

**REGULAR MEETING
CONSERVATION COMMISSION
1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

4:00 P.M.

September 9, 2026

AGENDA

I. APPROVAL OF MINUTES

1. August 12, 2026

II. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 400A Little Harbor Road
Assessor's Map 203 Lot 8
Society for the Protection of New Hampshire Forests, Owner
LU-26-68
2. 50 Whidden Street
Assessor's Map 102 Lot 66
Christopher Daniell, Owner
LU-26-15

III. OTHER BUSINESS

1. Capital Improvement Plan – Requests
 - a) Conservation Fund
 - b) Vernal Pool Inventory Update
 - c) Jones Avenue Shoreline Stability Project
 - d) Additional Items

IV. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN__V1DtApGT1WvaW-k3CUJhg

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
CONSERVATION COMMISSION**



**MEETING MINUTES
WEDNESDAY, AUGUST 12, 2026, 4 pm
City Hall Council Chambers, 1 Junkins Ave., Portsmouth**

For the Zoom recording:

<https://www.youtube.com/live/AzXceFQY5Xw?si=LvjM5mUR6GqNrOdm>

[Timestamp 7:57] Meeting called to order at 4:05 pm. Roll Call:

MEMBERS PRESENT: Chair Samantha Collins; Vice Chair Barbara McMillan, Talia Sperduto, Lynn Vaccaro, Brian Gibb, Jessica Blasko, Oliver Chag

MEMBERS ABSENT: Stewart Sheppard, Alice Carey

STAFF PRESENT: Kate Homet; Environmental Planner

[Timestamp 8:03] I. APPROVAL OF MINUTES – On a motion by Gibb seconded by Blasko the minutes for the July 8, 2026 were approved, with Chag abstaining as he did not attend the July meeting.

[Timestamp 8:40] II. DREDGE AND FILL – MINIMUM EXPEDITED IMPACT

On a motion by Blasko, seconded by Gibb the Commission voted unanimously to move the last Agenda item forward:

Dredge and Fill – Minimum Expedited Impact

400 Little Harbor Road

Assessor's Map 203 Lot 8

Society for the Protection of New Hampshire Forests (SPNHF), Owner

Dylan Summers, Stewardship Project Manager for the SPNHF appeared before the Commission to explain two changes in the application to repair a degraded section of the walking trail at Creek Farm:

- The decision to connect the two sections of raised trail to form a continuous path to assist with maintenance and ensure the middle section does not become a new low spot/muddy area; and
- The decision to move the project materials temporary stockpile area back so that none of it falls within the 100' buffer.

[Timestamp: 11:36-12:20] Summers told the Commission that the Planning Board had approved these two changes and that the owner was not required to come back to the Conservation Commission with the new information and for the CUP to be signed. Note: This unprecedented action was discussed again by the Commission near the end of the meeting [timestamp 2:13:31].

Vaccaro noted that the water level will change over the next decades and asked that SPNHF keep an eye on the trail and allow some water to flow through. SPNHF commented that the repaired trail will raise the level a minimal 4-6" and that they do plan to monitor it.

[Timestamp: 17:48] On a motion by Blasko seconded by McMillan the commission voted unanimously to approve and sign the CUP dredge and fill application for the owner at 400 Little Harbor Road. Chair Collins signed the permit.

[Timestamp 19:13]

WETLAND CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

E194 Utility Right-of-Way

Assessor's Map 239 Lot 18, Map 239 Lot 16, Map 238 Lot 20, Map 237 Lot 56, Map 236 Lot 34, Map 240 Lot 2-1, Map 240 Lot 2-2001, Map 240 Lot 3 and Map 240 Lot 3

Public Service of New Hampshire d/b/a Eversource Energy Owner

LU-26-90

Staff Memo description: This is a utility structure maintenance project with work throughout the Portsmouth transmission corridor on the existing E194 transmission line. The purpose of this work is to replace 12 existing wood utility pole structures with steel to increase the long-term viability of the lines. The proposed steel poles will be approximately 5-10' higher than the existing wooden poles. Work in the Right-of-Way is proposed in vegetated areas along with commercially-developed sites. This project proposes 45,531 s.f. of temporary wetland buffer impacts and 37,390 s.f. of temporary wetland impacts for equipment access, work pad placement and to facilitate maintenance and repairs.

Sherrie Trefry, VHB with Eversource representatives appeared before the Commission and explained changes that had been made to the project plan since the Site Walk. These changes are also reflected in the DES permit application:

- To remove the proposed gravel impacts to the wetland buffers for 12 of the structures, and replace those with temporary upland matting instead to provide safe and stable access for Eversource and their contractors to complete the proposed work. Structures #21 and 24 will maintain gravel access but these are completely outside the buffer;
- To move Structure #15 30 feet back to provide a safe setback from a newly developed roadway. Will use upland matting for that installation.

[Timestamp 22:58] Chair Collins expressed her thanks to Eversource for listening to the Commission's concerns by making no permanent impact on the wetland by using temporary matting. McMillan also thanked the applicant for those changes.

[Timestamp: 23:40] On a motion by Blasko, seconded by Chag, the Commission voted unanimously to approved the Wetland Conditional Use Permit for E194 Utility Right-of-Way.

[Timestamp: 24:17]

WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

Peverly Hill Road Side Path Project

City R.O.W. and Assessor's Map 243 Lots 52 and 53, Map 242 Lots 3 and 4, Map 244 Lots 10-A and 10-B, Map 235 Lot 7 and Map 255 Lot 2
City of Portsmouth, Applicant
LU-26-104

STATE WETLAND BUREAU APPLICATIONS (OLD BUSINESS)
Dredge and Fill – Major Impact
550 Peverly Hill Road

Staff Memo description: This application is for the reconstruction of an approximately 1-mile section of Peverly Hill Road between West Road and Middle Road (NH Route 33). This project consists of improving drainage infrastructure, improving and curbing existing travel lanes, and installing a sidewalk and multi-use path for alternative modes of transportation. This work is to take place within the City's R.O.W. as well as a handful of private properties. On private properties, this project is proposing 970 s.f. of permanent wetland impacts, 2,488 s.f. of temporary wetland impacts, 21,419 s.f. of permanent wetland buffer impacts and 7,294 s.f. of temporary wetland buffer impacts. Please note, City R.O.W. improvements are exempt from a wetland conditional use permit under Article 10.1016.10 (2) of the City of Portsmouth Zoning Ordinance. This area of roadway does not have existing stormwater treatment and has wetlands on both sides of the road. This project proposes capturing that stormwater and allowing it to infiltrate through two sediment basins and a large gravel wetland that will consist of a mix of gravel and wetland plantings, allowing for filtration and a slow release into the prime wetland system of Sagamore Creek.

Brian Colburn, Project Manager and Christine Perron, CWS Regional Environmental Manager from McFarland Johnson appeared, along with DPW staff Eric Eby, City Engineer for Roads, Parking and Transportation and Dave Desfosses, Project Manager.

Chair Collins noted that following the site walk, the Commission had asked that the project plans be color coded to indicate impacted wetlands areas and asked Colburn to explain. He said the two colors – yellow and blue – indicated temporary and permanent easements, respectively but that the oval hatching indicated permanent wetland impact areas and the cross-hatched area showed the permanent wetland buffer impact (mostly already pavement). The dotted line is temporary wetland impact.

[Timestamp: 29:43] There was extensive discussion of the width of the sidepath and landscaped grass buffer, especially on the west side, where there is currently no development between Moffatt and Sage, as well as pockets on the east side.

Sidewalk on east is 5' – minimum for ADA and winter maintenance. Side path is 10' except for a short distance reduced to 8'.

[Timestamp 33:35] Colburn indicated the culverts for amphibian (e.g. Blandings turtles) crossings. Vaccaro and Sperduto expressed concern that a 15" pipe, especially when filled with water on occasion, was sufficient. Collins and McMillan wondered if grates for light and ventilation would improve the culverts' purpose. Collins asked if curb cuts or a sloped curb might give better access. Colburn explained the vertical curb is proven better at protecting pedestrians from vehicles jumping the curb. Vertical curb allows utility poles within 18' while a sloped curb requires poles to be set back 6'. He expressed concern that a tip down would confuse pedestrians into thinking that was a crossing area.

[Timestamp: 41:39] McMillan asked about the landscape buffer and street trees. Colburn advised that the 4' width is required for the poles (every 200') and that trees (salt-resistant and

not too tall) would be planted to provide shade cover for pedestrians. DPW Desfosses confirmed that the City's arborists will select the appropriate trees for the location and care for them. He also said the sidewalk and sidepath widths is to accommodate winter maintenance. McMillan expressed concern about the amount of salting on Portsmouth streets and Desfosses explained that the salters are computer calibrated to apply varying amounts of salt: for example, more where there is less sun on the road.

[Timestamp: 48:20] McMillan asked whether wildflower mix might be used and Desfosses agreed that in areas the City maintains and where the adjacent homeowner agrees, wildflower mix can be used rather than the standard park grass.

[Timestamp: 49:25] Colburn confirmed the landscaped 2' strip, across from YMCA, was eliminated and the 4' strip on the sidepath side is reduced to 2'. Collins noted this is one of the most sensitive wetland areas in the plan.

[Timestamp: 53:20] Vaccaro noted that this was the first time the Commission had the chance to discuss the project and appreciated that other discussions have taken place over the 10-year period to bring this project, requested by the public to reduce vehicle speed on the corridor and to accommodate bicycles and pedestrians more safely, forward. She asked if the Peverly Hill Road access will connect to other areas. Eby explained the intention is to link across Lafayette to the proposed Elwyn Road side path (as far as Harding), to link at the end of Sage Road (with signage added) to the Greenway/Rail Trail (serving The Plains ballfield and skatepark) and from West Road to the Community Campus – also connected eventually to the Greenway.

[Timestamp: 55:20] McMillan asked about narrowing and Colburn explained the project background reviewed many options and their impacts were considered. The project currently follows American Association of Highway Officials and is Federally funded through NHDOT so must follow Federal Highway Design guidance and that the 10' width is the minimum for safety on the sidepath. He and Eby commented that any narrowing would not likely be approved by NHDOT.

[Timestamp: 59:26] McMillan asked about water under the road. Desfosses discussed culvert treatment to handle the two streams Peverly Brook and Sagamore beneath the road where flooding occurred 25 years ago.

[Timestamp: 1:02:12] Perron confirmed the State Wetland permit covers the same information and is currently under review by NHDES.

[Timestamp: 1:02:49] McMillan asked about plantings at the gravel wetland. Colburn said a row of arbor vitae will be planted at the back of the property. Perron commented on the upland wetland and intent it to keep herbaceous. Desfosses confirmed that the City will maintain access to the gravel wetland by mowing in the fall to keep the 20' wide pipeline path clear. DES requires the City to manage invasives. Wildflower mix would be fine for back slope.

[Timestamp 1:07:31] Blasko made the motion, seconded by McMillan to approve the CUP for Peverly Hill Road with the following stipulations:

1. That the CUP be signed and stamped by the wetland scientist;
2. That educational signage about the wetlands sensitivity be placed along the sidepath in lieu of the placards usually required;
3. That a wildflower seed mix be used where possible in the vegetative strip and on the back slope of the gravel wetland;

4. That the project consider a curb cut or sloped curb at the amphibian crossings

[Timestamp 1:10:10] Collins asked if targeted areas might have sloped curb: 245-50 and 243-52 (sections 6, 7 and 8). Desfosses suggested a chamfered curb – although it is more expensive -- rather than sloped in the amphibian crossing areas. The area will have utility poles and would require guy wires if alternating across the street. Vaccaro suggested an increase to 18" culverts. McMillan expressed concern that these projects are constantly breaking up turtle crossings, but understands that in this case the road interference already exists.

[Timestamp 1:22:32] Additional stipulations:

5. Chamfered curbing in sections 245-50 and 243-52 and same lengths on the opposite side
6. Remove the 2' landscaped strip at the Banfield intersection

[Timestamp: 1:25:50] The Commission voted unanimously to grant the Conditional Use Permit for the Peverly Hill Road project.

[Timestamp 1:26:08] Blasko moved and McMillan seconded the approval of the State Wetland permit. The Commission voted unanimously in favor.]

[Timestamp: 1:26:48]

WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

**124 Heritage Avenue
Assessor's Map 284 Lot 8
124 Group Inc, Owner
LU-26-61 224**

STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)

Dredge and Fill – Major Impact

Staff Memo: This application is for the construction of a new garden area within the 100' wetland buffer and a prime wetland buffer. This project includes the construction of a new garden area with raised beds, the installation of an ADA accessible ramp, stormwater conveyance modifications, lighting and landscaping. Overall, this project proposes an increase of approximately 498 s.f. of impervious surface within the wetland buffer due to the new ramp.

Neil Hansen, Tighe and Bond Project Manager, Stephanie Tetreault wetlands scientist and representatives from Gather appeared before the Commission to request the City CUP and approval of the NHDES Wetlands permit to be submitted in the next week or so. Received guidance from TAC and the Planning Commission. Prime wetland is across the street. Small piece not associated with the garden project within the wetland buffer and will remove pavement and cleanup. Other impacts are in garden location with the new ADA impact. Minor regarding at culvert and small stretch of curb, curb cut and pre-treatment inlet area to direct stormwater.

[Timestamp 1:30:12] Hansen said that a condition of approval from TAC is to pave area around the small catch basin on the edge of the roadway. Also added is the planting plan around the garden: berries and pollinator wildflower seed around garden, raspberry/blackberry patch. 8' walkway between swale and plantings.

[Timestamp: 1:33:00] McMillan asked about the catch basin turret. Hansen explained it allows flow from the side to direct and screen runoff. Study shows a minimal (0.01-0.02 increase in volume), resulting from the slight increase in impervious surface from the ADA ramp.

[Timestamp 1:35:01] Paving 40 s.f. area around catch basin to reduce roadside gravel, etc, going into the basin.

