

1. Call to Order

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

Members present: Kelly Philbrook, Chair; Charlie Patten, Member; Bryan Bush, Member; Bruce Crawford, Vice Chair; Mark Drummond, Secretary; Niles Pinkham, Member

Absent: Steve Lawrence

Staff: Scott Alessi, Harbormaster

2. Pledge of Allegiance

3. Agenda Amendments

None.

4. Minutes: February 1, 2018

Line 81 - change "Randal" to "Ryan"

Line 317 - change to Mr. Pinkham" not Mr. Patten

**Chair Philbrook moved to approve the February 1, 2018 Minutes as amended.
Mr. Bush seconded the motion.**

The motion carried 6-0-0.

5. Harbormaster and Budget Report

Revenues:

- Mooring fees are \$12,230 and collection is at 30%
- Wait list fees are at 93%
- Pier use fees are \$470 and are at 100%

Expenses:

- Telephone - \$52
- Other professional fees - \$92
- Maintenance and grounds - \$180

Mr. Alessi has met with Cameron from the DEP regarding the Traip Boat Ramp maintenance and received approval to move forward. The Pepperrell Boat Ramp is also ready to go forward. He submitted a request to the Army Corps. of Engineers to place the Pepperrell Cove floats and he reported he will need to file with the DEP for these as well. Mr. Alessi added he is in the process of working on the fiscal year 2019 budget and has a meeting on March 12th to review it.

An ad for a part-time, seasonal dock attendant was placed and Chair Philbrook explained the decision to add this position was decided last summer. She added having someone will be helpful for the added traffic from Pepperrell Pier, filling in days when the Harbormaster is off and working some evenings and weekends. The position will be approximately 20 hours per week.

6. All Items involving the Town Officials or invited guests

None.

7. Public Hearing

- a. The Kittery Port Authority moves to hold a public hearing on an application from James and Carol Forbes, 31 Mill Pond Road Kittery ME (Map 23, Lot 7B-1) for the construction of a 4' x 60' fixed pier and a 3' x 32' seasonal ramp and a 10'x 20' seasonal float. Agent is Atlantic Environmental. James and Carol Forbes.

The Chair opened the public hearing.

Milton Hall, asked if the ramp will be attached to the float and questioned why the applicant is putting out four moorings for such a small area. He also questioned the abutter's list because it included the other side of the road. He added the abutters should be those on the waterfront only. Chair Philbrook responded the abutter's list came from Atlantic Engineering.

Cleone Graham, 27 Mill Pond Road, commented one abutter, who is a new owner, was not notified and questioned if the hearing is allowed to proceed. Chair Philbrook read the KPA Rules and Regulations under Piers, Wharves and Floats, Section D(6) that stated notices are addressed by the information on the tax card with the Town and the Port Authority has no control of the information on the tax card. She also looks the properties up on the Vision website to double check the current owner. Ms. Graham also commented she doesn't understand why the applicant chose the proposed location and explained her concern of damage to the marsh. She also questioned the need for the large size of the pier and float and explained the proposed area is mud for more

than six hours. Ms. Graham also added the applicant has cut down trees in the past that were not approved by the EPA and he had to replant. She requested the dock be moved 10 to 20 degrees to the north towards Rogers Park because the proposed location will obstruct her view and added it will be the only dock on the cove.

Mr. Patten commented he was at the site walk and didn't recall seeing any buildings on either side of property that would cause the pier to obstruct the view. Mr. Patten asked Ms. Graham if there are any visual aids to help him understand her proposal. Ms. Graham responded that she didn't know to bring anything with her.

Mr. Pinkham pointed out to Ms. Graham the measurement and it is actually 102 ft. not 112 ft.

Jim Forbes, applicant, responded to Mr. Hall's comment and said he will speak with the builder about the layout. He added the same comments were made at the site walk by Mr. Bush. He will be considering placing anchors underneath. He responded to Ms. Graham's comments and explained the reason for the proposed location is because of requirements from the Corps of Engineers and the EPA. He added an angle change would provide no difference and if moved, would impose on his neighbor's riparian lines.

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

Mr. Bush commented he understands Ms. Graham's concerns but agrees changing the angle will impede on the riparian line.

Mr. Patten moved to approve the application James and Carol Forbes, 31 Mill Pond Road Kittery ME (Map 23, Lot 7B-1) for the construction of a 4' x 60' fixed pier and a 3' x 32' seasonal ramp and a 10'x 20' seasonal float.

Vice Chair Crawford seconded the motion.

Chair Philbrook commented she believes the applicant picked the least restrictive way to the water. She added the DEP would not allow a float to sit on the marsh grass and turning it would be in the riparian line.

The motion carried 6-0-0.

8. Piers, Wharves and Floats

- a. Request from Terrell Whiting for a 10' x 20' float on mooring #649 in the back channel.

Mr. Whiting explained he owns Whiting Marine Services and it is located on the back channel and the float will be used for service work. Chair Philbrook commented the applicant came before the KPA in 2012 and made the same request and received approval. Chair Philbrook explained the applicant can only use one side of the float and asked the Board how they feel about it being used for service. The Board discussed another mooring holder, who is requesting to replace his float that was located next to the applicant's float, rotted and floated away. The Board would like this person to come back to the Board. Mr. Alessi commented he will need to check the space to make sure there is room for another float before anything is approved and he may need to relocate them.

Mr. Bush recommended getting assurance of materials and a construction plan for a new float to ensure it not fall apart too quickly. The applicant explained he is expanding his business for transient boats and dock space in the area is difficult. Chair Philbrook informed the applicant he will need to get DEP approval and she questioned why the DEP approval, which includes a fee, is done before KPA approval. She will write a condition that DEP approval is contingent before a boat can be docked. The Board was in consensus to receive information in writing or a plan for the April meeting. Mr. Whiting explained the longest boat he would secure to the float would be 40 ft. so the Army Corps of Engineers would need to give approval as well.

