

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner/Sustainability
Coordinator; Peter Britz, Director of Planning &
Sustainability
DATE: April 3, 2026
SUBJ: April 8, 2026 Conservation Commission Meeting

**0 Borthwick Avenue
Liberty Mutual Insurance Company, Owner
Assessor's Map 240 Lot 3**

This application is for proposed maintenance of a stormwater detention pond at the Liberty Mutual property along an existing paved parking lot within the wetland buffer boundaries of a prime wetland and within the prime wetland itself. This project includes replacement of a failed 24" culvert along with removing 2 feet of sediment from the existing detention pond, unburying two existing culverts which will be cleaned and reset, and removing/trimming vegetation. The total surface area impacts within the prime wetland buffer include approximately 9,500 s.f. of temporary impacts for dredging work, 700 s.f. of wetland buffer disturbance for replacement of the culvert and 225 s.f. of direct prime wetland impacts.

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

This area is an existing stormwater detention pond with failing culverts and outlet infrastructure. This is considered maintenance work with the exception of a culvert replacement.

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

This area is an existing stormwater system that collects and releases stormwater coming from the parking lots across the street from Liberty Mutual. There is already significant stormwater infrastructure in place both beneath the parking lot and in the area of work that was put in place to remediate sheet flow from the parking lot into the wetland and wetland buffer. Moving this project to a new location outside of the buffer would create an even greater disturbance size to the buffer and prime wetland.

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

If the area of work is contained to the current extent and construction equipment and debris can be cleaned and moved off site to limit the spread of invasive species, it will reduce the risk of harm to the nearby prime wetland. This has been noted on the updated Grading & Drainage Plan (C-103).

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

Plans do not detail the existing vegetation on site, but plans propose trimming and removal of vegetation in an area outside of proposed dredging and the removal of 16 trees on site. Applicant should note on plans and in invasive management plan what the long-term maintenance plans are for these areas (ex. Routine trimming, mowing, planting, leaving undisturbed, etc.). In addition, applicant should consider planting additional trees along the detention pond as part of this project to offset the loss of trees.

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

The area of work appears to be minimized in order to avoid additional impacts to the prime wetland and wetland buffer. The restoration of the existing failing stormwater system should reduce current impacts from stormwater coming off the adjacent parking lot.

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

Information is lacking on proposed vegetation in this area. Applicant should provide information on the routine vegetation maintenance within 25' of wetland edge.

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

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 for this location that wetland boundary markers be considered along the edge of the pavement/top of bank to prevent foot traffic or unnecessary maintenance in the proposed area.
2. Applicant shall provide a maintenance plan for this area of the parcel that details annual and long-term maintenance of the stormwater system. This should include required annual invasive species mitigation work. This plan shall be entered into the chain of title for the property in a recorded document, approved by the Planning and Legal Departments, and recorded at the Rockingham County Registry of Deeds.
3. Plans must be stamped, signed and dated by the NH CWS that is noted on Sheet C-103 in the digital application file.
4. Applicant shall include trees to be planted as part of this project in an updated plan that helps to offset trees to be removed.

**400 Little Harbor Road
Society for the Protection of New Hampshire Forests, Owner
Assessor's Map 203 Lot 8**

This application is for the construction of two sections of currently eroded and degraded shoreline trails at the Creek Farm property. The construction methods propose using a turnpike trail construction method which imports fill material to establish a raised trail surface above the existing trail. In addition to multiple layers of fill and multiple fill types and drainage materials, a shallow ditch will also be constructed on each side of the new trail construction to drain water. This new construction will rebuild 270 linear feet of eroded trail at approximately 5 feet wide, resulting in an estimated 1,350 s.f. of permanent impact area.

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

This property has existing trails and is heavily utilized by the public. The areas of proposed construction is already being used as a trail.

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

This project is proposing to re-establish existing trail sections that are within the wetland buffer. These areas are already heavily trafficked by the public. This project aims to reduce the erosion, flooding and sediment transport that currently occurs which impacts the adjacent wetland resource.

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

The proposed work aims to reduce the erosion, flooding and sediment transport that currently occurs which impacts the adjacent wetland resource. Although new fill is being brought in, it should help stabilize the trail areas which will prevent runoff and erosion issues in the future.

