

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning & Sustainability
DATE: October 3, 2025
SUBJ: October 8, 2025 Conservation Commission Meeting

**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 armoring 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 but was deemed necessary by the applicant and third-party engineer as the best alternative for dealing with increasing storms and rising sea levels. The proposed work to convert the as-built shoreline into a 'dirty riprap' shoreline with pockets of native vegetation will increase the functions and values of the shoreline, according to the third-party report (see executive summary).

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 for installing protective shoreline measures.

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. Staff did not have the option to review this application before it was installed. As part of this permit application, the applicant should either remove the impacts below the HOTL or file for an amended permit with NHDES. The removal of some boulders and the addition of more plantings within the riprap will help to regain some wetland functions and values to this area, according to the third-party report. 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 construction goals. With the current proposal, the vegetative state will be increased in the shoreline area with pocket plantings. The utilization of existing plant types in the area such as juniper should have a positive impact on the built site.

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

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. According to the applicant, other alternatives were explored but no engineered plans were made.

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 revegetate the slope. The applicant and third-party report have both stated that full removal of the as-built shoreline would create further harmful impacts to the resource and is not recommended. The alternative presented is to remove pockets of existing boulders and infill with soils/sand and native vegetation.

Recommendation: Staff recommends **approval** of this application to the Planning Board with the following conditions:

1. The plan for restoration of the site follows that shown on the plan titled “Hybrid Living Shoreline Plan” on Sheet C-01.
2. If permitted, this application shall not replace the full permit granted on December 21, 2023 by the City of Portsmouth Planning Board but rather will only replace the previously permitted living shoreline plan taking place between the HOTL and 25’ vegetated buffer strip.
3. The applicant must receive an approved amended permit from NHDES that reflects the as-built impacts below the HOTL and the extended shoreline footprint as noted in the third-party report (see executive summary).
4. Prior to Planning Board submission, the applicant must quantify the amount of fill that was brought in for the shoreline structure that exists today, how much is to be removed as part of this new proposal for dirty riprap, and the square footage of impact of the extended shoreline that was not originally permitted by the City nor NHDES.

**Sewer Replacement Project
Oriental Gardens, Greenleaf Avenue and Nathaniel Drive (various locations)
City of Portsmouth**

This application is for a public interest project to work on upgrading, maintaining and replacing critical sewer infrastructure across the City during the winter months. This work is aiming to minimize wetland impacts through utilizing existing access roads. In areas where that is not possible, this project is proposing temporary impacts of approximately 30,475 s.f. to wetlands and undeveloped wetland buffers according to the applicant. These impacts will be utilized for temporary access to the sewer manhole locations.

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

The existing sewer infrastructure already runs through many wetlands and wetland buffers across Portsmouth and act as critical infrastructure for our residents, businesses and beyond. This work must be done as a public safety project to maintain the sewer system and protect the resources it runs through.

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

This project has worked to utilize existing access infrastructure where necessary and where it is not available, they are proposing to introduce temporary methods for getting equipment to sewer manholes to perform necessary upgrades. The applicants have worked to minimize the square footage needed for temporary access.

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

All impacts proposed are to be temporary and the applicant has included detail sheets of erosion controls to be used such as timber matting, silt fencing, straw wattle, silt sacks, etc. The applicant should demonstrate how those will be applied and where.

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

The applicant has minimized the temporary impacts needed to get equipment to the sewer manholes and the alteration proposed is necessary to achieve this critical construction project. Applicant should demonstrate plans, if any, for wetland areas to be cut or trimmed for access to the sewer manholes.

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

This project proposes only temporary impacts to help maintain critical public infrastructure. Applicant should provide detail on how temporary impacts are to be revegetated once the access is no longer needed.

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

Applicant should demonstrate plans, if any, for wetland areas to be cut or trimmed for access to the sewer manholes and how they might be revegetated.

Recommendation: Staff recommends **approval** of this application to the Planning Board with the following condition:

1. Applicant should demonstrate to the Conservation Commission what plans are (if any) for revegetating the temporarily impacted areas and update application to reflect this.

**325 Little Harbor Road
ADL 325 Little Harbor Road Trust
Assessor Map 205 Lot 2**

This application is for a previously permitted project that was approved for the replacement of the existing single family structure, carriage house, shed, barn, and paddock; construct a garage, pool, pool cabana playground; and renovate the existing barn and shed with all associated electric, gas, water, and sewer updates as required on private property and within the public right of way resulting in 195,656 S.F. of impact in the tidal buffer area and 17, 189 S.F. of temporary impact to in the tidal wetland area. This project was originally reviewed back in November of 2021 by the Commission and came back for an amended version in April of 2022.

