Juliet T.H. Walker

From: Patrick M. Crimmins <PMCrimmins@tigheBond.com>
Sent: Thursday, April 15, 2021 8:52 AM
To: Juliet T.H. Walker
Cc: 'Jeff Johnston'
Subject: RE: 105 Bartlett Street - Status of NHDES Permits
Attachments: C-0960-006-Preliminary Mitigation Proposal.pdf

Juliet: The Alteration of Terrain Application has been submitted and accepted by NHDES on April 5th. See link: https://www4.des.state.nh.us/DESOneStop/AOTDetail.aspx?ID=20210405-047

For wetlands, we have been in close consultation with NHDES on the wetland impact permit conducting multiple pre-application meetings. We have submitted a preliminary mitigation proposal to NHDES (attached for reference) for review and concurrence. Once we have agreement on this, the formal application will be filed. The rejection letter you reference is related to prior subdivision project. It because the time lapsed from the original filing and it was not extending because we are coming in with this new application. The letter was simply NHDES housekeeping.

The project is exempt form Shoreland as this project is commercial redevelopment being constructed in accordance with RSA 485-A:17 (which governs AoT).

Env-Wq 1406.02 Statutory Exemptions.

(a) The following shall not be subject to this chapter, as they are exempted by statute from the requirements of RSA 483-B:

(1) Agriculture performed in accordance with best management practices, as specified in RSA 483-B:3, III, and RSA 483-B:9, V;

(2) Forest management that is not associated with shoreland development or land conversion that is conducted in compliance with RSA 227-J:9, as specified in RSA 483-B:9, V; and

(3) Forestry conducted in compliance with RSA 227-J:9 by or under the direction of a water supplier for the purpose of managing a water supply watershed, as specified in RSA 483-B:9, V.

(b) The following shall not be subject to this chapter, as they are exempted by statute from the requirement to obtain a shoreland permit:

(1) As specified in RSA 483-B:5-b, II, timber harvesting activities permitted in accordance with RSA 485-A:17, IV;

(2) As specified in RSA 483-B:5-b, IV, impacts in the protected shoreland that are:

a. Covered by a permit issued under RSA 482-A; or

b. Commercial or industrial redevelopment in accordance with RSA 485-A:17; and

(3) As specified in RSA 483-B:9, III, private water supply facilities.

The NHDES status update is part of my presentation this evening.

Thanks, Patrick

Patrick M. Crimmins, PE | Senior Project Manager
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www.tighebond.com | Follow us on: Twitter Facebook LinkedIn

C-0960-006
March 30, 2021

Ms. Lori Sommer, Wetland Mitigation Coordinator
New Hampshire DES Wetlands Bureau
29 Hazen Drive
PO Box 95
Concord, New Hampshire 03302

Re: **NHDES Wetland Impact Permit – Preliminary Mitigation Proposal**
Iron Horse Properties, LLC, 105 Bartlett Street Portsmouth, NH

Dear Ms. Sommer:

On behalf of Iron Horse Properties, LLC, we are pleased to provide the following information relative to a Mitigation Proposal associated with the Wetland Impact Permit Application for the above reference project:

- Summary of Wetland and Buffer Functions and Mitigation Memo, dated March 30, 2021;
- Wetland Buffer Impact and Mitigation Plan, dated March 10, 2021;
- ARM Fund Calculator Form

As per our pre-application meeting on March 18, 2021, the proposed Multi-Family Development project at 105 Bartlett Street in Portsmouth will require a Wetland Impact Permit. The project is proposing to impact 34,809 SF of previously disturbed tidal wetland buffer which will require mitigation. As described in the Wetland Permit Application, these areas can be divided into three zones within the project area: 1) a commercial area, including the Ricci Supply and Ace Hardware complex, the Great Rhythm Brewery building, a former railroad machine shop, and all the paved and unpaved impervious surfaces associated with those buildings; 2) the disturbed forest directly northeast and northwest of Great Rhythm Brewery, including the area around the old railroad turntable and roundhouse remains; and 3) the shrub thicket extending along the narrow portion of the parcel to the northeast. These areas all include historic filling 2-16 feet deep associated with railroad activities.

