

**Juliet T.H. Walker**

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**From:** Sheridan A. Lloyd <Sheridan.Lloyd@myfairpoint.net>  
**Sent:** Wednesday, April 14, 2021 4:37 PM  
**To:** Planning Info  
**Subject:** Please do NOT grant Wetland Conditional Use Permit for the development of 105 Bartlett St

**Please do NOT grant Wetland Conditional Use Permit for the development of 105 Bartlett St**

The criteria that must be met, are NOT being met:

Specifically:

10.1017.50

(2)

There IS alternative location outside of the Wetland Buffer. All development can ONLY be within what is allowed by law, zoning and article 10, Environmental Protection Standards. No variances, twists, nor changes allowed. That is why there are requirements.

(3)

There Will be adverse impact on the Wetland function , as they are proposing an emergency road/ path in the buffer. That is an adverse impact. Humans walking on the open path, when now it is un-inhabited and un-visited by humans- IS an adverse impact.

There Will be adverse impact on surrounding properties with increased noise, light and water run off from the development.

(4)

Alteration to grass/ wildflower “grass” is a negative impact on nature. Wild flower fields/grass must be mowed, as the developer said, and mowing is NOT allowed in a wetland buffer.

A path will not be returning to a natural state.

(5)

The proposal is NOT with the least adverse impact to the area and environment of North Mill Pond. It is a live, thriving natural pond.

(6)

Vegetated buffer is NOT being returned to natural state, as per the developer.

The community space can NOT be in the wetland buffer.

The public sidewalk can NOT be in the wetland buffer. Humans negatively impact nature and the natural environment.

The 100’ buffer should be protected 100%!

10.5A46.22

(d)

The community space currently is not following the requirements of TREES and LANDSCAPING and to provide SHADE and REDUCE NOISE.

Please do Not approve the wetland conditional use permit for this project. North Mill Pond is a natural treasure within the City, and must be cherished and preserved by All residents and especially by developers, who have a bigger hand in changing the natural environment for the worse.

Thank you.

Regards,

Sheridan Lloyd

Portsmouth resident

**Juliet T.H. Walker**

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**From:** Lawrence Cataldo <larrycataldo@yahoo.com>  
**Sent:** Wednesday, April 14, 2021 4:06 PM  
**To:** Planning Info  
**Subject:** April 15 Planning Board Meeting on 105 Bartlett Street

Please have my letter distributed to the Planning Board for the April 15th meeting.

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April 14, 2021

Subject: 105 Bartlett Street Project – Environmental Concerns

To: Members of the Planning Board

I wish to state my objections to this project. I believe as are other neighbors and concerned environmental activists that this project has every potential to seriously affect the quality of the North Mill Pond.

Looking at 10.1011 (Purpose) of this ordinance, I find it impossible for this project to (1) maintain and where possible, improve the quality of the surface water . . . . .” When you place a very large development within the 100-foot buffer – many dwelling units, tall buildings, roads and traffic – it is totally illogical to assume the environment is protected.

Let us look at Section 6 of the purpose. “Requires use of best management practices and low impact development in and adjacent to wetland areas” Does placing a tall building (66’ above a 12’ man-made shelf (to protect the building from flooding) and a fire road at the waters-edge sound, within 50 ‘ sound like either “best practice” or low impact development. It does not.

Next, let us look at one of the criteria for your decision: 10.1017.5 (2) “There is no alternative location outside wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.” There are many alternatives. The construction industry has become very innovative in recent years with solutions to fit a wide variety of environmentally-impacted project. A simple answer is to construct fewer units and low story buildings that would fit beyond the buffer zone.

Looking at Section (5) The proposal is the alternative to the least impact to areas and environments under the jurisdiction in this Section. Unfortunately, the developers have shown no low impact alternatives over a number of changes since 2018.

The protection of our environmentally sensitive North Mill Pond is consistent with the City of Portsmouth’s intent for the 100 foot buffer requirement. Don’t build within 100 feet of the water line. It is not about money or finance of the project. It is about protection of fauna and flora and water quality.

Please do not allow this project to go forward unless it stays outside the 100-foot buffer zone.

Sincerely,

Larry Cataldo

133 Islington Street

## Juliet T.H. Walker

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**From:** Jan Ebeling <ebelingja@gmail.com>  
**Sent:** Wednesday, April 14, 2021 5:51 PM  
**To:** Planning Info  
**Subject:** 105 Bartlett St CUP

Ladies and Gentlemen of the Planning Board,

We are aghast at the gigantic 5-story structure going up on Maplewood Avenue and are horrified to have a structure of such a large scale going up on North Mill Pond. Development like this belongs on Raynes Avenue.

