

**MINUTES
CONSERVATION COMMISSION**

**1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
CONFERENCE ROOM "A"**

3:30 p.m.

January 08, 2020

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members; Adrienne Harrison, Allison Tanner, Barbara McMillan, Samantha Collins, and Alternate, Jessica Blasko

MEMBERS ABSENT: N/A

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. ELECTION OF OFFICERS

1. Chairman

Vice Chairman Blanchard moved to re-elect Steve Miller as the Conservation Commission Chairman, seconded by Ms. Harrison.

Chairman Miller commented that he was happy to do that, however, his term on the Commission was done in April and he was not going to renew. Chairman Miller noted that he has served 18 years and it has been very good and meaningful, but it is time to have a change in the Chair. Chairman Miller was open to taking the Chairman role for a transitional period and give the Commission a few months to think about next steps.

Mr. Britz commented that Vice Chairman Blanchard, Ms. Collins and Ms. Harrison's terms end in 2021. Everyone else's term on the Commission would be up in April 2020. They will need to decide if they will renew or not. The Commission is down two members. They need a Chair and Vice Chair for the rest of the year, and they need more members.

Ms. Tanner questioned if Vice Chairman Blanchard would accept the Chairman nomination. Vice Chairman Blanchard responded that her preference would be to stay Vice Chair and do some heavy recruiting. This can be revisited in April.

Ms. Tanner questioned if anyone spoke to any of the former City Council members to see if there was interest there. Vice Chairman Blanchard added that the new City Council was just put in place this month. Now is the time to generate a conversation with them about who the Commission is and what they do.

Chairman Miller noted that new perspectives and new energy for the Conservation Commission would be good. Ms. McMillan questioned if new members should be the Chair or Vice Chair. Chairman Miller responded that anyone on the Commission could be Chair. It would be odd to bring people in and make them Chair without knowing all of what the Commission does.

Vice Chairman Blanchard commented that they should proceed with the motion on the table tonight and readdress this in April.

Chairman Miller commented that there is not a lot of additional work in the role. Aside from the meetings there can be some additional work for the expedited projects. Vice Chairman Blanchard added that Mr. Britz was a huge asset and support.

Ms. Tanner questioned if anyone else on the Commission was interested. Ms. McMillan noted that she may be interested in the Vice Chairman role but was worried about a potential conflict of interest because her husband handled state permits. Mr. Britz commented that he did not think that was a conflict. The Commission just gives a recommendation to the State.

The motion passed unanimously by a 7-0 vote.

2. Vice-Chairman

Ms. McMillan moved to re-elect Mary-Ann Blanchard as the Conservation Commission Vice-Chairman, seconded by Ms. Tanner. The motion passed unanimously by a 7-0 vote.

II. APPROVAL OF MINUTES

A. December 11, 2019

Ms. Tanner noted that “review” was written twice on page 7 and pointed out a typo on page 8.

Ms. McMillan pointed out a typo on page 6.

Ms. Collins noted that the comment about eco-passages on page 4 should be clarified to say that the tallest was 1.3 feet.

Vice Chairman Blanchard moved to approve the December 11, 2019 Conservation Commission minutes as amended, seconded by Ms. McMillan. The motion passed unanimously by a 7-0 vote.

III. STATE WETLAND BUREAU APPLICATIONS

1. 1 Peirce Island Road
Pease Development Authority, owner
Map 208, Lot 1A

Geno Marconi, Director of the NH Ports and Harbors, and Noah Elwood from Appledore Marine Engineering spoke to the application. Mr. Marconi commented that they are responsible for

managing the pier on Pierce Island. It has 45 permitted slips to keep boats there overnight. Another 40 plus boats in the region have permits to operate there. It is a significant facility for commercial fishing. The facility also supplies public sale for gas and diesel to commercial and recreational boats. It is a considerable hardship on the boating community because they had to shut down the gas. There are negative impacts to the fishing community and there will be more in the summer when boating activity increases. There are limited places along the Piscataqua to get gas.

