



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

23 October, 2018

Dexter Legg, Chair
City of Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, NH 03801

**Re: Conditional Use Permit Amendment Request
Tax Map 202, Lot 16
350 Little Harbor Road
Portsmouth, New Hampshire**

Dear Mr. Legg:

This letter transmits a City of Portsmouth Conditional Use Permit Amendment request for an application previously approved by the Planning Board at its regularly scheduled meeting on September 15, 2016. This amendment is being requested as the approved project is approximately 90% complete and grading, landscaping, and finish site work will begin shortly. Upon review of the landscaping and final grading, it was determined that some minor changes be requested, most of which would be characterized as "landscape" in nature. Additionally, this request includes 3,770 sq. ft. of "after-the fact" disturbance associated with the placement of crushed stone and wood chips within an access way on the property currently being used for construction purposes. This request does not include any changes to the residential structure or any accessory structures that were previously approved. The requested changes are outlined as follows;

- Proposal of a security gate on the western side of the subject property associated with the legal access to the property from Martine Cottage Road. The gate is needed as historic use of the neighborhood (in particular the property known as Creek Farm), and historic use of Martine Cottage Road (by vehicles and pedestrians), has created a situation where the public is consistently entering the private property. The historic use of Martine Cottage Road and Creek Farm Road created a "circle" or "loop" in which vehicles and pedestrians could travel through the subject property (please see the attached Aerial Photo Exhibit and Photo Log). Subsequent to the purchase of the property, and re-development of the property, the owners have had to repeatedly ask the public to cease trespassing onto the property. The combination of the previously approved gate on the eastern side of the parcel, and the proposed gate on the western side of the parcel, will provide the property owners with the security they desire.

The gate will have 12' inside clearance (see attached Gate Detail-Sheet L5), the minimum necessary to allow a vehicle to pass when needed. The owners have no intention to use this legal access as their primary entrance as the proposed home, paver driveway and garage are located on the "opposite" side of the parcel. The simple fact that Martine Cottage Road essentially enters the parcel (as a traveled way), and therefore leads the public onto the parcel, a gate is needed to restrict access. Additionally, due to the nature of the construction of the gate, and the proposed use, there is no detrimental impact on the adjacent wetland resource (110 sq. ft.)

- Proposal of 255 linear feet of buried electrical conduit from the residential structure (under construction) to the location of the proposed gate. Electrical power to the gate is needed for operation, as well as a security camera that will be installed on the gate (255 sq. ft.).
- Proposal of 740 linear feet of buried irrigation line need to provide water to proposed landscaped areas/landscape plantings on the parcel, located as much as 180 feet from the residential structure. The irrigation line contains hose bibs, which are garden hose fittings where a traditional garden hose can be attached. Additionally, the irrigation line will allow for "soaker" hose to be attached to provide drip irrigation to the proposed landscape plantings. The drip irrigation will help insure the survival of the landscape/rain garden plantings and can be placed on a timer to water only when needed, an excellent water saving technique. The irrigation line will be installed with a machine referred to as a "vibratory plow". This machine drops a very narrow plow implement into the soil and while moving also installs the 1/2" irrigation line. The result is an installation that essentially slices the irrigation line inches below the soil surface with extremely minimal disturbance. Attached to this application is a photo of the vibratory plow.
- Proposal of 3,770 sq. ft. "after-the-fact" disturbance within the wetland buffer for the placement of crushed stone and wood chips in order to maintain an existing access for construction purposes.

The subject access way, per City of Portsmouth Conditional Use Permit Approval dated 9/19/16, stipulation #2 states "The construction access to the site shall be entirely on the southerly access way. This access way has been utilized for construction purposes for approximately two years since the start of construction.

Following 3 consecutive rain events on October 1-October 3, the access way became muddy, degraded, and virtually impassable. As a result, the muddled organic layer of soil was removed from the access way, a layer of crushed stone was placed, and a top layer of wood chips was spread throughout. The organic layer that was removed was stockpiled directly adjacent to the access way for future restoration efforts. The crushed stone would provide stability to wheeled traffic and provide some drainage function. The purpose of the wood chips were to provide a very small water absorbing function, and to prevent stone or soil from being tracked off the site onto the abutting parcel or onto Martine Cottage Road.

Permission for maintenance work on the access way by the Planning Department was never requested and therefore this component is an "after-the-fact" request. The access way will

be restored at the completion of construction to a condition better than what previously existed. A Restoration Plan for the access way is attached to this letter for your consideration. Also attached are photos of the accessway taken on October 23, 2018.

The total impacts for the changes described above total 4,875 sq. ft., of which most are located within the previously approved 19,927 sq. ft. of disturbance approved on September 15, 2016, specifically where the electrical and irrigation lines are located near the proposed driveway and access road currently being used for construction activities.

According to the City of Portsmouth Zoning Ordinance, *Article 10.1017.50 Criteria for Approval*, the proposal shall comply with the following criteria:

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

The proposal is to construct a single family residence with attached garage and associated access/egress. The property is zoned for residential homes and is located in the Single Residence A (SRA) district. There is an existing (under construction) single family home on the parcel with associated access/egress, garage, and associated landscaping. The project was previously approved, the access way for construction was stipulated by the CUP approval dated 9/19/16, and the proposed changes do not substantially increase the originally approved area of disturbance, maintain the character of the previously approved project, and most importantly maintain the spirit of Article 10.1010 of the Portsmouth Zoning Ordinance.

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

The proposed, and previously approved project utilized areas outside of the wetland buffers (freshwater and tidal) to the greatest extent practicable. The proposed changes include minor landscape alterations, an "after-the fact" request for maintenance to the access way to be used for construction purposes, which cannot be located in an alternative location outside the wetland buffer due to the project location and need.

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

The proposed changes do not substantially increase the originally approved area of disturbance, maintain the character of the previously approved project, and most importantly maintain the spirit of Article 10.1010 of the Portsmouth Zoning Ordinance.

