



**KITTERY PORT AUTHORITY
TOWN HALL
200 ROGERS RD.
KITTERY, ME 03904**

Phone: 207-439-0452 ext 301
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www.kitteryme.gov

**Meeting Agenda
August 5, 2021
6:00 P.M.**

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: July 1, 2021
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or invited guests
7. Public Hearing
8. Piers, Wharves & Floats
9. Public Segment (Three Mins.)
10. Unfinished Business
11. New Business
 - a. Yearly By-law Review in September
12. Committee and Other Reports
 - a. Communications from the Chairperson
 - * Dredging Pepperrell Cove up-date
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 5:57 p.m.

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

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Chair Philbrook cast one vote for the agenda as presented.

8 4. Acceptance of Previous Minutes: June 3, 2021

9 Corrections on lines 9 and 10, Chair Philbrook moved to accept the May 6, 2021
10 minutes as amended, seconded by Mr. Bush.

11 Lines 105 and 106 to read, Chair Philbrook approved a change from mooring blocks to
12 Helix moorings for Ronald Vargo, 36 Pocahontas Road, Kittery Maine 03905.

13 Chair Philbrook moved to approve the June 3, 2021 minutes as amended, seconded by
14 Mr. Bush.

15 Motion Carried 7-0-0

16 5. Harbormaster Report and Budget Report

17 The Harbormaster installed the new axle to Frisbee Ramp as well as a system to keep it
18 from moving sideways during winds and tides. The Harbormaster also installed a new
19 plastic UHMW under the Pepperrell Ramp flapper.

20 The Harbormaster stated he had recovered a few dinghies that got away from their
21 dinghy docks. He also moved several moorings due to overcrowding and made room for
22 customers to get larger boats in.

23 The Harbormaster refurbished 2 small No Wake buoys for the season, there may be a
24 delay in delivery of replacements due to shortages of materials.

25 The Harbormaster is working with DPW and an electrician in preparation of electric
26 service. An electrician will be getting permits from the state and DPW will be doing site
27 work.

28 The ramp will be closed for a portion of the day due to the blacktop being removed and
29 will advise the permit holders of the date. The Harbormaster is also working with the
30 Kittery Sewer Department on the wash down system for Government Street.

31 The Harbormaster scheduled an inspection of the facilities on July 15, 2021, with Maine
32 Municipal Association which will include Traip, Pepperrell Cove, Government Street and
33 the equipment.

34 The Harbormaster, at KPA Chair's request, investigated the floats affixed to town
35 property on Old Ferry Lane and he made contact with 2 of 3 owners of the floats and
36 told them the floats had to be removed because the floats were on town property. The
37 residents stated that these structures have been in place for a very long time and they
38 did not understand why the floats could no longer be there. The Harbormaster explained
39 that none of the structures were permitted and that the residents could not get permits
40 because the property is Town owned. Some of the residents mentioned contacting the
41 KPA.

42 The Harbormaster stated he was appointed as Co-Chair of the Area Maritime Security
43 Sub Committee for Northern New England. The Harbormaster and the Deputy
44 Harbormaster were asked to assist in a security zone of an outbound US Navy asset
45 along with Maine Marine Patrol, US Coast Guard and New Hampshire Marine Patrol.

46 The Harbormaster stated that the new fishing signs were installed at Kittery Point bridge
47 as well as PFD requirements on town docks and ramps.

48 The Harbormaster made arrangements for the Government Street and the Pepperrell
49 Cove hoists to be inspected and certified in the next few weeks.

50 The Harbormaster reported on the budget.

51 6. All Items involving Town Officials or invited guests

52 7. Public Hearing

53 a. The Kittery Port Authority moves to hold a public hearing and approve an application
54 from Scott Moffat 144 Rogers Road, Kittery, Maine 03904 (Map 22, Lot 31) for the
55 construction of a 6' x 90' pier, 3' x 45' aluminum ramp, and a 12' x 30' float.

56 Chair Philbrook stated the measurements were slightly different than the measurements
57 on the application, in reviewing the application after the site walk. She had noticed that
58 the measurements on the application didn't match the drawing from the float company.
59 Chair stated that Mr. Moffat change the measurements on the front page of the
60 application to reflect the measurements on the drawing.

