



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, April 20, 2017 – 7:00 p.m. – Town Hall Conference Room

Members Present: Courtney Homer, John McDevitt, Steve Gerrato (Alternate), Catie Medeiros (Alternate), Chip Hussey (Selectmen's Rep – Alternate)

Late Arrival: James Connelly (Alternate)

Members Absent: Scott Baker, Stu Gerome, David Moore, Paul Sanderson (Selectmen's Rep), Rich Winsor

Staff Present: Mark Fougere - Consultant

Acting Chair J. McDevitt opened the Planning Board public hearing at 7:00 p.m. A roll call was taken by the Acting Chair; he announced a quorum was present and the meeting was being recorded.

1. Projects of Regional Impact

There were no projects of regional impact to discuss. S. Gerrato reviewed the 10 Year Plan Project Prioritization from the Rockingham Planning Commission with the Board. None of the projects submitted by the Planning Board were on list for consideration. S. Gerrato recommended that the Board request a letter of explanation from Dave Walker, RPC Transportation Program Manager.

2. Conditional Use Permit: 22 Brackett's Point Road (Map R14, 14)

Owners/Applicants: Tom and Alison Brackett

The owners/applicants are proposing a docking structure that consists of a 4' x 40' fixed wood pier, a 3' x 40' aluminum gangplank and a 10' x 24' float, providing one slip on approximately 2,640' of frontage along Great Bay. Overall structure length will be 104'.

Steve Riker, Ambit Engineering and representing Tom and Alison Brackett, addressed the Board. Also present were Tom and Alison Brackett, owners and applicants, and Ken Anderson, president of Riverside and Pickering Marine Contractors. The Brackett's are requesting a Conditional Use Permit for a docking structure. S. Riker and K. Anderson reviewed the application at the Conservation Commission meeting on Wednesday, April 12, 2017.

There is approximately 2,640' of shoreline frontage on Great Bay and 70 acres of land; there are 23 residences on the lot. The Brackett's would like to provide those residents with a safe boating access to Great Bay. S. Riker explained the location of the proposed dock, pointing out the shoreline owned by the Brackett's. In between two rocky points, there is an area that is feasible for a dock. The actual area in between the two houses indicated on the plan provides easy foot access for the residents of Brackett's Point. The shoreline is similar to a rocky riprap. A DES application has been submitted and includes a photo log of the shoreline.

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Sheet C1 of the plan set is the DES Dock Permit Plan and has been submitted with the Conditional Use Application. They are showing the location of the highest observable tide line and also tidal datum: they are showing mean high water, mean low water and mean low low water. There is an area of salt marsh (line labeled “SM”). A stocking structure has been placed to avoid impact to that area, which was important to DES.

The docking structure consists of a 4'x4' wooden landing, 3'x20' access way, 4'x20' wooden fixed pier. The fixed pier and access way are supported by piles. There is a 3'x40' aluminum gang way and 10'x24' float secured by chains and moorings, which are seasonal structures; they will be removed during the winter to prevent ice damage to the structure; the gang way is detached from the float and pier, and stored on top of the pier for the winter.

Chains and moorings are essentially a mooring anchored to the bottom. There is a set of chains that secures the float in place, allowing it to fluctuate with the tide. The photo locations on the plan correspond to the DES application. There was extensive topographic surveying done in the area of the dock: the entire shoreline, the upland adjacent to the shoreline and out into the tidal flat. Spot elevations were done on the mud flat to show how flat it is beyond the tidal docking structure.

Sheet D1 is a plan view for Sheet C1. There is also a profile view; the plan is on tidal datum. Float stop details have been provided. The bottom of the float, or the tub, is plastic; there are 2 – 3'x12' headers attached to the bottom of the tub. Under the float in the mud, an 8" pile is driven into the mud and cut on top 18" above the mud. At low tide when the float drops, it will sit on top of the cut piles 18" above the mud; that is a requirement by DES and the Army Corps of Engineers—they don't want the float on the mud at low tide.

