

**REGULAR MEETING
CONSERVATION COMMISSION
1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

3:30 P.M.

July 12, 2023

AGENDA

I. APPROVAL OF MINUTES

1. June 14, 2023

II. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 198 Essex Avenue
Whitney and Robert Westhelle, Owners
Assessor Map 232, Lot 128

III. OTHER BUSINESS

1. Joint Work Session Scheduling

VI. ADJOURNMENT

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**MINUTES
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PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

3:30 P.M.

June 14, 2023

MEMBERS PRESENT: Vice Chair Barbara McMillan; Members; Allison Tanner, Jessica Blasko, Lynn Vaccaro, Stewart Sheppard and Alternates; Abigail Gindele and Brian Gibb

MEMBERS ABSENT: Chair Samantha Collins; Members; Thaddeus Jankowski

ALSO PRESENT: Peter Britz, Director of Planning & Sustainability; Kate Homet, Associate Environmental Planner

[8:18] The meeting began at 3:35 p.m. Vice Chair McMillan announced that Chair Collins would be absent and she would be filling in as Chair. Additionally, the two alternate members, Ms. Gindele and Mr. Gibb, would be voting.

I. APPROVAL OF MINUTES

1. May 10, 2023

[8:47] Ms. Tanner made a motion to approve the minutes from May as presented. Ms. Gindele seconded the motion. The motion passed unanimously.

[9:26] Ms. Tanner asked to move the NHDES permit for this address up to be presented with the WCUP application.

[10:27] Ms. Tanner made a motion to take the applications out of order by having the state application be presented before the city permit. Ms. Gindele seconded. The motion passed unanimously.

[10:54] Mr. Sheppard made a motion requesting Acting Chair McMillan recuse herself from the state application and appoint Ms. Tanner as Acting Chair in her absence. Mr. Gibb seconded the motion. The motion passed unanimously.

III. STATE WETLANDS BUREAU APPLICATIONS (NEW BUSINESS)

1. 325 Little Harbor Road

ADL 325 Little Harbor Road Trust, owner
Roberts Stephen H. Esq. Trustee, co-owner
Assessor Map 205, Lot 2

[11:21] Jay Aube from TF Moran came to present this application as the lead environmental scientist, along with members of his team. Mr. Aube started with addressing the wetland conditional use permit. He gave a visual presentation of the project address and the surrounding context for the site, including the existing site conditions. Their application is for replacing the current bridge and restoring the tidal area. The project team looked at multiple options for constructing a new bridge and ultimately decided on a design for a higher bridge that spans the entire resource, sitting on wooden piles and in a location north of the current bridge location. This would adapt to sea level rise and would help restore the waterway to its natural flow through the causeway, while minimizing impacts to the surrounding salt marsh resources south of the bridge. This project site is within a state tidal zone, a tidal buffer, a city wetland and buffer zone, as well as a prime wetland buffer. They are seeking a Prime Wetland Waiver request from the State to avoid performing two additional functions and value assessments as required by the State's prime wetland rules, citing that those assessments had already been performed. He proceeded to go through the scores that came out of the function and value assessments that had already been performed for this permit, including the ecological functions and values.

[22:05] Within the upland prime wetland tidal buffer zone, there will be 24,864 square feet of impact with 1,632 square feet of impact to the prime wetland resource.

[26:33] NH Fish & Game has requested that the causeway restoration be performed between December 15 and March 15 to avoid impacts to sensitive fish species. They are proposing to use a turbidity curtain to reduce turbidity during high tide while doing construction. This project also proposes remediation that will allow for the planting of salt marsh grasses and peat materials along the banks to restore a portion of the shoreline to its original condition. They will be restoring part of the riparian buffer with native plantings as well.

[30:50] The total impacts within the developed tidal buffer zone are 26,298 square feet, the proposed permanent impacts associated with restoring the tidal area are 23,000 square feet, for the bridge and the bridge approach the impacts add up to 12,605 square feet.

[33:06] The proposed bridge should be above the water level during a king tide event plus two feet of sea level rise. They have received approval from the Pease Development Authority, and they have been in discussion with the U.S. Coast Guard about the bridge along with the U.S. Army Corps of Engineers, the EPA, NOAA Marine Fisheries, and the NH National Heritage Bureau (NHNHB).

[34:54] They have worked alongside the NHNHB on the topic of the marsh elder transplanting. The marsh elder plants in the proposed project site have already been uprooted and transplanted in another location on site for protection.

[36:50] A wildlife assessment was required by NH Fish & Game for the habitat underneath the

bridge as the existing bridge design had created extensive scouring of the tidal area.

[39:25] The applicants are also proposing to connect the site to municipal sewer, where the current infrastructure on the island has no connection. This will require a shoreland permit in the near future.

[40:32] Ms. Vaccaro asked about what the other alternative would entail for replacing the bridge in the exact same location as the current location.

[41:12] Corey Coldwell from TF Moran responded that the island is currently undergoing construction activity and that a structural engineer had deemed the current bridge as unsafe. This would leave the only alternative to be creating a new bridge regardless so that getting to the island could still occur. This means that either way, a location other than the existing bridge location would have to be a temporary construction location regardless. This construction process would likely take up to a year and would be an arduous process. Not having a bridge for a year would leave them without fire access and proper safety vehicle access.

[45:06] Mr. Sheppard asked about the current Salicornia plantings of salt marsh near where the marsh elder was removed and if there were any plants that would be removed in the current replanting plan.

Mr. Aube responded that they could certainly consider other plant species to be added to the restoration plans for that particular area.

[47:02] Kyra Higgins of Tf Moran responded that the current plantings had been considered in partnership with the Rachel Carson National Wildlife Refuge and that they could certainly add Salicornia plantings to the planting mix or could replant/transplant the existing plantings to save them.

[48:37] Ms. Gindele asked if they performed an examination of the bridge prior to any construction activities occurring out on the island.

Mr. Coldwell responded that a structural assessment had been performed during the 1990's and again in 2011. A second structural engineer had confirmed the same notion that the bridge was past its lifespan and would not be able to safely hold up during construction. Reinforcements had been placed on the bridge to last it through the next year or so.

[50:10] Ms. Gindele asked if there was any evidence of nudibranch fish.

Mr. Aube had not seen any evidence but noted that perhaps NH Fish & Game could provide more clarity on that.

[52:57] Acting Chair Tanner asked for clarification that there would be no need for a barge for construction.

Mr. Aube responded that that was correct, all work would be done from the land with a vibration machine with some assistance from a small skiff in the water.

[53:54] Ms. Vaccaro asked for more details on the design of the salt marsh planting plan.

Mr. Aube responded that they would do their best to return the areas to their existing grades as best as they could, they would be using as much existing soil as possible and would require continued monitoring and progress reports to NHDES. They will need at least 75% success rate of the plantings or else replanting will be necessary.

Ms. Vaccaro asked whether they would stick to the 75% success rate for the plantings on either side of the bridge where plantings do not currently exist.

Mr. Aube responded that they would be following that standard.

[58:28] Mr. Sheppard made a motion to recommend approval of the application with the stipulations that the Salicornia plants be planted or transplanted and that there be research done to try and limit disturbance to the nudibranch fish population.

Ms. Gindele seconded the motion.

[59:00] Elizabeth Bratter of 159 McDonough Street asked for greater information on the dismantling of the existing bridge and how to avoid sediment disturbance.

Mr. Aube responded that the entire site would be surrounded with turbidity curtains and erosion and sediment controls would be installed and monitored regularly for adjustments.

[1:00:30] Jim Youngblood, the general contractor for the project, also noted that there would be contaminant netting which would be any the bottom of the curtain and would prevent any debris from entering the waterway.

[1:01:02] Ms. Blasko asked if there were any plans for snow removal for this project.

Mr. Aube responded that they have not yet taken a look at snow removal plans just yet but that it would likely be pushed aside.

[1:02:00] Ms. Gindele expressed concern for road treatment on site during the winter.

[1:02:28] Mr. Coldwell noted that it would be a wooden bridge so there would be no salt application on the bridge and the snow to be pushed aside would be untreated snow.

[1:03:19] Chris Brown of 45 Pleasant Point asked if there were any elevations included in the plans and if there was any navigability underneath the bridge for recreational boat traffic.

Mr. Aube responded that there currently exists a small window during the tides for navigability

under the bridge. The proposed plans will take the bridge up to 14 ft of elevation which will increase navigability underneath the bridge, including during high tide at the current sea level.

[1:06:11] Lisa Hagerty McMann of 245 Thornton Street and 179 Union Street noted that she appreciated the concern for the salt marsh restoration plan and wondered why the applicants would not be required to hire a third party expert for ecological restoration.

[1:07:25] Mr. Aube responded that their team has had a lot of background putting wetland restoration plans together, especially as certified wetland scientists. He noted that while they do not have expertise in salt marsh restoration, they have done a lot of research on the topic and NHDES will require annual monitoring reports for each growing season of the salt marsh.

[1:11:03] Ms. Vaccaro added a third stipulation that an independent specialist in salt marsh restoration review the restoration plan.

[1:13:47] The motion passed unanimously.

[1:14:04] Acting Chair Tanner noted that they would now address the City's conditional use permit for this address.

[1:14:32] Ms. Tanner made a motion to reinstate Ms. McMillan as acting chair. Ms. Gindele seconded the motion. The motion passed unanimously.

II. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 325 Little Harbor Road
ADL 325 Little Harbor Road Trust, owner
Stephen H. Roberts. Esq. Trustee, co-owner
Assessor Map 205, Lot 2

[1:14:46] Corey Coldwell from TF Moran gave a brief background on the wetland conditional use permit and how it differed from the state permit.

[1:15:38] Ms. Tanner noted that the Commission would request two additional conditions including wetland boundary markers be placed along the edge of the freshwater wetland prior to entering the bridge as well as a monitoring report for the success of the plantings in the planting plans.

[1:17:24] Acting Chair McMillan asked whether the restoration plan was being done for the purpose of mitigation or if they were intended as part of the project regardless.

Mr. Coldwell noted that the plan is really for both purposes, for the project and for restoration. They are not proposing any in-lieu mitigation fees as they believe the project is self-mitigating.

[1:20:18] Acting Chair McMillan asked if they had any plans to deal with Canadian Geese in

terms of preventing them from destroying salt marsh plantings and living shorelines.

Mr. Aube noted that they would take all advice and resources available to make the restoration a successful project.

[1:21:13] Mr. Britz noted that there have been some projects in Boston and in Portsmouth, one locally done by Derosa Environmental, that involves the use of matting material to prevent geese damage to marsh plantings.

[1:23:21] Ms. Vaccaro acknowledged her appreciation that the applicants were also planning to do restoration work themselves.

Ms. Tanner made a motion to recommend approval of the project with the following stipulations:

1. Wetland boundary markers are placed along the freshwater wetland resource.
2. A planting success rate report.
3. Transplant the salicornia or add it to the planting plan as new plantings.
4. Research nudibranch fish and try to limit the disturbances to the population.
5. Get an independent wetland scientist to review the salt marsh restoration plan and provide comments back to the applicant.

[1:25:12] Mr. Sheppard seconded the motion. The motion passed unanimously.

2. 380 Greenleaf Avenue
Tanner Family Revocable Trust
Mark and Allison J. Tanner Trustees, owners
Assessor Map 243, Lot 63

[1:26:50] Ms. Tanner removed herself from voting.

[1:28:01] Acting Chair McMillan announced that the meeting would have to end by 6pm because of another meeting happening in the Council Chambers after. She reminded the audience of the agenda and that the work sessions would likely only be given around 15 minutes to present.

[1:28:46] Allison Tanner, the property owner, came to present this application. Her home was built in 1979 before there had been any wetland restrictions put in place in Portsmouth. The entirety of her property is within the wetland and/or wetland buffer. This applicant is proposing to remove a portion of paved driveway, which will reduce the impervious surface by 885 sf on site. The plan proposed to place a 20x20 garage in a location where pavement previously existed. There will be a 2' crushed stone drip edge along the perimeter of the garage for stormwater infiltration. There will also be planting beds created for areas of previously existing pavement behind where the garage will be placed. Ms. Tanner went on to describe where wetland boundary markers were already sited on the property and the location of existing invasives.

[1:33:58] Acting Chair McMillan asked if the applicant could provide a cross section of the

proposed pervious pavers as well as a maintenance plan for the pavers.

Ms. Tanner noted that she would have a professional contractor install the pavers correctly and could provide a maintenance plan and cross-section of the pavers for her planning board submission.

[1:35:21] Ms. Blasko made a motion to recommend approval with the following stipulations:

1. A cross-section of the porous pavers is provided.
2. A drainage and maintenance plan be provided for the porous pavers.

Mr. Sheppard seconded the motion. The motion passed unanimously.

IV. WORK SESSIONS

1. 505 Route 1 Bypass
Giri Portsmouth 505, Inc., owner
Assessor Map 234, Lot 5

[1:37:09] Patrick Crimmons of Tighe and Bond and John Bosen, an attorney representing the applicant, came to present this application. Mr. Crimmons went on to describe the current and proposed site, noting how they were requesting input from the Conservation Commission to help with their upcoming submissions to the Zoning Board of Adjustments for when they plan to seek relief for certain impacts. The application proposes pulling all of the buildings out of the 50 ft buffer and would remove all of the existing pavement from the 25 ft buffer. Mr. Crimmons went on to note that they plan to revegetate all of this area and remove all impervious surface from this area, greater than 12,000 square feet. He reiterated the plans for buffer plantings, the removal of impervious surfaces and a plan to be put in place for stormwater management that includes treatment, where none currently exist.

[1:42:50] Mr. Britz reminded Mr. Crimmons that in areas of steep slope within the vegetated buffer strip, the 25 foot buffer would actually increase to 40 feet where the buffer is greater than 10% slope. He noted that the proposed grading will likely help reduce steep slopes but they would work with City staff to make sure they are interpreting that section of the ordinance correctly.

[1:44:14] Ms. Tanner asked for clarification on how they will remove invasive species from the bank, stabilization of the bank through existing trees, snow storage on site, the location of trash bins and the movement of the driveway.

[1:44:55] Mr. Crimmons noted they will be open to working with a wetland scientist when it comes to the existing trees and stabilization of the bank. He noted that the proposed dumpster for the hotel would be located outside the 50-ft buffer but the Starbucks dumpster placement would require zoning relief in the spot it is currently proposed in.

[1:46:10] Ms. Gindele asked for any proposed lighting plans.

Mr. Crimmons responded that all the lighting in the back parking lot will be facing the building and not facing towards the brook itself. They will be dark sky compliant fixtures with house shields.

[1:46:58] Ms. Vaccaro asked about what tree species were being proposed.

Mr. Crimmons noted that they had not yet been picked as they would be asking their wetland scientist to choose.

[1:47:30] Ms. Vaccaro noted that it would be nice to see tall trees in those spaces as they provide good shade and can help capture rainwater.

[1:48:08] Ms. Vaccaro also noted that there could be a great opportunity for solar on the roof of this site.

[1:48:27] Acting Chair McMillan mentioned that there is a previous restoration plan in place on that site for protecting the brook that was worked on by the Commission and the Stormwater Project. She wondered if they would be disturbing the area behind the hotel on the side of the lot where the educational sign was (northwest side).

Mr. Crimmons responded that all of that previous restoration design would stay in place, he was familiar with the project as he had worked on it.

[1:49:54] Acting Chair McMillan also noted that increased areas of greenspace and landscaped spots would be great for reducing heat impacts and increasing stormwater infiltration.

[1:50:42] Mr. Crimmons noted that they would be seeking a parking conditional use permit to reduce the number of required spaces which will help reduce the impervious on site.

[1:51:30] Ms. Blasko noted that she would like to see more shrubs and plantings on any future planting plan compared to grass or lawn.

[1:52:05] Mr. Crimmons responded that they would not be intending to plant lawn but instead intend on providing a buffer enhancement along the edges.

2. 60 Pleasant Point Drive
120-0 Wild Rose Lane, LLC, owner
Assessor Map 207, Lot 13

[1:52:56] Eric Weinrub of Altus Engineering presented this work session with a team of designers, architects, landscape architects, etc. Mr. Weinrub briefly described the background of the property and when the current owners first started working on a redevelopment of the property. The applicants have been dealing with significant design constraints such as grading

issues, wildlife, viewsheds of abutter, etc. and have come up with a design that includes these considerations.

[1:55:56] Devin Hefferon and Johanna Cairns of Matthew Cunningham landscape designs gave a detailed description of the current landscaping, including the current invasives on site, as well as the current pool. He described the proposed landscaping, grading changes and new pool and outdoor spaces. The existing home has over 27,000 sf of lawn area and will be reduced to just over 10,00 sf. They are proposing 22,465 sf of planting beds of native species, nearly doubling what currently exists. The current 530 sf pool will be removed and a 750 sf pool will be installed in a new location with an automatic pool cover and a UV-light system for treatment. They will be providing native species within the buffer area. They will be increasing the privacy buffering of their neighbors while minimizing any disturbance to their sightlines of the water.

[2:03:57] Margaux Yang of Partere Ecological presented on the existing invasive plants that have been growing within the buffer onsite. Her team had mapped the densities of the different invasive species on the property in order to best plan for the removal and replanting of native species across the site. She went on to describe the different invasive removal techniques that her team would perform and the proposed planting plan.

[2:11:34] Ms. Tanner commented on the significant number of trees to be removed, at least four being of a large size. She also noted that the pool would be larger than existing. She did appreciate the removal of the invasives but not the proposed use of herbicides to remove them. She also expressed concern for the neighbor's view corridor being impacted.

[2:12:34] Ms. Gidnele asked if the site had previously been artificially raised.

Mr. Weinrub responded that they believed it to be mostly natural slopes, with perhaps some small manipulations.