To summarize the project as I see it: Build three **Big Box** buildings which don't resemble anything in the area in size or scope, with above and below grade **parking for 170** cars at the end of a **dead end lot, behind a lumberyard** with its egress onto the narrow **Bartlett Street Chicane** which is already **traffic challenged** by the Cate Street townhouse condos and apartments. And while we're at it let's squeeze this development in between some immovable train tracks, sewer lines and an environmentally sensitive tidal pond and ignore the 100 foot wetland buffer. If there was ever a time to reconsider, it is now!

I understand there are six (6) criteria for approval of the CUP in the wetland buffer. It's going to need some very creative imagination to comply with any of these.

- 1) Is this land reasonable suited for this- not in any reasonable way
- 2) Is there no alternative outside the wetland buffer- probably not for a development of this size
- 3) How can there not be an adverse impact on a naturally wooded area on the shores of the wetland?
- 4) The natural vegetative state is being wiped out
- 5) There have to be many alternatives to this proposal that have far lesser impact.
- 6) How can we believe the buffer strip be returned to its natural vegetative state- I site South Mill Pond

I repeat from my letter of a year ago:

If ever there was a reason for a protected 100' Shoreland Buffer, this would be it!

Sincerely,  
Jan and Elizabeth Ebeling

## Juliet T.H. Walker

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**From:** patricia Bagley <ppbagley@icloud.com>  
**Sent:** Thursday, April 15, 2021 9:06 AM  
**To:** dexter.legg@gmail.com; clarkcj7@gmail.com; chellman@tndengineering.com; pharris\_portsnhplan@icloud.com; pawhelan@comcast.net; Karen Conard; Juliet T.H. Walker  
**Subject:** For tonight's Planning Board

Dear Chairman Legg and Planning Board Members:

I am writing to ask you to deny a CUP for the 105 Bartlett Street project.

Development and over-development are very different. The former is thoughtful and beneficial. This project represents the latter, with negative overreach.

Are we to bicycle on a multi-use path and ignore three four-story buildings squeezed onto a site to maximize profits? Open up the pond for the public to enjoy while violating conservation common sense?

What I've learned from watching development over the last ten years is to be careful when translating from paper to reality. View West End Yards from Route 1 or from Bartlett Street. It looks like its own city.

Portsmouth residents do not desire Mr. Hayes' idea of a legacy. Cleaning up the area would be a legacy, but what he wants in return is too great of a price. His overreach is disrespectful. Please do not violate our buffer zone requirement by granting a CUP.

Thank you for your consideration.

Patricia Bagley  
213 Pleasant Street

**Juliet T.H. Walker**

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**From:** Shan Zuidema <shan.zuidema@gmail.com>  
**Sent:** Thursday, April 15, 2021 8:57 AM  
**To:** Planning Info  
**Subject:** 105 Bartlett Street - Wetland Conditional Use Permit

Hello!

I would like to state my opposition to granting a conditional use permit for encroaching on wetland buffers by the redevelopment proposed at 105 Bartlett Street. I acknowledge that the redevelopment would reduce impervious surfaces within the buffer, which is part of the criteria for granting a CUP. However, the applicants fail to "demonstrate that the proposed site alteration is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Ordinance." - City of Portsmouth, Zoning Ordinance 10.1017.23

I have three personal motivations for opposing the plan in the application:

- 1) Wetland buffers have been demonstrated as critical to maintaining ecological health of water bodies (see Mayer et al. 2005, 2007 for comprehensive reviews). I am a research scientist that utilizes simple models of hydrology and biogeochemistry to understand how humans derive value from watersheds and have seen first-hand the importance that buffers have in protecting water bodies from contamination from nutrients (Samal et al. 2017) or road salt (Zuidema et al. 2018).
- 2) Wetland buffers play a critical role in maintaining habitat and migratory passages for wildlife (DeCecco and Brittingham, 2016).
- 3) I personally think that the passage for the walking path between the pond and the proposed building is too narrow. The design has pedestrians walking immediately adjacent to the building and seems to be too close for comfort. This detracts from the value of the "huge amenity" the developer is trying to sell the community on (<https://www.seacoastonline.com/story/news/local/2021/04/13/north-mill-pond-greenway-portsmouth-nh/7122184002/>), and may create tension with eventual residents immediately adjacent to the path.

For these reasons, I think that it is best for the applicant to again re-design the structures to provide a comfortable space for residents, the community, wildlife, and ecological function to have the room they need. Our regulations state that this room is a 100 foot buffer.

Thank you for consideration of this comment.