[Timestamp 1:38:20] On a motion by Blasko, second by Chag, the Commission voted unanimously to approve the CUP for 124 Heritage Ave. Vaccaro asked to add the stipulation that educational information in the garden area, in lieu of boundary markers, note the proximity of the wetlands and describing the sensitivity of the swale be added. Blasko and Collins expressed thanks to the application on working to make the project happen. [Vote at 1:40:49]

[Timestamp: 1:40:45] On a motion by Blasko seconded by Sperduto the Commission voted unanimously to approve the NHDES wetland dredge and fill application.

[Timestamp: 1:41:31]

WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

Cate Street

Assessor's Map 173 Lot 3

Rezma Shrestha & Mark Esposito, Owners

LU-26-106

Mark Esposito appeared before the Commission to explain the rehabilitation plan. Previous owner used heavy equipment leaving compressed soil and industrial waste. 8' slope draining into foundation. 250 sf. Regrade to get 10' off foundation. Little wetland impact. Planting on the border. Western edge clearing Norway maples and planting arbor vitae. Will clean up construction debris and replant with native within 2-3 years.

[Timestamp: 1:45:27] McMillan noted tree planting on the bottom of the plan might not be at the top of the bank and recommended no planting or excavation below the top of the bank as that might necessitate DES permitting.

[Timestamp: 1:47:51] McMillan moved and Blasko second the motion to approve the 224 Cate Street CUP with the stipulation that there be no excavation below the top of the bank. Vaccaro added the stipulation that wetlands markers be placed at the boundary of the wetland. The Commission approved unanimously.

[Timestamp: 1:48:47]

WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

579 Sagamore Avenue

Assessor's Map 223 Lot 30

Tidewatch Condominium Association, Owner

LU-26-103

This application is for an after-the-fact permit to remediate the loss of a mature beech tree within the vegetated 'no-cut' wetland buffer. The applicant is proposing to introduce new plantings within three areas of the 25' buffer to help stabilize the area – this includes the planting of red maple trees, yellow birch trees and northern bayberry shrubs.

Kim Rogers, property owner and Tidewatch Condominium Association representative appeared before the Commission to discuss new plantings to replace the tree removed in the 'no-cut' buffer. He plans to plant 3 trees, red maple or yellow birch as recommended by arborist Mitch Lee/Lee Tree and 8 one-gallon bayberry or juniper shrubs.

[Timestamp: 1:52:36] Collins recommended 2" caliper – as large as possible without needing heavy equipment,

[Timestamp: 1:53:53] McMillan recommended a watering, maintenance plan. Homet suggested a 1 year after planning survival rate. If less than 80% survival rate, then City asked to replant and submit a plan after the 2nd year.

[Timestamp 1:55:55]

On a motion by Blasko second by Chag the Commission recommended approval with the following stipulations:

- The owner complete 1- and 2-year tree survival reports
- The trees by 2: caliper or larger
- The owner maintain the trees for survival with weeding and watering
- The owner install wetlands placards on the affected stretch along the 25' wetlands buffer to avoid this from happening again

[1:58:43] The Commission voted unanimously in favor with Vaccaro noting the area is a very special location with its wetlands and pond.

[Timestamp: 1:59:31]

IV. OTHER BUSINESS Capital Improvement Plan (CIP) - Requests

Homet asked that the Commissioners consider whether and what CIP requests to include before the September 18, 2026 deadline.

Previous suggestions:

- Vernal pool update, previously included by timing extended
- Citywide prime wetlands update from 15 years ago, although many areas have been mapped as part of development projects. But areas not mapped eg. Commerce Way, Moffatt St.
- Adding to the land acquisition fund, now \$300,000 after depletion by purchase Cavaretta property. Used to have an annual \$500,000/yr addition.

Suggested the Commissioners discuss/brainstorm other ideas such as an Open Space study and relevant items on the Sustainability Committee list at their September meeting.

Blasko suggested a shoreline study to consider stabilizing or reconstructing the marsh as a buffer. Vaccaro mentioned the Jones Avenue cap and possible solar project. Collins noted including items in the CIP can gain broader support.

[Timestamp: 2:13:31]

Blasko returned to the problematic precedent of the Planning Board approval of 400 Little Harbor Road without directing the applicant to return to the Commission. Homet said the process is that after a project goes from the Commission to the Planning Board the staff compares the versions for any changes. The Planning Board approved a plan with changes without referring back to the Commission. This impact is a 25' x 5' additional impact on the wetland buffer that may have been significant enough to change the fee. If not the full Commission, Planning should have notified the Chair or Vice Chair because the Commission might not have agreed with the change. Gibb noted it is important to explain the Commission's concern about the precedent of creating a situation where there was a discrepancy. The Planning Board has the authority and the Commission makes recommendations but Planning

might alert the Chair of changes to avoid any problems if the two are not in synch.

After discussing options, the Commission agreed to ask staff to send a memo to Planning Board, with copy to the Chair.

V. ADJOURNMENT 6:16 pm

DRAFT

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner/Sustainability
Coordinator
DATE: September 3, 2026
SUBJ: September 9, 2026 Conservation Commission Meeting

**400A Little Harbor Road
Assessor's Map 203 Lot 8
Society for the Protection of New Hampshire Forests, Owner
LU-26-68**

This application is for replacing an existing set of stairs with a new landing and stairs to conform with current egress requirements. The new landing and stairs will create approximately 55 s.f. of permanent impacts to the wetland buffer. The applicant will be adding four highbush blueberry bushes on site to help mitigate the impacts to the jurisdictional wetland buffer.

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

This project seeks to replace a non-compliant set of stairs leading from an entryway with a compliant landing and new set of stairs. This will increase the impervious cover in this area by a small amount and is necessary for complying with the building code. It will replace an existing set of stairs that is within the same area.

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

This location is already an existing entry/exit for the building that is within the 100' wetland buffer. There is no reasonable alternative for redesigning and constructing an egress elsewhere in the building.

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

The proposed work is minimal and should not create any adverse impacts to the wetland functional values of the site. Erosion controls should be installed prior to construction to minimize runoff into the resource. The addition of new wetland buffer plantings could help to mitigate nutrient and sediment runoff in the long-term.

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

This project will only be performing construction in a previously developed area where existing stairs are currently sitting. No vegetation removal is being proposed.

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

This proposal is to improve an existing entry/exit for safety compliance and is greatly minimizing any impact to the jurisdictional areas. There is no alternative location outside of the wetland buffer that can be easily transformed for this purpose.

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

This application does not propose impacts to the vegetated buffer strip.

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

Prior to submission to the Planning Board:

1. Applicant shall submit a planting plan showing the proposed landscaped areas.
2. Applicant shall have wetland delineation stamped, signed and dated by a NH Certified Wetland Scientist.
3. Applicant shall delineate on plan where temporary erosion control measures shall be installed prior to construction to limit runoff into the wetland resource.
4. 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 25' vegetative buffer at 50-foot intervals. Applicant shall show the proposed locations for these markers on the plan set.

**50 Whidden Street
Assessor's Map 102 Lot 66
Christopher Daniell, Owner
LU-26-15**

This application is for the construction of a new rear multi-story addition to the existing home on the property. This construction includes a 48 s.f. cantilevered deck extending further into the wetland buffer than the existing home footprint.

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

This project is occurring almost entirely within the existing home's footprint. The addition of the cantilevered deck will have minimal impact on the wetland resource and buffer due to the small size and lack of ground disturbance.

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

The entire property is within the 100' tidal wetland buffer, there are no alternative locations outside of the jurisdictional areas.

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

The proposed work will not create any permanent ground disturbance, and stormwater filtration is already treated in the existing patio area below the proposed deck.

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

This project does not propose any removal of existing 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 eliminating ground disturbance as a part of this new extension off the home and will have minimal permanent impacts to the jurisdictional area.

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

This application does not propose impacts to the vegetated buffer strip.

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

Prior to submission to the Planning Board:

1. Applicant shall denote on plans where silt soxx will be placed prior to the start of construction.
2. Include a note on the plan set stating that property owner is responsible for scheduling a post-construction inspection with the Department of Public Works for the adjacent

stormwater pipe within City property. If found damaged, applicant will be responsible for repair.

Project Narrative:

Conditional Use Permit-Inland Wetland Buffer

Creek Farm – Education Center new landing and stairs

Tax Map 203, Lot 8

400A Little Harbor Road, Portsmouth, NH

Dear Samantha Collins,

The Society for the Protection of New Hampshire Forests is proposing to replace an existing set of stairs with a new landing and stairs to conform with current egress requirements for the city of Portsmouth. This work will take place at the Education Center located at Creek Farm.

In 2020 the Planning Board granted a CUP to allow for the replacement of the existing septic system. In 2022 the Planning Board granted a CUP for the construction of bathrooms which has been well received by visitors.

The new landing and not more than four stairs will be +/- 55 SQFT. Replacing the existing stairs +/- 13 SQFT adding +/- 42 SQFT of impervious surface. The applicant will be adding four high blueberry bushes adjacent to the existing blueberry bushes or where the commission deems so. There will be no cutting of any vegetation other than maintained grass and fertilizers or pesticides will not be used in the wetland buffer.

The new landing and stairs will be supported by two Sona tubes, 10" in diameter, and attached to the side of the building. The last step will rest on a cement landing roughly 12" by 60". Spacing between deck boards will be 1/4" and 3/4" stone will be beneath the landing and stairs.

Conditional Use Permit Criteria for Approval:

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

The proposed landing and stairs will be replacing an existing set of stairs and is entirely in a previously disturbed area consisting of maintained grass. The runoff will be mitigated by 1/4" spacing between deck boards, 3/4" stone beneath the landing and stairs and a naturally vegetated area.

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

There are no reasonable alternative areas for the proposed landing and stairs. The proposed landing and stairs serve an existing egress for the existing building.

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

The proposed landing and stairs will not alter the functions and values of the nearest wetlands. The proposed landing will be approximately +/- 72.4 ft from the wetland whereas the building is +/-60 ft away from the wetlands. There will be ¼ spacing between the deck boards and ¾ crushed stone will be beneath the proposed structure.

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

The proposed landing and stairs is entirely in a disturbed area. No natural area or woodlands will be disturbed. The size of the landing and stairs is determined by local building codes.

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

The proposed landing and stairs serve an existing egress for an existing building.

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

- a. Any temporary buffer strip disturbance will be seeded with a conservation seed mix.

Sincerely,

Carl Murphy, Facility Manager

Forest Society



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): _____

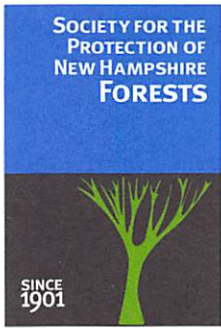
Site Address: _____ Map: _____ Lot: _____

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

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☐	Basic property and wetland resource information. (10.1017.21)	
☐	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. (10.1017.22)	
☐	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). (10.1017.23)	
☐	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. (10.1017.24)	

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☐	Wetland buffer enhancement plan. (10.1017.25)	
☐	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. (10.1017.26)	
☐	Stormwater management must be in accordance with Best Management Practices including but not limited to: 1. <i>New Hampshire Stormwater Manual, NHDES, current version.</i> 2. <i>Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.</i> (10.1018.10)	
☐	Vegetated Buffer Strip slope of greater than or equal to 10%. (10.1018.22)	
☐	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. (10.1018.23/10.1018.24/10.1018.25)	
☐	All new pavement within a wetland buffer shall be porous pavement. (10.1018.31)	
☐	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. (10.1018.32)	
☐	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. (10.1018.40)	
☒	Requested Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
☐	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 WCUP instruction page for further application instructions.	
☐	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: Carl Murphy Date: _____



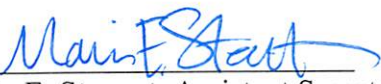
54 Portsmouth Street
Concord, NH 03301
Tel. 603.224.9945
info@forestsociety.org
www.forestsociety.org
Follow @forestsociety

EXCERPT

Be it noted that the Board of Trustees of the Society for the Protection of New Hampshire Forests, in a board vote taken on April 10, 2026

VOTED to authorize David Jackson Savage (Jack), President, and Anne G. Truslow, Vice President of Development, to sign all contracts, deeds, checks, drafts and orders drawn on SPNHF General Funds or Restricted funds; and that they are hereby authorized to deposit checks and drafts payable to this Corporation; and further are authorized to sell, assign, and endorse for transfer, certificates representing stocks, bonds, annuities, or other securities now registered or hereafter registered in the name of this Corporation.

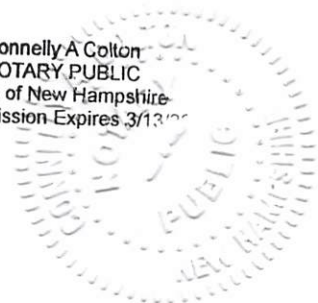
As the duly authorized Assistant Secretary of the Society for the Protection of New Hampshire Forests, having been appointed at the meeting of December 4, 2019, I hereby confirm that the above Vote was taken by said Board of Trustees on April 10, 2026.