[2:14:21] Mr. Sheppard asked if there was a way to move the driveway around without having to impact the trees.

Mr. Weinrub responded that they would be looking at nearly a 15% driveway grade currently and by snaking the driveway, they would allow for a less steep driveway.

[2:16:20] Ms. Blasko noted that she appreciated the efforts to remove the invasives but would like to know more about the foam removal strategies. She also expressed concerns for the addition of impervious area to the buffer.

Mr. Weinrub responded that they would be looking at the entire parcel in a comprehensive manner to improve stormwater management and enhance the buffer.

[2:17:41] Mr. Hefferon noted that the silver maple located closest to the water was a significant sized tree and is likely brittle.

Ms. Tanner responded that they looked very healthy and likely would not be brittle at this age.

[2:18:23] Mr. Hefferon noted that their strategy would be to convert the lawn area to edge habitat with new plant species and greater diversity will create an ecosystem for the next hundred years, which will be far more valuable than the removal of one tree from the ecosystem.

[2:119:14] Ms. Tanner noted that any trees to be planted would not reach the size of that maple within the lifetime of any of the homeowners.

V. OTHER BUSINESS

1. Article 10 Proposed Changes

[2:21:15] Acting Chair McMillan introduced this item and noted that they would accept those changes as they were presented and schedule a work session with the Planning Board or they could have some more discussion as a Commission. Details were discussed on specific edits to be done and what the next steps would be. A decision was made to have the current working group finalize the last small edits and to go forward with planning a work session with the Planning Board.

[2:28:20] Acting Chair McMillan introduced an additional Other Business item to the agenda. The NHDES is proposing changes to the state wetland rules which will impact the work of local Conservation Commissions. Acting Chair McMillan noted that both she and Ms. Vaccaro had attended a workshop on these proposed changes but would like to hear what everyone felt about them.

[2:28:50] Ms. Tanner noted her concern for the proposed change to remove the requirement to explore local mitigation opportunities as well as eliminating provision that the applicant sign the application allowing access to the property.

[2:30:44] Ms. Vaccaro noted that one proposed change would be that expedited minimum impacts would no longer go through the Commission and would go directly to NHDES with a much shorter review period which she was concerned about. A discussion ensued on the current time period for the Commission to review these applications and how that would be impacted going forward.

[2:32:10] Acting Chair McMillan noted that NHDES will also be changing the ARM fund rules to be more applicable to restoration rather than preservation or conservation which she had issues with because restoration does not always work.

[2:32:40] Mr. Britz suggested that the Commission have some people get together to draft a letter to submit before the July 10th deadline for responses to the proposed rule changes. This would have to be a small group that is less than a quorum amount which would be three people.

[2:34:28] Ms. Tanner volunteered to help draft a letter to NHDES with the help of Ms. Vaccaro

and Ms. Gindele. They will draft this letter then hold a work session with the Conservation Commission before the deadline to go over what will be sent.

[2:36:00] Jess Blasko noted that in the last month's meeting minutes on Page 8, the minutes do not reflect her intention and she would rather have the word informing rather than warning.

VI. ADJOURNMENT

Ms. Tanner made a motion to adjourn, Ms. Gindele seconded the motion. The motion passed unanimously.

The meeting adjourned at 6:02 pm.



Memo

TO: Conservation Commission Members
FROM: Peter Britz, Planning & Sustainability Director
Kate Homet, Associate Environmental Planner
DATE: July 7, 2023
SUBJ: July 12, 2023 Conservation Commission Meeting

**198 Essex Avenue
LU-23-88**

This application proposes to create two new additions to a residential home. One of these additions is mainly outside of the 100' wetland buffer and calls for the removal of an existing garage and breezeway proposed to be replaced with a new two-story garage and breezeway. Proposed additional impervious areas would not extend closer to the wetland than the existing structure. Additionally, a patio and deck space are proposed to be constructed as part of this addition. The second building addition (South) is an attached new family room. This addition would be located approximately 62 feet from the wetland and would be completely within the wetland buffer. Total proposed impervious impacts to the buffer (including both the north and south additions) will be 512 s.f. of added impact. The deck addition adds an additional 481 square feet of impact in the wetland buffer.

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

Nearly the entire parcel falls within the wetland buffer, with the wetland along the southern edge. None of the proposed additions lie within the wetland or vegetative buffer but do lie within the 100' buffer and require the transformation of some previously pervious areas to impervious.

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

Given that much of the property is within the buffer, there is no other reasonable location for the additions, with the garage addition existing almost entirely outside of the buffer.

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

The applicant is proposing to use erosion control measures during construction including materials like silt soxx and will be adding native plantings within the buffer. Additionally, the proposal includes removal of invasive species and the installation of rain barrels to slow runoff to the wetland.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

This project is not proposing any construction within the 25' vegetative buffer but will be enhancing the buffer with various plantings as well as Northeast Wildflower seed mix. It is recommended that no grass or lawn should be introduced in this area, instead opting for grass alternatives wherever possible throughout the entire buffer.

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

This application proposes creating two additions, one mostly outside the buffer and one completely within the buffer but still 62' from the edge of the wetland. While this project will overall increase the amount of impervious surface within the buffer, the applicant proposes enhancing the buffer through conversion of existing lawn areas to natural areas along with new plantings which will help protect the buffer. Additionally, while the rain barrel will help with trapping excess stormwater runoff, additional mitigation techniques are recommended to slow down and infiltrate stormwater. For example, the applicant proposes a deck or patio which is to be 412 square feet in the buffer. Staff recommends that this be constructed to allow infiltration so new impervious surface is added. If a patio is constructed it should be made of porous pavers and if a deck is constructed it should allow infiltration with crushed stone below.

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

Applicant is proposing to convert 2,680 sf of lawn to natural area and continue to remove invasive species within the wetland buffer. As stated above, new buffer plantings are to be added to the vegetative buffer strip and staff recommend that no lawn is planted/seeded.

Recommendation: Staff recommends approval of the project with three stipulations:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.
2. Applicant shall provide a report back to the Planning and Sustainability Department one year after vegetated buffer area has been planted, demonstrating at least an 80% survival rate of new plantings.
3. Proposed deck or patio should be constructed to allow infiltration.

Whitney & Robert Westhelle

198 Essex Ave, Portsmouth, NH

Tax Map 232 – Lot 128

Single Residence B (SRB) Zoning District

Existing Home and Lot Descriptions:

Existing property is located at 198 Essex Ave in Portsmouth NH. (Tax Map 232 – Lot 128) The lot is zoned as a Single Residence B (SRB). The main portion of the home (two story Bungalow) was constructed in 1940. This included the existing (one story) Breezeway to the North and a (one story) single stall Garage. The single stall garage was removed and the existing two story Garage was built sometime in the early 1950's. It is constructed of reused lumber from the original Garage and was assembled with a mix-match of lumber. Some of the visible (from below) floor boards have Portsmouth Naval Shipyard stamped on them, leading to the conclusion that some of the lumber is reused from shipping crates and/or staging salvaged after the War. The first floor Bathroom (off the Breezeway) was added in the late 1980's along with a three season porch on the west side of the home. The majority of the property is covered by well-established lawn cover and mature oak and maple trees

The existing Garage structure encroaches on the side yard setback of 10'-0" by 7"+ (9.4' from the side yard property line) on the North East (Front) Corner and 4" + (9.6' from the side yard property line) on the North West (Back) Corner. Length of existing foundation (Front to Back) is 22'-0". Due to the encroachment into the side yard setback the existing structure is Non-Conforming.

There is a large existing Pond/Wetland along the south property line (approximately 7+ acres). A portion of the Wetland exists on the 198 Essex Ave Property along the south property line. Approximately 86% of the lot area is within the 100' Wetland Buffer for the designated Wetland Area. Of the remaining lot area outside the Wetland Buffer (14%) only 6% of the total area conforms to the existing area outside the set zoning setback for building use.

Given the existing home location on the lot, existing home configuration, opportunities to expand the existing floor plan while maintaining core elements of the existing plan, the extent of the property inside the Wetland Buffer, and being mindful of the need to limit disturbance inside the Wetland Buffer, any significant changes to the existing foot print will have an impact on the Wetlands Buffer.

Wetland Boundary Requirements, Impacts, and Proposed Betterments.

Zoning Article 10 Environmental Protections Standards, Section 10.1010 Wetlands Protection;

10.1016 Permitted Users:

10.1016.10 The following uses, activities and alterations are permitted in wetlands and wetland buffers:

(4) The construction of an addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:

(a) The footprint area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the footprint of the principal heated structure

existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures);

(b) The addition or extension shall be no closer to a wetland or water body than the existing principal structure; and

(c) The addition or extension shall conform to all other provisions of the Zoning Ordinance and with all other applicable ordinances and regulations of the City of Portsmouth

The foot print area of the existing heated structure is 1,439 SF. Section 10.1016.10 (4) a: allows for 25% increase in SF of the Heated Structure Footprint (363 SF = 25% of 1,439 SF.) The existing principal structure is set back from the Wetland 74'.

North Addition (Phase I) –The proposed North Addition and existing structure would equal 1,617 SF total. This would be an additional 178 SF, 12.4% of the existing heated structure footprint SF. The proposed North Addition will not extend closer to the wetland than the existing principal structure. The proposed North Addition will be in compliance with applicable ordinances and regulations of the City of Portsmouth. The North Addition on its own would not require a conditional use permit.

South Addition (Phase II) + North Addition (Phase I) – The total proposed footprint new and existing structure would equal 1,932 SF Total. That would be an additional 481 SF, 33.4% of the existing heated footprint. The South Addition would be closer to the existing wetland by 12' (62' to the Wetland.) The proposed additions will be compliant to applicable ordinances and regulations of the City of Portsmouth. A conditional use permit will be required for this and any other impervious surface added under the additions.

There are no direct wetland impacts associated with this project. The total calculated existing impervious surface inside the Wetland Buffer is 1,436 SF. Impacts to the 100-foot inland Wetland Buffer include the following; proposed total impervious surface in with in the Wetland Buffer under the North Addition (Including patio/deck) would be 1,758 SF. An increase of 322 SF of impervious surface. Proposed total impervious surface with in the Wetland Buffer under the South Addition (Including the North Addition and patio/deck) would be 1,948 SF. An increase of 512 SF of impervious surface (“Area of Disturbance”).

Proposed betterment to offset the addition of impervious surface in the wetland buffer are the following:

1. During construction the use of Straw/Woodchip Natural Wattle (erosion logs or socks) to prevent disturbed soil runoff from entering the Vegetated Buffer Strip and Wetland will be used. If excavated soil is needed to be stockpiled for any extended period of time it will be looped with a second line of Straw/Woodchip Natural Wattle (erosion logs or socks). Disturbed ground surface areas will be seeded (lawn grass mix) and covered with straw to help prevent soil erosion prior to final grading and hydro seeding at the conclusion of the exterior construction work.
2. In the existing Wetland 25' Vegetated Buffer Strip and along the North property line, continue to remove and manage (by hand, no use of chemicals) invasive plant species such as Japanese Knot

Weed (*Reynoutria Japonica*), Oriental Bittersweet Vines (*Celastrus Orbiculatus*) and Norway Maple (*Acer Platanoides*).

3. Reducing Maintained Lawn area inside the 25' Vegetated Buffer Strip, South edge of property, by approximately 2,680 SF. Owner will take an Enhanced Buffer approach, a combination of natural and landscaped (allow designated lawn area to grow in and to add plants to areas inside the Buffer Strip.) Adding plantings and seeding inside the Vegetated Buffer Strip with plantings such as Highbush Blueberry, tall grasses in the dryer area such as Pixie Fountain Tuffed Hair Grass and Little Bluestem, and native Northeast Wildflower Seed Mix for wetland buffer areas, shaded / partial shaded. These areas are shaded /partly shaded by the existing tree canopy.
4. Proposed roof area (Exist to remain and new proposed roof (Phase I and II)) runoff during a 1" rain event will be increased by approximately 300 gal's more than today's roof condition. To reduce and delay the storm water runoff, rain barrels will be provide to collect 300 gal's + (Six Rain Barrels) at planned down spot locations. Existing roof does not have a gutter/down spout system for collecting rain water.

Project Scope of Work

1. NORTH ADDITON (Phase 1) SOW: Remove existing (two story) Garage and (one story) Breezeway on the North side of dwelling (587 GSF foot-print), replace with new (two story) Garage, Breezeway, and Primary Bedroom and Bath above (780 GSF foot print). Proposed garage north wall will be inset 8" from the location of the existing garage north wall. The new garage will conform to the current zoning requirements of 10'-0" between the north wall and the side lot property line. Breezeway and existing Dwelling are within the 100' Wetland Buffer. Addition meets side, front and back yard setback requirements.
2. SOUTH ADDITION (Phase 2) Family Room SOW: Extend to the South and West with single story addition approximately 8'-8" in each direction (315 GSF foot print). Addition would be inside the existing Wetland Buffer. Addition meets side, front and back yard setback requirements.
3. Work on Existing Dwelling SOW: Replace siding and windows. Make repairs to siding, front entry porch and trim. Repairs to existing Home Front Room. Utility improvements in existing home to adapt to other proposed work in the SOW. Existing Dwelling is inside the existing Wetland Buffer. Existing Dwelling meets side, front and back yard setback requirements.
4. Deck Or Patio SOW: Raised deck or Paver Patio would extend from the existing Dwelling and addition to the West. (504 GSF foot print) Deck would be inside the existing Wetland Buffer. Deck meets side, front, and back yard setback requirements.

ROBERT & WHITNEY WESTHELLE 198 ESSEX AVE, PROTSMOUTH, NH.								
STRUCTURE EXISTING								
SITE	32,641.00	sf	32,641.00	sf	28,183.00	sf	32,641.00	sf
EXIST DRIVEWAY	919.00	sf	0.00	sf	0.00	sf	0	sf
EXIST- ENTRY WALKWAY	202.00	sf	0.00	sf	5.00	sf	0	sf
EXIST REAR PATIO/PAVEMENT	190.00	sf	0.00	sf	190.00	sf	0	sf
EXIST 3 SEASON PORCH	125.00	sf	125.00	sf	125.00	sf	0	sf
EXIST BULK HEAD	52.00	sf	52.00	sf	52.00	sf	0	sf
EXIST MAIN HOUSE	864.00	sf	864.00	sf	852.00	sf	864	sf
EXIST GARAGE & BR-WAY	587.00	sf	587.00	sf	72.00	sf	587	sf
EXIST SHED	140.00	sf	140.00	sf	140.00	sf	0	sf
TOTAL EXISTING	3,079.00	sf	1,768.00	sf	1,436.00	sf	1,451.00	sf
% COVERAGE	9.43	%	5.42	%	5.10	%	4.45	%
REMAINING SITE AREA	29,562.00	sf	30,873.00	sf	26,747.00	sf	31,190.00	sf
PHASE I								
STRUCTURE PROPOSED								
SITE	32,641.00	sf	32,641.00	sf	28,183.00	sf	32,641.00	sf
EXIST DRIVEWAY	919.00	sf	0.00	sf	0.00	sf	0.00	sf
ENTRY WALKWAY	359.00	sf	0.00	sf	5.00	sf	0.00	sf
DECK OR PATIO	504.00	sf	504.00	sf	481.00	sf	0.00	sf
NORTH ADDITION (GARAGE)	753.00	sf	753.00	sf	155.00	sf	753.00	sf
EXIST 3 SEASON PORCH	125.00	sf	125.00	sf	125.00	sf	0.00	sf
EXIST MAIN HOUSE	864.00	sf	864.00	sf	852.00	sf	864.00	sf
EXIST SHED	140.00	sf	140.00	sf	140.00	sf	0.00	sf
TOTAL PHASE I	3,664.00	sf	2,386.00	sf	1,758.00	sf	1,617.00	sf
% COVERAGE	11.23	%	7.31	%	6.24	%	4.95	%
REMAINING SITE AREA	28,977.00	sf	30,255.00	sf	26,425.00	sf	31,024.00	sf
PHASE I '+ PHASE II								
STRUCTURE PROPOSED								
SITE	32,641.00	sf	32,641.00	sf	28,183.00	sf	32,641.00	sf
EXIST DRIVEWAY	919.00	sf	0.00	sf	0.00	sf	0.00	sf
ENTRY WALKWAY	359.00	sf	0.00	sf	5.00	sf	0.00	sf
DECK OR PATIO	504.00	sf	504.00	sf	481.00	sf	0.00	sf
NORTH ADDITION (GARAGE)	753.00	sf	753.00	sf	155.00	sf	753.00	sf
SOUTH ADDITION (GREAT RM)	315.00	sf	315.00	sf	315.00	sf	315.00	sf
EXIST MAIN HOUSE	864.00	sf	864.00	sf	852.00	sf	864.00	sf
EXIST SHED	140.00	sf	140.00	sf	140.00	sf	0.00	sf
TOTAL '+ PHASE II	3,854.00	sf	2,576.00	sf	1,948.00	sf	1,932.00	sf
% COVERAGE	11.81	%	7.89	%	6.91	%	5.92	%
REMAINING SITE AREA	28,787.00	sf	30,065.00	sf	26,235.00	sf	30,709.00	sf

EXIST GROSS FLOOR AREA	AREA EXIST		DEMO	
1st EXIST GARAGE & BR-WAY	587.00	sf	587.00	sf
2nd EXIST GARAGE	351.00	sf	351.00	sf
1st EXIST MAIN HOUSE	785.00	sf	0.00	sf
2nd EXIST MAIN HOUSE	662.00	sf	0.00	sf
1st EXIST 3 SEASON PORCH (D)	125.00	sf	125.00	sf
TOTAL GROSS	2,510.00	sf	1,063.00	sf
PROPOSED GROSS FLOOR AREA	PHASE I		+ PHASE II	
1st NORTH ADDITION	716.00	sf	716.00	sf
2nd NORTH ADDITION	652.00	sf	652.00	sf
1st EXIST MAIN HOUSE	785.00	sf	785.00	sf
2nd EXIST MAIN HOUSE	672.00	sf	672.00	sf
1st EXIST 3 SEASON PORCH	125.00	sf	0.00	sf
1st SOUTH ADDITION	0.00	sf	315.00	sf
TOTAL GROSS	2,950.00	sf	3,140.00	sf

198 ESSEX AVE

Existing Garage at North Property Line.