A construction sequence is included on the plan set. All work for installation of the docking structure is done from the water utilizing a crane barge. Work will be done at low tide; there will be no need for erosion or sedimentation controls during the installation of the dock—piles will be driven when the site is “dewatered”. Portions of the dock are pre-fabricated off site and are mobilized on the site by the crane barge, eliminating a lot of foot traffic on the mud flat.

S. Riker reviewed the DES application which was included in the Board packet. It is a major impact application, and has been signed off by Tracy Shattuck, the Pease Development Authority Chief Harbor Master. As required by DES, site plans are sent to him for comments. NH Department of Historical Resources has also reviewed and commented; there are no issues. The National Heritage Bureau which tracks rare and endangered species also has no issues. Aerial photos were included; S. Riker explained them, stating they were prepared by NH Granite and were GIS based.

S. Riker pointed out a small area that he mistakenly told the Conservation Commission was a parking area. The Brackett's have informed him that is not a parking area.

S. Riker reviewed the criteria for the Conditional Use Permit (copy on file). M. Fougere commented that the application was very thorough and covers all points, adding that the Board would need to make a decision on the waiver request for the drainage report. He didn't see the benefit of a drainage report. C. Hussey explained that during the Conservation Commission meeting, he was uncertain of his standing as a Selectman and did not vote; however, he didn't have any problem with the project moving forward.

J. McDevitt clarified that the use qualified under Article 18.5 (F). S. Gerrato questioned if there was a wetlands plan. S. Riker stated he is a Certified Wetland Scientist in the State of New Hampshire. Tidal wetlands are typically depicted on plans as the highest observable tide line. The NHDES definition of

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“highest observable tide line” has four criteria; only one is needed: the furthest landward line of debris washed ashore by tidal action. It could also be the presence of sulfidic materials within the soil profile; the presence of vegetation that typically grows in areas inundated by salt water; or the presence or absence of a sea wall. S. Riker used “the furthest landward line of debris washed ashore by tidal action” which is depicted on the plan as HOTL. He goes into the field and delineates the boundary physically with flagging tape; the survey crew then locates the tape. S. Riker pointed out the wetlands on the plan; the dock will go through the wetlands. People using the dock will not be walking through the wetlands; access is in the uplands.

There is the potential for motorized boats using the dock in the future; however, there will be no gas storage or pumps on the dock. A. Brackett stated that the dock will be used for dinghies to go out to moorings; the dock is basically for canoes and kayaks.

The wetland impact is 546 sq. ft. That is the total square footage over jurisdictional wetland areas, which is how DES wanted it written.

Acting Chair McDevitt opened the meeting to public comments. Debbie Beck, Greenland (NH), and Glen Page, Great Bay Drive, spoke in support of the project. T. Brackett commented that S. Riker was thorough and he was impressed. There being no further comments, Acting Chair McDevitt closed the public hearing and returned to the Board. He asked C. Hussey for clarification on the Conservation Commission’s concerns about the length of the dock and that parking should be reviewed. C. Hussey deferred to Laura Byergo, Conservation Commission Chairperson, who was also present. L. Byergo stated that they looked at the parking area as there might be a future implication, and that area may have to be changed. Acting Chair McDevitt noted the dock would be a private structure. L. Byergo added that the dock would be available to people renting at Brackett’s Point and their friends. A. Brackett explained that each house was going to be allowed two canoe or kayak passes; a motorized boat would be allowed one pass. They don’t want the area inundated; the dock will be a private structure for their use and that of their residents. A. Brackett continued that there will be no parking in that area; there will be trolleys/carts available for transporting kayaks/canoes from their house to the dock and back. Kayaks/canoes cannot stay at the dock overnight.

