

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

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ATTORNEYS AT LAW

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May 25, 2022

**HAND DELIVERED**

Peter Stith, Principal Planner  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Karen Butz Webb, Owner/Applicant  
910 Sagamore Avenue  
Tax Map 223/Lot 26A  
Waterfront Business District

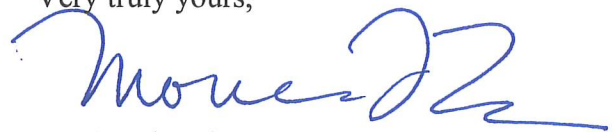
Dear Mr. Stith & Zoning Board Members:

On behalf of Karen Butz Webb ("Webb"), enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted earlier today.
- Owner's Authorization.
- 05/25/2022 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its June 22, 2022 meeting.

Very truly yours,



R. Timothy Phoenix  
Monica F. Kieser  
Stephanie J. Johnson

Encl.

cc: Karen Butz Webb  
Ross Engineering, LLC

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DANIEL C. HOEFLE	R. PETER TAYLOR	MONICA F. KIESER	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	JACOB J.B. MARVELLEY	SAMUEL R. REID
STEPHEN H. ROBERTS	GREGORY D. ROBBINS	DUNCAN A. EDGAR	JOHN AHLGREN

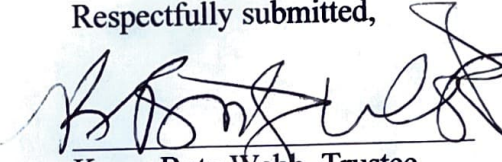
**OWNER'S AUTHORIZATION**

I, Karen Butz Webb, Trustee of the Karen Butz Webb Revocable Living Trust, Owner/Applicant of 910 Sagamore Avenue, Tax Map 223/Lot 26A, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC, to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date:

8.18.22

A handwritten signature in black ink, appearing to read 'Karen Butz Webb', written over a horizontal line.

Karen Butz Webb, Trustee

## MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** R. Timothy Phoenix, Esquire  
Monica F. Kieser, Esquire  
Stephanie J. Johnson, Esquire  
**DATE:** May 25, 2022  
**Re:** Karen Butz Webb, Owner/Applicant  
Property Location: 910 Sagamore Avenue  
Tax Map 223, Lot 26A  
Zoning District Waterfront Business Zone (“WB”)

Dear Chairman Parrott and Zoning Board Members:

On behalf of Karen Butz Webb, Owner/Applicant (“Webb”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief to allow construction of an addition for consideration by the Portsmouth Zoning Board of Adjustment (“ZBA”) at its June 22, 2022 meeting.

### **I. EXHIBITS**

- A. Site Plan Set – issued by Ross Engineering, LLC.
  - Boundary Survey and Existing Conditions
  - Site Plan
  - Disturbance Area
  - Stormwater Management Plan
  - Erosion Control Plan
- B. Architectural Plan Set – issued by Yankee Construction, LLC.
  - General Notes Exterior Elevations
  - Site Survey
  - Site Survey Details
- C. Site Photographs.
- D. Tax Map 223.
- E. 10/28/2021 Planning Board Notice of Decision -Wetland Conditional Use Permit
- F. 10/6/2021 Conservation Commission Recommending Approval of Wetland CUP.

### **II. PROPERTY/PROJECT**

910 Sagamore Avenue is a 0.62-acre lot situated in the Waterfront Business (“WB”) district. The lot contains a 1,232 s.f. single-family residence dating back to 1978 with 150 s.f. bump out, 580 s.f. attached deck, and 150 s.f. shed (“the Property”). The existing house and deck encroach on the Waterfront Business District’s 30 ft. yard setbacks. Webb intends to replace the 150 s.f. bump out with a 512 s.f. elevated addition including a deck and stairs leading

to the yard as well as other site improvements (the “Project”). The addition’s design includes gutters to direct stormwater to a stone infiltration area below and an infiltration trench will channel storm water to new wetland buffer plantings. The non-tidal wetlands beyond the new plantings will be restored and dedicated as a “no-mow” area. Webb will also tie into the City’s Sagamore Sewer Line Extension and cease using a leach field in the wetland buffer.

Webb previously obtained a positive recommendation from the Conservation Commission for the Project and a Conditional Use Permit from the Planning Board. (Exhibits E-F). Subsequently, Webb identified additional zoning relief would be required to proceed. City Staff has confirmed that the Project requires variances for expansion of a residential use in the Waterfront Business District, expansion of a nonconforming structure, and relief from the 30 ft. side yard setback requirements.

### III. RELIEF REQUIRED

<u>Variance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.321</u> <u>Expansion of</u> <u>Nonconforming</u> <u>Structure</u>	30’ Side Setback	17’ House 17.2’ Stairs	17’ House 20.1’ Stairs 23.1’ Addition
<u>PZO §10.331</u> <u>Expansion of</u> <u>Nonconforming Use</u>	Business Use	1382 s.f. Single-Family Residence (includes existing 150 s.f. bump-out)	1744 s.f. Single-Family Residence (includes 512 s.f. addition)
<u>PZO §10.531 Side</u> <u>Setback</u>	30’	17’ House 17.2’ Stairs	17’ House 20.1’ Stairs 23.1’ Addition

### IV. VARIANCE REQUIREMENTS

1. The variances will not be contrary to the public interest.
2. The spirit of the ordinance is observed.

The first step in the ZBA’s analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H.



102 (2007) and its progeny. Upon examination, it must be determined whether granting the variances “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Id. “Mere conflict with the zoning ordinance is not enough.” Id.

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety, and general welfare of Portsmouth...in accordance with the...Master Plan” This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The single-family home has existed since 1978 and no change in use is proposed. The 388 s.f. increase in living area will simply provide a more functional layout.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – Most of the addition is within the building envelope. At 23.1 ft. and 20.1 ft., the addition and its stairs will be further from the side lot line than the existing left side of the home preserving ample access to air and light. Building coverage will increase just slightly to 10.0%. Natural woodland area will remain at 1,065 s.f. Invasive species will be removed, the septic system will be disconnected, plantings will be installed along the wetland delineation line, and 2,350 s.f. of non-tidal mowed grass will be restored to a wetland which promotes the environmental health of the area.
3. The design of facilities for vehicular access, circulation, parking and loading – The location of the addition causes no changes to vehicular access, circulation, parking and loading.
4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – Use of the property will not change. A stone infiltration area will be placed below the addition to ensure stormwater runoff is detained and treated on the lot.
5. The preservation and enhancement of the visual environment – The addition will replace the bump out and will improve the appearance of the Property. Adding plantings along the wetland delineation line, restoring a mowed grass area to wetland, and removing invasive species will promote the environmental health of the area and enhance its visual appearance.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not in the Historic Overlay District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The Conservation Commission recommended, and the Planning Board approved a Wetland Conditional Use Permit for the Project which includes a stormwater management plan, wetland buffer plantings, and implementation of a no-mow area. In addition, use of the septic system will be discontinued when the home connects to the Sagamore Avenue Sewer Extension line.

The intent of the WB Zone is to “accommodate and support business uses that depend on the ocean or Piscataqua River for transport or resources.” PZO §10.410. There are approximately eight properties in this area on the west side of Sagamore Avenue zoned Waterfront Business, four of which are single-family residences sandwiched between Tidewatch Condominiums and a residential neighborhood across Sagamore Avenue. The Property, like the three other single-family residences on Sagamore Avenue near Sagamore Creek, contains a home and accessory building, but has minimal frontage on a finger of tidal Sagamore Creek. The minimal expansion of the nonconforming use and structure is reasonable, in keeping with the neighborhood, and will not impede nearby businesses utilizing Sagamore Creek for access to the Piscataqua River or the ocean. The proposal also results in greater protection for the wetland areas located close to the Property and restoring a mowed grass area to its wetland state. Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

There are three other properties in the immediate area being used for residential purposes. The addition will add more living space to the residence without overburdening the land. The proposal includes removing the threat posed to the wetland from the aging septic system and invasive plant species, as well as restoring a mowed grass area to wetland, thus improving over existing conditions. Given the residential use of neighboring parcels, particularly 911 Sagamore Avenue, 912 Sagamore Avenue, and 913 Sagamore Avenue, the proposal is in keeping with the surrounding area. Granting the variances neither alters the essential character of the locality nor threatens the public health, safety, or welfare. In fact, the proposal enhances the public health, safety, and welfare by increasing protections for the wetland areas, detaining stormwater runoff, disconnecting an aging septic system, and removing invasive plant species. Accordingly, granting the variances to allow an addition is not contrary to the public interest and observes the spirit of the ordinance.

**3. Granting the variances will not diminish surrounding property values.**

The slight expansion will not alter the long-standing residential use of the Property. The Project slightly increases living space, is no closer to the side yard setback, restores wetland, captures stormwater runoff, disconnects an old septic system, and removes invasive species, thus improving the value of the Property and those around it. The slight expansion of the residential use and structure will match existing conditions. Accordingly, the variances will not diminish surrounding property values.