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

The proposed changes do not contribute to any further alteration of the natural vegetative state or managed woodland than the previously approved proposal. The access way to be used for construction previously existed and did not require the removal of any natural vegetation for its maintenance.

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

The proposed changes do not substantially increase the originally approved area of disturbance, maintain the character of the previously approved project, and are de minimis landscape changes in nature.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Riker', written over the typed name.

Steven D. Riker

NH Certified Wetland Scientist/Environmental Permitting Specialist
Ambit Engineering, Inc.

Cc: Robert J. & Susan L. Nalewajk-Property Owners
Bernard Pelech-Bosen & Associates

To: Portsmouth Planning Board and Conservation Commission Members
From: Bob and Sue Nalewajk, applicants
Re: Conditional Use Permit Amendment and Addendum
350 Little harbor Road
Portsmouth, NH 03801
Date: October 11, 2018

Here's a brief history on why we applied for an amendment to our Conditional Use Permit originally issued by the Portsmouth Planning Department on September 19, 2016.

As construction of our house proceeded this past year, we realized a few things were missing or needed changing in our site plan. These tasks fell within the bounds of fine-tuning things as the end of our almost two-year project neared. These are listed below:

- We had no approved pad locations for installation of our air conditioning units
- The driveway path did not adequately allow for larger trucks (such as the UPS and other delivery trucks)
- The walkway in the front of the house was not symmetrical with the front portico
- We didn't want as many pervious pavers on the east side entrance to the house, but would prefer grass that could be used in a pinch as overflow parking
- We wanted to install a gate at the Martine Cottage Road entrance (the western gate) to have occasional access to our property. The legal issue about whether we had a right of access over our neighbor's property was resolved in our favor.
- The engineers preferred to construct the approved retaining wall with poured concrete, rather than concrete blocks.

All these things together sounded like we needed an amendment to our Conditional Use permit. So, we proceeded to make such an amendment, requesting the following changes:

- Installation of an air conditioning pad in the wetland buffer adjacent to the garage, a place in the wetland buffer already approved as disturbed construction area.
- Re-aligning the driveway slightly to allow for turning radii travelable by larger vehicles and using a grass pave in areas where the vehicle's wheels might veer off the ribbon driveway. The grass pave would allow for grass to grow through it (better aesthetic, in our opinion) and provide a more stable structure than the approved gravel edge.
- The front walkway was adjusted to provide a symmetrical entrance to the main portico entrance.
- Grass pave was proposed in place of pervious pavers for two of the four parking spaces on the eastern entrance (Creek Farm side) of the house. We proposed that grass pave be used because it provided structure for grass to grow through while still allowing occasionally use for car parking. Most of this work (except for 39 square feet) was outside of any wetland buffer area.

- The gate proposed for the western side of the property would match the gate for the eastern entrance, for architectural uniformity.
- The redesigned retaining wall was presented in the same location and for the same size, but using a different construction material.

Prior to preparing the amendment, we approached Peter Britz of the Portsmouth Planning Department for a discussion about these tasks and if there might be any issues that needed to be addressed. After this meeting, everything seemed fine, so we submitted our application and received a favorable staff recommendation.

However, at the Conservation meeting, several issues were raised and our application was denied. The major reason for denial was:

- The western gate was too big
- The use of grass pave was considered environmentally insensitive. Plastics were not good for the environment.

Rather than having the Planning Board deny our entire application, we elected to remove the western gate and the use of additional grass pave from the application that the Planning Board received. The Planning Board would then be asked for approval of the air conditioning pad, the driveway re-alignment, the portico walkway, and the redesigned retaining wall. These were approved in August 2018 by the Planning Board.

We still wanted to install a gate in the western side of the property for privacy and security. Because the Conservation Committee said that the proposed gate was too big, we decreased the gate opening size from 16 feet to 12 feet, assuming that this reduction might satisfy the Conservation Commission.

In addition, during this time frame it became apparent to us that we needed a permit for the gate's electrical conduit that was already installed, inspected, and had approval by the Portsmouth electrical inspector in 2017. We then questioned whether we needed a permit for installation of seasonal irrigation lines for hose bibs. No one seemed to really know the answer, except to say that they had never gotten a permit for these before. Just to be sure, we included them in the October amendment, along with the revised gate and its (already installed) electrical conduit.

We now have the staff recommendations for our October 2018 amendments and are shocked at their response. What seemed like fine-tuning the conclusion of our project has been elevated to an environmental catastrophe. We, as applicants, are very confused.

We have made a comparison of the staff recommendations for the western gate installation (including the electrical conduit) and irrigation. The gate design was too large in size, as per the minutes from Conservation Commission's meeting, the only negative issue that came up at their August meeting for this task. Because of this comment, we removed the gate from the August Planning board request and went back to the drawing board to

reduce the size of the gate. The gate in the revised amendment presented in October, is 25% narrower, but the piers remain the same size.

Below is a comparison of the staff recommendations for both Conservation Committee meetings (August and October 2018) and our response (applicant's response) to these recommendations. Quoted text refers to the language used in the staff recommendations. It is very difficult as a property owner to plan and build within the design criteria/conditions established by the City of Portsmouth given the wide range of recommendations and opinions provided by the staff to the same project. This confusion stems from having a favorable staff recommendation for our amendments in August and a denial in October.

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

Staff Recommendations

8-3-18: The applicant has proposed some changes identified on the landscape plan. Given the site is being developed now the changes are reasonable to provide the optimal usage of the site for the owners.

10-5-18: There are several items included in this request for Conditional use. The gate is a western gate 16 feet in width with an inside diameter of 12 feet to allow the passage of vehicles when the gate is open. The gate has two columns each with five foot long footing and 3 and ½ foot base on the columns that support the gate. In addition the gate which required the excavation of a trench in the wetland buffer is supplied with electrical conduit which was installed without the benefit of a wetland permit. The Planning Director had been notified about the installation of the electrical conduit in the buffer but when asked about the installation of the conduit at the Planning Board meeting August 23, 2018 both the owner and the owner's representative denied its installation. The applicant is also requesting the installation of irrigation around the property which is largely within the wetland buffer. There is no demonstrated need for the addition of the gate and associated wetland impact. If there is no gate there would be no need for the electrical conduit. As for the proposed irrigation in particular the line at the rear of the house to provide freshwater to the boat dock, there is the potential for significant ledge removal to install the line and again no demonstrated need for this impact in the tidal buffer zone.

