



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



Robert R. Scott, Commissioner

April 05, 2024

MR JOHN (JACK) GARDNER  
50 ODIORNE POINT ROAD  
PORTSMOUTH NH 03801

**Re: Restoration Plan Approval (CORRECTED CONDITION #18)**  
**Land Resources Management File Number: 2024-00153**  
**Subject Property: 50 Odiorne Point Road, Portsmouth, Tax Map #224, Lot #3**

Dear Mr. Gardner:

On March 14, 2024, the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program received a proposed site restoration plan (Restoration Plan) for the above-referenced property (Property). NHDES hereby approves the Restoration Plan as submitted, subject to the following specific conditions. If there is a conflict between the Restoration Plan and this Restoration Plan Approval, this Restoration Plan Approval will control.

1. **By September 30, 2024**, approximately 4,572 square feet of the 100-foot previously developed upland tidal buffer zone, 100-foot prime wetland buffer, freshwater wetlands, and Protected Shoreland shall be restored, monitored, and managed in accordance with the Restoration Plan and all project descriptive details submitted to NHDES on March 14, 2024, by Normandeau Associates, Inc.
2. The restoration shall be conducted according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved in writing by NHDES prior to implementing any such changes or alterations.
3. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning the activities. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the restoration activities.
4. A certified wetland scientist (CWS), horticultural professional, or qualified professional shall supervise the restoration activities within RSA 482-A jurisdiction on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval.
5. Siltation, erosion, and turbidity controls shall be installed prior to restoration, shall be maintained during restoration activities, and shall remain until the area is stabilized.
6. All steps shall be taken to ensure that no water quality violations occur on the Property during restoration activities.
7. Silt fence and hay bales shall not be used across streams, channels, swales, ditches, or other drainage ways.
8. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than three days, all exposed soils shall be stabilized by seeding and mulching. In accordance with Env-Wt 307.12(d), mulch used within RSA 482-A jurisdiction shall be natural straw or equivalent non-toxic, non-seedbearing organic material.
9. No machinery shall be used within undisturbed NHDES jurisdictional areas on the Property during the restoration unless vegetation and soil is not disturbed.
10. All material removed during restoration activities shall be placed out of NHDES' jurisdiction.

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11. All material required to be removed during restoration activities shall be removed down to the level of the original hydric soils unless otherwise specified in the Restoration Plan.
12. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other state-listed invasive plant species shall not be used in the area being restored (Env-Wt 307.12(e)).
13. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and Common Reed (*Phragmites spp.*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
14. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two growing seasons, or the areas shall be replanted until successful establishment has been monitored for at least two growing seasons in accordance with Env-Wt 307.12(f).
15. All shoreland restoration areas shall have successful establishment of all vegetation after two growing seasons, or the areas shall be replanted until successful establishment has been monitored for at least two growing seasons in accordance with Env-Wq 1412.03(g).
16. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from NHDES.
17. An initial monitoring report with photographs shall be submitted to NHDES by **October 31, 2024**. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, restoration sequencing, restoration activities, and status of restoration at time of initial monitoring report. Photographs shall depict all stages of restoration sequencing. For restoration activities within RSA 482-A jurisdiction, this monitoring report shall be submitted in accordance with Env-Wt 307.18. For restoration activities within RSA 483-B jurisdiction, this monitoring report shall be submitted in accordance with Env-Wq 1412.03(g).
18. **CORRECTED:** Subsequent monitoring reports shall be submitted to NHDES by **September 30, 2025** and **September 30, 2026** to document the success of the restoration and outline a schedule for remedial actions if necessary. Such reports shall be submitted to NHDES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions and conducting follow-up inspections.
19. Remedial actions may include, but are not limited to, replanting, relocating plantings, removing invasive species, altering soil composition or depths, deconsolidating soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.
20. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
21. This Restoration Plan Approval does not relieve the owner(s) from the obligations of other local, state, or federal permits or requirements.
22. If restoration has not been completed, transfer of ownership of the Property shall require notification to NHDES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, prior to such transfer of ownership.

NHDES personnel may conduct future inspections to determine compliance with the provisions of the approved Restoration Plan and all other applicable NHDES statutes and rules.

Following completion of the restoration work, monitoring reports should reference NHDES File Number 2024-00153, and should be addressed as follows:

David Price  
Land Resource Management Program  
Department of Environmental Services  
222 International Drive Suite 175  
Portsmouth, NH 03801

Should you have any questions, please contact me at [David.Price@des.nh.gov](mailto:David.Price@des.nh.gov) or (603) 559-1514.

Sincerely,

A handwritten signature in black ink that reads "David Price". The signature is written in a cursive, flowing style.