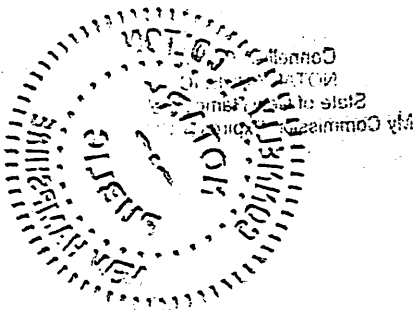

Maria E. Stewart, Assistant Secretary

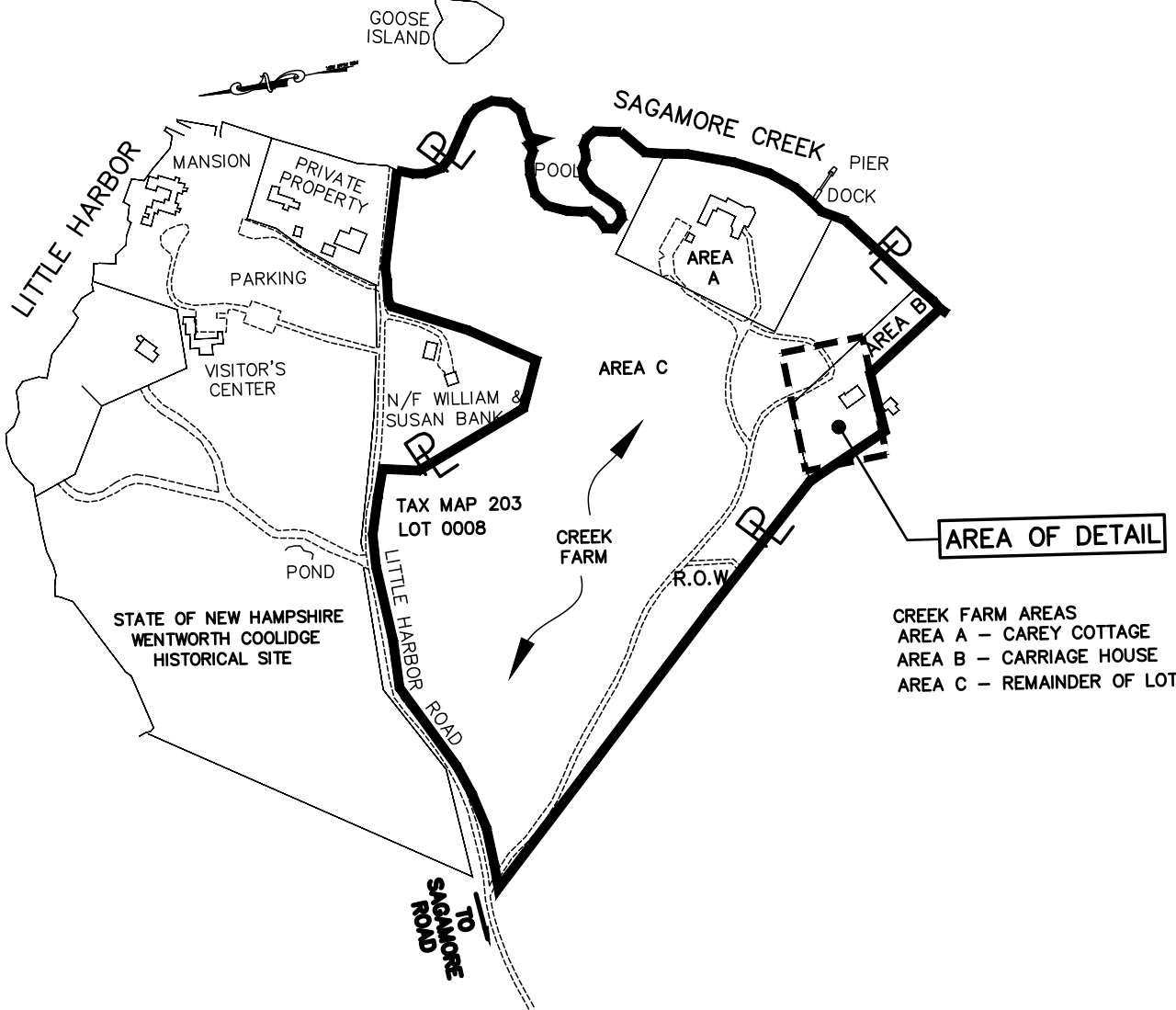
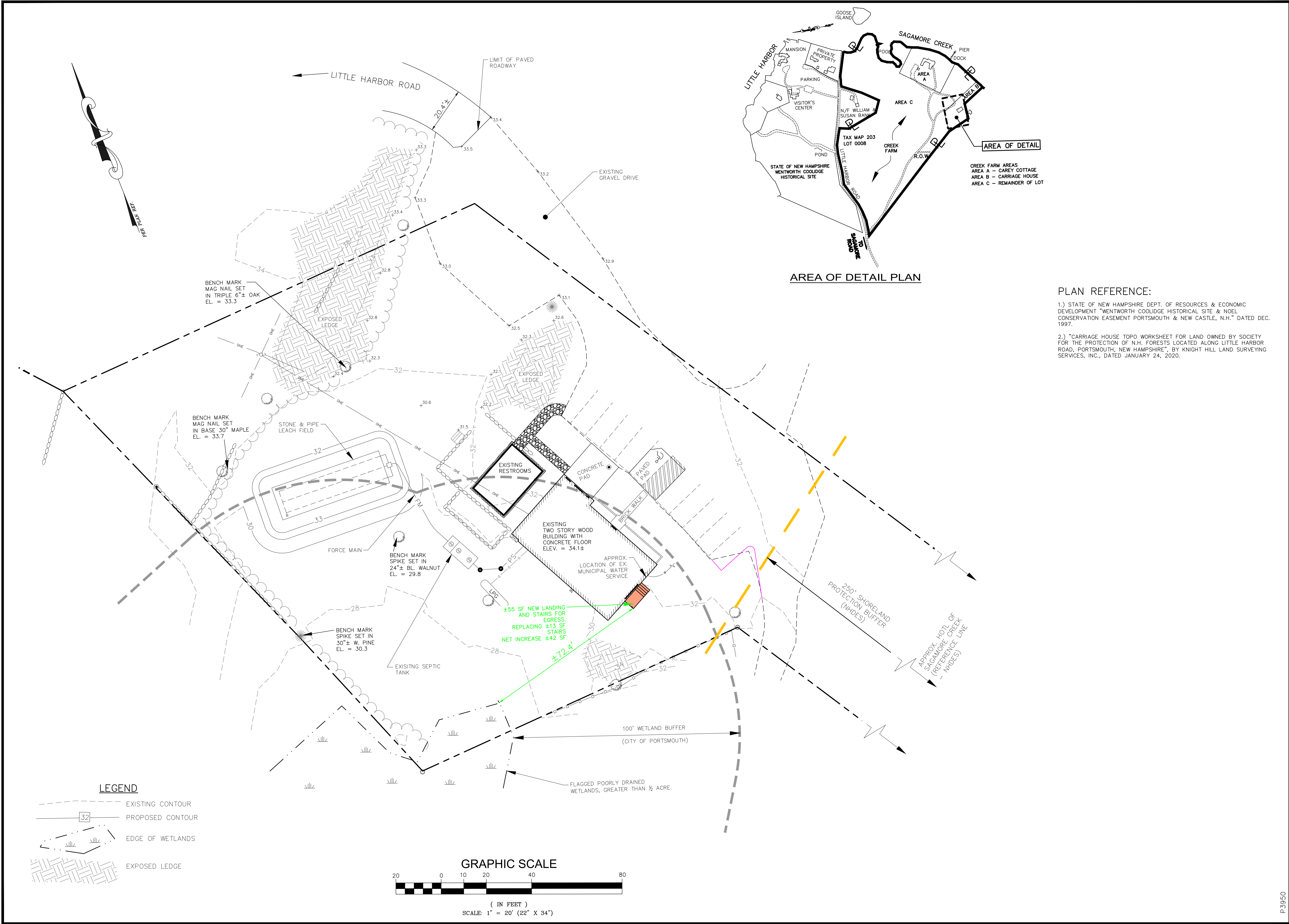
Attested:


Connelly A. Colton, Notary Public
Commission expires: March 13, 2029

Connelly A. Colton
NOTARY PUBLIC
State of New Hampshire
My Commission Expires 3/13/29







PLAN REFERENCE:

1.) STATE OF NEW HAMPSHIRE DEPT. OF RESOURCES & ECONOMIC DEVELOPMENT "WENTWORTH COOLIDGE HISTORICAL SITE & NOEL CONSERVATION EASEMENT PORTSMOUTH & NEW CASTLE, N.H." DATED DEC. 1997.

2.) "CARRIAGE HOUSE TOPO WORKSHEET FOR LAND OWNED BY SOCIETY FOR THE PROTECTION OF N.H. FORESTS LOCATED ALONG LITTLE HARBOR ROAD, PORTSMOUTH, NEW HAMPSHIRE", BY KNIGHT HILL LAND SURVEYING SERVICES, INC., DATED JANUARY 24, 2020.

NOT FOR CONSTRUCTION

ISSUED FOR: PERMITTING

ISSUE DATE: JULY 27, 2026

REVISIONS		NO.	DESCRIPTION	BY	DATE
		0	INITIAL SUBMISSION	EDW	07/27/26

DRAWN BY: EDW
APPROVED BY: EDW
DRAWING FILE: 3950STAIRS.DWG

SCALE:
(22"x34") 1" = 20'
(11"x17") 1" = 40'

OWNER/APPLICANT:

SOCIETY FOR THE PROTECTION OF N.H. FORESTS

54 PORTSMOUTH ST.
CONCORD, NH 03302

PROJECT:

PROPOSED STAIRS AND LANDING AT THE CARRIAGE HOUSE CREEK FARM

400 LITTLE HARBOR ROAD
PORTSMOUTH, NH
TAX MAP 203, LOT 08

TITLE:

AMENDED SITE PLAN

SHEET NUMBER:

1 of 1

P3950

COLBY T. GAMESTER

Attorney At Law

154 Maplewood Avenue
Portsmouth, New Hampshire 03801

(603)-427-0000
colby@gamesterlaw.com

August 26, 2026

SUBMITTED VIA VIEWPOINT

City of Portsmouth
Conservation Commission
1 Junkins Avenue
Portsmouth, NH 03801

**Re: Wetland Conditional Use Permit Application of Christopher H. Daniell
50 Whidden Street, Portsmouth, NH (Tax Map 102, Lot 66)
LU-26-15**

Dear Chair Collins:

My office represents Christopher H. Daniell, the owner of property located at 50 Whidden Street, Portsmouth. Enclosed herewith are the following materials for submission to the Conservation Commission for consideration at the next regularly scheduled meeting in September:

1. Landowner Letter of Authorization
2. Wetland Conditional Use Permit Application Checklist
3. Narrative – addressing Section 10.1017, generally, and Section 10.1017.50, specifically
4. Exhibit A – Site Plan
5. Exhibit B – Pictures of the Property
6. Exhibit C – Floors Plans and Elevations
7. Exhibit D – Diagram of existing living shoreline

One (1) hardcopy of these materials will be delivered this same day to the Planning Department. Should there be any questions, comments or concerns regarding the enclosed application and materials then please do not hesitate to contact me.

Kindest Regards,


Colby T. Gamester, Esq.

Enclosures

Cc: file; Client; Scott Simons; Scott Boudreau; Jason Lajeunesse (all via email only)

LANDOWNER LETTER OF AUTHORIZATION

I, the Undersigned, Christopher H. Daniell, the record owner of real property located at 50 Whidden Street, Portsmouth, New Hampshire 03801, identified on Portsmouth Tax Map 102 as Lot 66 (the "Property"), hereby authorize Gamester Law Office, and its attorneys and representatives, to file any document with the City of Portsmouth (the "City"), communicate and correspond with City staff and officials, and submit applications with and appear before the City's land use boards all regarding the Property. This Letter of Authorization shall be valid until expressly revoked in writing.

Christopher H. Daniell
Christopher H. Daniell

8/17/2026
Date



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: Christopher H. Daniell Date Submitted: 8/26/2026

Application # (in City's online permitting): LU-26-15

Site Address: 50 Whidden Street Map: 102 Lot: 66

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

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☒	Basic property and wetland resource information. (10.1017.21)	See Narrative and Site Plan
☒	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. (10.1017.22)	NA
☒	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). (10.1017.23)	See Narrative
☒	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. (10.1017.24)	See Narrative

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☒	Wetland buffer enhancement plan. (10.1017.25)	See Narrative
☒	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. (10.1017.26)	See Narrative
☒	Stormwater management must be in accordance with Best Management Practices including but not limited to: 1. <i>New Hampshire Stormwater Manual, NHDES, current version.</i> 2. <i>Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.</i> (10.1018.10)	NA
☒	Vegetated Buffer Strip slope of greater than or equal to 10%. (10.1018.22)	NA
☒	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. (10.1018.23/10.1018.24/10.1018.25)	NA
☒	All new pavement within a wetland buffer shall be porous pavement. (10.1018.31)	NA
☒	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. (10.1018.32)	NA
☒	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. (10.1018.40)	See Site Plan
☒	Requested Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
☒	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 WCUP instruction page for further application instructions.	See Letter and Narrative
☒	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.	NA

Applicant's Signature:



Date:

8/26/2020

**CITY OF PORTSMOUTH
CONSERVATION COMMISSION & PLANNING BOARD
NARRATIVE IN SUPPORT OF
WETLAND CUP APPLICATION**

Christopher H. Daniell
50 Whidden Street
Portsmouth, NH 03801
Owner and Applicant

Introduction

Christopher H. Daniell (“Owner” or “Applicant”) is the owner of the real property located at 50 Whidden Street, Portsmouth, New Hampshire, identified on Tax Map 102 as Lot 66 (the “Property”). This narrative is submitted in support of an application for a Wetland Conditional Use Permit under Section 10.1017 of the City of Portsmouth Zoning Ordinance to permit limited residential improvements within the 100 foot tidal wetland buffer associated with South Mill Pond.

The narrative is organized to address the application requirements of Section 10.1017.21, to explain why certain additional requirements under Sections 10.1017.22 through 10.1017.26 either do not apply or are already satisfied by existing site conditions, and then to demonstrate that the proposal meets each of the six mandatory criteria for approval set forth in Section 10.1017.50.

Application Requirements – Section 10.1017.21

Section 10.1017.21 requires that the application includes specific information. That information is provided below and is further illustrated on the Site Plan prepared by Boudreau Land Surveying, PLLC which is enclosed herewith as Exhibit A. Also enclosed as Exhibit B are a series of photographs of the Property.

(1) Location and area of lot and proposed activities and uses.

