

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM Public Hearings begin

July 20, 2023

AGENDA

REGULAR MEETING 7:00pm

I. APPROVAL OF MINUTES

- A. Approval of the June 15, 2023 meeting minutes.
- B. Approval of the June 22, 2023 meeting minutes.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **Murdock Living Trust (Owner), 15 Lafayette Road** requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots to create the following: Proposed Lot 1 to be 9,129 square feet of lot area and 73.8 feet of frontage and Proposed Lot 2 to be 8,172 square feet of lot area and 102 feet of frontage.

SITE PLAN REVIEW

- A. **REQUEST TO POSTPONE** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. **REQUEST TO POSTPONE**

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The request of **CP Management Inc (Applicant)** and **Sarnia Properties INC, (Owner)**, for property located at **933 US Route 1 BYP** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide 83 parking spaces where 114 are required. Said property is located on Assessor Map 142 Lot 37 and lies within the Business (B) District. (LU-23-76)
- B. The request of **Tanner Family Revocable Trust (Owner)**, for property located at **380 Greenleaf Avenue** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the construction of a new 20 x 20' one-story garage on a residential property with various additions of native buffer plantings and areas of storm water improvement to mitigate any impervious impacts from the garage. The proposal includes removal of 885 square feet of impervious asphalt, installation of 2' drip edge of crushed stone around the perimeter of the garage and 484 square feet of pervious pavers leading up to the garage where asphalt currently exists. Additional planting beds are proposed in areas of existing asphalt. Said property is located on Assessor Map 243 Lot 63 and lies within the Single Residence B (SRB) District. (LU-23-62)
- C. The request of **Murdock Living Trust (Owner)**, **15 Lafayette Road** requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots to create the following: Proposed Lot 1 to be 9,129 square feet of lot area and 73.8 feet of frontage and Proposed Lot 2 to be 8,172 square feet of lot area and 102 feet of frontage. Said property is located on Assessor Map 152 Lot 2 and lies within the General Residence A (GRA) and Historic Districts. (LU-23-26)
- D. The request of **ADL 325 Little Harbor Road Trust (Owner)**, for property located at **325 Little Harbor Road** requesting a Wetland Conditional Use Permit according to Section 10.017 of the Zoning Ordinance for the replacement of the existing bridge with a timber pile bridge and removal of the existing causeway. The project proposes permanent impacts within the wetland buffer of 36,358 square feet and 3,443 square feet of permanent impacts within the tidal wetland. Said property is located on Assessor Map 205 Lot 2 and lies within the Rural (R) District. (LU-23-81)
- E. **REQUEST TO POSTPONE** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE** (LU-20-259)

IV. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of Atlas Commons LLC (Owner), for property located at 581 Lafayette Road** requesting an addition to the existing commercial building for residential dwelling units with the associated site improvements. Said property is shown on Assessor Map 229 Lot 0229-008B and lies within the Gateway Corridor (G1) District. (LUPD-23-5)

V. OTHER BUSINESS

- A. The request of 230 Commerce Way, LLC** for property located at **230 Commerce Way** requesting a 1-year extension to the Amended Site Plan Approval and Wetland Conditional Use Permit originally granted on **July 21, 2022**. (LU– 22-14)
- B. Chairman updates and discussion items**
- C. Planning Board Rules and Procedures**
- D. Board discussion of Regulatory Amendments, Master Plan Scope & other matters**

VI. ADJOURNMENT

https://us06web.zoom.us/webinar/register/WN_kZP9o5aJRbuEhvyG6qJP-Q



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board
From: Peter Stith, Planning Manager
Date: July 20, 2023
Re: Recommendations for the July 20, 2023 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the June 15, 2023 and June 22, 2023 minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the June 15, 2023 regular meeting and June 22 25, 2023 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATION OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **Murdock Living Trust (Owner), 15 Lafayette Road** requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots to create the following: Proposed Lot 1 to be 9,129 square feet of lot area and 73.8 feet of frontage and Proposed Lot 2 to be 8,172 square feet of lot area and 102 feet of frontage.

Planning Department Recommendations

- 1) *Vote to determine that the application is complete according to the Subdivision Review Regulations, (contingent on the granting of any required waivers under Sections IV of the agenda) and to accept the application for consideration.*
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SITE PLAN REVIEW

- B. **REQUEST TO POSTPONE** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. **REQUEST TO POSTPONE**

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The request of **CP Management Inc (Applicant)** and **Sarnia Properties INC, (Owner)**, for property located at **933 US Route 1 BYP** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide 83 parking spaces where 114 are required. Said property is located on Assessor Map 142 Lot 37 and lies within the Business (B) District. (LU-23-76)

Project Background

The applicant is seeking a conditional use permit to provide less than the required parking as a result of relocating their health club to this location. The site contains multiple tenants, ranging from office to warehouse, with one other gym located at the property. The applicant proposes to lease approximately 12,000 square feet of space, which is similar to what they occupy at the Raynes Avenue site.



Project Review, Discussion, and Recommendations

The project has been before the Board of Adjustment and the Technical Advisory Committee. See below for details.

Board of Adjustment

The Board of Adjustment, at its regularly scheduled meeting of Tuesday, June 27, 2023, considered the application and voted to grant a Special Exception to allow a health club greater than 2,000 square feet in the Business District.

Technical Advisory Committee

The Technical Advisory Committee, at their regularly scheduled meeting of Tuesday, June 6, 2023, voted to recommend approval to the Planning Board as presented.

Conditional Use Permit for Parking

The off-street parking standards in the City's Zoning Ordinance require 48 parking spaces for the use based on the parking requirements for a health club greater than 2,000 square feet as provided in Section 10.1112.32. The total parking requirement for all the uses onsite is 114 spaces.

Per Section 10.1112.14 of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum parking spaces required by the off-street parking standards. An application for a conditional use permit for off-street parking must include a parking demand analysis.

Per Section 10.1112.142, an application for a conditional use permit shall identify permanent measures to reduce parking demand including but not limited to proximity to public transit and shared parking on a separate lot. The applicant has indicated if parking demand requires additional parking they could use space at 650 Maplewood and are currently in talks with the owner of that property.

The notice stated there will be 83 parking spaces provided, however some of the documents in the application indicate 82. In discussion with the applicant's representative, other areas on the site may be available to add a couple spaces and will provide that before or at the meeting on the 20th.

Planning Department Recommendation

Parking Conditional Use Permit

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 and to adopt the findings of fact as amended and read into the record.

2) *Vote to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to grant the conditional use permit as presented.*

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- B. The request of **Tanner Family Revocable Trust (Owner)**, for property located at **380 Greenleaf Avenue** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the construction of a new 20 x 20' one-story garage on a residential property with various additions of native buffer plantings and areas of storm water improvement to mitigate any impervious impacts from the garage. The proposal includes removal of 885 square feet of impervious asphalt, installation of 2' drip edge of crushed stone around the perimeter of the garage and 484 square feet of pervious pavers leading up to the garage where asphalt currently exists. Additional planting beds are proposed in areas of existing asphalt. Said property is located on Assessor Map 243 Lot 63 and lies within the Single Residence B (SRB) District. (LU-23-62)

Project Background

This application proposes the construction of a new 20 x 20' one-story garage on a residential property with various additions of native buffer plantings and areas of stormwater improvement to mitigate any impervious impacts from the garage. This property consists of a large wetland system and is completely within the 100' wetland buffer. AS noted in the description, the project includes removal of 885 square feet of impervious asphalt and the garage will be located on a portion of the area where impervious asphalt currently exists. A 2' drip edge of crushed stone is proposed around the perimeter of the garage and 484 square feet of pervious pavers will be installed leading up to the garage where asphalt currently exists.



Project Review, Discussion, and Recommendations

The project has been before the Conservation Commission. See below for details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, June 14, 2023, considered the application and voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following conditions:

- 1. The applicant shall provide detailed specifications for the proposed pervious pavers including a cross-section plan and information about how they will be installed within the driveway area.*
- 2. The applicant shall provide a maintenance plan for the proposed pervious pavers.*

Staff Analysis

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

The applicant is proposing to build the garage on an area of already disturbed and impervious land within the buffer. The overall project will be reducing the amount of impervious surface on the property and will be infiltrating stormwater and further buffering the wetland through planting beds.

- 2. There is no alternative location outside the wetland buffer that is feasible and***

reasonable for the proposed use, activity or alteration.

The entirety of this property is either within the wetland or the wetland buffer. There is no alternative location to build and the applicant is proposing to build in an existing disturbed area to minimize further impact to the buffer.

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

The applicant is proposing an overall reduction in impervious area to the site. This proposal will increase the number of plantings in the buffer while also helping to infiltrate and slow stormwater on the property due to added crushed stone drip edges.

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

The applicant is proposing no disturbance to the natural vegetative state on the property. The existing asphalt will be removed, and a garage and pervious pavers will be placed. Additional plantings will add to the vegetated buffer.

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

While the entire parcel is within wetland and buffer boundaries, the applicant is proposing to build in an area that is already impervious and will be significantly reducing existing impervious area while offsetting impacts with additional plantings, stormwater controls and pervious pavers.

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

The applicant is not proposing to disturb any area within the first 25' of the wetland boundary. Disturbances within the buffer will be offset with the removal of asphalt, the addition of native buffer plantings and stormwater controls.

Planning Department Recommendation

Wetland Conditional Use Permit

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in

Section 10.1017.60 and to adopt the findings of fact as amended and read into the record.

2) Vote to grant the Wetland Conditional Use permit with the following conditions:

- 2.1) The applicant shall provide detailed specifications for the proposed pervious pavers including a cross-section plan and information about how they will be installed within the driveway area.*
 - 2.2) The applicant shall provide a maintenance plan for the proposed pervious pavers.*
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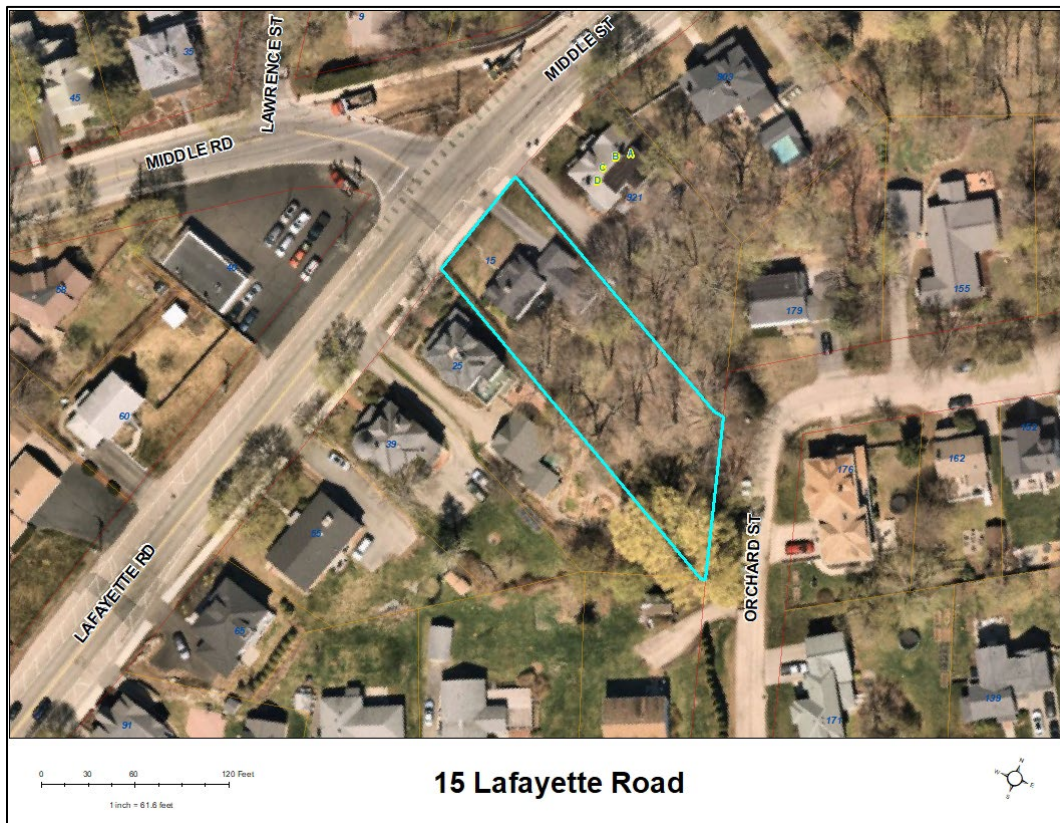
III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- C. The request of **Murdock Living Trust (Owner), 15 Lafayette Road** requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots to create the following: Proposed Lot 1 to be 9,129 square feet of lot area and 73.8 feet of frontage and Proposed Lot 2 to be 8,172 square feet of lot area and 102 feet of frontage. Said property is located on Assessor Map 152 Lot 2 and lies within the General Residence A (GRA) and Historic Districts. (LU-23-26)

Project Background

The applicant is proposing to subdivide one lot into two, with the new lot having frontage on Orchard Street. The proposed lot will conform to the dimensional standards for the GRA district. The remainder lot received a variance from the Board of Adjustment for the lack of frontage because of the proposed subdivision. The applicant has requested several waivers from the general requirements, because no development has been planned for the lot at this time.



Project Review, Discussion, and Recommendations

The project has been before the Zoning Board of Adjustment and the Technical Advisory Committee. See below for details.

Zoning Board of Adjustment

The applicant was before the Zoning Board at their regularly scheduled meeting of Tuesday, April 18th, and was granted a variance for 73.8 feet of street frontage where 100 feet is the requirement in the GRA district.

Technical Advisory Committee

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday, June 6, 2023, considered the application and voted to recommend approval of the subdivision to the Planning Board with the following conditions:

- 2.1) *Note #15 shall be corrected on the plan.*

Planning Department Recommendation

Subdivision Waiver

1. *Vote to grant the requested waivers to the Subdivision Standards from Section VI General Requirements #5 Driveways, #6 Drainage Improvements, #7 Municipal Water Services, #8 Municipal Sewer Services, #9 Installation of Utilities and #14 Erosion and Sedimentation Controls. [NOTE: Motion maker must select one of the following options]:*

- a) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

[OR]

- b) *Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

Subdivision

- 1) *Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as amended and read into the record.

- 2) Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
 - 2.1) The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
 - 2.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;*
 - 2.3) GIS data shall be provided to the Department of Public Works in the form as required by the City;*
 - 2.4) Prior to issuance of a building permit, owner shall obtain necessary permits or approvals from DPW to serve the site.*

III. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- D. The request of **ADL 325 Little Harbor Road Trust (Owner)**, for property located at **325 Little Harbor Road** requesting a Wetland Conditional Use Permit according to Section 10.017 of the Zoning Ordinance for the replacement of the existing bridge with a timber pile bridge and removal of the existing causeway. The project proposes permanent impacts within the wetland buffer of 36,358 square feet and 3,443 square feet of permanent impacts within the tidal wetland. Said property is located on Assessor Map 205 Lot 2 and lies within the Rural (R) District. (LU-23-81)

Background

This project proposes the construction of a new bridge for access to Lady Isle aka Belle Isle, with the demolition of the existing bridge proposed for after construction is complete. This project is required as heavy maintenance and construction vehicles need to access Lady Isle, and under the current bridge there are signs of degradation and failure. The proposed work will occur on private land and will cross over the Piscataqua River, putting this project within the City's wetland and buffer boundaries, as well as the tidal and shoreline buffers. This project proposes permanent impacts within the wetland buffer of 36,358 square feet and 3,443 square feet of permanent impacts within the tidal wetland. Re-grading and filling is needed to accommodate elevating the new bridge to a higher elevation to adapt to sea level rise. Restoration of existing salt marsh and Marsh Elder (*Iva frutescens*) species is also proposed.



Project Review, Discussion, and Recommendations

The project has been before the Conservation Commission. See below for details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, June 14, 2023, considered the application and voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following conditions:

- 1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers adjacent to the freshwater wetland areas during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*
- 2. Applicant shall provide a monitoring report detailing the success of the planting plan one year after project completion and demonstrate compliance with the NHDES monitoring requirements when complete.*
- 3. The Salicornia be relocated or added to the planting plan as additional plantings.*
- 4. An independent wetland scientist that specializes in salt marsh restoration shall be hired to review the salt marsh restoration plan and provide comments back to the applicant.*
- 5. The applicant shall research ways to reduce the disturbance to the local Nudibranch fish population.*

The project will also require a State Wetland permit, which the Conservation Commission recommended approval of to the State.

Staff Analysis

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

The proposed site has an existing bridge connecting the mainland to Lady Isle, where a safe method of transport is needed to get residents, contractors, guests, etc. to the property and back from the mainland. The proposed project would construct a new bridge spanning a tidal water way connecting the island to the mainland with a higher elevation to increase resiliency to sea level rise, a lifespan of approximately 75 years, and an increased passage size to allow for improved tidal flow over what currently exists.

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

The existing and proposed bridge are within the City tidal wetlands and tidal buffer zone as well as State tidal wetlands and tidal buffer zone. To provide access to the Island any reconstruction, rehab work or new construction of the bridge must occur in these wetland and buffer areas.

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

The applicant has performed a study of the habitat underneath the current bridge and has deemed it not highly valuable. Surrounding impacts to salt marsh and Marsh Elder (*Iva frutescens*) habitats will be minimized through the introduction of new plantings of salt marsh habitat (both low and high marsh) and replanting of existing Marsh Elder (*Iva frutescens*) in a more protected area.

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

This proposal will require regrading and filling the current private drive to increase the height of the road and proposed bridge. Additionally, the new location of the bridge will impact areas of existing vegetation. All impacted vegetation will be remediated through a restoration plan of new plantings on site.

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

Given the nature of the project, replacing the bridge in its current location would continue to cause scouring of the channel under the bridge and would impact the function of the waterway. Placement of the bridge further east would cause unwanted impacts to well-established salt marsh. The proposed placement on the west side of the existing bridge shows the least adverse impacts to the tidal waterway and salt marsh.

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

Applicant is proposing planting low and high marsh areas along the shoreline along with native buffer species between the shoreline/marsh and the road.

Planning Department Recommendation

Wetland Conditional Use Permit

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as amended and read into the record.

2) Vote to grant the Wetland Conditional Use permit with the following conditions:

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall

install permanent wetland boundary markers adjacent to the freshwater wetland areas during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.

2.2) Applicant shall provide a monitoring report detailing the success of the planting plan one year after project completion and demonstrate compliance with the NHDES monitoring requirements when complete.

2.3) The Salicornia be relocated or added to the planting plan as additional plantings.

2.4) An independent wetland scientist that specializes in salt marsh restoration shall be hired to review the salt marsh restoration plan and provide comments back to the applicant.

2.5) The applicant shall research ways to reduce the disturbance to the local Nudibranch fish population.

III. PUBLIC HEARINGS – NEW BUSINESS

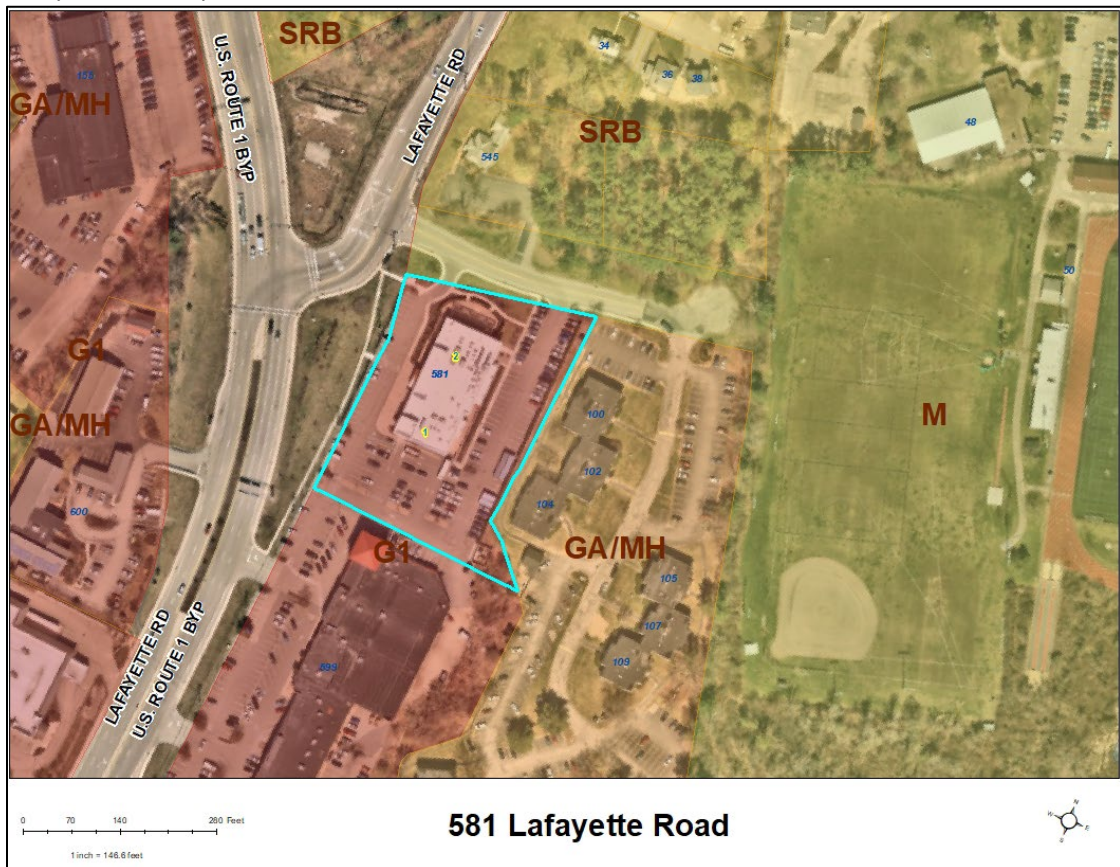
The Board’s action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- E. REQUEST TO POSTPONE** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. **REQUEST TO POSTPONE (LU-20-259)**

Staff Note: The Wetland Conditional Use Permit was not advertised or included in the packet, thus the reason for postponing.

IV. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of Atlas Commons LLC (Owner), for property located at 581 Lafayette Road requesting an addition to the existing commercial building for residential dwelling units with the associated site improvements. Said property is shown on Assessor Map 229 Lot 0229-008B and lies within the Gateway Corridor (G1) District. (LUPD-23-5)**



The applicant has provided a set of preliminary plans for discussion with the Board. As authorized by NH [RSA 676:4,II](#), the Site Plan Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the state statute as follows:
[Preliminary conceptual consultation] ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in

general terms such as desirability of types of development and proposals under the master plan.

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application. Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

V. OTHER BUSINESS

- A.** The request of **230 Commerce Way, LLC** for property located at **230 Commerce Way** requesting a 1-year extension to the Amended Site Plan Approval and Wetland Conditional Use Permit was originally granted on **July 21, 2022**. (LU– 22-14)

Project Background

On July 21, 2022, the Planning Board granted a Wetland CUP and Amended Site Plan approval for the project to construct a new two-story building with a 12,500 square foot footprint totaling 25,000 square feet with associated site improvements.

Section 10.246.10 below allows the applicant to request a one-year extension prior to the expiration of the original approval for a Conditional Use Permit for a drive-thru facility and the Wetland Conditional Use permit. Section 2.14 of the Site Plan regulations allows for an extension.

10.246 Expiration and Abandonment of Approvals

10.246.10 A conditional use permit shall expire unless a **building permit** is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The **Board** may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

Planning Department Recommendation

- 1) *Vote to grant a one-year extension to the Planning Board Approval of the Site Plan and Wetland Conditional Use Permit to July 21, 2024.*
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- A.** Chairman's Updates and Discussion Items
- B.** Planning Board Rules and Procedures
- C.** Board discussion of Regulatory Amendments, Master Plan Scope & other matters

VI. ADJOURNMENT

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

June 15, 2023

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Peter Harris; James Hewitt, Members; Jayne Begala; Andrew Samonas, Alternate.

.....

ALSO PRESENT: Peter Stith, Principal Planner

MEMBERS ABSENT: Greg Mahanna, Alternate Earnest Carrier

.....

***Items in brackets denote timestamp of video recording.**

Chairman Chellman called the meeting to order at 7:00 p.m. Alternate Andrew Samonas took a voting seat for Greg Mahanna, who was absent.

I. APPROVAL OF MINUTES

- A. Approval of the May 18, 2023 Meeting Minutes
- B. Approval of the May 25, 2023 Work Session Minutes

*Councilor Moreau moved to **approve** the May 18 meeting minutes and the May 25 work session minutes as presented. The motion was seconded by Mr. Harris. The motion **passed** with all in favor, 8-0, with Vice-Chair Clark abstaining from the vote.*

II. PUBLIC HEARINGS – NEW BUSINESS

Ms. Begala recused herself from the following petition.

- A. The request of **Eversource Energy (Applicant)** and **Public Service of New Hampshire (Owner)**, for properties located off **Gosling Road, Greenland Road, Borthwick Avenue** and **Ocean Road** requesting a proposed Wetland Conditional Use Permit under Section 10.1017 for utility structure replacement project involving the replacement of wooden utility poles with steel poles and associated equipment. This work would be throughout the Portsmouth transmission corridor between Gosling Road to Echo Avenue and between Borthwick Avenue and the Ocean Road Substation. In total, the proposed project requires approximately 208,734 sq. ft. of temporary wetland impact for the

placement of timber matting and structure replacements. There will be approximately 3,310 sq. ft. of temporary impact to Pickering Brook in order to span the stream with timber matting. The project also proposes 78,642 sq. ft. of temporary buffer impact in uplands for clearing and grading to gain access to structures. Said properties are located on Assessor Map 238 Lots 2, 3 and 20, Map 239 Lots 7-1, 8, 13-2, 16 and 18, Map 240 Lots 2-1, and 3, Map 258 Lot 54, Map 259 Lot 12 and lies within the Gateway-1 (G1), Waterfront Industrial (WI), Office Research (OR), Industrial (I), and Rural (R) Districts. (LU-23-60)

SPEAKING TO THE APPLICATION

[Timestamp 6:21] Patrick Crimmins of Tighe and Bond was present on behalf of the applicant to speak to the petition, along with Ashley Friend of Eversource Energy. Mr. Crimmins said they were seeking a Conditional Use Permit (CUP) for a utility pole replacement project. He noted that 45 existing wooden poles would be replaced with metal ones. He reviewed the petition and said they would also need Alteration of Terrain permits and a Utility Statutory Permit to conduct the work and that the work would also be regulated by Federal permits.

[Timestamp 14:52] Councilor Moreau asked how long the metal poles would last, noting that steel rusts. Ms. Friend said their lifespan would be from 70-80 years to over 100 years. Councilor Moreau asked if substituting the silt fence with silt sock would be alright, and Ms. Friend agreed. Mr. Harris said the steel would break down at some point, and he asked what kind of environmental impact it would have and if it was a new tech product in the market. Ms. Friend said it was the industry standard and that she didn't know what would happen when it degraded.

[Timestamp 17:55] In response to Vice-Chair Clark's questions, Ms. Friend said the work would be similar to the work done in the past few years between Middle Road and Ocean Road. She said it was a cyclical maintenance project, and the structures that failed and needed replacement were identified yearly but that the project would not address all the wood structures in that area except for the ones that failed inspection. Vice-Chair Clark said he didn't see anything in the packet about cleaning the mats before and after installation, so he asked that that language be included in the document to make it clear. Ms. Friend agreed. Vice-Chair Clark asked if DES required a decontamination area for the mats while they were being cleaned or if the mats were picked up one at a time or brought to a central location. Ms. Friend said there was no requirement from DES for that area and that the mats were swept.

[Timestamp 21:51] In response to Mr. Hewitt's questions, Ms. Friend said there would be EPA involvement in the Alteration of Terrain and Wetlands permits and that none of the agencies recommended that the work be done certain times of the year. She said the permits were good for all twelve months of the year.

Chairman Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Reginald Baird of 296 Buckminster Way said he lived adjacent to the bogs and was concerned about noise and the impact on wildlife. He said the project was done the year before and asked why it was being done again so soon. He said he didn't know how long steel would last in a wetland environment. He also asked if the abutters would see a survey to know if the poles would be on their properties. Chairman Chellman said the plans were available online.

Elizabeth Bratter of 159 McDonough said metal poles were very noticeable and thought it was disconcerting that they would not blend in with the bog. She said Iceland had artistic metal poles and suggested that Eversource consider something like that instead of just a pole.

Jayne Begala of 669 Greenland Road said she was an abutter. She said some of the poles has osprey nests and asked what would be done to preserve them. She asked if the gravel pads would be temporary, noting that she didn't see a plan saying they would be removed after the project.

Ms. Friend said the 100'x100' gravel pads were shown on the plans and that they were permitted temporary wetland matted pads so that the contractor could safely replace the structures. She said anything temporary would be removed and anything that was gravel would be tapered back to a 30'x60' area for future maintenance. She said there were no osprey nests of any of the poles but if there were, Eversource would work closely with NH Fish and Game and install platforms for the ospreys to nest. Regarding the aesthetics of the structures, she said the poles would be weathered steel ones with a rust coating on their exterior, and over time they would get a brown coating that looked more like a tree. Regarding wildlife concerns, she said Eversource worked with the NH Heritage Bureau and NH Fish and Game and also had a cyclical maintenance program. She said she understood the inconvenience in terms of noise and duration and that there was a person that a property owner could contact regarding those issues. She said most of the project was done on an easement, and if it was a substation, Eversource owned the property.

No one else spoke, and Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

*Vice-Chair Clark moved to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 and adopt the findings of fact as presented. Mr. Almeida seconded. The motion **passed** with all in favor, 8-0, with Ms. Begala recused.*

Vice-Chair Clark moved to grant the Conditional Use Permit as presented with the following conditions:

- 1. Silt sock shall be used wherever practical.*
- 2. Plans and documents need to clarify the mat cleaning process to remove invasive species.*
- 3. Prior to construction, a pole inspection shall be conducted to identify any other poles within the project area as discussed during the Planning Board hearing that might need to be replaced within two years of the date of inspection. This information shall be provided in a letter report to the Planning Department, including the locations of any such additional poles.*

Ms. Conard seconded. The motion passed with all in favor, 8-0, with Ms. Begala recused. Ms. Begala returned to her voting seat.

- B.** The request of **Mojo’s West End Tavern (Applicant)**, for property located at **95 Brewery Lane** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as an accessory use. Said property is located on Assessor Map 146 Lot 27 and lies within the Character District 4-W (CD-4W) and Character District 4-L2 (CD4-L-2) (LU-23-75)

SPEAKING TO THE APPLICATION

[Timestamp 43:19] Sandra Bringer from O’Neil Landscaping and the applicant/owner Kevin Crowell were present. Ms. Bringer said they proposed to replace the mulch bed with planting beds and put in a permeable paving patio for outdoor dining.

[Timestamp 45:07] Mr. Samonas asked if there would be access to the door. Ms. Bringer agreed. Councilor Moreau asked where the plantings would be. Ms. Bringer said the planters were added after the first submittal and that they would be in the four corners and in the ornaments planting beds on either end. Ms. Begala asked if there would be outdoor entertainment or music. Mr. Crowell said he didn’t plan on it but might consider it in the future. Mr. Almeida asked about piping in amplified music through speakers. Mr. Crowell said he currently had speakers that were very light and that the sound would not be increased.

Chairman Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Chellman closed the public hearing.

DECISION OF THE BOARD

*Vice-Chair Clark moved to vote that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented. Mr. Samonas seconded. The motion **passed** unanimously.*

*Vice-Chair Clark moved to vote to approve the Conditional Use Permit as presented. Mr. Samonas seconded. The motion **passed** unanimously.*

- C.** **Ryan T. and Heidi E. K Mullen (Applicants)**, and **RTM Trust (Owner)**, for property located at **253 Odiorne Point Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for proposed improvements to existing drainage issues on the property including the installation of crushed stone to help with infiltration into two existing French drains and an additional French drain installation. The proposal includes an extension of existing stone walls, a concrete slab addition under the deck, an expansion of a deck and the relocation of deck footings and stairs which totals approximately 2,500 s.f. of impact within the wetland buffer. The

applicant proposes additional native buffer plantings and a rain garden to help slow and infiltrate stormwater before it reaches the wetland source on the property. Said property is located on Assessor Map 224 Lot 10-19 and lies within the Single Residence a (SRA) District. (LU-23-36)

SPEAKING TO THE APPLICATION

[Timestamp 51:22] Property owner Ryan Mullen was present to review the application.

[Timestamp 1:03:53] Ms. Begala said she was concerned that the wetlands would at some point reach full capacity due to everyone in the area shunting their water and asked if the project engineers considered that. Mr. Mullen said there was a drainage easement. He said his property extended to the north and around the edge of a cul-de-sac, and the brook led to the drainage easement and out to the road and greater expanse of wetlands, which he felt was a natural drainage solution to the homes around him. He said the only water he had seen was in his backyard. Councilor Moreau asked where the stairs would fall in relation to the wall that would be expanded. Mr. Mullen said he proposed that the stairway be half of what it currently was and that it would come over the rock wall and land in the side yard.

Chairman Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Chellman closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

*Vice-Chair Clark moved to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented. Ms. Conard seconded the motion. The motion **passed** unanimously.*

Vice-Chair Clark moved to grant the Wetlands Conditional Use Permit with the following conditions:

- 2.1) A silt sock shall be used in addition to the existing silt fence to help mitigate construction impacts.*
- 2.1) No plantings shall be planted within the wetland itself, just the buffer, and no removal of invasive shall be performed within the wetland.*
- 2.2) A final planting site plan shall be submitted to the Planning Department for review and approval prior submission to the Planning Board.*
- 2.3) In accordance to Section 10.1018.40 of the Zoning Ordinance, the applicant shall install wetland boundary markers during the construction process. The signs can be purchased through the City of Portsmouth Planning and Sustainability department.*
- 2.4) The Conservation Commission recommends the homeowner to follow NOFA land care management standards at the site.*
http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

*Ms. Conard seconded. The motion **passed** unanimously.*

- D.** The Planning Board will consider a recommendation to City Council to adopt amendments to Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, Regulating Plan, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 – Building and Story Heights, Subsection 10.5A43.33, Section 10.5A43.40 – Maximum Building Footprint, Subsections 10.5A43.41-44, and Section 10.5A45 – Community Spaces, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – Requirements to Receive Incentives to the Development Standards, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth.

SPEAKING TO THE APPLICATION

[Timestamp 1:10:20] City Principal Planner Nick Cracknell was present to give a presentation about density incentives in the character districts specific to downtown and the west end. He said it was broken up into six parts and he reviewed each part.

[Timestamp 1:13:27] He reviewed the amendments to the density incentives and what the existing density incentives were in the Overlay Districts. Mr. Hewitt said he thought the existing requirement for workforce housing was 20 percent for ownership or rental and cited the West End Yards as an example. Mr. Cracknell said the incentives were different depending on the location and that they only affected the Overlay Districts.

[Timestamp 1:16:32]. Mr. Cracknell reviewed who had used the incentives in the Overlay Districts and what would change. He said the biggest change would be that a Conditional Use Permit would be required, which would give the Planning Board the opportunity to determine if the trade between the ‘carrot’ and the ‘stick’ would be appropriate on a case-by case basis.

[Timestamp 1:18:02] Ms. Begala said that just because the properties opted for community space didn’t mean community space currently existed throughout the buildings. She asked whether it should be a requirement that the community space would be done when the buildings were done. Mr. Cracknell said there were 13 types of community spaces that included a public greenway, and as an example he said a greenway was a linear park that would be created over time by connecting properties together. He said the only way to create that public benefit was to design, build and permit it and that it made no sense to hold up a hotel to build a greenway. He said they needed to come up with a better timeline in the future. He said the Planning Department would manage the design and permitting of the greenway and the owner would contribute financially to the greenway construction, but it was an example of a linear park that crossed many properties. He said they were also requiring both workforce housing and community space for lots greater than 100 square feet. It was further discussed.

[Timestamp 1:25:31] Mr. Cracknell reviewed potentially affected parcels in the North End Overlay District and the existing density incentives for larger footprint buildings. Mr. Hewitt

asked who was responsible for maintaining the community space at 60 Penhallow. Mr. Cracknell said it was case-by-case but believed that the applicant was responsible for it. He said it was negotiated under the Conditional Use Permit. It was further discussed.

[Timestamp 1:33:02] Mr. Cracknell reviewed the proposed changes to the density incentives for large building footprints. He said an amendment and update were made that if a project was done without housing it would still have to provide 30 percent community space. He reviewed four properties that were potentially affected and qualified for the incentive. He reviewed the incentives for large parcels over one acre in size, noting that the applicant had to be outside the North and West Overlay Districts and got an extra story or ten feet and had to provide 20 percent community space. He showed examples of properties that used the incentive. He said the proposed changes would be using a Conditional Use Permit instead of an as-of-right and that both community space and workforce housing would be done. He said a pedestrian passage, a public observation deck, and a pedestrian arcade would be added to the existing community spaces for a total of 16 types of community space.

[Timestamp 1:44:07] Mr. Cracknell reviewed the building footprint statement and the proposed exemptions. He said he set a maximum grade of ten feet for a park or square but noted that it would be under a Conditional Use Permit and could be less.

[Timestamp 1:46:14] Mr. Cracknell reviewed lowering the building height standard for the south side of Bow Street. He said building heights of 45 feet or 4-1/2 stories were currently allowed and what was proposed was to lower the building height to 40 feet or 2-3 stories to make the block more continuous. He said a Conditional Use Permit would continue to allow density incentives for larger buildings up to 55 feet. Ms. Begala asked how it fit in with the vision plan for that area. Mr. Cracknell said it fit. He said the 2022 and 2023 community plans were modified but were essentially the same in the treatment of what would happen along that corridor. He said large parcels would go from 20 percent community space to 50, which would require a Conditional Use Permit. The new 50,000 sf footprint was discussed. Mr. Cracknell said it was directed toward the large lots. The change of the overall massing was discussed. Chairman Chellman said it was a matter of the neighborhood's character and pointed out that the building fabric was in much smaller increments, and allowing a building footprint in excess of the McIntyre Building and the post office together was scary. Mr. Cracknell further explained it and said the Historic District Commission would ensure that the project would add to the City's fabric and not clash with it. Ms. Samonas said he didn't hate the fact that 18 different buildings on Congress Street could make up 50,000 square feet but thought adding one 50,000 sf building didn't necessarily align with the District and could only work if the developers were on hand.

[Timestamp 2:10:40] Mr. Cracknell addressed the issue of why two community space types that were presented at the land use committee, the shared pedestrian street and the community building, were not included in the presentation. He said he sent it to the Legal Department, who felt that the language conflicted with parts of the code. The Board discussed how the density incentives document would be commented upon and reviewed. Ms. Begala said the proposed minimum of 600 square feet for a workforce housing unit would not accommodate a family of three or four and thought it should be greater. Mr. Cracknell discussed the 4-5 properties

downtown that were one acre or more and the issues with square footage. He discussed whether outdoor dining should have restrictive access.

[Timestamp 2:29:34] Ms. Begala referred to the table that stated 19 or more total dwelling units would include eight percent of workforce housing and asked how that figure was reached, compared to the two units for renting and the three units for sale that was indicated in the rest of the document. It was further discussed. A tiered site was also discussed.

Chairman Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Elizabeth Bratter of 159 McDonough Street said she didn't see the 30 percent for non-residential buildings on the list. She asked that the greenway not be allowed in the 25-ft buffer and that it be 10 feet away from buildings. She said it may not be cost effective to put in workforce housing for a building that had less than four units and thought the caliper of trees should be added to the list. She suggested that the 50,000 sf mass be shown on a picture to see what it looked like.

Petra Huda of 280 South Street said the packet did not include all the data and didn't think the incentives were ready to move forward. She said the 50,000 sf figure was large and asked how a 50 percent community space on top of that would fit. She said there were a lot of questions and that the RFAs on workforce housing should be further looked at.

[Timestamp 2:46:40] Chairman Chellman agreed that something should be addressed with more attention, like the tiered space, the ranking of the community spaces, and getting the language of the post office and the shared driveway correct. He noted that other issues came up, like tree calipers. Councilor Moreau said consultants would be hired to look at the finances and what made sense for workforce housing and that things like adding more community spaces could be part of that conversation. She thought it was okay to move forward. She said she was fine with an amendment about keeping the buildings away from the greenway a certain distance. Mr. Samonas said there were goals and tasks to be worked on and that the Board should give Mr. Cracknell and the Planning Department some idea of what the Board wanted to see as a result of the feedback. Mr. Hewitt agreed and said there were enough issues to have another work session.

[Timestamp 2:56:37] Assistant City Attorney Jane Ferrini was present and spoke to the publication notice deadline for the second reading process. She suggested that it be continued to a public hearing instead.

Vice-Chair Clark moved to recommend approval of the zoning amendments to the City Council as amended with the following conditions:

1. Buildings shall be ten feet away from the greenway.
2. The trees shall be a minimum of four inches in diameter and four feet high.
3. The 50,000 square footage shall be reduced to 40,000 square feet.

Councilor Moreau seconded. **There was no vote taken.**

[Timestamp 3:03:08] The Board discussed the motion. Ms. Begala suggested changing the wording of the workforce housing unit size back to 800 square feet instead of the proposed 600 square feet as a minimum, especially for a family of three or four. She noted that income eligibility was based on a 3 or 4 member family. Councilor Moreau explained why she thought it was fine to leave it at 600 square feet. It was further discussed. Mr. Hewitt thought another work session was needed due to a lot of unresolved issues.

Chairman Chellman concluded that there would be an adequate quorum to have a public hearing the following week.

FINAL DECISION OF THE BOARD

*Mr. Almeida moved to **continue** the public hearing to the June 22 meeting, seconded by Mr. Samonas. The motion **passed** by a vote of 6-3, with Vice-Chair Clark, Councilor Moreau, and Ms. Conard voting in opposition.*

III. PRELIMINARY CONCEPTUAL CONSULTATION

- A.** The request of **Prospect North 815 LLC (Owner)**, for property located at **815 Lafayette Road** requesting preliminary conceptual consultation for the demolition of the existing building and tower along Sagamore Creek and the construction of three 4-story, 24-unit multi-family buildings (72 total units) with first floor parking and a 2-story, 15,000 SF office building. The project will include associated site improvements such as parking, pedestrian access, utilities, stormwater management, lighting and landscaping. Said property is located on Assessor Map 245 Lot 3 and lies within the Gateway Corridor (G1) District. (LUPD-23-4)

SPEAKING TO THE APPLICATION

[Timestamp 3:15:22] Patrick Crimmins of Tighe and Bond was present on behalf of the applicant to review the petition.

[Timestamp 3:19:20] In response to Vice-Chair Clark's question, Mr. Crimmins said the remaining tower in the rear was currently accessed by a gravel drive and that they might need to follow that existing accessway. Vice-Chair Clark said it made more sense for the office to be placed up front by Route One and for the residence to be moved out back to limit vehicular traffic. Councilor Moreau suggested moving the office farther into the other corner to gain access through the parking lot. Mr. Crimmins said they didn't intend to develop that far into the property and were trying to stay within the existing disturbed area. He said a traffic consultant would look at it. Mr. Samonas asked if the forested back portion of the property toward Winchester Apartments was a precluding factor that the applicant wanted to stay away from. Mr. Crimmins said there was significant ledge but they didn't want to touch that piece of land and just wanted to keep the development to the front of the site. Ms. Begala asked whether there would be a playground or dog area. Mr. Crimmins said they designated an amenity area between both buildings for outdoor space but were constrained by the 100-ft buffer along Sagamore Creek and also by the frontage of the site where there was a large DOT drainage unit. Ms. Begala

asked if there was a way to exit the office building or have another entrance exit to the office building that went around the plaza, noting that all the vehicular traffic seemed dangerous for families. Mr. Crimmins said they didn't have control over those parcels. Mr. Samonas asked about a possible traffic pattern conflict, and Mr. Crimmins said it was very low traffic flow.

[Timestamp 3:24:24] Chairman Chellman asked if the total number of units and office space used up the site area for density purposes and if it would be reserved for future development. Mr. Crimmins said it wasn't the entire area and that they were not contemplating anything for future development at the time. In response to further questions, he said he thought there was an easement with the adjacent commercial use for access. He said it would involve other elements related to parking access, traffic flow, and design and that they were trying to keep the project simple. Ms. Samonas said he'd like to see a view corridor analysis of the MacDonald's light looking down toward the property and trying to avoid any kind of walling situation.

[Timestamp 3:26:22] Vice-Chair Clark asked if the applicant considered having the office space be another residential. Mr. Crimmins said they had but didn't want to place a residential into that location, given the proximity to the tower and the rear of the plaza. Mr. Hewitt asked if the applicant was requesting any variances of CUPs. Mr. Crimmins said they would need a CUP for work in the wetland buffer. Mr. Stith thought the applicant would also need a variance for the setback from Lafayette Road. Mr. Crimmins said it might be possible to angle the building along the drive to bring it out to the setback but that they would review it with the Planning Department. He said the hope was not to seek further relief.

Chairman Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chairman Chellman closed the public hearing.

DECISION OF THE BOARD

There was no motion or other discussion.

IV. OTHER BUSINESS

- A.** The request of **Granite State Convenience LLC (Applicant)**, and **Mastoran Restaurants INC (Owner)**, for property located at **2255 Lafayette Road** requesting a 1-Year Extension of the Site Plan Approval, Conditional Use Permit, and Wetland Conditional Use Permit granted on **June 23, 2022. (LU-22-13)**

DECISION OF THE BOARD

Councilor Moreau moved to grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to June 23, 2024. Vice-Chair Clark seconded. The motion passed unanimously.

The request of **RIGZ Enterprises LLC**, for property located at **806 US Route 1 Bypass** requesting a 1-Year Extension of the Site Plan Approval granted on June 23, 2022. (LU-22-81)
DECISION OF THE BOARD

*Councilor Moreau moved to grant a one-year extension to the Planning Board Approval of the Site Plan and Conditional Use Permits to June 23, 2024. Vice-Chair Clark seconded. The motion **passed** unanimously.*

The following items were not addressed, and no action was taken by the Board.

- B.** Chairman updates and discussion items
- C.** Planning Board Rules and Procedures
- D.** Board discussion of Regulatory Amendments, Master Plan & other matters

V. ADJOURNMENT

The meeting was adjourned at 10:34 p.m.

Respectfully submitted,

Joann Breault,
Secretary for the Planning Board

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

June 22, 2023

MINUTES

MEMBERS PRESENT: Rick Chellman, Chairman; Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Greg Mahanna, Peter Harris, Jayne Begala and Andrew Samonas, Alternate

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ALSO PRESENT: Peter Stith, Planning Manager; Nick Cracknell, Principal Planner; Assistant City Attorney Jane Ferrini

MEMBERS ABSENT: Corey Clark, Vice-Chair; Karen Conard, City Manager; Members James Hewitt and Earnest Carrier, Alternate

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SPECIAL MEETING 7:00 p.m.
(Continued from June 15, 2023)

Chairman Chellman called the meeting to order at 7:07 p.m. and stated that Mr. Samonas would sit in for Mr. Hewitt.

I. PUBLIC HEARINGS – NEW BUSINESS

- A. The Planning Board will consider a recommendation to City Council to adopt amendments to Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, Regulating Plan, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 – Building and Story Heights, Subsection 10.5A43.33, Section 10.5A43.40 – Maximum Building Footprint, Subsections 10.5A43.41-44, and Section 10.5A45 – Community Spaces, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – Requirements to Receive Incentives to the Development Standards, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth.

Chairman Chellman read the recommendation into the record.

SPEAKING TO THE APPLICATION

Principal Planner Nick Cracknell was present to review the amendments that addressed the issues raised at the previous meeting.

[Video timestamp 9:31] Mr. Cracknell said there were concerns about the building footprint size, including the amount of workforce housing, the percentage, the minimum size of the unit, and whether the ordinance should more clearly reference the Master Plan. He said the community space types were also discussed that included three that were in the original amendment as well as shared streets and community buildings and related clerical issues. He said the in lieu payment for small projects was removed, which meant that projects like the Brick Market that now required 30 percent community space would only require 10 percent. He said each of the three incentives had requirements for workforce housing, noting that Section F for the first incentive for the large building footprint got deleted and was put back in.

[Timestamp 13:36] Mr. Cracknell said Chairman Chellman suggested a change to the municipal properties code, noting that in the past there has been confusion about whether the City land use boards had jurisdiction when the City owned a piece of property but leased it to a third party that may or may not be a government property. He said the RSA made it clear that the City's land use boards do have jurisdiction for a private use of a public property and that it may need to be amended. Chairman Chellman said the exclusion was for governmental use and, if the Board was in agreement with it, it would be a separate recommendation to the City Council from the other recommendations on Section 5.A. Mr. Cracknell said it might be a separate vote to send to the City Council to start the rezoning process and that it was outside the scope of what had been sent to the Board from the City Council. Chairman Chellman said it could be a split vote.

[Timestamp 15:42] Mr. Cracknell said a topic that was not discussed at the May 25 work session was that for projects with more than five dwelling units, at least ten percent of the property will be assigned as community space and the workforce housing requirements will be met. He said small projects with five or fewer units did not have to meet the workforce housing requirements. Ms. Begala noted that Part E in the Maximum Building Footprint section was added back in. She asked what the State law referred to in the sentence: 'For projects with over five dwelling units, at least 10 percent of the building units will be workforce housing units in compliance with State law'. Mr. Cracknell said it referred to workforce housing. It was further discussed. Ms. Begala said the original 800 square feet of workforce housing was now reduced to 600 square feet and thought it should remain at 800 square feet to meet a quality of life for a family of three or four. It was further discussed. Mr. Cracknell suggested 700 square feet due to the downtown economics and the impact on a developer to provide workforce housing. Chairman Chellman said he had suggested having two types of units, one for rental and one for sale.

[Timestamp 23:41] Mr. Mahanna said there were three incentives: one for building with underground parking, one for Overlay Districts, and one for parcels with one acre or more. He said the third incentive was missing in the section. He referred to the workhouse definition 'for a four-person household, five percent of any proposed for-rent dwelling use within development of at least two units, whichever is greater'. He said the term 'whichever is greater' was missing from Incentives 1 and 2. Mr. Cracknell said the difference between the first two incentives and the third was that the third required housing and workforce housing, and there was no opting out for a small project under five units. Mr. Mahanna said they should all match up because all three were definitions of the requirement and thought the term 'whichever is greater' should be common among all three.

Mr. Mahanna moved to change the 600 square feet to 750 square foot, seconded by Ms. Begala. There was consensus among the Board, but no vote.

Chairman Chellman said State law didn't regulate size but just specified qualifying income levels, which was what defined workforce housing. He said the units for sale and the units for rent were separate calculations based on median income levels. It was further discussed. Mr. Cracknell said the best solution in respect to the third scenario, the lots over one acre, was to strike the text that says 'or at least 3 units, whichever is greater' and 'or at least 2 units, whichever is greater' for consistency. It was decided that 750 square feet would be the first amendment to the first section. He suggested dealing with the rounding aspect by rounding up to the next whole number or rounding down if it was below .5. Mr. Cracknell said in Paragraph G, they decided to clearly reference the goals, objectives, and strategies of the Master Plan to help guide the Planning Board and the applicant to determine whether the CUP should be granted.

[Timestamp 29:55] Mr. Cracknell reviewed Part 2, Density Incentive within the Overlay Incentive Districts, and said the amendment on community space dealt with small projects of five units or less, as previously discussed. Ms. Begala asked about the section that allowed a lot to be located adjacent to or within 100 feet of a pond, brook or river. Mr. Cracknell said it meant that the lot owned the land within 100 feet of the North Mill Pond. He said the way the code was written and would remain with the amendment was that the community's preference on those lots that front on the pond was a greenway, and it was further discussed. He said halfway through that paragraph, the multi-use path would be allowed to be located within 50 feet of the waterfront. He said it was more focused on workforce housing and expanding the community space options than going into the wetland, which was a conversation for the Planning Board and the Conservation Commission. Chairman Chellman said the Planning Board would have a workshop with the Conservation Commission about it. Councilor Moreau said the topic of keeping buildings at least 10 feet away from the greenway was discussed at the previous meeting and asked if that should be added into the section. Mr. Cracknell said he would think about it. Mr. Cracknell said the 600 square feet in that section would be amended to 750 square feet to be consistent. Ms. Begala suggested stipulating the minimum width and maturity of the trees in the community space options. Mr. Cracknell said that would go through TAC and site plan review but that the tree size regulations could be amended. Mr. Samonas asked what type of consideration was involved if a property like 53 Green Street came back with a different development proposal that didn't include a greenway. Mr. Cracknell said it currently was an as-of-right increase in building height and was different because it was an incentive that was guaranteed and a developer's option. Mr. Cracknell said the phrase '50 feet of the waterfront' could be amended to have added to it 'at least 10 feet from the building'.

[Timestamp 40:44] Mr. Cracknell discussed the third incentive, the Density Incentive for Parcels over One Acre in Lot Area. He said there was a concern at the work session from the Board and the public about the language of a 50,000 sf building and that it would be removed from the amendment. He said the developer would have either the 20,000 sf or the 30,000 sf, and the 40,000 sf if they used the underground parking option. Referring to Mr. Mahanna's previous point, he said mixed-use buildings would be mandated to have workforce housing. He proposed striking out the phrases 'or at least 3 units or whichever is greater', and in the case of the rental, 'or at least 2 units or whichever is greater'. Ms. Begala said the additional story used to be 10

feet but was now 15 and asked why that extra five feet was needed. Mr. Cracknell explained that the mechanicals in buildings were different now and that the maximum building code for height sometimes didn't work for the size of the building and a possible mezzanine. It was further discussed. The public observation deck minimum of 500 square feet was also discussed. Mr. Cracknell suggested an amendment to the end of Section A by including a sentence that repeats the linkage to the Master Plan. Mr. Cracknell said the next step was to update the Master Plan and create specific plans for particular areas in Portsmouth to talk about specificity rather than goals and objectives. Chairman Chellman said CUPs gave the Planning Board a lot of discretion without additional guidance, and since the Master Plan was a Planning Board process by Statute, that was why the Planning Board could help enumerate what it would do with the discretion and how it would use it, which would require public input. He said when the Master Plan was done the last time, CUPs were a lot newer, but now the Planning Board knew that the Master Plan was more important. Mr. Cracknell summarized that the amendments to the section was the reference to the Master Plan, to clean up the 'lesser or greater than' for the workforce housing units, and to change 600 square feet to 750 square feet.

[Timestamp 53:52]. Mr. Cracknell said there were no changes to the building footprint section except that the language was reformulated. He said there would still be the 10-foot maximum for community space over street grade if it was on top of subsurface parking.

[Timestamp 54:42] The new community space types were addressed. Mr. Cracknell said more specificity to the pedestrian passages was added to deal with the minimum width -- eight feet if it's less than 75 feet long or twelve feet if it's longer than 75 feet -- and that it couldn't exceed 125 feet in length. He said the observation deck language wasn't amended but that Chairman Chellman changed the wording on the pedestrian arcade by adding the 10-ft width. Chairman Chellman said it would also be open to the adjacent sidewalk. It was further discussed.

[Timestamp 57:12] Mr. Cracknell said he and Chairman Chellman put some language together for a shared street. He said the term 'street' was changed to 'street space' but that it mattered more what got built and how it functioned. Chairman Chellman said they were trying to use a term that stayed away from the Statutes, regulations, subdivisions, and site plan zoning and thinking of something like the Vaughan Mall that one could drive on. Councilor Moreau suggested a multi-modal pathways instead so that they could include every form and have slow pedestrian speeds. Chairman Chellman suggested a multi-modal space. It was further discussed.

[Timestamp 1:06:35] Mr. Cracknell addressed a community space that wasn't discussed the previous week and said he was trying to figure out how something like a post office could find its way back downtown through an incentive. He said it was tricky because of things like apportioning the 'carrot to the stick' and asking if it was only a post office or if there were other uses commensurate with a post office. He said there was also the issue of a post office signing a lease for 20 years and then leaving in five years. He said Chairman Chellman's version was 60 percent for a post office's required community space. He said his version was 25 percent. He said it was something that needed to be further worked on. Chairman Chellman said there were two issues: the post office and the option for it to be another community building. The Board discussed examples of a community building, like a museum or a small police neighborhood substation. Mr. Cracknell said they would have to be reconciled because the code would be

giving up something to get them. Councilor Moreau said there was a lot of legality about private space as community space and how it was defined. She said the post office issue should be set aside and worked on over time instead of rushing it through. Ms. Begala said her vision was a community services NGO centralization building where people in need could get food stamps, dental care, and so on. Mr. Samonas said citizens would gather in the post office downtown and have interactions. He said the space could be half of the proposed 20,000 square feet. He said there could be workforce housing for the residential space but not quasi-subsidized commercial use and that it would be beneficial to tell the developers that those were the City's priorities so that they could tap into those resources to subsidize the leases that they would otherwise be forgetting. He said that would be more appealing than the incentive based use. Mr. Cracknell said it would be highly unlikely to have a 20,000 sf post office downtown and that the Planning Department would have the function of finding subsidies or directing people toward them.

[Timestamp 1:20:03] City Attorney Jane Ferrini said they were all great suggestions but that the Board needed to identify the terms. She said the post office could vacate and asked how that would relate to the benefit it received. She said another issue was that the building would have to be defined as well as its uses. She said the Board could create the definitions of 501(c)(3)'s, charitable uses under the Tax Exemption Statute. She said the definitions were important to show what they were and what criteria was needed to review or approve. She said an amendment could be made to the related paragraph or worked on more and that it was different than a pathway or alleyway because it was a building, structure, and use that had layered analysis involving credits and leases. She asked how the Board would modify that the organization keep their 501(c)(3) status and remain a charitable organization that needs review on a regular basis. She said the Legal Department discussed what they would like to see vetted before changing the language going forward. Chairman Chellman said Attorney Ferrini's point was a good one. He said the idea of reducing the 20,000 sf to 10,000 sf for the post office was fine.

[1:24:35] Chairman Chellman opened the public hearing.

First-time Speakers

Elizabeth Bratter of 159 McDonough Street distributed packets to the Board. She said she preferred the term 'multi-modal way' instead of 'space' because she thought of it as a long row instead of a big open space. She said the building footprint stated that there should be a story underneath it, but she was sure that underground parking would no longer fit into that. She referred to Section 10.5A.43.43 for one-acre lots and said it indicated 10 percent workforce housing for three units for sale or rent and 50 percent community space, but in Section 10.5A.46.22 for the Overlay Districts, it stated that it was 20 percent workforce housing and 10 percent community space. She asked if the amount for workforce housing should be greater for the larger lot. She said she thought the density incentive in the Overlay District should be changed to at least 20 feet in width, with a multi-use path parallel to and located within 50 feet of the waterfront and with a 10-ft setback to adjacent buildings. She said the tree calipers should be four inches. She agreed that the 750 square feet should replace 600 square feet throughout. She said the community space for a post office should be a non-profit and scrutinized. She asked if a UPS store could be put in, noting that it was a community business. She suggested a minimum of

years that a community space could be leased or changed and having a dollar value assessed to it and thought there should be a City easement that would help keep the use.

Esther Kennedy of 41 Pickering Avenue asked if the Board was spot zoning. She said she appreciated that the square footage went from 50 to 40 percent but thought it was still the size of a Walmart and could go higher if there were incentives. She said she had a problem with what was a public benefit v. a builder's benefit. She said a garden on top of a building wasn't a public benefit if one couldn't get through Security. She said the discussions about buildings like the McIntyre should focus on what's best for the community and ecological systems. She said she wanted to hear that nothing would ever be built over 30,000 square feet downtown.

Paige Trace of 27 Hancock Street said the preventative measures for the McIntyre Building were almost a little too late and close to what one would consider spot zoning. She asked if it was being pushed through quickly before the McIntyre Building was sold. She said she was glad that the square footage was down to 40,000 square feet but said the minimum square footage for a Walmart was 40,000 square feet. She said the community plans that were part of the McIntyre Building went through at least two iterations that most people didn't know about, including a plan that had a first floor in one of the two buildings that was really two floors, which accounted for the 15-ft ceiling. She said the community plan should no longer be referred to when it came to the McIntyre Building because the building would be a private purchase. She said the community plan that was decided on through charettes was long gone. She agreed that 600 square feet was not a humane place to put a family of four in. She said a 501(c)(3) would exist ten years from now. She asked that the Board create an appropriate size for every one-acre parcel instead of being worried about things like a multi-modal path.

Bill Downey of 67 Bow Street (via Zoom) said his concern was regarding Mr. Hewitt's prior comments about equal benefit and felt that historically Portsmouth got the short end of the stick. He said pocket parks and alleyways behind buildings so that their footprints could be expanded didn't square with him and that he would like to see a better deal defined for Portsmouth's citizens. He said there seemed to be more amenities for the tenants than the public.

[Timestamp 1:46:20] Chairman Chellman said it wasn't spot zoning but a comprehensive amendment that affects multiple properties. He said the zoning applied in different ways because the properties were different sizes and could be recombined into different sizes and shapes. He said there were at least 20 parcels that the Board could address. He said the proposal to downzone someone's property had a whole set of criteria that could apply to notice requirements and so on that the Board had to consider. He said it could be part of the Master Plan process. He said he was concerned about the 45,000 sf building footprint because it tied into building coverage, which was a different definition. He said both had to be looked at in the downtown area and see what the Board and public thought, but graphics were needed to understand it.

[Timestamp 1:48:29] Chairman Chellman said they could advance the 5A amendments that the City Council brought to the Board some time ago and if they did, it could be the amendments discussed that evening with consensus. He said the Board had not achieved a consensus on the post office and the community building section and that they could consider just the post office or both the way they were, with the understanding that he and Mr. Cracknell would work on it

more before the Council meeting. He said another option was to continue it at a meeting the following week. Ms. Begala asked how the Board would limit the size of a building across all character districts, which would be actual zoning changes. She said she felt that the Master Plan should be revisited and would like to hear from a wider group of citizens about their vision for the City. She thought the Board should be looking at what the mechanisms would be to stop the level of massing and infill currently occurring, including doing the assessments required for a Master Plan revision and a possible Growth Maintenance Ordinance. It was further discussed.

[Timestamp 1:53:04] Mr. Mahanna said he was concerned about the downzoning analysis and thought the Board had not been given enough data about the various parcels that would be affected. He said he agreed with the public comment about the McIntyre Building but if that lot was downzoned, the City would get sued. He said it was one thing to say that 20 parcels would be affected but asked how many would be downzoned. He said the public community building was a great idea but needed more details. Chairman Chellman agreed but said the rest of it could be done with a formal recommendation provided that the details would be worked on before the July 10 City Council meeting. Attorney Ferrini said the Board wouldn't be able to work on that language, so technically it wouldn't be the Board's final recommendation. Chairman Chellman said it could be a concept recommendation with a follow-up by Mr. Cracknell and/or himself at the Council meeting to explain the details.

[Timestamp 1:55:48] Mr. Samonas said he was more concerned with the engineering or schematics of what a 30,000 sf, 40,000 sf, or 50,000 sf building would look like downtown. He said he didn't think anyone could pull that off schematically and conform to TAC and water runoff and lot cover ratios, etc. and still be within the guidelines. He said he ruled out a lot of sites where someone would have to break up the building and divide it or not build it that large. He said with incentives of 5,000 square feet of community space, passageways and so on, all those elements could not be incorporated into the development scheme while still maintaining a 40,000 sf building. Councilor Moreau said they were not downzoning any of what was presented and that the 30,000 and 40,000 sf was currently in the code, and to change that, they would have to do it in a separate process because it would have to be noticed and require a lot more data.

[Timestamp 1:58:51] Mr. Cracknell explained the building footprint and underground parking referred to in Section 10.1530 and said it was a story below grade, which meant that 50 percent of that story had to be below grade and was essentially a basement. He said the community space could sit on top of that. He said there was no downzoning involved and that the only change to the code from a developer's standpoint was shifting from an as-of-right scenario for the incentive in the case of the Overlay District and the large parcels. He said the large footprints already required a CUP, so there would be more balanced decision-making on the incentives by moving all three to the same level of a CUP. He further explained it.

[Timestamp 2:01:59] Chairman Chellman suggested advancing the proposal to the Council as amended that evening up to and including the post office section but removing the community building so it could be worked on more. Councilor Moreau agreed and said she would bring all the amendments to the Council meeting and let them know that a further recommendation of another space being worked on would be added at a later date. It was further discussed.

Chairman Chellman said the post office would be reduced to 10,000 square feet and include a percentage of community space. Mr. Samonas thought that figure should be reduced.

Second-Time Speakers

Paige Trace of 17 Hancock Street said she thought the post office should revert to what was originally written and should be no more than 20,000 square feet. She said it should be the post office's purview as to what size and dimensions they might need.

Esther Kennedy of 41 Pickering Avenue said the updated document came out at 4:00 p.m. that day, which she thought was appalling because there was no opportunity to talk it through.

No one else spoke, and Chairman Chellman closed the public hearing.

DISCUSSION OF THE BOARD

[Timestamp 2:07:00] Councilor Moreau said it was posted for the second reading at the City Council July 10 meeting, and if the City Attorney determined that any changes proposed were material, it would then go to the next City Council meeting, so there would possibly be two opportunities for a public hearing at the second reading. She said the post office percentage would be removed so that it could be worked on at the next meeting. Chairman Chellman said he preferred to keep the post office in. Mr. Samonas said he didn't understand why the UPS was in the public community building category because it was a quasi-government for profit business and a public use. Chairman Chellman said that, from an urban planning perspective, today's post offices were places of public gathering and the benefits of having a post office were many, so it was considered in many jurisdictions as a community or civic building. Councilor Moreau suggested that the public building/community space section be taken out completely so that the Board could start thinking about it as something that is either a government use or a non-profit use with public benefit as determined by the Planning Board. She said they could further define it. Chairman Chellman said that was the reason there were two sections; he said a post office was a specific thing and that they could separate it and work on the other part.

DECISION OF THE BOARD

Councilor Moreau moved that the Board recommend that the City Council look at Section 10.433, Buildings, Structures, and Land as amended on the first page of the Board's packet and schedule it for a first reading. Mr. Mahanna seconded.

*The motion **passed** unanimously.*

*The Board voted to recommend approval of the zoning amendments to the City Council as amended, moved by Councilor Moreau and seconded by Mr. Mahanna. The motion **passed** unanimously.*

Ms. Begala said it was an opportunity for the Board to set up a special work session for some of the items in the long list that the Board put together, like the revision process for the Master Plan.

Chairman Chellman agreed and said he had been working on a Scope of Work for the Master Plan consultant that he would share with the Board the next time the issue was addressed.

*Mr. Mahanna moved that the Scope of Work for the Master Plan be included on the Board's July regular scheduled meeting. It was seconded by Ms. Begala. The motion **passed** unanimously.*

II. OTHER BUSINESS

Mr. Cracknell said it was his last meeting with the Board because he had accepted another position, and he thanked the Board members for their support of him over the years. The Board thanked Mr. Cracknell for everything he had done and said he would be sorely missed.

III. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Joann Breault,
Secretary for the Planning Board

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: July 20, 2023

Property Address: 933 US Route 1 Bypass

Application #: LU-23-76

Decision: Approve Deny Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

Parking Conditional Use Permit

10.1112.14 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61, or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.

| | Parking Conditional Use Permit 10.1112.14 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information (provided by applicant) |
|----------|---|---|--|
| 1 | 10.1112.141 An application for a conditional use permit under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use. | Meets Does Not Meet | Data for check-in to the gym from the current location has been provided. The first quarter 2023 breakdown demonstrates, consistent with industry experience, that the peak usage of this facility are Mondays and Tuesdays from 5pm to 6pm. A random sampling of Mondays and Tuesdays indicates such peak usage to be between 18 and 26 check ins. The peak usage times, in the early evening, are also likely to require less parking usage from the office uses on the site. ³ The number of off-street parking spaces supplied at this site is adequate for this use. |
| 2 | 10.1112.142 An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of | Meets Does Not Meet | The operation involves no staff on site and keyed entry by the health club members every time they utilize the facility. This provides the applicant with the ability to produce perfectly accurate data on the demand at the facility at any time, which can be made available for periodic review. In the event peak demand |

| | Parking Conditional Use Permit 10.1112.14 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information (provided by applicant) |
|----------|--|---|--|
| | rideshare/microtransit services or bikeshare station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62. | | numbers indicate the need for additional parking, the applicant is discussing the possibility of acquiring overflow parking rights at the Motorbikes Plus site across Emery Street at 650 Maplewood Avenue. That facility closed on Mondays. |
| 3 | 10.1112.143 The Planning Board may grant a conditional use permit only if it finds that the number of off-street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis. | Meets Does Not Meet | The number of spaces is adequate and appropriate for the proposed use of the property given the factors enumerated above. |
| 4 | 10.1112.144 At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant. | Meets Does Not Meet | |
| 5 | <u>Other Board Findings:</u> | | |
| 6 | <u>Additional Conditions of Approval:</u> | | |



John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH & ME

Austin Mikolaities
Admitted in NH

Bernard W. Pelech
1949 - 2021

May 19, 2023

Mr. Rick Chellman, Chair
Planning Board
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

***RE: 933 US Route One By-Pass, Tax Map 142, Lot 37
REQUEST FOR CONDITIONAL USE PERMIT***

Dear Mr. Chellman:

This office represents CJA Corporation dba Vanguard Key Clubs. The applicant seeks to relocate the Vanguard Key Club gym from its current location on Raynes Avenue to a vacant space in the former Portsmouth Paper building located at 933 US Route One By-Pass. Please accept this correspondence as our request for a Conditional Use Permit pursuant to 10.1112.14 provide less than the minimum number of off-street parking spaces otherwise required under Section 10.1112.30 relative to the proposed partial change in use at the above location. The proposed change of use will be the conversion of 12,000 square feet of warehouse space into a health club.

Submitted herewith are site plan,¹ floor plan, parking calculation and the applicant's usage data. The Vanguard Key Club is an unstaffed, premium gym facility which experiences lower usage volumes than typical, mass-marketed gyms. The applicant has operated such facilities for over thirty years and is very confident in its parking requirements.

The parking configuration on site as it presently exists consists of 83 spaces. For the combined uses on the site, should this use be approved,² the ordinance would otherwise require 114 spaces.

¹ The Ambit site plan includes a parking calculation based on a prior version of the ordinance and markings in amber that are unrelated to this project and should be disregarded.

² In addition to the parking CUP, the applicant will require a special exception from the Board of Adjustment.

The applicant maintains that the approval criteria set forth in Section 10.1112.14 are met:

10.1112.141. The applicant has provided check-in breakdown data from its Raynes Avenue facility. The first quarter 2023 breakdown demonstrates, consistent with industry experience, that the peak usage of this facility are Mondays and Tuesdays from 5pm to 6pm. A random sampling of Mondays and Tuesdays indicates such peak usage to be between 18 and 26 check ins. The peak usage times, in the early evening, are also likely to require less parking usage from the office uses on the site.³ The number of off-street parking spaces supplied at this site is adequate for this use.

10.1112.142. The applicant's operation involves no staff on site and keyed entry by the health club members every time they utilize the facility. This provides the applicant with the ability to produce perfectly accurate data on the demand at the facility at any time, which can be made available for periodic review. In the event peak demand numbers indicate the need for additional parking, the applicant is discussing the possibility of acquiring overflow parking rights at the Motorbikes Plus site across Emery Street at 650 Maplewood Avenue. That facility closed on Mondays and after 5pm on Tuesdays, which have historically been the applicants' busiest times.

10.1112.143. The number of spaces is adequate and appropriate for the proposed use of the property given the factors enumerated above.

Thank you for your attention.

Sincerely,

John K. Bosen

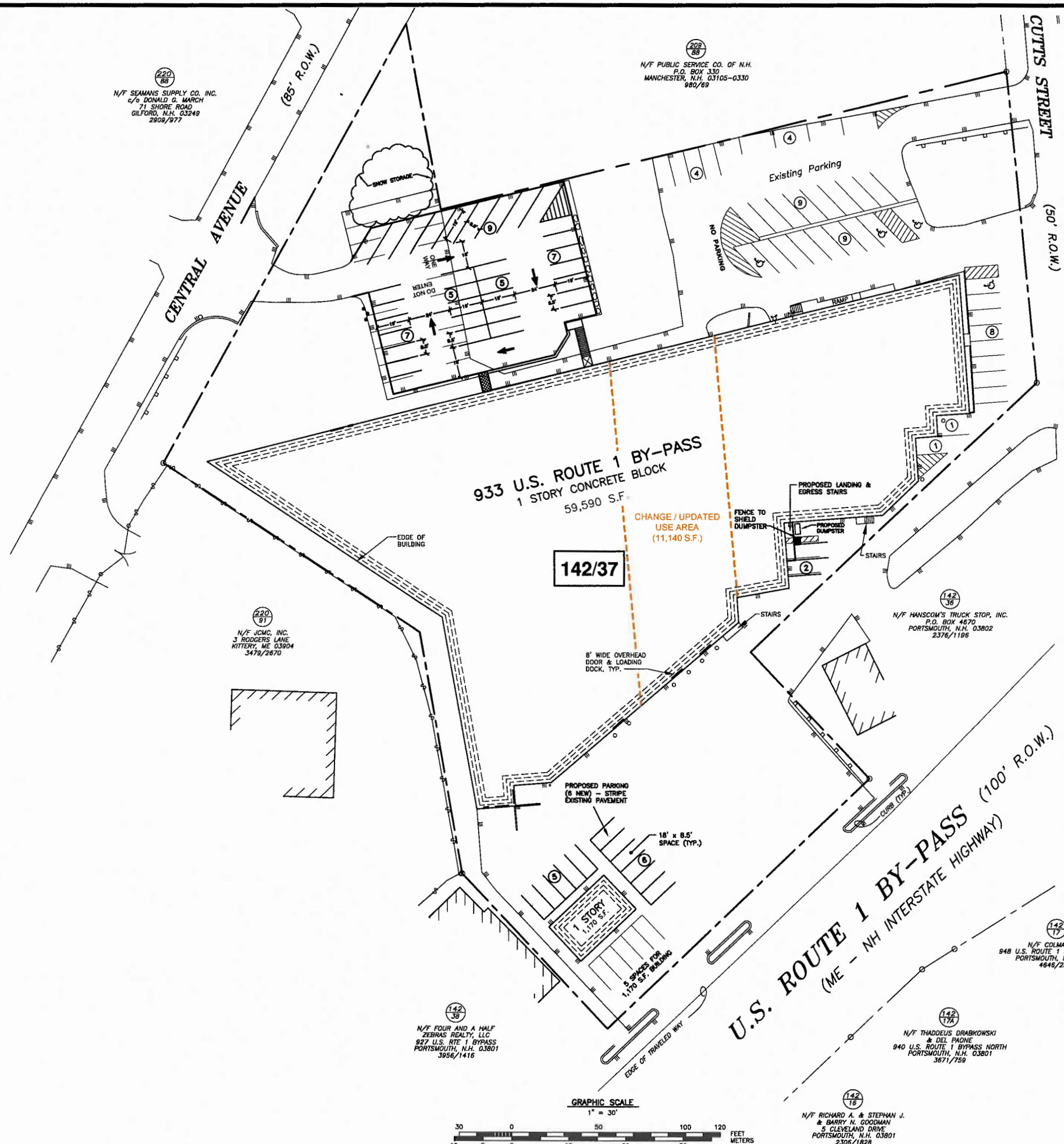
John K. Bosen

JKB/

Enclosures

³ Although Recreational Uses, such as health clubs, do not benefit from the shared parking table in 10.1112.60, it should be noted that evening parking requirements for Office/Industrial uses are 20% of what is otherwise required.

J:\JOBS\JN770s\JN775\2010 Site Plan\Plans & Specs\Site\775wd02.dwg, C3_PROPOSED_PARKING PLAN



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:
1) PARKING CALCULATION
EXISTING STRUCTURE: 59,590 S.F.
62,066 TOTAL G.S.F. INCLUDING MEZZANINES
PROPOSED USE:
BUSINESS OFFICE: 7,540 S.F. x 1/250 S.F. = 30.2 SPACES
ADJACENT WAREHOUSE: 1,985 S.F. x 1/2000 S.F. = 1.0 SPACES
INDOOR RECREATION (7,184 S.F.) 50 USER x 0.5 = 25.0 SPACES
WAREHOUSE: 44,357 S.F. x 1/2000 S.F. = 22.2 SPACES
BUSINESS OFFICE: 1,000 S.F. x 1/250 S.F. = 4.0 SPACES
TOTAL REQUIRED: 82 SPACES
TOTAL PROVIDED: 82 SPACES

2) THE PURPOSE OF THIS PLAN IS TO SHOW AN UPDATED USE OF A PORTION OF THE WAREHOUSE SPACE AT 933 U.S. ROUTE 1 BY-PASS.

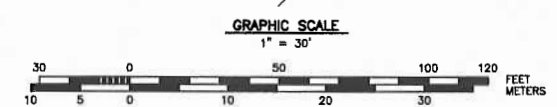
**BUILDING RE-USE
SARNIA PROPERTIES, INC.
933 U.S. ROUTE 1 BYPASS
PORTSMOUTH, N.H.**

| NO. | DESCRIPTION | DATE |
|-----|---|----------|
| 3 | REVISED PARKING CALCULATION, ADDED NOTE 2 | 7/27/11 |
| 2 | REVISED COUNT TO 6 NEW SPACES | 6/15/11 |
| 1 | ADDED MORE PARKING SPACES, NOTE 1 | 6/6/11 |
| 0 | ADDED TO PLAN SET | 11/10/10 |

| REVISIONS | |
|-----------|--|
| | |
| | |
| | |

SCALE: 1" = 30' SEPTEMBER 2010

**PROPOSED
PARKING PLAN** **C3**



220/88
N/F SEAMANS SUPPLY CO. INC.
c/o DONALD G. MARCH
71 SHORE ROAD
GILFORD, N.H. 03249
2509/977

208/88
N/F PUBLIC SERVICE CO. OF N.H.
P.O. BOX 330
MANCHESTER, N.H. 03105-0330
980/69

142/34
N/F HANSCOM'S TRUCK STOP, INC.
P.O. BOX 4670
PORTSMOUTH, N.H. 03802
2846/1744

220/91
N/F JCMC, INC.
3 RODGERS LANE
KITTEERY, ME 03904
3478/2670

142/36
N/F HANSCOM'S TRUCK STOP, INC.
P.O. BOX 4670
PORTSMOUTH, N.H. 03802
2376/1196

142/35
N/F FOUR AND A HALF
ZEBRAS REALTY, LLC
927 U.S. RTE 1 BYPASS
PORTSMOUTH, N.H. 03801
3956/1416

142/17
N/F COLMAX, LLC
948 U.S. ROUTE 1 BYPASS, UNIT F
PORTSMOUTH, N.H. 03801
4646/2335

142/17A
N/F THADDEUS DRABKOWSKI
& DEL PAONE
940 U.S. ROUTE 1 BYPASS NORTH
PORTSMOUTH, N.H. 03801
3671/759

142/18
N/F RICHARD A. & STEPHAN J.
& BARRY N. GOODMAN
5 CLEVELAND DRIVE
PORTSMOUTH, N.H. 03801
2306/1828



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

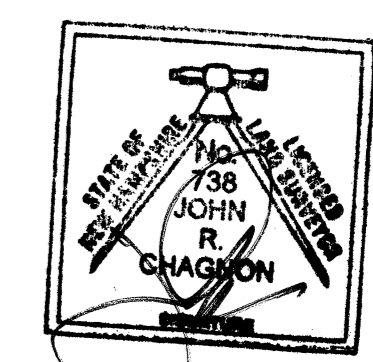
200 Griffin Road, Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) AREAS ARE CALCULATED FROM OUTSIDE FACE OF WALL TO CENTERLINE OF DEMISING WALL & FOR ZEN STONWORKS, TO OUTSIDE FACE OF LEASE AREA PROPOSED WALLS.

**PORTSMOUTH PAPER
BUILDING
933 US ROUTE ONE
BY-PASS
4 CUTTS STREET
PORTSMOUTH, N.H.**

| NO. | DESCRIPTION | DATE |
|-----------|--------------------|--------|
| 0 | ISSUED FOR COMMENT | 7/5/12 |
| REVISIONS | | |



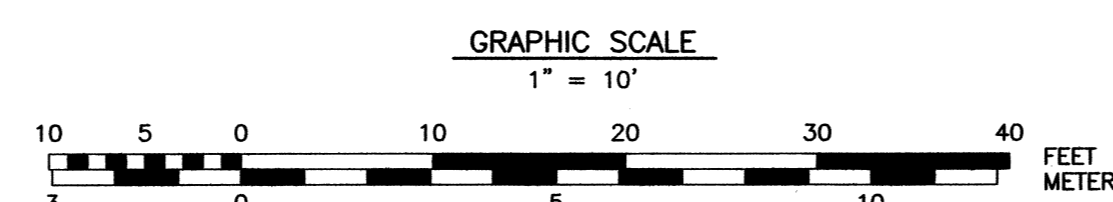
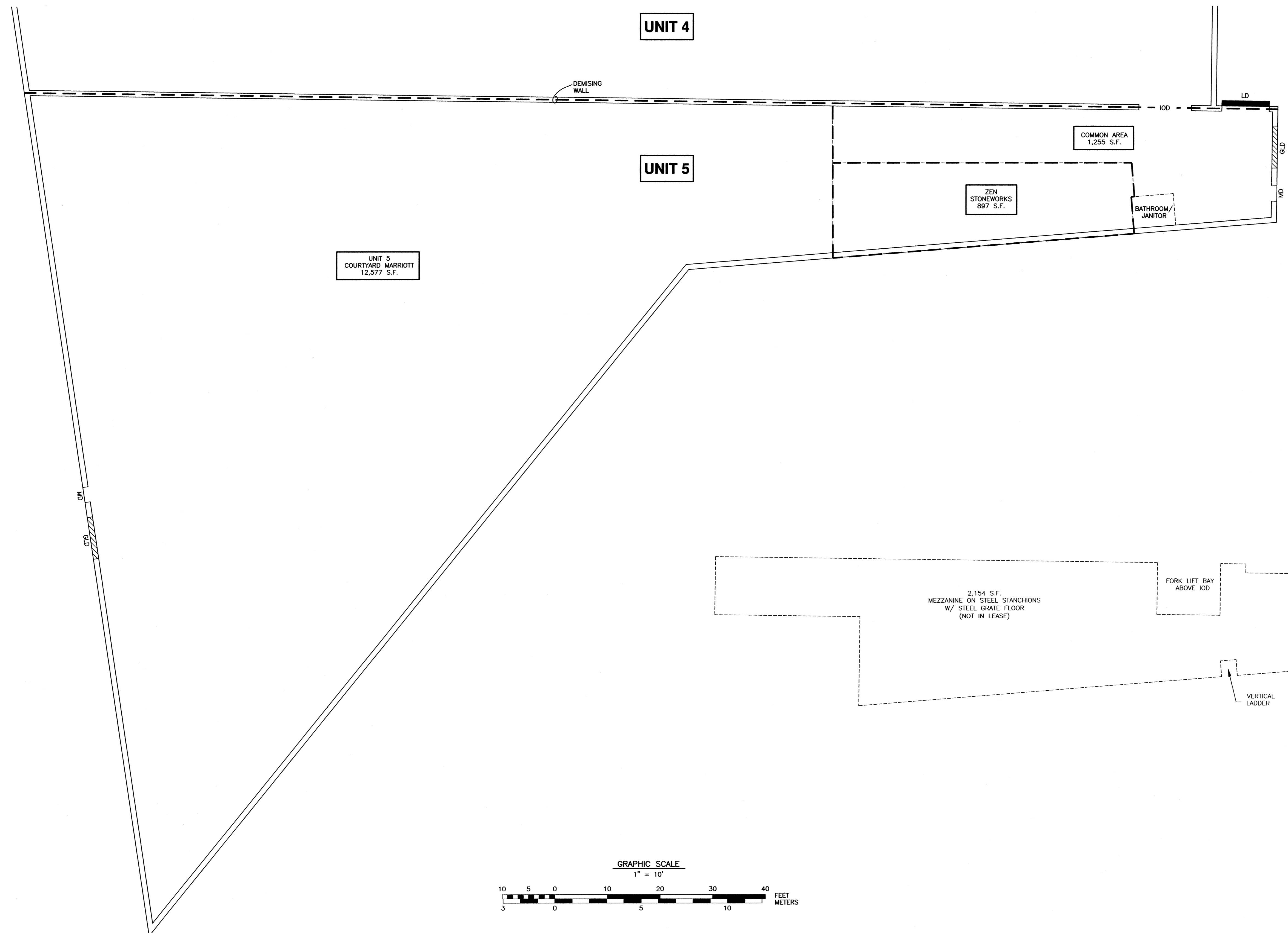
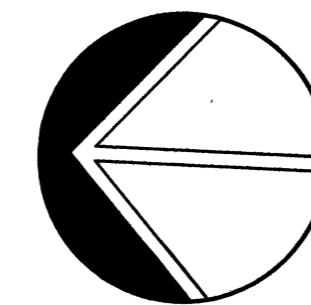
SCALE: 1" = 10' JULY 2012

**UNIT 5 SUB-LEASE
AREA PLAN**

C1

LEGEND:

- GLD GROUND LEVEL OVERHEAD GARAGE DOOR
- LD LOADING DOCK
- MD MAN DOOR
- IOD INTERIOR OVERHEAD DOOR
- UNIT/SUB-LEASE BOUNDARY



PARKING CALC – 933 US RT 1 BP

| City | Use # | Type | Tenant | Usage SF | spaces / SF | required | |
|------|-------|-----------------------------|--|---|-------------|----------|------------------------------|
| | 5.10 | Office: | Taurus offices (normally 4 or 5 people in) | 2,900 SF | 1/350 | 8.3 | |
| | 5.10 | Office: | Souther NH services offices | 3,460 SF | 1/350 | 9.8 | |
| | 20.10 | Storage: | Sarnia storage (no employees) | 3,000 SF | N/A | 0 | |
| | 4.40 | Gym: (small group training) | On Target Gym (personal training) | 6,908 SF | 1/250 | 27.6 | |
| | 13.40 | Warehouse: | Craft Beer currently | 28,000 SF Partially vacant at this time | 1/200 | 14 | |
| | 20.10 | Storage: | Courtcon | 15,220 SF | N/A | 0 | |
| | 5.10 | Office: | Connected Office | 2,082 SF | 1/350 | 5.9 | |
| | 4.40 | Warehouse/Gym proposed | PROPOSED VANGUARD KC | 12000 SF Plus demised Warehouse space approx. 3000 SF | 1/250 | 48 | =114 required of 82 provided |

[> Reports](#) > [Check-In Breakdown Report](#)

Generated on: 05/16/2023 @ 8:15 PM

Date Interval: 01/01/2023 - 03/31/2023

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|-------------------|--------|--------|---------|-----------|----------|--------|----------|--------|
| Total (24) | 6622 | 11008 | 10774 | 10822 | 10176 | 9370 | 7029 | 65801 |
| 12:00am - 12:59am | 23 | 17 | 18 | 24 | 27 | 21 | 28 | 158 |
| 01:00am - 01:59am | 9 | 10 | 22 | 21 | 18 | 17 | 12 | 109 |
| 02:00am - 02:59am | 4 | 15 | 14 | 19 | 22 | 16 | 8 | 98 |
| 03:00am - 03:59am | 22 | 100 | 108 | 98 | 101 | 79 | 30 | 538 |
| 04:00am - 04:59am | 57 | 258 | 332 | 338 | 275 | 282 | 89 | 1631 |
| 05:00am - 05:59am | 104 | 408 | 541 | 518 | 471 | 501 | 162 | 2705 |
| 06:00am - 06:59am | 178 | 467 | 586 | 587 | 531 | 536 | 240 | 3125 |
| 07:00am - 07:59am | 282 | 543 | 589 | 574 | 554 | 577 | 365 | 3484 |
| 08:00am - 08:59am | 514 | 578 | 543 | 560 | 550 | 591 | 559 | 3895 |
| 09:00am - 09:59am | 626 | 561 | 467 | 528 | 466 | 522 | 629 | 3799 |
| 10:00am - 10:59am | 612 | 660 | 535 | 557 | 541 | 586 | 686 | 4177 |
| 11:00am - 11:59am | 591 | 596 | 528 | 533 | 508 | 554 | 617 | 3927 |
| 12:00pm - 12:59pm | 604 | 574 | 529 | 548 | 551 | 521 | 558 | 3885 |
| 01:00pm - 01:59pm | 476 | 571 | 503 | 476 | 437 | 530 | 511 | 3504 |
| 02:00pm - 02:59pm | 479 | 620 | 637 | 603 | 580 | 558 | 443 | 3920 |
| 03:00pm - 03:59pm | 386 | 865 | 808 | 768 | 798 | 702 | 439 | 4766 |
| 04:00pm - 04:59pm | 370 | 1066 | 1018 | 1002 | 939 | 751 | 399 | 5545 |
| 05:00pm - 05:59pm | 337 | 1078 | 1039 | 1060 | 965 | 643 | 360 | 5482 |
| 06:00pm - 06:59pm | 317 | 746 | 729 | 741 | 704 | 479 | 258 | 3974 |
| 07:00pm - 07:59pm | 252 | 564 | 543 | 550 | 484 | 375 | 225 | 2993 |
| 08:00pm - 08:59pm | 181 | 344 | 341 | 358 | 296 | 220 | 153 | 1893 |

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|--------------------|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| 09:00pm - 09:59pm | 111 | 211 | 173 | 193 | 213 | 165 | 137 | 1203 |
| 10:00pm - 10:59pm | 58 | 123 | 131 | 121 | 116 | 103 | 82 | 734 |
| 11:00pm - 11:44pm | 29 | 33 | 40 | 45 | 29 | 41 | 39 | 256 |
| Total (24) | 6622 | 11008 | 10774 | 10822 | 10176 | 9370 | 7029 | 65801 |

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:23 PM

Date Interval: 01/16/2023 - 01/16/2023**Home club:** Portsmouth

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|-------------------|--------|--------|---------|-----------|----------|--------|----------|--------|
| Total (24) | 0 | 164 | 0 | 0 | 0 | 0 | 0 | 164 |
| 12:00am - 12:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 01:00am - 01:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02:00am - 02:59am | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| 03:00am - 03:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 04:00am - 04:59am | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| 05:00am - 05:59am | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 4 |
| 06:00am - 06:59am | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 5 |
| 07:00am - 07:59am | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 9 |
| 08:00am - 08:59am | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 5 |
| 09:00am - 09:59am | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 7 |
| 10:00am - 10:59am | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 12 |
| 11:00am - 11:59am | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 11 |
| 12:00pm - 12:59pm | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |
| 01:00pm - 01:59pm | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 15 |
| 02:00pm - 02:59pm | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |
| 03:00pm - 03:59pm | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |
| 04:00pm - 04:59pm | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 15 |
| 05:00pm - 05:59pm | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 18 |
| 06:00pm - 06:59pm | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 11 |
| 07:00pm - 07:59pm | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 6 |
| 08:00pm - 08:59pm | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|--------------------|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| 09:00pm - 09:59pm | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 3 |
| 10:00pm - 10:59pm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11:00pm - 11:44pm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total (24) | 0 | 164 | 0 | 0 | 0 | 0 | 0 | 164 |

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:23 PM

Date Interval: 01/31/2023 - 01/31/2023**Home club:** Portsmouth

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|-------------------|--------|--------|---------|-----------|----------|--------|----------|--------|
| Total (24) | 0 | 0 | 187 | 0 | 0 | 0 | 0 | 187 |
| 12:00am - 12:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 01:00am - 01:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02:00am - 02:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:00am - 03:59am | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| 04:00am - 04:59am | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 |
| 05:00am - 05:59am | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 13 |
| 06:00am - 06:59am | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 |
| 07:00am - 07:59am | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 |
| 08:00am - 08:59am | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 5 |
| 09:00am - 09:59am | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 |
| 10:00am - 10:59am | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 9 |
| 11:00am - 11:59am | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| 12:00pm - 12:59pm | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 11 |
| 01:00pm - 01:59pm | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 |
| 02:00pm - 02:59pm | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 11 |
| 03:00pm - 03:59pm | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 13 |
| 04:00pm - 04:59pm | 0 | 0 | 18 | 0 | 0 | 0 | 0 | 18 |
| 05:00pm - 05:59pm | 0 | 0 | 26 | 0 | 0 | 0 | 0 | 26 |
| 06:00pm - 06:59pm | 0 | 0 | 17 | 0 | 0 | 0 | 0 | 17 |
| 07:00pm - 07:59pm | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 9 |
| 08:00pm - 08:59pm | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 |

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|--------------------|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| 09:00pm - 09:59pm | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| 10:00pm - 10:59pm | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| 11:00pm - 11:44pm | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Total (24) | 0 | 0 | 187 | 0 | 0 | 0 | 0 | 187 |

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:24 PM

Date Interval: 02/06/2023 - 02/06/2023**Home club:** Portsmouth

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|-------------------|--------|--------|---------|-----------|----------|--------|----------|--------|
| Total (24) | 0 | 189 | 0 | 0 | 0 | 0 | 0 | 189 |
| 12:00am - 12:59am | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| 01:00am - 01:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02:00am - 02:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:00am - 03:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 04:00am - 04:59am | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 7 |
| 05:00am - 05:59am | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 7 |
| 06:00am - 06:59am | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 7 |
| 07:00am - 07:59am | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 9 |
| 08:00am - 08:59am | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 9 |
| 09:00am - 09:59am | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 8 |
| 10:00am - 10:59am | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 9 |
| 11:00am - 11:59am | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 11 |
| 12:00pm - 12:59pm | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 13 |
| 01:00pm - 01:59pm | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 6 |
| 02:00pm - 02:59pm | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 7 |
| 03:00pm - 03:59pm | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 15 |
| 04:00pm - 04:59pm | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 20 |
| 05:00pm - 05:59pm | 0 | 26 | 0 | 0 | 0 | 0 | 0 | 26 |
| 06:00pm - 06:59pm | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 13 |
| 07:00pm - 07:59pm | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 8 |
| 08:00pm - 08:59pm | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 3 |

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|--------------------|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| 09:00pm - 09:59pm | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 4 |
| 10:00pm - 10:59pm | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 4 |
| 11:00pm - 11:44pm | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| Total (24) | 0 | 189 | 0 | 0 | 0 | 0 | 0 | 189 |

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:25 PM

Date Interval: 02/21/2023 - 02/21/2023**Home club:** Portsmouth

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|-------------------|--------|--------|---------|-----------|----------|--------|----------|--------|
| Total (24) | 0 | 0 | 177 | 0 | 0 | 0 | 0 | 177 |
| 12:00am - 12:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 01:00am - 01:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02:00am - 02:59am | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| 03:00am - 03:59am | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| 04:00am - 04:59am | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 |
| 05:00am - 05:59am | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 13 |
| 06:00am - 06:59am | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 |
| 07:00am - 07:59am | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 |
| 08:00am - 08:59am | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 6 |
| 09:00am - 09:59am | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 |
| 10:00am - 10:59am | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 12 |
| 11:00am - 11:59am | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 10 |
| 12:00pm - 12:59pm | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 9 |
| 01:00pm - 01:59pm | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 11 |
| 02:00pm - 02:59pm | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 6 |
| 03:00pm - 03:59pm | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 10 |
| 04:00pm - 04:59pm | 0 | 0 | 21 | 0 | 0 | 0 | 0 | 21 |
| 05:00pm - 05:59pm | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 |
| 06:00pm - 06:59pm | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 15 |
| 07:00pm - 07:59pm | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 10 |
| 08:00pm - 08:59pm | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 5 |

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|--------------------|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| 09:00pm - 09:59pm | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| 10:00pm - 10:59pm | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| 11:00pm - 11:44pm | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Total (24) | 0 | 0 | 177 | 0 | 0 | 0 | 0 | 177 |

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:26 PM

Date Interval: 03/13/2023 - 03/13/2023**Home club:** Portsmouth

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|-------------------|--------|--------|---------|-----------|----------|--------|----------|--------|
| Total (24) | 0 | 192 | 0 | 0 | 0 | 0 | 0 | 192 |
| 12:00am - 12:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 01:00am - 01:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02:00am - 02:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:00am - 03:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 04:00am - 04:59am | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 4 |
| 05:00am - 05:59am | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 8 |
| 06:00am - 06:59am | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 5 |
| 07:00am - 07:59am | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 12 |
| 08:00am - 08:59am | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 4 |
| 09:00am - 09:59am | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 6 |
| 10:00am - 10:59am | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 12 |
| 11:00am - 11:59am | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |
| 12:00pm - 12:59pm | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 8 |
| 01:00pm - 01:59pm | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |
| 02:00pm - 02:59pm | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |
| 03:00pm - 03:59pm | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 16 |
| 04:00pm - 04:59pm | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 17 |
| 05:00pm - 05:59pm | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 21 |
| 06:00pm - 06:59pm | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 15 |
| 07:00pm - 07:59pm | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 16 |
| 08:00pm - 08:59pm | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 |

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|--------------------|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| 09:00pm - 09:59pm | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 5 |
| 10:00pm - 10:59pm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11:00pm - 11:44pm | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 3 |
| Total (24) | 0 | 192 | 0 | 0 | 0 | 0 | 0 | 192 |

> Reports > Check-In Breakdown Report

Generated on: 05/16/2023 @ 8:26 PM

Date Interval: 03/28/2023 - 03/28/2023**Home club:** Portsmouth

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|-------------------|--------|--------|---------|-----------|----------|--------|----------|--------|
| Total (24) | 0 | 0 | 184 | 0 | 0 | 0 | 0 | 184 |
| 12:00am - 12:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 01:00am - 01:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02:00am - 02:59am | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03:00am - 03:59am | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| 04:00am - 04:59am | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 |
| 05:00am - 05:59am | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 |
| 06:00am - 06:59am | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 13 |
| 07:00am - 07:59am | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 11 |
| 08:00am - 08:59am | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 |
| 09:00am - 09:59am | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 |
| 10:00am - 10:59am | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 9 |
| 11:00am - 11:59am | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 |
| 12:00pm - 12:59pm | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 6 |
| 01:00pm - 01:59pm | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 |
| 02:00pm - 02:59pm | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 6 |
| 03:00pm - 03:59pm | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 16 |
| 04:00pm - 04:59pm | 0 | 0 | 18 | 0 | 0 | 0 | 0 | 18 |
| 05:00pm - 05:59pm | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 20 |
| 06:00pm - 06:59pm | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 9 |
| 07:00pm - 07:59pm | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 16 |
| 08:00pm - 08:59pm | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 6 |

| Time Of Day | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Totals |
|--------------------|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| 09:00pm - 09:59pm | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| 10:00pm - 10:59pm | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| 11:00pm - 11:44pm | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Total (24) | 0 | 0 | 184 | 0 | 0 | 0 | 0 | 184 |

933 Route One By-Pass
 Supplement to CUP Application
 LU-23-76

The applicant currently operates the Vanguard Key Club at its present location at 1 Raynes Avenue, which has a total of 41 spaces servicing 14 separate suites. That gym facility is 12,000 square feet, the same size as the applicant proposes to utilize at 933 US Route One By-Pass. Thus, usage levels should be expected to be consistent for both sites.

1 Raynes Avenue is in the Downtown Overlay District and has no off street parking requirements except for the residential uses. A parking analysis for 1 Raynes Ave if it were in the Business zone, as the proposed new location is, is set forth below:

| Suite | Tenant | SF | spaces req |
|------------|--------------------|--------|-------------------------|
| Suite 100 | Vanguard Key Clubs | 12,000 | 48 |
| Suite 101 | Apartment | 1,500 | 1.3 |
| Suite 102 | Office | 80 | 1 |
| Suite 201 | Apartment | 1,750 | 1.3 |
| Suite 202A | Office | 100 | 1 |
| Suite 202B | Office | 100 | 1 |
| Suite 202C | Office | 100 | 1 |
| Suite 202D | Office | 180 | 1 |
| Suite 203A | Fitness Studio | 2500 | 10 |
| Suite 203B | Fitness Studio | 1700 | 6.8 |
| Suite 204 | Office | 200 | 1 |
| Suite 205 | Office | 450 | 1.3 |
| Suite 206 | Office | 100 | 1 |
| Suite 207 | Studio/Office | 1500 | 4.3-6 depending on use. |
| Total | | | 80-81 spaces required. |

The facility has been operating without parking shortages and despite having to “share” parking with its neighbors as it is currently constituted for 20 years with approximately half the spaces the city

would presently require in the Business Zone. The existing facility is also subcontracted to Unified Parking Partners to provide private off street parking for off site users. The observations of Brian Slovenski of United Parking are attached. It is clear that the operation of the applicant's gym does not result in parking scarcity in its current location. The Vanguard Key Club is a franchise whose business model is to provide a high quality, lower volume fitness facility. There is no onsite staff, and classes are prohibited. The applicant and its principal, Craig Annis, operate Vanguard Key Club facilities in Portsmouth, Dover, North Hampton, Kingston, Newburyport and York. None experience parking shortages.

With regard to the Parking Calc provided for 933 US Rt. 1 By-Pass, the On Target Gym's parking requirement is 27.6 spaces, based on its square footage. However, that facility's business model also suggests that the requirement is far in excess of what it actually uses. On Target holds classes that are limited to six students at a time. <https://ontargetfit.com/classes/Personal-Training>

If we conservatively allocate 14 spaces to On Target, the remaining uses leave 30 spaces on site available for Vanguard. Our peak usage data demonstrates that this is more than sufficient, as 26 spaces is what would be required at times of peak demand. Our experience in a much denser neighborhood demonstrates conclusively that this is more than sufficient. We can periodically produce intake data as necessary to confirm there is no parking shortage associated with this use.

If additional parking proves to be necessary, a number of spaces could be created out of the section of pavement that leads to the loading dock door. This is a wide paved area where parking could be added as the applicant does no active loading. This would still leave loading dock door accessible. Finally, in the event peak demand numbers indicate the need for additional parking, the applicant believes that overflow parking rights at the Motorbikes Plus site across Emery Street at 650 Maplewood Avenue will be available. That facility is closed on Mondays and after 5pm on Tuesdays, which have historically been the applicant's busiest times. The applicant is in discussions with the owners regarding this possibility.

From: Brian Slovenski <bslovenski@uppglobal.com>
Sent: Tuesday, May 30, 2023 8:56:25 AM
To: Craig Annis <craig@vanguardkeyclubs.com>
Subject: 1 Raynes Ave

Hi, my name is Brian Slovenski, I work for Unified Parking Partners in Portsmouth New Hampshire. We have had a parking management arrangement with Craig and his property located at 1 Raynes avenue, for the past 5 years.

My observations of the parking lot at 1 Raynes are as follows;

1. The parking lot is primarily used by vehicles and patrons who are visiting the 1 Raynes ave facility. The parking lot does see parking use for nearby locations such as 3S Art space, Barrio Taqueria, The AC hotel, and the Envio Restaurant.
2. There is most often plenty of available parking onsite for parking for both onsite use and off-site use. The only exception to this is a few early weekday evenings in January and February between 5pm and 7pm when the lot is very busy.

My overall observation is that the current parking lot space of 40 spaces is more than an adequate parking supply for the 1 Raynes Ave buildings current use.

Thank you

LU-23-76

PARKING CALC – 933 US RT 1 BP (REV'D 5-30-23)

| City | Use # | Type | Tenant | Usage SF | spaces / SF | required | |
|------|-------|-----------------------------|--|---|-------------|----------|------------------------------|
| | 5.10 | Office: | Taurus offices (normally 4 or 5 people in) | 2,900 SF | 1/350 | 8.3 | |
| | 5.10 | Office: | Souther NH services offices | 3,460 SF | 1/350 | 9.8 | |
| | 20.10 | Storage: | Sarnia storage (no employees) | 3,000 SF | N/A | 0 | |
| | 4.40 | Gym: (small group training) | On Target Gym (personal training) | 6,908 SF | 1/250 | 27.6 | |
| | 13.40 | Warehouse: | Craft Beer currently | 28,000 SF | 1/2000 | 14 | |
| | 5.10 | Office: | Connected Office | 2,082 SF | 1/350 | 5.9 | |
| | 4.40 | Warehouse/Gym proposed | PROPOSED VANGUARD KC | 12000 SF Plus demised Warehouse space approx. 3000 SF | 1/250 | 48 | =114 required of 82 provided |

NOTE: The Parking Calculation originally submitted included the current use (storage) of the space the applicant proposes to use. The remaining discrepancy in square footage from the above table and the submitted site plan is due to mezzanine square footage in one of the units. The parking calculation shown on the submitted site plan is from 2008 and should be disregarded.

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: July 20, 2023

Property Address: 380 Greenleaf Ave

Application #: LU-23-62

Decision: Approve Deny Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

| | Zoning Ordinance Sector 10.1017.50 Criteria for Approval | Finding (Meets Criteria for Approval) | Supporting Information |
|----------|---|---|--|
| 1 | <i>1. The land is reasonably suited to the use activity or alteration.</i> | Meets Does Not Meet | The applicant is proposing to build the garage on an area of already disturbed and impervious land within the buffer. The overall project will be reducing the amount of impervious surface on the property and will be infiltrating stormwater and further buffering the wetland through planting beds. |
| 2 | <i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i> | Meets Does Not Meet | The entirety of this property is either within the wetland or the wetland buffer. There is no alternative location to build and the applicant is proposing to build in an existing disturbed area to minimize further impact to the buffer. |
| 3 | <i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i> | Meets Does Not Meet | The applicant is proposing an overall reduction in impervious area to the site. This proposal will increase the number of plantings in the buffer while also helping to infiltrate and slow stormwater on the property due to added crushed stone drip edges. |

| | Zoning Ordinance Sector 10.1017.50 Criteria for Approval | Finding (Meets Criteria for Approval) | Supporting Information |
|---|--|---|---|
| 4 | 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. | Meets Does Not Meet | The applicant is proposing no disturbance to the natural vegetative state on the property. The existing asphalt will be removed, and a garage and pervious pavers will be placed. Additional plantings will add to the vegetated buffer. |
| 5 | 5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. | Meets Does Not Meet | While the entire parcel is within wetland and buffer boundaries, the applicant is proposing to build in an area that is already impervious and will be significantly reducing existing impervious area while offsetting impacts with additional plantings, stormwater controls and pervious pavers. |
| 6 | 6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. | Meets Does Not Meet | The applicant is not proposing to disturb any area within the first 25' of the wetland boundary. Disturbances within the buffer will be offset with the removal of asphalt, the addition of native buffer plantings and stormwater controls. |
| 7 | <u>Other Board Findings:</u> | | |

Conditional Use Permit Information
Detached, single-story, 2-car garage

Location:

380 Greenleaf Avenue
Portsmouth, NH 03801
603-431-4147
inventivetechnologies@comcast.net

Applicant/Owner:

Tanner Family Revocable trust
Allison and Mark Tanner trustees
603-431-4147
inventivetechnologies@comcast.net

Narrative:

This home was constructed in 1979, 15 years before wetland buffer restrictions existed. This home is occupied by the original owners. The total size of this lot is approximately 1.14 acres or 49,658.4 square feet. It is comprised of a wetland area of approximately 20,683 square feet and a buffer area of approximately 29,388 square feet. The entire buffer area on this lot has been cultivated with perennials, trees and shrubs. There is a very large oak tree under which the buffer area is mostly moss with some grass. There are a limited number of glossy buckthorn invasive species that border a perennial stream running through the property. The total size of the jurisdictional wetland of the lot and surrounding areas is approx. 815,130.7 square feet or 18.71 acres.

We would like to construct a detached, single story, 20 x 20 foot, 2 car garage on a paved area of the driveway. The total impervious area of the paved driveway is currently 1285 square feet, and extends as close as 25 feet from the wetland. The distance of the proposed garage to the closest edge of the wetland is 45 feet, 20 feet further from the wetland. The entire paved area has no slope (it's flat) and is proposed to be removed, leaving only the 400 square foot garage footprint that would be impervious. This reduces the impervious area by 885 square feet. Drainage from the garage roof will be infiltrated through a 2 foot drip edge of crushed stone around the perimeter of the garage. A 484 square foot area at the entrance to the garage will be pervious pavers.

Erosion control (silt sock or fence) will be in place during construction. No trees or shrubs will be disturbed for this garage. Some grass will be removed for the drip edge. After removal of the pavement to the north of the garage, the planting bed will be extended to the drip edge. Only organic low nitrogen/phosphate fertilizer is ever used on this property, and no pesticides/herbicides are applied. Wetland boundary markers have been installed.



Approximate size of the wetland and buffer

Size calculations courtesy of Kate Homet

380 Greenleaf Avenue



1" = 119.93915884738601 ft

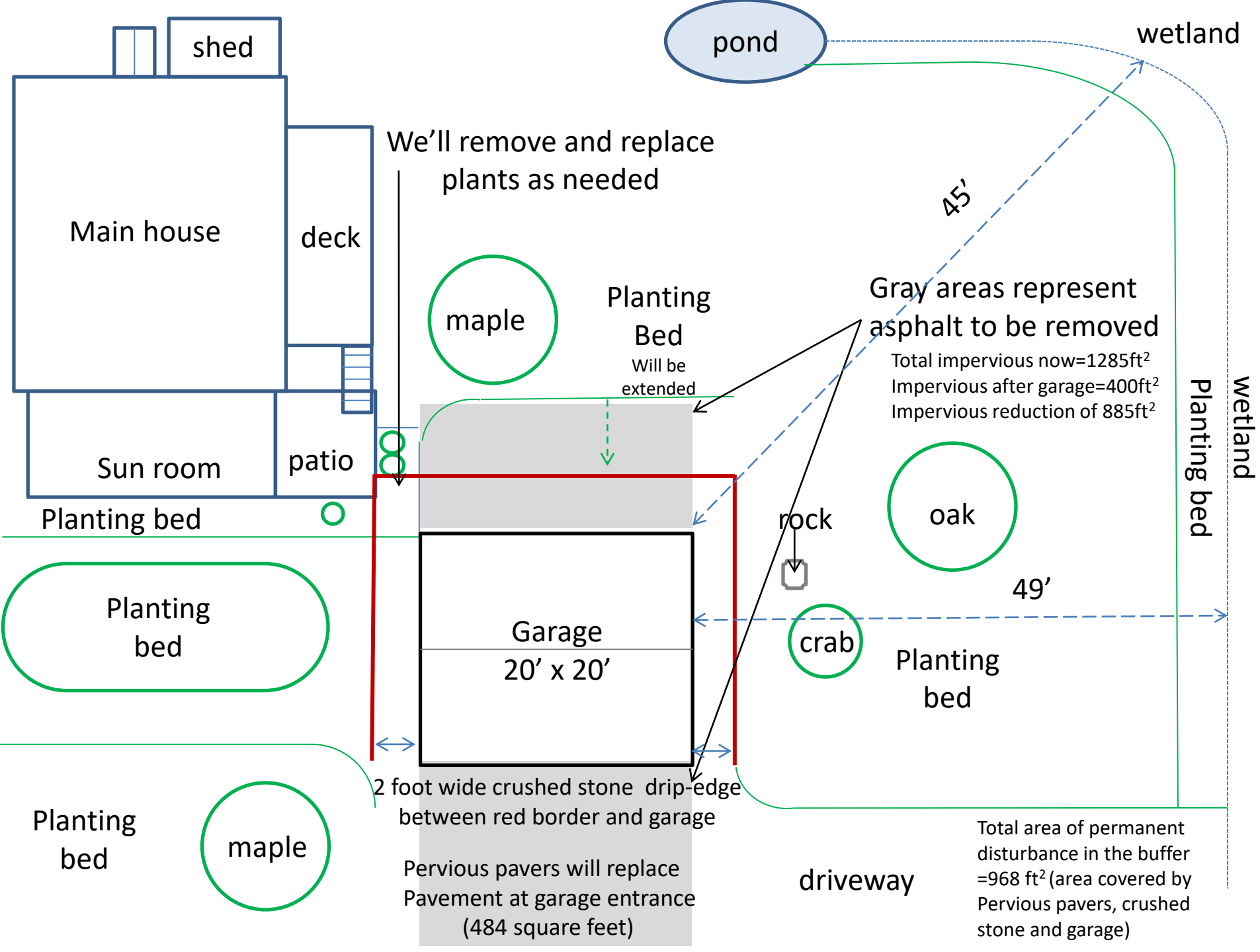


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/21/2022
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

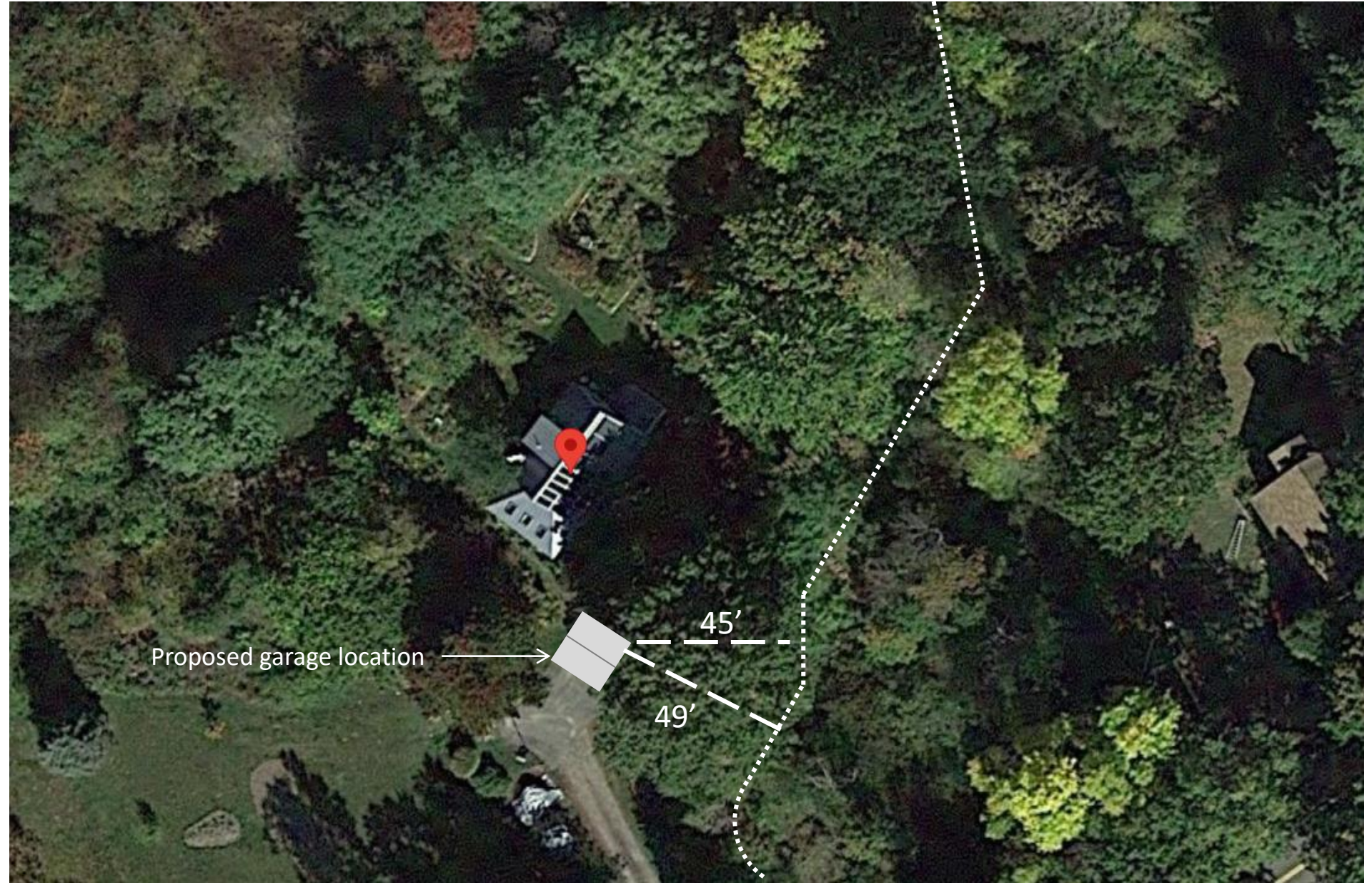


Proposed garage location



45'

49'





Front View (click to enlarge)

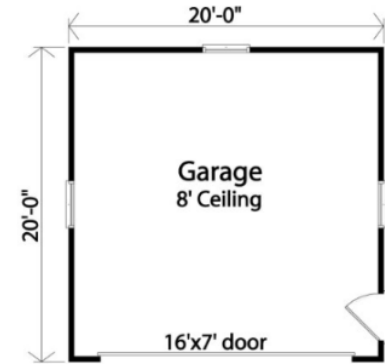


JustGaragePlans Original

With JustGaragePlans Original Designs, you get competitive pricing and you are working directly with the designer of the plan. We have been a trusted source of quality garage plans for over 20 years.

Plan 2413

Add to Cart
Add to Favorites



Plan Features

- Front-entry
- Two car

Plan Details

| | |
|-----------------|-----------------------------|
| Square Footage | Total: 0 |
| Levels: | 1 |
| Width: | 20-0 |
| Depth: | 20-0 |
| Approx. Height: | 14-0 |
| Exterior Wall: | 2x4 |
| Foundation: | Footing and Foundation Wall |
| Roof Framing: | Truss |
| Roof Pitch: | 5-12 Main |
| Ceiling Height: | 1st Floor: 8-0 |

Order This Plan

Common Garage Plan Questions

Can I modify a garage plan?

Some of the designers are willing to make changes to their plans for an additional charge. For those designers that do not make changes to their plans, we have a third party designer that will.

[Learn more about plan modification](#)

Do these plans include everything I need to obtain a building permit?

These plans include almost everything you need to obtain a building permit. Your general contractor will be able to assist you with the additional material that needs to be gathered and submitted for permits. If you are serving as your own general contractor we suggest you contact the Building Department in the city or county in which you wish to build. They will be able to provide you with a list of what they require in addition to the architectural drawings (blueprints).

See All FAQs

This garage plan is proposed to be ordered if conditional use permit is received.

Permeability Simplified <https://www.techo-bloc.com/permeable-pavement>

1. Permeable Paver

Designed with larger joint space to allow storm water to percolate through.

2. Small Aggregate (2.5-10 mm)

Filters out contaminants and debris from the rainwater.

3. Medium Aggregate (5-28 mm)

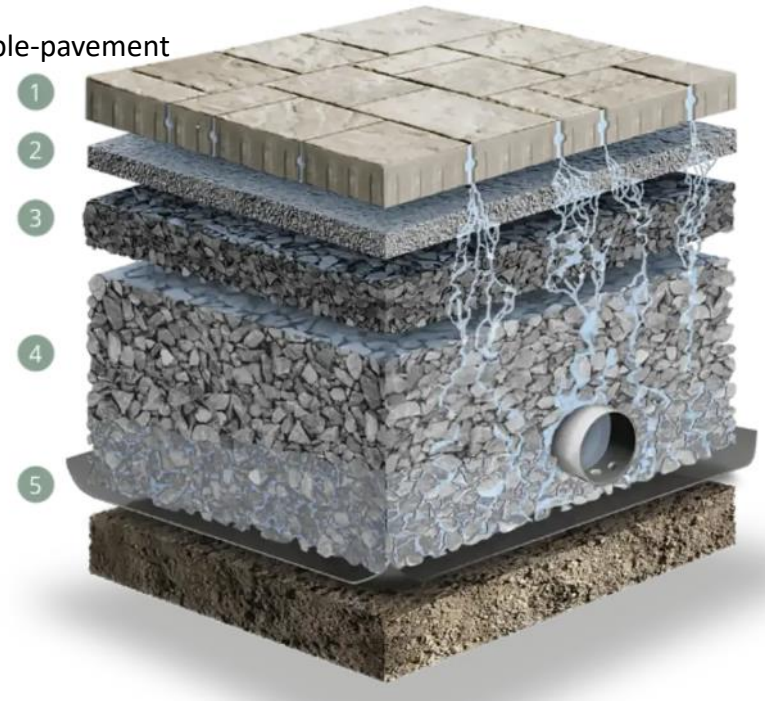
Transition layer that further filters out pollutants.

4. Large Aggregate (40-80 mm)

Reservoir layer for rainwater harvesting and the evacuation of excess water through a drain pipe.

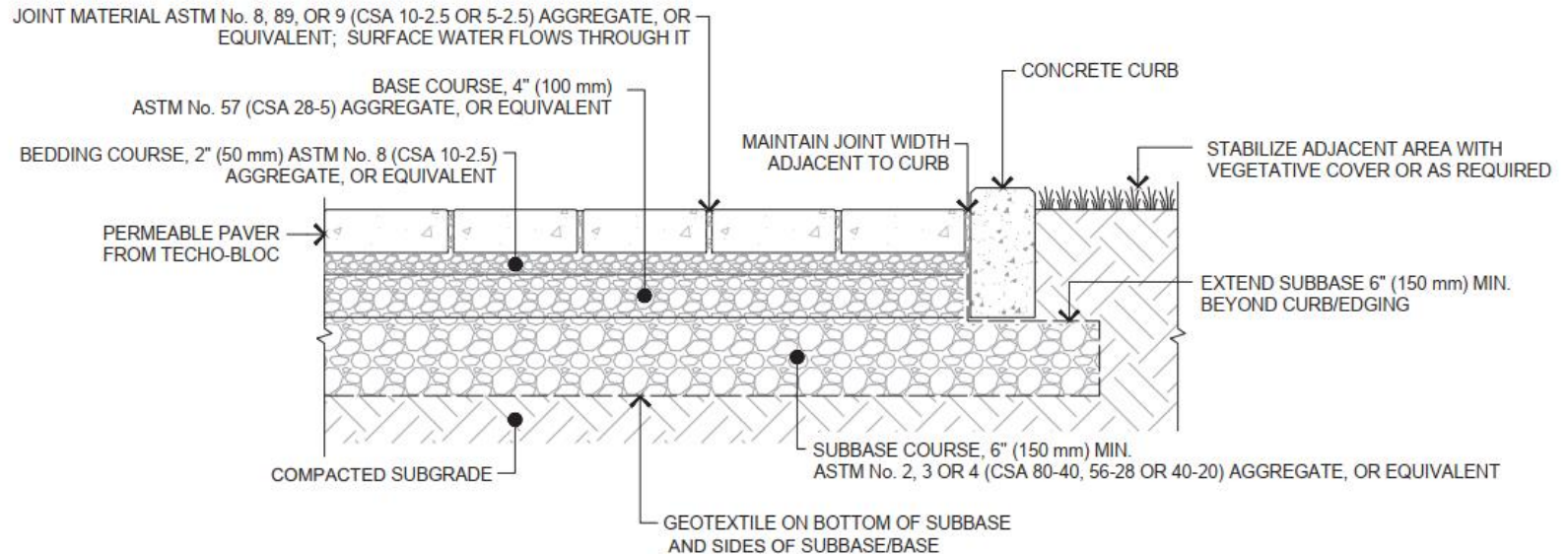
5. Geotextile

Filter fabric that separates large aggregate from the soil underneath.



INSTALLATION GUIDE

PERMEABLE PAVER - FULL INFILTRATION TO SOIL SUBGRADE



Permeable Paver Maintenance Plan

Permeable Pavement will be inspected following storms for the following:

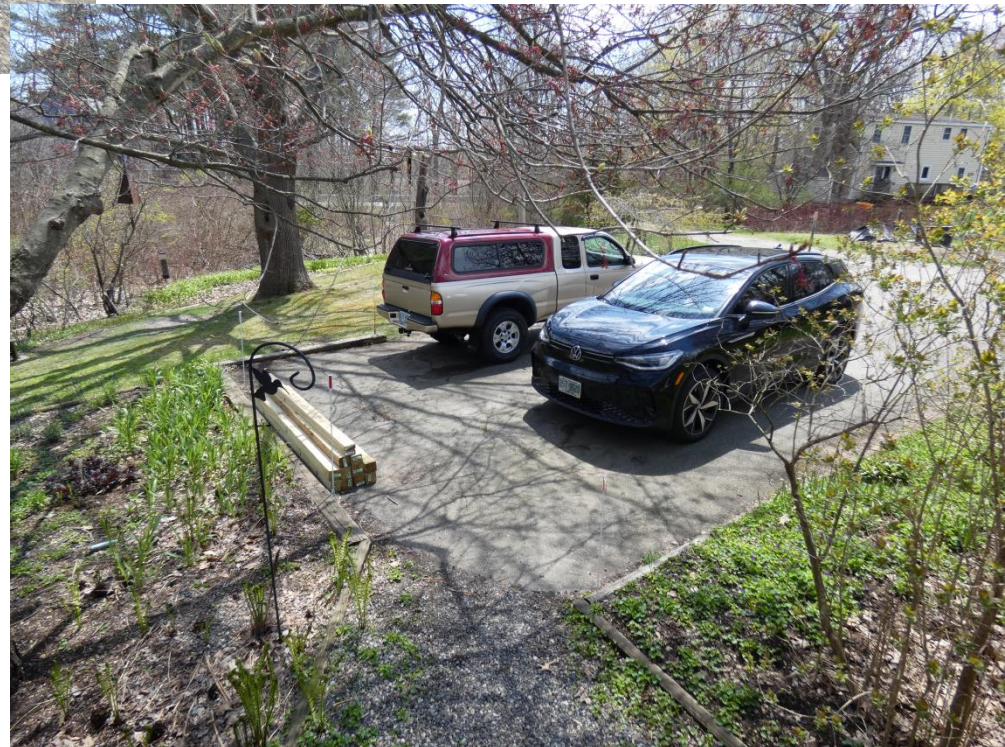
- Surface Clogging
- Depression
- Rutting
- Faulting
- Damaged pavers
- Edge restraint damage
- Excessive joint width
- Joint filler loss
- Horizontal creep
- Additional minor distresses

Routine maintenance will include quarterly sweeping or vacuuming to maintain drainage capability and replacement of small aggregate between pavers as needed. Professional installers will be called in if any greater damage occurs.



View looking north ↑

View looking south ↓





View looking west & over paved area for garage placement



View looking east toward wetland & garage placement on current pavement





View east toward wetland, planting bed & native plants ↑

View northeast toward wetland, native plants ↓



Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: July 20, 2023

Property Address: 15 Lafayette Rd

Application #: LU-23-26

Decision: Approve Deny Approve with Conditions

Findings of Fact:

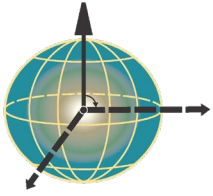
Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

| | Subdivision Review Criteria | Finding (Meets Standards/ Requirements) | Supporting Information |
|---|---|--|--|
| 1 | Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT | Meets Does Not Meet | The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting. |
| 2 | SECTION V - REQUIREMENTS FOR FINAL PLAT | Meets Does Not Meet | The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting. With the correction of Note #15. Note #15 has been updated per the TAC request. |
| 3 | SECTION VI - GENERAL REQUIREMENTS | | The application has been |

| | Subdivision Review Criteria | Finding (Meets Standards/ Requirements) | Supporting Information |
|---|--------------------------------|--|---|
| | | <p>Meets</p> <p>Does Not Meet</p> | <p>reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements.</p> <p>The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting.</p> |
| 4 | SECTION VII - DESIGN STANDARDS | <p>Meets</p> <p>Does Not Meet</p> | <p>The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements.</p> <p>Add notes for the following items:</p> <ul style="list-style-type: none"> • Prior to the issuance of a building permit on the proposed lot the applicant shall apply to DPW for a driveway permit. Note #14. • The new lot to be responsible for fees to connect to public utilities. See notes #15 & 16. • Prior to the issuance of a building permit on the proposed lot the applicant shall submit a drainage/stormwater management plan and pay for any additional cost to connect to the municipal system. Note #17. • Prior to the issuance of a building permit on the new lot the applicant shall submit an erosion and sedimentation control plan. <p>The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting.</p> |
| 5 | <u>Other Board Findings:</u> | | |

| | Subdivision Review Criteria | Finding (Meets Standards/ Requirements) | Supporting Information |
|--|-----------------------------|--|------------------------|
| | | | |

DRAFT



**JAMES VERRA
AND ASSOCIATES, INC.**

LU-23-26
June 6, 2023
Revised July 11, 2023

City of Portsmouth Planning Board
1 Jenkins Avenue
Portsmouth, NH 03801

Re: Proposed Subdivision Application
15 Lafayette Road

Dear Chairman Chellman, members of the Board, and Planning Staff:

On behalf of The Murdock Living Trust (owner), and trustee Jeff Murdock, we are respectfully submitting an application for subdivision approval for the above reference project.

The proposed project is located at 15 Lafayette Road (US Route 1), shown as Tax Map 152 Lot 2 on the City of Portsmouth Tax Maps. The project site is currently a 17,301 S.F.+/- lot, with a single-family house fronting on Lafayette Road, with frontage on Orchard Street. The subject lot is situated in the General Residence A (GRA) District. The proposed project is to create 1 new lot of record, subdividing off the existing structure on Lafayette Road, and creating a new frontage lot on Orchard Street.

The existing house has always been accessed by Lafayette Road, where the lot has 73.80' of frontage where 100' is required and does not meet the frontage requirement for this zone. The proposed lot however has 102.30' of frontage where 100' is required. A Zoning Variance was granted by the City's Zoning Board on April 18, 2023 to allow the existing house to have "73.8 feet of continuous frontage."

The proposed lot is to be connected to public water and sewer on Orchard Street, however at this time we are not planning any development on the proposed lot. The current owner does not currently have any interest in development of this proposed lot personally.

At the June 6, 2023, the Technical Advisory Committee meeting the Committee voted to recommend approval for the proposed subdivision following the following condition: 1). "Note #15 should be corrected on the plan." We believed we have corrected the note per the committee's request to better reflect the intent of note #15.

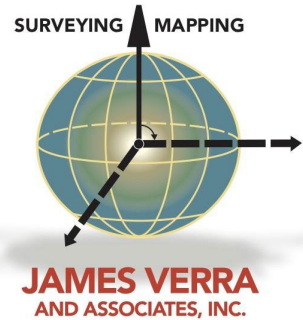
If you have any questions, or need any additional information please contact me at our office at 603-436-3557 or by email at ryan@jvasurveyors.com.

Sincerely,

Ryan Fowler

Ryan Fowler, LLS

Survey Manager



To whom it may concern;

We are requesting the following waivers due to the size and scope of the project.

Driveways VI.5

Our client will be selling the lot and unsure of where the new owner would build the new dwelling or the design of the new structure. We request prior to the issuance of a building permit the new owner would need to obtain the driveway permit.

Drainage Improvements VI.6

Due to the small impact of the 1 lot subdivision, and the lack of a proposed development we are requesting a waiver.

Municipal Water Service VI.7

Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can apply for approval through the water department at that time.

Municipal Sewer Service VI.8

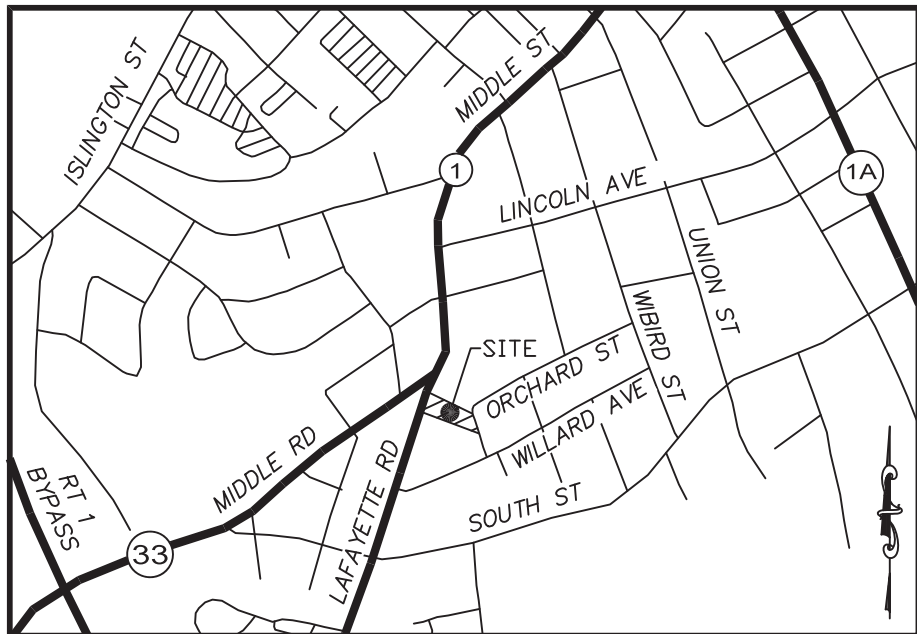
Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can apply for approval through the sewer department at that time.

Installation of Utilities VI.9

Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can apply for approval through the sewer & water departments at that time.

Erosion and Sedimentation Control VI.14

Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can work with the department to control erosion and sedimentation.



