

Elizabeth Bratter
159 McDonough St
Portsmouth Property Owner
December 4, 2020

Conservation Commission
RE: 105 Bartlett St
Meeting: December 9, 2020
SITE WALK: First paragraph December 7, 2020

Dear Chairperson McMillan and Members of the Conservation Commission,

As you proceed on the Site Walk on Monday, please take a moment to **notice the lack of development in the 100' Wetland Buffer across the pond** from the development site. Please notice the many leave-less trees beyond Great Rhythm Brewing; this area has been pretty much untouched for years, which has allowed **a LOT of vegetation, trees, shrubs, wildflowers to grow into excellent nesting and feeding areas** for the wildlife which calls the North Mill Pond home. No we don't see deer everyday but we do see many small critters which are the bottom of the food chain and sustain the chain. As you pass the Marina (the old machine shop), notice all the vegetation which grows there. It was hard to see the trees and vegetation growing between and under the storage container, boats and other stuff until they were removed. **Think about how much pervious surface presently exists just past Great Rhythm and how much impervious surface is being proposed, TWO over 20,000 sf buildings over 65' tall! Notice as you leave the level of darkness on both sides of the pond, yet the crime rate on the tracks is far less then downtown.**

As you meet on Wednesday please remember that **NHDES regulations state the most stringent standards shall control, whether local or state. In this case the City of Portsmouth, which claims to be a sustainable, eco-friendly community, has in place excellent well thought out zoning regulations in Article 10. It is up to you to request the regulations be followed to protect this natural resource that once no one cared about.** After having cleaned it up for YEARS I think a developer who states "they will be good stewards of the North Mill Pond" should be held to the bare minimum standards-no development in the 100' wetland buffer, various types of permeable pavement throughout the complex and a lot less light pollution! *Part of the parking lot was moved out of the 100' wetland buffer because:* Fire Road Access, snow storage, access to the Cabot St Culvert and a turnaround at the end of the parking lot were needed.

TONS of fill will be added, the proper substrate can be chosen to utilize any one of HUNDREDS of different types of permeable pavements available today! Many are aesthetically appealing and require little to no maintenance compared to the ones that look like asphalt. **Imagine the parking lot looking like a lawn yet plowable!**

Neighbors and many board have asked the 100' Wetland buffer be respected from the beginning, yet there seems to be constant whining about constraints of the property, **ALL of which were known PRIOR to purchasing it!!** *The biggest constraint of concern by the developer was land contamination; per the environmental summary it will have almost no impact on the development.*

Please postpone the request for a Conditional Use Permit until this project has truly presented the TAC and Conservation Commission changes requested. Please ask for a copy of **the two lists** of changes requested by **TAC which will directly impact the environmental status of this development**, from the 14' wide fire staging areas facing the buildings along the greenway, the proposed fire road, the clearing of all trees at Cabot St necessary to maintain the integrity of the Cabot St Culvert, now carrying a LOT more water, and the many landscape and drainage changes.

A 100' Wetland buffer with no structures, more permeable pavement on the Greenway, parking lots and sidewalks with a well-chosen substrate, rear fire access outside of the 50' buffer and less lighting would make for this development a sustainable design plan during the "Age of Nature" (PBS).

Respectfully,
Elizabeth Bratter

Izak Gilbo

From: Juliet T.H. Walker
Sent: Monday, December 7, 2020 8:14 AM
To: Peter L. Britz
Cc: Izak Gilbo
Subject: FW: Conservation Commission Meeting 12/9/2020; 105 Bartlett St

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nancy Johnson [mailto:n_johnson81@comcast.net]
Sent: Sunday, December 6, 2020 3:04 PM
To: Juliet T.H. Walker <jthwalker@cityofportsmouth.com>
Subject: Conservation Commission Meeting 12/9/2020; 105 Bartlett St

To: Juliet Walker, City Planner; Peter Britz, Environmental Planner; Conservation Commission Members

Re: Conservation Commission Meeting 12/9/2020; 105 Bartlett St

From: Nancy & Brian Johnson, 81 Clinton St, Portsmouth (residents since 1975), 12/6/2020

We noticed that the date on the ConCom packet for the 12/9 meeting predates the packet provided for TAC on 12/1. We hope that posting for the public is in error, and that the ConCom members actually received the latest set of plans, and in a timely manner.

We plan not to attend the site walk because of Covid concerns and our difficulty in hearing if we are not up close to the speaker. We really regret having to make this decision - it will be the first site walk for 105 Bartlett that we will not attend. We really wanted to see the marked circumference of the 6 foot raised hill the developers will be constructing. We have walked out there twice in the last few days with the plans in our hands, but just cannot visualize it.

The developers say they cannot use porous pavement for the fire road they will build due to the existing soil - why not?? The road will not be on the existing soil, but on the soil the developers bring in for the hill. The road is at about 12 feet. They can lay appropriate soil under the road way to allow for porous pavement. Sandy Point in Stratham has studied various porous pavements in their parking lot and found it does not ice up in the winter - no salt required, because rain and snow melt does not puddle on it. Porous pavement is easily maintained.

The size of the parcels of land are sufficient that there is room for attractive housing units that fit into the shape and constraints of the land, especially the City 100 foot buffer, and are enhanced by the presence of the tidal estuary. We do not believe anyone is trying to prohibit development in this location. We are hoping for a beautiful development that will be lucrative to the builders and sought after by prospective renters/buyers.

We are concerned about the weight of the planned buildings with their contents and parking. Remember the implosion of the Granite State Minerals salt pile ("Salt Pile Collapse: How it Happened", Seacoastonline.com, 9/25/08). "Ray Cook, associate professor of civil engineering at UNH said the weight of the salt was enough to drive soil out from underneath it, sending asphalt and other material used to contain the pile into the water."

The North Mill Pond has been dubbed A Treasure in Our Backyard. Salt marshes have been planted, with amazing success, along the edges. School children learn first hand about the value of estuaries on-site at Mill

Pond Way. Many of our commercial fish spend their first few years in the nurseries we call estuaries. The forested buffer along much of the edge on both sides provides much needed shade to the estuary, bird nesting and feeding habitat, homes for small mammals, and the mud flats support many shorebirds and a place for horseshoe crab mating rituals.

One of the primary developers was an active member of The Advocates for the North Mill Pond for many years, and an ANMP Board member for several of those years. He was well aware of the importance of the 100 foot setback when he purchased the land. Ricci Lumber kindly provided members of the Advocates with trash bags and gloves for our annual cleanup of the shore line (done with the permission of the Railroad, we all signed the liability waivers the RR required). The cleanups ended in 2007, after 12 consecutive years, when we found there was very little litter that accumulated in a year. Since then we have walked the roadway from Bartlett St to Maplewood Ave three or four times a year, and we have been saddened by the amount of litter that has been showing up over just the past four years.

Portsmouth prides itself on being an Eco-municipality. Developers are watching closely to see if Portsmouth really believes in its own 100 foot tidal buffer set-back. That buffer exists to protect marine estuary habitats and their very narrow vegetated upland shore-land.

Nancy & Brian Johnson

Izak Gilbo

From: JAH <samjakemax@aol.com>
Sent: Sunday, December 6, 2020 9:23 PM
To: Izak Gilbo; Peter L. Britz
Subject: 105 Bartlett Street Conservation Commission Meeting December 9, 2020
Attachments: portsmouth8x11scoring.pdf; Highest Ranked Wildlife Habitat 12.9.2020.pdf; A Plan That Works 12.5.2020.pdf; 42 Rockingham Front Yard Ditcha .jpg; 482 Broad Street Front Yard Ditch .jpg

Please forward this email (including the May 31 and Nov. 24 emails below to TAC) and attachments to all members of the Conservation Committee.

Kindly reply with confirmation of the time and date this information was forwarded.

Dear Conservation Commission Members:

I understand at your December 9, 2020 meeting you will continue to discuss whether this project satisfies the six criteria needed for the Planning Board to grant a conditional use permit (using the six criteria in Article 10, Section 10.1017.50) to allow this project to build on and disturb area within the North Mill Pond 100 ft wetlands setback buffer.

I noted the materials for the Dec. 9, 2020 meeting are exactly the same the materials submitted for the Nov 4, 2020 meeting, so I am not sure what has changed based on feed back the Commission gave the developer last time.

When previously pressed to explain why this project can not be constructed completely outside the 100 ft buffer, Cathartes stated its present design is the only option that "works". I believe with a little effort, they will find numerous development options that will "work", and also have a far less devastating impact to North Mill Pond estuary environment. Attached is one such example.

On page 17 of the Tighe & Bond submittal, there is a map of Highest Ranked Wildlife Habitat by Ecological Condition produced by New Hampshire Fish and Game.(attached). Oddly, Cathartes presented this map at a scale so large the area around North Mill Pond can't be seen. Attached is a map at the appropriate scale that shows the 3 large areas of North Mill Pond that the NH Fish and Game has given its highest habitat ranking.

I believe the Commission now has more than ample evidence to conclude beyond a reasonable doubt this project easily fails all six criteria needed to grant a CUP to build within the North Mill Pond 100 ft wetland setback buffer.

Regards,

Jim Hewitt

-----Original Message-----

From: JAH <samjakemax@aol.com>
To: planning@cityofportsmouth.com <planning@cityofportsmouth.com>
Cc: ebeby@cityofportsmouth.com <ebeby@cityofportsmouth.com>; phrice@cityofportsmouth.com <phrice@cityofportsmouth.com>; plbritz@cityofportsmouth.com <plbritz@cityofportsmouth.com>; djdesfosses@cityofportsmouth.com <djdesfosses@cityofportsmouth.com>; seachilles@cityofportsmouth.com <seachilles@cityofportsmouth.com>; tgermain@cityofportsmouth.com <tgermain@cityofportsmouth.com>
Sent: Tue, Nov 24, 2020 8:15 pm
Subject: 105 Bartlett Street TAC December 1, 2020

Dear TAC members:

The oven at Cathartes must be on the fritz as the latest project plans are just as half baked as the ones submitted 6 months ago. Discussing these plans at TAC was a waste of time then, it is a waste of time now.

What everyone understands except Ironhorse Properties / Cathartes is that the Portsmouth Conservation Commission has stated quite clearly (twice) that the footprint of any new or reconstructed building must be located outside the North Mill Pond 100 foot wetlands buffer. Any impervious surface also must be located outside the 100 foot buffer, including the 12 foot wide paved emergency fire access road that the Fire Department has made clear needs to encircle any new or reconstructed buildings. In keeping with "Portsmouth the Eco-Municipality" principles, any contemplated nature trail along North Mill Pond will be built in the most ecologically sensitive manner possible, which means a three to four wide path constructed with wood chips.