Shan Zuidema  
Burkitt Street

## Juliet T.H. Walker

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**From:** Jennifer Madden <jenn@maddenre.com>  
**Sent:** Thursday, April 15, 2021 9:07 AM  
**To:** Planning Info  
**Subject:** 105 Bartlett Street

Dear Planning Dept,

Portsmouth and the seacoast need diversity in housing. Everyone doesn't have \$600k to get into the market. The Greenway Project will provide additional rental housing options and the community will benefit because it will reduce some of the upward pressure on escalating home prices, caused by the lack of supply. By adding inventory, supply will begin to meet demand and enable some movement within the marketplace offering alternatives, for example, like younger workers who can't come to the table with the sizable equity, credit and/or income required to buy in this market; and boomers seeking downsize options.

Thank you, Jennifer Madden

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**Jennifer Madden**





Broker Owner

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 603-957-7500 | 603-247-2900  
 jenn@maddenre.com  
 www.maddenre.com  
 371 Sagamore Road, Rye, NH 03870



## Juliet T.H. Walker

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**From:** Jonathan Wyckoff <jon9wyckoff@gmail.com>  
**Sent:** Thursday, April 15, 2021 9:31 AM  
**To:** Planning Info  
**Cc:** James Hewitt; Private General  
**Subject:** 105 Bartlett Site Plan Review. Item#1

Members of the Planning Board; I realize how many letters you get on many projects and I can only hope you read this one. Before even considering the Conditional use permit, I believe you should look at the plan review approval, as I believe there has been purposeful and negligent facts presented and failure to be presented.

No project of this size can be constructed without interfering with the perimeter buffer as presented. Only 2 outfalls are presented, however I think the demolition of the 2Story brick shop, the remains of the roundhouse, and the removal of the locomotive round table will cause significant damage and releasing long buried pollutants.

They seem to be getting past this on the site by bringing in 5-8' of fill which causes the whole height situation into question. Maybe the buildings are pulled back from the 50 buffer but is the fill?

Also something that has been totally ignored is the question of school children, play areas, school bus stops etc. Is this the job of the planning board? As you know, many of the apartments are 2 bedroom, as well as 3 bedrooms. Families are going to live here!! Where will the children play, and where is the bus stop. Everything and all traffic is dependent on that little roundabout. Little Roundabout..including the underground parking. A lot has been made about the Bartlett st congestion at 8:00, 200/300 more cars heading off to work. When do most contractors get their material?. Seriously we their could be traffic jammed up to the Little Roundabout, not even mentioning the Riccis tractor trailer deliveries, in the mornings. Also speaking of traffic, what is missing in the consultants reports, are the afternoon soccer mom responsibilities.

Will the school be able to accept a great many more students? Are the sidewalks able to accept a great many more students. Who is responsible? Basically most of these problems are directly related to the size of the project, ie 152 units. Who's going to pay for the infrastructure?

Yes you can postpone this decision and ask for more information. You can ask for a reduction in units, and elimination of 3 bedroom apartments. You're the planning board, arguably the most important of all land use boards.

Good luck, tonight. Jon Wyckoff, 135 Sparhawk st

Sent from my iPad



## Juliet T.H. Walker

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**From:** Ed Hayes <edwardhayes@riccilumber.com>  
**Sent:** Thursday, April 15, 2021 10:17 AM  
**To:** Juliet T.H. Walker  
**Cc:** Peter L. Britz; Jeff Johnston  
**Subject:** FW: trash  
**Attachments:** DSC04537 (2).jpg

Good morning, Juliet.

Just want to forward you an email that I received from Liz Bratter which makes one of our points very well. We strongly feel that unless we fence in the entire parcel (something we do not want to do for various reasons) the dumping of trash and debris will continue to happen. We clean things up and can't keep up with the ongoing dumping. We also strongly believe that once our buildings are constructed and the greenway is used on a regular basis, the dumping will be eliminated.

Just wanted you to see this and perhaps the Planning Board would like to see it too.

Have a great day. Thank you.

-Eddie

**Edward R. Hayes, President**  
**Ricci Supply Company, Inc.**  
**105 Bartlett Street**  
**Portsmouth, NH 03801**  
**(603) 436-7480**



Proud to be Celebrating 60 years in Business

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**From:** Private General <qatoday@yahoo.com>  
**Sent:** Wednesday, April 14, 2021 9:54 AM  
**To:** Ed Hayes <edwardhayes@riccilumber.com>  
**Cc:** Peter L. Britz <plbritz@cityofportsmouth.com>  
**Subject:** trash

Dear Ed,

I walked 105 Bartlett St about 2 weeks ago and took some pictures on my way between our properties. Yesterday my husband and I were cutting through and noticed TONS of added trash. I took a picture because there were so many new bags. This is by the turntable. Check out the trash bags. They were clean and looked brand new. I did not check to see what was in them. The area closer to Cabot St has been completely filled with trash. I had walked to the water's edge just about two weeks ago - a few days in a row. There was one person sleeping in a sleeping bag. Now it looks like someone has been strewing trash all over the place in the 50' buffer. The snow down there has been melted for a while except for

the area where the Ricci plow puts all the snow by the entrance to the woods by Dover St. It is definitely not spring melt bringing out old trash.