The Property is located at 50 Whidden Street. The lot contains 3,636 square feet (0.08 acres) and has 101.18 feet of frontage solely on Whidden Street. The Property sits on the shoreline of South Mill Pond. The Property is entirely within the 100 foot wetland buffer. Proposed activities consist of (a) limited infill construction building upon the existing historic footprint of the house (no new foundation work or ground disturbance), and (b) construction of a small cantilevered first floor deck directed toward the open shoreland.

(2) Location and area of all jurisdictional areas (vernal pool, inland wetland, tidal wetland, river or stream) on the lot and within 250 feet of the lot.

The sole jurisdictional area is South Mill Pond, a tidal wetland. The entire Property lies within the 100 foot wetland buffer associated with South Mill Pond. A portion of the Property nearest the Pond lies within Zone AE (base flood elevation 8). The grade of the Property steps

upward such that the southerly edge of the house sits at approximately elevation 11 feet, with a first floor elevation of 19.22 feet. There are no vernal pools, inland wetlands, rivers, or streams on the Property nor, to the best of the Applicant's knowledge, within 250 feet of the Property.

(3) Location and area of wetland buffers on the lot.

The entirety of the 3,636 square foot lot is located within the 100 foot Wetland Buffer as depicted on the Site Plan.

(4) Description of proposed construction, demolition, fill, excavation, or any other alteration of the wetland or wetland buffer.

The proposed work consists of the two previously mentioned parts: building upon the existing footprint of the house with no new foundation nor ground disturbance, and a 48 square foot cantilevered deck. The deck is braced and suspended approximately 8 to 10 feet above the ground surface and results in no ground disturbance, no posts, and no footings. The only new horizontal projection beyond the existing footprint is directed toward the open shoreland of South Mill Pond. The proposed conditions are depicted by the floor plans and elevations enclosed herewith as Exhibit C.

There is no alteration or demolition of wetland or buffer vegetation, no fill, no excavation within the wetland itself, and no alteration of the natural shoreline.

(5) Setbacks of proposed alterations from property lines, jurisdictional areas and wetland buffers.

The Site Plan depicts the proposed alterations from the property lines and in relation to the South Mill Pond. Currently, the southeasterly corner of the house is 45.7 feet from the southern property line, and with the proposed cantilevered deck the alteration will result in the structure being 41.8 feet from the southern property line.

The Site Plan also shows the proposed alteration from the nearest wetland, South Mill Pond. Currently, the southeasterly corner of the house is 35.5 feet from the nearest point of the South Mill Pond, and with the proposed cantilevered deck the alteration will result in the structure being 32.6 feet from the South Mill Pond.

Because the entire Property is within the wetland buffer, the existing conditions and the proposed alterations have no setback from the wetland buffer.

The proposed conditions, from a site plan perspective, are also depicted on the Site Plan since the only feature changing from a site plan perspective is the proposal of the 48 square foot cantilevered deck.

(6)–(9) Additional descriptive information required by 10.1017.21(6-9).

The Property is a preexisting nonconforming lot of record improved with a historic single-family dwelling constructed in 1780. The dwelling and lot are characterized by multiple preexisting nonconformities (lot area of 3,636 square feet where 5,000 square feet is required; front yard setback of 0.5 foot where 5 feet is required; left side yard setback of 3.8 feet where 10 feet is required; and rear yard setback of 10 feet where 25 feet is required; as well as, being entirely within the wetland buffer). These nonconformities predate modern zoning and wetland buffer regulations.

The entirety of the Project is located in a previously disturbed and impacted areas of the Property. The house, the patio, the gardens, and the lawn have been in place for decades. The Owner has maintained the Property with the utmost regard for the environment and the Historic District. There is no part of this proposal that seeks to add, remove, or alter any of the existing vegetation on the Property.

The only proposed protruding feature is the cantilevered deck, which adds only approximately 40 square feet of structure that is treated as impervious under the Zoning Ordinance. In reality, the mahogany decking will be spaced so that rainfall and snowmelt flow through the decking and terminate in the preexisting garden area below. Existing drainage patterns remain unchanged.

Impacts Greater than 250 Square Feet – Section 10.1017.22

Section 10.1017.22 does not apply. The proposed work produces no permanent ground disturbance and no temporary impact that would trigger the additional informational requirements of this section. The cantilevered deck is fully elevated; the limited construction activity occurs on already impacted and disturbed surfaces of the preexisting building footprint and patio area. The Site Plan also shows the area of work to be used during construction. In addition to maintaining the work area on the patio the contractor will be required to perform daily cleanup and will install silt sock around the work area to prevent any unfiltered sheet flow onto the lawn, and toward the shoreline, from the work area. There is no fill, no excavation of previously undisturbed ground, and no alteration of wetland or buffer vegetation.

Impacts Relative to Criteria for Approval – Section 10.1017.23

Section 10.1017.23 is addressed in full below with the Criteria for Approval under Section 10.1017.50.

Balancing Impervious Surface Impacts & Wetland Buffer Enhancement Plan
Sections 10.1017.24 & 10.1017.25

Providing an offsetting removal of impervious surface is not feasible, and a wetland buffer enhancement plan is not being proposed for the following reasons:

1. The increase in structure treated as impervious under the Zoning Ordinance is de minimis, that being 40 square feet of the 48 square foot elevated cantilevered decking.
2. The entire Property already constitutes an existing impact of sorts within the wetland buffer (house, patio, gardens, and lawn all of which are long standing).
3. Although the deck is considered an impervious structure under the Ordinance, the mahogany decking will be spaced to allow water to flow through and into the preexisting garden area below. Existing drainage patterns and volumes are unchanged.
4. The living shoreline is thriving, and the Property is otherwise well maintained with conservation and the environment in mind.

The Applicant believes that the existing conditions of the Property, together with the conservative and careful nature of the proposed renovation, already fulfill the intent of this section. No vegetation is being removed or altered. The Applicant remains open, however, to any recommendations the Conservation Commission or Planning Board may offer regarding native species plantings or vegetation.

Living Shoreline Strategy – Section 10.1017.26

Section 10.1017.26 does not apply. There is no temporary or permanent impact or alteration of the tidal wetland or the immediately adjacent shoreline. The living shoreline is thriving and is inhabited by beach roses, salt-tolerant beach grass, pokeweed, barberry, virginia creeper, and other thorny shoreline shrubs, as well as weeping cherries, roses, ornamental grasses, yucca, and virginia creeper above the shoreline. A formal living shoreline plan is not provided because the existing conditions already satisfy the intent of this section. See photographs in Exhibit B, as well as a diagram of vegetation at and around the shoreline enclosed herewith as Exhibit D.

Criteria for Approval – Section 10.1017.50

Any proposed development, other than installation of utilities within a right-of-way, shall comply with all the following criteria. The proposal satisfies each criterion as follows:

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

The Property is a preexisting nonconforming lot of record originally improved in 1780 when the historic dwelling was constructed and has long occupied the Property since. The entire lot lies within the 100 foot wetland buffer; therefore, any reasonable residential improvement of any nature must occur within the buffer. The proposed work, consisting of limited infill on the existing footprint and a small elevated cantilevered deck directed toward open water, is precisely the type of modest, low impact residential alteration consistent with an existing residential use for which the Conditional Use Permit process was designed. The land is reasonably suited to the proposed alteration.

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

The entirety of the Property is located within the 100 foot wetland buffer. As such, there is no location on the lot that lies outside the buffer. Consequently, there is no alternative location outside the wetland buffer that is feasible or reasonable for the proposed improvements.

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

The project produces no permanent ground disturbance or impact. The only new structure is elevated 8–10 feet above grade and drains through spaced mahogany decking into the preexisting garden area below. Existing drainage patterns and volumes remain unchanged. The living shoreline is thriving. Temporary construction activity is confined to already improved surfaces and will be managed with standard best management practices such as daily cleanup of the work area and silt sock around the perimeter of the work area. There will be no adverse impact on the wetland functional values of the site or surrounding properties during or after construction.

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

No part of this proposal seeks to add, remove, or alter any of the existing vegetation on the Property. The permanent work is either within the existing building footprint or elevated above grade and cantilevered. Alteration of the natural vegetative state is therefore limited to none.

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

The design choices (infill on the existing structure rather than new foundation work, full cantilever rather than posts or footings, and confinement of any construction activity to already impacted surfaces) were made specifically to minimize impact. No less impactful alternative exists that would allow the reasonable residential improvements while avoiding all buffer activity, because the entire lot is within the buffer. The proposal is therefore the alternative with the least adverse impact.

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

The proposed permanent work does not occur within the 25 foot vegetated buffer strip in a manner that would require restoration beyond existing conditions. No permanent alteration of the vegetated buffer strip is proposed. The criterion is satisfied by avoidance.

Conclusion

The proposed infill and cantilevered deck represent a carefully constrained residential improvement on a historic property that is entirely constrained by being in the wetland buffer.

The design eliminates new foundation work, elevates the only new projection from its existing footprint well above grade, introduces only a de minimis increase in structure treated as impervious area, and leaves existing vegetation and the thriving living shoreline untouched. Existing site drainage functions effectively and will continue to do so. The project satisfies each of the six mandatory criteria of Section 10.1017.50 and is consistent with the purpose of the Wetlands Protection provisions of the Zoning Ordinance.

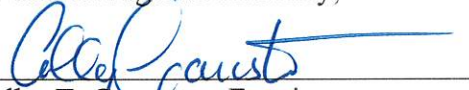
The proposed project has already received a Certificate of Approval from the Historic District Commission and is scheduled for the September 15, 2026, Zoning Board of Adjustment hearing with respect to rear-yard setback relief.

The Applicant respectfully requests that the Conservation Commission recommend approval, and that the Planning Board grant, the Wetland Conditional Use Permit, subject to such reasonable conditions as the Board may deem appropriate

Respectfully submitted,

Christopher H. Daniell
Owner and Applicant

By and through his Attorney,



Colby T. Gamester, Esquire
154 Maplewood Avenue
Portsmouth, NH 03801
603-427-0000
colby@gamesterlaw.com

Dated: August 26, 2026

EXHIBIT A

IMPERVIOUS AREAS (SQ. FT.) WITHIN SHORELAND REFERENCE BUFFER				
	EXISTING		PROPOSED	
DWELLING	845	23.2%	845	23.2%
NORTH WALKWAY	190	5.2%	190	5.2%
BRICK PATIO AND WALKWAY	358	9.8%	350	9.6%
PROPOSED DECK			48	1.3%
TOTAL IMPERVIOUS / PERCENT AREA	1393	38.3%	1433	39.4%
TOTAL AREA WITHIN SHORELAND BUFFER	3636			

BUILDING SETBACKS (FT.) - ZONE GRB			
	REQUIRED	EXISTING	PROPOSED
FRONT	5	0.5	0.5
SIDE	10	3.8	3.8
REAR	25	10	9.9
WETLAND	100	35.5	32.6

LEGEND

- IRON PIPE/ROD FOUND
- UTILITY POLE
- SEWER MANHOLE
- CATCH BASIN
- WATER VALVE
- BOUNDARY LINE
- ABUTTER LINE
- OVERHEAD WIRES
- RIGHT-OF-WAY
- CITY OF PORTSMOUTH WETLAND BOUNDARY
- EDGE OF GRAVEL
- EDGE OF PAVEMENT
- STONE WALL
- F.E.M.A. BOUNDARY
- BUILDING SETBACKS

50' WATERFRONT BUFFER (NHDES)

TAX MAP 102 LOT 66
THE MEYERKOPF FAMILY
TRUST FUND
37 WHIDDEN STREET
PORTSMOUTH, NH 03841
R.C.R.D. BOOK 546 PAGE 2427

TAX MAP 102 LOT 2
EVAN FRANCOIS YOUNG
43 WHIDDEN STREET
PORTSMOUTH, NH 03841
R.C.R.D. BOOK 546 PAGE 2408

TAX MAP 102 LOT 45
STEPHEN C. ERICKSON
50 E. 283.00' OF WEST L.S.
POSTE VERRE, EL. 1204
R.C.R.D. BOOK 4112 PAGE 1750

TAX MAP 102 LOT 37
37 FRANKLIN ST LLC
400 SIEVE STREET, 03841
CONCORD, NH 03301
R.C.R.D. BOOK 546 PAGE 1566

MAP 102 LOT 66
AREA
3,636 SQ. FT.
0.08 ACRES

SOUTH MILL POND
(TIDAL)

NO.	DATE	DESCRIPTION	BY
1	8/25/2026	REVISED WETLAND BUFFER LOCATION PER PORTSMOUTH GIS	SDB



NOTES:

- REFERENCE: TAX MAP 102 LOT 66
R.C.R.D. BOOK 546 PAGE 2114
- TOTAL PARCEL AREA: 3,636 SQ. FT. OR 0.08 AC.
- OWNER OF RECORD: CHRISTOPHER H. DANIELL
50 WHIDDEN STREET
PORTSMOUTH, NH 03801
- ZONE: GRB DISTRICT
DIMENSIONAL REQUIREMENTS:

MINIMUM LOT AREA	5,000 sq. ft.
MINIMUM FRONTAGE	80 ft.
MINIMUM FRONT SETBACK	5 ft.
MINIMUM SIDE SETBACK	10 ft.
MINIMUM REAR SETBACK	25 ft.
WETLAND BUFFER	100 ft.
BUILDING COVERAGE	30%
MINIMUM OPEN SPACE	25%
- HORIZONTAL DATUM IS NHSPC (NAD 83) BASED ON GPS OBSERVATIONS
- VERTICAL DATUM SHOWN IS NAVD 88 BASED ON GPS OBSERVATIONS
- THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS AT THE TIME OF THE SURVEY IN RELATION TO THE LEGAL BOUNDARIES OF RECORD.
- THE RESULTS OF THIS PLAN ARE BASED ON AN ON THE GROUND SURVEY PREPARED BY SDB ON AUGUST 6, 2026 USING A SPECTRA PRECISION FOCUS 30 ROBOTIC TOTAL STATION AND DATA COLLECTOR, AND A CARLSON BR7 GNSS GPS RTK RECEIVER AND REMOTE BASE STATION.
- A PORTION OF TAX MAP 102 LOT 66 FALLS WITHIN "ZONE AE" OF THE SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, AS SHOWN ON F.I.R.M. MAP NUMBER 13015C0239F, EFFECTIVE JANUARY 29, 2021.
- THE SURVEYED PREMISES FALLS WITHIN THE 100-FOOT WETLAND BUFFER FROM SOUTH MILL POND. THE WETLAND BOUNDARY SHOWN IS FROM THE CITY OF PORTSMOUTH GIS, AND HAS NOT BEEN DELINEATED BY A CERTIFIED WETLAND SCIENTIST.

