

# Town of Portsmouth

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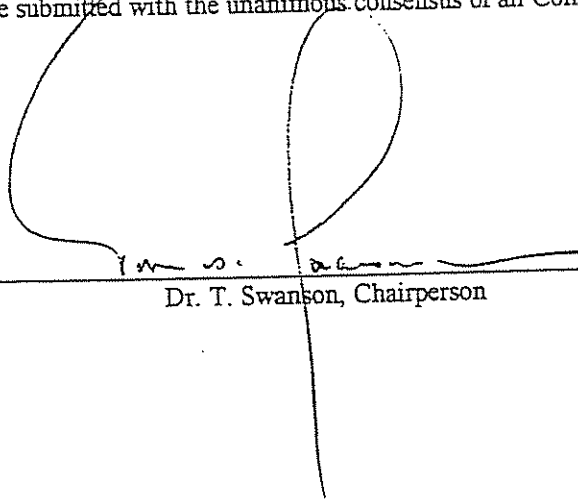
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## *PORTSMOUTH HARBOR and COASTAL WATERS MANAGEMENT PLAN*

## SIGNATURE PAGE

The Portsmouth Coastal Waters Management Planning Commission, does hereby submit to the Portsmouth Town Council the attached Harbor and Coastal Waters Management Plan and revised Harbormaster Ordinance for consideration by the Council for approval and adoption on this, the \_\_\_th day of \_\_\_\_\_, 1993.

The Plan represents the efforts of many months of commission workshops and public hearings that identified issues of concern to the citizens of the Town, made recommendations for addressing those issues and sought to find a balance of the multiple uses of the waters of the Town. Although each member of the commission does not agree in entirety with each section of the plan and ordinance the documents represent compromises and the Plan and Ordinance presented here are submitted with the unanimous consensus of all Commission members.



\_\_\_\_\_

Dr. T. Swanson, Chairperson

## ACKNOWLEDGMENTS

The following, as members of the Portsmouth Coastal Waters Management Planning Commission, have contributed to the development of the Portsmouth Harbor and Coastal Waters Management Plan and to revising the Harbormaster Ordinance.

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**1.0 INTRODUCTION.** During the past several years the number of people using the coastal waters bordering the shores of Portsmouth has increased substantially. Most of these new users of the water are recreational boaters. They are seeking locations to moor or dock their boats, they need parking for their trailers and cars and they are increasing the demand for ancillary commercial and harbormaster related services. Changes like these, and the anticipation of ever growing numbers of people moving closer to the shoreline point to comprehensive planning as a good way of charting the direction and requirements for the future of the coastal waters of a community. The Portsmouth Harbor and Coastal Waters Management Plan examined the state of the waters of the Town and make recommendations for managing them into the future.

**1.1 DEFINITION AND PURPOSE.** Title 46, section 4 of the General Laws of Rhode Island grants municipalities the authority to establish Harbormaster ordinances and rules and regulations pertaining to the administration of their harbors. The objectives of the Portsmouth Coastal Waters Management Plan are:

- a. to provide a comprehensive evaluation of the activities occurring within the coastal waters of the Town of Portsmouth;
- b. to provide a guideline for the management of existing and future activities on and in the coastal waters of the Town;
- c. to provide recommendations concerning the shoreside compatibility with the activities occurring on the waters and vice a versa;
- d. to establish appropriate ordinances and/or regulations, consistent with applicable local, state and federal regulatory requirements, that implement portions of the plan;
- e. to serve as a frame of reference for local and state decision-makers concerning waterfront development and coastal water programs or projects; and
- f. to promote that the primary responsibility for management and control of the coastal waters of the Town be delegated to the Town.

**1.2 METHODOLOGY.** Prior to 1987 harbor management planning was essentially non-existent at the Town level. Management of the Town's coastal waters was entirely state and federally mediated by organizations such as the Department of Environmental Management (DEM), the Coastal Resource Management Council (CRMC), the United States Coast Guard (USCG) and the Army Corps of Engineers (COE). The Town emergence on the waterfront occurred in 1972 when it acquired a twenty-eight foot heavy weather designed vessel. The vessel would allow the Police Department to make rescue calls to Prudence Island in mid-winter. The boat was employed intermittently, as needed, for official police transportation to the outlying islands. The requirement for a harbormaster and enabling powers came to the forefront when the original boat's operator retired and a police volunteer succeeded him.