(Right) View from Essex Ave looking West

(Below) View from North West looking East out to
Essex Ave

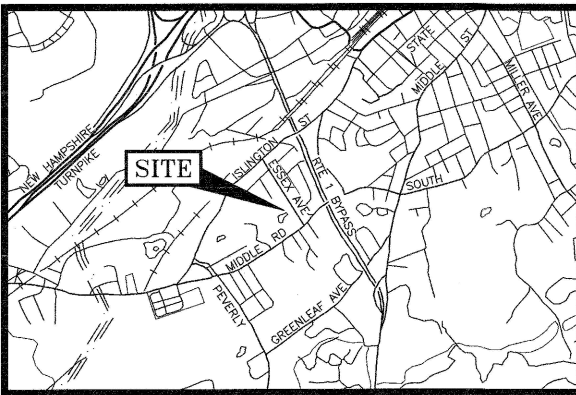




(TOP) View from Essex Ave looking West
(Below) View from North West looking South to Wetlands and East out to Essex Ave



View from
South
Property line
looking North.



REFERENCE PLANS:

- 1) DANIELS PARK PORTSMOUTH, N.H., BELMONT REALTY CO. PROVIDENCE, R.I., SCALE: 60' = 1", DATED JUNE 1918, PREPARED BY C.A. THAYER ENGR., RCRD PLAN# 0241
- 2) PLAN OF LOT PORTSMOUTH, N.H. FOR GEO. B. & MARIE R. UNDERWOOD, SCALE: 1 IN. = 40 FT., DATED OCT. 1972, PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, RCRD PLAN B-3290
- 3) EXISTING CONDITIONS SITE PLAN FOR PROPERTY AT 88 SIMS AVENUE PORTSMOUTH, COUNTY OF ROCKINGHAM, NEW HAMPSHIRE OWNED BY CHANCE B. ALLEN & EDWARD R. ALLEN, SCALE: 1" = 10', DATED 5/22/17, PREPARED BY NORTH EASTERLY SURVEYING, INC., NOT RECORDED

LOCATION MAP SCALE: 1" = 2000'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- REGISTRY OF DEEDS
- MAP 11 / LOT 21
- BOUNDARY LINE
- BUILDING SETBACK LINE
- RAILROAD SPIKE FOUND
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- IRON ROD SET
- SEWER LINE
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- WETLAND BUFFER LINE
- EDGE OF WETLAND
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- GAS SHUT OFF
- HYDRANT
- METER (GAS, WATER, ELECTRIC)
- CATCH BASIN
- SEWER MANHOLE
- DRAIN MANHOLE
- TYP. TYPICAL

SIMS AVENUE

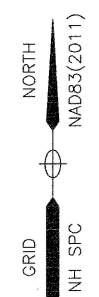
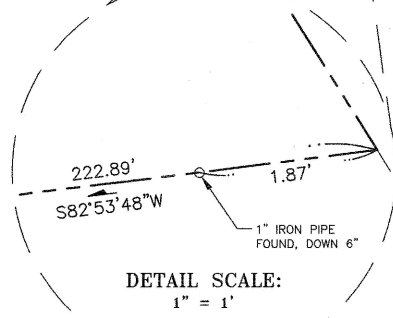
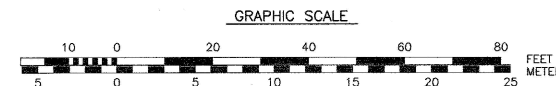
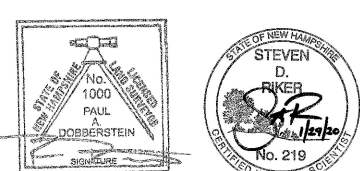
ESSEX AVENUE (60' WIDE)

232/128

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

PAUL A. DOBBERSTEIN, LLS #1000
DATE 1/29/2020



WETLAND NOTES:

- 1) WETLAND DELINEATED BY STEVEN D. RIKER, CWS ON 1/10/20 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2019).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-8282
Fax (603) 436-2315

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 232 AS LOT 128.
- 2) OWNERS OF RECORD:
ROBERT WESTHELLE &
WHITNEY WESTHELLE
198 ESSEX AVENUE
PORTSMOUTH, NH 03801
5069/2070
RCRD PLAN# 0241
- 3) PARCEL IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0270E. EFFECTIVE DATE 17 MAY 2005.
- 4) EXISTING LOT AREA:
32,641 S.F.
0.7493 ACRES
- 5) PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	15,000 S.F.
FRONTAGE:	100 FEET
DEPTH:	100 FEET
SETBACKS:	
FRONT	30 FEET
SIDE	10 FEET
REAR	30 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE:	20%
MINIMUM OPEN SPACE:	40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF ASSESSOR'S MAP 232 LOT 128.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	1/27/20
REVISIONS		

STANDARD BOUNDARY SURVEY
TAX MAP 232 - LOT 128
OWNERS:
**ROBERT WESTHELLE &
WHITNEY WESTHELLE**
198 ESSEX AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

EXIST SITE PLAN ZONING INFO Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801 :: FEB 01, 2023

SITE PLAN A

1" = 20'-0" scale

ROBERT & WHITNEY WESTHELLE
198 ESSEX AVENUE
PORTSMOUTH, NEW HAMPSHIRE 03801

LOT-UNIT NUMBER: 128
PARCEL AREA: 0.865 AC = 37,679.4 SF
TAX MAP: 232

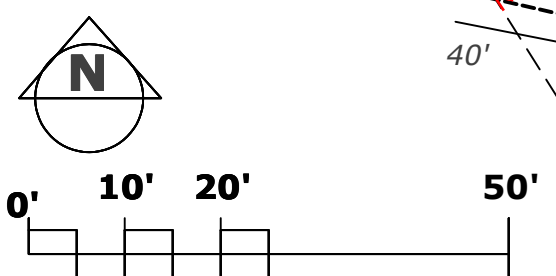
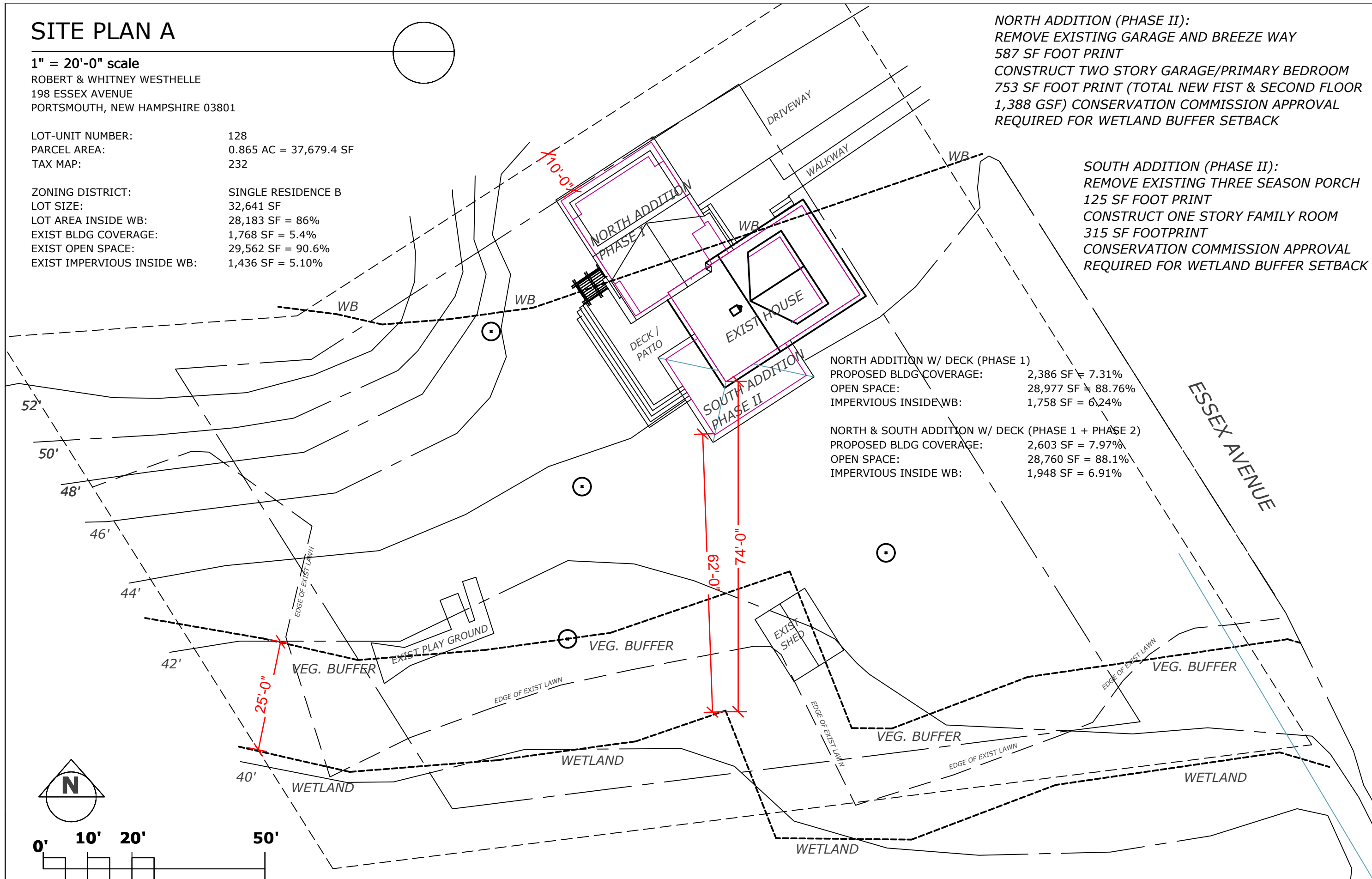
ZONING DISTRICT: SINGLE RESIDENCE B
LOT SIZE: 32,641 SF
LOT AREA INSIDE WB: 28,183 SF = 86%
EXIST BLDG COVERAGE: 1,768 SF = 5.4%
EXIST OPEN SPACE: 29,562 SF = 90.6%
EXIST IMPERVIOUS INSIDE WB: 1,436 SF = 5.10%

NORTH ADDITION (PHASE II):
REMOVE EXISTING GARAGE AND BREEZE WAY
587 SF FOOT PRINT
CONSTRUCT TWO STORY GARAGE/PRIMARY BEDROOM
753 SF FOOT PRINT (TOTAL NEW FIRST & SECOND FLOOR
1,388 GSF) CONSERVATION COMMISSION APPROVAL
REQUIRED FOR WETLAND BUFFER SETBACK

SOUTH ADDITION (PHASE II):
REMOVE EXISTING THREE SEASON PORCH
125 SF FOOT PRINT
CONSTRUCT ONE STORY FAMILY ROOM
315 SF FOOTPRINT
CONSERVATION COMMISSION APPROVAL
REQUIRED FOR WETLAND BUFFER SETBACK

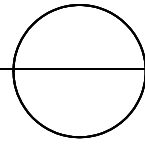
NORTH ADDITION W/ DECK (PHASE 1)
PROPOSED BLDG COVERAGE: 2,386 SF = 7.31%
OPEN SPACE: 28,977 SF = 88.76%
IMPERVIOUS INSIDE WB: 1,758 SF = 6.24%

NORTH & SOUTH ADDITION W/ DECK (PHASE 1 + PHASE 2)
PROPOSED BLDG COVERAGE: 2,603 SF = 7.97%
OPEN SPACE: 28,760 SF = 88.1%
IMPERVIOUS INSIDE WB: 1,948 SF = 6.91%



SITE PLAN B

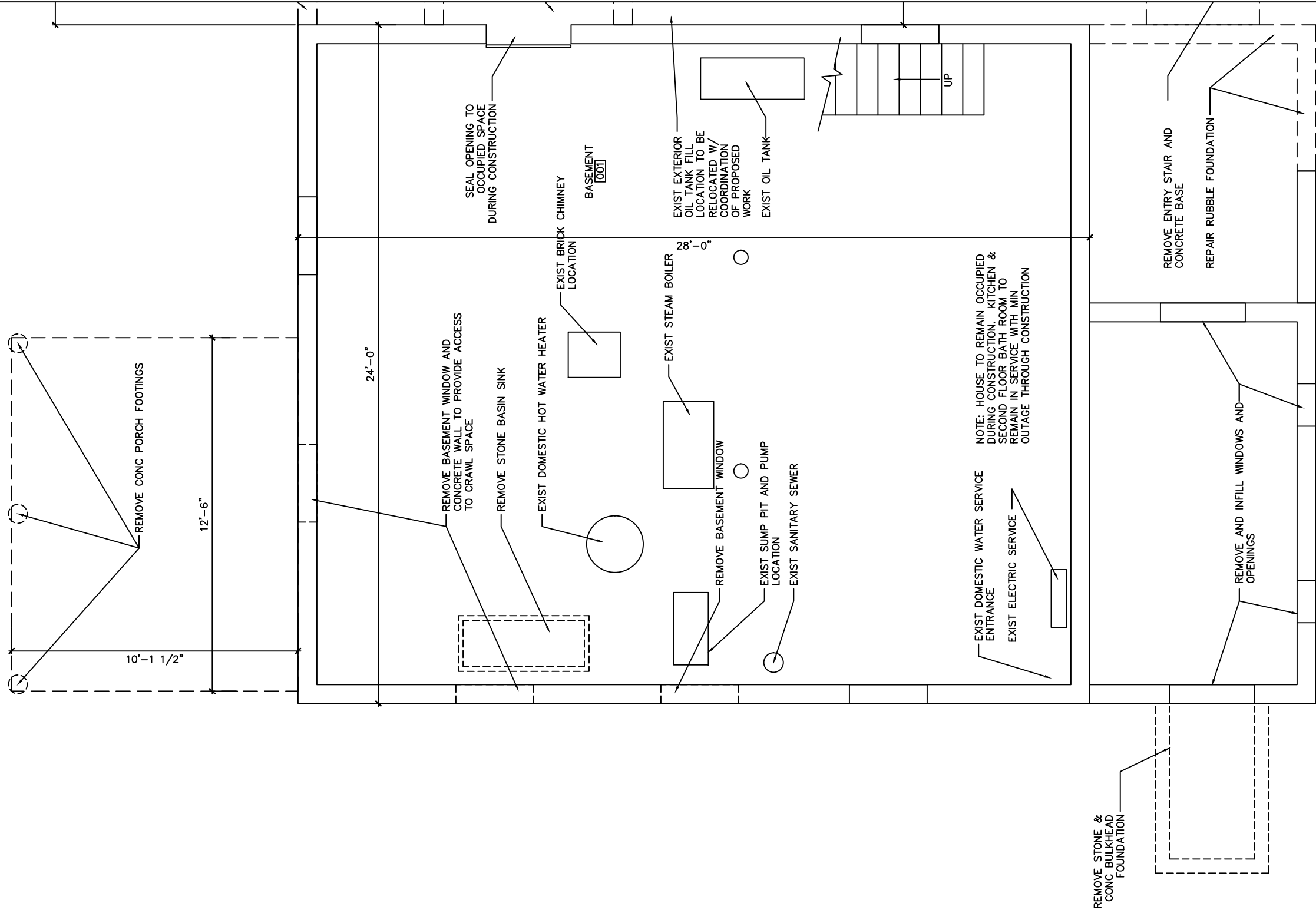
1" = 20'-0" scale



Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801 :: FEB 01, 2023

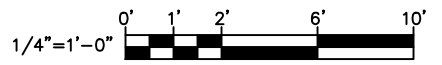
SITE PLAN LANDSCAPE INFO

SITE



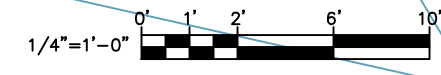
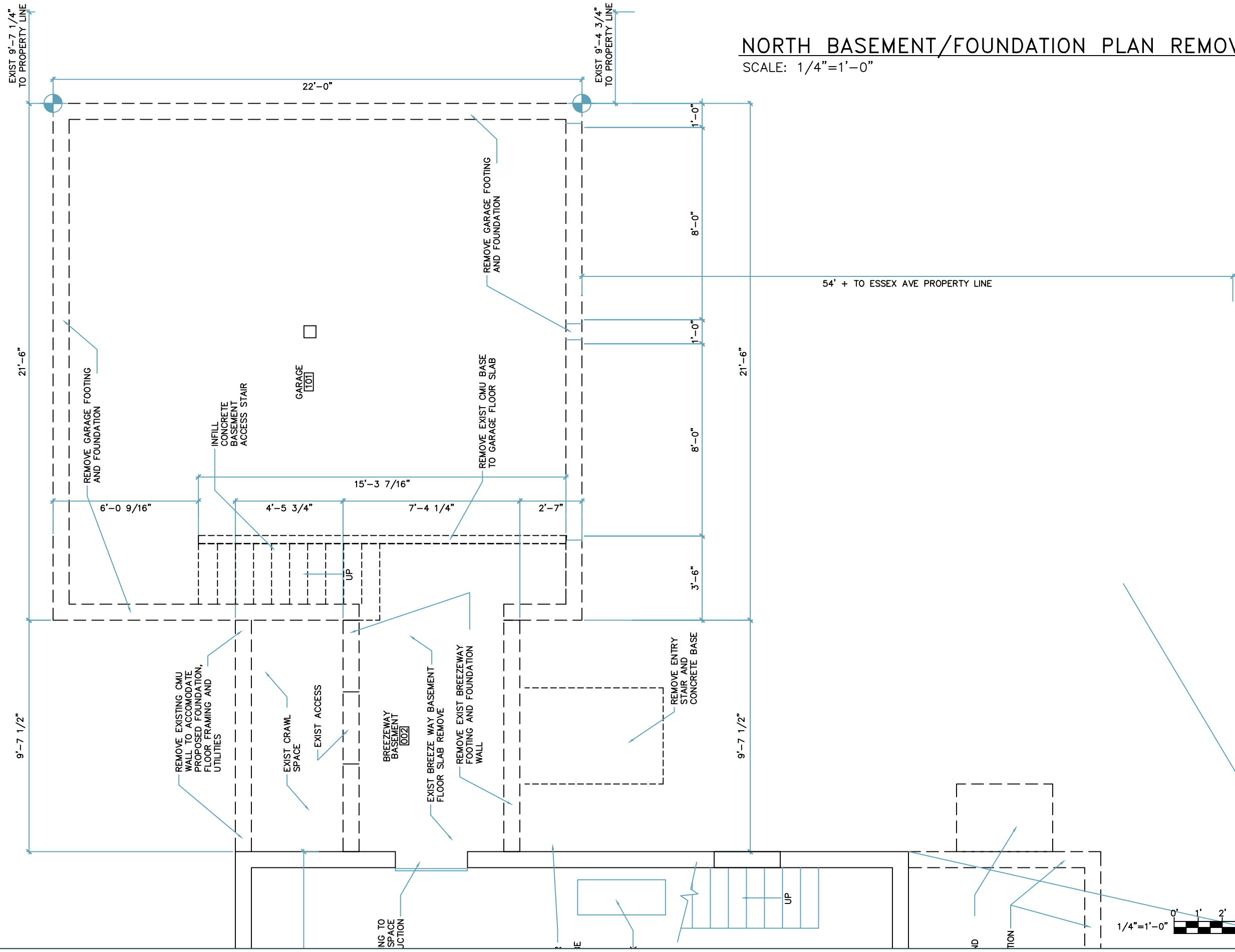
SOUTH BASEMENT/FOUNDATION PLAN REMOVALS

