HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

NH DES WETLAND APPLICATION

FOR HOGSWAVE, LLC

Map 223, Lot 27 | Portsmouth, NH

Applicant:

HOGSWAVE, LLC

912 Sagamore Avenue | Portsmouth, NH 03801

December 3, 2024

JN: 5010372

Prepared By:

Haley Ward, Inc.

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December 3, 2024

Wetland Inspector
New Hampshire Department of Environmental Services
Wetlands Bureau
29 Hazen Drive / P.O. Box 95
Concord, New Hampshire 03302

Re: NHDES Minor Impact Wetland Permit Application | Tax Map 223 Lot 27 | 913 Sagamore Avenue, Portsmouth, NH

Dear Wetland Inspector:

This letter transmits a New Hampshire Department of Environmental Services (NHDES) Minor Impact Wetland Permit Application request to permit 2,719 sq. ft. of permanent impact and 6,855 sq. ft. of temporary construction impact to the previously developed 100' Tidal Buffer Zone for residential re-development including demolition of the existing residential structure, construction of a new home, re-configuration of the existing gravel driveway, pervious paver patio, deck, removal of impervious surfaces, grading, utility connections and associated landscaping.

Attached to this application you will find a "NH DES Impact Exhibit – Permit Plan" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, temporary and permanent impact areas.

Per Env-Wt 306.05, Certified Wetland Scientist Steve Riker from Ambit Engineering, Inc. classified all jurisdictional areas and identified the predominant functions of all relevant resources. The Highest Observable Tide Line marks the reference line for the 100' TBZ, as well as the beginning of Tidal Wetland on the attached plan set. Attached to this application is a Coastal Functional Assessment as this project is subject to the requirements of Env-Wt 603.05.

The construction sequence for the proposed project is as follows:

- Mobilization of equipment and materials to the site via Sagamore Avenue.
- Installation of erosion and sediment control devices.
- Demolish and remove existing home, portions of impervious surfaces.
- Excavate for and pour new concrete foundation.
- Construct superstructure of proposed new home.

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- Construct pervious patio and associated landscaping.
- Install buffer planting area.
- Install and connect any utilities.
- Backfill, finish grade and landscape disturbed area surrounding foundation.
- Remove sediment and erosion controls once disturbed area is stabilized.

The project does not propose any removal of vegetation within the 50' Waterfront Buffer to achieve construction goals.

The project represents the alternative with the least adverse impacts to areas and environments while allowing reasonable use of the property.

Per Env-Wt 603.02(b), attached to this application you will find a plan set which depicts the existing lot, jurisdictional areas, all natural resources in the area, abutting parcels, existing structures, proposed structures, and temporary impact areas. Also included in this application are maps created in accordance with Env-Wt 603.03 and Env-Wt 603.05.

In order to complete the application package for this project, the DES Wetlands Bureau rules in Chapter Env-Wt 306.05 (a)(2) has been evaluated and addressed below.

(2) a. Contains any documented occurrences of protected species or habitat for such species, using the NHB DataCheck tool;

Attached to this application are the results of the NHB review and it was determined that although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, NHB does not expect that it will be impacted by the proposed project.

(2) b. Is a bog;

Utilizing the NH DES WPPT, the subject property is not a bog, nor does it contain any portion of a bog.

(2) c. Is a floodplain wetland contiguous to a tier 3 or higher watercourse;

Utilizing the NH DES WPPT, the subject property does contain a floodplain wetland contiguous to a tier 3 or higher watercourse.

(2) d. Does the property contain a designated prime wetlands or a duly established 100-foot buffer; or

The property does not contain a prime wetland or duly established 100 foot buffer.

(2) e. Does the property contain a sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone;

The property does not contain a sand dune or undeveloped tidal buffer zone. The property does contain a tidal wetland and tidal waters.

The DES Wetlands Bureau rules in Chapter Env-Wt 306.05 (a)(4) and (a)(7) has been evaluated and addressed below.

(4) a. Is the subject property within LAC jurisdiction;

The property does not fall within an area of LAC jurisdiction.

(4) b. Does the subject property fall within or contain any areas that are subject to time of year restrictions under Env-Wt 307;

The property does not fall within or contain any areas that are subject to time of year restrictions.

(7) Does the project have potential to impact impaired waters, class A waters, or outstanding resource waters;

I do not believe the nature of the proposed project has the potential to impact an impaired water. The project reduces the amount of impervious surface on the lot and also provides stone drip aprons to collect and treat stormwater, which will serve to improve stormwater quality that leaves the site.

The DES Wetlands Bureau rules in Chapter Env-Wt 603.02 (e) & (f) have been evaluated and addressed below.

(e)(1) The project meets the standard conditions in Env-Wt 307;

The project meets the standard conditions in Env-Wt 307 as the proposed project meets the standards of Env-Wq 1000, RSA 483-B and Env-Wq 1400. Sediment and erosion controls will also be used and maintained during the proposed construction ensuring protection of water quality on the site. Under Env-Wt 306.05 (a)(2)a. a NHB review has been performed to ensure there are no impacts to protected species or habitats of such species. The protection of Prime Wetlands or Duly-Established 100 foot buffers does not apply as none exist on or adjacent to the subject lot.

(e)(2) The project meets the approval criteria in Env-Wt 313.01;

The project meets the approval criteria in Env-Wt 313.01 as the project requires a functional assessment (attached), meets the avoidance and minimization requirements specified in Env-Wt 313.03, does not require compensatory mitigation, meets applicable conditions specified in Env-Wt 307 (above), meets project specific criteria listed in Env-Wt 600 (above), and the project is located entirely within the boundary of the applicants property.

(f)(1) The project design narrative as described in Env-Wt 603.06;

The project design narrative is provided above.

(f)(2) Design plans that meet the requirements of Env-Wt 603.07;

The design plans meet the above standard.

(f)(3) The water depth supporting information required by Env-Wt 603.08;

The design plans do not provide water depth information as it is non-applicable to the proposed project.

(f)(4) A statement regarding impact on navigation and passage required by Env-Wt 603.09.

Navigation and passage is not applicable to the proposed project.

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

Respectfully submitted,

Jacqueline Boudreau
Project Scientist
jboudreau@haleyward.com

Cc: Hogswave LLC-Owners/Applicant
Portsmouth Conservation Commission

STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division / Land Resources Management

Check the Status of your Application

RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Hogswave, LLC **TOWN NAME:** Portsmouth

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))

Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as: Priority Resource Areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	(●) Yes ( ) No
Does the property contain a PRA? If yes, provide the following information:	(●) Yes ( ) No
• Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHFG) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.	( ) Yes (●) No
• Protected species or habitat? ○ If yes, species or habitat name(s): See NHB Consultation ○ NHB Project ID #: 24-2017	(●) Yes ( ) No
• Bog?	( ) Yes (●) No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	(●) Yes ( ) No
• Designated prime wetland or duly-established 100-foot buffer?	( ) Yes (●) No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	(●) Yes ( ) No
Is the property within a Designated River corridor? If yes, provide the following information: • Name of Local River Management Advisory Committee (LAC): • A copy of the application was sent to the LAC on Month: Day: Year:	( ) Yes (●) No

For dredging projects, is the subject property contaminated? • If yes, list contaminant:	○ Yes ◉ No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	○ Yes ◉ No
For stream crossing projects, provide watershed size (see WPPT or Stream Stats): N/A	

SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))

Provide a description of the project and the purpose of the project, the need for the proposed impacts to jurisdictional areas, an outline of the scope of work to be performed, and whether impacts are temporary or permanent.

The project proposes 2,719 sq.ft. of permanent impact and 6,855 sq. ft. of temporary construction impact to the previously developed 100' Tidal Buffer Zone for residential re-development including demolition of the existing residential structure, construction of a new home, re-configuration of the existing gravel driveway, pervious paver patio deck, removal of impervious surfaces, grading, utility connections, and associated landscaping.

SECTION 3 - PROJECT LOCATION

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS:	913 Sagamore Ave
TOWN/CITY:	Portsmouth
TAX MAP/BLOCK/LOT/UNIT:	Map 223, Lot 27
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: ☐ N/A	Sagamore Creek
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	X:1,229,314.04960, Y:203,350.33110

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Hogswave, LLC		
MAILING ADDRESS: 912 Sagamore Ave		
TOWN/CITY: Portsmouth	STATE: NH	ZIP CODE: 03801
EMAIL ADDRESS: jricci@ricciconstruction.com		
FAX:	PHONE: 603 234 9932	

ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))

☐ N/A

LAST NAME, FIRST NAME, M.I.: Jacqueline Boudreau		
COMPANY NAME: Haley Ward		
MAILING ADDRESS: 200 Griffin Road, Unit 14		
TOWN/CITY: Portsmouth	STATE: NH	ZIP CODE: 03801
EMAIL ADDRESS: jboudreau@haleyward.com		
FAX:	PHONE: 207 283 9151	

ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically. JB

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))

If the owner is a trust or a company, then complete with the trust or company information.

☒ Same as applicant

NAME:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	

ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

See attached narrative.

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation fact sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

**See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.*

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

(■ N/A - Mitigation is not required)

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: ☐ I confirm submittal.

(■ N/A – Compensatory mitigation is not required)

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.*

For perennial streams/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent (PERM.) impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary (TEMP.) impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

	JURISDICTIONAL AREA	PERM. SF	PERM. LF	PERM. ATF	TEMP. SF	TEMP. LF	TEMP. ATF
Wetlands	Forested Wetland			☐			☐
	Scrub-shrub Wetland			☐			☐
	Emergent Wetland			☐			☐
	Wet Meadow			☐			☐
	Vernal Pool			☐			☐
	Designated Prime Wetland			☐			☐
	Duly-established 100-foot Prime Wetland Buffer			☐			☐
Surface	Intermittent / Ephemeral Stream			☐			☐
	Perennial Stream or River			☐			☐
	Lake / Pond			☐			☐
	Docking - Lake / Pond			☐			☐
	Docking - River			☐			☐
Banks	Bank - Intermittent Stream			☐			☐
	Bank - Perennial Stream / River			☐			☐
	Bank / Shoreline - Lake / Pond			☐			☐
Tidal	Tidal Waters			☐			☐
	Tidal Marsh			☐			☐
	Sand Dune			☐			☐
	Undeveloped Tidal Buffer Zone (TBZ)			☐			☐
	Previously-developed TBZ	2719		☐	6855		☐
	Docking - Tidal Water			☐			☐
	TOTAL	2719			6855		

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

☐ **MINIMUM IMPACT FEE**: Flat fee of $400.