Until the building footprint and fire lane limits have been approved by the Conservation Commission, the Planning Board, and NHDES, there is really nothing for TAC to talk about. NHDES permits haven't even been applied for. I suggest TAC make a motion instructing the applicant not to submit these plans again until the building and fire lane footprint limits are approved by City land use boards and approval / conceptual approval have been granted by NHDES wetlands, shoreland protection and alteration of terrain programs.

Regards,

Jim Hewitt

P.S. As a refresher, my May 31, 2020 comments below still apply

-----Original Message-----

From: JAH <samjakemax@aol.com>

To: Planning@cityofportsmouth.com <Planning@cityofportsmouth.com>

Sent: Sun, May 31, 2020 11:30 pm

Subject: 105 Bartlett Street TAC June 2, 2020

Dear TAC members:

I have a few comments to the recent submission, as follows:

1) These plans remain half-baked, and TAC should not even be reviewing them. This entire project depends on getting a Conditional Use Permit (CUP) from the 100 foot wetlands buffer setback from the Portsmouth Conservation Commission, which is far from certain. TAC should table this project indefinitely until the ConCom votes on the CUP request, otherwise its a giant waste of everyone's time.

2) These plans looked like they were designed in 1950's with respect to storm water management. This design puts all storm water into closed drainage and shoots it directly into North Mill Pond with minimal treatment. What ever happened to groundwater recharge and post-development flows not exceeding pre-development flows, a basic tenet of storm water management best practices in New Hampshire for over 30 years? TAC, again, should not even review these plans until NHDES Alteration of Terrain program gives this project conceptual approval for compliance with its regulations. If Portsmouth the "Eco-Municipality" can require a lowly homeowner to construct storm water infiltration basins like the ones on 42 Rockingham and 482 Broad St to protect the environment, certainly TAC can require the same for a massive 174 apartment project located in such an environmentally sensitive location adjacent to North Mill Pond. See attached.

3) Where are the architectural drawings with elevation views of this project? The applicant is doing his darnedest not to show how this project is playing with existing grades in order to comply with Portsmouth's new flood plain zoning rules and sneak in an extra three quarters of a story in building height. The existing site grade is about 10 to 11 feet. The first finish floor elevation of the apartment building is 17.5 ft. The means 7 feet of fill needs to be brought in to create a giant mole hill on top of which the apartment building will be constructed. This will also create a giant wall obstructing the view corridor on Dover Street. The first floor apartment building elevation needs to be lowered to 11-12 feet (i.e., at existing grade, which will comply with the Flood Zoning Ordinance) and the underground parking constructed below that.

4) If building the underground parking can not be dug that deep into the marine clays (finish floor underground parking / basement elevation 1.5 ft +/-) then the below building parking needs to be built on a slab at existing grade (11 to 12 ft) and the apartments built above that.

5) I was not aware a footpath / nature trail, that has not been funded or permitted, could be used for a fire truck access road. I'll trust the Fire Chief's call on that. I don't believe fire access roads are permitted in the 50 or 100 foot wetlands setback buffer.

6) Portsmouth DPW is taking sea level rise seriously and is raising the access road to the Pierce Island WWTP from a low point of about 8 ft and raising it to 11 ft near the dog park. This is so that the WWTP doesn't become an inaccessible island during high water events that will occur on a regular basis in the near future. Portsmouth should require the same for this project and require the new public road from Bartlett Street (which Portsmouth tax payers will fund to maintain) to be raised to at least elevation 11 ft so this project too will not become an island inaccessible to emergency vehicles and services during high water high events.

Regards,

Jim Hewitt



2020 HIGHEST RANKED WILDLIFE HABITAT BY ECOLOGICAL CONDITION

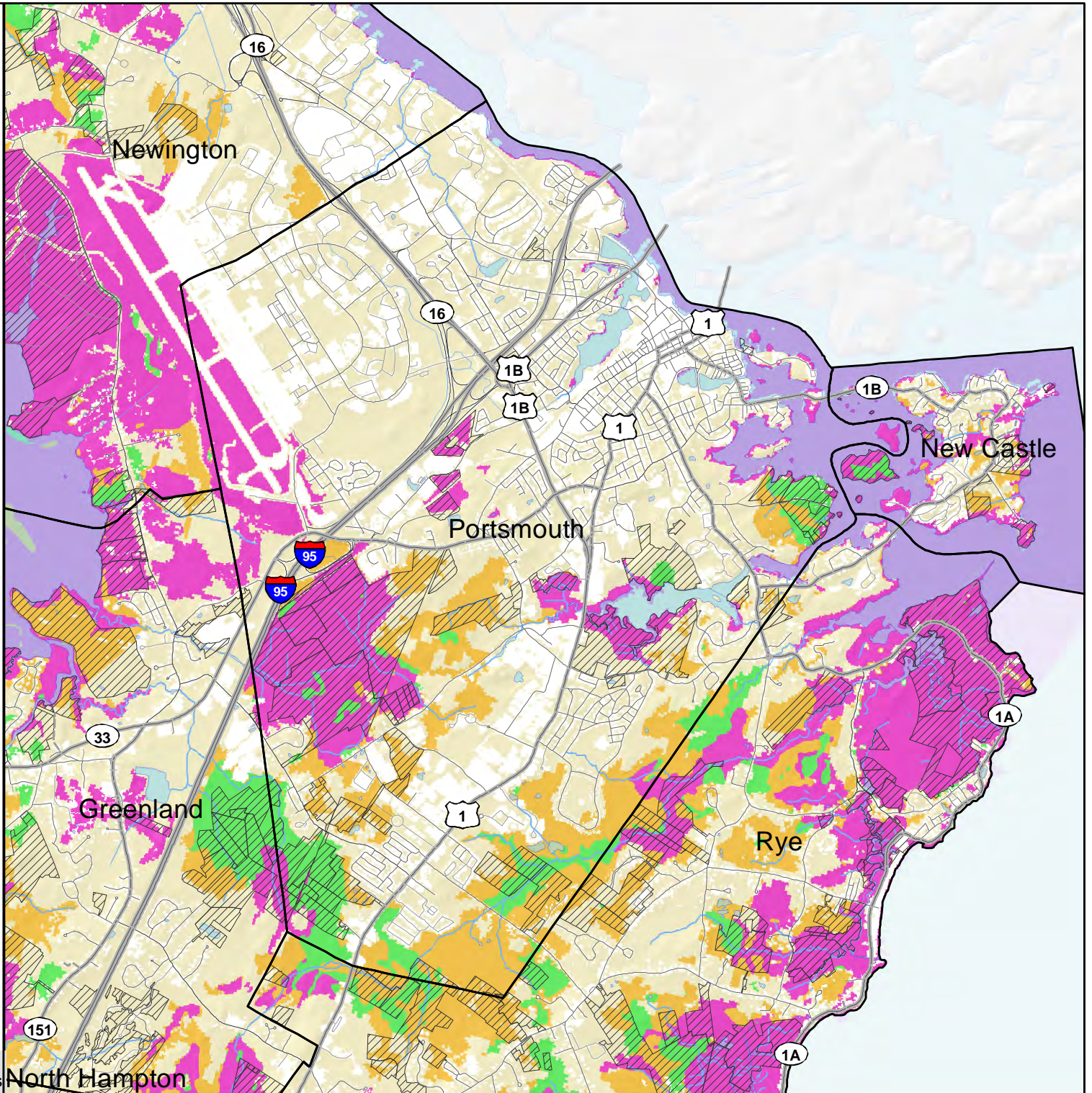
 Highest Ranked Habitat in New Hampshire

 Highest Ranked Habitat in the Biological Region

Biological region = TNC ecoregional subsection for terrestrial habitats or Aquatic Resource Mitigation region for wetlands and floodplain forest.

 Supporting Landscapes

 Conservation or public



Base map data provided by NH GRANIT at UNH May 2020. Intended for planning use only.