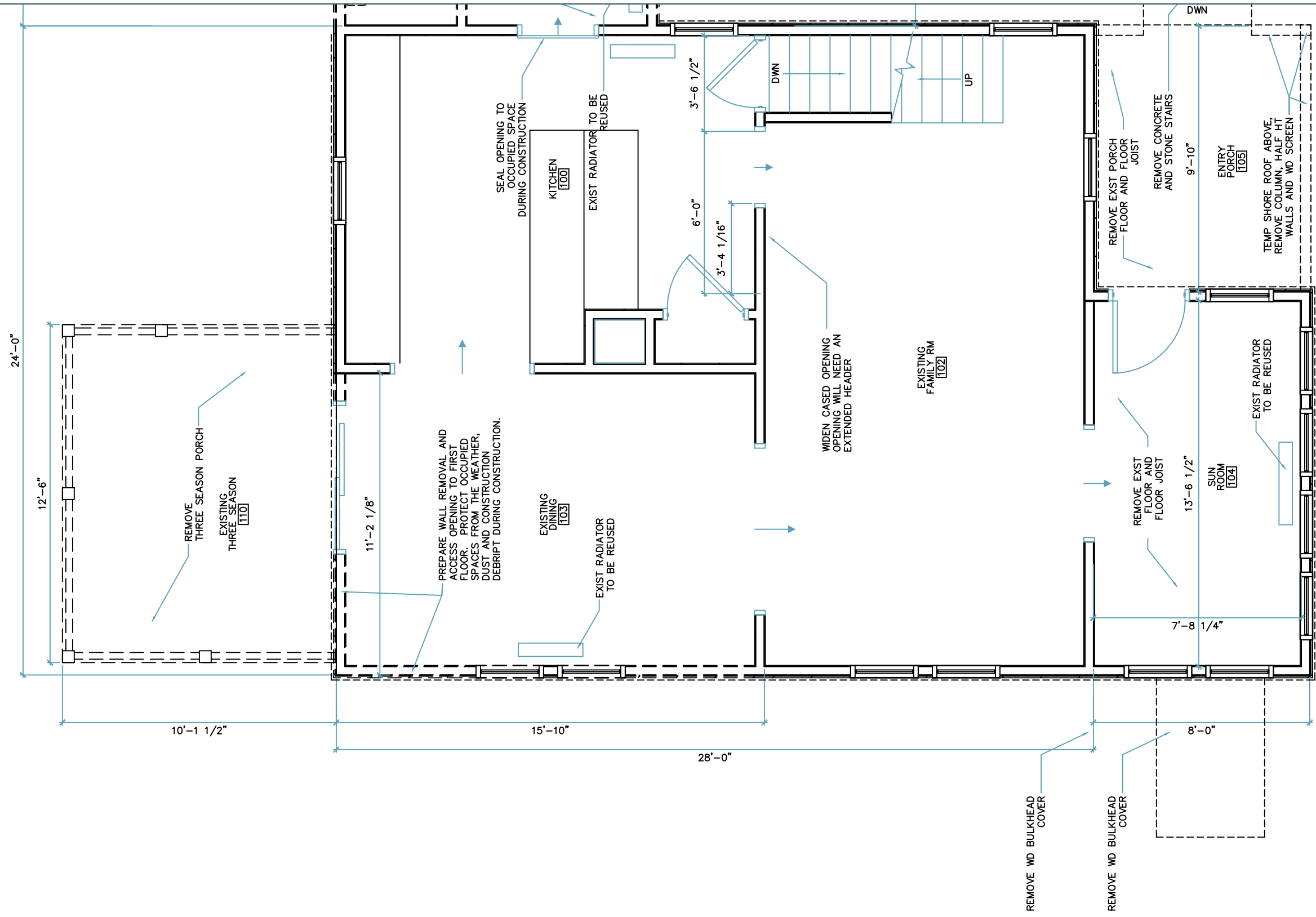
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NORTH BASEMENT/FOUNDATION PLAN REMOVALS

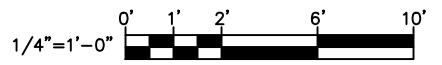
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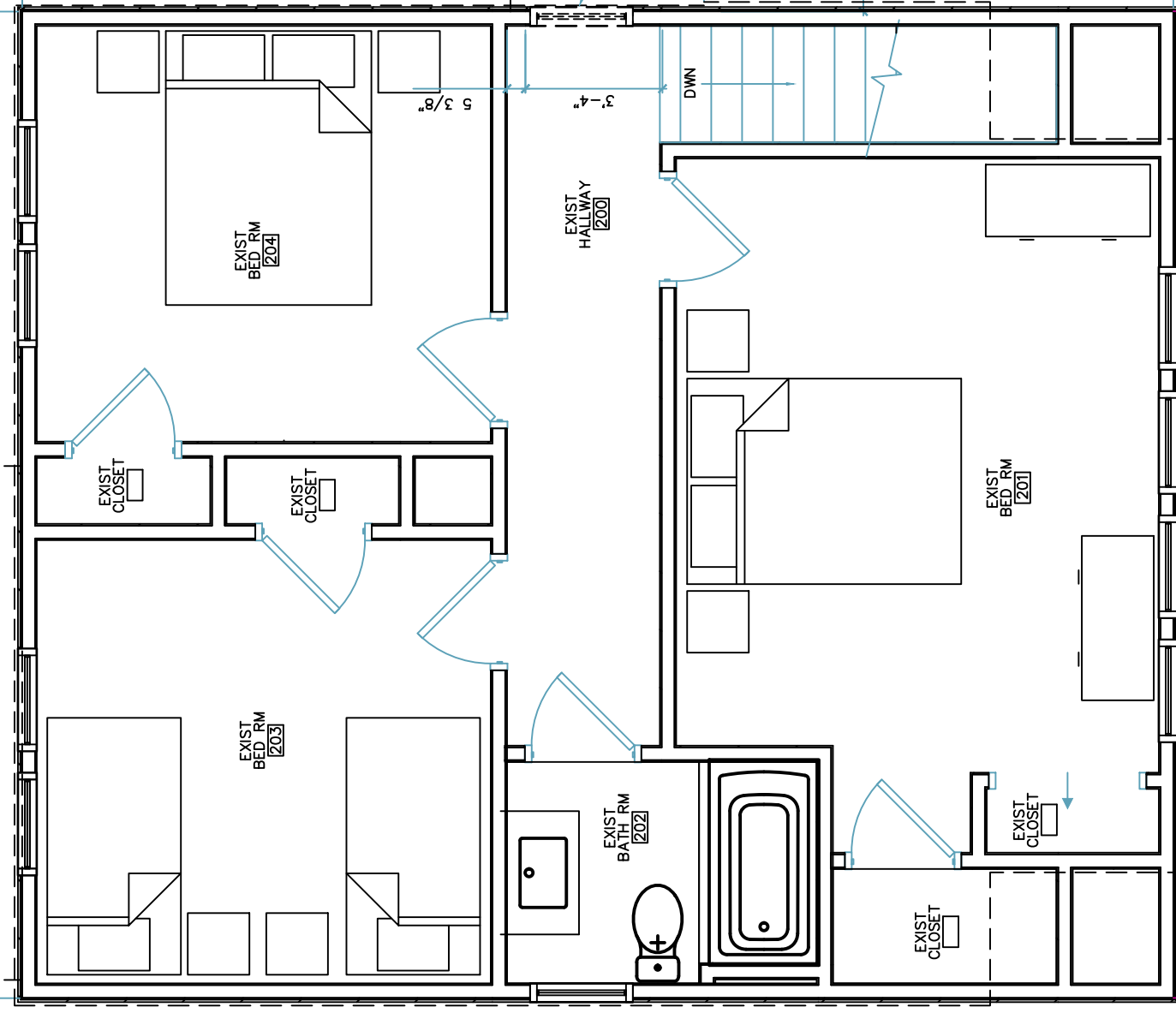
SOUTH FIRST FLOOR PLAN REMOVALS

SCALE: 1/4"=1'-0"



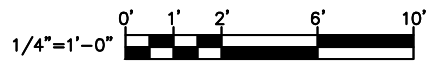
24'-0"

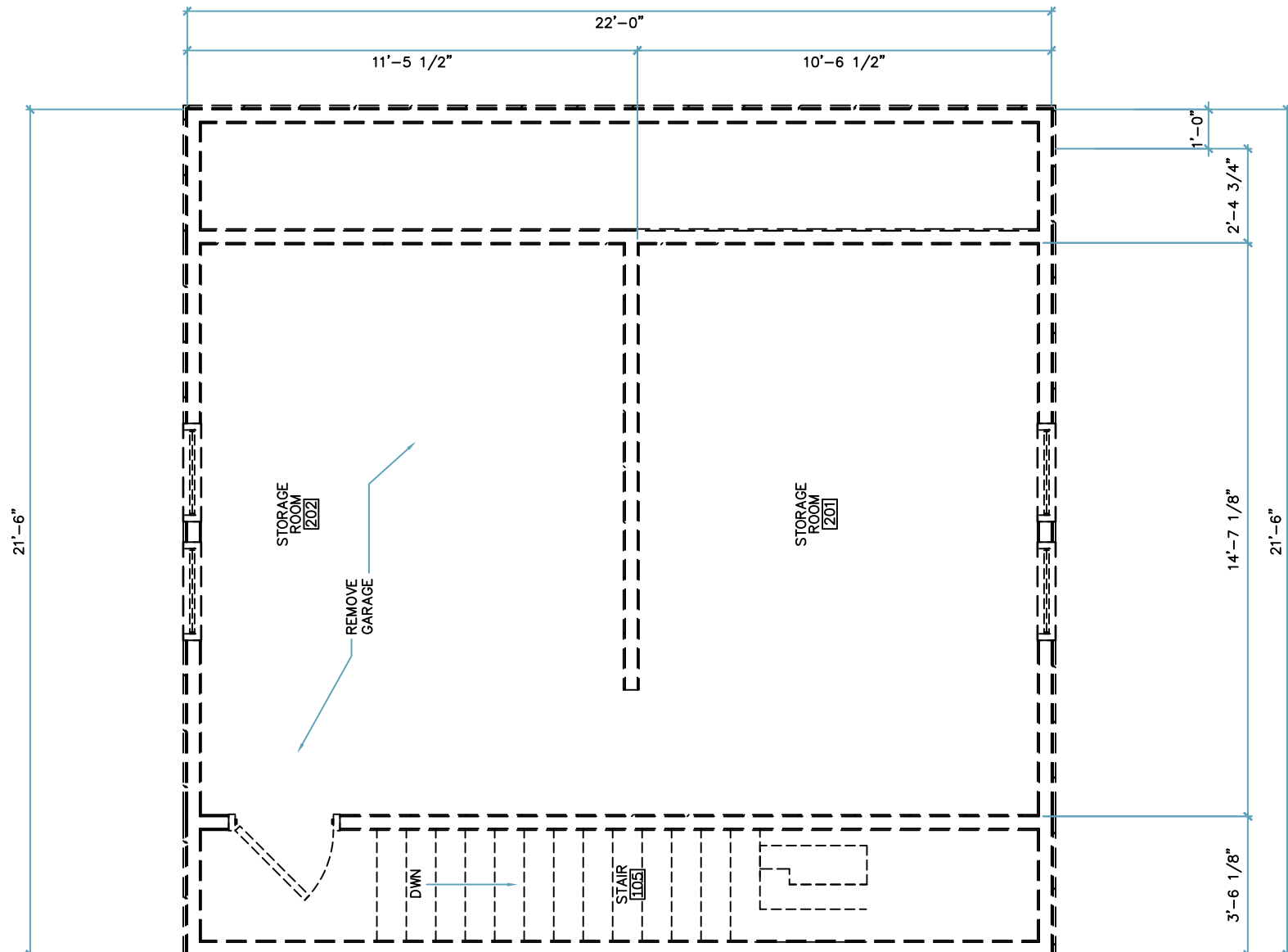
REMOVE
THREE SEASON PORCH



SOUTH SECOND FLOOR PLAN REMOVALS

SCALE: 1/4"=1'-0"



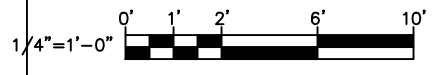


PREPARE WALL REMOVAL AND ACCESS OPENING TO SECOND FLOOR. PROTECT OCCUPIED SPACES FROM THE WEATHER, DUST AND CONSTRUCTION DEBRIS DURING CONSTRUCTION.

REMOVE BREEZEWAY BELOW

NORTH SECOND FLOOR PLAN REMOVALS

SCALE: 1/4"=1'-0"

9'-7 1/2"

21'-6"

11'-5 1/2"

22'-0"

10'-6 1/2"

1'-0"

2'-4 3/4"

14'-7 1/8"

21'-6"

3'-6 1/8"

9'-7 1/2"

28'-0"

16'-7"

5 3/8"

3'-4"

DWN

STORAGE ROOM
202

REMOVE GARAGE

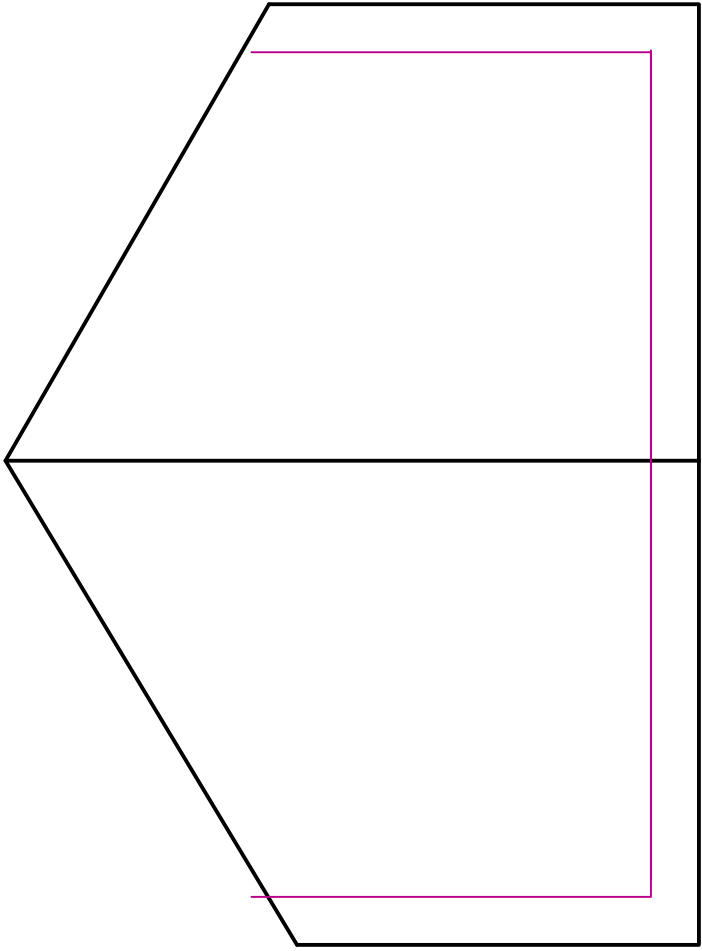
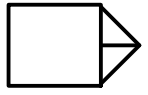
DWN

STAIR
105

STORAGE ROOM
201

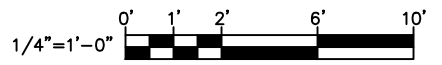
SOUTH ADDITION - REMOVE
THREE SEASON PORCH