☐ **NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of $400 (refer to RSA 482-A:3, 1(c) for restrictions).

☒ **MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking): 9,574	SF	× $0.40 =	$ 3,829.(
Seasonal docking structure:	SF	× $2.00 =	$
Permanent docking structure:	SF	× $4.00 =	$
Projects proposing shoreline structures (including docks) add $400 =			$
		Total =	$ 3,829.(
The application fee for minor or major impact is the above calculated total or $400, whichever is greater =			*$*

$ 3,829.60

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05) Indicate the project classification.		
☐ Minimum Impact Project	■ Minor Project	☐ Major Project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)	
Initial each box below to certify:	
Initials:	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials:	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials:	The signer understands that: • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: 1. Deny the application. 2. Revoke any approval that is granted based on the information. 3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1.
Initials:	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)		
SIGNATURE (OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY: Jacqueline Boudreau	DATE: 12/3/24

SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))	
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.	
TOWN/CITY CLERK SIGNATURE:	PRINT NAME LEGIBLY:
TOWN/CITY:	DATE:

DIRECTIONS FOR TOWN/CITY CLERK:
Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:
Submit the original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page. Make check or money order payable to “Treasurer – State of NH”.

Keep this checklist for your reference; do not submit with your application.

APPLICATION CHECKLIST

Unless specified, all items below are required. Failure to provide the required items will delay a decision on your project and may result in denial of your application. Please reference statute RSA 482-A, Fill and Dredge in Wetlands, and the Wetland Rules Env-Wt 100-900.

- ☐ The completed, dated, signed, and certified application (Env-Wt 311.03(b)(1)).
- ☐ Correct fee as determined in RSA 482-A:3, I(b) or (c), subject to any cap established by RSA 482-A:3, X (Env-Wt 311.03(b)(2)). Make check or money order payable to "Treasurer – State of NH".
- ☐ The Required Planning actions required by Env-Wt 311.01(a)-(c) and Env-Wt 311.03(b)(3).
- ☐ US Army Corps of Engineers (ACE) "Appendix B, New Hampshire General Permits (GPs), Required Information and Corps Secondary Impacts Checklist" and its required attachments (Env-Wt 307.02). This includes the US Fish and Wildlife Service IPAC review and Section 106 Historic/Archaeological Resource review.
- ☐ Project plans described in Env-Wt 311.05 (Env-Wt 311.03(b)(4)).
- ☐ Maps, or electronic shape files and meta data, and other attachments specified in Env-Wt 311.06 (Env-Wt 311.03(b)(5)).
- ☐ Explanation of the methods, timing, and manner as to how the project will meet standard permit conditions required in Env-Wt 307 (Env-Wt 311.03(b)(7)).
- ☐ If applicable, the information regarding proposed compensatory mitigation specified in Env-Wt 311.08 and Chapter Env-Wt 800 - Permittee Responsible Mitigation Project Worksheet, unless not required under Env-Wt 313.04 (Env-Wt 311.03(b)(8); Env-Wt 311.08; Env-Wt 313.04).
- ☐ Any additional information specific to the **type of resource** as specified in Env-Wt 311.09 (Env-Wt 311.03(b)(9); Env-Wt 311.04(j)).
- ☐ Project specific information required by Env-Wt 500, Env-Wt 600, and Env-Wt 900 (Env-Wt 311.03(b)(11)).
- ☐ A list containing the name, mailing address and tax map/lot number of each abutter to the subject property (Env-Wt 311.03(b)(12)).
- ☐ Copies of certified postal receipts or other proof of receipt of the notices that are required by RSA 482-A:3, I(d) (Env-Wt 311.03(b)(13)).
- ☐ Project design considerations required by Env-Wt 313 (Env-Wt 311.04(j)).
- ☐ Town tax map showing the subject property, the location of the project on the property, and the location of properties of abutters with each lot labeled with the name and mailing address of the abutter (Env-Wt 311.06(a)).
- ☐ Dated and labeled color photographs that:
  - (1) Clearly depict:
    - a. All jurisdictional areas, including but not limited to portions of wetland, shoreline, or surface water where impacts have or are proposed to occur.
    - b. All existing shoreline structures.
  - (2) Are mounted or printed no more than 2 per sheet on 8.5 x 11 inch sheets (Env-Wt 311.06(b)).
- ☐ A copy of the appropriate US Geological Survey map or updated data based on LiDAR at a scale of one inch equals 2,000 feet showing the location of the subject property and proposed project (Env-Wt 311.06(c)).
- ☐ A narrative that describes the work sequence, including pre-construction through post-construction, and the relative timing and progression of all work (Env-Wt 311.06(d)).

lrm@des.nh.gov or (603) 271-2147
29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
des.nh.gov

- ☐ For all projects in the protected tidal zone, a copy of the recorded deed with book and page numbers for the property (Env-Wt 311.06(e)).
- ☐ If the applicant is not the owner in fee of the subject property, documentation of the applicant's legal interest in the subject property, provided that for utility projects in a utility corridor, such documentation may comprise a list that:
  - (1) Identifies the county registry of deeds and book and page numbers of all of the easements or other recorded instruments that provide the necessary legal interest; and
  - (2) Has been certified as complete and accurate by a knowledgeable representative of the applicant (Env-Wt 311.06(f)).
- ☐ The NHB memo containing the NHB identification number and results and recommendations from NHB as well as documentation of any consultation requests made to NHFG, communications and information related to the consultation, with the consultation results and recommendations from NHFG. (Env-Wt 311.06(g)). See Wetlands Permitting: Protected Species and Habitat Fact Sheet.
- ☐ A statement of whether the applicant has received comments from the local conservation commission and, if so, how the applicant has addressed the comments (Env-Wt 311.06(h)).
- ☐ For projects in LAC jurisdiction, a statement of whether the applicant has received comments from the LAC and, if so, how the applicant has addressed the comments (Env-Wt 311.06(i)).
- ☐ If the applicant is also seeking to be covered by the state general permits, a statement of whether comments have been received from any federal agency and, if so, how the applicant has addressed the comments (Env-Wt 311.06(j)).
- ☐ Avoidance and Minimization Written Narrative or the Avoidance and Minimization Checklist, or your own avoidance and minimization narrative (Env-Wt 311.07).
- ☐ For after-the-fact applications: information required by Env-Wt 311.12.
- ☐ Coastal Resource Worksheet for coastal projects as required under Env-Wt 600.
- ☐ Prime Wetlands information required under Env-Wt 700. See WPPT for prime wetland mapping.
- ☐ For non-tidal shoreline structure projects, the length of shoreline frontage per Env-Wt 311.09(b)(1)

Required Attachments for Minor and Major Projects

- ☐ Attachment A: Minor and Major Projects (Env-Wt 313.03).
- ☐ Functional Assessment Worksheet or others means of documenting the results of actions required by Env-Wt 311.10 as part of an application preparation for a standard permit (Env-Wt 311.03(b)(3); Env-Wt 311.03(b)(10)). See Functional Assessments for Wetlands and Other Aquatic Resources Fact Sheet. For shoreline structures, see shoreline structures exemption in Env-Wt 311.03(b)(10)).

Optional Materials

- ☐ Stream Crossing Worksheet which summarizes the requirements for stream crossings under Env-Wt 900.
- ☐ Request for concurrent processing of related shoreland / wetlands permit applications (Env-Wt 313.05).

19 July, 2024

To Whom It May Concern

RE: New Hampshire Department of Environmental Services Wetlands Bureau Applications and City of Portsmouth Applications for residential site re-development for Hogswave LLC., 912 Sagamore Ave, Portsmouth, NH.

This letter is to inform the New Hampshire Department of Environmental Services and the City of Portsmouth, in accordance with State Law that Haley Ward is authorized to represent me as my agent in the approval process.

Please feel free to call me if there is any question regarding this authorization.

Sincerely,

Heidi Ricci

Heidi Ricci – Manager
Hogswave LLC
912 Sagamore Ave
Portsmouth, NH 03801

AVOIDANCE AND MINIMIZATION WRITTEN NARRATIVE

Water Division/Land Resources Management

Wetlands Bureau

Check the Status of your Application

RSA/ Rule: RSA 482-A/ Env-Wt 311.04(j); Env-Wt 311.07; Env-Wt 313.01(a)(1)b; Env-Wt 313.01(c)

APPLICANT'S NAME: Hogswave, LLC **TOWN NAME:** Portsmouth

An applicant for a standard permit shall submit with the permit application a written narrative that explains how all impacts to functions and values of all jurisdictional areas have been avoided and minimized to the maximum extent practicable. This attachment can be used to guide the narrative (attach additional pages if needed). Alternatively, the applicant may attach a completed Avoidance and Minimization Checklist (NHDES-W-06-050) to the permit application.

SECTION 1 - WATER ACCESS STRUCTURES (Env-Wt 311.07(b)(1))

Is the primary purpose of the proposed project to construct a water access structure?

No

SECTION 2 - BUILDABLE LOT (Env-Wt 311.07(b)(1))

Does the proposed project require access through wetlands to reach a buildable lot or portion thereof?

No.

SECTION 3 - AVAILABLE PROPERTY (Env-Wt 311.07(b)(2))*

For any project that proposes permanent impacts of more than one acre, or that proposes permanent impacts to a PRA, or both, are any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, that could be used to achieve the project's purpose without altering the functions and values of any jurisdictional area, in particular wetlands, streams, and PRAs?

**Except as provided in any project-specific criteria and except for NH Department of Transportation projects that qualify for a categorical exclusion under the National Environmental Policy Act.*

The project proposes the re-development of an existing lot of record. The owner/applicant does not have access to other properties that would serve as an alternative and achieve the same purpose.

SECTION 4 - ALTERNATIVES (Env-Wt 311.07(b)(3))

Could alternative designs or techniques, such as different layouts, different construction sequencing, or alternative technologies be used to avoid impacts to jurisdictional areas or their functions and values as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization?

The proposed residential site re-development has been designed and located on the lot to avoid impacts to the previously deveoped 100' Tidal Buffer Zone to the greatest extent practicable while allowing reasonable use of the property. The proposed project results in no change in impervious surface with the 100' previously developed Tidal Buffer Zone, with both 38.2% for both pre- and post- construction impervious surface areas.

SECTION 5 - CONFORMANCE WITH Env-Wt 311.10(c) (Env-Wt 311.07(b)(4))**

How does the project conform to Env-Wt 311.10(c)?

