



KITTERY PORT AUTHORITY

**Meeting Agenda
September 3, 2020
6:00 P.M.
Star Theater- Kittery Community Center**

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

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: August 6, 2020
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 hold a public hearing on an application from Ruth Lawrence, 19 Pleasant Street, Kittery, Maine 03904, (Map 4, Lot 35A) to add a 3'x 30' gangway to an existing structure for safety and ease of access. The only access currently is by ladder.
8. Piers, Wharves & Floats
9. Public Segment (Three Mins.)
10. Unfinished Business
 - a. KPA Future Capital Goals
11. New Business
 - a. 2021/2022 Rules & Regulations / Fees Planning
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

2 Vice Chair Patten called the meeting to order at 6:00 P.M.

3 Members present: Vice Chair Charles Patten, Bryan Bush, Steve Lawrence, John McCollett,

4 Niles Pinkham, Alan Johnston. Members absent: Chair Kelly Philbrook.

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Item a. in Public Hearings was withdrawn.

8 Item c. was added to the Public Hearing - "Kittery Port Authority moves to hold a public hearing on an
9 application from Christopher and Laurie Barrett, 12 Goodwin Road, Kittery Point, ME 03905. (Map 58,
10 Lot 15) to add 3'x 23' ramp and a 10'x 20' float to an already existing pier".

11 Item b. in New Business - verbiage was changed due to an agreement made between Martha Ladd at 5
12 Mill Pond Rd. and the abutters at 7 Mill Pond Rd.

13 Vice Chair Patten cast one vote for the agenda as amended.

14 4. Acceptance of Previous Minutes

15 June 4, 2020 was approved as written.

16 June 18, 2020 was approved as written.

17 July 8, 2020 was approved as written.

18 5. Harbormaster Report and Budget Report

19 1. The bathroom at Pepperrell Cove remains closed, but the Harbormaster is exploring options that
20 meet COVID-19 requirements to be able to open it.

21 2. "No Fishing" is still in place on all Town facilities due to COVID-19.

22 3. The Harbormaster stated that he continues to make a conscious effort to patrol the back channel and
23 Badgers Island to stop wake violators.

24 4. No wake buoy mooring blocks have been placed near Badgers Island and additional buoys will be
25 placed in Spruce Creek. Piscataqua Marina (fka. Badgers Island East) has requested permission to
26 locate a no wake buoy near their facility. The Harbormaster provided the necessary letter of support to
27 USCG for approval. KPYY has placed two no wake buoys in the back channel.

28 5. The Town's Conservation Commission is having a 24" x 36" sign produced that depicts marine life
29 for display at Pepperrell Cove. The Harbormaster approved the design and is awaiting its completion.

30 6. A proposal for a boat to replace the current Carolina Skiff has been accepted. A 15-foot Maritime
31 Skiff has been ordered with a 60 hp Suzuki outboard. The Harbormaster hopes to have the boat by
32 9/1/20.

33 7. On 7/8/20 an alarm was heard going off in the Pepperrell Cove mooring field. The Harbormaster
34 responded and found it was on the Stephanie Lynn. John Waldron was contacted and the
35 Harbormaster took him out. Mr. Waldron found it was related to his shift and it was silenced.

36 8. On 7/8/20 a list of all uninspected moorings was sent to the respective divers. Follow up will occur
37 this week.

38 9. On 7/12/20, the Harbormaster responded to a complaint of suspicious activity on Bowen Rd. The
39 Harbormaster made contact and found that a subject was installing an outhaul in front of a residence.
40 The individual who was installing it did not own the property and was told to remove it.

41 10. On 7/13/20 the Harbormaster responded to notification that 2 small sailboats had tipped over in
42 Chauncey Creek during heavy winds. The Harbormaster responded and righted them.

43 11. On 7/23/20, the Assistant Harbormaster took two Kittery Assessors and the Assistant Code
44 Enforcement Officer out to Appledore Island. They were able to inspect the properties.