The first generation of the Harbormaster Ordinance, which officially established the Harbormaster and delineated his powers and duties, was developed in March 1987 by the Town Solicitor and the Chief of Police. There was immediate public outcry over the language of the Ordinance, its narrow scope and with the allowance of the placement of commercial moorings in front of riparian properties. One month after the Town Council adopted the Ordinance, the Council saw fit to establish a seven man commission called the Portsmouth Harbormaster Commission. The name was changed to the Harbor Study Commission (HSC) since the Commission's principal objective was to establish a vehicle whereby the Town could manage it's Coastal Waters as well as continually advise the Town council on broader issues related to the water and coastline. The commission held numerous public hearings, reviewed other town ordinances and attended various CRMC hearings and workshops. On the basis of these hearings, studies and the inclusion of new ideas and concepts specific to Portsmouth's requirements, a revised and updated Harbormaster Ordinance was developed. This Ordinance was adopted by the Town Council in February 1988 and received administrative approval in June 1988 subject to seven conditions. Its approval carried the contingency that the Town of Portsmouth undertake a comprehensive management plan concerning recreational boating use and development within it's waters.

The Town Council was briefed by the Rhode Island Sea Grant Marine Advisory Service (RISGMAS) acting as a member of the CRMC harbors management project team, on the Harbor

Management Planning Project. The Town Council then reactivated the Harbor Study Commission to begin work on the project. The commission held its first meeting in March 1989. The name of the commission was changed to the Coastal Waters Management Planning Commission (CWMPC); a result of the unique characteristics of the Town's waters. By May of 1988, it became apparent that the small group of seven members was inadequate to accomplish the above tasking and the commission requested membership supplementation from the Town Council.

At the same time, the State Planning Council of the Rhode Island Department of Administration required the Town to develop an update to its Land Use Comprehensive Plan. Community participation being the most essential ingredient to a successful Comprehensive planning process spawned the Portsmouth Citizens Advisory Committee (PCAC). With its manpower and budget the PCWMPC decided to team up with the PCAC to survey public opinion as well as help with the task of resource inventory.

By November 1989, the membership had been supplemented to include seventeen members: 1) a Town Council member; 2) the Harbormaster; 3) a riparian boat owner who agreed to be the Chairman of the Commission; 4) an attorney who also chairs the PCAC land use subcommittee; 5) a riparian boat owner who also serves as a liaison to the Glen Farm Committee and partakes in non commercial diving and shellfishing; 6) a concerned private boat owner who served on the original HSC; 7) an environmental engineer/surveyor; 8) a riparian developer who is a non-resident holder of a major piece of undeveloped waterfront property; 9) a Representative of Little Harbor Marine serves as a spokesman for marina management and development; 10) an environmentalist and member of the PCAC land use committee; 11) a concerned riparian boat owner and sportfisherman nonresident with property holdings in the Town; 12) an environmentalist who serves as liaison to the Open Space Committee; 13) a recreational boater and past member of the HSC; 14) a concerned resident who serves active duty in the USN; 15) a commercial shellfisherman; 16) a Marine industry owner as well as serves on the PCAC waterfront subcommittee; and 17) a concerned resident who is also a student in the MAS. When the expanded Commission convened, a few residents claimed that active developers and nonresidents had no place in the planning process. However, after reading the document developed here which serves simply and fundamentally as recommendations to the Town Council, it should be evident that a deliberate effort was put forth by the Commission to find fair and equitable solutions for the multiuses of the Coastal Waters without benefiting any particular user group.

Public input into the Plan and the subsequent third generation Harbormaster Ordinance was solicited through public meetings, workshops, hearings and via surveys distributed by the PCAC to 1200 randomly selected households in Portsmouth. The workshops and the survey offered any citizen or interest group the opportunity to express their opinions on the management of Portsmouth's coastal waters. From these inputs, issues were identified for inclusion into the Plan and the Commission established goals and policies for dealing with these issues that would be presented as recommendations to the Town Council. Drafts of the Plan and Ordinances were made and revised in accordance with public comments on the documents.