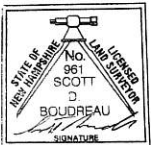
PLAN REFERENCES:

- PLAN TITLED "EASEMENT PLAN, TAX MAP 109 - LOTS 2 & 3 ON LAND OF MAHANNA PROPERTIES, LLC, TO BENEFIT JOHN F. GREEN & ALISON L. ZAEDER, 37 & 43 WHIDDEN STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE" DATED FEBRUARY 2016, PREPARED BY AMBIT ENGINEERING, INC., R.C.R.D. PLAN NO. D-39341



SITE PLAN
LAND OF
CHRISTOPHER H. DANIELL
(TAX MAP 102 LOT 66)
50 WHIDDEN STREET
PORTSMOUTH, NH

DRAWN BY: SDB	DATE: AUGUST 16, 2026
CHECKED BY: ARB	DRAWING NAME: 26031A3
JOB NAME: 26031	SHEET: C1



Boudreau
Land
Surveying P.L.L.C.
SCOTT D. BOUDREAU, L.L.S. #961
2 BEATRICE LANE
NEWMARKET, NH 03857
(603) 659-1468

Exhibit B







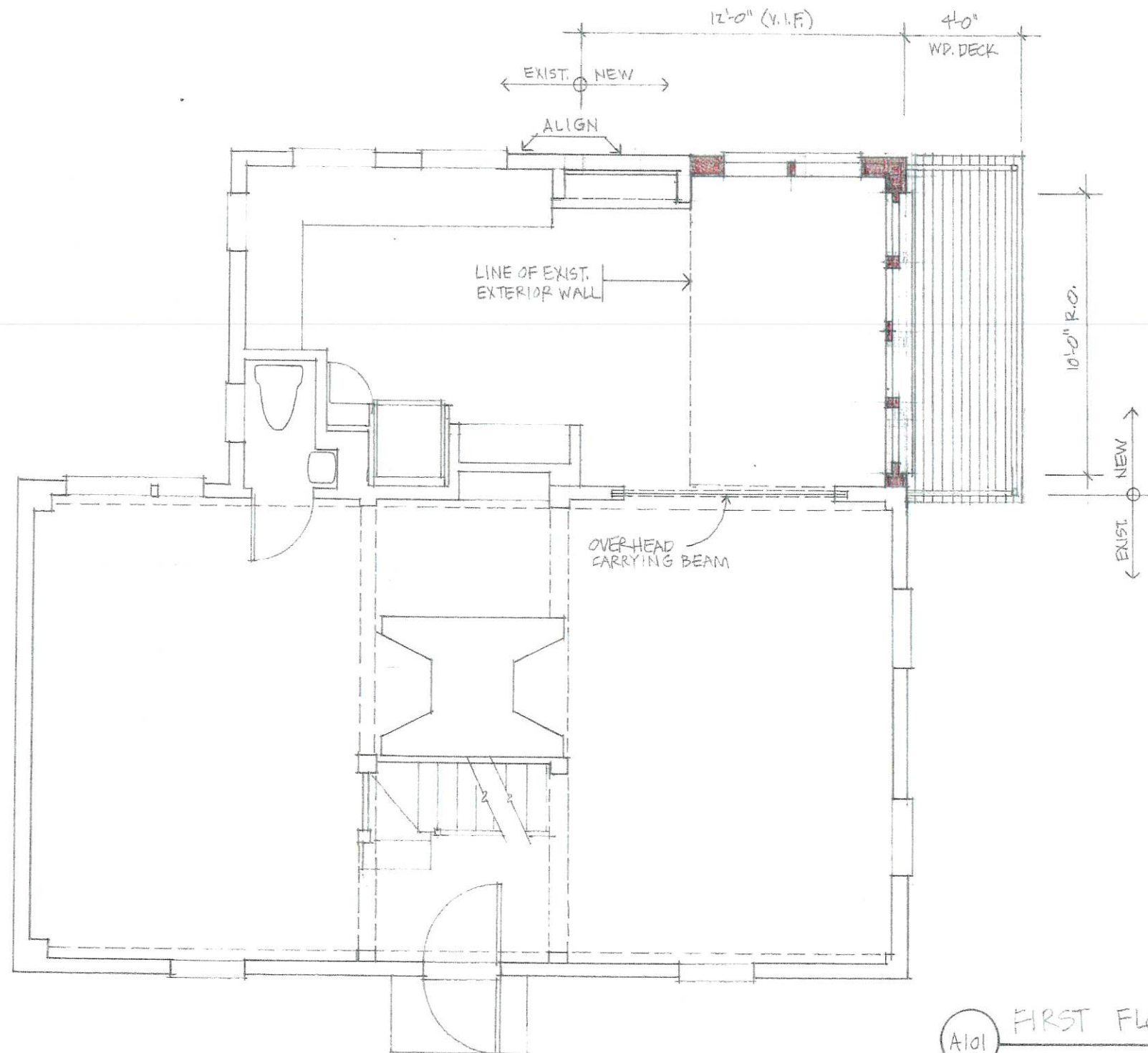








EXHIBIT C



A101

FIRST FLOOR PLAN

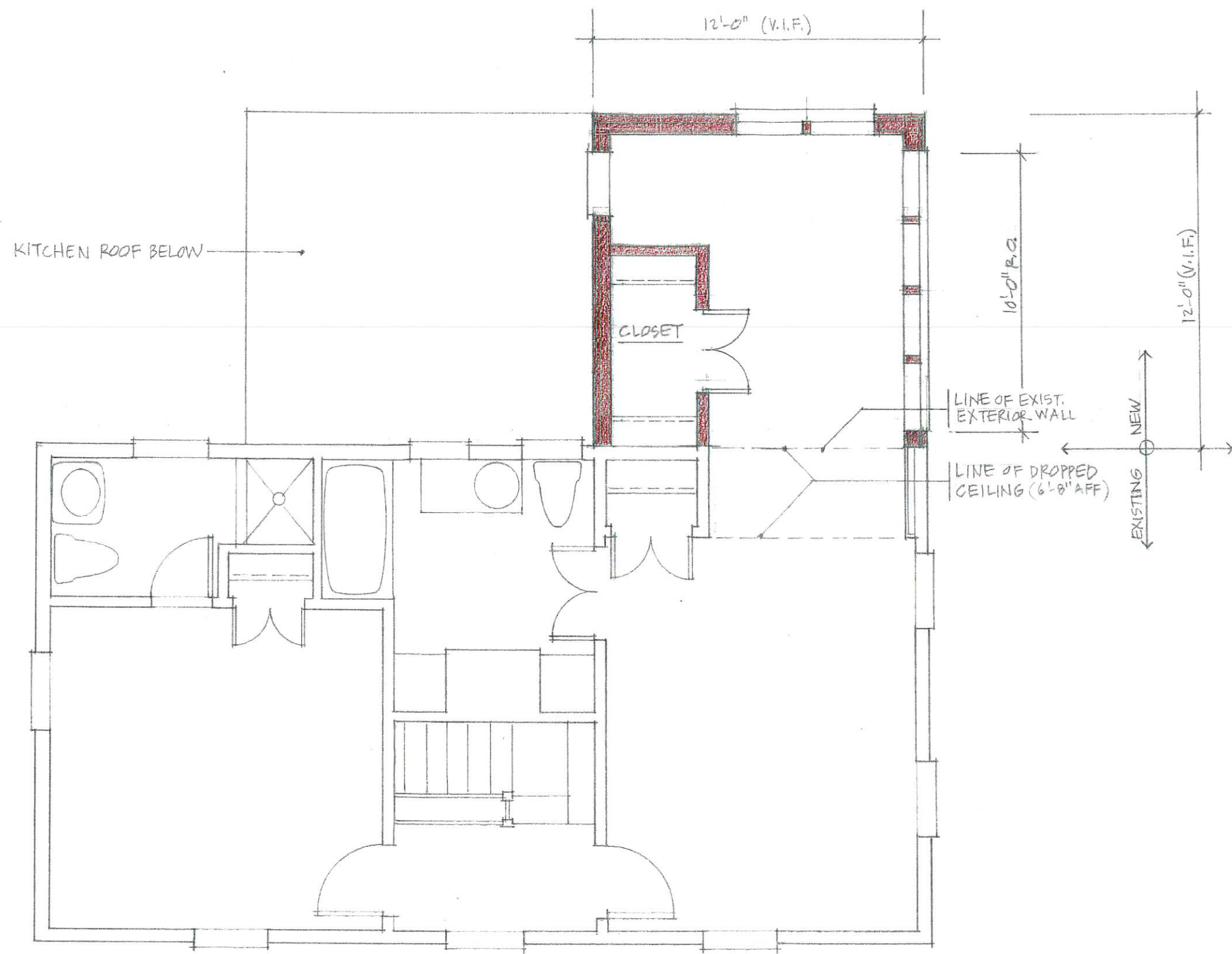
SCALE: 1/4" = 1'-0"

50 WHIDDEN STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT PORTLAND, ME

01.18.26

02.13.26 REVISED



A102 SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"

50 WHIDDON STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT PORTLAND, ME

01.18.26
02.13.26 REVISED

← EXISTING NEW →

ASPHALT SHINGLES
TO MATCH EXISTING

PTD. WD TRIM TO MATCH EXIST.

ALUM. CLAD WOOD DH WDS
(ALIGN W/ EXISTING)

PAINTED WOOD CLAPBOARDS + TRIM
TO MATCH EXISTING (3" EXPOSURE)

NATURAL WOOD SIDING + TRIM
W/ CLEAR FINISH

ALUM. CLAD SLDG. WD. DOORS

3/8" H WD HANDRAIL
W/ 1" Ø BLACK WOODEN BALUSTERS @ 4" O.C.

NEW
EXISTING

WINDOW / DOOR SCHEDULE					
TAG	MFG.	MODEL #	R.O.	STYLE	NOTES
	MARVIN	UWDH 2420	2'-6 3/8" W x 4'-1 1/2" H	CLAD DH	ULTIMATE
	MARVIN	10068	10'-0" W x 6'-10 1/2" H	SLDG. PATIO	ULTIMATE
	MARVIN	UPAP0 3048E	2'-1" W x 3'-11 5/8" H	CLAD CSMT	ULTIMATE (EGRESS)

A201 SOUTH ELEVATION SCALE: 1/4" = 1'-0"

50 WHILDON STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT PORTLAND, ME

01.18.26
02.13.26 REVISED



A202

EAST ELEVATION

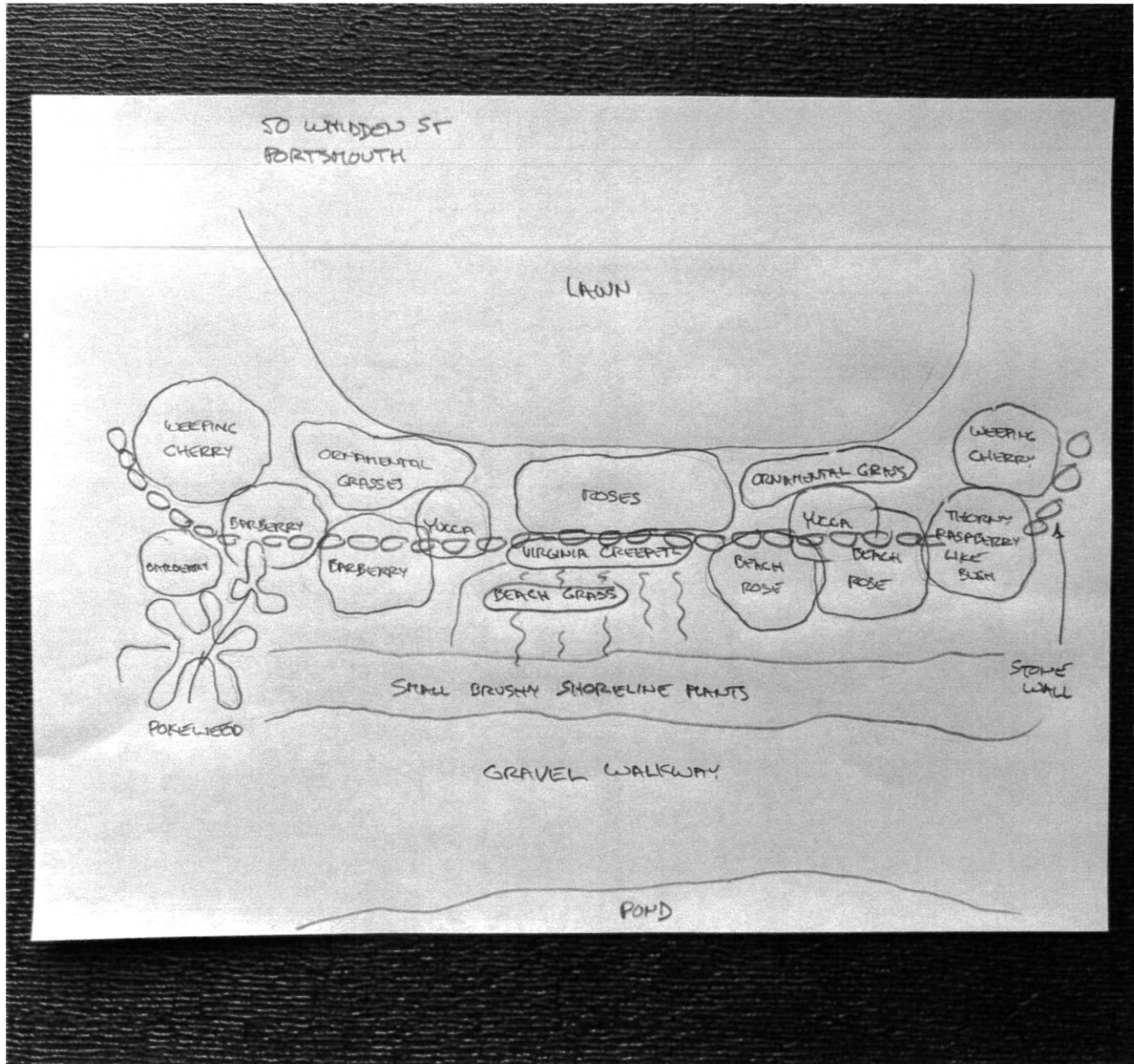
SCALE: 1/4" = 1'-0"

