



## City of Portsmouth, New Hampshire

# *Wetland Conditional Use Permit Application Checklist*

This wetland conditional use permit application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Conservation Commission and Planning Board review. The checklist is required to be uploaded as part of your wetland conditional use permit application to ensure a full and complete application is submitted to the Planning and Sustainability Department and to the online portal. A pre-application conference with a member of the Planning and Sustainability Department is encouraged as additional project information may be required depending on the size and scope of the project. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all wetland conditional use permit requirements. Please refer to Article 10 of the City of Portsmouth Zoning Ordinance for full details.

**Applicant Responsibilities:** Applicable fees are due upon application submittal to the Planning Board (no fees are required for Conservation Commission submission). The application will be reviewed by Planning and Sustainability Department staff to determine completeness. Incomplete applications which do not provide required information for the evaluation of the proposed site development shall not be provided review by the Conservation Commission or Planning Board.

Name of Applicant: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Application # (in City's online permitting): \_\_\_\_\_

Site Address: \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_

<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
<input type="checkbox"/>	Complete <a href="#">application</a> form submitted via the City's web-based permitting program	
<input type="checkbox"/>	All application documents, plans, supporting documentation, this checklist and other materials uploaded to the application form in OpenGov in digital <b>Portable Document Format (PDF)</b> . One hard copy of all plans and materials shall be submitted to the Planning and Sustainability Department by the published deadline.	

<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
<input type="checkbox"/>	Basic property and wetland resource information. <b>(10.1017.21)</b>	
<input type="checkbox"/>	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. <b>(10.1017.22)</b>	
<input type="checkbox"/>	Demonstrate impacts as they relate to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way). <b>(10.1017.23)</b>	
<input type="checkbox"/>	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. <b>(10.1017.24)</b>	

<input checked="" type="checkbox"/>	<b>Required Items for Submittal</b>	<b>Item Location (e.g. Page/line or Plan Sheet/Note #)</b>
<input type="checkbox"/>	Wetland buffer enhancement plan. <b>(10.1017.25)</b>	
<input type="checkbox"/>	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. <b>(10.1017.26)</b>	
<input type="checkbox"/>	Stormwater management must be in accordance with Best Management Practices including but not limited to: <i>1. New Hampshire Stormwater Manual, NHDES, current version.</i> <i>2. Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.</i> <b>(10.1018.10)</b>	
<input type="checkbox"/>	Vegetated Buffer Strip slope of greater than or equal to 10%. <b>(10.1018.22)</b>	
<input type="checkbox"/>	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. <b>(10.1018.23/10.1018.24/10.1018.25)</b>	
<input type="checkbox"/>	All new pavement within a wetland buffer shall be porous pavement. <b>(10.1018.31)</b>	
<input type="checkbox"/>	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. <b>(10.1018.32)</b>	
<input type="checkbox"/>	Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction. <b>(10.1018.40)</b>	
<input checked="" type="checkbox"/>	<b>Requested Items for Submittal</b>	<b>Item Location (e.g. Page or Plan Sheet/Note #)</b>
<input type="checkbox"/>	A narrative/letter addressed to the Conservation Commission Chair (if recommended to Planning Board then an additional narrative addressed to the Planning Board Chair at that time) describing the project and any proposed wetland and/or wetland buffer impacts. Please visit the <a href="#">WCUP instruction page</a> for further application instructions.	
<input type="checkbox"/>	If New Hampshire Department of Environmental Services (NHDES) Standard Dredge and Fill Permit is required for this work, please provide this permit application at the same time as your submission for a Wetland Conditional Use Permit.	

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



Sarah Large <sarahl@fbenvironmental.com>

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## Project Check In

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**Jesse Anderson** <jesse@andersonweldingllc.com>  
To: Sarah Large <sarahl@fbenvironmental.com>  
Cc: Forrest Bell <info@fbenvironmental.com>

Wed, Feb 19, 2025 at 12:36 PM

Sarah,

You have my approval to move forward and represent me on my behalf.