Mr. Elwood commented that there is a 241-foot-long bulkhead structure with a 25-foot-tall steel wall. It was built in 1974 and failed in the middle of the wall in May this past year. The failure was exhibited due to a failure in the tie back system. The two steel walls are connected by tie backs. They did test pits to understand failure. The corrosion was at a tie back. They have been out on site for surveys and initial investigation. There will be a new wall for the outside wall and they will cut out the bad tie back section.

Vice Chairman Blanchard questioned how much space there was between the tie backs. Mr. Elwood responded that they were 6 feet on center. Ms. Blasko questioned what their distance was from the walls. Mr. Elwood responded 12 inches.

Mr. Marconi commented that it was the same as the replacement wall that was done in Hampton four years ago. That was successful.

Ms. Tanner questioned what the expected life span of the external wall would be. Mr. Elwood responded that it should be about 50 years.

Ms. McMillan questioned what the timeline for the project would be and if it would impact the sturgeon in the area. Mr. Elwood responded that it would go out to bid soon, and would begin in the spring or summer. It should not be an issue for the sturgeon, but they will get input from Fish and Wildlife. Mr. Marconi added that they will use a vibratory tool for the repairs, so it will be lower impact.

Ms. Tanner moved to recommend approval to the State Wetlands Bureau, seconded by Vice Chairman Blanchard. The motion passed unanimously by a 7-0 vote.

2. 913 Sagamore Avenue
Hogswave, LLC, owner
Map 223, Lot 27

Steve Riker from Ambit Engineering and owner John Ricci spoke to the application. Mr. Riker commented that the project was to remove and demolish the existing commercial docking structure and replace it with a new structure. The existing structure has a fixed pier, two gangways, and a float system. It is in rough shape and any boats secured to the back side of the floats sit on mud at low tide. The proposal is to put in a new structure that is longer and extends the back side of the floats to 3 feet of depth. The pier would be 12 by 52 feet, the gangway would be 4 by 24 feet, the landing float would be 5 by 10 feet, and there would be four floats that would be 8 by 20 feet. They will be secured by piles. Float stops will not be needed because

there would be adequate depth. The property is in the waterfront zoning district, which accommodates and supports businesses on the water. This will be used for a commercial fishing operation. The new structure will have 7 slips for commercial use. There will be no fuel storage. The prior owner had trouble keeping renters because there was only part time access.

Ms. Tanner commented that she was concerned about the length of the dock because it looked like it was in the middle of the water channel. Mr. Riker responded that there are 3 mooring balls in the middle of the channel and this is 80 feet away from those.

Ms. Collins questioned how much length they were adding to what is currently there. Mr. Riker responded that they were adding 24 feet.

Chairman Miller questioned who reviewed the channel and permissible uses. Mr. Riker responded the Harbor Master Tracy Shattuck reviews it. The application and plans are sent for review and Mr. Shattuck sends a letter of approval or a letter with changes that are needed.

Vice Chairman Blanchard requested they review the slips. Mr. Riker responded that they are proposing 7 slips, which is allowed under DES rules. Mr. Ricci added that commercial guys won't rent today because the existing pier is too shallow at low tide. The goal is to keep a vibrant waterfront business and keep slips that are accessible 24/7.

Ms. Collins questioned what the typical draft of vessels they were renting to was. Mr. Ricci responded that a recreational boat was 2 feet and a commercial boat was 4 feet. Most boats at the dock will draw 4 feet. There is a need for docks like this in Portsmouth. Mr. Riker added that they needed sufficient depth at low tide to let boats navigate. Ms. Collins questioned if the floats would be in year-round. Mr. Riker confirmed that was correct.

Vice Chairman Blanchard requested that Mr. Riker review the construction process. Mr. Riker responded that a crane barge would come into the site. All of the work will be performed from the water side. The floats will be easily removed. They will cut or vibrate out the existing pilings and the pier will get put on the barge. It will all be hauled off site. The new structure will also come in on a crane barge. The floats will be made off site. There will be an excavator on the barge with a vibratory hammer to install the pilings. The substructure of the pier will be built on top of the pilings. Then the floats and the gangway will be put in. It will take two weeks to build. All the work will be done from the water side. Vice Chairman Blanchard questioned what pieces would go on shore. Mr. Riker responded that there would be an accessway boardwalk or elevated deck. It would be pressure treated lumber. There is an existing concrete landing that will be removed. The concrete is not approved by DES anymore. The accessway will go over where the concrete is removed.