LOCUS
1" = 1,000'

152-48
LOUIS F. CLARIZIO
2020 IRREVOCABLE TRUST
195 NEW HAMPSHIRE AVE STE 255
PORTSMOUTH, NH 03801
BK: 6198 PG: 1575

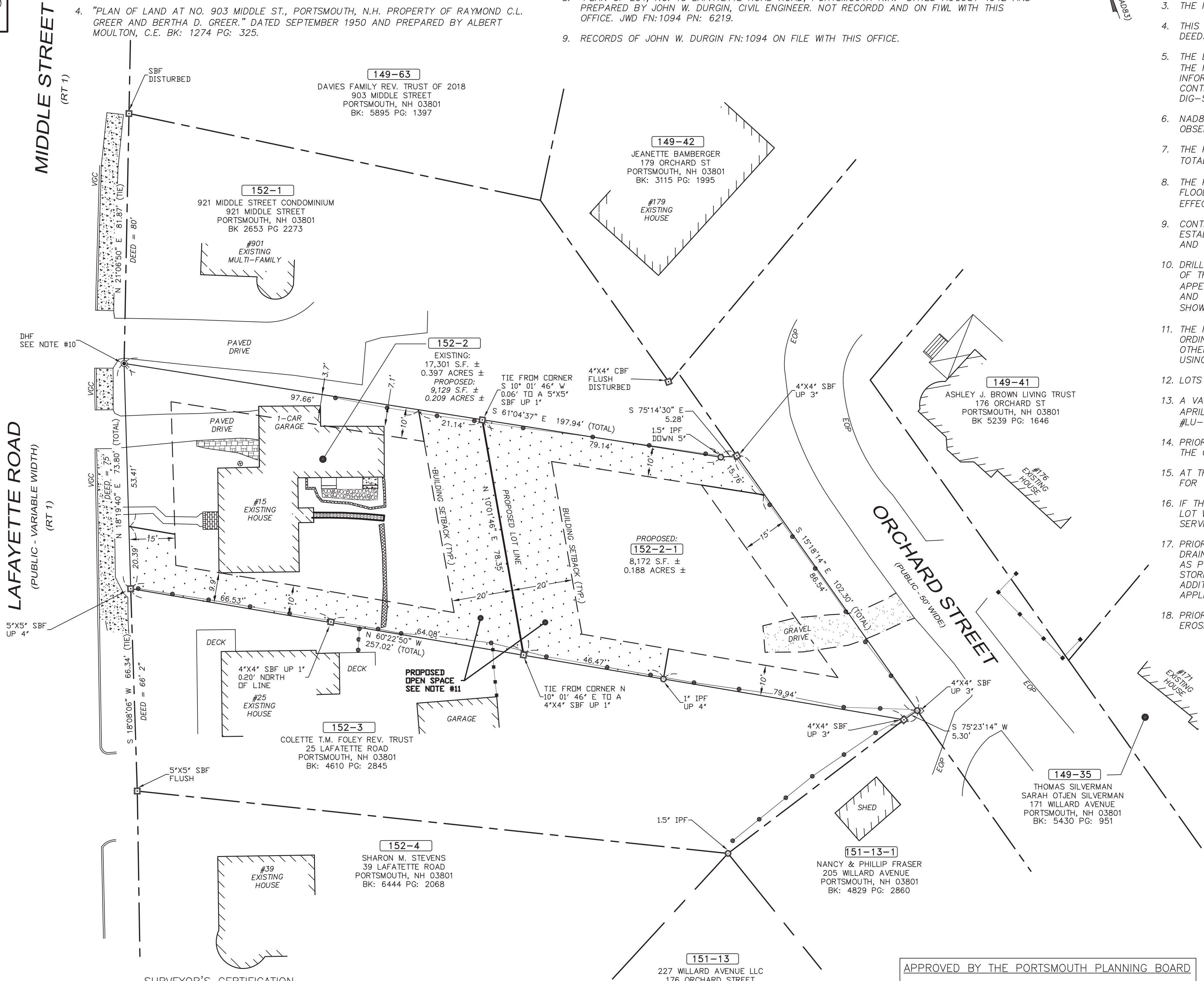
152-47
ERIC WEINRIEB &
RACHEL HOPKINS
9 MIDDLE ROAD
PORTSMOUTH, NH 03801
BK: 4590 PG: 1190

152-6
MIDDLE STREET HOLDING LLC
685 ISLINGTON STREET
PORTSMOUTH, NH 03801
BK: 6072 PG: 17

- LEGEND:**
- BOUND as DESCRIBED
 - DRILL HOLE
 - IRON ROD (AS NOTED)
 - ⊕ WATER GATE VALVE
 - CHAIN LINK FENCE
 - UTILITY POLE WITH ARM & LIGHT
 - WOOD FENCE
 - CEMENT CONCRETE PAD
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - 116-51 TAX SHEET / LOT NO.
 - EOP EDGE OF PAVEMENT
 - VGC VERTICAL FACED GRANITE CURB
 - ETW EDGE OF TRAVEL WAY

REFERENCE PLANS:

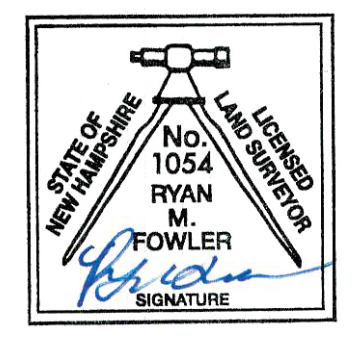
- "PLAN OF LAND OF BURTON K. MURDOCK & FRANCES E. MURDOCK IN PORTSMOUTH NEW HAMPSHIRE." DATED JANUARY 8, 1974 AND PREPARED BY MOULTON ENGINEERING CO. R.C.R.D. PLAN #D-4256.
- "PLAN OF LAND AT 25 LAFAYETTE ROAD PORTSMOUTH, N.H. AS PREPARED FOR/OWNER OF RECORD: DONALD F. AND BONNEY STEARNS 25 LAFAYETTE ROAD, PORTSMOUTH, N.H. 03801. R.C.R.D. PLAN #D-15412.
- "CONDOMINIUM SITE PLAN OF 921 MIDDLE STREET CONDOMINIUMS FOR WALTER HOFFMAN, 921 MIDDLE ST. COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H." DATED MARCH 1986 AND PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES. R.C.R.D. PLAN #D-15490.
- "PLAN OF LAND AT NO. 903 MIDDLE ST., PORTSMOUTH, N.H. PROPERTY OF RAYMOND C.L. GREER AND BERTHA D. GREER." DATED SEPTEMBER 1950 AND PREPARED BY ALBERT MOULTON, C.E. BK: 1274 PG: 325.
- "SUBDIVISION PLAN OF LAND, 227 WILLARD AVENUE, PORTSMOUTH, NEW HAMPSHIRE FOR JANICE W. YOCOM." DATED JUNE 29, 1999 AND PREPARED BY THIS OFFICE. R.C.R.D. PLAN #D-27518.
- "EXISTING CONDITIONS PLAN, WILLARD AVENUE IMPROVEMENT PROJECT, WILLARD AVENUE, ORCHARD & ASH STREETS & ORCHARD COURT, PORTSMOUTH, NEW HAMPSHIRE, CMA ENGINEERS, INC." LAST REVISED DECEMBER 2, 2021. PREPARED BY AND ON FILE WITH THIS OFFICE. NOT RECORDED. JVA JOB #23944.
- "PLAN OF LOT, NO. 921 MIDDLE STREET, PORTSMOUTH, N.H." DATED AUGUST 1942. PREPARED BY JOHN W. DURGIN, CIVIL ENGINEER. NOT RECORDED AND ON FILE WITH THIS OFFICE. JWD FN:1094 PN: 1-231.
- "PLAN OF LOT, NO. 15 LAFAYETTE ROAD ROAD, PORTSMOUTH N.H." DATED AUGUST 4942 AND PREPARED BY JOHN W. DURGIN, CIVIL ENGINEER. NOT RECORDED AND ON FILE WITH THIS OFFICE. JWD FN:1094 PN: 6219.
- RECORDS OF JOHN W. DURGIN FN:1094 ON FILE WITH THIS OFFICE.



SURVEYOR'S CERTIFICATION

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

[Signature]
 LICENSED LAND SURVEYOR
 DATE: 6/26/2023



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

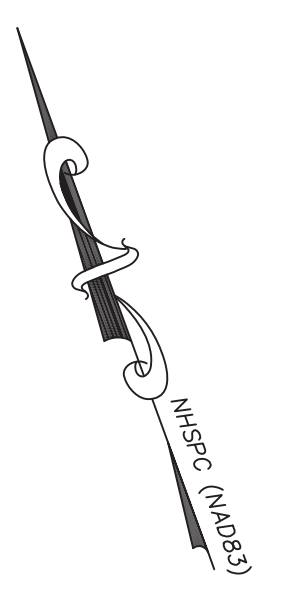
NOTES:

- OWNER OF RECORD.....MURDOCK LIVING TRUST
JEFF MURDOCK, TRUSTEE
ADDRESS.....36 GARLAND RD NOTTINGHAM, NH 03290
DEED REFERENCE.....2966/0959
TAX SHEET / LOT.....152-2
- ZONED:GENERAL RESIDENCE A (GRA)
OVERLAYHISTORIC
MINIMUM LOT AREA ..7,500 S.F.
FRONTAGE100'
MINIMUM DEPTH.....70'
FRONT YARD SETBACK15'
SIDE YARD SETBACK10'
REAR YARD SETBACK20'
MINIMUM OPEN SPACE30%
- THE INTENT OF THIS PLAN IS TO SUBDIVIDE THE EXISTING PARCEL INTO TWO PARCELS.
- THIS IS A TWO PAGE SHEET SET, SHEET 1 IS TO BE RECORDED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. ALL OTHER SHEETS TO BE ON FILE WITH THE CITY OF PORTSMOUTH.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- NAD83, VERTICAL DATUM: NAVD88. ESTABLISHED BY SURVEY HORIZONTAL DATUM: GRADE GPS OBSERVATIONS AND REFERENCE PLAN #6.
- THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED IN NOVEMBER OF 2022 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
- THE PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0259F, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
- DRILL HOLE FOUND AND SHOWN ON REFERENCE PLANS #1 & #3. PLANS #7 & #8 SHOW TIE DISTANCES OFF OF THE HOUSES TO THE LOT CORNER THAT DO NOT AGREE WITH THE LOCATION OF THE DRILL HOLE AND APPEAR TO SHORTEN THE FRONTAGE OF THE SUBJECT PARCEL (TAX MAP 152 LOT 4) ON LAFAYETTE ROAD, AND LENGTHEN THE DEEDED FRONTAGE OF TAX MAP 152 LOT 1. HOWEVER THE DURGIN PLANS DO NOT SHOW ANY MONUMENTS FOUND ALONG LAFAYETTE ROAD/MIDDLE STREET.
- THE INTENT OF THE OPEN SPACE AREA IS TO MEET THE REQUIREMENTS SET FORTH IN THE CITY'S ZONING ORDINANCE TO MAINTAIN A 30% OPEN SPACE FREE FROM STRUCTURES, PARKING AREAS, DRIVEWAYS AND OTHER USES WHICH PRECLUDE LANDSCAPING IN SUCH AREAS. THE INTENT OF THE AREA IS COMPUTED BY USING THE AREA OF THE SETBACK LINES, EITHER PERPENDICULAR OR PARALLEL TO THE PROPERTY LINES.
- LOTS ARE TO BE SERVICED BY MUNICIPAL WATER AND SEWER.
- A VARIANCE WAS GRANTED FROM SECTION 10.521 BY THE PORTSMOUTH ZONING BOARD OF ADJUSTMENT ON APRIL 18, 2023 TO ALLOW THE REMAINDER LOT FRONTAGE TO BE 73.8' WHERE 100' IS REQUIRED. SEE CASE #LU-23-23.
- PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROPOSED LOT THE APPLICANT SHALL APPLY TO THE CITY OF PORTSMOUTH PUBLIC WORKS DEPARTMENT FOR A DRIVEWAY PERMIT.
- AT THE TIME OF THE ISSUANCE OF A BUILDING PERMIT FOR THE PROPOSED LOT, A FEE WILL BE IMPOSED FOR THE CONNECTION TO THE MUNICIPAL WATER, SEWER AND DRAINAGE/STORMWATER SYSTEMS.
- IF THE PROPOSED LOT IS DEVELOPED PRIOR TO THE RECONSTRUCTION OF ORCHARD STREET, THE PROPOSED LOT WILL BE RESPONSIBLE FOR ALL FEES, CONSTRUCTION AND PERMITS TO RUN PRIVATE UTILITIES TO SERVICE THE PARCEL.
- PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON THE PROPOSED LOT, THE APPLICANT SHALL SUBMIT A DRAINAGE/STORM WATER MANAGEMENT PLAN. THE PROPOSED LOT SHALL INFILTRATE AS MUCH STORMWATER AS POSSIBLE AND TIE INTO THE NEW STORMWATER SYSTEM WHEN CONSTRUCTED. THE PROPOSED STORMWATER SYSTEM IS NOT PLANNED TO BE EXTENDED TO THE PROPOSED LOT BY THE CITY. ANY ADDITIONAL COST TO EXTEND THE STORMWATER SYSTEM TO THE PROPOSED LOT SHALL BE IMPOSED ON THE APPLICANT.
- PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON THE PROPOSED LOT, THE APPLICANT SHALL SUBMIT AN EROSION AND SEDIMENTATION CONTROL PLAN.

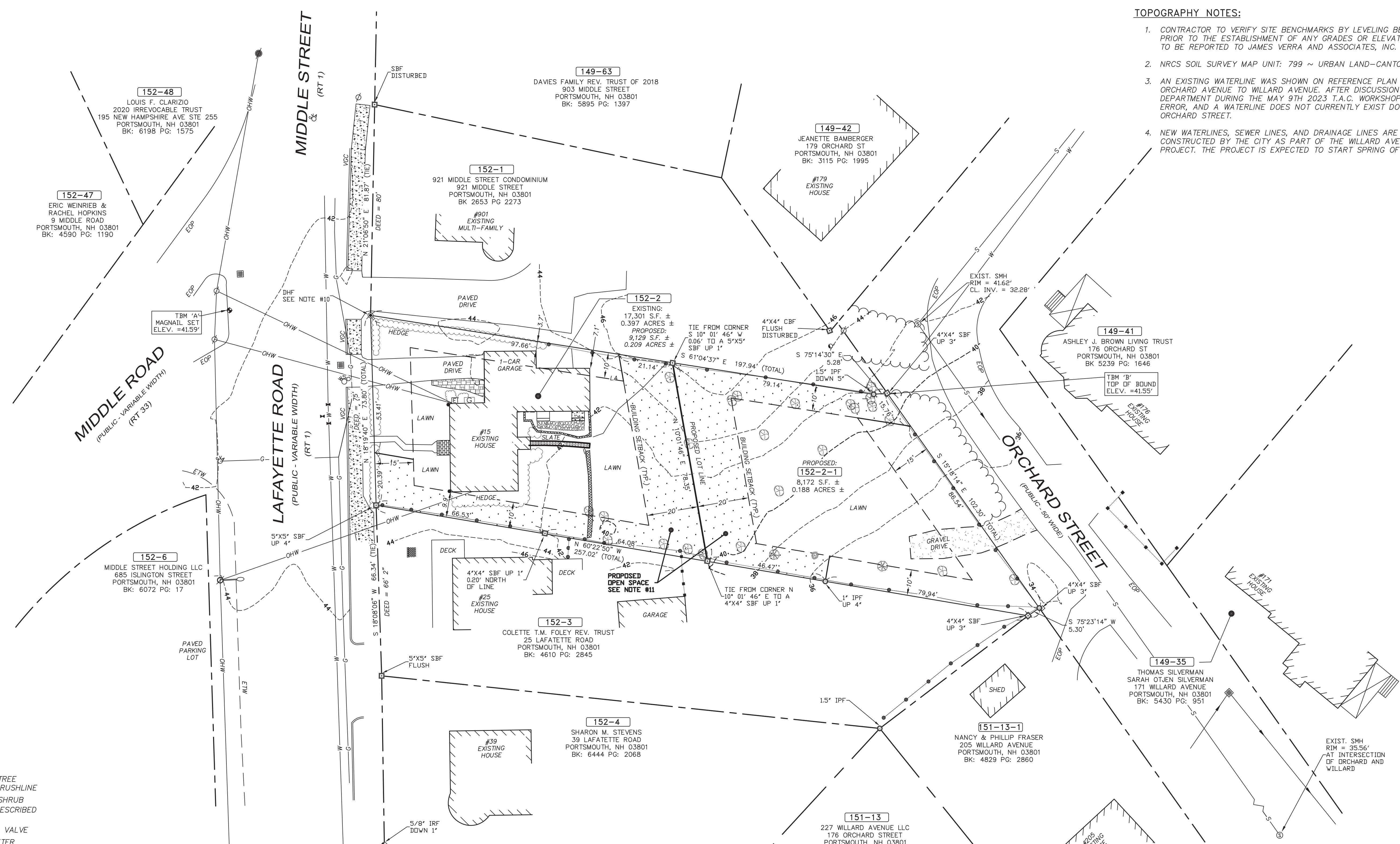
LOT CALCULATIONS

| PROPOSED LOT # | PROPOSED AREA | REQUIRED OPEN SPACE | OPEN SPACE PROVIDED | FRONTAGE PROVIDED | CALCULATED LOT DEPTH |
|----------------|---------------|---------------------|---------------------|-------------------|----------------------|
| LOT 152-2 | 9,129 S.F. ± | 2,739 S.F. ± | 2,803 S.F. ± | 73.80' | 124.70' |
| LOT 152-2-1 | 8,172 S.F. ± | 2,452 S.F. ± | 2,519 S.F. ± | 102.30' | 108.06' |

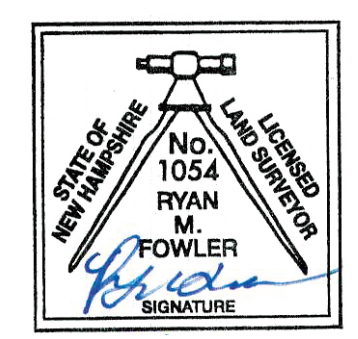
| | | | |
|---|-------------|--|---|
| #1 | 6/22/23 | AMEND NOTE #15 PER TAC RECOMMENDATIONS | RMF |
| REV. NO. | DATE | DESCRIPTION | APPR'D |
| PROPOSED SUBDIVISION PLAN 15 LAFAYETTE ROAD PORTSMOUTH, NEW HAMPSHIRE TAX MAP 152 LOT 2 PREPARED FOR & LAND OF: MURDOCK LIVING TRUST JEFF MURDOCK, TRUSTEE | | | |
| JAMES VERRA and ASSOCIATES, INC. 101 SHATTUCK WAY SUITE 8 NEWINGTON, N.H., 03801-7876 603-436-3557 | | | DATE: 5/22/2023 JOB NO: 24032 SCALE: 1" = 20' DWG NAME: 24032_SUB PLAN NO: 24032-1 SHEET: V1 |
| RMF | PROJECT MGR | RMF | DRAWN BY |
| COPYRIGHT © 2023 by JAMES VERRA and ASSOCIATES, INC. | | | |



- TOPOGRAPHY NOTES:**
1. CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
 2. NRCS SOIL SURVEY MAP UNIT: 799 ~ URBAN LAND-CANTON COMPLEX 3-15% SLOPES.
 3. AN EXISTING WATERLINE WAS SHOWN ON REFERENCE PLAN #6 CONTINUING DOWN ORCHARD AVENUE TO WILLARD AVENUE. AFTER DISCUSSION WITH THE PUBLIC WORKS DEPARTMENT DURING THE MAY 9TH 2023 T.A.C. WORKSHOP WE BELIEVE THIS WAS IN ERROR, AND A WATERLINE DOES NOT CURRENTLY EXIST DOWN THIS PORTION OF ORCHARD STREET.
 4. NEW WATERLINES, SEWER LINES, AND DRAINAGE LINES ARE PROPOSED TO BE CONSTRUCTED BY THE CITY AS PART OF THE WILLARD AVENUE RECONSTRUCTION PROJECT. THE PROJECT IS EXPECTED TO START SPRING OF 2024.



- LEGEND:**
- DECIDUOUS TREE
 - TREE LINE/BRUSHLINE
 - DECIDUOUS SHRUB
 - BOUND as DESCRIBED
 - DRILL HOLE
 - WATER GATE VALVE
 - ELECTRIC METER
 - WATER SHUT OFF VALVE
 - CHAIN LINK FENCE
 - GAS METER
 - GAS VALVE
 - UTILITY POLE WITH ARM & LIGHT
 - IRON ROD (AS NOTED)
 - WOOD FENCE
 - CEMENT CONCRETE PAD
 - UTILITY POLE
 - GUY
 - OVERHEAD WIRES
 - OVERHEAD ELECTRIC
 - OVERHEAD COMMUNICATION WIRES
 - ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - TAX SHEET / LOT NO.
 - EDGE OF PAVEMENT
 - LANDSCAPED AREA
 - LANDSCAPE BLOCK RETAINING WALL
 - VERTICAL FACED GRANITE CURB
 - CATCH BASIN



SURVEYOR'S CERTIFICATION

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

 LICENSED LAND SURVEYOR

6/26/23
 DATE

APPROVED BY THE PORTSMOUTH PLANNING BOARD

 CHAIRMAN

 DATE

| | | | |
|--|-------------|--|---|
| #1 | 6/22/23 | AMEND NOTE #15 PER TAC RECOMMENDATIONS | RMF |
| REV. NO. | DATE | | APPR'D |
| TOPOGRAPHIC PLAN 15 LAFAYETTE ROAD PORTSMOUTH, NEW HAMPSHIRE TAX MAP 152 LOT 2 PREPARED FOR & LAND OF: MURDOCK LIVING TRUST JEFF MURDOCK, TRUSTEE | | | |
| JAMES VERRA and ASSOCIATES, INC. 101 SHATTUCK WAY SUITE 8 NEWINGTON, N.H., 03801-7876 603-436-3557 | | | DATE: 5/22/2023 JOB NO: 24032 SCALE: 1" = 20' DWG NAME: 24032_SUB PLAN NO: 24032-1 SHEET: V2 |
| RMF | PROJECT MGR | RMF | DRAWN BY |
| COPYRIGHT © 2023 by JAMES VERRA and ASSOCIATES, INC. | | | |

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: July 20, 2023

Property Address: 325 Little Harbor Road

Application #: LU-23-81

Decision: Approve Deny Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

| | Zoning Ordinance Sector 10.1017.50 Criteria for Approval | Finding (Meets Criteria for Approval) | Supporting Information |
|----------|---|---|---|
| 1 | <i>1. The land is reasonably suited to the use activity or alteration.</i> | Meets | The proposed site has an existing bridge connecting the mainland to Lady Isle, where a safe method of transport is needed to get residents, contractors, guests, etc. to the property and back from the mainland. The proposed project would construct a new bridge spanning a tidal water way connecting the island to the mainland with a higher elevation to increase resiliency to sea level rise, a lifespan of approximately 75 years, and an increased passage size to allow for improved tidal flow over what currently exists. |
| 2 | <i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i> | Meets | The existing and proposed bridge are within the City tidal wetlands and tidal buffer zone as well as State tidal wetlands and tidal buffer zone. To provide access to the Island any reconstruction, rehab work or new construction of the bridge must occur in these wetland and buffer areas. |

| | Zoning Ordinance Sector 10.1017.50 Criteria for Approval | Finding (Meets Criteria for Approval) | Supporting Information |
|----------|--|---|--|
| | | | |
| 3 | 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties. | Meets Does Not Meet | The applicant has performed a study of the habitat underneath the current bridge and has deemed it not highly valuable. Surrounding impacts to salt marsh and Marsh Elder (<i>Iva frutescens</i>) habitats will be minimized through the introduction of new plantings of salt marsh habitat (both low and high marsh) and replanting of existing Marsh Elder (<i>Iva frutescens</i>) in a more protected area. |
| 4 | 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. | Meets Does Not Meet | This proposal will require regrading and filling the current private drive to increase the height of the road and proposed bridge. Additionally, the new location of the bridge will impact areas of existing vegetation. All impacted vegetation will be remediated through a restoration plan of new plantings on site. |
| 5 | 5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. | Meets Does Not Meet | Given the nature of the project, replacing the bridge in its current location would continue to cause scouring of the channel under the bridge and would impact the function of the waterway. Placement of the bridge further east would cause unwanted impacts to well-established salt marsh. The proposed placement on the west side of the existing bridge shows the least adverse impacts to the tidal waterway and salt marsh. |
| 6 | 6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. | Meets Does Not Meet | Applicant is proposing planting low and high marsh areas along the shoreline along with native buffer species between the shoreline/marsh and the road. |
| 7 | <u>Other Board Findings:</u> | | |



Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists



June 28th, 2023

City of Portsmouth Planning Board
 1 Junkins Ave, 3rd Floor
 Portsmouth, NH 03801

Re: Wetland Conditional Use Permit – 325 Little Harbor Road, Portsmouth – Tax Map: 205, Lot: 2 & Tax Map: 204, Lot: 5

To the Portsmouth Planning Board:

Attached herein is a complete set of plans, documents, and exhibits to support the *Wetland Conditional Use Permit* for the bridge replacement and tidal area restoration project located at the above referenced property. This project proposes to replace the existing bridge with a new timber bridge on wooden piles, remove the existing causeways, construct new bridge approaches, and connect the subject property to municipal utilities. Additionally, this project proposes to restore the *Upland Tidal Buffer Zone* with native plantings and restore salt marsh areas that are currently occupied by the causeways.

This project meets all criteria specified under Article 10, Section 10.1010, Rule 10.1017.50 of the Zoning Ordinance, specifically the following:

- (1) **The land is reasonably suited to the use.** A bridge already exists on-site, and the proposed timber bridge will be located within the existing footprint.
- (2) **There is no alternative location outside the wetland buffer that is feasible for the use.** The bridge must cross the wetland buffer in order to connect the subject property to the mainland.
- (3) **There will be no adverse impact on the wetland functional values.** A *Coastal Functional Assessment (CFA)* was completed, and it was utilized to ensure the functions and values of the wetland on-site will not be impacted.
- (4) **Alteration of the natural vegetative state will occur only to the extent necessary to achieve construction goals.**
- (5) **This proposal is the alternative with the least adverse impact to jurisdictional areas.** It will utilize an existing footprint and will implement avoidance and minimization measures as described in this permit application.
- (6) **Any area within the vegetated buffer strip will be returned to a natural state.** The upland tidal buffer zone and salt marsh areas will be stabilized and restored.

This *Wetland Conditional Use Permit* application contains an updated version of the *Upland Tidal Buffer Zone Restoration Plan*, now titled the *Proposed Mitigation Planting Plan*. This plan is the only aspect of this permit application that has changed since the Conservation Commission meeting. We will discuss the updates to this plan in depth during the upcoming Planning Board meeting. Should you have any questions or concerns regarding this permit application, please do not hesitate to contact me at 603-431-2222, anytime from 8:00 AM to 5:00 PM.

Sincerely,
TFMoran, Inc.

Kyra Higgins

TFMoran, Inc.
 48 Constitution Drive, Bedford, NH 03110
 T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
 170 Commerce Way–Suite 102, Portsmouth, NH 03801
 T(603) 431-2222



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

Project # 47099.01

NH Wetlands Bureau

***Standard Dredge & Fill
Wetlands Permit Application
for
ADL 325 Little Harbor Road Trust***

***Replace an Existing Residential Bridge with a New
Bridge and Tidal Area Restoration Project***

325 Little Harbor Road, Lady Isle, Portsmouth, NH

Rockingham County

May 24, 2023

TFMoran, Inc.

170 Commerce Way – Suite 102
Portsmouth, NH 03801
(603) 431-2222

TABLE OF CONTENTS

| | |
|--|-----------|
| 1. Application | SECTION 1 |
| NHDES Wetland Permit Application | |
| Section 7 – Resource Specific Criteria | |
| Wetland Permit Application – Attachment A | |
| Protected Tidal Zone Project-Specific Worksheet | |
| Prime Wetland Waiver Request | |
| Avoidance and Minimization Written Narrative | |
| Land Based Impacts Work Sequence Narrative | |
| New Bridge Construction Work Sequence Narrative | |
| Causeway Removal Work Sequence Narrative | |
| Salt Marsh Restoration Narrative | |
| 2. Resource Assessment | SECTION 2 |
| Coastal Resource Worksheet | |
| Coastal Functional Assessment (CFA) | |
| Narrative on Coastal Functional Assessment (CFA) | |
| Ecological Integrity Assessment | |
| Coastal Vulnerability Assessment (CVA) | |
| GIS Data Screening Maps | |
| 3. Local, State, and Federal Agency Coordination | SECTION 3 |
| U.S. Coast Guard | |
| U.S. Army Corps of Engineers Appendix B | |
| U.S Fish and Wildlife Service | |
| U.S. Environmental Protection Agency | |
| NOAA Marine Fisheries | |
| NH Division of Historical Records | |
| NH Natural Heritage Bureau | |
| NH Fish and Game Department | |
| Pease Development Authority | |
| 4. Maps and Photos | SECTION 4 |
| USGS Maps | |
| Tax Map | |
| Photo Exhibit | |
| Photo Orientation Key | |
| 5. Deeds/ Abutter Notification/ Abutter Consent | SECTION 5 |
| Deed | |
| Abutters List | |
| Abutter Notification Letters | |
| Abutter Consent Letter | |
| Certified Mail Receipts | |
| 6. Project Plans | SECTION 6 |
| Existing Conditions Plan | |
| Wetland Classification Plan | |
| Wetland Impact Plan | |
| Army Corps of Engineers Impact Plan | |
| Tidal Area Restoration Plan | |
| Prime Wetland Buffer Impact Plan | |
| Vulnerability Assessment Plan | |
| Proposed Bridge Profile Plan | |
| Erosion and Sediment Control Plan | |
| Proposed Mitigation Planting Plan | |

SECTION 1

NHDES-W-06-012



**STANDARD DREDGE AND FILL
WETLANDS PERMIT APPLICATION**
Water Division/Land Resources Management
Wetlands Bureau
[Check the Status of your Application](#)



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

APPLICANT'S NAME: ADL 325 Little Harbor Road Trust **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? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Does the property contain a PRA? If yes, provide the following information: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) 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. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <ul style="list-style-type: none"> • Protected species or habitat? <ul style="list-style-type: none"> ○ If yes, species or habitat name(s): Marsh elder, Eel grass beds, Atlantic Sturgeon, Shortnose Sturgeon ○ NHB Project ID #: NHB23-0723 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| • Bog? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • Floodplain wetland contiguous to a tier 3 or higher watercourse? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • Designated prime wetland or duly-established 100-foot buffer? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| • Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Is the property within a Designated River corridor? If yes, provide the following information: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <ul style="list-style-type: none"> • Name of Local River Management Advisory Committee (LAC): N/A | |

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

NHDES-W-06-012

| | |
|--|---|
| • A copy of the application was sent to the LAC on Month: <input type="text"/> Day: <input type="text"/> Year: <input type="text"/> | |
| For dredging projects, is the subject property contaminated? • If yes, list contaminant: N/A | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is there potential to impact impaired waters, class A waters, or outstanding resource waters? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached"; please use the space provided below. | |
| Permanently impact 36,342 SF of Tidal Waters, 3,443 SF of Tidal Marsh and 26,298 SF of the Developed Upland Tidal Buffer Zone for the purpose replacing an existing failing bridge with a new bridge on wooden piles that spans the tidal resource area. The existing causeways within public waters will be removed, salt marsh area will be restored, and the developed upland buffer will be enhanced with native vegetation. This project also proposes to connect Lady Isle to municipal utilities. | |
| SECTION 3 - PROJECT LOCATION | |
| Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur. | |
| ADDRESS: 325 Little Harbor Road | |
| TOWN/CITY: Portsmouth, NH | |
| TAX MAP/BLOCK/LOT/UNIT: Tax Map: 205, Lot: 2 & Tax Map 204, Lot: 5 | |
| US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Piscataqua River <input type="checkbox"/> N/A | |
| (Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.065188° North | |

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NHDES-W-06-012

| | | |
|--|---------------------|----------------------|
| 70.745992° West | | |
| 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: ADL 325 Little Harbor Road Trust | | |
| MAILING ADDRESS: C/o Stephen H. Roberts, ESQ, 127 Parrott Ave | | |
| TOWN/CITY: Portsmouth | STATE: NH | ZIP CODE: 03801 |
| EMAIL ADDRESS: sroberts@hpgrlaw.com | | |
| FAX: [REDACTED] | PHONE: private | |
| ELECTRONIC COMMUNICATION: By initialing here: [REDACTED], I hereby authorize NHDES to communicate all matters relative to this application electronically. | | |
| SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c)) | | |
| <input type="checkbox"/> N/A | | |
| LAST NAME, FIRST NAME, M.I.: Aube, Jason, R. | | |
| COMPANY NAME: TFMoran, Inc. | | |
| MAILING ADDRESS: 170 Commerce Way, Suite 102 | | |
| TOWN/CITY: Portsmouth | STATE: NH | ZIP CODE: 03801 |
| EMAIL ADDRESS: jaube@tfmoran.com | | |
| FAX: [REDACTED] | PHONE: 603-431-2222 | |
| ELECTRONIC COMMUNICATION: By initialing here JRA, I hereby authorize NHDES to communicate all matters relative to this application electronically. | | |
| 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. | | |
| <input checked="" type="checkbox"/> Same as applicant | | |
| NAME: [REDACTED] | | |
| MAILING ADDRESS: [REDACTED] | | |
| TOWN/CITY: [REDACTED] | STATE: [REDACTED] | ZIP CODE: [REDACTED] |
| EMAIL ADDRESS: [REDACTED] | | |
| FAX: [REDACTED] | PHONE: [REDACTED] | |
| ELECTRONIC COMMUNICATION: By initialing here [REDACTED], I hereby authorize NHDES to communicate all matters relative to this application electronically. | | |

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

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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):

Please see attached supplemental information entitled, "SECTION 7 - Resource Specific Criteria."

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

lrn@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

NHDES-W-06-012

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/ivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

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

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

| JURISDICTIONAL AREA | | PERMANENT | | | TEMPORARY | | |
|---------------------|--|-----------|----|--------------------------|-----------|----|-------------------------------------|
| | | SF | LF | ATF | SF | LF | ATF |
| Wetlands | Forested Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Scrub-shrub Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Emergent Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Wet Meadow | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Vernal Pool | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Designated Prime Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Duly-established 100-foot Prime Wetland Buffer | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| Surface Water | Intermittent / Ephemeral Stream | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Perennial Stream or River | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Lake / Pond | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Docking - Lake / Pond | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Docking - River | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| Banks | Bank - Intermittent Stream | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Bank - Perennial Stream / River | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Bank / Shoreline - Lake / Pond | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| Tidal | Tidal Waters | 36,342 | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Tidal Marsh | 3,443 | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Sand Dune | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Undeveloped Tidal Buffer Zone (TBZ) | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Previously-developed TBZ | 26,298 | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Docking - Tidal Water | | | <input type="checkbox"/> | | | <input checked="" type="checkbox"/> |
| TOTAL | | 66,083 | | | | | |

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): | 66,083 SF | × | \$0.40 = | \$ 26,433.20 |
| Seasonal docking structure: | SF | × | \$2.00 = | \$ |
| Permanent docking structure: | SF | × | \$4.00 = | \$ |
| Projects proposing shoreline structures (including docks) add \$400 = | | | | \$ |
| Total = | | | | \$ 26,433.20 |
| The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = | | | | \$ 26,433.20 |

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NHDES-W-06-012

| | | |
|---|--|---|
| SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05) | | |
| Indicate the project classification. | | |
| <input type="checkbox"/> Minimum Impact Project | <input type="checkbox"/> Minor Project | <input checked="" type="checkbox"/> Major Project |
| SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11) | | |
| Initial each box below to certify: | | |
| Initials: Ja SR | To the best of the signer's knowledge and belief, all required notifications have been provided. | |
| Initials: Ja SR | 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: Ja SR | <p>The signer understands that:</p> <ul style="list-style-type: none"> The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> Deny the application. Revoke any approval that is granted based on the information. 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. The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II. | |
| Initials: Ja SR | 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): Stephen Roberts | PRINT NAME LEGIBLY: Stephen H. Roberts | DATE: 5/23/23 |
| SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): | PRINT NAME LEGIBLY: | DATE: |
| SIGNATURE (AGENT, IF APPLICABLE): Jason Aube | PRINT NAME LEGIBLY: Jason Aube of TFMoran, Inc. | DATE: 5/19/2023 |
| 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: | |

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NHDES-W-06-012

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".

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NHDES-W-06-012

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)).

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NHDES-W-06-012

- 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 as well as any written follow-up communications such as additional memos or email communications with either NHB or NHF&G (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.
- 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).

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Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists



NHDES Wetlands Permit Application

SECTION 7 – Resource Specific Criteria

Env-Wt 300 – Permits and Other Authorizations – Conditions Applicable to All Work in Jurisdictional Areas

Env-Wt 307.07 – All project activities will be conducted in compliance with the applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction. A NHDES Shoreland Permit Application will be submitted to demonstrate this project meets the minimum standards of RSA 483-B:9, V.

Env-Wt 307.11 – Permanent fill associated with removing the existing causeways and restoring the areas of saltmarsh within the vicinity of the project will consist of clean materials and will not exceed the limits specified in the design plans. Additionally, filled areas will not direct flows onto adjacent or downstream properties, and will not impact the restoration of wetlands and surface waters post-construction. This project will result in significant decreases in the velocity of the ebb and flow of the tide within the project area.

Env-Wt 307.13(d) – This project proposes impacts within 10-feet of an adjacent property, and we have obtained consent of the affected abutter to such impacts – see the attached “Abutter’s Consent Letter.”

Env-Wt 311.05 (a)(5) – The names and professional license numbers of each individual responsible for the design plan can be found on the design plan.

Env-Wt 311.05 (a)(13) – The location(s) of all jurisdictional areas delineated can be found within the design plan and on the Wetlands Classification Plan.

Env-Wt 311.05 (a)(14) – The name and professional license number of the individual responsible for the delineation of jurisdictional areas can be found on the design plan.

Env-Wt 311.05 (b) – The design plan associated with the Wetland Permit Application is accompanied by an Existing Conditions Plan that has been prepared and stamped by a Certified Wetlands Scientist.

Env-Wt 311.05 (b)(5) – The dates, means and methods of all delineation(s) can be found in the “Coastal Functional Assessment” located within Section-2 of the permit application and within the notes on the Existing Conditions Plan.

Env-Wt 313.03(c)(3) – This project does not involve the construction or modification of a non-tidal shoreline structure. In addition, it proposes no adverse impacts to abutting properties and the ability of abutters to use and enjoy their properties – we have notified all Abutters of both permanent and temporary impacts via certified mail.



Env-Wt 400 – Delineating, Classifying Jurisdictional Areas and Project Classification

This project is located within a portion of *Tidal Waters*, *Tidal Wetlands*, and the *Upland Tidal Buffer Zone* of the back channel of the Piscataqua River. The *Highest Observable Tide Line (HOTL)* was delineated, and it is depicted on the design plans attached to this permit application. Neighboring freshwater wetlands and salt marsh areas are depicted on the plans as well. Due to the proposed impacts within Tidal Waters and Wetlands, which are both *Priority Resource Areas (PRAs)*, this project is classified as a *Major Impact Project*.

Env-Wt 500 – Project Specific Requirements

This project is located in a coastal area and therefore, these rules are not applicable to this project.

Env-Wt 600 – Project Specific Requirements – Coastal Lands and Tidal Waters/ Wetlands

Env-Wt 603.02 (a) – This project proposes to impact *Tidal Waters*, *Tidal Wetlands*, and the *Previously Developed Upland Tidal Buffer Zone* for the purpose of replacing an existing outdated bridge with a new bridge that spans the resource, creating new bridge approaches, and removing existing causeways to restore natural tidal flows and facilitate the passage of aquatic organisms. New connections to municipal utilities will be installed and salt marsh area and the developed upland will be restored with native vegetation.

Env-Wt 603.02 (b) – The natural resource assets proposed to be impacted by this project are the Tidal Waters, Tidal Wetlands, and the Previously Developed Upland Tidal Buffer Zone. On-site observations and the NHDES Wetlands Permit Planning Tool (WPPT) were used to determine the presence of these natural resource assets. Supplemental screening maps using NH GRANIT GIS data layers are included with this permit application.

Env- Wt 603.02 (c)(1) – The “Coastal Functional Assessment (CFA)” is attached to this permit application. In accordance with Env-Wt 602.07, the Coastal Functional Assessment is an evaluation of the jurisdictional coastal natural resource area proposed to be impacted by this project. This project proposes to impact the Estuarine Tidal Wetland on site. In addition to the functional assessment, an “Ecological Integrity Assessment” was completed for this resource. Additional functional assessments accompany the Prime Wetland Waiver Request.

Env- Wt 603.02 (c)(2) – A “Coastal Vulnerability Assessment” is attached to this permit application.

Env- Wt 603.02 (d) – The “Avoidance and Minimization Written Narrative” has been included with this permit application.

Env- Wt 603.02 (e)(1) – This project meets all relevant standard conditions of Env-Wt 307. This is demonstrated within the “Standard Conditions Narrative” located within Section-1 of the “Coastal Resource Worksheet.”



Env- Wt 603.02 (e)(2) – This project meets all approval criteria under Env-Wt 313.01, and this is demonstrated within the “Approval Criteria Narrative” located within Section-1 of the “Coastal Resource Worksheet.”

Env- Wt 603.02 (f)(1) – As required by Env-Wt 603.06, the “Project Design Narrative” is provided within Section-1 of the “Coastal Resource Worksheet.”

Env- Wt 603.02 (f)(2) – The design plans associated with this project meet all the requirements of Env-Wt 603.07.

Env- Wt 603.02 (f)(3) – The *Water Depth Supporting Information* is depicted on the design plans and the Vulnerability Assessment plans.

Env-Wt 603.02 (f)(4) – A statement from the *Pease Development Authority Division of Ports and Harbors (“DP&H”) Chief Harbormaster* relative to how the proposed structures will not become navigational hazards is attached to this permit application. A statement from the U.S. Coast Guard is included as well.

Env-Wt 603.03 (a)(1) – The data screening was determined using the NHDES Wetlands Permit Planning Tool (WPPT) and GIS data layers available at NH GRANIT. GIS screening maps are included with this permit application.

Env-Wt 603.03 (a)(2) – No impacts are proposed to shellfish sites, eelgrass beds, or sand dunes. A few small fringe saltmarsh areas exist within the vicinity of the project site but, although some impacts are proposed to this area, as a result of the proposed salt marsh restoration efforts, this project will result in no net loss of salt marsh area.

Env-Wt 603.03 (a)(3) – We have coordinated with the *National Oceanic Atmospheric Administration (NOAA) Marine Fisheries* and concluded that this project is not likely to adversely affect (NLAA) any species listed as threatened or endangered by the National Marine Fisheries Service (NMFS) under the Endangered Species Act (ESA) of 1973, as amended. The “EFH Mapper Report” has been included with this permit application. Natural tidal flows and currents will not be impacted.

Env-Wt 603.03 (a)(4) – On-site assessments were conducted on March 24th and confirmed the proposed impacts will occur within the *Tidal Waters, Wetlands, and the Previously Developed Upland Tidal Buffer Zone* on site.

Env-Wt 603.03 (a)(5) – The projected sea level rise and location relative to the 100-Year Floodplain Map is depicted on the design plans as well as within the Coastal Vulnerability Assessment.

Env-Wt 603.04 – The “Coastal Functional Assessment (CFA)” is attached to this permit application form. In accordance with Env-Wt 602.07, the Coastal Functional Assessment is an evaluation of the jurisdictional coastal natural resource area proposed to be impacted by this project. This project proposes to impact the Estuarine Tidal Wetland on site. In addition to the functional assessment, an “Ecological Integrity Assessment” was completed for this resource.

Env-Wt 603.05 – The “Coastal Vulnerability Assessment” is attached to this permit application form.



Env-Wt 603.06 (a) –The “Project Design Narrative” is provided within Section-1 of the “Coastal Resource Worksheet.”

Env-Wt 603.06 (b) – The proposed erosion/ siltation control methods are specified on the design plans as well as within the attached “Work Sequence Narrative.”

Env-Wt 603.06 (c) – Once the project is completed, and the site is deemed stable, the erosion controls will be removed. In addition, the saltmarsh areas in the vicinity of the project site will be restored with native plantings and topsoil additions (in areas with insufficient topsoil to support native plantings). The native plantings will be monitored to ensure successful establishment and growth.

Env-Wt 603.07 – The attached design plans meet all the criteria relative to this design plan rule.

Env-Wt 603.08 – The *Water Depth Supporting Information* is depicted on the design plans and within the Vulnerability Assessment plans.

Env-Wt 603.09 – A statement regarding navigation and passage from the *Pease Development Authority Division of Ports and Harbors (“DP&H”) Chief Harbormaster* has been attached to this permit application. This project proposes no adverse impacts to navigation and passage.

Env-Wt 604.01 – This project proposes no impacts to *Tidal Beaches* or sand dunes. It will impact a portion of *Tidal Shoreline* – but it meets all of the General Criteria for Tidal Shorelines and has been evaluated for 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, and the project specific criteria in Env-Wt 600. This permit application also contains the Coastal Functional Assessment (CFA) required by Env-Wt 603.04 and the Vulnerability Assessment required by Env-Wt 603.05.

Env-Wt 604.02 - This project meets all of the General Criteria for *Tidal Buffer Zones* and has been evaluated for the standard conditions in Env-Wt 307, the Avoidance and Minimization Requirements in Env 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 Coastal Functional Assessment (CFA) required by Env-Wt 603.04, and the Vulnerability Assessment required by Env-Wt 603.05.

Env-Wt 604.03 – This project meets all criteria of Env-Wt 604.03. Permanent impacts are proposed to tidal waters and wetlands, but they are proposed for the purpose of public safety. The existing bridge is old, outdated, and in need of replacement. This project will replace this bridge with an updated and more structurally sound bridge that will better accommodate tidal flows and currents. Further, the impacts of this project have been evaluated for the standard conditions in Env-Wt 307, the avoidance and minimization requirements in Env-Wt 311.07 and 313.03, the approval criteria in Env-Wt 313.01, the evaluation criteria in Env-Wt 313.05, and the project specific criteria in Env-Wt 600. This permit application includes the Coastal Functional Assessment (CFA) required by Env-Wt 603.04 and the Vulnerability Assessment required by Env-Wt 603.05. Lastly, this project will optimize the natural function of the wetland, including restoration of habitat, water quality, and stability to storm surge.

Env-Wt 605.01 – This project will not impact finfish, shellfish, crustacea or wildlife. No groundwater or surface water will be impacted, and no impacts will cause erosion on adjacent shoreline properties. The



project will have no adverse impact on navigation, recreation, or commerce of the general-public and will not impact prevailing tidal flows or currents.

Env-Wt 605.02 – This project proposes no adverse impacts to beach or tidal flat sediment replenishment, movement of sediments along the shore, dissipation of wave energy and storm surge, runoff, or salinity levels. This project will result in the natural distribution of sediments over an area that has unnaturally been scoured away from accelerated tidal flows caused by a tidal restriction.

Env-Wt 605.03 – Compensatory mitigation is not required for this project. This project does propose permanent impacts to tidal waters and wetlands, but it also consists of removing two tidal restrictions (the existing causeways). As a result, hydraulic capacity will be increased, and the passage of aquatic organisms will be better facilitated. In addition, natural tidal flows will be restored, and over time, the original geomorphology of the wetlands on site will be restored. Further, this project does not propose a new bridge, but rather the replacement of an existing bridge.

Env-Wt 610.03 – The applicant has considered the standards described in FEMA P-55, Coastal Construction Manual: Principles and Practices of Planning, Siting, Designing, Constructing, and Maintaining Residential Buildings in Coastal Areas, 4th Edition (2011). The applicant has performed *Coastal Hazard Analysis* through the preparation of the attached *Coastal Vulnerability Assessment*. This project falls within FEMA Flood Zone-AE and Flood Zone-X. This project will receive oversight from the City of Portsmouth Planning Board and the Conservation Commission.

Env-Wt 700 – Prime Wetlands

This project proposes impacts to a *Duly-Established 100-foot Prime Wetland Buffer*, and therefore, we have submitted a Prime Wetland Waiver Request with this permit application.

Env-Wt 800 – Compensatory Mitigation

This project is self-mitigating. This project proposes to remove two existing causeways from public waters which will result in significant improvements to hydraulic capacity, passage of aquatic organisms, and the natural tidal flows and geomorphology of the area. Under Env-Wt 605.03 (b)(9), these improvements exempt this project from requiring compensatory mitigation. This project also proposes to restore salt marsh area and restore the upland buffers with native vegetation.

Env-Wt 900 – Stream Crossings

This project proposes no stream crossings. This project only proposes to cross a tidal area, and therefore, these administrative rules are not applicable to this project.





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: ADL 325 Little Harbor Road Trust **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.

There is no practicable alternative that would have a less adverse impact on NHDES Wetlands Bureau jurisdictional areas. Through the removal of the two existing causeways within public waters and the construction of new timber bridge that spans the sensitive resource on piles, this project results in significant increases in hydraulic capacity and aquatic organism passage. This project also proposes to restore salt marsh area and the upland tidal buffer zone with native vegetaion.

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.

While this project proposes some impacts to fringe salt marsh areas, this project proposes to mitigate these losses by converting the areas currently occupied by causeways into salt marsh.

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

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

As a result of removing the causeways from public waters, there will be greater connectivity between resources. Removal of the causeways results in increases in hydraulic capacity and opens aquatic organism pathways. Removal of the causeways increases the overall ecological integrity of the area.

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.

There will be no loss of vernal pools, protected species, and habitat/reproduction areas as a result of this project. We have coordinated with NOAA Marine Fisheries, the U.S. Fish and Wildlife Service, NH Natural Heritage Bureau (NHB), and the NH Fish and Game Department. We have made arrangements with the NHB to transplant and monitor 8 marsh elder plants within the project area.

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.

We have coordinated with the U.S. Coast Guard and the Pease Development Authority and they have concurred this project poses no impacts to public commerce, navigation, or recreation. During construction, neighboring property owners will not be precluded from accessing their properties by recreational boats.

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.

N/A - There are no floodplain wetlands on this site.

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.

N/A - This project has no impact to forested wetland systems or 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.

N/A - This project is not adjacent to any drinking water supplies or groundwater aquifers.

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.

N/A - This project proposes no 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.

As highlighted within the attached "Section-7 Resource Specific Information", this project has been designed to meet all NHDES Administrative Rules relative to Coastal Land and Tidal Waters/ Wetlands, more particularly, Env-Wt 600.

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 - This project proposes no docking structures.

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.

The project will have no adverse impact on the abutting properties. The abutting property owner has provided consent to the impacts occurring on their property. The abutting property owner has signed the NHDES Wetlands Permit Application as well.

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 No shoreline structures are proposed.

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 - No shoreline structures are proposed.

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 - No shoreline structures are proposed.

| PART II: FUNCTIONAL ASSESSMENT |
|---|
| <p>REQUIREMENTS</p> <p>Ensure that project meets the requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).</p> |
| <p>FUNCTIONAL ASSESSMENT METHOD USED:</p> <p>This project is considered a "Major" project, and therefore, in accordance with Env-Wt 311.03, (b)(10), we have provided a Functional Assessment of the "wetland" on the property. In this instance, the "wetland" is the neighboring fringe salt marsh and mud flat areas adjacent to the project site. The Army Corps of Engineers Highway Methodology (Sept. 1999) was used to perform the Functional Assessment of this Wetland.</p> |
| <p>NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: JASON AUBE, CERTIFIED WETLANDS SCIENTIST</p> |
| <p>DATE OF ASSESSMENT: 5/1/2023 & 5/18/2023</p> |
| <p>Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT:</p> <p><input checked="" type="checkbox"/></p> |
| <p>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:</p> <p><input checked="" type="checkbox"/></p> <p>Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.</p> |



PROTECTED TIDAL ZONE PROJECT-SPECIFIC WORKSHEET FOR STANDARD APPLICATION



Water Division/Land Resources Management
Wetlands Bureau

[Check the Status of your Application](#)

RSA/Rule: RSA 482-A/ Env-Wt 610

This worksheet summarizes the criteria and requirements for a Standard Permit for impact in the “Protected Tidal Zone”, one of the six specific project types in tidal area described in Chapter Env-Wt 600. In addition to the project-specific criteria and requirements on this worksheet, all Standard Applications must meet the criteria and requirements listed in the Standard Application form (NHDES-W-06-012) and the Coastal Resource Worksheet.

SECTION 1 - APPLICATION REQUIREMENTS FOR PROTECTED TIDAL ZONE AND REQUIRED ATTACHMENTS (Env-Wt 610.04)

The following plans and other information shall be submitted with applications for work within the protected tidal zone:

- Existing and proposed contours at 2-foot intervals measured from the Highest Observable Tide Line (HOTL);
- If any portion of the subject parcel is located in a regulatory floodplain, the location of the 100-year flood boundary zone, and water elevation as shown on the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map;
- All of applicable local and state setbacks;
- The dimensions and locations of all:
 - Existing and proposed structures;
 - Existing and proposed impervious areas;
 - Existing and proposed disturbed areas;
 - Areas to remain in an unaltered state;
 - Existing cleared areas, such as gardens, lawns, and paths; and
 - Proposed temporary impacts associated with the completion of the project;
- Proposed methods of erosions and siltation controls, identified graphically and labeled on a plan, or otherwise annotated as needed for clarity;
- A plan of any planting(s) proposed in the waterfront buffer, showing the proposed locations(s) and Latin names or common names of proposed species;
- If applicable, the location of an existing or proposed 6-foot wide foot path to the waterbody or a temporary access path;
- For any project proposing that the impervious area be at least 15% but not more than 20% within the protected tidal zone, a statement signed by the applicant certifying that the impervious area is not more than 20%
- For any project proposing that impervious area be greater than 20% within the protected tidal zone, plans for a stormwater management system that will infiltrate increased stormwater from development provided that if impervious area is or is proposed to be greater than 30%, the stormwater management systems shall be designed by a professional engineer;
- For any project involving pervious surfaces, a plan with specifications of how those surfaces will be maintained; and
- All other relevant features necessary to clearly define both existing conditions and the proposed project.

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SECTION 2 - APPROVAL CRITERIA (Env-Wt 313.01)

- An application for structure construction within the protected tidal zone shall comply with Env-Wt 313.01.

SECTION 3 - DESIGN & CONSTRUCTION REQUIREMENTS (Env-Wt 610.03)

The construction of structures within the protected tidal zone shall comply with:

- The standards described in FEMA P-55, Coastal Construction Manual: Principles and Practices of Planning, Siting, Designing, Constructing and Maintaining Residential Buildings in Coastal Areas, 4th edition (2011); and
- Local resiliency planning ordinances.

SECTION 4 - PROTECTED TIDAL ZONE RESTRICTIONS (Env-Wt 610.05- 610.13)

- The restrictions identified in RSA 483-B:9, II shall apply to the protected tidal zone;
- The provisions of RSA 483-B:9, V(a) related to the maintenance of a waterfront buffer shall apply to the protected tidal zone within 50 feet of the HOTL;
- Accessory structures in the waterfront buffer shall comply with the applicable provisions of Env-Wq 1400;
- The provisions of RSA 483-B:9, V(b) related to the maintenance of a woodland buffer shall apply to the protected tidal zone within 150 feet of the HOTL;
- The provisions of RSA 483-B:9, V(c) related to individual sewage disposal systems shall apply to the protected tidal zone;
- The provisions of RSA 483-B:9, V(d) related to erosion and siltation shall apply to the protected tidal zone;
- The provisions of RSA 483-B:9, V(e) related to minimum lots and residential development shall apply to the protected tidal zone;
- The provisions of RSA 483-B:9, V(f) related to minimum lots and non-residential development shall apply to the protected tidal zone; and
- The provisions of RSA 483-B:9 V(g) related to impervious surfaces shall apply to the protected tidal zone.

SECTION 5 - PROJECT CLASSIFICATION (Env-Wt 610.17)***(a) A major project shall be:***

- (1) Any dredging, filling, or construction activity, or any combination thereof, that is proposed to:
- a. Occur within 100 feet of the HOTL; and
 - b. Alter any tidal shoreline bank, tidal flat, wetlands, surface water, or undeveloped uplands; or
- (2) A project that would be major based on an aggregation of projects under Env-Wt 400.

(b) A minor project shall be any dredging, filling, or construction activity, or any combination thereof, that:

- (1) Involves work within 75 feet of a saltmarsh in the developed upland tidal buffer;
- (2) Is not a major project; and
- (3) Will disturb 3,000 square feet (SF) or more but less than 10,000 SF in the developed upland tidal buffer.

(c) A minimum impact project shall be any dredging, filling, or construction activity, or any combination thereof, that:

- (1) Is in a previously developed upland area;
- (2) Is within 100 feet of the HOTL; and
- (3) Will disturb less than 3,000 SF.



**PRIME WETLAND WAIVER
FORESTRY & OTHER ACTIVITIES**
Water Division/Land Resources Management
Wetlands Bureau



RSA/Rule: RSA 482-A:11/ Env-Wt 706

APPLICANT LAST NAME, FIRST NAME, M.I.: ADL 325 Little Harbor Road Trust

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

As provided in RSA 482-A:11, IV(b)(1), to be eligible for the [Forestry Statutory Permit-by-Notification \(Forestry SPN\)](#), a property owner must obtain a waiver to perform any forest management work and related activities in the forested portion of a designated **prime wetland*** or **duly-established 100-foot buffer†** from the department. *For a waiver request for Forestry Activities within a designated prime wetland or duly-established 100-foot buffer, please complete Part I of this form.*

As provided in RSA 482-A:11, IV(c), a property owner may request a waiver from the department to perform work not addressed above within a portion of any **duly-established 100-foot buffer†** of a prime wetland on his or her property. Please note that waivers for such activities may only be requested for work within a duly-established 100-foot buffer, not for work within prime wetlands. *For a waiver request for Activities Other than Forest Management within a duly-established 100-foot buffer, please complete Part II of this form.*

A waiver request for work in a prime wetland or duly-established 100-foot buffer must be submitted to the department at the same time as a notification for an SPN or other application, as applicable.

*Prime Wetlands: Any contiguous areas falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance (482-A:15, I-a).

†Duly-Established 100-foot Buffer: The buffer recognized in RSA 482-A:11, IV for prime wetlands designated on or after September 11, 2009 but before August 17, 2012 (Env-Wt 102.63).

| |
|--|
| PART I: WAIVER REQUEST FOR FORESTRY ACTIVITIES |
| SECTION 1 - REQUESTED WAIVER AND FILING FEE (Env-Wt 706.02(b)(3)) |
| Check or money order for the applicable filing fee payable to "Treasurer – State of NH" (RSA 482-A:3, I(c)). |
| <input type="checkbox"/> \$200 for a project that would otherwise qualify for a Forestry SPN if it was not located in or near a designated prime wetland or duly-established 100-foot buffer. <input type="checkbox"/> \$500 for a minor impact project that does not otherwise qualify as minimum or major impact project. <input type="checkbox"/> \$1,250 for a major impact project classified regardless of prime wetlands designation. |

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SECTION 2 - PROPOSED WORK (Env-Wt 706.02(b); RSA 482-A:11, IV(b)(1))

Provide a brief written description of the work to be performed.

N/A

SECTION 3 - PRIME WETLANDS VALUES (Env-Wt 706.02(b); RSA 482-A:11, IV(b)(1))

Provide a list of the prime wetlands values as identified by the municipality when the prime wetland or duly-established 100-foot buffer was designated. Demonstrate that the project will not create a significant net loss of these wetland values.

N/A

SECTION 4 - REQUIRED ATTACHMENTS (Env-Wt 706.02; RSA 482-A:11, IV(b)(1))

- A sketch of the property depicting the best approximate location of each prime wetlands/buffer in which work is proposed and the location of proposed work, including access roads.
- A copy of the notice of intent to cut, if applicable.
- Other information to demonstrate that there will be no significant net loss of wetland values identified by the municipality when the prime wetland/buffer was designated.
- Written comments from the conservation commission or local governing authority as applicable, stating that:
 - The members have no objections to the requested waiver.
 - The members have no objections to a waiver if the conditions specified in the comments are met.

OR

 - The members object to the waiver for the reason(s) stated in the comments.

SECTION 5 - ADDITIONAL INSTRUCTIONS (Env-Wt 706.02; RSA 482-A:11, IV(b)(3))

- At the time the applicant submits the waiver request to the department, the applicant also shall submit, **via certified mail**, a copy of the waiver request and all supporting documentation to the local governing body, the planning board, if any, and the conservation commission, if any, of the municipalities in which any prime wetlands/buffers associated with the application are located.
- If a prime wetland/buffer associated with the application extends into an abutting property, the property owner requesting the waiver shall provide a copy of the waiver request and all supporting documentation to the owner of that abutting property. The applicant shall send the notice required **by certified mail**.

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Please note:

- As provided in RSA 482-A:11, IV(b)(3), the department shall not issue a waiver for forestry activities prior to 14 days after receipt of the waiver request, provided however that a municipal conservation commission may request an extension on such waiver issuance, not to exceed 14 days, which the department shall grant if requested.
- As provided by RSA 482-A:11, IV(b)(2), the department shall not issue a waiver unless the department determines that there will be no significant net loss of wetland values as identified by the local conservation commission/local governing authority or in RSA 482-A:1.
- If the department determines that the criteria for issuing a waiver are met, the waiver shall be issued as part of the Forestry SPN or permit, as applicable.
- If the department is unable to determine, based on the information submitted, that the proposed work will not cause a significant net loss of wetland values, the department shall notify the applicant of what additional information is needed and establish a deadline in consultation with the applicant for the submission of the additional information.
- If the department determines that the project would not cause a significant net loss of wetland values if certain conditions were met, the department shall place such conditions on the waiver as are necessary to protect the prime wetland resource.
- Any waiver issued shall be valid for the term of the permit or SPN with which it is associated, but may be extended.

| |
|---|
| PART II: WAIVER REQUEST FOR ACTIVITIES OTHER THAN FOREST MANAGEMENT |
| SECTION 1 - REQUESTED WAIVER AND FILING FEE (Env-Wt 706.04(b)(5)) |
| Check or money order for the applicable filing fee payable to “Treasurer – State of NH” (RSA 482-A:3, I(c)). |
| <input type="checkbox"/> \$200 for projects that would otherwise qualify as a minimum impact project if it was not located in a designated prime wetlands buffer. <input type="checkbox"/> \$500 for a minor impact project that does not otherwise qualify as minimum or major impact project. <input checked="" type="checkbox"/> \$1,250 for a major impact projects. |
| SECTION 2 - PROPOSED WORK (Env-Wt 706.04(b)(2)) |
| <p>Provide a written description of the work to be performed.</p> <p>The property owner is proposing to replace an existing failing bridge with a new wooden bridge that spans the entire intertidal resource on wooden piles. The property owner is also proposing to remove the existing concrete and earthen causeways that currently restrict tidal flows and impede aquatic organism passage. Areas currently occupied with the causeways will be restored to salt marsh and the developed upland tidal buffer zone will be restored with native vegetation. The island will also be connected to municipal utilities eliminating the use of an on-site septic system.</p> |

SECTION 3 - PRIME WETLANDS VALUES (Env-Wt 706.04(b))

Provide a list of the prime wetlands values identified by the municipality when the prime wetlands associated with the buffer was designated. Demonstrate that the project will not create a significant net loss of these wetland values. There are a number of discrepancies within the City of Portsmouth Prime Wetland Analysis Report that make this task very difficult to complete. Little Harbor Cove Salt Marsh Prime Wetland ID number "061B" is only .90 acres but, it's listed as being 13.38 acres and 5-acres within the report. In one area of the report, it identifies the subject Prime Wetland as being Palustrine Emergent Persistent (PEM1) but, it's an Estaurine environment and this correction is reflected within the report. Field soil plots were performed near the Belle Isle Bridge but, this test site is over 1/2 mile away. Most notably, at the time of designation, when evalauting candidates for designation as Prime Wetlands, NHDES Wetlands Bureau Administrative Rule Env-Wt 701.02 (c) specifically prescribed the use of certain methodologies to evaluate wetland functional values but, within the "Methodologies" section of the City of Portsmouth Prime Wetland Analysis Report (Section-2, page 3-4), it gives no mention of the methodologies used. The report also indicates that Prime Wetland "061B" was not evaluated in the "GES" study but, there is no explanation within this report that describes what the "GES" study is.

The Portsmouth Prime Wetland Designation Data form only indicates the primary functions of the Prime Wetland to be Wildlife Habitat and Education and Scientific Value because it is "directly adjacent to the Little Harbor School. This, too, is a discrepancy because this wetland is immediately adjacent to private properties and it does not provide any opportunity for educational value to the public. On page-5 of the report the justification for this wetland being designated as a "Prime Wetland" is its uniqueness to the City of Portsmouth, rare species habitat, and critical fisheries habitat.

As demonstrated within the original Functional Assessment included with this permit application, including the Ecological Integrity Assessment, this project poses no threat to tidal resources. This project will result in significant increases to hydraulic capacity, aquatic organims passage and the overall ecological integrity of the area. Through clear and compelling impact analysis, this project will not create a significant net loss of the values listed within the City of Portsmouth Prime Wetland Analysis Report, the functions and values listed in the Functions and Values assessment submitted with original permit application or the values set forth within RSA 482-A:1

SECTION 4 - REQUIRED ATTACHMENTS (Env-Wt 706.04)

- A sketch of the property depicting the best approximate location of the duly-established 100-foot buffer in which work is proposed and the location of proposed work, including access roads.
- Other information to demonstrate that there will be no significant net loss of wetland values identified by the municipality when the prime wetlands associated with the buffer was designated.

SECTION 5 - ADDITIONAL INSTRUCTIONS (Env-Wt 706.04; RSA 482-A:11, IV(c))

- At the time the applicant submits the waiver request to the department, the applicant also shall notify, **by certified mail**, the local governing body, the planning board, if any, and the conservation commission, if any, of the municipalities in which the waiver is being sought that the waiver is being requested.
- If the buffer associated with the application extends onto an abutting property, the property owner requesting the waiver shall provide notice that the waiver is being requested to the owner of that abutting property.

Please note:

- As provided in Env-Wt 706.05, the department shall not issue a waiver under Env-Wt 706.01(b) prior to 14 days after receipt of the waiver request, provided however that a municipal conservation commission may request an extension on such waiver issuance, not to exceed 14 days, which the department shall grant if and as requested.

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- The department shall not issue a waiver unless the department determines that there will be no significant net loss of wetland values as identified by the local conservation commission/local governing authority and in RSA 482-A:1.
- If the department determines that the criteria for issuing a waiver are met, the waiver shall be issued as part of the SPN or permit, as applicable.
- If the department is unable to determine, based on the information submitted, that the proposed work will not cause a significant net loss of wetland values, the department shall notify the applicant of what additional information is needed and establish a deadline in consultation with the applicant for the submission of the additional information.
- If the department determines that the project would not cause a significant net loss of wetland values if certain conditions were met, the department shall place such conditions on the waiver as are necessary to protect the prime wetlands resource.
- Any waiver issued shall be valid for the term of the permit or SPN with which it is associated, but may be extended.



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists



Functional Assessment and Impact Analysis

Env-Wq 704.02 & RSA 482-A:11, IV(a)

Introduction

This *Functional Assessment and Impact Analysis* was conducted to support a NHDES Wetlands Permit Application to impact an intertidal and upland buffer area. Some impacts are proposed within a *Duly-Established 100-Foot Prime Wetland Buffer*, and therefore, under NHDES Wetlands Bureau Administrative Rule Env-Wt 704.02 and RSA 482-A:11, IV(a), we are required to demonstrate this project will not result in the *significant net loss* of the values set forth in RSA 482-A:1.

The impacts associated with this project are necessary to replace an existing failing bridge with a new bridge, remove exiting causeways within public waters that act as a significant tidal restriction, connect the island to municipal utilities, and restore salt marsh area and the developed upland tidal buffer zone with native vegetation.

The jurisdictional areas adjacent to the project site are predominantly Estuarine, Intertidal, Unconsolidated Shore, Cobble-Gravel (E2US1) and Estuarine, Intertidal, Unconsolidated Shore, Mud (E2US3). Isolated narrow bands of fringe salt marsh exist along the neighboring shorelines (E2EM1).

The upland area adjacent to the wetland is an approximately 12-acre island. The island consists of a single residential property that previously utilized some areas for equestrian purposes. The mainland consists of wooded areas with intermittent pockets of freshwater wetlands. No impacts are proposed to the freshwater wetlands. While the bulk of the areas to be impacted are previously developed, the NH Fish and Game Wildlife Action Plan (WAP) identifies the habitat adjacent to the area to be impacted as salt marsh and hemlock hardwood pine. The WAP indicates the Tidal Wetland resources are of the *Highest Ranked Habitat in NH*.

Methods

The wetland boundaries, more particularly, the *Highest Observable Tide Line* (HOTL), was delineated using the methods prescribed by NHDES Administrative Rule Env-Wt 602.23. The wetlands boundaries, including the limits of the 100-foot tidal buffer zone, are depicted on the attached site plans. The wetlands were classified based on the Classification of Wetlands and Deepwater Habitats of the United States, adapted from Cowardin, Carter, Golet and LaRoe (1979), August 2013, FGDC-STD-004-2013.)

The Functional Assessment was conducted by performing field visits on March 19, 2022 and April 2, 2022. The wetlands were assessed using the *Army Corps of Engineers Highway Methodology* (September 1999, NAEPP-360-1-30a).



The *Ecological integrity* of the intertidal resource was assessed using the *Method for Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire (June 1993)* and data from the NH Fish and Game Wildlife Action Plan (WAP).

The City of Portsmouth Prime Wetland Analysis Report, January, 2011, prepared by West Environmental Services, which was used to assess wetland resources for the purpose of *Prime Wetlands Designation* under RSA 482-A:15, was referenced as well.

Values set forth in RSA 482-A:1 and Impact Analysis

1. Sources of Nutrients for Finfish, Crustacea, Shellfish and Wildlife of Significant Value

The neighboring wetland resources provide embayments, tidal flats, vegetated shallows, and other environments in support of fish, shellfish, and marine mammals. Anadromous fish, including the striped bass (*Morone saxatilis*), are known to seasonally utilize the area to forage on sea worms/ nereids (*Echiurus echiurus*), sand eels (*Ammodytes marinus*), Silversides (*Menidia menidia*) and Green Crabs (*Carcinus maenas*) during high tide. Although shellfishing is prohibited in this area, various species of mollusks exist. This tidal marsh is highly productive and evidence of multiple trophic levels utilizing this area was observed.