Jesse

**Anderson Welding LLC**

**AWCO**

Jesse Anderson

Owner

Office: (603)905-9955

Cell: (603)828-5876

19 Colonial Way Barrington NH 03825

[www.AWCOutilities.com](http://www.AWCOutilities.com)

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**TO:** Peter Britz, City of Portsmouth Director of Planning and Sustainability  
Kate Homet, City of Portsmouth Environmental Planner  
**FROM:** Sarah Sullivan (Large), FB Environmental Associates  
**SUBJECT:** 224 Cate Street Wetland Buffer Revegetation  
**DATE:** April 14, 2025  
**CC:** Jesse Anderson (property owner); Forrest Bell & Kevin Ryan, FB Environmental Associates  
**Attachments:** 1) Wetland Delineation Map; 2) Site Map & Revegetation Plan; 3) Site Photographs

FB Environmental Associates (FBE) was contracted by Jesse Anderson, owner of 224 Cate Street (Map 173, Lot 3) in Portsmouth, New Hampshire, to assist with a wetland buffer restoration project addressing a violation of the city's 100-foot wetland buffer ordinance. Sarah Sullivan (Large), CWS, began coordination with Jesse Anderson in mid-December and conducted an initial site visit on 29 January 2025.

The City's violation letter cites vegetation and tree removal, as well as soil disturbance, within 100 feet of Hodgson Brook. The work was unintentionally conducted without approval. During coordination on future redevelopment plans, the property owner became aware of the Wetlands Protection Ordinance. A Land Use and Wetland Conditional Use (WCU) Application has been submitted through the City's online permitting system. This revised memorandum and its attachments supplement the original WCU submission (February 20, 2025) and have been revised to incorporate feedback from the Conservation Commission.

**SITE DESCRIPTION**

The property includes a two-story house, garage, gravel driveway, shed, two stone retaining walls, and a backyard. The yard slopes gradually north to south toward Hodgson Brook, a perennial watercourse that flows west to east along the southern boundary, between the parcel and Hodgson Way. Two large tree stumps are present upslope from the brook. Snow cover obscured the ground during the site visit, but there was little to no evidence of shrub or tall herbaceous vegetation throughout the yard. Based on photographs provided by the property owner and Google Earth imagery, the yard appears to be a maintained lawn.

The sloped embankment along Hodgson Brook is sparsely vegetated with trees and shrubs, including white ash (*Fraxinus americana*), maple (*Acer* sp.), red-osier dogwood (*Cornus sericea*), weeping forsythia (*Forsythia suspensa*), multiflora rose (*Rosa multiflora*), and Japanese knotweed (*Fallopia japonica*). Only a few isolated individuals of the non-native, invasive multiflora rose and Japanese knotweed were observed, comprising less than 1% of the wetland buffer. A berm with 15 Virginian arborvitae/western red cedar (*Thuja plicata* x *standishii*) trees lines the western edge of the backyard.

Due to its proximity to Hodgson Brook, approximately 69% of the lot falls within the City's 100-foot wetland buffer, with about 15% of the buffer occupied by residential development.

Hodgson Brook was mostly frozen during the site visit, though a small exposed section contained up to six inches of flowing water. It is classified as an upper perennial riverine system with an unconsolidated cobble-gravel and sand substrate (R3UB1/2). The watercourse, influenced by its urban surroundings, follows a linear channel constrained between two embankments. The northern edge of Hodgson Brook within the property was delineated, where the ordinary high-water mark and top of bank coincide.

REVEGETATION PLAN & WETLAND BUFFER ENHANCEMENT

To re-establish groundcover at the site, exposed topsoil in the backyard will be seeded with a conservation seed mix, containing a blend of native grasses, wildflowers, and legumes. In addition to providing erosion and sediment control benefits, the seed mix will help establish native vegetation within the wetland buffer. Common species found in conservation seed mixes include common eastern/Virginia wild rye (*Elymus virginicus*), little bluestem (*Schizachyrium scoparium*), big bluestem (*Andropogon gerardii*), red fescue (*Festuca rubra*), Indian grass (*Sorghastrum nutans*), switch grass (*Panicum virgatum*), showy tick-trefoil (*Desmodium canadense*), beggar ticks (*Bidens frondosa*), and early goldenrod (*Solidago juncea*) among other species. The use of a conservation seed mix is an enhancement and improvement to the lawn seed and grass established in the yard. The landowner plans to stump grind the two cut tree stumps down to the ground surface, but will leave the root systems in place. Retaining the root systems will avoid additional earth disturbance and supports soil stabilization and nutrient cycling.