**4. Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

The Property contains a small single-family residence in proximity to other residential lots on an oversized Waterfront Business lot burdened by the wetland buffer from Sagamore Creek but with minimal Creek frontage. The existing home encroaches on front and left side yard setbacks and drives the location of any addition. These circumstances combine to create special conditions

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Limitations on the expansion of nonconforming uses exist to ensure uniformity and compatibility of uses, while yard setbacks and limitations on expansion of nonconforming structures exist to prevent “over bulking” and overburdening of land, preserve access to adequate air, light, separation between neighbors, and provide space for stormwater treatment. Here a small group of properties is in the Waterfront Business District, but half are residential properties and all are located between other residential neighborhoods. The slight expansion will not change the use of this Property, impede nearby businesses, or negatively affect abutting properties. Building coverage and open space requirements are well below/above that which is required. Implementation of a stormwater management plan, cessation of septic system use, and the addition of buffer plantings and removal of invasives more than off-sets this small addition and improves environmental conditions on the lot. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

The single-family residence currently on the lot was built in 1978. The Property has been used as a single-family residence since that time. The proposed addition represents minimal expansion of the use and structure, and does not negatively affect surrounding properties. Thus, the proposal is reasonable and the hardship element of the criteria is satisfied.

**5. Substantial justice will be done by granting the variances.**

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

Webb is constitutionally entitled to the use of the lot as she sees fit; including adding onto the property, subject only to its effect on the wetland and surrounding properties. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

The slight expansion of the home and its nonconforming use creates more living space for Webb and does not negatively affect abutting properties nor impede the ability of nearby businesses to access the ocean or Piscataqua River. The Conservation Commission recommended, and the Planning Board approved, the Project which includes a stormwater management plan, addition of buffer plantings, and restoration of the wetland. Thus, there is no gain to the public from denying the requested variances. Conversely, Webb will be greatly harmed by denial of any of the variances because she will be unable to modestly expand her small home. Without question, substantial justice will be done by granting the variances.

VI. **CONCLUSION**

For all of the reasons stated, Karen Butz Webb respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,  
**Karen Butz Webb**



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By: R. Timothy Phoenix  
Monica F. Kieser  
Stephanie J. Johnson





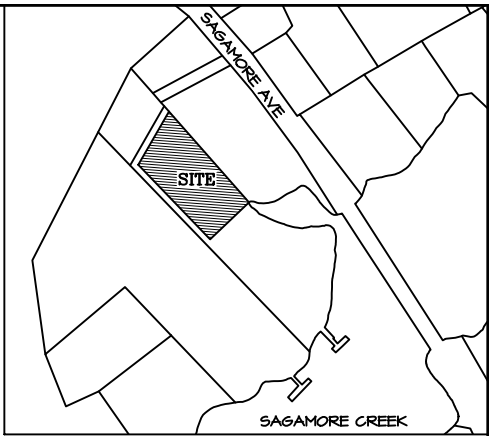
TEST PIT #4 AS PER REF. PLAN #2  
OBSERVED BY: SUSAN J. FARETRA #946  
DATE OBSERVED: 10-31-18

\*Observed Ground Water @ 17"  
\*Roots @ 17"  
\*Seasonal High Ground Water (Mottling) @ 17"

0-4"	10YR 4/4 DARK YELLOWISH BROWN, FINE SANDY LOAM, GRANULAR, FRIABLE
7-58"	2.5YR 4/3, OLIVE BROWN, PLATEY SILT LOAM, FRIABLE

LEGEND

- 100--- EXISTING CONTOUR
- 100- PROPOSED CONTOUR
- DRAINAGE FLOW PATH
- ◆ MONUMENT TO BE SET
- MONUMENT FOUND
- UTILITY POLE
- W WETLAND
- GRAVEL DRIVEWAY/ROAD
- GRASS
- NATURAL WOODLAND
- WATER
- ⊗ SEWER MANHOLE
- ⊙ GUTTER DOWNSPOUT



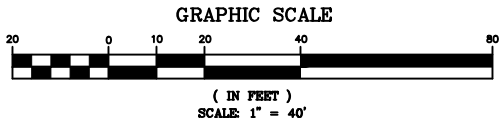
LOCUS PLAN  
N.T.S.

NOTES

- OWNER OF RECORD:  
KAREN BUTZ WEBB  
TAX MAP 223, LOT 26A  
910 SAGAMORE AVE  
PORTSMOUTH, NH 03801  
RCRD: 6020-0365  
AREA: 26,237, 0.60 ACRES
- BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- PARCEL IS IN THE WATERFRONT BUSINESS ZONE (WB):  
MINIMUM LOT AREA.....20,000 SF  
MIN. LOT AREA PER DWELLING UNIT..... N/A  
MINIMUM FRONTAGE.....100 FT  
MINIMUM DEPTH.....100 FT  
SETBACKS:  
FRONT.....30 FT  
SIDE.....30 FT  
REAR.....20 FT  
MAXIMUM BUILDING HEIGHT:  
SLOPED ROOF.....35 FT  
FLAT ROOF.....35 FT  
MAXIMUM BUILDING COVERAGE.....30%  
MINIMUM OPEN SPACE.....20%
- THE PARCEL IS PARTIALLY WITHIN FEMA FLOOD ZONE AE (EL. 8'), AS PER FLOOD INSURANCE RATE MAP #33015C0286F, PANEL 286 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD88.
- VERTICAL DATUM IS HELD FROM BENCHMARK SET IN UTILITY POLE AS PER REFERENCE PLAN #3. VERTICAL DATUM OF PLAN SET IS NAVD88.
- WETLANDS HAVE BEEN IDENTIFIED/DELINEATED BY SERGIO BONELLA, CWS #261 ON 9/26/2018 AS PER REFERENCE PLAN #2.

REFERENCE PLANS

- "WETLAND PERMIT PLAN" BY MSC, DATED FEBRUARY 23, 2015. NOT RECORDED
- "INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN: BY FARETRA SEPTIC DESIGN, LLC, DATED NOVEMBER 18, 2018. APPROVAL #eCA2019011417
- "CITY OF PORTSMOUTH, NH SAGAMORE AVENUE SEWER EXTENSION PROJECT SHEET C-13" BY WRIGHT-PIERCE, DATED JANUARY, 2021.



ROSS ENGINEERING, LLC  
Civil/Structural Engineering  
& Surveying  
909 Islington St.  
Portsmouth, NH 03801  
(603) 433-7560

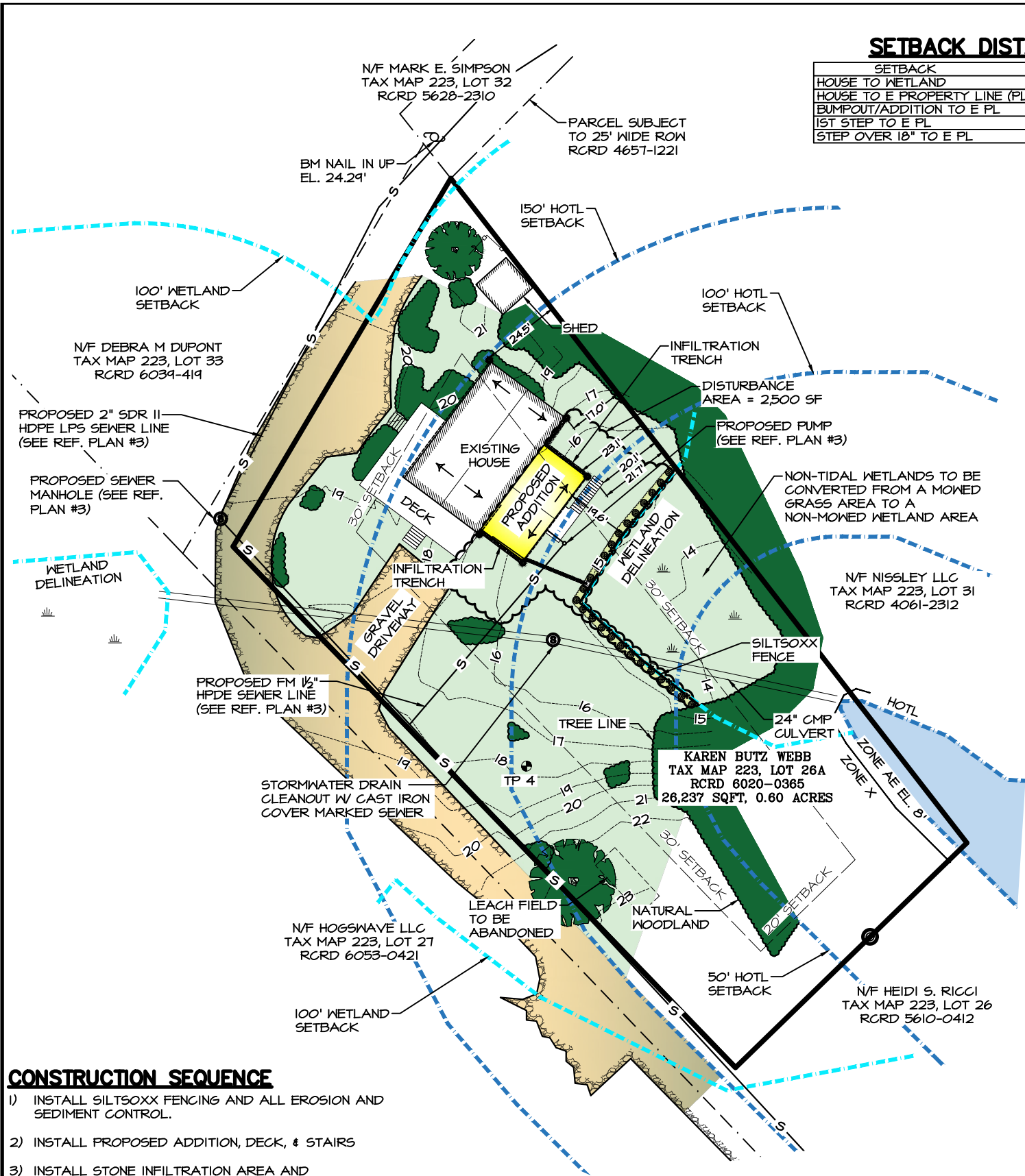
CLIENT  
KAREN WEBB  
910 SAGAMORE AVE.  
PORTSMOUTH, NH 03801