There are no eel grass beds within the vicinity of the project. The NH Wildlife Action Plan (WAP) identifies the resource area as High-Ranking Wildlife Habitat in NH. The NH Natural Heritage Bureau (NHB) screened the project and has agreed to allow us to transplant the sensitive marsh elder plants that are currently located within the proposed impact areas.

Impact Analysis

While some impacts are proposed to an existing fringe saltmarsh, this project will result in significant increases in hydraulic capacity and aquatic organism passage. As a result of the proposed salt marsh restoration, there will be no net loss of salt marsh resources. The proposed enhancement of the developed upland tidal buffer zone with native vegetation, discontinuing the use of an on-site septic system and connecting the island to municipal sewer all result in significant environmental improvements, and therefore, this project *will not* adversely affect the value of areas of sources of nutrients for finfish, crustacea, shellfish and wildlife of significant value.

2. Habitats and Reproduction Areas for Plants & Fish and Wildlife of Importance

The neighboring resource includes a braided network of flats, channels and fragmented *Spartina* spp. plains which provide a unique habitat for a number of species, including plants. There are no eel grass beds within the area. The NH Wildlife Action Plan (WAP) identifies the wetland as Highest Ranked Wildlife Habitat in NH. The NH Natural Heritage Bureau (NHB) screened the project and has agreed to allow us to transplant the sensitive marsh elder plants that are currently located within the proposed impact areas.



Impact Analysis

While some impacts are proposed to an existing fringe saltmarsh, this project will result in significant increases in hydraulic capacity and aquatic organism passage. As a result of the proposed salt marsh restoration, there will be no net loss of salt marsh resources. The proposed enhancement of the developed upland tidal buffer zone with native vegetation, discontinuing the use of an on-site septic system and connecting the island to municipal sewer all result in significant environmental improvements, and therefore, this project *will not* adversely affect the value of habitats and reproduction areas for plants and fish and wildlife of importance.

3. Commerce, Recreation and Aesthetic Enjoyment of the Public

The neighboring resource includes a braided network of flats, channels and *Spartina* spp. plains which are unique to New Hampshire and, aesthetically, are quite beautiful during all tidal periods.

Impact Analysis

While some impacts are proposed to an existing fringe saltmarsh, this project will result in significant increases in hydraulic capacity and aquatic organism passage. Removal of the causeway will result in significant aesthetic improvements to the area. As a result of the proposed salt marsh restoration, there will be no net loss of salt marsh resources. The proposed enhancement of the developed upland tidal buffer zone with native vegetation, discontinuing the use of an on-site septic system and connecting the island to municipal sewer all result in significant environmental improvements, and therefore, this project *will not* adversely affect the value of commerce, recreation, and aesthetic enjoyment of the public.

4. Adequate Groundwater Levels

The neighboring wetland does not serve as a groundwater recharge and/or discharge site.

Impact Analysis

No direct impacts are proposed to the wetland resources. This project will not be detrimental to adequate groundwater levels.

5. Stream Channels and Their Ability to Handle the Runoff of Waters

While the neighboring resource includes a braided network of flats and channels, there are no stream channels.

Impact Analysis

While some impacts are proposed to an existing fringe saltmarsh, this project will result in significant increases in hydraulic capacity and aquatic organism passage. As a result of the proposed salt marsh restoration, there will be no net loss of salt marsh resources. The proposed enhancement of the developed upland tidal buffer zone with native vegetation, discontinuing the use of an on-site septic system and connecting the island to municipal sewer all result in significant environmental



improvements, and therefore, this project *will not* adversely affect stream channels and their ability to handle the runoff of waters.

6. Absorption of Flood Waters and Silt

The neighboring resource is effective in reducing flood damage by retaining flood waters for prolonged periods of time. During storm events and tidal surges, this wetland serves this function by providing floodwater storage capacity and this aides in protecting the neighboring community. The neighboring wetland also serves to trap sediments, toxicants, and pathogens within runoff.

Impact Analysis

While some impacts are proposed to an existing fringe saltmarsh, this project will result in significant increases in hydraulic capacity and aquatic organism passage. As a result of the proposed salt marsh restoration, there will be no net loss of salt marsh resources. The proposed enhancement of the developed upland tidal buffer zone with native vegetation, discontinuing the use of an on-site septic system and connecting the island to municipal sewer all result in significant environmental improvements, and therefore, this project *will not* adversely affect the value of Absorption of Flood Waters and Silt.

7. Interests of the General Public

This project will result in eliminating a major tidal restriction within the back channel of the Piscataqua River. This project will result in increased hydraulic capacity within tidal crossing and enhanced aquatic organism passage, and therefore, this project is clearly within the best interest of the general public.

Impact Analysis

While some impacts are proposed to an existing fringe saltmarsh, this project will result in significant increases in hydraulic capacity and aquatic organism passage. As a result of the proposed salt marsh restoration, there will be no net loss of salt marsh resources. The proposed enhancement of the developed upland tidal buffer zone with native vegetation, discontinuing the use of an on-site septic system and connecting the island to municipal sewer all result in significant environmental improvements, and therefore, this project *will not* adversely affect the interests of the general public.

Summary

The intertidal area adjacent to the project area serves many functions including flood-flow storage capacity, fish and shellfish habitat, sediment and toxicant retention, nutrient removal, resource export, sediment and shoreline stabilization, wildlife habitat, visual quality/ aesthetics, endangered species habitat, and therefore, it is considered a high value, high functioning resource of the State of New Hampshire. Although the subject Prime Wetland is less than 2-acres in size and no specific methodologies were used to evaluate this wetland at the time it was nominated to be a Prime Wetland and as required by NHDE Wetlands Bureau Administrative Rule Env-Wt 701.02 (c), this area, coupled with the adjacent fragmented salt marsh complex, was rightfully elected to become a Prime Wetland under RSA 482-A:14.



In summary, the environmental benefits associated with this project far outweigh the subtle impacts that must occur to the Duly-Established 100-foot Prime Wetland Buffer, and therefore, in accordance with NHDES Wetlands Bureau Administrative Rule Env-Wt 704.02 and RSA 482-A:11, IV(a), this project will not result in the *significant net loss* of the values set forth in RSA 482-A:1.

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
170 Commerce Way–Suite 102, Portsmouth, NH 03801
T(603) 431-2222

References

ACOE *Army Corps of Engineers Highway Methodology* (September 1999, NAEPP-360-1-30a).

Ammann, A.P. and A.L. Stone. 1993. *Method for Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire*.

Cowardin, L.M., V. carter, F.C Golet, and E.T. LaRoe. 1979. *Classification of Wetlands and Deep-Water Habitats of the United States*. U.S. Fish and Wildlife Service FWS/OBS-79/31.

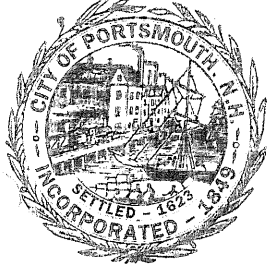
New Hampshire Fish and Game Department Wildlife Action Plan (WAP).

The City of Portsmouth Prime Wetland Analysis Report, January, 2011.

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T(603) 472-4488 www.tfmoran.com



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T(603) 431-2222



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

Ms. Dori Wiggin, East Region Supervisor
DES Wetlands Bureau, Pease District Office
222 International Drive, Suite 175
Portsmouth, NH 03801

January 25, 2011

Subject: City of Portsmouth Prime Wetlands Designation

Dear Ms. Wiggin:

Enclosed with this letter please find the Citywide Prime Wetland assessment and mapping that was recently completed and voted upon by the City Council. This effort was initiated in 2003 with the Completion of the Citywide Wetlands Inventory where all wetlands in the City were mapped and those wetlands meeting Prime Wetland Criteria were identified and reviewed. A follow-up study was begun in 2006 to study in greater detail the wetlands identified as Prime Wetlands and include additional wetlands which met the criteria. As part of this effort all of the wetlands in the City of Portsmouth, including those wetlands on the Pease Tradeport were investigated to determine which ones were most suitable for Prime Wetland designation under RSA 482 A:15

After a thorough review of all the potentially eligible prime wetlands was complete both the Conservation Commission (at their April 11, 2007 meeting) and the Planning Board (at their September 20, 2007 meeting) voted in favor of designating prime wetlands as listed in West Environmental Services report. On April 21, 2008 the City Council, at the recommendation of the Conservation Commission authorized funding for detailed mapping be completed in order to finalize the Prime Wetlands effort and to prepare a submission to the state. As part of this effort all of the wetlands reviewed for Prime Wetland status in the City of Portsmouth, including the wetland within the Pease Development Authority (PDA) had a final field visit where detailed mapping was completed and entered into the City's GIS.

For submission with this letter is a set of 14 wetlands, which have been chosen as the most significant wetlands in the City. At their meeting on July 19, 2010, the Portsmouth City Council held a public hearing, then voted in favor of forwarding the recommendations for the selected wetlands as Prime Wetlands to NHDES. One of these wetlands is within the PDA boundary. The wetland within the boundary of the PDA is labeled as wetland 7 for the purposes of this analysis. The Conservation Commission, Planning Board and the City Council voted to request that the Pease Development Authority adopt the recommendation that Wetland 007 (as shown on attached map) be designated a Prime wetland. A letter has been sent from the City to the PDA regarding wetland 007. If the PDA is interested in pursuing this designation this will be pursued as a separate action.

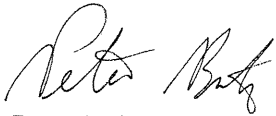
The submittal you have before you includes the following information for your review:

1 Junkins Avenue
Portsmouth, New Hampshire 03801
Fax (603) 427-1593

- City of Portsmouth Prime Wetland Analysis Report Completed in January 2010 by the City of Portsmouth and West Environmental Services Inc.
- Action sheet from Portsmouth City Council July 19, 2010 meeting where the City Council held a Public Hearing and took Action to approve designation of selected prime wetlands.
- Citywide map of prime wetlands in accordance with Env-Wt 702.02 format.

If you have questions or need additional information please do not hesitate to contact me at 610-7215 or plbritz@cityofportsmouth.com.

Sincerely



Peter Britz
Environmental Planner/Sustainability Coordinator

Cc: John P. Bohenko, City Manager

CITY OF PORTSMOUTH PRIME WETLAND ANALYSIS REPORT

Prepared for:
New Hampshire Department of Environmental Services
Portsmouth Regional Office
Pease International Tradeport
222 International Drive, Suite 175
Portsmouth, NH 03801

Prepared by:

WEST 
ENVIRONMENTAL INC.

and

The City of Portsmouth
Planning Department



January 2011

TABLE OF CONTENTS

1. Introduction..... 3

2. Methodology..... 3

3. Prime Wetland Candidates..... 4

4. Wetlands Eliminated from Consideration..... 5

Appendix A: Field forms for Prime Wetlands Proposed and Those Eliminated from Consideration.

Appendix B: City Council Action Sheet from July 19, 2010 City Council Meeting with approval to adopt Prime Wetlands.

Map: Map of Proposed Prime Wetlands

1. Introduction

West Environmental, Inc. (WEI) has prepared this report to provide documentation to support the designation of prime wetlands in the City of Portsmouth, New Hampshire. Initially the 2003 City Wide Wetlands Inventory (CWWI) identified potential prime wetland candidates. WEI used this 2003 mapping as a starting point to field verify the identified wetlands. WEI then included additional wetlands which met the criteria for Prime Wetlands. The verification and identification of new wetland areas was conducted in 2006 with funding assistance from the Piscataqua Region Estuaries Partnership (then New Hampshire Estuaries Project) under their Community Technical Assistance Program. This additional research and evaluation insured that individual wetlands met the requirements of RSA 482-A:15 and Chapter Wt 700 of the NHDES Wetlands Bureau Administrative Rules. WEI worked closely with the Portsmouth Conservation Commission and Planning Department staff to review the technical criteria for Prime Wetland Designation and the results of the CWWI. After review and expansion of the potential prime wetlands a mapping effort was funded in 2007 by the City of Portsmouth at the recommendation of the Conservation Commission to accurately map the wetland boundaries of all potential prime wetlands. This report represents the analysis and approval of the final wetlands to be selected by the Portsmouth Conservation Commission, Portsmouth Planning Board and Portsmouth City Council for designation as Prime Wetlands in the City of Portsmouth.

RSA 482-A:15 defines "Prime Wetlands" as jurisdictional wetlands that "because of their size, unspoiled character, fragile condition or other relevant factors, make them of substantial significance." Env-Wt 701.04 Selection of Designated Prime Wetlands states "Selection of Prime Wetlands shall be based on the ranking of relative function values" and shall meet the following minimum criteria:

- 1) The wetland shall have the presence of hydric soils, hydrophytic vegetation, and wetlands hydrology; and
- 2) At least 50% of the prime wetland shall have very poorly drained soils and the remaining soils shall be poorly drained soils.

The Prime Wetlands Candidates identified in Section 3 of this report meet all qualifications for Prime Wetland status.

2. Methodology

Twenty-one wetlands were determined to have the potential to "qualify" for Prime Wetland Designation in the CWWI. WEI identified six additional wetlands that could qualify for this designation resulting in a total of 27 wetlands evaluated. A Portsmouth specific Prime Wetland Data Form was created to evaluate prime wetland status of these wetlands. This form includes the following information necessary for Prime Wetland Designation:

- Soils verification
- Changes in wetland classification since 2002

- Wetland boundary verification
- Land use changes within the wetland buffer
- Potential water quality impacts
- Invasive species
- Information on rare plants and wildlife
- Wildlife habitat
- Educational / scientific values
- Restoration potential
- Results of functional analysis
- Justification for Prime Wetland Designation

Completed data forms are in Section 7 of this report. Each of the 27 wetlands was field inspected to verify the wetland boundaries, functional analysis, values assessments, and other important considerations relating to Prime Wetland Designation. Significant inaccuracies in the wetland boundaries were identified during the field verification process. Some of these boundary corrections required changes in the results of the functional analysis and therefore the previous wetland ranking.

The six new potential prime wetlands were evaluated in comparison to the 21 original qualifying wetlands. A final ranking of the 27 wetlands found significant break between the Prime Wetland Candidates and the remaining qualifying wetlands. Two of the wetlands were combined based on identifying a connection in the field.

3. Prime Wetland Candidates

The table below lists thirteen proposed prime wetland candidates, which represent the largest and highest functioning wetlands within the city. These wetlands total 1,860 acres: 1,736 acres of freshwater wetlands and 124 acres of tidal marsh. Eleven of the thirteen wetlands are over 40 acres in size. The salt marsh prime wetland candidates include the upper Sagamore creek marsh (062) the main Sagamore Creek marsh (061A) and the Little Harbor cove salt marshes (061B). The upper Sagamore Creek salt marsh totals 44 acres. The main Sagamore Creek marsh has four components including Tucker’s cove marsh totaling 67 acres. The Little Harbor cove salt marsh complex is also made up of four separate components totaling 13 acres. In addition to their top 13 ranking, the proposed prime wetlands comprise the most diverse and critical wetland wildlife habitat in Portsmouth. These systems also are adjacent to some of the only remaining undisturbed upland habitat within the City boundaries. Together, they will provide crucial links between habitats in the form of undisturbed wildlife corridors.

| <u>ID</u> | <u>Size (in acres)</u> | <u>Rank</u> | <u>Justification</u> |
|-----------|------------------------|-------------|--|
| 001 | 106.12 | 7 | <ul style="list-style-type: none"> ▪ Adjacent to Berry’s Brook wetland complex ▪ Atlantic White Cedar stands ▪ 6th largest wetland |
| 002 | 222.85 | 2 | <ul style="list-style-type: none"> ▪ Berry’s Brook wetland complex ▪ 2nd largest wetland ▪ Rare species habitat |
| 003A | 542.26 | 1 | <ul style="list-style-type: none"> ▪ Great Bog ▪ Largest wetland ▪ Rare species habitat |

| | | | |
|-----------|--------|----|--|
| 005 | 203.83 | 3 | <ul style="list-style-type: none"> ▪ Berry's Brook wetland complex ▪ 3rd largest wetland ▪ Rare species habitat |
| 006 | 48.5 | 8 | <ul style="list-style-type: none"> ▪ 7th largest wetland ▪ Unique wet meadow complex ▪ Headwaters of Sagamore Creek |
| 007 | 99.39 | 6 | <ul style="list-style-type: none"> ▪ 4th largest wetland ▪ High level of diversity ▪ Headwaters to Hodgson Brook |
| 015 | 35.22 | 11 | <ul style="list-style-type: none"> ▪ High value freshwater marsh habitat ▪ Abuts natural forestland ▪ High potential for wetland restoration |
| 018 & 026 | 32.54* | 10 | <ul style="list-style-type: none"> ▪ Unique open water habitat ▪ Diverse wetland complex ▪ Potential rare species habitat |
| 019 | 15.07 | 12 | <ul style="list-style-type: none"> ▪ Tributary to Sagamore Creek ▪ Undisturbed wetland system w/natural buffers ▪ High value freshwater marsh habitat |
| 023 | 55.08 | 9 | <ul style="list-style-type: none"> ▪ 8th largest wetland ▪ Atlantic White Cedar stands ▪ Adjacent Packers Bog in Greenland |
| 061A | 67.46 | 4 | <ul style="list-style-type: none"> ▪ Largest salt marsh ▪ Rare species habitat ▪ Critical fisheries habitat |
| 061B | 13.38 | 13 | <ul style="list-style-type: none"> ▪ One of only two salt marsh complexes ▪ Rare species habitat ▪ Critical fisheries habitat |
| 062 | 43.54 | 5 | <ul style="list-style-type: none"> ▪ 2nd largest salt marsh ▪ Rare species habitat ▪ Critical fisheries habitat |

5. Wetlands Eliminated From Consideration

| <u>ID</u> | <u>Size (in acres)</u> | <u>Rank</u> | <u>Justification</u> |
|-----------|------------------------|-------------|--|
| 003B | 18.65 | 22 | <ul style="list-style-type: none"> ▪ Directly abuts highway on 3 sides ▪ Invasive species ▪ No connection to upland habitat |
| 004 | 50.46 | 14 | <ul style="list-style-type: none"> ▪ Does not qualify due to lack of very poorly drained soils |
| 013A | 39.97 | 18 | <ul style="list-style-type: none"> ▪ Historical wetland impacts ▪ Incorrectly mapped and 60% of original size ▪ Disconnected and culverted |
| 013B | 5.17 | 20 | <ul style="list-style-type: none"> ▪ Historical wetland impacts ▪ Water quality degradation observed ▪ Invasive species ▪ Small size (5 acres) |
| 014 | 19.87 | 16 | <ul style="list-style-type: none"> ▪ Historical wetland impacts ▪ Surrounded by development ▪ Water quality degradation observed ▪ No connection to upland habitat |
| 016 | 50.72 | 15 | <ul style="list-style-type: none"> ▪ Does not qualify due to lack of very poorly drained soils |
| 022 | 19.65 | 19 | <ul style="list-style-type: none"> ▪ Incorrectly mapped and 70% of original size ▪ Surrounded by development |

* (22.16+10.38)

| | | | |
|-----|-------|-----------|--|
| | | | <ul style="list-style-type: none"> ▪ Historical wetland impacts |
| 029 | 21.88 | 17 | <ul style="list-style-type: none"> ▪ Incorrectly mapped and 50% of original size ▪ Surrounded by development ▪ Historical wetland impacts |
| 031 | 15.09 | 21 | <ul style="list-style-type: none"> ▪ Surrounded by development ▪ Water quality degradation observed ▪ No connection to upland habitat |
| 038 | 4.96 | 24 (tied) | <ul style="list-style-type: none"> ▪ Small size ▪ Not recommended for consideration by CWWI ▪ Lacks diversity |
| 044 | 4.56 | 24 (tied) | <ul style="list-style-type: none"> ▪ Small size ▪ Not recommended for consideration by CWWI ▪ Lacks diversity |
| 050 | 5.78 | 23 | <ul style="list-style-type: none"> ▪ Very small size ▪ Surrounded by development |
| 117 | 2.51 | 26 | <ul style="list-style-type: none"> ▪ Small size ▪ Not recommended for consideration by CWWI ▪ Lacks diversity |

5. Orthophoto Map of Proposed Prime Wetlands

See attached map.

Appendix A

**Field Forms for Prime Wetlands Proposed
And
Those Eliminated from Consideration**

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 001


Date: September 2006

Size: ~~110~~^{106.12} acres

Estimated Percent of Very Poorly Drained Soils: 85%

Field Soils Verification Plots: Plot A along railroad bed

Classification(s) in 2002 Wetland Mapping: PFO1E/SS1E

Classification Change since 2002: Only hydrology descriptive to be added 

Boundary Verification

Changes to boundary: Yes, along eastern boundary 2+ acres of upland

Inlet Streams: Yes, mostly drainage ditches from adjacent development

Outlet Streams: Yes, Berry's Brook to the south, minimal culverting under railroad bed to the west

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: New subdivision to the east

Potential Water Quality Impacts: Runoff from commercial development off of Weatherstone Street

Natural Heritage Elements Present: Atlantic White Cedar stands

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 50% / Commercial 20% / Woodland 30%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, aquatic habitat present

Does this Wetland Rate High in Educational/Scientific Value? Yes, 7th in GES study

Does this wetland provide open vistas? Minimal

Is this wetland connected to open space land? Yes, in Greenland

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: ranks 5th in GES study for most functions

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Atlantic White Cedar swamp connected to Packer Bog in Greenland

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 002

Date: September 2006

Size: ~~400~~ ^{222.85} acres

Est. Percent of Very Poorly Drained Soils: 60% with boundary adjustment

Field Soils Verification Plots: Plot 002A off Lang Road

Classification(s) in 2002 Wetland Mapping: PFO4E/PFO1E/SS1E

Classification Change since 2002: Yes - PEM1/SS1E

Boundary Verification

Changes to boundary: Yes, extensive changes along western & eastern boundaries 10 acres of upland

Inlet Streams: Yes, Berry's Brook from south and runoff from adjacent development west

Outlet Streams: Yes, Berry's Brook to the north

Ecological Integrity

Recent Impacts since 2002: Minimal

Recent Buffer Development since 2002: Minimal

Potential Water Quality Impacts: Stormwater runoff

Natural Heritage Elements Present: Possible spotted turtle habitat

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 70% / Fields 10% / Woodland 20%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, ranked 2nd

Does this Wetland Rate High in Educational/Scientific Value? Yes, ranked 2nd

Does this wetland provide open vistas? Yes, ranked 1st although Sagamore Creek should rank higher

Is this wetland connected to open space land? Yes, in central portion

Potential Restoration Opportunity

Type of impact to wetland:

Approximate area of restoration:

Prime Wetland?

Functional Analysis: ranks 2nd in GES for most functions

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: 2nd largest wetland, connected to Berry's Brook & Prime Wetlands, maintains vegetated buffers in many locations

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 003A

Date: September 2006

Size: ~~573~~ ^{542.26} acres

Estimated Percent of Very Poorly Drained Soils: 90%

Field Soils Verification Plots: Plot 003A-A off of railroad bed

Classification(s) in 2002 Wetland Mapping: PFO1E/SS1E

Classification Change since 2002: PEM1E & PSS1E – correction, not change

Boundary Verification

Changes to boundary: Minimal only along northern tip of Griffin Avenue

Inlet Streams: Yes, from west

Outlet Streams: Yes, to the west under Interstate 95 into Pickering Brook

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Yes, Griffin Ave / Ocean Ave

Potential Water Quality Impacts: Yes, from Interstate 95

Natural Heritage Elements Present: NE Cottontail, Atlantic White Cedar, heavy fruited sedge, tufted loosestrife

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 10% / Forest 30% / Commercial 40% / Field 10%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, 1st

Does this Wetland Rate High in Educational/Scientific Value? Yes, 1st

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes

Potential Restoration Opportunity

Type of impact to wetland: Invasive species

Approximate area of restoration: Interstate 95

Prime Wetland?

Functional Analysis: Ranked 1st in GES stuffy for most functions & values

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Great Bog is one of the largest contiguous wetlands in Coastal NH and is home for rare plants and wildlife

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 005

Date: September 2006

Size: ^{203.83}
~~250~~ acres

Estimated Percent of Very Poorly Drained Soils: 90%

Field Soils Verification Plots: Plot 005-A off Lang Road

Classification(s) in 2002 Wetland Mapping: PFO1/SS1E & PEM1/FO1E

Classification Change since 2002: No

Boundary Verification

Changes to boundary: Yes, elimination of areas adjacent to Route 1 and along southern boundary

Inlet Streams: Yes, Berry's Brook from south

Outlet Streams: Yes, Berry's Brook to the north

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Minor along western boundary

Potential Water Quality Impacts: Stormwater runoff

Natural Heritage Elements Present: Possible spotted turtle habitat

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 60% / Commercial 10% /
Woodland 30%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, ranked 3rd

Does this Wetland Rate High in Educational/Scientific Value? Yes, ranked 4th

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes, in Rye to the south

Potential Restoration Opportunity

Type of impact to wetland: Fill along southwest boundary adjacent to commercial development on Route 1; phragmites invasion off of Dolphin Drive

Approximate area of restoration: 0.5 acres

Prime Wetland?

Functional Analysis: Ranks 3rd in GES study for most functions & values

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes



Justification: Combined w/ Wetland 002, this is the largest wetland in the city. This wetland ranked 3rd in GES study for the most functions and values and will help to protect Berry's Brook

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 006

Date: September 2006

Size: ^{48.5}~~89~~ acres Estimated Percent of Very Poorly Drained Soils: 60%

Field Soils Verification Plots: 006-A along railroad bed

Classification(s) in 2002 Wetland Mapping: PFO1/SS1E

Classification Change since 2002: PEM1E and PEM1Ed

Boundary Verification Changes to boundary: Yes, northern portion eliminated

Inlet Streams: Yes, headwaters to Sagamore Creek

Outlet Streams: Yes, Sagamore Creek drains under Peverly Hill Road

Ecological Integrity

Recent Impacts since 2002: None

Recent Buffer Development since 2002: Minor along Banfield Road

Potential Water Quality Impacts: None

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 10% / Woodland 70% /
Fields 20%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? Yes

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes

Potential Restoration Opportunity

Type of impact to wetland: None

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: 6 out of 7 principal functions present

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Diverse wetland with uncommon wet meadow component and intact natural buffers, headwaters to Sagamore Creek.

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 007

Date: September 2006

Size: ^{99.39}
145 acres

Estimated Percent of Very Poorly Drained Soils: 60%

Field Soils Verification Plots: 007-A along access road

Classification(s) in 2002 Wetland Mapping: PFO1 – PFO1/SS1E

Classification Change since 2002: PEM1/SS1E

Boundary Verification Changes to boundary: Extensive – eliminated / adjust
northern boundary.

Inlet Streams: Yes, Grafton Ditch

Outlet Streams: Yes, tributary to Hogden Brook drains southeast under Interstate 95

Ecological Integrity

Recent Impacts since 2002: Yes, along northcentral boundary

Recent Buffer Development since 2002: Yes, commercial buildings along northern
boundary

Potential Water Quality Impacts: Yes, from stormwater runoff – commercial development
and Interstate 95

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 30% / Woodland 30% /
Commercial 30% / Fields 10%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? Yes

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: Water quality impacts to Grafton Ditch from Pease Tradeport

Approximate area of restoration: 0.5 acres along 1,000 linear feet of stream

Prime Wetland?

Functional Analysis: 7 out of 7 principal functions present

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Top five sized wetlands in city, diverse wildlife habitat, headwaters to
Hogden Brook

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 15

Date: September 2006

Size: ~~35.22~~
36 acres

Estimated Percent of Very Poorly Drained Soils: 90%

Field Soils Verification Plots: Plot 15-A along the railroad tracks

Classification(s) in 2002 Wetland Mapping: PEM1Eb

Classification Change since 2002: No

Boundary Verification Changes to boundary: Yes, minor fingers

Inlet Streams: No

Outlet Streams: Yes, to the south

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: Significant untreated stormwater runoff

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 10% / Commercial 50% /
Woodland 40%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, ranks 9th

Does this Wetland Rate High in Educational/Scientific Value? Yes, ranks 8th

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes, part of well head protection area

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: Several acres

Prime Wetland?

Functional Analysis: Ranks in top ten in most categories of GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Maintains vegetated buffers on two sides with mature forest habitat; portions
of marsh are diverse and healthy

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 18 & 26

Date: September 2006

Size: ~~31 & 11~~ ^{22.16 & 10.38 = 32.54} = 42 acres Estimated Percent of Very Poorly Drained Soils: 80%

Field Soils Verification Plots: Plot 18-A along the railroad bed

Classification(s) in 2002 Wetland Mapping: PEM/SS1E and PUBH/PFO1E

Classification Change since 2002: No, but beaver are active

Boundary Verification Changes to boundary: Yes, minor in southeastern corner

Inlet Streams: Yes, from wetland 26

Outlet Streams: Yes, to the north

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: Yes, from large commercial development to the north

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 40% / Commercial 40% /
Woodland 20%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, ranks 10th

Does this Wetland Rate High in Educational/Scientific Value? Yes, ranks 5th

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: several acres

Prime Wetland?

Functional Analysis: Combined wetlands rank in top ten in GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Pond habitat relatively rare for the city; diverse wetland with vegetated buffers still present

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 19

Date: September 2006

Size: ~~16~~^{15.07} acres

Estimated Percent of Very Poorly Drained Soils: 70%

Field Soils Verification Plots: No

Classification(s) in 2002 Wetland Mapping: PSS1E/FO1E

Classification Change since 2002: No

Boundary Verification Changes to boundary: Yes, minor along eastern boundary

Inlet Streams: Yes, drainages

Outlet Streams: Yes, to Sagamore Creek (Wetland 61A)

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Yes, at Tuckers Cove development to the east

Potential Water Quality Impacts: Minimal

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 60% / Woodland 40%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? Yes, ranks 7th

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes, part of Urban Forestry Center

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranks high in finfish habitat and education potential in GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Maintains vegetated buffers and has uncommon wet meadow habitat;
tributary to Sagamore Creek Estuary

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 23

Date: September 2006

Size: ~~71~~^{55.08} acres

Estimated Percent of Very Poorly Drained Soils: 90%

Field Soils Verification Plots: 023-A along railroad bed

Classification(s) in 2002 Wetland Mapping: PFO4E & PFO1E

Classification Change since 2002: No

Boundary Verification Changes to boundary: Yes, along northern boundary

Inlet Streams: No

Outlet Streams: Connected to Packer Bog

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Yes, along northern boundary

Potential Water Quality Impacts: Yes, from stormwater runoff

Natural Heritage Elements Present: Atlantic White Cedar stands

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 30% / Woodland 70%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? Yes, ranked 6th

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes, Packer Bog in Greenland

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranks 6th in GES study for most functions and values

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Contiguous to Packer Bog in Greenland; extensive stands of Atlantic White Cedar

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 61A

Date: September 2006

Size: ~~120~~^{67.46} acres

Estimated Percent of Very Poorly Drained Soils: 100%

Field Soils Verification Plots: Plot A along Route 1

Classification(s) in 2002 Wetland Mapping: PEM1 (wrong)

Classification Change since 2002: E2EM1P – not a change, but a correction

Boundary Verification

Changes to boundary: Yes, mudflats were eliminated because they are not vegetated wetlands

Inlet Streams: Yes, Sagamore Creek

Outlet Streams: Tidal estuary

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: New subdivision Tucker's Cove

Potential Water Quality Impacts: Runoff from Route 1 and associated commercial development

Natural Heritage Elements Present: Artic / common terns feeding habitat

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 30% / Commercial 20% / Woodland 50%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, fisheries and tidal marsh habitat

Does this Wetland Rate High in Educational/Scientific Value? Yes, 3rd in GES study

Does this wetland provide open vistas? One of the highest ranking for visual aesthetic quality

Is this wetland connected to open space land? Yes

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: ranks 4th in GES study for most functions and values

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Most important estuary / salt marsh in Portsmouth

West Environmental Inc.
 Portsmouth Vegetated Tidal Marsh Evaluation

Date: September 2006

Wetland ID: 61A

Wetland Size: 120 acres

Wetland Classification: E2EM1P

Type of Marsh System:

Coastal/Back Barrier Marsh

| | | |
|--|-----|----------|
| | yes | no |
| Marsh derives most of its sediments from sea water | ___ | <u>X</u> |
| No major tidal rivers flow into this marsh | ___ | ___ |
| Marsh located adjacent to Atlantic coast | ___ | ___ |
| Dominated by <i>Spartina patens</i> | ___ | ___ |

Estuarine Marsh

| | | |
|--|----------|-----|
| Marsh derives majority of sediment from freshwater | <u>X</u> | ___ |
| Associated with major tidal river and/or bay | ___ | ___ |

Meadow Marsh

| | | |
|-------------------------------------|-----|----------|
| Contains more than 50% high marsh | ___ | <u>X</u> |
| Dominated by <i>Spartina patens</i> | ___ | <u>X</u> |

Fringe Marshes

| | | |
|---|----------|----------|
| Exposed to wind and wave energy | <u>X</u> | ___ |
| Located along river and bay shoreline | <u>X</u> | ___ |
| Minimal high marsh | <u>X</u> | ___ |
| Gentle grade from open water to upland | ___ | <u>X</u> |
| Dominated by <i>Spartina alterniflora</i> | <u>X</u> | ___ |

Ecological Integrity:

Land use within 500 foot zone of influence

20% Residential 10% Roads 5% Parking Lots 10% Freshwater wetlands 55% Forested

| | |
|---|--------------------------------------|
| <u>X</u> Invasive plants present | <u>NO</u> Tidal Restrictions present |
| <u>X</u> <5% invasive species | |
| ___ 5% - 20% dominated by invasive species | <u>X</u> Is wetland ditched |
| ___ > 20% dominated by invasive species | ___ grid pattern |
| Does restriction restrict seawater into wetland? <u>NO</u> | <u>X</u> linear pattern |
| Does restriction detain freshwater from entering wetland? <u>NO</u> | |
| Does restriction affect flow? <u>NO</u> | <u>X</u> Buffer present |

Shoreline Anchoring:

| | |
|--------------------------------------|--|
| Type of marsh system | Wetland morphology |
| <u>X</u> estuarine fringe | ___ no distinct bank between |
| (receives more erosive energy force) | wetland and upland/freshwater wetland |
| ___ estuarine meadow | <u>X</u> distinct vegetated bank present |
| ___ coastal/back-barrier | ___ distinct non-vegetated bank present |

Finfish & Shellfish Habitat:

X Shellfish beds present
X Ecological impacts present
X Diverse wetland system
X Wetland connection to freshwater wetland or stream
X Wetland used for feeding, breeding, protection, or migration
X Fisheries habitat present

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 61B 1 through 11 Date: September 2006

Size: ^{13.38}~~5~~ acres Estimated Percent of Very Poorly Drained Soils: 100%

Field Soils Verification Plots: Plot A near Bell Island Bridge

Classification(s) in 2002 Wetland Mapping: PEM1 (wrong)

Classification Change since 2002: E2EM1P – not a change, but a correction

Boundary Verification Changes to boundary: Yes, mudflats were eliminated because they are not vegetated wetlands

Inlet Streams: Yes, from Curriers Cove

Outlet Streams: Tidal estuary

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Some house lots

Potential Water Quality Impacts: Runoff from adjacent development

Natural Heritage Elements Present: Artic / common terns feeding habitat

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 60% / School 20% /
Woodland 20%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, fisheries and tidal marsh habitat

Does this Wetland Rate High in Educational/Scientific Value? Yes, directly adjacent to Little Harbour School

Does this wetland provide open vistas? One of the higher ranking for visual aesthetic quality

Is this wetland connected to open space land? Yes, cemetery

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Not ranked in GES study, but very high valued tidal marsh habitat

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Important estuary / salt marsh in Portsmouth

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 62

Date: September 2006

Size: ~~110~~ ^{43.54} acres

Estimated Percent of Very Poorly Drained Soils: 85%

Field Soils Verification Plots: Plot A along railroad bed

Classification(s) in 2002 Wetland Mapping: PEM1 (wrong)

Classification Change since 2002: E2EM1P – not a change, but a correction

Boundary Verification Changes to boundary: No

Inlet Streams: Yes, Sagamore Creek

Outlet Streams: Creek flows under Route 1

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Commercial re-development

Potential Water Quality Impacts: Runoff from commercial development surrounding wetland

Natural Heritage Elements Present: Artic / common terns feeding habitat

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 50% / Commercial 20% /
Woodland 30%

Is Wildlife Habitat a Principal Function of this Wetland? Yes, fisheries and salt marsh habitat

Does this Wetland Rate High in Educational/Scientific Value? Yes, but not in GES study

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: ranks 7th in GES study for most functions and values

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: Yes

Justification: Part of largest salt marsh system in Portsmouth

West Environmental Inc.
Portsmouth Vegetated Tidal Marsh Evaluation

Date: September 2006

Wetland ID: 62

Wetland Size: 44 acres

Wetland Classification: E2EM1P

Type of Marsh System:

| Coastal/Back Barrier Marsh | yes | no |
|--|-----|----------|
| Marsh derives most of its sediments from sea water | ___ | <u>X</u> |
| No major tidal rivers flow into this marsh | ___ | <u>X</u> |
| Marsh located adjacent to Atlantic coast | ___ | <u>X</u> |
| Dominated by <i>Spartina patens</i> | ___ | <u>X</u> |

Estuarine Marsh

| | | |
|--|----------|-----|
| Marsh derives majority of sediment from freshwater | <u>X</u> | ___ |
| Associated with major tidal river and/or bay | <u>X</u> | ___ |

Meadow Marsh

| | | |
|-------------------------------------|-----|-----|
| Contains more than 50% high marsh | ___ | ___ |
| Dominated by <i>Spartina patens</i> | ___ | ___ |

Fringe Marshes

| | | |
|---|----------|-----|
| Exposed to wind and wave energy | <u>X</u> | ___ |
| Located along river and bay shoreline | <u>X</u> | ___ |
| Minimal high marsh | <u>X</u> | ___ |
| Gentle grade from open water to upland | <u>X</u> | ___ |
| Dominated by <i>Spartina alterniflora</i> | <u>X</u> | ___ |

Ecological Integrity:

Land use within 500 foot zone of influence

30% Residential 10% Roads 30% Parking Lots 10% Freshwater wetlands 20% Forested

| | |
|---|---------------------------------------|
| <u>X</u> Invasive plants present | <u>YES</u> Tidal Restrictions present |
| <u>X</u> <5% invasive species | |
| ___ 5% - 20% dominated by invasive species | <u>X</u> Is wetland ditched |
| ___ > 20% dominated by invasive species | ___ grid pattern |
| Does restriction restrict seawater into wetland? <u>NO</u> | <u>X</u> linear pattern |
| Does restriction detain freshwater from entering wetland? <u>NO</u> | |
| Does restriction affect flow? <u>Yes, minor</u> | ___ Buffer present |

Shoreline Anchoring:

| Type of marsh system | Wetland morphology |
|---|---|
| <u>X</u> estuarine fringe (receives more erosive energy force) | ___ no distinct bank between wetland and upland/freshwater wetland |
| ___ estuarine meadow | <u>X</u> distinct vegetated bank present |
| ___ coastal/back-barrier | ___ distinct non-vegetated bank present |

Finfish & Shellfish Habitat:

X Shellfish beds present
X Ecological impacts present
X Diverse wetland system
X Wetland connection to freshwater wetland or stream
X Wetland used for feeding, breeding, protection, or migration
X Fisheries habitat present

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 003B

Date: September 2006

Size: ^{18.65}
~~19~~ acres

Estimated Percent of Very Poorly Drained Soils: 75%

Field Soils Verification Plots: Plot 003B-A along railroad tracks

Classification(s) in 2002 Wetland Mapping: PFO1E/SS1 & PEM1E/SS1E

Classification Change since 2002: Some die back of canopy - PF05

Boundary Verification Changes to boundary: No

Inlet Streams: No, just runoff

Outlet Streams: Drainage into 003A

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Yes, Griffin Ave

Potential Water Quality Impacts: Yes, from Interstate 95

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Highway 65% / Wetland across RR 25%
/ Commercial 10%

Is Wildlife Habitat a Principal Function of this Wetland? No

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: 20%

Prime Wetland?

Functional Analysis: Ranks relatively low

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Fragmented wetland surrounded by highway off ramp and railroad bed with
invasive species present

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 004

Date: September 2006

Size: ^{50.46}~~51~~ acres Estimated Percent of Very Poorly Drained Soils: 25%

Field Soils Verification Plots: Off Girl Scout trail

Classification(s) in 2002 Wetland Mapping: N/A

Classification Change since 2002: PFO1/4E

Boundary Verification Changes to boundary: N/A

Inlet Streams: Yes, from southwest

Outlet Streams: Yes, to northeast under Banfield Road

Ecological Integrity

Recent Impacts since 2002: None

Recent Buffer Development since 2002: Minor along Banfield Road

Potential Water Quality Impacts: Yes, from Banfield Road runoff

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Commercial 20% / Woodland 80%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? Yes, with Scout property

Does this wetland provide open vistas? Limited

Is this wetland connected to open space land? Yes

Potential Restoration Opportunity

Type of impact to wetland: None

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: 6 out of 7 principal functions

Does this wetland qualify as prime? No

Prime Wetland Recommendation: No

Justification: Does not qualify

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 13A

Date: September 2006

Size: ~~25~~^{39.97} acres in two areas Estimated Percent of Very Poorly Drained Soils: 60%

Field Soils Verification Plots: Plot 13A-A behind high school

Classification(s) in 2002 Wetland Mapping: PFO1/SS1E

Classification Change since 2002: Some areas of emergent wetland

Boundary Verification

Changes to boundary: Extensive changes eliminating 30% of wetland area and separating them into two areas

Inlet Streams: Yes, from north

Outlet Streams: Through culvert to Wetland 13B

Ecological Integrity

Recent Impacts since 2002: Additional upgrades to high school

Recent Buffer Development since 2002: High school additions

Potential Water Quality Impacts: Stormwater runoff

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: High school 40% / Residential 50% / Woodland 10%

Is Wildlife Habitat a Principal Function of this Wetland? No

Does this Wetland Rate High in Educational/Scientific Value? It has the opportunity with its proximity to the high school

Does this wetland provide open vistas? No

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation from stormwater runoff

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranking is inaccurate because of size discrepancy; it actually ranks lower than GES study indicates

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Fragmented disturbed wetland system with degraded wildlife habitat

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 13B

Date: September 2006

Size: ^{5.17}
~~5.2~~ acres

Estimated Percent of Very Poorly Drained Soils: 80%

Field Soils Verification Plots: Plot 13B-A next to ball fields

Classification(s) in 2002 Wetland Mapping: P SS1/ FO1E

Classification Change since 2002: No

Boundary Verification Changes to boundary: No

Inlet Streams: Yes, from Wetland 13A

Outlet Streams: Yes, to Sagamore Creek (Wetland 61A)

Ecological Integrity

Recent Impacts since 2002: None

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: Yes, runoff from adjacent ball fields could contain fertilizers

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 25% / Commercial 25% /
High school 25% / Woodland 25%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? No, but it has the opportunity

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes, Sagamore Creek (?)

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: Area adjacent high school

Prime Wetland?

Functional Analysis: Ranks low in GES study, very small size

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Small size, adjacent development, invasive species and historic disturbance

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 14

Date: September 2006

Size: 20 acres

Estimated Percent of Very Poorly Drained Soils: 90%

Field Soils Verification Plots: Plot 14-A adjacent to hospital parking lot

Classification(s) in 2002 Wetland Mapping: PEM1E

Classification Change since 2002: PSS1E could be added

Boundary Verification

Changes to boundary: Yes, entire southern finger should be eliminated

Inlet Streams: No

Outlet Streams: No

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: Yes, from Interstate 95

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 10% / Commercial 50% /
Highway 25% / Wetland 15%

Is Wildlife Habitat a Principal Function of this Wetland? No

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Yes

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation from stormwater runoff

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranked low in GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Surrounded by development with no buffers on three sides and invasive species

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 16

Date: September 2006

Size: ~~50~~ 50-72 acres

Estimated Percent of Very Poorly Drained Soils: 20%

Field Soils Verification Plots: 016-A off Campus Drive

Classification(s) in 2002 Wetland Mapping: PFO1/SS1E

Classification Change since 2002: No

Boundary Verification

Changes to boundary: Yes, southeast finger eliminated

Inlet Streams: No

Outlet Streams: Yes, to north / piped

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Yes, Water Country parking lot upgrades and Banfield Road development

Potential Water Quality Impacts: Stormwater runoff from adjacent development

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 10% / Woodland 20% / Commercial 60% / Sandpit 10%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? Yes, Community Campus

Does this wetland provide open vistas? No

Is this wetland connected to open space land? Yes, recreation land

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: 5 out of 7 principal functions present

Does this wetland qualify as prime? No

Prime Wetland Recommendation: No

Justification: Does not qualify

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 22

Date: September 2006

Size: ^{19.65}
~~22~~ acres

Estimated Percent of Very Poorly Drained Soils: 90%

Field Soils Verification Plots: Along Jones Avenue

Classification(s) in 2002 Wetland Mapping: PEM1E & PSS1E/FO1E

Classification Change since 2002: No

Boundary Verification Changes to boundary: Yes, minor along northern boundary

Inlet Streams: No

Outlet Streams: Yes, under Jones Avenue to Wetland 13A

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Yes, along southern boundary

Potential Water Quality Impacts: Yes, from stormwater runoff

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 80% / Woodland 20%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? Yes, a few

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranks low in GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Surrounded by development with limited vegetated buffers

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 29

Date: September 2006

Size: ~~12~~ ^{21.88} acres Estimated Percent of Very Poorly Drained Soils: 75%

Field Soils Verification Plots: 029-A

Classification(s) in 2002 Wetland Mapping: PSS1/FO1E

Classification Change since 2002: PEM1E

Boundary Verification Changes to boundary: Major change to western portion which is all upland

Inlet Streams: No

Outlet Streams: Yes, under Jones Avenue

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Yes, new development on southern boundary of wetland

Potential Water Quality Impacts: Minor from residential development

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 80% / Woodland 20%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? Yes

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: None

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: 1 out of 7 in GES Study / WEI found 5 out of 7 functions present

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Surrounded by development with minimal vegetated buffers

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 31

Date: September 2006

Size: ^{15.09} 15 acres Estimated Percent of Very Poorly Drained Soils: 90%

Field Soils Verification Plots: 031-A off Sherburne Street

Classification(s) in 2002 Wetland Mapping: PFO1/SS1E/EM1E

Classification Change since 2002: No

Boundary Verification Changes to boundary: Minor

Inlet Streams: No

Outlet Streams: Yes, under Essex Ave to the east

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: Yes, from apartment complex

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 100%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: 2 out of 7 in GES Study / WEI found 4 out of 7 functions present

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Surrounded by development with minimal vegetated buffers

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 38

Date: September 2006

Size: ^{4.96}
~~5~~ acres

Estimated Percent of Very Poorly Drained Soils: 50%

Field Soils Verification Plots: No

Classification(s) in 2002 Wetland Mapping: PFO4E

Classification Change since 2002: No

Boundary Verification Changes to boundary: No

Inlet Streams: No

Outlet Streams: No

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: Yes, from stormwater runoff

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 70% / Woodland 30%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? No

Is this wetland connected to open space land? No – surrounded by development

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranked low in GES Study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Very small (5 acres), surrounded by development, no diverse or unique habitat

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 44

Date: September 2006

Size: ^{4.56}
~~4.6~~ acres

Estimated Percent of Very Poorly Drained Soils: 80%

Field Soils Verification Plots: No

Classification(s) in 2002 Wetland Mapping: PFO1E/SS1E

Classification Change since 2002: No

Boundary Verification

Changes to boundary: No

Inlet Streams: Part of a larger wetland in Rye

Outlet Streams: N/A

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: No

Natural Heritage Elements Present: Unknown

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 35% / Woodland 25% / Golf course 40%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? Yes

Is this wetland connected to open space land? Unknown

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranked low in GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Most of this wetland is in Rye and the city cannot designate wetlands outside of Portsmouth

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 50

Date: September 2006

Size: ~~5.8~~^{5.78} acres Estimated Percent of Very Poorly Drained Soils: less than 50%

Field Soils Verification Plots: No

Classification(s) in 2002 Wetland Mapping: PFO1E/SS1E with an area of PEM1E

Classification Change since 2002: No

Boundary Verification Changes to boundary: No

Inlet Streams: Yes, from south

Outlet Streams: Yes, from north

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: No

Potential Water Quality Impacts: Yes, surrounded by development

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 50% / Woodland 20% /
Commercial 30%

Is Wildlife Habitat a Principal Function of this Wetland? Yes

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? No

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: Water quality degradation

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranked low in GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Very small (6 acres) surrounded by commercial / residential development
with minimal vegetated buffers, water quality degradation present

WEST 
ENVIRONMENTAL

West Environmental, Inc.
Portsmouth Prime Wetland Designation Data Form

Wetland ID: 117

Date: September 2006

Size: ~~2.5~~^{2.51} acres

Estimated Percent of Very Poorly Drained Soils: 50%

Field Soils Verification Plots: No

Classification(s) in 2002 Wetland Mapping: PFO1E/SS1E

Classification Change since 2002: Emergent area established

Boundary Verification Changes to boundary: No

Inlet Streams: Yes, from south

Outlet Streams: Yes, from north under Gosport Road

Ecological Integrity

Recent Impacts since 2002: No

Recent Buffer Development since 2002: Residential subdivision

Potential Water Quality Impacts: Yes, from stormwater runoff

Natural Heritage Elements Present: No

Urban Quality of Life

Dominant Land Use within 1500 feet of wetland: Residential 80% / Woodland 20%

Is Wildlife Habitat a Principal Function of this Wetland? No

Does this Wetland Rate High in Educational/Scientific Value? No

Does this wetland provide open vistas? No

Is this wetland connected to open space land? No

Potential Restoration Opportunity

Type of impact to wetland: No

Approximate area of restoration: N/A

Prime Wetland?

Functional Analysis: Ranked lowest in GES study

Does this wetland qualify as prime? Yes

Prime Wetland Recommendation: No

Justification: Surrounded by residential development with minimal vegetated buffers; not diverse or unique

Appendix B

City Council Action Sheet

From July 10, 2010 Portsmouth City Council Meeting

With Approval to Adopt Prime Wetlands As Described

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK
RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JULY 19, 2010, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE
PRESENT: MAYOR FERRINI, ASSISTANT MAYOR NOVELLINE CLAYBURGH, COUNCILORS HEJTMANEK, SPEAR, DWYER*, COVIELLO AND SMITH
ABSENT: COUNCILORS LISTER AND KENNEDY

*Councilor Dwyer participated via conference call, therefore all votes were taken by roll call in compliance with the Right-to-know RSA.

1. At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
2. Acceptance of Minutes – June 21, 2010 – Voted on a 7-0 roll call to approve and accept the minutes of the June 21, 2010 City Council meeting.
3. Public Comment Session – There were 6 speakers: Karina Quintans (Downtown Portsmouth Zero Waste Project); Martin Cameron and Bill St. Laurent (WWI Monuments); Al Lapanne and Bill St. Laurent (Opening Sherburne Gate); Al Silva (Projecting Sign at 19 Congress Street); and Mary Lou McElwain (Red Ginger Sidewalk Obstruction)
4. Public Hearing – Pursuant to RSA 482-A:15 II on the Designation of Prime Wetlands in Accordance with the Report Prepared for the Conservation Commission by West Environmental in February 2007 – Held a public hearing. One speaker, Philip Stokel.
5. Acceptance of Conservation License Plate Grant – Voted on a 7-0 roll call to authorize the City Manager to accept and expend a \$10,000.00 grant from the State of New Hampshire Division of Historical Resources Conservation License Plate Grant Program for the Morton-Benedict House Roof Project.
6. Acceptance of Donations to the Coalition Legal Fund - Voted on a 7-0 roll call to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund.
 - Town of Carroll - \$1,000.00
 - Town of Moultonborough - \$5,000.00
 - Town of Tuftonboro - \$5,000.00
7. Voted on a 7-0 roll call to suspend the rules to take up Item X.A.1. – Prime Wetlands Designation.
8. Prime Wetlands Designation – Moved to adopt prime wetlands as designated on the Proposed Prime Wetland map with the exception of wetland 007 located on the Pease Tradeport and to authorize the City Manager to forward all necessary supporting documentation to the NH Department of Environmental Services for their review. Motion to table this matter for a report back from Planning Department failed on a 2-5 roll call vote. Main motion passed on a 6-1 roll call vote, Councilor Smith opposed.

9. Prime Wetlands Designation - Voted on a 7-0 roll call to authorize the City Manager to send a letter to the Pease Development Authority to ask them to seek State designation of wetland 007 as a Prime Wetland.
10. Consent Agenda – Voted on a 7-0 roll call to adopt the Consent Agenda.
 - A. Letter from James Heinz and Rochelle Jones requesting permission to hold a softball game fundraiser for firefighter Sarah Fox on Sunday, August 22, 2010 at 2:00 p.m. at Alumni Field (***Anticipated action – move to refer to the City Manager with power***)
11. Letter from Cindi Blanchette, Portsmouth City Soccer Club, requesting permission to hang banners at Leary field during soccer season from mid August through November (Same conditions as last year) – Voted on a 7-0 roll call to refer to the City Manager with power.
12. Letter from Richard Adams requesting that the City Council reconsider its action regarding the WW I monuments. – Voted on a 6-1 roll call to accept and place the letter on file. Councilor Spear voted opposed.
13. Petition requesting to open the back gate on Sherburne Road for a trial period during construction of the bridge over Interstate 95 – Voted on a 7-0 roll call to refer to the Traffic and Safety Committee for a report back.
14. Letter from Thans Lapanne requesting to change the name of the portion of Sherburne Road on the Tradeport – Voted on a 7-0 roll call to refer to the Planning board for a report back.
15. Request for License Agreement RE: 51 Islington Street, LLC – Voted on a 6-0 roll call to authorize the City Manager to enter into a license agreement with 51 Islington Street LLC to facilitate construction activities. Councilor Coviello abstained from voting on the matter.
16. Request for a License from Jeff Casler, owner of the Second Time Around, for property located at 19 Congress Street to install a projecting sign – Vote on a 7-0 roll call to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Jeff Casler, owner of Second Time Around, to install a projecting sign on a new bracket at 19 Congress Street and further authorize the City Manager to execute a License Agreement for this request.
 - 1) The license shall be approved by the Legal Department as to content and form;
 - 2) Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
 - 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

17. Approval of Downtown Portsmouth Zero Waste Project – Voted on a 7-0 roll call to authorize the City Manager to proceed with the placement of recycling containers in downtown Portsmouth, as presented at the work session and the map location.
18. Report Back Re: Red Ginger, LLC, 261 South Street – Voted on a 7-0 roll call to approve the extension of the Sidewalk Obstruction License for the Red Ginger, 261 South Street for the remainder of the year at which time it is renewable annually.
19. Request to Establish a Work Session with Recreation Board Re: Recreation Needs Study – Voted on a 7-0 roll call to establish a work session with the Recreation Board regarding the Recreation Needs Study on Tuesday, September 7, 2010 at 6:00 p.m.
20. Representatives to the Rockingham Metropolitan Planning Organization (MPO) Technical Advisory (TAC) – Voted on a 7-0 roll call to designate Steve Parkinson, Public Works Director, Dave Allen, Deputy Public Works Director (alternate) and Rick Taintor, Planning Director (alternate) to act as the City's representatives to the Rockingham Metropolitan Planning Organization (MPO) Technical Advisory Committee (TAC) for the July 2010 – June 30, 2013 term
21. Appointment to be Voted – Elissa Hill Stone – Appointment as an Alternate to the Conservation Commission – Voted on a 7-0 roll call to appoint Elissa Hill Stone as an alternate to the Conservation Commission with term to expire 04/01/2013.
22. Acceptance of Resignation – Susanne Delaney – Economic Development Commission – Voted on a 7-0 roll call to accept the resignation of Susanne Delaney from the Economic Development Commission with regret and a letter of appreciation.
23. Report Back from School Board Re: Final Budget Adjustments – Voted on a 7-0 roll call to place on file the list of final adjustments made by the Portsmouth School Board to the FY2010 Budget.
24. Letter from First Lady Michelle Obama Re: Preserve America Community Designation – Voted on a 7-0 roll call to place Letter from First Lady Michelle Obama regarding Preserve American Community Designation on file.
25. Mayor's Report – Request from African Burying Ground Committee to make a presentation before the Council. – Mayor Ferrini submitted into the record a letter from Vernis Jackson, Chair, African Burying Ground Committee, requesting to make a presentation to the City Council with a suggested date of September 20, 2010.
26. Parking Committee Action Sheet and Minutes of the July 8, 2010 meeting. – Voted on a 7-0 roll call to approve and accept the action sheet and minutes of the July 8, 2010 Parking Committee meeting.
27. Adjournment - At 8:35 p.m., voted on a 7-0 roll call to adjourn.

Respectfully submitted by:
Valerie A. French, Deputy City Clerk I



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Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists



Other Information to Demonstrate No Significant Loss of Wetlands Values

Env-Wq 706.04(b)(4)

Introduction

This *Functional Assessment and Impact Analysis* was conducted to support a *NHDES Prime Wetland Waiver Request*. This project proposes to impact the intertidal zone and *Developed Upland Tidal Buffer Zone* which is also within a *Duly Established 100-Foot Prime Wetland Buffer*. Under NHDES Wetlands Bureau Administrative Rule Env-Wt 706.04, we are required to demonstrate this project will not result in the *significant net loss* of the wetland values identified by the municipality when the prime wetlands associated with the buffer was designated. This supplemental document assesses the additional values not highlighted within the initial Functions and Values Assessment included with the original permit application and the Functional Assessment and Impact Analysis of the wetland values set forth in RSA 482-A:1, as required by NHDES Wetlands Bureau Administrative Rule Env-Wt 704.02 and RSA 482-A:11, IV(a).

The impacts associated with this project are necessary to replace an existing failing bridge with a new bridge, remove exiting causeways within public waters that act as a significant tidal restriction, connect the island to municipal utilities, restore areas currently occupied by the causeways with salt marsh, restore the developed upland tidal buffer zone with native vegetation, and connect the island to municipal utilities.

The jurisdictional areas adjacent to the project site are predominantly Estuarine, Intertidal, Unconsolidated Shore, Cobble-Gravel (E2US1) and Estuarine, Intertidal, Unconsolidated Shore, Mud (E2US3). Isolated narrow bands of fringe salt marsh exist along the neighboring shorelines (E2EM1).

The upland area adjacent to the wetland is an approximately 12-acre island. The island consists of a single residential property that previously utilized some areas for equestrian purposes. The mainland consists of wooded areas with intermittent pockets of forested freshwater wetlands. No impacts are proposed to the freshwater wetlands. While the bulk of the areas to be impacted are previously developed, open areas, the NH Fish and Game Wildlife Action Plan (WAP) identifies the habitat adjacent to the area to be impacted as salt marsh and hemlock hardwood pine. The WAP indicates the Tidal Wetland resources are of the *Highest Ranked Habitat in NH*.

Methods

The wetland boundaries, more particularly, the *Highest Observable Tide Line* (HOTL), was delineated using the methods prescribed by NHDES Administrative Rule Env-Wt 602.23. The wetlands boundaries, including the limits of the 100-foot tidal buffer zone, are depicted on the attached site plans.

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
170 Commerce Way—Suite 102, Portsmouth, NH 03801
T(603) 431-2222

The wetlands were classified based on the Classification of Wetlands and Deepwater Habitats of the United States, adapted from Cowardin, Carter, Golet and LaRoe (1979), August 2013, FGDC-STD-004-2013.)

The Functional Assessment was conducted by performing field visits on June 6, 2022 and June 10, 2022. The wetlands were assessed using the *Army Corps of Engineers Highway Methodology* (September 1999, NAEPP-360-1-30a).

The *Ecological integrity* of the wetlands was assessed using the *Method for Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire (June 1993)* and data from the NH Fish and Game Wildlife Action Plan (WAP).

The City of Portsmouth Prime Wetland Analysis Report, January 2011, prepared by West Environmental, Inc. Services, which was used to assess wetland resources for the purpose of *Prime Wetlands Designation* under RSA 482-A:15, was referenced as well.

Additional Wetland Values Identified by the City of Portsmouth

1. Urban Quality of Life

This value evaluates the potential for the wetland to enhance the quality of urban life by providing wildlife habitat and other natural values in an urban setting.

Impact Analysis

Although the project is not occurring in an urban setting, the Prime Wetland *does* enhance the quality of life for the local residential community. While some impacts are proposed within the Prime Wetland Buffer, as a result of the salt marsh restoration, there will be no net loss of salt marsh area. This project proposes significant environmental improvements, and therefore, it will have no adverse impacts on the “Urban Quality of Life” value.

2. Open Vistas

This value evaluates the overall aesthetic quality and the ability of the wetland to provide scenic views.

Impact Analysis

While some impacts are proposed within the Prime Wetland Buffer, salt marsh restoration is proposed so there will be no net loss of salt marsh area. Removal of the existing unsightly causeways will significantly improve the open vistas. This project proposes significant environmental improvements and improvements to the existing vistas, and therefore, it will have no adverse impacts on the “Open Vistas” value.

Summary

In summary, the environmental benefits associated with this project far outweigh the subtle impacts that must occur to the Duly-Established 100-foot Prime Wetland Buffer, and therefore, in accordance with



NHDES Wetlands Bureau Administrative Rule Env-Wt 704.02 and RSA 482-A:11, IV(a), this project will not result in the *significant net loss* of the additional wetland functions and values identified by the City of Portsmouth when this wetland was nominated to become a prime wetland.

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References

ACOE *Army Corps of Engineers Highway Methodology* (September 1999, NAEPP-360-1-30a).

Ammann, A.P. and A.L. Stone. 1993. *Method for Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire*.

Cowardin, L.M., V. carter, F.C Golet, and E.T. LaRoe. 1979. *Classification of Wetlands and Deep-Water Habitats of the United States*. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Method for Comparative Evaluation of Nontidal Wetlands in New Hampshire (1991), (NH Method).

New Hampshire Fish and Game Department Wildlife Action Plan (WAP).

The City of Portsmouth Prime Wetland Analysis Report, January, 2011.

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**ABUTTER NOTIFICATION FOR
PRIME WETLAND BUFFER WAIVER REQUEST**

VIA CERTIFIED MAIL

May 22, 2023

Lisa M. Oakes
315 Little Harbor Road
Portsmouth, NH 03801

Project # 47099.01

**RE: NHDES Wetlands Permit Application – Lady Isle Bridge Replacement Project
325 Little Harbor Road, Portsmouth, Tax Map: 204, Lot: 5**

Dear Abutter:

This letter is to inform you that a Prime Wetland Buffer Waiver Request will be filed with the NH Department of Environmental Services (NHDES). Under NH Wetlands Law, RSA 482-A:11, IV(c) impacts proposed within a Duly Established 100-Foot Prime Wetland Buffer require a waiver from NHDES. Because your property, too, is within the Duly Established 100-Foot Prime Wetland Buffer, we are required to notify of this waiver request. The application, including the plans that depict the proposed impact areas, are available for viewing at the City of Portsmouth Clerk's Office.

Sincerely,
TFMoran, Inc.

Jay Aube, CWS
Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

JRA/ ah

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**ABUTTER NOTIFICATION FOR
 PRIME WETLAND BUFFER WAIVER REQUEST**

VIA CERTIFIED MAIL

May 22, 2023

Lisa A. Grondahl Revocable Trust
 304 Maplewood Ave
 Portsmouth, NH 03801

Project # 47099.01

**RE: NHDES Wetlands Permit Application – Lady Isle Bridge Replacement Project
 325 Little Harbor Road, Portsmouth, Tax Map: 204, Lot: 5**

Dear Abutter:

This letter is to inform you that a Prime Wetland Buffer Waiver Request will be filed with the NH Department of Environmental Services (NHDES). Under NH Wetlands Law, RSA 482-A:11, IV(c) impacts proposed within a Duly Established 100-Foot Prime Wetland Buffer require a waiver from NHDES. Because your property, too, is within the Duly Established 100-Foot Prime Wetland Buffer, we are required to notify of this waiver request. The application, including the plans that depict the proposed impact areas, are available for viewing at the City of Portsmouth Clerk’s Office.

Sincerely,
TFMoran, Inc.

Jay Aube, CWS
 Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

JRA/ ah

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**NEW
HAMPSHIRE
200**

**ABUTTER NOTIFICATION FOR
PRIME WETLAND BUFFER WAIVER REQUEST**

VIA CERTIFIED MAIL

May 22, 2023

City of Portsmouth Conservation Commission
1 Junkins Ave
Portsmouth, NH 03801

Project # 47099.01

**RE: NHDES Wetlands Permit Application – Lady Isle Bridge Replacement Project
325 Little Harbor Road, Portsmouth, Tax Map: 204, Lot: 5**

Dear Abutter:

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Sincerely,
TFMoran, Inc.

Jay Aube, CWS
Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

JRA/ ah

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**GOVERNING BODY NOTIFICATION FOR
 PRIME WETLAND BUFFER WAIVER REQUEST**

VIA CERTIFIED MAIL

May 22, 2023

City of Portsmouth
 1 Junkins Avenue
 Portsmouth, NH 03801

TFM Project # 47099.01

RE: NHDES Wetlands Permit Application, 325 Little Harbor Road, Portsmouth, Tax Map/ Lot: 204/5

To Whom It May Be Concerned:

This letter is to inform you that a Prime Wetland Buffer Waiver Request will be filed with the NH Department of Environmental Services (NHDES). Under NH Wetlands Law, RSA 482-A:11, IV(c) impacts proposed within a Duly Established 100-Foot Prime Wetland Buffer require a waiver from NHDES.

Should you require additional information, please contact me anytime.

Sincerely,

TFMoran, Inc.

Jay Aube, CWS
 Environmental Scientist

cc: NHDES Wetlands Bureau

JRA/sdr

VIA CERTIFIED MAIL

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**GOVERNING BODY NOTIFICATION FOR
PRIME WETLAND BUFFER WAIVER REQUEST**

May 22, 2023

City of Portsmouth
Planning Board
1 Junkins Avenue
Portsmouth, NH 03801

TFM Project # 47099.01

**RE: NHDES Wetlands Permit Application, 325 Little Harbor Road, Portsmouth, Tax Map/ Lot:
205/2 & 204/5**

To Whom It May Be Concerned:

This letter is to inform you that a Prime Wetland Buffer Waiver Request will be filed with the NH Department of Environmental Services (NHDES). Under NH Wetlands Law, RSA 482-A:11, IV(c) impacts proposed within a Duly Established 100-Foot Prime Wetland Buffer require a waiver from NHDES.

Should you require additional information, please contact me anytime.

Sincerely,
TFMoran, Inc.

Jay Aube, CWS
Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

JRA/sdr



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**GOVERNING BODY NOTIFICATION FOR
PRIME WETLAND BUFFER WAIVER REQUEST**

May 22, 2023

City of Portsmouth
Conservation Commission
1 Junkins Avenue
Portsmouth, NH 03801

TFM Project # 47099.01

**RE: NHDES Wetlands Permit Application, 325 Little Harbor Road, Portsmouth, Tax Map/ Lot:
205/2 & 204/5**

To Whom It May Be Concerned:

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Should you require additional information, please contact me anytime.

Sincerely,
TFMoran, Inc.

Jay Aube, CWS
Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

JRA/sdr



**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: ADL 325 Little Harbor Road Trust

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?

N/A - No, the primary purpose of this project is to replace an existing failing bridge with a new bridge, restore the tidal resource area, and connect the island to municipal utilities.

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 but, the new wooden pile supported bridge will be constructed within tidal waters and mud flats.

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.*

There is no other access way to the island that would be less impactful than constructing a bridge adjacent to the existing bridge.

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?](#)

There are no alternative designs, techniques or layouts that would aid in minimizing impacts to jurisdictional areas. Designing a bridge on wood piles that spans the resource and removes large concrete causeways within public waters that currently restrict tidal flows and impede aquatic organisms passage is the best design possible. This project also proposes to restore salt marsh area and the Previously Developed Upland Tidal Buffer Zone with native vegetation.