The Board was in consensus to continue this item for the April meeting. Mr. Patten recommended the applicant bring all the information to the April meeting. He also suggested the Harbormaster look at his mooring.

9. Public Segment

Chair Philbrook opened the public hearing.

Milton Hall, commented the Army Corps of Engineers controls moorings and floats not the DEP. Mr. Hall spoke of the boat issues in Spruce Creek and read the definitions from the State of Maine for fishing, fowling and navigation. People can stay below the high-water mark.

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

10. Unfinished Business

a. Anchorage Rules and Regulations

Chair Philbrook explained they are not looking at rules for anchorage to get rid of the person in Spruce Creek but to ensure safety. She explained it is a danger to leave a boat unattended and anchored, which is meant for a temporary use.

Chair Philbrook asked the Board for their comments on the changes on the anchorage rules and regulations. After discussion, the Board decided to omit # 1, # 4 and #6, keep #3 and #5 and add “at the discretion of the harbormaster” after “14 days maximum” for #2. The Board was in consensus to keep the definitions of anchorage and anchoring.

Chair Philbrook moved to hold a public hearing on the Rules and Regulation changes to Section C - Anchorage to the next meeting in April.

Mr. Patten seconded the motion.

The motion carried 6-0-0.

b. KPA Bylaws Update

Chair Philbrook explained she made the changes as requested and the Board agreed with the changes.

Chair Philbrook moved to accept the KPA Bylaws draft 1.18.18 as amended.

Mr. Bush seconded the motion.

The motion carried 6-0-0.

c. Boat Ramp Repairs

Previously discussed in the Harbormaster's report.

11. New Business

a. Proposed addition to Rules and Regulations - Section D. Annual renewal of mooring site permits.

Chair Philbrook explained the Board had agreed that people will pay the mooring amount that is on their card. She added this item was voted on by the Board and needs

to be placed in the Rules and Regulations. The Chair is proposing to add this under D, Item II and add it as a note in Appendix A under Mooring Fees.

Mr. Pinkham moved to pass the changes to Section D in the Rules and Regulations to the next public hearing.

Mr. Patten seconded the motion.

The motion carried 6-0-0.

12. Committee and Other Reports

a. Communications from the Chairperson

- Chair Philbrook received a thank you note from Andy Kaplan because the Board allowed him to make the in-kind repairs to his float on Chauncy Creek.
- The Chair received an invitation to attend the USS Thresher Memorial Service at Traip Academy on April 7th at 1:00 and invited members.
- She received an email from Mr. Kerr about his concerns for Government Street Wharf and she sent him a reply that it needs to go in-kind because of the footprint.
- The Town Clerk reminded her March is their quarterly meeting month with the Town Council. The Board determined they will not need to meet this quarter.

b. Committee Reports

Government Street Wharf Updates

Vice Chair Crawford reported he has received pricing from Northeasterly Surveyors of \$3,900. This was the only surveying proposal of the three he received. He has received two proposals for geotechnical services from R.W. Gillespie and S.W. Cole and he is recommending accepting the Northeasterly and Gillespie proposals. Chair Philbrook questioned if there will be survey pins and Vice Chair Crawford suggested the pins could be added when construction is completed. Vice Chair Crawford explained what the geotechnical survey will cover such as locating ledge and how the existing wharf was constructed. Mr. Patten thanked Vice Chair Crawford for his work on the application and asked if there are contingencies. Vice Chair Crawford stated there are no contingencies and pointed out the amount on the application may be changed and he will need to talk to the DEP about the total cost. Mr. Patten also pointed out line item three should be \$50,000 not \$60,000 under new pilings.

The Board agreed to authorize Mr. Alessi and the Town Manager to have both evaluations completed at the cost of \$12,300. Mr. Alessi asked of the 15% mark-up noted on Page 5. Vice Chair Crawford will inform Gillespie that the Board approved \$8,400 for all work.

Preliminary drawings and bid specs were emailed to members for their review. He added he worked with the Town Manager and set it up as a design build. He prepared an outline and asked the Board to review it for discussion at the next meeting. Board members thanked Vice Chair Crawford for his work.

Vice Chair Crawford gave an update of a meeting with the Town Manager, the Chairman of the Town Council and Mr. Lawrence regarding accelerated funding options for the pier. Vice Chair Crawford explained they are looking to have the funding from the emergency surplus instead of borrowing from a bond, which is very expensive. He added this will need to go to Council and would need to go to the voters. Chair Philbrook expressed her concern of the pier not having five years left even with temporary repairs and the CIP funding would be in contingent on the DOT grant.

13. Board Member Issues or Comments

Mr. Drummond - none.

Mr. Bush - thanked Vice Chair Crawford on his work on the Government Street Wharf.

Mr. Patten - asked if the Chair has heard back from the Pepperrell Group regarding the water line. Chair Philbrook responded she has spoken with them and the decision will be made by the Water District. She found out the group will need to remove one of the septic tanks and the septic system will be replaced and they will need to work with the KPA because this will impact boat hauler use for that area.

Mr. Pinkham - none.

Vice Chair Crawford - none.

Chair Philbrook - the floats in the back channel are a good thing and not sure how to go about getting more users to do this. Discussion of marking the floats ensued. The Harbormaster will research this at his upcoming training.

March 7th, 8th and 9th the Harbormaster will be at harbormaster school and then he will be on vacation the following week.

14. Executive Session - None.

15. Adjournment

Mr. Patten moved to adjourn the meeting at 7:45 p.m.

Mr. Pinkham seconded the motion.

The motion carried 6-0-0.

Submitted by Mary Mancini, recording secretary.