Revenues:

- Dingy fees are up \$2,800 over last years' appropriated amount;

- Transient slip rental is up 211%;
- Launch fees – the number is incorrect because of a recent deposit of \$1,500;
- Mr. Alessi has issued 17 season passes making the amount \$200 dollars higher from last May.

Expenditures:

- Transportation is in the negative due the cost of Mr. Alessi's trip to New York to get the new boat in the amount of \$65;
- Other professional services is in the negative due from the sailboat tow from last February.

Harbormaster's Report

- Mr. Alessi thanked those who helped with the float in.
- The new float for the dinghies is in place.
- The new Harbormaster's boat is in the water and doing great.
- A skiff will be kept at the Traip Pier for the Assistant Harbormaster's access.
- The new signs are in and most are installed. Mr. Alessi is planning to install more at Pepperrell Cove and Traip Pier this weekend.
- Mr. Alessi recently received the Government Street Pier assessment. He stated he has not had time to review the report and gave copies to the Board. Mr. Alessi added Barney Baker would like to attend the next meeting to go over his report with them. He added an immediate restriction of a 3.5-ton load limit was required on the pier and will be posted. The cost of the assessment will be taken out of their CIP. The Board was in consensus to have Mr. Baker at the July meeting.

Mr. Alessi described an incident involving a sailboat breaking loose. He explained a mooring holder's friend was renting his mooring which needed to be serviced. The pendent line was taken off but the boat owner wrapped rope around it and use it anyway. Mr. Alessi will be making the decision on what to do about the situation soon. Chair Philbrook hopes the owner is responsible for the fees to recover the sailboat and stated the Harbormaster has the ultimate control over the moorings and his decision to revoke. Board members discussed circumstances for making the decision to tow. Mr. Lawrence stated they currently have a no tow policy which has been used over the last two years. No tow unless damage to person or property.

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

None.

8. Public Hearings

- a. The Kittery Port Authority moves to hold a public hearing on an application by Heidi Lawson, 33 Tower Road, Kittery Point ME 03905 (Map 58, Lot 32) for the construction of a 4'x 22' fixed pier, a 3'x16' ramp, and an 8'x16' float. Along 128' of shorefront on Chauncey Creek.

Lisa Vickers, from ECO-Analysts, gave a review of the plan and explained the float will be on skids. The pier will be used on a seasonable basis for kayaks, paddle boats and a flat bottom skiff.

The Chair opened the public hearing. There being none, the Chair closed the public hearing.

Mr. Lawrence moved to accept and approve the application by Heidi Lawson, 33 Tower Road, Kittery Point ME 03905 (Map 58, Lot 32) for the construction of a 4'x 22' fixed pier, a 3'x16' ramp, and an 8'x16' float. Along 128' of shorefront on Chauncey Creek.
Drummond seconded the motion.

Vice Chair Crawford commented on the nice job with the plans and application.

The motion carried 6-0-1.

- b. The Kittery Port Authority moves to hold a public hearing on an application by Bryan Cormier, 12 Goose Point Road, Kittery Point ME 03905 (Map 34, Lot 16) for the construction of an 8'x 24' seasonal/temporary aluminum dock. Along 185' of shorefront in Hutchins Cove in Spruce Creek.

Mr. Cormier apologized not being at the recent site walk and hoped he clarified the questions from site walk.

Chair Philbrook explained the Board needs to consider the project that was originally applied for regarding the aluminum structure with the L-piece. The L piece is 8'x 8'. Chair Philbrook explained the question of access across the marsh grass was explained in an email. She further explained they need to go by the application as received and a public hearing and abutter's notice can't change. She also recommended going forward with original application and if Mr. Cormier would like them to continue to the next meeting to revise the plans. The applicant stated he would like to go forward with the current plan.

The applicant explained why the structure is not permanent and, because of that, it is wider than six feet on the end. He added the Army Corps of Engineers and Maine DEP stated they had no requirements for impacting the grass unless it is over used such as a warn path and they prefer an elevated walkway. Mr. Cormier added the impact would be low because the structure would be used for occasional kayaking. Chair Philbrook stated her concern with the temporary structure rolling off the marsh at high tide water between land and structure. The applicant explained the walkway would be temporary because it is soft foot using gangplanks.

The Chair opened the public hearing. There being none the Chair closed the public hearing.

Vice Chair Crawford recommended seeing an addition to the plan showing the temporary ramp to the salt marsh. He is also concerned in keeping the temporary walkway from floating off. The applicant stated the walkway will be secured by auger ties anchored into the mud. The Vice Chair would like the applicant to come back next month with a revised plan showing all modifications.

Mr. Lawrence moved to continue the application of Bryan Cormier, 12 Goose Point Road, Kittery Point ME 03905 (Map 34, Lot 16) for the construction of a seasonal/temporary aluminum dock. Along 185' of shorefront in Hutchins Cove in Spruce Creek to the July meeting.

Mr. Bush seconded the motion.

The motion carried 7-0-0.

- c. The Kittery Port Authority moves to hold a public hearing on an application by Dr. Brandon R. Smith, 57 Cutts Island Lane, Kittery Point ME 03905 (Map 45, Lot, 30B) for the construction of a 4'x 20' gangway and a 10'x 20' float. Along 170' of shorefront on Chauncey Creek.

The Chair stated the site walk has taken place.

The Chair opened the public hearing. Hearing none, the Chair closed the public hearing.

Mr. Lawrence moved to accept the application by Dr. Brandon R. Smith, 57 Cutts Island Lane, Kittery Point ME 03905 (Map 45, Lot, 30B) for the construction of a 4'x 20' gangway and a 10'x 20' float. Along 170' of shorefront on Chauncey Creek.

Mr. Patten seconded the motion.

The motion carried 7-0-0.