Applicant's response

The proposed gate was changed only in its opening width, not in the size of the piers proposed to support it. How come in August, the gate provided "optimal usage of the site for the owners" and in October "there is no demonstrated need." We asked for the gate for our security and privacy. People from the general public consistently walk through the property. As recently as yesterday (10/9/18), we had two gatecrashers on the property; one of these had actually walked onto the back deck of the house before being intercepted.

Paragraph R105.5 in the International Residential Code allows fences to be built without permits as long as they are not over six feet high. Our currently approved site plan shows

fencing (with a gate) on the easterly side of the property for the same reason that we are requesting this gate on the westerly side - security and privacy. The staff comment "If there is no gate there would be no need for the electrical conduit" is nonsensical. The driveway is difficult to navigate and would require lighting for safe vehicular travel whether or not the gate was present. We want it clear that we will build a fence with a gate on that side of the property in accordance with code for fences on residential property, if this is not approved with its current design.

The second issue refers to the electrical conduit. Our contractor apparently did not know that a permit was required for the installation of this conduit under an existing driveway. This driveway was approved for access use in our 2016 Conditional Use Permit. We did not attempt to hide the fact that the conduit was installed. In fact, the Portsmouth electrical inspector actually approved the installation prior to its covering.

The question asked at the Planning Meeting was if the **electrical** was installed and we responded no because there is no electrical wiring in the conduit. It was never our intent to do something without a permit that needed one.

We did have another location option to install electrical conduit outside the buffer, but it would be at the expense of damaging the roots for many established trees. Since the access way, the driveway on the western side, is an area that was already disturbed, the conduit was installed in that location. We apologize for not requesting permission first.

The third matter requests irrigation to the dock. The staff suggests that there will be "significant ledge removal" for its installation. Please note that this irrigation is for seasonal use (the water is blown out in the fall) so it will be buried inches below the surface. This hardly represents "significant ledge removal." The need for this irrigation line is to irrigate the lawn and landscaped areas and to maintain the small boat that we keep on the dock.

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

Staff recommendations

8-3-18: The proposed work is within the same area of the buffer where the Conditional Used Permit was originally granted. These changes are to provide better access to the site for trucks and to include uses which were not originally considered.

10-5-18: The locations proposed are specific to the requests but given that they were not part of the original project it does not seem reasonable to introduce all of these impacts. The piecemeal and retroactive approach is problematic when trying to review the overall project impacts.

Applicant's response

There is a reason that the western gate was not part of the original conditional use permit application. This was explained two years ago and again in August 2018. We had a legal

issue to resolve with our neighbor about our right of passage over that neighbor's property to Martine Cottage Road. Until this was resolved, we did not want to request use of the western access, and therefore, installation of a gate similar to the one approved on the eastern access. This gate was always our intent. We also did not want to delay the entire project while this legal matter was being resolved.

This amendment is not a "piecemeal and retroactive approach" because use of the western access was indeed part of the original project approved in 2016. The Conservation Commission specifically requested and our Conditional Use Permit specifically requires that we use this access "**ENTIRELY**," assuming that we had a legal right so to do. The permit states, "The construction access to the site shall be entirely on the southerly access way." So the "work is within the same area of the buffer where the Conditional Use Permit was originally granted."

In hindsight, at that time two years ago, we **ALL** should have recognized that allowing an additional access point to a construction zone would increase the area of construction disturbance. We should have requested this increased area of disturbance in the original application, in the likely event that we indeed had a legal right to access our property from Martine Cottage Road. Had we made such a request then, the western gate's installation now would have been in an area already approved for disturbance in the original application.

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

Staff recommendations

8-3-18: The proposed amendments should not create additional impacts on the wetland functional values of the site or surrounding properties. The most significant change is the grass pave area adjacent to the retaining wall. Given a porous area is proposed in this location it should not impact the wetland. However, it is important that care be taken during snow clearing operations not to disturb the grass pave areas.

10-5-18: The proposed gate irrigation and electrical conduit together have significant overall impact to the wetland buffer where a demonstrated need has not adequately been provided.

Applicant's response

We are amazed that a project in August "should not create additional impacts on the wetland functional values of the site or surrounding properties" and then in October "have significant overall impact to the wetland buffer" especially considering the requested tasks in this projects are fewer. In August, the alleged western gate impact was not even mentioned in the staff recommendation, being more concerned with porosity near the retaining wall (approved by the Planning Board in August 2018) and snow plowing technique on the grass pave, removed from the Planning Board application in August because the Conservation Commission members did not like the use of plastic in the

environment. Had we know ahead of time that the use of this plastic product was not acceptable, we wouldn't have proposed its use. This inconsistency in staff opinion and Conservation Commission "likes" is very confusing as property owners trying to get things done in accordance with city rules.

As stated in the previous responses, the need for the gate is for security and privacy; the irrigation is for lawn/landscaping and boat maintenance.

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

Staff recommendations

8-3-18: There is no change proposed to the natural vegetation on the site.

10-5-18: The new columns for the proposed gate are within a natural vegetation area which will be removed to install the gate and will involve temporary disturbance during the installation. An assortment of natural vegetation, lawn and grass will be disturbed to install the proposed irrigation and conduit.

Applicant's response

Again, how can the same project have "no change proposed to the natural vegetation on the site" one month and then two months later have vegetation removal and "temporary disturbance during the installation?" We agree with October staff's opinion, but note that much of the vegetation that would be removed to make way for the gate includes invasive plants, such as knotweed.

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

8-3-18: The applicant is providing changes to landscape features which should not create adverse impacts.

10-5-18: The overall project will have 1,067 square feet of wetland impact spread across the entire property. It is not clear why these impacts are needed and why they were not included in the original proposal for this project.

