

**PORT AUTHORITY MEETING
Council Chambers**

**APPROVED
March 7, 2019**

1. Call to Order

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

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

Absent: Mark Drummond, member, Niles Pinkham, member, John Brosnihan, Harbormaster.

2. Pledge of Allegiance

3. Agenda Amendments - None

Chair Philbrook noted that there will be no January minutes to review. Chair Philbrook accepted the agenda as presented.

4. Acceptance of Previous Minutes – December 18, 2018

On line 73, Chair Philbrook asked for “Frisbee Float and other float” to be changed to “Frisbee floats and other floats”. Chair Philbrook asked for the duplicate of “soon as” to be stricken from page 3, line 140.

Vice Chair Crawford moved to accept the December 6, 2018 minutes as amended. Mr. Lawrence seconded the motion.

Motion carries 5-0-0.

5. Harbormaster Report and Budget Report

Chair Philbrook stated that she does not have a report as Harbormaster Brosnihan is attending Harbormaster school, and is not in attendance. Chair Philbrook noted that the new online mooring harbor management system launched on March 1, 2019 and the Harbormaster opened Town Hall on that Friday to allow boaters to come in and renew their moorings.

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

7. Public Hearing

- a. The Kittery Port Authority moves to hold a public hearing on an application from Andrew Page, 19 Water Street, Kittery ME 03904, (Map 1, Lot 48) for the modification of an existing structure consisting of a, 8’x48.5’ fixed pier, a 3’x20’ gangway, and a 8’x16’ float, modified to a 6’x48.5’ fixed pier, 3’x30’ gangway, and a 10’x40’ float located by moorings. (Agent is Steve Riker, Ambit Engineering)**

Chair Philbrook opened the public hearing.

Steve Riker, Ambit Engineering - Mr. Riker stated that they’ve had the site walk, and made some plan revisions. Mr. Riker said the Maine DEP has a March 11, 2019 deadline to approve

or deny the plans, and the Army Corps approved the modification plans on February 15, 2019. Mr. Riker noted one change to the original plan, and clarified that the float will not be secured with moorings, but will be secured with two sets of batter piles instead.

Chair Philbrook stated that the Port Authority did complete a site walk on this property, and suggested making the change to the batter piles, instead of the moorings.

Chair Philbrook closed the public hearing.

Vice Chair Crawford asked Mr. Riker about the time of year restriction listed.

Mr. Ryker's associate stated that the contractor was planning for a June/July work schedule, but could not confirm that until they get the permit. Mr. Ryker said that the time of year restriction is a DEP/Army Corps requirement.

Mr. Patten raised some concerns with the plans and where the elevation and pilings are drawn.

**Mr. Lawrence moves to approve an application from Andrew Page, 19 Water Street, Kittery ME 03904, (Map 1, Lot 48) for the modification of an existing structure consisting of a, 8'x48.5' fixed pier, a 3'x20' gangway, and a 8'x16' float, modified to a 6'x48.5 fixed pier, 3'x30' gangway, and a 10'x40' float located by two sets of batter piles.
Motion seconded by Mr. Bush.**

The motion carries 5-0-0.

- b. The Kittery Port Authority moves to hold a public hearing on an application from Timothy and Carolyn Roy, 27 Chauncey Creek Road, Kittery Point ME 03905, (Map 44, Lot 63) for the addition of a 3'x20' gangway and a 10'x20' float to an existing pier structure.**

Chair Philbrook opened the public hearing.

Chair Philbrook stated that the Port Authority completed a site walk on this property, and discussed how the ramp would be attached to the float.

Chair Philbrook closed the public hearing.

**Mr. Lawrence moves to approve the application from Timothy and Carolyn Roy, 27 Chauncey Creek Road, Kittery Point ME 03905, (Map 44, Lot 63) for the addition of a 3'x20' gangway and a 10'x20' float to an existing pier structure.
Motion seconded by Vice Chair Crawford**

The motion carries 5-0-0.

8. Piers, Wharves and Floats

- b. The Kittery Port Authority moves to review and accept an application from Heirs of John Hall (Everett Hall) Cedar Island at the Isles of Shoals, Kittery ME (Map 70, Lot 1) to add a 8'x24' float and a 3'x80' ramp to his mooring at the Isles of Shoals.**

Everett Hall - Mr. Hall suggested the end of May for someone to go out and view it the property.

Chair Philbrook stated that due to weather, the Port Authority would push the site walk out and decide on a firm date at the May meeting, with plans to approve the application in June.

Mr. Hall agreed with the suggestion to wait until May.

Mr. Bush asked Mr. Hall what his plan is for dealing with the ramp in inclement weather and winter months.

Mr. Hall stated that it would be disconnected and pulled out in front of the cottage. Mr. Hall said it will be fastened to the rocks when it's in the water, with moorings on the outside.

Mr. Bush asked Mr. Hall if he plans to have drawings done.

Vice Chair Crawford asked if this application is mainly for safety.

