

# Memo



TO: Conservation Commission Members  
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning & Sustainability  
DATE: August 8, 2025  
SUBJ: August 13, 2025 Conservation Commission Meeting

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**60 Pleasant Point Drive  
120-0 Wild Rose Lane LLC  
Assessor Map 207 Lot 13**

This application is for an after-the-fact permit for the installation of a riprap shoreline in a tidal wetland and the vegetated wetland buffer of a tidal wetland. This application comes after a previously approved vegetated shoreline was not installed and the current riprap approach was used. This approach resulted in approximately 1,588 s.f. of disturbance according to the applicant for re-grading of the slope, the installation of boulders and new plantings.

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

This is an unpermitted use within the vegetated buffer strip and the prior conditions to the install were not reasonably suited to this use. According to Section 10.1017.26 of the City of Portsmouth Zoning Ordinance, a *living shoreline strategy to preserve the existing natural shoreline and/or encourage establishment of a living shoreline through restoration* shall be included with any application within the tidal wetland or tidal wetland buffer. This installation does not allow for a completely vegetated buffer strip, as is required.

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

This has already been installed and was built specifically for the shoreline area for site stabilization. There is no alternative location but there was an approved method that should have been constructed. If not, other alternatives should have been sought along with a new wetland conditional use permit for the alteration of work.

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

This construction has had direct impacts to the wetland itself by placing fill below the HOTL. The wetland functional values of this site may already be impacted by this installation. Existing vegetation and grading has been removed and the current installation will prevent vegetation growth and migration from the shore upwards. An example of this is the existing salt marsh populations that have a greater obstacle to migration compared to the previous site conditions. The proposed changes to the

living shoreline include greater vegetation above where the boulders are proposed to remain along with sand and vegetation in between the boulders.

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

This was an unpermitted project within the vegetated buffer and the vegetative state has been altered to achieve unpermitted construction goals.

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

This after-the-fact permit is for construction that had an adverse impact to the areas and environments within this jurisdiction. There is significant re-grading and fill (boulders) now within the tidal wetland and vegetated buffer strip and the proposal to remedy this is to remove some amount of boulders and increase the plantings. Applicant should identify the volume of material that was excavated and the volume of material/fill that was used to construct the riprap shoreline. This proposal is not the least adverse impact. Alternatives with significantly less impact to the wetland and wetland buffer should be provided.

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

The vegetated buffer strip has been significantly impacted and the only way to return it to the natural state would be to fully remove the hardened shoreline and present an alternative that is a fully vegetated living shoreline, not a hybrid.

**Recommendation:** Staff recommends postponement of this application as the Planning and Sustainability Director is seeking the services of a third-party shoreline engineer to evaluate the proposed modifications to the previously approved plan.

**0 Banfield Road  
Walter D. Hett Trust  
Assessor Map 255 Lot 2**

This application is for the installation of a shared residential driveway, underground utility piping, grading work, and at-grade stormwater management BMPs for an undeveloped site that is to be subdivided and developed into five single-family residential properties. This project proposes 3,393 s.f. of permanent disturbance to the 100' wetland buffer according to the applicant.

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

This land within the wetland buffer is previously undeveloped land and is adjacent to a major road. The applicant has minimized over 3,000 s.f. of impact nearest to the wetland resource by creating one driveway compared to their previous submission showing multiple driveways. This project proposes the need for significant re-grading within the 100' wetland buffer.

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

According to the applicant, significant traffic safety concerns prevent the driveway location from being placed outside of the wetland buffer. Applicant has looked into an alternative that is less impactful than what was previously submitted.

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

Impacts to the buffer include new impervious surfaces, re-grading within the buffer and construction of new utility and stormwater services. Applicant has provided an erosion control plan outlining placement of a silt fence to reduce adverse impacts to the resource. Applicant should clarify if silt fence, Silt Soxx or berm is to be used as the E&S Plan (Erosion and Sedimentation Control Plan) mentions the use of Silt Soxx, the Erosion Control Plan outlines a silt fence and the detail sheet offers options for either a berm or a silt fence.

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

The construction of the new services and driveway will have impact to the existing tree line along Banfield Road and the applicant has noted the removal of two trees, but it is difficult to determine the limits of clearing and what trees/vegetation may be impacted. Applicant should show exact vegetation to be removed within the wetland buffer, not a limit of clearing delineation.

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

This project proposes impacts to a previously undeveloped area. It is not the proposal with the least adverse impacts, but it has significantly reduced previously proposed impacts.