L. Byergo also addressed the Conservation Commission’s concern about the length of the dock. It appeared to be approximately 100’ out; however, it helps that a portion will be seasonal especially if it’s adhered to and the dock isn’t left out. That will reduce the length back down to 40’. She continued that sometimes dredging has to be done, and it’s a mud flat. Mud can accumulate under the structures that remain and dredging would be necessary to keep them clear. She questioned if it was consistent with docking facilities in the area. There are impacts with docks from boats and traffic. L. Byergo noted that a positive aspect was that it will direct traffic rather than having people come across. She also questioned the height of the rip rap. S. Riker pointed out the upper and lower edges of the rip rap. The height varies along the length, but averages at 7’. S. Riker explained that rip rap is large boulders/rocks placed along the shoreline for erosion and sediment control, protection or any wave action.

S. Riker explained that when the docking structure is designed, they try to provide a length that gives the property owner use of the docks during the tidal cycle. He noted with this dock it gets really flat beyond the mean low water mark. The average tide in New Hampshire is approximately 8’ high and changes every six hours. There is approximately 1.25’ of tidal fluctuation in one hour. The Brackett’s will have use of the dock for four hours during the tidal cycle (on either side of the tide). If shortened by 20’, the dock could only be used for 2.5 hours to three hours.

DRAFT – SUBJECT TO CHANGE

Asked by Acting Chair McDevitt about State regulations for dock length, S. Riker replied that he's been asked to make them longer. The State wants floats at a depth where they don't sit on the mud at low tide. K. Anderson explained that each inspector has their own interpretation of the regulations.

MOTION: C. Hussey moved to waive the provision for a Stormwater Management Plan for the dock at 22 Brackett Point Road as required by Article XVIII, Section 18.6.2 (H). Second – C. Homer; five in favor, one against. MOTION CARRIED

MOTION: C. Hussey moved to approve the required Conditional Use Permit for 22 Brackett Point Road (Map R14, 14) subject to obtaining a NHDES Wetland Permit and Army Corps Permit prior to any construction. Second – J. Connelly; all in favor. MOTION CARRIED

3. Approval of Minutes

Approval of minutes was continued to the next meeting.

4. Approval of Invoices

There were no invoices to approve.

5. Topics for Work Session: Thursday, May 04, 2017

M. Fougere will be away for the work session on Thursday, May 04, 2017. Stormwater Management was scheduled to be discussed. The Board agreed to cancel that meeting. S. Gerrato noted that the Town Administrator does the MS-4 reporting.

MOTION: S. Gerrato moved to cancel the work session on Thursday, May 04, 2017. Second – J. Connelly; all in favor. MOTION CARRIED

The next meeting will be a public hearing on Thursday, May 18, 2017.

6. Other Business

RPC will hold a Planning Board training session on Thursday, May 11, 2017, from 6:30 p.m. to 9:30 p.m. at the Brentwood Community Center (190 NH Rte. 125). The cost is \$20 and funding is available through the Town. Please let Charlotte know if you are interested.

C. Homer told members that John Fernandez, a professor in the Department of Architecture and the Director of MIT's Environmental Solutions Initiative, will be speaking at the annual MIT faculty presentation at Phillips Exeter Academy on Saturday, May 13, 2017. Starting time is 11:00 a.m. in the Forrestal-Bowld Music Center at Phillips Exeter Academy (the building is on Tan Lane in Powell Hall, on the first floor). Cost is \$15 (or you can go as C. Homer's guest for \$10). If you're interested, let Charlotte know. Funds are available through the Town.

The Board reviewed the update on water for Breakfast Hill Road that was discussed at the Board of Selectmen meeting on Monday, April 17, 2017. Updates will be posted on the Town website (under the Coakley Landfill tab on the home page) after each Selectman's meeting. J. McDevitt added that water issues would be before the Planning Board.

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7. Adjournment

MOTION: C. Hussey moved to adjourn at 7:55 p.m. Second – C. Medeiros; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, May 18, 2017 – 7:00 p.m., Public Hearing, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: 