TITLE

BOUNDARY SURVEY  
&  
EXISTING CONDITIONS  
910 SAGAMORE AVE.  
PORTSMOUTH, NH 03801  
TAX MAP 223, LOT 26A

JOB NUMBER 21-077 DWG. NO. 1 OF 4 ISSUE 5





SETBACK DISTANCES

SETBACK	EXISTING	PROPOSED
HOUSE TO WETLAND	26.0'	19.6'
HOUSE TO E PROPERTY LINE (PL)	17.0'	17.0'
BUMPOUT/ADDITION TO E PL	31.4'	23.1'
1ST STEP TO E PL	17.2'	20.1'
STEP OVER 18" TO E PL	20.1'	21.7'

LEGEND

- 100-- EXISTING CONTOUR  
-100- PROPOSED CONTOUR  
→ DRAINAGE FLOW PATH  
◆ MONUMENT TO BE SET  
● MONUMENT FOUND  
○ UTILITY POLE  
W WETLAND  
Gravel DRIVEWAY/ROAD  
Grass  
NATURAL WOODLAND  
WATER  
● SEWER MANHOLE  
● GUTTER DOWNSPOUT

REFERENCE PLANS

- 1) "WETLAND PERMIT PLAN" BY MSC, DATED FEBRUARY 23, 2015. NOT RECORDED  
2) "INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN: BY FARETRA SEPTIC DESIGN, LLC, DATED NOVEMBER 18, 2018. APPROVAL #6CA2019011417  
3) "CITY OF PORTSMOUTH, NH SAGAMORE AVENUE SEWER EXTENSION PROJECT SHEET C-13" BY WRIGHT-PIERCE, DATED JANUARY, 2021.

THIS PROJECT COMPLIES WITH THE STANDARDS DESCRIBED IN FEMA P-55, COASTAL CONSTRUCTION MANUAL, PRINCIPLES OF PRACTICES OF PLANNING, SITING, DESIGNING, CONSTRUCTING, AND MAINTAINING RESIDENTIAL BUILDINGS IN COASTAL AREA, 4TH EDITION (2011) AND WITH LOCAL RESILIENCY PLANNING ORDINANCES

PROPOSED IMPROVEMENTS

- 1) CURRENTLY AN OLDER SEPTIC SYSTEM WITH A LEACH FIELD SERVES THE HOUSE. THE LEACH FIELD IS VERY CLOSE TO THE WETLANDS AND DOES NOT MEET CURRENT STANDARDS. THE OLD SYSTEM WILL BE DISCONNECTED AND THE HOUSE WILL BE CONNECTED TO A NEW CITY SEWER LINE. THIS WILL GREATLY BENEFIT THE WETLAND BUFFER AND WETLAND WATER QUALITY.  
2) AT THE EDGE OF THE WOODED AREA THERE ARE INVASIVE SPECIES. INVASIVE BITTERSWEET POSSES A SIGNIFICANT THREAT TO NATIVE PLANTS. AS PART OF THE SITE WORK AN EFFORT TO REMOVE ACCESSIBLE BITTERSWEET WILL OCCUR.  
3) THE AREA BELOW THE PROPOSED ADDITION WILL BE A STONE INFILTRATION AREA FOR ROOF DRAINAGE AND WILL BENEFIT THE WETLAND BUFFER AREA BY KEEPING STORMWATER DETAINED AND NOT FLOWING ON SURFACES. THIS STORMWATER MEASURE WILL INCREASE GROUNDWATER RECHARGE AND REDUCE STORMWATER SURFACE POLLUTANT LOADING TO SURFACE WATERS NEARBY.  
4) WETLAND BUFFER PLANTINGS WILL BE INSTALLED ALONG THE WETLAND DELINEATION, PROVIDING PROTECTION TO THE WETLANDS.  
5) NOFA - NORTHEAST ORGANIC FARMING ASSOCIATION LAND CARE PRACTICES FOR DESIGN AND MAINTENANCE WILL BE FOLLOWED.  
6) 2,350 SF OF NON-TIDAL MOWED GRASS AREA TO BE RESTORED TO A WETLAND AREA.

NOTES

- 1) PARCEL IS IN THE WATERFRONT BUSINESS ZONE (WB):  
MINIMUM LOT AREA.....20,000 SF  
MIN. LOT AREA PER DWELLING UNIT..... N/A  
MINIMUM FRONTAGE.....100 FT  
MINIMUM DEPTH.....100 FT  
SETBACKS:  
FRONT.....30 FT  
SIDE.....30 FT  
REAR.....20 FT  
MAXIMUM BUILDING HEIGHT:  
SLOPED ROOF.....35 FT  
FLAT ROOF.....35 FT  
MAXIMUM BUILDING COVERAGE.....30%  
MINIMUM OPEN SPACE.....20%  
2) THE ENTIRE PROPERTY IS WITHIN THE 250' HOTEL BUFFER.  
3) COVERAGES  
BUILDING COVERAGE  
EXISTING  
HOUSE.....1232 SF  
DECK.....580 SF  
STAIRS.....119 SF  
BUMP OUT.....150 SF  
SHED.....150 SF  
TOTAL.....2231 SF  
BUILDING COVERAGE.....8.5%  
PROPOSED  
HOUSE.....1232 SF  
DECK.....621 SF  
STAIRS.....40 SF  
SHED.....150 SF  
ADDITION.....512 SF  
TOTAL.....2611 SF  
BUILDING COVERAGE.....10.0%  
LOT COVERAGE  
EXISTING  
BUILDING COVERAGE.....2231 SF  
GRAVEL.....2551 SF  
TOTAL.....4782 SF  
LOT COVERAGE.....18.2%  
PROPOSED  
BUILDING COVERAGE.....2611 SF  
GRAVEL.....2551 SF  
TOTAL.....5162 SF  
LOT COVERAGE.....19.7%  
4) NATURAL WOODLAND REQUIRED = 1,065 SF  
NATURAL WOODLAND PROVIDED = 1,065 SF  
5) AREA MARKED AS NATURAL WOODLAND SHALL REMAIN IN AN UNALTERED STATE. AS PER RSA 483-B:4, XXIV-B, UNALTERED STATE IS DEFINED AS "NATIVE VEGETATION ALLOWED TO GROW WITHOUT CUTTING, LIMBING, TRIMMING, PRUNING, MOWING, OR OTHER SIMILAR ACTIVITIES EXCEPT AS NEEDED FOR RENEWAL OR TO MAINTAIN OR IMPROVE PLANT HEALTH."

5	5/20/2022	ZBA SUBMITTAL	
4	4/26/2022	REVISIONS	
3	3/7/2022	FOR PERMITS	
2	9/29/2021	FOR PERMITS	
1	8/25/2021	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	

SCALE	1" = 40'
CHECKED	A.ROSS
DRAWN	D.D.D.
CHECKED	

ROSS ENGINEERING, LLC  
Civil/Structural Engineering  
& Surveying  
909 Kingston St.  
Portsmouth, NH 03801  
(603) 433-7560