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.*

A Coastal Functional Assessment (CFA) was performed to assess the "wetland" within the vicinity of the proposed impacts. In this instance, the "wetland" is the neighboring fringe salt marsh areas. We assessed the tidal mud flat areas as well. The Coastal Functional Assessment concluded these are exceptional resources that had qualifers for a significant number of key functions and values. The project does not, however, pose any threat or harm to the functions and values of these resource. This project will significantly enhance the overall value and ecological integrity within this area of NH's seacoast.



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WORK SEQUENCE NARRATIVE FOR LAND-BASED IMPACTS

Env-Wt 311.06 (d)

- 1.) At least 48-hours prior to commencing the construction activities, the property owner will notify NHDES via the *Initiation of Construction Notification Form*.
- 2.) Prior to construction, silt socks barrier will be installed at the limits of the approved impact area.
- 3.) Once installed, a *Certified Professional in Erosion and Sediment Controls* (CPESC) will inspect the erosion and siltation control devices.
- 4.) The erosion and siltation control devices will be monitored, inspected, and adjusted as required throughout the duration of the project as required.
- 5.) Construction equipment will be inspected daily for leaking fuel, oil, and hydraulic fluid, and, if necessary, repairs will be made immediately.
- 6.) Contractors responsible for operating construction equipment will have adequate oil spill kits on site and readily accessible during construction and they will be trained in deploying this equipment should it be required.
- 7.) Construction activities will occur as described within the construction details on the approved plans and as conditioned by NHDES.
- 8.) Upon project completion, exposed soils will be seeded and watered as needed.
- 9.) Upon completing the project, the property owner, or their agent, will notify NHDES via the *Completion of Construction Notice and Certificate of Compliance Form*.
- 10.) Once the site is stable, the erosion and siltation control devices will be removed.





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WORK SEQUENCE NARRATIVE FOR PROPOSED BRIDGE Env-Wt 311.06 (d)

- 1.) At least 48-hours prior to commencing the construction activities, the property owner will notify NHDES via the *Initiation of Construction Notification Form*.
- 2.) Prior to construction, silt sock barriers will be installed at the limits of the approved impact areas.
- 3.) Turbidity curtains will be installed around the perimeter of the proposed new bridge approach impact areas.
- 4.) Once installed, a *Certified Professional in Erosion and Sediment Controls* (CPESC) will inspect the erosion and siltation control devices.
- 5.) The erosion and siltation control devices will be monitored, inspected, and adjusted as required throughout the duration of the project as required.
- 6.) To the greatest extent possible, bridge approach construction will be conducted during low tide.
- 7.) Construction equipment will be inspected daily for leaking fuel, oil, and hydraulic fluid, and, if necessary, repairs will be made immediately.
- 8.) Contractors responsible for operating construction equipment will have adequate oil spill kits on site and readily accessible during construction and they will be trained in deploying this equipment should it be required.
- 9.) Construction activities will occur as described within the construction details on the approved plans, as conditioned by NHDES, and those provided by the bridge designer, York Bridge Concepts (YBC), included with this work sequence narrative.
- 10.) Upon project completion, exposed soil adjacent to the new bridge approaches will be seeded and watered as needed.
- 11.) Upon completing the project, the property owner, or their agent, will notify NHDES via the *Completion of Construction Notice and Certificate of Compliance Form*.
- 12.) Once the site is stable, the erosion and siltation control devices will be removed.



May 15, 2023

RE: Lady Isle Timber Bridge Work Sequence

Note that all below timeframes are weather-pending.

1. Mobilization & site set up – 2-3 days

1. YBC receives deliveries of material and equipment and sets up staging area.
2. Piling is coated with acrylic polymer coating prior to installation
3. Installation and maintenance of silt fence, floating turbidity barrier, or other BMPs is in place prior to YBC arrival

2. Build first abutment – 1-1.5 weeks

1. Prior to YBC arrival, client to install fill material to prevent water from prohibiting abutment construction
2. Starting on the mainland side of the crossing, YBC drives piling for first abutment and builds up headwall and wingwalls to elevation.
3. Minor excavation will occur at the base of the abutment to ensure that abutment is at least 2' below existing grade.
4. Piling is vibrated to refusal using NPK C8-C vibratory compactor attached to boom of a 200 series excavator.
5. After wall construction, client to bring in temporary backfill material to enable YBC equipment access to the top of the bridge.
6. After wall construction, client to install riprap prior to framing of first bridge span

3. Build Substructure from Bridge Deck – 3-4 weeks

1. YBC access the top of the bridge with excavator and drive pre-coated piling for the next bent.
 - a. This method introduces very minor impact to the crossing as machinery remains on top of the structure throughout construction.
2. Piling will be cut to elevation and pile cap installed from scaffolding temporarily installed to the bridge
3. Pile wrap & X-brace will be installed from a small, site-built raft. See the attached drawing plans for raft assembly
4. Bridge framing and structural deck is installed from top of bridge
5. Excavator is moved onto the newly built span, and the process is repeated for the first 10 spans.

4. Build second abutment – 1-1.5 weeks

1. YBC will move equipment and material to the island side of the crossing via existing bridge
2. Starting from the island side of the crossing, YBC drives piling for second abutment and builds up headwall and wingwalls to elevation.
3. Minor excavation will occur at the base of the abutment to ensure that abutment is at least 2' below existing grade.
4. Piling is vibrated to refusal using NPK C8-C vibratory compactor attached to boom of a 200 series excavator.
5. After wall construction, client to bring in temporary backfill material to enable YBC equipment access to the top of the bridge.
6. After wall construction, client to install riprap prior to framing of first bridge span

5. Build substructure from Bridge Deck – 3-4 weeks

1. 10 bridge spans are built from island side in the same manner as the 10 spans above from mainland side

6. Build center freespan – 1 week

1. Glulam beams are placed for the center freespan via excavator located on top of the bridge deck
2. YBC installs framing and decking to the center span from the newly installed bridge deck

7. Build Curb & Guiderail System – 5-6 weeks

1. Curb and guiderail system is installed from the bridge deck

8. Apply Coatings – 2 weeks

1. Acrylic-polymer paint is applied to abutments via paint sprayer
 - a. Some touch up painting of the substructure may be required.
2. 3-coat translucent protective oil system is applied to outside stringers, curb, and guiderail system

9. Install weardeck – 2-3 weeks

1. Hardwood weardeck is installed

10. Cleanup and demobilization – 2-3 days

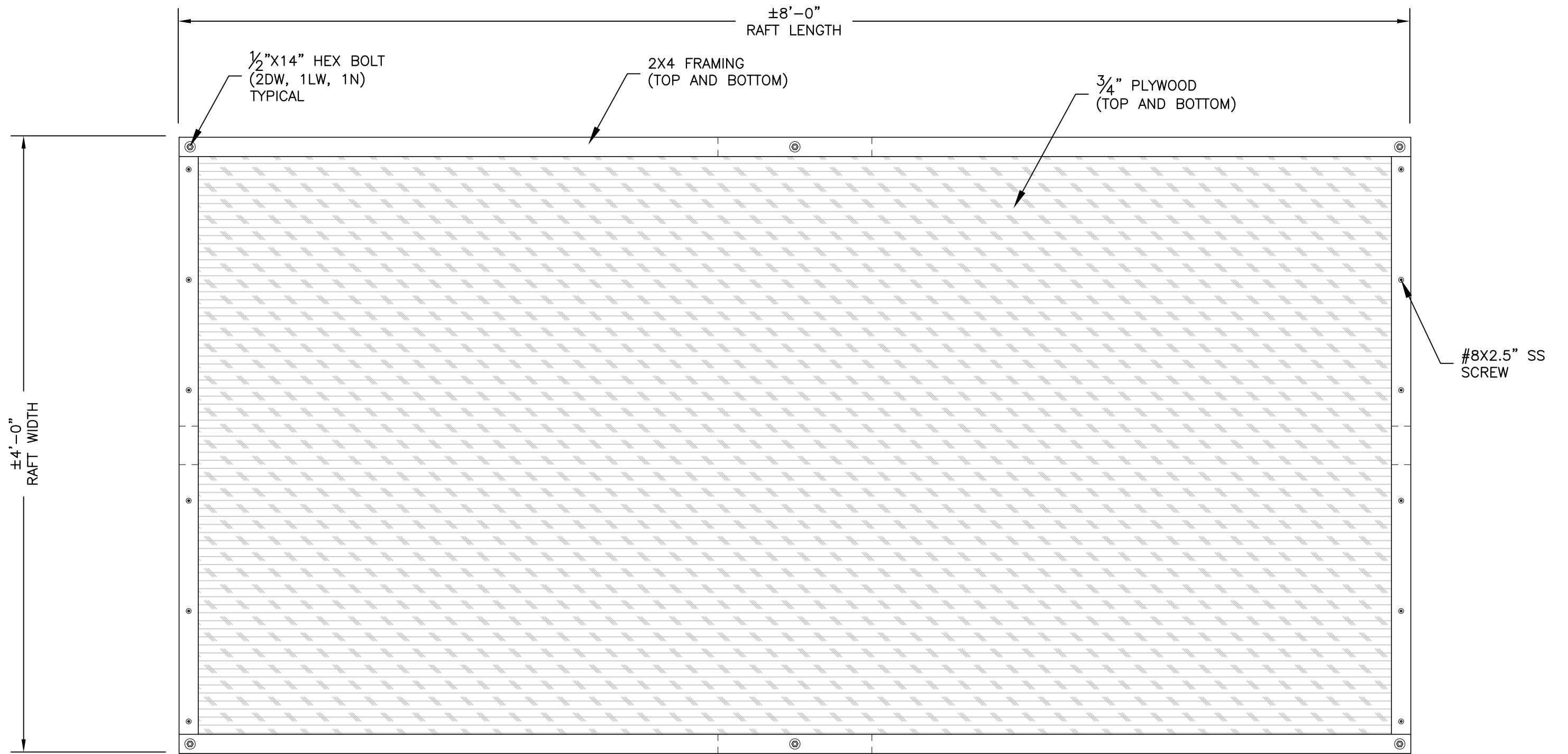
1. YBC cleans up site and demobilizes equipment

Sincerely,

York Bridge Concepts, Inc

Brian Kennedy

Director of Construction Services



1 DETAIL - RAFT PLAN VIEW
SCALE: NONE

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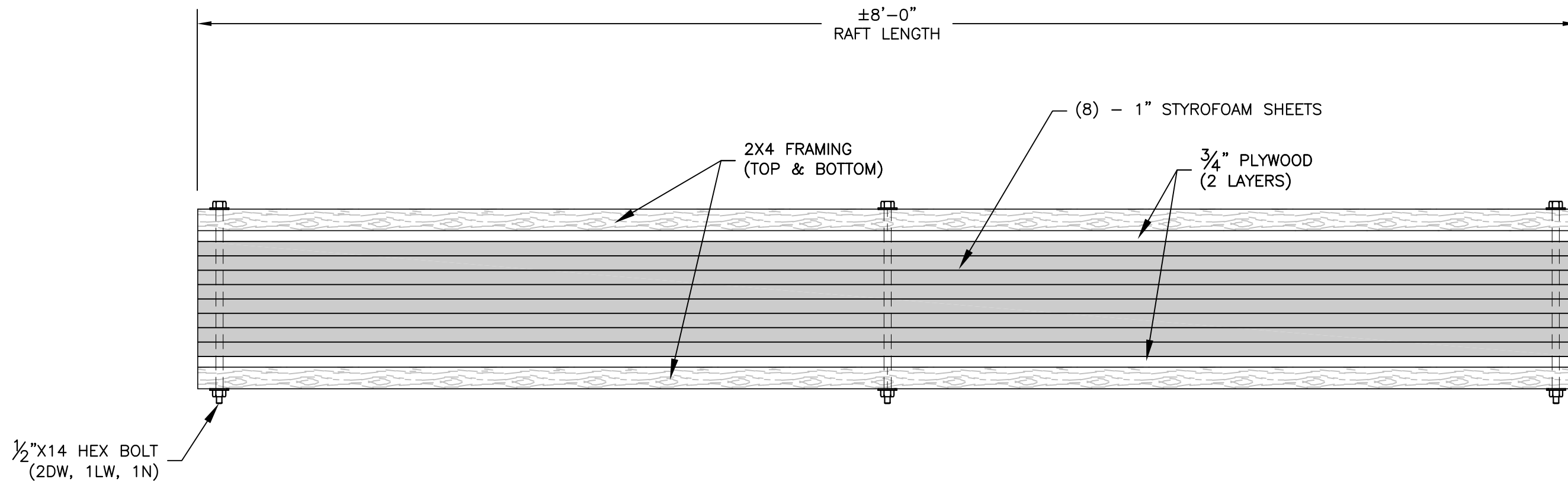
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STYROFOAM RAFT DETAIL

DETAILS
RAFT - PLAN VIEW

DESIGNED LOADING

| | | | |
|---------------------------------|-----------------|-----------------------|---------------------------------|
| DATE/TIME: September 4, 2015 | DRAWN BY: NA | PROJECT NUMBER: NA | SHEET NUMBER: DETAILS |
|---------------------------------|-----------------|-----------------------|---------------------------------|



1 DETAIL - RAFT PROFILE VIEW
SCALE: NONE

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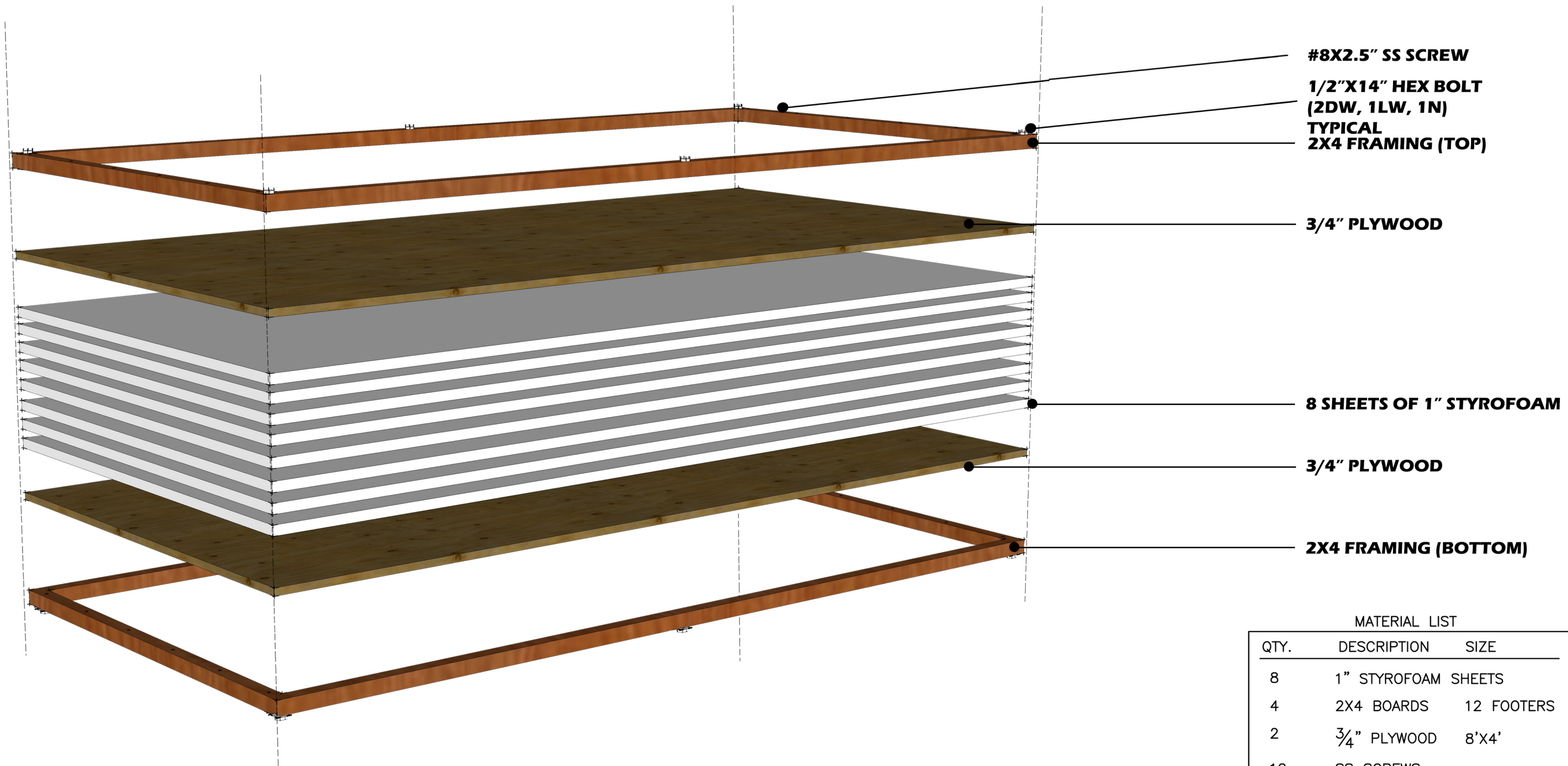
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STYROFOAM RAFT DETAIL

DETAILS
RAFT PROFILE VIEW

DESIGNED LOADING

| | | | |
|---------------------------------|-----------------|-----------------------|---------------------------------|
| DATE/TIME: September 4, 2015 | DRAWN BY: NA | PROJECT NUMBER: NA | SHEET NUMBER: DETAILS |
|---------------------------------|-----------------|-----------------------|---------------------------------|



1 **DETAIL - RAFT 3D**
 SCALE: NONE

MATERIAL LIST

| QTY. | DESCRIPTION | SIZE |
|------|---------------------|------------|
| 8 | 1" STYROFOAM SHEETS | |
| 4 | 2X4 BOARDS | 12 FOOTERS |
| 2 | 3/4" PLYWOOD | 8'X4' |
| 12 | SS SCREWS | #8X2.5" |
| 6 | HEX BOLT | 1/2"X14" |



STYROFOAM RAFT DETAIL

DETAILS
 RAFT 3D

DESIGNED LOADING

| | | | |
|---------------------------------|-----------------|-----------------------|---------------------------------|
| DATE/TIME: September 8, 2015 | DRAWN BY: NA | PROJECT NUMBER: NA | SHEET NUMBER: DETAILS |
|---------------------------------|-----------------|-----------------------|---------------------------------|

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Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists



WORK SEQUENCE NARRATIVE FOR CAUSEWAY REMOVAL

Env-Wt 311.06 (d)

- 1.) At least 48-hours prior to commencing the construction activities, the property owner will notify NHDES via the *Initiation of Construction Notification Form*.
- 2.) Prior to construction, silt sock barriers will be installed at the limits of the approved upland impact areas.
- 3.) Turbidity curtains will be installed around the perimeter of the causeways at a distance that will allow for work to occur without being interfered with.
- 4.) Once installed, a *Certified Professional in Erosion and Sediment Controls* (CPESC) will inspect the erosion and siltation control devices.
- 5.) The erosion and siltation control devices will be monitored, inspected, and adjusted as required throughout the duration of the project as required.
- 6.) This work is *only* to occur during the approved construction window of November 15th and March 15th.
- 7.) To the greatest extent possible, the excavation work necessary to remove the existing causeways will occur at low tide.
- 8.) Excavation will begin at the end of the causeway and work landward. Large concrete structures will be removed to an elevation of 2-feet below the neighboring mud flats so that, with time, natural sediment migration will cover these structures.
- 9.) During low tide, to the greatest extent practicable, the mud flat areas will be regraded to mimic the natural contours of the surrounding area.
- 10.) Construction equipment will be inspected daily for leaking fuel, oil, and hydraulic fluid, and, if necessary, repairs will be made immediately.
- 11.) Contractors responsible for operating construction equipment will have adequate oil spill kits on site and readily accessible during construction and they will be trained in deploying this equipment should it be required.
- 12.) Construction activities will occur as described within the construction details on the approved plans, as conditioned by NHDES.
- 13.) Upon project completion, silt-sox will remain in place until the growing season.
- 14.) Once the growing season arrives, exposed upland soils will be loamed and seeded and the Developed Upland Tidal Buffer Zone will be restored with native vegetation according to the Developed Upland Restoration Plan.
- 15.) Upon completing the causeway removal and tidal area regrading, and after 6-months of natural sediment migration and tidal exposure, if the natural tidal hydrodynamics have returned, the salt marsh restoration will commence as detailed within the Salt Marsh Restoration Work Sequence Narrative.

TFMoran, Inc.

48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division

170 Commerce Way–Suite 102, Portsmouth, NH 03801
T(603) 431-2222

- 16.) Within 1-week of completing the salt marsh restoration, a report, with photographs, will be submitted to NHDES to document the salt marsh restoration was completed. Monitoring reports will be submitted to NHDES annually for 2-years to document the success of the salt marsh restoration.
- 17.) Upon completing the project, the property owner, or their agent, will notify NHDES via the *Completion of Construction Notice and Certificate of Compliance Form*.
- 18.) Once the site is stable, the erosion and siltation control devices will be removed.

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Scientists



SALT MARSH RESTORATION WORK SEQUENCE NARRATIVE

1. Upon completing the causeway removal and intertidal area regrading, and after 6-months of natural sediment migration and tidal exposure, the salt marsh restoration will commence provided the natural tidal hydrodynamics have returned and the site is sufficiently stable. If more time is required to achieve hydrodynamic stability, the salt marsh restoration will commence at the beginning of the next growing season.
2. Each fringe salt marsh area to be restored includes *Low Marsh* and *High Marsh* areas. Low Marsh exists between Mean Low Water (MLW) and Mean High Water (MHW). High Marsh exists between Mean High Water (MHW) and the landward limit of extreme high tides. These areas will be planted according to inundation frequency and soil structure, saturation, and chemistry requirements.
3. To the greatest extent possible, the soil's organic content and grain size will match that of the neighboring fringe salt marsh areas. During the causeway removal process, materials and soil will be distributed to the restoration areas so this can be achieved. *Spartina spp.* will be used for restoration as these species are hardy and well adapted to sandy, low nutrient soils.
4. Restoration activities will commence at low tide. Low Marsh zones will be planted with vegetation mats. Mats of Smooth Cordgrass (*Spartina alterniflora*) will be planted in accordance with the restoration plans. Spacing and distribution of the vegetation mats are depicted on the Salt Marsh Restoration Plan.
5. High Marsh zones will be planted primarily with vegetation mats of Saltmeadow Cordgrass (*Spartina patens*). Vegetation mats of Saltgrass (*Distichlis spicata*) and Black Grass (*Juncus gerardii*) may be incorporated, to increase diversity. If they are incorporated, Saltgrass and Black Grass mats will be distributed in a random, mixed fashion to achieve a more natural condition.
6. Within 1-week of completing the salt marsh restoration, a monitoring report will be submitted to NHDES. Annually, for two years, subsequent monitoring reports will be submitted to NHDES to document the success of the restoration.
7. If, after 2-growing seasons, a planting success rate of at least 75% is not achieved, additional plantings will occur until this planting success rate is achieved.



SECTION 2



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.: ADL 325 Little Harbor Road Trust

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 purpose of this project is to replace an existing, outdated bridge that connects the subject property to the mainland with an updated, more structurally-sound bridge that spans the entire tidal resource on wooden piles. As this bridge is replaced, the property will be connected to municipal utilities as well. This project also proposes to remove two existing concrete and earthen causeways and doing so will result in opening an existing tidal restriction so that hydraulic capacity and aquatic organism passage can be improved.

This project proposes impacts to Tidal Waters, Mudflats and the Previously Developed Upland Tidal Buffer Zone. No impacts are proposed to sand dunes or eelgrass beds. While a fringe saltmarsh area will be impacted, this project also proposes to restore salt marsh within the areas that are currently occupied by the causeways. The existing bridge approaches and shoulders will be regraded to match the existing contours and restored with native vegetation.

The timing of the project and the particulars of the bridge construction and restoration activities are explained within the Work Sequence Narratives.

We have coordinated with the New Hampshire Natural Heritage Bureau (NHB), New Hampshire Fish and Game Department, the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), the U.S. Coast Guard, and the Pease Development Authority.

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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.

To best avoid impacts to sensitive resources and species, to the greatest extent practicable, the bridge construction and causeway removal will only occur at low tide. Erosion, sedimentation and turbidity controls will be installed prior to construction and monitored and adjusted as required throughout the duration of the project. These barriers will be monitored throughout construction and adjusted as needed, as well as removed once the site has been deemed stabilized. Any disturbed soils will be reseeded with native, salt-tolerant vegetation. The saltmarsh areas within the vicinity of the project site will not be impacted, but they will be restored after the bridge has been replaced. Topsoil will be added to areas with depleted topsoil, and native grasses, shrubs and trees will be planted.

Details relative to Avoidance and Minimization, as required by Env-Wt 311.07, are provided within the attached, "Avoidance and Minimization Narrative."

This project meets all criteria established within Env-Wt 313 relative to Approving Standard Applications and is demonstrated further below.

As required by Env-Wt 603.04, we have included a Wetlands Functional Assessment with this permit application to demonstrate the functions and values of the fringe salt marsh and intertidal zone.

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

Relevant Standard Conditions Narrative: This project proposal meets all relevant standards conditions of Env-Wt 307. To ensure water quality is protected, adequate levels of erosion and sediment controls will be installed, monitored, and adjusted as required throughout the duration of the project. Construction equipment will be inspected for leaks daily. If applicable, oil spill kits will be kept on site, and operators will be trained in using them. This project proposal meets all relevant minimum standards of RSA 483-B:9-V and this is demonstrated within the NHDES Shorland Permit Application submitted with this permit application.

Approval Criteria Narrative: This project proposal meets all relevant criteria for approving standard permit applications. This is demonstrated through following attached documents: Coastal Functional Assessment, Avoidance and Minimization Narrative, Coastal Resource Worksheet, and the supplemental document entitled, "Section 7- Resource Specific Criteria."

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.

The erosion controls will be removed once the site has been deemed stabilized. The native plantings will be monitored for successful establishment and growth. Additional details relative to post-construction maintenance can be found in the attached Work Sequence Narratives.

- 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.

A statement from the Pease Development Authority Division of Ports and Harbors Chief Harbormaster is included with this permit application. No impacts are proposed that would threaten or impede upon public passage or navigation for commercial or recreational purposes.

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.

Please see the attached Coastal Vulnerability Assessment.

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.

Please see the attached Coastal Vulnerability Assessment.

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.

Please see the attached Coastal Vulnerability Assessment.

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

Please see the attached Coastal Vulnerability Assessment.

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

Please see the attached Coastal Vulnerability Assessment.

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

Please see the attached Coastal Vulnerability Assessment.

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: **No conflict exists.**

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).

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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.

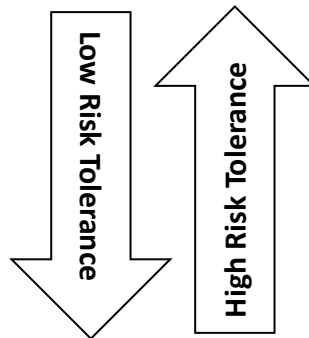
SECTION 10 – GUIDANCE

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.

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? _____ Is wetland part of a wildlife corridor? _____ or a "habitat island"? _____

Adjacent land use _____ Distance to nearest roadway or other development _____

Dominant wetland systems present _____ Contiguous undeveloped buffer zone present _____

Is the wetland a separate hydraulic system? _____ If not, where does the wetland lie in the drainage basin? _____

How many tributaries contribute to the wetland? _____ Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. _____

Latitude _____ Longitude _____

Prepared by: _____ Date _____

Wetland Impact:
Type _____ Area _____

Evaluation based on:
Office _____ Field _____

Corps manual wetland delineation completed? Y _____ N _____

| Function/Value | Suitability Y / N | Rationale (Reference #)* | Principal Function(s)/Value(s) | Comments |
|---|----------------------|-----------------------------|-----------------------------------|----------|
|  Groundwater Recharge/Discharge | | | | |
|  Floodflow Alteration | | | | |
|  Fish and Shellfish Habitat | | | | |
|  Sediment/Toxicant Retention | | | | |
|  Nutrient Removal | | | | |
|  Production Export | | | | |
|  Sediment/Shoreline Stabilization | | | | |
|  Wildlife Habitat | | | | |
|  Recreation | | | | |
|  Educational/Scientific Value | | | | |
|  Uniqueness/Heritage | | | | |
|  Visual Quality/Aesthetics | | | | |
| ES Endangered Species Habitat | | | | |
| Other Ecological Integrity | | | | |

Notes: Ecological Integrity Score = .78 of possible 1.0

* Refer to backup list of numbered considerations.

Interpreting the Results of the U.S. Army Corps of Engineers Wetland Function- Value Evaluation Form



GROUNDWATER RECHARGE/DISCHARGE— This function considers the potential for a wetland to serve as a groundwater recharge and/or discharge area. It refers to the fundamental interaction between wetlands and aquifers, regardless of the size or importance of either.

CONSIDERATIONS/QUALIFIERS

1. Public or private wells occur downstream of the wetland.
2. Potential exists for public or private wells downstream of the wetland.
3. Wetland is underlain by stratified drift.
4. Gravel or sandy soils present in or adjacent to the wetland.
5. Fragipan does not occur in the wetland.
6. Fragipan, impervious soils, or bedrock does occur in the wetland.
7. Wetland is associated with a perennial or intermittent watercourse.
8. Signs of groundwater recharge are present or piezometer data demonstrates recharge.
9. Wetland is associated with a watercourse but lacks a defined outlet or contains a constricted outlet.
10. Wetland contains only an outlet, no inlet.
11. Groundwater quality of stratified drift aquifer within or downstream of wetland meets drinking water standards.
12. Quality of water associated with the wetland is high.
13. Signs of groundwater discharge are present (e.g., springs).
14. Water temperature suggests it is a discharge site.
15. Wetland shows signs of variable water levels.
16. Piezometer data demonstrates discharge.
17. Other



FLOODFLOW ALTERATION (Storage & Desynchronization) — This function considers the effectiveness of the wetland in reducing flood damage by water retention for prolonged periods following precipitation events and the gradual release of floodwaters. It adds to the stability of the wetland ecological system or its buffering characteristics and provides social or economic value relative to erosion and/or flood prone areas.

CONSIDERATIONS/QUALIFIERS

1. Area of this wetland is large relative to its watershed.
2. Wetland occurs in the upper portions of its watershed.
3. Effective flood storage is small or non-existent upslope of or above the wetland.
4. Wetland watershed contains a high percent of impervious surfaces.
5. Wetland contains hydric soils which are able to absorb and detain water.
6. Wetland exists in a relatively flat area that has flood storage potential.
7. Wetland has an intermittent outlet, ponded water, or signs are present of variable water level.
8. During flood events, this wetland can retain higher volumes of water than under normal or average rainfall conditions.
9. Wetland receives and retains overland or sheet flow runoff from surrounding uplands.
10. In the event of a large storm, this wetland may receive and detain excessive flood water from a nearby watercourse.
11. Valuable properties, structures, or resources are located in or near the floodplain downstream from the wetland.
12. The watershed has a history of economic loss due to flooding.
13. This wetland is associated with one or more watercourses.
14. This wetland watercourse is sinuous or diffuse.
15. This wetland outlet is constricted.
16. Channel flow velocity is affected by this wetland.
17. Land uses downstream are protected by this wetland.
18. This wetland contains a high density of vegetation.
19. Other

FISH AND SHELLFISH HABITAT (FRESHWATER) — This function considers the effectiveness of seasonal or permanent watercourses associated with the wetland in question for fish and shellfish habitat.



CONSIDERATIONS/QUALIFIERS

1. Forest land dominant in the watershed above this wetland.
2. Abundance of cover objects present.

STOP HERE IF THIS WETLAND IS NOT ASSOCIATED WITH A WATERCOURSE

3. Size of this wetland is able to support large fish/shellfish populations.
4. Wetland is part of a larger, contiguous watercourse.
5. Wetland has sufficient size and depth in open water areas so as not to freeze solid and retain some open water during winter.
6. Stream width (bank to bank) is more than 50 feet.
7. Quality of the watercourse associated with this wetland is able to support healthy fish/shellfish populations.
8. Streamside vegetation provides shade for the watercourse.
9. Spawning areas are present (submerged vegetation or gravel beds).
10. Food is available to fish/shellfish populations within this wetland.
11. Barrier(s) to anadromous fish (such as dams, including beaver dams, waterfalls, road crossing) are absent from the stream reach associated with this wetland.
12. Evidence of fish is present.
13. Wetland is stocked with fish.
14. The watercourse is persistent.
15. Man-made streams are absent.
16. Water velocities are not too excessive for fish usage.
17. Defined stream channel is present.
18. Other

Although the above example refers to freshwater wetlands, it can also be adapted for marine ecosystems. The following is an example provided by the National Marine Fisheries Service (NMFS) of an adaptation for the fish and shellfish function.

FISH AND SHELLFISH HABITAT (MARINE) — This function considers the effectiveness of wetlands, embayments, tidal flats, vegetated shallows, and other environments in supporting marine resources such as fish, shellfish, marine mammals, and sea turtles.

CONSIDERATIONS/QUALIFIERS

1. Special aquatic sites (tidal marsh, mud flats, eelgrass beds) are present.
2. Suitable spawning habitat is present at the site or in the area.
3. Commercially or recreationally important species are present or suitable habitat exists.
4. The wetland/waterway supports prey for higher trophic level marine organisms.
5. The waterway provides migratory habitat for anadromous fish.
6. Essential fish habitat, as defined by the 1996 amendments to the Magnuson-Stevens Fishery & Conservation Act, is present (consultation with NMFS may be necessary).
7. Other



SEDIMENT/TOXICANT/PATHOGEN RETENTION — This function reduces or prevents degradation of water quality. It relates to the effectiveness of the wetland as a trap for sediments, toxicants, or pathogens in runoff water from surrounding uplands or upstream eroding wetland areas.

CONSIDERATIONS/QUALIFIERS

1. Potential sources of excess sediment are in the watershed above the wetland.
2. Potential or known sources of toxicants are in the watershed above the wetland.
3. Opportunity for sediment trapping by slow moving water or deepwater habitat are present in this wetland.
4. Fine grained mineral or organic soils are present.
5. Long duration water retention time is present in this wetland.
6. Public or private water sources occur downstream.
7. The wetland edge is broad and intermittently aerobic.
8. The wetland is known to have existed for more than 50 years.
9. Drainage ditches have not been constructed in the wetland.

STOP HERE IF WETLAND IS NOT ASSOCIATED WITH A WATERCOURSE.

10. Wetland is associated with an intermittent or perennial stream or a lake.
11. Channelized flows have visible velocity decreases in the wetland.
12. Effective floodwater storage in wetland is occurring. Areas of impounded open water are present.
13. No indicators of erosive forces are present. No high water velocities are present.
14. Diffuse water flows are present in the wetland.
15. Wetland has a high degree of water and vegetation interspersion.
16. Dense vegetation provides opportunity for sediment trapping and/or signs of sediment accumulation by dense vegetation is present.
17. Other



NUTRIENT REMOVAL/RETENTION/TRANSFORMATION — This function considers the effectiveness of the wetland as a trap for nutrients in runoff water from surrounding uplands or contiguous wetlands and the ability of the wetland to process these nutrients into other forms or trophic levels. One aspect of this function is to prevent ill effects of nutrients entering aquifers or surface waters such as ponds, lakes, streams, rivers, or estuaries.

CONSIDERATIONS/QUALIFIERS

1. Wetland is large relative to the size of its watershed.
2. Deep water or open water habitat exists.
3. Overall potential for sediment trapping exists in the wetland.

4. Potential sources of excess nutrients are present in the watershed above the wetland.
 5. Wetland saturated for most of the season. Pondered water is present in the wetland.
 6. Deep organic/sediment deposits are present.
 7. Slowly drained fine grained mineral or organic soils are present.
 8. Dense vegetation is present.
 9. Emergent vegetation and/or dense woody stems are dominant.
 10. Opportunity for nutrient attenuation exists.
 11. Vegetation diversity/abundance sufficient to utilize nutrients.
- STOP HERE IF WETLAND IS NOT ASSOCIATED WITH A WATERCOURSE.
12. Waterflow through this wetland is diffuse.
 13. Water retention/detention time in this wetland is increased by constricted outlet or thick vegetation.
 14. Water moves slowly through this wetland.
 15. Other

PRODUCTION EXPORT (Nutrient) — This function evaluates the effectiveness of the wetland to produce food or usable products for humans or other living organisms.



CONSIDERATIONS/QUALIFIERS

1. Wildlife food sources grow within this wetland.
2. Detritus development is present within this wetland
3. Economically or commercially used products found in this wetland.
4. Evidence of wildlife use found within this wetland.
5. Higher trophic level consumers are utilizing this wetland.
6. Fish or shellfish develop or occur in this wetland.
7. High vegetation density is present.
8. Wetland exhibits high degree of plant community structure/species diversity.
9. High aquatic vegetative diversity/abundance is present.
10. Nutrients exported in wetland watercourses (permanent outlet present).
11. “Flushing” of relatively large amounts of organic plant material occurs from this wetland.
12. Wetland contains flowering plants that are used by nectar-gathering insects.
13. Indications of export are present.
14. High production levels occurring, however, no visible signs of export (assumes export is attenuated).
15. Other

SEDIMENT/ShORELINE STABILIZATION — This function considers the effectiveness of a wetland to stabilize streambanks and shorelines against erosion.



CONSIDERATIONS/QUALIFIERS

1. Indications of erosion or siltation are present.
2. Topographical gradient is present in wetland.
3. Potential sediment sources are present up-slope.
4. Potential sediment sources are present upstream.
5. No distinct shoreline or bank is evident between the waterbody and the wetland or upland.
6. A distinct step between the open waterbody or stream and the adjacent land exists (i.e., sharp bank) with dense roots throughout.
7. Wide wetland (>10') borders watercourse, lake, or pond.
8. High flow velocities in the wetland.
9. The watershed is of sufficient size to produce channelized flow.
10. Open water fetch is present.
11. Boating activity is present.
12. Dense vegetation is bordering watercourse, lake, or pond.
13. High percentage of energy-absorbing emergents and/or shrubs border a watercourse, lake, or pond.
14. Vegetation is comprised of large trees and shrubs that withstand major flood events or erosive incidents and stabilize the shoreline on a large scale (feet).
15. Vegetation is comprised of a dense resilient herbaceous layer that stabilizes sediments and the shoreline on a small scale (inches) during minor flood events or potentially erosive events.
16. Other



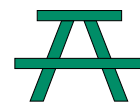
WILDLIFE HABITAT — This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with wetlands and the wetland edge. Both resident and/or migrating species must be considered. Species lists of observed and potential animals should be included in the wetland assessment report.¹

CONSIDERATIONS/QUALIFIERS

1. Wetland is not degraded by human activity.
2. Water quality of the watercourse, pond, or lake associated with this wetland meets or exceeds Class A or B standards.
3. Wetland is not fragmented by development.
4. Upland surrounding this wetland is undeveloped.
5. More than 40% of this wetland edge is bordered by upland wildlife habitat (e.g., brushland, woodland, active farmland, or idle land) at least 500 feet in width.
6. Wetland is contiguous with other wetland systems connected by a watercourse or lake.
7. Wildlife overland access to other wetlands is present.
8. Wildlife food sources are within this wetland or are nearby.
9. Wetland exhibits a high degree of interspersion of vegetation classes and/or open water.
10. Two or more islands or inclusions of upland within the wetland are present.
11. Dominant wetland class includes deep or shallow marsh or wooded swamp.
12. More than three acres of shallow permanent open water (less than 6.6 feet deep), including streams in or adjacent to wetland, are present.
13. Density of the wetland vegetation is high.
14. Wetland exhibits a high degree of plant species diversity.
15. Wetland exhibits a high degree of diversity in plant community structure (e.g., tree/shrub/vine/grasses/mosses)
16. Plant/animal indicator species are present. (List species for project)
17. Animal signs observed (tracks, scats, nesting areas, etc.)
18. Seasonal uses vary for wildlife and wetland appears to support varied population diversity/abundance during different seasons.
19. Wetland contains or has potential to contain a high population of insects.
20. Wetland contains or has potential to contain large amphibian populations.
21. Wetland has a high avian utilization or its potential.
22. Indications of less disturbance-tolerant species are present.
23. Signs of wildlife habitat enhancement are present (birdhouses, nesting boxes, food sources, etc.).
24. Other

¹In March 1995, a rapid wildlife habitat assessment method was completed by a University of Massachusetts research team with funding and oversight provided by the New England Transportation Consortium. The method is called WEThings (wetland habitat indicators for non-game species). It produces a list of potential wetland-dependent mammal, reptile, and amphibian species that may be present in the wetland. The output is based on observable habitat characteristics documented on the field data form. This method may be used to generate the wildlife species list recommended as backup information to the wetland evaluation form and to augment the considerations. Use of this method should first be coordinated with the Corps project manager. A computer program is also available to expedite this process.

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. Consumptive opportunities consume or diminish the plants, animals, or other resources that are intrinsic to the wetland. Non-consumptive opportunities do not consume or diminish these resources of the wetland.



CONSIDERATIONS/QUALIFIERS

1. Wetland is part of a recreation area, park, forest, or refuge.
2. Fishing is available within or from the wetland.
3. Hunting is permitted in the wetland.
4. Hiking occurs or has potential to occur within the wetland.
5. Wetland is a valuable wildlife habitat.
6. The watercourse, pond, or lake associated with the wetland is unpolluted.
7. High visual/aesthetic quality of this potential recreation site.
8. Access to water is available at this potential recreation site for boating, canoeing, or fishing.
9. The watercourse associated with this wetland is wide and deep enough to accommodate canoeing and/or non-powered boating.
10. Off-road public parking available at the potential recreation site.
11. Accessibility and travel ease is present at this site.
12. The wetland is within a short drive or safe walk from highly populated public and private areas.
13. Other

EDUCATIONAL/SCIENTIFIC VALUE — This value considers the suitability of the wetland as a site for an “outdoor classroom” or as a location for scientific study or research.



CONSIDERATIONS/QUALIFIERS

1. Wetland contains or is known to contain threatened, rare, or endangered species.
2. Little or no disturbance is occurring in this wetland.
3. Potential educational site contains a diversity of wetland classes which are accessible or potentially accessible.
4. Potential educational site is undisturbed and natural.
5. Wetland is considered to be a valuable wildlife habitat.
6. Wetland is located within a nature preserve or wildlife management area.
7. Signs of wildlife habitat enhancement present (bird houses, nesting boxes, food sources, etc.).
8. Off-road parking at potential educational site suitable for school bus access in or near wetland.
9. Potential educational site is within safe walking distance or a short drive to schools.
10. Potential educational site is within safe walking distance to other plant communities.
11. Direct access to perennial stream at potential educational site is available.
12. Direct access to pond or lake at potential educational site is available.
13. No known safety hazards exist within the potential educational site.
14. Public access to the potential educational site is controlled.
15. Handicap accessibility is available.
16. Site is currently used for educational or scientific purposes.
17. Other

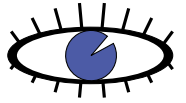


UNIQUENESS/HERITAGE — This value considers the effectiveness of the wetland or its associated waterbodies to provide certain special values. These may include archaeological sites, critical habitat for endangered species, its overall health and appearance, its role in the ecological system of the area, its relative importance as a typical wetland class for this geographic location. These functions are clearly valuable wetland attributes relative to aspects of public health, recreation, and habitat diversity.

CONSIDERATIONS/QUALIFIERS

1. Upland surrounding wetland is primarily urban.
2. Upland surrounding wetland is developing rapidly.
3. More than 3 acres of shallow permanent open water (less than 6.6 feet deep), including streams, occur in wetlands.
4. Three or more wetland classes are present.
5. Deep and/or shallow marsh or wooded swamp dominate.
6. High degree of interspersion of vegetation and/or open water occur in this wetland.
7. Well-vegetated stream corridor (15 feet on each side of the stream) occurs in this wetland.
8. Potential educational site is within a short drive or a safe walk from schools.
9. Off-road parking at potential educational site is suitable for school buses.
10. No known safety hazards exist within this potential educational site.
11. Direct access to perennial stream or lake exists at potential educational site.
12. Two or more wetland classes are visible from primary viewing locations.
13. Low-growing wetlands (marshes, scrub-shrub, bogs, open water) are visible from primary viewing locations.
14. Half an acre of open water or 200 feet of stream is visible from the primary viewing locations.
15. Large area of wetland is dominated by flowering plants or plants that turn vibrant colors in different seasons.
16. General appearance of the wetland visible from primary viewing locations is unpolluted and/or undisturbed.
17. Overall view of the wetland is available from the surrounding upland.
18. Quality of the water associated with the wetland is high.
19. Opportunities for wildlife observations are available.
20. Historical buildings are found within the wetland.
21. Presence of pond or pond site and remains of a dam occur within the wetland.
22. Wetland is within 50 yards of the nearest perennial watercourse.
23. Visible stone or earthen foundations, berms, dams, standing structures, or associated features occur within the wetland.
24. Wetland contains critical habitat for a state- or federally-listed threatened or endangered species.
25. Wetland is known to be a study site for scientific research.
26. Wetland is a natural landmark or recognized by the state natural heritage inventory authority as an exemplary natural community.
27. Wetland has local significance because it serves several functional values.
28. Wetland has local significance because it has biological, geological, or other features that are locally rare or unique.
29. Wetland is known to contain an important archaeological site.
30. Wetland is hydrologically connected to a state or federally designated scenic river.
31. Wetland is located in an area experiencing a high wetland loss rate.
32. Other

VISUAL QUALITY/AESTHETICS — This value considers the visual and aesthetic quality or usefulness of the wetland.



CONSIDERATIONS/QUALIFIERS

1. Multiple wetland classes are visible from primary viewing locations.
2. Emergent marsh and/or open water are visible from primary viewing locations.
3. A diversity of vegetative species is visible from primary viewing locations.
4. Wetland is dominated by flowering plants or plants that turn vibrant colors in different seasons.
5. Land use surrounding the wetland is undeveloped as seen from primary viewing locations.
6. Visible surrounding land use form contrasts with wetland.
7. Wetland views absent of trash, debris, and signs of disturbance.
8. Wetland is considered to be a valuable wildlife habitat.
9. Wetland is easily accessed.
10. Low noise level at primary viewing locations.
11. Unpleasant odors absent at primary viewing locations.
12. Relatively unobstructed sight line exists through wetland.
13. Other

ENDANGERED SPECIES HABITAT — This value considers the suitability of the wetland to support threatened or endangered species.

ES

CONSIDERATIONS/QUALIFIERS

1. Wetland contains or is known to contain threatened or endangered species.
2. Wetland contains critical habitat for a state or federally listed threatened or endangered species.



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists



Narrative on Coastal Functional Assessment

Introduction

This *Coastal Functional Assessment* was conducted to support a NHDES Wetlands Permit Application to impact the Developed Upland Tidal Buffer Zone and the Intertidal Zone to replace an existing failing bridge with a new wooden bridge that spans the entire tidal resource on wooden piles. This project also proposes to remove the existing causeways from public waters and connect the residential island to municipal utilities. After the causeways are removed, the salt marsh area will be restored and the existing bridge approaches will be regraded and planted with native vegetation.

The jurisdictional areas adjacent to the project site are predominantly Estuarine, Intertidal, Unconsolidated Shore, Cobble-Gravel (E2US1) and Estuarine, Intertidal, Unconsolidated Shore, Mud (E2US3). Isolated narrow bands of fringe salt marsh exist along the neighboring shorelines (E2EM1).

The upland area adjacent to the wetland is an approximately 12-acre island. The island consists of a single residential property that previously utilized some areas for equestrian purposes. The mainland consists of wooded area with intermittent forested freshwater wetlands. No impacts are proposed to the freshwater wetlands. While the bulk of areas to be impacted are previously developed, open areas, the NH Fish and Game Wildlife Action Plan (WAP) identifies the habitat adjacent to the area to be impacted as salt marsh and hemlock hardwood pine. The WAP indicates the Tidal Wetland resources are of the *Highest Ranked Habitat in NH*.

Methods

The wetland boundaries, more particularly, the *Highest Observable Tide Line* (HOTL), was delineated using the methods prescribed by NHDES Administrative Rule Env-Wt 602.23. The wetlands boundaries, including the limits of the 100-foot tidal buffer zone, are depicted on the attached site plans. The wetlands were classified based on the Classification of Wetlands and Deepwater Habitats of the United States, adapted from Cowardin, Carter, Golet and LaRoe (1979), August 2013, FGDC-STD-004-2013.)

The Coastal Functional Assessment (CFA) was conducted by performing field visits on May 1, 2023 and May 15, 2023. The wetlands were assessed using the *Army Corps of Engineers Highway Methodology* (September 1999, NAEPP-360-1-30a).

The *Ecological integrity* of the wetlands was assessed using the *Method for Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire* (June 1993) and data from the NH Fish and Game Wildlife Action Plan (WAP).



Results:

Groundwater Recharge/ Discharge

This function considers the potential for a wetland to serve as a groundwater recharge and/or discharge site. More particularly, this function refers to the interaction between wetlands and aquifers. Given there are no aquifers in the area and the wetland is estuarine, this wetland *does not* provide this function.

Floodflow Alteration

This function analyzes the effectiveness of the wetland in reducing flood damage by retaining flood waters for prolonged periods of time. During storm events and tidal surges, this wetland serves this function by providing floodwater storage capacity and this aides in protecting the neighboring community.

Fish and Shellfish Habitat

This function considers a wetland's ability to provide embayments, tidal flats, vegetated shallows, and other environments in support of fish, shellfish, marine mammals. Consultation with the National Oceanic and Atmospheric Association (NOAA) Marine Fisheries section indicates the area is considered *Essential Fish Habitat* (EFH) for the Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose Sturgeon (*Acipenser brevirostrum*) and four (4) species of sea turtles. Anadromous fish, including the striped bass (*Morone saxatilis*), are known to seasonally utilize the area to forage on sea worms/ nereids (*Echiurus echiurus*), sand eels (*Ammodytes marinus*), Silversides (*Menidia menidia*) and Green Crabs (*Carcinus maenas*) during high tide.

The existing tidal restriction created by the causeway increases tidal velocities and has artificially created a mico-niche habitat with a rock and rubble substrate. Species identified in this area include Common Periwinkle (*Littorina littorea*), Smooth Periwinkle, (*Littorina obtusata*), Rough Periwinkle (*Littorina saxatilis*), Acorn Barnacles (*Semi balanua balanoides*), Blue Mussel (*Mytilus edulis*), Eastern Oyster (*Crassostrea virginica*), Softshell Clam (*Mya arenaria*), Atlantic Surf Clam (*Spisula solidissima*), Iris Moss (*Chondurus crispus*), Red Algae species, (Rhodophyta), Rockweed (*Ascophyllum nodosum*), Bladder Wrack (*Fucus vesiculosus*), Sugar Kelp (*Saccharina latissimi*), Sea felt (*Pylaiella littoralis*), Doubled Ribbon Weed (*Ulva linza*) and other green algae Chlorophyta species.

There is no eel grass within the area. The NH Wildlife Action Plan (WAP) identifies the wetland as Highest Ranked Wildlife Habitat in NH. Fish and Shellfish Habitat is considered a principal function of this wetland.

Sediment/ Toxicant Retention

This function considers the effectiveness of a wetland to act as a trap for sediments, toxicants, and pathogens within runoff. This wetland function had a significant level of qualifiers based on the periodic, tidally influenced, slow moving waters. Additionally, the immediate uplands that surround the wetland are well vegetated. The neighboring residential community and island property areas are contributors of



sediments and toxicants. This wetland acts to filter and trap these sediments and toxicants, and therefore, it is a principal function of this wetland.

Nutrient Removal/ Retention/ Transformation

This function recognizes a wetland's ability to serve as a trap for nutrients in runoff from surrounding uplands or contiguous wetlands. The adjacent residential neighborhood is likely a contributor of phosphorous and nitrogen. Due to the high level of saturation and presence of deep organic/ sediment deposits, this wetland acts to absorb nutrients and it transfers them to other trophic levels, and therefore, nutrient removal/ retention/ transformation is a principal function of this wetland

Production Export

This function considers the wetland's ability to export resources to other areas. For example, rosette terns utilize the area to forage for silversides and transport the nutrients off-site. As evidenced by the *Fish and Shellfish Habitat* function above, this tidal marsh area is highly productive. Evidence of multiple trophic levels utilizing this area was observed, and therefore, production export is a principal function of this wetland.

Sediment/ Shoreline Stabilization

This function relates to a wetland's effectiveness to stabilize shorelines and prevent erosion. The shoreline is well anchored by mature trees and saplings. Some vegetation along the shoreline and their root systems anchor the shoreline, and therefore, sediment/ shoreline stabilization is a principal function of this wetland.

Wildlife Habitat

This function considers a wetland's ability to provide wildlife habitat. According to the NH Wildlife Action Plan (WAP), this wetland is considered Highest Ranked Habitat in NH. Consultation with National Oceanic and Atmospheric Association (NOAA) Marine Fisheries indicates the area may be used by Atlantic and Shortnose Sturgeon. Wildlife Habitat is a principal function of this wetland.

Recreation

This function considers the effectiveness of the wetland to provide recreational opportunities such as canoeing, boating, fishing, and other passive recreational activities. Although the area cannot be directly accessed by the abutting private properties, the area is accessible from other public boat launches. The area is frequented by kayakers and recreational anglers. Due to the lack of direct access, recreation is not considered a primary principal function of this wetland.

Education/ Scientific Value

This value considers the effectiveness of the wetland to serve as an "outdoor classroom." The area does not offer direct public access, and therefore, education/ scientific value is not a key function of this wetland.



Uniqueness/ Heritage

This value relates to the effectiveness of a wetland to produce certain *special values* such as archeological sites, unusual aesthetic quality, historical events, and unique plants. Given NH has a relatively small coastal shoreline, this area is certainly unique to NH. Although the proposed impact area is not within any known archeological sites, the surrounding area was once inhabited by Native Americans. Additionally, the threatened plant species, Marsh Elder (*Iva Frutescens*), is near the impacts area. Unfortunately, the site cannot be accessed by the public, and therefore, Uniqueness/ Heritage is not a principal function of this wetland.

Visual Quality/ Aesthetics

This value considers the wetland's overall visual quality and aesthetics. The area surrounding the wetland is private property. While the area can be accessed by boat and kayak, due to the lack of access, visual quality/ aesthetics is not considered a key function of this wetland.

Endangered Species Habitat

Endangered species habitat relates to the effectiveness of the wetland to support endangered species habitat. Consultation with the National Oceanic and Atmospheric Association (NOAA) Marine Fisheries indicates the area is considered *Essential Fish Habitat* (EFH) for the Atlantic Sturgeon (*Acipenser oxyrinchus*), Shortnose Sturgeon (*Acipenser brevirostrum*). This wetland *does not* provide the key features necessary for spawning (salinity level, substrate, and cover) and therefore, is not considered critical habitat (CH). The Roseate Tern (*Sterna dougallii*) forages on small fish within this wetland during high tide. The threatened species, Marsh Elder (*Iva Frutescens*), is present on the bank of the salt marsh but, they (8-plants) will be transplanted during the growing season before this project begins. Endangered Species Habitat is considered a key function of this wetland.

Ecological Integrity

Ecological Integrity is a measure of the extent to which natural ecosystems and their buffers have been altered. For the most part, aside from residential docking structures, the tidal resource has not undergone a tremendous amount of alteration. A large portion of the Zone of Influence is a residential neighborhood which likely contributes to untreated stormwater runoff to the resource. The Ecological Integrity Score of Resource is .78 out of a possible 1.0. Ecological Integrity is a principal function of this resource.

Summary

This wetland serves many functions including floodflow storage capacity, fish and shellfish habitat, sediment and toxicant retention, nutrient removal, resource export, sediment and shoreline stabilization, wildlife habitat, endangered species habitat and ecological integrity and therefore, it is considered a high value, high functioning resource of the State of New Hampshire.

A low impact vibratory system will be used to install the new piles and, to the greatest extent practicable, this work will occur during low tide.



To minimize impacts to wildlife species that utilize this resource, the project will adhere to the time of year restrictions and will remove causeways from public waters between December 15th and March 15th.

In summary, as result of incorporating the aforementioned conservation measures and as a result of removing the existing tidal restriction, the natural hydraulic capacity and aquatic organism pathways will be restored and this significantly enhances the functions and values of this resource. The proposed salt marsh and upland tidal buffer zone restoration will significantly enhance the neighboring resources as well. While this project proposes to remove an unnaturally occurring micro-niche habitat, doing so poses no threat or harm to threatened or endangered species. This project may temporarily affect, but is unlikely to adversely affect the principal functions and values of this resource and will result in significant increases in the functions and values of this resource.

References

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TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
170 Commerce Way–Suite 102, Portsmouth, NH 03801
T(603) 431-2222



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Ecological Integrity of the Tidal Wetland

Methods

Tidal marshes are among the most productive and most disturbed ecosystems. Undeveloped, undisturbed natural buffers are critical to supporting the health of aquatic ecosystems. Natural buffers protect tidal resources by anchoring and stabilizing the shoreline, reducing erosion, and absorbing nutrients and contaminants found in stormwater. *Ecological Integrity* is a measure of the extent to which natural ecosystems and their buffers have been altered.

The ecological integrity of the tidal wetland was assessed using the *Method for Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire (June 1993)* and data from the NH Fish and Game Wildlife Action Plan (WAP).



Figure 1. Overview of the tidal resource area, depicting the existing causeways that act as a tidal restriction. It is worth noting, however, that these causeways will be removed as part of the proposed project.



Ecological Integrity of the Tidal Wetland

EU= Evaluation Unit (the Tidal Wetland)

| Percent of wetland plant community dominated by invasive plant species | Score |
|--|-------|
| Less than 5% of EU dominated by invasive species | 1.0 |
| 5% to 20% of EU dominated by invasive species | .5 |
| More than 20% of the EU dominated by invasive species | .1 |
| Number of Tidal Restrictions | |
| No Tidal Restrictions | 1.0 |
| One Tidal Restriction between the EU and free tidal flow | .5 |
| More than one Tidal Restriction between the EU and free tidal flow | .1 |
| Type of Tidal Restriction | |
| No restriction affecting tidal flow | 1.0 |
| Flow through bridge appears adequate | .5 |
| Flow through bridge appears inadequate and/ or flow restricted by culvert(s) | .1 |
| Ditching on the Surface of the EU | |
| No ditching within the EU | 1.0 |
| Ditches present in linear pattern | .5 |
| Ditches present in grid pattern | .1 |
| Dominant Land Use in the 500-Foot Zone of Influence Surrounding the EU | |
| Forested, Fields, Open Water or Open Space | 1.0 |
| Agriculture or Rural Residential | .5 |
| Commercial, Industrial, High Density Residential or Heavily used Highways | .1 |



| | |
|---|------------|
| Ratio of the Number of Occupied Buildings within the EU or within the Zone of Influence Surrounding the EU | |
| Less than 0.1 Buildings/ acre. | 1.0 |
| From 0.1 to 0.5 Buildings/ acre. | .5 |
| More than 0.5 Buildings/ acre. | .1 |
| Percent of the EU/ Upland Border which has a buffer of woodland or idle land at least 500-feet in width. | |
| More than 70% | 1.0 |
| From 30% to 70% | .5 |
| Less than 30% | .1 |
| Square footage of roads, driveways, and parking lots within 150-feet of the EU. | |
| Ratio less than 1,500 square feet/ acre | 1.0 |
| Ration between 1,500 square feet to 6,000 square feet/ acre | .5 |
| Ratio greater than 6,000 square feet/ acre | .1 |
| SCORE = 1.0+.1+.1+1.0+1.0+1.0+.5+.5 = 6.2 6.2/8 = 0.775 | .78 |

Summary:

The tidal wetland adjacent to the project area is composed largely of mudflats and contains a few small areas of saltmarsh. Less than 5% of the tidal wetland is dominated with invasive species, namely with Glossy Buckthorn (*Frangula alnus*). A tidal restriction is present in the form of two causeways (see Figure 1). There are no ditches within the area that alter how the resource drains. The dominant land use within the 500-foot zone of influence surrounding the EU is open water with forested buffer zones. The ratio of the occupied buildings within the zone of influence is less than 0.1 buildings per acre. The previous development of the existing bridge (to be replaced) removed some of the woodland buffer, but a decent portion of the woodland buffer remains. The impervious area within 150-feet of the tidal wetland is around 5,000-6,000 square feet per acre. The existing bridge and causeways contribute most of this impervious area.

In summary, the tidal wetland has undergone some degradation by anthropogenic sources. Tidal flows have been restricted, and portions of the woodland buffer have been previously cleared for bridge development. The bridge itself adds significant impervious area within the vicinity of the EU. It certainly contributes stormwater runoff and associated pollutants to the resource.



References

Ammann, A.P. and A.L. Stone. 1993. *Method for Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire*.

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Coastal Vulnerability Assessment

Env-Wt 603.05

Introduction

TFMoran recognizes rising seas pose a significant threat to New Hampshire's coastal communities, ecosystems, and cultural resources (STAP, 2014). This *Coastal Vulnerability Assessment (CVA)* was prepared to accompany the associated NHDES Wetlands Permit Application seeking approval to impact Tidal Waters, Mud Flats, and the Upland Tidal Buffer Zone for the purpose of removing two existing causeways from public waters and constructing a new timber bridge and bridge approaches. This project will result in significantly increasing the hydraulic capacity and aquatic organism passage within a Tier-4 Tidal Crossing. This project also proposes to connect the property to municipal utilities thereby eliminating the need to install an on-site septic system.

Methodology

This Coastal Vulnerability Assessment (CVA) was conducted using the *NH Coastal Flood Risk Science and Technical Advisory Panel (STAP) Report, Sea-Level Rise, Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Projected Future Trends* as prescribed by NHDES Wetlands Administrative Rule Env-Wt 603.05. Additionally, the New Hampshire Coastal Flood Risk Summary, Part II: Guidance for Using Scientific Projections (NHCFRSTAP, 2020) prepared by the New Hampshire Coastal Flood Risk Science and Technical Advisory Panel was referenced to demonstrate this site's vulnerability to sea level rise. Moreover, the Rockingham Planning Commission (RPC) Tides to Storms - Preparing for New Hampshire's Future Coast, City of Portsmouth Vulnerability Assessment (RPC, 2015) was consulted. Site visits and field observations were performed by Coastal Professional and Certified Wetlands Scientist (CWS) Jason Aube, on March 1, 2023, and March 17, 2023.

Step 1.1 – Project Goal and Project Type

The goal of this project is to replace an outdated existing bridge with a new, more structurally sound, bridge to access a residential island and connect the island to municipal utilities. The beneficiary is the private property owner and the State of NH. The State of NH is also a beneficiary as this project proposes to remove fill from the public waters that will result in significantly increasing the hydraulic capacity and aquatic organism passage within a *Tier-4* Tidal Crossing. The State of NH also benefits by having the residential island connected to municipal sewer rather than using an on-site, in ground, septic system.

Step 1.2 – Project Area

The project area is located on 325 Little Harbor Road, Portsmouth, NH, Tax Map: 205, Lot: 2, also known as Belle Isle or Lady Isle.



Step 1.3 – Time Period Over Which the Project is Designed to Serve

This project will be designed to serve to at least the year 2100.

Step 2.1 – Risk Tolerance to Flooding and Potential Damage or Loss

This project proposes to construct a new bridge that will have infrastructure designed to withstand the daily ebb and flow of tidal waters, and therefore, it has a relatively low sensitivity to inundation. Additionally, this area of the coast is not exposed to highly erosive tidal energy forces. However, the proposed bridge is relatively high cost and moderately modifiable and, if damaged, has some implications in terms of public safety, and therefore, this project is classified as having a **medium to low tolerance for flood risk**.

| Risk Tolerance | High | Medium | Low | Very Low |
|--|---|---|---|--|
| Description | A project that is able to tolerate a high level of flood risk | A project that is able to tolerate a medium level of flood risk | A project that is only able to tolerate a low level of flood risk | A project that is only able to tolerate a very low level of flood risk |
| Possible Project Characteristics | Low value or cost | Medium value or cost | High value or cost | Extremely high value or cost |
| Risk tolerance depends on the combination and importance of the project characteristics | Easy to modify | Moderately modifiable | Difficult to Modify | Extremely difficult to modify |
| | Little to no implications on public function and/ or safety | Moderate implications for public function and/ or safety | Critical to public function and/ or safety | High risk of public harm if project fails |
| | Low sensitivity to inundation | Moderate sensitivity to inundation | High Sensitivity to inundation | Extremely high sensitivity to inundation |

Table 1: Framework for determining projected tolerance for flood risk.

Step 2.2 – Project Specific Considerations

This project poses no threat to public access to important services. The project area is on an island of private property and, if damaged, poses no threat to the access of public services. Only those on the island may be limited to important public services.

Step 3.1 Relative Sea Level Rise (RSLR) Estimates For the Project

When considering projected relative sea level rise (RSLR) for this project, four different global greenhouse gas scenarios (Representative Concentration Pathways (RCPs)) were considered. We elected to use the recommended intermediate RCP 4.5 scenario because, according to the data, this is the more likely scenario whereby greenhouse emissions peak in 2040 and decline until 2080. Using this RCP also allows us to project sea level rise beyond the year 2100.



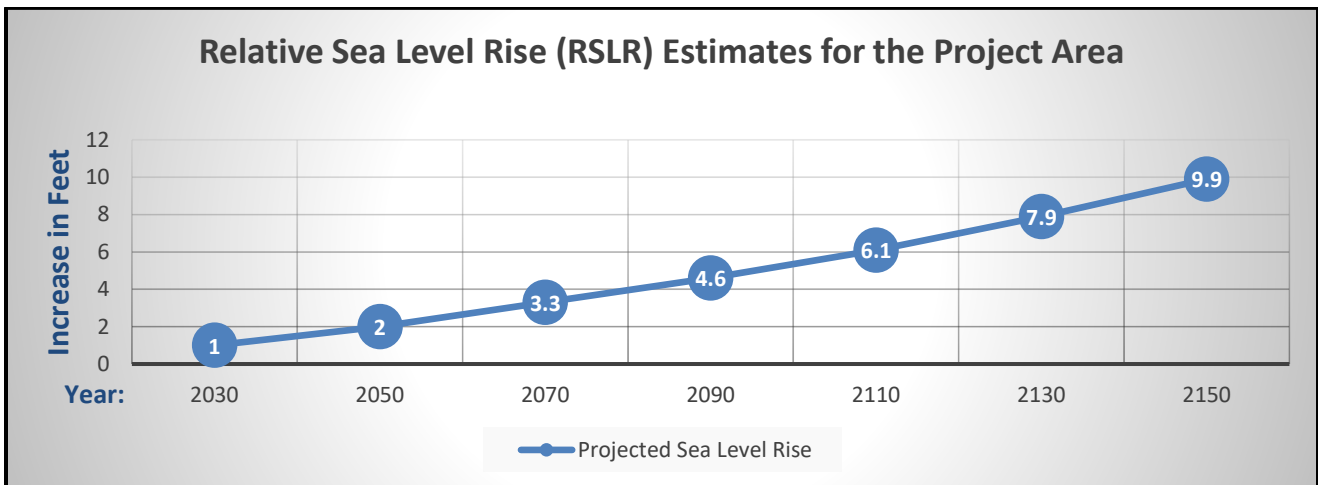
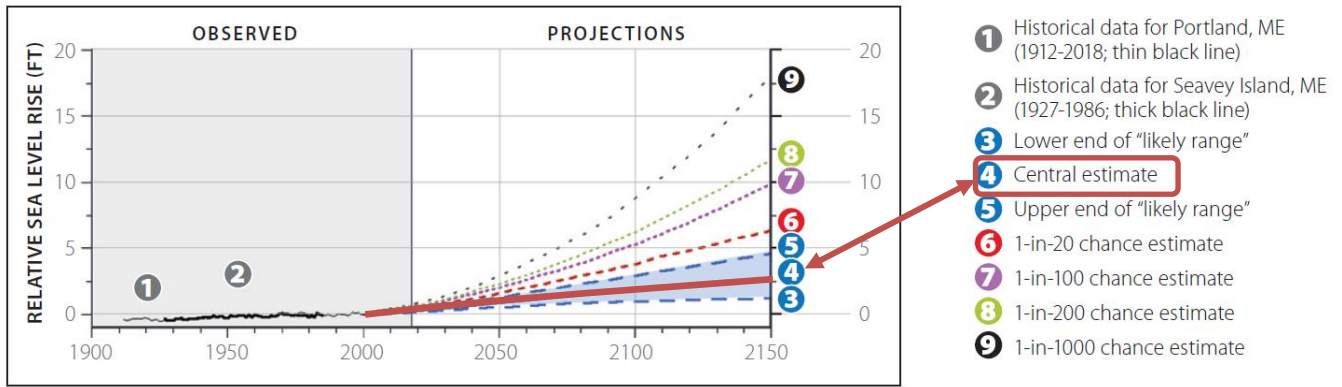


Figure 2: Incremental Relative Sea Level Rise for the project area based on Representative Concentration Pathway (RCP) 4.5 and a LOW tolerance for flood risk.