Hodgson Brook’s vegetated buffer will be enhanced with native plantings consisting of three red maple (*Acer rubrum*) saplings and seven red-osier or gray dogwood (*Cornus racemosa*) shrubs. The addition of these plantings will improve the function of the wetland buffer and Hodgson Brook’s riparian corridor by stabilizing the soil and shoreline, promoting the uptake of stormwater and nutrients, and enhancing wildlife habitat. A mix of shrubs and trees provides structural diversity, a key element of a riparian buffer. The shrubs will provide quicker, denser cover resulting in more immediate benefits to stormwater management, stabilization of soil and the brook’s shoreline, and nutrient uptake. Whereas the tree saplings will take longer to establish. Once mature, the native tree saplings will provide similar functional and ecological benefits as the shrubs, while also offering shading of the brook, which enhances both terrestrial and aquatic habitat. As shown on the Site Map and Revegetation Plan, the red maple saplings should be spaced 20 to 25 feet apart in a triangular pattern with the dogwood shrubs intermixed and spaced 10 to 15 feet apart. If the dogwood species are unavailable, alternative native species suited to well-drained, sandy loam soils, such as highbush blueberry (*Vaccinium corymbosum*) and smooth arrowwood (*Viburnum dentatum*), may be used. Dogwood and maple species were recommended because they are already established within the buffer along Hodgson Brook.

This work will occur during the growing season and upon the Wetland Conditional Use Permit Approval by the City. Erosion control measures, consisting of a silt sock, have been installed along the top of the slope adjacent to the brook, which will be monitored and adjusted as needed. Per the zoning ordinance (10.1018.40), wetland boundary markers will be placed at the property.

WETLAND CONDITIONAL USE PERMIT APPLICATION – SUPPLEMENTAL INFORMATION

**Wetland Buffer Impacts** (10.1017.23 & 10.1017.50)

The impacts within the wetland buffer include tree removal and soil disturbance within 100 feet of Hodgson Brook, conducted unintentionally without prior approval.

- The property owner states that the two removed trees, a red oak (*Quercus rubra*) and an ash (*Fraxinus* sp.), were diseased and deteriorating, posing a risk to property and human traffic underneath.
- A contractor used tracked machinery to access and remove the trees, disturbing the lawn’s topsoil.
- A Wetland Conditional Use Permit application is submitted to address the violation and restore the wetland buffer.
- The proposed site alteration is the least impactful alternative under the Wetlands Protection Ordinance.
- The restoration aims to re-establish previous site conditions while enhancing the vegetated buffer along the brook.

## 224 CATE STREET PORTSMOUTH | WETLAND BUFFER REVEGETATION MEMO

The following address the Criteria for Approval in Section 10.1017.50:

1. Suitability – The land is well-suited for this activity; the yard was previously lawn and will be restored. Native plantings will help compensate for the trees removed.
2. No feasible alternative – There is no feasible alternative location outside the wetland buffer; the work is focused on restoration.
3. Wetland buffer functions – Re-established groundcover and the addition of native plantings will enhance shoreline stabilization, sediment retention, nutrient attenuation, and stormwater management, protecting Hodgson Brook's water quality.
4. Minimal necessary alteration – Tree removal was limited to what was necessary to protect the property, structures, and people traversing the site.
5. Least adverse impact – The proposed restoration minimizes impacts to the wetland buffer and Hodgson Brook while addressing the violation.
6. Natural state restoration – Areas within the vegetated buffer will be returned to a natural state to the maximum extent feasible. Areas of exposed soil will be stabilized and returned to grass. Native plantings will compensate for the tree removal and enhance the buffer along Hodgson Brook.

### **Vegetated Buffer Strip** (10.1018.22)

The sloped embankment along Hodgson Brook is greater than 10%. Therefore, per Article 10.1018.22 the Vegetated Buffer Strip along the perennial stream is 40 feet from the wetland resource.

### **Removal or Cutting of Vegetation** (10.1018.23)

The two trees removed are located near the 40-foot Vegetated Buffer Strip (see attached Site Map). Included with this memo is documentation from the company hired to remove the two trees noting their assessment of the health and status of the trees. The disturbed topsoil will be seeded with grass to re-establish groundcover.

ATTACHMENT 1. WETLAND DELINEATION MAP



Notes: Wetlands were delineated by Sarah Large, NHCWS in accordance with the 1987 US Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, v2.0. January 2012. All wetlands were classified using the Classification of Wetlands and Deepwater Habitats of the United States (USFWS, 1979).

ATTACHMENT 2. SITE MAP & REVEGETATION PLAN





ATTACHMENT 3. SITE PHOTOGRAPHS



**Photo 1.** View facing west of the cut tree stumps and vegetation along Hodgson Brook. Photo taken 29 January 2025.



**Photo 2.** View of the property's backyard looking northwest toward the western boundary, lined with a row of planted arborvitae (*Thuja* sp.). Photo taken 29 January 2025.