Applicant's response

The gate, conduit and irrigation work proposed in this amendment do not have 1,067 square feet of **wetland** impact. The proposed work is in the **wetland buffer** only. The October comment is irrelevant.

The 1,067 square feet of impact is from activity in the wetland buffer proposed in the amendment. Much this area was already included in the 19,927 square feet of wetland buffer impact approved in our Conditional Use permit.

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

Staff recommendations

8-3-18: This is an amended application where the original had a great deal of landscaping elements to enhance the buffer.

10-5-18: The applicant has proposed a number of plantings on this plan which will help in improving the buffer function. These plantings appear to be the specific plants for the areas previously approved for new plantings.

Applicant's response

We intentionally selected landscaping elements and plants that would enhance the woodland and wetland areas of our property. Our intent is to return and maintain the property in a natural state. However, some of these plantings will require irrigation, especially to get established. Without buried irrigation lines to hose bibs, this task becomes very cumbersome – dragging hundreds of feet of hoses around to get these plants watered. Watering the newly planted landscaping is a significant need to “help in improving the buffer function,” but seems to fall on deaf ears. Staff response to #3 states that irrigation installation has “significant overall [negative] impact to the wetland buffer.”

Conclusion

We have addressed the six conditions required for consideration of a favorable conditional use permit. As mentioned in our response to #2, much of this concern might have been resolved if the western entrance (or southerly access to Martine Cottage Road referred to in our Conditional Use permit) were initially defined in 2016 as part of the construction zone, simply because the Planning Department mandated that we use this entrance for our construction. Our Conditional Use permit states, “The construction access to the site shall be entirely on the southerly access way.” By default, a construction entrance disturbs the environment, and therefore, becomes part of the construction zone.

We appreciate the work of the Conservation Commission, especially in endeavoring to maintain the natural beauty of our community. This is especially relevant in consideration of the myriad of construction projects that they undoubtedly review. In our case, however, there has been a disconnect between the Conservation Commission and the Planning Department which needs correction. We do not want to be the “Guinea pig” in this case, and request more consistent guidance in our construction approval process.

In conclusion, some things always come up at the end of construction that were overlooked, changed for an unrelated reason, removed, or improved, especially with a project that has taken more than two years. These amendments presented to the Planning Board in August and proposed for the October 2018 meeting, are tasks required to fine tune the completion of our construction project that was approved in 2016. It has been our intent to cover these tasks in the amendments presented to the Planning Board these last few months, so that we can have permits for all that we do.

Addendum to this Memo After the Conservation Meeting on October 10, 2018

The Conservation Committee's meeting resulted in a split 3-3 vote on our project. While a majority of the members were in favor of the irrigation, they raised concerns about the gate and associated electrical conduit. Here are our comments related to these issues.

- The members felt that access from the westerly gate seemed redundant. We do have a deeded legal right of access to our property from several access points. We want to keep these rights of access open. Our attorney has suggested to us that we could lose these rights if they are not used. Therefore, we will use the westerly access occasionally for overflow parking and access, or for walking onto Martine Cottage Road. This will not be the regular route for deliveries. Deliveries and regular everyday traffic will usually be directed to our main entrance through the easterly gate from the Creek Farm property.
- The driveway traversing our property from Martine Cottage Road to Creek Farm was shown to be a loop, which the public has become used to using for hikes, bike rides, etc. The installation of gates on either side of our property demonstrates that these long time accesses are no longer available. One of the gates (on the Creek Farm side) was already approved in the original permit. The addendum applied for in August and October addresses the westerly access. Both these gates provide us with more privacy and security. The members suggest that signage might deter gatecrashers. However, signage has been unsuccessful over the last two years during construction even with the chain link construction fence that is well marked with "No Trespassing" signs.
- One of our neighbors came to the meeting to express concern about lighting that might be installed on the gate. We are sensitive to the neighbor's concern and want to state that we would not use the lights on this westerly gate except when the gate was to be occasionally used. These lights would not be lit on a regular basis. Additionally, the access from the actual driveway by the front portico to this proposed gate will be over a lawn. Lighting would prove prudent to indicate where an otherwise questionable path to the gate would be defined, whether walking or driving. When you are driving/walking on a lawn, how do you know where the exit is unless it's lit?
- The members expressed concern about the size of the piers for the proposed gate. While we did present a gate design that was narrower, the members wanted less construction impact from the size of the pier's footings, estimated to be approximately 5' x 3-1/2'. We therefore have reduced the height of the piers from approximately 6' to 5', allowing a reduction in the footing size to _____. (Robbi/Steve – please fill in the blank). Please note that the original construction impact from these piers (less than 30 square feet per pier) pales in comparison to the 19,927 square feet of temporary construction disturbance allowed in this project. Nonetheless, we have offered a slightly smaller pier design to further reduce this de minimus impact.

20 April, 2016

To Whom It May Concern


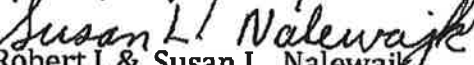
RE: New Hampshire DES Applications for proposed site re-development within the previously developed 100' Tidal Buffer Zone and the 100' Tidal Buffer Zone for Robert J. & Susan L. Nalewajk, 350 Little Harbor Rd, Portsmouth, NH 03801.

This letter is to inform the New Hampshire DES and the City of Portsmouth in accordance with State Law that the following entities:

Ambit Engineering, Inc.

Is individually authorized to represent us as our agent in the approval process. Please feel free to call me if there is any question regarding this authorization.

Sincerely,

Robert J. & Susan L. Nalewajk

350 Little Harbor Rd.

Portsmouth, NH 03801

City of Portsmouth
 Application for Conditional Use Permit
 For Use, Activity or Alteration in a Wetland or Wetland Buffer
 [Zoning Ordinance – Section 10.1010 – Wetlands Protection]

Date Submitted: October 23, 2018 Fee: \$200.00
 Site Address: 350 Little Harbor Road, Portsmouth, NH Map 202 Lot 16
 Zoning District: Single Residence A Lot area: 16.7 Acres sq. ft.