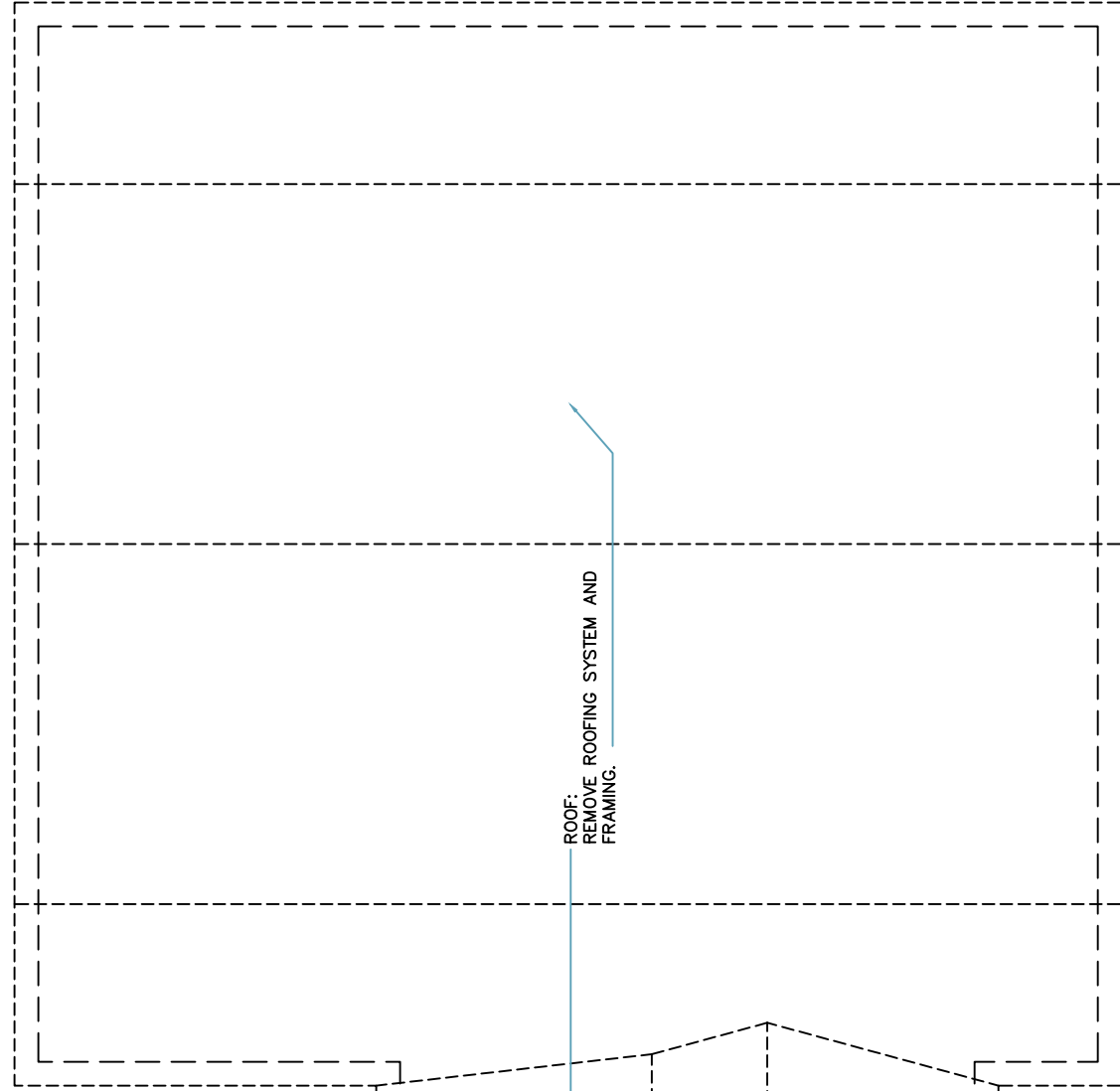
EXISTING ROOF TO REMAIN.
OPTIONS TO REMOVE
ASPHALT SHINGLES AND
REPLACE WITH EXTERIOR
INSULATION AND NEW
STANDING SEAM MTL ROOF.



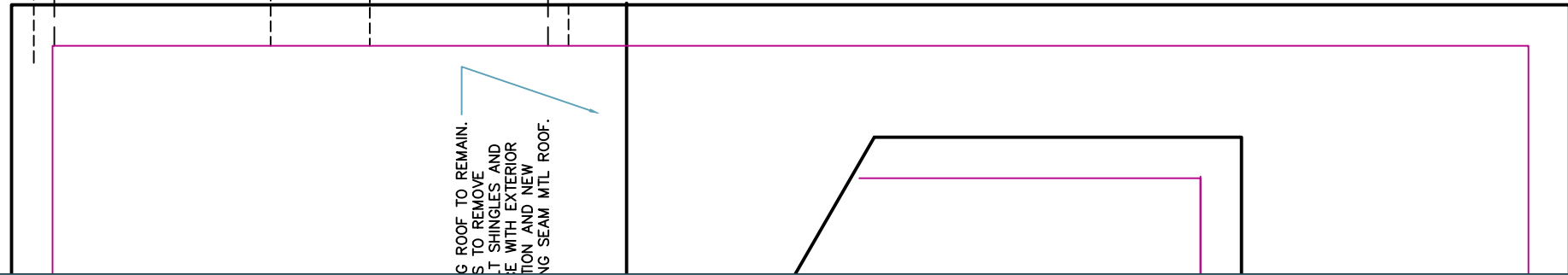
SOUTH ROOF PLAN REMOVALS

SCALE: 1/4"=1'-0"





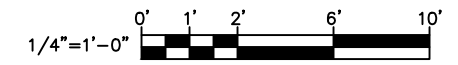
ROOF: REMOVE ROOFING SYSTEM AND FRAMING.



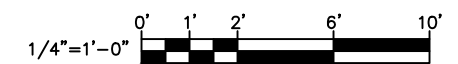
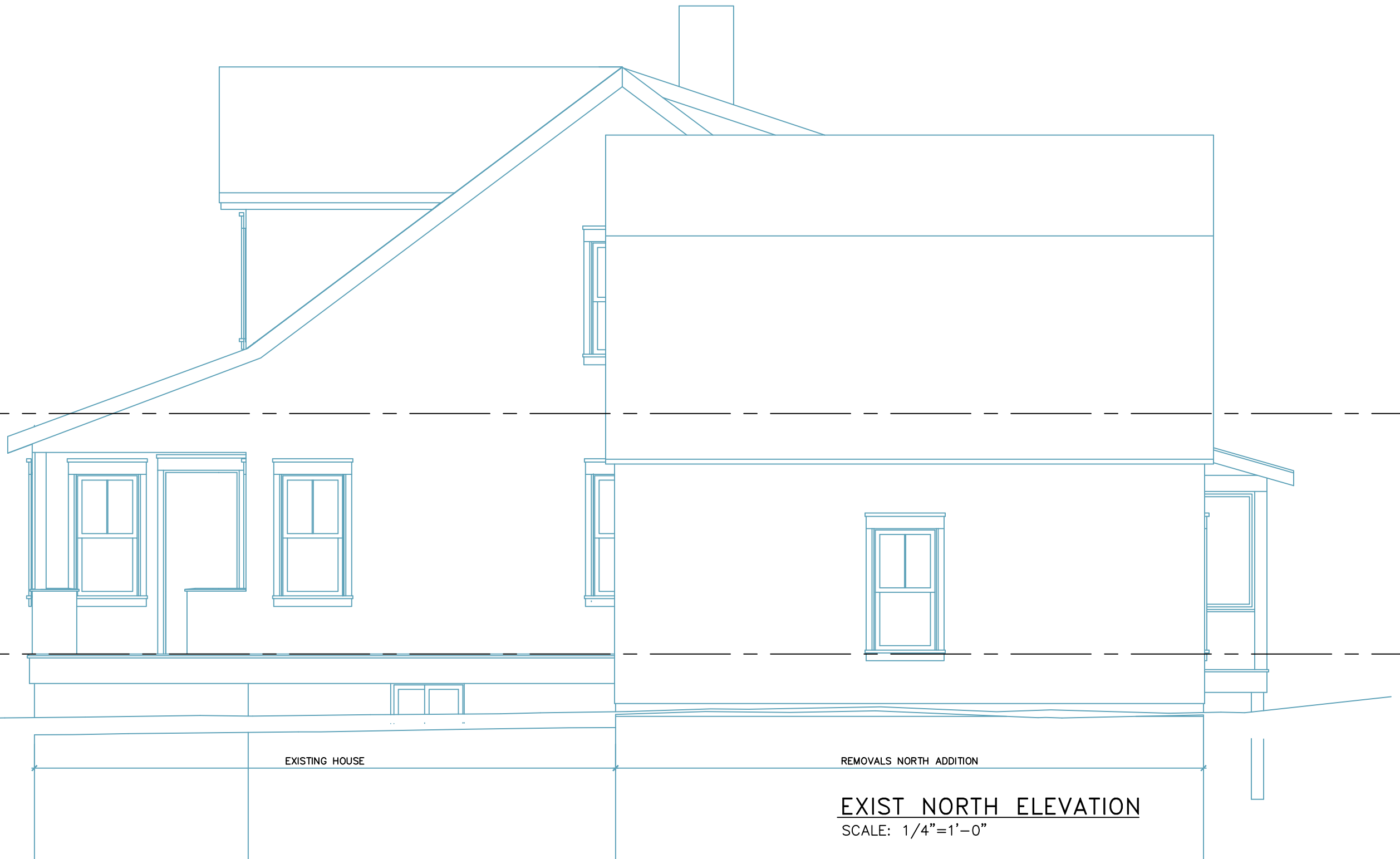
G ROOF TO REMAIN. S TO REMOVE IT SHINGLES AND LE WITH EXTERIOR TION AND NEW NG SEAM MTL ROOF.

NORTH ROOF PLAN REMOVALS 

SCALE: 1/4"=1'-0"



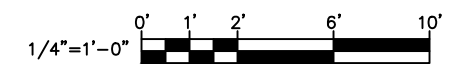


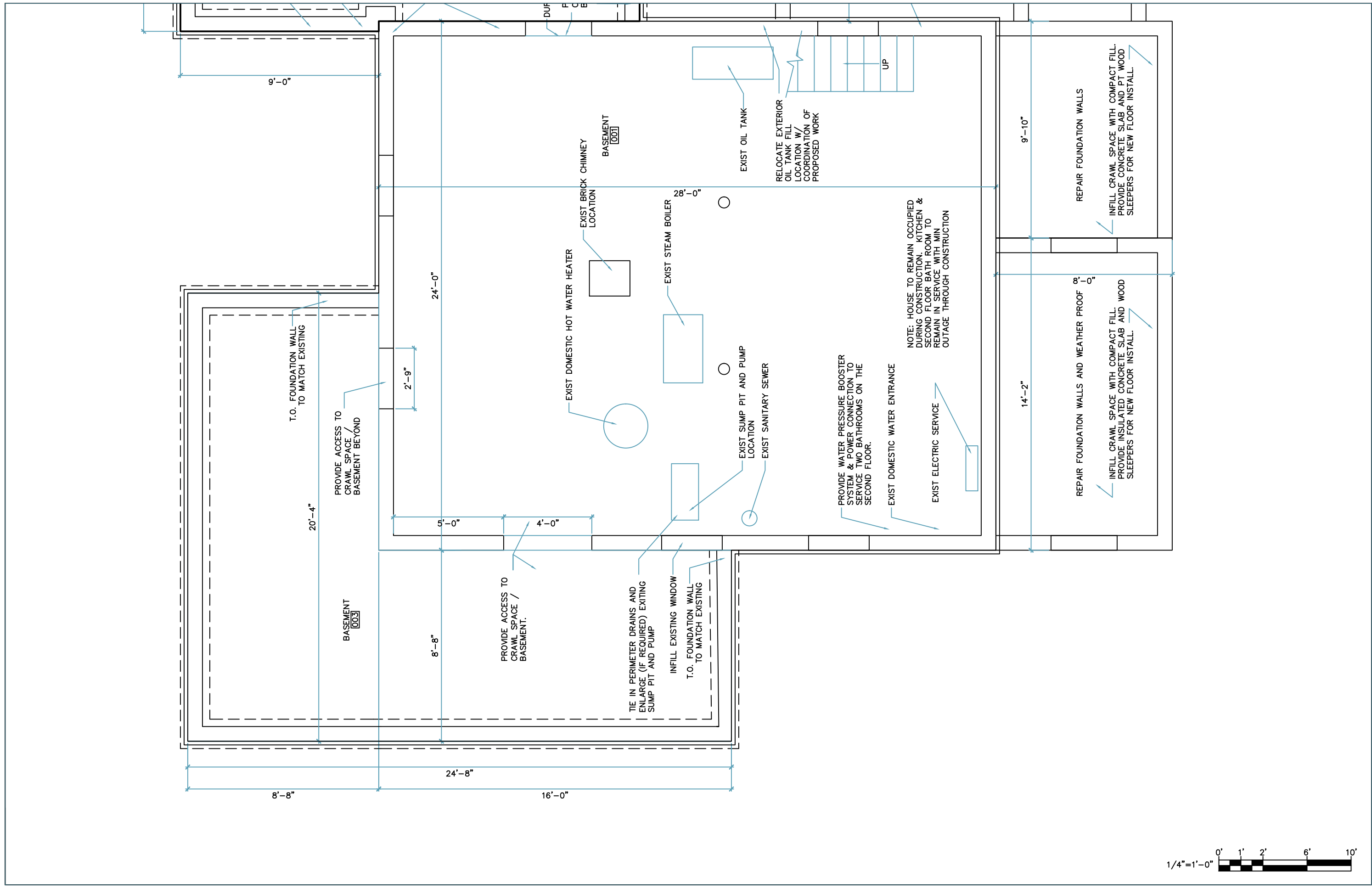




EXIST SOUTH ELEVATION

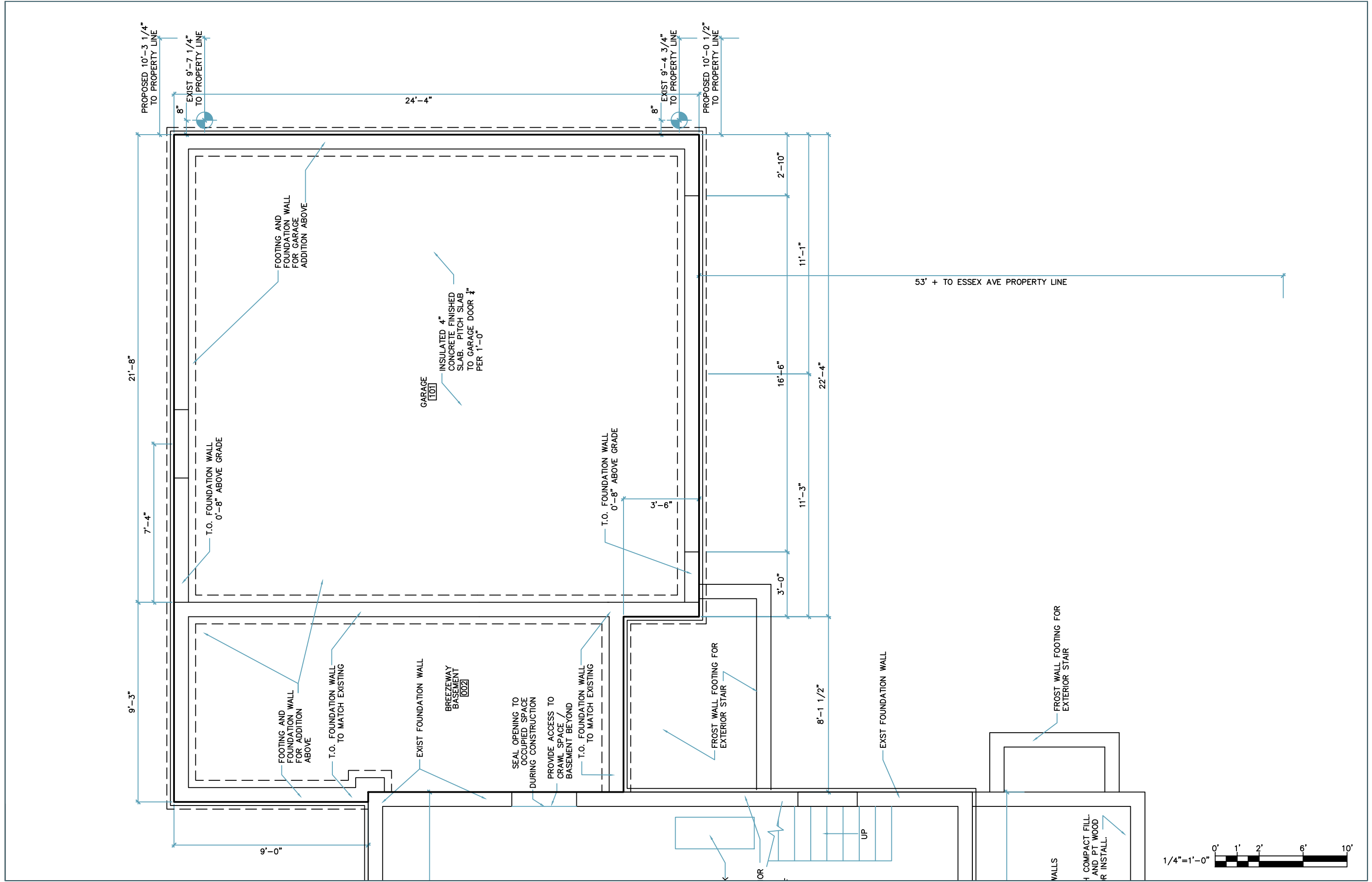
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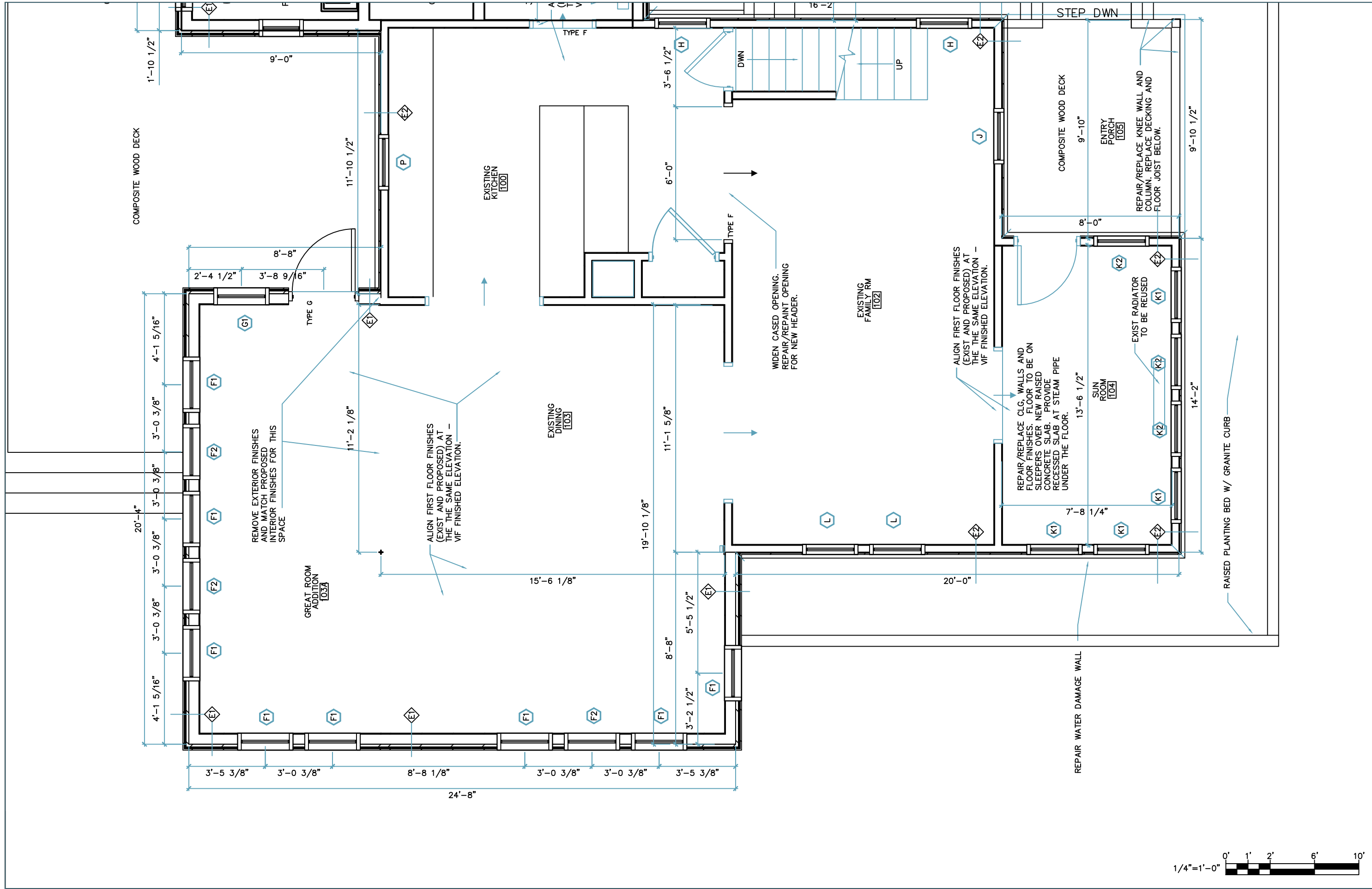