CLIENT  
KAREN WEBB  
910 SAGAMORE AVE.  
PORTSMOUTH, NH 03801

TITLE

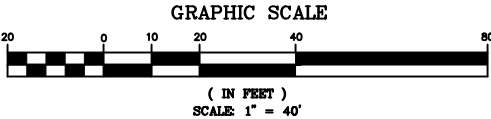
SITE PLAN

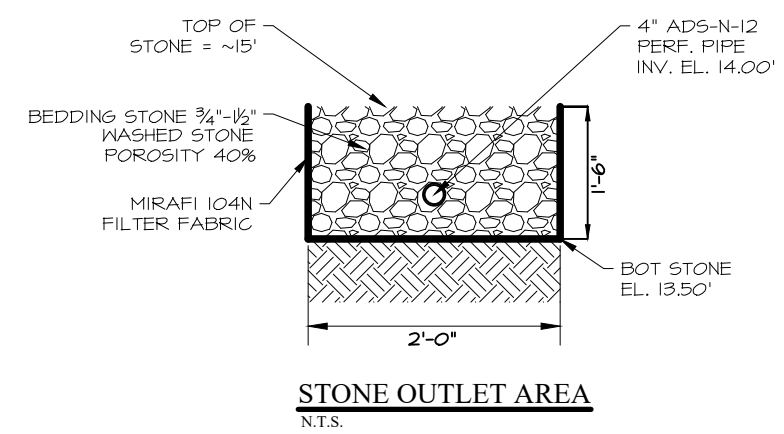
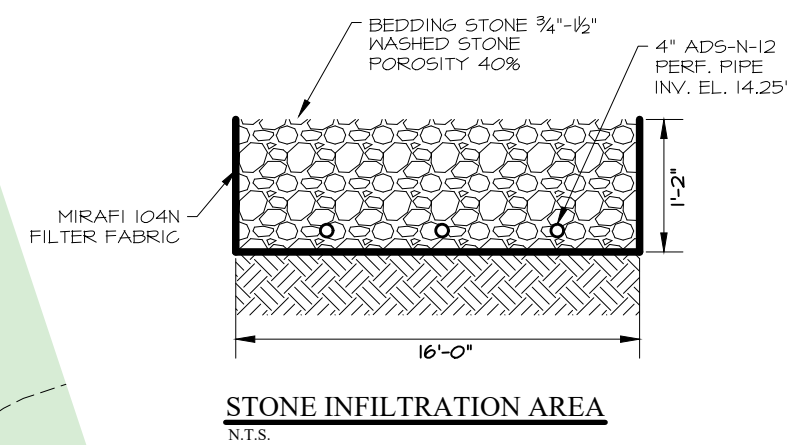
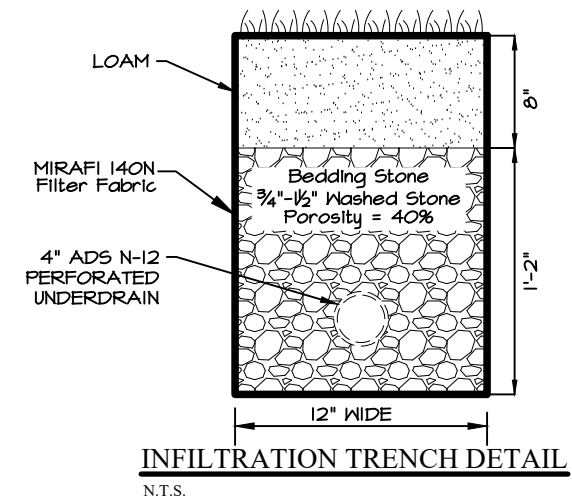
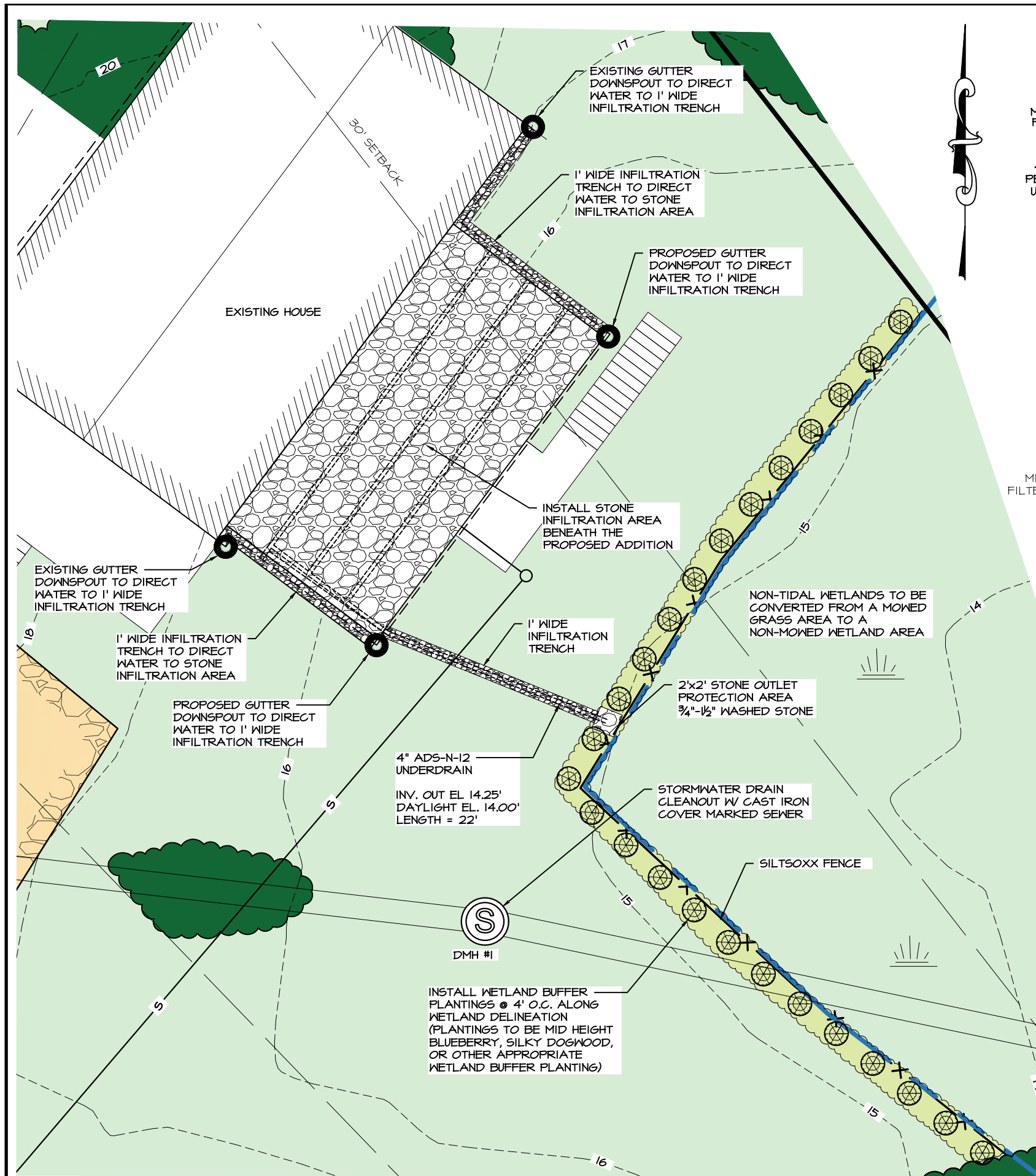
910 SAGAMORE AVE.  
PORTSMOUTH, NH 03801  
TAX MAP 223, LOT 26A

JOB NUMBER	DWG. NO.	ISSUE
21-077	2 OF 4	5

CONSTRUCTION SEQUENCE

- 1) INSTALL SILT/SOXX FENCING AND ALL EROSION AND SEDIMENT CONTROL.  
2) INSTALL PROPOSED ADDITION, DECK, & STAIRS  
3) INSTALL STONE INFILTRATION AREA AND INFILTRATION TRENCHES.  
4) CONVERT NON-TIDAL MOWED GRASS AREA TO A WETLAND AREA. INSTALL WETLAND BUFFER PLANTINGS.  
5) CONNECT SEWER LINE TO PROPOSED CITY LINE. WORK TO BE COMMENCED WHEN CITY BEGINS WORK ON NEW SEWER LINE.



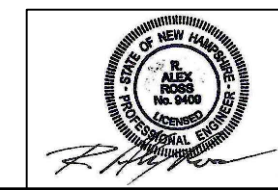
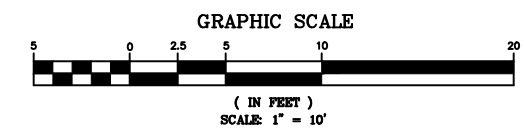


**NOTES**

- 1) THE FOLLOWING STORMWATER MANAGEMENT IMPROVEMENTS ARE PROPOSED
  - A) DRIP EDGES ALONG THE PERIMETER OF THE BUILDING COLLECTING WATER FROM THE ROOFS.
  - B) STONE INFILTRATION AREA TO THE SOUTHEAST OF THE HOUSE COLLECTING RUNOFF FROM THE ROOF AND WATER FROM THE DRIP EDGES. OUTLET TO STONE OUTLET PROTECTION AREA.
- 2) NON-TIDAL WETLAND TO GROW WILD WITH ONLY PERIODIC CUTTING & REMOVAL OF INVASIVE PLANTS.

**LEGEND**

- 100 — EXISTING CONTOUR
- 100 — PROPOSED CONTOUR
- DRAINAGE FLOW PATH
- ⬤ MONUMENT TO BE SET
- ⊙ MONUMENT FOUND
- ⊕ UTILITY POLE
- W WETLAND
- GRAVEL DRIVEWAY/ROAD
- GRASS
- NATURAL WOODLAND
- WATER
- ⊙ DRAIN MANHOLE COVER
- ⬤ GUTTER DOWNSPOUT



5	5/20/2022	ZBA SUBMITTAL	
4	4/26/2022	REVISIONS	
3	3/7/2022	FOR PERMITS	
2	9/29/2021	FOR PERMITS	
1	8/25/2021	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
CHECKED			
ROSS ENGINEERING, LLC			
Civil/Structural Engineering & Surveying			
909 Islington St.			
Portsmouth, NH 03801			
(603) 433-7560			
CLIENT			
KAREN WEBB			
910 SAGAMORE AVE.			
PORTSMOUTH, NH 03801			
TITLE			
STORMWATER MANAGEMENT PLAN			
910 SAGAMORE AVE.			
PORTSMOUTH, NH 03801			
TAX MAP 223, LOT 26A			
JOB NUMBER	21-077	DWG. NO.	3 OF 4
		ISSUE	5