The Harbormaster Ordinance (third generation) sets forth the rules, regulations and policies for the administration of the Town's Waters. Implementation of the Plan will occur through the enforcement of the Ordinance by the Harbormaster and other appropriate authorities. Implementation will also occur through review of proposed waterfront projects by the Portsmouth Coastal Commission guided by the established goals and policies of the Portsmouth Coastal Waters Management Plan. Adherence to the Plan will be further maintained by all state agencies throughout their review processes of any proposed waterfront projects.

A final plan and third generation of the Harbormaster Ordinance were approved by the Town Council and have been forwarded to the CRMC.

1.3 ACRONYMS.

Army Corps of Engineers	COE
United States Coast Guard	USCG
Coastal Resources Management Council	CRMC
Coastal Resources Management Program	CRMP
Coastal Waters Management Planning Commission	CWMP
Department of Environmental Management	DEM
Energy Facility Siting Board	EFSB
Environmental Protection Agency	EPA
Food and Drug Administration	FDA
Federal Emergency Management Agency	FEMA
Geographic Informational System	GIS
Harbor and Coastal Waters Management Commission	HCWMC
Harbor and Coastal Waters Management Plan	HCWMP
Harbormaster Ordinance	HO
Individual Sewage Disposal System	ISDS
Interstate Shellfish Sanitation Conference	ISSC
Length Overall	LOA
Marine Advisory Services	MAS
Marine Fisheries Council	MFC
Mean High Water	MHW
Mean Low Water	MLW
Portsmouth Citizens Advisory Committee	PCAC
Portsmouth Coastal Commission	PCC
United States Coast Guard	USCG
United States Navy	USN

2.0 HARBOR DESCRIPTION AND RESOURCE INVENTORY

2.1 LAND DESCRIPTION AND HISTORY. Portsmouth is Rhode Island's second oldest community. Situated in the lower Narragansett Bay and upper Sakonnet River, the town of Portsmouth is distributed among several islands. Portsmouth has a shore line of 49 miles, the longest of any Rhode Island town.

2.1.1 GEOLOGY. Narragansett Basin was formed over 300 million years ago and covers most of eastern Rhode Island. The basin is composed of sedimentary rocks: conglomerate, sandstone, shale and some coal. The real molder of the Bay was the ice of the Pleistocene Epoch, starting two million years back and extending to only fifteen thousand years ago. The deep gorge of the East Passage was formed by glacial action. The Rhode Island shoreline is undergoing a slow, but steady process of erosion under the carving of ocean storms and is submerging at approximately one foot in one hundred years because the level of the sea is rising.

2.1.2 INDIAN SETTLEMENTS. Indians inhabited this region for thousands of years prior to European settlement. The first European to make contact with the Indians was Giovanni da Verrazano in 1524; in 1614 an active Dutch trading business was conducted with the Indians.

2.1.3 AQUIDNECK ISLAND. The most densely populated segment of the town of Portsmouth on Aquidneck Island is located in the north end of Aquidneck Island and encompasses an area of 23.3 square miles. The main topographical feature is a central ridge broken by a series of hills and by several small valleys. In the Northeast is The Cove, a large irregular inlet with several islands and a breachway or channel connecting it with the Sakonnet River. Portsmouth was founded in 1638 by a group of religious dissenters. The first settlement on Aquidneck Island, called Pocasset, was located near Founder's Brook and Town Pond at the northern end of Aquidneck island. At that time Town Pond was a sheltered harbor pond that later silted up. In the early eighteenth century, because of the silting of the Town Pond, the village site was moved. The new site called Newton (now Portsmouth center) was located on Sakonnet River with land sloping from Butts Hill to a natural deep water harbor. After further filling in the twentieth century by Army Corps of Engineers dredging activities, Town Pond is now a small body of



water behind the Ramada Inn on Route 24 surrounded by marsh. Because of the lack of a good harbor Portsmouth's economy was not based on maritime endeavors.