SOUTH BASEMENT / FOUNDATION PLAN

Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801:: FEB 01, 2023

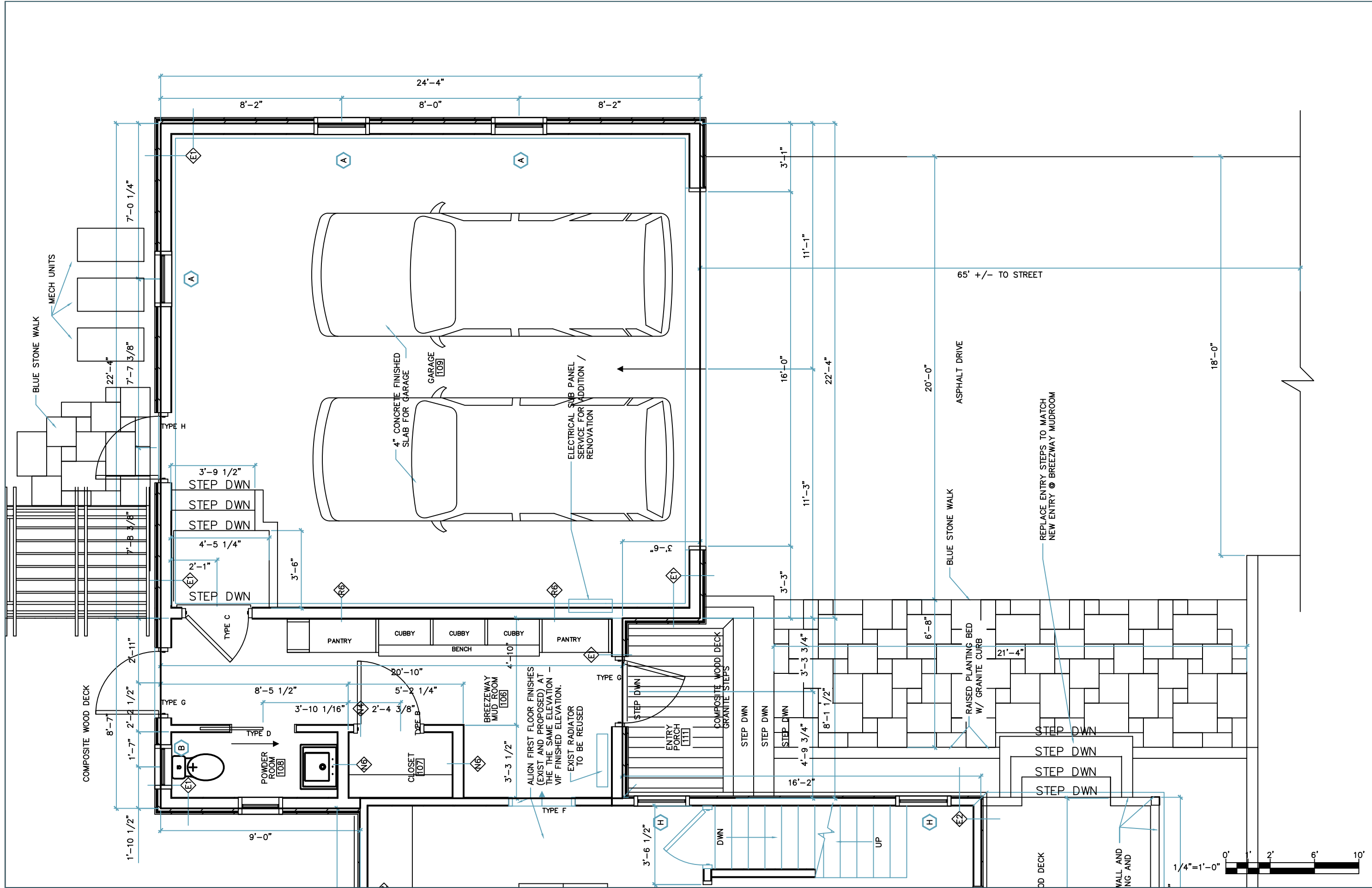


NORTH BASEMENT / FOUNDATION PLAN



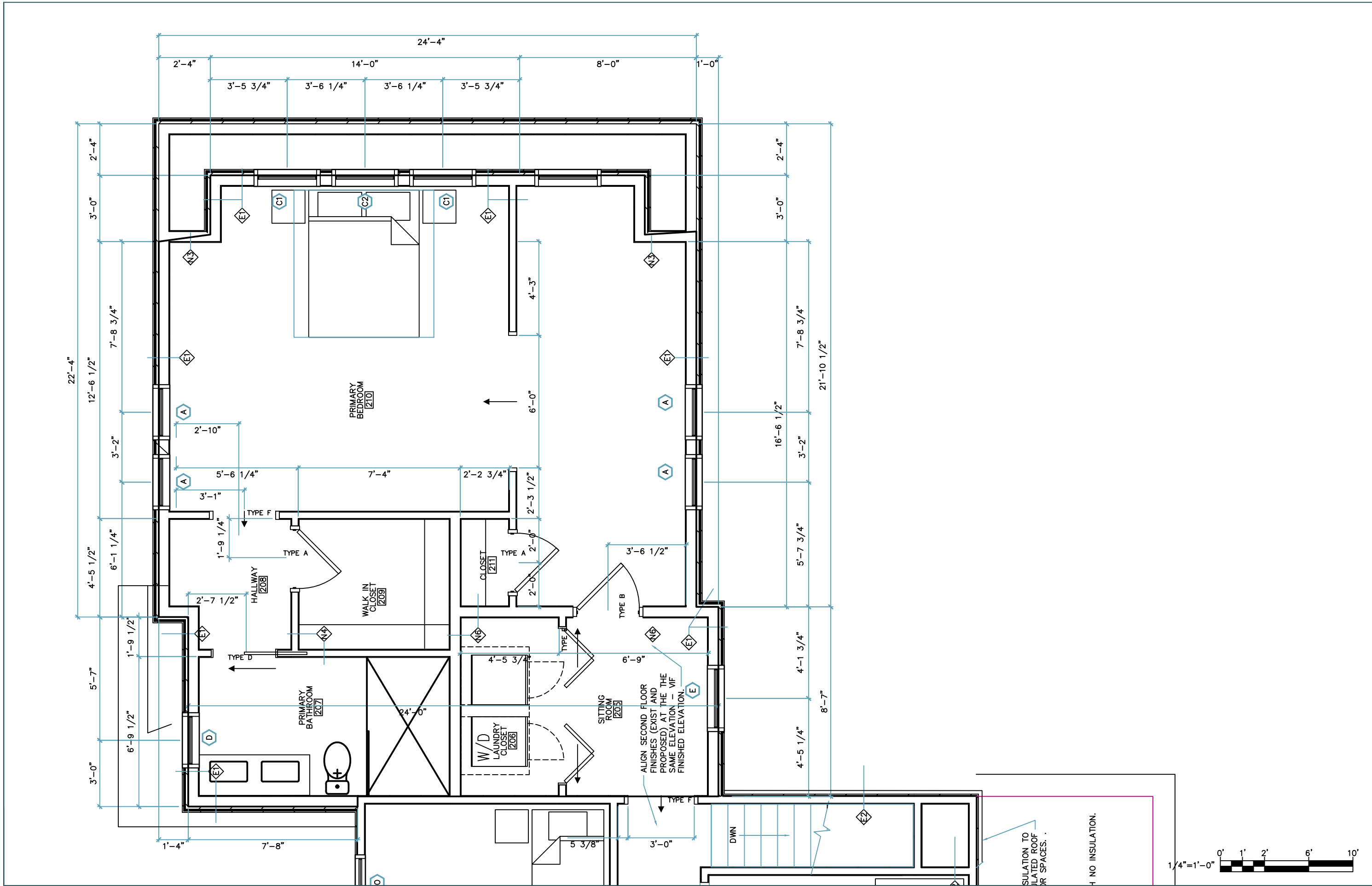
SOUTH FIRST FLOOR PLAN

Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801 :: FEB 01, 2023

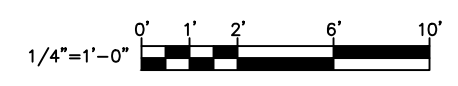
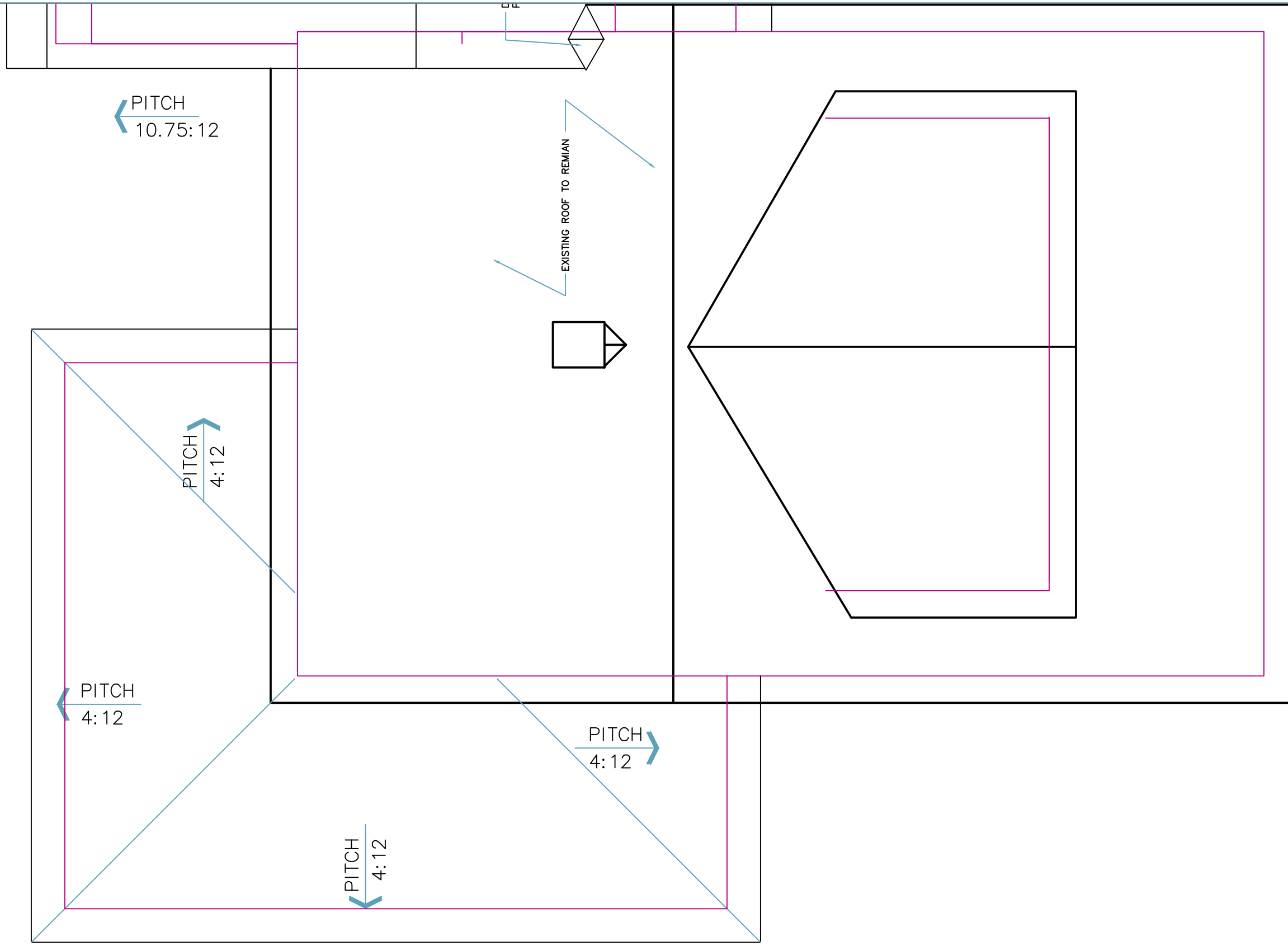


