



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 18, 2024

PORTSMOUTH MUNICIPAL CLERK/CONSERVATION COMMISSION
1 JUNKINS AVE
PORTSMOUTH NH 03801

Re: Received 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 Sir or Madam:

On January 17, 2024, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau received the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). On January 18, 2024, NHDES determined the Application was administratively complete in accordance with RSA 482-A:3, XIV. *Please note this letter is **not** a permit or authorization to begin work.*

Pursuant to RSA 482-A:11, III, if notification by a local conservation commission, local river management advisory committee, or the New Hampshire Rivers Council pursuant to this paragraph is not received by the department within 14 days (**January 25, 2024**) following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made. Please include the NHDES file number on the written notification.

Please provide a copy of this letter to all local level departments, boards, and commissions. Pursuant to current state laws and regulations, NHDES is not authorized to consider local zoning and regulatory issues pertaining to a project. These issues must be addressed at the local level.

If you have any questions, please contact the Wetlands Bureau at (603) 271-2147.

Sincerely,

Rumi Shrestha
Application Receipt Center, Wetlands Bureau
Land Resources Management, Water Division

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29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
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TDD Access: Relay NH 1 (800) 735-2964

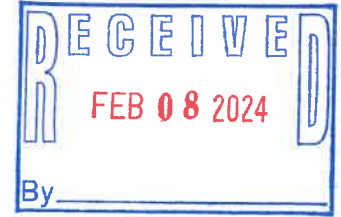


The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



February 02, 2024



120-0 WILD ROSE LANE LLC
209 WATER STREET
NEWBURYPORT MA 01950

Re: Request for More Information – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2023-03138
Subject Property: 60 Pleasant Point Drive, Portsmouth, Tax Map #207, Lot #13

Dear Applicant:

On February 2, 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. The Natural Heritage Bureau (NHB) Datacheck Report (NHB22-3247) submitted with this application expired on October 14, 2023. Please provide a new NHB Datacheck Report along with updated results and recommendations from NHB and documentation of coordination with NH Fish and Game Department (NHF&G) as applicable to determine how to avoid and minimize project-related impacts on the resource in accordance with Env-Wt 311.01(b) and Env-Wt 311.06(g).
2. The plans indicate that the proposed impacts will be taking place within 10 feet of the shared property lines with Portsmouth Tax Map #207, Lot #14, and Portsmouth Tax Map #207, Lot #12. 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.
3. Please revise the plan to show the location of tidal datum lines, specifically the mean high water tide line (MHW), depicted as a line with the associated elevation noted based on NAVD 88, as required in accordance with Env-Wt 603.07(b)(2).
4. Please identify all known causes of erosion associated with this project and identify how each cause of erosion is being addressed as a part of the proposed bank stabilization project in accordance with Env-Wt 609.01(d).
5. Please provide documentation demonstrating how the proposed technique or combination of techniques used as part of the proposed tidal shoreline stabilization project addresses the criteria listed in Env-Wt 609.02(b)(1) through (7), as required in accordance with Env-Wt 609.02(b).
6. Please revise the plans to show that the proposed living shoreline project will meet the all of the criteria listed in Env-Wt 609.05(b)(1) through (8), as required in accordance with Env-Wt 609.05(b), including but not limited to detailed plan views and cross sections of the existing slopes and proposed living shoreline treatments at representative stations along the length of the project; details regarding the proposed plantings; details regarding the methods for how all proposed bioengineered stabilization treatments will be securely anchored; etc.
7. Please revise the plans to include a plan of all plantings proposed in the waterfront buffer, showing the proposed location(s) and Latin names and common names of proposed species in accordance with Env-Wt 610.04(f). Please note that this includes all plantings proposed as part of the living shoreline tidal bank stabilization project.