1. SEE "EROSION AND SEDIMENTATION CONTROL GENERAL NOTES" WHICH ARE TO BE AN INTEGRAL PART OF THIS PROCESS.
2. INSTALL SILT/SOXX FENCING AS PER DETAILS AND AT SEDIMENT MIGRATION.
3. CONSTRUCT TREATMENT SHALES , LEVEL SPREADERS AND DETENTION STRUCTURES AS DEPICTED ON DRAWINGS.
4. STRIP AND STOCKPILE TOPSOIL. STABILIZE PILES OF SOIL CONSTRUCTION MATERIAL & COVER WHERE FRIGTICABLE.
5. MINIMIZE DUST THROUGH APPROPRIATE APPLICATION OF WATER OR OTHER DUST SUPPRESSION TECHNIQUES ON SITE.
6. ROUGH GRADE SITE. INSTALL CULVERTS AND ROAD DITCHES.
7. FINISH GRADE AND COMPACT SITE.
8. RE-SPREAD AND ADD TOPSOIL TO ALL ROADSIDE SLOPES. TOTAL TOPSOIL THICKNESS TO BE A MINIMUM OF FOUR TO SIX INCHES.
9. RE-SEED ALL AREAS OF BARE SOIL WITH MULCH AND SEEDING.
10. STABILIZE PER EROSION AND SEDIMENTATION CONTROL GENERAL NOTES.
11. SILT SOXX FENCING TO REMAIN AND BE MAINTAINED FOR TWENTY FOUR MONTHS AFTER CONSTRUCTION TO ENSURE ESTABLISHMENT OF ADEQUATE SOIL STABILIZATION AND VEGETATIVE COVER. ALL SILT SOXX FENCING ARE THEN TO BE REMOVED FROM THE SITE AND PROPERLY DISPOSED OF.
12. EROSION CONTROL STRUCTURES SHALL BE INSTALLED PRIOR TO EARTH MOVING OPERATIONS.
13. ALL TEMPORARY WATER DIVERSION (SHALES, BASINS, ETC. MUST BE USED AS NECESSARY UNTIL AREAS ARE STABILIZED.
14. PONDS AND SHALES SHALL BE INSTALLED EARLY ON IN THE CONSTRUCTION SEQUENCE - BEFORE ROUGH GRADING THE SITE.
15. ALL DITCHES AND SHALES SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM
16. ALL ROADWAYS AND PARKING LOTS SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE.
17. ALL CUT AND FILL SLOPES SHALL BE SEEDED/LOAMED WITHIN 72 HOURS OF ACHIEVING FINISH GRADE.
18. ALL EROSION CONTROLS SHALL BE INSPECTED WEEKLY AND AFTER EVERY HALF-DAY RAIN.
19. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION, BUT IN NO CASE SHALL EXCEED 5 ACRES AT ANY ONE TIME BEFORE DISTURBED AREAS ARE STABILIZED.
20. LOT DISTURBANCE, OTHER THAN THAT SHOWN ON THE APPROVED PLANS, SHALL NOT COMMENCE UNTIL AFTER THE ROADWAY HAS THE BASE COURSE TO DESIGN ELEVATION AND THE ASSOCIATED DRAINAGE IS COMPLETE AND STABLE.

1. ALL PLANT MATERIALS SHALL BE FIRST QUALITY NURSERY GROWN STOCK.
2. ALL PLANTS SHALL BE PLANTED IN ACCORDANCE WITH NEW HAMPSHIRE LANDSCAPE ASSOCIATION STANDARDS AND GUARANTEED FOR ONE YEAR BY THE LANDSCAPE CONTRACTOR.
3. ALL TREES AND SHRUBS SHALL HAVE WATER SAUCERS BUILT AROUND THEIR BASES AND THE SHADES BE MULCHED WITH 4" OF DARK BROWN AGED BARK MULCH. MULCH MUST BE KEPT 2" AWAY FROM THEIR TRUNKS.
4. ALL TREES AND SHRUBS SHALL BE PLANTED AND MULCHED BEFORE LAWN IS SEEDED.

1. ALL TREES, SHRUBS, AND PERENNIALS WILL NEED TO BE WATERED THROUGH THANKSGIVING DURING THE FIRST SEASON IN WHICH THEY ARE INSTALLED.
2. AN UNDERGROUND DRIP IRRIGATION SYSTEM IS RECOMMENDED. IF AN UNDERGROUND DRIP IRRIGATION SYSTEM IS NOT INSTALLED, SOAKER HOSES WOUND THROUGHOUT PLANTING BEDS ARE ACCEPTABLE. ALTHOUGH OVERHEAD SPRINKLERS ARE RECOMMENDED FOR LAWN AREAS, THEY ARE NOT ACCEPTABLE FOR IRRIGATING TREES AND SHRUBS.

FOR TEMPORARY & LONG TERM SEEDINGS USE AGWAY'S SOIL CONSERVATION GRASS SEED OR EQUAL  
COMPONENTS: ANNUAL RYE GRASS, PERENNIAL RYE GRASS, WHITE CLOVER, 2 FESCUES, SEED AT A RATE OF 100 POUNDS PER ACRE,  
FERTILIZER & LIME  
NITROGEN (N) 50 LBS/ACRE, PHOSPHATE (P2O5) 100 LBS/ACRE, POTASH (K2O) 100 LBS/ACRE,  
LIME 2000 LBS/ACRE  
MULCH:  
HAY OR STRAW 1.5-2 TONS/ACRE

1) SLOPES SHALL NOT BE STEEPER THAN 2:1; 3:1 SLOPES OR FLATTER ARE PREFERRED. WHERE MOWING WILL BE DONE, 3:1 SLOPES OR FLATTER ARE RECOMMENDED.

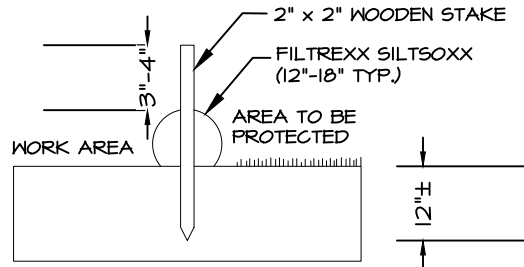
- 1) SURFACE AND SEEPAGE WATER SHOULD BE DRAINED OR DIVERTED FROM THE SITE TO PREVENT DROWNING OR WINTER KILLING OF THE PLANTS.
- 2) STONES LARGER THAN 4 INCHES AND TRASH SHOULD BE REMOVED BECAUSE THEY INTERFERE WITH SEEDING AND FUTURE MAINTENANCE OF THE AREA. WHERE FEASIBLE, THE FIELD SHOULD BE TILLED TO A DEPTH OF 6 INCHES TO PREPARE A SEEDBED AND MIX FERTILIZER AND LIME INTO THE SOIL. THE SEEDBED SHOULD BE LEFT IN A REASONABLY FIRM AND SMOOTH CONDITION. THE LAST TILLAGE OPERATION SHOULD BE PERFORMED ACROSS THE SLOPE WHEREVER PRACTICAL.

1. CONDUCT ALL CONSTRUCTION IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE PHYSICAL ENVIRONMENT, BUT IN NO CASE SHALL EXCEED 2 ACRES AT ANY ONE TIME BEFORE DISTURBED AREAS ARE STABILIZED.
2. ALL AREAS SHALL BE STABILIZED WITHIN 45 DAYS OF INITIAL DISTURBANCE.
3. ALL DITCHES, SHALES AND PONDS MUST BE STABILIZED PRIOR TO DIRECTING FLOW TO THEM.
4. ALL GROUND AREAS OPENED UP FOR CONSTRUCTION WILL BE STABILIZED WITHIN 24 HOURS OF EARTH-DISTURBING ACTIVITIES BEING CEASED, AND WILL BE FULLY STABILIZED NO LONGER THAN 14 DAYS AFTER INITIATION. (SEE NOTE II FOR DEFINITION OF STABLE). ALL SOILS FINISH GRADED MUST BE STABILIZED WITHIN SEVENTY TWO HOURS OF DISTURBANCE. ALL TEMPORARY OR LONG TERM SEEDING MUST BE APPLIED TO COMPLY WITH "WINTER CONSTRUCTION NOTES" (SEE WINTER CONSTRUCTION NOTES). EMPLOY TEMPORARY EROSION AND SEDIMENTATION CONTROL DEVICES AS DETAILED ON THIS PLAN AS NECESSARY UNTIL ADEQUATE STABILIZATION HAS BEEN ASSURED (SEE NOTE II FOR DEFINITION OF STABLE).
5. TEMPORARY & LONG TERM SEEDING: USE SEED MIXTURES, FERTILIZER, LIME AND MULCHING AS RECOMMENDED FOR SEEDING AND STABILIZATION NOTES.
6. SILTSOXX FENCING TO BE SECURELY EMBEDDED AND STAKED AS DETAILED. WHEREVER POSSIBLE A VEGETATED STRIP OF AT LEAST TWENTY FIVE FEET IS TO BE KEPT BETWEEN SILTSOXX AND ANY EDGE OF WET AREA.
7. SEEDED AREAS WILL BE FERTILIZED AND RE-SEEDDED AS NECESSARY TO ENSURE VEGETATIVE ESTABLISHMENT.
8. SEDIMENT BAG(S), IF REQUIRED, TO BE CHECKED AFTER EACH SIGNIFICANT RAINFALL AND CLEANED AS NEEDED TO RETAIN DESIGN CAPACITY.
9. SILTSOXX FENCING WILL BE CHECKED REGULARLY AND AFTER EACH SIGNIFICANT RAINFALL. NECESSARY REPAIRS WILL BE MADE TO CORRECT UNDERMINING OR DEGRADATION OF THE BARRIER AS WELL AS CLEANING, REMOVAL AND PROPER DISPOSAL OF TRAPPED SEDIMENT.
10. TREATMENT SHALES WILL BE CHECKED WEEKLY AND REPAIRED WHEN NECESSARY UNTIL ADEQUATE VEGETATIVE COVER HAS BEEN ESTABLISHED.
11. AN AREA SHALL BE CONSIDERED FULLY STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
  - BASE COURSE GRAVELS HAVE BEEN INSTALLED IN AREAS TO BE PAVED
  - A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED
  - A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIP RAP HAS BEEN INSTALLED.
12. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED.
13. EROSION AND SEDIMENTATION CONTROL MEASURES IN THE PLAN SHALL MEET THE DESIGN BASED ON STANDARDS AND SPECIFICATIONS SET FORTH IN THE STORM WATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE (DECEMBER 2008 OR LATEST) PREPARED BY ROCKINGHAM COUNTY CONSERVATION DISTRICT, NH. DES AND NRCS.

