

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner/Sustainability
Coordinator; Peter Britz, Director of Planning &
Sustainability
DATE: May 8, 2026
SUBJ: May 13, 2026 Conservation Commission Meeting

**5 Curriers Cove
Jill & Scott Migliori, Owners
Assessor's Map 204 Lot 14**

This application is for the construction of a new deck, landscaping, removal of impervious surfaces, grading and the installation of new walking paths within a prime tidal wetland buffer and an inland wetland buffer. As part of this proposal, the applicant will be reducing current impervious surfaces on site to help offset new construction through the removal of an existing putting green, stone patio and walkways. In total, this application proposes an increase of 575 s.f. of impervious surface within the buffer, going from an existing condition of 6,583 s.f. to 7,158 s.f. of impervious within the 100' wetland buffer.

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

This is a residential property within a prime tidal wetland buffer and an inland wetland buffer. In addition, the lot has sensitive salt marsh. This appears to be a very sensitive area that needs extra precautions taken when considering alterations. A living shoreline strategy has been discussed, and the applicant is proposing a vegetated buffer for continued shoreline stabilization.

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

A majority of this property lies within the jurisdictional 100' inland wetland and tidal wetland buffers. This project moves overall impervious impacts further from the wetland sources than existing impacts. There appears to be alternative locations for the new deck structure which could involve moving it further from the resource or reducing the size of the structure.

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

The proposed work is occurring within the buffer of a very sensitive tidal saltmarsh wetland system (prime) and a second inland wetland system. This project is introducing a large amount of construction which will include the addition of new fill for grading, construction of a large deck, a stone pathway, stairs, grill area and landscaped areas. More information is needed on the proposed stormwater filtration area underneath the new deck to better understand the proposed filtration process, materials, depth, etc.

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

This project appears to remove existing impervious conditions and lawn area in order to achieve construction. For the proposed work, additional vegetated areas are proposed as new landscaped areas.

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

This proposal increases permanent impervious impacts to the wetland buffer and adds a significant amount of fill within the wetland buffer which does not appear necessary. This updated application has not provided any alternatives, only a slight reduction from 1,210 s.f. of new deck and stairs to 1,180 s.f. for the new deck and stairs. Alternative locations and significant minimization of the new structure were previously discussed with applicants. Additionally, this property already had a rear deck within the wetland buffer that was enclosed as part of a previous building permit.

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

This application does not delineate the 25' vegetated buffer strip but the applicant is proposing significant landscaping and bringing this area back to a natural vegetated state.

Recommendation: Staff recommends **denial** of this application to the Planning Board due to the following concerns:

1. This project does not meet Criteria #5.
2. Sheet C104 references a Knickerbocker Group architectural plan that is not within application submission.

In addition (notes 3-5 are carried over from previous submission):

3. Applicant needs to include the jurisdictional Portsmouth wetland buffer widths (in addition to the TBZ) on plans. This should include the 25' vegetated no-cut buffer and the 50' limited cut delineation.
4. Applicant must delineate where erosion controls are to be placed on site prior to the start of site work.
5. Applicant shall include details of the proposed deck construction including permeability, material, location of footings, substrate underneath, etc.

**1 Franklin Drive
Assessor's Map 220 Lot 2
City of Portsmouth, Owner**

This application proposes the construction of three additions to the New Franklin Elementary School and associated site improvements. These additions include a new vestibule entrance, a new kindergarten classroom and a loading zone, and a new section of classrooms for third and fourth grade students. Associated site improvements include new accessways and paths, a conservation seed mix within the 25' wetland buffer, and the relocation of parking spaces, water, sewer and electrical lines and the introduction of stormwater improvements with deep sump catch basins with oil/water separator hoods. This project proposes a site increase of 535 s.f. of permanent impervious impacts within the buffer of the jurisdictional inland wetland on site.

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

This is currently a school property and functions as an elementary school. This project is proposing expanding the use of the school into the wetland buffer and a partially existing impervious area.

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

Of the additions, only addition #2 appears to impact the wetland buffer and does so minimally. The majority of impacts appear to be for egress and driving aisles. This is a tight location with minimal maneuverability. Alternative locations for the drive aisles do not appear to be feasible. In addition, porous pavement is required but applicant has demonstrated that this requirement is not structurally feasible in this location due to impacts from soil saturation.

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

This application proposes a modest impervious surface increase within the wetland buffer. While the applicant is not proposing any plantings to help mitigate these impacts, they are proposing an enhancement of the buffer with a wetland/conservation seed mix within the 25' vegetated buffer.

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

This project appears to be removing a majority of existing disturbed areas in addition to lawn. Applicant should call out on plans any trees or existing vegetation to be removed as part of this project if applicable.

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

This proposal increases permanent impacts to the wetland buffer, but the project is working within a constrained space with minimal alternative locations. Applicant should demonstrate why alternative locations do not work. A wetland buffer enhancement plan was not provided but applicant has supplemented with a commitment to seed mix and will be implementing a new stormwater management system to capture parking lot sheet flow before entering the wetland. These additional improvements help to mitigate the increased impervious.

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

This application does not increase impervious surfaces within the vegetated buffer strip.

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

1. 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. It is recommended that markers be placed along the existing fenceline that runs alongside the jurisdictional wetland.