



Phone: 207-439-0452 ext 301
Email: kpa@kitteryme.org
www.kitteryme.gov

KITTERY PORT AUTHORITY

Meeting Agenda
July 1, 2021
6:00 P.M.

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: June 3, 2021
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or invited guests
7. Public Hearing
 - a. The Kittery Port Authority moves to approve an application and hold a public hearing from Scott Moffat 144 Rogers Road, Kittery, Maine 03904 (Map 22, Lot 31) for the construction of a 6' x 90' pier, 3' x 45' aluminum ramp, and a 12' x 30' float.
8. Piers, Wharves & Floats
9. Public Segment (Three Mins.)
10. Unfinished Business
11. New Business
12. Committee and Other Reports
 - a. Communications from the Chairperson
13. Board Member Issues or Comments
14. Executive Session
15. Adjournment

1 1. Call to Order / Attendance

2 Chair Philbrook called meeting to order at 5:58 p.m.

3 Members present: Chair Philbrook, Vice Chair Patten, Bryan Bush, John McCollett, Alan
4 Johnston. Members Absent: Niles Pinkham, and Steve Lawrence.

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Chair Philbrook cast one vote to accept agenda as presented.

8 4. Acceptance of Previous Minutes: May 6, 2021

9 Chair Philbrook cast one vote to approved the May 6, 2021 minutes as amended,
10 seconded by Mr. Bush.

11 Motion Carried 5-0-0

12 5. Harbormaster Report and Budget Report

13 The Harbormaster reported the Trap Slide was complete, (except where the axle got
14 bent after being stuck behind winch and bent again) but he will be installing new axle
15 and the spindles tomorrow morning. He stated the flagpole is standing up right again
16 with the addition of the third line for holiday flags.

17 The Harbormaster met with USCG, NH Port Authority, NH Homeland Security and
18 Emergency Management about security response, search and rescue to create a list of
19 contacts, resources, and capabilities. USCG also agreed to assist with the night patrols
20 in response to the reported thefts of outboards last season.

21 The Harbormaster replaced the pump for sinking boats with a pump suitable for
22 saltwater and chemical environments.

23 Deputy Harbormaster Moran checked on the report of a float and ramp that was
24 launched at Traip Academy and was being brought down the back channel, the boat
25 was being delivered by Custom Floats to an address previously approved by the KPA.

26 The Harbormaster assisted in retrieving a small Boston Whaler from the shore during a
27 windstorm after the boat broke off from a sailing boat of a mooring holder while the
28 mooring holder was onboard, he also assisted in retrieving a boat from shore at Fort

29 Foster after the boat lost power and the anchor was not holding, the owner was able to
30 get the boat running once it was off the beach, and then proceeded under its own power
31 back to the mooring.

32 Deputy Harbormaster Breton has increased patrols in the back channel in response to
33 wake complaints from residents and boaters.

34 The Harbormaster said the signs for bridge fishing, new launch fees, and PFDs on
35 floats have been ordered and shipped.

36 The Deputy Harbormaster Moran and the Harbormaster took the USCG safe boating
37 course sponsored by the Kittery Fire Department as part our continuing education. The
38 Kittery Fire Benevolent Association paid for the classes. The Harbormaster qualified at
39 the range with the Police Department as part of maintaining by Academy Certification.

40 The Harbormaster has not heard back from the Dept. of Marine Resources regarding
41 the remaining portion of the Shellfish Warden certification.

- 42 • 12 Temporary Mooring Assignments to date
- 43 • 5 permanent moorings reassigned to date.
- 44 • 83 Season Launch Passes sold to date.
- 45 • 4 Facility Use Passes sold to date.

46 The Harbormaster has not heard back from one person who was sent mooring
47 revocation letters. June 5th with be 30 days. If there is no response, that mooring will be
48 reassigned as well.

49 6. All Items involving Town Officials or invited guests

50 7. Public Hearing

51 a. The Kittery Port Authority moves to hold a public hearing and approve an application
52 from Bryan Cormier, 12 Goose Point Road, Kittery Point, Maine 03905
53 (Map 34, Lot 16) to add a 2' x 50' raised walkway and a 5' x 20' seasonal float.

54 Chair Philbrook moved to approve the application from Bryan Cormier, 12 Goose Point
55 Road, Kittery Point, Maine 03905 (Map 34, Lot 16) to add a 2' x 50' raised walkway and
56 a 5' x 20' seasonal float, seconded by Mr. Johnston.