***Except for projects solely limited to construction or modification of non-tidal shoreline structures only need to complete relevant sections of Attachment A.*

The project proposes a total of 9,574 sq. ft. of impact to the previously developed 100' TBZ and qualifies as a minor impact project under Env-Wt 605.03(b)(5) and therefore a Coastal Functional Assessment is required and a Coastal Vulnerability Assessment is required and attached to this application.

STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION ATTACHMENT A: MINOR AND MAJOR PROJECTS

Water Division/Land Resources Management
Wetlands Bureau
Check the Status of your Application

RSA/ Rule: RSA 482-A/ Env-Wt 311.10; Env-Wt 313.01(a)(1); Env-Wt 313.03

APPLICANT'S NAME: **Hogswave, LLC** **TOWN NAME:** Portsmouth

Attachment A is required for *all minor and major projects*, and must be completed *in addition* to the Avoidance and Minimization Narrative or Checklist that is required by Env-Wt 307.11.

For projects involving construction or modification of non-tidal shoreline structures over areas of surface waters having an absence of wetland vegetation, only Sections I.X through I.XV are required to be completed.

PART I: AVOIDANCE AND MINIMIZATION

In accordance with Env-Wt 313.03(a), the Department shall not approve any alteration of any jurisdictional area unless the applicant demonstrates that the potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized, as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization.

SECTION I.I - ALTERNATIVES (Env-Wt 313.03(b)(1))

Describe how there is no practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.

THE PROJECT PROPOSES RESIDENTIAL RE-DEVELOPMENT ON AN EXISTING RESIDENTIAL LOT. THE OWNER/APPLICANT DOES NOT HAVE ACCESS TO OTHER PROPERTIES THAT WOULD SERVE AS AN ALTERNATIVE AND ACHIEVE THE SAME PURPOSE. THE PROPOSED PROJECT HAS BEEN DESIGNED AND LOCATED ON THE LOT TO AVOID IMPACTS TO THE PREVIOUSLY DEVEOPED 100' TIDAL BUFFER ZONE TO THE GREATEST EXTENT PRACTICABLE. DUE THE PRESENCE OF LEDGE/BEDROCK AT OR NEAR THE SOIL SURFACE, PLACING THE FOOTPRINT OF THE PROPOSED STRUCTURE FURTHER FROM THE REFERENCE LINE WOULD REQUIRE EXTENSIVE LEDGE REMOVAL AND ADDITIONAL TREE REMOVAL BOTH OF WHICH WOULD HAVE NEGATIVE EFFECTS ON THE LOT.

SECTION I.II - MARSHES (Env-Wt 313.03(b)(2))

Describe how the project avoids and minimizes impacts to tidal marshes and non-tidal marshes where documented to provide sources of nutrients for finfish, crustacean, shellfish, and wildlife of significant value.

The project does not propose any impacts to tidal marshes or non-tidal marshes.

SECTION I.III - HYDROLOGIC CONNECTION (Env-Wt 313.03(b)(3))

Describe how the project maintains hydrologic connections between adjacent wetland or stream systems.

Since the proposed project proposes impacts to the previously developed 100' Tidal Buffer Zone and proposes no impacts to adjacent wetland and/or streams, this is not applicable.

SECTION I.IV - JURISDICTIONAL IMPACTS (Env-Wt 313.03(b)(4))

Describe how the project avoids and minimizes impacts to wetlands and other areas of jurisdiction under RSA 482-A, especially those in which there are exemplary natural communities, vernal pools, protected species and habitat, documented fisheries, and habitat and reproduction areas for species of concern, or any combination thereof.

The project does not propose any impacts to wetlands (tidal or freshwater), exemplary natural communities, vernal pools, protected species and habitat, documented fisheries, and habitat and reproduction areas for species of special concern.

SECTION I.V - PUBLIC COMMERCE, NAVIGATION, OR RECREATION (Env-Wt 313.03(b)(5))

Describe how the project avoids and minimizes impacts that eliminate, depreciate or obstruct public commerce, navigation, or recreation.

The proposed project is located on private property and proposes no impacts or interference to public commerce, navigation or recreation.

SECTION I.VI - FLOODPLAIN WETLANDS (Env-Wt 313.03(b)(6))

Describe how the project avoids and minimizes impacts to floodplain wetlands that provide flood storage.

The proposed structures will not impact floodplains or floodplain wetlands that provide flood storage as the proposed structure has been desgined to be FEMA compliant.

SECTION I.VII - RIVERINE FORESTED WETLAND SYSTEMS AND SCRUB-SHRUB – MARSH COMPLEXES (Env-Wt 313.03(b)(7))

Describe how the project avoids and minimizes impacts to natural riverine forested wetland systems and scrub-shrub – marsh complexes of high ecological integrity.

The project does not propose impacts to riverine forested wetland systems and scrub shrub marsh complexes.

SECTION I.VIII - DRINKING WATER SUPPLY AND GROUNDWATER AQUIFER LEVELS (Env-Wt 313.03(b)(8))

Describe how the project avoids and minimizes impacts to wetlands that would be detrimental to adjacent drinking water supply and groundwater aquifer levels.

The wetland resources associated with the project site are not hydrologically connected to a groundwater aquifer or drinking water supply.

SECTION I.IX - STREAM CHANNELS (Env-Wt 313.03(b)(9))

Describe how the project avoids and minimizes adverse impacts to stream channels and the ability of such channels to handle runoff of waters.

The project does not propose any impacts to stream channels.

SECTION I.X - SHORELINE STRUCTURES - CONSTRUCTION SURFACE AREA (Env-Wt 313.03(c)(1))

Describe how the project has been designed to use the minimum construction surface area over surface waters necessary to meet the stated purpose of the structures.

N/A

SECTION I.XI - SHORELINE STRUCTURES - LEAST INTRUSIVE UPON PUBLIC TRUST (Env-Wt 313.03(c)(2))

Describe how the type of construction proposed is the least intrusive upon the public trust that will ensure safe docking on the frontage.

N/A

SECTION I.XII - SHORELINE STRUCTURES – ABUTTING PROPERTIES (Env-Wt 313.03(c)(3))

Describe how the structures have been designed to avoid and minimize impacts on ability of abutting owners to use and enjoy their properties.

N/A

SECTION I.XIII - SHORELINE STRUCTURES – COMMERCE AND RECREATION (Env-Wt 313.03(c)(4))

Describe how the structures have been designed to avoid and minimize impacts to the public's right to navigation, passage, and use of the resource for commerce and recreation.

N/A

SECTION I.XIV - SHORELINE STRUCTURES – WATER QUALITY, AQUATIC VEGETATION, WILDLIFE AND FINFISH HABITAT (Env-Wt 313.03(c)(5))

Describe how the structures have been designed, located, and configured to avoid impacts to water quality, aquatic vegetation, and wildlife and finfish habitat.

N/A

SECTION I.XV - SHORELINE STRUCTURES – VEGETATION REMOVAL, ACCESS POINTS, AND SHORELINE STABILITY (Env-Wt 313.03(c)(6))

Describe how the structures have been designed to avoid and minimize the removal of vegetation, the number of access points through wetlands or over the bank, and activities that may have an adverse effect on shoreline stability.

N/A

PART II: FUNCTIONAL ASSESSMENT
REQUIREMENTS Ensure that project meets the requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).
FUNCTIONAL ASSESSMENT METHOD USED: Wetland functions and values were assessed using the Highway Methodology Workbook, Wetland Functions and Values: A Descriptive Approach. U.S. Army Corps of Engineers. 1999. The Highway Methodology Workbook Supplement, Wetland Functions and Values: A Descriptive Approach. U.S. Army Corps of Engineers. New England Division. 32pp. NAEEP-360-1-30a.
NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: STEVEN D. RIKER, NH CWS 219
DATE OF ASSESSMENT: JULY 30, 2024
Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT: ☒
For minor or major projects requiring a standard permit without mitigation, the applicant shall submit a wetland evaluation report that includes completed checklists and information demonstrating the RELATIVE FUNCTIONS AND VALUES OF EACH WETLAND EVALUATED. Check this box to confirm that the application includes this information, if applicable: ☒ Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.

COASTAL RESOURCE WORKSHEET

Water Division/Land Resources Management
Wetlands Bureau

Check the Status of your Application

RSA/Rule: RSA 482-A/ Env-Wt 600

APPLICANT LAST NAME, FIRST NAME, M.I.: **Hogswave, LLC**

This worksheet may be used to present the information required for projects in coastal areas, in addition to the information required for Lower-Scrutiny Approvals, Expedited Permits, and Standard Permits under Env-Wt 603.01.

Please refer to Env-Wt 605.03 for impacts requiring compensatory mitigation.

SECTION 1 - REQUIRED INFORMATION (Env-Wt 603.02; Env-Wt 603.06; Env-Wt 603.09)

The following information is required for projects in coastal areas.

Describe the purpose of the proposed project, including the overall goal of the project, the core project purpose consisting of a concise description of the facilities and work that could impact jurisdictional areas, and the intended project outcome. Specifically identify all natural resource assets in the area proposed to be impacted and include maps created through a data screening in accordance with Env-Wt 603.03 (refer to Section 2) and Env-Wt 603.04 (refer to Section 3) as attachments.

The project proposes 2,719 sq. ft. of permanent impact and 6,855 sq. ft. of temporary construction impact to the previously developed 100' Tidal Buffer Zone for residential re-development including demolition of the existing residential structure, construction of a new home, re-configuration of the existing gravel driveway, pervious paver patio and deck, removal of impervious surfaces, grading, utility connections and associated landscaping.

For standard permit projects, provide:

☒ A Coastal Functional Assessment (CFA) report in accordance with Env-Wt 603.04 (refer to Section 3).

☒ A vulnerability assessment in accordance with Env-Wt 603.05 (refer to Section 4).

Explain all recommended methods and other considerations to protect the natural resource assets during and as a result of project construction in accordance with Env-Wt 311.07, Env-Wt 313, and Env-Wt 603.04.

The proposed residential re-development has been designed and located on the lot to avoid impacts to the previously deveoped 100' Tidal Buffer Zone to the greatest extent practicable while allowing reasonable use of the property. Due The presence of ledge/bedrock at or near the soil surface, placing the footprint of the proposed structure further from the reference line would require extensive bedrock removal to accommodate construction. The project does not require any removal of vegetation in the 50' Waterfront Buffer. See attached Coastal Vulnerability Assessment for project avoidance related to projected sea level rise

Provide a narrative showing how the project meets the standard conditions in Env-Wt 307 and the approval criteria in Env-Wt 313.01.

The attached narrative and the project plan set, specifically the Details Sheet includes all notes demonstrating compliance with Env-Wt 307 and Env-Wt 313.01.