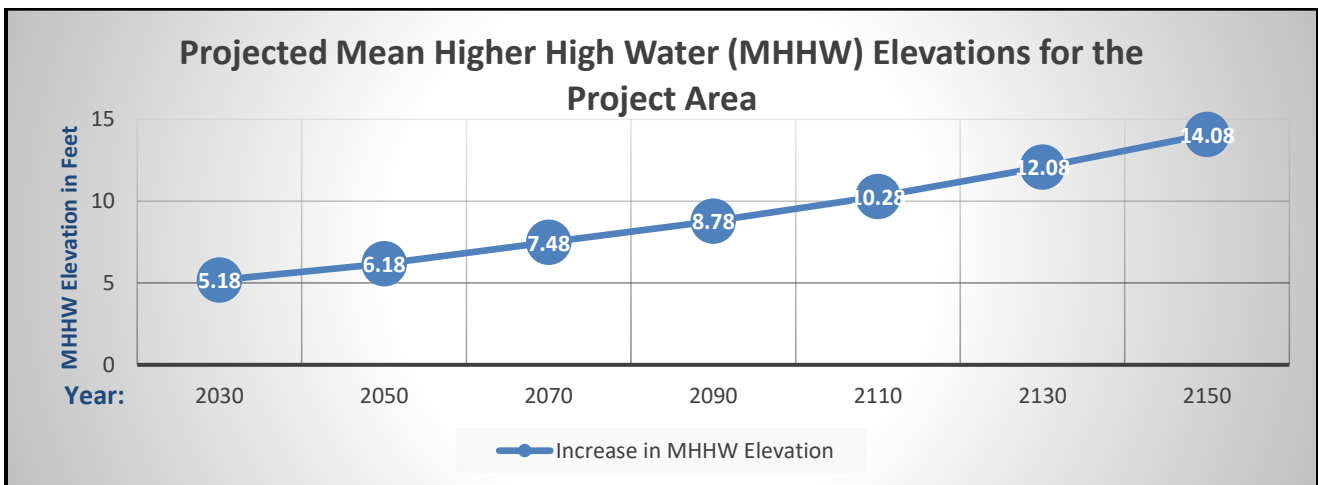


Figure 3: Incremental Relative Sea Level Rise for the project area based on Representative Concentration Pathway (RCP) 4.5, a LOW Tolerance for flood risk, and the current Mean Higher High Water (MHHW) elevation of 4.18 feet determined by the National Oceanic and Atmospheric Association (NOAA) Seavey Island, Maine Station 8419870 using NAVD 88 datum.



Step 3.2 Assess Relative Sea Level Rise (RSLR) Impacts to the Project

The projected depth and extent of waterflow will have very little impact on the proposed bridge. The bridge’s piles are designed to withstand constant exposure to tidal waters. We have, however, increased the height of the bridge deck from approximately 9.9-feet to 13.3-feet so that it will be less vulnerable to anticipated sea level rise and water inundation.

The surrounding infrastructure will not affect the project area. As a result of removing the existing causeways, the hydraulic capacity will be increased and this, in turn, will aid in decreasing erosive tidal forces. Increases in sediment deposition will have no bearing on this project. Erosive forces associated with sea level rise will not adversely impact the proposed bridge.

Step 4.1 Identify and Assess Relative Sea Level Rise (RSLR) Adjusted for Coastal Storms/ Design Flood Elevation (DFE)

Naturally, bridge infrastructure is designed to be exposed to marine waters and sediments. This section of the Vulnerability Assessment is not applicable to marine structures. We have, however, increased the deck of the proposed bridge by approximately 3.4-feet so that the bridge is less susceptible to anticipated sea level rise.

The projected *Highest Astronomical Tide* (HAT) in the year 2100 is estimated to be at elevation 11.22-feet. When considering an additional 2-feet of storm surge, the height of the proposed deck at elevation 13.3-feet will remain above water during the *Highest Astronomical Tide* in the year 2100. Please see the Vulnerability Assessment Plan.

| | HIGH TOLERANCE FOR FLOOD RISK | MEDIUM TOLERANCE FOR FLOOD RISK | LOW TOLERANCE FOR FLOOD RISK | VERY LOW TOLERANCE FOR FLOOD RISK |
|---|---|---|---|---|
| IF PROJECT AREA IS LOCATED IN: | RSLR-ADJUSTED DESIGN FLOOD ELEVATION (DFE) = | | | |
| A, AO, OR AE ZONE* NOT IDENTIFIED AS COASTAL A ZONE** | [BFE] + RSLR | [BFE + (required freeboard ≥ 1 ft)] + RSLR | [BFE + (required freeboard ≥ 1 ft)] + RSLR | Whichever is greater: [BFE + (required freeboard ≥ 2ft)] + RSLR OR 0.2% annual chance flood elevation + RSLR |
| VE ZONE*** AND COASTAL A ZONE | | | [BFE + (required freeboard ≥ 2 ft)] + RSLR | |

Figure 4: Recommended approach to determining *Design Flood Elevation* (DFE) based on flood risk tolerance.

Step 4.2 Assess Relative Sea Level Rise-Adjusted Coastal Storm Impacts to the Project

The base of the proposed bridge will be constructed at elevation 13.3-feet so that the cumulative impacts of storm events and projected sea level rise will not adversely impact the proposed bridge.

Step 5.1 Identify Relative Sea Level Rise Induced Groundwater Rise

Mean groundwater rise is projected to be 66% of relative sea level rise (RSLR) between 0 to 0.6 miles from coastal areas (Knot, Jacobs, et al.) Relative Sea Level Rise Induced Groundwater Rise will not adversely impact the proposed bridge and the associated infrastructure. The pilings are designed to be submerged within water and saturated marine soils until at least the year 2100.



| | PREFERRED APPROACH (MAPPED COASTAL COMMUNITY) | ALTERNATE APPROACH (UNMAPPED COASTAL COMMUNITY) |
|---|--|---|
| | IF PROJECT AREA IS LOCATED IN A MAPPED COASTAL COMMUNITY: | IF PROJECT AREA IS LOCATED WITHIN 3 MILES OF TIDAL SHORELINE IN AN UNMAPPED COASTAL COMMUNITY: |
| RSLR-INDUCED GROUNDWATER RISE = | Refer to Sea-Level Rise Mapper ³⁸ to estimate RSLR-induced groundwater rise | Commit to manage = (RSLR) x (0.33) Be prepared to manage = (RSLR) x (0.66) |
| DEPTH TO RSLR-ADJUSTED GROUNDWATER = | (Present-day depth to groundwater) - (RSLR-induced groundwater rise) | |

Figure 5: The approach selected for determining sea level rise induced groundwater rise at the project site.

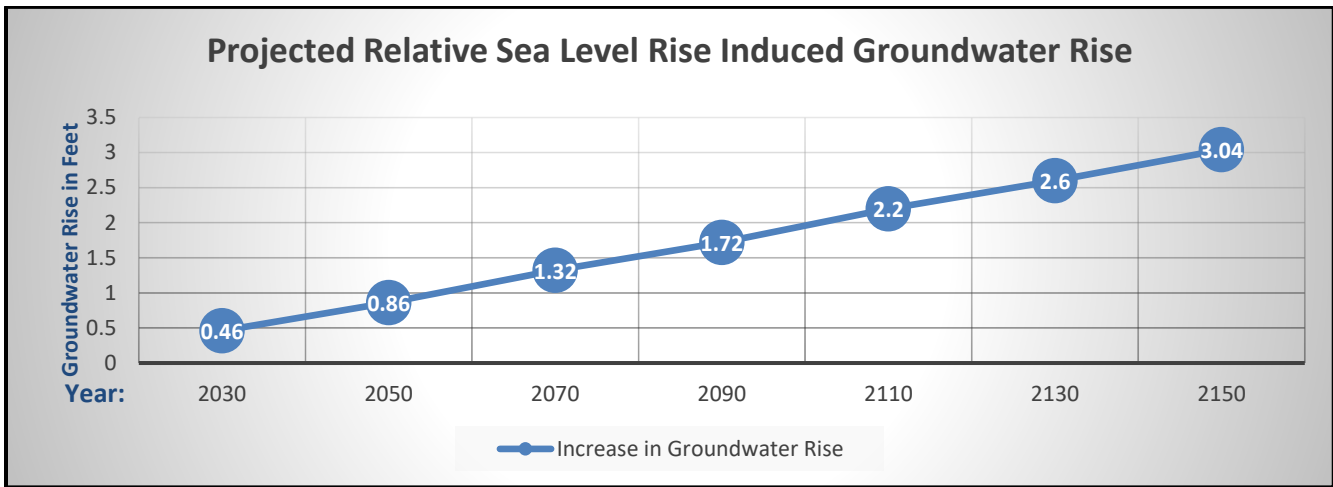


Figure 6: Incremental groundwater rise for the project area based on representative concentration pathway (RCP) 4.5.

Step 5.2 Estimate Depth to Present-Day and Future Groundwater for the Project Area

This section of the Vulnerability Assessment is not applicable to this project as the proposed bridge pilings will be continually submerged and exposed to water and marine sediments.

Step 5.3 Assess Relative Sea Level Rise-Induced Groundwater Rise Impacts

This section of the Vulnerability Assessment is not applicable to this project as the proposed bridge pilings will be continually submerged and exposed to water and marine sediments.

Step 6.1 Account for Projected Increases in Extreme Precipitation

Under representative concentration pathway (RCP) 4.5, by the end of the century, the amount of precipitation falling on the wettest day of the year is projected to increase by 8-15% (NHCFRSTAP, 2020). This project has a medium to low tolerance for flood risk, and therefore, we have elected to account for a 20% increase in extreme precipitation estimates.



| | HIGH TOLERANCE FOR FLOOD RISK | MEDIUM TOLERANCE FOR FLOOD RISK | LOW TOLERANCE FOR FLOOD RISK | VERY LOW TOLERANCE FOR FLOOD RISK |
|---|---|------------------------------------|---|--------------------------------------|
| PROJECTED EXTREME PRECIPITATION ESTIMATE = | (Best available precipitation data) x (1.15) | | (Best available precipitation data) x (>1.15) | |

Figure 8: The approach for calculating projected extreme precipitation estimates based on the project’s tolerance for flood risk.

Extreme Precipitation Tables

Northeast Regional Climate Center

Data represents point estimates calculated from partial duration series. All precipitation amounts are displayed in inches.

| Metadata for Point | |
|--------------------|---|
| Smoothing | Yes |
| State | New Hampshire |
| Location | New Hampshire, United States |
| Latitude | 43.065 degrees North |
| Longitude | 70.746 degrees West |
| Elevation | 0 feet |
| Date/Time | Thu Mar 16 2023 16:29:22 GMT-0400 (Eastern Daylight Time) |

Extreme Precipitation Estimates

| | 5min | 10min | 15min | 30min | 60min | 120min | | 1hr | 2hr | 3hr | 6hr | 12hr | 24hr | 48hr | | 1day | 2day | 4day | 7day | 10day | |
|-------|------|-------|-------|-------|-------|--------|-------|------|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 1yr | 0.26 | 0.40 | 0.50 | 0.65 | 0.82 | 1.04 | 1yr | 0.70 | 0.98 | 1.21 | 1.56 | 2.03 | 2.66 | 2.93 | 1yr | 2.36 | 2.82 | 3.23 | 3.95 | 4.56 | 1yr |
| 2yr | 0.32 | 0.50 | 0.62 | 0.82 | 1.02 | 1.30 | 2yr | 0.88 | 1.18 | 1.52 | 1.94 | 2.49 | 3.21 | 3.58 | 2yr | 2.85 | 3.44 | 3.95 | 4.69 | 5.34 | 2yr |
| 5yr | 0.37 | 0.58 | 0.73 | 0.98 | 1.25 | 1.61 | 5yr | 1.08 | 1.47 | 1.89 | 2.44 | 3.15 | 4.07 | 4.59 | 5yr | 3.61 | 4.41 | 5.05 | 5.95 | 6.71 | 5yr |
| 10yr | 0.41 | 0.65 | 0.82 | 1.12 | 1.46 | 1.90 | 10yr | 1.26 | 1.73 | 2.24 | 2.90 | 3.76 | 4.87 | 5.54 | 10yr | 4.31 | 5.33 | 6.10 | 7.12 | 7.99 | 10yr |
| 25yr | 0.48 | 0.76 | 0.97 | 1.34 | 1.78 | 2.35 | 25yr | 1.54 | 2.15 | 2.79 | 3.64 | 4.75 | 6.18 | 7.11 | 25yr | 5.47 | 6.84 | 7.83 | 9.05 | 10.07 | 25yr |
| 50yr | 0.54 | 0.86 | 1.11 | 1.55 | 2.08 | 2.77 | 50yr | 1.80 | 2.54 | 3.30 | 4.34 | 5.68 | 7.40 | 8.60 | 50yr | 6.55 | 8.27 | 9.45 | 10.84 | 11.99 | 50yr |
| 100yr | 0.60 | 0.97 | 1.25 | 1.78 | 2.43 | 3.27 | 100yr | 2.10 | 2.99 | 3.92 | 5.18 | 6.79 | 8.86 | 10.39 | 100yr | 7.85 | 10.00 | 11.42 | 13.00 | 14.29 | 100yr |
| 200yr | 0.68 | 1.11 | 1.44 | 2.06 | 2.85 | 3.86 | 200yr | 2.46 | 3.53 | 4.64 | 6.16 | 8.11 | 10.62 | 12.57 | 200yr | 9.40 | 12.09 | 13.81 | 15.59 | 17.04 | 200yr |
| 500yr | 0.81 | 1.33 | 1.73 | 2.51 | 3.50 | 4.80 | 500yr | 3.02 | 4.41 | 5.80 | 7.74 | 10.25 | 13.50 | 16.17 | 500yr | 11.95 | 15.54 | 17.75 | 19.83 | 21.52 | 500yr |

Figure 9: Extreme precipitation data from the Northeast Regional Climate Center for the project area.

| Increase in extreme precipitation estimates by 20% | | | |
|--|-----------------------------|----------------|---------------------------------|
| Storm Event | 24-hour precipitation total | Increase x 20% | Projected 24-hour precipitation |
| 1 Year | 2.66 inches | x 1.20 | 3.19 inches |
| 2 Year | 3.21 inches | x 1.20 | 3.85 inches |
| 10 Year | 4.87 inches | x 1.20 | 5.84 inches |
| 50 Year | 7.40 inches | x 1.20 | 8.88 inches |

Table 2: Increase in precipitation during predicted 24-hours storm events.

Step 6.2 Assess Projected Extreme Precipitation Impacts to the Project

Extreme precipitation events will not have an impact on this project.



Step 7.1 Assess Cumulative Risk and Evaluate Adaption Options

Collectively, the compounded impacts of relative sea level rise, coastal storms, relative sea level rise induced groundwater rise and extreme precipitation will not adversely impact the proposed underground infrastructure.

Step 7.2 Identify and Evaluate Adaptation Options to Mitigate Coastal Flood Risk

The proposed bridge and associated approaches have a relatively medium to low tolerance for flood risk, and therefore, to the greatest extent practicable, this project proposes to raise the elevation of the bridge so that flood waters can be avoided.

| | NO ACTION | AVOID | ACCOMMODATE | RESIST | RELOCATE |
|--|-------------------------------|---|----------------------------|---------------------------|--|
| <i>IN OTHER WORDS, RECOGNIZE RISK AND...</i> | <i>Don't change anything*</i> | <i>Prioritize investment out of the water's way</i> | <i>Live with the water</i> | <i>Keep the water out</i> | <i>Move assets or facilitate migration</i> |
| COASTAL FLOOD RISK IS: | Very Low to Low | Very Low | Moderate | High | High |
| TOLERANCE FOR FLOOD RISK IS: | High | Medium to Very Low | Medium | Low to Very Low | Low to Very Low |

Figure 10: Adaption adoptions available to manage coastal flood risk.

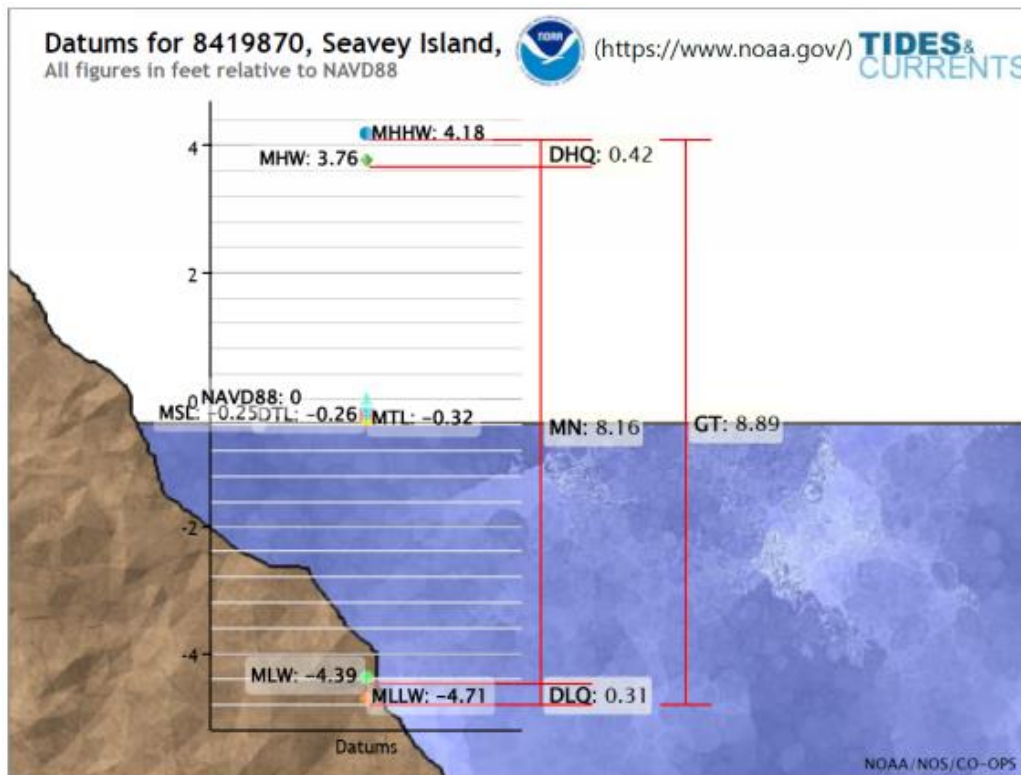


Figure 11: National Oceanic and Atmospheric Association (NOAA) Seavey Island, Maine Station 8419870 tidal datum.



References

Extreme Precipitation in New York & New England, Version 1.12. Managed by the Northeast Regional Climate Center.<http://precip.eas.cornell.edu/>

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TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



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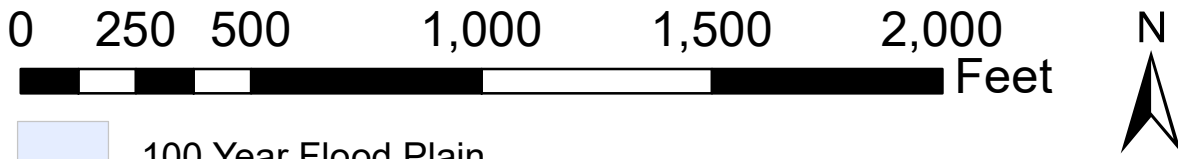
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
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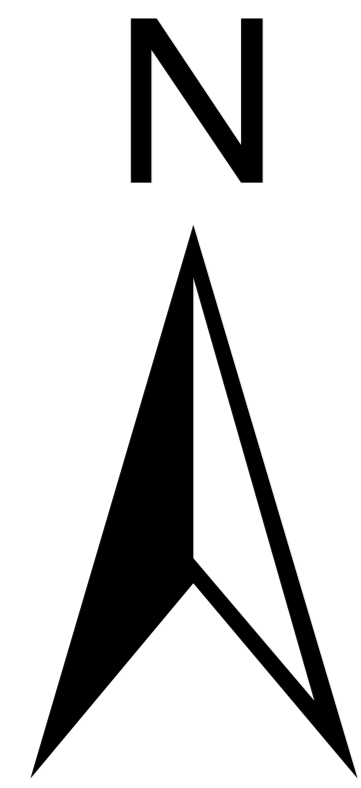
100 - Year Flood Plain



 100 Year Flood Plain



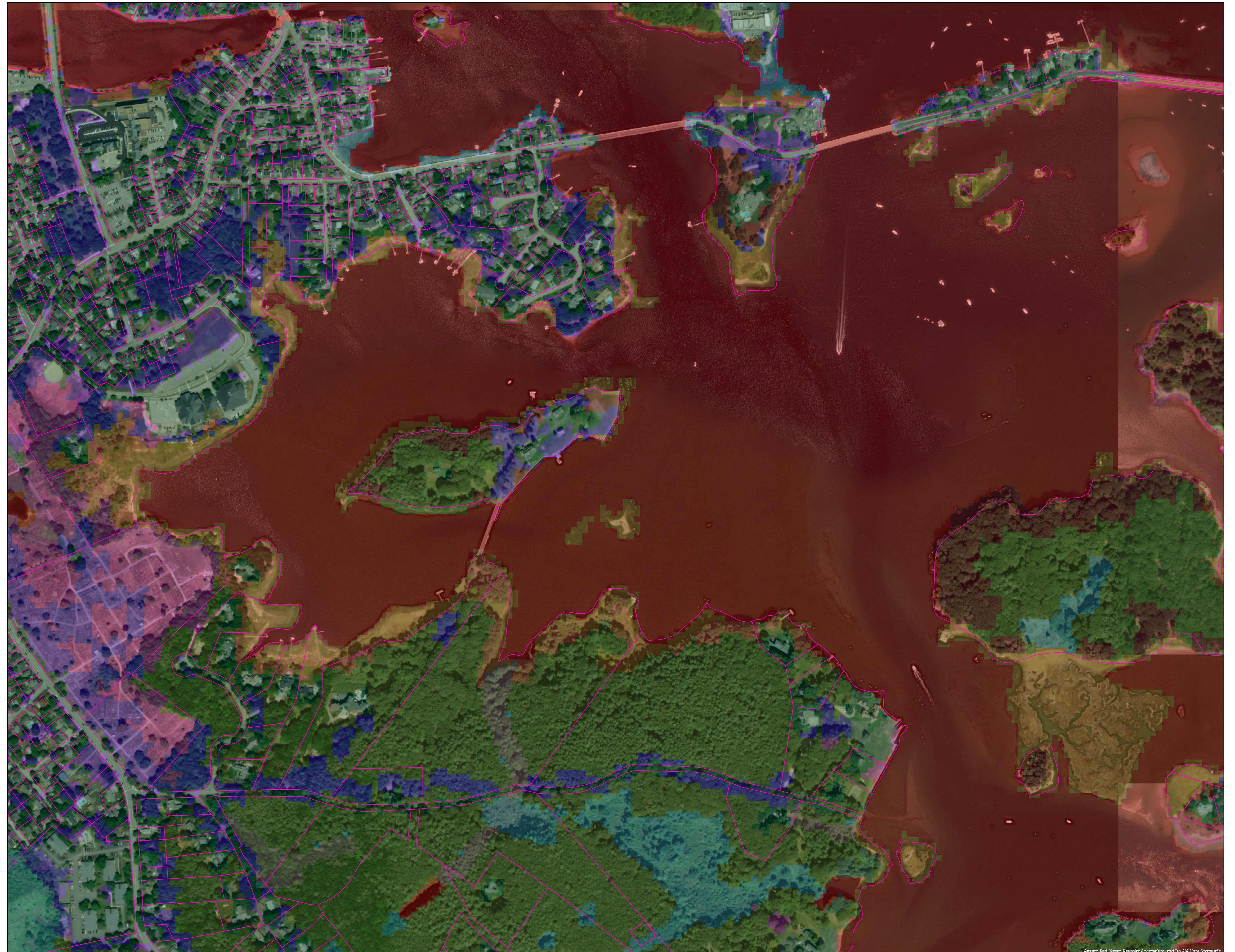
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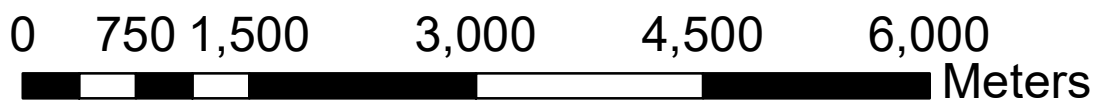
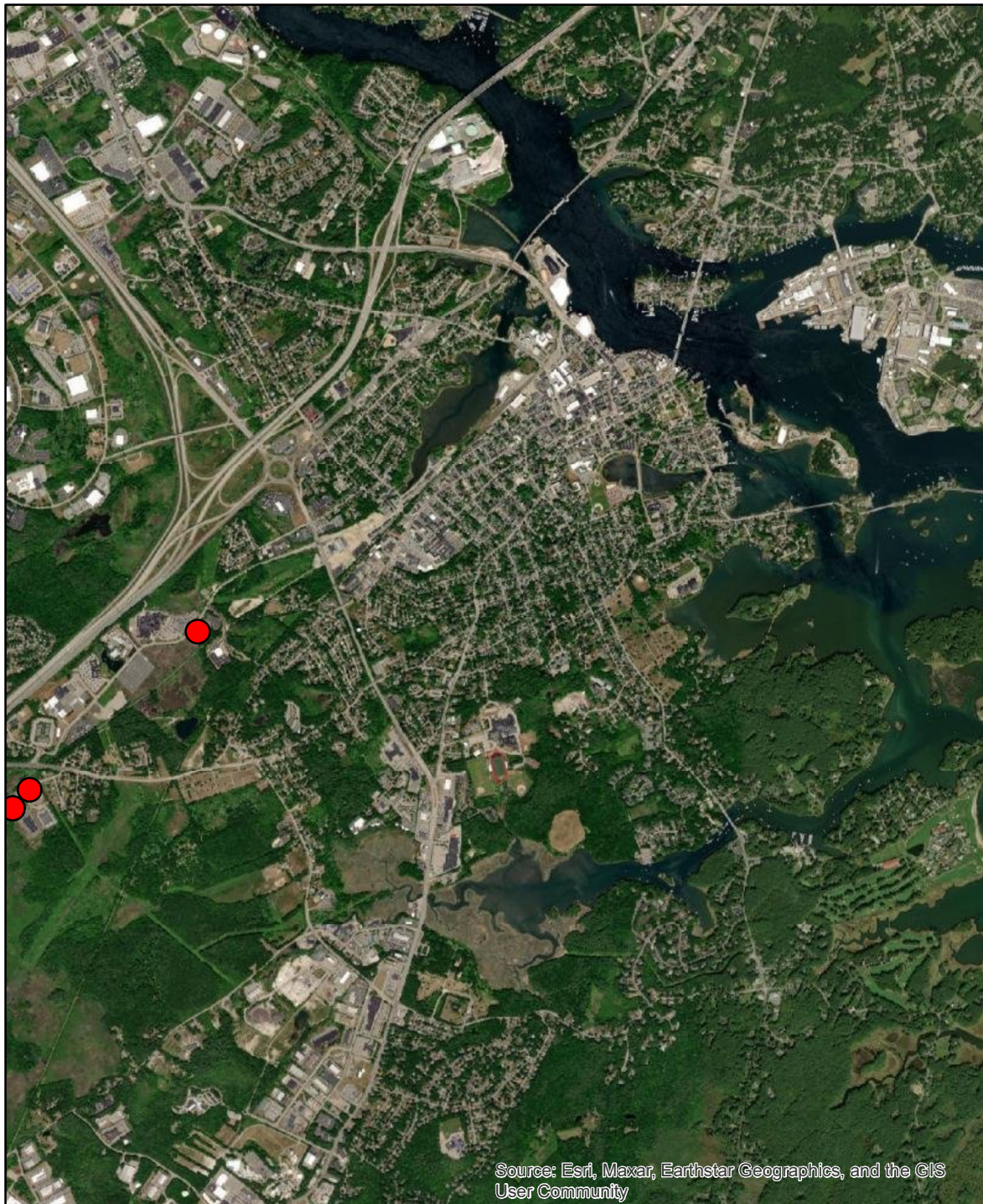
2020 Wildlife Action Plan (WAP) Habitat Types

2020-WAP-Habitats WAP_HAB

-  High-elevation spruce-fir
-  Northern hardwood-conifer
-  Open water
-  Wet meadow/shrub wetland
-  Peatland
-  Lowland spruce-fir
-  Developed or Barren land
-  Northern swamp
-  Rocky ridge
-  Cliff and Talus
-  Developed Impervious
-  Grassland
-  Floodplain forest
-  Temperate swamp
-  Hemlock-hardwood-pine
-  Sand/Gravel
-  Alpine
-  Appalachian oak-pine
-  Pine barren
-  Salt marsh
-  Coastal island
-  Dune



Local Potential Contamination Sources

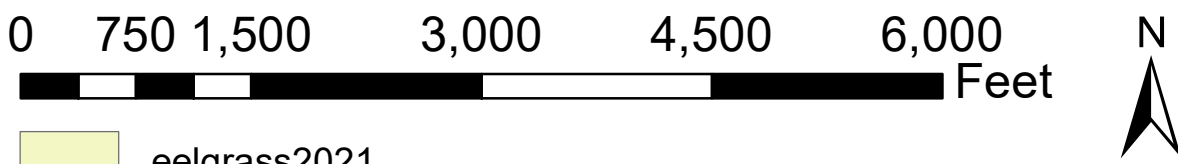


● Local Potential Contamination Sources



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

Known Eel Grass Beds

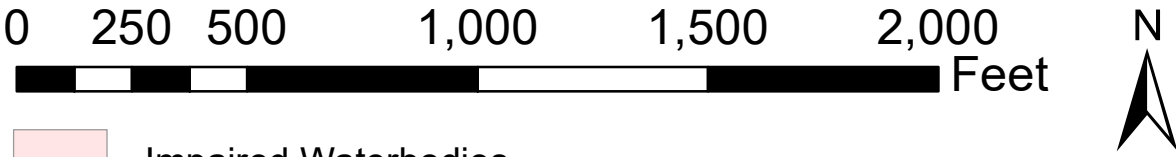


 eelgrass2021



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

Impaired Waterbodies



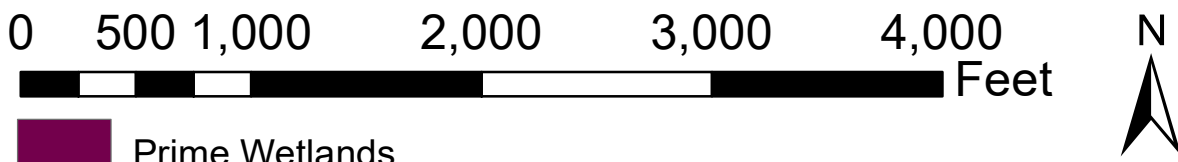
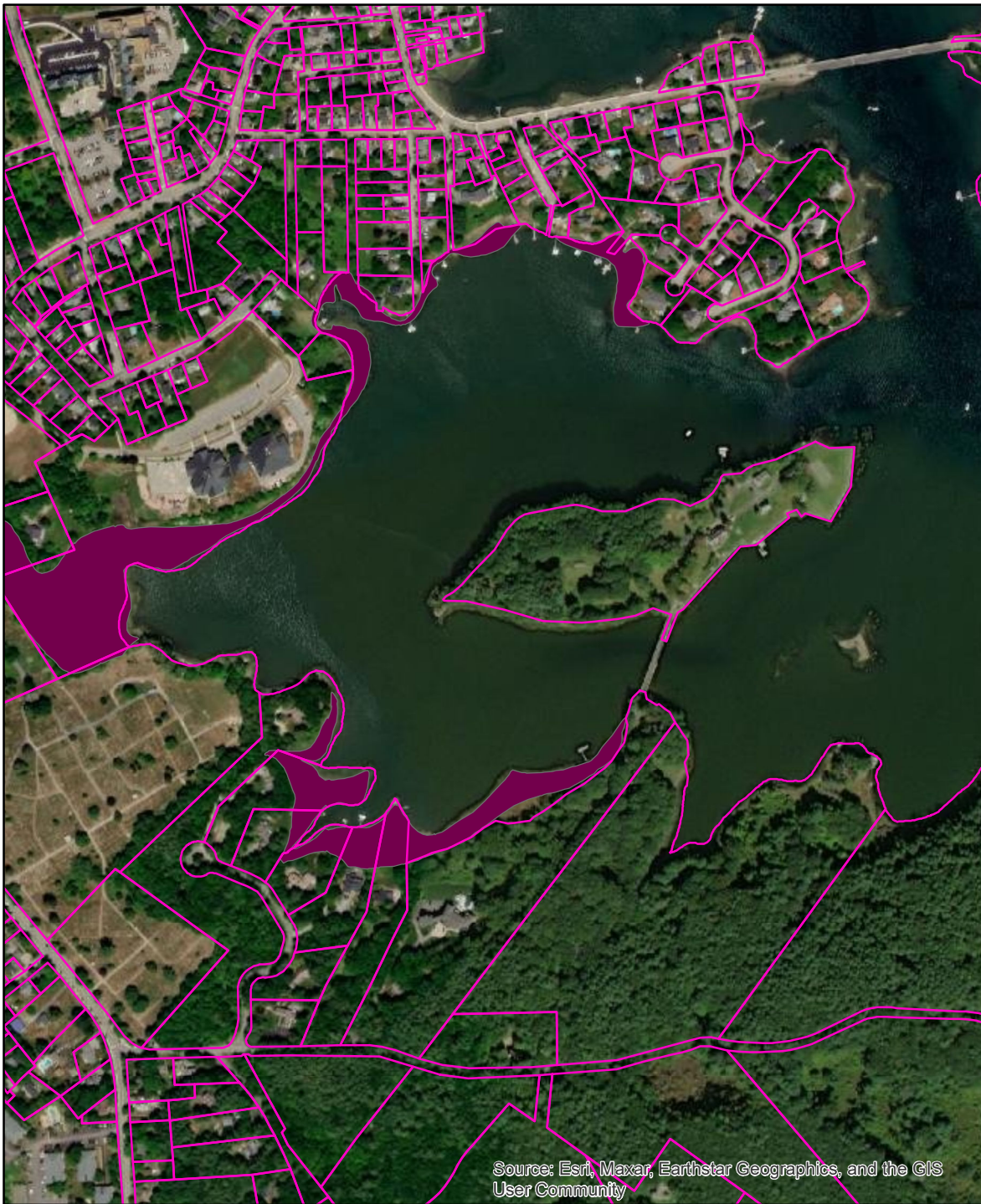
Impaired Waterbodies


TFM
Since 1968

- Civil Engineers
- Structural Engineers
- Traffic Engineers
- Land Surveyors
- Landscape Architects
- Scientists

The logo for TFM (The Firm) is displayed in a blue box with the text 'TFM' in large white letters and 'Since 1968' in smaller white letters below it. To the right of the logo is a list of professional services offered by the firm.

Prime Wetlands

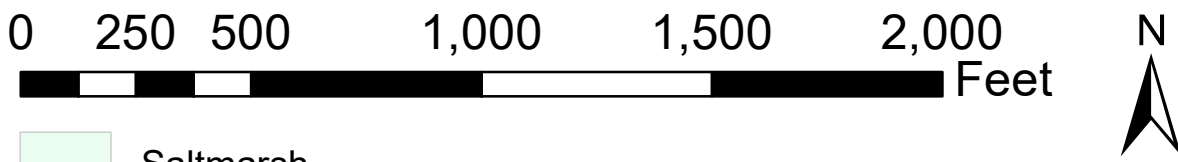


 Prime Wetlands



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

Saltmarsh Area



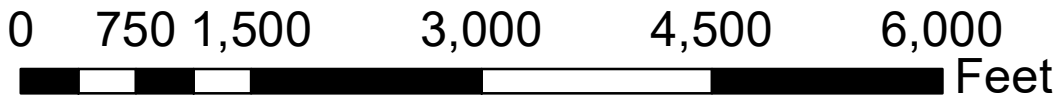
 Saltmarsh



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

TFM
Since 1968

Sand Dunes



 Sand Dune



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

NH Fish and Game Wildlife Action Plan (WAP) Habitat Tiers



0 250 500 1,000 1,500 2,000 Feet N

- 1 Highest Ranked Habitat in New Hampshire
- 2 Highest Ranked Habitat in Biological Region
- 3 Supporting Landscapes



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

SECTION 3

From: [Croot, Gary T CIV \(USA\)](#)
To: [Jason Aube](#)
Subject: RE: 325 Little Harbor Road, Portsmouth, NH - bridge replacement/ tidal area restoration [Filed 31 Mar 2023 14:43]
Date: Friday, March 31, 2023 10:44:28 AM
Attachments: [AA Ltr Belle Isle Bridge 1996 Jan 06.pdf](#)

Jason,

When the bridge was constructed in 1996, the Coast Guard issued an Advance Approval letter which I have attached. The Advance Approval asserts that no CG Bridge Permit will be required. All of the other aspects of the letter remain in effect.

Also note that any waterside construction vessels such as workboats or barges must comply with lighting requirements of the Inland Navigation Rules, as well as pollution prevention and response requirements.

Please let me know if you have any questions regarding Coast Guard requirements for this bridge replacement.

Gary Croot
Bridge Management Specialist
First Coast Guard District
Boston, MA

From: Jason Aube <jaube@tfmoran.com>
Sent: Thursday, March 30, 2023 3:46 PM
To: Croot, Gary T CIV (USA) <Gary.T.Croot@uscg.mil>
Cc: Lefebvre, Lindsey E CIV USARMY CENAE (USA) <Lindsey.E.Lefebvre@usace.army.mil>
Subject: [Non-DoD Source] RE: 325 Little Harbor Road, Portsmouth, NH - bridge replacement/ tidal area restoration

Hi Gary,

We're in the midst of preparing a NH Department of Environmental Services wetlands permit application to construct a new bridge adjacent to the existing bridge that accesses Lady Isle/ Belle Isle in Portsmouth, NH. Once the new bridge is constructed, the old bridge, including the existing causeways, will be removed from public waters. In anticipation of future sea-level rise, the deck of the proposed bridge will be elevated by 3.4-feet and this will allow (for a period of time) more room for the passage of recreational boats/ kayaks at higher tides. We do anticipate that, during the restoration activities, recreational boat traffic within this area will be impeded but, private property owners inland of the proposed impacts will still be able to access ocean waters via the most northerly side of Lady Isle. We anticipate the restoration activities associated with the removal of the causeways and associated fill will be between November 15th and March 15th.

As part of the coordination required for this permitting process, Lindsey Lefebvre, from the US Army Corps of Engineers, asked us to reach out to you. I have attached a general project overview, plans, and drone photos of the project area.

Should you have any questions or require additional information, please contact me anytime.

Jay Aube, CWS

Project Manager

Certified Wetland Scientist

TFMoran Seacoast Division

170 Commerce Way - Suite 102, Portsmouth, NH 03801

Tel: (603) 431-2222 Fax: (603) 431-0910

Cell: (603) 988-2615

From: Lefebvre, Lindsey E CIV USARMY CENAE (USA) <Lindsey.E.Lefebvre@usace.army.mil>

Sent: Friday, March 17, 2023 1:03 PM

To: Jason Aube <jaube@tfmoran.com>

Subject: RE: 325 Little Harbor Road, Portsmouth, NH - bridge replacement/ tidal area restoration

Hi Jay,

Our NOAA contact is Kaitlyn Shaw: kaitlyn.shaw@noaa.gov

Coast Guard: Gary.T.Croot@uscg.mil

Let me know if you have any additional questions.

Lindsey Lefebvre
US Army Corps of Engineers
New England District
Regulatory Division
696 Virginia Rd
Concord, MA 01742
(o) (978)-318-8295
(c) (978)-471-0741

From: Jason Aube <jaube@tfmoran.com>

Sent: Tuesday, March 14, 2023 4:53 PM

To: Lefebvre, Lindsey E CIV USARMY CENAE (USA) <Lindsey.E.Lefebvre@usace.army.mil>

Subject: [Non-DoD Source] 325 Little Harbor Road, Portsmouth, NH - bridge replacement/ tidal area restoration

Hi Lindsey,

Per NOAA's recommendations, we'd like to engage with them sooner than later on this project. Do you have a good point of contact at NOAA? I have included the Essential Fish Habitat Mapper report.

Also, we'd like to reach out to the U.S. Coast Guard – any suggestions?

If you recall, this project proposes to replace an existing bridge with a new bridge on piles. The existing causeways will be removed from public waters. Contact me anytime if you have more suggestions.

Jay Aube, CWS

Project Manager

Certified Wetland Scientist

TFMoran Seacoast Division

170 Commerce Way - Suite 102, Portsmouth, NH 03801

Tel: (603) 431-2222 Fax: (603) 431-0910

Cell: (603) 988-2615

16211/NV-343

JAN 06 1996

Mr. Herbert A. Horgan, Jr.
Belle Isle Partners Trust
69 Algonquin Road
Chestnut Hill, MA 02167

Re: Advance Approval determination
for proposed replacement of the
Belle Isle (Lady Isle) bridge
across the Back Channel
(Portsmouth Harbor), NH

Dear Mr. Horgan:

We have completed review of your bridge permit application for approval of the referenced bridge replacement across the Portsmouth Harbor Back Channel at Portsmouth, New Hampshire.

Based on our review of the documentation provided by Emanuel Engineering, and the fact that no objections were received as a result of Public Notice 1-891 dated 25 November 1996, we have determined that a formal Coast Guard bridge permit will not be required for this project. The project will be placed in the Advance Approval category as per 33 CFR 115.70. Future bridge projects along the same waterway will have to be investigated for their environmental impact before they may be considered for Advance Approval.

This office has prepared a Categorical Exclusion for this project, a copy of which is available upon request.

Coast Guard approval does not relieve the applicant of the responsibility to ensure compliance with any applicable federal, state or local requirements for the proposed project.

Although this project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following stipulations must be met:

a. The requirement to display permanent navigation lights at this bridge in accordance with 33 CFR 118 is waived. This waiver may be rescinded at anytime in the future should nighttime navigation through this bridge be increased to a level determined by the District Commander to warrant lighting (generally four or more passages per week between the hours of sunset and sunrise).

b. Upon completion of construction, the bridge owner shall submit "as built" drawings showing clearances through the bridge and sufficient data to permit this office to prepare a completion report. This report is used for Coast Guard and other mariner publications.

c. Any spillage of oil or oil based products during construction must be promptly reported to the Coast Guard by calling 1-800-424-8802.

If you have any questions, please call this office at the above telephone number.

Sincerely,

Gary Kassof
Chief, Bridge Branch
First Coast Guard District
By Direction Of The District Commander

Copy: USCG Station Portsmouth Harbor
Corps of Engineers, New England Division (File #199502561)
Fred S. Emanuel, P. E.

SMART/es/27DEC96/BRIDGE.CARRET/AA.FORMAT.BELLE.ISLE



**US Army Corps
of Engineers**®
New England District

Appendix B

Regional General Permits (GPs) Required Information and Corps Secondary Impacts Checklist

In order for the Corps of Engineers to properly evaluate your application, applicants must submit the following information along with the New Hampshire DES Wetlands Bureau application or permit notification forms. Some projects may require more information. For a more comprehensive checklist, go to www.nae.usace.army.mil/regulatory, “Forms/Publications” and then “Application and Plan Guideline Checklist.” Check with the Corps at (978) 318-8832 for project-specific requirements. For your convenience, this Appendix B is also attached to the State of New Hampshire DES Wetlands Bureau application and Permit by Notification forms.

All Projects:

- Corps application form ([ENG Form 4345](#)) as appropriate.
- Photographs of wetland/waterway to be impacted.
- Purpose of the project.
- Legible, reproducible black and white (no color) plans no larger than 11”x17” with bar scale. Provide locus map and plan views of the entire property.
- Typical cross-section views of all wetland and waterway fill areas and wetland replication areas.
- In navigable waters, show mean low water (MLW) and mean high water (MHW) elevations. Show the high tide line (HTL) elevations when fill is involved. In other waters, show ordinary high water (OHW) elevation.
- On each plan, show the following for the project:
- Vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. Don’t use local datum. In coastal waters this may be mean higher high water (MHHW), mean high water (MHW), mean low water (MLW), mean lower low water (MLLW) or other tidal datum with the vertical units as U.S. feet. MLLW and MHHW are preferred. Provide the correction factor detailing how the vertical datum (e.g., MLLW) was derived using the latest National Tidal Datum Epoch for that area, typically 1983-2001.
- Horizontal state plane coordinates in U.S. survey feet based on the Traverse Mercator Grid system for the State of New Hampshire (Zone 2800) NAD 83.
- Show project limits with existing and proposed conditions.
- Limits of any Federal Navigation Project in the vicinity of the project area and horizontal State Plane Coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project;
- Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below the ordinary high water in inland waters and below the high tide line in coastal waters.
- Delineation of all waterways and wetlands on the project site,;
- Use Federal delineation methods and include Corps wetland delineation data sheets. See GC 2 and www.nero.noaa.gov/hcd for eelgrass survey guidance.
- GP 3, Moorings, contains eelgrass survey requirements for the placement of moorings.
- For activities involving discharges of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized, and either a statement describing how impacts to waters of the U.S. are to be compensated for (or a conceptual or detailed mitigation plan) or a statement explaining why compensatory mitigation should not be required for the proposed impacts. Please contact the Corps for guidance.



**US Army Corps
of Engineers**®
New England District

**New Hampshire General Permits (GPs)
Appendix B - Corps Secondary Impacts Checklist
(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to “work” include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

| 1. Impaired Waters | Yes | No |
|---|---|----|
| 1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm to determine if there is an impaired water in the vicinity of your work area.* | X | |
| 2. Wetlands | Yes | No |
| 2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work? | | X |
| 2.2 Are there proposed impacts to SAS, special wetlands. Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) DataCheck Tool for information about resources located on the property at https://www2.des.state.nh.us/nhb_datacheck/ . The book Natural Community Systems of New Hampshire also contains specific information about the natural communities found in NH. | | X |
| 2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage? <small>New tidal crossing will improve hydraulic capacity and aquatic organism passage</small> | X | |
| 2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.) | | X |
| 2.5 The overall project site is more than 40 acres? | | X |
| 2.6 What is the area of the previously filled wetlands? | 5,020 | |
| 2.7 What is the area of the proposed fill in wetlands? | 5,300 | |
| 2.8 What is the % of previously and proposed fill in wetlands to the overall project site? | 5.57% increase but, in area that does not restrict tidal flows as currently existing. | |
| 3. Wildlife | Yes | No |
| 3.1 Has the NHB & USFWS determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require an NHB ID number & a USFWS IPAC determination.) NHB DataCheck Tool: https://www2.des.state.nh.us/nhb_datacheck/ USFWS IPAC website: https://ecos.fws.gov/ipac/location/index | X | |

| | | |
|---|-----|-----|
| 3.2 Would work occur in any area identified as either “Highest Ranked Habitat in N.H.” or “Highest Ranked Habitat in Ecological Region”? (These areas are colored magenta and green, respectively, on NH Fish and Game’s map, “2010 Highest Ranked Wildlife Habitat by Ecological Condition.”) Map information can be found at: <ul style="list-style-type: none"> • PDF: www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm. • Data Mapper: www.granit.unh.edu. • GIS: www.granit.unh.edu/data/downloadfreedata/category/databycategory.html. | X | |
| 3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)? | | X |
| 3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development? | | X |
| 3.5 Are stream crossings designed in accordance with the GC 21? | | N/A |
| 4. Flooding/Floodplain Values | Yes | No |
| 4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream? | X | |
| 4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage? | | X |
| 5. Historic/Archaeological Resources | | |
| For a minimum, minor or major impact project - a copy of the Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) with your DES file number shall be sent to the NH Division of Historical Resources as required on Page 11 GC 8(d) of the GP document** | X | |

*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

** If your project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

March 13, 2023

Project Code: 2023-0055303

Project Name: 325 Little Harbor Road - Bridge Replacement and Tidal Area Restoration

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Updated 3/8/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.

About Official Species Lists

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Northern Long-eared Bat - (Updated 3/8/2023) The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule will go into effect on **March 31, 2023**. After that date, the current 4(d) rule for NLEB will be invalid, and the 4(d) determination key will no longer be available. New compliance tools will be available in March 2023, and information will be posted in this section on our website and on the northern long-eared bat species page, so please check this site often for updates.

Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project may result in incidental take of NLEB after the new listing goes into effect, this will need to be addressed in an updated consultation that includes an Incidental Take Statement. Many of these situations will be addressed through the new compliance tools. If your project may require re-initiation of consultation, please wait for information on the new tools to appear on this site or contact our office for additional guidance.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

Migratory Birds

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

Attachment(s):

- Official Species List
-

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

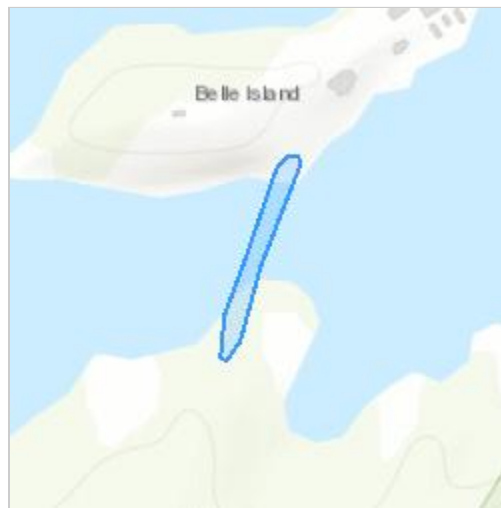
(603) 223-2541

PROJECT SUMMARY

Project Code: 2023-0055303
Project Name: 325 Little Harbor Road - Bridge Replacement and Tidal Area Restoration
Project Type: Bridge - Replacement
Project Description: Impact approximately 20,000 square feet for the purpose of replacing an existing bridge to a residential island with a new bridge. This project proposes to remove fill from public water so that the hydraulic capacity and aquatic organism passage can be improved.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.064841400000006,-70.74616735916936,14z>



Counties: Rockingham County, New Hampshire

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

| NAME | STATUS |
|--|------------|
| Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 | Threatened |

BIRDS

| NAME | STATUS |
|--|------------|
| Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864 | Threatened |
| Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083 | Endangered |

INSECTS

| NAME | STATUS |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743 | Candidate |

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPAC USER CONTACT INFORMATION

Agency: TFMoran, Inc.
Name: Jay Aube
Address: 170 Commerce Way
City: Suite 102
State: NH
Zip: 03801
Email: jaube@tfmoran.com
Phone: 6034312222



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

March 14, 2023

Project code: 2023-0055303

Project Name: 325 Little Harbor Road - Bridge Replacement and Tidal Area Restoration

IPaC Record Locator: 695-123608113

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Record of project representative's no effect determination for '325 Little Harbor Road - Bridge Replacement and Tidal Area Restoration'

Dear Jay Aube:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 14, 2023, for '325 Little Harbor Road - Bridge Replacement and Tidal Area Restoration' (here forward, Project). This project has been assigned Project Code 2023-0055303 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action

and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Red Knot *Calidris canutus rufa* Threatened
- Roseate Tern *Sterna dougallii dougallii* Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2023-0055303 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

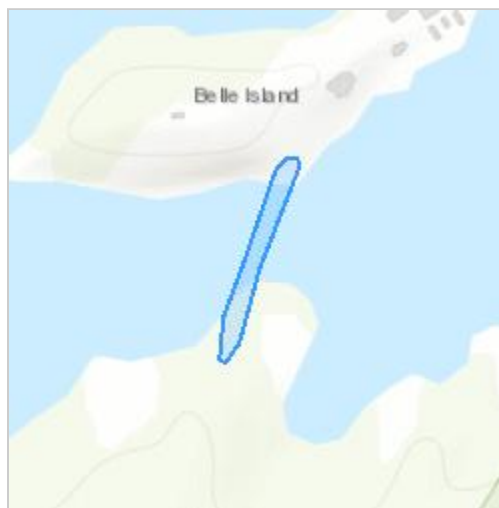
325 Little Harbor Road - Bridge Replacement and Tidal Area Restoration

2. Description

The following description was provided for the project '325 Little Harbor Road - Bridge Replacement and Tidal Area Restoration':

Impact approximately 20,000 square feet for the purpose of replacing an existing bridge to a residential island with a new bridge. This project proposes to remove fill from public water so that the hydraulic capacity and aquatic organism passage can be improved.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.064841400000006,-70.74616735916936,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

3. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

5. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

6. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

7. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: TFMoran, Inc.
Name: Jay Aube
Address: 170 Commerce Way
City: Suite 102
State: NH
Zip: 03801
Email: jaube@tfmoran.com
Phone: 6034312222

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers

From: "Kyra Higgins"
To: "Brochi, Jean" <Brochi.Jean@epa.gov>
Date: 4/13/2023 1:58:08 PM
Subject: RE: Question about Butternut Translucent Oil Coating/Finish for Lady Isle Bridge

Great, thank you so much for letting me know.
Have a great rest of your week,
My best,

-Kyra Higgins

From: Brochi, Jean <Brochi.Jean@epa.gov>
Sent: Thursday, April 13, 2023 1:40 PM
To: Kyra Higgins <khiggins@tfmoran.com>
Cc: Jason Aube <jaube@tfmoran.com>
Subject: RE: Question about Butternut Translucent Oil Coating/Finish for Lady Isle Bridge

Hi Kyra,
Thank you for your response. Your questions were very thorough and my questions were about the oil and toxicity and application which has been addressed.

No further questions. Thank you very much. Jean

From: Kyra Higgins <khiggins@tfmoran.com >
Sent: Thursday, April 13, 2023 1:04 PM
To: Brochi, Jean <Brochi.Jean@epa.gov >
Cc: Jason Aube <jaube@tfmoran.com >
Subject: FW: Question about Butternut Translucent Oil Coating/Finish for Lady Isle Bridge

Good afternoon Jean,

I hope that you are well! My name is Kyra Higgins, and I'm a new Environmental Permitting Specialist at TFMoran in Portsmouth. I wanted to reach out and forward these emails to you – as they address your concerns about the Lady Isle bridge replacement project. I understand that, in a pre-application meeting, you expressed concerns about the toxicity of the Butternut Translucent Oil finish to be applied to the piles. I've corresponded with Brian Kennedy from York Bridge Concepts and he clarified that this finish is not associated with the Butternut tree – butternut is only the color of the finish. Further, this finish will be a non-toxic acrylic coating on the piles. Please let me know if you have further questions – you can call me at 603-431-2222 anytime from 8 AM to 5 PM.

Thank you,

-Kyra Higgins

From: Brian Kennedy <bkenedy@ybc.com >
Sent: Friday, March 24, 2023 4:25 PM
To: Kyra Higgins <khiggins@tfmoran.com >
Cc: Jim Youngblood <jim@youngbloodbuilders.com >; Ajay Sujanani <ajay@ybc.com >; Drew Dancey <ddancey@ybc.com >; Katarina Lovell <klovell@ybc.com >
Subject: RE: Question about Butternut Translucent Oil Coating/Finish for Lady Isle Bridge [Filed 24 Mar 2023 16:34]

Hello Kyra, I think there is some confusion, as butternut is simply the tint color of the stain. It is not associated with the butternut tree.

Additionally, the oil stain is not applied to the piling, it will be an acrylic coating on the piling. We will draft up the color palette for the bridge and send with our next drawing submittal.

Thank you.

Brian Kennedy, Director of Construction Services
YORK BRIDGE CONCEPTS, INC.™
bkenedy@ybc.com
www.YBC.com
2423 Brunello Trace ~ Lutz, FL 33558

notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Kyra Higgins <khiggins@tfmoran.com> >
Sent: Friday, March 24, 2023 4:09 PM
To: Brian Kennedy <bkennedy@ybc.com> >
Subject: Question about Butternut Translucent Oil Coating/Finish for Lady Isle Bridge

Good afternoon Brian,

I hope that you are well! My name is Kyra Higgins, and I'm a new Environmental Permitter at TFMoran in Portsmouth. I'm not working directly on the Lady Isle Bridge project, but I'm doing some review of the bridge materials for the EPA, and I was hoping I could ask you some questions.

The EPA is wondering about the environmental impacts of the Butternut Translucent Oil that will be applied to the piles of the bridge. They're concerned about the toxic chemical that Butternut produces (from what I understand it can be toxic towards certain terrestrial/aquatic plants and wildlife) and how this chemical might be incorporated into the Oil Finish. I'm wondering if you can provide me with some insight on how the Butternut Translucent Oil is manufactured? More specifically, what parts of the Butternut tree are utilized for the oil? Also, when the Butternut Oil is applied to the piles, how much time are the piles given to dry / how long before they are installed in the water?

Let me know, and I really appreciate your help.

Thank you,

Sincerely,

-Kyra Higgins

Kyra Higgins
Environmental Permitting Specialist



TFMoran Seacoast Division
170 Commerce Way - Suite 102, Portsmouth, NH 03801
Tel: (603) 431-2222 Fax: (603) 431-0910
E-Mail: khiggins@tfmoran.com
www.tfmoran.com

EFH Mapper Report

EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

[Greater Atlantic Regional Office](#)
[Atlantic Highly Migratory Species Management Division](#)

Query Results




Degrees, Minutes, Seconds: Latitude = 43° 3' 53" N, Longitude = 71° 15' 14" W
 Decimal Degrees: Latitude = 43.065, Longitude = -70.746






















The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

*** WARNING ***

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH

| Link | Data Caveats | Species/Management Unit | Lifestage(s) Found at Location | Management Council | FMP |
|--|---|-------------------------|----------------------------------|--------------------|--|
|  |  | Atlantic Sea Scallop | ALL | New England | Amendment 14 to the Atlantic Sea Scallop FMP |
|  |  | Atlantic Wolffish | ALL | New England | Amendment 14 to the Northeast Multispecies FMP |
|  |  | Winter Flounder | Eggs Juvenile Larvae/Adult | New England | Amendment 14 to the Northeast Multispecies FMP |
|  |  | Little Skate | Juvenile Adult | New England | Amendment 2 to the Northeast Skate Complex FMP |
|  |  | Atlantic Herring | Juvenile Adult Larvae | New England | Amendment 3 to the Atlantic Herring FMP |
|  |  | Atlantic Cod | Larvae Adult Eggs | New England | Amendment 14 to the Northeast Multispecies FMP |

| Link | Data Caveats | Species/Management Unit | Lifestage(s) Found at Location | Management Council | FMP |
|--|---|-------------------------|-------------------------------------|--------------------|--|
|  |  | Pollock | Juvenile Eggs Larvae | New England | Amendment 14 to the Northeast Multispecies FMP |
|  |  | Red Hake | Adult Eggs/Larvae/Juvenile | New England | Amendment 14 to the Northeast Multispecies FMP |
|  |  | Windowpane Flounder | Adult Larvae Eggs Juvenile | New England | Amendment 14 to the Northeast Multispecies FMP |
|  |  | Winter Skate | Juvenile | New England | Amendment 2 to the Northeast Skate Complex FMP |
|  |  | Smooth Skate | Juvenile | New England | Amendment 2 to the Northeast Skate Complex FMP |
|  |  | White Hake | Adult Eggs Juvenile | New England | Amendment 14 to the Northeast Multispecies FMP |
|  |  | Thorny Skate | Juvenile | New England | Amendment 2 to the Northeast Skate Complex FMP |
|  |  | Bluefin Tuna | Adult | Secretarial | Amendment 10 to the 2006 Consolidated HMS FMP: EFH |
|  |  | Atlantic Mackerel | Eggs Larvae Juvenile | Mid-Atlantic | Atlantic Mackerel, Squid,& Butterfish Amendment 11 |
|  |  | Bluefish | Adult Juvenile | Mid-Atlantic | Bluefish |
|  |  | Atlantic Butterfish | Adult | Mid-Atlantic | Atlantic Mackerel, Squid,& Butterfish Amendment 11 |

Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

HAPCs

No Habitat Areas of Particular Concern (HAPC) were identified at the report location.

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.

****For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.

****For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

All spatial data is currently available for the Mid-Atlantic and New England councils,

Secretarial EFH,

Bigeye Sand Tiger Shark,

Bigeye Sixgill Shark,

Caribbean Sharpnose Shark,

Galapagos Shark,

Narrowtooth Shark,

Sevengill Shark,

Sixgill Shark,

Smooth Hammerhead Shark,

Smalltail Shark

Please mail the completed form and required material to:

TFM Project: 47099.01

DHR Use Only

R&C #

14854

Log In Date

3/31/23

Response Date

4/27/23

Sent Date

5/4/23

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street, Concord, NH 03301-3570

RECEIVED MAR 31 2023

Request for Project Review by the New Hampshire Division of Historical Resources

This is a new submittal.

This is additional information relating to DHR Review & Compliance (R&C) #:

RECEIVED *ASR*

GENERAL PROJECT INFORMATION

MAY 08 2023

Project Title New Bridge and Tidal Area Restoration Project

MSC/TFM

Project Location 325 Little Harbor Road (Belle Isle)

City/Town Portsmouth Tax Map 204 Lot # 5

NH State Plane - Feet Geographic Coordinates: Easting 1230200.351 Northing 207035.533
(See RPR Instructions and R&C FAQs for guidance.)

Lead Federal Agency and Contact (if applicable) ACOE
(Agency providing funds, licenses, or permits)

Permit Type and Permit or Job Reference # NHDES Wetlands Permit

State Agency and Contact (if applicable) NHDES - Wetlands Bureau, David Price

Permit Type and Permit or Job Reference # Dredge & Fill

APPLICANT INFORMATION

Applicant Name ADL 325 Little Harbor Trust

Mailing Address 127 Parrott Ave Phone Number private

City Portsmouth State NH Zip 03801 Email jaube@tfmoran.com

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company TFMoran, Inc.

Mailing Address 170 Commerce Way, Suite 102 Phone Number 603-431-2222

City Portsmouth State NH Zip 03801 Email jaube@tfmoran.com

This form is updated periodically. Please download the current form at www.nh.gov/nhdhr/review. Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: www.nh.gov/nhdhr/review or contact the R&C Specialist at marika.labash@dncr.nh.gov or 603.271.3558.

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION

Project Boundaries and Description

- Attach the Project Mapping **using EMMIT or relevant portion of a 7.5' USGS Map.** (See RPR Instructions and R&C FAQs for guidance.)
- Attach a detailed narrative description of the proposed project.
- Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) (Informative photo captions are requested.)
- A DHR records search must be conducted to identify properties within or adjacent to the project area. Provide records search results via EMMIT or in **Table 1.** (Blank table forms are available on the DHR website.)
EMMIT or in-house records search conducted on March/17/2023.

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area? Yes No
If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s): ~ 70

- Photographs of **each** resource or streetscape located within the project area, with captions, along with a mapped photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)

Archaeology

Does the proposed undertaking involve ground-disturbing activity? Yes No
If yes, submit all of the following information:

- Description of current and previous land use and disturbances.
- Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

DHR Comment/Finding Recommendation *This Space for Division of Historical Resources Use Only*

- Insufficient information to initiate review. Additional information is needed in order to complete review.
- No Potential to cause Effects No Historic Properties Affected No Adverse Effect Adverse Effect

Comments: FINDING INCLUDES PROPOSED CHANGES IN SCOPE OF WORK FROM 2022 REVIEW. (RPR 13464).

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized Signature: Madie Muller DSTAB Date: 4/27/23

Memo

NH Natural Heritage Bureau
NHB DataCheck Results Letter

Please note: portions of this document are confidential.
Maps and NHB record pages are confidential and should be redacted from public documents.

To: Jay Aube
170 Commerce Way - Suite 102
Portsmouth, NH 03801

From: NHB Review, NH Natural Heritage Bureau

Date: 3/23/2023 (valid until 03/23/2024)

Re: Review by NH Natural Heritage Bureau

Permits: MUNICIPAL POR - Portsmouth, NHDES - Shoreland Standard Permit, NHDES - Wetland Standard Dredge & Fill - Major, USACE - General Permit

NHB ID: NHB23-0723 Town: Portsmouth Location: 325 Little Harbor Road
Description: Impact approximately 35,000 square feet for the purpose of replacing a failing bridge with a new bridge, restoring tidal resources (removing two causeways from public waters), and connecting a residential island to municipal utilities.

cc: NHFG Review

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments **NHB: Please contact NHB regarding recommendations for marsh elder surveys. Please ensure proper erosion and sediment controls are used to avoid impacts to the nearby exemplary eelgrass bed natural community.**
F&G: Please refer to NHFG consultation requirements below.

| Natural Community | State¹ | Federal | Notes |
|---------------------------------------|--------------------------|----------------|---|
| Eelgrass bed | -- | -- | |
| | | | |
| Plant species | State¹ | Federal | Notes |
| marsh elder (<i>Iva frutescens</i>) | T | -- | Threats are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff. |

Memo

NH Natural Heritage Bureau NHB DataCheck Results Letter

Please note: portions of this document are confidential.

Maps and NHB record pages are confidential and should be redacted from public documents.

| Vertebrate species | State ¹ | Federal | Notes |
|--|--------------------|---------|---|
| Atlantic Sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>) | T | T | Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below). |
| Shortnose Sturgeon (<i>Acipenser brevirostrum</i>) | E | E | Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below). |

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

For all animal reviews, refer to 'IMPORTANT: NHFG Consultation' section below.