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

The vegetated buffer strip is not being impacted as it falls within the limits of Banfield Road.

**Recommendation:** Staff believes that if the applicant can address the following missing items than it should be recommended approval:

1. Wetland delineation shall be certified and **stamped** by a NH Certified Wetland Scientist (CWS). CWS Sam Hayden needs to provide a stamp for delineation of both the prime wetland to the north and the wetland to the south, a note on the plan set does not suffice.

2. Exact dimensions and a detail sheet are needed for the proposed rain gardens.
3. Please provide a detail sheet for the gravel driveway construction that shows how it will be permeable. Maintenance plan needs to be included that demonstrates how it will continue to stay permeable, not just maintenance needed for stability/continued use.
4. Application checklist is not complete, please address how this application complies with the following sections in the City of Portsmouth Zoning Ordinance:
  - a. 10.1017.24
  - b. 10.1017.25
  - c. 10.1018.31
  - d. 10.1018.32
  - e. 10.1018.40
5. Applicant shall include a separate planting plan in the plan set. This should also show exact vegetation to remain and to be removed, not just clearing lines. This could fulfill the requirement for a wetland enhancement plan if enhancements are proposed and if the driveway is found to be impermeable.
6. Applicant must clearly define and address areas to be filled and areas to be regraded on the plans, current grading plan shows similar if not the same topography to the existing conditions plan.

**15 Marjorie Street  
Reichl Family Revocable Trust  
Assessor Map 232 Lot 41**

This application is for home improvements including the construction of a sunroom and covered porch area, a home addition, a new driveway, landscaping areas, the installation of a retaining wall to support native landscaping and improve site grading with the addition of fill to level out the existing elevation in the rear yard. The total proposed new impervious surface according to the applicant is 964 s.f. with an increased building footprint of 1,020 s.f. on the lot.

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

This application requests expanding impervious surface areas within the wetland buffer in an area directly upslope of the wetland resource as well as fill to regrade a slope within the wetland buffer.

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

This property is almost entirely within the wetland buffer. There is no feasible location outside the buffer. This latest update is an alternative plan that shows the proposed driveway further from the resource, but it is difficult to tell what other impervious impacts were changed and by how much.

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

The encroachment of the home, driveway and retaining wall closer to the wetland than the existing structure may have an adverse impact on the health of the wetland. In addition, applicant needs to highlight the exact area, amount and material proposed for fill within the buffer area. This should also be accompanied by a profile drawing to better understand how the fill will be installed and at what heights. It should be noted that the applicant is proposing stormwater containment through a dry-well for the new roof areas.

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

This project proposes removing some vegetation within the buffer in order to build the new addition, porch, driveway, garden/patio area and retaining wall. The applicant is proposing new landscaping, some of which will fall into the City Right of Way – this will require permission from the Trees and Greenery Committee. It is recommended that the entire 25' vegetated buffer on site be brought back into compliance as a no-cut zone. Applicant should consider a seed mix or dense plantings in that area.

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

This proposal is not the alternative with the least adverse impact. This proposal appears to show a net increase of impervious surfaces and structures within the wetland buffer. This new proposal appears to have pulled the proposed driveway further from the buffer and pulled the proposed retaining wall slightly further away from the wetland edge. The current proposal still shows multiple new areas of impact to the wetland buffer.

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

The 25' vegetated buffer strip is not shown on the landscape plan so it is hard to determine what is changing within this area. The applicant should consider revegetating and not disturbing the entire 25' wetland buffer on the property. Any proposed plantings and seed mixes should be native and either wetland buffer or conservation-friendly.

**Recommendation:** Staff recommends postponement of this wetland conditional use permit in order to give the applicant more time to address the following:

1. Please provide an overall site plan showing the layout and square footage of each new addition, driveway, patio, lean-to etc. This should include distances of new structures and impervious surfaces to the wetland resource. It may be helpful to note on plans the 25, 50 and 75' buffer lines as well. This should be separate from a planting/landscaping plan.
2. Details on the proposed fill – such as volume, area, material, depth, etc. Please also provide a detail sheet and/or side profile of the proposed fill.
3. Maintenance for vegetated buffer strip should restrict mowing to twice annually.
4. How will this project create a net loss of pervious surface? (City of Portsmouth Zoning Ordinance Section 10.1017.24). If not feasible, please show how you are meeting Section 10.1017.25 with your wetland buffer enhancement plan.
5. It is recommended that the landscape plan show robust plantings throughout the 25' buffer or the use of seed mix to rewild this area.