Provide a project design narrative that includes the following:

☒ A discussion of how the proposed project:

- Uses best management practices and standard conditions in Env-Wt 307;
- Meets all avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- Meets approval criteria in Env-Wt 313.01;
- Meets evaluation criteria in Env-Wt 313.01(c);
- Meets CFA requirements in Env-Wt 603.04; and
- Considers sea-level rise and potential flooding evaluated pursuant to Env-Wt 603.05;

☒ A construction sequence, erosion/siltation control methods to be used, and a dewatering plan; and

☒ A discussion of how the completed project will be maintained and managed.

☒ Provide design plans that meet the requirements of Env-Wt 603.07 (refer to Section 5);

☐ Provide water depth supporting information required by Env-Wt 603.08 (refer to Section 6); and

☐ For any major project that proposes to construct a structure in tidal waters/wetlands or to extend an existing structure seaward, provide a statement from the Pease Development Authority Division of Ports and Harbors (DP&H) chief harbormaster, or designee, for the subject location relative to the proposed structure's impact on navigation. If the proposed structure might impede existing public passage along the subject shoreline on foot or by non-motorized watercraft, the applicant shall explain how the impediments have been minimized to the greatest extent practicable.

SECTION 2 - DATA SCREENING (Env-Wt 603.03, in addition to Env-Wt 306.05)

Please use the Wetland Permit Planning Tool, or any other database or source, to indicate the presence of:

☐ Existing salt marsh and salt marsh migration pathways;

☐ Eelgrass beds;

☐ Documented shellfish sites;

☒ Projected sea-level rise; and

☒ 100-year floodplain.

Conduct data screening as described to identify documented essential fish habitat, and tides and currents that may be impacted by the proposed project, by using the following links:

☐ National Oceanic and Atmospheric Administration (NOAA) Tides & Currents; and

☐ NOAA Essential Fish Habitat Mapper.

☐ Verify or correct the information collected from the data screenings by conducting an on-site assessment of the subject property in accordance with Env-Wt 406 and Env-Wt 603.04.

SECTION 3 - COASTAL FUNCTIONAL ASSESSMENT/ AVOIDANCE AND MINIMIZATION (Env-Wt 603.04; Env-Wt 605.01; Env-Wt 605.02; Env-Wt 605.03)

Projects in coastal areas shall:

☒ Not impair the navigation, recreation, or commerce of the general public; and

☒ Minimize alterations in prevailing currents.

An applicant for a permit for work in or adjacent to tidal waters/wetlands or the tidal buffer zone shall demonstrate that the following have been avoided or minimized as required by Env-Wt 313.04:

☒ Adverse impacts to beach or tidal flat sediment replenishment;

☒ Adverse impacts to the movement of sediments along a shore;

☒ Adverse impacts on a tidal wetland's ability to dissipate wave energy and storm surge; and

☒ Adverse impacts of project runoff on salinity levels in tidal environments.

For standard permit applications submitted for minor or major projects:

☒ Attach a CFA based on the data screening information and on-site evaluation required by Env-Wt 603.03. The CFA for tidal wetlands or tidal waters shall be:

- Performed by a qualified coastal professional; and
- Completed using one of the following methods:

  a. The US Army Corps of Engineers (USACE) Highway Methodology Workbook, dated 1993, together with the USACE New England District *Highway Methodology Workbook Supplement*, dated 1999; or

  b. An alternative scientifically-supported method with cited reference and the reasons for the alternative method substantiated.

For any project that would impact tidal wetlands, tidal waters, or associated sand dunes, the applicant shall:

☒ Use the results of the CFA to select the location of the proposed project having the least impact to tidal wetlands, tidal waters, or associated sand dunes;

☒ Design the proposed project to have the least impact to tidal wetlands, tidal waters, or associated sand dunes;

☒ Where impact to wetland and other coastal resource functions is unavoidable, limit the project impacts to the least valuable functions, avoiding and minimizing impact to the highest and most valuable functions; and

☒ Include on-site minimization measures and construction management practices to protect coastal resource areas.

Projects in coastal areas shall use results of this CFA to:

☒ Minimize adverse impacts to finfish, shellfish, crustacean, and wildlife;

☒ Minimize disturbances to groundwater and surface water flow;

☒ Avoid impacts that could adversely affect fish habitat, wildlife habitat, or both; and

☒ Avoid impacts that might cause erosion to shoreline properties.

SECTION 4 - VULNERABILITY ASSESSMENT (Env-Wt 603.05)

Refer to the New Hampshire Coastal Flood Risk Summary Part 1: Science and New Hampshire Coastal Flood Risk Summary Part II: Guidance for Using Scientific Projections or other best available science to:

Determine the time period over which the project is designed to serve.

See attached CVA

Identify the project's relative risk tolerance to flooding and potential damage or loss likely to result from flooding to buildings, infrastructure, salt marshes, sand dunes and other valuable coastal resource areas.

See attached CVA

Reference the projected sea-level rise (SLR) scenario that most closely matches the end of the project design life and the project's tolerance to risk or loss.

See attached CVA

Identify areas of the proposed project site subject to flooding from SLR.

See attached CVA

Identify areas currently located within the 100-year floodplain and subject to coastal flood risk.

See attached CVA

Describe how the project design will consider and address the selected SLR scenario within the project design life, including in the design plans.

See attached CVA

Where there are conflicts between the project's purpose and the vulnerability assessment results, schedule a pre-application meeting with the department to evaluate design alternatives, engineering approaches, and use of the best available science.

☐ Pre-application meeting date held: **N/A**

SECTION 5 - DESIGN PLANS (Env-Wt 603.07, in addition to Env-Wt 311)

Submit design plans for the project in both plan and elevation views that clearly depict and identify all required elements.

The plan view shall depict the following:

- ☐ The engineering scale used, which shall be no larger than one inch equals 50 feet;
- ☐ The location of tidal datum lines depicted as lines with the associated elevation noted, based on North American Vertical Datum of 1988 (NAVD 88), derived from https://tidesandcurrents.noaa.gov/datum_options.html, as described in Section 6.
- ☐ An imaginary extension of property boundary lines into the waterbody and a 20-foot setback from those property line extensions;
- ☐ The location of all special aquatic sites at or within 100 feet of the subject property;
- ☐ Existing bank contours;
- ☐ The name and license number, if applicable, of each individual responsible for the plan, including:
  a. The agent for tidal docking structures who determined elevations represented on plans; and
  b. The qualified coastal professional who completed the CFA report and located the identified resources on the plan;
- ☐ The location and dimensions of all existing and proposed structures and landscape features on the property;
- ☐ Tidal datum(s) with associated elevations noted, based on NAVD 88; and
- ☐ Location of all special aquatic sites within 100-feet of the property.

The elevation view shall depict the following:

- ☐ The nature and slope of the shoreline;
- ☐ The location and dimensions of all proposed structures, including permanent piers, pilings, float stop structures, ramps, floats, and dolphins; and
- ☐ Water depths depicted as a line with associated elevation at highest observable tide, mean high tide, and mean low tide, and the date and tide height when the depths were measured. Refer to Section 6 for more instructions regarding water depth supporting information.

See specific design and plan requirements for certain types of coastal projects:

- Overwater structures (Env-Wt 606).
- Dredging activities (Env-Wt 607).
- Tidal beach maintenance (Env-Wt 608).
- Tidal shoreline stabilization (Env-Wt 609).
- Protected tidal zone (Env-Wt 610).
- Sand Dunes (Env-Wt 611).

SECTION 6 - WATER DEPTH SUPPORTING INFORMATION REQUIRED (Env-Wt 603.08)

Using current predicted NOAA tidal datum for the location, and tying field measurements to NAVD 88, field observations of at least three tide events, including at least one minus tide event, shall be located to document the range of the tide in the proposed location showing the following levels:

- ☐ Mean lower low water;
- ☐ Mean low water;
- ☐ Mean high water;
- ☐ Mean tide level;
- ☐ Mean higher high water;
- ☐ Highest observable tide line; and
- ☐ Predicted sea-level rise as identified in the vulnerability assessment in Env-Wt 603.05.

The following data shall be presented in the application project narrative to support how water depths were determined:

- ☐ The date, time of day, and weather conditions when water depths were recorded; and
- ☐ The name and license number of the licensed land surveyor who conducted the field measurements.

For tidal stream crossing projects, provide:

- ☐ Water depth information to show how the tier 4 stream crossing is designed to meet Env-Wt 904.07(c) and (d).

For repair, rehabilitation or replacement of tier 4 stream crossings:

- ☐ Demonstrate how the requirements of Env-Wt 904.09 are met.

SECTION 7 - GENERAL CRITERIA FOR TIDAL BEACHES, TIDAL SHORELINE, AND SAND DUNES (Env-Wt 604.01)

Any person proposing a project in or on a tidal beach, tidal shoreline, or sand dune, or any combination thereof, shall evaluate the proposed project based on:

- ☐ The standard conditions in Env-Wt 307;
- ☐ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- ☐ The approval criteria in Env-Wt 313.01;
- ☐ The evaluation criteria in Env-Wt 313.05;
- ☐ The project specific criteria in Env-Wt 600;
- ☐ The CFA required by Env-Wt 603.04; and
- ☐ The vulnerability assessment required by Env-Wt 603.05.

New permanent impacts to sand dunes that provide coastal storm surge protection for protected species or habitat shall not be allowed except:

- ☐ To protect public safety; and
- ☐ Only if constructed by a state agency, coastal resiliency project, or for a federal homeland security project.

Projects in or on a tidal beach, tidal shoreline, or sand dune shall support integrated shoreline management that:

- ☐ Optimizes the natural function of the shoreline, including protection or restoration of habitat, water quality, and self-sustaining stability to flooding and storm surge; and
- ☐ Protects upland infrastructure from coastal hazards with a preference for living shorelines over hardened shoreline practices.

SECTION 8 - GENERAL CRITERIA FOR TIDAL BUFFER ZONES (Env-Wt 604.02)

The 100-foot statutory limit on the extent of the tidal buffer zone shall be measured horizontally. Any person proposing a project in or on an undeveloped tidal buffer zone shall evaluate the proposed project based on:

- ☐ The standard conditions in Env-Wt 307;
- ☐ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- ☐ The approval criteria in Env-Wt 313.01;
- ☐ The evaluation criteria in Env-Wt 313.05;
- ☐ The project specific criteria in Env-Wt 600;
- ☐ The CFA required by Env-Wt 603.04; and
- ☐ The vulnerability assessment required by Env-Wt 603.05.