Disclaimer: A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

IMPORTANT: NHFG Consultation

If this NHB Datacheck letter DOES NOT include ANY wildlife species records, then, based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

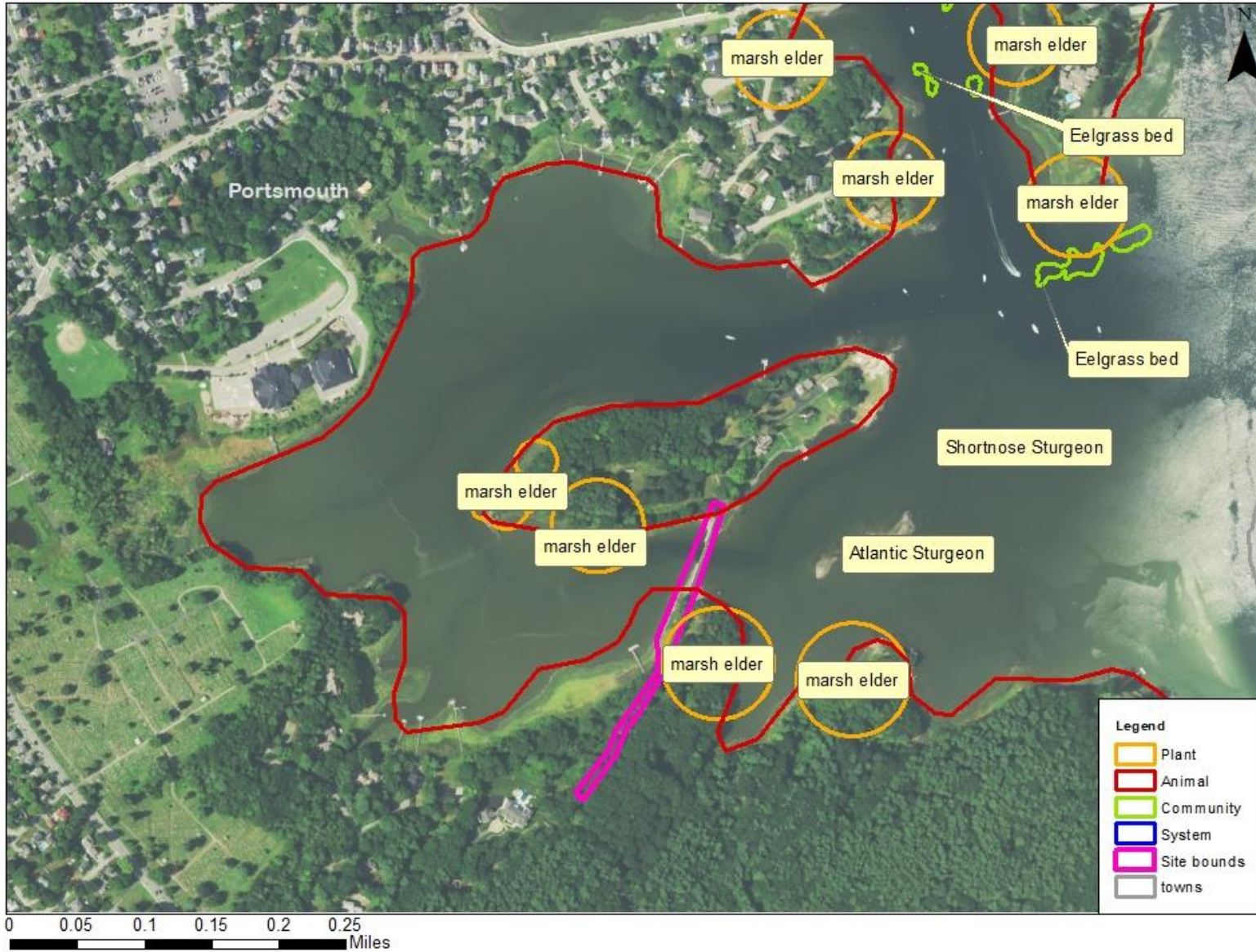
If this NHB Datacheck letter includes a record for a threatened (T) or endangered (E) wildlife species, consultation with the New Hampshire Fish and Game Department under Fis 1004 may be required. To review the Fis 1000 rules (effective February 3, 2022), please go to <https://wildlife.state.nh.us/wildlife/environmental-review.html>. All requests for consultation and submittals should be sent via email to NHFGreview@wildlife.nh.gov or can be sent by mail, and **must include the NHB DataCheck results letter number and "Fis 1004 consultation request" in the subject line.**

If the NHB DataCheck response letter does not include a threatened or endangered wildlife species but includes other wildlife species (e.g., Species of Special Concern), consultation under Fis 1004 is not required; however, some species are protected under other state laws or rules, so coordination with NH Fish & Game is highly recommended or may be required for certain permits. While some permitting processes are exempt from required consultation under Fis 1004 (e.g., *statutory permit by notification, permit by rule, permit by notification, routine roadway registration, docking structure registration, or conditional authorization by rule*), coordination with NH Fish & Game may still be required under the rules governing those specific permitting processes, and it is recommended you contact the applicable permitting agency. For projects not requiring consultation under Fis 1004, but where additional coordination with NH Fish and Game is requested, please email NHFGreview@wildlife.nh.gov, and include the NHB DataCheck results letter number and "review request" in the email subject line.

Contact NH Fish & Game at (603) 271-0467 with questions.

CONFIDENTIAL – NH Dept. of Environmental Services review

NHB23-0723



New Hampshire Natural Heritage Bureau - Plant Record

marsh elder (*Iva frutescens*)

Legal Status

Federal: Not listed
State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Excellent quality, condition and landscape context ('A' on a scale of A-D).
Comments on Rank: This rank may be for the state rather than relative to others in the region.

Detailed Description: 2021: Lady Isle: Plants intermittently distributed along the westernmost portion of the island. 2020: Tidal Pool: Species observed in flower. 2017: Leachs Island: Several thousand plants spread along 800+ feet of shoreline. 10-20% dieback, 10-15% yellowing, 65-80% normal to vigorous. Aphids observed on 80% of clumps. 2016: Peirce Island: Additional subpopulations located, raising total number of plants to over 600. Plants appear to be in much better health than 2014, with all individuals in fruit and in good vigor. Shaws Hill: Several clumps over an area approximately 30 x 15 feet. Estimated at over 200 individuals. Tidal Pool: Plants in 3 areas along shoreline near tidal pool. 2014 Peirce Island: Over 500 plants were observed, all stunted, with approximately 50-60% dead stems, mostly confined to the upper portions of the plants. 1996: Constant observation since 1953 reported, including all stages of phenology and age structure. 1982: Good clump observed.

General Area: 2017: Leachs Island: Upper edge of brackish marsh/rocky shore. Plants absent from areas with broader expanse of marsh. Rocks present in most areas where the plants are growing. Associated species include black oak (*Quercus velutina*), saltmarsh rush (*Juncus gerardii*), sea-blite (*Suaeda* sp.), hastate-leaved orache (*Atriplex* cf. *prostrata*), smooth cordgrass (*Spartina alterniflora*), Carolina sea-lavender (*Limonium carolinianum*), and seaside plantain (*Plantago maritima* ssp. *juncooides*). 2016: Peirce Island: Population forms a narrow band immediately above the highest observed wrack line along the shore. Associated upland species include staghorn sumac (*Rhus hirta*), autumn-olive (*Elaeagnus umbellata* var. *parvifolia*), Asian bittersweet (*Celastrus orbiculatus*), and speckled alder (*Alnus incana* ssp. *rugosa*). The saline areas downslope of the marsh elder contained over 50% unvegetated substrate, as well as a mixture of cordgrass (*Spartina* sp.) and saltgrass (*Distichlis spicata*). Shaws Hill: Surrounding land use is developed. All plants below highest observable tide line in **high salt marsh**, located among saltmeadow cordgrass (*Spartina patens*), smooth cordgrass (*Spartina alterniflora*), and seaside goldenrod (*Solidago sempervirens*). Tidal Pool: Sagamore Creek/Great Bay shoreline, with smooth cordgrass (*Spartina alterniflora*), saltmarsh rush (*Juncus gerardii*), saltmeadow cordgrass (*Spartina patens*), seaside goldenrod (*Solidago sempervirens*), and sea-blite (*Suaeda* spp.). 1996: On shores of several islands and peninsulas in the more or less enclosed bay system. Associated plant species: *Solidago sempervirens* (seaside goldenrod), *Juncus gerardii* (salt marsh rush), *Spartina patens* (saltmeadow cord-grass), *Triglochin maritimum* (arrow-grass), *Elymus virginicus* (Virginia wild rye), *Atriplex patula* (narrow-leaved orach), and *Artemisia vulgaris* (common mugwort). Substrate: gravel and marsh peat and muck. 1982: On shore at Pleasant Point.

General Comments: 2021: Lady Isle: Site is referred to Belle Isle on reporting form, and appears as Belle Island on some maps, but is called Lady Isle on USGS topo. 2016: Peirce Island: "The population currently appears to be in good health, although the results of the June 2014 surveys indicated that there may be some intermittent pressure on this population. The propensity of this species to grow in a very narrow band along the tide line does not allow for rapid adaptation to changing sea levels, storm events, or polluted runoff that a larger, robust population may resist. If sea levels gradually rise as expected, the marsh elder will be unable to move inland due to a small but steep cut bank that forms the upland break adjacent to the marsh elder population. The remaining subpopulations may also be getting shaded by the adjacent upland vegetation, which appears to be encroaching on the shoreline. This vegetation is comprised of large shrub species and the invasive Oriental bittersweet that is capable of overtaking the native plants in the area."

Management --

Comments:

Location

Survey Site Name: Little Harbor, back channel

Managed By: Little Harbor Trust

County: Rockingham

Town(s): Portsmouth

Size: 61.4 acres

Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: 2021: Lady Isle: Shoreline along western end of Lady Isle. 2017: Leachs Island: Island in New Castle only accessible by boat. Plants observed on south shore of island. 2016: Peirce Island: Along the southern shore of Peirce Island, along the edge of a small cove west of the wastewater treatment facility. Shaws Hill: Take Laurel Lane off New Castle Avenue, bear left onto driveway right-of-way servicing 51A and 51B Laurel Lane. At end of right-of-way, 51B will be located on the right. Tidal Pool: Along Sagamore Creek shoreline on Creek Farm Reservation property in Portsmouth. In the vicinity of Rte. 1B which encircles the Little Harbor back channel from Portsmouth to New Castle and Rye. Many of the sites are visible only by boat.

Dates documented

First reported: 1953

Last reported: 2021-02-10

New Hampshire Natural Heritage Bureau - Animal Record

Shortnose Sturgeon (*Acipenser brevirostrum*)

Legal Status

Federal: Listed Endangered
State: Listed Endangered

Conservation Status

Global: Rare or uncommon
State: Critically imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Not ranked
Comments on Rank: --

Detailed Description: 2016: 2 individuals, 1 female and 1 sex unknown, detected in Portsmouth Harbor and the lower Piscataqua River. 2015: 3 females and 2 other individuals, sex unknown detected in Portsmouth Harbor. 2014: 1 female detected moving from Portsmouth Harbor up the Piscataqua River to the mouth of the Cocheco River. 2012: 1 female detected in Little Bay. 2011: 1 female detected in Little Bay. 2010: 1 female detected in Little Bay.

General Area: 2016: Tidal waters in Portsmouth Harbor, Little Bay, and the Piscataqua River.

General Comments: --
Management: --
Comments:

Location

Survey Site Name: Piscataqua River
Managed By:

County:

Town(s): Out-Of-State

Size: 7749.3 acres

Elevation:

Precision: Within 1.5 miles of the area indicated on the map (location information is vague or uncertain).

Directions: 2016: Tidal waters of Portsmouth Harbor, Little Bay, and the Piscataqua River.

Dates documented

First reported: 2010-11-03 Last reported: 2016-10-20

The U.S. Fish & Wildlife Service has jurisdiction over Federally listed species. Please contact them at 70 Commercial Street, Suite 300, Concord NH 03301 or at (603) 223-2541.

From: [Snyder, Kimberly](#)
To: [Jason Aube](#)
Cc: [Kyra Higgins](#); [Vincent Brigagliano](#); [FGC: NHFG review](#); [Dionne, Michael](#)
Subject: RE: New Bridge and Tidal Area Restoration Project - Lady Isle, Portsmouth
Date: Monday, May 8, 2023 3:10:31 PM

Jay,

Thank you for this assessment.

Mike Dionne and I have looked over this and we have no further questions or concerns with the assessment. We agree that restoration to a mud flat and tidal marsh habitat would be a benefit to this site and the species using it.

We do not expect impacts to the Atlantic or Shortnose sturgeon from this project, however we would prefer that the work occur during the normal dredge window (Nov 15th-Mar 15th). If this will not be possible, please contact us for BMPs to avoid sedimentation.

Kim S.

Program Planner

Nongame and Endangered Wildlife Program

New Hampshire Fish and Game Department

Kimberly.C.Snyder@wildlife.nh.gov

Phone: 603-271-0467

From: Jason Aube <jaube@tfmoran.com>
Sent: Friday, May 5, 2023 11:00 AM
To: Snyder, Kimberly <kimberly.C.Snyder@wildlife.nh.gov>
Cc: Kyra Higgins <khiggins@tfmoran.com>; Vincent Brigagliano <vbrigagliano@tfmoran.com>
Subject: New Bridge and Tidal Area Restoration Project - Lady Isle, Portsmouth

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Kim,

We'd like to take a moment to bring you up to speed with a bridge replacement project that will be occurring in Portsmouth. The property owner is proposing to remove the causeways associated with the existing bridge (which are within public waters) and construct a new timber bridge that spans the entire tidal resource. In a pre-application meeting in February, Mike Dionne expressed concerns about the unnaturally created, micro-niche habitat below the existing bridge. The existing causeways restrict tidal flows and increase the velocity of tidal flows, and this, in turn, scours the area below the bridge and creates an unnatural micro-niche habitat. Mike requested we perform a wildlife assessment of the area below the bridge for his review. Unfortunately, we have just learned that Mike has taken a new position within Fish and Game and he hasn't had an opportunity to review this document.

Attached to this email is the relevant NH Natural Heritage Bureau (NHB) Report associated with this project and the wildlife assessment. Our plan is to restore this tidal area by removing the existing causeways to an elevation 2-feet below the elevation of the adjacent mud flats so that this area, with time, can naturally and gradually, return to its original mud flat habitat condition. We are also proposing to restore the salt marsh and restore the upland buffer of the island and the mainland with native vegetation. Lindsey Lefebvre, of the U.S. Army Corps of Engineers and Kaitlyn Shaw, of NOAA Fisheries, concur with this restoration approach. We will have a final restoration plan prepared for your review shortly.

Our relative new hires Kyra Higgins and Vince Brigagliano, each from UNH and copied on this reply, prepared the attached wildlife assessment. If you have any questions, they can be reached anytime.

Respectfully,

Jay Aube, CWS

Project Manager

Certified Wetland Scientist

TFMoran Seacoast Division

170 Commerce Way - Suite 102, Portsmouth, NH 03801

Tel: (603) 431-2222 Fax: (603) 431-0910

Cell: (603) 988-2615

From: [DNCR: NHB Review](#)
To: [Jason Aube](#)
Subject: RE: Marsh Eleder - 325 Little Harbor Road, Portsmouth - NHB23-0723
Date: Monday, May 22, 2023 7:44:40 AM

Jay,

Based on my review of the materials, there is no anticipated impact to eel grass beds for this project.

Best.

Ashley Litwinenko
Environmental Reviewer
Natural Heritage Bureau (NHB)
Division of Forests & Lands - DNCR
172 Pembroke Rd., Concord, NH 03301
Phone: 603-271-2834
[Datacheck Tool](#)
[NHB Botany information](#)

From: Jason Aube <jaube@tfmoran.com>
Sent: Friday, May 19, 2023 7:24 PM
To: DNCR: NHB Review <nhbreview@dncr.nh.gov>
Cc: Severance, Madeline <Madeline.P.Severance@dncr.nh.gov>
Subject: RE: Marsh Eleder - 325 Little Harbor Road, Portsmouth - NHB23-0723

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Ashley/ Maddie:

Do you also concur that this project will pose no threat to known eel grass beds? The water depth at the project site is too shallow to support this habitat. I have attached an eel grass map for your reference.

Jay Aube, CWS
Project Manager
Certified Wetland Scientist
TFMoran Seacoast Division
170 Commerce Way - Suite 102, Portsmouth, NH 03801
Tel: (603) 431-2222 Fax: (603) 431-0910
Cell: (603) 988-2615

From: DNCR: NHB Review <nhbreview@dncr.nh.gov>
Sent: Thursday, May 11, 2023 1:04 PM
To: Jason Aube <jaube@tfmoran.com>
Cc: Kyra Higgins <khiggins@tfmoran.com>; Vincent Brigagliano <vbrigagliano@tfmoran.com>
Subject: RE: Marsh Eleder - 325 Little Harbor Road, Portsmouth - NHB23-0723

Hi Jay,

Thank you for sending these documents and information over. Maddie forwarded me your email because I'll be providing next steps for this review, as I've taken over Environmental Review follow-up from Jessica Bouchard.

Transplanting will be an acceptable approach for the marsh elder (*Iva frutescens*) occurrences being threatened by the proposed bridge construction. Reading your recommendations, it sounds like there is a good basis for transplanting marsh elder, and NHB is aware you are very familiar with this state-threatened species. NHB would like to ask that TF Moran provide a draft transplant protocol for us to review and provide comments on if needed. If you could please put the information you have provided in a more detailed document for NHB to look over prior to transplanting following the below information as a guide.

NHB recommendations for long-term establishment of transplants:

1. Transplant location:

- a. Suitable habitat: Saline marshes, most commonly near limit of high tide.
- b. In an area that is not expected to be developed in the future.
- c. Include a map showing existing locations and proposed transplant location.
- d. Please provide reasoning for proposed relocation site.

2. Transplant timing:

- a. Flowers early-August to end of October (expect annual variability). Seed is expected early November, and seed collection could occur early November until mid-November.
- b. Please provide suggested timing for transplanting to occur.
- c. Transplanting preferably to occur on a cloudy day, early morning, or evening. Avoid transplanting in the hottest part of the day.

Post-transplant recommendations:

1. Protection during construction:

- a. Surround with orange construction fencing to protect during construction/ if in a high traffic area.

2. Monitoring:

- a. Short-term monitoring immediately following transplanting to prevent drying out and aid establishment.
- b. Long-term monitoring of transplants should occur annually for three years, during spring bloom/seed development timeframe.

NHB Long-term monitoring:

1. Rare Plant Monitoring Report Guidelines

- a. This report should be prepared and sent to NHB on an annual basis, for three consecutive years to assess transplanting success.
- b. Images of the original population prior to transplanting. Photos should also be taken during removal and after transplanting. Photos should also be taken every year during monitoring.

- c. Map showing transplant areas in relation to original population site.
- d. Use GPS or flagging to find the population each monitoring year. If project work is actively occurring or transplants are in a high traffic area, use flagging or fencing to protect the population.
- e. Providing information about changes in the population is helpful to understand its viability.
- f. Fill out a rare plant reporting form once the plants are transplanted:
<https://www.nh.gov/nhdf/repports/rare-plant-list.htm>

Please let me know if you have any questions.

Thank you!

Ashley Litwinenko
Environmental Reviewer
Natural Heritage Bureau (NHB)
Division of Forests & Lands - DPCR
172 Pembroke Rd., Concord, NH 03301
Phone: 603-271-2834
[Datacheck Tool](#)
[NHB Botany information](#)

From: Jason Aube <jaube@tfmoran.com>
Sent: Thursday, May 11, 2023 9:34 AM
To: Severance, Madeline <Madeline.P.Severance@dncr.nh.gov>
Cc: Bouchard, Jessica <Jessica.R.Bouchard@dncr.nh.gov>; Kyra Higgins <khiggins@tfmoran.com>; Vincent Brigagliano <vbrigagliano@tfmoran.com>
Subject: RE: Marsh Eleder - 325 Little Harbor Road, Portsmouth - NHB23-0723

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Hi Maddie,

More marsh elder to discuss! I've reviewed this project with Jessica in the past - so I copied her as well.

Lady Isle/ Belle Isle is currently served by a deteriorating bridge that rests on two large causeways within public waters. These causeways act to unnaturally restrict tidal flows and they're an impediment to aquatic organism passage. The plan is to construct a new bridge on wooden piles adjacent to the existing bridge that spans the entire resource. We also plan to remove the existing causeways from public waters and restore this tidal area (salt marsh restoration and upland tidal buffer zone restoration.) NH Fish and Game, the Army Corp of Engineers and NOAA Fisheries are all on board with our efforts to restore the tidal area in this manner.

In order to construct the new bridge, we must construct two new bridge approaches. Unfortunately, these bridge approaches will impact marsh elder in two locations (plan attached.) These marsh elder

locations are not formally documented by the NHB. There are, however, many known and well-established clusters of marsh elder within the vicinity of our project. We'd like your permission to relocate the existing marsh elder plants to an area of the island adjacent to an existing, healthy established stand of marsh elder.

During the transplanting, we'll be certain to extract the plants in a manner that retains their entire root systems. We'll ensure that transplant holes are dug prior to transplanting and that each hole can adequately accommodate the proposed planting. We'll water each transplant hole prior to planting and they'll be located at or near the Highest Observable Tide Line (HOTL) – similar to the adjacent healthy stand of marsh elder. We'll monitor the success of the transplanting and water as required.

I have attached a plan that depicts the locations of the newly identified marsh elder species as well as a drone image that nicely demonstrates the areas where the causeways will be removed and the area where we're proposing to transplant the marsh elder.

We're excited to attempt this and we're eager to receive your feedback.

Respectfully,

Jay Aube, CWS

Project Manager

Certified Wetland Scientist

TFMoran Seacoast Division

170 Commerce Way - Suite 102, Portsmouth, NH 03801

Tel: (603) 431-2222 Fax: (603) 431-0910

Cell: (603) 988-2615

From: Severance, Madeline <Madeline.P.Severance@dncr.nh.gov>

Sent: Friday, March 24, 2023 12:42 PM

To: Jason Aube <jaube@tfmoran.com>

Cc: Bouchard, Jessica <Jessica.R.Bouchard@dncr.nh.gov>; Kyra Higgins <khiggins@tfmoran.com>; Vincent Brigagliano <vbrigagliano@tfmoran.com>

Subject: RE: Marsh Elder - 70 Pleasant Point Dr, Portsmouth - NHB22-1430

Hi Jay,

The snow has mostly melted but there's more in the forecast! I am definitely ready for warmer weather.

Thank you for flagging the marsh elder in order to ensure its protection during work, and welcome Kyra and Vincent, I look forward to working with you in the future.

Enjoy your weekend,

Maddie

Maddie Severance (she/her/hers)
Assistant Ecological Information Specialist
New Hampshire Natural Heritage Bureau (NHB)
Division of Forests & Lands
NH Dept. of Natural & Cultural Resources
172 Pembroke Rd
Concord, NH 03301
(603)-271-0687 (office)

[NHB DataCheck Tool](#)

From: Jason Aube <jaube@tfmoran.com>
Sent: Friday, March 24, 2023 12:20 PM
To: Severance, Madeline <Madeline.P.Severance@dncr.nh.gov>
Cc: Bouchard, Jessica <Jessica.R.Bouchard@dncr.nh.gov>; Kyra Higgins <khiggins@tfmoran.com>;
Vincent Brigagliano <vbrigagliano@tfmoran.com>
Subject: Marsh Eleder - 70 Pleasant Point Dr, Portsmouth - NHB22-1430

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Maddy/ Jessica,

I hope you had a great winter – I suspect it’s still closer to winter up there!

I had an opportunity to get out and re-stake and surround the Marsh elder on this site with *caution tape* this morning. It was great opportunity to train our new staff members Vincent and Kyra, each copied on this email, how to identify Marsh Elder during the non-growing season.

Best,

Jay Aube
Certified Wetland Scientist (CWS)
TFMoran, Inc.

May 11, 2023

NH Department of Environmental Service
Coastal Division
Pease Field Office
222 International Drive, Suite 175
Portsmouth, NH 03801

Attn: Kristin Duclos

Re: Lady Isle Bridge

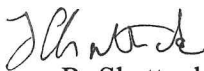
Dear Kristin,

We reviewed plans for the replacement of an existing bridge with site improvements on the Piscataqua River back channel in Portsmouth on property at

325 Little Harbor Road
Portsmouth, NH
Map 205 Lot 2

We examined the proposed site and found that the project will have no negative effect on navigation in the channel.

Sincerely,



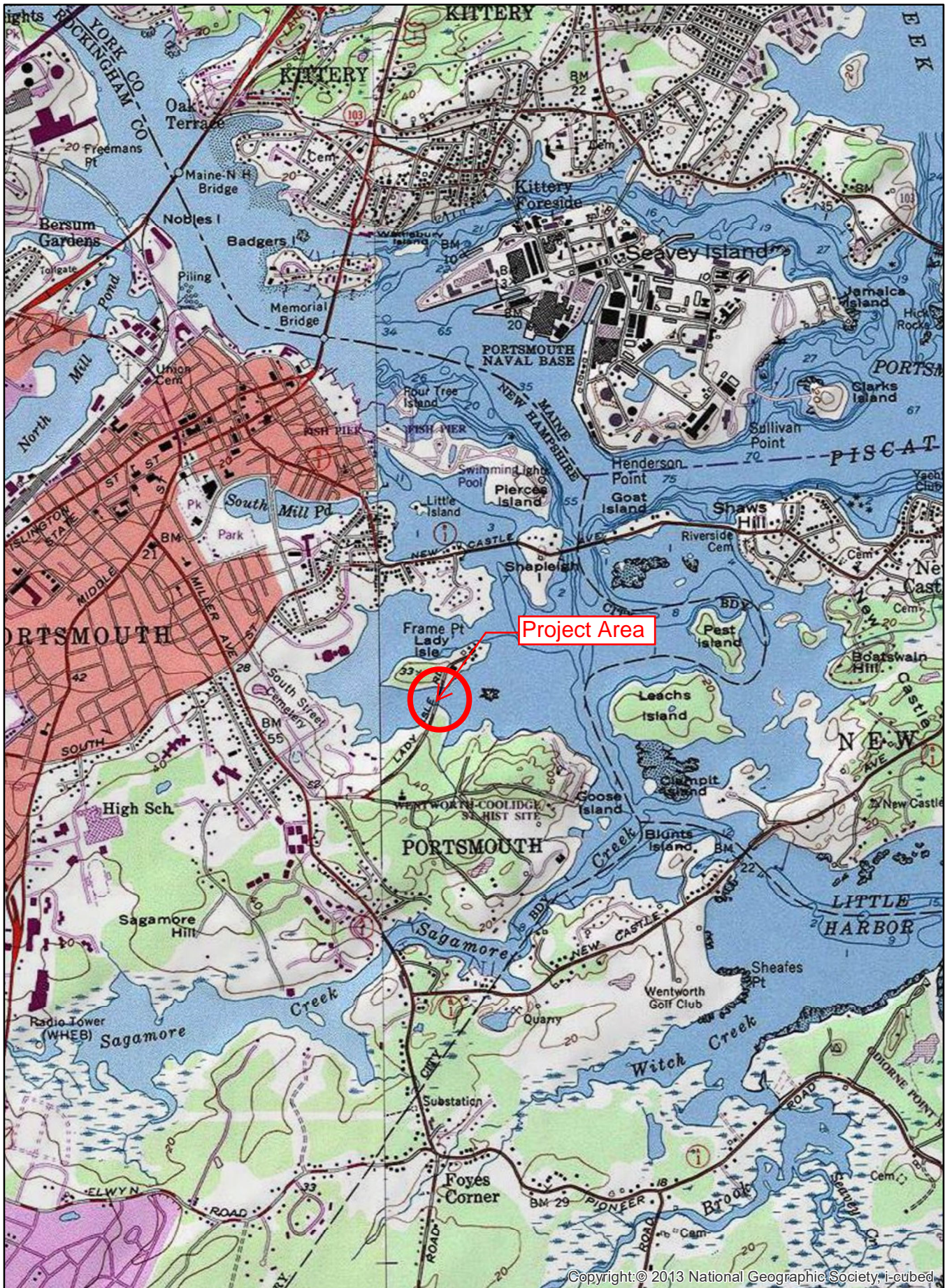
Tracy R. Shattuck
Chief Harbor Master

Cc: Duncan Mellor
Civilworks New England/Haight Engineering
181 Watson Road
Dover, New Hampshire 03821

SECTION 4

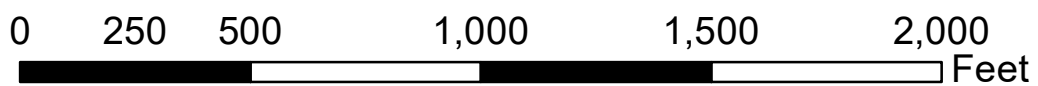
USGS MAP

Scale 1:24,000



USGS MAP

Scale 1:5,000

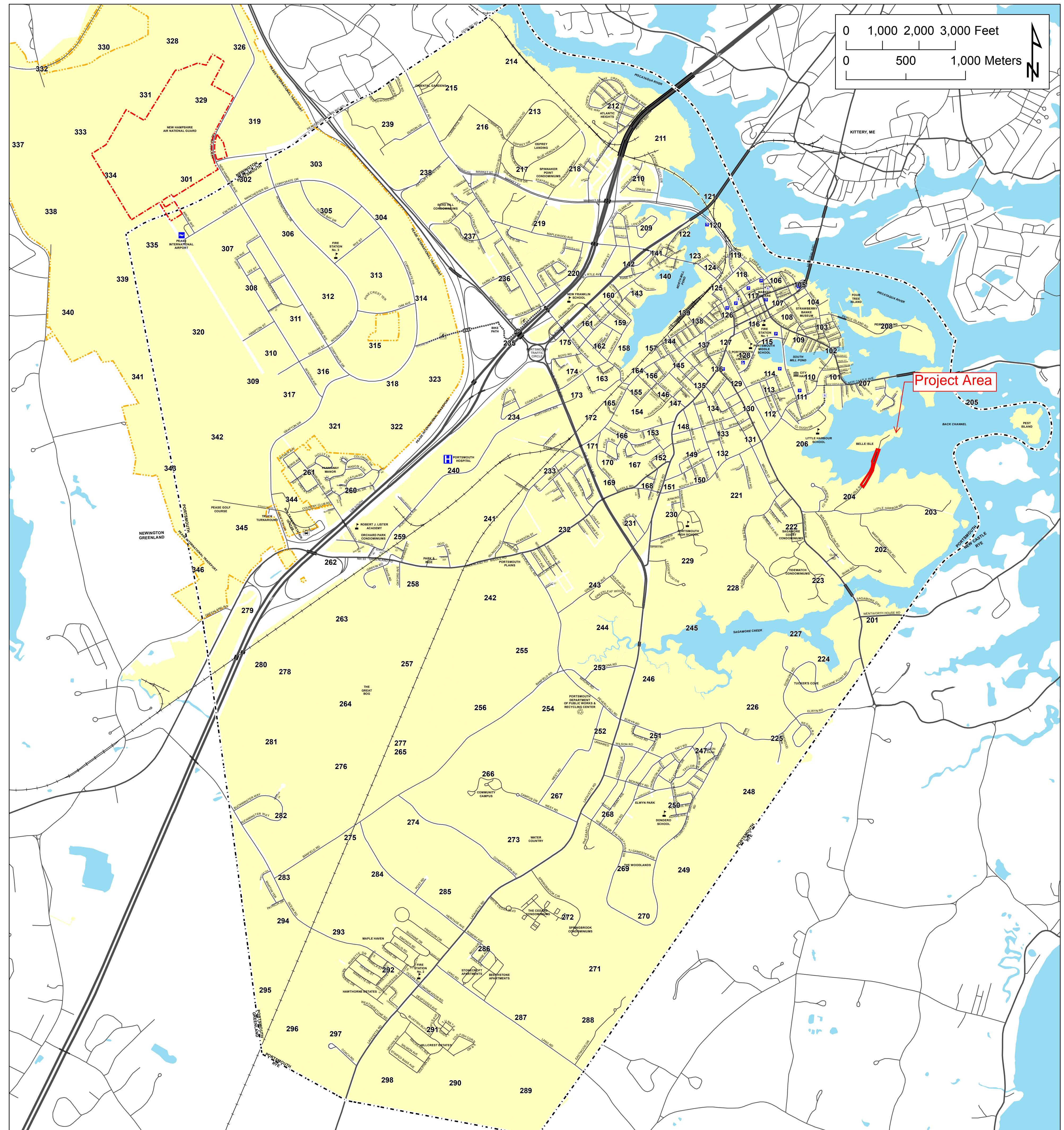


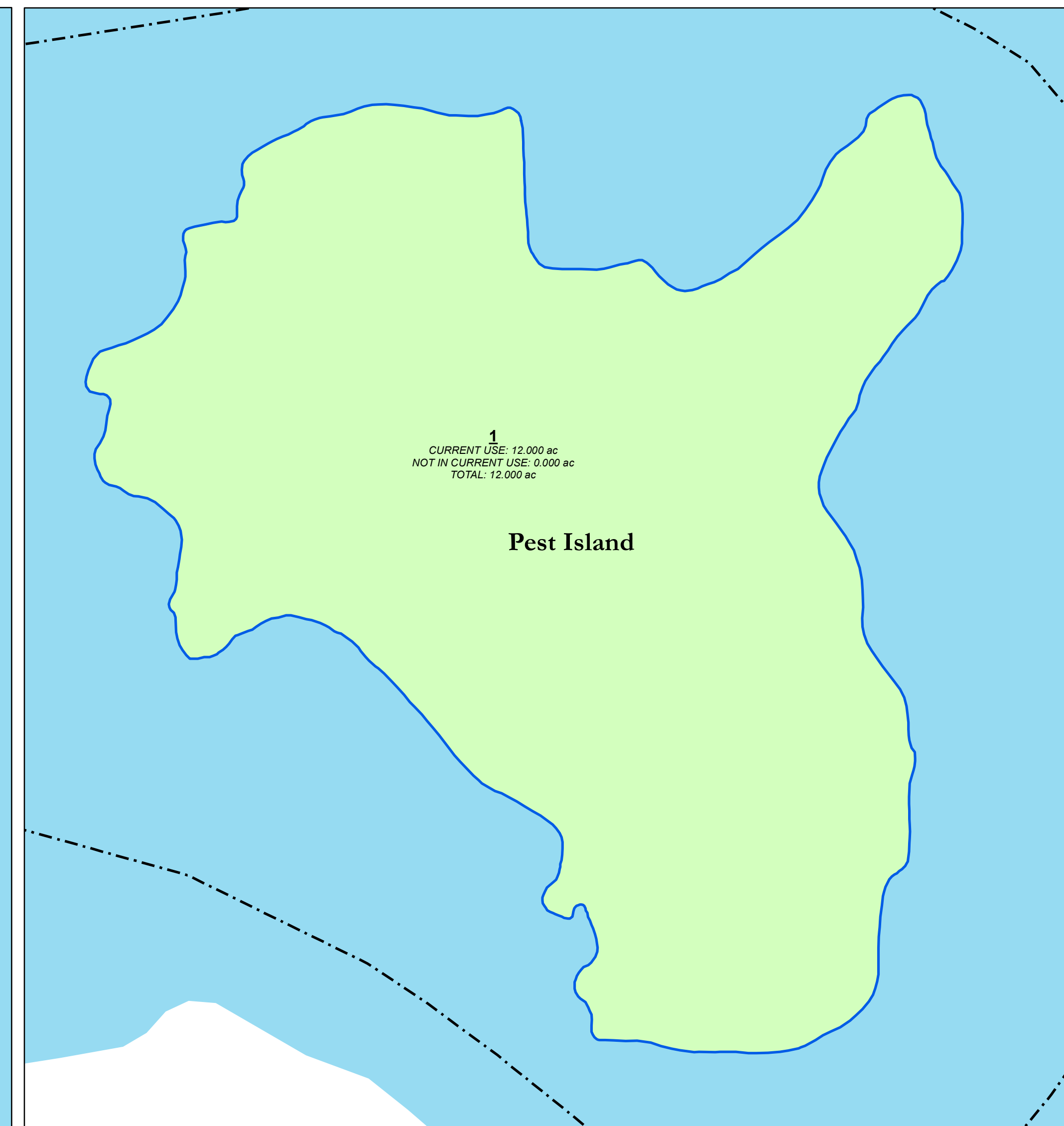


City of Portsmouth 2019 Rural Tax Maps

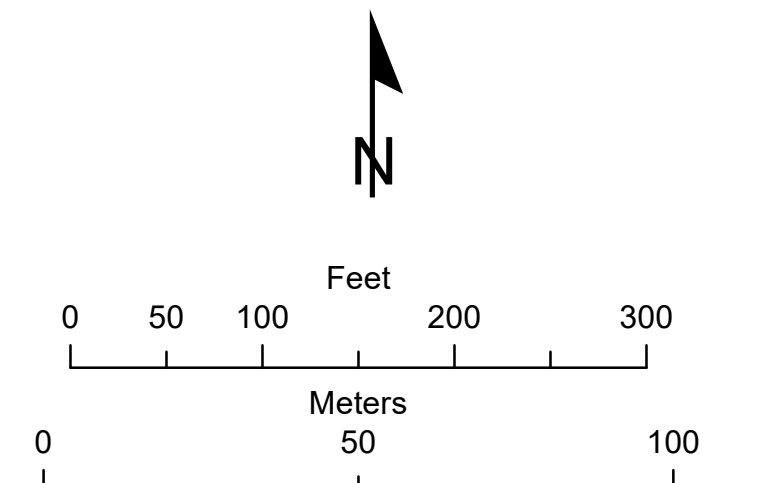
Maps 201-298

| Tax Map Legend | |
|-------------------------|---|
| 7-5A | Lot or Lot-Unit Number |
| 2.56 ac | Parcel Area in Acres |
| 25 | Address Number |
| 233-137 | Parcel Number from a Neighboring Map |
| 68' | Parcel Line Dimension |
| SIMS AVE | Street Name |
| Piscataqua River | Water Body |
| | Cemetery |
| | Parcel Assigned to the Current Map |
| | Parcel from Another Map (please refer to the appropriate map) |
| | Water |
| | Parcel in Current Use |
| | Line Between Parcels |
| | Line Between Parcel and Right of Way |
| | Line Between Parcel and Water |
| | City Line |
| | New Hampshire Air National Guard (NHANG) Boundary |
| | Pease International Tradeport Boundary |
| | Structure (2006 data) |
| | Swimming Pool (2006 data) |
| | Railroad Track |

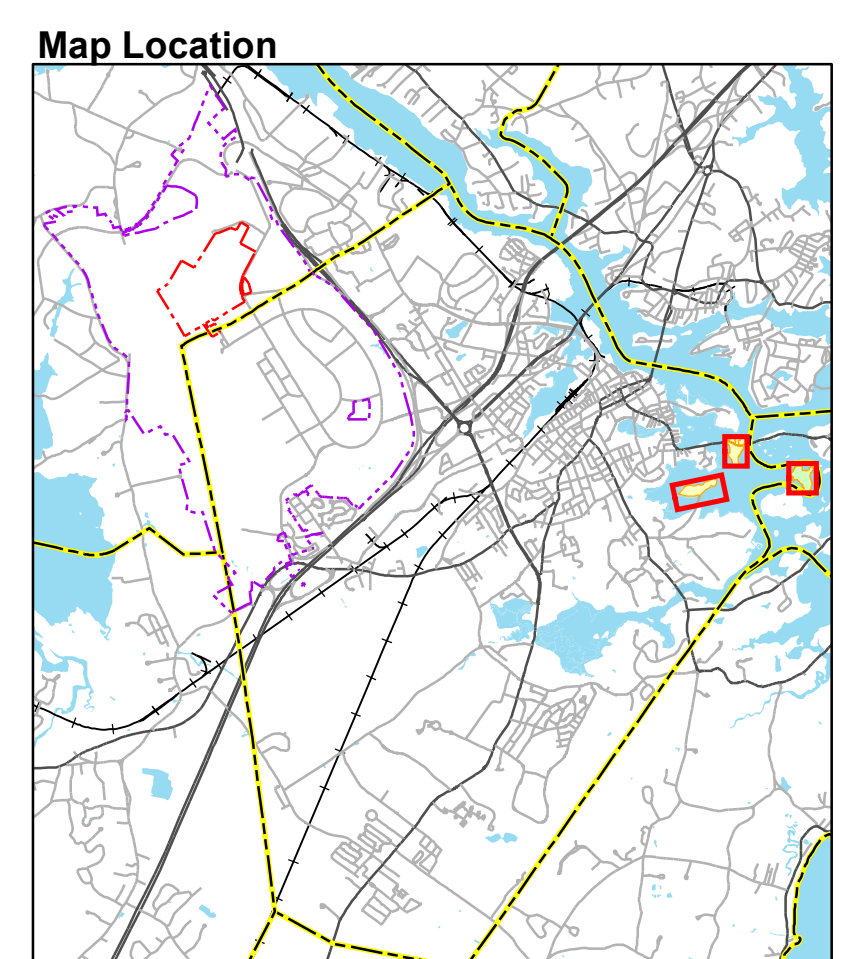
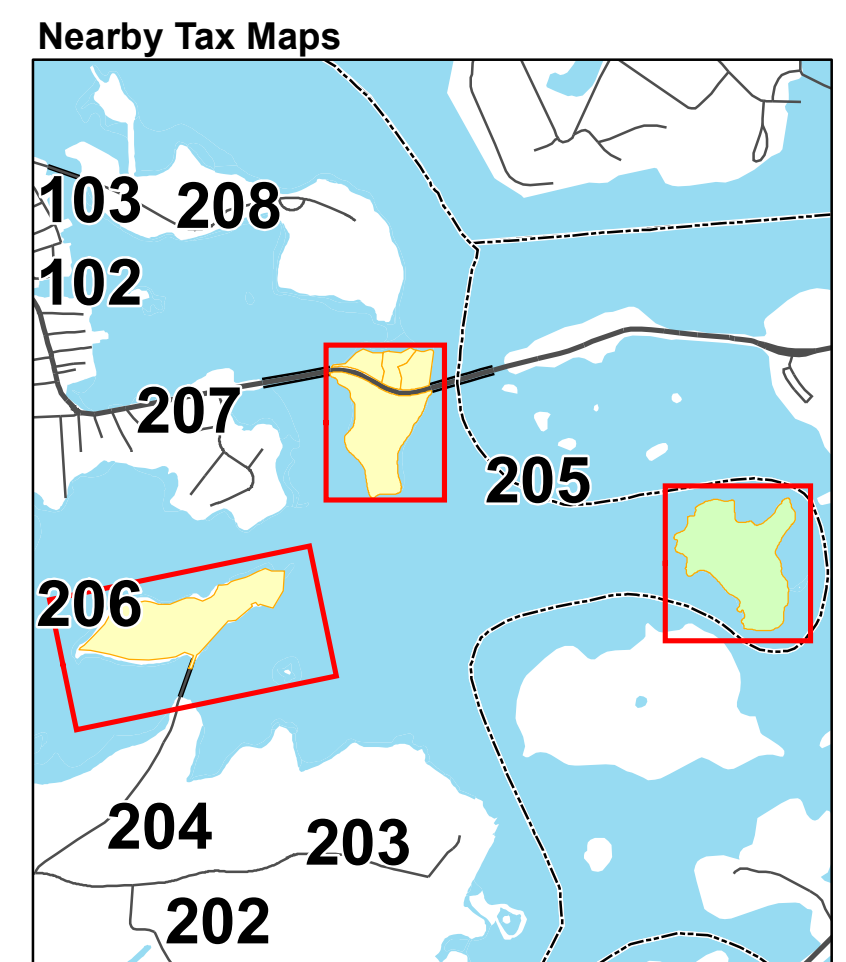




- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 75 Address number
 - 233-137 Parcel number from a neighboring map
 - 68 Parcel line dimension
 - SIMS AVE Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (2006 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



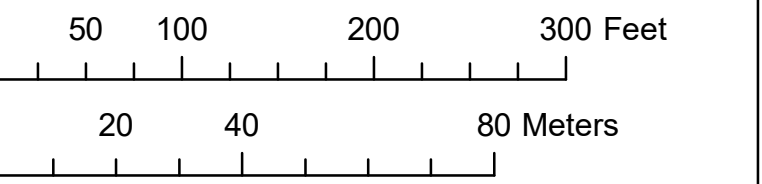


Partial Legend
 See the cover sheet for the complete legend.

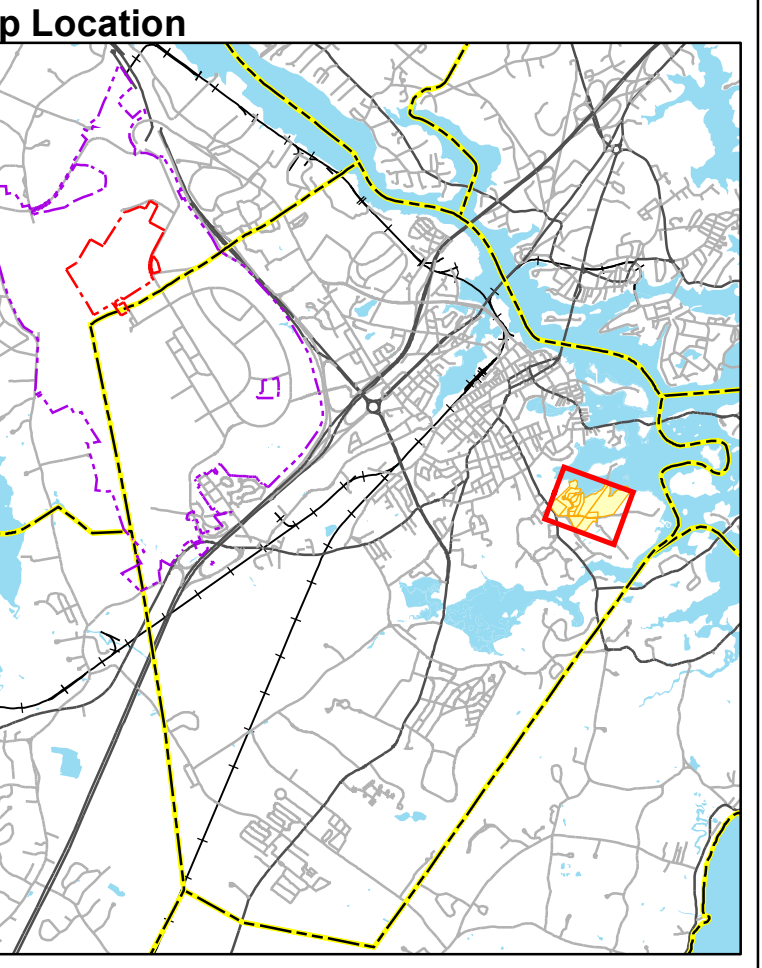
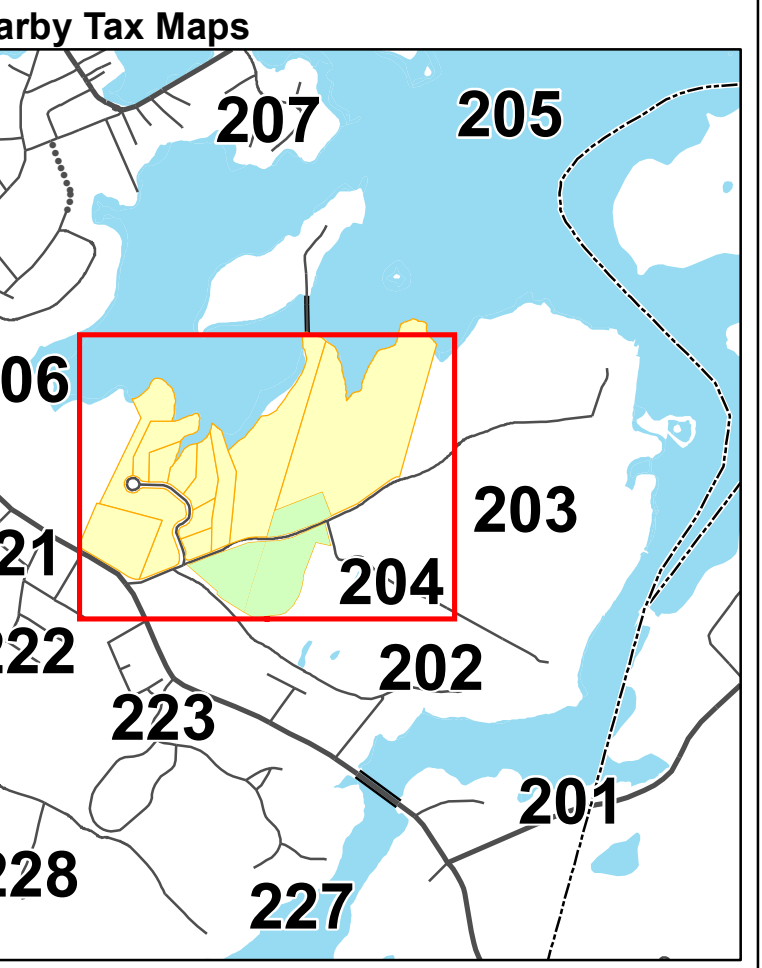
7-5A Lot or lot-unit number
 2.56 ac Parcel area in acres (ac) or square feet (sf)
 25 Address number
 233-137 Parcel number from a neighboring map
 68 Parcel line dimension

SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)



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Portsmouth, New Hampshire
 2022
Tax Map 204



Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists

**NEW
 HAMPSHIRE
 200**

**325 Little Harbor Road, Portsmouth
 Lady Isle / Belle Isle Bridge Project
 Photo Exhibit**



Photo 1. A view of the existing bridge approach (on the opposite side of Lady Isle) to be replaced as well as a portion of the upland on site.



Photo 2. A view of the existing bridge to be replaced, the causeways to be removed, and the area in which new utility connections will be constructed. The tidal wetland (comprised largely of mudflats) and the upland tidal buffer zones can be seen as well. A few of the saltmarsh areas to be restored reside on either side of the bridge in the vicinity of the causeways.





Photo 3. Another view of the bridge and causeways as well as the subject property. The tidal wetland and portions of the buffer zones can still be seen. A portion of saltmarsh can be seen along the edge of the bridge and road leading to the property.



Photo 4. An aerial view of the bridge, causeways, property, tidal resources, and saltmarsh areas.

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
170 Commerce Way—Suite 102, Portsmouth, NH 03801
T(603) 431-2222



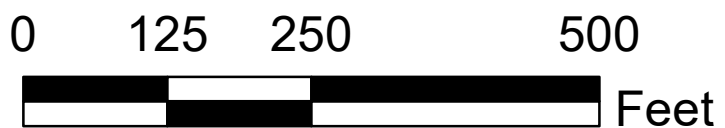
Photo 5. A final view of the bridge approach on Lady Isle to be replaced as well as a portion of upland.

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
170 Commerce Way—Suite 102, Portsmouth, NH 03801
T(603) 431-2222

Photo Orientation Key



SECTION 5



LCHIP ROA429347 25.00
RECORDING 22.00
SURCHARGE 2.00



Return to: 
Hoefle, Phoenix, Gormley & Roberts, P.A.
127 Parrott Avenue
Portsmouth, NH 03801

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **Stephen H. Roberts, Esq., Trustee of The ADL Portsmouth Residence Trust**, u/d/t October 30, 2017 with a business address of 127 Parrott Avenue, Portsmouth, New Hampshire 03801, for consideration, grants to **Stephen H. Roberts, Esq., Trustee of the ADL 325 Little Harbor Road Trust**, u/d/t October 31, 2018 with a business address of 127 Parrott Avenue, Portsmouth, New Hampshire 03801, with warranty covenants, the following described premises:

A certain tract or parcel of land, with the buildings thereon, situated on the northerly side of Little Harbor Road, in Portsmouth in the County of Rockingham and State of New Hampshire, bounded and described as follows:

A certain tract of land, situated in said Portsmouth, and being the island heretofore known as Marston's Island, anciently know as Salter's Island and before that Jackson's Island, now known as "Belle Isle," together with all the buildings thereon, also the bridge, together with its approaches, piling, planks, rails and other appurtenances connecting said Island with the lot of land first herein conveyed (other land formerly of said Michael R. Clark), together with such rights of way, if any from New Castle Avenue, in, upon, over and across the land formerly of John J. Pickering, or any others, from New Castle Avenue to Frame Point and from said Frame Point to said New Castle Avenue, as may be appurtenant.

TOGETHER WITH THE BENEFIT OF the following permanent access, building restrictions, and waterline easements reserved to the current and/or future owner(s) of the above described "Belle Isle" as set forth in a certain Easement and Restriction Deed granted from Michael R. Clark to Michael R. Clark, dated September 12, 2005 and recorded in the Rockingham County Registry of Deeds at Book 4548, Page 2823 and Corrective Easement and Restriction Deed recorded at Book 4551, Page 327. Said permanent easements are identified on plan of land entitled, "Subdivision Plan for Michael R. Clark, Little Harbor Road, Portsmouth, NH," dated July 30, 2004, by Doucet Survey, Inc., 76 Exeter Street, P.O. Box 163, Newmarket, NH, 03857-0163, revised through August 10, 2005 and recorded in the Rockingham County Registry of Deeds as Plan #D-33062. Said permanent easements are more particularly bounded and described in accordance with said Plan as follows:

(i) A permanent easement for vehicular and pedestrian travel, access, maintenance, repair and replacement, over the area identified as Tax Map 205, Lot 2 on said Plan, which easement is identified on said plan as "Proposed 25 Foot Wide Access Easement" and "Existing Paved Driveway" and more particularly bounded and described as follows:

Beginning at a railroad spike set on Lot 1 on said plan, at Little Harbor Road, 29.36 feet southeasterly of the southwesterly most corner of Proposed Lot 1; thence turning and running N 54 degrees 01' 55" E, a distance of 37.11 feet to a drill hole set; thence turning and running along a curve to the right, length 151.50 feet, radius 487.50 feet, delta 17 degrees 48' 20", tangent 76.36 chord direction N 62 degrees 56' 05"E, on a chord of 150.89 feet to a drill hole set; thence turning and running N 71 degrees 50' 15" E, distance of 159.08 feet to a 5/8" rebar set, up to 4" to the boundary of Lot 2 on said plan; thence turning and running N 71 degrees 50' 15" E, a distance of 296.12 feet to a 5/8" rebar set up 2"; thence turning and running along a curve to the left a length of 247.7 feet, radius 737.50 feet, delta 19 degrees 14' 38", tangent 125.03, chord direction N 62 degrees 12' 56" E, on a chord of 246.54 feet to a 5/8" rebar set; thence turning and running N 52 degrees 35' 37" E, a distance of 198.23 feet to a 5/8" rebar set up 2"; thence turning and running along a curve to the left length 192.61 feet, radius 1487.50 feet, delta 07 degrees 25' 14", tangent 96.46, chord direction N 48 degrees 53' 00" E, chord length 192.51 feet to a point, thence turning and running S 37 degrees 28' 00" E, a distance of 25.20 feet to a point; thence turning and running along a curve to the right, length 192.62, radius 152.150, delta 07 degrees 17' 50" W, chord direction S 48 degrees 56' 42" W, chord length 192.50 feet to a drill hole set in a 10" diameter boulder; thence turning and running S 52 degrees 35' 37" W, a distance of 198.23 feet to a 5/8" rebar set up 2"; thence turning and running along a curve to the right, length 256.10 feet, radius 762.50 feet, delta 19 degrees 14' 38", tangent 129.27, chord direction S 62 degrees 12' 56" W, chord length 254.90 feet to a 5/8" rebar set up 1", thence turning and running S 71 degrees 50' 15" W, a distance of 352.38 feet to a 5/8" rebar set up 1", the common lot line between Proposed Lot 1 and Proposed Lot 2; thence turning and running S 71 degrees 50' 15" W, a distance of 102.82 feet to a 5/8" rebar set up 2"; thence turning and running along a curve to the left, length 143.73 feet, radius 462.50 feet, delta 17 degrees 48' 20", tangent 72.45 feet, chord direction S 62 degrees 56' 05" W, chord length 143.15 feet to a 5/8" rebar set up 1"; thence turning and running S 54 degrees 01' 55" W, a distance of 17.27 feet to a railroad spike set at Little Harbor Road; thence turning and running N 74 degrees 24' 17" W, a distance of 31.92 feet to a railroad spike set and the point of beginning.

(ii) A permanent easement identified on said plan as "easement area" 54,600 square feet, 1.38 acres (Not Buildable). The term "not buildable" as used herein, refers only to buildings and shall not preclude the owner of "Belle Isle" from installing and maintaining landscaping, fences, walkways, gates and the like as permitted by law. The current and/or future owner of "Belle Isle" shall also have the exclusive use for vehicular and pedestrian access to "Belle Isle" over the "easement area" so described, said area more particularly described as follows:

Beginning at a 5/8" rebar set up 3" at the southwesterly corner of the easement area so described, thence running N 37 degrees 28' 00" W, a distance of 12.25 feet to a point; thence turning and running N 37 degrees 28' 00" W, a distance of 25.20 feet to a point; thence turning and running N 37 degrees 28' 00" W, a distance of 12.55 feet to a 5/8" rebar set up 8"; thence turning and running N 39 degrees 19' 45" E, a distance of 233.36 feet to a 5/8" rebar set up 5" at the bank of the Piscataqua River; thence turning and running along the bank of the river along a tie line

N 75 degrees 16' 04" E, a distance of 268.60 feet to a 5/8" rebar set up 1"; thence turning and running S 52 degrees 35' 37" W, a distance of 474.94 feet to a 5/8" rebar set up 3" at the point of beginning.

(iii) A permanent easement for the installation, operation, maintenance, repair and replacement of the existing waterline running from Little Harbor Road to and along the "Proposed 25 foot wide Access Easement" described on said Plan to the "Belle Isle" lot. Said easement is 16 feet in width, 8 feet on each side of the centerline of the waterline. The owner of "Belle Isle" shall be responsible for the maintenance and plowing of the primary driveway identified as "Existing Paved Driveway" on said plan; provided, however, that if the owner of "Belle Isle" does not maintain and plow said driveway, the owners of Proposed Lot 1 and/or Proposed Lot 2, shall be entitled to plow and maintain that portion of said driveway as necessary to gain access to their respective lots, all without recourse to the owner of "Belle Isle". For that portion of the foregoing easement that burdens Lot 1 as shown on the Plan, see Easement Deed from Lisa A. Grondahl, Trustee of the Lisa A. Grondahl Revocable Trust of 2006 to Michael R. Clark dated August 14, 2015 and recorded in the Rockingham County Registry of Deeds at Book 5648, Page 2721.

Meaning and intending to describe and convey the premises conveyed to Stephen H. Roberts, Esq., Trustee of The ADL Portsmouth Residence Trust, u/d/t October 30, 2017 by virtue of a Warranty Deed from Anthony DiLorenzo, dated October 30, 2017 and recorded in the Rockingham County Registry of Deeds in Book 5867, Page 2492.

THIS IS A NON-CONTRACTUAL TRANSFER AND IS EXEMPT FROM TRANSFER TAXES UNDER RSA 78-B:2, IX.

Trustee's Certificate

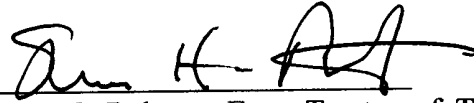
The undersigned **Stephen H. Roberts, Esq., Trustee of The ADL Portsmouth Residence Trust, u/d/t October 30, 2017**, hereby states pursuant to RSA 564-A:7, that said Trustee has full and absolute power in said Trust Agreement to execute, sign and deliver a deed for any real estate or other property held in said Trust, and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the proceeds paid for any conveyance.

Stephen H. Roberts, Esq., Trustee of The ADL Portsmouth Residence Trust, u/d/t October 30, 2017, certifies that the Trust is in full force and effect, that he is empowered to act as Trustee on the date of this certificate, and that the Trust has not been revoked or amended.

The Trustee further certifies that the undersigned is the Trustee of said Trust, and that the undersigned has received all written authorizations from beneficiaries, if any, required by the terms of said Trust.

This is not homestead property of the Grantor.


WITNESS my hand and seal this 1st day of November, 2018.



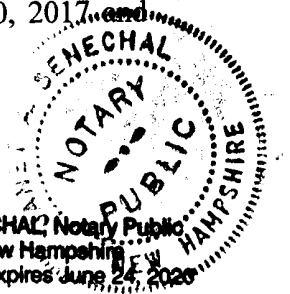
Stephen H. Roberts, Esq., Trustee of The
ADL Portsmouth Residence Trust, u/d/t
October 30, 2017

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Dated this 1st day of November, 2018, personally appeared the above named Stephen H. Roberts, Esq., Trustee of The ADL Portsmouth Residence Trust, u/d/t October 30, 2017, and acknowledged the execution of the foregoing to be his free act and deed, before me.



Notary Public
My commission expires



JANET A. SENECHAL, Notary Public
State of New Hampshire
My Commission Expires June 24, 2020



Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists

Abutters List

Dilorenzo - Lady Isle Bridge Replacement Project
325 Little Harbor Road, Portsmouth, NH 03801

May 16, 2023
 47099.01

| Assessors Map | | Abutter Name | Mailing Address |
|---------------------------------------|-----|---|--|
| Map | Lot | | |
| 204 | 4 | LISA M. OAKES | 315 LITTLE HARBOR ROAD PORTSMOUTH, NH 03801 |
| 204 | 5 | LISA A. GRONDAHL REVOCABLE TRUST | 304 MAPLEWOOD AVE PORTSMOUTH, NH 03801 |
| 204 | 7 | CITY OF PORTSMOUTH CONSERVATION COMMISSION | 1 JUNKINS AVE PORTSMOUTH, NH 03801 |
| Civil Engineers / Surveyor | | TFMoran, Inc. | 170 Commerce Way - Suite 102 Portsmouth, NH 03801 |
| Environmental / Wetlands Scientist | | Kyra Higgins | 170 Commerce Way - Suite 102 Portsmouth, NH 03801 |
| Architect | | York Bridge Concepts | 3423 Brunello Trce Lutz, FL 33558 |



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists



**ABUTTER NOTIFICATION FOR
NHDES WETLANDS PERMIT APPLICATION**

VIA CERTIFIED MAIL

May 16th, 2023

Lisa M. Oakes
315 Little Harbor Road
Portsmouth, NH 03801

Project # 47099.01

**Re: NHDES Wetlands Permit Application – Lady Isle Bridge Replacement Project
325 Little Harbor Road, Portsmouth, Tax Map: 205, Lot: 2**

Dear Abutter:

This letter is to inform you that a Wetlands Permit Application will be filed with the NH Department of Environmental Services (NHDES). Under NH Wetlands Law, RSA 482-A, impacts within 100-feet of the Highest Observable Tide Line (HOTL) of Tidal Waterbodies require a NHDES Wetlands Permit and, under RSA 482-A:3, we are required to notify you about this permit application via certified mail.

Once the permit application is filed, a copy of the complete permit application, including the design plans that depict the proposed impact areas, will be available for viewing at the Town of Portsmouth Clerk's Office.

Should you have any questions or require additional information about this project, please do not hesitate to contact me at (603) 431-2222, anytime from 8:00 A.M. to 5:00 P.M., Monday through Friday.

Sincerely,
TFMoran, Inc.

Kyra Higgins, KRH

Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

JRA/krh

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
170 Commerce Way–Suite 102, Portsmouth, NH 03801
T(603) 431-2222



Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists



**ABUTTER NOTIFICATION FOR
 NHDES WETLANDS PERMIT APPLICATION**

VIA CERTIFIED MAIL

May 16th, 2023

Lisa A. Grondahl Revocable Trust
 304 Maplewood Ave
 Portsmouth, NH 03801

Project # 47099.01

**Re: NHDES Wetlands Permit Application – Lady Isle Bridge Replacement Project
 325 Little Harbor Road, Portsmouth, Tax Map: 205, Lot: 2**

Dear Abutter:

This letter is to inform you that a Wetlands Permit Application will be filed with the NH Department of Environmental Services (NHDES). Under NH Wetlands Law, RSA 482-A, impacts within 100-feet of the Highest Observable Tide Line (HOTL) of Tidal Waterbodies require a NHDES Wetlands Permit and, under RSA 482-A:3, we are required to notify you about this permit application via certified mail.

This project proposes to construct a timber pile bridge as well as new bridge approaches. In addition, it proposes to replace the existing utility connections and connect the subject property to municipal utilities. It also proposes to remove the existing causeways and restore the tidal resource. As a result of these improvements, permanent impacts will occur on your property. We are required to provide your written consent of the aforementioned impacts to NHDES, and thus, we respectfully request that you co-sign the Wetlands Permit Application for this project. We have attached design plans to this letter for your review, and the full application materials will be available for your review shortly.

Once the permit application is filed, a copy of the complete permit application will also be available at the Town of Portsmouth Clerk's Office. Should you have any questions about this project, please do not hesitate to contact me at (603) 431-2222, anytime from 8:00 A.M. to 5:00 P.M., Monday through Friday.

Sincerely,
TFMoran, Inc.

Kyra Higgins, Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

TFMoran, Inc.
 48 Constitution Drive, Bedford, NH 03110
 T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
 170 Commerce Way–Suite 102, Portsmouth, NH 03801
 T(603) 431-2222



Civil Engineers
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 Land Surveyors
 Landscape Architects
 Scientists



**ABUTTER NOTIFICATION FOR
 NHDES WETLANDS PERMIT APPLICATION**

VIA CERTIFIED MAIL

May 16th, 2023

City of Portsmouth Conservation Commission
 1 Junkins Ave
 Portsmouth, NH 03801

Project # 47099.01

**Re: NHDES Wetlands Permit Application – Lady Isle Bridge Replacement Project
 325 Little Harbor Road, Portsmouth, Tax Map: 205, Lot: 2**

Dear Abutter:

This letter is to inform you that a Wetlands Permit Application will be filed with the NH Department of Environmental Services (NHDES). Under NH Wetlands Law, RSA 482-A, impacts within 100-feet of the Highest Observable Tide Line (HOTL) of Tidal Waterbodies require a NHDES Wetlands Permit and, under RSA 482-A:3, we are required to notify you about this permit application via certified mail.

Once the permit application is filed, a copy of the complete permit application, including the design plans that depict the proposed impact areas, will be available for viewing at the Town of Portsmouth Clerk's Office.

Should you have any questions or require additional information about this project, please do not hesitate to contact me at (603) 431-2222, anytime from 8:00 A.M. to 5:00 P.M., Monday through Friday.

Sincerely,
TFMoran, Inc.

Kyra Higgins, KRH

Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

JRA/krh

TFMoran, Inc.
 48 Constitution Drive, Bedford, NH 03110
 T(603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
 170 Commerce Way–Suite 102, Portsmouth, NH 03801
 T(603) 431-2222



Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists



May 3rd, 2023

VIA CERTIFIED MAIL

Lisa A. Grondahl Revocable Trust
 304 Maplewood Avenue
 Portsmouth, NH 03801

**Re: Consent to Impact Area Within 10-Feet of Abutting Property
 325 Little Harbor Road, Portsmouth, NH 03801 – Tax Map: 205, Lot: 2**

Dear Abutter:

TFMoran, Inc. is preparing to submit a *Wetlands Permit Application* to the NH Department of Environmental Services (NHDES) Wetlands Bureau for improvements to the above referenced property. More specifically, the existing, outdated bridge leading to this property will be replaced with an updated, more structurally-sound bridge. The property will also be connected to municipal utilities.

Under NHDES Wetlands Administrative Rule Env-Wt 307.13(d), because temporary impacts are proposed closer than 10-feet to your property line, we are required to provide your written consent of the aforementioned impacts to NHDES. If you are amenable to these improvements, we respectfully request that you sign below indicating your concurrence and return this document via the self-addressed stamped envelope included with this letter. Alternatively, you can sign, scan, and email this document to kiggins@tfmoran.com.

Should you have any questions or wish to discuss this project in more detail, you may contact me directly at (603) 431-2222, weekdays, 8:00 AM to 5:00 PM.

Respectfully,
TFMoran, Inc.