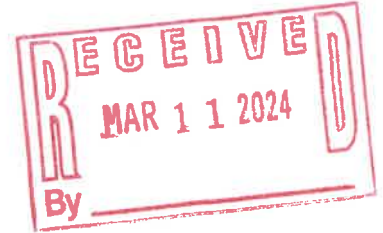
David Price  
East Region Supervisor  
Land Resources Management Program  
Water Division

cc: Portsmouth Conservation Commission  
Portsmouth Planning Department  
Normandeau Associates, Inc.



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## LETTER OF TRANSMITTAL

**Date:** March 8, 2024 **JN:** 50101162.1510.02

**To:** Rosemary Aures **Re:** Response to RFMI  
NH DES Wetlands Bureau DES File: 2024-00315  
PO Box 95 70 Martine Cottage Road  
Concord, NH 03302-0095 Portsmouth, NH

### WE ARE SENDING YOU

ATTACHED  BY EMAIL  UNDER SEPARATE COVER \_\_\_\_\_

COPIES	DATE	DESCRIPTION
1	3/8/24	Response to DES RFMI
1	3/7/24	Photo Log

### THESE ARE TRANSMITTED AS CHECKED BELOW:

- For Approval
- For Your Use
- As Requested
- For Review and Comment
- Other
- Approved as Submitted
- Approved as Noted
- Returned for Corrections
- For Bids Due \_\_\_\_\_ 20\_\_
- Resubmit\_\_\_Copies for Approval
- Submit\_\_\_Copies for Distribution
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- Prints Returned After Loan

**Remarks:**

Copy To: File/Portsmouth Clerk Signed: \_\_\_\_\_





# HALEY WARD.

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8 March 2024

Rosemary E. Aures  
Shoreland/Shoreline Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Rosemary.E.Aures@des.nh.gov

**Re: Response to Request For More Information**  
**NH DES Shoreland File: 2024-00315**  
**Tax Map 202, Lot 19**  
**70 Martine Cottage Road**  
**Portsmouth, NH**

Dear Rosemary:

This letter transmits a response to a "Request for More Information" dated March 7, 2024 in regards to the above referenced file. Responses below are formatted and numbered to coincide with the numbered items in the "Request for More Information" as requested.

1. Please provide a set of revised plans necessary to clearly define both existing conditions and the proposed project as required by Env-Wq 1406.09 in regard to the details of the 18,296 square feet of area to remain as natural woodland calculated in the Natural Woodland Area Requirements worksheet and labeled as "Area to Remain Unaltered" vegetation on Sheet 2 (C2) as the plans depict 2 large sections labeled as ledge.
  - a. If either or both of these 2 areas marked ledge are not vegetation, please revise the footprint of the area of natural woodland to be maintained in an unaltered state required by RSA 483-B: 9, V(b)(2)(A) and to be depicted on the plan drawing per Env-Wq 1406.09(g) and (j).
  - b. Note that per RSA 483-B:4, XXIV-b "Unaltered state" means native vegetation allowed to grow without cutting, limbing, trimming, pruning.

Party of Five Trust | 03.08.2024 | 5010162.1510.02 | Page 1



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mowing, or other similar activities except as needed for renewal or to maintain or improve plant health.

- c. And note also that the total area of natural woodland unaltered vegetation is not required to be contiguous.

**A site inspection was performed on March 7, 2024 to examine the 2 areas identified as "ledge" on the previously submitted Existing Conditions & Demolition Plan and the NH DES Permit Plan-Sheet C2. Both areas identified as "ledge" are located within forested uplands. Since these "ledge" areas are located within a forested area, it is clear that vegetation is allowed to grow without manipulation by man. As a result, the unaltered areas depicted on the plans referenced above meet the definition. Attached to this response is a photo log depicting these "ledge" areas for your use.**

Do not hesitate to contact me if you need anything else in regards to this application.

Sincerely,

Steve Riker, CWS  
Project Scientist/Project Manager  
sriker@haleyward.com

Cc: Portsmouth Municipal Clerk

Site Photograph #1

March 2024



Site Photograph #2

March 2024



Site Photograph #3

March 2024



Site Photograph #4

March 2024





Site Photograph #5

March 2024



Site Photograph #6

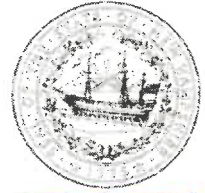
March 2024



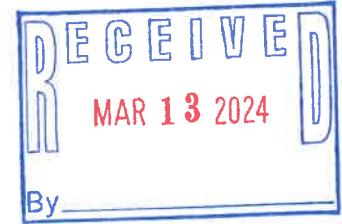


The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



March 08, 2024



HCA HEALTH SERVICES OF NEW HAMPSHIRE  
PO BOX 80610  
INDIANAPOLIS IN 46580

**Re: Request for More Information – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)**  
**NHDES File Number: 2024-00119**  
**Subject Property: 333 Borthwick Ave, Portsmouth, Tax Map #240, Lot #2-1**

Dear Applicant:

On March 8, 2024, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau reviewed the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A:3, XIV(a)(2) and Rules Env-Wt 100 through 900, NHDES Wetlands Bureau determined the following additional information is required to complete its evaluation of the Application:

1. In accordance with Env-Wt 311.06(g), please provide copies of the written follow-up communications such as additional memos or email communications with the NH Fish and Game Department (NHF&G) regarding the threatened and endangered wildlife species located within the vicinity of the project as identified in the Natural Heritage Bureau (NHB) DataCheck (NHB ID: NHB23-2592) and make any necessary changes to the application and plans to include all recommendations made by NHF&G required in accordance with Env-Wt 311.01(b).