Projects in or on a tidal buffer zone shall preserve the self-sustaining ability of the buffer area to:

- ☐ Provide habitat values;
- ☐ Protect tidal environments from potential sources of pollution;
- ☐ Provide stability of the coastal shoreline; and
- ☐ Maintain existing buffers intact where the lot has disturbed area defined under RSA 483-B:4, IV.

SECTION 9 - GENERAL CRITERIA FOR TIDAL WATERS/WETLANDS (Env-Wt 604.03)

Except as allowed under Env-Wt 606, permanent new impacts to tidal wetlands shall be allowed only to protect public safety or homeland security. Evaluation of impacts to tidal wetlands and tidal waters shall be based on:

- ☐ The standard conditions in Env-Wt 307;
- ☐ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- ☐ The approval criteria in Env-Wt 313.01;
- ☐ The evaluation criteria in Env-Wt 313.05;
- ☐ The project specific criteria in Env-Wt 600;
- ☐ The CFA required by Env-Wt 603.04; and
- ☐ The vulnerability assessment required by Env-Wt 603.05.

Projects in tidal surface waters or tidal wetlands shall:

- ☐ Optimize the natural function of the tidal wetland, including protection or restoration of habitat, water quality, and self-sustaining stability to storm surge;
- ☐ Be designed with a preference for living shorelines over hardened stabilization practices; and
- ☐ Be limited to public infrastructure or restoration projects that are in the interest of the general public, including a road, a bridge, energy infrastructure, or a project that addresses predicted sea-level rise and coastal flood risk.

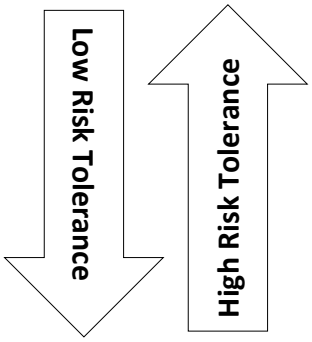
SECTION 10 – GUIDANCE

Your application must follow the New Hampshire Coastal Risk and Hazards Commission's Guiding Principles or other best available science. Below are some of these guidance principles:

- Incorporate science-based coastal flood risk projections into planning;
- Apply risk tolerance* to assessment, planning, design, and construction;
- Protect natural resources and public access;
- Create a bold vision, start immediately, and respond incrementally and opportunistically as projected coastal flood risks increase over time; and
- Consider the full suite of actions including effectiveness and consequences of actions.

*Risk tolerance is a project's willingness to accept a higher or lower probability of flooding impacts. The diagram below gives examples of project with lower and higher risk tolerance:

Critical infrastructures, historic sites, essential ecosystems, and high value assets typically have lower risk tolerance, and thus should be planned, designed, and constructed using higher coastal flood risk projections.



Sheds, pathways, and small docks typically have higher risk tolerance and thus may be planned, designed, and constructed using less protective coastal flood risk projections.

Map by NH GRANIT

Legend

- State
- County
- City/Town

Map Scale

1: 6,494

Map Generated: 11/5/2019

Notes

USGS Map

913 Sagamore Avenue
Portsmouth, NH

Photo No. 1 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southerly along existing gravel driveway toward existing home. **Photo By:** SDR	

Photo No. 2 **Photo Date:7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southwesterly toward existing home. **Photo By:** SDR	

Photo No. 3 **Photo Date: 7/26/24** 4/19/2024 **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southerly down existing paved area toward Sagamore Creek. **Photo By:** SDR	

Photo No. 4 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing westerly toward existing home. **Photo By:** SDR	

Photo No. 5 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southerly toward existing tidal docking structure and Sagamore Creek. **Photo By:** SDR	

Photo No. 6 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing westerly toward existing home and detached garage. **Photo By:** SDR	

Photo No. 7 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southwesterly toward existing detached garage and Sagamore Creek. **Photo By:** SDR	

Photo No. 8 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northwesterly toward existing home and detached garage. **Photo By:** SDR	

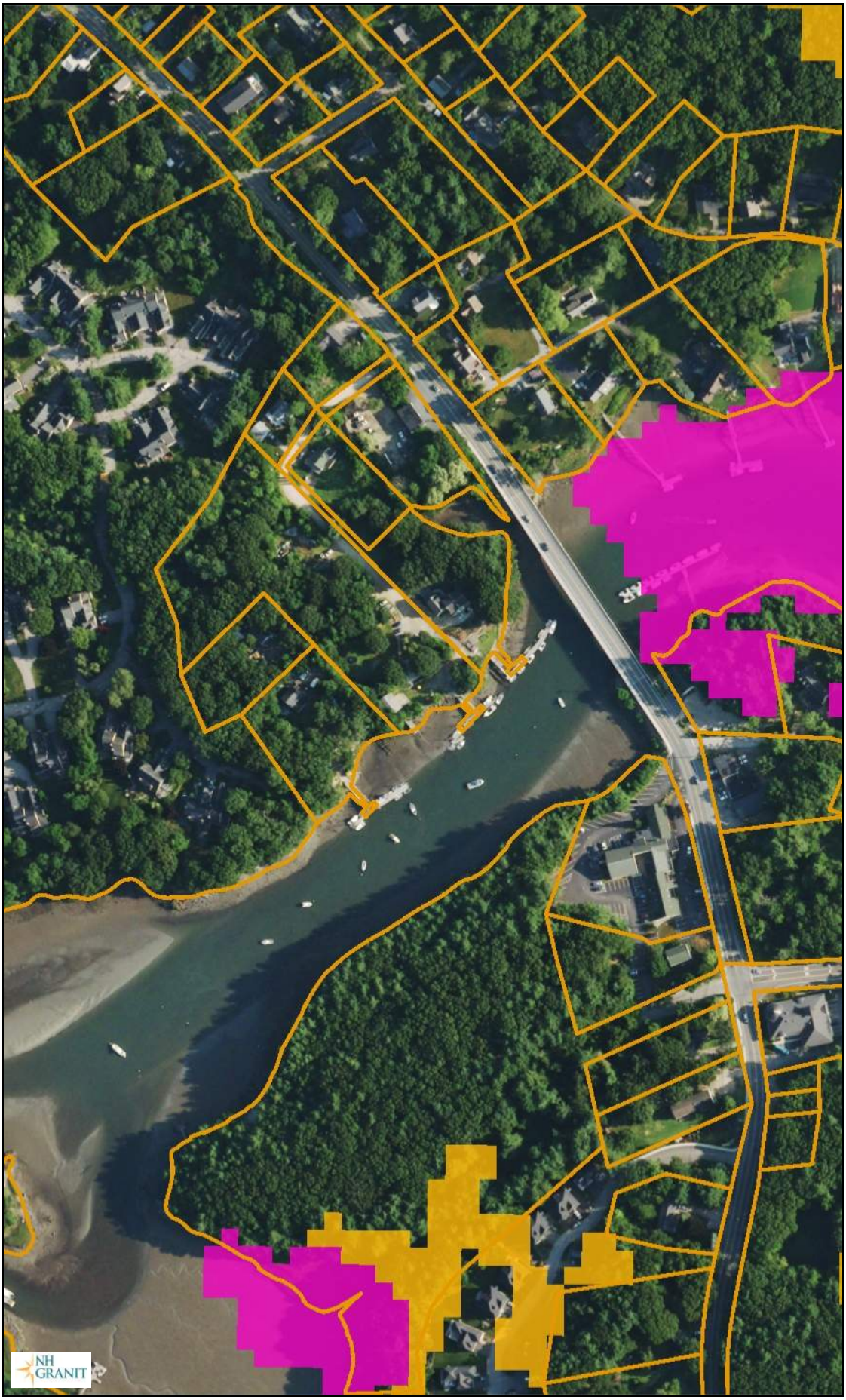
Photo No. 9 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northerly toward existing home and detached garage. **Photo By:** SDR	

Photo No. 10 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northerly toward tree to be removed and exposed bedrock. **Photo By:** SDR	

Photo No. 11 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northeasterly toward existing gravel driveway. **Photo By:** SDR	

Photo No. 12 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing easterly toward existing home. **Photo By:** SDR	

Map by NH GRANIT



Legend

- Parcels
- State
- County
- City/Town

WAP 2020: Highest Ranked Wildlife Habitat

- 1 Highest Ranked Habitat in NH
- 2 Highest Ranked Habitat in Regior
- 3 Supporting Landscape