The proposed project will provide improvements to the buffer, including invasive species management and revegetation with native species. Installation of the North Mill Pond trail and greenway would result in improved functions and values of the wetland and buffer including: Ecological Integrity, Recreation Potential, Aesthetic Quality, and possibly Educational Potential. Existing impacts to the 100-foot buffer will be reduced from the trail and greenway improvements through the removal and restoration of impervious surfaces. A detailed description of the proposed restoration and enhancement of the buffer and be found in the enclosed Summary of Wetland and Buffer Functions and Mitigation Memo.

The result of the proposed mitigation will be 22,384 SF of restored previously disturbed tidal buffer area and 47,189 SF of previously disturbed tidal buffer enhancement area. The previously disturbed tidal buffer enhancement area will count towards mitigation at a 10:1 ratio. As such, the applicant respectfully proposes the following mitigation for the 34,809 SF of impact:

- 22,384 SF of restored previously disturbed tidal buffer area be counted toward the mitigation of the wetland buffer impact counted at a 1:1 ratio.
- 47,189 SF of previously disturbed tidal buffer enhancement area be counted towards mitigation at a 10:1 ratio, for an effective mitigation area of 4,719 SF.
- The balance of the previously disturbed tidal buffer impact, 7,706 SF, will be mitigated through a contribution to the ARM fund in the amount of $43,623.28.

We look forward to working with you on this Mitigation Proposal. If you have any questions or need any additional information, please contact Patrick Crimmins by phone at (603) 988-8066 or by email at pmcrimmins@tighebond.com.

Sincerely,
TIGHE & BOND, INC.

Patrick M. Crimmins, PE
Senior Project Manager

Neil A. Hansen, PE
Project Engineer

Enclosures
Cc: Iron Horse Properties, LLC (via e-mail)

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105 Bartlett Street, Portsmouth – Summary of Wetland and Buffer Functions and Mitigation

TO: Lori Sommer, NHDES
Stefanie Giallongo, NHDES
David Price, NHDES

FROM: Leonard A. Lord, PhD, CSS, CWS

DATE: March 30, 2021

North Mill Pond is a 79+/- acre tidal wetland that includes expansive mud flats (E2US3N) with a narrow fringe of salt marsh (E2EM1N) along the project area. The upland buffer to this wetland has been highly degraded by development, impervious areas, trash, and rundown buildings. Below is a summary of the wetland and buffer functions and impact mitigation. Evaluation of these functions was primarily based on criteria adapted from the *Maine Citizens Guide to Evaluating, Restoring, and Managing Tidal Marshes* (Bryan et al., 1997).

For more information and photographs, please refer to the Tighe & Bond Wetland Delineation and Assessment of Functions and Values report included with the Wetland Impact Permit Application packet. For quantification of wetland and buffer impacts as well as quantification of proposed mitigation, please refer to the Wetland Buffer Impact Plan.

Ecological Integrity

- Existing Function at North Mill Pond: Compromised due to tidal restriction, development of the upland buffer, water quality degradation, and filling.
- Existing Function at Project Upland Buffer: Compromised due to development, rundown buildings, compaction and impervious surfaces, trash, invasive species, and filling/grading.
- Proposed Function Enhancement: The upland buffer will be enhanced by removing rundown buildings, upgrading the development, removal of trash, and removal of invasive species. Native plantings will be installed as part of the landscape plan and much of the area within 50 feet of the mean high water line will be seeded with a conservation/wildlife seed mix, with mowing occurring annually to discourage reestablishment of invasive species.
- Proposed Function Restoration: The project will result in a net reduction in impervious surfaces. Restoring impervious surfaces restores vegetation, reduces runoff to the tidal wetland, provides improved water quality treatment of runoff, allows for increased wetland screening for wildlife, and restores available wildlife habitat.