45 12. On 7/25/20 at approximately 9:00pm, the Harbormaster was notified that a sailboat had tied up to
46 the Frisbee Wharf restaurant dock and the tide had gone out and the boat bottomed out. The
47 Harbormaster responded and found the vessel leaning into the dock and secured sufficiently to await
48 the incoming tide. The vessel moved out on the early morning tide.

49 13. KPA member Alan Johnston built a box on the HM 21' to secure the pump, hoses and extra gas
50 cans.

51 14. On 7/28/20 the Harbormaster responded to the area of the Sarah Long Bridge to assist the KPD
52 with a report of an individual on the bridge walking on the guardrail. The individual jumped off the
53 roadway level onto the train level. At that time, the KPD did not know if the subject jumped into the
54 water, so the Harbormaster launched the boat. It was found that the subject landed on the train level
55 and left the bridge on their own and was questioned by the KPD.

56 15. A floating 30' log was reported in the Piscataqua River by the "Calculated Risk". The Harbormaster
57 responded and towed the log into Pepperrell Cove.

58 16. As of 8/5/20:
59 472 moorings have been paid.
60 5 unpaid revocation notices will be sent to the 5 delinquent mooring holders on 8/7/20.
61 As of 7/7/20, there have been 123 season launch passes sold.

62 6. All Items involving Town Officials or invited guests - None

63 7. Public Hearing

64 a. The Kittery Port Authority moves to continue a public hearing from the May 7, 2020 KPA meeting on
65 an application from Shelly Tamis, 14 Goose Point, Kittery Point, ME 03905 (Map 34, Lot 14) for a
66 seasonal 4'x 16' dock. **Application Withdrawn.**

67 b. The Kittery Port Authority moves to hold a public hearing on an application from Christine and
68 Judson Ludeking, 32 Mendum Ave, Kittery, ME 03904 (Map 3, Lot 50) to replace an existing fixed pier,
69 ramp and float with a 4'x 129' fixed pier, 3'x 40' gangway, and a 10'x 20' float secured by pilings. Agent
70 is Zachary Taylor, Riverside and Pickering.

71 Zachary Taylor stated that he sent a supplement plan to Chair Philbrook showing the dock in relation to
72 the moorings.

73 Vice Chair Patten stated that before proceeding with the Public Hearing, the board needed to waive the
74 4.7.3, 100' maximum length allowed in the rules and regulations. The original plans were for a new 4' x
75 80' pier, a 3' x 36' ramp, and a 10' x 20' float. to a 129'.

76 Moved by Mr. Johnston, seconded by Mr. Bush.

77 Motion Carried 6-0-0

78 Mr. Lawrence stated that he had received a phone call from a resident on Mendum Ave. concerned
79 about whether the pier would be turned into a commercial pier.

80 Zachary Taylor stated that the application was for residential access.

81 Vice Chair Patten asked Mr. Taylor if he would accept the minutes of the meeting as findings of fact.
82 Mr. Taylor agreed.

83 Mr. Johnston moved the Kittery Port Authority moves to hold a public hearing on an application from
84 Christine and Judson Ludeking, 32 Mendum Ave, Kittery, ME 03904 (Map 3, Lot 50) to replace an
85 existing fixed pier, ramp and float with a 4'x 129' fixed pier, 3'x 40' gangway, and a 10'x 20' float
86 secured by pilings, waiving the 4.7.3, in the rules and regulations 100' maximum length allowed to 129'.

87 Seconded by Mr. Bush.

88 Motion Carried 6-0-0

89 c. The Kittery Port Authority moves to hold a public hearing on an application from Christopher and
90 Laurie Barrett, 12 Goodwin Road, Kittery Point, ME 03905. (Map 58, Lot 15) to add 3'x 23' ramp and a
91 10'x 20' float to an already existing pier.

92 Mr. Barrett stated he had no further information.

93 Vice Chair Patten asked Mr. Barret if he would accept the minutes of the meeting as findings of fact.
94 Mr. Barrett agreed.

95 Mr. Lawrence moved the Kittery Port Authority moves to approve an application from Christopher and
96 Laurie Barrett, 12 Goodwin Road, Kittery Point, ME 03905. (Map 58, Lot 15) to add 3'x 23' ramp and a
97 10'x 20' float to an already existing pier, with the minutes of the meeting accepted as findings of fact.