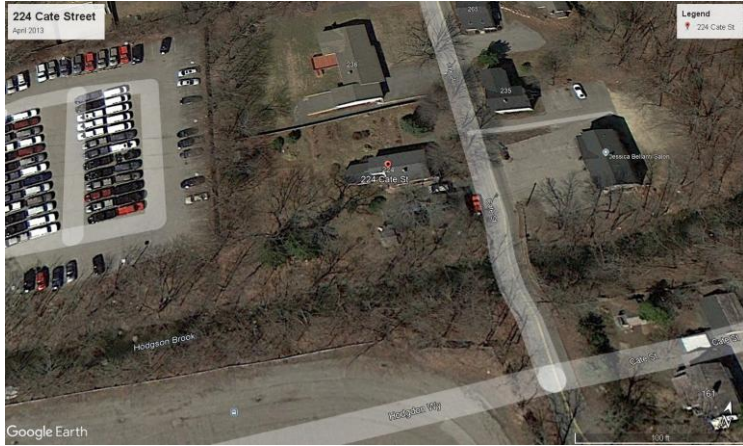


**Photo 3.** Hodgson Brook, a perennial watercourse, flows west to east along the property's southern boundary. Photo taken 29 January 2025.



**Photo 4.** Vegetation on the embankment along Hodgson Brook consists of a sparse mix of trees and shrubs. Photo taken 29 January 2025.

## 224 CATE STREET PORTSMOUTH | WETLAND BUFFER REVEGETATION MEMO



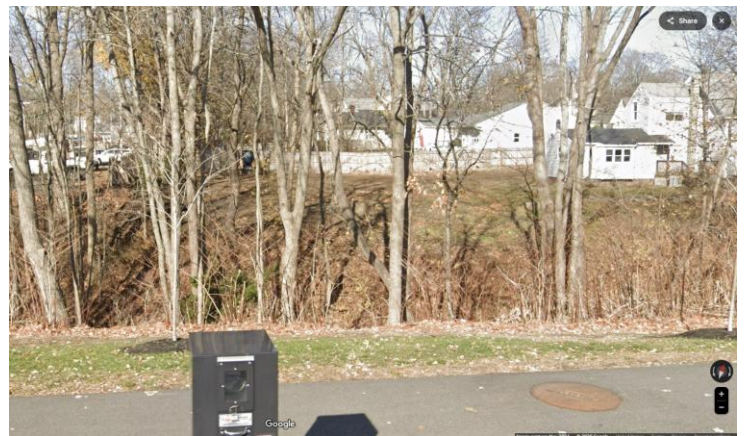
**Photo 5.** A Google Earth aerial image of 224 Cate Street from April 2013 depicting existing conditions.



**Photo 6.** A Google Earth aerial image of 224 Cate Street from April 2016 depicting existing conditions.



**Photo 7.** A Google Earth aerial image of 224 Cate Street from May 2018 depicting existing conditions.



**Photo 8.** A google street view image facing Hodgson Brook and 224 Cate Street depicting conditions without snow cover.



**Photo 9.** Image of soil disturbance from fall 2024, provided by the property owner.



**Photo 10.** An image of the soil disturbance and remaining stumps, provided by the property owner.



**Photo 11.** Silt sock erosion control measures installed at the top of the embankment above Hodgson Brook. Photo provided by the property owner.





Sarah Large &lt;sarahl@fbenvironmental.com&gt;

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**Fwd: Tree removal**

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**Jesse Anderson** <jesse@andersonweldingllc.com>  
To: Sarah Large <sarahl@fbenvironmental.com>

Thu, Dec 12, 2024 at 3:22 PM

**Anderson Welding LLC****AWCO**

Jesse Anderson

Owner

Office: (603)905-9955

Cell: (603)828-5876

[19 Colonial Way Barrington NH 03825](https://www.AWCOutilities.com)[www.AWCOutilities.com](https://www.AWCOutilities.com)

----- Forwarded message -----

From: **Timber Falls Tree Care** <[timberfallstrecare@gmail.com](mailto:timberfallstrecare@gmail.com)>

Date: Thu, Dec 12, 2024 at 3:16 PM

Subject: Tree removal

To: <[Jesse@andersonweldingllc.com](mailto:Jesse@andersonweldingllc.com)>

To whom it may concern.

Jesse Anderson hired my company Timber Falls Tree Care for the services of removing 2 trees in his backyard. One of the trees was an Ash tree which due to the Emerald Ash bore beetle left the tree in a rapid state of structural collapse. The second tree was an aging Red oak tree with evidence of past upper canopy failures and substantial visible decaying wood roughly 20' up on the main trunk. With the forecasted constructions plans discussed with the land owner we decided to remove the tree as the traffic under the canopy of the tree will be increasing over the next several months.

Thank you  
Derek Barnett