



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

19 September, 2018

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

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

Dear Mr. Legg:

This letter transmits a City of Portsmouth Conditional Use Permit Amendment request for an application previously approved by the Planning Board at its regularly scheduled meeting on September 15, 2016. This amendment is being requested as the approved project is approximately 90% complete and grading, landscaping, and finish site work will begin shortly. Upon review of the landscaping and final grading, it was determined that some minor changes be requested, most of which would be characterized as "landscape" in nature. This request does not include any changes to the residential structure or any accessory structures that were previously approved. The requested changes are outlined as follows;

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

The gate will have 12' inside clearance (see attached Gate Detail-Sheet L5), the minimum necessary to allow a vehicle to pass when needed. The owners have no intention to use this legal access as their primary entrance as the proposed home, paver driveway and garage

are located on the “opposite” side of the parcel. The simple fact that Martine Cottage Road essentially enters the parcel (as a traveled way), and therefore leads the public onto the parcel, a gate is needed to restrict access. Additionally, due to the nature of the construction of the gate, and the proposed use, there is no detrimental impact on the adjacent wetland resource (72 sq. ft.)

- Proposal of 255 linear feet of buried electrical conduit from the residential structure (under construction) to the location of the proposed gate. Electrical power to the gate is needed for operation, as well as a security camera that will be installed on the gate (255 sq. ft.).
- Proposal of 740 linear feet of buried irrigation line need to provide water to proposed landscaped areas/landscape plantings on the parcel, located as much as 180 feet from the residential structure. The irrigation line contains hose bibs, which are garden hose fittings where a traditional garden hose can be attached. Additionally, the irrigation line will allow for “soaker” hose to be attached to provide drip irrigation to the proposed landscape plantings. The drip irrigation will help insure the survival of the landscape/rain garden plantings and can be placed on a timer to water only when needed, an excellent water saving technique.

The total impacts for the changes described above total 1,067 sq. ft., of which most are located within the previously approved 19,927 sq. ft. of disturbance approved on September 15, 2016, specifically where the electrical and irrigation lines are located near the proposed driveway and access road currently being used for construction activities.

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

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

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

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

The proposed, and previously approved project utilized areas outside of the wetland buffers (freshwater and tidal) to the greatest extent practicable. The proposed changes are characterized as minor landscape alterations and cannot be located in an alternative location outside the wetland buffer due to their location and need.

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

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

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

The proposed changes do not contribute to any further alteration of the natural vegetative state or managed woodland than the previously approved proposal.

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

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

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

Respectfully submitted,



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

Cc: Robert J. & Susan L. Nalewajk-Property Owners
Bernard Pelech-Wholey & Pelech Law Office

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

Date Submitted: September 26, 2018 Fee: \$200.00
 Site Address: 350 Little Harbor Road, Portsmouth, NH Map 202 Lot 16
 Zoning District: Single Residence A Lot area: 16.7 Acres sq. ft.

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

Proposed Activity (check all that apply): <input type="checkbox"/> New structure <input type="checkbox"/> Expansion of existing structure <input checked="" type="checkbox"/> Other site alteration (specify): <u>minor changes to previously approved plan</u>	Impacted Jurisdictional Area(s) (check all that apply): <input type="checkbox"/> Inland wetland <input checked="" type="checkbox"/> Inland wetland buffer <input type="checkbox"/> Tidal wetland <input checked="" type="checkbox"/> Tidal wetland buffer
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Total area of inland wetland (both on and off the parcel):		<u>Greater than 10,000</u> sq. ft.	
Distance of proposed structure or activity to edge of wetland:		<u>5</u> ft.	
	Total Area on Lot		Area to be Disturbed
Inland wetland	<u>Greater than 10,000</u> sq. ft.	<u>0</u>	sq. ft.
Tidal wetland	<u>0</u> sq. ft.	<u>0</u>	sq. ft.
Wetland buffer	<u>Unknown</u> sq. ft.	<u>1,067</u>	sq. ft.