Wildlife, Finfish, and Shellfish Habitat

- Existing Function at North Mill Pond: Despite having compromised Ecological Integrity, North Mill Pond likely supports a variety of wildlife, including migratory birds, finfish, and shellfish. Salt marshes are among the Wildlife Action Plan highest ranked wildlife value habitats. There is a narrow band of salt marsh along the project area and larger salt marsh areas to the northeast and across the pond.
- Existing Function at Project Upland Buffer: The upland buffer in the project area has highly degraded Ecological Integrity. The vegetated portions of the buffer currently help support the wildlife habitat functions at North Mill Pond by providing screening and providing some water quality renovation of runoff. In addition, the pockets of

dense forest and shrubland vegetation are likely to provide habitat for small mammals and songbirds. Though limited in area and compromised by invasive species, the site does include a variety (four) of identified vegetation types, which would increase the potential to support a diversity of species. The vegetation types include a narrow Mixed Sapling/Shrub Thicket, a Norway Maple Grove, a Quaking Aspen Gray Birch Grove, and an Autumn Olive Thicket.

- Proposed Function Enhancement: Enhancement of Wildlife, Finfish, and Shellfish Habitat will be achieved through the methods and reasons described for enhancing Ecological Integrity.
- Proposed Function Restoration: Restoration of Wildlife, Finfish, and Shellfish Habitat associated with the upland buffer will be achieved through the methods and reasons described for restoring Ecological Integrity. This involves the restoration and revegetation of impermeable surfaces.

Recreational and Commercial Potential

- Existing Function at North Mill Pond: North Mill Pond has potential for use by small boats during high tides, is not suitable for shellfish harvesting, and is not suitable for hunting. There is potential for birdwatching, but there is currently no public access at the project site except in the commercial parking lot at the southwest end of the project. However, views of North Mill Pond and potential bird habitat from the parking lot are very limited and compromised by vehicular traffic, noise, and activity as compared to the northeastern end of the site.
- Existing Function at Project Upland Buffer: There is no Recreational or Commercial Potential associated with the upland buffer other than an informal walking trail used by local residents.
- Proposed Function Enhancement: Since there will be no attempt to enhance the existing bird watching or other recreational activities from the commercial parking lot, there will be no enhancement of this function.
- Proposed Function Restoration: The project will create and restore recreational opportunities by providing a public greenway trail that will allow for birdwatching and recreational enjoyment of the North Mill Pond and upland buffer. Expansive views of the North Mill Pond and associated bird habitat from the northern portion of the site will be made open to the public.

Aesthetic Quality

- Existing Function at North Mill Pond: The areas surrounding North Mill Pond are highly developed commercial and residential areas. There are few public viewing areas, but in locations where the pond can be seen it generally offers wide vistas and aesthetically pleasing views. There are no public viewing areas at the project site other than at the commercial parking lot at the southwest end of the project. However, views of North Mill Pond from the parking lot are very limited and compromised by vehicular traffic, noise, and human activity as compared to the northeastern end of the site.
- Existing Function at Project Upland Buffer: The upland buffer is highly degraded aesthetically. It is full of trash and rundown buildings at its northern end and is a highly developed commercial area at its southern end. There is essentially no aesthetic quality to the buffer.
- Proposed Function Enhancement: Since there will be no attempt to enhance existing aesthetics associated the public viewing or North Mill Pond from the commercial parking lot, there will be no enhancement of this function for the pond.