98 Seconded by Mr. Pinkham.

99 Motion Carried 6-0-0

100 8. Piers, Wharves & Floats

101 a. The Kittery Port Authority moves to accept an application from Ruth Lawrence, 19 Pleasant Street
102 Kittery, Maine 03904 (Map 4, Lot 35A), to add a 3'x 30'gangway to an existing structure for safety and
103 ease of access. The only access currently is by ladder.

104 Due to the application being a family member, Mr. Lawrence abstained from the discussion.

105 Mr. Bush moved the Kittery Port Authority moves to accept the application from Ruth Lawrence, 19
106 Pleasant Street Kittery, Maine 03904 (Map 4, Lot 35A), to add a 3'x 30'gangway to an existing structure
107 for safety and ease of access. The Port Authority wished to forgo the site walk, but will hold a Public
108 Hearing at the 09/03/20 meeting.

109 Seconded by Mr. Johnston.

110 Mr. Lawrence abstained from voting.

111 Motion Carried 5-0-1

112 9. Public Segment (Three Mins.)

113 10. Unfinished Business

114 a. Future Planning list (Postponed until 9/20)

115 11. New Business

116 a. The Kittery Port Authority moves to reconsider the approval granted by the Port Authority on July 8,
117 2020, of a 4'x 80' pier, 3'x36' ramp, and a 10'x 20' float at 5 Mill Pond Road as requested by Heather
118 Stokes and David Smith. (Postponed pending vote of 11b.)

119 b. The Kittery Port Authority moves to amend a previously approved application at the July 8, 2020
120 meeting from Martha Ladd, 5 Mill Pond Road, Kittery ME 03904 (Map 23, Lot 5) for a new 4' x 80' pier,
121 a 3' x 36' ramp, and a 10' x 20' float, showing the pier, ramp, and float as shown on the original plan
122 moved 5' in direction away from the abutter at 7 Mill Pond Rd.

123 No new site walk, public hearing, or approval will be required. Agent is Lisa Vickers, Atlantic
124 Environmental.

125 Mr. Lawrence moved the Kittery Port Authority to amend a previously approved application at the July
126 8, 2020 meeting from Martha Ladd, 5 Mill Pond Road, Kittery ME 03904 (Map 23, Lot 5) for a new 4' x
127 80' pier, a 3' x 36' ramp, and a 10' x 20' float, showing the pier, ramp, and float as shown on the original
128 plan moved 5' in direction away from the abutter at 7 Mill Pond Rd.

129 No new site walk, public hearing, or approval will be required.

130 Seconded by Mr. Bush

131 Motion Carried 6-0-0

132 12. Committee and Other Reports - None

133 a. Communications from the Chairperson - None

134 13. Board Member Issues or Comments

135 Mr. Bush – Mr. Bush asked if there was an update regarding when fishing would be allowed.

- 136 Mr. Johnston – Mr. Johnston asked the Harbormaster about citations for speeding boats.
- 137 Mr. McCollett – None
- 138 Mr. Lawrence – Mr. Lawrence asked the Harbormaster if there were any updates on the
139 Government St. wash downs. The Harbormaster replied, that there were no updates. Mr. Lawrence
140 also thanked the Harbormaster and the Assistant Harbormaster for chasing wakes in the back channel.
- 141 Mr. Pinkham – Mr. Pinkham also commented on speeding boats.
- 142 Vice Chair Patten - Vice Chair Patten commented to the Harbormaster his disappointment regarding
143 the time and money spent installing chain plates on the Frisbee Float, since the chains still haven't
144 been tightened to determine if the system was going to work.
- 145 14. Executive Session - NONE
- 146 15. Adjournment
- 147 Mr. Pinkham moved to adjourn at 6:48 p.m., seconded by Mr. Bush.
- 148 Motion Carried 6-0-0

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.