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

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



Owner

Agent-See Authorization

Date: 9/26/18

Applicant (if different)

Date: _____

Submission Requirements

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

Information for Applicant

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

Review by Independent Certified Wetland Scientist

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

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

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

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



Agent-See Authorization

Date: 9/26/18

Owner

Date: _____

Applicant (if different)

20 April, 2016

To Whom It May Concern

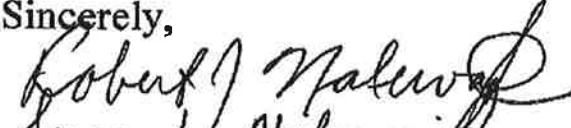

RE: New Hampshire DES Applications for proposed site re-development within the previously developed 100' Tidal Buffer Zone and the 100' Tidal Buffer Zone for Robert J. & Susan L. Nalewajk, 350 Little Harbor Rd, Portsmouth, NH 03801.

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

Ambit Engineering, Inc.

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

Sincerely,

Robert J. & Susan L. Nalewajk

350 Little Harbor Rd.

Portsmouth, NH 03801

Site Photograph #1

September 2018



Site Photograph #2

September 2018



Site Photograph #3

September 2018



Site Photograph #4

September 2018



Site Photograph #5

September 2018



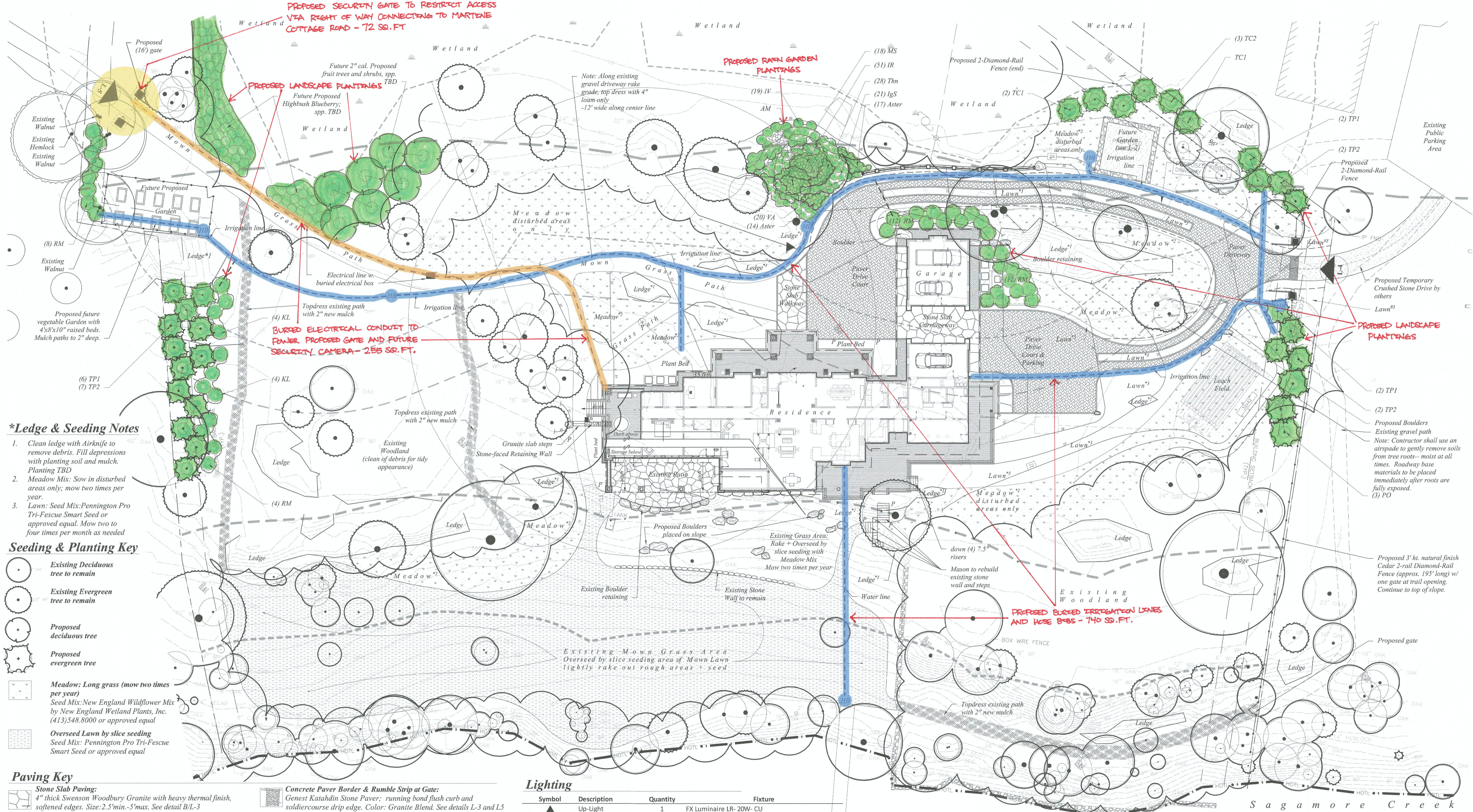


1 Photo Location (see attached photo log)

Nalewajk Residence

Site Landscape & Planting Plan

350 Little Harbor Road, Portsmouth, New Hampshire



*Ledge & Seeding Notes

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

Seeding & Planting Key

- Existing Deciduous tree to remain
- Existing Evergreen tree to remain
- Proposed deciduous tree
- Proposed evergreen tree
- Meadow: Long grass (mow two times per year)