50 WHIDDON STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT PORTLAND, ME

01.18.26
02.13.26 REVISED

Exhibit D





The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

August 14, 2026

Page 1 of 5

GOSPORT REALTY TRUST
255 GOSPORT ROAD
PORTSMOUTH NH 03801

**Re: Denied Non-Compliant Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES Wetlands Bureau File 2025-00558, 255 Gosport Road, Portsmouth Tax Map 244 Lot 10-9**

Dear Applicant:

On July 30, 2026, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau completed technical review of the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A and Env-Wt 313.01, the NHDES Wetlands Bureau determined the Application proposes to impact 1,380 square feet of jurisdictional area to include 60 square feet of upland tidal buffer zone and 1,320 square feet of tidal wetland to construct a new residential tidal dock with a 4 foot by 15 access ramp leading to a 4 foot by 200 foot with Thru-flow decking, with a 4 foot by 30 foot ramp, landing on a 10 foot by 20 foot float secured with helical moorings and chains. The overall length of this docking structure, seaward of the highest observable tide line, is approximately 242.34 feet, on approximately 120 feet of frontage on Sagamore Creek in Portsmouth. Impacts will be mitigated by restoring approximately 2,257 square feet of freshwater wetland and prime wetland buffer does not meet the criteria for approval. Therefore, the Application is denied. This decision is based on the following findings:

A. Standards for Approval:

1. Pursuant to Env-Wt 313.01, Criteria for Approving Standard Permit Applications, (a), (3) NHDES shall not approve an application and issue a permit unless all resource-specific criteria established in Env-Wt 311.09(a), Env-Wt 400, Env-Wt 600, and Env-Wt 700.
2. Pursuant to Env-Wt 313.01, Criteria for Approving Standard Permit Applications, (a), (4) the Department shall not approve an application and issue a permit unless all applicable project-specific criteria established in Env-Wt 600 have been met.
3. Env-Wt 602.23 "Highest observable tide line (HOTL)" means a line defining the farthest landward limit of tidal flow, not including storm events, that can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt-tolerant vegetation, or a physical barrier that blocks inland flow of the tide.
4. Pursuant to Env-Wt 605.02, Additional Requirements for Projects in or Adjacent to Tidal Waters/Wetlands and Tidal Buffer Zones, (b) an applicant for a permit for work in or adjacent to tidal waters/wetlands or the tidal buffer zone shall demonstrate that adverse impacts to the movement of sediments along a shore have been avoided or minimized.
5. Pursuant to Env-Wt 605.03, Impacts Requiring Compensatory Mitigation, subject to Env-Wt 313.04, compensatory mitigation shall be required for all impacts to tidal surface waters, tidal wetlands, the tidal buffer zone, or any combination thereof, that are intended to remain when the proposed project is completed.
6. Env-Wt 603.01 Applicability. The applicant for a project in a coastal area shall provide the information required by this part in addition to the information required by Env-Wt 311 for a standard permit.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

7. Env-Wt 606.06 Residential Tidal Docks: General Criteria (j) The following shall not be approved for residential tidal docks: (5) Boardwalks over tidal marsh to reach a dock.
8. Env-Wt 606.07 Residential Tidal Docks: Design Standards (c) The maximum overall structure length including pier, ramp, and float, measured seaward from the HOTL, shall not exceed the greater of 200 feet or the length needed to reach water of sufficient depth to allow the terminal section of the dock to be floating at mean low water.
9. Env-Wt 606.07 Residential Tidal Docks: Design Standards (c) (e) For permanent piers: (2) The maximum length shall not exceed 200 feet.
10. Env-Wt 701.01 Purpose. The purpose of this chapter is to establish the criteria and methods to be used to designate, map, and document prime wetlands, which are wetlands that are worthy of extra protection because their uniqueness, fragility, and/or unspoiled character give them significant value.
11. Env-Wt 701.02 Definitions. (c) "Prime wetlands" means "prime wetlands" as defined in RSA 482-A:15, I-a, reprinted in Appendix C.
12. Env-Wt 701.02 Definitions. (d) "Prime wetlands/buffer" means prime wetlands or a duly-established 100-foot buffer or both, as applicable in the context used.
13. Env-Wt 701.02 Definitions. (e) "Significant net loss" means a loss that is unlikely to be reversed through natural processes within one year.
14. Pursuant to RSA 482-A:11, IV(a) and Env-Wt 704.02, a permit for a project proposed in designated prime wetlands shall not be issued unless NHDES is able, specifically, to find clear and convincing evidence on the basis of all information considered by NHDES that the proposed project, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1.
15. Env-Wt 704.03 Supplementary Information; Criteria for Compensatory Mitigation. (a) For any project proposed in a prime wetlands/buffer, compensatory mitigation for unavoidable impacts shall meet the requirements of Env-Wt 800, subject to (b) and (c), below. (b) Any applicant proposing a project in a prime wetlands/buffer that requires compensatory mitigation shall undertake on-site mitigation if practicable. (c) The applicant shall obtain concurrence from the local conservation commission, if any, or the local governing body for any proposed mitigation plan for impacts to designated prime wetlands/buffer. (d) If the applicant is not able to obtain concurrence as specified in (c), above, NHDES shall hold a public hearing to receive comments, impact analysis, and wetlands evaluation on the mitigation proposal.
16. Env-Wt 602.44 "Residential tidal dock" means a docking structure in tidal waters/wetlands that serves private residential properties, whether individually or as an association such as a homeowners' association.
17. Env-Wt 602.48 "Special aquatic sites" means inland and tidal wetlands, mud flats, vegetated shallows having submerged aquatic vegetation, sanctuaries and refuges, coral reefs, and riffle and pool complexes.
18. Env-Wt 602.56 "Tidal marsh" means a marsh in which the primary source of water is salt water.
19. Env-Wt 602.59 "Tidal waters/wetlands" means tidal wetlands and tidal surface waters.
20. Env-Wt 602.60 "Tidal wetlands" means wetlands whose vegetation, hydrology, and soils are influenced by periodic inundation of the tides.
21. As defined by Env-Wt 701.02, "significant net loss" means a loss that is unlikely to be reversed through natural processes within one year.
22. Per Env-Wt 104.59, "Wetland restoration" means the re-establishment of a filled, dredged, drained, or otherwise disturbed or disrupted wetlands to its historic condition, so as to restore lost functions to the greatest extent practicable, by removing fill, restoring hydrology, re-establishing native wetlands vegetation, or such other means as are necessary.
23. Per Env-Wt 704.03, to meet the requirement of no significant net loss pursuant to RSA 482-A:11, IV, onsite compensatory mitigation for unavoidable permanent impacts shall meet the requirements of Env-Wt 800.

24. Per Env-Wt 805.01, a compensatory mitigation proposal based on wetland restoration shall replace the types of wetlands to be impacted and the functions affected and, where practicable, include a contiguous aquatic resource buffer.
25. Per Env-Wt 805.01(a), a compensatory mitigation proposal "shall replace the types of wetlands to be impacted and the functions affected."
26. Per Env-Wt 803.02(b), the compensatory mitigation shall include an explanation as to why the mitigation project will result in a resource with overall functions and values equal to or greater than the jurisdictional area(s) impacted by the project.
27. Per Env-Wt 805.01(b), wetland restoration proposal "shall not be accepted as compensatory mitigation for sites at which remediation is required to correct unpermitted activities in jurisdictional areas."

B. Findings of Fact:

1. On December 20, 2011, NHDES accepted Prime Wetland designations for 13 wetlands in the City of Portsmouth pursuant to Env-Wt 702.03. Supporting documentation includes "City of Portsmouth Prime Wetland Analysis prepared by West Environmental, Inc. (WEI) and the City of Portsmouth Planning Department" dated January 11, 2011, as received by NHDES on January 31, 2011, and supplemental materials prepared by WEI entitled "NH Method Wetland Evaluation Forms and Results for Prime Wetland Candidate 006 Sagamore Creek Headwaters, Portsmouth NH" dated July 15, 2011, as received by NHDES on August 15, 2011.
2. WEI conducted a wetland inventory and evaluation of wetlands within the City of Portsmouth with consideration of designated prime wetlands determined that the subject wetland system proposed for impacts, Wetland 61A, is a high-value prime wetland as adopted by the City of Portsmouth and established a duly established 100-foot prime wetland buffer. Per the WEI, Wetland 61A was recommendation for designation with the justifications of largest salt marsh, rare species habitat, and critical fisheries habitat. Wetland 61A was determined to be a 67.46 acre wetland as a tidal estuary (E2EM1P).
3. On March 10, 2025, the New Hampshire Department of Environmental Services Wetlands Bureau ("NHDES") received a Standard Dredge and Fill Application ("the Application") requesting a permit to construct a residential tidal dock on property identified as Lot 10-9 on Portsmouth Tax Map 244 ("the Property") along frontage on salt marsh also known as Portsmouth Prime Wetland 61A contiguous with Sagamore Creek.
4. The Application requests to impact 1,380 square feet of jurisdictional area to include 60 square feet of upland tidal buffer zone and 1,320 square feet of tidal wetland to construct a new residential tidal dock with a 4 foot by 15 access ramp leading to a 4 foot by 200 foot with Thru-flow decking, with a 4 foot by 30 foot ramp, landing on a 10 foot by 20 foot float secured with helical moorings and chains. The overall length of this docking structure, seaward of the highest observable tide line, is approximately 242.34 feet, on approximately 120 feet of frontage on Sagamore Creek.
5. The impacts proposed in the Application are entirely within the City of Portsmouth's Prime Wetland 61A and the duly-established 100-foot prime wetland buffer of Prime Wetland 61A.
6. The Application included a waiver request of Env-Wt 606.07 in accordance with Env-Wt 204.03. The overall structure length of the proposed pier, ramp, and float is 270 feet from the upland and 230 feet from the HOTL.
7. On April 10, 2025, NHDES received comments from the Portsmouth Conservation Commission (PCC) on the Application recommending denial for the following reasons: a. This proposal directly impacts a prime wetland resource in Portsmouth. b. the design associated with this proposal is more in line with a boardwalk compared to a dock. c. The construction and permanent installation of this structure will have detrimental impacts on the extremely sensitive salt marsh habitat. This includes permanent pilings, seasonal deconstruction/construction, and shading of the habitat throughout the day. In addition, damage to this habitat could impact shoreline stability within this cove and surrounding

neighborhood. d. there are other publicly accessible waterfront access points within this neighborhood that the property owner could utilize. e. Permitting a dock in this cove could set a precedent for abutting property owners who may also want to install docks directly over sensitive marsh and onto constrained, unnavigable waterways (mudflats). f. Applicant is requesting a waiver to allow for the overall docking structure to exceed 200' in length, but the dock float will still be unable to float at MLW with the length proposed. This cove is completely mudflats at MLW and the use of the dock for boating would be extremely restricted due to water levels during the remainder of the tidal cycle. Additionally, the applicant is asking for the maximum allowable float footprint and width of the fixed pier.

8. On April 29, 2025, NHDES issued a Request for More Information letter (RMI) to the applicant and the agent on record requesting more information and informing them that the required information must be received by June 30, 2025, or the Application would be denied pursuant to RSA 482-A:3, XIV(a)(2).

9. In summary, the RMI requested: a. In accordance with Env-Wt 311.06(h), provide a statement how the applicant has addressed the comments of the PCC; b. Pursuant to Env-Wt 704.02, a prime wetlands/buffer functional assessment and impact analysis shall be submitted to demonstrate, by clear and convincing evidence as required by RSA 482-A:11, IV(a), that the criteria in RSA 482 A:11, IV(a) are met, namely that the proposed project, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1; c. The permanent impacts to the designated prime wetland (Prime Wetland 61a) and the duly-designated 100-foot prime wetland buffer are considered permanent impacts to priority resource areas in accordance with EnvWt 103.66, Env Wt 306.05(a)(2)d., and Env-Wt 306.05(a)(2)e., therefore compensatory mitigation is required for these impacts in in accordance with Env-Wt 704.03 (b) Any applicant proposing a project in a prime wetlands/buffer that requires compensatory mitigation shall undertake on-site mitigation if practicable; and, d. In accordance with Env-Wt 311.08(b), for any project that requires compensatory mitigation the applicant must provide, as part of the application, a complete compensatory mitigation proposal as specified in Env-Wt 312.04.

10. On May 26, 2026, NHDES received a response to the RMI from the applicant's agent and included a wetland mitigation proposal.

11. In summary, the wetland mitigation proposed to, "restore approximately 2,257 square feet of freshwater wetland and prime wetland buffer. Impacts to the tidal wetland area are proposed, however, limited restoration for the tidal wetland portions of the subject property are not preferred due to the overall good condition of the existing salt marsh."