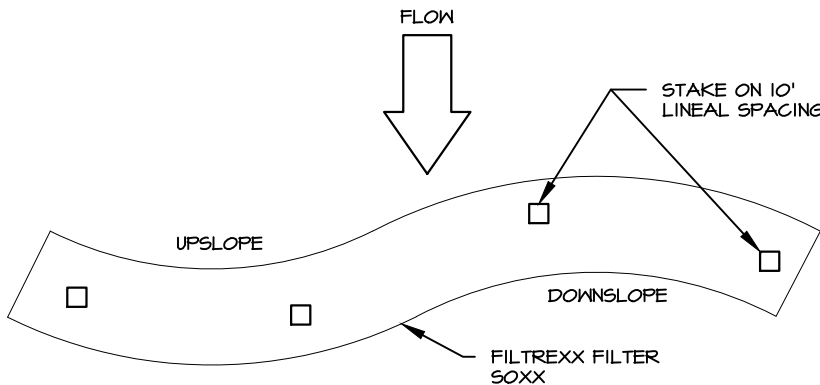
1. ALL PROPOSED VEGETATED AREAS WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 3:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, SECURED WITH ANCHORED NETTING, ELSEWHERE, THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPLETED IN ADVANCE OF THAW OR SPRING MELT EVENT;
2. ALL SLOPES > 3:1 SLOPES WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS;
3. AFTER OCTOBER 15TH, INCOMPLETE ROAD OR PARKING SURFACES, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3.

SEED MIXES SHALL NOT CONTAIN ANY SPECIES IDENTIFIED BY THE NEW HAMPSHIRE PROHIBITED INVASIVE PLANT SPECIES LIST.

- 1) ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS
- 2) SILTSOXX COMPOST, SOIL, ROCK, SEED FILL TO MEET APPLICATION REQUIREMENTS



Filtrex SiltSoxx Section  
N.T.S.



**Filtrex SiltSox Plan View**  
N.T.S.

5	5/20/2022	ZBA SUBMITTAL	
4	4/26/2022	REVISIONS	
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ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE AS SHOWN			
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DRAWN	D.D.D.		
CHECKED			

**ROSS ENGINEERING, LLC**  
Civil/Structural Engineering  
& Surveying  
909 Islington St.  
Portsmouth, NH 03801  
(603) 433-7560

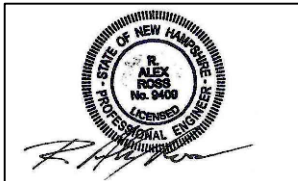
CLIENT  
KAREN WEBB  
910 SAGAMORE AVE.  
PORTSMOUTH, NH 03801

TITLE

**EROSION  
CONTROL  
PLAN**

**910 SAGAMORE AVE.  
PORTSMOUTH, NH 03801  
TAX MAP 223, LOT 26A**

JOB NUMBER	DWG. NO.	ISSUE
21-077	4 OF 4	5



GENERAL NOTES

1. All work shall comply with State and local Building Codes, fire department regulations, utility company standards, and the best trade practices.
2. Yankee Construction LLC shall arrange all inspections and tests as specified or required by the building department and shall pay all costs and fees for same. Yankee Construction LLC shall secure all building permits and upon completion of the project (prior to final payment) deliver to the Owner a Certificate of Occupancy or Use from the building department.
3. All plumbing and electrical work shall be performed by State licensed contractors. Yankee Construction LLC shall submit all required permits, certificates, and sign-offs to Owner for their records.
4. Yankee Construction LLC shall verify all dimensions and be familiar with the existing conditions. The Drawings reflect conditions reasonably inferred from the existing visible conditions. Drawings may be scaled for estimating purposes and for general reference only. All dimensions to be verified in the field. Yankee Construction LLC shall lay out all work and be responsible for all dimensions and conditions for trades such as electrical, plumbing, etc.
5. Yankee Construction LLC shall provide and maintain access to the premises at all times. The Construction Manager shall make the premises secure from the elements and trespass on a daily basis.
6. Yankee Construction LLC shall keep the construction site free and clear of all debris and keep out all unauthorized persons. Upon completion of Work, the entire construction area is to be thoroughly cleaned and prepared for occupancy by Owner. All materials and debris resulting from the Contractor's work shall be removed from the site and disposed of properly. Care shall be taken during construction that no debris or materials are deposited in any Right of Way area.
7. Yankee Construction LLC shall be responsible for protecting all existing and new conditions and materials on the site. Any damage caused by or during the execution of the Work is the Contractor's responsibility and shall be repaired to the Owner's satisfaction at the Contractor's expense.
8. All utilities shall be connected to provide gas, electric, and water to all equipment whether said equipment is in Contract or not. Equipment shall be guaranteed to function properly upon completion.
9. Manufacturer's standard specifications and materials approved for project use are hereby made part of these Notes with same force and effect as if written out in full herein. All appliances, fixtures, equipment, hardware, etc. shall be installed in accordance with Manufacturer's specifications and procedures.
10. Written words take precedence over drawn lines. Large-scale details and plans take precedence over smaller details and plans. Should a conflict arrive between the Specifications and Drawings, the requirements deemed most stringent shall be used.
11. Minor details not usually shown or specified but necessary for proper and acceptable construction, installation, or operation of any part of the Work as determined by the Designer shall be included in the Work as if it were specified or indicated on the Drawings.
12. All dimensions are to face of stud or centerline of structure unless otherwise noted (UON).
13. Door and window details are indicated on the Door and Window Schedules.
14. Door and window dimensions are to centerlines of units UNO.



1

FRONT ELEVATION

1/8" = 1'-0"



2

REAR ELEVATION

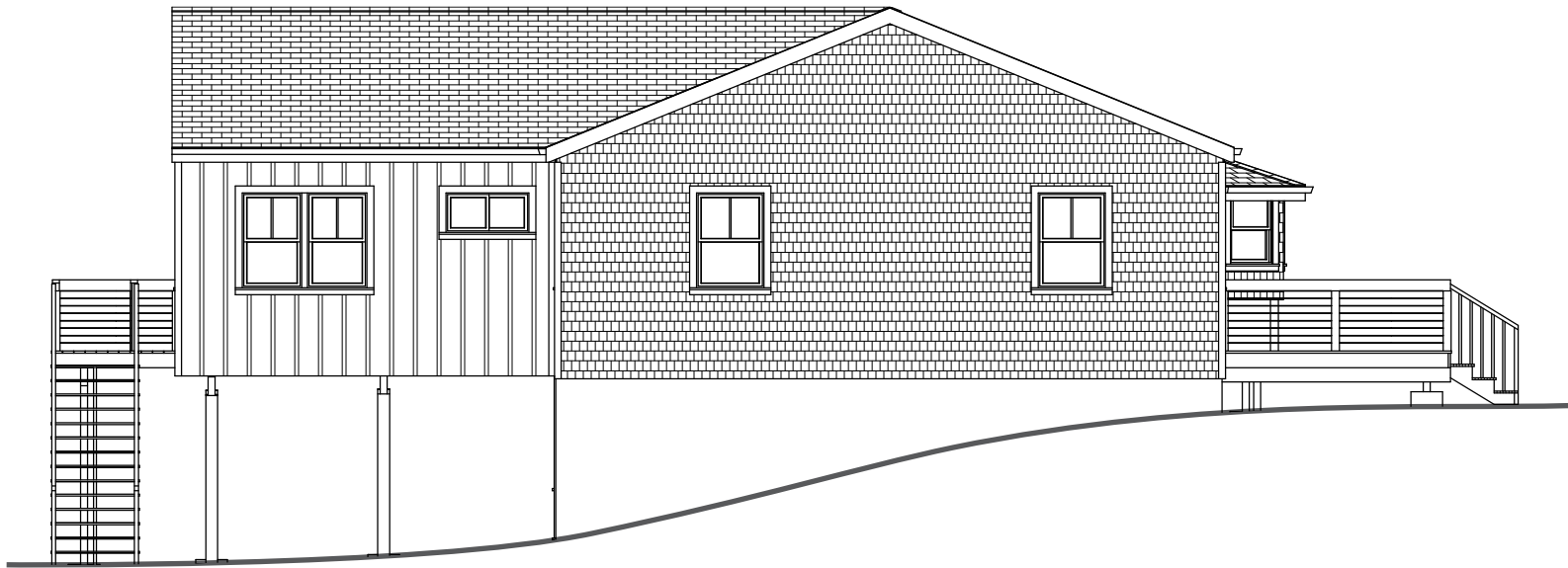
1/8" = 1'-0"



3

RIGHT ELEVATION

1/8" = 1'-0"



4

LEFT ELEVATION

1/8" = 1'-0"

NOTES

Some details shown in the Elevations may not be accurate. Rough measurements were taken and assumed to build existing elements of the house, outside of the Addition area.