Sept. 2015, spatial data Apr. 2020

0 1 2 Kilometers

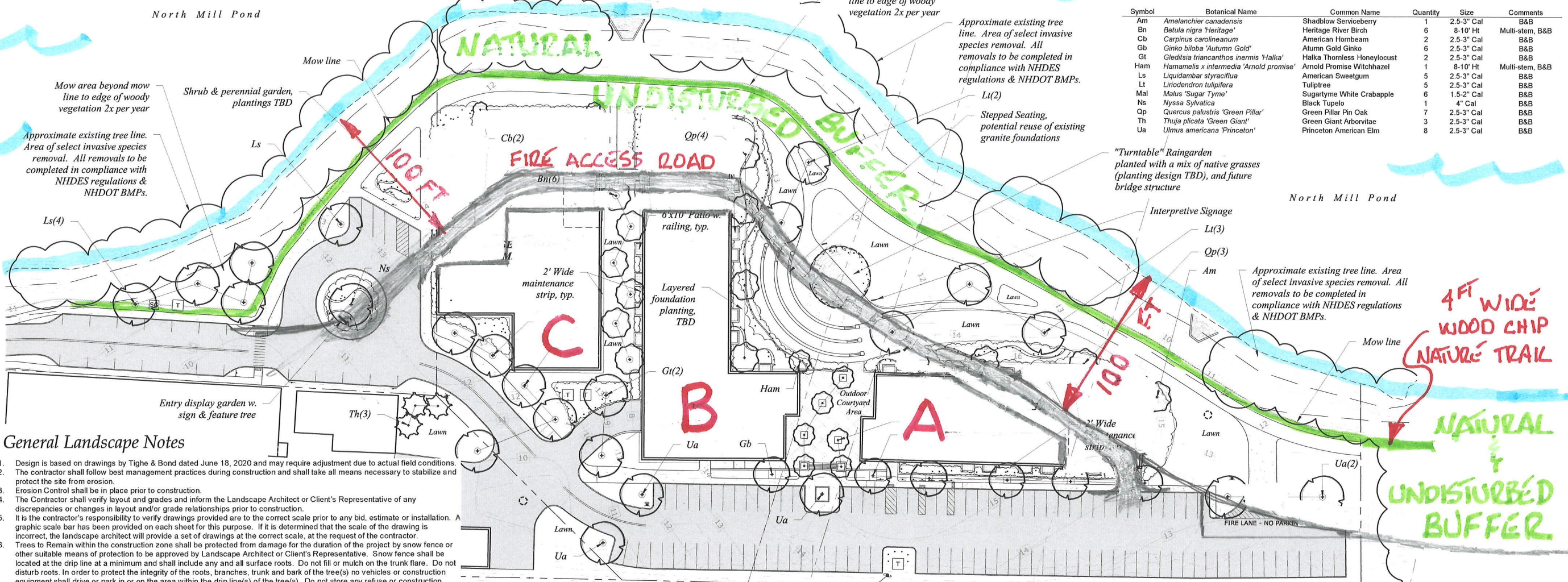
0 1 2 Miles

NORTH MILL POND

Plant List

TREES

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
Am	<i>Amelanchier canadensis</i>	Shadblow Serviceberry	1	2.5-3" Cal	B&B
Bn	<i>Betula nigra</i> 'Heritage'	Heritage River Birch	6	8-10' Ht	Multi-stem, B&B
Cb	<i>Carpinus carolinianum</i>	American Hornbeam	2	2.5-3" Cal	B&B
Gb	<i>Ginkgo biloba</i> 'Autumn Gold'	Autumn Gold Ginkgo	6	2.5-3" Cal	B&B
Gt	<i>Gleditsia triacanthos inermis</i> 'Halka'	Halka Thornless Honeylocust	2	2.5-3" Cal	B&B
Ham	<i>Hamamelis x intermedia</i> 'Arnold promise'	Arnold Promise Witchhazel	1	8-10' Ht	Multi-stem, B&B
Ls	<i>Liquidambar styraciflua</i>	American Sweetgum	5	2.5-3" Cal	B&B
Lt	<i>Liriodendron tulipifera</i>	Tulip tree	5	2.5-3" Cal	B&B
Mal	<i>Malus</i> 'Sugar Tyme'	Sugar Tyme White Crabapple	6	1.5-2" Cal	B&B
Ns	<i>Nyssa sylvatica</i>	Black Tupelo	1	4" Cal	B&B
Qp	<i>Quercus palustris</i> 'Green Pillar'	Green Pillar Pin Oak	7	2.5-3" Cal	B&B
Th	<i>Thuja plicata</i> 'Green Giant'	Green Giant Arborvitae	3	2.5-3" Cal	B&B
Ua	<i>Ulmus americana</i> 'Princeton'	Princeton American Elm	8	2.5-3" Cal	B&B



General Landscape Notes

- Design is based on drawings by Tighe & Bond dated June 18, 2020 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.
- 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 portalets within the tree protection area.
- This plan is for review purposes only, NOT for Construction. Construction Documents will be provided upon request.
- 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, nitrates, 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 landscaping shall be provided with the following:
 - Outside hose attachments spaced a maximum of 150 feet apart, and
 - An underground irrigation system, or
 - A temporary irrigation system designed for a two-year period of plant establishment.
- If an automatic irrigation system is installed, all irrigation valve boxes shall be located within planting bed areas.
- The contractor is responsible for all plant material from the time their work commences until final acceptance. This includes but is not limited to maintaining all plants in good condition, the security of the plant material once delivered to the site, and watering of plants. Plants shall be appropriately watered prior to, during and after planting. It is the contractor's responsibility to provide clean water suitable for plant health from off site, should it not be available on site.
- 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.
- Secondary lateral branches of deciduous trees overhanging vehicular and pedestrian travel ways shall be pruned up to a height of 6' to allow clear and safe passage of vehicles and pedestrians under tree canopy. Within the sight distance triangles at vehicle intersections the canopies shall be raised to 8' min.
- Snow shall be stored a minimum of 5' from shrubs and trunks of trees.
- Landscape Architect is not responsible for the means and methods of the contractor.

105 BARTLETT ST.

City of Portsmouth Landscape Notes

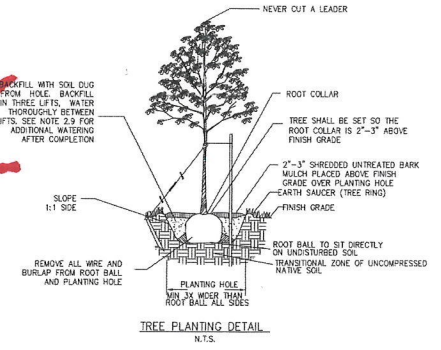
- The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
- All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
- The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.

A PLAN THAT "WORKS"

12-5-2020

JAH

City of Portsmouth Tree Planting Detail

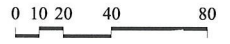


PART 1 - GENERAL

1.1 THE BASIS OF THE CITY OF PORTSMOUTH TREE PLANTING REQUIREMENTS IS THE ANSI A330 PART 6 STANDARD PRACTICES FOR PLANTING AND TRANSPLANTING ANSI A330 PART 6 LAYS OUT TERMS AND BASIC STANDARDS AS SET FORTH BY INDUSTRY BUT IT IS NOT THE "END ALL" FOR THE CITY OF PORTSMOUTH. THE FOLLOWING ARE THE CITY OF PORTSMOUTH, NH TREE PLANTING REQUIREMENTS THAT ARE IN ADDITION TO OR THAT GO BEYOND THE ANSI A330 PART 6.

PART 2 - EXECUTION

- ALL PLANTING HOLES SHALL BE DUG BY HAND - NO MACHINES. THE ONLY EXCEPTIONS ARE NEW CONSTRUCTION WHERE NEW PLANTING PITS, PLANTING BEDS WITH GRANITE CURBING, AND PLANTING SITES WITH SILVA CELLS ARE BEING CREATED. IF A MACHINE IS USED TO DIG IN ANY OF THESE SITUATIONS AND PLANTING DEPTH NEEDS TO BE RAISED THE MATERIAL IN THE BOTTOM OF THE PLANTING HOLE MUST BE FIRMED WITH MACHINE TO PREVENT SINKING OF THE ROOT BALL.
- ALL WIRE AND BURLAP SHALL BE REMOVED FROM THE ROOT BALL AND PLANTING HOLE.
- THE ROOT BALL OF THE TREE SHALL BE WORKED SO THAT THE ROOT COLLAR OF THE TREE IS VISIBLE AND NO GRIDLING ROOTS ARE PRESENT.
- THE ROOT COLLAR OF THE TREE SHALL BE 2'-3" ABOVE GRADE OF PLANTING HOLE FOR FINISH DEPTH.
- ALL PLANTINGS SHALL BE BACKFILLED WITH SOIL FROM THE SITE AND AMENDED NO MORE THAN 20% WITH ORGANIC COMPOST. THE ONLY EXCEPTIONS ARE NEW CONSTRUCTION WHERE ENGINEERED SOIL IS BEING USED IN CONJUNCTION WITH SILVA CELLS AND WHERE NEW PLANTING BEDS ARE BEING CREATED.
- ALL PLANTINGS SHALL BE BACKFILLED IN THREE LIFTS AND ALL LIFTS SHALL BE WATERED SO THE PLANTING WILL BE SET AND FREE OF AIR POCKETS - NO EXCEPTIONS.
- AN EARTH BEAM SHALL BE PLACED AROUND THE PERIMETER OF THE PLANTING HOLE EXCEPT WHERE CURBED PLANTING BEDS OR PITS ARE BEING USED.
- 2'-3" OF MULCH SHALL BE PLACED OVER THE PLANTING AREA.
- AT THE TIME OF PLANTING IS COMPLETE THE PLANTING SHALL RECEIVE ADDITIONAL WATER TO ENSURE COMPLETE HYDRATION OF THE ROOTS, BACKFILL MATERIAL AND MULCH LAYER.
- STAKES AND GUYS SHALL BE USED WHERE APPROPRIATE AND/OR NECESSARY. GUY MATERIAL SHALL BE NON-DAMAGING TO THE TREE.
- ALL PLANTING STOCK SHALL BE SPECIMEN QUALITY, FREE OF DEFECTS, AND DISEASE OR INJURY. THE CITY OF PORTSMOUTH, NH RESERVES THE RIGHT TO REFUSE/REJECT ANY PLANT MATERIAL OR PLANTING ACTION THAT FAILS TO MEET THE STANDARDS SET FORTH IN THE ANSI A330 PART 6 STANDARD PRACTICES FOR PLANTING AND TRANSPLANTATION AND/OR THE CITY OF PORTSMOUTH, NH PLANTING REQUIREMENTS.



Proposed Multi-Family Development

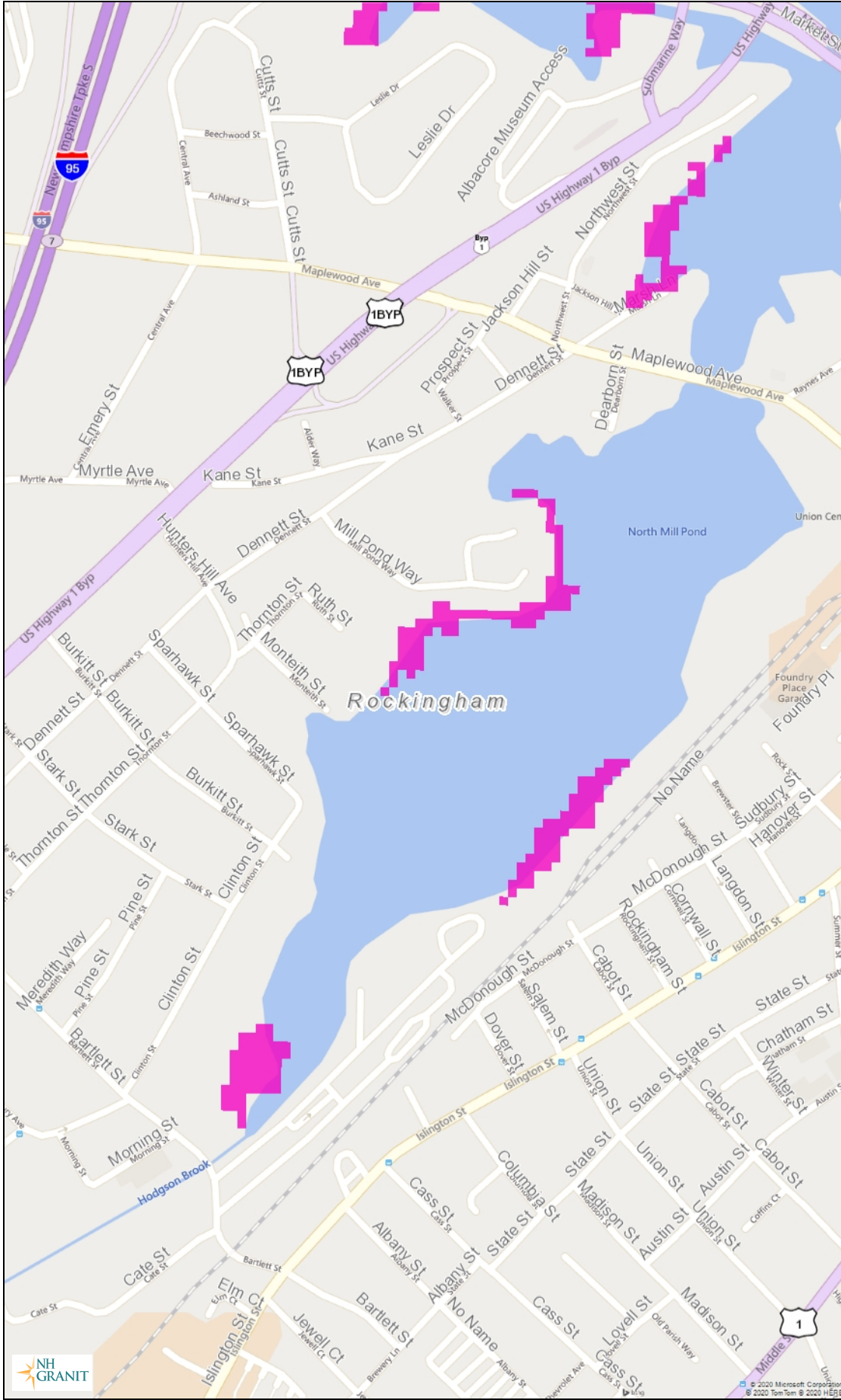
LANDSCAPE PLAN

105 Bartlett Street Portsmouth, New Hampshire

Drawn By: VM
 Checked By: RW
 Scale: 1" = 40' - 0"
 Date: May 20, 2020
 Revisions: October 28, 2020