2.1.4 PRUDENCE ISLAND. Prudence Island topographically consists of two hills connected by a low isthmus. The island is mainly covered with a scrubby vegetation. The northern part contains Pine Hill (elevation 72 ft), Potter cove and several picturesque salt marshes and coves. The northern section of Prudence Island, all of Patience Island and Hope Island was included in the Narragansett Bay National Estuarine Research Reserve. The reserve is one of eighteen across the country. The purpose of the Reserve is resource protection and the support of research monitoring and education programs related to the site. The southern section, rising to a maximum elevation of 180 feet along the east side contains summer colonies along the east and west sides, but otherwise is mostly uninhabited. Prudence Island became part of Portsmouth in 1647. In 1776 and 1777, most residents left Prudence Island and most of the homes were burnt by the British. After the war, Prudence Island returned to its agricultural existence. Prudence Island was a popular summer resort in the nineteenth century. The southern part of the island was used by the Navy as a storage depot in World War II. The State acquired the property from the Navy and it became part of the Bay Islands Park. The northern portion was bought by the State from private owners in 1978 to become part of the Bay Islands Park System. Prudence currently supports a year-round population of 150 residents and a summer population of about 2,000 people.

2.1.5 HOG ISLAND. Hog island is low, mainly covered with a scrubby vegetation and surrounded by shoals. The grass on Hog Island was granted to Portsmouth freemen in 1638 and pigs roamed freely on Hog. The island was convenient for herding because no fences were needed and wolves and foxes could not wander in. Hog Island has a relatively large summer population.

2.1.6 HOPE ISLAND. Hope Island, the westernmost island of Portsmouth, is low narrow, and uninhabited. Formerly a naval ammunition store, it is now a state owned wildlife refuge and national estuarine sanctuary. Hope Island was a gift from Miantonomi to Roger Williams. It is unique among the Bay Islands by having a rocky shore line. Hope island was acquired by the state in the early 1970's and is important as a wading bird management area. Currently cormorants nest in the abandoned telephone poles in the west side of the island and congregate on Gooseberry Island as adults; gulls and terns tend to roost on the west end. The inlet to the West bears evidence of Oyster proliferation in the 1990's.

2.1.7 PATIENCE ISLAND. Patience Island is scrub covered and has only four summer houses. Patience Island was purchased by Roger Williams in 1637 and became part of the Town of Portsmouth. The island was never fully developed and is returning to its natural state to become part of the Bay Islands Park. It was bought from owners in 1979 as part of a negotiated agreement with the State of Rhode Island.

2.1.8 GOULD ISLAND. Gould Island, the only island in the Sakonnet River, is an uninhabited wild life refuge maintained by the Rhode Island Audubon Society.

2.1.9 DESPAIR ISLAND. Despair Island is low, mainly covered with a scrubby vegetation and surrounded by shoals. Its outcroppings of rocks are used extensively by nesting birds, especially gulls and terns.

2.1.10 DYER ISLAND. Dyer Island is low, has little or no vegetative cover other than grasses and surrounded by shoals. It is located between Prudence and Aquidneck Islands. Dyer Island belonged to the William Dyer who was an early settler or to the William Dyer who was the husband of Mary Dyer, friend of Ann Hutchinson, an early colonial religious critic. It is believed that the Island was presented to Dyer as a gift from the settlers. The American oysters have been found on the east shore of Dyer Island in the early 1990's.

2.1.11 FERRIES AND BRIDGES. In 1640, the town established a ferry, known as Howland's Ferry, after the family who operated it through most of the eighteenth century. The ferry operated at the narrows of the Sakonnet River between Portsmouth and Tiverton. The Bristol Ferry, established in 1680, ran between Portsmouth and Bristol and was one of most important ferries, affording direct communications between Aquidneck Island and Providence. In 1876 a steamboat service was run from "Prudence Park" on the west side of the island to Providence. In 1904, the present ferry to Bristol was started by Halsey Chase. A wharf was built on east side in 1909 by the Herreshoffs; later a wharf was built on Sandy Point. In 1921 Prudence Island Navigation Company was chartered, establishing regular service to the islands and initiating the island's growth. Today the Prudence Island ferry makes passenger and freight trips to Prudence Island on a regular basis and stops, in the summer, at

Hog Island. A ferry also ran from Glen Road to Fogland Point in 1738 and another ran from Lawton Valley to the southern end of Prudence Island.