Seed Mix: New England Wildflower Mix by New England Wetland Plants, Inc. (413)548.8000 or approved equal
- Overseed Lawn by slice seeding
Seed Mix: Pennington Pro Tri-Fescue Smart Seed or approved equal

Paving Key

- Stone Slab Paving:
4" thick Swenson Woodbury Granite with heavy thermal finish, softened edges. Size: 2.5' min. - 5' max. See detail B/L-3
Alternate: 6" thick thermal finish Bluestone
- Concrete Paver Border & Rumble Strip at Gate:
Genest Katahdin Stone Paver; running bond flush curb and soldiercourse drip edge. Color: Granite Blend. See details L-3 and L5
- Concrete Paver Field:
Genest Grand Baxter Stone Paver set in random ashlar set 45° to the face of Garage. Color: Granite Blend. See detail B/L-3

Plant List

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
Am	<i>Amelanchier canadensis</i>	Shadblow Sontcebery	1	7-8' ht.	B&B
PO	<i>Picea orientalis</i>	Oriental Spruce	3	10-12' ht.	B&B
TC1	<i>Tsuga canadensis</i>	Canadian Hemlock	3	12-14' ht.	B&B
TC2	<i>Tsuga canadensis</i>	Canadian Hemlock	3	14-16' ht.	B&B
SHRUBS					
IgS	<i>Ilex glabra 'Shamrock'</i>	Shamrock Inkberry	21	3 gal	
IV	<i>Ilex verticillata 'Southern Gentleman'</i>	Southern Gentleman Winterberry	4	5 gal	male
IV	<i>Ilex verticillata 'Winter Red'</i>	Winter Red Winterberry	15	5 gal	female
KL	<i>Kalmia latifolia</i>	Mountain Laurel	8	4-5' ht.	heavy
RM	<i>Rhododendron maximum</i>	Rosebay Rhododendron	36	4-5' ht.	full
TP1	<i>Thuja plicata</i>	Giant Arborvitae	10	12-14' ht.	B&B
TP2	<i>Thuja plicata</i>	Giant Arborvitae	11	14-16' ht.	B&B
VA	<i>Vaccinium angustifolium</i>	Lowbush Blueberry	20	1 gal	
PERENNIALS, GROUNDCOVERS, VINES and ANNUALS					
Aster	<i>Aster novae-angliae 'Vibrant Dome'</i>	Vibrant Dome New England Aster	31	1 gal	
IR	<i>Iris versicolor</i>	Blue Flag Iris	51	1 gal	
MS	<i>Matteuccia struthiopteris</i>	Ostrich Fern	18	1 gal	
Thn	<i>Thelypteris noveboracensis</i>	New York Fern	28	1 gal	