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

Applicant is proposing to remove invasives in some areas while also avoiding tree removal. In areas where impacts to tree roots cannot be avoided, applicant is proposing to add new fill on top of roots.

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

This project proposes impacting an area that is already in trail use. While it involves bringing in additional materials and fill, this project should prevent further damage to the wetland buffer and wetland resource through the mitigation of flooding, erosion and sediment transport.

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

Applicant states that no vegetation clearing will be needed within the 40' vegetated buffer strip.

Recommendation: Staff recommends **approval** of this application to the Planning Board as presented.

**134 Pleasant Street
Double MC LLC, Owner
Assessor's Map 116 Lot 30**

This application is for the installation of a new treated stormwater pipe below the Parrott Avenue parking lot within the wetland buffer of the South Mill Pond. This project proposes a total impact area within the wetland buffer of 601 s.f. for disturbance of the existing asphalt parking lot to place and then cover the new stormwater line. This impact is almost entirely underneath existing impervious surfaces within the wetland buffer.

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

This property is disturbed with pavement and the proposed activity would return the area of work back to pavement once the new piping is installed.

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

This project is a sewer separation project and in order to split the stormwater from the existing combined line, the stormwater pipe will have to be directed to an existing connection, the closest of which is in the Parrott Avenue lot and within the 100' wetland buffer. An alternative location for the pipe does not seem feasible.

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

The proposed work is within a very small section of the wetland buffer and will occur in mostly existing paved areas. The construction should not have an adverse impact on the South Mill Pond and the new stormwater line should create an improvement to existing conditions by having stormwater treated by a jellyfish filter before entering into the main stormwater system.

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

This project only appears to alter a very small portion of a landscaped area within the parking lot.

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

This project proposes impacting an area that is already impervious surface and the introduction of treated stormwater to this area of our stormwater system should create a positive impact on the water quality in the area.

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

This project does not propose impacts to the vegetated buffer strip (25' buffer).

Recommendation: Staff recommends **approval** of this application to the Planning Board with the following stipulations and recommends waiving application requirements as stated in Section 10.1017.26 (living shoreline strategy), 10.1018.31 (porous pavement) and 10.1018.40 (wetland boundary placards) of the City of Portsmouth Zoning Ordinance due to the in-kind impervious replacement and limited scope of this project.

1. Plans must be stamped, signed and dated by the New Hampshire Certified Wetland Scientist who delineated the wetland resource.

**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 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 591 s.f. of impervious surface within the buffer, going from an existing condition of 6,583 s.f. to 7,174 s.f. of impervious within the 100' prime wetland buffer.

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

This land is 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 would help to mitigate temporary impacts from construction and long-term impacts from the increased impervious.

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.

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

The proposed work is occurring within a the buffer of a very sensitive wetland system. This project is introducing a large amount of construction which will include bringing in new soils for grading, construction of a large deck, a stone pathway, stairs, grill area and landscaped areas. A wetland buffer enhancement plan should include long-term maintenance plans and more information should be provided on how stormwater will be managed on this site. Additionally, a living shoreline strategy is needed due to the tidal wetland buffer impacts and adjacent salt marsh habitat.

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 application has not provided any alternatives at this stage and the proposal does increase permanent impacts to the wetland buffer.

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 it appears to show some proposed landscaping within this area.

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

1. Application is missing a living shoreline strategy as required in Section 10.1017.26 of the City of Portsmouth Zoning Ordinance.
2. Application does not consider temporary vs. permanent impacts as part of this project. Please include all grading and fill areas and areas to be disturbed as impact areas.
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. Applicant should demonstrate compliance with the 25' no-cut buffer restrictions.
4. Applicant must delineate where erosion controls are to be placed on site prior to the start of site work.
5. Applicant shall include a maintenance plan for landscaped areas and the 25' vegetated buffer strip.
6. Applicant shall include details of the proposed deck construction including permeability, material, location of footings, substrate underneath, etc.
2. Plans must be stamped, signed and dated by the New Hampshire Certified Wetland Scientist who delineated the wetland resource.