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8. Please provide documentation that the proposed living shoreline design plan has been reviewed relative to delineations of wetlands and stamped by a certified wetland scientist in accordance with "Guidance for Considering the Use of Living Shorelines", NOAA (2015) as required in accordance with Env-Wt 609.05(a).
9. Please revise the "NHDES Shoreland Permit Tree Count Plan" to include the names of the tree species identified in each waterfront buffer grid, using either the scientific names or common names in accordance with Env-Wt 610.06 and Env-Wq 1406.10(f).
10. Please revise the plans to show the proposed contours at 2-foot intervals measured from the highest observable tide line (HOTL) in accordance with Env-Wt 311.05(a)(17) and Env-Wt 610.04(a).
11. 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 406.04.
12. Please revise the plans depicting wetland boundaries to include a note specifying the methods used to perform the wetland delineation in accordance with Env-Wt 311.05(b)(5).
13. The photographs provided are too dark and do not clearly show all the proposed impact areas. Please provide additional dated and labeled color photographs, mounted or printed no more than 2 per sheet on 8.5 inch by 11 inch sheets, that clearly depict all existing structures and all jurisdictional areas, including but not limited to portions of wetland, shoreline, or surface water where impacts have or are proposed to occur in accordance with Env-Wt 311.06(b)(1)(a) and Env-Wt 311.06(b)(2).
14. The tax map provided was not legible. Please provide a copy of a town tax map clearly showing the subject property, the location of the project on the property, and the location of properties of abutters with each lot labeled with the name and mailing address of the abutter in accordance with Env-Wt 311.06(a).
15. For the two sets of existing wooden stairs proposed to be replaced in-kind, please confirm whether the bottom of each stair structure lands on a beach above the mean high tide line and that no excavation is required to replace each set of wooden stairs in-kind pursuant to Env-Wt 610.02(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 April 2, 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
Altus Engineering, Inc., c/o Eric Weinrieb



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 09, 2024

Margot and Edward Thompson
57 Salter Street
Portsmouth NH 03801

Re: Restoration Plan Approval
Land Resources Management File Number: 2021-02034
Subject Property: 57 Salter St, Portsmouth, Tax Map #102, Lot #32

Dear Margot and Edward Thompson:

On December 1, 2023, 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). The Restoration Plan was in response to an NHDES enforcement action. 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 January 9, 2026**, the structure or portion of the structure constructed, reconstructed, repaired, converted, or modified in violation of RSA 482-A:26, II shall be removed, monitored, and managed in accordance with the Settlement Agreement (Docket No. 21-09 WtC), the Restoration Plan and all project descriptive details submitted to NHDES on December 1, 2023, by Summit Engineering.
2. A copy of the City of Portsmouth Building Permit shall be submitted to NHDES upon receipt.
3. 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.
4. 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.
5. A 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.
6. 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.
7. All steps shall be taken to ensure that no water quality violations occur on the Property during restoration activities.
8. Silt fence and hay bales shall not be used across streams, channels, swales, ditches, or other drainage ways.
9. 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.
10. No machinery shall be used within undisturbed NHDES jurisdictional areas on the Property during the restoration unless vegetation and soil is not disturbed.

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11. All soil material removed during restoration activities shall be placed out of NHDES' jurisdiction.
12. A monitoring report with photographs shall be submitted to NHDES by **February 9, 2026**. The 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 and include any necessary remedial actions. For restoration activities within RSA 482-A jurisdiction, this monitoring report shall be submitted in accordance with Env-Wt 307.18.
13. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
14. This Restoration Plan Approval does not relieve the owner(s) from the obligations of other local, state, or federal permits or requirements.
15. 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.

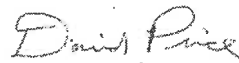
NHDES personnel may conduct future inspections to determine compliance with the provisions of the approved Restoration Plan and all other applicable NHDES statutes and rules.

Following completion of the restoration work, the monitoring report should reference NHDES File Number 2021-02034, 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,



David Price
East Region Supervisor
Land Resources Management Program
Water Division

cc: Portsmouth Conservation Commission
Portsmouth Planning Board
Portsmouth Planning Director
Portsmouth Code Enforcement

ec: Christopher Aslin, Esq., Senior Assistant Attorney General
James Steinkrauss/Sherilyn Burnett-Young, Rath, Young & Pignatelli, PC
Summit Engineering
Altus Engineering, Inc.