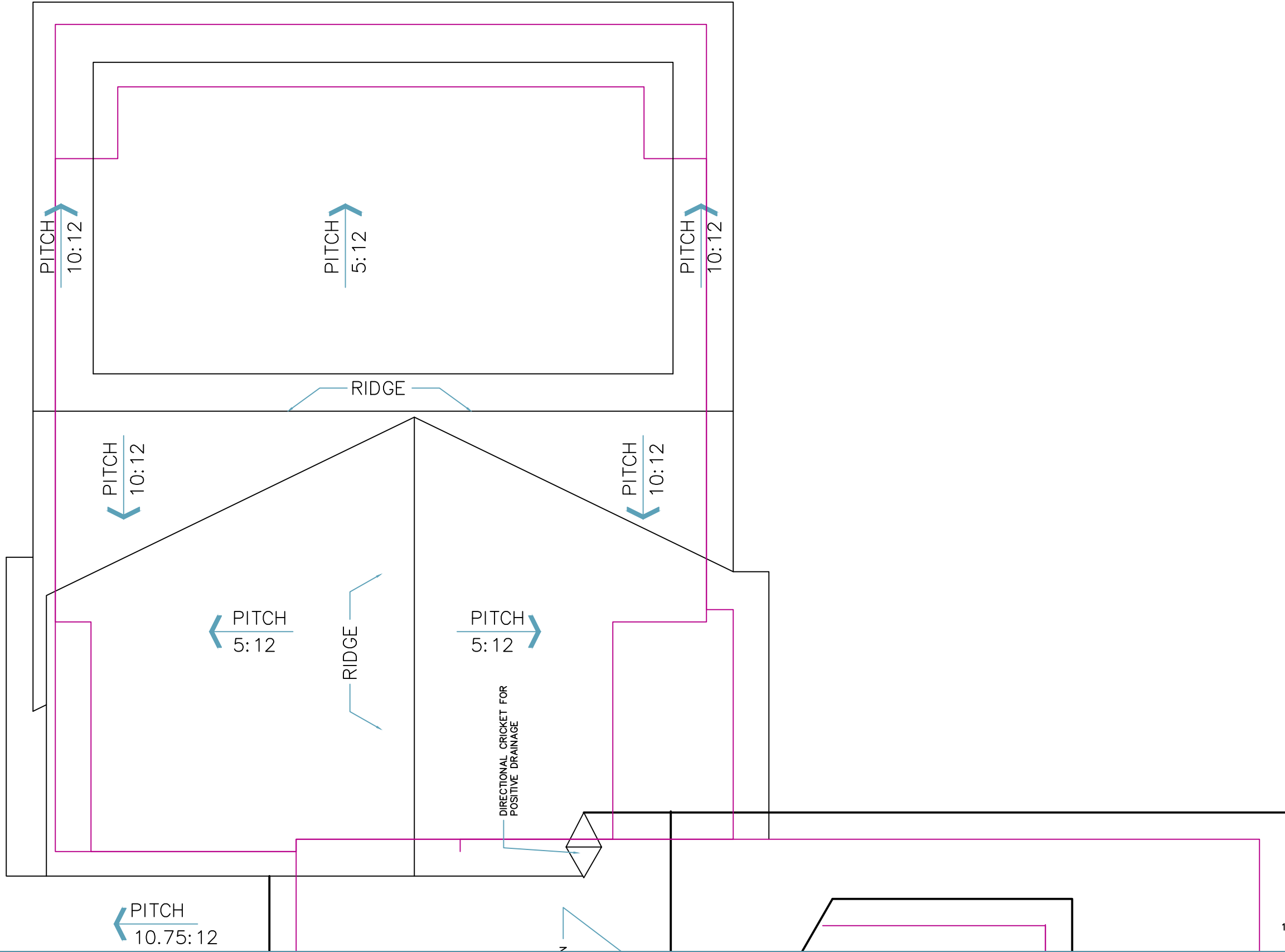
NORTH FIRST FLOOR PLAN

Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801 :: FEB 01, 2023



NORTH SECOND FLOOR PLAN





PITCH
10:12

PITCH
5:12

PITCH
10:12

RIDGE

PITCH
10:12

PITCH
10:12

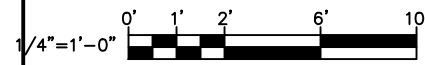
PITCH
5:12

RIDGE

PITCH
5:12

DIRECTIONAL CRICKET FOR
POSITIVE DRAINAGE

PITCH
10.75:12





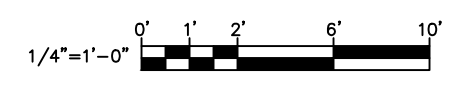


EXISTING HOUSE

NORTH ADDITION

NORTH ELEVATION

SCALE: 1/4"=1'-0"



1
AE15

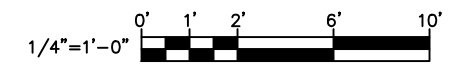


EXISTING HOUSE

SOUTH ADDITION

WEST ELEVATION SOUTH

SCALE: 1/4"=1'-0"



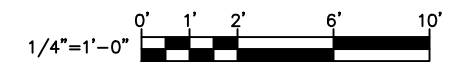


1
AE15

WEST ELEVATION NORTH
SCALE: 1/4"=1'-0"

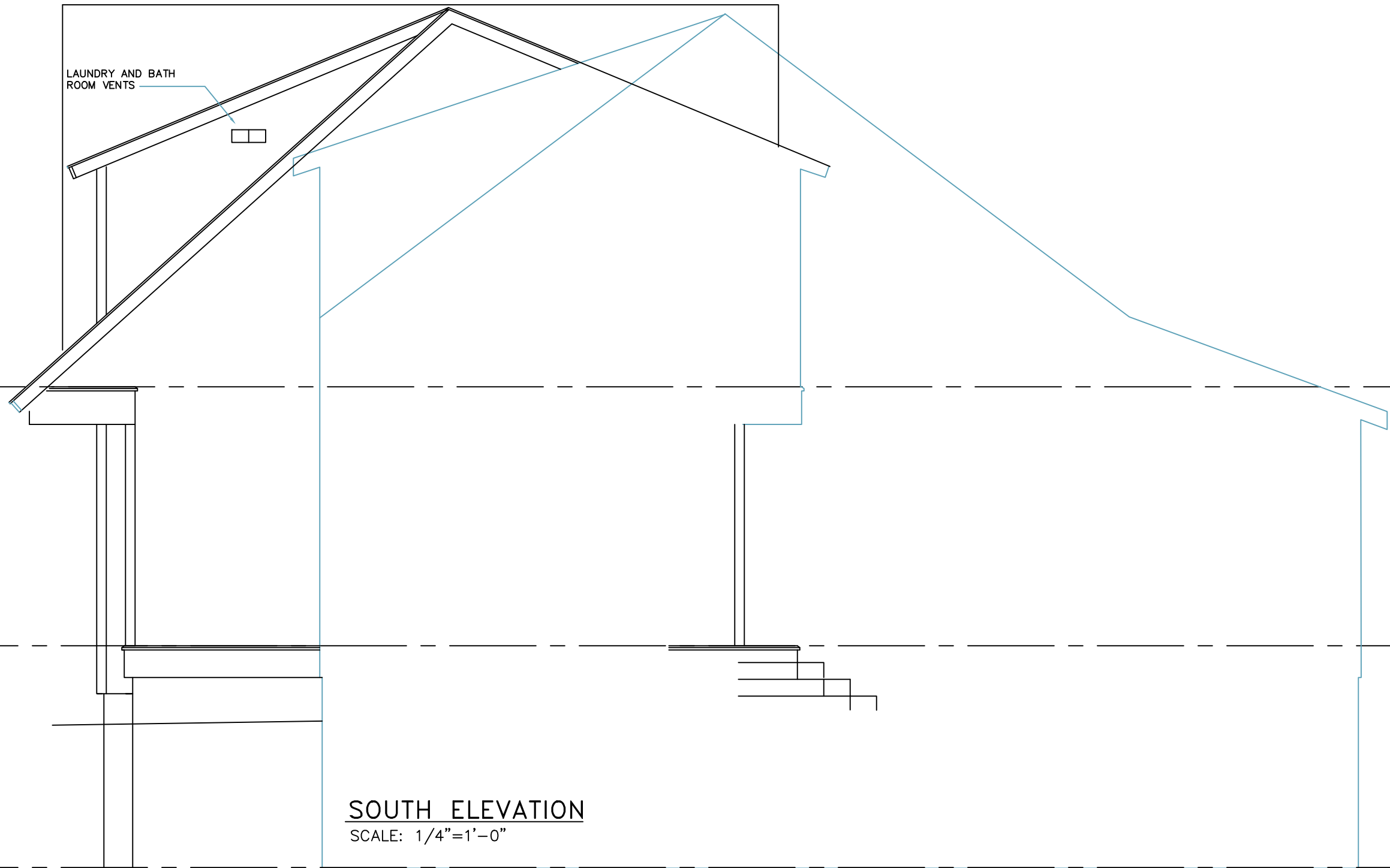
EXISTING HOUSE

WEST ELEVATION
SCALE: 1/4"=1'-0"

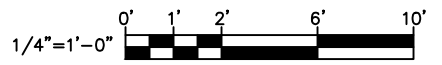


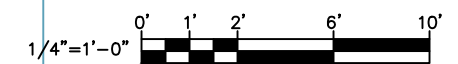
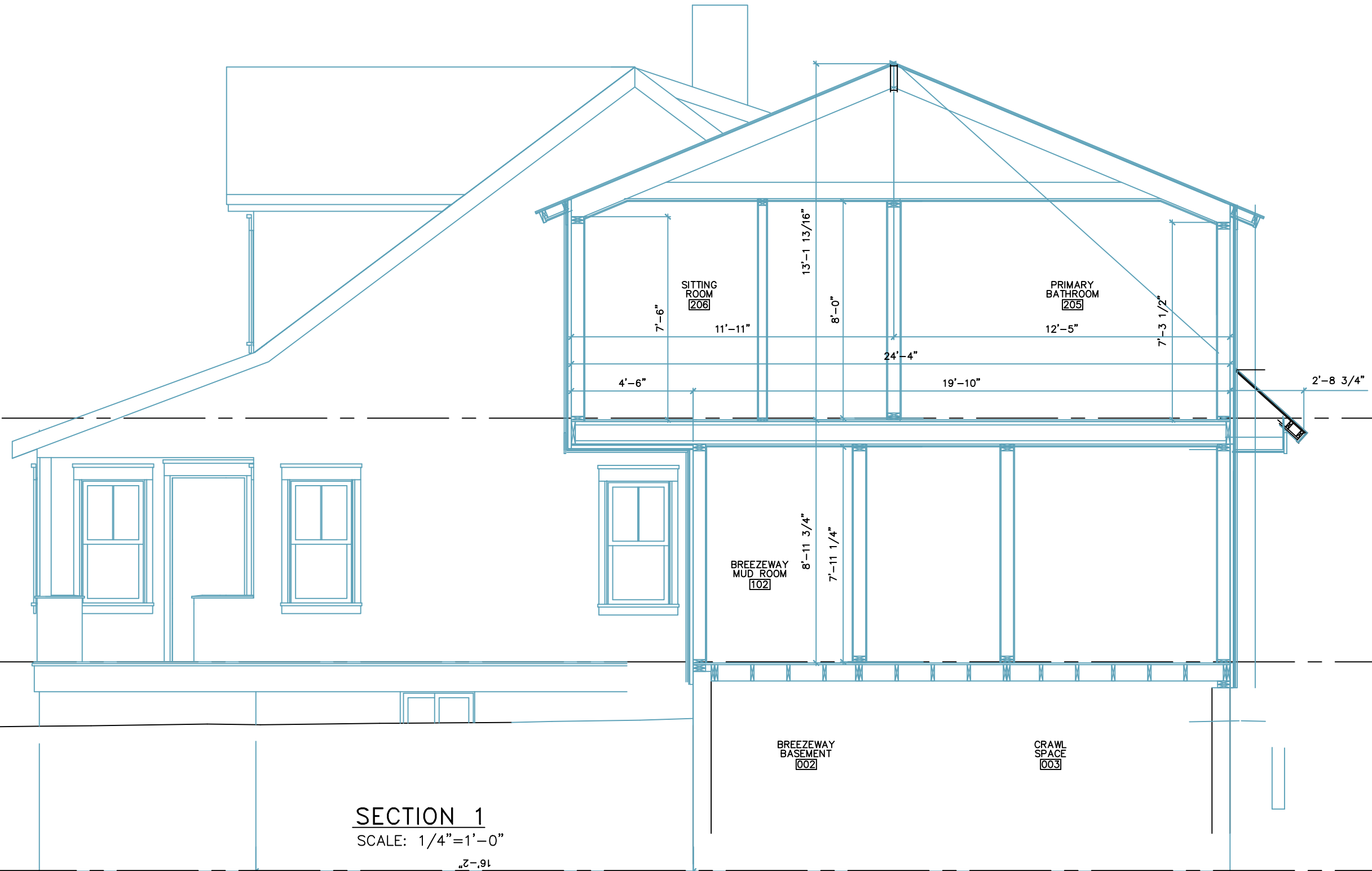