Owner		Applicant	
Name	<u>Robert J. & Susan L. Nalewajk</u>	Name	<u>Robert J. & Susan L. Nalewajk</u>
Address	<u>350 Little Harbor Road</u> <u>Portsmouth, NH 03801</u>	Address	<u>350 Little Harbor Road</u> <u>Portsmouth, NH 03801</u>
Phone	<u>516-380-2481</u>	Phone	<u>516-380-2481</u>
Email	<u>robertn387@gmail.com</u>	Email	<u>robertn387@gmail.com</u>

<p>Proposed Activity (check all that apply):</p> <p><input type="checkbox"/> New structure</p> <p><input type="checkbox"/> Expansion of existing structure</p> <p><input checked="" type="checkbox"/> Other site alteration (specify): <small>minor changes to previously approved plan & "after-the-fact" disturbance for access way</small></p>	<p>Impacted Jurisdictional Area(s) (check all that apply):</p> <p><input type="checkbox"/> Inland wetland <input checked="" type="checkbox"/> Inland wetland buffer</p> <p><input type="checkbox"/> Tidal wetland <input checked="" type="checkbox"/> Tidal wetland buffer</p>
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Total area of inland wetland (both on and off the parcel):		<u>Greater than 10,000</u> sq. ft.
Distance of proposed structure or activity to edge of wetland:		<u>5</u> ft.
	Total Area on Lot	Area to be Disturbed
Inland wetland	<u>Greater than 10,000</u> sq. ft.	<u>0</u> sq. ft.
Tidal wetland	<u>0</u> sq. ft.	<u>0</u> sq. ft.
Wetland buffer	<u>Unknown</u> sq. ft.	<u>4,875</u> sq. ft.

Description of site and proposed construction: Please see attached letter.

See reverse side for Submission Requirements and Information for Applicant.
 Both sides must be signed to complete this form.

 Agent-See Authorization Date: 10/23/18
 Owner _____ Date: _____
 Applicant (if different) _____

Submission Requirements

The applicant must file 22 copies (10 copies for the Conservation Commission and 12 copies for the Planning Board) of a stamped and folded Site Plan to scale showing the location of the proposed structure, use, activity or alteration in relation to the wetland, as determined by on-site inspection by a certified wetland scientist at a time when conditions are favorable for such inspection and delineation. The plan shall include all information specified in Section 10.1017.20 of the Zoning Ordinance, and shall include a locus map with a north arrow.

Information for Applicant

If there is any question, however slight, of the presence of wetlands on the site, the applicant should consult the City Wetlands Map on file in the Planning Department. If it appears that wetlands might exist on site, the applicant should become familiar with the provisions of Section 10.1010 of the Zoning Ordinance.

Review by Independent Certified Wetland Scientist

In the majority of cases the Planning Board will require the opinion of a qualified independent certified wetland scientist. In such cases the procedure is that the Board applies to the Rockingham County Conservation District for the services of such an individual. The findings of the certified wetland scientist will include, but are not limited to, the suitability of the site for the proposed use and the effect of the project on the wetlands on site and in the vicinity.

The certified wetland scientist will render a report to the District, with copies to the Planning Board and the Conservation Commission. The District will bill the City directly for the services of the certified wetland scientist. The owner /applicant shall forward a check to the City made payable to Rockingham County Conservation District prior to the petition being reviewed by either the Conservation Commission or the Planning Board.

Following the receipt of the report from the Rockingham County Conservation District, the Conservation Commission will review the application and will make a recommendation to the Planning Board. Once such a recommendation is made by the Conservation Commission, the Planning Board will schedule a Public Hearing.

I have read and understand the above information. I will pay any additional fees due as required above.


Owner

Agent-See Authorization _____

Date: 10/23/18 _____

Applicant (if different) _____

Date: _____

CONSTRUCTION ACCESS WAY RESTORATION PLAN

FOR

**Robert J. & Susan L. Nalewajk
PROPERTY LOCATED AT
350 Little Harbor Road, Portsmouth, NH
October 22, 2018**

Introduction

The intent of this plan is to provide the City of Portsmouth, and Robert J. & Susan L. Nalewajk, owners of property located at 350 Little Harbor Road, Portsmouth, NH, with a Restoration Plan of the existing Construction Access Way following completion of the proposed construction on the site.

The following plan is necessary to restore the construction access to a to a condition better than what previously existed, provide vegetation to aid in stormwater management and treatment, and return the area to a functional component of the underlying wetland buffer. By following the proposed restoration plan, Robert J. & Susan L. Nalewajk will be able to restore the functionality of the access way to its condition prior to the start of construction.

Restoration Plan Sequence

The proposed restoration shall follow the sequence listed below:

- Install silt soxx prior to any work in the restoration area. Silt soxx will remain in place until the restoration is complete, and all exposed soils are stabilized.
 - Remove all fill (crushed stone) within the restoration area to the limit of original sub-soil and return sub soil to pre-existing grade.
 - Remove all wood chips and woody debris before backfilling restoration area.
 - Spread/backfill restoration area with stockpiled organic soil on site and additional loam as needed to achieve pre-existing grade. Spread loam a minimum depth of 3 inches over the entire disturbed area. Scarify loam to promote vegetation establishment and plant area with “fescue mix” as noted
-

on Landscape Plan prepared by Woodburn & Company dated August 1, 2018 and revised October 22, 2018.

- *Please note that the above referenced plan includes fruit tree and shrub plantings within and directly adjacent to the existing access way.
- Spread a weed free straw/hay mulch over the seeded area to prevent erosion.
- The restoration area shall be monitored following significant rain events for erosion and sediment control. Addition seed and or mulch should be added as needed to promote seed mix germination.