RECEIVED
JUL 20 2020

BY: C. Bacon

TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: _____
Lot: _____
Date Submitted: _____

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:

30 Foot gangway

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): Ruth Lawrence

3. Property Address: 19 Pleasant St, Kittery, Maine

4. Telephone Number: 207-752-2685 Email: _____
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 6,733 SF Zoning District(s): MU-KF

6. The shore frontage of this property is 67 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:

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: Ruth Lawrence Date: 7/20/2020

Property Owner Signature: Ruth Lawrence Date: 7/20/2020

Agent Name: _____ Agent Firm: _____

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

APPLICATION FEE (\$125). Include a check payable to the Town of Kittery. Additional fees may be charged for direct costs (i.e. legal notices, engineering review, etc.) necessary to complete the review of the application per Town Code, Title 3, Chapter 3.3

Fee Paid, Amount: \$125.00 Date: 7/20/2020

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

Ruth Lawrence

Dock

19 Pleasant St. Kittery, ME.

Adding a 3' x 30' ramp
to an existing structure for
safety and ease of access.
Currently only access to float
is by ladder.

6 x 6 access supported by
existing pilings (cantilevered). 30'
Ramp landing on existing float.

4-19

4-23A

Pleasant St

4-34A

4-23

4-35

4-36

4-35A



ABUTTER LIST

MAPLOT	Location	Zoning	OwnerFulIn	CoOwnerFul	AddressLin	City	State	Zip
4-36	17 PLEASANT STREET	MU-KF	MCTIERNAN, CHRISTOPHER		2125 PINE STREET	PHILADELPHIA	PA	19103-6513
4-50	22 OLD ARMORY WAY	MU-KF	DUFRESNE, RICHARD D	DUFRESNE, BEVERLY E	22 OLD ARMORY WAY	KITTERY	ME	03904-1620
1-45	9 WATER STREET	MU-KF	W L H MANAGEMENT CORPORATION		11 WATER STREET	KITTERY	ME	03904

UPON RECORDING, PLEASE RETURN TO:

Forman, Clark, Pockell & Kalinski, P.A.
P.O. Box 1330
Londonderry, New Hampshire 03053

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Ronald B. Lawrence, a married person, presently having a mailing address of P.O. Box 221, Kittery Point, Maine 03905, for consideration paid of \$1.00, GRANT TO Ruth I. Lawrence and Ronald B. Lawrence, as Trustees of The Ruth I. Lawrence Revocable Trust, a revocable trust established pursuant to a revocable trust agreement dated September 28, 2000, by and between Ruth I. Lawrence, as Grantor and Ruth I. Lawrence and Ronald B. Lawrence, as Trustees and presently having a mailing address of P.O. Box 221, Kittery Point, Maine 03905, the following, with Warranty Covenants:

A certain tract or parcel of land, together with the buildings and improvements thereon, if any, situated on the northeasterly shore of the Piscataqua River in the Town of Kittery, County of York and State of Maine, and being more particularly bounded and described as follows:

Commencing at a point adjoining the shore line to the Piscataqua River and land formerly of Manent, and more recently described in deed from Earl B. Smith, Jr., et al to Ignazio J. Geraci dated September 21, 1979, and recorded in the York County Registry of Deeds in Book 2569, Page 95, being the southerly corner of the parcel herein conveyed and running thence N 61° 07' W a distance of 67 feet by and along said shore line and a seawall designating the southwesterly boundary hereof, to a point adjoining land formerly of Helen L. Keene; thence turning and running in a northeasterly direction by and along said land of Keene a distance of 99 feet, more or less, to a point adjoining land now or formerly of George W. Tobey et al, which point lies 10 feet, more or less, southeasterly from the easterly corner of the former dwelling house of said Keene; thence turning and running in a southeasterly direction by and along said land now or formerly of Tobey a distance of 74 feet, more or less, to a point adjoining the aforesaid land formerly of Manent, now of said Geraci; thence turning and running by said land of Geraci S 45° 08' W a distance of 48 feet, more or less, to a point; thence continuing by and along said Geraci land S 38° 38' W a distance of 46.2 feet to the shore line of the Piscataqua River and the point of beginning.