Revisions

Issued Date 05.13.2021

Drawn By JT

Project North

Project No. 2021.11

Scale (UON) 1/4"=1'-0"

General Notes  
Exterior Elevations













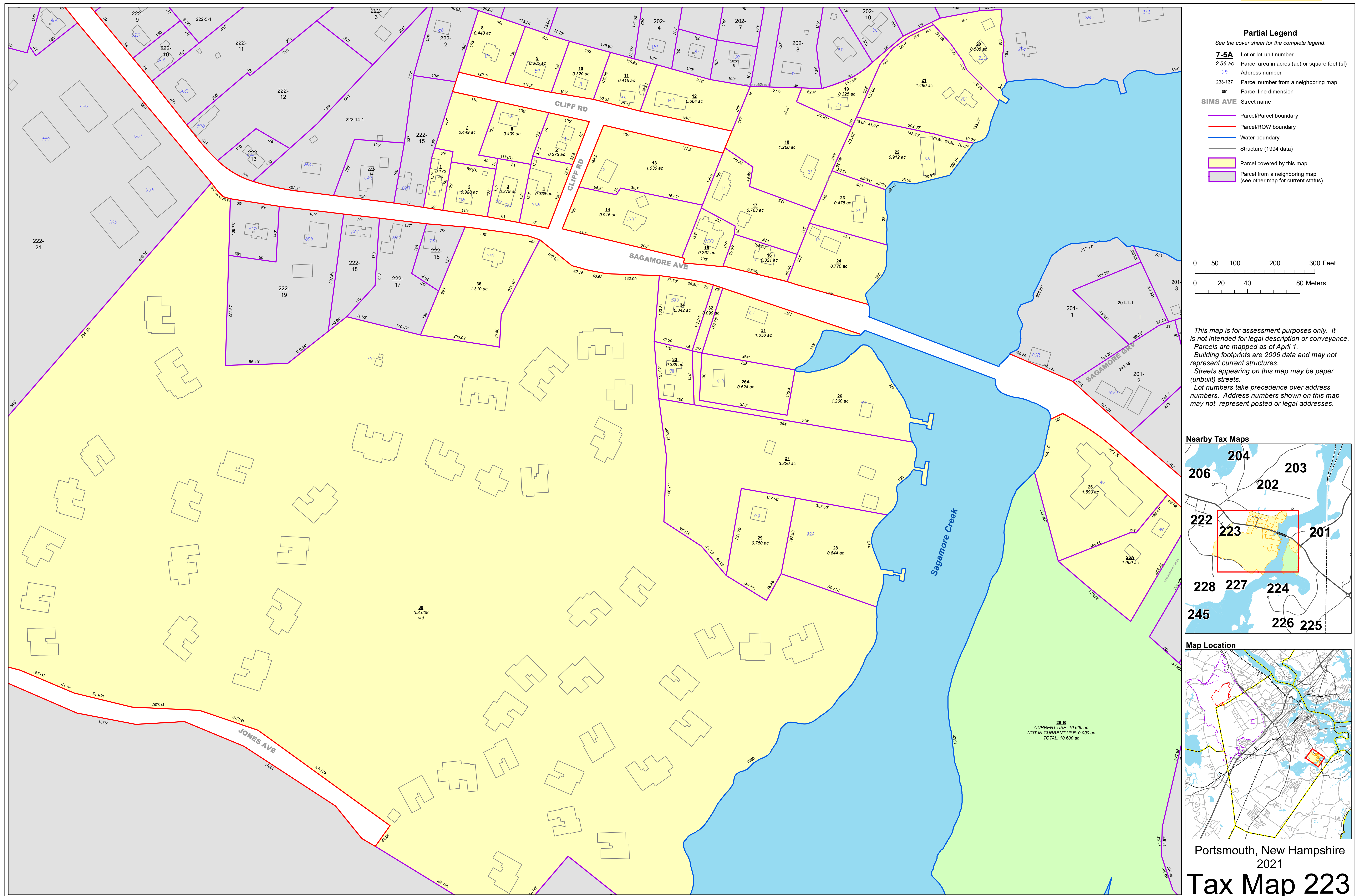
















# CITY OF PORTSMOUTH

Planning Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## PLANNING BOARD

October 28, 2021

Karen Butz Webb Revocable Trust  
Karen Butz Webb Trustee  
910 Sagamore Avenue  
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for property located at 910 Sagamore Avenue (LU-21-170)

Dear Ms. Webb:

The Planning Board, at its regularly scheduled meeting of **Thursday, October 21, 2021**, considered your application for Wetland Conditional Use Permit according to article 10.1017 to expand an enclosed living space by 362 square feet which will create a disturbance of 3,375 square feet within the inland wetland buffer. The living space is supported by piles over an area of crushed stone to allow infiltration of stormwater. The roof runoff will be captured in gutters which will be directed to stone infiltration trenches with 4'x4' stone outlet area for any stormwater that does not infiltrate. The applicant is disconnecting the existing septic system and will connect to a new City sewer line. The mowing of the wetland at the rear of the property will be discontinued and the area will be planted with wildflowers and other buffer plantings. Said property is shown on Assessor Map 106, Lot 54 and lies within the Waterfront Business district. As a result of said consideration, the Board voted **grant** the wetland Conditional Use Permit with the following stipulations:

- 1) NOFO standards shall be maintained.
- 2) Install and maintain wetland buffer plantings along the delineation line as marked in the application every 4 ft. (recommended plantings).
- 3) The stone infiltration, as shown on the plan, shall be terminated at the wetland delineation line.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Unless otherwise indicated, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All stipulations of approval must be completed prior to issuance of a building permit unless otherwise indicated.

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dexter Legg". The signature is stylized with a large initial "D" and a long, sweeping underline.

Dexter R. Legg, Chairman of the Planning Board

cc: Paul Garand, Interim Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor

Alex Ross





# CITY OF PORTSMOUTH

Planning Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## CONSERVATION COMMISSION

October 6, 2021

Karen Butz Webb Revocable Trust  
Karen Butz Webb Trustee  
910 Sagamore Avenue  
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for property located at 910 Sagamore Avenue (LU-21-170)

Dear Ms. Webb:

The Conservation Commission, at its regularly scheduled meeting of **Wednesday, September 15, 2021**, considered your application for a Wetland Conditional Use Permit according to article 10.1017 of the Zoning Ordinance to expand an enclosed living space by 362 square feet which will create a disturbance of 3,375 square feet within the inland wetland buffer. The living space is supported by piles over an area of crushed stone to allow infiltration of stormwater. The roof runoff will be captured in gutters which will be directed to stone infiltration trenches with 4'x4' stone outlet areas for any stormwater that does not infiltrate. The applicant is disconnecting the existing septic system and will connect to a new City sewer line. The mowing of the wetland at the rear of the property will be discontinued and the area will be planted with wildflowers and other buffer plantings. Said property is shown on Assessor Map 106, Lot 54 and lies within the Waterfront Business district. As a result of said consideration, the Commission voted to recommend **approval** of the Wetland Conditional Use Permit to the Planning Board with the following stipulations.

1. NOFA standards shall be maintained.
2. Install and maintain their wetland delineation buffer plantings with (along the delineation line as marked in the application) every 4 ft. (recommended plantings).
3. The stone infiltration shall be terminated at the wetland delineation line.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, October 21, 2021**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning Department and uploaded to the online permit system no later than Wednesday, September 29, 2021.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Barbara McMillan, Chair

Conservation Commission

cc:

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

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ATTORNEYS AT LAW

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127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | [www.hpgirlaw.com](http://www.hpgirlaw.com)

June 1, 2022

**DELIVERED VIA E-MAIL**

Peter Stith, Principal Planner  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Karen Butz Webb, Owner/Applicant  
910 Sagamore Avenue  
Tax Map 223/Lot 26A  
Waterfront Business District

Dear Mr. Stith & Zoning Board Members:

On behalf of Karen Butz Webb ("Webb"), enclosed please find the following additional materials in support of a request for zoning relief:

- Department of Environmental Services Wetlands and Non-Site Specific Permit – Exhibit G
- Department of Environmental Services Shoreland Impact Permit – Exhibit H

We look forward to presenting this application to the Zoning Board at its June 22, 2022 meeting.