“Fescue Mix” seed mix or equivalent can be obtained by the following suppliers:

Pierson Nurseries
291 Waterhouse Road
Dayton, ME 04005
207-499-2994

New England Wetland Plants
820 West Street
Amherst, MA 01002
413-548-8000

Site Photograph #1

September 2018



Site Photograph #2

September 2018



Site Photograph #3

September 2018



Site Photograph #4

September 2018



Site Photograph #5

September 2018



Site Photograph #6

October 23, 2018



Site Photograph #7

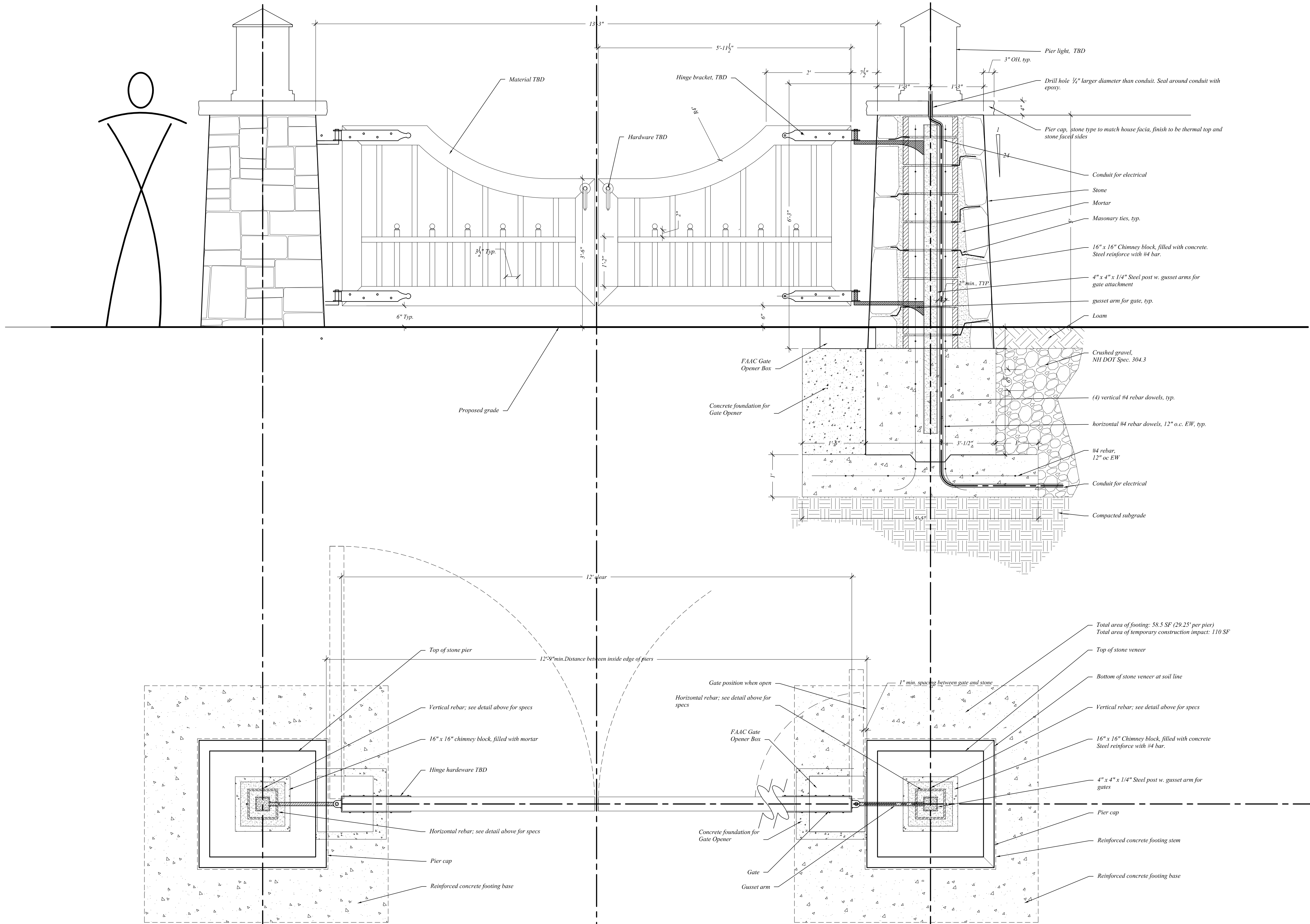
October 23, 2018





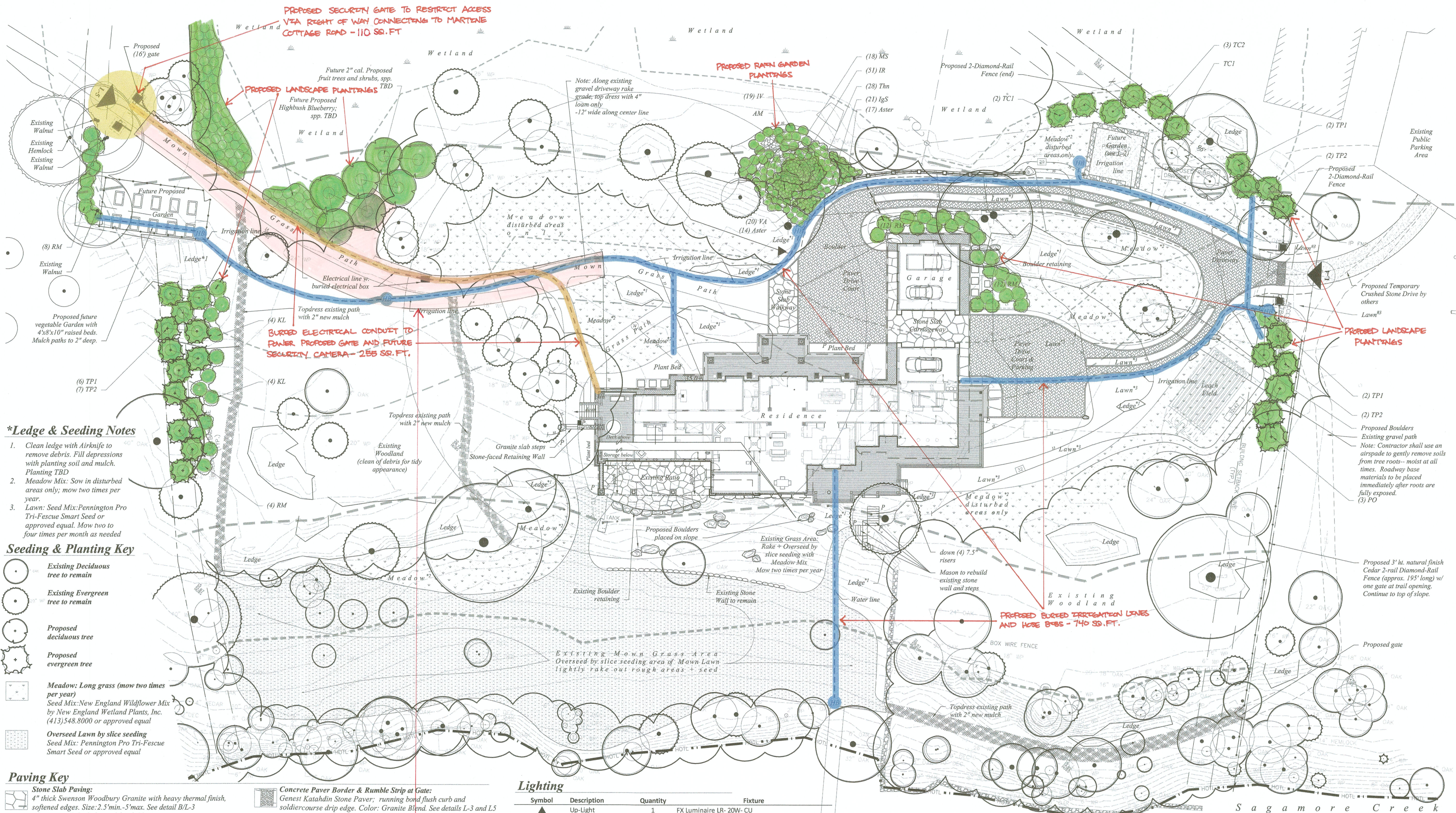
1 Photo Location (see attached photo log)





D Back Gate Section Elevation Detail (16')
 Scale: 1"=1'-0"

Drawn By: WSA
 Checked By: RW
 Scale: as noted
 Date: August 1, 2018
 Issued for Pricing
 Revisions: September 20, 2018
 Revised for PB
 October 24, 2018
 Revised for PB



***Ledge & Seeding Notes**

- Clean ledge with Airknife to remove debris. Fill depressions with planting soil and mulch. Planting TBD
- Meadow Mix: Sow in disturbed areas only; mow two times per year.
- Lawn: Seed Mix: Pennington Pro Tri-Fescue Smart Seed or approved equal. Mow two to four times per month as needed

Seeding & Planting Key

Existing Deciduous tree to remain

Existing Evergreen tree to remain

Proposed deciduous tree

Proposed evergreen tree

Meadow: Long grass (mow two times per year)
Seed Mix: New England Wildflower Mix by New England Wetland Plants, Inc. (413)548.8000 or approved equal

Overseed Lawn by slice seeding
Seed Mix: Pennington Pro Tri-Fescue Smart Seed or approved equal

Paving Key

Stone Slab Paving:
4" thick Swenson Woodbury Granite with heavy thermal finish, softened edges. Size: 2.5' min - 5' max. See detail B/L-3