I've walked this area for years. It looks very intentional-vandalism and not "normal" trash from people walking and dropping their cups and bottle or sleeping down there. Yes, I know its privately owned now, my concern is some of this stuff will blow into the North Mill Pond and/or its going to get mixed in with the layers of soil which will be extracted once permits are issued and end up in a pile somewhere polluting another area. There is also a lot more art on the Round House and on everything. Now that its private property could you ask the police make a small effort to patrol that area a few times a day. The bike police can easily access it from Maplewood Ave. I saw a guy on an electric unicycle riding from Maplewood to Bartlett just yesterday. Since two weeks ago someone set up a good looking tent too, maybe the sleeping bag person upgraded. Liz







Re: 105 Bartlett St

To the members of the Planning Board,

Below is a letter submitted to the Conservation Commission in which we ask that they recommend denying the conditional use permit for alteration and development within the 100ft wetland buffer. We still feel, even after revisions, that this project does not meet the criteria for the conditional use permit. Once this project is built there is no going back. Many of us are long term residents of this neighborhood, some are new, and some are residents of other neighborhoods, but we all agree that protecting our shore lands is the top priority. We residents urge the Planning Board to deny the Wetland CUP requested by the principals of the 105 Bartlett Street project.

We speak as concerned members of the community and residents of the Mill Pond neighborhood. The proposed project at 105 Bartlett St will have permanent and unalterable effects on both the North Mill Pond and the surrounding neighborhoods. Because of this, decisions regarding this project must be made slowly, deliberately and with the future in mind. Our foremost consideration should be given to protecting our estuary and the habitat areas of the pond and its shores.

Clearing and excavating will affect not just the views and privacy for surrounding property owners but habitat for wildlife and could contribute to erosion and degradation of the shore, and further contamination of the pond.

Storm water management, impervious surface, building footprint, density and proximity as well as soil disturbance all need to be studied and considered with great concern.

There are multiple aspects to this project and they need to be considered in conjunction as well as surrounding projects. The proposed city trail, the Deer St development and even recently completed developments need to be taken into consideration (i.e., Cate St., The Foundry Garage, West End Yards and the future Green St and Raynes Ave developments have or will impact this neighborhood). A lot has changed surrounding our protected estuary and changed quickly. We need to be mindful of the overall consequences to the North Mill Pond and the surrounding neighborhoods.

We ask you to deny the conditional use permit allowing construction in the 100ft buffer area. The owners claim that property constraints make this necessary but the owners were aware of the constraints on the property from the start. Those constraints exist for a reason.

We need to promote conservation, use of regenerative planting, increasing preservation of natural habitat and limiting construction and excavation. The most recent study on the North Mill Pond is 23 years old (See: The State of the North Mill Pond from Advocates for the North Mill Pond, April 1998). The study highlights multiple concerns. A project of this magnitude on a protected body of water warrants significant and thorough investigation into the existing conditions of the North Mill Pond and the impacts this construction will have. Careful and deliberate planning should occur after those studies with regeneration and preservation in mind.

Thank you,

Residents of the Creek Hill & North Mill Pond Neighborhood

## Resident Names

Nancy Brown	333 Bartlett St.
Steve Dunfey	675 South St.
Marylin McElwain	259 South St.
Ron Sousa	146 Sparhawk St.
Bob Chaffee	122 Mill Pond Way #1
Jennifer & Matt Schaepe	149 Sparhawk St.
Jim Sparling	108 Sparhawk St.
Elizabeth Prout	108 Sparhawk St.
Diana Frye	436 Jones Ave.
Anne Bliss	48 Thornton St.
Sue Evans	1 Jackson Hill
Larry Caltado	133 Islington St.
Peter and Jane Keenan	1A Jackson Hill
Darrell and Sue Marta	1B Jackson Hill

Sheridan Lloyd	45 Cliff Rd.
Beth Dinan	639 Maplewood Ave.
Trace and Steve Miller	38 Thornton St.
Rick Downer	100 Concord Way
Mary Martisius	47 Thornton St.
Philippe Favet	132C Dennett St.
Robin Husslage	27 Rock St.
Mary and Rich Brady	124 Burkitt St.
Becky McBeath	243 Middle Rd.
Andrew Harvey	710 Middle Rd.
Roy Helsel	777 Middle Rd.
Mark Brighton	Richards Ave.
Mickey McCore	Mill Pond Way
Barbara Adams	75 Kent St.
Mary Louise Brozena	64 Pine St.
Nancy MacDonall	28 Ball St.