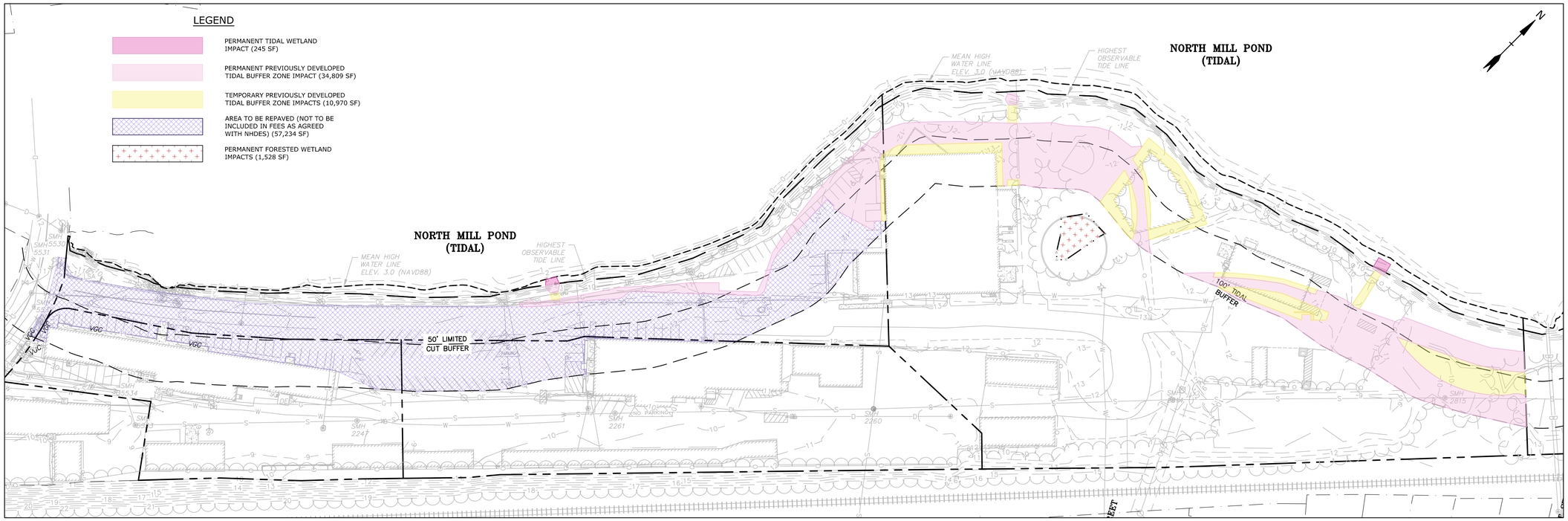
- Proposed Function Restoration: The project will create and restore aesthetic enjoyment of North Mill Pond through all the ways the Ecological Integrity will be restored and enhanced. The upland buffer will be cleaned up, rundown buildings will be removed, and a public greenway trail will be created that will allow for strolling and multiple viewing opportunities along the North Mill Pond and upland buffer. Expansive views of the North Mill Pond visible from the northern portion of the site that are not currently available will be made open to the public.

Educational Potential

- Existing Function at North Mill Pond: There is no safe public access to North Mill Pond near the project site. In addition to being private property, the southern portion of the site is a commercial parking lot, and the northern portion of the project site has dangerous trash and building debris. Access to the North Mill Pond is also limited by steep banks, further diminishing the educational potential of this wetland.
- Existing Function at Project Upland Buffer: Same as for North Mill Pond.
- Proposed Function Enhancement: Since there is currently no access for Educational Potential, this function does not exist and cannot be enhanced.
- Proposed Function Restoration: By restoring the upland buffer and providing access along a greenway trail, some educational potential will be achieved. Although there will be no direct access to the North Mill Pond provided from the trail, there will be multiple viewing points, including views of the pond, salt marsh, and mudflats from the project site. The trail will also connect to other nearby habitats including more extensive salt marsh, shrublands, and native grassland (little bluestem, *Schizachyrium scoparium*).