Alternate: 6" thick thermal finish Bluestone

Concrete Paver Field:
Genest Grand Baxter Stone Paver set in random ashlar set 45° to the face of Garage. Color: Granite Blend. See detail B/L-3

Plant List

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
Am	<i>Amelanchier canadensis</i>	Shadblow Senceberry	1	7-8' ht.	B&B
PO	<i>Picea orientalis</i>	Oriental Spruce	3	10-12' ht.	B&B
TC1	<i>Tsuga canadensis</i>	Canadian Hemlock	3	12-14' ht.	B&B
TC2	<i>Tsuga canadensis</i>	Canadian Hemlock	3	14-16' ht.	B&B

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
IgS	<i>Ilex glabra</i> 'Shamrock'	Shamrock Inkberry	21	3 gal	
IV	<i>Ilex verticillata</i> 'Southern Gentleman'	Southern Gentleman Winterberry	4	5 gal	male
IV	<i>Ilex verticillata</i> 'Winter Red'	Winter Red Winterberry	15	5 gal	female
KL	<i>Kalmia latifolia</i>	Mountain Laurel	8	4-5' ht.	full
RM	<i>Rhododendron maximum</i>	Rosebay Rhododendron	36	4-5' ht.	full
TP1	<i>Thuja plicata</i>	Giant Arborvitae	10	12-14' ht.	B&B
TP2	<i>Thuja plicata</i>	Giant Arborvitae	11	14-16' ht.	B&B
VA	<i>Vaccinium ovifolium</i>	Lowbush Blueberry	20	1 gal	

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
Aster	<i>Aster novae-angiae</i> 'Vibrant Dome'	Vibrant Dome New England Aster	31	1 gal	
Ir	<i>Irises versicolor</i>	Blue Flag Iris	51	1 gal	
MS	<i>Matteuccia struthiopteris</i>	Ostrich Fern	18	1 gal	
Thn	<i>Thelypteris noveboracensis</i>	New York Fern	28	1 gal	

"AFTER-THE-FACT" 3,710 SQ. FT. FOR PLACEMENT OF CRUSHED STONE AND WOOD CHIPS TO MAINTAIN FUNCTIONALITY OF ACCESS WAY. PER CUP APPROVAL DATED 9/11/16, SUPPLEMENT #2 STATES THE CONSTRUCTION ACCESS TO THE SITE SHALL BE ENTIRELY ON THE SOUTHERLY ACCESS WAY. ACCESS WAY TO BE RESTORED PER RESTORATION PLAN DATED 10/22/18.