Nancy and Brian Johnson	81 Clinton St.
Catherine Harris	166 Clinton St.
Donna Morse-Relyea	249 Clinton St.
Elizabeth & Jan Ebeling	142 Mill Pond Way
Mary McDermott	40 Rockingham St.
James Beal	286 Cabot St.
Joe & Kathy Famularo	141 Mill Pond Way
Joanne and Jon Wyckoff	135 Sparhawk St.
Paula Taylor	23 Kane St.
Mimi Clark	1039 South St.
Susan Denenberg	44 Wibird St.
Cynthia Keenan	61 Mill Pond Way
Liza & Jim Hewitt	169 McDonough St.
Ronnie Anania	290 Bartlett St.
Paul Kahl	1135 Maplewood Ave.

Michael O'Connor	163 Sparhawk St.
Jesse Pratt	163 Sparhawk St.
S.B Sordillo	136 Sparhawk St.
Tara Jenkins	123 Sparhawk St.
Abigail and Julia Gindele	229 Clinton St.
Pat Hammer	73 Montieth St.
Laura Coakley	236 Bartlett St.
Dawn Przychodzien	111 Sparhawk St.
Amy Wolfe	104 Thornton St.
Lloyd Wessling	57 Thornton St.
Jessica Patten	250 Clinton St.
Martha Caverly	199 Clinton St.
Beth Jefferson	111 Sparhawk St.
S, Zuidema	126 Burkitt St.
Marianne Janik	21 Burkitt St.
Maryellen Hurley	69 Stark St.



Robert Clark	117 Burkitt St.
Mark Fleisher	129 Burkitt St.
Charlotte Gindele	116 Sparhawk St.
Eva Marino	114 Pine St.
Greg Morneault	137 Northwest St.
Martina Berger	116 Sparhawk St.
Nancy & John Howard	179 Burkitt St.
David Loehwing	130 Thornton St.
Brendan Flavin	460 Dennett St.
Peter Gorman	29 Sparhawk St.
Judith Howard	80 Burkitt St.
Karstan Pohl	416 Dennett St.
Daniel Thompson	25 Sparhawk St.
Samantha Finigan	29 Sparhawk St.
Brenda Brewster	251 Sagamore Ave

Stephanie Campbell	1001 Islington St.
Ted Soter	1001 Islington St.
Jennifer Meister	287 Cabot St.
Judy Miller	77 Hanover St #7
Linda Briolat	260 Thornton St
Angela Lambert	65 Benson St
Lori Sarsfield	56 Clinton St
Thomas Penaskovic	29 Burkitt St
Emily Penaskovic	29 Burkitt St
Ilara Donarum	90 Clinton St
Marie Lyford	Frank Jones
Catherine R. Jones	40 Dodge Ave.
Steve & Emily Piro	72B Woodbury Ave.
Mr. & Mrs. R. Hogan	Woodbury Ave.
Maria Montanaro	34 Cabot St.
Sarah Cornell	275 Thornton St

Susan Curry	275 Thornton St.
Donna Garganta	471 Colonial Dr
Aimee Belliveau	105 Burkitt St
Philip McCarthy	105 Burkitt St

NOTE: The original signature pages of ALL the above residents are available to the Planning Board upon request.

To the Members of the Planning Board,

I would like to speak in strong opposition of the wetland conditional use permit for 105 Bartlett St in which they are seeking relief from adhering to wetlands protections. Specifically, the criteria that would grant relief.

10.1017.50 Criteria for Approval Any proposed development, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

(1) The land is reasonably suited to the use, activity or alteration.

The existing land outside of the buffer zone is reasonably suited to the use and alteration. There is no need to develop within the buffer, which is not reasonably suited to the alteration. This is why we have the protections we have in place.

(2) There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

There is. The development can be successfully scaled back and omit development in the buffer zone(s).

(3) There will be no adverse impact on the wetland functional values of the site or surrounding properties;

There will be adverse impact on the shoreline, the wildlife and existing vegetation. The surrounding properties include many established residential neighborhoods with 1.5 – 2 story homes. The light and noise pollution will certainly have an effect to residents across the pond and McDonough areas. The traffic impacts will have an effect on all surrounding neighborhoods. The residents of these neighborhoods have made it clear that we feel there will be significant adverse impacts.

I would also like to see any mention or plan of an “amphitheater” removed. As I write this I am listening to conversations occurring at Great Rhythm as if the patrons inside the building were in my yard. We do not need anything amplifying sound across the pond.