Together with any rights which the Grantor may have in and to the land lying between an extension of the northwesterly and southeasterly boundaries hereof to the low water mark of said Piscataqua river and conveying also to the Grantee the right to use a 20 foot right of way leading from Pleasant Street, so-called, to and across the property now or formerly of George W. Tobey et al, the same is presently located for access to the parcel hereby conveyed.

No Transfer Tax

#2 PROPERTY OF: IGHARIS GEMELI

EAST LOT 1205

GRASS AREA

#3 PROPERTY OF: PLEKOURT & GERRY TO THE NORTHSIDE

← NORTH

#1 PROPERTY OF: MARIYAS SMITH

NOTE: THESE ALIENS ARE 2100' FROM OUTSIDE FACE OF ROCK

WEST LOT RIVE ANGLE TAKEN FROM SURVEY MAP DOWE 11/19/81

M.H.W.

E.H.W.

Shore line

15' STONE + MUD BOTTOM

40'

39'

STONE + MUD BOTTOM

Typical Elevation

(Contouring)

MUD BOTTOM WITH STIKES BY PILING (SUPPORTS)

20' RAMP ON EXISTING LANDING

EXISTING FLOAT

M.L.W.

E.L.W.

TO ALIENS CORNER POINT 15'

18'

14'

14'

14'

14'

14'

14'

14'

14'

14'

14'

NOTES:

1. NO. VEGETATION BELOW E.H.W.

2. REFER TO NOTES ON SHEET #1

3. ALL DOTS INDICATE POSITIONS OF PILES APPROX. 10' OCCURENCE

4. SCALE 1" = 20'



MUD BOTTOM

M.L.W.

E.L.W.

ONE FLOAT

TWO FLOAT

← Flood Tide

ebb Tide →

Proposed pier Piscataqua River KITTERY YORK COUNTY MARINE APPLICATION BY: RONALD LUNN FOR DOCKING FACILITY SHEET 20 OF 21

There is 5' water There is 8' water There is 3' water

20' from 20' from 20' from

20' from 20' from 20' from

20' from 20' from 20' from

20' from 20' from 20' from

20' from 20' from 20' from

20' from 20' from 20' from

20' from 20' from 20' from

20' from 20' from 20' from

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20' from 20' from 20' from

20' from 20' from 20' from



KITTERY PORT AUTHORITY

Kittery Port Authority Long-Term Capital Ideas/Goals DRAFT: February 27, 2020

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

- Existing Facility Repair and Replacement:
 - Pepperrell Cove boat ramp and seawall repair/rebuild

- Maintain or Improve Draft - Dredge
 - Pepperrell Cove
 - Chauncey Creek

- Improve navigation and mooring capacity – mooring field re-grid
 - Back Channel

- Provide more access for non-motorized craft
 - Add or formalize boat/kayak/paddleboard launches at other Town owned property

- Preserve commercial fishing access to waterfront
 - Identify strategic areas and desirable parcels to acquire or protect for commercial fishing in town

- Expand Pepperrell Cove facility
 - Investigate opportunities to expand parking over the water, and add decks to expand pedestrian flow around the site

- Create space to store Harbormaster boats and various equipment

- Preserve and improve Rice Ave Facility
 - Protect against encroachment
 - Beautify/add amenities

For the meeting

- 1. Please review the above list and give each item a number of importance 1-4 with 1 not so important and 4 being very important.**
- 2. Next please put the list in order from your first to last choice. Your first choice is the item you feel needs to addressed first.**
- 3. If there are other items not listed that you feel should be listed please jot those down for discussion.**



KITTERY PORT AUTHORITY

2021/2022

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

Rules & Regulations / Fees Planning

As we edge closer the end of the current season it is a good time to look back and review the Rules and Regulations and Fees. August/September is the perfect time to look over the R&R/Fees and identify any changes. In order to make changes the changes need to be identified, drafted, discussed, and a public hearing must be held. The KPA tries to make any changes prior to the start of the next year. The goal is to identify and discuss changes in September. If changes are recommended, they will need to be drafted for the October meeting and a public hearing would need to be held in November/December, so that changes are ready for January when renewals are set to begin.

For the meeting please review the R&R/Fees. If you have concerns or comments please be prepared to bring them forward at the September meeting or draft a suggested change for consideration.