12. On June 24, 2026, NHDES issued another RMI requesting clarifications to the plan(s).

C. Ruling in Support of the Decision:

1. The project fails to meet Env-Wt 606.06 (j) (5) as the proposed pier is over 200 feet long spanning the salt marsh and constitutes a boardwalk over tidal marsh to reach a dock. Therefore, pursuant to Env-Wt 313.01, (a), (4), NHDES shall not approve the application.

2. The project fails to meet Env-Wt 606.07 (c) as the proposed docking structures will be 230 feet from the HOTL. Therefore, pursuant to Env-Wt 313.01, (a), (4), NHDES shall not approve the application.

3. For the proposed impacts to the designated Prime Wetland 61A, NHDES is unable to specifically find based on clear and convincing evidence that the proposed project, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. The wetland mitigation proposal is not comparable in function to the wetland impacts it is intended to offset and does not provide the functional lift, hydrologic connectivity, or wildlife corridors needed to meet RSA 482-A:11, IV and the standards in Env-Wt 704.03(b) and Env-Wt 805.01. Specifically, the mitigation proposal does not meet rule requirements because it fails to replace the wetland types and functions impacted and does not demonstrate that the mitigation will provide functions and values equal to or greater than those lost, as required by Env-Wt 805.01(a), Env-Wt 803.02(b), RSA 482-A:11, IV(a), Env-Wt 311.10(a)(2), Env-Wt 704.02, and Env-Wt 704.03(b).

4. Through Env-Wt 704.02, the project fails to meet Env-Wt 701.02 (e) as the project proposes permanent impact to prime wetland and prime wetland buffer that will remain after the project completed which will be a significant net loss meaning a loss that is unlikely to be reversed through natural processes within one year. Therefore, pursuant to Env-Wt 313.01, (a), (3), NHDES shall not approve the application.

In accordance with RSA 482-A:10, RSA 21-O:14, and Rules Env-WtC 100-200, **any person aggrieved by this decision may file a Notice of Appeal directly with the New Hampshire Wetlands Council (Council) or a Preliminary Notice of Appeal (PNA) and an offer to enter into settlement discussions within 30 days of the decision date, July 30, 2026.** When filing an appeal, 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. A PNA and offer to enter into settlement discussions, shall be filed in accordance with the instructions found at <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/prelim-noa-instrctns.pdf> using the form found at <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/prelim-not-of-app.pdf>.

If you have any questions, please contact me at Eben.Lewis@des.nh.gov or (603) 559-1515.

Sincerely,



Eben M. Lewis
Southeast Region Supervisor, Wetlands Bureau
Land Resources Management, Water Division

cc: Matthew Cardin, Cardin Environmental Consulting and Permitting
Portsmouth Conservation Commission



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



August 13, 2026

SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FOREST
C/O DYALN SUMMERS, STEWARDSHIP PROJECT MANAGER
54 PORTSMOUTH ST
CONCORD NH 03301

Re: Administratively Complete Expedited Minimum Impact Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2026-02153
Subject Property: 400 Little Harbor Rd, Portsmouth, Tax Map/Block/Lot(s): 203/no block/8

Dear Applicant:

On August 13, 2026, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau received the above-referenced Expedited Minimum Impact Wetlands Permit Application (2026-02153). On August 13, 2026, NHDES Wetlands Bureau determined the Application was administratively complete in accordance with Env-Wt 310.02, and included the signatures required by Env-Wt 310.01(h) and (i). The Application has been added to the technical review queue for compliance review.

Pursuant to Env-Wt 310.02(a), compliance review will be completed within 30 days of the above-mentioned received date. If more information is required to complete technical review, then a Request for More Information will be issued. The status of the Application is available at <https://www4.des.state.nh.us/lrmonestop/>.

Please note this letter is **not** a permit or authorization to begin work. If you have any questions, please contact the Wetlands Bureau at (603) 271-2147.

Sincerely,

Raina H. Burke
Application Receipt Center, Wetlands Bureau
Land Resources Management, Water Division

Copied: Municipal Clerk/Conservation Commission

Capital Improvement Plan (CIP) FY 2028 – FY 2033 Kickoff Presentation

Monday, August 17, 2026

- Overview
- Preliminary priorities
- Financial limitations
- Considerations

portsnh.co/cip



What is the CIP and why do we have one?

Identify Capital Needs



A plan that communicates to the City's residents about needed capital improvements and allows for input from the residents on capital needs

Plan for Funding Allocation



A plan that helps in the creation of the City's Annual Budget which guides the allocation of fiscal resources and aids in forecasting future funding needs

Maintain City Infrastructure



A plan that ensures the maintenance and accessibility of City infrastructure within the City's fiscal capacity

What qualifies as a CIP project?

- ✓ Construction/expansion of public facility, street, utility, or infrastructure
- ✓ Rehabilitation of a public facility or public infrastructure - costing \$50,000+
- ✓ Design work or planning study related to a capital project or implementation of the Master Plan
- ✓ Item or equipment, non-vehicular, costing \$50,000+ with a life expectancy of 5+ years
- ✓ Replacement and purchase of vehicles that require a bonding authorization with a life expectancy of 10+ years
- ✓ Land acquisition



How are projects evaluated and prioritized ?

1. CORE FUNCTION



Responds to a Federal or State Requirement



Addresses Public Health or Safety Need

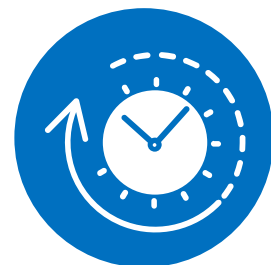


Alleviates Substandard Conditions or Deficiencies

2. FINANCIAL BENEFIT



Eligible for Matching Funds with Limited Availability



Timing or Location Coordinates with Synergistic Project



Reduces Long-Term Operating Costs

3. COMMUNITY PLAN or IMPROVEMENT



Identified in a Planning Document or Study



Improves Quality of or Provides Added Capacity to Existing Services



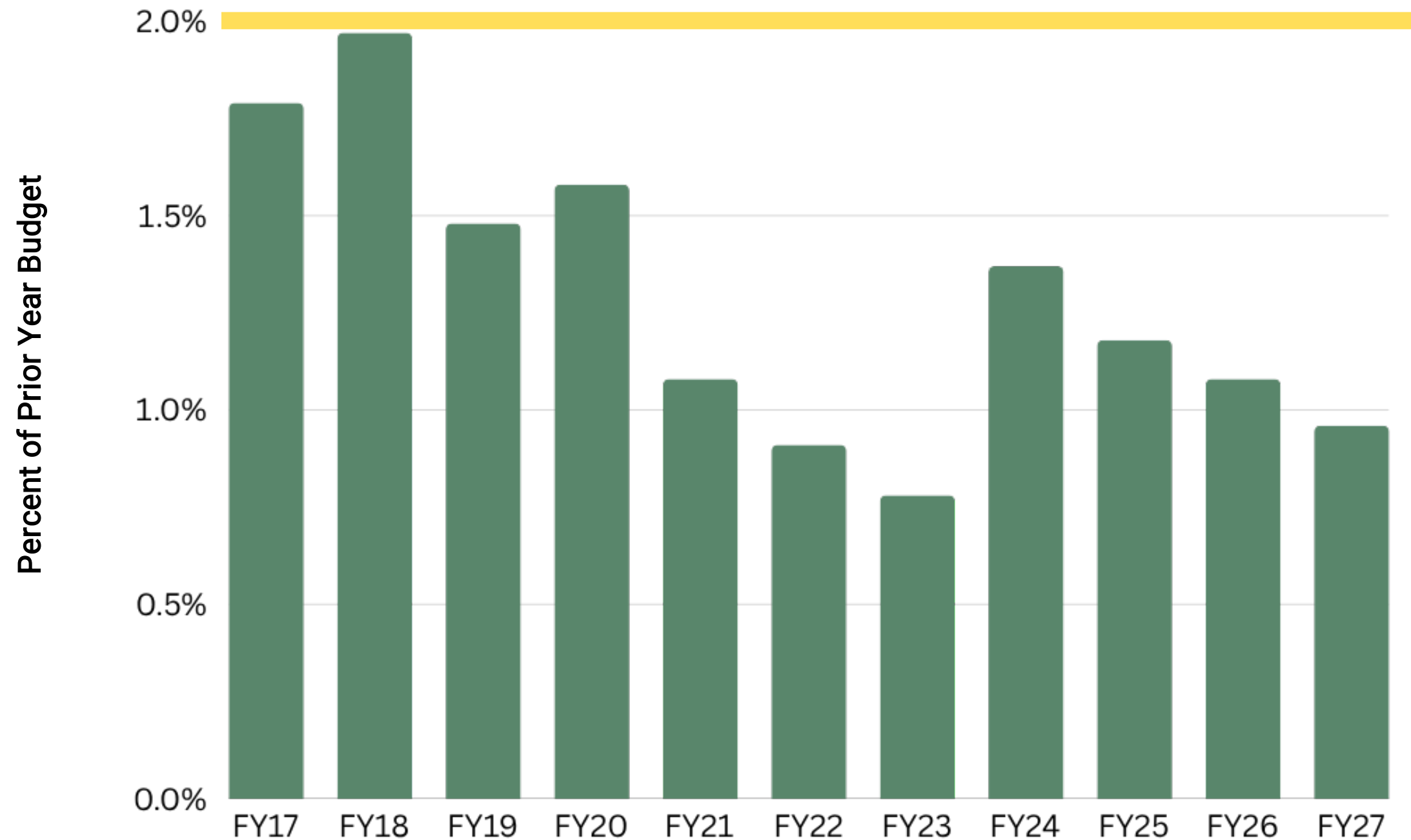
Provides Incentive to Economic Development



Responds to a Citywide Goal or Submitted Resident Request

Funding Options

Capital Outlay



- Pay-as-you-go
- The City's annual goal for the funding of Capital Outlay projects is up to 2% of the Prior Year Budget

0.96%

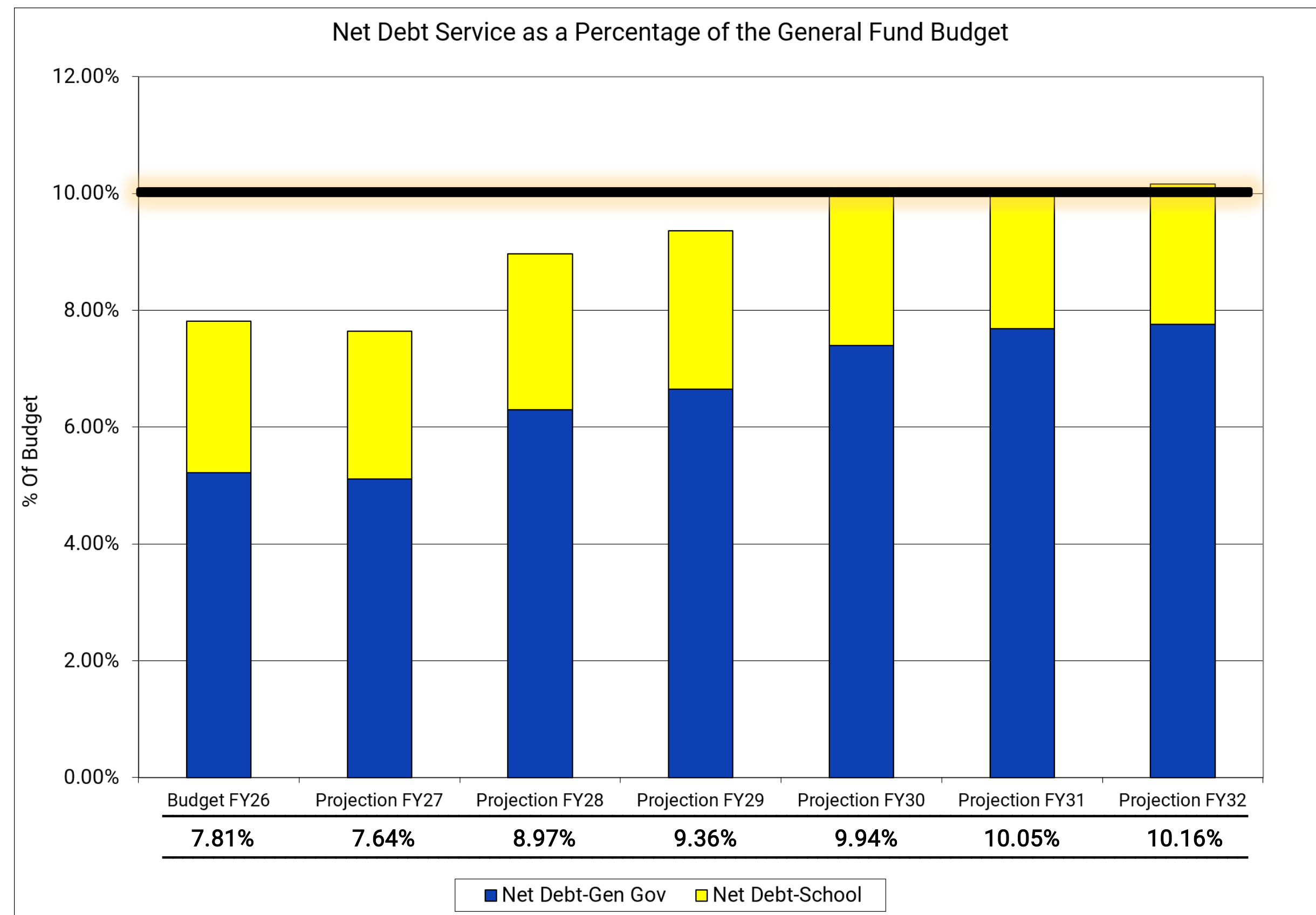
FY27 Capital Outlay

Funding Options

Net Debt Service

- Bonding (borrowing) with multi-year repayment
- The City's goal for Net Debt Service is to remain below 10% of the Budget