57 Motion Carried 5-0-0

58 b. The Kittery Port Authority moves to hold a public hearing and approve an application
59 from James Lynch, 178 Whipple Road, Kittery, Maine 03904 (Map 17, Lot
60 22) to replace an existing 67.5' x 5' pier, 24' x 3' gangway, 40' x 10' float, 11.5 x
61 7' existing deck and a 22' x 12' boat house. Agent is Matt Cardin, Cardin
62 Environmental. Matt Cardin provided and gave an overview of update plans to the KPA.

63 Chair Philbrook moved to approve the application from James Lynch, 178 Whipple
64 Road, Kittery, Maine 03904 (Map 17, Lot 22) to replace an existing 67.5' x 5' pier, to a
65 65' x 5' pier, 24' x 3' gangway, with a 35'x 5' gangway, add 40' x 10' float, 11.5 x 7'
66 existing deck and a 22' x 12' boat house, according to the revised plans received at the
67 6/3/2021 KPA meeting, seconded by Mr. Bush.

68 Motion Carried 5-0-0

69 c. The Kittery Port Authority moves to hold a public hearing to approve added
70 language to the Rules and Regulations for kayak rental storage at the Traip
71 Academy Boat Ramp and set fees for the same in Appendix A.

72 Chair Philbrook moved to approve added language to the Rules and Regulations for
73 kayak rental storage at the Traip Academy Boat Ramp and set fees for the same in
74 Appendix A, seconded by Mr. Bush.

75 Motion Carried 5-0-0

76 8. Piers, Wharves & Floats

77 a. The Kittery Port Authority moves to accept an application from Scott Moffat,
78 144 Rogers Road, Kittery, Maine 03904 (Map 22, Lot 31) for the construction of a
79 6' x 90' pier, 3' x 45' aluminum ramp, and a 12' x 30' float.

80 Chair Philbrook moved to accept the application from Scott Moffat, 144 Rogers Road,
81 Kittery, Maine 03904 (Map 22, Lot 31) for the construction of a 6' x 90' pier, 3' x 45'
82 aluminum ramp, and a 12' x 30' float. Site walk scheduled on 6/21/2021 at 5:00 p.m.,
83 and to a public hearing at the July 2021 KPA meeting, seconded by Mr. Bush.

84 Motion Carried 5-0-0

85 9. Public Segment (Three Mins.) – None

86 10. Unfinished Business - None

87 11. New Business

88 a. Request from the harbormaster to approve an emergency rule requiring
89 children 10 and under to wear a lifejacket while on town owned ramps and floats.

90 Chair Philbrook moved to approve an emergency rule requiring children 10 and under to
91 wear a lifejacket, and be accompanied by an adult at all times while on town owned
92 ramps and floats, seconded by Mr. Bush.

93 Motion Carried 5-0-0

94 b. The Kittery Port Authority moves to hear an appeal of a mooring revocation from
95 Elizabeth Ewing, mooring #100 in Pepperrell Cove.

96 Chair Philbrook moved to reinstate mooring #100 this one time provided Ms. Ewing
97 pays any mooring, late fees and reminds Ms. Ewing payment is due yearly on April 15,
98 seconded by Mr. Johnston.

99 Motion Carried 5-0-0

100 12. Committee and Other Reports

101 a. Communications from the Chairperson

102 The Chair approved an in-kind repair replacement from Joseph R. Smith Jr., 5
103 Duncan Way, Kittery Point, Maine 03905 (Map 18, Lot 3) to repair supports under
104 an existing pier.

105 Chair Philbrook approved a change for Ronald Vargo, 36 Pocahontas Road, Kittery
106 Maine 03905.

107 Chair Philbrook asked the other KPA members for a consensus, and opinions on a
108 riparian mooring for Gordon Vinther, 62 Pepperrell Road, Kittery, Maine 03904.

109 Chair Philbrook moved to authorize the Harbormaster to approve, locate, and issue a
110 riparian mooring for Gordon Vinther, 62 Pepperrell Road, Kittery, Maine 03904
111 seconded by Mr. Bush.

112 Motion carried 5-0-0

113 13. Board Member Issues or Comments

114 Mr. Johnston – None

115 Mr. Bush said it was good to be having the KPA meeting at the Town Hall.

116 Mr. McCollett – None

117 Vice Chair Patton - None

118 Chair Philbrook – None

119 14. Executive Session – None

120 15. Adjournment

121 Chair Philbrook moved to adjourn at 7:04 p.m., seconded by Mr. Bush.

122 Motion Carried 5-0-0

Submitted by Kim Tackett

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

TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: <u>22</u>
Lot: <u>31</u>
Date Submitted: <u>12 MAY 2021</u>

Application for
PIERS, WHARFS, FLOATS AND OTHER MARINE-RELATED STRUCTURES

Contact: kpa@kitteryme.org

Website: kitteryme.gov

NOTE: Ten (10) sets of plans, applications, maps and other necessary information are required at submittal.