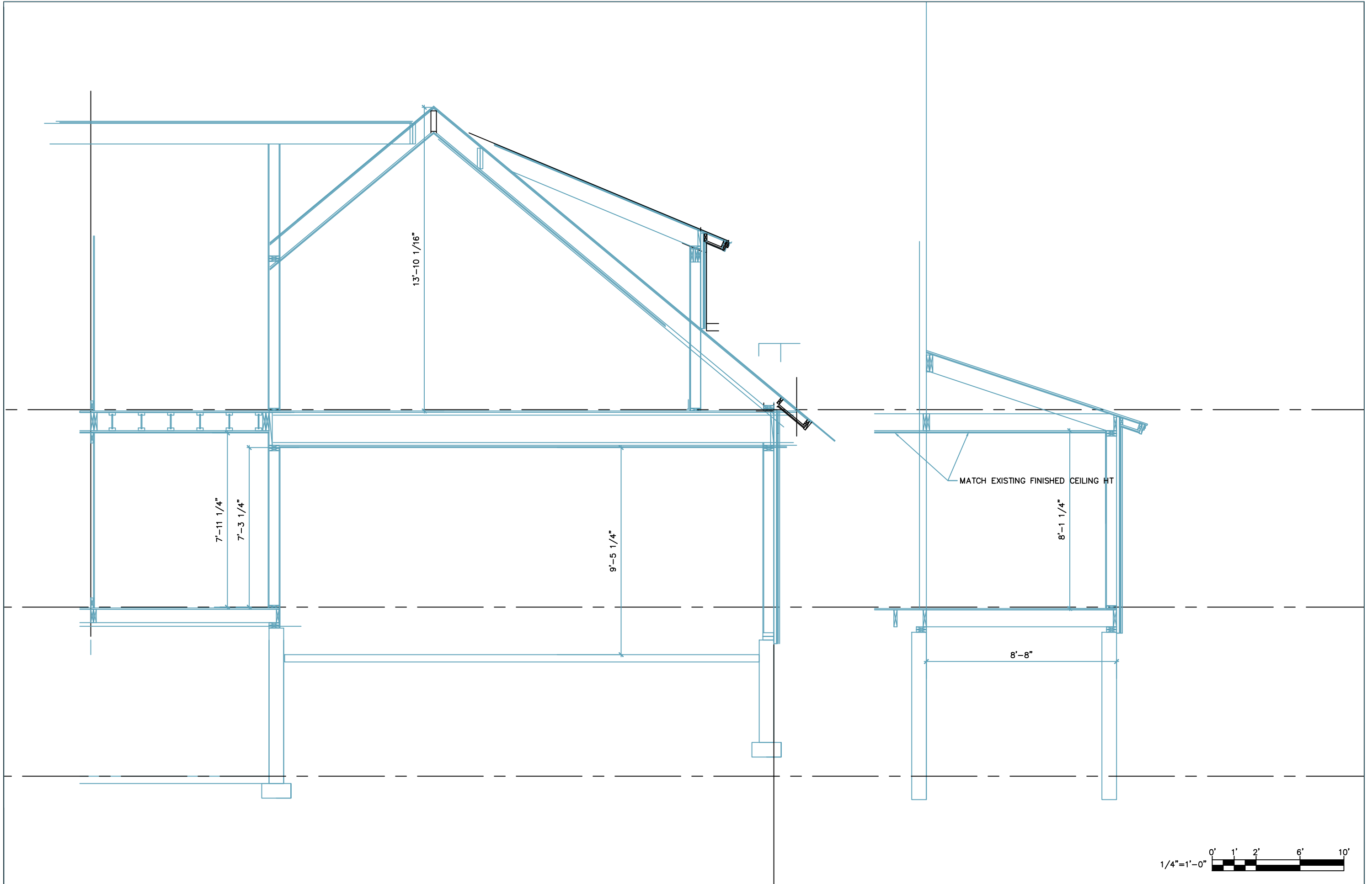
LAUNDRY AND BATH
ROOM VENTS

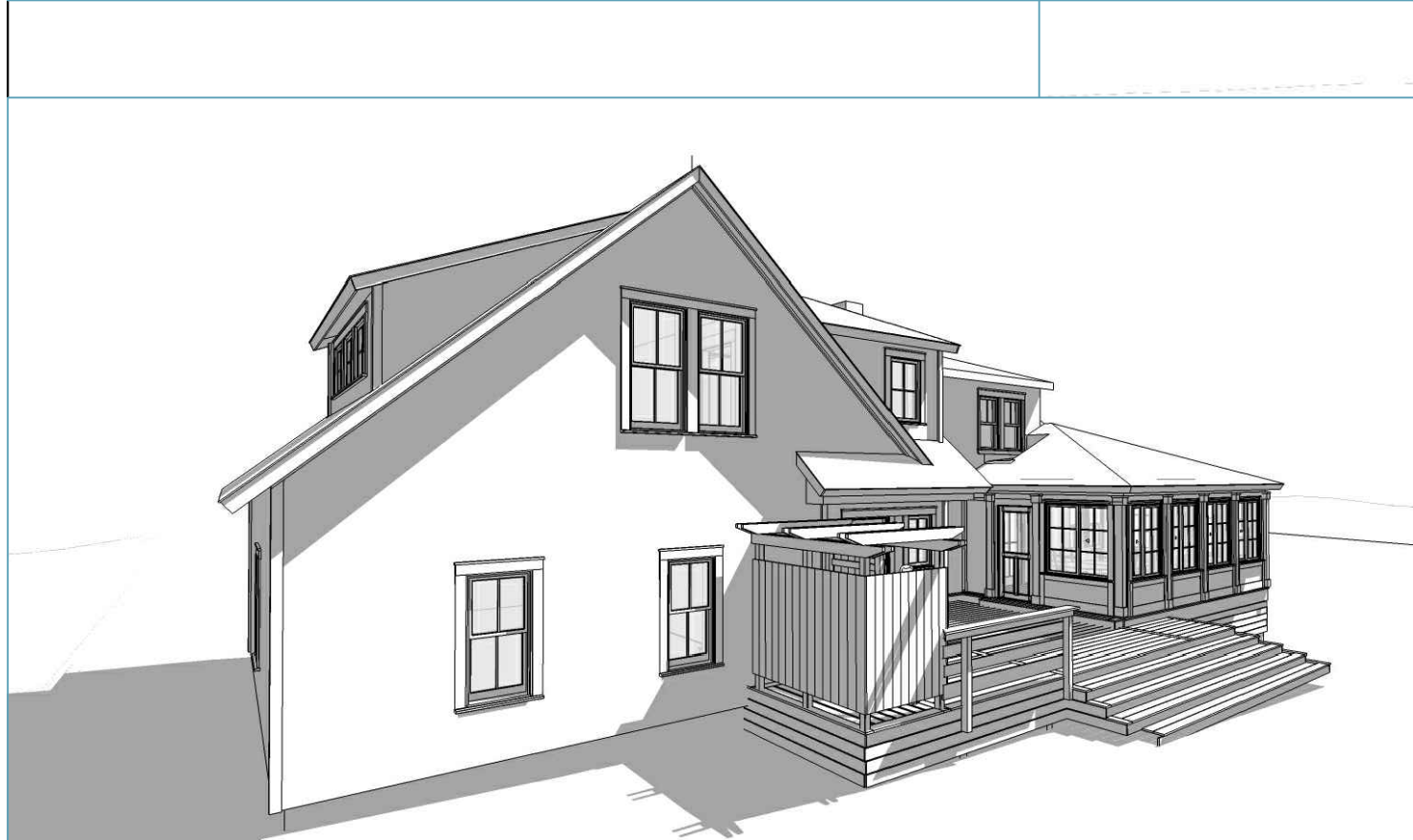
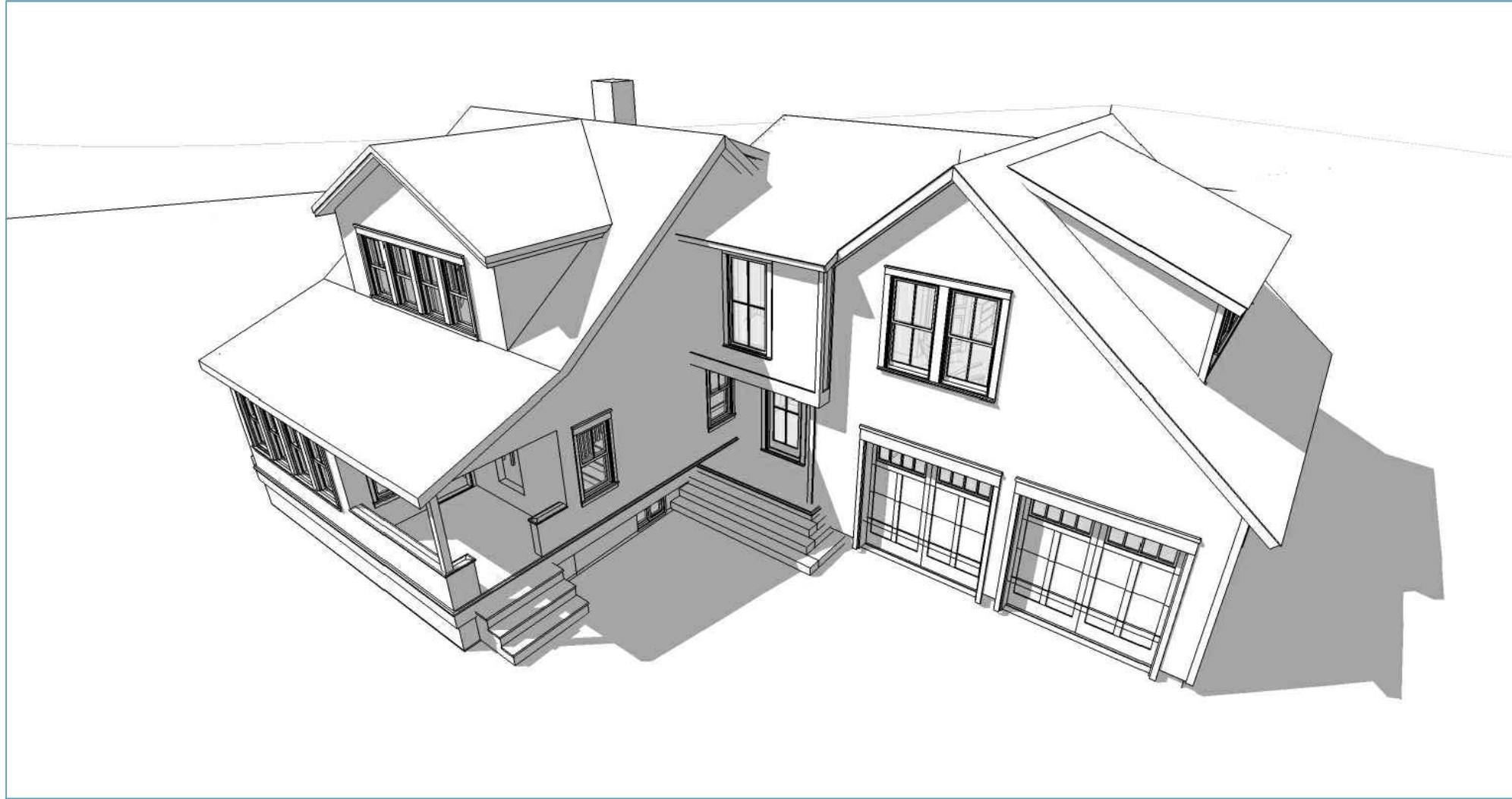


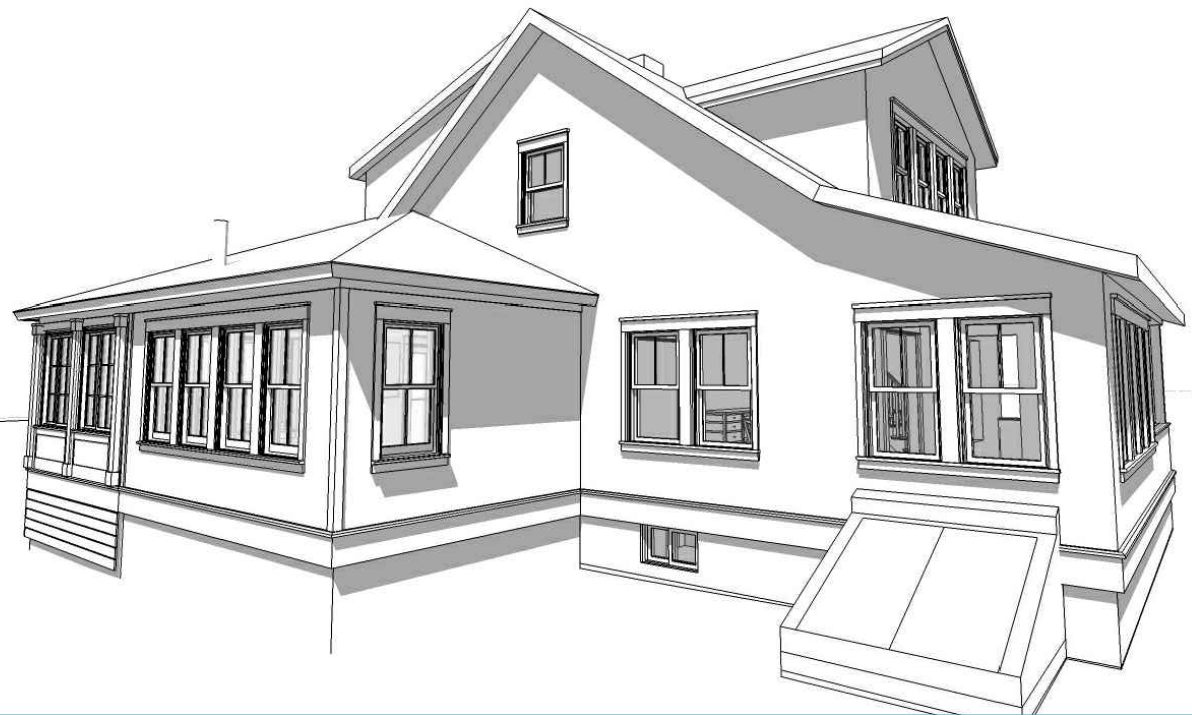
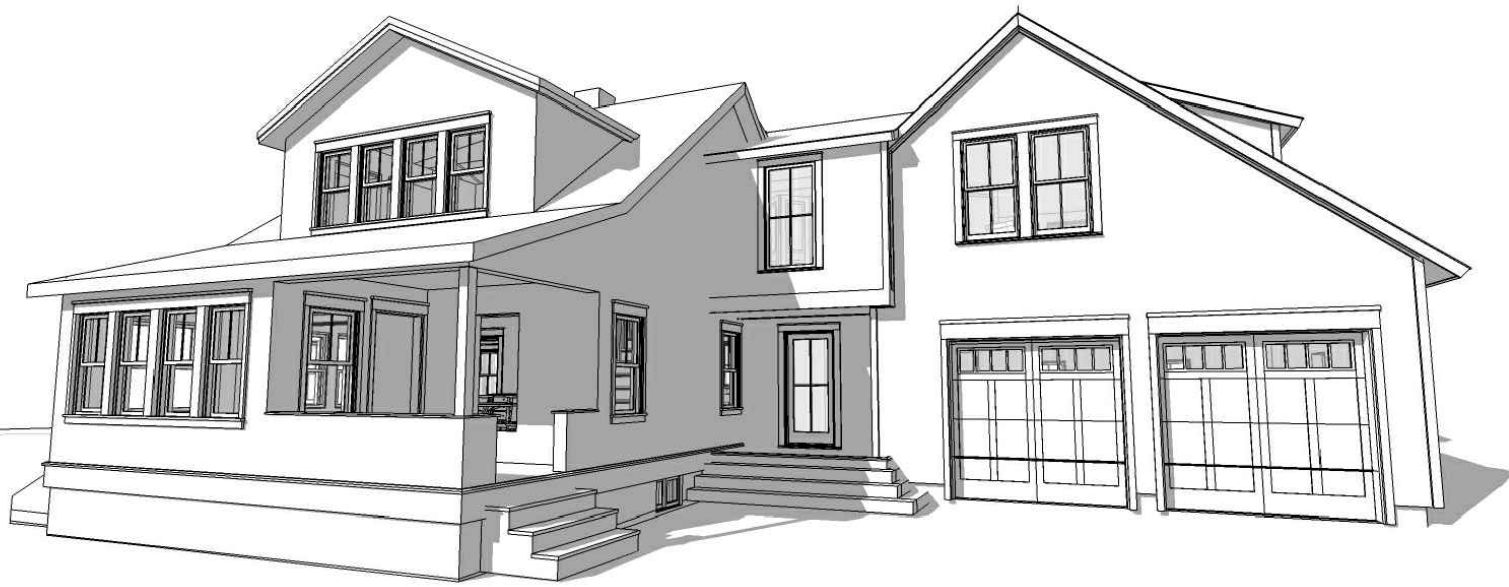
SOUTH ELEVATION
SCALE: 1/4"=1'-0"













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



Robert R. Scott, Commissioner

June 14, 2023

227 MARKET STREET LLC
JAQUELINE MAHONEY
27 AUSTIN ST
PORTSMOUTH NH 03801

NH STATE PORT AUTHORITY
GENO MARCONI
555 MARKET ST
PORTSMOUTH NH 03801



Re: Approved Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2023-00232
Subject Property: 227 & 555 Market St, Portsmouth, Tax Map #119, Lot #5 & 6

Dear Owners:

On June 14, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau approved the above-referenced application to impact 1,201 square feet (SF) within the previously developed upland tidal buffer zone to install two replacement bollard moorings and impact 2,428 SF within the previously developed upland tidal buffer zone for site regrading. Temporarily impact 2,206 SF within the previously developed upland tidal buffer to install a subsurface stormwater treatment system, construction access, and erosion and sedimentation controls. Dredge and fill 26 SF within the bank and channel of the Piscataqua River to construct the discharge outfall for the stormwater treatment system and temporarily impact 25 SF within the bank and channel of the Piscataqua River for construction access and erosion and sedimentation controls.

Compensatory mitigation for 26 SF of permanent impacts to tidal waters consists of a one-time payment of \$334.61 into the Aquatic Resource Mitigation (ARM) Fund, within the Salmon Falls - Piscataqua Rivers Watershed account.

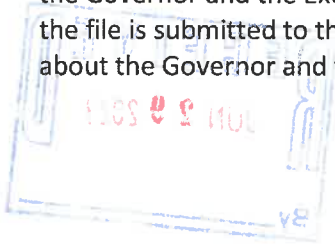
In accordance with RSA 482-A:10, RSA 21-O:14, and Rules Env-WtC 100-200, **any person aggrieved by this decision may file a Notice of Appeal directly with the NH Wetlands Council (Council) within 30 days of the decision date, June 14, 2023.** Every ground claiming the decision is unlawful or unreasonable must be fully set forth in the Notice of Appeal. Only the grounds set forth in the Notice of Appeal are considered by the Council. Information about the Council, including Council Rules, is available at <https://www.nhec.nh.gov/wetlands-council/about>. For appeal related issues, contact the Council Appeals Clerk at (603) 271-6072.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964

227 MARKET STREET LLC
NH STATE PORT AUTHORITY
PAGE 2

In accordance with RSA 482-A:3, II(a) and Env-Wt 313.02(b), as your project is a major project located in a great pond or in public waters of the state, your application must also be approved by the Governor and the Executive Council. Upon expiration of the appeal period, a redacted copy of the file is submitted to the Governor and the Executive Council for their consideration. Information about the Governor and the Executive Council is available at <https://www.nh.gov/council/>.



Sincerely,

Philip Trowbridge, P.E., Manager
Land Resources Management, Water
Division

Enclosure: Copy of Decision

cc: Agent
Municipal Clerk/Conservation Commission
Abutters
ec: Assistant Administrator, Wetlands Bureau

FILE #2023-00232
227 MARKET STREET LLC
NH STATE PORT AUTHORITY
PORTSMOUTH

DECISION DATE:

June 14, 2023

DECISION:

Impact 1,201 square feet (SF) within the previously developed upland tidal buffer zone to install two replacement bollard moorings and impact 2,428 SF within the previously developed upland tidal buffer zone for site regrading. Temporarily impact 2,206 SF within the previously developed upland tidal buffer to install a subsurface stormwater treatment system, construction access, and erosion and sedimentation controls. Dredge and fill 26 SF within the bank and channel of the Piscataqua River to construct the discharge outfall for the stormwater treatment system and temporarily impact 25 SF within the bank and channel of the Piscataqua River for construction access and erosion and sedimentation controls.

Compensatory mitigation for 26 SF of permanent impacts to tidal waters consists of a one-time payment of \$334.61 into the Aquatic Resource Mitigation (ARM) Fund, within the Salmon Falls - Piscataqua Rivers Watershed account.

CONDITIONS:

1. All work shall be done in accordance with the approved plans dated December 29, 2022 and revised through May 5, 2023, by Tighe & Bond, Inc., and received by the NH Department of Environmental Services (NHDES) on May 10, 2023, in accordance with Env-Wt 307.16.
2. In accordance with Env-Wt 314.02(b) and (c), for projects in the coastal area, the permittee shall record any permit issued for shoreline stabilization and any work in the tidal buffer zone and tidal wetlands at the Rockingham County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the department with a copy of the permit stamped by the registry with the book and page and date of receipt.
3. Permit issuance is contingent on submittal of a check in the amount of \$334.61 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
4. In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES within 120 days from the approval decision or NHDES will deny the application.
5. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction in accordance with Env-Wt 307.07.
6. All work associated with the construction of the stormwater outfall shall be done at low tide when the work area is fully exposed in accordance with Env-Wt 609.10(b)(4).
7. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards per Env-Wt 307.03(a).
8. All work including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands per Env-Wt 307.03(b).
9. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
10. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
11. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
12. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.

13. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
14. Heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit, in accordance with Env-Wt 307.15(a).
15. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas and in accordance with Env-Wt 307.15.
16. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
17. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
18. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
19. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.
20. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
21. In accordance with Env-Wt 307.12(i), wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
22. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
23. In accordance with Env-Wt 307.11(c), slopes shall be immediately stabilized by a method specified in Env-Wq 1506 or Env-Wq 1508, as applicable, to prevent erosion into adjacent wetlands or surface waters.

FINDINGS:

1. This project is classified as a major project per Rule Env-Wt 610.17(a)(1), for any dredging, filling, or construction activity, or any combination thereof, that is proposed to occur within 100 feet of the Highest Observable Tide Line (HOTL), and that is proposed to alter a tidal shoreline bank and wetlands.
2. On February 1, 2023, the Department received correspondence from the NH Fish and Game Department (NHFG) dated February 28, 2022, stating that "the NHFG Nongame and Endangered Wildlife Program does not expect impacts to [the protected anadromous fish species] as a result of the proposed activities."
3. NHDES finds that the project as approved and conditioned will not have an unreasonable adverse impact on the value of such areas as sources of nutrients for finfish, crustacea, shellfish and wildlife of significant value, nor will it damage or destroy habitats and reproduction areas for plants, fish and wildlife of importance.
4. No comments were received by NHDES from the Portsmouth Conservation Commission about this application.
5. On April 11, 2023, the applicant obtained a statement from the Pease Development Authority, Division of Ports and Harbors regarding the projects impact on navigation and passage stating, "[w]e examined the proposed site and found that the structure will have no negative effect on navigation in the channel," per Rule Env-Wt 603.09.
6. Pursuant to Env-Wt 605.03(a), compensatory mitigation is required as the project impacts tidal wetlands that are intended to remain when the proposed project is completed.

7. NHDES has accepted an in-lieu mitigation payment pursuant to Per Rule Env-Wt 803.10(e), to be deposited in the ARM fund for the Salmon Falls - Piscataqua Rivers watershed per RSA 482-A:29e as mitigation to offset the impacts associated with the approved 26 SF of permanent impacts to tidal waters.
8. NHDES finds that the requirements for a public hearing, as established in RSA 482-A, do not apply as the project will not have a significant environmental impact, as defined in New Hampshire Administrative Rule Env-Wt 104.19, on the resources protected by RSA 482-A, and, is not of substantial public interest, as defined in New Hampshire Administrative Rule Env-Wt 104.32.
9. The NHDES finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100-1000. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100-1000 were requested or approved under this permit action.