7.64%
FY27 Net Debt Service



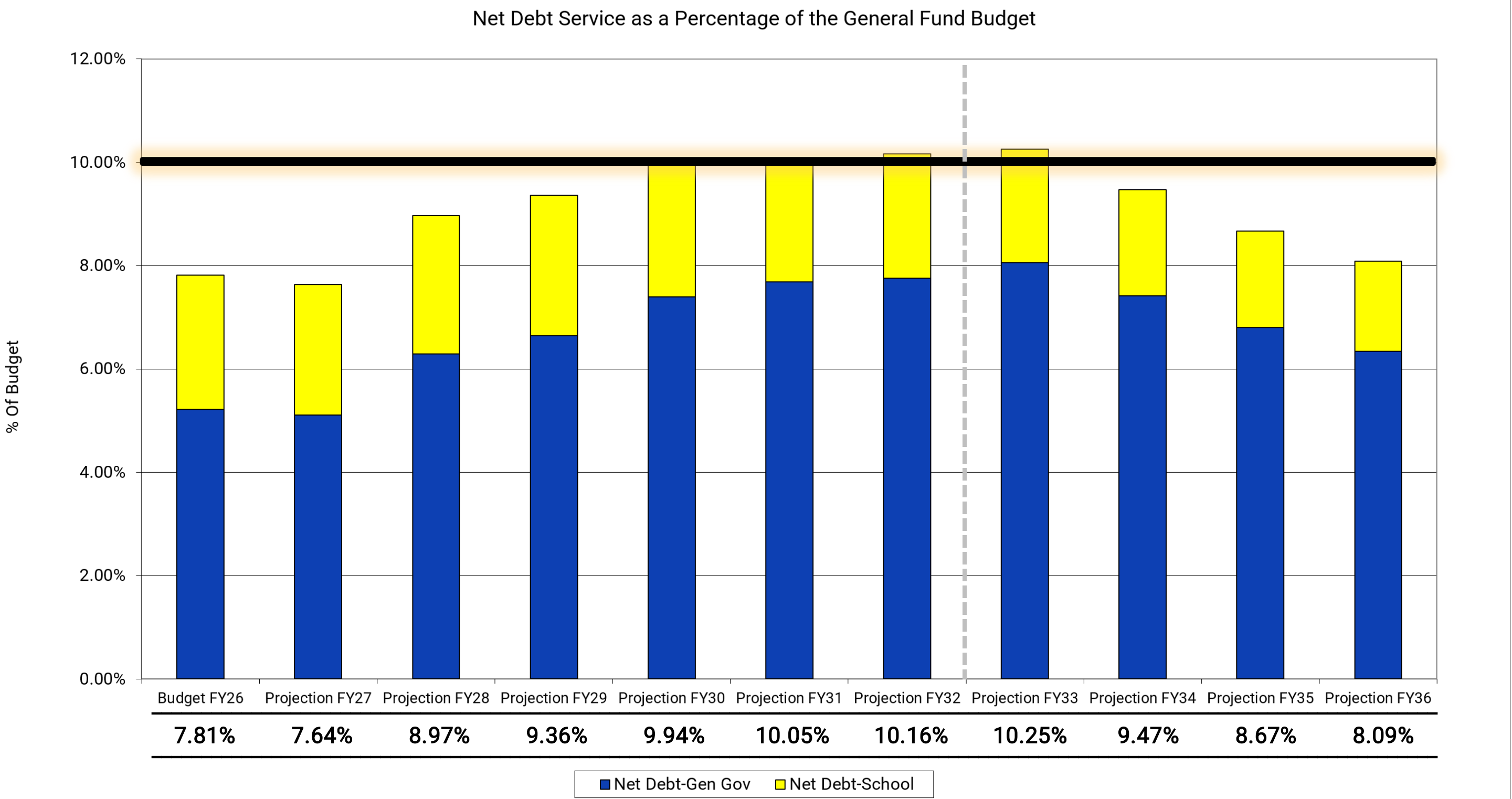
10-Year Outlook

Financial Limitations

Capital Improvement Plan FY27-FY32

Projection FY33–FY36

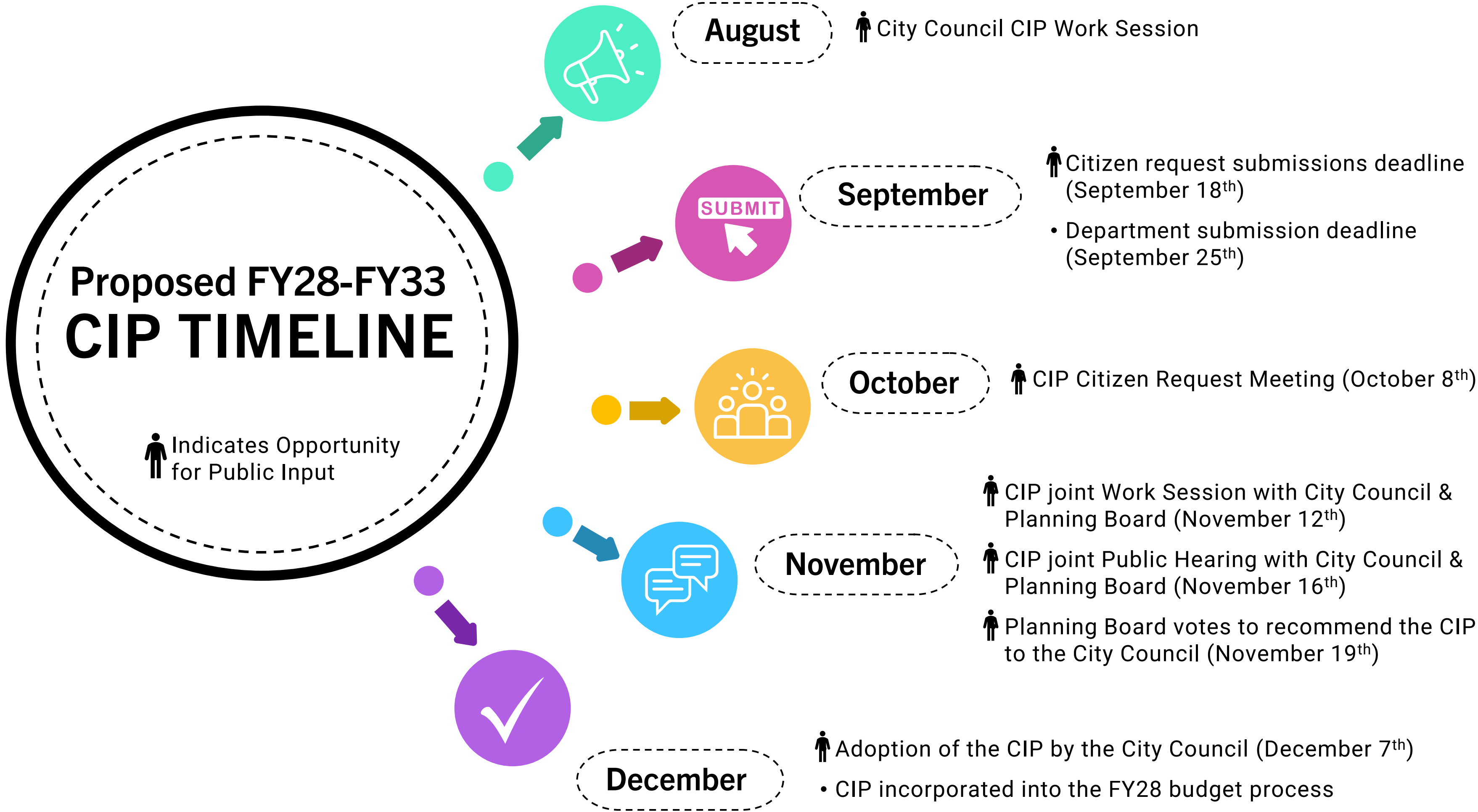
- Notes:
- Project information is as of June 30, 2026
 - No new or updated projects for the FY28-FY33 CIP have been added
 - Mix of bond timelines utilized (5-year, 10-year, 20-year, and 30-year, based on the estimated useful life of each project)
 - Includes initial debt amount for Municipal Complex and Community Policing Facility project (total: \$42.2M)



Global CIP Thoughts



- The CIP is a plan and does not commit any funding, even after adoption.
- The plan forecasts future fiscal resource allocation needs to better inform the City Council and staff.
- The adopted CIP is used to develop the City's annual budget.
- The CIP will contain both existing project requests that remain in the plan for FY28-FY33 as well as new project submissions.
- Any new or identified projects would be subject to the same funding resources/limitations.
- The movement or addition of one project may affect the timeline or ability to complete another.
- Management will develop and present recommendations for project movement and/or removal.
- Capital Project Approval is a three-step process for the City Council:
 - 1 – Reviewed as a part of the six-year CIP plan;
 - 2 – Reviewed as a part of the annual budget process; and
 - 3 – Reviewed when bonding authorization is approved.



Submitting a Citizen Request Project?



- All Citizen Request submissions are done through the City's Viewpoint Cloud System – this can be accessed through the link below or through the Planning Department Page on the City's Website (**Deadline is September 18th**)
- All submissions will be reviewed by staff and categorized:
 - CIP Eligible Project
 - Already Existing Project
 - Not Eligible as a CIP Project
 - Better Served Through Another Process
- All submissions will receive a response from City Staff
- Eligible submissions will be reviewed by the Citizen Request Subcommittee on **Thursday, October 8th at 6:00pm** to determine if they should appear as a project in the FY28-FY33 Capital Improvement Plan
- All submissions are listed in the final CIP in Appendix I

<https://portsnh.co/cipcitizen>

BI-95-PL-27: Land Acquisition

Department(s)	Planning and Sustainability Department
Project Location	Citywide
Project Justification	Land conservation
Project Website	N/A
Planning Documents/Studies	Open Space Plan Master Plan 2025

Project Description: This project funds the purchase of land that has been determined should be protected for conservation and recreation. Ownership is usually sought to secure environmentally sensitive areas to purchase the development rights to a particular parcel, or for some municipal use. Protection may also be provided through the purchase of development rights by way of conservation easements and/or restrictions. Funds can be used as match for leverage on existing grant programs and to support and supplement the City's existing Conservation Fund. Acquisition of land is consistent with the goals and visions stated in the City Master Plan and Open Space Plan.

Impact on the Operating Budget	Negligible (<\$5,001)
Personnel	N/A
Non-Personnel Line-Items	N/A

Notes of Changes in Funding Plan from FY26-31 CIP:

Project Funding		FY27	FY28	FY29	FY30	FY31	FY32	Totals 27-32
Capital Outlay (GF)	0%							\$0
Federal/State	0%							\$0
Bond/Lease	100%			\$500,000				\$500,000
Other	0%							\$0
Revenues	0%							\$0
PPP	0%							\$0
Totals		\$0	\$0	\$500,000	\$0	\$0	\$0	\$500,000



Evaluation Criteria & Prioritization

Priority: A (needed within 0 to 3 years)

CORE FUNCTION	Responds to Federal or State Requirement	
	Addresses a Public Health or Safety Need	
	Alleviates Substandard Conditions or Deficiencies	
FINANCIAL BENEFIT	Eligible for Matching Funds with Limited Availability	Y
	Timing or Location Coordinate with Synergistic Project	
	Reduces Long-Term Operating Costs	
COMMUNITY PLAN OR IMPROVEMENT	Identified in Planning Document or Study	Y
	Improves Quality of or Provides Added Capacity to Existing Services	
	Provides Incentive for Economic Development	
	Responds to a Citywide Goal or Submitted Resident Request	

Policies Compliance

Percent for Art	
Cultural Plan	
Community Health Plan	
Complete Streets	
Climate Action Plan	
Green Building Policy	

BI-27-PL-31: Vernal Pool Update

Department(s)	Planning and Sustainability Department
Project Location	Citywide
Project Justification	Update of the 2008 Portsmouth Vernal Pool Inventory
Project Website	Wetland Buffer Info & Map
Planning Documents/Studies	Portsmouth Vernal Pool Inventory

Project Description: This request is to update the Citywide Vernal Pool Inventory. In our recent 2025 wetland mapping update, the consultant noted that the existing vernal pool study is in need of an update. Citywide development and landscape changes necessitate an update to this mapping effort. This work is important for accurate enforcement of the City's Wetland Protection regulations. Funding is often available for this type of natural resource inventory through state grant programs. Staff will start by seeking grant funds for the next two years. Then, if the work is not found to be eligible it will be added to Capital Outlay for FY29.



Impact on the Operating Budget	Minimal (\$5,001 to \$50,000 per year cost)
Personnel	N/A
Non-Personnel Line-Items	N/A

Notes of Changes in Funding Plan from FY26-31 CIP:

Project Funding		FY27	FY28	FY29	FY30	FY31	FY32	Totals 27-32
Capital Outlay (GF)	33%			\$50,000				\$50,000
Federal/State	67%	\$50,000	\$50,000					\$100,000
Bond/Lease	0%							\$0
Other	0%							\$0
Revenues	0%							\$0
PPP	0%							\$0
Totals		\$50,000	\$50,000	\$50,000	\$0	\$0	\$0	\$150,000

Evaluation Criteria & Prioritization		
Priority: A (needed within 0 to 3 years)		
CORE FUNCTION	Responds to Federal or State Requirement	
	Addresses a Public Health or Safety Need	
	Alleviates Substandard Conditions or Deficiencies	
FINANCIAL BENEFIT	Eligible for Matching Funds with Limited Availability	Y
	Timing or Location Coordinate with Synergistic Project	
	Reduces Long-Term Operating Costs	
COMMUNITY PLAN OR IMPROVEMENT	Identified in Planning Document or Study	Y
	Improves Quality of or Provides Added Capacity to Existing Services	
	Provides Incentive for Economic Development	
	Responds to a Citywide Goal or Submitted Resident Request	

Policies Compliance	
Percent for Art	
Cultural Plan	
Community Health Plan	
Complete Streets	
Climate Action Plan	
Green Building Policy	