Noteworthiness

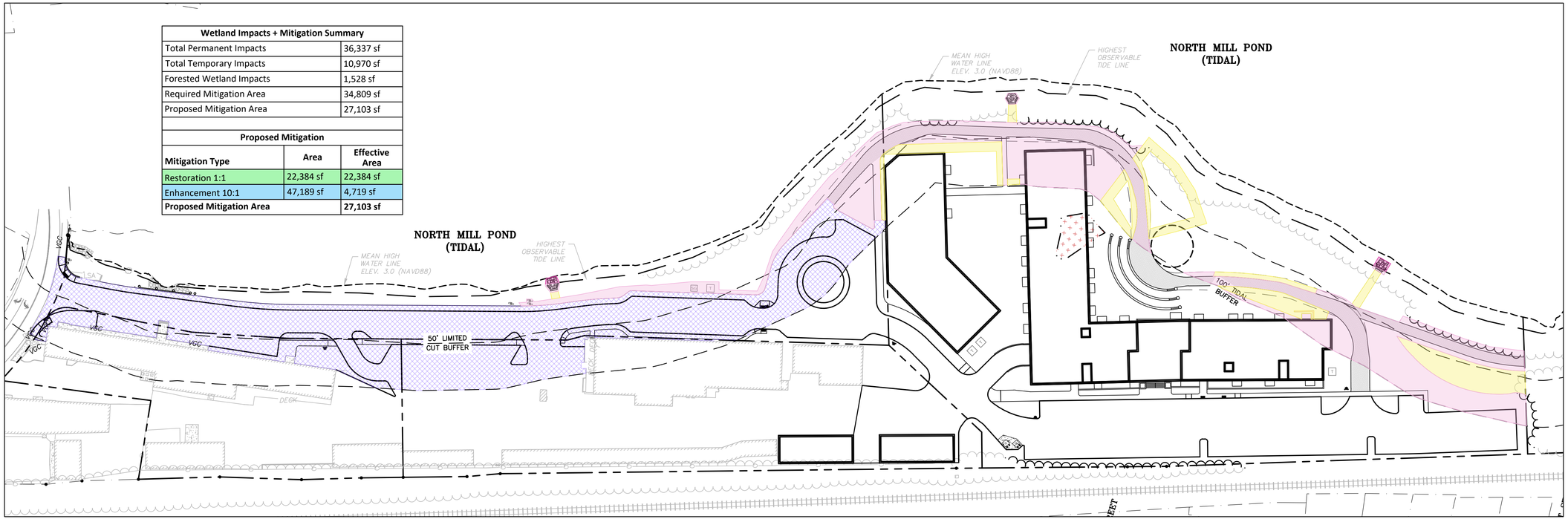
- Existing Function at North Mill Pond: This area of North Mill Pond does not include any rare species, though the larger salt marsh to the northeast and across the pond are considered as highly ranked wildlife habitat, which is noteworthy. In addition, the pond provides for some open vistas in a developed setting, which adds to its importance aesthetically and as part of the character of the area.
- Existing Function at Project Upland Buffer: The upland buffer is somewhat noteworthy as an old railroad yard, but it has been so degraded that this diminishes its noteworthiness.
- Proposed Function Enhancement: Restoring and enhancing the upland buffer while providing a greenway trail will enhance the character of the area and provide recreational, educational, and aesthetic opportunities to the public that would not otherwise be readily available.
- Proposed Function Restoration: Since noteworthiness is an existing function, it will be enhanced by the project, rather than restored.



PROPOSED IMPACT TO PREVIOUSLY DISTURBED TIDAL BUFFER, EXISTING CONDITIONS

Wetland Impacts + Mitigation Summary	
Total Permanent Impacts	36,337 sf
Total Temporary Impacts	10,970 sf
Forested Wetland Impacts	1,528 sf
Required Mitigation Area	34,809 sf
Proposed Mitigation Area	27,103 sf

Proposed Mitigation		
Mitigation Type	**Area**	**Effective Area**
Restoration 1:1	22,384 sf	22,384 sf
Enhancement 10:1	47,189 sf	4,719 sf
Proposed Mitigation Area		**27,103 sf**



PROPOSED IMPACT TO PREVIOUSLY DISTURBED TIDAL BUFFER, PROPOSED CONDITIONS

Tighe&Bond

Proposed Multi-Family Development

Iron Horse Properties, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

MARK	DATE	DESCRIPTION
I	3/10/2021	PB Submission
H	1/20/2021	TAC Resubmission
G	11/18/2020	TAC Resubmission
F	10/28/2020	Wetland CUP Resubmission
E	5/20/2020	TAC Resubmission
D	4/29/2020	Wetland CUP Submission
C	4/20/2020	TAC Submission
B	2/6/2020	Design Review Submission
A	1/2/2020	ZBA Submission