L-1

105 Bartlett Street Project



Legend

- State
- County
- City/Town
- Highest Ranked Wildlife Hat**
 - 1 Highest Ranked Habitat in NH
 - 2 Highest Ranked Habitat in Region
 - 3 Supporting Landscape

Map Scale

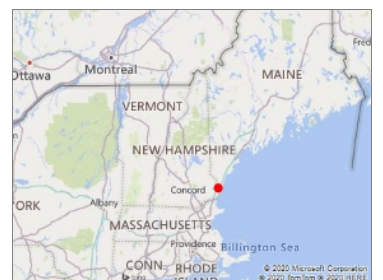
1: 6,494

© NH GRANIT, www.granit.unh.edu

Map Generated: 12/6/2020



Notes



Izak Gilbo

From: Abigail Gindele <agindele@gmail.com>
Sent: Monday, December 7, 2020 6:53 AM
To: Planning Info
Subject: RE: 105 Bartlett St

Please deliver this letter to any and all committees and boards reviewing the 105 Bartlett St proposal now and in the future. The most immediate would be the Conservation Commission.

To decision makers on the 105 Bartlett St proposal,

A small group of influential, experienced, and very economically flush men got together to buy and "develop" a strip of land on the bank of the North Mill Pond. They would've known their plans for this land would require lots of bending-the-rules, special favors, or looking-the-other-way to get approved but they are influential in city politics so they counted on friends in high places, cashed in chits, and/or passes from those who don't see the long term damage of destroying a natural landmark and who prioritize development above all else.

Other community members have since brought up a **staggering** number of reasons why this project should not be allowed to happen -- for engineering, cultural, zoning, environmental, and ecological reasons. And I will leave that list to other letters.

My main point is actually two questions to the people in charge of looking out for our city, those sitting on the boards and committees of Portsmouth:

Why should the act of buying this land give these LLCs the automatic right to break the rules and protections they were fully aware of or should've been? And why has this been allowed to go as far as it has by the decision-makers of our city?

I hope your answers are that it shouldn't and it stops now. That was their gamble in a system they assumed was geared for them to reap their profits. Please prove them wrong and stand up for the long term beauty and well being of Portsmouth. This is a defining moment for the City: distinct and valuable coastal charm vs. nondescript soullessness.

As an alternative, perhaps these LLCs could realize their mistake and, instead, choose to gift this North Mill Pond land to the City to remain a natural ecosystem and treasure... as a thank-you for all the monetary gain they've reaped from their business dealings in Portsmouth. Or, at the very least, sell it to the City for what they paid for it. The City could then maintain the required 100ft (or make wider) buffer zones, install an eco-friendly greenway out of the buffer zone, and keep this amazing tidal feature for the future Portsmouth.

With hope,
Abigail Gindele

Izak Gilbo

From: Terry Coyle <terryhcoyle@gmail.com>
Sent: Sunday, December 6, 2020 6:17 PM
To: Planning Info
Subject: North Mill Pond/ 105 Bartlett

Dear Conservation Commission, I encourage you to "DENY" the Conditional Use Permit for 105 Bartlett. All structures should be moved out of the 100' Wetland Buffer and all pavements should be required to be porous. Also, I believe all lighting should be reduced to a minimum and no lighting be allowed along the proposed greenway (it should be closed after dark).

North Mill Pond is a scenic and wildlife treasure and should not be compromised by infringing on the wetland buffers. Again, please deny the conditional use permit.
Please share this email with all Commission Members.

Regards,

Terrence Coyle
241 Islington St.

--

Terry Coyle
207-450-6205
terryhcoyle@gmail.com

Izak Gilbo

From: Melissa Lore <melissafolklore@gmail.com>
Sent: Sunday, December 6, 2020 5:40 PM
To: Planning Info
Subject: 105 Bartlett development

Dear Conservation Commission,

I am writing with serious concerns regarding the proposed next phase of development for 105 Bartlett. I live at 4 McDonough st and North Mill Pond is a treasure, a big part of the reason we bought in this neighborhood, and it needs to be protected. I'm very concerned that the project as proposed poses serious threats to our wetlands and to our ability to enjoy them equitably as a neighborhood.

I strongly urge you to DENY THE CONDITIONAL USE PERMIT for 105 Bartlett St. Please insure that no development happens within the 100' wetland buffer. Also, require porous pavement throughout the complex. To further protect our wildlife as well as the character of our neighborhood, I ask that you do NOT allow additional lighting along the North Mill Pond Greenway or adjoining areas, and only limited lighting along the private road and around buildings.

Your attention to this matter is deeply appreciated.

Sincerely,
Melissa Lore
4 McDonough St
718-213-1777

Sent from my iPhone

Izak Gilbo

From: Comcast <bb2xy@comcast.net>
Sent: Sunday, December 6, 2020 5:26 PM
To: Planning Info
Subject: Clipper Traders North Mill pond project

To Conservation Commission,

I support the recommendation that the North Mill Pond 100 ft. buffer setback be enforced and held to the same standards as everyone else living along the pond. The North Mill pond is a priceless, if not important marine estuary that supports valuable habitat. We can not afford to lose this valuable habitat. Please! no building in that buffer zone of the north Mill pond. We've lost too much as it is. Thank you,

Brenda Brewster, Resident
251 Sagamore Av
Portsmouth, NH

Izak Gilbo

From: John Howard <JEHOWARD7@comcast.net>
Sent: Sunday, December 6, 2020 4:28 PM
To: Planning Info
Subject: 105 Bartlett development

Board Members,

My name is John Howard. My wife, Nancy, and I live at 179 Burkitt Street directly across the North Mill Pond from the proposed '105 Bartlett' development site. The intense development of this area is inappropriate for numerous reasons.

1. The attempt to squeeze the massive structures between an active railway and a very environmentally sensitive body of water. All setbacks must be enforced especially the 100 foot Wetland Buffer. This buffer was created in LAW for just such a situation as this.
2. A colossus project like this can not help but be a major source of pollutants especially run-off and light pollution. Noise will also be a concern.
3. Architecturally the colossus has no qualities which will match or rhyme with the neighborhoods which will surround it.

If you climb to the top floor of the Foundry Place garage and view the development site it is obvious that it is extremely narrow and will disappear under the too high structures and surrounding pavement.

Please deny the Conditional Use permit for '105 Bartlett Street'.

Respectfully,

John & Nancy Howard

Please share our e-mail with the Conservation Commission and future Planning Board meetings

Izak Gilbo

From: Glenn Meadows <glmeadows@msn.com>
Sent: Sunday, December 6, 2020 2:22 PM
To: Planning Info
Subject: Re: 105 Bartlett

Please deny the conditional use permit as proposed. Please have all Structures be moved out of the 100 ft wetland buffer. All pavements included in the plan should be porous. Any lighting included should be the minimal amount required.

Thank you,
Linda Meadows

245 Thornton Street
Portsmouth, NH

Izak Gilbo

From: Ken Goldman <krgoldman@comcast.net>
Sent: Sunday, December 6, 2020 1:35 PM
To: Planning Info
Cc: Ken Goldman
Subject: 105 Bartlett Residential Development Proposal

To The Members of the Conservation Committee,

As someone who lives in a relatively new home in the West End, I am not opposed to development, but I would prefer to see smart development that is consistent with the surrounding neighborhoods and protects our fragile and precious environment. Please **deny** the proposed Conditional Use Permit, especially for the specific reasons stated below.

In reading about the subject development, there are several aspects I find troubling, especially the ones that endanger the adjacent wetlands. I respectfully request that the development within the 100 foot Wetland Barrier be **denied**. Our wetlands are a precious resource for all residents of Portsmouth, as well as a home to an abundance of wildlife. Once damaged, these wetlands can never be repaired. In the same vein, I request that the developer be required to use porous pavements to allow for proper drainage and avoid runoff into the wetlands.

In order to respect current residents living around North Mill Pond, and minimize any impact on them and their property, please require that the developer keep all outdoor lighting, and lighting along the proposed Greenway, to a minimum.

Finally, I request that that the waiver to allow for six story buildings, as opposed to the currently allowed five story buildings, also be **denied**. Buildings of this height are not consistent with the current neighborhoods around and close to North Mill Pond.

Thank you, and please share this email at future Planning Board meetings.

Kenneth R. Goldman
271 Islington Street
Portsmouth

Ken Goldman
krgoldman@comcast.net
www.kenphoto geek.com

Izak Gilbo

From: Robin Husslage <rhuslage@hotmail.com>
Sent: Sunday, December 6, 2020 12:48 PM
To: Planning Info
Subject: 105 Bartlett Street Development

Dear Members of the Conservation Commission,

I am concerned with certain aspects of the planned development project known as 105 Bartlett, as follows:

- **Wetland Buffer:** Please deny the developer's request for a Conditional Use Permit to build 20,000 sq ft structures that are over 65' high within the 100' wetland buffer. Why should the Commission allow such an egregious encroachment within the 100' setback required for wetlands, especially given the delicate condition of North Mill Pond? Please do not approve this and require instead that the proposed structures be moved outside of the 100' wetland buffer.
- **Pavement:** Given the delicate condition of the soils, wetland, and body of water, please require that all paved surfaces be permeable to reduce runoff into this delicate ecosystem.
- **Lighting:** Please reduce lighting required on the sight to the minimum required with no lighting along the greenway. Public spaces are closed after dark and this should be no exception. The Foundry Garage's lighting is already an eyesore and continual annoyance to neighbors who live across the pond...please don't make it worse!

Thank you for listening to my concerns and please share these concerns with the Portsmouth Planning Board for future meetings regarding the proposed 105 Bartlett Street Development project.