Coastal 2019 1-foot RGB

Map Scale

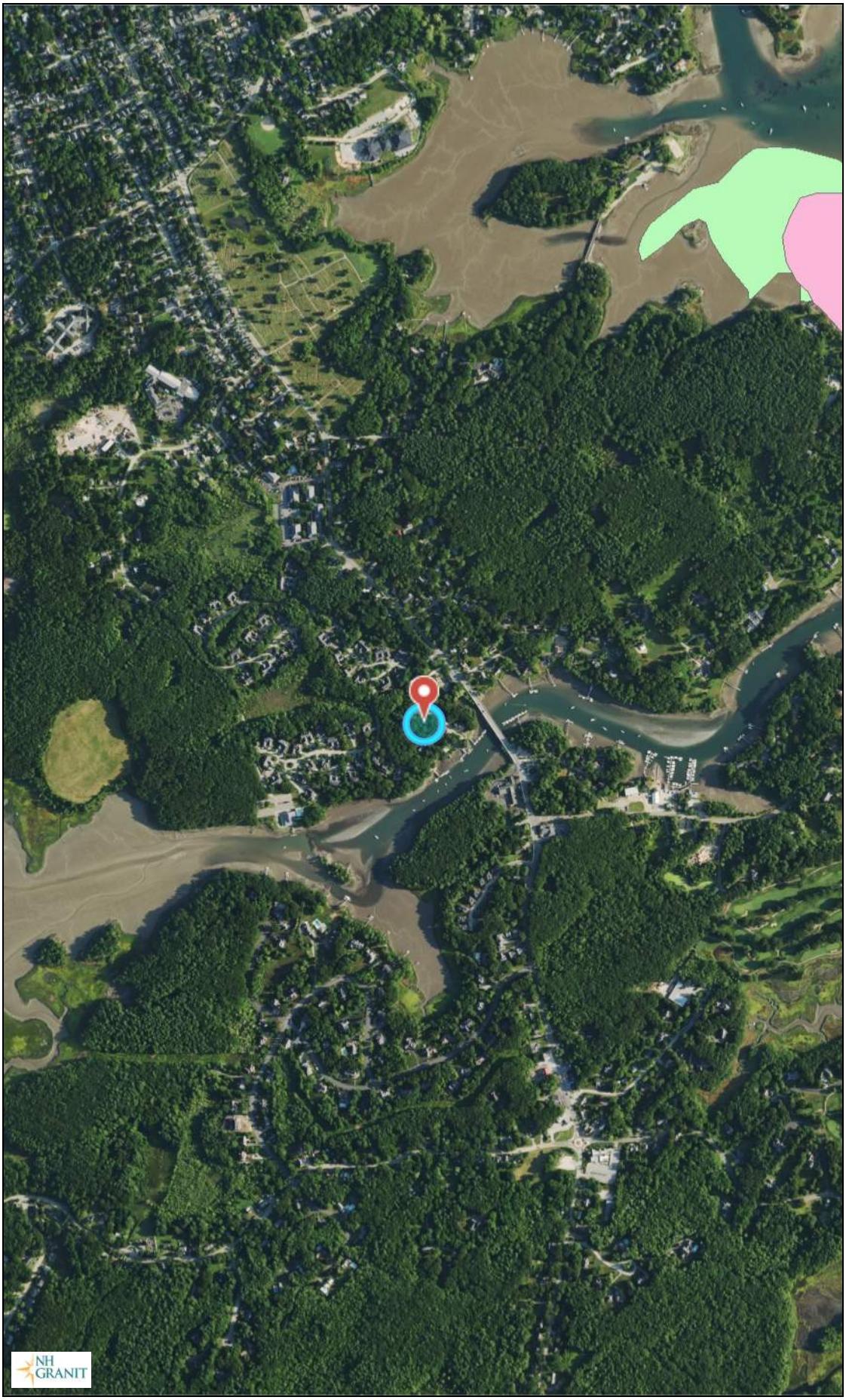
1: 3,247

Map Generated: 7/26/2024

Notes

Highest Ranked Wildlife Habitat

Map by NH GRANIT



Legend

Current Shellfish Beds
- Blue Mussel
- Oyster
- Razor Clam
- Softshell Clam
- Surf Clam

Coastal 2019 1-foot RGB

Map Scale

1: 12,988

Map Generated: 12/4/2024

Notes

Shellfish Bed Habitat
913 Sagamore Ave
Portsmouth, NH

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

To: John Chagnon, Ambit Engineering, Inc.
200 Griffin Road
Unit 3
Portsmouth, NH 03801

From: NH Natural Heritage Bureau
Date: 7/3/2024 (valid until 7/3/2025)
Re: Review by NH Natural Heritage Bureau of request submitted 6/26/2024
Permits: NHDES - Standard Dredge & Fill - Minor

NHB ID: **NHB24-2017** **Applicant:** Steven Riker

Location: Portsmouth
913 Sagamore Avenue

Project Description: The project proposes re-development of the property including the demolition of the existing residential structure, construction of a new home with attached garage and deck, associated driveway, removal of existing impervious (pavement & compacted gravel), installation of pervious paver patio, construction of a retaining wall, utility connections, grading and associated landscaping.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 6/26/2024 9:36:21 AM, and cannot be used for any other project.

Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: **NHB24-2017**

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING

WETLAND FUNCTIONS AND VALUES ASSESSMENT

FOR HOGSWAVE, LLC
Map 223, Lot 27 | Portsmouth, NH

Applicant:
HOGSWAVE, LLC
912 Sagamore Avenue | Portsmouth, NH 03801

July 30, 2024
JN: 5010372

Prepared By:
Haley Ward, Inc.
200 Griffin Rd., Unit 14 | Portsmouth, New Hampshire 03801

Corporate Office
One Merchants Plaza
Suite 701
Bangor, ME 04401
T: 207.989.4824
F: 207.989.4881

HALEYWARD.COM

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APPENDICES

INTRODUCTION

The applicant is proposing residential re-development including demolition of the existing residential structure, construction of a new home, re-configuration of the existing gravel driveway, pervious paver patio, deck, removal of impervious surfaces, grading, utility connections and associated landscaping. The project site is identified on Portsmouth Tax Map 223 as Lot 27 and is approximately 3.1 acres in size. As currently designed, the proposed project would require impacts to the 100' previously developed Tidal Buffer Zone (TBZ).

The purpose of this report is to present the existing functions and values of the tidal wetlands and to assess any impacts the proposed project may have on their ability to continue to perform these functions and values. The tidal wetlands being impacted were assessed with consideration to their association with Sagamore Creek and the larger marine ecosystem and was not limited to the tidal wetlands immediately on-site.

METHODS

DATA COLLECTION

The tidal wetlands associated with this project area were identified and characterized through field surveys and review of existing information. Haley Ward conducted site visits in July of 2024 to characterize the tidal wetlands and collect the necessary information to complete a functions and values assessment. In addition, Haley Ward contacted the New Hampshire Natural Heritage Bureau (NHB) regarding existing information of documented rare species or natural communities within the vicinity of the project site.

WETLAND FUNCTIONS AND VALUES ASSESSMENT

Haley Ward assessed the ability of the tidal wetlands to provide certain functions and values and analyzed the potential effects the proposed project may have on their ability to continue to provide those functions and values. Wetland functions and values were assessed using the *Highway Methodology Workbook, Wetland Functions and Values: A Descriptive Approach*. This method bases function and value determinations on the presence or absence of specific criteria for each of the 13 wetland functions and values (see definitions below). These criteria are assessed through direct field observations and a review of existing resource maps and databases. As part of the evaluation, the most important functions and values associated with the on-site wetlands are identified. In addition, the ecological integrity of the wetlands is evaluated based on the existing levels of disturbance and the overall significance of the wetlands within the local watershed.

- **Groundwater Interchange (Recharge/Discharge)**

This function considers the potential for the project area wetlands to serve as groundwater recharge and/or discharge areas. It refers to the fundamental interaction between wetlands and aquifers, regardless of the size or importance of either.

° **Floodwater Alteration (Storage and Desynchronization)**
This function considers the effectiveness of the wetlands in reducing flood damage by attenuating floodwaters for prolonged periods following precipitation and snow melt events.

° **Fish and Shellfish Habitat**
This function considers the effectiveness of seasonally or permanently flooded areas within the subject wetlands for their ability to provide fish and shellfish habitat.

° **Sediment/Toxicant Retention**
This function reduces or prevents degradation of water quality. It relates to the effectiveness of the wetland to function as a trap for sediments, toxicants, or pathogens, and is generally related to factors such as the type of soils, the density of vegetation, and the position in the landscape.

° **Nutrient Removal/Retention/Transformation**
This wetland function relates to the effectiveness of the wetland to prevent or reduce the adverse effects of excess nutrients entering aquifers or surface waters such as ponds, lakes, streams, rivers, or estuaries.

° **Production Export (Nutrient)**
This function relates to the effectiveness of the wetland to produce food or usable products for humans or other living organisms.

° **Sediment/Shoreline Stabilization**
This function considers the effectiveness of a wetland to stabilize stream banks and shorelines against erosion, primarily through the presence of persistent, well-rooted vegetation.

° **Wildlife Habitat**
This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with wetlands and the wetland edge. Both resident and/or migrating species must be considered.

° **Recreation (Consumptive and Non-Consumptive)**
This value considers the suitability of the wetland and associated watercourses to provide recreational opportunities such as hiking, canoeing, boating, fishing, hunting, and other active or passive recreational activities.

° **Educational/Scientific Value**
This value considers the effectiveness of the wetland as a site for an "outdoor classroom" or as a location for scientific study or research.

° **Uniqueness/Heritage**
This value relates to the effectiveness of the wetland or its associated water bodies to provide certain special values such as archaeological sites, unusual aesthetic quality, historical events, or unique plants, animals, or geologic features.

° **Visual Quality/Aesthetics**
This value relates to the visual and aesthetic qualities of the wetland.

° **Endangered Species Habitat**
This value considers the suitability of the wetland to support threatened or endangered species.

FUNCTIONS AND VALUES ASSESSMENT

Results of the wetland functions and values assessment are presented below. This assessment includes a discussion of potential changes to existing wetland functions and values that may occur as a result of the proposed project:

Groundwater Interchange (Recharge/Discharge)
Because there is no identified sand and gravel aquifer underlying the project area, and the wetlands are not underlain by sands or gravel, it is unlikely that significant groundwater recharge is occurring within the tidal wetlands.

Floodwater Alteration (Storage and Desynchronization)
The tidal wetland and Sagamore Creek receive floodwaters from the surrounding watershed and connected waterways; therefore, is considered a principal function considering the large size of the combined waterways.

Fish and Shellfish Habitat
The tidal wetland does provide fish and shellfish habitat, is associated with Sagamore Creek and the Atlantic Ocean; therefore, is considered a principal function.

Sediment/Toxicant Retention
The greater tidal wetland contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.

Nutrient Removal/Retention/Transformation
The greater tidal wetland contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.

Production Export (Nutrient)
Production export is a wetland function that typically occurs in the form of nutrient or biomass transport via watercourses, foraging by wildlife species, and removal of timber and other natural products. Because the tidal wetland provides fish and wildlife habitat, commercial and recreational fisheries opportunities, and nutrients are transferred over several trophic levels in the marine ecosystem, this is considered a principal function.

Sediment/Shoreline Stabilization
Due to the tidal nature of this wetland; sediment/shoreline stabilization is considered a principal function.

Wildlife Habitat
The greater tidal wetland and Sagamore Creek provide a variety of coastal and marine habitat, therefore would be considered a principal function.

Recreation (Consumptive and Non-Consumptive)
The greater tidal wetland and Sagamore Creek provide a variety of consumptive and non-consumptive recreational opportunities including hunting, fishing and bird watching; therefore, would be considered a principal function.

Education/Scientific Value
The tidal wetland and Sagamore Creek are part of a larger marine ecosystem with multiple areas of public access making this a principal value.

Uniqueness/Heritage
The tidal wetland and Sagamore Creek are unique to the seacoast area. Additionally, there are pre and post-colonial historical components associated with Sagamore Creek and the surrounding areas making this a principal value.

Visual Quality/Aesthetics
Sagamore Creek provides aesthetically pleasing coastal views that are viewable from surrounding uplands as well as from the water, making this a principal value.

Endangered Species Habitat
An online inquiry with the NH Natural Heritage Bureau resulted in occurrences of sensitive species near the project area although NHB determined that impacts to these sensitive species are not expected as a result of the project. Given the above factors in regards to threatened or endangered species, this is not considered a capable function.