This originally approved permit also sought to replace an existing tidal crossing (bridge) with a 332 x 22' wood pile bridge resulting in 17,189 s.f. of temporary tidal wetland impact and 16,843 s.f. of permanent impact to the wetland and buffer area. In addition, 23,737 s.f. of restoration to the tidal riverbed was proposed through new plantings according to the applicant.

With this most recent updated application, the applicants are proposing a change to the construction of the tidal crossing and more specifically, where it will be placed, which will result in a total reduction of 4,763 s.f. of impacts to the tidal wetland and existing marsh onsite according to the applicant.

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

The proposed project reviewed in November of 2021 and March of 2022 was recommended approval by the Conservation Commission. The proposed changes to the project include work in the 100' tidal buffer zone to repair the bridge. This request is reasonable as it is necessary to safely access the island and is a reduction of impacts from the previously approved bridge replacement (see Sheet BR-03).

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

This is the only way to access the island, therefore, this location is reasonable and the impacts have been reduced from what was previously approved.

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

There is work proposed in the access road to the island and in Little Harbor Road, along with direct impacts to the wetlands and salt marshes on the property. The applicant is still proposing the previously approved planting restoration work to minimize negative impacts to the functions and values of the resource. It is unclear why there is a reduction in the approved impacts and exactly what will be avoided, it is recommended that the applicant provide further detail on the reason for the change.

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

The applicant has been working with a detailed land management plan to control invasive species and provide an extensive planting plan which should result in a net enhancement to the vegetative state and managed woodland on the property. It would be helpful to get the exact details of how these areas and existing plantings may change with the new amended plans.

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

The Conservation Commission previously approved the extensive work to construct the house, caretaker house, swimming pool and associated pool house in addition to the extensive landscaping work and bridge replacement. While there is a great deal of disturbance for the overall project, the reduction in invasive species and planned enhancement to the natural and landscaped areas, the salt marsh and wetland buffer, and overall reduction of impervious surfaces result in a reduction of impacts. With this latest update, the applicant needs to address how these changes are further enhancing the wetland resources.

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

The applicant has been working on restoring the vegetated buffer through an extensive invasive species removal and buffer enhancement planting plan.

Recommendation: Staff recommends **approval** of this application to the Planning Board with the following conditions:

1. Applicant shall consider installing educational signage or wetland boundary markers in the restoration area to notify users of the site about the restoration work in place and the sensitivity of the area to foot traffic.
2. Staff recommend this condition which was part of the last Planning Board Letter of Decision from April of 2022: There will be an inspection and report submitted to the Planning Board on the bridge status and safety every 5 years.
3. Applicant shall clarify areas of reduced impact and the reasoning behind it prior to Planning Board submission.
4. Applicant shall submit all required NHDES reporting according to Condition #38 & #39 from the NHDES Letter of Decision to the City of Portsmouth Planning & Sustainability Department at the same time.

**224 Broad Street Unit 3
Perkins Kwoka Joint Revocable Trust
Assessor Map 131 Lot 13**

This application is for a previously permitted project that was approved by the Planning Board in July of 2024 but the permit expired in July of 2025 because no building permit was sought. Now the applicant is requesting the same application for a Wetland Conditional Use Permit after its expiration. This application is for the replacement and expansion of an existing 192 s.f. sunroom and the demolition of a 286 s.f. rear deck, with new construction proposed for an addition of 384 s.f. to the existing sunroom, a new 367.5 s.f. rear deck and regrading of a portion of the site for the installation of a retaining wall and underdrain for stormwater control. Additionally, the applicant is proposing to remove 491 s.f. of existing pavers and asphalt to be replaced with 401 s.f. of new pavers. This proposal includes the removal of the existing lawn to be replaced with a micro-clover seed mix, an extensive planting plan, and a stone drip edge surrounding the new sunroom and deck.

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

The applicant is proposing all work within the wetland buffer and outside the buffer. The existing site has a steep slope which has been directing stormwater into and around the existing home, instead of towards the adjacent wetland. The proposed stormwater controls will involve some regrading of the lawn and the redirection of stormwater away from the home and through an underdrain to outlet underneath the expanded deck. This proposed deck will have $\frac{3}{4}$ " spaced decking and will have crushed stone underneath for infiltration.

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

The majority of this property is within the 100 ft. buffer. The existing home is within the buffer and experiencing impacts of stormwater and ponding on the property. The applicant is proposing to address these issues with new stormwater controls and the addition of plantings, while working to reduce the impervious surface where possible.

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

The applicant is proposing to redirect stormwater directly through an underdrain and into a crushed stone area to slow infiltration. This should improve the flooding conditions for the home while directing the flow closer to the wetland with an option for infiltration into the soil.

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

The applicant is proposing to maintain all existing trees and vegetation. In addition, the applicant will be improving the vegetation on site by planting a native micro-clover lawn in addition to planting beds and multiple trees and shrubs.