Please submit the required information as soon as practicable. Pursuant to RSA 482-A:3, XIV(a)(2), **the required information must be received by NHDES Wetlands Bureau within 60 days of the date of this request (no later than May 7, 2024), or the Application will be denied.** Should additional time be necessary to submit the required information, an extension of the 60-day time period may be requested. Requests for additional time must be received prior to the deadline in order to be approved. In accordance with applicable statutes and regulations, the applicant is also expected to provide copies of the required information to the municipal clerk and all other interested parties.

Pursuant to RSA 482-A:3, XIV(a)(3), NHDES Wetlands Bureau will approve or deny the Application within 30 days of receipt of all required information, or schedule a public hearing, if required by RSA 482-A or associated rules.

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

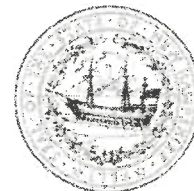
Sincerely,

Kristin L. Duclos  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

cc: Portsmouth Municipal Clerk/Conservation Commission  
Gove Environmental Services, Inc., c/o Brenden M Walden



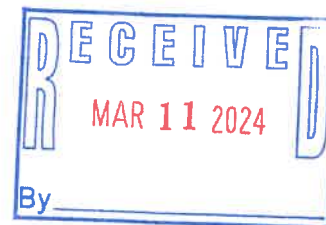
The State of New Hampshire  
**Department of Environmental Services**



Robert R. Scott, Commissioner

February 21, 2024

JOAN/JON DICKINSON  
137 ELWYN AVE  
PORTSMOUTH NH 03801



**Re: Approved Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)**  
**NHDES File Number: 2018-03677**  
**Subject Property: 220 Walker Bungalow Rd, Portsmouth, Tax Map #223, Lot #20**

Dear Owner:

On February 21, 2024, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau approved the above-referenced application to impact a total of 390 square feet (SF), 20 SF of permanent impact to the previously developed upland tidal buffer zone and 370 SF of permanent impact to tidal wetlands, to construct a new tidal docking structure. The structure consists of a 4 foot by 5 foot access way connecting to a 4 foot by 20 foot fixed pier connecting to a 3 foot by 30 foot ramp connecting to a 10 foot by 20 foot float. The overall structure length seaward of the highest observable tide line is 52 feet, providing one slip on 128 feet of frontage on Sagamore Creek.

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, February 21, 2024.** 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.

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

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FILE #2018-03677  
JOAN/JON DICKINSON  
PORTSMOUTH

DECISION DATE:  
February 21, 2024

DECISION:

Impact a total of 390 square feet (SF), 20 SF of permanent impact to the previously developed upland tidal buffer zone and 370 SF of permanent impact to tidal wetlands, to construct a new tidal docking structure. The structure consists of a 4 foot by 5 foot access way connecting to a 4 foot by 20 foot fixed pier connecting to a 3 foot by 30 foot ramp connecting to a 10 foot by 20 foot float. The overall structure length seaward of the highest observable tide line is 52 feet, providing one slip on 128 feet of frontage on Sagamore Creek.

CONDITIONS:

AMENDED CONDITIONS

1. All work shall be in accordance with plans by Ambit Engineering Inc. dated August 2022, and revised through February 13, 2023, last received by the NH Department of Environmental Services (NHDES) on February 16, 2023.
2. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease office and the local conservation commission in writing of the date on which work under this permit is expected to start.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the NHDES Wetlands Bureau prior to construction.
4. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the NHDES Wetlands Bureau.
5. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and New Hampshire Administrative Rule Env-Wq 1700.
6. This tidal docking structure shall be the only docking structure on this water frontage.
7. All work shall be conducted in compliance with RSA 483-B.
8. Construction of the dock shall occur from a barge equipped with a crane, at low tide, to reduce potential impacts to the river bank and the estuarine intertidal and subtidal wetlands.
9. Pile driving or pile removal work shall be done during low tide to the maximum extent practicable.
10. Decking shall have at least 3/4-inch spacing between the decking planks to provide sufficient sunlight penetration and rainfall to underlying vegetation.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
14. The seasonal structures, including but not limited to the ramp and float, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
15. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

FINDINGS:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.04(a), projects located tidal wetlands, except for repair of existing structures.