PROPOSED IMPACTS

This report is accompanying a New Hampshire Department of Environmental Services (NHDES) Minor Impact Wetland Permit Application request to permit 2,719 sq. ft. of permanent impact and **6,855** sq. ft. of temporary construction impact to the previously developed 100' Tidal Buffer Zone for residential re-development.

SUMMARY AND CONCLUSIONS

The jurisdictional tidal wetland associated with the project site is part of a large marine system and provides eleven principal functions and values when evaluated as a whole. These functions and values include: floodflow alteration, fish and shellfish habitat, production export, sediment/shoreline stabilization, nutrient removal/retention, sediment/toxicant retention, wildlife habitat, recreation, education/scientific value, uniqueness/heritage, and visual quality aesthetics. While the entire marine system provides these principal functions and values, the proposed impacts associated with the site re-development will not have any effect on its ability to continue to provide them. As the proposed project will reduce impervious surface on the lot and the area within the previously developed 100' Tidal Buffer Zone, provides for the installation of stone drip aprons to collect and treat stormwater from the roof of the home, includes the installation of a buffer planting plan and the use of pervious technology for the proposed patio, stormwater quality leaving the site will be improved and there are no anticipated impacts to the current functions and values.

The proposed impacts have been minimized to the greatest extent practicable, while allowing reasonable use of the property. The project will not contribute to additional storm water or pollution. It is anticipated that there will be no effect on any fish or wildlife species that currently use the site for food, cover, and/or habitat. The project will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, and it will not impede any migrational fish movement.

The proposed project removes a significant amount of impervious surfaces within the wetland buffer, provides a pervious technology for the proposed patio, proposes stone drip aprons which will serve to improve stormwater quality, treatment, and infiltration on the subject parcel. Lastly, the project also provides a buffer planting area and additional tree plantings which will increase function within the wetland buffer on the lot and provides additional protections that do not currently exist on the site. With the above measures being taken, we believe that the above project will improve water quality entering the nearby wetland resource, and therefore have no adverse impact on the wetland functional values and the surrounding properties.

APPENDIX A

WETLAND FUNCTION - VALUE EVALUATION FORM

Wetland Function – Value Evaluation Form

Wetland Description: Wetland A is an un-named tidal wetland hydrologically connected to Sagamore Creek.	**File number**: 5010372
	Wetland identifier: Wetland A
	Latitude:X:1,229,314.04 Longitude:Y:203,350
	Preparer(s): Ambit Engineering, Inc.
	200 Griffin Road
	Date: July 26, 2024

Function/Value	Capability Y	Capability N	Summary	Principal Yes/No
Groundwater Recharge/Discharge		X	This wetland does not possess the characteristics needed to provide this function as there are no identified underlying sand or gravel aquifers.	—
Floodwater Alteration	X		The tidal wetland and Sagamore Creek do receive floodwater from the surrounding watershed and connected waterways; therefore, this would be considered a principal function.	Y
Fish and Shellfish Habitat	X		The tidal wetland and Sagamore Creek are part of a larger coastal marine system and provide both fish and shellfish habitat. This is considered a Principal Function.	Y
Sediment/Toxicant Retention	X		The immediate tidal wetland contains dense vegetation and a source of sediments and toxicants, therefore a principal function.	Y
Nutrient Removal	X		The immediate tidal wetland contains dense vegetation and a source of nutrients, therefore a principal function.	Y
Production Export	X		Because the tidal wetland provides fish and wildlife habitat, commercial and recreational fishing opportunities, and nutrients are transferred over several trophic levels in the marine ecosystem, this is considered a principal function.	Y
Sediment/Shoreline Stabilization	X		Due to the tidal nature of this wetland; sediment/shoreline stabilization is considered a principal function. The project proposes to stabilize the shoreline with a more structurally stable design.	Y
Wildlife Habitat	X		The greater tidal wetland and Sagamore Creek provides a variety of coastal and marine habitat, therefore would be considered a principal function.	Y
Recreation	X		The adjacent tidal wetland provides a variety of consumptive and non-consumptive recreational opportunities including hunting, fishing and bird watching; therefore, would be considered a principal function.	Y
Education/Scientific Value	X		The tidal wetland and Sagamore Creek are part of a larger marine ecosystem with multiple areas of public access making this a principal value.	Y
Uniqueness/Heritage	X		The tidal wetland and Sagamore Creek are unique to the seacoast area. Additionally, there are pre and post-colonial historical components associated with Sagamore Creek and the surrounding areas making this a principal value.	Y
Visual Quality/Aesthetics	X		Sagamore Creek provides aesthetically pleasing coastal views that are seeable from surrounding uplands as well as from the water, making this a principal function.	Y
ES Endangered Species Habitat		X	An online inquiry with the NH Natural Heritage Bureau has been performed and NHB determined that although there was a sensitive species located near the project, impacts as a result of the project are not anticipated.	—
Other				

APPENDIX B

PHOTO LOG

913 Sagamore Avenue
Portsmouth, NH

Photo No. 1 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southerly along existing gravel driveway toward existing home. **Photo By:** SDR	

Photo No. 2 **Photo Date:7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southwesterly toward existing home. **Photo By:** SDR	

Photo No. 3 **Photo Date: 7/26/24** 4/19/2024 **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southerly down existing paved area toward Sagamore Creek. **Photo By:** SDR	

Photo No. 4 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing westerly toward existing home. **Photo By:** SDR	

Photo No. 5 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southerly toward existing tidal docking structure and Sagamore Creek. **Photo By:** SDR	

Photo No. 6 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing westerly toward existing home and detached garage. **Photo By:** SDR	

Photo No. 7 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing southwesterly toward existing detached garage and Sagamore Creek. **Photo By:** SDR	

Photo No. 8 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northwesterly toward existing home and detached garage. **Photo By:** SDR	

Photo No. 9 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northerly toward existing home and detached garage. **Photo By:** SDR	

Photo No. 10 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northerly toward tree to be removed and exposed bedrock. **Photo By:** SDR	

Photo No. 11 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing northeasterly toward existing gravel driveway. **Photo By:** SDR	

Photo No. 12 **Photo Date: 7/26/24** **Site Location:** 913 Sagamore Avenue, Portsmouth, NH **Description:** Facing easterly toward existing home. **Photo By:** SDR	

APPENDIX C

NATURAL HERITAGE BUREAU CORRESPONDENCE

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

To: John Chagnon, Ambit Engineering, Inc.
200 Griffin Road
Unit 3
Portsmouth, NH 03801

From: NH Natural Heritage Bureau
Date: 7/3/2024 (valid until 7/3/2025)
Re: Review by NH Natural Heritage Bureau of request submitted 6/26/2024
Permits: NHDES - Standard Dredge & Fill - Minor

NHB ID: **NHB24-2017** **Applicant:** Steven Riker

Location: Portsmouth
913 Sagamore Avenue

Project Description: The project proposes re-development of the property including the demolition of the existing residential structure, construction of a new home with attached garage and deck, associated driveway, removal of existing impervious (pavement & compacted gravel), installation of pervious paver patio, construction of a retaining wall, utility connections, grading and associated landscaping.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 6/26/2024 9:36:21 AM, and cannot be used for any other project.

Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: **NHB24-2017**

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING

COASTAL VULNERABILITY ASSESSMENT

FOR HOGSWAVE, LLC
Map 223, Lot 27 | Portsmouth, NH

Applicant:
HOGSWAVE, LLC
912 Sagamore Avenue | Portsmouth, NH 03801

July 30, 2024
JN: 5010372

Prepared By:
Haley Ward, Inc.
200 Griffin Rd., Unit 14 | Portsmouth, New Hampshire 03801

Corporate Office
One Merchants Plaza
Suite 701
Bangor, ME 04401
T: 207.989.4824
F: 207.989.4881

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Introduction
This Coastal Vulnerability Assessment (CVA) is being provided in support of a New Hampshire Department of Environmental Services (NHDES) Minor Impact Wetland Permit Application for the proposed residential re-development including demolition of the existing home, construction of a new home, re-configuration of the existing gravel driveway, deck, patio, removal of impervious surfaces, grading, utility connections and associated landscaping at 913 Sagamore Avenue, Portsmouth, NH (herein referred to as "project site"). The project was designed to avoid permanent impacts to the 100' TBZ to the greatest extent practicable. The project proposes 2,719 sq. ft. of permanent impact and **6855** sq. ft. of temporary construction impact to the 100' Tidal Buffer Zone, for the proposed project. The project site is a previously developed residential lot located adjacent to Sagamore Creek. The surrounding land use is residential with similar structures and development.

Methods
On July 26, 2024, Steven D. Riker, CWS from Haley Ward, Inc. conducted a site visit to evaluate coastal characteristics of the project site. This CVA was completed utilizing the NH Coastal Flood Risk Science and Technical Advisory Panel (2019). New Hamsphire Coastal Flood Risk Summary Part: Guidance for Using Scientific Projections. Report Published by the University of New Hampshire (herein refered to as Guidance Document).

Part 1.1 – Project Type
This project proposes residential re-development on a previously developed lot adjacent to Sagamore Creek. For more details regarding the proposed re-development, please refer to the NH DES Wetlands Bureau Application Letter to the Wetlands Inspector and attached Plan Set.

Part 1.2 – Project Location
The project location is 913 Sagamore Avenue, NH, Tax Map 223, Lot 27 and consists of +/- 3.1 acres of land. Access to the project site will be from Sagamore Avenue and a Right-of -Way that provides access to the subject lot as well as other abutting parcels, for the mobilization of equipment and materials to the site.

Part 1.3 – Timeline for Desired Useful Life
This analysis will use 2100 for a timeframe, as the desired useful life for this project is considered to be approximately 50-100 years based on the projected life expectancy of a new foundation and pervious patio.

2.1 – Project Risk Tolerance
The proposed project is considered to have a high-risk tolerance considering the proposed re-development has a relatively low cost, would be relatively easy to modify, proposes little to no implications on public function and/or safety; and have relatively low sensitivity to inundation given that foundations are designed and installed in a manner that provides resiliency and protection from groundwater (estimated seasonal high water table).

200 GRIFFIN RD. UNIT 14, PORTSMOUTH, NH 03802 603.430.9282 | HALEYWARD.COM

2.2 – Risk Tolerance of Important Access and Service Areas
The risk tolerance of surrounding access and service areas would also be considered as high, as the project occurs on a residential private lot intended for private use; and the primary access to the lot would not be subject to projected sea level rise.

3.1 – Relative Sea Level Rise Scenario (RSLS)
Based on Table 3 in the Guidance Document (see table below), the RSLS for this project (based on the previously determined high risk tolerance) is considered to be on the lower magnitude, and higher probability. The following table depicts the probable see level rise from 2000 through 2150.