The following application is submitted for the construction, modification, reconstruction of a:
6x90' FIXED PIER WITH A 3'x45' ALUMINUM RAMP LEADING TO
A 12x30' FLOAT

1. This project is an in-kind repair/replacement, which will not expand, move, or modify the style of the existing structure:

Yes, it is in-kind repair

No, there will be modifications

2. Property Owner(s): SCOTT C. MORFAT

3. Property Address: 144 ROBBERS RD

4. Telephone Number: 603 498 2096 Email: scmdvm@aol.com
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 58 ACRES Zoning District(s): UR

6. The shore frontage of this property is >1100 feet, measured at the high water line in a straight line, stake to stake.

7. This is my first Kittery Port Authority application for this property: Yes No

If No, please explain:
this permit was previously approved in 2005

8. LEGAL INTEREST: The applicant demonstrates a legal interest in the property by including a copy of the following: Deed, Purchase and Sale Agreement

9. CONSTRUCTION PLAN: Provide a description of the property showing all proposed construction showing the lot lines and exact positions of the proposed structure with dimensions and elevations from readily identifiable reference points.

Applicant Signature: Scott C Morfat Date: 5/12/21

Property Owner Signature: Scott C Morfat Date: 5/12/21

Agent Name: _____ Agent Firm: _____

Agent Phone: _____ Agent Email: _____
(REQUIRED) (REQUIRED)

APPLICATION FEE (\$125). Include a check payable to the Town of Kittery. Additional funds may be required to pay for other direct costs necessary to complete the application process, not including application fees. Title 3, Chapter 3.3

Fee Paid, Amount: \$125.00 Date: 5/13/21

MAY 13 2021 PM 2:38

INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION

- a. Attach Town Tax Map of Lot.
 - b. Attach Plan of lot with location and dimensions of the proposed structures or alterations to existing structures.
 - c. Attach list of abutters within 150 ft. (include those over water) of applicant's shorefront property line.
 - d. Attach proof of legal interest in property.
 - e. Attach a drawing of the proposed structure showing the top, side and end views with all principal dimensions. Side view showing elevation of top of deck above mean low water:
- A. Identify a fixed reference point on shore from which all seaward measurements are to be made.
 - B. Piers are not to exceed 100 feet beyond the normal high water mark nor extend below the mean low water mark, whichever is shorter. Pier, ramp and floats may not extend more than 150 feet beyond high watermark.
 - C. The maximum height of pier deck surface may not exceed 6 feet above the normal high water mark, and the handrails shall not exceed a height above the deck surface of 42" without the specific approval of the KPA.
 - D. The Port Authority may grant a waiver from the specifications of these regulations provided 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, use of public waters, navigation or harm the environment. All such waivers must be supported by sufficient findings of fact.

Submittals must be received a minimum of 21 days prior to a scheduled Port Authority meeting.

Port Authority Procedure (Sequence of Events):

1. The Port Authority meets the first Thursday of every month. The Chairperson prepares the agenda seven days prior to the meeting.
2. The Port Authority Chairperson reviews the application for completeness and, if complete, places the application on the KPA agenda for discussion at the next meeting.
3. The Port Authority reviews the application. Once accepted, a site walk may be scheduled, and a public hearing set for the following meeting.
4. The Port Authority issues a notice of decision following review at the public hearing.
5. Once the Port Authority approval is granted, an applicant must apply for a building permit with the Code Enforcement Officer. No building permit will be issued until all approvals and permits are received, and application related fees are paid in full.

Other Permits required by State and Federal Agencies (not inclusive):

Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103
(207) 822-6300

US Army Corps of Engineers
Maine Project Office
675 Western Avenue, #3
Manchester, ME 04351
(207) 623-8367

Department of Conservation (for structures below mean low water mark)
Bureau of Parks and Lands
State House Station #22
Augusta, ME 04333

Planning Board review *may* be required if there is upland development (Title 16.11 Marine Related Development). All Port Authority applications are reviewed by planning and code enforcement staff for Title 16 applicability at the time of application submittal and prior to review by the Port Authority.