(4) Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals; (and)

This is a big concern. Restrictions on removals, planting and irrigation should be thoughtfully included in the permit. This language is far too vague.

(5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section.

The least adverse impact would be following the wetland ordinance and not allow construction in the buffer. The buffer zones should be kept as vegetated as possible and a regenerative planting plan should be in place. The current planting plan falls short.

(6) Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

Yes, but “to the extent feasible” is vague and unenforceable.

This project has had many advantages, zoning changes, and incentives. They have been given ample opportunity to design a successful project. Where do we draw the line? I believe, right here, at the 100ft buffer zone. This is where we say “no.” I believe working within the confines of the wetland protections is reasonable and feasible. For all these reasons, I ask that you deny the wetland conditional use permit for altering/developing within the 25, 50 or 100ft buffer for the plans as presented. New construction should be restricted to areas outside the buffer zone only.

Thank you,

Jesse Pratt

163 Sparhawk St.

April 15, 2021

To: Chairman Dexter Legg and members of Portsmouth Planning Board

I am a home owner, citizen of Portsmouth, living on Bartlett Street. Let me share important concerns of mine about the proposed overdevelopment project on the North Mill Pond. It is our hope and vision that we can agree to set strict guidelines that seriously reduce and inhibit the development of a massive main building of 150 units. Instead we are asking for an environmentally friendly footprint with responsible development. We want more greenspace including a public park, picnic area, and a pathway for walking and biking along a shoreline planted with beautiful trees, bushes, and flowers. This vision means that we uphold the 100 feet tidal buffer. Indeed, it is critical for Portsmouth to retain its wetlands.

Secondly, we are very concerned about the impact of traffic on and off Bartlett as well as other streets in the neighborhood. We have already faced an increase of traffic in the last few years. Imagine the greater intensity of traffic and safety issues that would happen with 150 more units. With all the massive development throughout Portsmouth, it is time to say enough is enough.

Please listen to the citizens and families from our neighborhood. Help us save the North Mill Pond, the only pond still alive in our downtown. We want responsible development that is safe and environmentally sound. It is not too late for us to come together, to protect and respect this valuable part of our city and our neighborhoods.

Sincerely and Respectfully,



Nancy Brown and family,

Chairman of Planning Board Dexter Leary and Planning Board Member!

April 15, 2021

FDR Chairman Leary and Planning Board Member, \_\_\_\_\_  
with respect to zoning ordinances, I first \_\_\_\_\_

to mention that recently I had learned that other

cities similar to Portsmouth do not allow overdevelopment!

Newburyport, Mass, Nashua, Danvers and Camden, Maine

have created laws that restrict unwanted overdevelopment,

by changing their zoning ordinances. We should truly

consider doing this. Thank you, Nancy Brown  
FDR's monthly column, HomeOwner

Ref. for 105 Bartlett St

April 15, 2021

TO: The Portsmouth Planning Board

Dear Chairman Legg and members of the Planning Board,

I am a longtime resident of Portsmouth and concerned about the new development proposed for the shores of the North Mill Pond. The investors have requested to cut the wetlands buffer in half so that more units can be built and their profits increased at the expense of every citizen of Portsmouth.

There is a reason for 100 foot buffer zones on sensitive tidal and wetlands areas: the ecosystem and the wildlife need protection from overcrowding, habitat destruction, the interference of humans, the runoff of nitrogen fertilizer which will choke the millpond, and a hundred other reasons.

There is absolutely no reason to destroy the environment any more than necessary by reducing the buffer from 100 feet. Many kinds of ducks, egrets, and other water fowl frequent the Mill Pond to feed and rest. Development threatens them as well as the creatures that live along the shore.

The request to further harm the Mill Pond should be denied. It is a resource for all Portsmouth, not just developers and outside money interests.

Thank You,



Michael Frandzel

404 Union St.  
Portsmouth, NH

## Juliet T.H. Walker

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**From:** Mary Lou McElwain <ml259@comcast.net>  
**Sent:** Thursday, April 15, 2021 3:26 PM  
**To:** Planning Info  
**Subject:** 105 Bartlett St.

Planning Board Members,

I would like to join dozens of other Portsmouth residents in objecting to the proposed development at 105 Bartlett Street.

The plan would encroach on wetlands that should be protected by the City's wetlands ordinance, enacted to protect all rivers, ponds, brooks, coves in the city. There should not be an exception for this massive development on The North Mill Pond.

Although I reside on South Street, I know that every resident will be affected by this development. The rising tide is real. Please consider the long term effects of building in and changing the wetlands .

thank you.