With regards,

Robin Husslage
27 Rock Street
Portsmouth

Izak Gilbo

From: Elizabeth Claire Prout <claire.prout@comcast.net>
Sent: Sunday, December 6, 2020 12:11 PM
To: Planning Info
Subject: 105 Bartlett

I am writing to you to ask that the requested conditional use Permit to allow the development at 105 Bartlett to build over 65' high, 20,000 sf of structures within the 100' wetland buffer be DENIED as proposed. The Mill Pond needs to be protected. My daughters who are now 30 and 35 years old were children doing planting when students at New Franklin. Please recognize the value of this natural resource. I ask that all pavements be porous. The lighting should be reduced to the absolute minimum.

On another note but on the same subject, I'm wondering how the traffic is going to flow onto Bartlett St. We have the new building off Cate St and the new West End Yards which are also going to come towards Bartlett St as well. It is going to be a nightmare trying to get to or from Islington with this increased amount of traffic. Has this been considered.

Please share this email for future planning board meetings and whomever is in charge of traffic and safety.

Elizabeth Claire Prout
108 Sparhawk St.
Portsmouth, NH

Izak Gilbo

From: Catherine Harris <prized@comcast.net>
Sent: Sunday, December 6, 2020 10:33 AM
To: Planning Info
Subject: Conservation Commission meeting on 12/9/2020

Dear Commission members,

This is one more submission for your upcoming meeting on 12/9/2020

After reading the 12/3/2020 staff report addressed to you from Peter Britz, I feel I need to address a few items in that memo.

The word “derelict” comes up 3 times in that memo. While I cannot speak to the former railroad property, I must comment on that land portion belonging to the owner of Ricci Lumber. It has long gone without maintenance by HIS choice. In addition to the large amounts of trash that have piled up over the years, there is the detritus from the business itself. The owner has had ample opportunities to improve the condition of his property, but has instead allowed it to deteriorate over time - willful neglect. So I find it a bit disingenuous to now suddenly tie this proposed development to site enhancement. How do massive buildings in an environmentally sensitive area qualify in that regard?

Again in this memo, there is mention of reduction of impacts in the 100’ wetland buffer. Per the city’s own regulations, there should be NO negative impacts in this zone. What is the deciding factor between compliance to those regulations that ALL residents who live along the North Mill Pond are bound and proposed commercial development along that same pond - money?

Again, I urge you to vote in favor of conservation as your commission was set up to do. Listen to your fellow Portsmouth residents who have devoted so much time and energy into improving the quality of this tidal marine estuary habitat. Listen to their pleas for responsible development over the last three years and act on it.

Thank you again.
Sincerely,
Catherine Harris
166 Clinton Street

Izak Gilbo

From: Beth Jefferson <bethpjefferson@gmail.com>
Sent: Sunday, December 6, 2020 7:57 AM
To: Planning Info
Cc: ICE Dawn Przychodzien; Beth Jefferson
Subject: 105 Bartlett project

To all who are involved with decision making around the proposed 105 Bartlett St. development project:

I have been a resident of the Seacoast for over 40 years, 18 of which have been in Portsmouth and 12 years on the North Mill Pond, living on Sparhawk street.

Many of us know the history of the North Mill Pond; how it was mistreated in the 1800's and early 1900's ,and also of all of the valiant restoration efforts that have been ongoing in the last few decades. As a member of the North Mill Pond Advocates, I have learned so much about the efforts of citizens in the area to help preserve the North Mill Pond, not only for us and for future generations but for the wonderful wildlife that exists because the pond has been renewed. Homeowners around the pond are proud of the respect we give to the pond and to the land around it. We promote conservation and total respect for the wetlands. We make sure not to use pesticides that would harm the pond in the drain off. We do not throw anything into the wetlands that didn't originate there, like cut grass or leaves. We keep our eye on each other to make sure that we comply with the rules that have been set for the conservation of this area. In short we try to be good stewards of our city and of the land around us.

I once looked at a beautiful view of the North Church across the pond from my house. Now I look at a very large concrete parking garage with obnoxious lights that reflect all the way across the pond. While I understand that development is important for the city of Portsmouth I firmly believe that decisions have been made that don't consider the aesthetics and the environment of those of us in surrounding neighborhoods.

The proposal to build so many units at 105 Bartlett, with such height and mass, and within in the 100 foot wetland buffer demonstrates a lack of respect for all of us who have been working so hard to preserve the important environmental places in our city. It is hard to understand how large building companies can change the rules for their own profits while those of us who are taxpayers and citizens in the city must comply with a different set of rules. This is getting increasingly frustrating.

I ask that whatever the building decision is for 105 Bartlett development, it complies with the 100 foot buffer zone and height restriction and is not given any exception to the rules. All pavement should be constructed so that it is porous and doesn't create unnecessary and dangerous runoff into the pond. And should there be a walkway or park on the pond we ask that it not be lighted, creating even more light pollution for those of us who live around the pond.

I sincerely request that this consideration be given and that you deny any other less desirable and less compliant options by the builders who are involved with this project.

Sincerely,

Beth Jefferson
111 Sparhawk Street

Izak Gilbo

From: Mary Louise Brozena <zena03802@gmail.com>
Sent: Saturday, December 5, 2020 8:31 PM
To: Planning Info
Subject: 105 Bartlett Street Development

5 December 2020

To the Conservation Commission:

I have lived in the North Mill Pond area since 1991—Woodbury Avenue and Pine Street. I had also been active over several years since the 90's in the work of the Advocates for the North Mill Pond to protect this wonderful resource.

I have concerns about the proposed 105 Bartlett Street development that is planned within the 100 foot wetland buffer of the Pond. Please, PLEASE honor the wisdom of all who put this protective buffer in place and do not set a precedent that we will certainly regret.

Please, do not allow development within the 100-foot wetland buffer. Please protect this special habitat so we can continue to have such a wonderful spot to attract wildlife year 'round to our Pond.

Thank you for your thoughtful consideration of all whose goal is to protect this natural resource.

Sincerely,

Mary Louise Brozena
64 Pine Street
603/498-1167

Izak Gilbo

From: Laura LaJeunesse <lauralaj@icloud.com>
Sent: Saturday, December 5, 2020 3:48 PM
To: Planning Info
Subject: 105 Bartlett

>
> I am very concerned regarding the proposed development at the subject location. Please do not allow the conditional use permit to be approved in it's current form. No structure should ever encroach on the 100' wetland buffer. No lighting should be permitted on the Greenway. The project must be denied in it's current form. It is way too damaging to the North Mill Pond ecosystem and the surrounding neighborhoods. This will damage our city and must be denied.
>
> Please share my opinion with the planning board at a future meeting.
>
> Laura LaJeunesse
> 161 Thornton St.
> Portsmouth, NH 03801
> Lauralaj@icloud.com
> 435-901-3964

Izak Gilbo

From: Jim LaJeunesse <jimlaj@gmail.com>
Sent: Saturday, December 5, 2020 3:46 PM
To: Planning Info
Subject: 105 Bartlett

I am very concerned regarding the proposed development at the subject location. Please do not allow the conditional use permit to be approved in it's current form. No structure should ever encroach on the 100' wetland buffer. No lighting should be permitted on the Greenway. This project must be denied in it's current form. It is way too damaging to the North Mill pond ecosystem and surrounding neighborhoods. This will cause damage to our city and must be denied!

Please share my opinion and perspective with the planning board at a future meeting.

Jim LaJeunesse
161 Thornton St.
Portsmouth, NH 03801
jimlaj@gmail.com
Mobile: 703-258-5868

Izak Gilbo

From: Barbara Sadick <barbsadick@comcast.net>
Sent: Saturday, December 5, 2020 1:35 PM
To: Planning Info
Subject: 105 Bartlett

Dear Members of the Conservation Commission,

I am writing to you to voice my opposition to allowing development within the 100' wetland buffer of North Mill Pond. The pond is an important asset to our whole community. We depend on it for wildlife and for the environmental health of our city.

I believe that thoughtful, environmentally sensitive development near North Mill Pond will be a tremendous asset to the West End and all of Portsmouth. However, if the current proposal is accepted, it will be almost impossible to recover from the damage done.

Please require that the developers build all buildings OUTSIDE of the critical 100' buffer zone. All pavement should be required to be porous and outside lighting should be limited.

Now is the time to make sure that North Mill Pond development is done in an environmentally appropriate manner so that it remains a special place for both wildlife and people.

Thank you for your consideration. Please share this email for future Planning Board meetings.

Best regards,
Barbara Sadick
271 Islington St.
Portsmouth

Barbara Sadick

Izak Gilbo

From: Jodi Gould <jodi.gould.akbd@gmail.com>
Sent: Saturday, December 5, 2020 10:42 AM
To: Planning Info
Subject: Re: 105 Bartlett

To Whom It May Concern,

As a resident of the North Mill Pond area, it has come to our attention that a proposed 20,000 sf structure is intended to be built within the 100' wetland protection buffer. I'm not exactly sure why a project of this size and impact would be approved to do so, especially within such a vibrant wildlife habitat. As residents, we enjoy walking around the pond, enjoying the wildlife we have the privilege to see. It does not seem it is in the city's, residents' nor wildlife's best interest to interrupt this ecosystem. It is my firm opinion we need to protect this fragile and much appreciated feature of our city.

I would also like to note that most, if not all, parks in the city are closed after dark, which should not be an exception for the proposed Greenway. Excessive lighting would add to light pollution and likely be a nuisance to current residents of the North Mill Pond.

In addition, I would prefer to see a porous pavement used in this development as a non-porous surface will add to run-off, etc, likely impacting the pond.

I really hope that our great city uses common sense when considering the proposals of this project. The least amount of impact is of the greatest importance.

Thank you,

Jodi & James Gould
248 Thornton St.

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Jodi Gould, AKBD 860.428.3103

10.1017.40 Conditional Use Approval

- 10.1017.41 The Planning Board shall grant a conditional use permit provided that it finds that all other restrictions of this Ordinance are met and that proposed **development** meets all the criteria set forth in section 10.1017.50 or 10.1017.60, as applicable.
- 10.1017.42 The Planning Board shall evaluate an application for a conditional use permit in accordance with *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEPP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.
- 10.1017.43 The burden of proof that the criteria required for approval of the conditional use permit exist or are met shall be the responsibility of the applicant.

rough December 16, 2019

10-7

Article 10 Environmental Protection Standards

- 10.1017.44 Economic considerations alone are not sufficient reason for granting a conditional use permit.
- 10.1017.45 Where new **impervious surface** is proposed in a **wetland** or **wetland buffer**, the submission of a plan to compensate for such new **impervious surface** does not guarantee that a conditional use permit will be granted.

10.1017.50 Criteria for Approval

Any proposed **development**, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

- (1) The land is reasonably suited to the **use**, activity or **alteration**.
- (2) There is no alternative location outside the **wetland buffer** that is feasible and reasonable for the proposed **use**, activity or **alteration**.
- (3) There will be no adverse impact on the **wetland** functional values of the site or surrounding properties;
- (4) **Alteration** of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals; and
- (5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section.
- (6) Any area within the **vegetated buffer strip** will be returned to a natural state to the extent feasible.