MISCELLANEOUS PAYMENT RECPT#: 658526
TOWN OF KITTEERY - LIVE
200 ROGERS ROAD
KITTEERY ME 03904

DATE: 05/13/21 TIME: 14:27
CLERK: 220codeca DEPT:
CUSTOMER#: 0

PARCEL: 144 ROGERS RD

CHG: 10 DESIGNATED ACCO 125.00

AMOUNT PAID: 125.00

PAID BY: SCOTT C MOFFAT

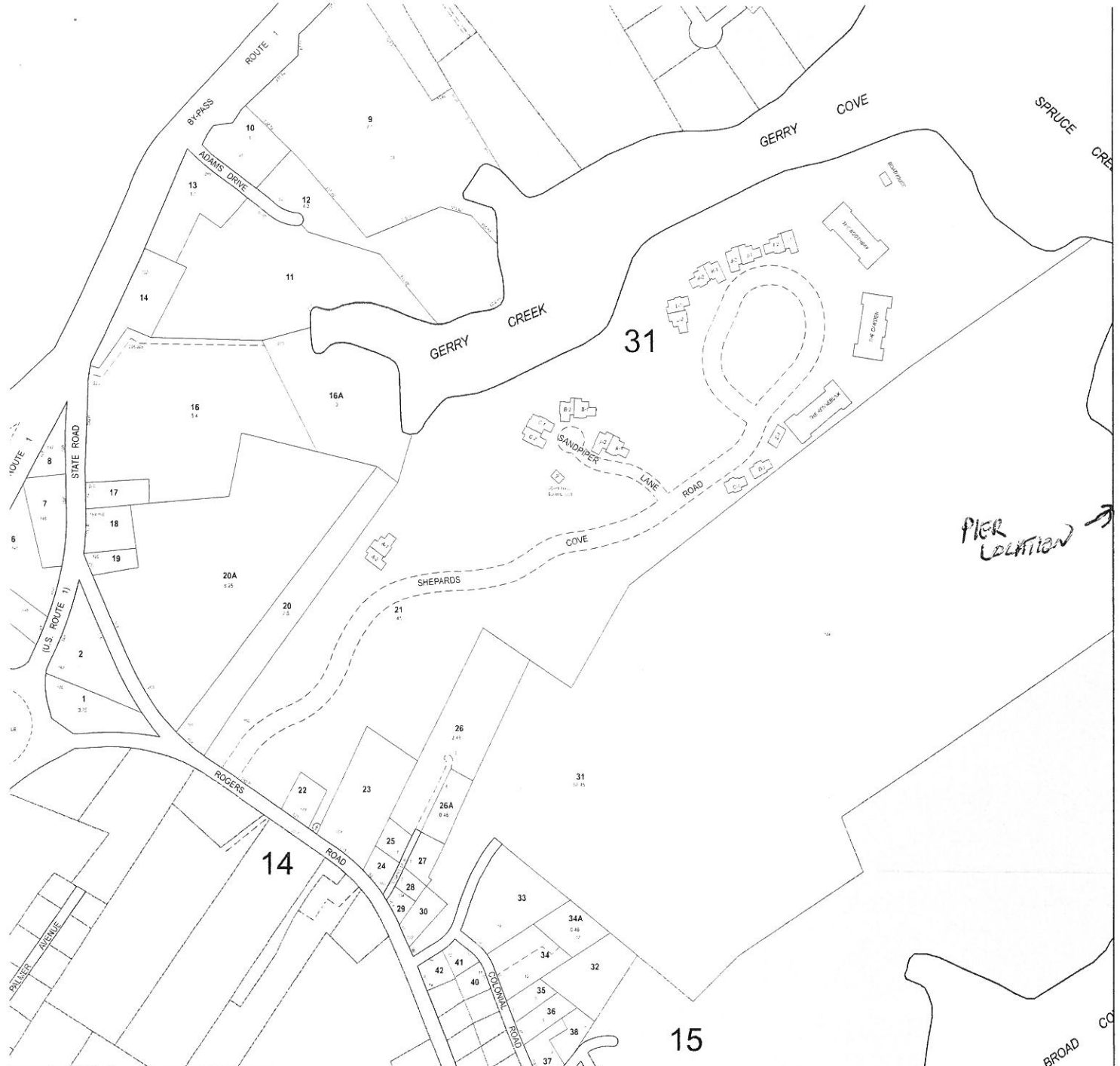
PAYMENT METH: CHECK
1101

REFERENCE: CV

AMT TENDERED: 125.00




AMT APPLIED: 125.00

CHANGE: .00



<p>THIS MAP IS THE PROPERTY MAP OF THE TOWN OF KITTERY, MAINE, AS OF APRIL 1, 2023. IT IS A PUBLIC RECORD AND IS AVAILABLE FOR VIEWING AT THE OFFICE OF THE TOWN ENGINEER, 100 STATE STREET, KITTERY, MAINE 03904. FOR MORE INFORMATION, CONTACT THE TOWN ENGINEER AT (603) 883-1234.</p>	<p>DESIGNED & TITLED BY CAI Technologies Planning Maps & GIS Solutions 100 State Street, Kittery, ME 03904 (603) 883-1234</p>	<p>LEGEND</p> <table border="0"> <tr> <td></td> <td>LOT</td> </tr> <tr> <td></td> <td>ROAD</td> </tr> <tr> <td></td> <td>WATER</td> </tr> <tr> <td></td> <td>BOUNDARY</td> </tr> </table>		LOT		ROAD		WATER		BOUNDARY	<p>SCALE: 1" = 150'</p> <p>APRIL 1, 2023</p>	<p>PROPERTY MAPS KITTERY MAINE</p>	<p>INDEX DIAGRAM</p> <p>MAP NO. 22</p>
	LOT												
	ROAD												
	WATER												
	BOUNDARY												



<p>GENERAL INFORMATION: THIS MAP IS FOR PUBLIC USE. THE STATE OF MAINE DEPARTMENT OF CONSERVATION AND FORESTRY HAS REVIEWED THIS MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MAINE STATE PLANNING AND ZONING ACT.</p>	<p>DESIGNED & PREPARED BY  CAI Technologies Planning & Mapping Division</p>	<p>LEGEND</p> <table border="0"> <tr> <td></td> <td>ROAD</td> </tr> <tr> <td></td> <td>WATER</td> </tr> <tr> <td></td> <td>BOUNDARY</td> </tr> <tr> <td></td> <td>EASEMENT</td> </tr> <tr> <td></td> <td>UTILITY</td> </tr> </table>		ROAD		WATER		BOUNDARY		EASEMENT		UTILITY	<p>SCALE: 1" = 100'</p>  <p>REVISION TO: APRIL 1, 2013</p>	<p>PROPERTY MAPS KITTERY MAINE</p>	<p>INDEX DIAGRAM</p>  <p>MAP NO. 32</p>
	ROAD														
	WATER														
	BOUNDARY														
	EASEMENT														
	UTILITY														