Mary Lou McElwain  
259 South Street

Sent from my iPad



**Juliet T.H. Walker**

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**From:** A Sampson <sampsonfour@gmail.com>  
**Sent:** Thursday, April 15, 2021 3:45 PM  
**To:** Planning Info  
**Subject:** In support of 105 Bartlett Application: 04/15/2021

Dear Commissioners,

I would like to voice my support for the applicants to change the current blight into housing. They have met and exceeded all concerns. They are providing a tremendous asset in a greenway and bike path which will clearly increase access and safety. This proposal will increase housing with new dwellings in a very tight housing situation. More people living in Portsmouth will help employers, our businesses and our community.

Sincerely, Melanie Sampson  
217 Broad St.  
Portsmouth, NH  
603-851-1722

## Juliet T.H. Walker

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**From:** JAH <samjakemax@aol.com>  
**Sent:** Wednesday, April 14, 2021 5:35 PM  
**To:** dexter.legg@gmail.com; clarkcj7@gmail.com; chellman@tndengineering.com;  
pharris\_portsnhplan@icloud.com; pawhelan@comcast.net; Karen Conard; Planning Info  
**Subject:** 105 Bartlett Street - Status of NHDES Permits  
**Attachments:** 1.16.2019 NHDES Wetlands extension.pdf; 2.1.2019 NHDES Wetlands  
extension.pdf; 4.8.2020 NHDES Wetlands letter application expired.pdf

Dear Chairman Legg and Planning Board Members:

I understand the applicants have informed you they recently met with NHDES representatives for a pre-application meeting on March 18, 2021, and that application for NHDES Wetlands, Shoreland and Alteration of Terrain (formerly known as Site Specific) permits would be submitted soon thereafter.

As per links below, the NHDES OneStop site indicates no permit applications have been submitted since the March meeting about a month ago.

[LRM Result \(state.nh.us\)](https://www4.des.state.nh.us/lrmonestop/LRMQueryResults.aspx?SID=637540104890463826)

<https://www4.des.state.nh.us/lrmonestop/LRMQueryResults.aspx?SID=637540104890463826>

Given the extremely sensitive nature of this project and the adverse impacts it will have on the North Mill Pond estuary environment, I suggest the Planning Board not take any action, conditionally or otherwise, until all NHDES permits have been issued.

Regards,

Jim Hewitt

P.S. Attached are extension letters to the 2018 wetlands application and the wetland permit application denial. This project currently has no valid applications with NHDES..



**TIME EXTENSION AGREEMENT  
WETLAND PERMIT  
Water Division/Land Resources Management/  
Wetlands Bureau**



**Wetland File #: 2018-03397  
Project Name: 105 Bartlett St  
Date: January 16, 2019**

Pursuant to RSA 482-A:3, XIV. (a)(3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request:

- (A) Approve the application, in whole or in part, and issue a permit; or
- (B) Deny the application and issue written findings in support of the denial; or
- (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or
- (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant; or

(4) Where no request for additional information is made pursuant to subparagraph (a)(2), within 75 days from the issuance of the notice of administrative completeness for proposed projects under one acre of jurisdictional impact, or 105 days for all others:

- (A) Approve the application, in whole or in part, and issue a permit; or
- (B) Deny the application and issue written findings in support of the denial; or
- (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or
- (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

I \_\_\_\_\_ or Steven D. Riker-Ambit Engineering consent to this mutual  
Print Applicant Name Print Authorized Agent Name  
 agreement to extend the review of my application based on the outstanding items listed below.

**The reason(s) for requested extension:**  
*To provide additional time for the applicant to complete the local permitting process (which is ongoing) and then provide NHDES with a revised set of plans*

**Extension Deadlines**

**By executing this agreement, you agree to an extended NHDES action deadline of no later than 03/17/2019. If additional time extensions are needed, requests shall be made to DES prior to the 03/17/2019 response deadline to be considered. DES agrees to extend the final decision until 04/16/2019 to allow adequate review time.**

NHDES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095  
 www.des.nh.gov

If the project is amended beyond the scope of the original application, and the changes are considered a significant amendment per RSA 482-A:3, XIV.(e), a new application and appropriate fee will be submitted in accordance with RSA 482-A:3.


**Signatures**

The applicant and DES, by mutual agreement authorized RSA 482-A:3, XIV(a), agree to extend the response time for DES to review the final application proposal in accordance with time frames set out in RSA 482-A, XIV(a), upon receipt of the final plans and full response to all items in the request for more information.

The applicant agrees that if the information required under the Env Wt 100- 900 is not submitted by the date specified in this agreement or 60 days from a Request For More Information by DES, the applicant shall agree to withdraw its application and re-file a new application and supporting information, including a new application fee.