Mr. Hall agreed it is mainly for safety.

Chair Philbrook stated that if a full drawing is needed, it could be done by the time the site walk is scheduled.

Mr. Bush stated he would like a basic drawing of where things are going.

Vice Chair Crawford asked if both buildings were the same property.

Mr. Hall stated that the whole island is owned by Mr. Hall.

Mr. Hall agreed to provide a drawing at the future April meeting.

9. Public Segment

Jon Sobel, 12 Moores Island Lane - Mr. Sobel stated that he has a riparian mooring granted by the KPA in 2001. Mr. Sobel stated that the area of his mooring has been filling in over the last several years, so he pulled the mooring out. Mr. Sobel added that last year, he received a letter from the Harbormaster stating that his mooring had been abandoned, although his understanding of the rules is that riparian mooring holders were exempt from the three-year rule. He would like to clarify the status of the mooring and classify it as inactive until the area fills back in.

Chair Philbrook stated that Mr. Sobel is correct that the three-year rule does not apply to riparian mooring holders who have paid their fees.

Mr. Sobel stated that he believes it to be unfair to require payment of fees for a mooring that is completely out of the water.

Mr. Patten asked if there was any restriction on someone else getting the mooring in front of Mr. Sobel's property if he chooses not to put his mooring back in the water.

The consensus of the board is that there is not a restriction for someone else to do so, although Mr. Sobel is entitled to a mooring.

10. Unfinished Business - None

11. New Business - None

12. Committee and Other Reports

a. Communications from the Chairperson

Chair Philbrook stated that the Town Council has asked for a joint workshop with the Port Authority to discuss FMP, on May 29, 2019.

Chair Philbrook said that recently the Harbormaster had received an email from someone on the waitlist who wants to change the size of their boat, and asked if this is possible. Chair Philbrook stated that she believes the applicant should be able to change the size of his boat while on the waitlist.

Chair Philbrook stated that she attended a meeting on March 4, 2019 for the Title 16 Land Use Recodification. Chair Philbrook raised the question of which board hears projects first, when dealing with both upland and water development. Chair Philbrook stated it has been confusing in the past, and hopes that this effort will clarify the process. Chair Philbrook said she asked the group at the meeting whether the KPA rules were going to be brought into Title 16 and was told they are not.

Chair Philbrook stated that the Harbormaster received a request from the Gundalow Group to drop off 40 people at the pier and restaurant on July 19, 2019 and they have asked that no boats are in the way at that time. Chair Philbrook said she doesn't see how the board could insure there are no boats in the way, unless they pay for a rental slip. Chair Philbrook stated that the Gundalow Group also asked to be exempt from the single day use charter fee. Chair Philbrook stated she believes they should pay the charter fee, and asked for the board's input.

Mr. Lawrence stated that he believes they should pay the fee.

Mr. Bush agreed with Mr. Lawrence and stated that they should pay the fee.

Vice Chair Crawford stated that he believes they should pay the fee.

Mr. Patten stated that since it's a paid charter, they should pay the fee. Mr. Patten also stated that while the board can't insure there are no boats there when they arrive, the worst case is they have to wait thirty minutes.

Chair Philbrook read an email from Atlantic Fuels who asked if there are any particular processes or permits required to provide fuel to Kittery piers.

Mr. Lawrence stated that there is not.

b. Government Street Wharf Updates

Vice Chair Crawford stated that things are moving along and piles are in. The Army Corps visited recently and reminded them they cannot be working under the mean high water mark after April 9. Vice Chair Crawford stated they met with the abutters, and everyone agreed to leave things as is and not make any changes. Vice Chair Crawford stated that Town Manager

Amaral will continue working with the town attorney, surveyors and the abutters to come up with finalized lines, but it will not hold up construction.

Chair Philbrook thanked Vice Chair Crawford for his hard work and dedication to the Government Street project.

Mr. Patten thanked Vice Chair Crawford.

13. Board Member Issues or Concerns

Mr. Lawrence - Mr. Lawrence wanted to state that there are rules for boats using the pier for on and off-loading, in regards to fuel requirement question earlier. Mr. Lawrence thanked everyone for the condolences for his father.

Mr. Bush - Mr. Bush thanked Vice Chair Crawford for his efforts on the Government Street project. Mr. Bush also acknowledged Mr. Lawrence's father and his time spent on the Port Authority.

Mr. Patten - None

Vice Chair Crawford - None

Chair Philbrook – Chair Philbrook Included some drafts in the board's packets of rules and regulation items that need to be addressed at some point, specifically swim floats, out-hauls and float regulations. The board consensus is to discuss the changes as a future agenda item. Chair Philbrook echoed everyone's statements about Mr. Lawrence's father.

14. Executive Session - None

15. Adjournment

Mr. Bush moved to adjourn the meeting at 6:57 PM
Mr. Lawrence seconded the motion.

The motion carries 5-0-0.

Submitted by Suzanne Esposito

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