List of abutters within 150 feet of shorefront property lines

Map 15 Lot 91 Inhabitants of Kittery

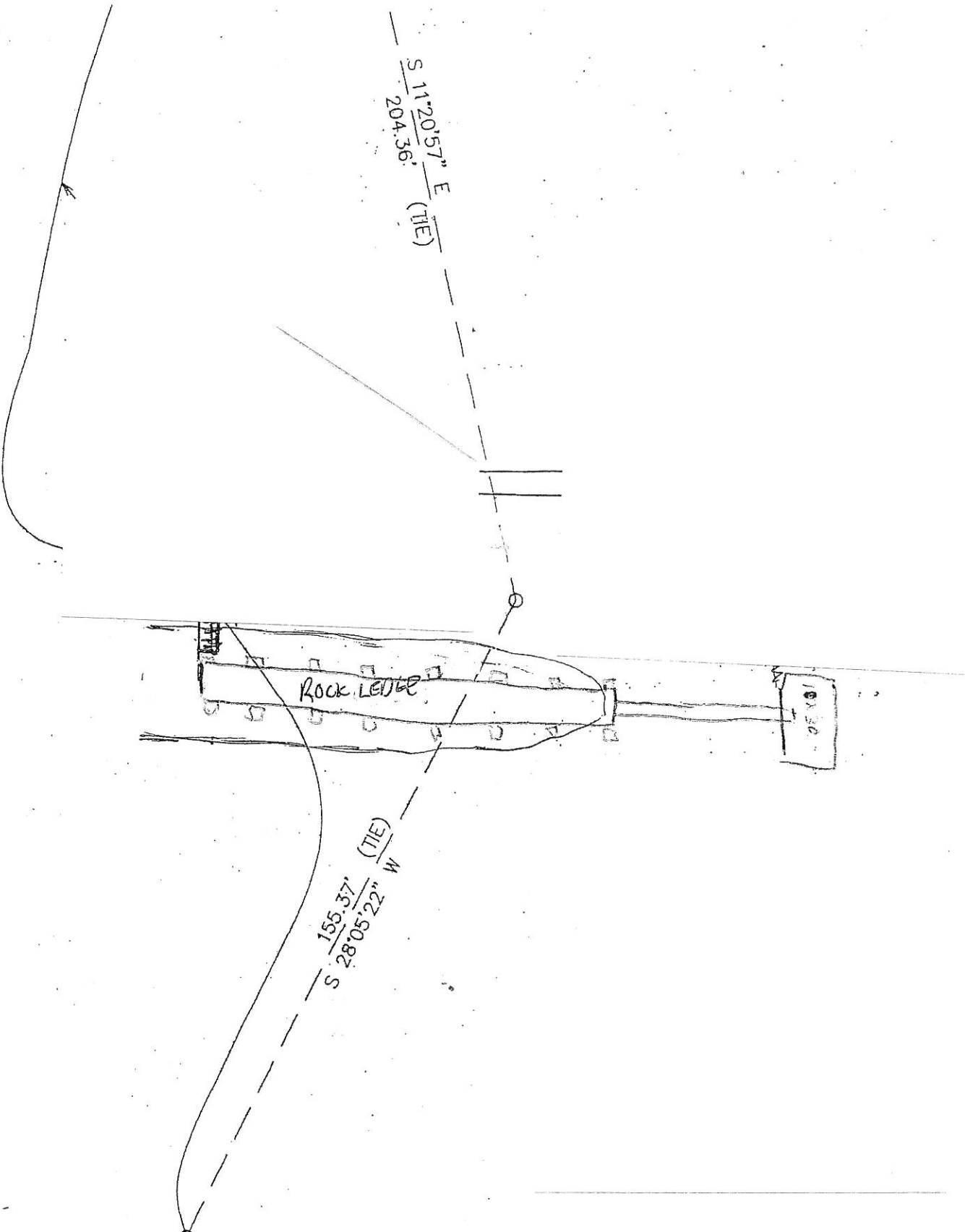
200 Rogers RD

Kittery, ME 03904

Map 22 Lot 21 Shepards Cove Condominiums

100 Shepards Cove Road

Kittery, ME 03904



S 11°20'57" E
204.36' (TIE)

S 28°05'22" W
155.37' (TIE)

Rock LEDE

117.54'
79°13'03" W PROPERTY LINE

S.F.
560 S.F.

10x30

QUITCLAIM DEED WITHOUT COVENANT
(Release Deed)
(144 Rogers Road, Kittery, Maine)

KNOW ALL ME BY THESE PRESENTS, that THE FIRST NATIONAL BANK OF BOSTON having its principal place of business in Boston, Massachusetts, in consideration of One Dollar (\$1.00) and other valuable consideration, paid by Scott Moffat having a mailing address of 195 State Road, Kittery, Maine 03904 ("Grantee"), the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said Grantee, its successors and assigns forever, all of its right, title and interest, if any, in and to the following described real estate:

MAINE REAL ESTATE TRANSFER TAX PAID

PARCEL 1:

A certain lot or parcel of pasture land situated in Kittery in the County of York and State of Maine. Bounded on the North and West by land now or formerly of the heirs of John Goodsoe; on the South by land of heirs of John Rowers and on the East by Spruce Creek, so-called, containing thirty-four acres, more or less, and being the same premises conveyed to Harold O. Russell by deed of E. Shirley Rundlett et al by warranty deed dated February 4, 1924 and recorded in York County Registry of Deeds in Book 729, Page 188, and by deed of Alfred N. Smith as guardian of Barbara Smith by deed dated January 28, 1924 and recorded in York County Registry of Deeds Book 727, Page 227.

Together with such rights of way as may now exist to Rogers Road, so-called, and to such other right of way as may be appurtenant to said premises. Reserving, however, to the Kittery Water District the right to maintain a water main across said property as the same may now exist.

Meaning and intending to convey and hereby conveying the same premises described in deed from Howell E. Russell et al, dated June 5, 1987 recorded in said Registry of Deeds in Book 4347, Page 325.

PARCEL 2:

A certain lot or parcel of Land with the buildings thereon situated in said Kittery, and bounded and described as follows:

2

BEGINNING on Rogers Road, a public highway, at the line of a private way which leads to the Goodsoe pasture; thence Northerly by said Rogers Road to a nub set at a point sixty-five (65) feet Southerly from line of land of John Healey; thence turning and running Easterly one hundred seventy-eight (178) feet to a nub; thence Northerly ninety-eight (98) feet to said Healey's land; thence Easterly by lands of said Healey, one Mott and Alfred C. Moulton to land of Harry O. Peruck; thence Southerly by said Remuck's land to the private way or Goodsoe Property; thence Westerly by said private way and Goodsoe property to Rogers Road and the place of beginning.