61 Chair Philbrook asked Mr. Moffat if he wanted her to read the findings of fact or accept
62 the July 1, 2021, KPA minutes as findings of fact. Mr. Moffat agreed to accept the July
63 1, 2021 KPA, minutes as findings of fact.

64 Chair Philbrook moved to approve the application from Scott Moffat 144 Rogers Road,
65 Kittery, Maine 03904 (Map 22, Lot 31) for the construction of a 6' x 90' pier, 3' x 50'
66 aluminum ramp, and a 10' x 30' float, seconded by Mr. Bush.

67 Motion Carried 6-0-1

68 Chair Philbrook, Vice Chair Patten, Mr. Bush, Mr. Johnston, Mr. Pinkham, and Mr.
69 Lawrence voted in favor, Mr. McCollett abstained.

70 8. Piers, Wharves & Floats - None

71 9. Public Segment (Three Mins.)

72 Jay and Susan Tennant, 19 Old Ferry Lane, Kittery, Maine, expressed their concerns
73 regarding how can the Town request the removal of a float, that has been there for over
74 twenty-years. Mr. and Mrs. Tennant stated they had received permission to have the
75 float from John McCollett a prior Harbormaster.

76 Chair Philbrook responded by saying the decision was ultimately up to the Town
77 Council and she would be meeting with the Town Manager about this issue.

78 Unfinished Business - None

79 11. New Business - None

80 12. Committee and Other Reports - None

81 a. Communications from the Chairperson - None

82 13. Board Member Issues or Comments

83 Mr. McCollett - None

84 Mr. Pinkham spoke about the signs at the Kittery Point bridge.

85 Mr. Johnston commented on the all the signs there are on restricting where people can
86 fish.

87 Mr. Lawrence expressed his concerns regarding the speed of boats in the main channel
88 after dark.

89 Vice Chair Patton stated he would like more member participation on site walks.

90 Mr. Bush expressed his concerns regarding the boat traffic going way above the wake
91 speed in the back channel.

92 Chair Philbrook spoke about the extreme low tide at Pepperrell Cove.

93 14. Executive Session - None

94 15. Adjournment

- 95 Mr. Lawrence moved to adjourn at 6:55 p.m., seconded by Mr. Bush.
96 All were in favor.

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.

Carrie Varao

From: K Ph <nowakekp@aol.com>
Sent: Wednesday, July 28, 2021 2:45 PM
To: Carrie Varao
Subject: Fwd: Dredge Engineering

Begin forwarded message:

From: Kendra Amaral <KAmaral@kitteryme.org>
Subject: RE: Dredge Engineering
Date: July 26, 2021 at 12:51:47 PM EDT
To: Kelly Philbrook <nowakekp@aol.com>
Cc: Charles Patten <charliepatten@comcast.net>, Harbor Master <kpa@kitteryme.org>

Hi Kelly,

Not a pain.... just trying to make sure we moving forward in the right direction.

Sorry, you are right about engineering costs for FNP area; I went back and checked my notes from an 11/18 meeting with ACOE. We would need to pay for the engineering, testing and permit for the non-FNP regardless.

I don't know about how the filling would go either. Removal of the material means that there is a net reduction in material to contribute to a fill but I don't know how the fluid dynamics of that area combined with the tide would contribute to new fill coming in. Agreed though an engineer would need to weigh in on that.

Just so I understand, the KPA priority is FNP with the goal of piggybacking on that for non-FNP areas, based on the goal of saving enough funds to pay for the non-FNP project and concerns that advancing the non-FNP area alone would not have an acceptable outcome.

We will still press forward with the engineer. ACOE permits are good for five years and it will give us a clearer picture of what is needed, what the non-FNP area will cost, and what the impact of going out of order would do to depths in the area.

I'll update the KPA in Sep on the RFP process.