Very truly yours,



R. Timothy Phoenix  
Monica F. Kieser  
Stephanie J. Johnson

Encl.

cc: Karen Butz Webb  
Ross Engineering, LLC

---

DANIEL C. HOEFLE	R. PETER TAYLOR	MONICA F. KIESER	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	JACOB J.B. MARVELLEY	SAMUEL R. REID
STEPHEN H. ROBERTS	GREGORY D. ROBBINS	DUNCAN A. EDGAR	JOHN AHLGREN



The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



**WETLANDS AND NON-SITE SPECIFIC PERMIT 2022-00684**

**NOTE CONDITIONS**

**PERMITTEE:** KAREN B WEBB  
 910 SAGAMORE AVE  
 PORTSMOUTH NH 03801

**PROJECT LOCATION:** 910 SAGAMORE AVE, PORTSMOUTH  
 TAX MAP #223, LOT #26A

**WATERBODY:** SAGAMORE CREEK

**APPROVAL DATE:** MAY 27, 2022 **EXPIRATION DATE:** MAY 27, 2027

Based upon review of permit application 2022-00684 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

**PERMIT DESCRIPTION:**

Impact 59 square feet (SF) within previously developed tidal buffer in order to construct a new deck and stairs and install a stone protection area at the outlet of a french drain. In addition, temporarily impact 1,049 SF of previously developed tidal buffer to remove an existing septic tank, install a french drain, install wetland buffer plantings, and for construction access.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:**

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated May 25, 2022, by Ross Engineering, LLC., as received by the NH Department of Environmental Services (NHDES) on May 25, 2022.
2. In accordance with Env-Wt 314.02(b) and (c), for projects in the coastal area, the permittee shall record any permit issued for any work in the tidal buffer zone at the Rockingham County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the department with a copy of the permit stamped by the registry with the book and page and date of receipt.
3. In accordance with Env-Wt 307.07, all development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction.
4. In accordance with Env-Wt 310.03(a), no other work shall be done on the subject property pursuant to another expedited permit (EXP) for a period of 12 months from the date the EXP was issued unless the property owner submits information, including a plan, to demonstrate that the proposed work is wholly unrelated to and separate from the work already done under the EXP; and the proposed work and the work already done under the EXP do not, when combined, constitute a project for which a standard permit is required.
5. In accordance with Env-Wt 310.03(b), the work shall comply with all applicable conditions specified in Env-Wt 307.
6. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards per Env-Wt 307.03(a).
7. All work including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands per Env-Wt 307.03(b).

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

8. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
9. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
10. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
11. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
12. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
13. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
14. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
15. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.
16. In accordance with Env-Wt 307.11(e), fill shall be not placed so as to direct flows onto adjacent or down-current property.
17. In accordance with Env-Wt 307.12(i), areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
18. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
19. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
20. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
21. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
22. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:**

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Kristin L. Duclos  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

**THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).**

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PERMITTEE SIGNATURE (required)

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PRINCIPAL CONTRACTOR SIGNATURE (required)





The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



**SHORELAND IMPACT PERMIT 2022-00691**

**NOTE CONDITIONS**

**PERMITTEE:** KAREN B WEBB  
 910 SAGAMORE AVE  
 PORTSMOUTH NH 03801

**PROJECT LOCATION** 910 SAGAMORE AVE, PORTSMOUTH  
 TAX MAP #223, LOT #26/A

**WATERBODY:** SAGAMORE CREEK

**APPROVAL DATE:** MAY 27, 2022 **EXPIRATION DATE:** MAY 27, 2027

Shoreland Permit Application 2022-00691 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

**PERMIT DESCRIPTION:**

Impact 1,392 square feet of protected shoreland in order to remove an existing deck and stairs and construct an addition to an existing primary structure with associated deck and stairs, and install a stormwater infiltration area beneath the addition.

**Impervious Surface Percentage Approved:** 19.7%

**Natural Woodland Area Required per RSA 483-B:9,V, (b):** 1,065 square feet

**THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):**

1. All work shall be in accordance with plans by Ross Engineering, LLC., revised through May 25, 2022, as received by the New Hampshire Department of Environmental Services (NHDES) on May 25, 2022, pursuant to Env-Wq 1406.15(f).
2. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
3. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction as required pursuant to RSA 483-B:6, I(b).
4. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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TDD Access: Relay NH 1 (800) 735-2964

**THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:**

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

**ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:**

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, the NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



Kristin L. Duclos  
Wetlands Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

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ATTORNEYS AT LAW

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127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | [www.hpgrlaw.com](http://www.hpgrlaw.com)

June 1, 2022

**DELIVERED VIA E-MAIL**

Peter Stith, Principal Planner  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Karen Butz Webb, Owner/Applicant  
910 Sagamore Avenue  
Tax Map 223/Lot 26A  
Waterfront Business District

Dear Mr. Stith & Zoning Board Members:

On behalf of Karen Butz Webb ("Webb"), enclosed please find the following additional materials in support of a request for zoning relief:

- Department of Environmental Services Wetlands and Non-Site Specific Permit – Exhibit G
- Department of Environmental Services Shoreland Impact Permit – Exhibit H

We look forward to presenting this application to the Zoning Board at its June 22, 2022 meeting.

Very truly yours,



R. Timothy Phoenix  
Monica F. Kieser  
Stephanie J. Johnson

Encl.

cc: Karen Butz Webb  
Ross Engineering, LLC

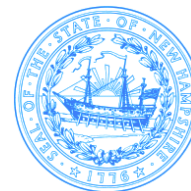
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DANIEL C. HOEFLE	R. PETER TAYLOR	MONICA F. KIESER	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	JACOB J.B. MARVELLEY	SAMUEL R. REID
STEPHEN H. ROBERTS	GREGORY D. ROBBINS	DUNCAN A. EDGAR	JOHN AHLGREN



The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



**WETLANDS AND NON-SITE SPECIFIC PERMIT 2022-00684**

**NOTE CONDITIONS**

**PERMITTEE:** KAREN B WEBB  
 910 SAGAMORE AVE  
 PORTSMOUTH NH 03801

**PROJECT LOCATION:** 910 SAGAMORE AVE, PORTSMOUTH  
 TAX MAP #223, LOT #26A

**WATERBODY:** SAGAMORE CREEK

**APPROVAL DATE:** MAY 27, 2022 **EXPIRATION DATE:** MAY 27, 2027

Based upon review of permit application 2022-00684 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

**PERMIT DESCRIPTION:**

Impact 59 square feet (SF) within previously developed tidal buffer in order to construct a new deck and stairs and install a stone protection area at the outlet of a french drain. In addition, temporarily impact 1,049 SF of previously developed tidal buffer to remove an existing septic tank, install a french drain, install wetland buffer plantings, and for construction access.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:**

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated May 25, 2022, by Ross Engineering, LLC., as received by the NH Department of Environmental Services (NHDES) on May 25, 2022.
2. In accordance with Env-Wt 314.02(b) and (c), for projects in the coastal area, the permittee shall record any permit issued for any work in the tidal buffer zone at the Rockingham County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the department with a copy of the permit stamped by the registry with the book and page and date of receipt.
3. In accordance with Env-Wt 307.07, all development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction.
4. In accordance with Env-Wt 310.03(a), no other work shall be done on the subject property pursuant to another expedited permit (EXP) for a period of 12 months from the date the EXP was issued unless the property owner submits information, including a plan, to demonstrate that the proposed work is wholly unrelated to and separate from the work already done under the EXP; and the proposed work and the work already done under the EXP do not, when combined, constitute a project for which a standard permit is required.
5. In accordance with Env-Wt 310.03(b), the work shall comply with all applicable conditions specified in Env-Wt 307.
6. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards per Env-Wt 307.03(a).
7. All work including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands per Env-Wt 307.03(b).

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TDD Access: Relay NH 1 (800) 735-2964

8. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
9. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
10. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
11. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
12. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
13. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
14. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
15. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.
16. In accordance with Env-Wt 307.11(e), fill shall be not placed so as to direct flows onto adjacent or down-current property.
17. In accordance with Env-Wt 307.12(i), areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
18. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
19. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
20. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
21. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
22. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:**

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Kristin L. Duclos  
Wetlands Specialist, Wetlands Bureau  
Land Resources Management, Water Division

**THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).**

---

PERMITTEE SIGNATURE (required)

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PRINCIPAL CONTRACTOR SIGNATURE (required)





The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



**SHORELAND IMPACT PERMIT 2022-00691**

**NOTE CONDITIONS**

**PERMITTEE:** KAREN B WEBB  
 910 SAGAMORE AVE  
 PORTSMOUTH NH 03801

**PROJECT LOCATION** 910 SAGAMORE AVE, PORTSMOUTH  
 TAX MAP #223, LOT #26/A

**WATERBODY:** SAGAMORE CREEK

**APPROVAL DATE:** MAY 27, 2022 **EXPIRATION DATE:** MAY 27, 2027

Shoreland Permit Application 2022-00691 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

**PERMIT DESCRIPTION:**

Impact 1,392 square feet of protected shoreland in order to remove an existing deck and stairs and construct an addition to an existing primary structure with associated deck and stairs, and install a stormwater infiltration area beneath the addition.

**Impervious Surface Percentage Approved:** 19.7%

**Natural Woodland Area Required per RSA 483-B:9,V, (b):** 1,065 square feet

**THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):**

1. All work shall be in accordance with plans by Ross Engineering, LLC., revised through May 25, 2022, as received by the New Hampshire Department of Environmental Services (NHDES) on May 25, 2022, pursuant to Env-Wq 1406.15(f).
2. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
3. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction as required pursuant to RSA 483-B:6, I(b).
4. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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TDD Access: Relay NH 1 (800) 735-2964

**THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:**

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

**ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:**

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, the NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



Kristin L. Duclos  
Wetlands Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division