A toll bridge was built across the Sakonnet River at Howland's Ferry in 1795 by the Rhode Island Bridge Company. The bridge was washed away in 1796 and, in 1798, closed until 1808. The bridge was rebuilt after its destruction in the Great September Gale of 1815 and received its present name, the Stone Bridge. After the draw washed away in 1869, the bridge was sold to Tiverton and Portsmouth who turned it over to the State of Rhode Island. The structure was rebuilt and reopened in 1871 as a free bridge. After a series of mishaps caused by storms and ships, the bridge was closed for a final time in 1957 when it was replaced by the new Sakonnet River Bridge. The Stone Bridge exists now only as two rip rap jetties, one in Portsmouth, one in Tiverton, which are maintained as fishing piers. In 1864 the Old Colony and Newport Railroad opened a line between Fall river and Newport. The single track crossed the Sakonnet River over a stone causeway and drawbridge similar to the one at the Stone Bridge. In 1898 the railroad bridge was replaced by the present cantilevered iron span originally activated by a steam engine to swing the bridge open to allow passage for vessels. The bridge is currently inactive after years of disrepair and a recent barge collision, but serves as popular fishing platform. The completion of the Mount Hope Bridge in October 1929 ended the ferry service between Bristol Ferry and Bristol, Rhode Island, but continued a service which existed for almost three centuries. The bridge which is entered in the National Register was important in the evolution of the technology and aesthetics of bridge building.

2.1.12 SUMMER RESORTS AND ESTATES. Improved transportation facilities in the late nineteenth and early twentieth centuries caused development of several summer colonies and large summer estates on the Aquidneck portion of Portsmouth's eastern shore as well as on Hog, Patience and Prudence Islands. At the end of the nineteenth century Prudence Island started as a summer colony. Most cottages were built near the water or had views of the bay and river. The Ferry landing at Bristol ferry was the nucleus of the small summer community in the late nineteenth century. The colony included cottages for guests and summer residents a railroad station telegraph office and a hotel. An amusement park and summer colony was started in Island Park near the Stone Bridge, but was destroyed by the 1938 hurricane and never rebuilt. A dense collection of small summer cottages still stand, mostly north of Park Avenue, also clusters of summer houses remain at the Hummocks, below the Sakonnet River highway bridge and at the northeastern end of the island at Common Fence Point. Located on Aquidneck Island along and near the Sakonnet River several large waterfront estates were established. Most noteworthy were the Glen Farm and Sandy Point Farm.

2.1.13 GOVERNMENT/INDUSTRY. The U.S. Navy currently maintains a reservation and pier in Melville. Prior to being declared surplus, the southern end of Prudence Island was a U.S. Navy ammunition depot as was Hope Island. Coal was discovered in Portsmouth in the early 1800's. The first mine was in the Stone Bridge area and later a mine was established at Arnold's point near the shore of the Narragansett Bay, the location today of the Kaiser Aluminum plant. The coal was reputed to be of poor quality and was mined on an on-again, off-again basis for the course of the century. The Taunton Copper Company built a smelting works near the mine in 1866 and used its coal along with copper ore imported principally from Cuba to produce nearly two million pounds of copper annually. There were a series of kilns and blast furnaces at the factory and as a result Arnold's Point was the scene of a great deal of activity throughout the nineteenth century. In 1925 the Weyerhaeuser Timber Company built a large complex including sheds and a saw mill near Arnold's Point. The Kaiser Aluminum and Chemical Corporation was built near Arnold's Point in 1966. The last functioning industry in the area was Pearson Yachts which maintained an outflow pipe to the Bay. Pearson Yachts suspended operation in 1991.

2.1.14 LIGHTHOUSES. Early ferries were aided in navigating the bay's waters by several lighthouses. Two of these lighthouses still stand in the bay. The Sandy Point Lighthouse established on Prudence in 1852, is owned and operated by the Federal Government (U.S. Coast Guard). In 1901, the Hog Island Shoals Lighthouse was built at a strategic point near the entrance to Mount Hope Bay.

2.1.15 NATIONAL ESTUARINE SANCTUARY PROGRAM. The Coastal Zone Management Act was amended in 1976 to establish the Natural Estuarine Sanctuary Program. The goal of the program is to preserve representative areas that cover the full range of the nation's estuarine ecosystems. A series of natural field laboratories were created to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. It is anticipated that twenty-seven to thirty sanctuaries are necessary to achieve this goal. As of May 1983, fifteen sanctuaries have been established. In October 1980, the Narragansett Bay National Estuarine Sanctuary became the ninth in the country and the first in the Virginian Biogeographic region which extends from Cape Hatteras to Cape Cod.