Lighting

Symbol	Description	Quantity	Fixture
▲	Up-Light	1	FX Luminaire LR- 20W- CU
●	Down Light	3	FX Luminaire De 3LED - BZ + TB-BZ
p	Path Light	9	FX Luminaire HCLED TA - CU P-ILED - 18 RA - CU

General Landscape Notes

- Design is based on drawings by Doucet Survey dated October 30, 2016, Ambit Engineering dated August 2016, and William Ross Architects dated July 15, 2016 and may require adjustment due to actual field conditions.
- The Contractor shall follow best management practices during construction and shall take all means necessary to stabilize and protect the site from erosion.
- Erosion Control shall be in place prior to construction.
- Erosion Control to consist of Silt Sox shall be staked in place between the work and Water bodies, Wetlands and/or drainage ways prior to any construction.
- The Contractor shall verify layout and grades and inform the Landscape Architect or Client's Representative of any discrepancies or changes in layout and/or grade relationships prior to construction.
- It is the contractor's responsibility to verify drawings provided are to the correct scale prior to any bid, estimate or installation. A graphic scale bar has been provided on each sheet for this purpose. If it is determined that the scale of the drawing is incorrect, the landscape architect will provide a set of drawings at the correct scale, at the request of the contractor.
- Trees to Remain within the construction zone shall be protected from damage for the duration of the project by snow fence or other suitable means of protection to be approved by Landscape Architect or Client's Representative. Snow fence shall be located at the drip line at a minimum and shall include any and all surface roots. Do not fill or mulch on the trunk flare. Do not disturb roots. In order to protect the integrity of the roots, branches, trunk and bark of the tree(s) no vehicles or construction equipment shall drive or park in or on the area within the drip line(s) of the tree(s). Do not store any refuse or construction materials or portables within the tree protection area.
- Location, support, protection, and restoration of all existing utilities and appurtenances shall be the responsibility of the Contractor.
- The Contractor shall verify exact location and elevation of all utilities with the respective utility owners prior to construction. Call DIGSAFE at 1-888-344-7233.
- The Contractor shall procure any required permits prior to construction.
- Prior to any landscape construction activities Contractor shall test all existing loam and loam from off-site intended to be used for lawns and plant beds using a thorough sampling throughout the supply. Soil testing shall indicate levels of pH, nitrate, macro and micro nutrients, texture, soluble salts, and organic matter. Contractor shall provide Landscape Architect with test results and recommendations from the testing facility along with soil amendment plans as necessary for the proposed plantings to thrive. All loam to be used on site shall be amended as approved by the Landscape Architect prior to placement.
- Contractor shall notify landscape architect or owner's representative immediately if at any point during demolition or construction a site condition is discovered which may negatively impact the completed project. This includes, but is not limited to, unforeseen drainage problems, unknown subsurface conditions, and discrepancies between the plan and the site. If a contractor is aware of a potential issue, and does not bring it to the attention of the landscape architect or owner's representative immediately, they may be responsible for the labor and materials associated with correcting the problem.

- The Contractor shall furnish and plant all plants shown on the drawings and listed thereon. All plants shall be nursery-grown under climatic conditions similar to those in the locality of the project. Plants shall conform to the botanical names and standards of size, culture, and quality for the highest grades and standards as adopted by the American Association of Nurserymen, Inc. in the American Standard of Nursery Stock. American Standards Institute, Inc. 230 Southern Building, Washington, D.C. 20005.
- A complete list of plants, including a schedule of sizes, quantities, and other requirements is shown on the drawings. In the event that quantity discrepancies or material omissions occur in the plant materials list, the planting plans shall govern.
- All plants shall be legibly tagged with proper botanical name.
- The Contractor shall guarantee all plants for not less than one year from time of acceptance.
- Owner or Owner's Representative will inspect plants upon delivery for conformity to Specification requirements. Such approval shall not affect the right of inspection and rejection during or after the progress of the work. The Owner reserves the right to inspect and/or select all trees at the place of growth and reserves the right to approve a representative sample of each type of shrub, herbaceous perennial, annual, and ground cover at the place of growth. Such sample will serve as a minimum standard for all plants of the same species used in this work.
- No substitutions of plants may be made without prior approval of the Owner or the Owner's Representative for any reason.
- All disturbed areas will be dressed with 6" of topsoil and planted as noted on the plans or seeded except plant beds. Plant beds shall be prepared to a depth of 12" with 75% loam and 25% compost.
- Trees, ground cover, and shrub beds shall be mulched to a depth of 2" with one-year-old, well-composted, shredded native bark not longer than 4" in length and 1/2" in width, free of woodchips and sawdust. Mulch for ferns and herbaceous perennials shall be no longer than 1" in length. Trees in lawn areas shall be mulched in a 5' diameter min. saucer. Color of mulch shall be black.
- In no case shall mulch touch the stem of a plant nor shall mulch ever be more than 3" thick total (including previously applied mulch) over the root ball of any plant.
- Landscape Architect is not responsible for the means and methods of the contractor.
- An automatic irrigation system shall be provided, contractor shall provide design/shop drawings for review and approval by Landscape Architect.

*** PLAN REVISED 10/22/18 WITH CALL OUT NOTES RELATIVE TO CHANGES FROM 9/15/16 CITY OF PORTSMOUTH CONDITIONAL USE PERMIT APPROVAL. THE PLAN INTENT IS TO SHOW CHANGES FOR A CONDITIONAL USE PERMIT APPLICATION AMENDMENT REQUEST.**

TOTAL AREA OF DISTURBANCE : 4,875 SQ. FT.

woodburn & company
LANDSCAPE ARCHITECTURE
103 Kent Place, Westport, New Hampshire
Phone: 603.689.9599

Nalewajk Residence
Site Landscape & Planting Plan
350 Little Harbor Road, Portsmouth, New Hampshire

Drawn By: WSA
Checked By: RW
Scale: 1"=20'-0"
Date: August 1, 2018
Issued for Pricing
Revisions: August 8, 2018
Revised for PB
September 20, 2018
Revised for PB

L-1
Sheet 1 of 7