  
\_\_\_\_\_  
Signature of Applicant or Authorized Agent 1/16/19  
Date

The NHDES Wetlands Bureau agrees by the signature below the information submitted meets the Administrative Completeness requirements and will withhold the technical review of the application proposal until the revised project materials are submitted before or on the date noted above.

  
\_\_\_\_\_  
Reviewer Name, NHDES Wetlands Bureau 01/16/2019  
Date



**TIME EXTENSION AGREEMENT  
WETLAND PERMIT**  
Water Division/Land Resources Management/  
Wetlands Bureau



**Wetland File #: 2018-03397  
Project Name: 105 Bartlett St  
Date: February 1, 2019**

Pursuant to RSA 482-A:3, XIV. (a)(3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request:

- (A) Approve the application, in whole or in part, and issue a permit; or
- (B) Deny the application and issue written findings in support of the denial; or
- (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or
- (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant; or

(4) Where no request for additional information is made pursuant to subparagraph (a)(2), within 75 days from the issuance of the notice of administrative completeness for proposed projects under one acre of jurisdictional impact, or 105 days for all others:

- (A) Approve the application, in whole or in part, and issue a permit; or
- (B) Deny the application and issue written findings in support of the denial; or
- (C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or
- (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

I \_\_\_\_\_ or Steven D. Riker \_\_\_\_\_ consent to this mutual  
*Print Applicant Name* *Print Authorized Agent Name*

agreement to extend the review of my application based on the outstanding items listed below.

**The reason(s) for requested extension:**

*To provide additional time for the applicant to complete the local permitting process (which is ongoing) and then provide NHDES with a revised set of plans*

**Extension Deadlines**

**By executing this agreement, you agree to an extended DES action deadline of no later than 09/06/2019. If additional time extensions are needed, requests shall be made to DES prior to the 09/06/2019 response deadline to be considered. DES agrees to extend the final decision until 10/06/2019 (30 days from above) to allow adequate review time.**

If the project is amended beyond the scope of the original application, and the changes are considered a significant amendment per RSA 482-A:3, XIV.(e), a new application and appropriate fee will be submitted in accordance with RSA 482-A:3.

NHDES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095  
www.des.nh.gov

**Signatures**

The applicant and DES, by mutual agreement authorized RSA 482-A:3, XIV(a), agree to extend the response time for DES to review the final application proposal in accordance with time frames set out in RSA 482-A, XIV(a), upon receipt of the final plans and full response to all items in the request for more information.

The applicant agrees that if the information required under the Env Wt 100- 900 is not submitted by the date specified in this agreement or 60 days from a Request For More Information by DES, the applicant shall agree to withdraw its application and re-file a new application and supporting information, including a new application fee.



Signature of Applicant or Authorized Agent

2/5/19  
Date

The NHDES Wetlands Bureau agrees by the signature below the information submitted meets the Administrative Completeness requirements and will withhold the technical review of the application proposal until the revised project materials are submitted before or on the date noted above.



Reviewer Name: NHDES Wetlands Bureau

02/06/19  
Date



The State of New Hampshire  
**Department of Environmental Services**



Robert R. Scott, Commissioner

**DENIAL OF APPLICATION DUE TO INSUFFICIENT/UNTIMELY RESPONSE**  
LAND RESOURCES MANAGEMENT  
WETLANDS BUREAU

April 08, 2020

CLIPPER TRADERS LLC  
C/O DOUG PINCIARO  
PO BOX 121  
NEW CASTLE NH 03854

**RE: Wetlands Program 60-Day Denial (RSA 482 A:3) File # 2018-03397**  
**Subject Property: 105 Bartlett St, Portsmouth Tax Map/Lot #: 157/1, 157/2, 164/1, 164/4**

Dear Mr. Pinciario:

On September 06, 2019, a time extension agreement was executed in which you agreed to provide an update of the above referenced application to the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau by December 06, 2019 and a final proposed plan set by March 06 2020. To date, NHDES has not received the information. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by NHDES by the deadline date specified in agreed-to time extensions, NHDES shall deny the application. Accordingly, because NHDES has not received the requested additional information within the statutory timeframe, the application has been denied.

If you wish to proceed with any work within jurisdiction at a later date, you will need to submit a new application with the appropriate filing fee to NHDES for review.

If you have any questions, please contact me directly at [Stefanie.Giallongo@des.nh.gov](mailto:Stefanie.Giallongo@des.nh.gov) or (603) 559-1516.

Sincerely,

Stefanie M. Giallongo  
NHDES Wetlands Bureau  
Land Resources Management Program

cc: Portsmouth Municipal Clerk/Conservation Commission  
ec: John Chagnon, Steve Riker; Ambit Engineering Inc.  
Patrick Cimmons; Tighe & Bond  
Ridgely Mauck, NHDES Alteration of Terrain Bureau