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2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
3. The proposed dock is the minimum length necessary to provide access at this location for the duration of the tidal cycle and designed in such a way as to prevent the float from sitting on the mud at low tide.
4. The decking of the proposed dock will have a minimum of 3/4-inch spacing between the decking planks and the bottom of the pier will be a minimum of 4 feet above the substrate to provide adequate ambient light levels to support the underlying salt marsh community.
5. The permittee's contractor will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the tidal wetland resource.
6. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
7. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB18-3657) stated that although there was record of sensitive species in the vicinity, no impacts to rare or endangered species or exemplary natural communities are expected as a result of the project.
8. Other NHDES permits associated with this site include: 2018-01656 and 2018-02479 (issued August 21 and September 14, 2018, respectively) for impacts to the protected Shoreland and the previously-developed upland tidal buffer zone for redevelopment of the residential property; 2010-03326 (issued February 08, 2011) to replace a deteriorated timber bulk head with 187 linear feet of riprap stabilization, and; 1993-01664 (issued November 16, 1993) for impacts to the previously-developed upland tidal buffer zone for installation of a replacement septic system.
9. In accordance with RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.
10. NHDES staff field inspection on February 22, 2019 found that the site is accurately represented in the application.
11. In correspondence dated December 26, 2018, the Pease Development Authority, Division of Ports and Harbors, determined that the project would have no negative effect on navigation in the channel.
12. In correspondence dated July 31, 2018, signed authorization was provided by the applicant to allow their agent to act on their behalf throughout the permitting process.
13. In correspondence dated February 19, 2019, the applicant requested a waiver to NH Administrative Rule Env-Wt 606.03(b), Piers, Docks, Wharves and Floats Criteria, to allow for less than 12 feet of separation between the two seaward pairs of proposed piles. As proposed, 8 sets of piles are structurally sufficient and strict adherence to the rule would require 9 sets of piles to be driven.
14. In accordance with New Hampshire Administrative Rule Env-Wt 204.04, a waiver will be granted if the project will not have an adverse impact to the environment or natural resources of the state, public health, or public safety, and the strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
15. Consistent with New Hampshire Administrative Rule Env-Wt 204.04, the Department finds that strict adherence to the rule would result in more impact to the environment and not benefit the public. Therefore, the Department waives the requirements set forth by New Hampshire Administrative Rules Env-Wt 606.03(b).
16. Per Rule Env-Wt 314.07(a) and subject to Env-Wt 314.07(b), the permittee has requested an amendment to the approved permit on February 16, 2023. The amended plan includes reducing the size of the docking structure from 760 square feet to 390 square feet.
17. The NHDES original approval of this docking structure was appealed by an abutter on May 10, 2019. Since that time, the parties requested and were granted a motion to stay by the Wetlands Council in order for the parties to try to reach agreement. While agreement has not been reached, the permittee submitted an amendment to NHDES requesting approval for a much smaller docking structure in order to resolve the appellants concerns.
18. In accordance with RSA-482-A:3, XIV.(e), the request does not constitute a "significant amendment".





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

Robert R. Scott, Commissioner



April 05, 2024

MR JOHN (JACK) GARDNER  
50 ODIORNE POINT ROAD  
PORTSMOUTH NH 03801



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4. A certified wetland scientist (CWS), horticultural professional, or qualified professional shall supervise the restoration activities within RSA 482-A jurisdiction on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval.
5. Siltation, erosion, and turbidity controls shall be installed prior to restoration, shall be maintained during restoration activities, and shall remain until the area is stabilized.
6. All steps shall be taken to ensure that no water quality violations occur on the Property during restoration activities.
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9. No machinery shall be used within undisturbed NHDES jurisdictional areas on the Property during the restoration unless vegetation and soil is not disturbed.
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11. All material required to be removed during restoration activities shall be removed down to the level of the original hydric soils unless otherwise specified in the Restoration Plan.
12. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other state-listed invasive plant species shall not be used in the area being restored (Env-Wt 307.12(e)).
13. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and Common Reed (*Phragmites spp.*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
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20. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
21. This Restoration Plan Approval does not relieve the owner(s) from the obligations of other local, state, or federal permits or requirements.
22. If restoration has not been completed, transfer of ownership of the Property shall require notification to NHDES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, prior to such transfer of ownership.

NHDES personnel may conduct future inspections to determine compliance with the provisions of the approved Restoration Plan and all other applicable NHDES statutes and rules.

Following completion of the restoration work, monitoring reports should reference NHDES File Number 2024-00153, and should be addressed as follows:



File # 2024-00153

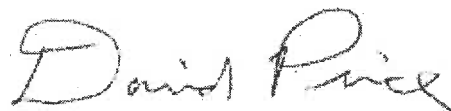
April 5, 2024

Page 3 of 3

David Price  
Land Resource Management Program  
Department of Environmental Services  
222 International Drive Suite 175  
Portsmouth, NH 03801

Should you have any questions, please contact me at [David.Price@des.nh.gov](mailto:David.Price@des.nh.gov) or (603) 559-1514.

Sincerely,

A handwritten signature in black ink that reads "David Price". The signature is written in a cursive, slightly slanted style.