Meaning and intending to convey and hereby conveying the same premises described in deed from Richard B. Redmayne et al dated July 9, 1986 recorded in said Registry of Deeds in Book 3912, Page 179.

PARCEL J:

A certain lot or parcel of land situated in Kittery in the County of York and State of Maine and consisting of pasture and woodland, containing about eighteen acres, bounded northerly by land now or formerly of George L. Farnish and Oliver R. Grant; easterly by Spruce Creek; southerly by land now or formerly of Harold Rusell and westerly by tillage land formerly of Luther A. Goodsoe, the division line being marked by a stone wall and also defined on a plan of the Goodsoe property filed in the Registry of Deeds for York County, Plan Book 12, Page 143.

Together with a right of way to Rogers Road on the westerly side of the field as appears on the aforesaid plan and is shown to be twenty-five (25) feet wide therein. Said right of way consists of a northerly extension of Colonial Drive, so-called, as indicated in part by the remains of old stone walls leading to the southerly corner of the above described premises.

Meaning and intending to convey and hereby conveying the same premises described in Deed from Richard B. Redmayne et al dated July 9, 1986 recorded in said Registry of Deeds in Book 3912, Page 180.

All of the foregoing Parcel 1, Parcel 2 and Parcel 3 meaning and intending to describe and convey and hereby conveying any and all right, title and interest of The First National Bank of Boston in and to the premises described in that certain Mortgage and Security Agreement dated March 14, 1990, and recorded in the York County Registry of Deeds in Book 5348, Page 30.

RECORDED IN BOOK 3912 PAGE 179
 JUL 10 1986
 YORK COUNTY REGISTRY OF DEEDS



Town of Kittery
PLANNING OFFICE
PO Box 808, Kittery, Maine 03904
(207) 439-6807

To: Milton Hall, Chairman
Kittery Port Authority

From: Jim Noel, Town Planner 

Date: April 29, 2005

Re: Review of application from Scott and Kirsten Moffat for pier, ramp, and float system. Map 22 Lot 7, zoned Urban Residence.