Chairman Miller questioned if there would be any tree or vegetation removal on shore. Mr. Riker responded there would be no tree or vegetation removal. Mr. Ricci added that there was a lot of debris that needs to be cleaned up. Chairman Miller commented that the applicants should look for opportunities to enhance the upland edge of the shore with plantings for water quality.

Ms. McMillan commented that there should be more detail in the notes on erosion and sediment control. Mr. Riker confirmed they could add a note about silt socks.

Ms. Collins noted that the application showed a second small fixed pier that would be removed. Ms. Collins clarified that nothing else was going in to replace it. Mr. Riker confirmed that was correct. Ms. Collins questioned if they would only be able to rent to commercial boats because the application was for a commercial dock permit. Mr. Ricci responded that they could rent to commercial or recreational boats. However, the goal was to keep it waterfront business. Ms. Collins commented that she was not usually in favor of docks going out that far for 24/7 tidal access for recreation boats. However, she felt differently for commercial vessels.

Ms. Collins questioned if there was a notarized letter from the abutter about the 20-foot setback. Mr. Riker confirmed it was in the packet. Right now, it is a non-conforming structure. The float is over the property line. The proposed conditions would not cross the line.

Vice Chairman Blanchard requested more detail about access and parking for vessel operators. Mr. Ricci responded that they park along the water's edge now and that won't change. All parking will be on site. Vice Chairman Blanchard questioned if that was unpaved gravel. Mr. Ricci confirmed it was. Right now, there is a lot of brown stuff going into creek. Mr. Ricci commented that in the future it would be good to pave the site to prevent that. Chairman Miller added that buffer enhancement would help prevent runoff as well. Mr. Riker clarified that the hatched area on the plan showed the gravel area for parking.

Ms. McMillan questioned if the 7 slips for commercial boats would stay commercial. Mr. Ricci responded that right now they have no commercial boats. The first choice will be to rent to commercial boats. The goal is to keep it waterfront business. Mr. Riker added that for commercial the requirements were 1 slip per 25 feet of frontage. Recreational is allowed 2 slips for the first 75 feet and 1 slip for every additional 75 feet. DES's definition of a marina includes fuel, boat service, a pump out etc. This proposal is only to provide slip space. Vice Chairman Blanchard questioned if fish off-loading would happen at the pier. Mr. Ricci responded that there could be. A lobster man will take lobsters back. Vice Chairman Blanchard questioned if there would be crate storage on the property. Mr. Ricci responded that there could be.

Ms. Harrison questioned if the water intake at the second smaller pier would go away. It should be shown on the plan if it is staying.

Ms. Collins questioned if vehicles could go on the fixed pier. Mr. Ricci responded that there would be no vehicles on the fixed pier.

Ms. Tanner summarized the recommendations from the Commission. The applicant should add silt sock for erosion control, the water intake should be shown on the plans if it is staying, and approval should be contingent on the Harbor Master's approval. Chairman Miller added that this would be a good opportunity to enhance the buffer with plantings as well.

Ms. Tanner moved to recommend approval to the State Wetlands Bureau, seconded by Ms. McMillan. The motion passed unanimously by a 7-0 vote.

IV. OTHER BUSINESS

Mr. Britz commented that he sent an email to the State about the Lafayette Road widening and called out important forest areas as well as potentially hazardous areas. Chairman Miller noted that they had a public meeting a few weeks ago. The State is coming back in February with a draft of plans. It is still early in the process. They are getting data and input. They are trying to get a solid draft to bring forward to get good feedback on.

Ms. Tanner noted that the hardest thing would be to create additional exits off I-95, but that would be the best way to alleviate traffic. Chairman Miller responded that it was not part of this project, but that input has been given. Vice Chairman Blanchard commented that some solutions tend to create more of a problem. Widening will generate more traffic and more commercial space. The commercial space would create even more traffic. Air quality will become a big issue. Chairman Miller confirmed that concern has been raised.

V. ADJOURNMENT

Vice Chairman Blanchard moved to adjourn the meeting at 4:36 p.m., seconded by Ms. Collins. The motion passed unanimously by a 7-0 vote.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary