

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

4:00 P.M.

May 8, 2024

AGENDA

I. APPROVAL OF MINUTES

1. April 10, 2024

II. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 50 Andrew Jarvis Drive
City of Portsmouth, City of Portsmouth School Department, Owners
Assessors Map 229 Lot 3 and Map 221 Lot 2A
2. 89 Cliff Road
Francoise & Richard Kinney, Owners
Assessors Map 223 Lot 9
3. 346 Pleasant Street
Mark H. Wentworth Home, Owner
Assessor Map 109 Lot 10

III. OTHER BUSINESS

1. Commission Member Updates

IV. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_Yolrg3EJTta53ASZrM8dtA#/registration

**REGULAR MEETING
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1 JUNKINS AVENUE
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EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

4:00 P.M.

April 10, 2024

MINUTES

MEMBERS PRESENT: Chair Samantha Collins; Vice Chair Barbara McMillan; Members; Lynn Vaccaro, Jessica Blasko, Stewart Sheppard, Adam Fitzpatrick; Alternates; Talia Sperduto, Brian Gibb

MEMBERS ABSENT: Alice Carey

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

[6:29] Chair Collins opened the meeting.

I. APPROVAL OF MINUTES

1. March 13, 2024

[6:55] J. Blasko made a motion to approve the minutes as presented. Vice Chair McMillan seconded the motion. The motion passed unanimously (6-0).

II. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. 224 Broad Street, Unit 3
Perkins Kwoka Joint Revocable Trust, Katelyn E. & Rebecca P. Kwoka Trustees,
Owners
Assessor Map 131, Lot 13

[7:29] Rebecca Perkins Kwoka came to present this application and noted that they left off the last time with feedback requested from the Commission. This included a planting plan, the location of the perforated drainage pipe and its outlet, along with proposed grading elevations. The most recent plans have since been revised to include these pieces of information.

[9:12] Commission Members Vaccaro and Sheppard arrived.

[9:35] J. Blasko made a motion to recommend approval of the application as presented. Vice Chair McMillan seconded the vote. Vice Chair McMillan thanked the applicant for the details included and the native species included within the planting plan. The motion passed

unanimously (7-0) with S. Sheppard abstaining from the vote.

[10:45] Chair Collins announced that B. Gibb would be voting in place of A. Carey in her absence.

III. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

0 Maplewood Avenue
City of Portsmouth, Owner
Assessors Map 124, Lots 2 – 3

[11:01] Chair Collins announced this application and noted that the applicant should present both their WCUP and NHDES application at this time.

[13:15] Dan Rochette of Underwood Engineers, came to present this application with David Desfosses (City of Portsmouth), Jake Stoddard (Underwood Engineers) and Tom Ballestero (UNH Salt Marsh Consultant). Mr. Rochette proceeded to explain the City sewer separation project and the resulting salt marsh restoration project via a PowerPoint presentation. The existing drainage system that currently outfalls into the North Mill Pond is undersized and needs greater capacity to be able to handle increased stormwater. This work is part of an EPA consent decree to separate storm water and sewer services. An additional pipe is proposed to be placed adjacent to the existing, this will include a reconstructed headwall to accommodate a second pipe, increased flow capacity, relocated headwall that will now be closer to shore, treatment to reduce nutrient loading and restoration of a previously degraded salt marsh area adjacent to the headwall. It was noted that all the pipe installation within the buffer will be noted as temporary impacts on their final NHDES plans. The applicant is also awaiting a response from the NH Fish and Game department regarding the NHB review which noted the presence of American Eel in the area.

[30:03] Chair Collins asked who would be performing the post-construction monitoring of the marsh restoration. Mr. Rochette noted that it would be a third-party wetland scientist. Chair Collins asked for clarification on what would be in the operations and maintenance manual and when it would be created if it hasn't already. Mr. Rochette noted that it had not been finished and would include maintenance such as debris removal, cleaning the rack line, and ensuring plant survival.

[32:20] Mr. Ballestero noted that the Cutts Cove marsh restoration was a good example for maintenance as they have had to replant three times due to geese. For the operations and maintenance plan the wetland scientist will often oversee assessing the plantings, the species and the status of their density. He went on to describe the maintenance of other similar sites in the area as well as impacts from sea level rise that could occur.

[34:16] L. Vaccaro asked how the salt marsh plants would be planted – whether they would be plugs or sod planting. Mr. Ballestero responded that they had not yet decided what to use but it would likely be the plugs. He went on to describe the difference between the two and their abilities to survive in different conditions.

[35:59] S. Sheppard asked if there had been any coordination between this project and the Maplewood Avenue Bridge project. Mr. Desfosses responded that while the projects will be close to one another, they do not believe there will be any interaction between the two of them. The alcove of the proposed site was chosen due to its low velocities which could prove to help with the success of the marsh establishment.

[37:16] Vice Chair McMillan asked what the timing of the project would look like. Mr. Rochette responded that they had not yet decided on the best time for planting but had identified the summer of 2025 as an option unless other seasons are better suited for marsh planting.

[38:22] Vice Chair McMillan asked about the existing access for people to get to the site and wondered if fencing is going to be installed for geese, if there could also be signage for people. Mr. Rochette noted that they could do educational signage to note how sensitive the area is.

[39:37] L. Vaccaro asked how thick the fill would be at its thickest point. Mr. Rochette responded that he believed it would be around 2.5 feet. L. Vaccaro followed up with a question about their conversations with NHDES and how fill impacts the discussions. Mr. Rochette responded that fill hadn't come up as a topic of concern, mostly they focused on the overall layout of the marsh and how to build it, especially with the sill face. NHDES had noted to the applicants that because they were trying to re-establish a marsh in this area, they would be amenable to using stone stabilization for keeping the marsh up.

[43:28] Vice Chair McMillan asked what it entailed to eliminate the existing drainage swale. Mr. Rochette explained that they plan to regrade the existing swale so that the berm becomes a constant height all the way across the edge of the site so water cannot go up and over it. All the water flowing through the lot will now be directed into a catch basin for treatment. The existing area that is eroding will be part of the new marsh. Vice Chair McMillan asked what the plan was for planting in the buffer areas that are above the new pipe if there would need to be maintenance down the line. Mr. Rochette noted that he hadn't considered what plantings would go there but usually they would try to establish turf in areas such as this. Vice Chair McMillan noted that it should probably be replaced with something that is not just turf but more of a conservation or wildflower mix which the applicant is amenable to.

[47:24] L. Vaccaro mentioned that there is going to be stormwater treatment more upstream will be designed for treating something along the lines of the first ½" or 1" of a rainstorm, whereas we get above and beyond that with our current storms. She wanted to know what the rationale is for not choosing a larger sized stormwater pipe. Mr. Rochette noted that this was a standard decision for stormwater guidelines in what is called a 'first flush' style treatment. The proposed treatment units will also help to slow down the flow and what is proposed is consistent with what has been installed around the City recently. Mr. Ballestero also answered the question about rainfall depths and which stormwater designs work best in this area.

[53:57] S. Sheppard asked what the risk was of having to come back and redesign the stormwater system in ten years if we continue to get increased moisture in the air and heavier storms. Mr. Ballestero responded by discussing how the climate extremes are changing, not necessarily the medians for rainfall depth or storms. He went on to explain that most of the pollutants come in

with the first ½” to 1” of stormwater which is what they will continue to size their treatment systems for.

[55:57] Vice Chair McMillan made a motion to recommend approval of the wetland conditional use permit with the following stipulations:

1. *In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. These markers shall be placed along the 25’ vegetative buffer at intervals of every 50’ along the City-owned property. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department. In addition to the wetland boundary markers, an educational sign describing the project shall be installed near the restoration area and fencing should be utilized to keep disturbances such as dogs and geese from the area.*
2. *A long-term maintenance schedule and plan be included in the permit application and submitted to the Planning & Sustainability Department that commits to long-term maintenance of the marsh restoration area and a commitment to ensuring a marsh migration pathway for marsh adaptation impacts from climate change on City-owned land.*
3. *A note will be added to the plans stating that all soil and plant material excavated on site shall be removed and disposed of off-site, as recommended by the TES Environmental Consultants LLC report.*
4. *All necessary approvals from involved property owners will be acquired prior to the issuance of a City building permit and prior to any associated approvals from the New Hampshire Department of Environmental Services.*
5. *A conservation seed mix or other appropriate native species seed mix and/or plantings shall be used for surface areas disturbed by the pipe installation within the wetland buffer.*

[58:40] J. Blasko asked if the cemetery committee had any involvement with this project. K. Homet responded that they have their own project that involves replacing a section of the retaining wall along the graveyard adjacent to the restoration site. Mr. Desfosses noted that the applicant team has been working in tandem with the cemetery committee to restore that area.

[1:00:10] Chair Collins expressed her excitement for the project and noted that it could be a great example of success for other marsh projects in the area. A vote was called. The motion was approved unanimously (7-0).

[1:00:51] Vice Chair McMillan made a motion to move the NHDES application for 0 Maplewood out of order and hear it next. J. Blasko seconded the motion. The motion passed unanimously (7-0).

IV. STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)

1. Dredge and Fill – Major Impact
0 Maplewood Avenue
City of Portsmouth, Owner
Assessors Map 124, Lots 2 – 3

[1:01:18] S. Sheppard made a motion to recommend approval of the NHDES application with the same stipulations as the wetland conditional use permit. B. Gibb seconded the motion. The motion passed unanimously (7-0).

2. Dredge and Fill – Major Impact
Public Service Company of NH, d.b.a Eversource Energy, Owner
Map 121 Lot 1, Map 165 Lot 14, Map 213 Lot 11, Map 214 Lots 1, 2, and 3, Map 216
Lots 1-10 and 1-11, Map 240 Lot 2-1, Map 259 Lots 1 and 15, Map 278 Lot 1, Map 280
Lot 3, and Map 281 Lot 1

[1:01:53] Chair Collins introduced this application.

[1:02:14] Conor Madison of GZA Environmental came to present this application as a consultant for Eversource. Also present was Jeff Jackson from Eversource's Community Relations division. He noted that they presented back in February to present their conditional use permit for the same exact project and have since started working with the Planning Board to complete that. He gave a brief recap of the project and the proposed impacts.

[1:06:44] Vice Chair McMillan mentioned that she had trouble accessing Appendix D and could not find it in the submitted packet. It referenced an NHB report and the presence of blanding turtles. Mr. Madison noted that the appendix was the NHB Data Check which had just recently been updated to look for yellow tufted loosestrife and hairy-fruited sedge. Nothing was found in the right-of-way. Another update was performed where they are now required to go out and survey for American reed and great bay reed in addition to the rest. They now have Fish and Game recommendations for reptiles and training for blanding turtle interactions and surveying.

[1:09:23] S. Sheppard made a motion to approve the Eversource Standard Dredge and Fill permit as presented. A discussion ensued about previous stipulations put onto the conditional use permit. L. Vaccaro seconded the motion. The motion passed unanimously (7-0).

3. Dredge and Fill- Minor Impact
333 New Castle Avenue
Kimberly and Thomas Lyng, Owners
Assessor Map 207, Lot 2

[1:10:57] Chair Collins introduced this application.

[1:11:08] Steve Riker from Haley Ward came to present this application on behalf of the property owners. He noted that the application was improperly labeled as a Minor Impact and was, in fact, a Major Impact permit. He then went into detail about the proposed project which includes the removal of the existing tidal dock and the replacement with a larger dock. This proposed new dock will have a 4 x 12' accessway, a 4 x 20' pile supported fixed pier, a 3 x 20' aluminum gangway and a 10 x 20' float secured by helical moorings. He went on to describe the proposed elevations, impacts from sea level rise and tidal cycles, and how the dock will be constructed.

[1:17:40] Chair Collins asked that no lighting be used on the dock. Mr. Riker responded that he could place a note on the plans indicating this.

[1:17:59] T. Sperduto asked the applicant if he could explain more about why the proposed dock required an extension out into the water. Mr. Riker noted that extending it would provide the owners with a little bit more use of the dock during the tidal cycles. T. Sperduto asked what the reasoning was for the angle of the dock. Mr. Riker mentioned that there was some existing ledge located out in the water, so they were trying to accommodate space between the float and the ledge to avoid running aground in a boat.

[1:19:36] Chair Collins asked if there was a calculation for the percent of tidal cycle that's usable now with the current dock vs. with the proposed dock. Mr. Riker responded that when he did the math it works out to be about an extra 1.5' for every hour in the tidal cycle. Chair Collins noted that the proposal was a substantial increase in length and noted that you should be getting an increase with that extra length. Mr. Riker noted that if they proposed a shorter length such as 10' shorter, they would lose 1' of depth.

[1:21:31] S. Sheppard asked what the use of the dock would be. Mr. Riker mentioned it would be residential use as a seasonal structure and would likely be able to only fit about two boats.

[1:22:29] Vice Chair McMillan asked the applicant if they could tell the homeowner that it would be great if they could put some wetland plantings along the bank and that they appeared to have a sump pump pipe coming from the basement and outletting to the river, which is not okay because a large storm even could make that into a contaminant issue.

[1:23:47] A. Fitzpatrick asked if there was a structure that they could put on either side of the dock for boats tied up but stuck in the mud. Mr. Riker said no, there was not.

[1:25:25] S. Sheppard made a motion to recommend approval of the NHDES permit with the following stipulations:

1. *Applicant consider adding native plantings to the shoreline area for bank stabilization purposes.*
2. *The proposed dock shall not be lit.*

[1:26:01] J. Blasko seconded the motion. The motion passed unanimously (7-0).

V. WORK SESSIONS

1. Proposed Redevelopment
100 Durgin Lane
Assessor Map 239, Lot 18

[1:26:23] Chair Collins introduced the work session.

[1:27:10] Brett Benson (architect), Patrick Crimmins (Tighe and Bond), Nick Aceto (landscape architect), Brenden Quigley (wetland scientist) and Andrew Hayes (owner representative) came to present this work session. Mr. Benson proceeded to go through a presentation which framed the project and the proposed changes to the site. He highlighted the site surroundings, development objectives, the existing access, utility and infrastructure easements, and the wetlands and their corresponding buffers. They are proposing 360 market-rate apartments on this lot through a mixture of three-story and four-story buildings, a community building and community space with an associated 567 parking spaces. Mr. Crimmins proceeded to give details about the zoning regulations and how they were planning to comply with the City's zoning, along with stormwater management, wetland, and impervious plans for the site. Mr. Aceto gave a description of their proposed site layout and how they are being driven by community space and green space. They are proposing a slight exceedance of their required community space. He went on to describe in detail the landscaping and proposed planting zones.

[1:42:00] J. Blasko asked if the applicants were considering solar panels, solar canopies, or EV chargers on the development. Mr. Benson responded that they were studying all those components as a possibility for the site. J. Blasko asked if there had been any consideration for workforce housing or other types of housing compared to just market rate. Mr. Hayes responded that they had looked at different housing types and decided to settle on two different building heights which he stated could accommodate a wider variety of the population. He noted that within this zone they are allowed by right to have up to 56 more units but are choosing not to balance other components of the project.

[1:44:10] Chair Collins asked what the community building would be used for. Mr. Hayes responded that the residential community building will be for residents and will have mailboxes, package pick up, the leasing office, a likely fitness center, a gathering space. He corrected that the exterior space is the community space. There is no interior public building.

[1:45:04] Chair Collins asked what the applicants meant by no fuel combustion will be on-site. Mr. Hayes confirmed that everything will be electric.

[1:45:20] Vice Chair McMillan asked about the roadway proposed for the backside of the site for additional access. Mr. Hayes responded that their initial need for that revolved around thinking about life safety for the rear buildings, they also are proposing it for traffic and reducing points of congestion on the property. Vice Chair McMillan asked if they could move that road out of the buffer, the property already has excessive pavement within the buffer and in the wetland. She wanted to know if they had thought about a less impactful method for placing the road where it

would not impede into the buffer like it is proposed. Mr. Hayes responded that they had studied that but had decided to limit the net impact overall of impervious within the buffer. They will follow up with a diagram showing the change to impacts.

[1:49:02] Chair Collins asked if the applicants had considered changing any of the surface parking to alternative forms of parking such as underground structures. Mr. Hayes said they did investigate underground parking but determined it was not feasible due to the economics of buildings at the proposed scale. They also were trying to create the feeling of a residential neighborhood which underground parking may interfere with.

[1:49:58] Chair Collins stated that she would like to see the net impervious within the buffer be either non or a negative number. She noted that their purview was to really reduce or eliminate impacts to the buffer and that it was up to the applicants to change their proposal to meet that reduction, whether that means changing parking, moving the roadway, or reducing building sizes etc. She also noted that the community space being in and amongst the buildings creates the potential for a space that feels unwelcoming to the public and more private. She wondered if they could consider moving or adding space to the perimeter of the buildings which could help to protect the buffer and create a more inclusive-feeling space. Mr. Hayes responded that they were well-received comments and went on to respond to their options.

[1:52:30] Vice Chair McMillan noted that the intensity of use of the site as it is proposed will be much more intense compared to what it is now. She explained that the intensity will impact the wetland, especially with more lighting, car traffic, foot traffic, etc. She stated that there was more than just the impervious area to consider. My. Hayes responded by noting that the level of traffic impacts will be a meaningful decrease across the weekdays compared to the current retail use. Mr. Crimmins noted that a trip generation report was included in the packet which shows the reduction of traffic with the proposal.

[1:54:58] T. Spurduto asked how the applicants had come up with the potential community space type options and noted that some of the options could be more beneficial for this proposed area compared to others. Mr. Hayes noted that those community space types are subject to change and that they are really looking for feedback from the boards on that.

[1:55:59] S. Sheppard asked if they had considered walkways or bile paths when thinking about these spaces. Mr. Hayes answered that yes, they had considered it and are working it into their planning of how people interact with this site. S. Sheppard followed up with a concern for the manicured nature of the space with lawn and the potential lack of diversity and water absorption. He asked if the applicants would be open to considering more gardens without lawns/grass which could provide an opportunity to reduce pesticide use. Mr. Aceto responded that they have not yet differentiated between lawn and native meadow plants because they would like to pull that native vegetation in throughout the site. The larger communal spaces will be reserved for lawn.

[1:58:31] Vice Chair McMillan asked for clarification on the greenspace proposed for wetland and on the slope of the buffer, Mr. Aceto clarified that there would be more meadow plantings than lawn in that corner near the wetland. Vice Chair McMillan asked for clarification on where the dog park would be that someone had mentioned at the site walk. She noted that it would not

be ideal to locate it close to the wetlands. Mr. Aceto noted some alternate areas where it could be placed.

[2:00:46] Vice Chair McMillan made a recommendation that the Commission or the City requires a third-party delineation of the wetlands. Mr. Crimmins noted that they were already in the process of setting up third party reviews for other aspects of the project and they would be happy to get that done before they come back for another meeting so that they do not waste anyone's time. Peter Britz introduced himself and stated that typically, if applicants do not agree to do it in advance, then we could require it usually at the Planning Board process. It will probably help the applicants with their timeline to do it now.

[2:02:59] Vice Chair McMillan stated that she felt very strongly about the proposed roadway going to the back along with the existing rain gardens and she felt as though any new impacts to the buffer would not be acceptable as the existing site today would never be permitted with all its impacts. She also noted that the applicants should investigate or address the roadway leading to Motel 6 that currently goes through the wetland and the rough shape it is in. If it is not addressed with this project, then it could have an impact later after everything is built with new permits.

[2:04:40] L. Vaccaro noted her appreciation for the graphics and labeling and noted that it was exactly what they needed at this stage as a work session. She also commented on the fact that the proposal calls for the removal of the current pavement on site and the applicants should honor the 100' buffer because in essence, they are really starting from scratch in terms of impervious surface because it is being removed first. Additionally, she wondered if there could be another access road on the other side of the lot, by the Hampton Inn. Mr. Hayes responded that they would take into consideration all their comments and there exists a significant grade change on that other side of the lot which would make it difficult to provide an accessway there.

VI. OTHER BUSINESS

1. Lonza Volunteer Day

[2:06:51] K. Homet spoke to this other business item and noted that a group of volunteers from Lonza reached out and wanted to help with some trail clearing and maintenance activities. The group will be cleaning up a trail at the Great Bog on May 9th from 9 a.m. to noon and Peter Britz and Kate Homet will be heading to the site soon to assess how much work is needed. If any commissioners would like to join for the cleanup or trail marking, they were more than welcome to.

2. Sustainability Fair April 14th

[2:08:08] J. Blasko did a final announcement for the upcoming Sustainability Fair and announced all the activities, food and vendors that would be there. L. Vaccaro noted that she would be helping with the Conservation Commission table and if anybody wanted to come and table with her for a bit, they were welcome.

2:09:13] S. Sheppard asked for clarification on the Commission member renewal process and how he goes about getting approved for another term. K. Homet noted that he will need to send a letter of renewal to the City Clerk. On another note, S. Sheppard also mentioned that there was a City housing committee meeting tomorrow night if anyone was interested.

VII. ADJOURNMENT

The meeting adjourned at 6:04 p.m.

DRAFT

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Associate Environmental Planner
CC: Peter Britz, Planning & Sustainability Director
DATE: May 3, 2024
SUBJ: May 8, 2024 Conservation Commission Meeting

**50 Andrew Jarvis Drive
City of Portsmouth, Owner
Assessors Map 229 Lot 3 and Map 221 Lot 2A**

This application is for the conversion of an existing practice field into a more formalized baseball and softball practice field. This conversion proposes the addition of an 800 s.f. batting cage, and a 40' wide backstop with posts driven into the ground, and the removal of approximately 800 s.f. of existing grass for replacement with an infield mix of clay, sand and silt. All of this work will occur within the 100' wetland buffer, with additional grass removal and infield mix placement outside the 100' buffer.

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

This area is already heavily used as a recreation area for high school students and other recreation leagues. The addition of baseball/softball equipment will allow for more teams to utilize the space.

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

While there is an alternative location in this area that would create minimal disturbance and be outside the buffer, it would create a safety hazard due to its proximity to buildings and parking areas. The chosen location within the buffer is already used as a recreational field and it does not receive any harmful maintenance such as fertilizer or chemical use, only occasional mowing. The conversion to a baseball/softball field will not change how the buffer has been used historically.

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

The infield mix proposed for the new field will be a permeable mix that should not have a noticeable impact on infiltration within this buffer area. The adjacent wetland is well forested and should not see an impact from this field conversion.

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

The only vegetation proposed to be removed is a portion of existing grass lawn. This will be replaced with a permeable sand/silt/clay infield mix.

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

This proposal minimizes impacts to the buffer by proposing a permeable infield mix and minimal permanent equipment. On-site alternatives would require greater disturbance to areas that are not already used as recreational fields.

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

No work is proposed within the 25' vegetated buffer.

Recommendation: Staff recommends **approval** of this wetland conditional use permit to the Planning Board with the following stipulation:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.

**89 Cliff Road
Francoise and Richard Kinney, Owners
Assessors Map 223 Lot 9**

This is an application for an after the fact wetland conditional use permit for violations within the City's 100' wetland buffer. The applicant had constructed a three-season porch, an outdoor deck and a concrete landing pad without permitting, of which 225 s.f. was built within the buffer. There is 4,875 s.f. of buffer on this property from the wetland that sits across the street. After the applicant was informed of the violation, they proceeded to develop a wetland conditional use application which proposes mitigating their permanent buffer impacts with the installation of a french drain, the planting of native shrubs and bushes, the installation of a rain garden, and the introduction of a micro clover lawn in replacement of grass. The construction of the deck and three-season room also included the addition of crushed stone underneath the deck to improve stormwater flow along with the removal of the septic system to enhance ground water quality on the property.

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

The applicant already constructed these structures without permits. The majority of these additions are outside of the wetland buffer, with just 225 s.f. of permanent impact in the buffer, with plans to control stormwater on site more proactively with adjustments to plantings and drainage in the buffer.

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

While the structure has already been constructed, the majority of the new impervious is already outside of the buffer.

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

The site as it exists appears to infiltrate on site stormwater, if it does not infiltrate, then it likely pools in the low spot of the yard without impacting abutting properties. The new additions will likely increase roof runoff but the installation of crushed stone and the proposal for a french drain and plantings should help to increase on site infiltration.

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

While the 225 s.f. of buffer has already been altered, the applicant proposes transforming the existing lawn into micro clover or a similar groundcover, introducing new plantings along the addition, and installing a rain garden within the buffer which will increase vegetation and improve stormwater quality.

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

The applicant is proposing to reduce the 225 s.f. of buffer impacts by installing 69 s.f. of shrubs alongside the addition, installing a 134 s.f. rain garden, and converting the entire back lawn to a non-grass groundcover.

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

In this case, the vegetated buffer has not been disturbed, only the area within 75-100' from the wetland.

Recommendation: Staff recommends **approval** of this after the fact wetland conditional use permit to the Planning Board with the following stipulations:

1. The applicant shall provide a cross section, dimensions and exact location of the proposed rain garden, and will also include a list of the plants to go in it.
2. The applicant shall provide a planting plan or list of plants to be installed within the buffer as part of this application. This should include, at the least, plant species, number of each plant, size at time of planting, and location of install.
3. The applicant shall show on plans where the proposed roof gutters will outlet and how roof runoff will enter into the french drain and/or the rain garden.
4. Applicant shall provide dimensions of the french drain.

**346 Pleasant Street
Mark H. Wentworth Home, Owner
Assessors Map 109 Lot 10**

The application is to replace an existing wooden fence, in kind, along the back of the property which bumps up against the South Mill Pond. The existing fence is almost completely within the 100' tidal buffer and portions are within the 25' vegetated buffer. The existing wooden fence will be removed, and the new vinyl fence will be installed with sleeves over steel posts. The post holes will be hand dug and backfilled by hand to eliminate the need for heavy equipment within the buffer. This replacement project will have approximately 200 s.f. of impact within the buffer, with 10 s.f. of permanent impact below ground with the posts and 500 linear feet of permanent impact from the fence.

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

This fence already exists and the replacement would be in the same location. The existing fence is in various stages of disrepair and needs replacement for safety and aesthetic reasons.

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

As residents use this backyard for recreation and other benefits, the area must continue to be fenced in. There is no other feasible area on the property that can accommodate an outdoor space for the residents.

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

This application proposes a complete replacement of the fence by hand, which will greatly reduce impact on soil disturbance and buffer disturbance.

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

No vegetation is proposed to be removed with this construction, only minor pruning if necessary to disentangle vegetation from existing fencing.

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

The applicant could either leave the fence to rot further, but that would only increase the safety hazard. The applicant could also use machinery and/or concrete to install the fence posts which could have a much greater impact to the buffer and pond. The proposal to do this work by hand is the alternative with the least adverse impact to replace the existing fence.

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

While a portion of the fencing will be replaced within the 25' vegetated buffer, the applicant has stated that no vegetation shall be removed as part of this project, only pruned if necessary.

Recommendation: Staff recommends **approval** of this wetland conditional use permit to the Planning Board with the following stipulation:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.



Portsmouth School Department - SAU 52

City Hall, 1 Junkins Ave. Suite 402
Portsmouth, NH 03801

Date: April 9, 2024

To: Wetland Conservation Committee

From: Ken Linchey, Director of Building's and Ground's

Re: Tennis Courts Walkthrough Questions

The Portsmouth High Schools Athletic Department is requesting permission to enhance the usage of one their practice fields. The softball and baseball teams are always juggling field usage between the high school fields, Granite Street softball field, Leary field, and Cough field. Making changes to this practice field will allow some relief to the scheduling and practice needs for all of Portsmouth School programs.

Project details:

- Remove 3" of sod & loam to create a skinned infield diamond.
- Replaced skinned area with a native infield softball/baseball infield mix. The mixture is made up a clay, silt, and sand.
- Installation of a backstop that would minimize softballs from being hit into the wetland.
- Backstop installation would consist of driving posts into the ground vs using concrete.

In summary, we evaluated how can we accommodate all of our programs within the original field structure year-round. We believe that this is just a slight adjustment with how we layout our field usage within the existing field structure.

Sincerely'

Ken Linchey

Ken Linchey
Portsmouth School Department
Director of Building's & Ground's

"THE PURPOSE OF THE PORTSMOUTH SCHOOLS IS TO EDUCATE ALL STUDENTS BY CHALLENGING THEM TO BECOME THINKING, RESPONSIBLE, CONTRIBUTING CITIZENS WHO CONTINUE TO LEARN THROUGHOUT THEIR LIVES,"

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1 JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE 03801 • (603)431-SOSO • FAX(603)431-6753



221-2A

185 Feet

Batting Cage

Remove 75' of soil and infill with infield mix. Base paths need to be 60' Install backstop fence

Softball Field

75 Feet

75 Feet

65 Feet

Unsaved Markup

43.059267,-70.762268

Map navigation controls including zoom in (+), zoom out (-), person icon, and book icon.



Unsaved Markup

14 April 2024

Ms. Samantha Collins, Chair

Portsmouth Conservation Commission

RE: After-the-fact Wetland Conditional Use Permit Application

Dear Ms. Collins:

We purchased our new home at 89 Cliff Road in the summer of 2022. With the blessing of having our three children and spouses settle in the area over the past several years, we set out to create space for family gatherings: a covered three-season porch with an adjoining outdoor deck.

It has recently come to our attention that part of our property is subject to a wetland buffer, and that a portion of said structures intrude on this wetland buffer. Specifically, a 32 square foot corner of the three-season porch; 154 square feet of the outdoor deck; and an additional 39 square feet consisting of a concrete pad where stairs will land. This totals 225 square feet of impact on the wetland buffer, which itself encompasses 4,875 square feet of our property.

It is our understanding this wetland buffer is intended to preserve the health of a pond which is kitty-corner to our lot, across Walker Bungalow Road. The edge of the wetland bordering this pond is approximately 87 feet on the diagonal from the corner of the previously noted concrete pad.

To mitigate any disturbance our deck and porch may have on the wetland buffer, we propose to undertake the following actions with the aid of outside professionals:

1. Installing a French drain along the east side of our three season porch.
2. Planting shrubs and bushes just to the east of this French drain encompassing an area of approximately 69 square feet. The shrubs and bushes will be selected from the pdf provided by the Portsmouth Planning & Sustainability Department: "Native Plants for NH ME VT".
3. Installing a "rain garden" of approximately 134 square feet. The plants will be selected from the pdf provided by the Portsmouth Planning & Sustainability Department: "Native Plants for New England Rain Gardens".

4. Replacing existing grass that covers most of the wetland buffer with micro-clover.

Finally, please note that no trees or shrubs were removed as a result of this project, other than a few hostas and hydrangeas; the outdoor deck boards are gapped at 3/8" to facilitate water flow; the ground beneath and at the perimeter of both the three-season porch and adjoining outdoor deck was covered with stone to infiltrate rain more slowly, i.e., prevent ground erosion; we recently abandoned our septic system and connected to the new sewer system installed on Walker Bungalow, enhancing ground water quality.

Thank you for your consideration of this Application. We look forward to working with the Conservation Commission to address any concerns you might have and welcome your guidance.

Richard M. Kinney

Francoise Kinney



Conservation Commission Chair
City of Portsmouth Conservation Commission
1 Junkins Ave
Portsmouth, NH 03801
April 21st, 2024

To the attention of the Chairperson for the Conservation Commission:

We, Wentworth Senior Living at 346 Pleasant St, in an effort to meet the standards and expectations of the residents and families we serve, find it is time to replace the existing fence enclosing our garden area. The fence is a necessity in allowing our residents to maintain independence for longer, as it gives a definite border to a safe space. The fence's edge currently stands at approximately 20ft within the 25ft vegetated buffer along North Mill Pond, which disqualifies the project from seeking a Wetland Conditional Use Permit exemption. Being so, we request a Wetland Conditional Use Permit to perform this project.

The scope of this project is to remove the existing painted cedar fence, installed in 2015, with a longer lasting vinyl material with the same aesthetic and same footprint. Installation is to be conducted with a no-dig, no-aggregate method. The new posts will use the existing post holes with the vinyl to be sleeved over steel posts hand-driven into the ground to increase stability of the posts. This is in replacement of the industry-standard concrete footings in an effort to minimize impact to the ground. There are fifty posts with nominal measurements of 6"x6" set below grade within the 100ft vegetated buffer, for an actual cumulative below-grade impact of 10ft². Lineal footage is approximately 500ft for the entire project for a cumulative project size of approximately 200ft². The majority of fence to be replaced is within the 100ft wetland buffer. We aim not to disrupt any existing plant life for the installation of the new fence, apart from normal annual pruning maintenance.

We seek to use vinyl material for this project, going against the Historic District preferred materials, because of the reduction to impact at the waterline over time. The selected product has a material warranty of thirty years, at which time we will have replaced a wooden fence three more times and painted more than ten times. Vinyl has the added advantage of being a paintless product, removing the issue of paint chips going airborne and ending up in the water. As a lower maintenance product overall, we think the Commission should find the fence being replaced with vinyl is in alignment with the mission to minimize impacts to and protect the Portsmouth wetlands.

MADISON ABBOTT

Property Manager

Direct: 603-570-7884

mabbott@wentworthseniorliving.org

346 Pleasant St. | Portsmouth | NH 03801

Ph: 603-436-0169 | F: 603-436-2040



Property Information
Property ID 0109-0010-0000
Location 346 PLEASANT ST
Owner M H WENTWORTH HM FOR CHRNC INV



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

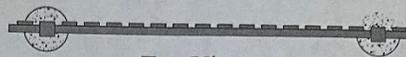
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 08/24/2023
 Data updated 3/9/2022

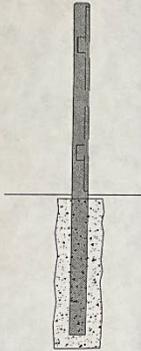
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



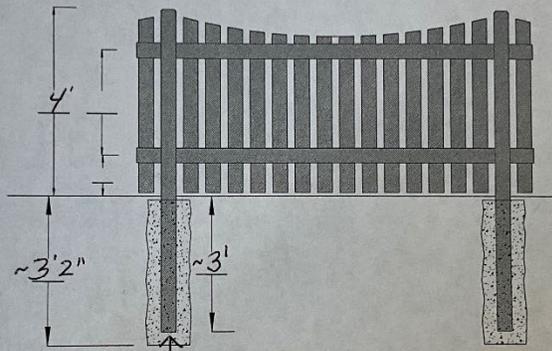
Existing Aerial View, Fencing overlined in red, buffer themes applied



Top View



Side View



Front View

2" steel post



Project:	Wentworth Senior Living	
Site Location:	346 Pleasant st	Date:
	Portsmouth, NH	Drawing # W-03

Cut sheet for new fence panels



Legend® Vinyl Fencing by Master Halco offers vinyl fencing to meet your every need. With a variety of fence styles, colors and accessories, you are free to create a secluded space for entertaining and relaxing, add charm and curb appeal to your home or add a pool-code approved fence for peace-of-mind.

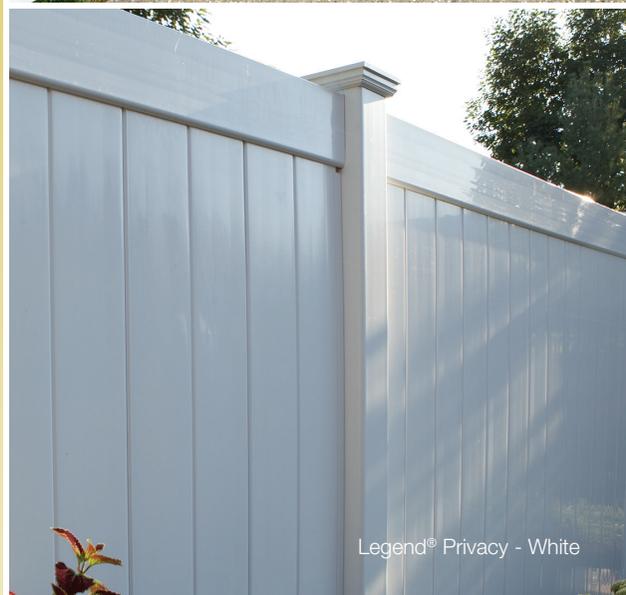
Legend is low-maintenance, so you can forget about ever needing to paint, sand or stain your fence again! Our 100% vinyl PVC combines the most stringent quality standards with the most innovative compounds to produce a product that won't peel, flake, corrode, rot, rust or attract termites.



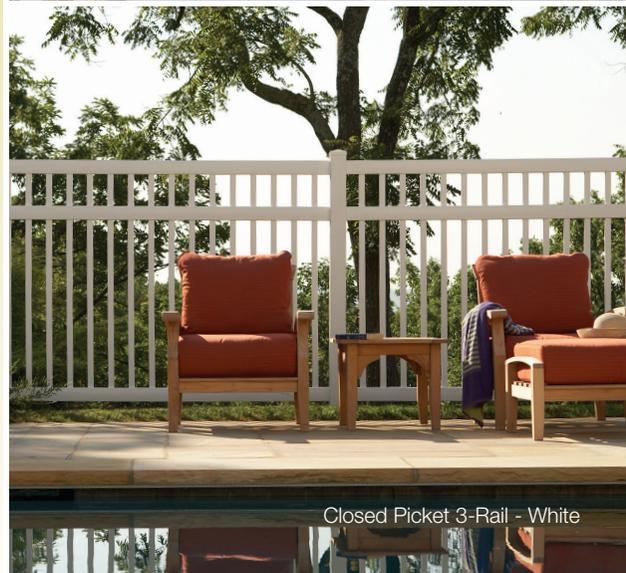
A Tradition of Fencing Solutions



Legend® Dogear Straight - White



Legend® Privacy - White



Closed Picket 3-Rail - White

Legend® and Impressions® Vinyl Fence by Master Halco Transferable Limited Lifetime Warranty

WHO IS COVERED

The limited lifetime warranty covers single-family residential properties only. This limited warranty extends to the original purchaser and one (1) individual transferee as specified herein.

If the original purchaser is a corporation, partnership, unincorporated association, or a government or public entity, including, but without limitation to, a church or school, any other type of building or property the warranty period will be thirty (30) years following the original date of Product purchase. This warranty applies to systems constructed entirely of components manufactured and/or supplied by Master Halco. The thirty (30) year limited warranty for commercial installations cannot be transferred.

TRANSFEREE COVERAGE

Limited lifetime warranty coverage will be extended to one transferee on the above listed products with the following limitations: Transfer shall only be from residential homeowner (original Product purchaser) to a second homeowner. Transferee must obtain an original or copy of the initial sales receipt (with proof of date) from the previous owner(s). Additionally, if fence is purchased from a builder or installer, documentation must be supplied that names the product installed on property and date of transfer. Notwithstanding such transfer, the warranty is **valid thirty (30) years from the date of the original purchase**.

If the original purchaser is a corporation, partnership, unincorporated association, or a government or public entity, including, but without limitation to, a church, school or any other type of building or property, the thirty (30) year limited warranty cannot be transferred.

WHAT IS COVERED BY THIS LIMITED WARRANTY

Master Halco warrants Legend® and Impressions® Vinyl Fence products ("Product") will be free from defects in material and workmanship for the warranty period. This limited warranty is valid beginning on the date of Product purchase.

Master Halco warrants the Product against peeling, flaking, rotting, chipping, cracking, blistering, or abnormal discoloration/fading* under normal atmosphere and weather conditions for as long as you own your home or, if transferred, from **thirty (30) years from the date of the original purchase**. Separate and distinct warranties for hardware and other products are not covered under this warranty.

*After prolonged exposure to outdoor environments, all products will experience some gradual fading over time and is considered normal (up to a standard variation determined by Delta E color measurement, not to exceed Delta 5). Degrees of fading vary depending on geographical location, air pollution, exposure and other factors. Normal deterioration of color is not covered under this warranty.

WHAT THIS WARRANTY DOES NOT COVER

This limited warranty will not cover a change in color due to a buildup of accumulation of stains, dirt, mold, mildew or any other deficiency caused by lack of any maintenance by the owner. This limited warranty does not cover damage resulting from: misuse, abuse, improper storage or handling, improper installation, other vinyl products and accessories not manufactured by Master Halco, or manufactured for specific use in vinyl fence applications; damage caused by events beyond human control including but not limited to damage caused by animals or natural events; impact of foreign objects, fire, earthquake, flood, lightning, hail, hurricane, tornado or other casualty or act of God; movements, distortion, collapse or settling of ground or structure on which the fence is installed; distortion or melting due to external heat sources; fence that has been painted, varnished, or coated over manufacturer's finish. This limited warranty does not cover costs of removal or disposal of product, or reinstallation of replacement product.

PROTECTING YOUR RIGHTS

To protect your rights under this warranty, please return the attached registration form** to Master Halco, with the certification of your dealer, completed within 30 days of purchase. Warranty coverage is not conditional upon the return of the warranty registration form, provided you can furnish proof that the Legend® and/or Impressions® Vinyl Fence System was supplied by Master Halco and meets all of the requirements. A properly filled out warranty registration form, completed by you and your dealer, is your best proof of coverage under this limited warranty.

GENERAL CONDITIONS AND EXCLUSIONS

THE AMOUNT OF YOUR RESTITUTION WILL NOT INCLUDE LABOR TO INSTALL THE REPLACEMENT COMPONENTS, DELIVERY CHARGES, SALES TAX OR ANY OTHER CHARGES, NOR IS MASTER HALCO REQUIRED TO PROVIDE SUCH LABOR OR SERVICE.

THIS LIMITED WARRANTY IS IN LIEU OF ALL OTHER EXPRESS WARRANTIES. MASTER HALCO MAKES NO OTHER EXPRESS WARRANTIES, AND DOES NOT AUTHORIZE ANY OTHER PERSON OR AGENT TO MAKE ANY OTHER EXPRESS WARRANTIES. MASTER HALCO NEITHER ASSUMES NOR AUTHORIZES ANY OTHER LIABILITY OR OBLIGATION IN CONNECTION WITH THIS PRODUCT. EXCEPT TO THE EXTENT PROHIBITED BY APPLICABLE LAW, ANY IMPLIED WARRANTY, INCLUDING WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THIS PRODUCT, IS LIMITED IN DURATION TO THE TERM OF THIS LIMITED WARRANTY. IN NO EVENT SHALL MASTER HALCO BE LIABLE FOR ANY CONSEQUENTIAL, SPECIAL, OR INCIDENTAL DAMAGES ARISING OUT OF OR CONNECTED WITH THE PURCHASE OR USE OF THIS PRODUCT OR FOR ANY BREACH OF WARRANTY.

SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS, OR THE EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATIONS OR EXCLUSION MAY NOT APPLY TO YOU. THIS WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS, AND YOU MAY HAVE OTHER RIGHTS THAT VARY FROM STATE TO STATE. THIS WARRANTY IS APPLICABLE ONLY TO SYSTEMS INSTALLED WITHIN THE CONTINENTAL UNITED STATES AND CANADA.

MASTER HALCO RESERVES THE RIGHT TO DISCONTINUE OR MODIFY ANY OF ITS PRODUCTS, INCLUDING THE COLOR OF ITS PRODUCTS WITHOUT NOTICE TO THE PURCHASER. MASTER HALCO DOES NOT WARRANT THAT ANY REPLACEMENT MATERIAL WILL MATCH OR BE IDENTICAL TO THE ORIGINAL PRODUCT AS REPLACEMENT PRODUCTS MAY VARY IN COLOR OR GLOSS IN COMPARISON TO THE ORIGINAL PRODUCT AS A RESULT OF NORMAL WEATHERING.

THIS WARRANTY IS EFFECTIVE FOR PRODUCTS PURCHASED AFTER JANUARY 1, 2017.

50 YEARS OF EXCELLENCE

Master Halco is North America's largest manufacturer and distributor of fencing materials. For more than 50 years, Master Halco has been the provider of choice for thousands of professional fence contractors and quality building material retailers. At Master Halco we provide a variety of high quality fence solutions: from chain-link to wood fencing; ornamental iron to vinyl; swimming pool fence to dog kennels; you can trust all your fencing needs to Master Halco.

**Registration form is available from your dealer and/or contractor.

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Master Halco is North America's largest manufacturer and distributor of fencing materials. For more than 50 years, Master Halco has been the provider of choice for thousands of professional fence contractors and quality building material retailers. At Master Halco we provide a variety of high quality fence solutions: from chain-link to wood fencing; ornamental iron to vinyl; swimming pool fence to dog kennels. You can trust all your fencing needs to Master Halco.

Legend® Transferable Limited Lifetime Warranty Registration Card

Thank You for your purchase of your Legend product. Please take a moment to register your product to ensure your receipt of all the Legend warranty benefits.

Return this form to:

Master Halco Inc
3010 LBJ Freeway, Suite 800
Dallas, TX 75234

REQUIRED INFORMATION: (PLEASE PRINT)

Name: _____

Address: _____

Email: _____

City: _____

State: _____

Phone: _____

Zip Code: _____

Date Purchased: _____

Date Installed: _____

Legend Product Purchased: _____

Installer's Company Name: _____



Master Halco Inc
3010 LBJ Freeway
Suite 800
Dallas, TX 75234



Warranty and care information for proposed new fencing

Place
Stamp
Here

Legend® Vinyl Fence by Master Halco Care & Maintenance Instructions

• **How Do I Clean My Vinyl Fence?**

- On occasion you may want to spray your fence with a garden hose. This will remove grass clippings, dirt and fertilizer chemicals and keep it looking as new as possible.
- To remove minor stains use soap and water.
- For removal of major stains use a plastic safe degreaser or a 10:1 water / bleach mixture.

• **How Will My Vinyl Fence Perform in Hot and Cold Weather Conditions?**

- Vinyl becomes less flexible in cold weather. However, unless subjected to unusual or extreme impact, it will not break. It is normal for materials to expand and contract with changes in temperature. Flexibility is common and a benefit of vinyl fence, which allows it to maintain its strength and shape. Your fence is engineered to withstand normal changes in temperature and changing climates.

• **Will My Colored Vinyl Fence Fade?**

- Yes, all building products when exposed to sunlight gradually weather over time depending on your climate; this is called normal weathering.

• **Will My White Vinyl Fence Turn Yellow?**

- Any white product will gradually dull or fade over time, but this should not be noticeable to you.

• **Will My Vinyl Fence Chalk?**

- Light chalking is a normal occurrence of all vinyl products. Washed away by rainfall and normal changes in weather, this process helps to keep your fence looking like new.

• **Can I Paint My Fence?**

- There is no reason to paint your fence. Your fence comes in a variety of color choices to satisfy any yard décor. If you decide to paint your fence, you will void the warranty.

• **Does My Warranty Cover Gate Adjustments?**

- Unfortunately, no. Gate adjustments and leveling are normal care and maintenance items that the home owner is responsible for.

To Maximize The Life Of Your Fence, Address These Areas:

- Adjust the gate every Spring – (As a reminder, gate adjustments and leveling are normal care and maintenance items that the homeowner is responsible for)
- Oil the gate hinges, and tighten the screws once a year.
- Do not let the gate swing in the wind. Keep it secured.
- Deter children from swinging on the gate.
- Re-tamp and realign the loose posts.
- Do not stack or mount any objects or material near your fence.



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A Tradition of Fencing Solutions

Care & Maintenance Instructions
Warranty Coverage



Sample install of proposed new fencing from actual installation by vendor



Existing fence : 11 images





















From: [James Phelps](#)
To: [Madison Abbott](#)
Subject: Authorized Representative
Date: Wednesday, April 24, 2024 2:56:15 PM
Attachments: [Outlook-qmd4xenq.png](#)

Madison Abbott is authorized to act on behalf of Wentworth Senior Living to secure any and all permitting necessary for property at and associated with 346 Pleasant St Portsmouth, NH.

Please contact me with any questions.

James Phelps
Finance Controller

Direct: 603-570-7751
jphelps@wentworthseniorliving.org
346 Pleasant St. Portsmouth, NH 03801
Ph: 603-436-0169 | F: 603-436-2040
[Facebook](#) | [Instagram](#) | [Twitter](#) | [YouTube](#)
wentworthseniorliving.org



This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. The materials in this email also may contain protected health information or other information subject to protections under federal and state law, as well as physician-patient, attorney-client work product, or other privileges. If you are not an intended recipient or the authorized agent of an intended recipient, be advised that any unauthorized review, use, disclosure, printing, copying or the taking of any action with respect to the contents of this information is strictly prohibited. If you have received this email in error, please immediately notify the sender via telephone **603.436.0169** or return mail and permanently destroy this e-mail and any attachments pursuant to applicable law.



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.

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

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 or (603) 559-1514.

Sincerely,

A handwritten signature in black ink that reads "David Price". The signature is written in a cursive style with a large, prominent "D" and "P".

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
- Return___Corrected Prints
- Prints Returned After Loan

Remarks:

Copy To: File/Portsmouth Clerk Signed: _____





HALEY WARD.

ENGINEERING | ENVIRONMENTAL | SURVEYING

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



200 Griffin Rd., Unit 14, Portsmouth, NH 03801
T: 603.430.9282 | HALEYWARD.COM



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 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



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:

File # 2024-00153

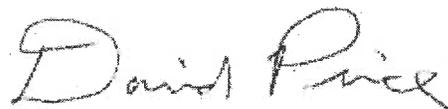
April 5, 2024

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 or (603) 559-1514.

Sincerely,

A handwritten signature in black ink that reads "David Price". The signature is written in a cursive style with a large, prominent "D" at the beginning.

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.

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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 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

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

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).

PERMITTEE SIGNATURE (required)

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

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

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

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

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

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



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 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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- 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.

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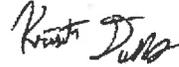
File Number: 2024-00453

April 12, 2024

Page 3 of 3

If you have any questions, please contact me at 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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