Table 3 from the Guidance Document:

Risk Tolerance	High	Medium	Low	Extremely Low
Example Project	Walking Trail *Foundation and pervious patio	Local Road Culvert	Wastewater Treatment Facility	Hospital
Timeframe	Manage to the following sea level rise (ft*) *Compared to the sea level in the year 2000*			
	Lower magnitude Higher probability ⟷			Higher magnitude Lower probability
2030	**0.7**	**0.9**	**1.0**	**1.1**
2050	**1.3**	**1.6**	**2.0**	**2.3**
2100	**2.9**	**3.8**	**5.3**	**6.2**
2150	**4.6**	**6.4**	**9.9**	**11.7**

*Added by Haley Ward, Inc. based on the application of the Guidance Document towards the project.

3.2 – Relative Sea Level Rise (RSLR) Impacts to the Project Evaluation
Please see the attached Figure 1 – Projected SLR's; which depicts the project site and relevant Highest Observable Tide Line (HOTL), Mean High Water (MHW), and the projected SLR's for the years 2030, 2050, 2100 and 2150. Relative to surrounding topography and considering the High-Risk Tolerance of this project; the projected RSLR is not expected to be a major consideration for this project. The HOTL associated with the project site is located approximately at elevation 10. There are no current restrictions on the project site or associated with the proposed project.

3.3 – Other Factors
Other factors were evaluated in conjunction with RSLR including surface water levels, groundwater levels, and current velocities which will increase with sediment erosion and deposition, which will also change. The project's position in the landscape was also considered relative to other infrastructure. The closest surface water to the project site is the adjacent Sagamore Creek, projections of RSLR of which have already been depicted and discussed. There are no current restrictions on the project site or associated

with the proposed project. The HOTL associated with the project site is located approximately at elevation 10. The proposed finished basement floor of the new home will be constructed at elevation 14.6 and the pervious patio sub-base extending to elevation 13, and a projected sea level rise at 2.9, the proposed home and pervious patio installation will function as intended throughout its expected useful life. In regards to the proposed foundation, given that concrete foundations are designed and constructed to be placed in areas subjected to "groundwater" and/or the seasonal high water table, we do not believe that the foundation component of this project should be a consideration in this assessment.

4.1 – RSLR and Coastal Storms
Given that the proposed finished basement floor of the new home will be constructed at elevation 14.6 and the pervious patio sub-base at elevation 13, RSLR and storm surge do not need to be considered for this project.

4.2 – Other Factors
Other factors such as surface water levels, groundwater levels, wind and current velocities have been considered. Considering the high-risk tolerance of this project, it is not anticipated that this project has a significant level of vulnerability to surface water levels, wind, current velocities, and storm surge.

5.1 – Projected RSL-Induced Groundwater Rise
The NH Granit- Coastal Viewer database does have projected groundwater rise data associated with RSLR on the project site. However, given that the proposed construction of the patio sub-base will occur at elevation 13, RSL induced groundwater rise should not be considered for this project.

5.2 – Projected Groundwater Depth at the Project Location
Projected groundwater depth on the subject site would likely rise with projected RSLR but, given the elevation of the proposed construction (approximately 13) it is not expected to be an issue. The proposed construction is designed to not be affected by the estimated seasonal high-water table.

6.1 – Best Available Precipitation Estimates
Please see the attached Extreme Precipitation Tables from the Northeast Regional Climate Center.

7.1 – Cumulative Coastal Flood Risk to the Project
Based on the high-risk tolerance of this project combined with all other factors including RSLR, coastal storms, RSLR-induced groundwater rise, extreme precipitation and/or freshwater flooding occurring together; this project is not considered to be at high risk from coastal flooding.

7.2 – Possible Actions to Mitigate Coastal Flood Risk
Given the high-risk tolerance of the proposed project, it is not anticipated that it is necessary to mitigate for coastal flood risk beyond what has already been incorporated into the design plan for the proposed foundation and patio.


SITE
Lot 30
Lot 25
Lot 25-B
Sagamore Creek
34
0.342
ac
32
0.099
ac
31
1.050 ac
33
0.330 ac
26A
0.624 ac
26
1.200 ac
27
3.320
ac
29
0.750
ac
28
0.844
ac

E # 19045930 11/01/2019 11:37:52 AM
Book 6053 Page 421 Page 1 of 2
Register of Deeds, Rockingham County

Return to:
Hogswave, LLC
912 Sagamore Avenue
Portsmouth, NH 03801

LCHIP	ROA469052	25.00
TRANSFER TAX	RO092625	18,750.00
RECORDING		14.00
SURCHARGE		2.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That I, John Hebert, a married person, of 54 Pioneer Road, Rye, NH 03870, for consideration paid grant(s) to Hogswave, LLC, a New Hampshire Limited Liability Company, with an address of 912 Sagamore Avenue, Portsmouth, NH 03801, with WARRANTY COVENANTS:

A certain tract of land lying westerly of Sagamore Avenue in Portsmouth, Rockingham County, New Hampshire, together with the buildings thereon, bounded and described as follows, viz:

Beginning at the northeasterly corner of said tract at a point approximately 322 feet from the westerly side of Sagamore Avenue and at the northwesterly corner of land now or formerly of Harrison H. Workman and Frances E. Workman and running S 43° 57' E, 644 feet, more or less, to a "U"-Bolt in a ledge on the northerly bank of Sagamore Creek; thence in a westerly direction by said Creek 190 feet, more or less; thence turning and running N 44° 17' W, 327.5 feet to the northwesterly corner of land now or formerly of Harrison H. Workman; thence turning at approximately a right angle and running S 45° 43' W, 221.2 feet by said Workman land to a stone wall at land now or formerly of Ralph W. Junkins and Charles H. Walker; thence N 04° 27' W, 97 feet and thence N 21° 14' W, 111.2 feet by said stone wall to a corner in the wall; thence N 37° 48' E by said stone wall, 166.6 feet to the end of said wall and thence N 28° E 140 feet to the point of beginning. Containing 3.08 acres.

Also the right to use in common with others a 25 foot right-of-way leading from Sagamore Avenue to the land herein described, the center line of said right-of-way being described as follows:

Beginning at a point on said Sagamore Avenue 160 feet, more or less, southerly from the northeasterly corner of land now or formerly of Garland W. Patch, Jr. and running S 53° 31' W, 172 feet and thence continuing S 30° 36' W, 144 feet to the easterly sideline of the property hereby conveyed, which point is approximately 100 feet southerly from land of now or formerly of one Johnston; thence S 43° 57' E, 280 feet, more or less, to a corner.
The property hereby conveyed is subject to the use of said right-of-way by other landowners so far as any part of said right-of-way lies on the land conveyed and subject also to a 25 feet right-of-way, the center line of which starts at the terminus of the above-described right-of-way line and runs S 45° 43' W, 180.7 feet to land now or formerly of Garland W. Patch, Jr. and Harrison H. Workman.

RE: 2019-1857

Said land is shown on a certain plan entitled "Division of Land, Portsmouth, N.H. for Garland W. Patch, Jr." dated December, 1953 by John W. Durgin, C.E.

The above reference property is not the homestead of the Grantor or the Grantor's spouse.

Executed this 1st day of November, 2019.

John Hebert

State of New Hampshire
County of Rockingham

Then personally appeared before me on this 1st day of November, 2019, the said John Hebert and acknowledged the foregoing to be his voluntary act and deed.

Notary Public/Justice of the Peace
Commission expiration:

JOHN K. BOSEN
MY COMMISSION EXPIRES DEC. 2, 2020
NOTARY PUBLIC
NEW HAMPSHIRE

ABUTTER'S LIST

JN 5010372
Client: Hogswave, LLC
Project Address: 913 Sagamore Ave, Portsmouth, NH 03801

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
223	28	Golter Lobster Sales, LLC		30 Nantucket PL	Greenland, NH 03840
223	29	Fanel Dobre		919 Sagamore Ave	Portsmouth, NH 03801
223	30	Tidewatch Condominium		579 Sagamore Ave	Portsmouth, NH 03801
223	33	Debra M. Dupont		911 Sagamore Ave	Portsmouth, NH 03801
223	26	Heidi S. Ricci Revocable Trust		912 Sagamore Ave	Portsmouth, NH 03801
223	25B	City of Portsmouth		1 Junkins Ave	Portsmouth, NH 03801

30 July 2024

City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

RE: New Hampshire Wetland Application for site re-development for Hogswave LLC, 913 Sagamore Ave, Portsmouth, NH.

Dear Property Owner,

Under NH RSA 482-A and RSA 483-B, this letter is to inform you in accordance with State Law that a NH DES Wetland & Shoreland Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact the previously developed 100' Tidal Buffer Zone and the 250' Protected Shoreland for residential site re-development,** on behalf of your abutter, **Hogswave LLC.**

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **Hogswave LLC** proposes a project that requires construction in the previously developed 100 foot Tidal Buffer Zone and the 250' Protected Shoreland, both jurisdictional wetland areas.

Plans are on file at this office, and once the application is filed, that show the proposed project and wetland and other jurisdictional impacts will be available for viewing during normal business hours at the office of the **Portsmouth** clerk, **Portsmouth City offices**, or once received by DES, at the offices of the DES Wetlands Bureau, (8 a.m. to 4 p.m.) (603) 271-2147. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Please feel free to call if you have any questions or comments.

Sincerely,

Steve Riker, CWS
Project Scientist/Project Manager
sriker@haleyward.com

30 July 2024

Fanel Dobre
919 Sagamore Ave
Portsmouth, NH 03801

RE: New Hampshire Wetland Application for site re-development for Hogswave LLC, 913 Sagamore Ave, Portsmouth, NH.

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Sincerely,

Steve Riker, CWS
Project Scientist/Project Manager
sriker@haleyward.com

30 July 2024

Debra Dupont
911 Sagamore Ave
Portsmouth, NH 03801

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Sincerely,

Steve Riker, CWS
Project Scientist/Project Manager
sriker@haleyward.com

30 July 2024

Golter Lobster Sales, LLC
30 Nantucket PL
Greenland, NH 03840

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Sincerely,

Steve Riker, CWS
Project Scientist/Project Manager
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30 July 2024

Heidi S. Ricci Revocable Trust
912 Sagamore Ave
Portsmouth, NH 03801

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Sincerely,

Steve Riker, CWS
Project Scientist/Project Manager
sriker@haleyward.com

30 July 2024

Tidewatch Condominium
579 Sagamore Avenue
Portsmouth, NH 03801

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