Lighting

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

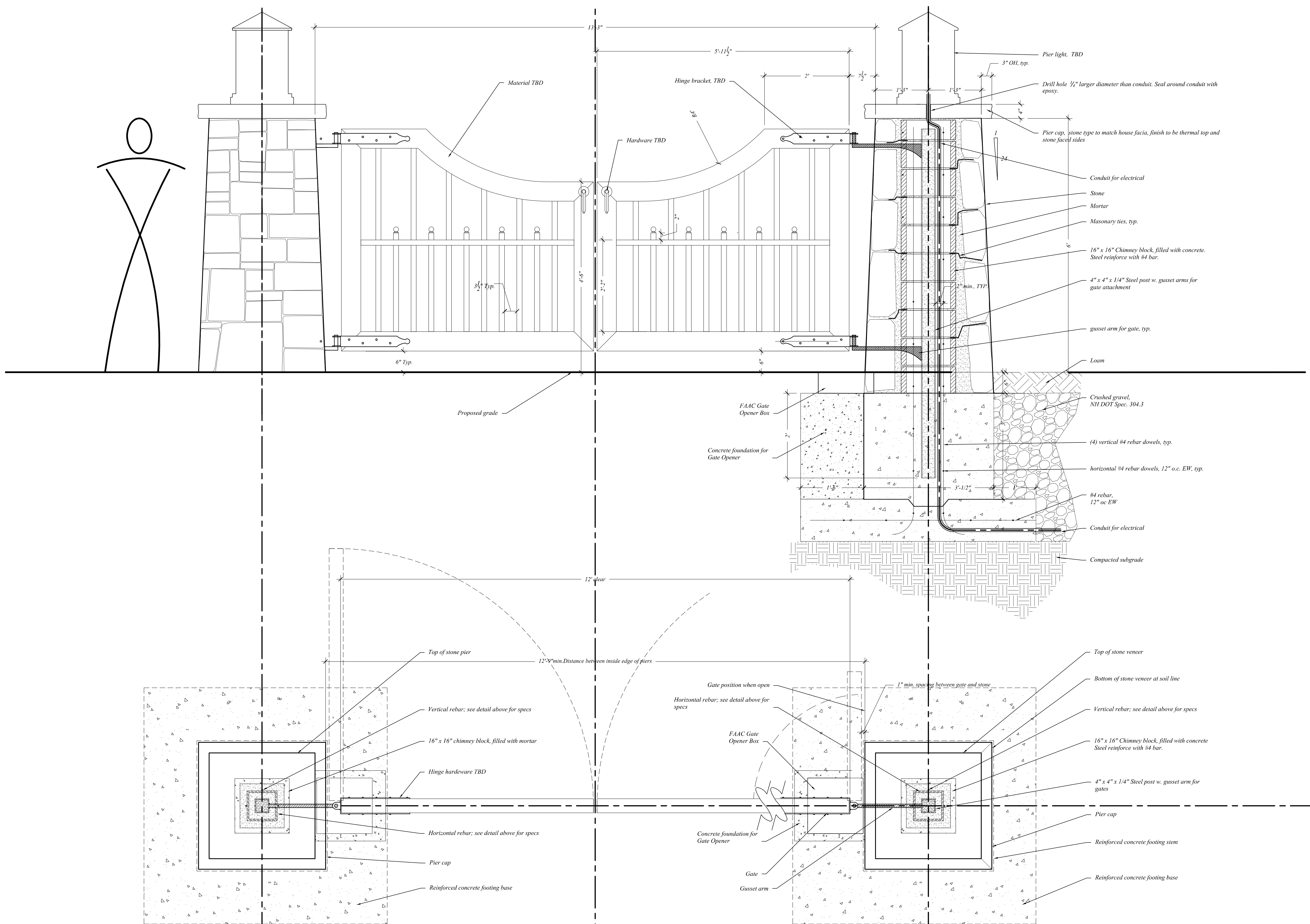
General Landscape Notes

- Design is based on drawings by Doucet Survey dated October 30, 2016, Ambit Engineering dated August 2016, and William Ross Architects dated July 15, 2016 and may require adjustment due to actual field conditions.
- The contractor shall follow best management practices during construction and shall take all means necessary to stabilize and protect the site from erosion.
- Erosion Control shall be in place prior to construction.
- Erosion Control to consist of Silt Soxx shall be staked in place between the work and Water bodies, Wetlands and/or drainage ways prior to any construction.
- The Contractor shall verify layout and grades and inform the Landscape Architect or Client's Representative of any discrepancies or changes in layout and/or grade relationships prior to construction.
- It is the contractor's responsibility to verify drawings provided are to the correct scale prior to any bid, estimate or installation. A graphic scale bar has been provided on each sheet for this purpose. If it is determined that the scale of the drawing is incorrect, the landscape architect will provide a set of drawings at the correct scale, at the request of the contractor.
- Trees to remain within the construction zone shall be protected from damage for the duration of the project by snow fence or other suitable means of protection to be approved by Landscape Architect or Client's Representative. Snow fence shall be located at the drip line at a minimum and shall include any and all surface roots. Do not fill or mulch on the trunk flare. Do not fill or mulch on the trunk flare. In order to protect the integrity of the roots, branches, trunk and bark of the tree(s) no vehicles or construction equipment shall drive or park in or on the area within the drip line(s) of the tree(s). Do not store any refuse or construction materials or portables within the tree protection area.