PROJECT NO:	C-0960-006
DATE:	April 20, 2020
FILE:	C-0960-006_C-SITE.DWG
DRAWN BY:	NAH
CHECKED:	PMC
APPROVED:	BLM

WETLANDS BUFFER IMPACT PLAN

SCALE: AS SHOWN

Last Saved: 3/30/2021
Printed: Tuesday, May 25, 2021 - 10:44am By: NAHansen
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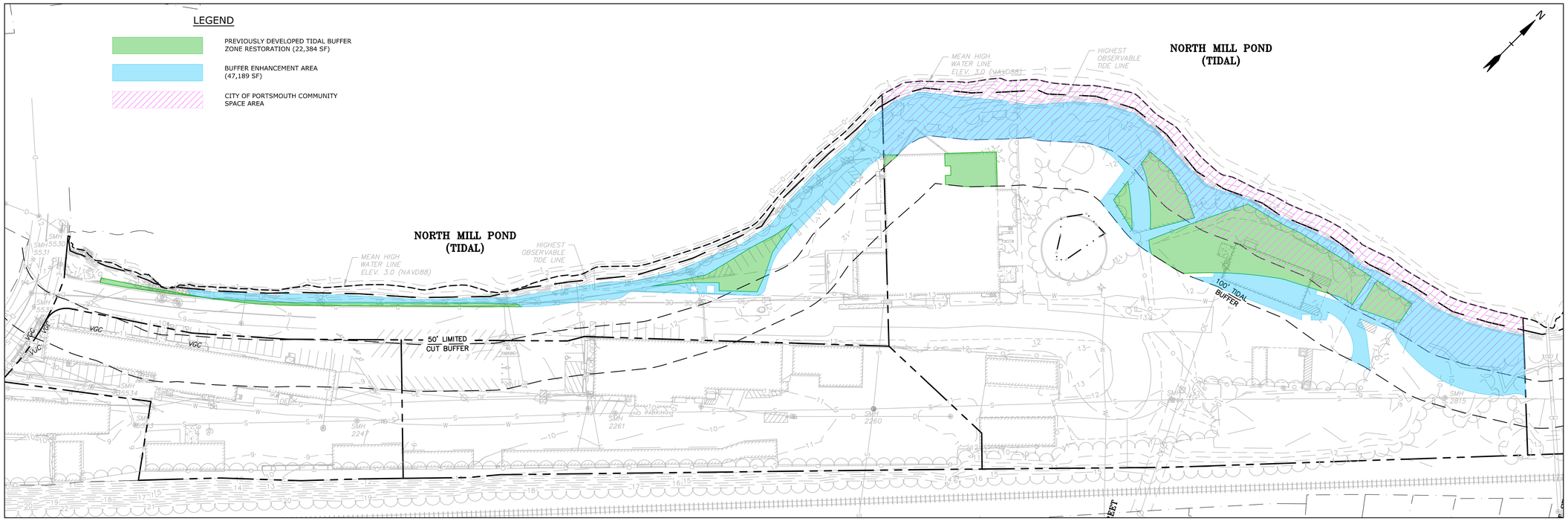

PROPOSED MITIGATION OF PREVIOUSLY DISTURBED TIDAL BUFFER, EXISTING CONDITIONS

Wetland Impacts + Mitigation Summary	
Total Permanent Impacts	36,337 sf
Total Temporary Impacts	10,970 sf
Forested Wetland Impacts	1,528 sf
Required Mitigation Area	34,809 sf
Proposed Mitigation Area	27,103 sf