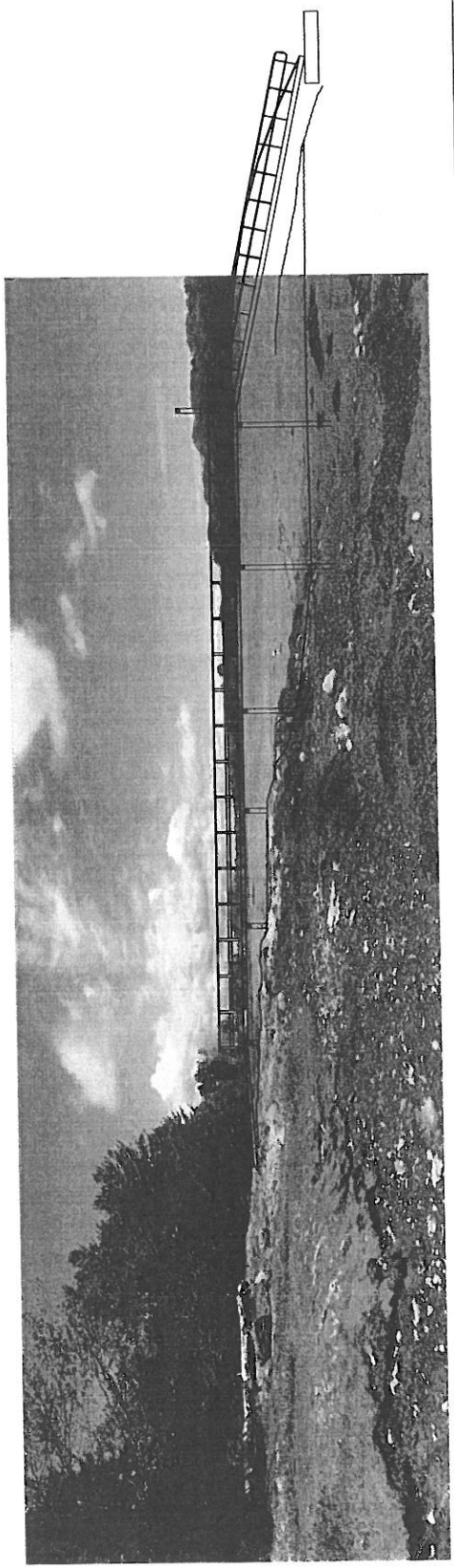
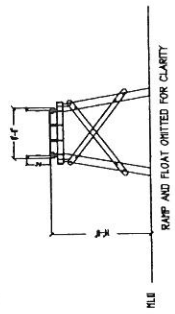
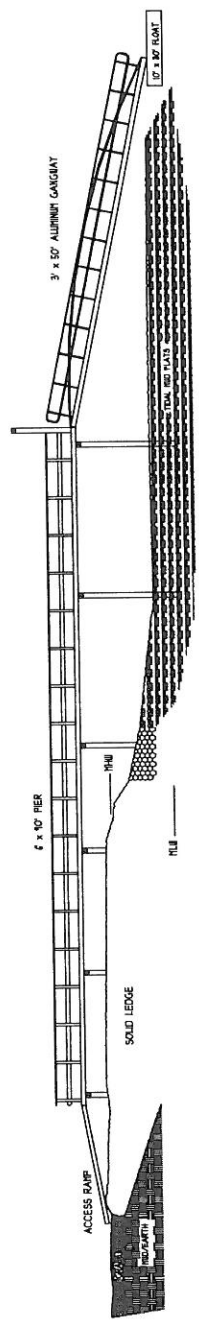
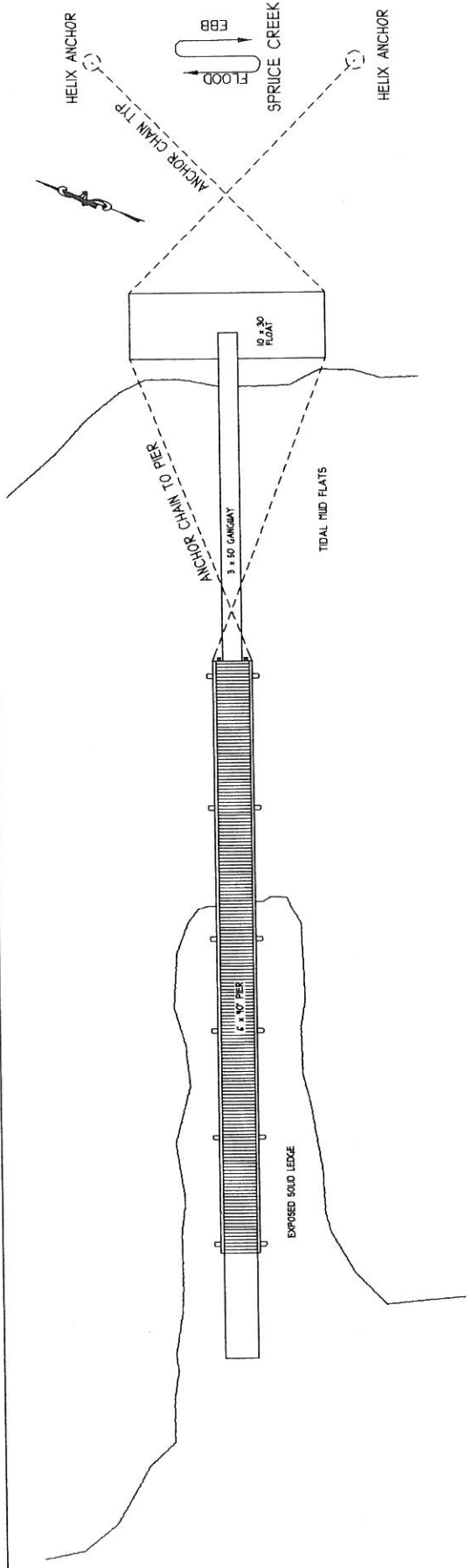
Per the Land Use review initiated on March 18, 2005, the Code Enforcement Officer and I have reviewed the submittals re: the proposed construction of a pier, ramp, and float system to be constructed at 195 State Rd. Kittery, Me.

As you are aware, the CEO and I are responsible to review applications of this type to determine compliance with the Kittery Land Use and Development Code/Zoning Ordinance.

It does not appear that this particular project is in conflict with either the Comprehensive Plan or the LUDC.

This application has been reviewed for a residential use for an individual property owner. Any proposed changes to the submitted plan will need further review from our offices.

CC; Jon Carter, Town Manager
Scott Moffat, Applicant
Heather Ross, CEO



PROPOSED LAYOUT 144 ROGERS RD, KITTERY, ME	DATE
BY SCOTT WOFFAT	7/24/14
SCALE	NOT TO SCALE
PROJECT NO.	MPD