- Location, support, protection, and restoration of all existing utilities and appurtenances shall be the responsibility of the Contractor.
- The Contractor shall verify exact location and elevation of all utilities with the respective utility owners prior to construction. Call DIGSAFE at 1-888-344-7233.
- The Contractor shall procure any required permits prior to construction.
- Prior to any landscape construction activities Contractor shall test all existing loam and loam from off-site intended to be used for lawns and plant beds using a thorough sampling throughout the supply. Soil testing shall indicate levels of pH, 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 disturbed areas will be dressed with 6" of topsoil and planted as indicated on the plans or seeded except plant beds. Plant beds shall be prepared to a depth of 12" with 75% loam and 25% compost.
- Trees, ground cover, and shrub beds shall be mulched to a depth of 2" with one-year-old, well-composted, shredded native bark not longer than 4" in length and 1/2" in width, free of woodchips and sawdust. Mulch for ferns and herbaceous perennials shall be no longer than 1" in length. Trees in lawn areas shall be mulched in a 5' diameter min. saucer. Color of mulch shall be black.
- In no case shall mulch touch the stem of a plant nor shall mulch ever be more than 3" thick total (including previously applied mulch) over the root ball of any plant.
- Landscape Architect is not responsible for the means and methods of the contractor.
- An automatic irrigation system shall be provided, contractor shall provide design/shop drawings for review and approval by Landscape Architect.

* PLAN REVISED 9/25/18 WITH CALL OUT NOTES RELATIVE TO CHANGES FROM 9/15/16
CITY OF PORTSMOUTH CONDITIONAL USE PERMIT APPROVAL. THE PLAN INTENT IS TO SHOW CHANGES FOR A CONDITIONAL USE PERMIT APPLICATION AMENDMENT REQUEST.
TOTAL AREA OF DISTURBANCE : 1,067 SQ. FT.

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



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