Thanks
Kendra

From: K Ph <nowakekp@aol.com>
Sent: Monday, July 26, 2021 9:00 AM
To: Kendra Amaral <KAmaral@kitteryme.org>
Cc: Charles Patten <charliepatten@comcast.net>; Harbor Master <kpa@kitteryme.org>
Subject: Re: Dredge Engineering

Hi

Sorry to be a pain. I think the discussion at that meeting was to prioritize the areas outside the FNP we would want to see dredged in addition to the FNP. When we first looked at this there were a few other areas identified as potential areas. At the meeting we took all the potential areas and identified the areas shaded as priority because they are the areas with the most traffic. The mooring field is the priority and the non-FNP areas were added because it is needed. I am not an engineer and I'll admit this way out of my ballpark of knowledge but I feel like if we do one or the other, the areas we don't do will just fill in quickly. I know at one time one of the KPA members proposed having rock from an FNP up in the river at the turning basin dumped by fishing island to mitigate wave action. This was eventually rejected by the KPA and Kittery because engineers could not say with certainty that by doing this they would change the tide patterns and cause Pepperrell Cove to receive more sand and silt. The old timers in Kittery swear that the filling in of Pepperrell Cove is coming from Chauncey Creek because of the way the tides run around Fishing Island. Again they were not engineers just old fishermen.

My fear is that if we move forward dredging the non-FNP areas it will be for not if we don't also do the FNP at the same time. Also having the areas dredged around the piers doesn't seem to be productive if the channel into the area is not dredged. In other words we have deep water at the piers, if you can get there.

I guess my understanding was we were going to make applying to the ACOE the priority and start saving big time in hope we could afford to dredge around the mooring areas too when the time came.

I am assuming the ACOE has changed their rules as a few years back an ACOE representative came down to discuss the dredging of Pepperrell Cove with the Harbormaster and KPA and he said the ACOE had already done soil samples etc. At the time he said the only cost to Kittery for the FNP would be removing the moorings and putting them aback after dredging. At the time the application process was intensive and the data required was way out of our realm of knowledge and support from the town was minimal. I can't remember if it was Nancy Colbert Puff or the replacement we had temporarily before you came that was also at the meeting.

Again sorry to be a pain,
Kelly

On Jul 26, 2021, at 8:21 AM, Kendra Amaral <KAmaral@kitteryme.org> wrote:

The meeting that the KPA discussed the proposed map area (Feb 4), I thought prioritized an area just outside the FNP; where the depths are significantly less. We have to pay for the engineering regardless of whether the dredge project is in the FNP or not; so right now it is just a matter of clarifying scope and funding additional engineering costs for a larger project area (if any).

My comment was that the area outside of the FNP would be quicker to get done by piggybacking onto a PNSY project, since they are dredging regularly. Then the only factor is coming up with the funds to pay for the dredge outside the FNP. ACOE will not fund dredging outside the FNP even if they are here dredging in the FNP. That was the piggy back discussion we had earlier in the year.

K

From: K Ph <nowakekp@aol.com>
Sent: Monday, July 26, 2021 7:57 AM
To: Kendra Amaral <KAmaral@kitteryme.org>
Cc: Charles Patten <charliepatten@comcast.net>; Harbor Master <kpa@kitteryme.org>
Subject: Re: Dredge Engineering

Hi

Thank you for the heads up and keeping us in the loop. Will we be also applying to ACOE for the mooring area that is part of the FNP? I feel that getting the FNP part of the mooring field should be the priority. The ACOE has help us to very tight restrictions because the area is an FNP and it has been over 100 years since Kittery was dredged. I hope I am just confused, because I read this as saying the ACOE will not be doing any of it. The non-FNP areas were around the piers and floats etc. I assumed we would be doing both the FNP and the non-FNP at the same time.

Thanks

Kelly

On Jul 23, 2021, at 3:09 PM, Kendra Amaral <KAmaral@kitteryme.org> wrote:

Hi Kelly and Charlie

I am working on a draft RFP for engineering services for a dredge in Pepperrell Cove. I hope to have the draft finalized in August. It appears we will be better served by trying to piggy back on a PNSY dredge than ACOE since the project identified by the KPA is not FNP and PNSY dredges with sufficient frequency to allow us to anticipate and plan for funding needs.

I'll have an update for the KPA in Sep (I hope) on the engineering effort.

Please let me know if you have any questions.

Thank you,

Kendra

<FNP AREA DREDGE SELECT MAP.pdf>