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

While the applicant is proposing an expansion of the home within the buffer, the expansion is occurring in the direction opposite of the wetland and will be compensated with a reduction in existing impervious. There are plans for overall improvements to the buffer however details regarding the permeability of the pavers is needed to better understanding the impervious surface calculations.

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

The applicant is proposing to stay completely outside of the 25' vegetated buffer.

Recommendation: Staff recommends **approval** of this application with the following conditions:

1. Please consider speaking with your neighbor to address proper signage of the 25' wetland buffer edge located behind your property. These education markers could have an impact on reducing the foot traffic and disturbance in these sensitive areas.
2. Applicant shall provide details of the proposed paver entry and their permeability.

**150 Portsmouth Boulevard
BRORA LLC
Assessor Map 213 Lot 12**

This application is for the proposed redevelopment of a current undeveloped site off of Dunlin Way. This project include three (3), six (6) story multifamily residential buildings with associated regrading, parking, landscaping, stormwater retention & treatment, community spaces, utility installations and upgraded right-of-way work. While there is no wetland onsite, a portion of this work occurs within the 100' wetland buffer and the proposed impacts include an increase of 4,975 s.f. of impervious surface within the wetland buffer from 50-100' from the edge of the wetland. This new impervious includes a portion of Building A, a new retaining wall, and a portion of the stairs proposed for the pedestrian sidewalk. To help mitigate the impacts of this new impervious, the applicants are proposing treatment of the stormwater coming off of the right-of-way in front of the development as well as proposed plantings along the northern edge of Portsmouth Boulevard.

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

The land is currently undeveloped, with a portion of the northern edge sitting within 100' of the wetland resource across the street. This proposal will significantly alter the existing landscape including the grading, pervious surfaces and stormwater flow but only a portion of this work will occur in the wetland buffer which is already bisected from the wetland resource by the street.

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

At a previous work session, the applicant was asked to explore an alternative layout where Building A is pulled back further from the road. The applicants note this is not feasible due to steep topography in the rear of the parcel but a reduction in the parking or parking under a building could allow for the building to be pulled back.

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

The applicant is proposing to retain stormwater onsite and to treat stormwater on the public right-of-way that currently sheet flows into the wetland across the street. While new impervious will be introduced into the buffer and likely more foot traffic, the applicant is proposing mitigating actions such as the stormwater treatment and new plantings along the street.

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

The applicant is proposing to remove some vegetation within the wetland buffer on site for the purposes of upgrading the right-of-way and for the stormwater outlet but revegetation and planting is proposed for those disturbed areas.

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

While the applicant is proposing new impervious in an area of the buffer that is currently green, they are proposing to mitigate the adverse impacts through stormwater treatment and new native plantings.

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

The applicant is proposing to stay completely outside of the 25' vegetated buffer.

Recommendation: Staff recommends **approval** of this application with the following conditions:

1. Prior to submission to the Planning Board, applicant must confirm an acceptable location for releasing stormwater offsite. This should include all necessary permissions needed by abutters. This must be reviewed and approved by the Department of Public Works before submission to the Planning Board. If the impacts must change and the change is deemed significant by Planning & Sustainability Department staff, the application must return to the Conservation Commission.

**6 Regina Road
Carlson Family Trust
Assessor Map 225 Lot 26**

This application is for the removal of an approximately 1,100 s.f. inground pool within the wetland buffer and associated fill and landscaping. The proposal includes approximately 15 tons of structural 1.5" stone to fill in the pool area for drainage and an additional layer of screened loam on top. The applicant is proposing a silt fence to be installed during demolition to protect the adjacent wetland resource on the property.

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

This project is located in close proximity to the wetland on site. While the removal of the pool may create some temporary disturbance and sedimentation, this will be mitigated by the silt fencing.

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

There is no alternative location as this is the removal of a pool from within the wetland buffer. Overall, the removal of the pool and associated chemicals required for its upkeep could have a positive impact on the buffer and wetland health.

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

The removal of the pool may create some temporary disturbances, but the proposed erosion controls should combat this. Overall, the removal of the pool and associated chemicals required for its upkeep could have a positive impact the functions and values of the wetland and buffer.

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

No alteration to the existing vegetation is proposed. The area to be filled should receive a wetland buffer appropriate seed mix or native wetland plantings to enhance the buffer vegetation.

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

This proposal is removing what could be viewed as an adverse impact, an inground pool. If chlorinated, this could have an impact to the soils and vegetation of the buffer around it. The removal of this pool is creating a positive impact for the wetland buffer.

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

The pool to be removed is outside of the 25' vegetated buffer strip.

Recommendation: Staff recommends **approval** of this application with the following conditions:

1. Disturbed area to be filled and loamed should receive either a wetland buffer-friendly seed mix, buffer plantings or a mix of both.
2. 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.