David Price  
East Region Supervisor  
Land Resources Management Program  
Water Division

cc: Portsmouth Conservation Commission  
Portsmouth Planning Department  
Normandeau Associates, Inc.





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



Robert R. Scott, Commissioner

April 05, 2024

KATHRYN L/ STEPHEN A SINGLAR  
21 ELIOT ST  
EXETER NH 03833



**Re: Approved Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)**  
**NHDES File Number: 2023-00463**  
**Subject Property: 43 Holmes Court, Portsmouth, Tax Map #101, Lot #14**

Dear Applicant:

On April 05, 2024, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau approved the above-referenced Standard Dredge and Fill Wetlands Permit Application. Enclosed please find Wetlands Permit #2023-00463 to impact 4,650 square feet (SF) within the previously developed upland tidal buffer zone to demolish a nonconforming single-family residence with a driveway, patio and a walkway, to construct a more nearly conforming primary structure and associated site improvements including removing an existing impervious patio pathway and shed, and installing underground utilities, installing stone drip edges for stormwater infiltration, replacing the existing impervious driveway with pervious pavers, installing a pervious stepping stone walkway, and installing plantings within the waterfront buffer.

Impervious Surface Percentage Approved: Reduced to 24.0%  
Natural Woodland Area Required per RSA 483-B:9, V, (b): 0 SF.

**This approval is based on the following findings:**

1. This project is classified as a minor project per Rule Env-Wt 610.17(b)(1), for any dredging, filling, or construction activity, or any combination thereof that is not a major project, and will disturb 3,000 SF or more but less than 10,000 SF in the developed upland tidal buffer.
2. In accordance with RSA 483-B:11, alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer, provided the structure is not extended closer to the reference line and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property.
3. The project proposes to raze the existing nonconforming primary structure and rebuild a larger nonconforming primary structure within the waterfront buffer no closer to the reference line.
4. The project proposes to convert 700 square feet of impervious driveway and walkways into pervious surface by installing pervious pavers.
5. The project proposes to decrease the total impervious area by 904 square feet from 40.9% to 24.0%.
6. The project proposes to install stone drip edges to infiltrate stormwater and the proposal is not required to provide stormwater management per RSA 483-B:9, V(g).
7. The project proposes to restore approximately 740 square feet of waterfront buffer with natural vegetation plantings.
8. The Department finds that the proposal includes redevelopment of the property, such that the structures or the property are brought into greater conformity with the design standards of chapter RSA 483-B, therefore the property is more nearly conforming and the project meets the requirements of RSA 483-B:11.

[www.des.nh.gov](http://www.des.nh.gov)

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NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
TDD Access: Relay NH 1 (800) 735-2964

File Number: 2023-00463

April 5, 2024

Page 2 of 2

9. The Department 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.

In accordance with RSA 482-A:10, RSA 21-O:14, and Rules Ec-Wet 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, April 05, 2024.** 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) 271-3650.

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

Sincerely,



Kristin L. Duclos  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

Enclosure

Copied: Portsmouth Municipal Clerk/Conservation Commission  
Altus Engineering, Inc. c/o Erik Saari



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



Robert R. Scott, Commissioner

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**WETLANDS AND NON-SITE SPECIFIC PERMIT 2023-00463**

**NOTE CONDITIONS**

**PERMITTEE:** KATHRYN L/ STEPHEN A SINGLAR  
21 ELIOT ST  
EXETER NH 03833

**PROJECT LOCATION:** 43 HOLMES COURT, PORTSMOUTH  
TAX MAP #101, LOT #14

**WATERBODY:** PISCATAQUA RIVER

**APPROVAL DATE:** APRIL 05, 2024

**EXPIRATION DATE:** APRIL 05, 2029

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Based upon review of permit application 2023-00463 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

**PERMIT DESCRIPTION:**

Impact 4,650 square feet (SF) within the previously developed upland tidal buffer zone to demolish a nonconforming single-family residence with a driveway, patio and a walkway, to construct a more nearly conforming primary structure and associated site improvements including removing an existing impervious patio pathway and shed, and installing underground utilities, installing stone drip edges for stormwater infiltration, replacing the existing impervious driveway with pervious pavers, installing a pervious stepping stone walkway, and installing plantings within the waterfront buffer.

Impervious Surface Percentage Approved: Reduced to 24.0%  
Natural Woodland Area Required per RSA 483-B:9, V, (b): 0 SF.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:**

1. All work shall be done in accordance with the approved plans dated March 6, 2024, and revised through March 6, 2024, by Altus Engineering, Inc., received by the NH Department of Environmental Services (NHDES) on March 6, 2024, and the approved Planting Plan dated November 14, 2023, by Woodburn & Company Landscape Architecture, LLC, received by the NH Department of Environmental Services (NHDES) on January 23, 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 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. 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.
4. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15(c) in order to ensure compliance with RSA 483-B:9, V(g).

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5. The proposed infiltration drip trench shall be installed and maintained to effectively absorb and infiltrate stormwater in order to ensure compliance with RSA 483-B:9, V(g).
6. 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).
7. 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).
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
15. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
16. In accordance with Env-Wt 307.12(i), 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.
17. 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.
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 307.03(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.
20. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:**

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Kristin L. Duclos  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

**THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).**

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PERMITTEE SIGNATURE (required)

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PRINCIPAL CONTRACTOR SIGNATURE (required)







THE STATE OF NEW HAMPSHIRE  
WETLANDS COUNCIL

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION  
AND DAVID AND MARGARET WITHAM

Docket no. 24-06 WtC

NOTICE OF WITHDRAWAL

Please be advised that John K. Bosen, Esquire of Bosen & Associates PLLC hereby withdraws its Appearance as counsel for Jon and Joan Dickinson, Permittees, effective forthwith.

NAME AND ADDRESS OF PERMITTEES:

Jon and Joan Dickinson  
220 Walker Bungalow Road  
Portsmouth NH 03801  
[joan.dickinson@comcast.net](mailto:joan.dickinson@comcast.net)

Respectfully submitted,  
Bosen & Associates, PLLC

Date: April 10, 2024

By: /s/John K. Bosen, Esquire  
NH Bar #8129  
266 Middle Street  
Portsmouth NH 03801  
603-427-5500 ext. 111  
[jbosen@bosenandassociates.com](mailto:jbosen@bosenandassociates.com)

CERTIFICATION

I certify that a copy of the foregoing Appearance has, this date, been emailed and/or mailed to the parties on the attached Service List.

Date: April 10, 2024

By: /s/John K. Bosen, Esquire

## SERVICE LIST

Michelle A. Doucette (via email)  
Appeals Clerk -Department of Justice  
NH Wetlands Council  
PO Box 95  
Concord NH 03302-0095  
[appeals@des.nh.gov](mailto:appeals@des.nh.gov)

David and Margaret Witham and  
Sagamore Landing Condominium Association  
through their counsel (via email):  
John Mark Turner, Esquire  
Sheehan Phinney Bass & Green PA  
PO Box 3701  
Manchester NH 03105-3701  
[jturner@sheehan.com](mailto:jturner@sheehan.com)

Mary Ann Tilton, Wetlands Assistant Bureau Administrator (via email)  
NH Department of Environmental Services  
PO Box 95  
Concord NH 03302-0095  
[mary.a.tilton@des.nh.gov](mailto:mary.a.tilton@des.nh.gov)

Rene Pelletier, Director of Water Division  
Wetlands Bureau Administrator  
NH Department of Environmental Services  
PO Box 95  
Concord NH 03302-0095

Portsmouth Municipal Clerk  
1 Junkins Avenue  
Portsmouth NH 03801

Portsmouth Conservation Commission  
1 Junkins Avenue  
Portsmouth NH 03801

Martin & Cristina Kurowski  
212 Walker Bungalow Road  
Portsmouth NH 03801

Jon and Joan Dickinson (via email)  
220 Walker Bungalow Road  
Portsmouth NH 03801  
[joan.dickinson@comcast.net](mailto:joan.dickinson@comcast.net)



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



**Robert R. Scott, Commissioner**

April 12, 2024



STONE CREEK REALTY LLC  
DOUGLAS PINCIARO  
PO BOX 121  
NEW CASTLE NH 03854

**Re: Request for More Information – Shoreland Permit Application (RSA 483-B)**  
**NHDES File Number: 2024-00454**  
**Subject Property: 53 Green Street, Portsmouth, Tax Map #119, Lot #2**

Dear Applicant:

On April 12, 2024, the New Hampshire Department of Environmental Services (NHDES) Shoreland Program reviewed the above-referenced Shoreland Permit Application (Application). Pursuant to RSA 483-B:5-b, V(a), the NHDES Shoreland Program determined the following additional information is required to complete its evaluation of the Application:

1. Please provide documentation of field observations confirming that the location of the reference line in coastal waters defined by RSA 483-B:4, XVII,(b) as “the highest observable tide line [HOTL], which means a line defining the furthest landward limit of tidal flow, not including storm events, which can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks further flow of the tide,” was accurately located on the property.

If the primary building line setback per RSA 483-B:3 XIII will need to be moved landward to accurately reflect the location of the HOTL as a result of this request, then please revise the plans to maintain consistency with the primary structure setback requirements pursuant to RSA 483-B:9, II,(b).

2. The deed provided with the application is not consistent with the property owner provided on the application form. please revise the application to include the legal name of each property owner as it appears on the deed of record and the registry and book and page number where the deed is recorded as required in accordance with Env-Wq 1406.07(a) or provide a copy of the recorded deed with the current property owner as identified on the Shoreland permit application as required in accordance with Env-Wq 1406.12(a).
3. Please revise the plans involving work within the waterfront buffer to show the following for each segment of the waterfront buffer that will be impacted by the project in accordance with Env-Wq 1406.10(f):
  - a. The location and diameter of all existing trees and saplings, at least up to that which is sufficient to meet the point requirement specified in RSA 483-B:9, V(a)(2).
  - b. A designation of the trees to be cut during the project, if any, including the diameter of all trees and saplings at 4-½ feet from the ground; and the names of the existing species, using either the scientific names or common names.

If any grid will drop below the minimum standards required by RSA 483-B:9, V,(a),(2), then please submit a Waiver of the Minimum Standards Request Form as a part of the response to this letter and provide a waterfront buffer restoration plan prepared in accordance with Env-Wq 1412, as required to maintain consistency with RSA 483-B:9, V,(a)(2)(D).

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4. Supplementary documentation provided with the application identified 704 square feet (SF) within the natural woodland buffer while the Shoreland application worksheet provided in accordance with Env-Wq 1406.12(h)(3) indicates that the total area of the lot between 50 feet and 150 feet of the reference line within which the vegetation currently exists as natural woodland is 0 SF. Please address this discrepancy and revise the plans and application materials to maintain consistency with RSA 483-B:9, V,(b).
5. Please revise all plan sheets to show the location of the reference line (specifically the highest observable tide line [HOTL]), the 150-foot natural woodland buffer and the 250-foot protected shoreland as those terms are defined in RSA 483-B:4 as required in accordance with Env-Wq 1406.09(e).
6. Please revise the plans to include the dimensions and locations of all existing and proposed structures, impervious areas, disturbed areas, areas to remain in an unaltered state, and all other relevant features necessary to clearly define both existing conditions and the proposed project as well as the dimensions, locations, and descriptions of all proposed temporary impacts associated with completion of the project as required in accordance with Env-Wq 1406.09(g) and Env-Wq 1406.09(h).
7. The plans indicate that at least two different pervious technologies are being proposed as a part of this project, specifically, "grass pavers" and "porous pavement." Please revise the plans to include the dimensions of each individual pervious surface proposed and the specifications of how each unique pervious surface will be maintained as required in accordance with Env-Wq 1406.10(e).
8. Please provide certified mail receipts verifying that the governing body of the municipality in which the project will be located have been notified as required by Env-Wq 1406.12(f).

Pursuant to RSA 483-B:5-b, V(a), **this information must be received by the NHDES Shoreland Program within 60 days of the date of this request, or the Application will be denied.** Therefore, please submit the required information to the NHDES Shoreland Program as soon as practicable and no later than June 11, 2024. Please include NHDES file number 2024-00454 on your submission. Pursuant to RSA-B:5-b, V(b), the NHDES Shoreland Program will approve or deny the Application within 30 days of receipt of all required information, unless the time for rendering a decision on the application is extended for good cause and with the written agreement of the applicant pursuant to RSA 483-B:5-b, V(b)(3). If, after submitting the requested information, you would like to request an extension under this provision to allow for review of the materials to confirm that all required information has been provided please make a written request to the file that includes the reason for the extension and the length of the extension requested.

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

Sincerely,



Kristin L. Duclos  
Wetlands Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division

Copied: Portsmouth Municipal Clerk  
Tighe & Bond, Inc., c/o Neil Hansen  
CPI Management, LLC., c/o Rob Simmons



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



**Robert R. Scott, Commissioner**

April 12, 2024



STONE CREEK REALTY LLC  
DOUGLAS PINCIARO  
PO BOX 121  
NEW CASTLE NH 03854

**Re: Request for More Information – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)**  
**NHDES File Number: 2024-00453**  
**Subject Property: 53 Green Street, Portsmouth, Tax Map #119, Lot #2**

Dear Applicant:

On April 12, 2024, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau reviewed the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A:3, XIV(a)(2) and Rules Env-Wt 100 through 900, NHDES Wetlands Bureau determined the following additional information is required to complete its evaluation of the Application:

1. NHDES has denied the rule waiver request to Rules Env-Wt 603.08(a) and Env-Wt 603.08(b) as submitted with the application. The proposed primary structure is immediately adjacent to the 50-foot primary structure setback line; therefore, confirm the location of the highest observable tideline (HOTL) in accordance with Env-Wt 602.23 and depicted pursuant to Env-Wt 603.08 (a)(6), and provide the date, time of day, and weather conditions when water depths were recorded and the name and license number of the licensed land surveyor who conducted the field measurements as required to support how the water depth of the HOTL was determined in accordance with Env-Wt 603.08(b).

If the primary building line setback per RSA 483-B:3 XIII will need to be moved landward to accurately reflect the location of the HOTL as a result of this request, then please revise the plans to maintain consistency with the primary structure setback requirements pursuant to RSA 483-B:9, II,(b) as required in accordance with Env-Wt 610.05.

2. The deed provided with the application is not consistent with the property owner provided on the application form. Please either revise the application to include the information required by Env-Wt 311.04(a) and Env-Wt 311.04(b) for each property owner as it appears on the deed of record and the registry and book and page number where the deed is recorded or provide a copy of the recorded deed with the current property owner as identified on the Wetland permit application as required in accordance Env-Wt 311.06(e).
3. The plans indicate that the proposed impacts will be taking place within 10 feet of the shared property lines with Portsmouth Tax Map #119, Lot #3, Portsmouth Tax Map #123, Lot #15, and Portsmouth Tax Map #124, Lot #10. Please either revise the plans to clearly show that the proposed impacts will be taking place at least 10 feet from all shared property lines as required in accordance with Env-Wt 307.13(b) or provide the written consent from all abutting property owners where impacts will occur within 10 feet of the shared property line as required in accordance with Env-Wt 307.13(d) as a part of the response to this letter.
4. Please revise the plans involving work within the waterfront buffer to show the following for each segment of the waterfront buffer that will be impacted by the project in accordance with Env-Wt 610.06, Env-Wt 610.04(k), and Env-Wq 1406.10(f):

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TDD Access: Relay NH 1 (800) 735-2964

- a. The location and diameter of all existing trees and saplings, at least up to that which is sufficient to meet the point requirement specified in RSA 483-B:9, V(a)(2).
- b. A designation of the trees to be cut during the project, if any, including the diameter of all trees and saplings at 4-½ feet from the ground; and the names of the existing species, using either the scientific names or common names.

If any grid will drop below the minimum standards required by RSA 483-B:9, V(a)(2), then please submit a Waiver of the Minimum Standards Request Form as a part of the response to this letter and provide a waterfront buffer restoration plan prepared in accordance with Env-Wq 1412, as required to maintain consistency with RSA 483-B:9, V(a)(2)(D) in accordance with Env-Wt 610.08.

5. Plan sheet C-103 titled "Grading, drainage, and erosion control plan" identifies a bank stabilization area adjacent to tidal waters. Please revise the plans and application materials to include all additional permanent and temporary impacts required for the bank stabilization portion of the project and provide all additional information required for tidal shoreline bank stabilization projects in accordance with Env-Wt 609, as well as any additional information and revised application fees required in accordance with Env-Wt 300.
6. The plans indicate that at least two different pervious technologies are being proposed as a part of this project, specifically, "grass pavers" and "porous pavement." Please revise the plans to include the dimensions of each individual pervious surface proposed and the specifications of how each unique pervious surface will be maintained as required in accordance with Env-Wq 1406.10(e) and Env-Wt 610.04(j).
7. Please revise the plans to include the dimensions and locations of all existing and proposed structures, all existing and proposed impervious areas as required in accordance with Env-Wq 1406.09(g) and Env-Wt 610.04(d).
8. Please revise the plans to identify the specific wetland resource types and their locations on the property using the Cowardin classifications as required in accordance with Env-Wt 406.06(b) and Env-Wt 311.05(a)(13).
9. Please revise all plan sheets to show the location of tidal datum lines, specifically the HOTL, depicted as a line with the associated elevation noted based on NAVD 88, as required in accordance with Env-Wq 1406.09(e), Env-Wt 311.09(d), and Env-Wt 603.07(b)(2).
10. Please revise all plan sheets to include the location of the limits of the 150-foot natural woodland buffer and the 250-foot protected shoreland as those terms are defined in RSA 483-B:4 as required in accordance with Env-Wq 1406.09(e) and Env-Wt 610.04(c).
11. In accordance with Env-Wt 603.08(a)(7) please depict the predicted sea-level rise as identified in the vulnerability assessment in Env-Wt 603.05 and identify areas of the proposed project site subject to flooding from the selected sea-level rise projection as required in accordance with Env-Wt 603.05(d).

Please submit the required information as soon as practicable. Pursuant to RSA 482-A:3, XIV(a)(2), **the required information must be received by NHDES Wetlands Bureau within 60 days of the date of this request (no later than June 11, 2024), or the Application will be denied.** Should additional time be necessary to submit the required information, an extension of the 60-day time period may be requested. Requests for additional time must be received prior to the deadline in order to be approved. In accordance with applicable statutes and regulations, the applicant is also expected to provide copies of the required information to the municipal clerk and all other interested parties.

Pursuant to RSA 482-A:3, XIV(a)(3), NHDES Wetlands Bureau will approve or deny the Application within 30 days of receipt of all required information, or schedule a public hearing, if required by RSA 482-A or associated rules.

[www.des.nh.gov](http://www.des.nh.gov)

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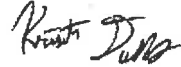
File Number: 2024-00453

April 12, 2024

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

Sincerely,



Kristin L. Duclos  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

Copied: Portsmouth Municipal Clerk/Conservation Commission  
Tighe & Bond, Inc., c/o Neil Hansen  
CPI Management, LLC., c/o Rob Simmons

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