10. Piers, Wharves & Floats

- a. The Kittery Port Authority moves to review and accept an application from Richard and Gail Marshall 27 Water Street Kittery Maine (Map 1, Lot 49) for the construction of a 4'x8' access platform, 4'x20' access stairs with a mid-stairs platform, a 6'x50' pier with batter pilings, a 3'x12' aluminum stairway to the beach, a 3'x50' aluminum ramp, and two 10'x20' wood floats with two dolphin moorings.

John LeBlanc, LeBlanc and Associates, gave an overview of the plan and explained the location has a steep bank to the back channel. Mr. Leblanc described a large submerged rock crop in the river and they are proposing to locate the float out enough to have three feet of water. The applicants have three boats and five family members have boats as well. Mr. LeBlanc stated the side setbacks are met and the location of the floats from the abutters meets the Army Corps. of Engineers 50-ft requirement. The dolphin moorings would be permanent.

Mr. Bush asked about the rocks in the area that squeezes the channel and believes the ledge is further north than depicted. Vice Chair Crawford agreed with Mr. Bush and suggested moving the float down further. He explained the channel has a lot of traffic and, if it is too far north, it would be in the way. The applicant stated he will mark the end of the float.

Mr. Lawrence moved to accept the application and schedule a site walk for Richard and Gail Marshall 27 Water Street Kittery Maine (Map 1, Lot 49) for the construction of a 4'x8' access platform, 4'x20' access stairs with a mid-stairs platform, a 6'x50' pier with batter pilings, a 3'x12' aluminum stairway to the beach, a 3'x50' aluminum ramp, and two 10'x20' wood floats with two dolphin moorings.

Mr. Bush seconded the motion.

A site walk was scheduled for June 21 at 4:00 p.m.

Vice Chair Crawford asked how many boats will be using the pier. The applicant responded up to eight but not all at the same time. The definition states this it is not a marina category. The applicant will mark the end of the structure with a buoy for the site walk.

The motion carried 7-0-0.

11. Public Segment

The Chair opened the public segment.

Milton Hall referred to the previous item and stated a 20-ft. pier was not allowed in the past due to blocking the channel.

Mr. Hall was told the sound basin was a restricted area now and asked if there is a letter in the file from Washington to the Navy Yard stating they could not restrict that area because boats use it as a marina. If the rules have changed, someone should have notified the Harbormaster.

Mr. Hall notified the Board of a speed complaint at Spruce Creek. He added Government Street Pier was taken back by public works in 1966 and gave it back after upgrading, which is why there are two different pilings.

He stated the Harbormaster always helped people in distress. To say not to touch anything, the Board should think about that.

The Chair closed the public segment.

Chair Philbrook explained the insurance company will not cover unless helping someone in distress.

12. Unfinished Business

- 216 a. Rules and Regulation Updates

217
218 Chair Philbrook asked Board members if they want to accept the rules and regulation updates as
219 they are from the recent workshop or have another one. Mr. Bush asked if there is a need to
220 require servicing riggings and moorings. Chair Philbrook explained rules and regulations allow
221 the Harbormaster to drop a mooring if he feels it is unsafe. Mooring holders are responsible and
222 require they show proof of service. Chair Philbrook will send the Board a final draft with the
223 corrections.

224
225 **13. New Business**

- 226
227 a. The Kittery Port Authority moves to increase the Harbormaster's annual salary by five
228 thousand (\$5000.00) in accordance with the Harbormasters contract upon the successful
229 completion of the 6-month probation period.

230
231 **Crawford moved to increase the harbormaster's annual salary by five thousand (\$5000.00)**
232 **Mr. Lawrence seconded the motion.**

233
234 The Board thanked Mr. Alessi for a job well done.

235
236 **The motion carried 7-0-0.**

- 237
238 b. The Kittery Port Authority moves to open a line of communication with the new owners
239 of the Frisbee Market LLC property to address needs/concerns from either side.

240
241 Discussion of approaching the new owners to discuss past issues. The new owners may come
242 before the Board to extend the pier. Chair Philbrook will reach out to the new owners see if they
243 would like to have a discussion on various issues.

244
245 **14. Committee and Other Reports**

- 246
247 a. Communications from the Chairperson

248
249 Chair Philbrook thanked those who came to put the floats in which included Milton Hall, Dick
250 Drapper, fisherman Dana Cutts, Jimmy Baxter, Peter Whitman and KPA members. She also
251 thanked Frank Frisbee for the donuts and coffee.

252
253 The next meeting will take place in July and is the start of the fiscal year. Per the Bylaws,
254 election of officers will take place.

- 255
256 b. Committee Reports

257
258 •Lighting and Railing Update

259
260 Three poles were replaced and Vice Chair Crawford sent in the last payment request to the
261 Town Manager for review.

- 262
263 • Sign updates

264
265 The Harbormaster stated many of the signs are up.

- 266
267 • Boat updates

268
269 The Harbormaster reported the new boat is great and lights will be added July 1st. He
270 will review styles and let the Board know before they are installed. State decals will be
271 added. A meeting with the Chair and Town Manager will take place before the Sea Pro
272 goes out for bid. It is not being used now.

273
274 **13. Board Member Discussion**

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276 Mr. Lawrence - None.

277
278 Mr. Bush – the Harbormaster has done a great job.

279
280 Mr. Patten – None.

281
282 Mr. Alesse - None.

283
284 Vice Chair Crawford – None.

285
286 The Board was in consensus to follow the recommendations regarding the weight limit for
287 Government Street Pier.

288
289 **14. Adjournment**

290
291 **Mr. Alesse moved to adjourn the meeting at 7:25 p.m.**

292 **Vice Chair Crawford seconded the motion.**

293
294 **The motion carried 7-0-0.**