10.1017.24 Where feasible, the application shall include removal of **impervious surfaces** at least equal in area to the area of **impervious surface** impact. The intent of this provision is that the project will not result in a net loss of pervious surface within a jurisdictional wetland buffer. If it is not feasible to remove **impervious surfaces** from the wetland buffer at least equal in area to the area of new **impervious surface** impact, the application shall include a **wetland buffer** enhancement plan that describes how the wetland functions and values will be enhanced to offset the proposed impact.

10.1017.25 A **wetland buffer** enhancement plan shall be designed to enhance the functions of the jurisdictional **wetland** and/or **wetland buffer** on the lot, and to offset the impact of the proposed project.

- (1) The **wetland buffer** enhancement plan shall include a combination of new plantings, invasive species removal, habitat creation areas, improved site hydrology, or protective easements provided offsite.
- (2) Where the vegetated buffer strip contains grass or non-native plantings, or is otherwise not intact, the first priority of the **wetland buffer** enhancement plan shall be to include revegetation of the vegetated buffer strip with native, low-maintenance shrubs and other woody vegetation.

Izak Gilbo

From: Catherine Harris <prized@comcast.net>
Sent: Saturday, December 5, 2020 10:01 AM
To: Planning Info
Subject: Conservation Commission meeting on 12/9/2020

To the members of the Conservation Commission,
I am writing to you about the proposed 105 Bartlett Street development project.

I would first like to thank your commission for recommending (twice!) that the 100' wetland setback buffer be enforced as it pertains to any proposed building in that zone. You have heard many voices raised up in favor of your decision because this marine estuary and the variety of flora and fauna it supports is just too valuable a habitat to lose.

Because your commission has heard from me before, I won't belabor the point further. I would simply like to urge you to continue recommending that the 100' buffer be enforced; that no building be allowed within that setback. Please deny these developers the CUP they're requesting and hold them to a more sustainable standard.

The North Mill Pond deserves so much better than the building plans that have been presented to date. I ask that a new set of plans be submitted by the developers of this property; plans that meet with your 100' setback requirements. Thank you.

Sincerely,
Catherine Harris
166 Clinton Street.

Izak Gilbo

From: Juliet T.H. Walker
Sent: Monday, December 7, 2020 8:41 AM
To: Izak Gilbo
Cc: Peter L. Britz
Subject: FW: 105 Bartlett

-----Original Message-----

From: wrightski0122@aol.com [mailto:wrightski0122@aol.com]
Sent: Monday, December 7, 2020 8:40 AM
To: Juliet T.H. Walker <jthwalker@cityofportsmouth.com>
Subject: 105 Bartlett

Ms. Walker:

I've written and addressed this issue before, therefore, I'll be very brief and to the point:

I adamantly oppose the development at this site!! 170 apartments!?!? Why not 500!!! 700!?!? C'mon!!! When is Portsmouth going to stop conceding to developments of this genre!?!? Enough is enough!! It's time for Dover, Rochester..etc. to fall victim to this foolishness!!
I digress, I'm sorry!! I am angry!

PLEASE DENY ANY REQUESTS THAT FACILITATES THIS PROJECT....PLEASE!!!! Leave our pond alone.
Thank you Ms. Walker, you work hard and I, for one, appreciate it.
Stay healthy.

R.W.Wright
Sudbury Street
(32 years)
R. W. WrightSent from my iPhone

December 7, 2020

Re: 105 Bartlett

Dear Conservation Commission,

As a 20+ year resident of Cabot Street, I am writing to appeal to your committee to deny the Conditional Use Permit for the 105 Bartlett Project. As it has been discussed numerous times with various committees and the developers themselves, there is to be a 100' wetland buffer and no buildings are to be built within that zone as stated in Portsmouth's own Zoning Articles.

In addition, please require that all pavement surfaces be porous to further protect the runoff into this tidal pond. We need to be responsible for protecting our natural resources.

Thank you in advance for your time and consideration.

Best regards,

Jennifer Meister, resident since 2000
287 Cabot Street
Jenjmeister@gmail.com

Izak Gilbo

From: Jonathan Wyckoff <jon9wyckoff@gmail.com>
Sent: Monday, December 7, 2020 12:18 PM
To: Planning Info
Subject: Conservation Committee

Please reject this ill conceived project and give the Planning aboard a negative recommendation. Have the developers respect the 100 buffer and the highest designation of wildlife nesting area as mapped out by the fish and game department. The developers have heard all of this for years ,make miniscule changes,while basically leaving everything intact. There response is to hire more lawyers and consultants hoping everyone will just forget. This is a hugh tract of land in the city core with many species of birds and animals calling it home. Permeable surfaces should be left alone

When this is gone.....it's gone forever, thank you. Jon Wyckoff

135 Sparhawk St

Sent from my iPad

Izak Gilbo

From: Allison Willson Dudas <willsoal@gmail.com>
Sent: Monday, December 7, 2020 1:12 PM
To: Planning Info
Subject: RE: 105 Bartlett

Hello Conservation Committee,

My name is Allison Dudas and I live on North Mill Pond. We love looking out our window and seeing the herons come for a visit! Or the hawks and foxes -- and even the groundhogs, although they're not great for our garden.

Living near the pond is a privilege that we take seriously. I implore you to protect our pond by denying the conditional use permit being requested by the developers at 105 Bartlett. They want to build something TOO big. With TOO MANY units. They knew the rules of the land upon purchase. Why should they be able to build such an imposing structure within the 100 foot wetlands buffer? Why should they be allowed to put down pavement that isn't porous?

I am not opposed to development. I am opposed to unreasonable development. If we don't protect this pond, we are in danger of losing one of the things that makes Portsmouth, Portsmouth.

Please, protect our pond. Ask developers to follow the rules in place. There's no reason to grant them an exemption -- they will still be able to build and turn a profit if they observe the wetland buffer.

Thank you for your time,
Allison

--

Allison Willson Dudas
32 Monteith Street
Portsmouth, NH 03801
willsoal@gmail.com
(617) 869-7559
t. @blonde_yogini

Izak Gilbo

From: William Gindele <wgindele2018@gmail.com>
Sent: Monday, December 7, 2020 1:36 PM
To: Planning Info
Subject: RE: 105 Bartlett St

I am writing to implore you to deny the 105 Bartlett Street CUP.

The North Mill Pond is one of the very last remaining natural gems of the downtown area, where wildlife has sanctuary and native plant species can be protected. I'm sure the Commission needs no reminding of what an important entity the Pond and its surrounding areas are for environmental conservation and protection of Portsmouth.

The 100 foot wetland buffer regulation exists for a reason, and for it to be flouted by developers for their own personal profit, while all of us suffer from the environmental degradation this project will cause, is actually quite shocking to me. Not only has buffer protection been strictly enforced around the North Mill Pond for many decades, but it is also a statewide rule, and needs to be followed. I do not understand why it is even up for debate.

I could go on and on about the value of conservation around the Pond -- a multitude of reasons which you have heard from other people and petitions -- so I won't restate them here. But please do not allow this lovely area of Portsmouth to be destroyed. We can never get it back once it is gone.

Respectfully,
Julia Gindele
229 Clinton St, Portsmouth

Please deliver this letter to any and all committees and boards reviewing the 105 Bartlett St proposal now and in the future. The most immediate would be the Conservation Commission.

Izak Gilbo

From: linda@campaignfree.org
Sent: Monday, December 7, 2020 2:31 PM
To: Planning Info
Subject: 105 Bartlett Street Permit

Good morning,

I have some comments and amendments I would like to suggest for the proposed Conditional Use Permit for 105 Bartlett Street.

1. As a Portsmouth taxpayer, I am dismayed that the city is accepting a donation of land from the development group at 105 Bartlett for a "greenway". First, this means a redistribution of the lost revenue to current taxpayers. I understand that the property will increase in value and therefore increase in property taxes, but that would happen with or without the donation. And the increased need of services for 170 new units will require that additional revenue cover the increased use of city services, which may still leave a deficit. Second, adding insult to injury, we will have to pay for development and maintenance for the "greenway". This essentially amounts to using city revenue to landscape and maintain that landscape for a private development. I understand that anyone will have access to the "greenway", but in fact the people benefitting most from this arrangement is the development company.
2. There are beautiful full grown trees along the shore of the North Mill Pond. They provide shelter and protection for the birds and wildlife that visit the pond. It is an eco-system and needs to be protected. I have seen the "greenway" along Market street and the Piscataqua. First they removed all the shrubs and trees and replaced them with saplings of 3' to 4' and grass that will need constant watering and mowing. It will take 20 to 30 years to get back to the full growth that existed before. In the meantime, the eco-system will have been destroyed and will not come back after all that time. We can call it whatever we like, but it is anything but green. SOLUTION for the Mill Pond: Leave as many of the existing trees and natural shrubs as possible. They will continue to provide cover for the wildlife and also act as a buffer for the North Mill Pond from the development. Do not plant a lawn that will need constant care and maintenance.
3. Keep the 100' buffer requirement for wetlands. These guidelines were decided based on impact studies and water quality studies. Why ignore them? If it means that a few less units can be built, it may mean a better balance for the community. After all, at one time, they believed that 120 units would make a profit, so clearly there is room for adjustment.
4. We now have experience with increased lighting. The Great Rhythm Brewery/Bar has installed night lighting and this lighting, probably less than would be proposed for the "Greenway" lighting, has completely disturbed the nighttime peace that has kept the North Mill Pond a special area and has created a lack of privacy for the residences on the other side of the pond. Because all lights are reflected in the water, any lighting has double the effect. People do not move to Portsmouth because they miss the bright lights and noise of bigger cities. We are destroying the very things that made Portsmouth a desirable location to visit or live. SOLUTION: No lights on the greenway; revisit point 1 about leaving trees; make sure security lights are downward facing and limited to the lowest number necessary; street lights should be no more than we have on residential roads in other parts of the city and fewer might be considered because of the reflection factor.
5. Finally, I am concerned that the fill required will end up filling in around the edges of the pond. This has happened in the past. If one were to look at photos of the pond before the buildings on Maplewood and before the salt piles were located on the shores of the pond, you can plainly see how the pond has gotten smaller and smaller. Once done, removing the fill is almost impossible and would be very expensive. SOLUTION: Include very specific requirements about keeping the fill out of the pond in the permit, with substantial enforcement penalties for violations.

I understand that progress is inevitable and often a good thing. However, too often people rush into development without thought of balance and consequences. I hope you find that my comments and suggestions are helpful to your deliberations and recommendations. Thank you for reviewing these concerns and feel free to share this at future planning board meetings.