Proposed Mitigation		
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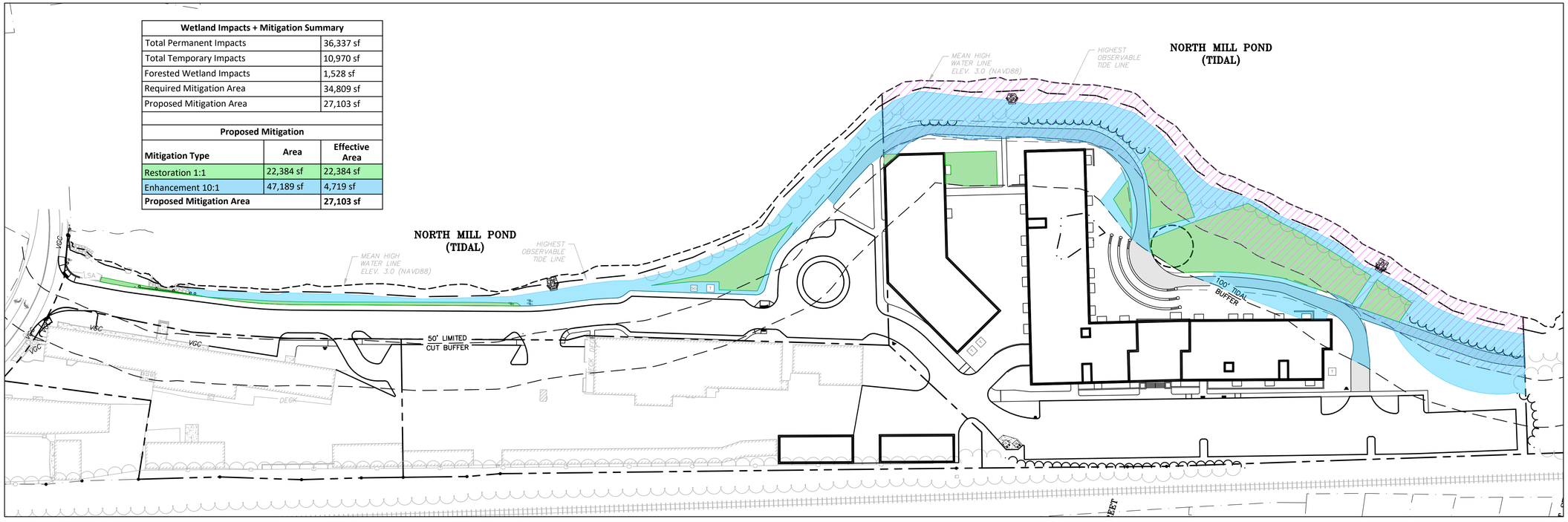

PROPOSED MITIGATION OF PREVIOUSLY DISTURBED TIDAL BUFFER, PROPOSED CONDITIONS

Tighe&Bond

0 60' 120'
GRAPHIC SCALE

Proposed Multi-Family Development

Iron Horse Properties, LLC

105 Bartlett Street
Portsmouth,
New Hampshire

MARK	DATE	DESCRIPTION
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PROJECT NO:	C-0960-006
DATE:	April 20, 2020
FILE:	C-0960-006_C-SITE.DWG
DRAWN BY:	NAH
CHECKED:	PMC
APPROVED:	BLM

WETLANDS BUFFER MITIGATION PLAN

SCALE: AS SHOWN

2 OF 2

Last Saved: 3/30/2021
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2020 LAND VALUES

TOWN	Equalized Value per Acre
PORTSMOUTH	40318

NHDES AQUATIC RESOURCE MITIGATION FUND
WETLAND PAYMENT CALCULATION
INSERT AMOUNTS IN YELLOW CELLS

1	**Convert square feet of impact to acres:**		
INSERT SQ FT OF IMPACT	Square feet of impact	7706.10	
		43560.00	
	Acres of impact =	0.1769	
2	**Determine acreage of wetland construction:**		
	Forested wetlands:	0.2654	
	Tidal wetlands:	0.5307	
	All other areas:	0.2654	
3	**Wetland construction cost:**		
	Forested wetlands:	$25,653.88	
	Tidal Wetlands:	$51,307.77	
	All other areas:	$25,653.88	
4	**Land acquisition cost (See land value table):**		
INSERT LAND VALUE FROM TABLE WHICH APPEARS TO THE LEFT. (Insert the amount do not copy and paste.)	Town land value:	40318	
	Forested wetlands:	$10,698.85	
	Tidal wetlands:	$21,397.70	
	All other areas:	$10,698.85	
5	**Construction + land costs:**		
	Forested wetland:	$36,352.73	
	Tidal wetlands:	$72,705.46	
	All other areas:	$36,352.73	
6	**DES Administrative cost:**		
	Forested wetlands:	$7,270.55	
	Tidal wetlands:	$14,541.09	
	All other areas:	$7,270.55	
**********	**TOTAL ARM PAYMENT**********		
	Forested wetlands:	$43,623.28	
	Tidal wetlands:	$87,246.55	
	All other areas:	$43,623.28	

NEW HAMPSHIRE DEPARTMENT OF Environmental Services