



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 24, 2026

KENNETH J/REBECCA T NICHOLSON  
12 CHAPEL ROAD  
NORTH HAMPTON NH 03862

**Re: Approved Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)**  
**NHDES File Number: 2025-03073**  
**Subject Property: 53 Pray Street, Portsmouth, Tax Map/Block/Lot(s): 102/no block/40**

Dear Applicant:

On February 24, 2026, 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 # 2025-03073 to Impact 2,800 square feet of previously-developed 100 foot tidal buffer zone to replace an existing impervious patio and walkways with a permeable patio and walkway, upgrade landscaping to include native plantings, and repair an existing deck adjacent to the boathouse.

Impervious Surface Percentage Approved: 53.6%

Natural Woodland Area Required per Env-Wt 610.08: 0 square feet

The permittee shall notify the department in writing at least one week prior to commencing any work under this permit and shall file a notice of completion of work and certificate of compliance with the department within 10 working days of completion of the work authorized by this permit.

This permit is not valid unless signed by the permittee and the principal contractor, if any, who will build or install the project. Prior to start of construction, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project. It shall remain posted until the project is completed. Transfer of this permit to a new owner shall require notification to, and approval of, the NHDES. **This permit does not convey any property right, nor does it preclude the need to meet any other applicable state, federal, or municipal legal requirements.**

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, February 24, 2026.** 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.

**This approval is based on the following findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 610.17(c) for any dredging, filling, or construction activity, or any combination thereof that is in a previously developed upland area, is within 100 feet of the Highest Observable Tide Line (HOTL) and will disturb less than 3,000 square feet (SF).
2. Per Rule Env-Wt 311.06(h), the Portsmouth Conservation Commission provided comments of support for the proposed project on November 14, 2025.
3. Per Rule Env-Wt 311.01(b), the applicant coordinated with the Ecological Review Section to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat, and on protected plants or exemplary natural communities.
4. Per Rule Env-Wt 307.13(d), the applicant obtained written consent from the affected abutter(s), as the proposed project will extend closer than 10 feet to an abutting property line.

If you have any questions, please contact me at [Alexander.D.Feuti@des.nh.gov](mailto:Alexander.D.Feuti@des.nh.gov) or (603) 271-2917.

Sincerely,



Alexander Feuti  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

Enclosure

Copied: Eric Weinrieb, Altus Engineering Inc.  
Municipal Clerk/Conservation Commission



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

---

**WETLANDS PERMIT 2025-03073**

**NOTE CONDITIONS**

**PERMITTEE:** KENNETH J/REBECCA T NICHOLSON  
12 CHAPEL ROAD  
NORTH HAMPTON NH 03862

**PROJECT LOCATION:** 53 PRAY STREET, PORTSMOUTH  
Tax Map/Block/Lot(s): 102/no block/40

**WATERBODY:** PISCATAQUA RIVER

**APPROVAL DATE:** FEBRUARY 24, 2026      **EXPIRATION DATE:** FEBRUARY 24, 2031

---

The New Hampshire Department of Environmental Services' (NHDES) review of permit application 2025-03073 has found that it is consistent with RSA 482-A. NHDES hereby issues this Wetlands Permit authorizing the impacts described provided the Conditions imposed are met. To validate this Permit, the Permittee and the Principal Contractor are required to sign below.

**PERMIT DESCRIPTION:**

Impact 2,800 square feet of previously-developed 100 foot tidal buffer zone to replace an existing impervious patio and walkways with a permeable patio and walkway, upgrade landscaping to include native plantings, and repair an existing deck adjacent to the boathouse.

Impervious Surface Percentage Approved: 53.6%  
Natural Woodland Area Required per Env-Wt 610.08: 0 square feet

**THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:**

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the plans by Altus Engineering dated November 5, 2025 and as received by the NH Department of Environmental Services (NHDES) on December 8 2025.
2. In accordance with Env-Wt 314.02(b) and (c), the permittee shall record the permit 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. In accordance with RSA 483-B:11(l) the enclosure, or conversion to living space, of any deck or open porch located between the primary structure and the reference line and within the waterfront buffer shall be prohibited.
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).
5. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
6. In accordance with Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.
7. 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.

8. 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.
9. 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.
10. In accordance with Env-Wt 307.12(c), any seed mix used shall not contain plant species that are exotic aquatic weeds.

**ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:**

1. This permit does not preclude the need to meet any other applicable state, federal, or municipal legal requirements.
2. The permit holder is responsible for reading, and ensuring compliance with, the applicable general conditions established in Env-Wt 307.
3. This permit does not in any way authorize 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.
4. This approval does not convey any property right. The permittee is responsible for ensuring that they have the legal authority to access the subject lands and conduct the impacts described.

APPROVED:



Alexander Feuti  
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  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 26, 2026

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: 2026-00433**  
**Subject Property: 50 Clough Dr, Portsmouth, Tax Map/Block/Lot(s): 206/no block/20**

Dear Sir or Madam:

On February 26, 2026, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau received the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). On February 26, 2026, 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 (**March 11, 2026**) 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,

Jennifer Punsalang-Cloutier  
Application Receipt Center, Wetlands Bureau  
Land Resources Management, Water Division



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 26, 2026

CITY OF PORTSMOUTH  
KEN LINCHY, PORTSMOUTH SCHOOL DEPARTMENT  
1 JUNKINS AVE  
PORTSMOUTH NH 03801

**Re: Received Shoreland Permit Application (RSA 483-B)**  
**NHDES File Number: 2026-00434**  
**Subject Property: 50 Clough Dr, Portsmouth, Tax Map/Block/Lot(s): 206/no block/20**

Dear Applicant:

On February 26, 2026, the New Hampshire Department of Environmental Services (NHDES) Shoreland Program received the above-referenced Shoreland Permit Application (Application). This application shall be reviewed in accordance with the timeframes established under RSA 483-B:5-b, V. The language of RSA 483-B:5-b, V has been provided on the reverse of this document for your reference. The status of the Application is available on OneStop at <https://www4.des.state.nh.us/lrmonestop/>.

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

Sincerely,

Jennifer Punsalang-Cloutier  
PROGRAM ASSISTANT I, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division

Copied: Property Owner  
Agent  
Municipal Clerk

**RSA 483-B:5-b, V**

- (a) Within 30 days of receipt of an application for a permit or 30 days of receipt of an application for a permit that will require a waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information reasonably required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application.
- (b) When the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:
  - (1) Approve the application and issue a permit; or
  - (2) Deny the application, and issue written findings in support of the denial; or
  - (3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.
- (c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or 30 days of receipt of an application for a permit that will require a waiver of the minimum standards of RSA 483-B:9, approve or deny the application with written findings in support of the decision.
- (d) Within 5 business days of receipt of a permit by notification filing, the department shall issue a written notice to the property owner or agent stating that the notification has either been accepted or rejected. If the department does not respond within the 5-day period, the property owner or agent may submit to the department a written request for a response. A request submitted electronically by the applicant shall constitute a written request provided that the applicant has previously agreed to accept electronic communication. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have a permit by notification and may proceed with the project as presented in the notification filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.
- (e) (1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.
  - (2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:
    - (A) Approve the application, in whole or in part, and issue a permit; or
    - (B) Deny the application and issue written findings in support of the denial.
  - (3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.
  - (4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph (e)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.
- (f) All applications filed in accordance with the rules adopted by the department under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and a permit shall be issued.
- (g) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.
- (h) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.