Respectfully submitted,
Linda Griebisch
Finn Connell

Izak Gilbo

From: Joe & Denyse Richter <richter5@comcast.net>
Sent: Monday, December 7, 2020 4:35 PM
To: Planning Info
Subject: 105 Bartlett st Project

Dear Planning Board,

As neighbors to this project, we ask that the conditional use permit of 105 Bartlett St. development be denied and structures kept out of 100' Wetland Buffer per Zoning Article 10. What is the demonstrated hardship to allow?

We additionally ask for porous pavement to be used and no lighting added to the North Hill Pond Greenway path. Each is to protect wildlife and the integrity of the pond.

Please include our email into your minutes as correspondence.

Thank you,
Joseph Richter
Denyse Richter
29 Rockingham St.
Portsmouth, NH 03801

Dear Chair McMillan and members of the Conservation Commission:

I understand the Conservation Commission has been asked to recommend to the Planning Board that they grant a Conditional Use Permit (CUP) to 105 Bartlett Street to allow development inside the 100 foot wetlands buffer along North Mill Pond.

This project easily fails each of the six criteria needed to grant a CUP as outlined in Article 10, Section 10.1017.50 as described below:

- 1) *The land is reasonably suited to the use, activity or alteration.* The land inside the 100 ft buffer is suited for wildlife habitat and the protection of the flora and fauna that call North Mill Pond home. It is not suited to be destroyed by development.
- 2) *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* There is plenty of room outside the 100 foot wetland buffer to construct this project, acres in fact. There is absolutely no reason this entire project cannot be constructed upland of the 100 ft wetlands buffer.
- 3) *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* There will be a massive adverse impact to wetland functional values ranging from habitat destruction to huge increases in stormwater runoff.
- 4) *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* This project's construction goals can easily be achieved by building the entire project upland of the 100 ft wetlands buffer. No need to alter the natural vegetative state at all.
- 5) *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposal with the least adverse wetlands impacts has not been presented. This project does not need a CUP because it can be constructed entirely outside the 100 ft wetlands buffer.
- 6) *Any area within the vegetation buffer strip will be returned to a natural state to the extent feasible.* Since there is no reason this project needs to be constructed inside 100 ft buffer, the existing vegetative does not need to be disturbed, and therefore no restoration required.

I would also like to remind the Commission, that Portsmouth has a Wetlands Protection Ordinance in the first place in order to protect, and where possible improve: the quality of surface waters and ground water; wildlife habitats and maintain ecological balance; unique or unusual natural areas and rare and endangered plant and animal species; and shellfish and fisheries. And finally, to require the use of best management practices and low impact development in and adjacent to wetland areas.

Please consider very carefully the impact of this decision on the North Mill Pond, it's wildlife and plant species, and the human residents who call this area home. Destroying this very special area of Portsmouth is a FINAL decision.

Thank you for your time and very careful consideration.

Liza Hewitt
169 McDonough St

From: [Scott](#)
To: [Planning Info](#)
Subject: Letter regarding 105 Bartlett Development Proposal
Date: Monday, December 7, 2020 9:04:24 PM

Dear Conservation Commission,

I am writing to express my opposition to the conditional use permit for the proposed development at 105 Bartlett. I urge you to consider allowing only structures to be built outside of the 100' wetland buffer zone. As a resident of the North Mill Pond neighborhood, I am deeply concerned about the impact that this development will have on our neighborhood. Buildings that are 65' in height and 20,000 sq. ft. within a 100' wetland buffer will forever impact the ecology and aesthetics of the North Mill Pond. One does not need to be an Environmental Science major or have studied horticulture (although I have done both) to realize the impact that this will have. Having walked the current trail surrounding the North Mill Pond, I am disheartened by the realization that this wild, natural, and open space will be forever changed. And for what? Who benefits? I think we all know the answer to that. Sure, a "greenway" or some form of trail that provides safe access around the pond and enjoyment of this natural resource would be a wonderful benefit to the community and should absolutely be incorporated into any proposed plan. But wild and open and truly natural areas are few and far between, and my fear (which I know I share with others in the community) is that we are sacrificing a lot in exchange for what could very well end up being an uninspiring, well-lit, paved trail that punctuates a bunch of lawn and poorly planned non-native and immature tree species. And with wonderful views of... haphazard development in the City of Portsmouth. Do we call this progress? We must take into consideration how the overall ecology of the pond is impacted, and a comprehensive plan is one that accounts for this inevitable impact. Not only should native plants be used and outdoor lighting be limited, but a real, qualified and dedicated landscape designer or architect should be hired to be a part of this process, preferably one who has a connection to the community and someone with skin in the game. Please do not misinterpret this letter, as I am all for well thought out, and appropriate, respectful development. This project could potentially be a win-win for all, with the right planning, respectful and ecologically-sound treatment of our (rare and dwindling!) open space, and community involvement. If we let it slip into the hands of others, we may not be so lucky.

Respectfully,
Scott McDermott
120 Thornton Street
Portsmouth NH

From: [Sally Minkow](#)
To: [Planning Info](#)
Subject: 105 Bartlett
Date: Monday, December 7, 2020 7:13:29 PM

To: Planning Commission
To: Conservation Commission

Re: 105 Bartlett

I am a homeowner in the West End of Portsmouth. I am writing to express my dismay and concern at the over-building of this area of the city.

I am particularly concerned with the North Pond area and the precious wetlands that surround the pond. I would like to request that the Planning and the Conservation Commissions consider the following:

- **Denial** of the Conditional Use Permit for 105 Bartlett to build within 100' feet the wetland buffer zone. No structure should be allowed within the 100' buffer zone.
- All pavement be of porous material
- Greenway lighting reduced to a minimum with closure of the Greenway at dark (as with other parks and common areas in the city). The light from the Foundry Garage already overwhelms this end of town with an endless glow

I have lived in NH for over 40 years - always in cities. I have been a resident of Portsmouth for only 3 years, and I have been shocked and deeply concerned by the lack of greenspace and the disregard for protecting the little space that is left. This is very different from the other cities in NH that I have called home.

Please consider protecting and, if ever possible, expanding our parks, recreation, and greenspace areas. Outdoor spaces offer an opportunity to create a sense of community and beauty that can not be replaced by buildings!

Thank you very much for considering my comments.

Best regards,

Sally Minkow
18 McDonough Street

Portsmouth NH

Dec 7, 2020

Carol Clark
28 Rockingham St
Ports NH 03801

To Ports Planning Board – Conservation Commission

I am writing to you re: the **105 Bartlett St Project**

I do not support the current proposal, allowing the developers to build any structures within the 100' wetland setback. In addition, I would request that all paved areas along the proposed Greenway, consist of porous materials which will address the excessive run off created from change in land contours (sloping towards the pond)

Please protect the North Mill Pond!

Please deny the conditional use permit as it is currently proposed

Thank you
Carol Clark

From: [Jackandbev](#)
To: [Planning Info](#)
Subject: 105 Bartlett
Date: Tuesday, December 8, 2020 10:26:16 AM

Dear Planning Board:

Please DENY the Conditional Use Permit for 105 Bartlett Street due Wetland Buffer issues.

Application can go forward if:

- 1) All structures be moved out of the 100' Wetland Buffer;
- 2) All pavements be porous throughout the complex; and
- 3) No additional lighting along the Greenway path or adjoining areas and limited lighting along the private road and around buildings.

The Conservation Commission must consider to protect the environment for the wildlife there.

Thank you for your attention in this matter.

John Kocak
21 Brewster Street, Unit 6

Sent from my iPhone

From: [Judy Howard](#)
To: [Planning Info](#)
Cc: [Judy Howard](#)
Subject: 105 Bartlett Street Conditional Use Permit
Date: Tuesday, December 8, 2020 5:48:31 PM

To whom it may concern:

My name is Judy Howard and I live within one block of the North Mill Pond.

I am opposed to the granting of the Conditional Use Permit to the 105 Bartlett Street project. It is imperative that the City of Portsmouth adheres to its own Zoning Article 10 which specifically states that NO permanent structure will be built within the 100' Wetland Buffer.

- 1) All structures should be moved outside of the 100' Wetland Buffer.
- 2) All pavement should be porous / permeable
- 3) Lighting should be reduced to an absolute minimum on the site, and
- 4) No lighting should be allowed on the proposed Greenway and any parks associated with the developed area.

On our side of the pond we are already assaulted by the lighting at the Foundry Place Garage. It interferes with the natural cycles of wildlife, as well as the humans who live here. Restoration of the pond will be a lot more expensive and time consuming than preserving all the work that's been done by the volunteer residents in the past two decades.

Please share this email with the Planning Board.

Thank you for doing the right thing.

Sincerely,

Judy Howard
80 Burkitt Street
Portsmouth
603-436-0688

From: [Steve Wood](#)
To: [Planning Info](#)
Subject: RE: 105 Barlett
Date: Tuesday, December 8, 2020 4:55:59 PM

Please deny the conditional use permit for 105 Bartlett to build on the wetland buffer. We shouldn't sacrifice the North Mill Pond's natural wildlife area for more condo construction. Zoning restrictions intended to protect the area don't mean much if exceptions are made for this project - and then future projects could also request the same exceptions. Please restrict additional lighting to the minimum required for the area. Please require all pavement to be porous. We live on the corner of MacDonaugh and Cabot Street, the neighborhood is already very developed and filled with streets and houses. The North Mill Pond is a small piece of nature that allows birds and other animals a place to survive. Adding 65' tall developments to this area and allowing development on the wetland buffer is a bad idea, this and future developments should respect the 100' wetland buffer that's in place.

Please add this email to the list for future Planning Board meetings.

Thank you,

Steve & Elizabeth Wood

From: [Kendra Ford](#)
To: [Planning Info](#)
Cc: jb.act@runbox.com
Subject: re 105 Barlett
Date: Tuesday, December 8, 2020 4:01:13 PM

Dear Members of the Conservation Commission -

We appreciate all your work as our town navigates a wave of development. We live in the Creek neighborhood and love that the west end is experiencing a revival. We also love our proximity to North Mill Pond, a beautiful body of water that supports many kind of birds. We are aware that as seas rise, North Mill pond and this neighborhood will be deeply impacted. Wetlands and these tidal areas are especially important as we all meet rising seas and changing climates.

In light of all that, the development at 105 Barlett as it is currently proposed doesn't make sense. Portsmouth Zoning Article 10 prohibits permanent structures within that 100 foot wetland buffer. The current proposal would violate that restriction, which is not good for the project and it's not good for the planet. The Zoning requirements should be enforced. It's also time for us all to be moving to porous pavements, especially in places so close to wetlands. This project should be required to have porous pavement.

The pond is a beautiful and important habitat and we could build near it in a way that treats it like a treasure. The development could highlight and celebrate this gem and protect it. Making the greenspaces large enough and not brightly lit at night time and tell people it's for the sake of the birds and wildlife. One of the attractions of a place like Portsmouth is its proximity to wild spaces. Let's care for them.

Please share our email with the Planning Board for future meetings. Thank you again for your work.

Sincerely,
Kendra Ford and John Benford
30 Pine St
Portsmouth, NH 03801

cc: John Benford

From: [Pat Hammer](#)
To: [Planning Info](#)
Subject: 105 Bartlett Street
Date: Tuesday, December 8, 2020 3:35:52 PM

Conservation commission

I am requesting that the conditional use permit to allow the development at 105 Bartlett st to build over 65 feet high, 20,000 sf structures within the 100 foot wetland buffer BE DENIED. All structures need to be out of the 100 foot buffer.

I also request that all pavements be porous for proper drainage.

Also please have the lighting reduced to the MINIMUM amount and NO lighting on the greenway or any park associated with it. (the cruise ship , foundry garage, is enough light for the whole pond!

Thank you, pat hammer

Sent from my iPad

From: [Sarah Cornell](#)
To: [Planning Info](#)
Subject: Comments on development on the banks of North Mill Pond - Conservation Commission meeting
Date: Wednesday, December 9, 2020 1:03:58 PM

Hello,

I have lived in Portsmouth since 2009, and have been a homeowner on Thornton Street since 2016. North Mill Pond is a precious resource for every single resident of Portsmouth, including the birds, fish, and mammals that live in and around the creek. This stretch of undeveloped shore should be preserved with the same priority as our historic buildings. The 100-foot buffer should be strictly enforced, with no compromises or trade-offs. Any paved surface should be permeable and responsible runoff management should be required. In fact, I think that the developer should be responsible for restoring the shoreline and leaving it better than they found it by installing and maintaining native wetland plants and reducing the amount of manicured grass lawn in the plans.

Portsmouth should not sell out the wildlife who share our home just for the sake of tax income, and developers should not be allowed to damage our resources for the sake of a profit.

Thank you for your consideration.

Sincerely,

Sarah Cornell
275 Thornton Street, Portsmouth

Conservation Committee
Re: 105 Bartlett St. Development Project
Letter for Public Comment
Dec 9th 2020 meeting

Dec 9th, 2020

Dear Committee members

I am writing in regard the proposal by Iron House for the development of the 3 buildings on the 4.71 acre lot reference Map 157 Lot 1. and approval of the Conservation Committee.

Due to the below reasons, I would ask that the committee either deny the developers request, or at least postpone any decisions until all information has been submitted for review by not only city & state officials but also the numerous abutters to this project.

The lack of transparency in regard to this project raises many questions to those of us who are abutters. Do not forget that the initial request of rezoning was to build housing that merged with the characters of the surrounding neighborhoods of McDonough & Clinton Streets with 120 units. Now, we are being told that 170 units in 3 massive buildings will be built. The environmental impact of this project on residents, wildlife, light pollution and quality of life for those of us who have called Portsmouth our home would be massive.

- Concomm raised many issues with the January 2, 2020 proposal in regards to building within the 100' buffer. None of the latest plans reflect those requests.
- At the site walk, we were told that the "greenway path" was to be dual purpose for the needs of the fire department, 14' wide 10' asphalt, 4' of road grade gravel plus 4 spots of underground structure for ladder truck outriggers. Later, we were told that packed gravel is considered impervious surface by NHDES standards.
- Iron Horse stated in the January 2, 2020 proposal that the city would receive +/- 55,192 sq ft approx 25% of 4.71 acres easement for the greenway allowing them the added 1 story building height. The wording of the easement states, 50' coastal lands and the rain gardens.
- However in the latest proposal, the area mapped is only the 50' buffer. If we consider that the 50' length is 650' the total sq feet eased to the city for added incentive is 32,914 sq ft which is less then the required 41,033 sq feet for the 20%. Due to the project requiring the "pathway to be dual purpose, then 9200 sq ft should not be considered community space therefore not complying with the 20 % easement for added incentive.
- IF the project needs the path for fire access, then it should not be considered "community space" as without it the project cannot comply to TAC/ city fire ordinances .
- Where are the inspection results for compliance with current EPA & state asbestos in renovation/demolition requirements. (The round house has large 5' x10' pressed ACM materials that were used for heat shields for the engines, along with petroleum products on the ground floor).
- Where are the full dimensional building heights widths in the package?
- Where are the approved plans for removal and storage of contaminated soils that will be removed from the site for construction.
- IF the committee approves the building within the 100' buffer zone on this project it will allow all city & state coastal projects to use this as case.
- During the sitewalk, we were told that the average water table is at 3' elevation. This does not include king tides, or increased sea level rises.

- There was talk that the rain garden would hold “venues” increasing the noise and disturbance to the coastal shoreline, impacting not only the resident waterfowl and other shoreline creatures, but also creating a amphitheatre of sound to the residences across the water.

In conclusion, I would ask that the committee look hard at the 50-100 year impact that a project of this scale will have on the coastal shoreline in regard to a sterile view as the disturbance and disruption of fragile coast line is affected. Science indicates rising sea levels which cause not only localized flooding, but degradation to building foundation causing instability and infrastructure damage. Who pays for short term errors of approval as our society moves forward.

Thank you for listening.

Sincerely

James Beal

Abutter McDonough St Neighborhood.

From: [Michelle Anderson](#)
To: [Planning Info](#)
Subject: 105 Bartlett
Date: Wednesday, December 9, 2020 11:28:41 AM

To Whom It May Concern:

I'm writing in regards to the project at 105 Bartlett. While I support this project, I do so only if the wetlands of Mill Pond are protected and a CUP is NOT issued where it pertains to wetland or natural habitat protection.

Protecting the natural wildlife in this area is essential to the enjoyment and long term viability of the wetlands and the wildlife that live there. I live nearby on Cate St. In the past 6 years that we have lived about 100 feet from Hodgson's Brook, we have seen opossum, woodchucks, fox and coyote in our yard. We often walk down to Mill Pond and enjoy seeing the herons and other birds and wildlife that live there. Expanding access to North Mill Pond is a wonderful idea, BUT not if there is a negative impact to the ecosystem.

I implore you to heed the advice of the conservation committee on this issue and I will leave you with a recent experience I had:

I was helping to clean up an area of Douglass Woods in Eliot that is now home to my daughter's Forest Preschool. The area is littered with glass as this area was a dumping area 2-3 generations ago. The timeframe is apparent by the types of glass bottles that have been found. Many people were disgusted as to why people would dump trash into the woods! Well, 50 years ago that is just what was done and the mess was left to us to clean up. The moral of this story is that our decisions today will have impact in 50+ years. Don't leave future generations wondering why we put commerce and profits over the inherent beauty of our beloved and unique Mill Pond.

Regards,

Michelle Anderson

December 9, 2020

Dear Conservation Commission Members:

I am writing regarding the application for a Conditional Use Permit (CUP) at 105 Bartlett Street.

Thank you for the thought and consideration you have already put into this application. This is a complex and evolving project that many neighbors, abutters, and other residents who simply value the North Mill Pond have been concerned about since it was originally proposed a few years ago. It is encouraging to see ConComm use its sound expertise, judgment, and rules to carefully evaluate the proposed development.

In reviewing this application, I respectfully ask that you re-read the attached list of public concerns regarding this project, which was compiled at the recommendation of the City Council following the recent rezoning of the land in this application.

I echo many of the concerns already submitted to you by so many residents. My primary concern is: What will the impact of any development in the 100-foot wetland buffer – much less one of this **size, scale, and intensity**– be on the North Mill Pond itself and on the abutting properties?

Additionally, I am concerned that the proposed project only represents a portion of land along the North Mill Pond that the applicants intent to develop. In the recent rezoning process, the applicants stated that they own land continuing to Langdon Street, which they intend to develop. Keep in mind, during the rezoning process, the applicants stated they intended to build approximately 126 units total (from Bartlett to Langdon Streets). Frankly speaking, if the applicants were willing to decrease the total unit count to a number closer to the original estimate, would the application even be necessary? Please consider the precedent (and consequences) that might be set should you approve this application.

The North Mill Pond is arguably one of Portsmouth's last and most precious natural environments. Your task is not easy, but I thank you in advance for using your wisdom and the tools at your disposal to strike a balance between the protection and development of this special area.

Sincerely,
Melissa Doerr
Abutter for 20 years



MEMORANDUM

TO: CONSERVATION COMMISSION, TECHNICAL ADVISORY
COMMITTEE, PLANNING BOARD
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: PUBLIC CONCERNS REGARDING 105 BARTLETT ST POTENTIAL
DEVELOPMENT
DATE: 11/13/18

When 105 Bartlett Street went through the re-zoning process, a number of issues were raised by residents regarding the future development of the parcels. As many of the issues were pertinent for consideration during the land use review process, the City Council requested that a summary of the issues be provided to the land use review boards and commissions for their consideration when they are reviewing a specific development proposal for these properties. The following list is a brief summary of the topics raised:

- Protection of residential neighborhoods – Consideration should be given for limiting potential for negative impacts on residential neighborhoods abutting the project site.
- Consider further limits on height and mass of buildings beyond what the zoning currently allows. This was raised in the context of limiting impacts on neighboring residential neighborhoods.
- Protection of wetlands and wetland buffer area as well as the water quality and waterfront habitat of the North Mill Pond.
- Reduce and avoid potential impacts to properties from flooding.
- Require soil testing wherever soil disturbance is proposed to determine the suitability of the soils for the proposed land use as well as the potential for health and environmental impacts of any soil disturbance.
- Preserve open spaces and views
- Protect and restore natural shoreline habitat
- Balance economic and public benefits with potential for neighborhood impacts
- Seek ways to provide direct neighborhood access to proposed North Mill Pond path and greenway
- Analyze and mitigate traffic impacts to City's transportation infrastructure created by any new development or expansion of existing land uses on the site
- Analyze existing noise levels and any potential increase in noise levels due to new development and require mitigating measures if required

Izak Gilbo

Subject: FW: 105 Bartlett Street - Conditional Use Permit

-----Original Message-----

From: Sarah Landres [mailto:sarah.landres@gmail.com]
Sent: Wednesday, December 9, 2020 5:27 PM
To: Planning Info <Planning@cityofportsmouth.com>
Subject: 105 Bartlett Street - Conditional Use Permit

Hello,

I am writing to ask that the Conditional Use Permit for 105 Bartlett St be denied as it is currently proposed. Please share this email for future Planning Board meetings.

I have serious concerns about allowing building within the 100' Wetland Buffer of the pond.

Please continue to protect the North Mill Pond and the wildlife it is home to.

I also ask that porous pavement be used throughout the complex and that no lighting be added to the North Mill Pond Greenway path or adjoining areas and limited lighting be added along the private road and around buildings.

Thank you,
Sarah Landres

6 McDonough St
Portsmouth, NH