Kyra Higgins, KRH
Environmental Permitting Specialist

The Lisa A. Grondahl Revocable
 Trust of 2006

Property Owner Name

Lisa A Grondahl, Trustee
 Signature

05-25-2023

Date

JRA/krh



7021 2720 0001 3467 9397

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| Certified Mail Fee | \$ 4.15 |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input checked="" type="checkbox"/> Return Receipt (hardcopy) | \$ 3.35 |
| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |
| Postage | \$.60 = \$8.10 |
| Total Postage | |



Sent To: LISA M. OAKES
 Street and: 315 LITTLE HARBOR ROAD
 City, State: PORTSMOUTH, NH 03801

PS Form Instructions

7021 2720 0001 3467 9380

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| | |
|---|-----------------|
| Certified Mail Fee | \$ 4.15 |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input checked="" type="checkbox"/> Return Receipt (hardcopy) | \$ 3.35 |
| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |
| Postage | \$.60 = \$8.10 |
| Total | |



Sent To: CITY OF PORTSMOUTH
 Street: CONSERVATION COMMISSION
 City: 1 JUNKINS AVE
 City, State: PORTSMOUTH, NH 03801

PS Form Instructions

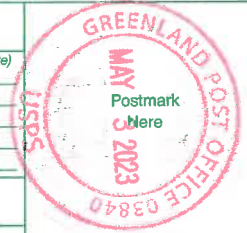
7021 2720 0001 3467 9359

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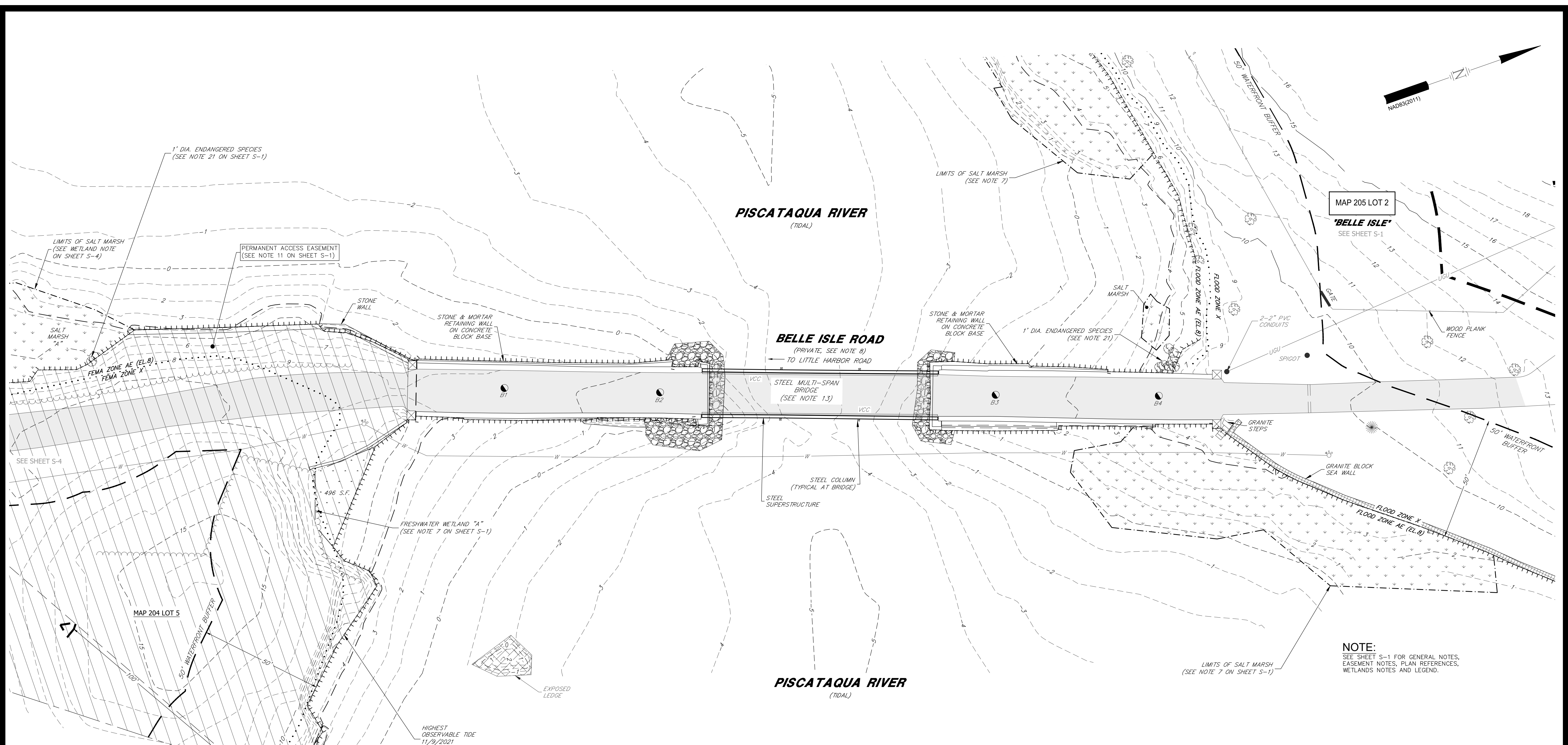
| | |
|--|----|
| Certified Mail Fee | |
| \$ | |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
| <input type="checkbox"/> Adult Signature Required | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |
| Postage | |
| \$ | |
| Total Postage and Fees | |
| \$ | |



| | |
|------------------------------------|----------------------------|
| Sent To | Lisa A. Grandahl Revocable |
| Street and Apt. No., or PO Box No. | 30A Maplewood Avenue |
| City, State, ZIP+4® | Portsmouth NH 03801 |

SECTION 6

May 24, 2023 - 11:13am
 \\TFM-BEDFORDDA\Projects\Civil\Survey\MSC Projects\47099-01 - Little Harbor Rd & Gosport Rd - Little Harbor Rd\Carlson Survey\47099-01\wk.dwg



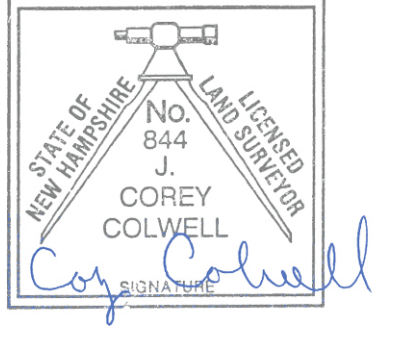
MAP 205 LOT 2
 'BELLE ISLE'
 SEE SHEET S-1

MAP 204 LOT 5

NOTE:
 SEE SHEET S-1 FOR GENERAL NOTES,
 EASEMENT NOTES, PLAN REFERENCES,
 WETLANDS NOTES AND LEGEND.



I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN JANUARY 2022 AND JANUARY & APRIL 2023. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.

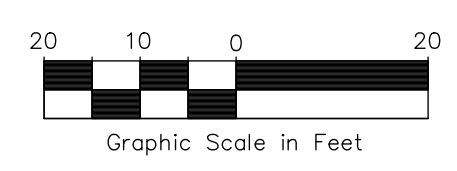


2023-05-23
 DATE



CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

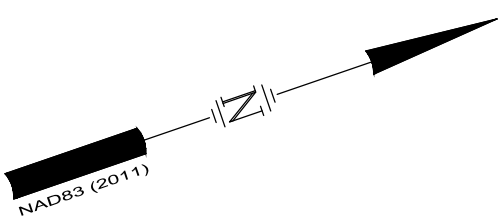
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 This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.



TAX MAP 205 LOT 2
EXISTING CONDITIONS PLAN
BRIDGE DETAIL
325 LITTLE HARBOR ROAD
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
 OWNED BY
THE ADL PORTSMOUTH RESIDENCE TRUST
 SCALE: 1" = 20' (22x34)
 1" = 40' (11x17) FEBRUARY 1, 2023

| | | | | | |
|----------|----|-------------------|---------|--|--|
| | | Seacoast Division | | Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists | 170 Commerce Way, Suite 102 Portsmouth, NH 03801 Phone (603) 431-2222 Fax (603) 431-0910 www.tfmoran.com |
| | | DR | MVP | | |
| 47099-01 | CK | BMK | CADFILE | SEE MARGIN | S-02 |

| REV. | DATE | DESCRIPTION | DR | CK |
|------|------|-------------|----|----|
| | | | | |
| | | | | |



May 23, 2023 - 3:01pm F:\MISC Projects\47099-01 - Little Harbor Rd & Gosport Rd - Portsmouth\47099-01 - DiLorenzo - 325 Little Harbor Road\Design\PRODUCTION DWGS BRIDGE\47099-01 - Wetland Classification.dwg

NOTES

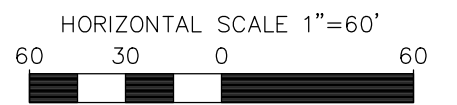
1. QUALIFIED COSTAL PROFESSIONAL, JASON R. AUBE (CWS #313), USING THE PUBLISHED DATA COMPLETED THE WETLAND FUNCTIONAL ASSESSMENT AND WETLAND CLASSIFICATION.

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48 Constitution Drive, Bedford, N.H. 03110

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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.

| WETLAND CLASSIFICATION | | | |
|------------------------|--|----------|--|
| PF01 | PALUSTRINE FORESTED BROAD-LEAVED DECIDUOUS | E2US3M | ESTUARINE INTERTIDAL UNCONSOLIDATED SHORE MUD IRREGULARLY FLOODED |
| E2EM1P | ESTUARINE INTERTIDAL EMERGENT PERSISTENT IRREGULARLY FLOODED | E2RS1/2N | ESTUARINE INTERTIDAL ROCKY SHORE BEDROCK EUHALINE/EUSALINE REGULARLY FLOODED |



| REV | DATE | DESCRIPTION | DR | CK |
|-----|------|-------------|----|----|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

BRIDGE PERMITTING PLANS

TAX MAP 205 LOT 2
WETLAND CLASSIFICATION PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=120' (11"x17")
SCALE: 1"=60' (22"x34") **MAY 24, 2023**

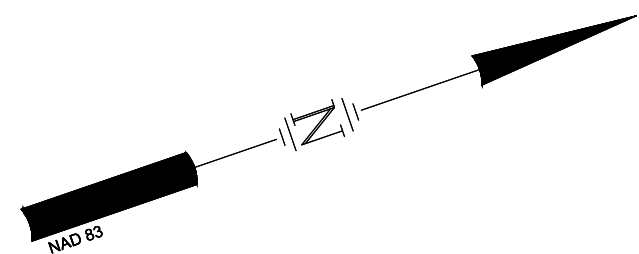
Seacoast Division

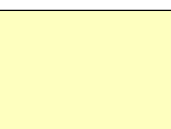




TFM

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170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

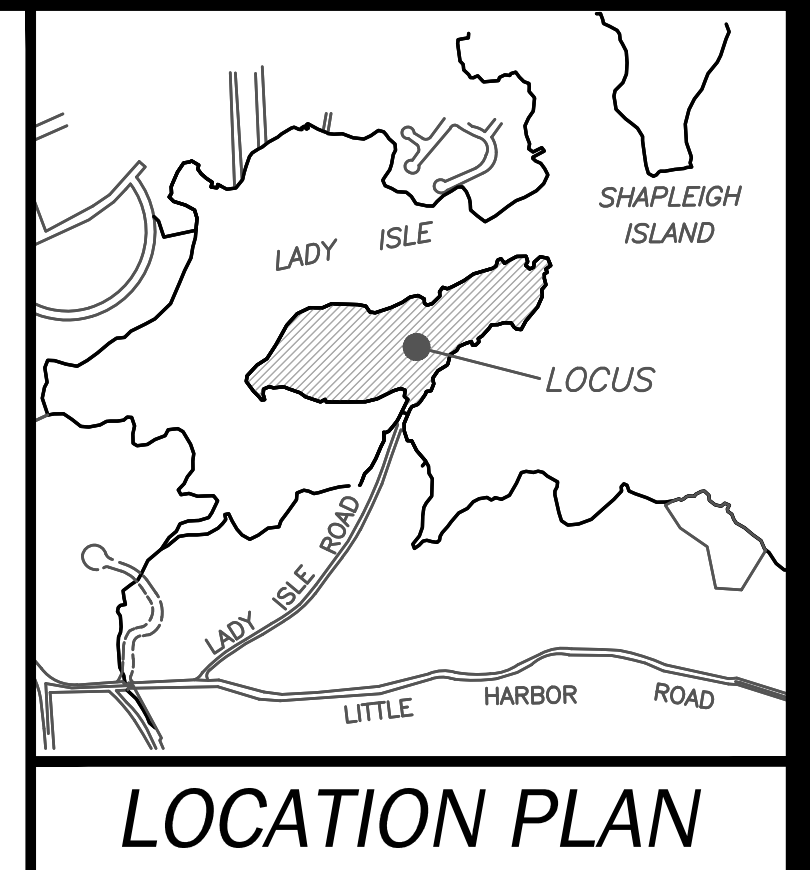
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| 47099.01 | DR JKC | FB | - | - | BR-01 |
| CK JCC | CADFILE | 47099-01_WETLAND CLASSIFICATION | | | |



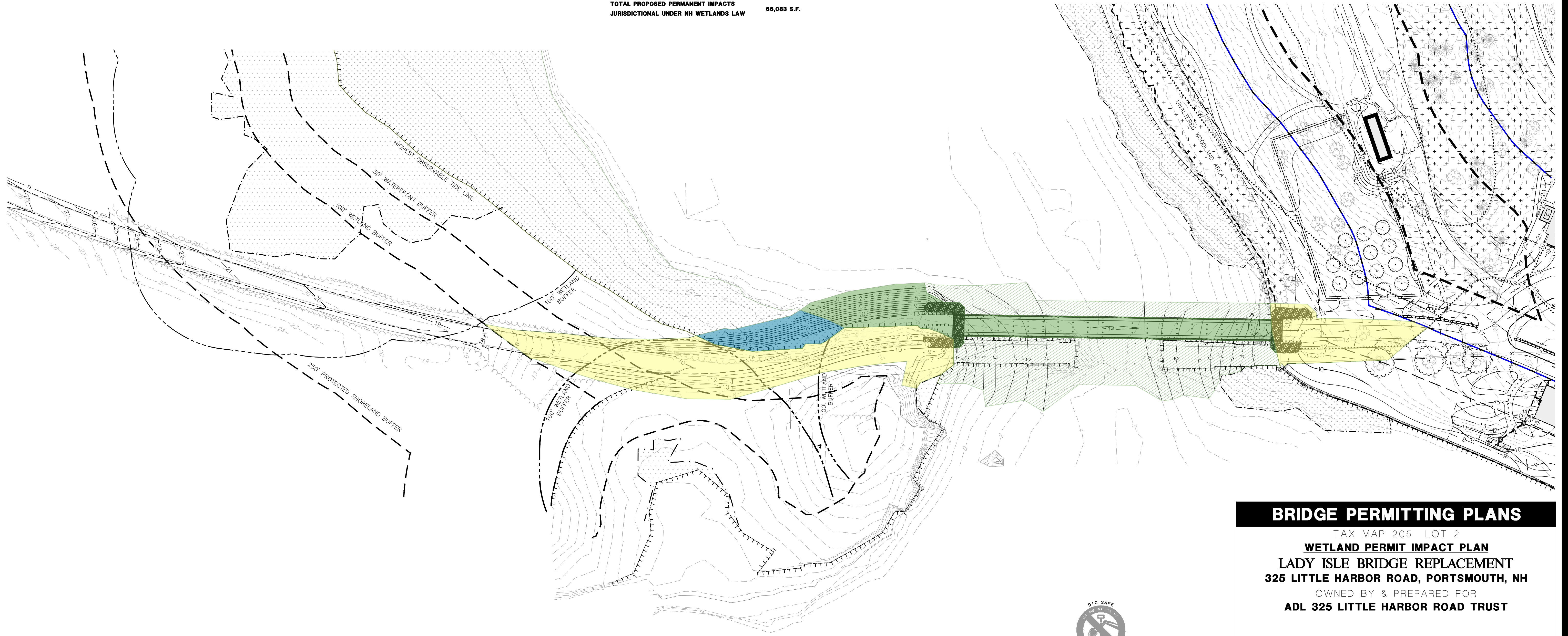
| IMPACT AREA | |
|---|---|
|  | PROPOSED PERMANENT IMPACTS WITHIN THE DEVELOPED UPLAND TIDAL BUFFER ZONE 26,298 S.F. |
|  | PROPOSED PERMANENT IMPACTS BELOW HOTL (SEE BELOW) 39,785 S.F. |
|  | PROPOSED PERMANENT IMPACTS FOR THE PURPOSE OF RESTORING THE TIDAL AREA 23,737 S.F. |
|  | PROPOSED PERMANENT IMPACTS FOR THE PURPOSE OF ADDING MATERIAL TO CONSTRUCT THE NEW SOUTH BRIDGE APPROACH 12,605 S.F. |
|  | PROPOSED SALT MARSH IMPACTS FOR THE PURPOSE OF ADDING MATERIAL TO CONSTRUCT THE NEW SOUTH BRIDGE APPROACH 3,443 S.F. |

| TIDAL ELEVATIONS | |
|------------------|-------|
| MHHW | 4.18 |
| MHW | 3.76 |
| MTL | -0.32 |
| MLW | -4.39 |
| MLLW | -4.71 |

TIDAL ELEVATIONS ARE BASED ON NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) STATION 8423998, SEAVEY ISLAND, ME AND AS USED WITHIN THE TOWN OF PORTSMOUTH VULNERABILITY ASSESSMENT PREPARED BY THE ROCKINGHAM PLANNING COMMISSION, SEPTEMBER, 2015 AND INCLUDED WITH THE NHDES WETLANDS PERMIT APPLICATION. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

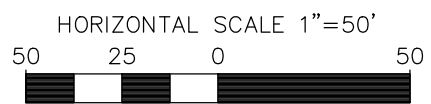


TOTAL PROPOSED PERMANENT IMPACTS JURISDICTIONAL UNDER NH WETLANDS LAW 66,083 S.F.



BRIDGE PERMITTING PLANS
 TAX MAP 205 LOT 2
WETLAND PERMIT IMPACT PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=100' (11"x17")
SCALE: 1"=50' (22"x34") **MAY 24, 2023**



| REV | DATE | DESCRIPTION | DR | CK |
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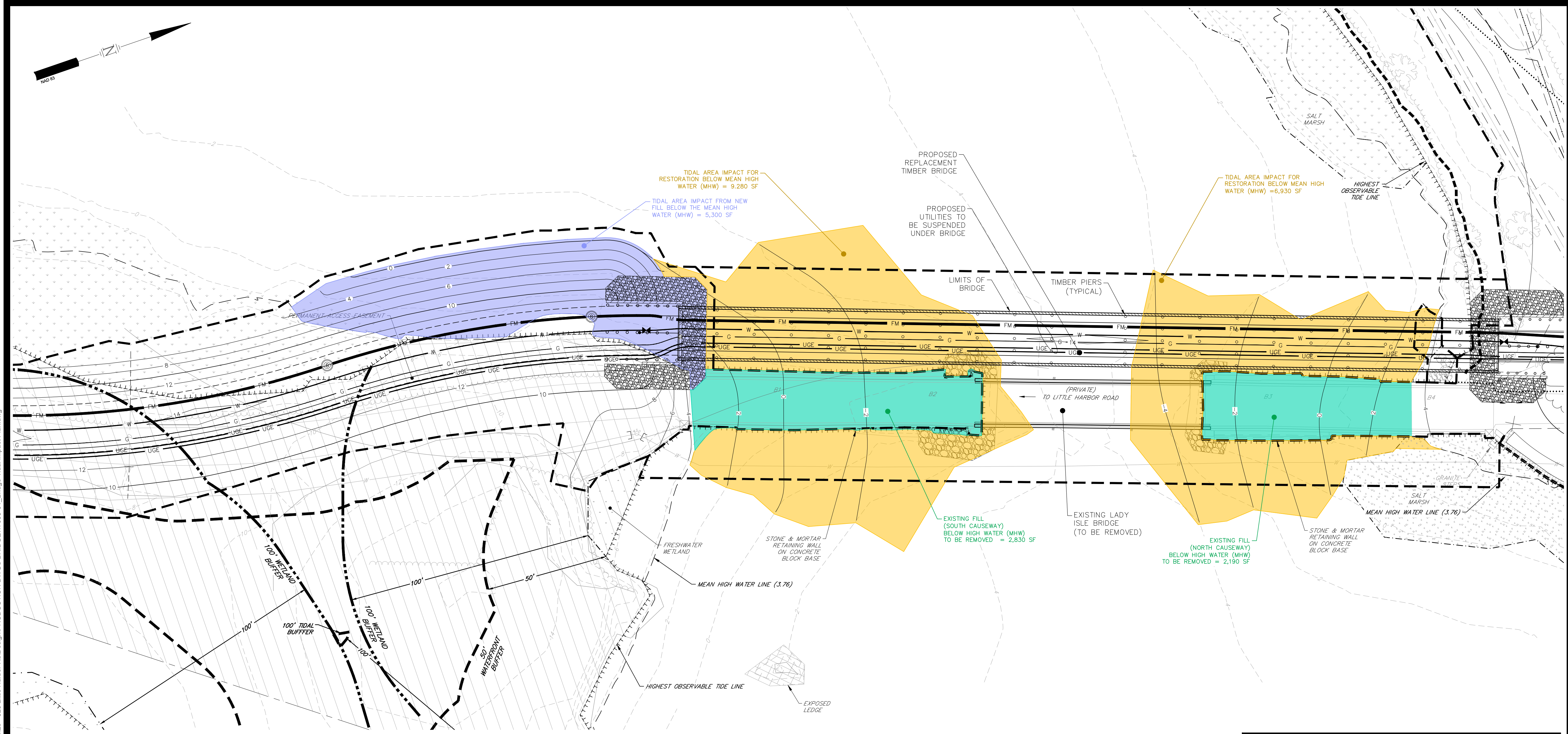
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| F 47099.01 | DR JKC | FB | | |
| | CK JCC | CADFILE | 47099-01_WETLAND PERMIT PLAN | BR-02 |

May 23, 2023 - 3:02pm F:\MISC Projects\47099 - Little Harbor Rd & Gosport Rd - Portsmouth\47099-01 - DiLorenzo - 325 Little Harbor Bridge\7099-01 Wetland Permit Plan.dwg

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May 23, 2023 - 3:03pm F:\MISC Projects\47099-01 - Portsmouth Rd & Gosport Rd - Little Harbor Rd\Design\PRODUCTION DWGS BRIDGE\47099-01_Bridge Tidal Impact Plan.dwg



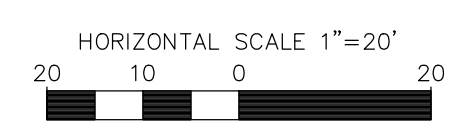
LEGEND

- GAS LINE
- WATER LINE
- UNDERGROUND UTILITIES LINE
- SEWER - FORCE MAINE
- SEWER MANHOLE
- SALT WATER MARSH
- FRESH WATER WETLAND
- RIPRAP ABUTMENTS
- EDGE OF WOODS
- HIGHEST OBSERVABLE TIDE LINE (HOTL)
- MEAN HIGH WATER LINE (MHW)

| TIDAL AREA IMPACTS BELOW MEAN HIGH WATER (MHW) | |
|--|------------|
| DESCRIPTION | AREA (SF) |
| NEW FILL FOR BRIDGE ABUTMENT | 5,300 |
| FILL REMOVAL OF EXISTING CAUSEWAYS | 5,020 |
| NET INCREASE IN FILL BELOW MHW | 280 |

| TIDAL AREA RESTORATION BELOW MEAN HIGH WATER (MHW) | |
|--|---------------|
| DESCRIPTION | AREA (SF) |
| REMOVAL OF EXISTING FILL (SOUTH CAUSEWAY) | 2,830 |
| REMOVAL OF EXISTING FILL (NORTH CAUSEWAY) | 2,190 |
| FILL REMOVAL OF EXISTING CAUSEWAYS (TOTAL) | 5,020 |
| GRADING TO MATCH EXISTING GRADES | 16,210 |
| TOTAL RESTORATION | 21,230 |

NOTE:
THE MEAN HIGH WATER (MHW) ELEVATION OF 3.76 FEET WAS DETERMINED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION (NOAA) 'SEAVEY' ISLAND, MAINE TIDAL STATION 8419870 USING NAVD 88 DATUM.



| REV | DATE | DESCRIPTION | DR | CK |
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BRIDGE PERMITTING PLANS

TAX MAP 205 LOT 2
ARMY CORP OF ENGINEERS IMPACT PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=40' (11"x17')
SCALE: 1"=20' (22"x34') **MAY 24, 2023**

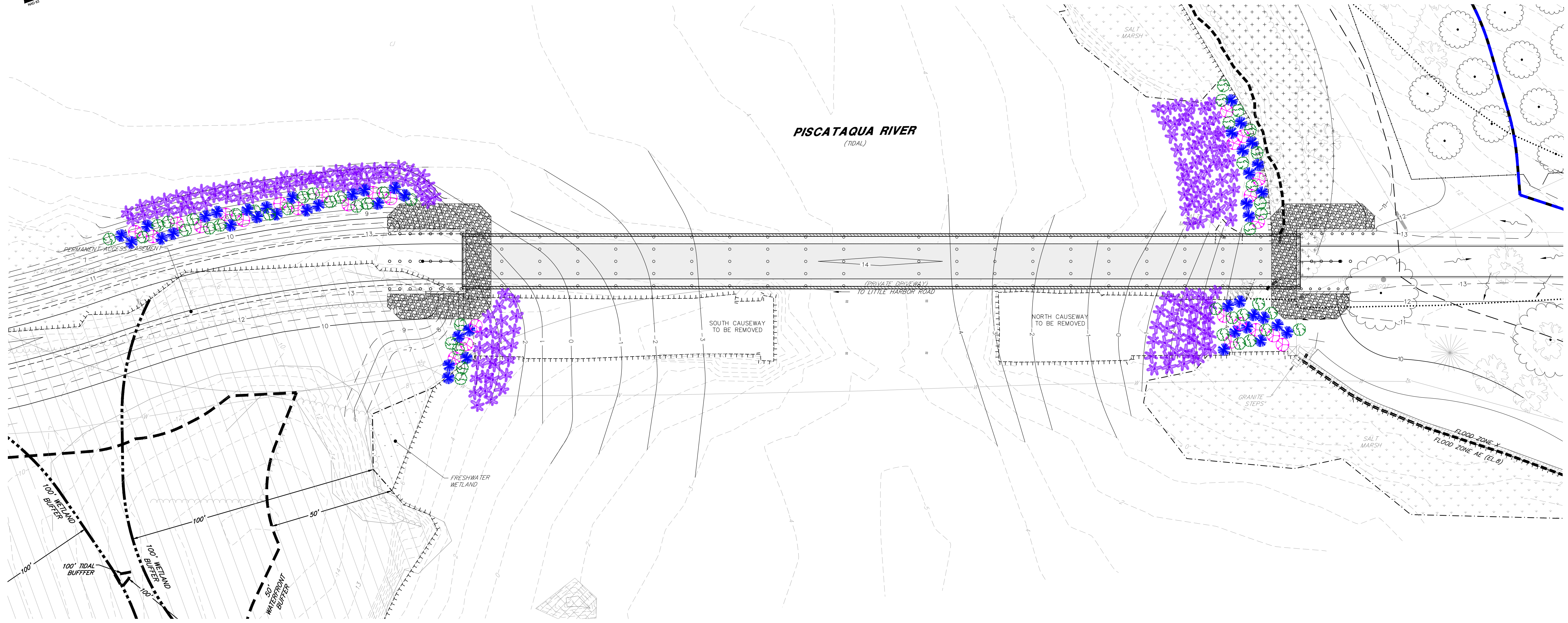
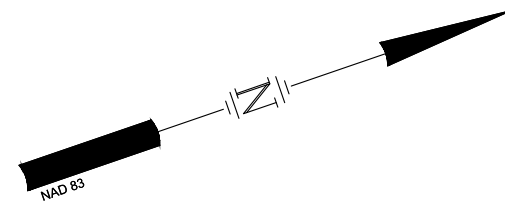



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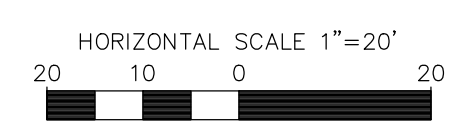
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| 47099.01 | DR JKC | FB | - | BR-03 |
| CK JCC | CADFILE | 47099-01_BRIDGE TIDAL IMPACT PLAN | | |

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| PLANTING LEGEND - LOW MARSH | | |
|---|--|----------|
| SYMBOL | PLANT TYPE | QUANTITY |
|  | SMOOTH CORDGRASS (SPARTINA ALTERNIFLORA) | 173 |

| PLANTING LEGEND - HIGH MARSH | | |
|---|--|----------|
| SYMBOL | PLANT TYPE | QUANTITY |
|  | SALTMEADOW CORDGRASS (SPARTINA PATENS) | 46 |
|  | SALTGRASS (DISTICHLIS SPICATA) | 45 |
|  | BLACK GRASS (JUNCUS GERARDII) | 27 |



| REV | DATE | DESCRIPTION | DR | CK |
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BRIDGE PERMITTING PLANS

TAX MAP 205 LOT 2
TIDAL AREA RESTORATION PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=40' (11"x17')
SCALE: 1"=20' (22"x34') **MAY 24, 2023**

Seacoast Division



TFM

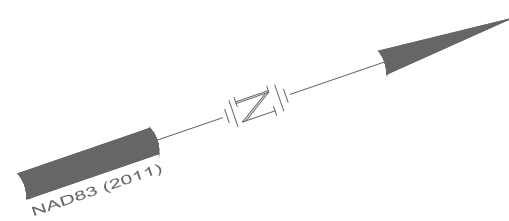
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| 47099.01 | DR JKC | FB | - | | | | | | |
| | CK JCC | CADFILE | 47099-01_BRIDGE RESTORATION PLAN | | | | | | BR-04 |

May 23, 2023 - 3:03pm
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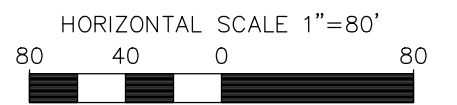
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May 23, 2023 - 3:03pm F:\MISC Projects\47099 - Little Harbor Rd & Gosport Rd - Portsmouth\47099-01 - DiLorenzo - 325 Little Harbor Road\Design\PRODUCTION DWGS BRIDGE\47099-01_Prime Wetland Plan.dwg

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| LEGEND | |
|--------|----------------------|
| | PRIME WETLAND |
| | PRIME WETLAND BUFFER |



| REV | DATE | DESCRIPTION | DR | CK |
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BRIDGE PERMITTING PLANS
 TAX MAP 205 LOT 2
PRIME WETLAND BUFFER IMPACT PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=160' (11"x17")
SCALE: 1"=80' (22"x34") **MAY 24, 2023**

Seacoast Division

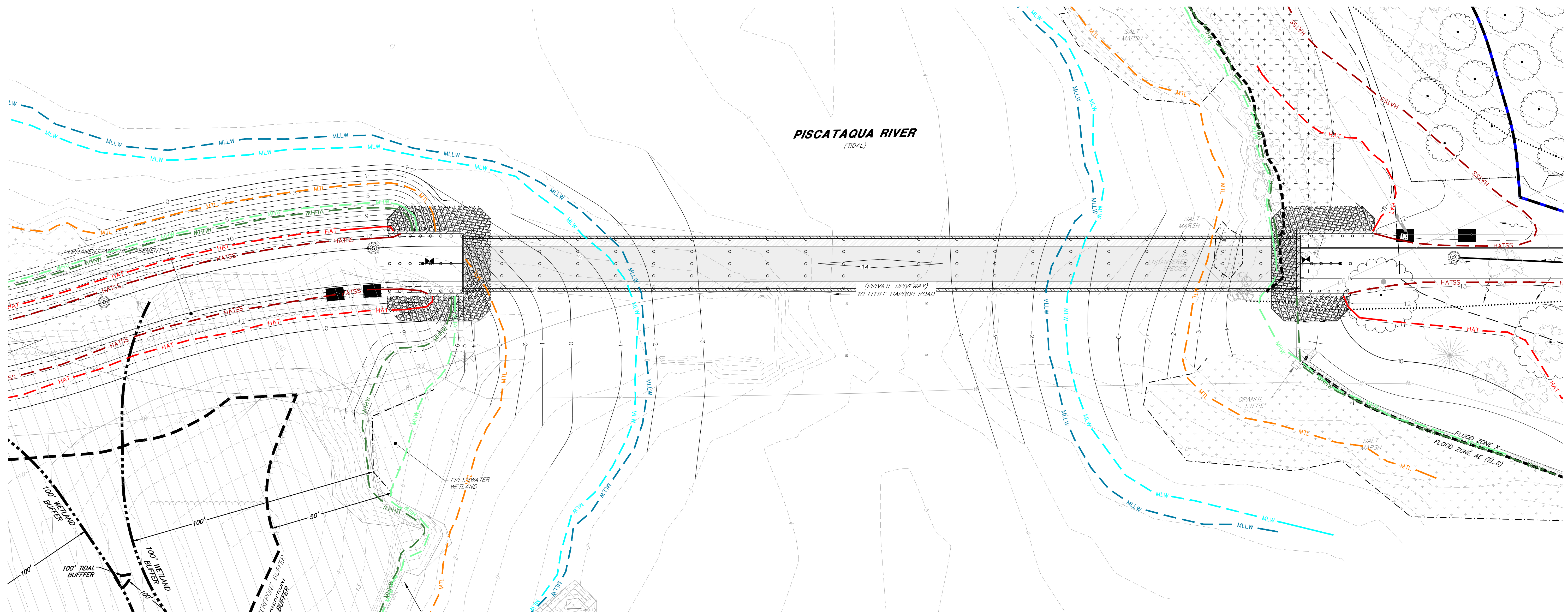
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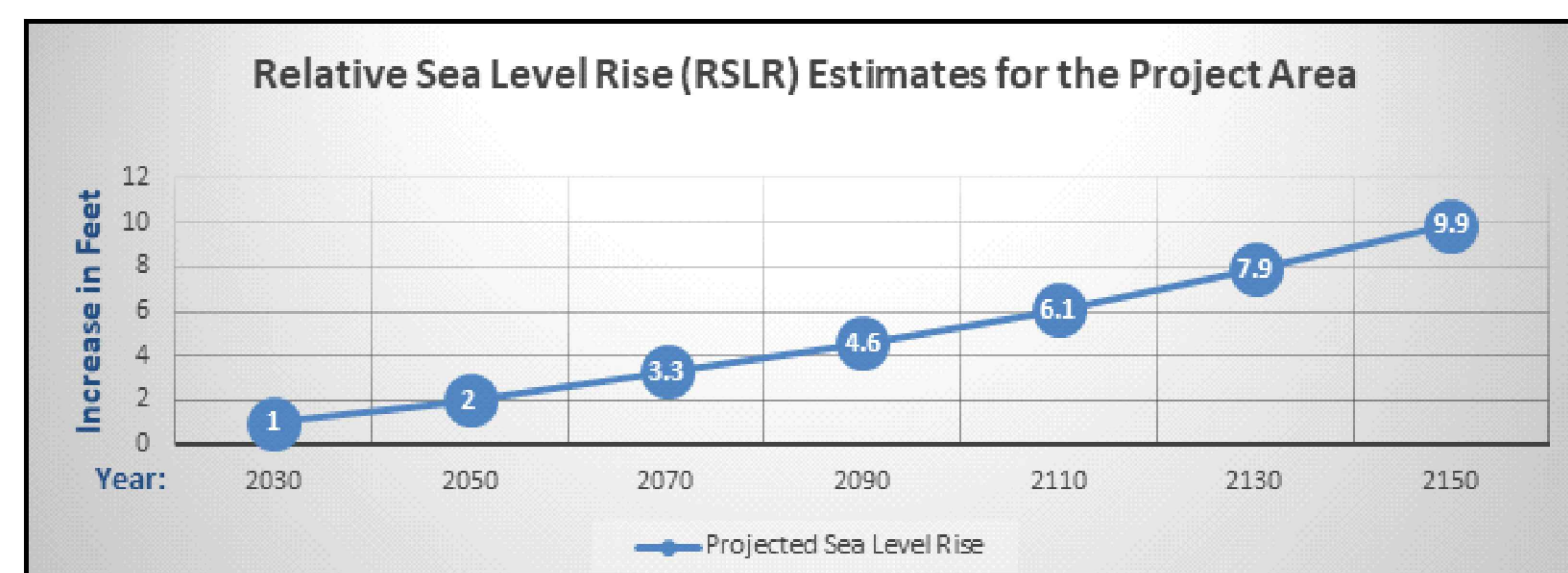
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| | CK JCC | CADFILE | 47099-01_PRIME WETLAND PLAN | |

May 23, 2023 - 3:03pm
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 - DiLorenzo - 325 Little Harbor Road\Design\PRODUCTION DWGS BRIDGE\47099-01_Vulnerability.dwg

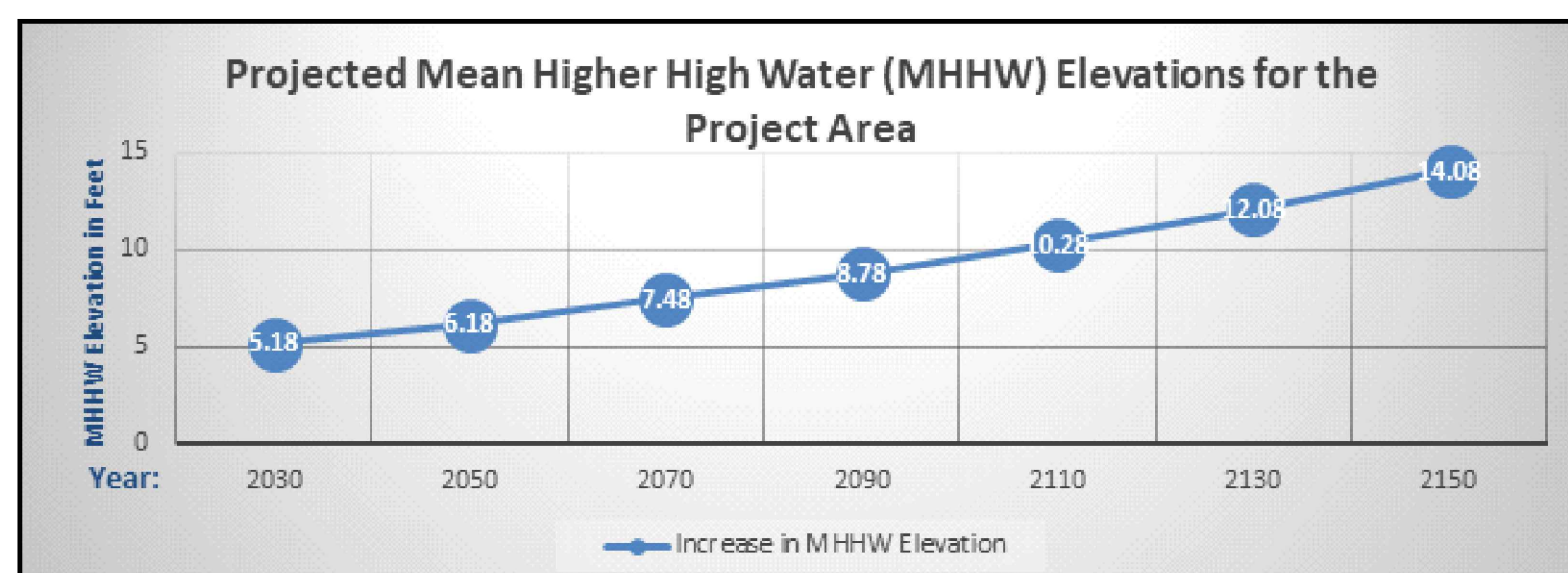


| TIDAL ELEVATIONS | | | |
|------------------|-------|-----------------|------------|
| | 2022 | 2100(PROJECTED) | |
| HAT + SS | | 13.22 | --- HAT+SS |
| HAT | | 11.22 | --- HAT |
| MHHW | 4.18 | 7.13 | --- MHHW |
| MHW | 3.76 | 6.71 | --- MHW |
| MTL | -0.32 | 2.63 | --- MTL |
| MLW | -4.39 | -1.44 | --- MLW |
| MLLW | -4.71 | -1.76 | --- MLLW |

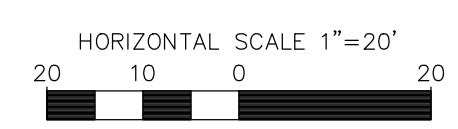
TIDAL ELEVATIONS ARE BASED ON NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) STATION 8423898, SEAVEY ISLAND, ME AND AS USED WITHIN THE TOWN OF HAMPTON VULNERABILITY ASSESSMENT PREPARED BY THE ROCKINGHAM PLANNING COMMISSION, SEPTEMBER, 2015 AND INCLUDED WITH THE NHDES WETLANDS PERMIT APPLICATION. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)



INCREMENTAL RELATIVE SEA LEVEL RISE FOR THE PROJECT AREA BASED ON REPRESENTATIVE CONCENTRATION PATHWAY (RCP) 4.5 AND A LOW TOLERANCE FOR FLOOD RISK



INCREMENTAL RELATIVE SEA LEVEL RISE FOR THE PROJECT AREA BASED ON REPRESENTATIVE CONCENTRATION PATHWAY (RCP) 4.5 AND A LOW TOLERANCE FOR FLOOD RISK, AND THE CURRENT MEAN HIGHER HIGH (MHHW) ELEVATION OF 4.18 FEET DETERMINED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION (NOAA) SEAVEY ISLAND, MAINE STATION 8419870 USING NAVD88 DATUM



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BRIDGE PERMITTING PLANS
 TAX MAP 205 LOT 2
VULNERABILITY ASSESSMENT PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=40' (22"x17")
SCALE: 1"=20' (22"x34")

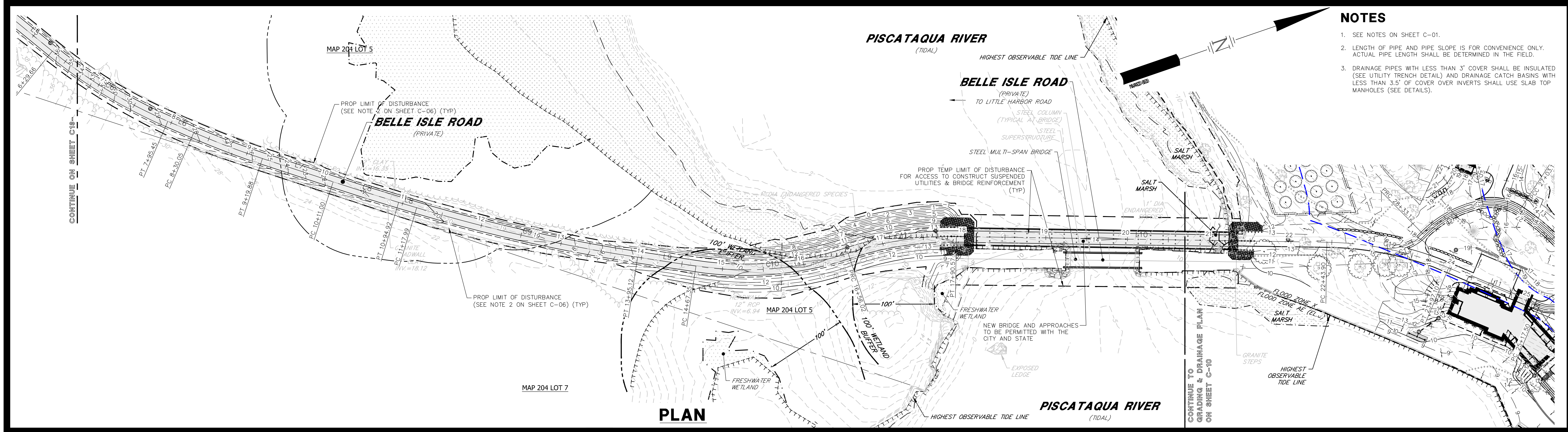
MAY 24, 2023

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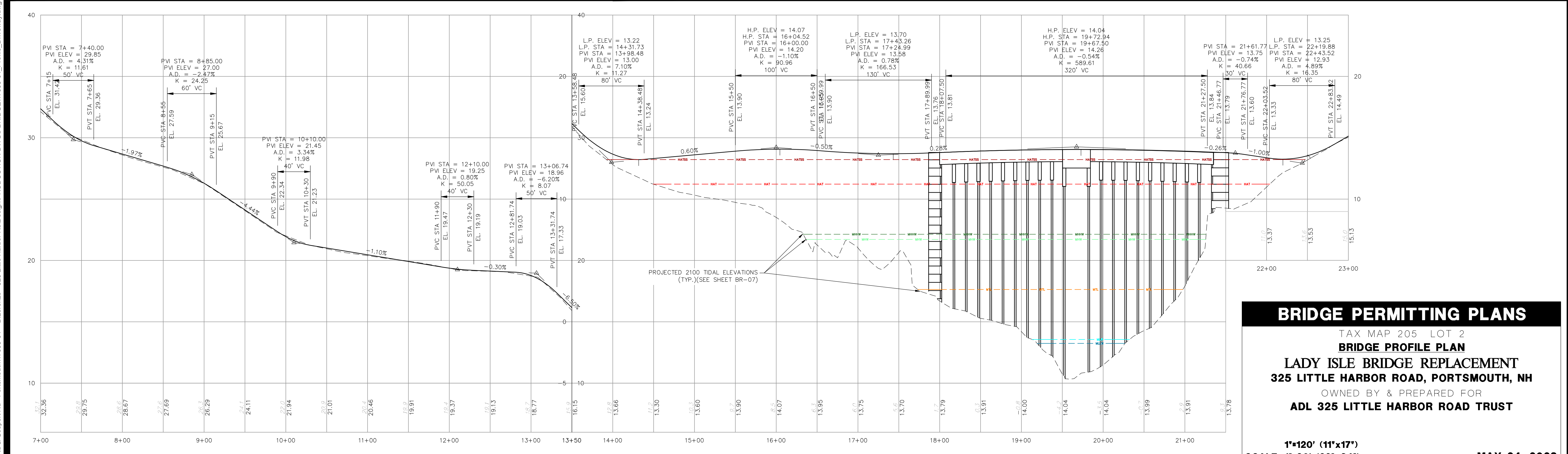
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| F 47099.01 | DR JKC | FB | | |
| CK JCC | CADFILE | 47099-01_VULNERABILITY | | BR-07 |



- NOTES**
- SEE NOTES ON SHEET C-01.
 - LENGTH OF PIPE AND PIPE SLOPE IS FOR CONVENIENCE ONLY. ACTUAL PIPE LENGTH SHALL BE DETERMINED IN THE FIELD.
 - DRAINAGE PIPES WITH LESS THAN 3' COVER SHALL BE INSULATED (SEE UTILITY TRENCH DETAIL) AND DRAINAGE CATCH BASINS WITH LESS THAN 3.5' OF COVER OVER INVERTS SHALL USE SLAB TOP MANHOLES (SEE DETAILS).

PLAN

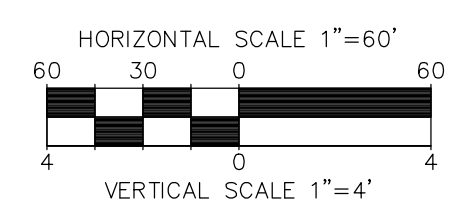


BELLE ISLE ROAD PROFILE

BRIDGE PERMITTING PLANS
 TAX MAP 205 LOT 2
BRIDGE PROFILE PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
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1"=120' (11"x17")
SCALE: 1"=60' (22"x34") **MAY 24, 2023**

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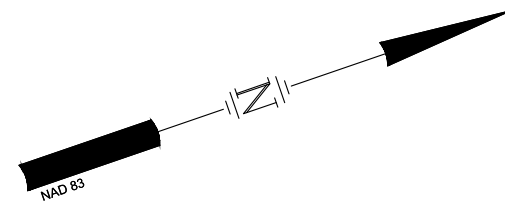
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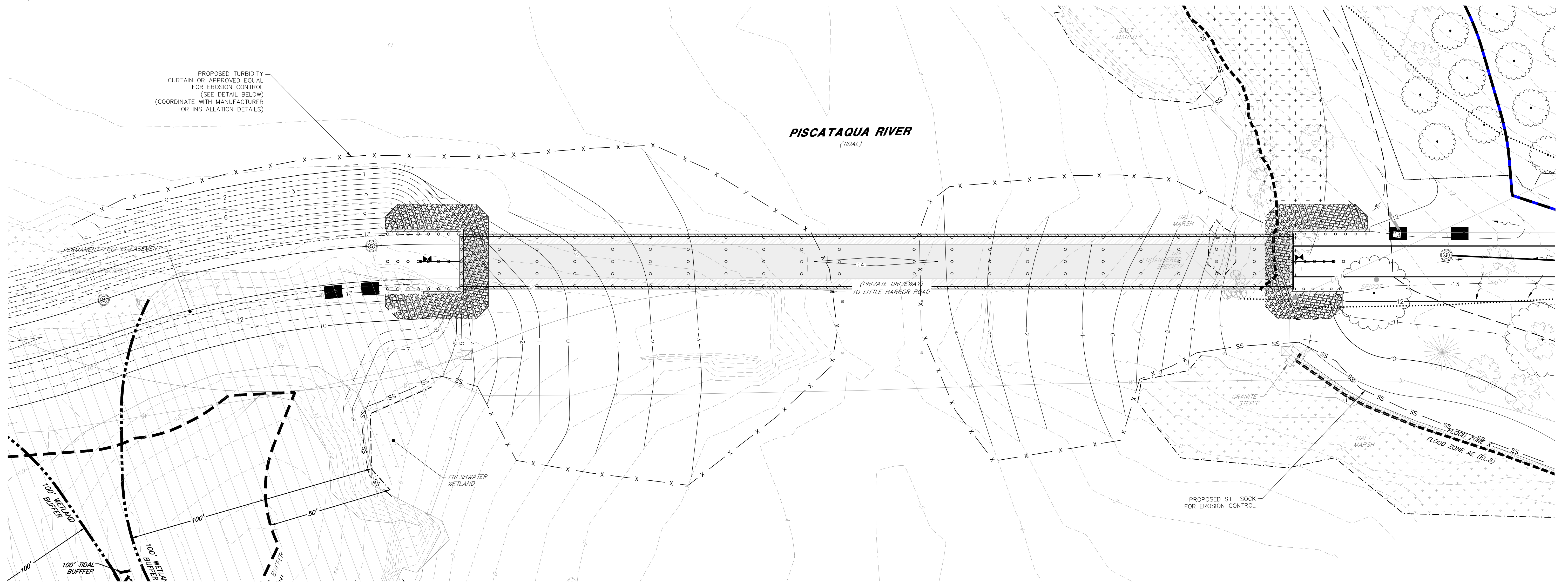
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F 47099.01 DR JKC FB
 CK JCC CADFILE 47099-01_PROFILE_DRIVEWAY BR-08

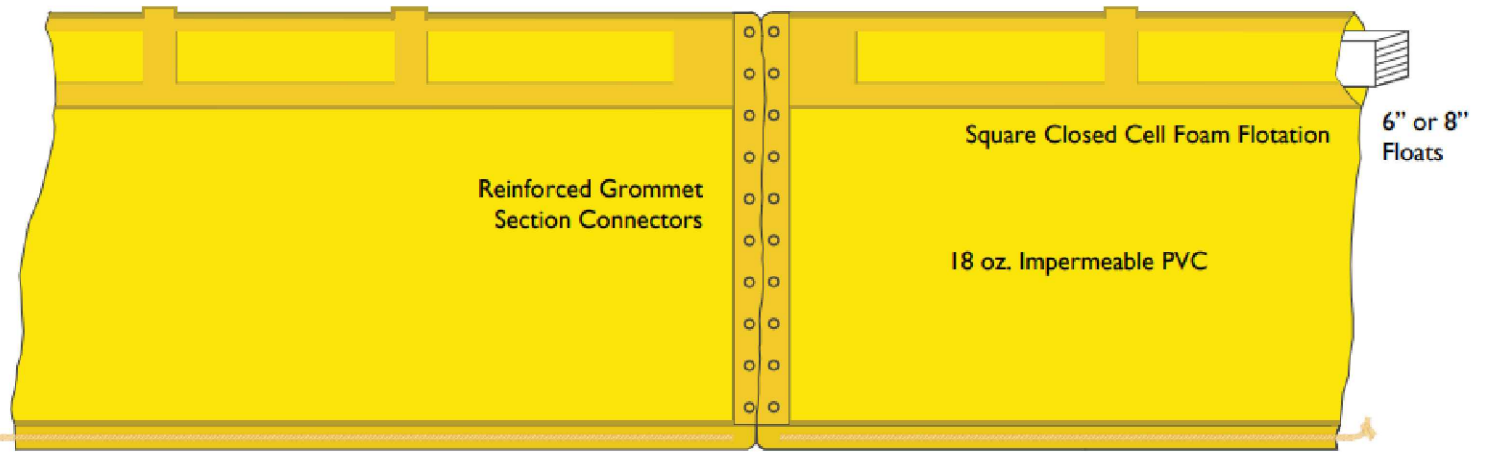
May 23, 2023 - 3:09pm F:\MISC Projects\47099 - Little Harbor Rd & Gosport Rd - Portsmouth\47099-01 - DiLorenzo - 325 Little Harbor Road Bridge\47099-01_Profile_Driveway.dwg



PROPOSED TURBIDITY CURTAIN OR APPROVED EQUAL FOR EROSION CONTROL (SEE DETAIL BELOW) (COORDINATE WITH MANUFACTURER FOR INSTALLATION DETAILS)



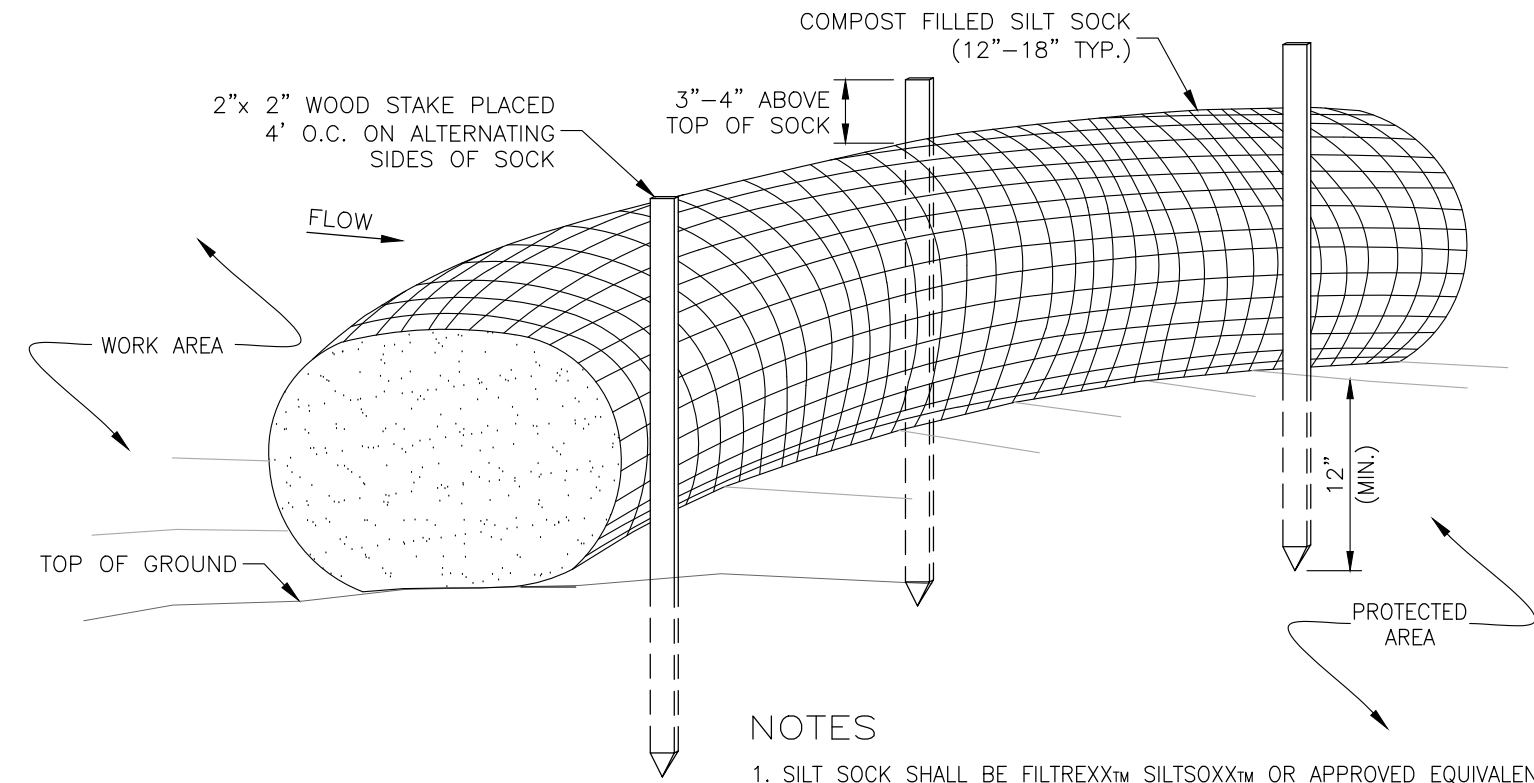
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772-646-0597
www.GEIWorks.com
info@geiworks.com

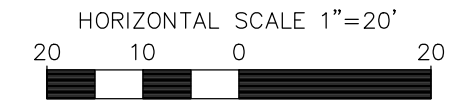
Type 1 DOT Turbidity Curtain

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| Scale: | Drawing: | Revision: | Date: | By: |
| Not to Scale | | | 01/04/2018 | MK |



- NOTES**
1. SILT SOCK SHALL BE FILTREXXTM SILT SOCKTM OR APPROVED EQUIVALENT.
 2. SEE SPECIFICATIONS FOR SOCK SIZE AND COMPOST FILL REQUIREMENTS.
 3. SILT SOCK SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS, AND REPAIR OR REPLACEMENT SHALL BE PERFORMED AS NEEDED.
 4. COMPOST MATERIAL SHALL BE DISPERSED ON SITE, AS DETERMINED BY THE ENGINEER.

SILT SOCK NOT TO SCALE



| REV | DATE | DESCRIPTION | DR | CK |
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BRIDGE PERMITTING PLANS
TAX MAP 205 LOT 2
EROSION AND SEDIMENT CONTROL PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=40' (22"x17")
SCALE: 1"=20' (22"x34") **MAY 24, 2023**

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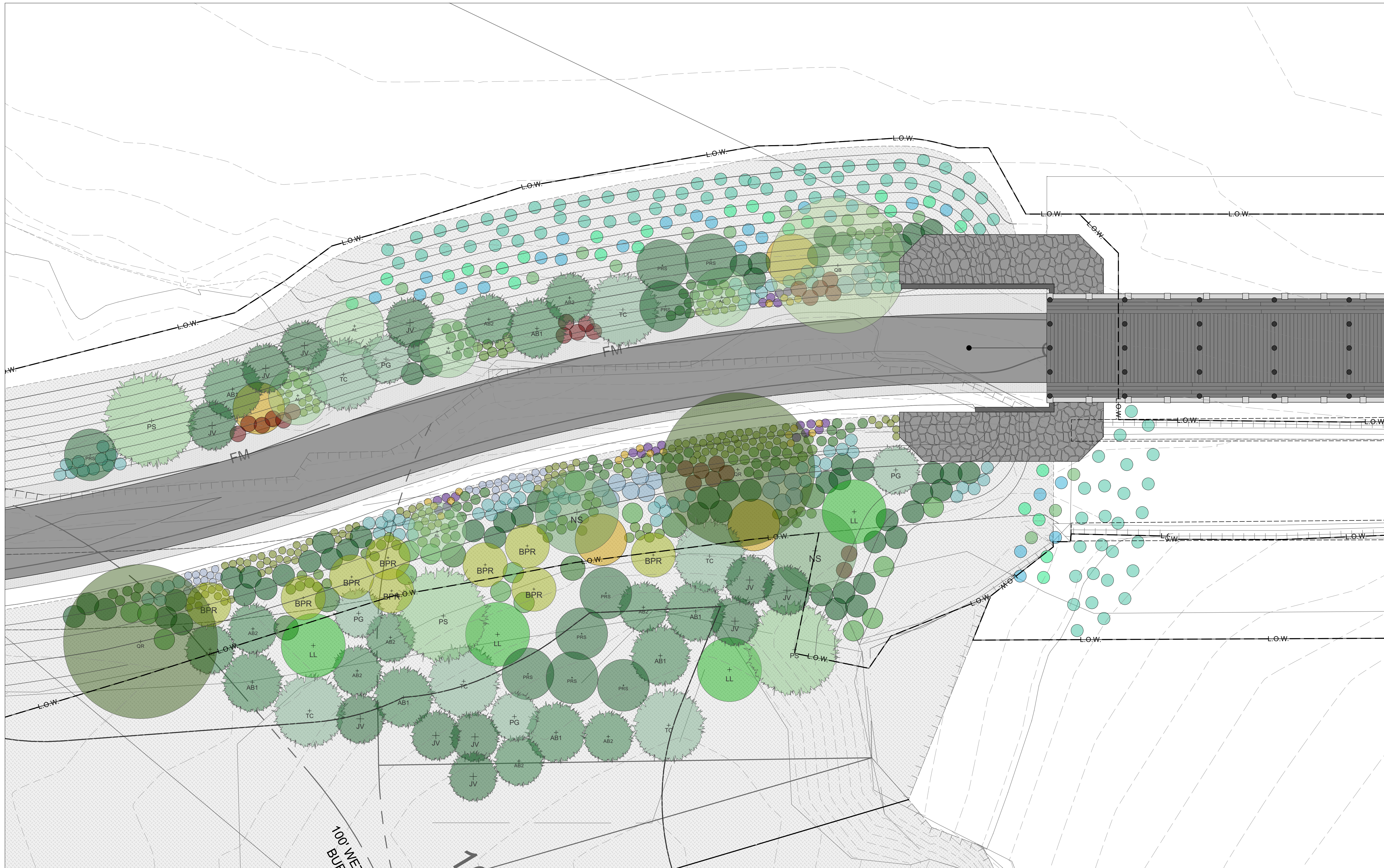
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Lady Isle

325 Little Harbor Road,
Portsmouth NH

- General Notes:
- Existing conditions and topographic data are from a site plan of land dated March 2, 2021; prepared by: Thomas F. Moran Inc., 170 Commerce Way, Suite 102, Portsmouth, NH, 03801 - Tel: (603) 431.2222
 - Existing conditions supplemented from data collected by: Matthew Cunningham Landscape Design LLC, 411 Main Street, Stoneham, MA 02180 - Tel: (617) 905.2246
 - Do not scale drawings.



| ID | Qty | Latin Name | Common Name | Scheduled Size |
|--------------|-----|----------------------|------------------------|-----------------|
| TREES | | | | |
| AB2 | 9 | Abies balsamea | Balsam Fir | 7-8' B&B |
| AB1 | 9 | Abies balsamea | Balsam Fir | 8-10' B&B |
| AS | 3 | Acer saccharum | Sugar Maple | 5-5.5' cal. B&B |
| AL | 11 | Amelanchier laevis | Allegheny Serviceberry | 7-8' ht. B&B |
| BPR | 14 | Betula papyrifera | Paper Birch | 8-10' B&B |
| JV | 14 | Juniperus virginiana | Eastern Red Cedar | 8-10' B&B |
| LL | 6 | Larix laricina | Tamarack | 10-12' B&B |
| NS | 4 | Nyssa sylvatica | Tupelo | 3.5-4' cal. B&B |
| PG | 6 | Picea glauca | White Spruce | 10-12' ht. B&B |
| PS | 3 | Pinus strobus | White Pine | 12-14' ht. B&B |
| PRS | 14 | Prunus serotina | Black Cherry | 2-2.5' cal. B&B |
| QA | 1 | Quercus 'Alba' | White Oak | 4-4.5' B&B |
| QB | 3 | Quercus bicolor | Swamp White Oak | 4-4.5' cal. B&B |
| QR | 2 | Quercus rubra | Red Oak | 4.5-5 cal. B&B |
| TC | 11 | Tsuga canadensis | Canadian Hemlock | 8-10' ht. B&B |

| Latin Name | Common Name |
|-----------------------------------|--------------------|
| Shrubs | |
| Aronia melanocarpa 'Autumn Magic' | Black Chokeberry |
| Clethra alnifolia | Summersweet |
| Comptonia peregrina | Sweetfern |
| Hamamelis virginiana | Common Witchhazel |
| Myrica gale | Sweetgale |
| Myrica pensylvanica | Northern Bayberry |
| Rhododendron viscosum | Swamp Azalea |
| Vaccinium corymbosum | Highbush Blueberry |
| Viburnum acerifolium | Mapleleaf Viburnum |

| Latin Name | Common Name |
|-----------------------------|----------------------|
| Perennials | |
| Asclepias incarnata | Swamp Milkweed |
| Asclepias syriaca | Butterfly Milkweed |
| Demissaetia punctilobula | Hay-Scented Fern |
| Mateuccia struthiopteris | Ostrich Fern |
| Onoclea sensibilis | Sensitive Fern |
| Polystichum acrostichoides | Christmas Fern |
| Schizachyrium scoparium | Little Bluestem |
| Symphoricarum novae-angliae | New England Aster |
| High & Low Marsh | |
| Distichlis spicata | Saltgrass |
| Juncus gerardi | Black grass |
| Spartina alterniflora | Smooth Cordgrass |
| Spartina patens | Saltmeadow Cordgrass |

NOTES:

- PLANT LOCATIONS ON PLAN ARE FOR DIAGRAMMATIC PURPOSES; FINAL LOCATION OF PLANTING WILL BE DETERMINED IN FIELD AND MAY DIFFER FROM PLANS
- PLANT SIZES AND QUANTITIES SHOWN ARE SUBJECT TO CHANGE BASED ON AVAILABILITY
- THE USE OF ANY FERTILIZER IS PROHIBITED WITHIN A WETLAND, VEGETATED BUFFER AREA, OR LIMITED CUT AREA
- THE USE OF FERTILIZERS OTHER THAN LOW PHOSPHATE OR SLOW RELEASE NITROGEN FERTILIZER IS PROHIBITED IN ALL COASTAL RESOURCE AREAS



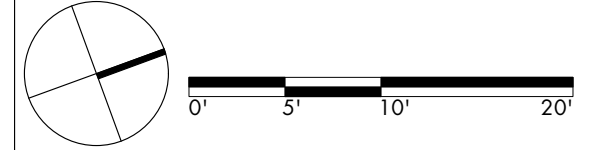
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CUNNINGHAM
LANDSCAPE
DESIGN LLC
matthew-cunningham.com

411 Main Street, Stoneham, MA 02180
366 Fore Street, Portland, ME 04101
617.905.2246 p | 617.321.4014 f

REVISIONS:

| # | DESCRIPTION: |
|---|--------------|
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SCALE: 1" = 10'-0" DATE: 08 June 2023



SHEET TITLE:
**LADY ISLE BRIDGE
REPLACEMENT -
PROPOSED
MITIGATION PLANTING**

SHEET NUMBER:

L1.0

FOR PERMIT SUBMISSION



Lady Isle

325 Little Harbor Road,
Portsmouth NH

- General Notes:
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 - Existing conditions supplemented from data collected by: Matthew Cunningham Landscape Design LLC, 411 Main Street, Stoneham, MA 02180 - Tel: (617) 905.2246
 - Do not scale drawings.



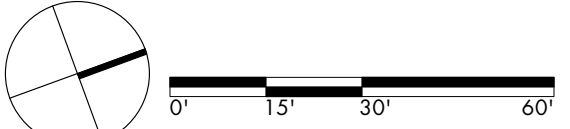
MATTHEW CUNNINGHAM LANDSCAPE DESIGN LLC
matthew-cunningham.com

411 Main Street, Stoneham, MA 02180
366 Fore Street, Portland, ME 04101
617.905.2246 p | 617.321.4014 f

REVISIONS:

| # | DESCRIPTION: |
|---|--------------|
| | |
| | |
| | |
| | |
| | |
| | |

SCALE: 1" = 30'-0" DATE: 08 June 2023



SHEET TITLE:
LADY ISLE BRIDGE REPLACEMENT - PROPOSED MITIGATION PLANTING

SHEET NUMBER:

L1.2

FOR PERMIT SUBMISSION

From: [Kimberli Kienia](mailto:Kimberli.Kienia)
To: [Kimberli Kienia](mailto:Kimberli.Kienia)
Subject: FW: Wetland CUP - Planning Board
Date: Monday, July 10, 2023 11:54:24 AM

From: Rob Graham <Rob@graham-consult.com>
Sent: Monday, July 10, 2023 10:55 AM
To: Peter M. Stith <pmstith@cityofportsmouth.com>; Joseph Coronati <jcoronati@Jonesandbeach.com>
Cc: Peter L. Britz <plbritz@cityofportsmouth.com>
Subject: RE: Wetland CUP - Planning Board

Hello Peter,

Please postpone our site plan application to the next available meeting.

Thank you,

Rob Graham
Banfield Realty, llc
603-479-3666

From: Peter M. Stith <pmstith@cityofportsmouth.com>
Sent: Monday, July 10, 2023 10:30 AM
To: Rob Graham <Rob@graham-consult.com>; Joseph Coronati <jcoronati@Jonesandbeach.com>
Cc: Peter L. Britz <plbritz@cityofportsmouth.com>
Subject: Re: Wetland CUP - Planning Board

Ok thank you Rob. Can we get an email requesting to postpone site plan application?

Peter

Get [Outlook for iOS](#)

From: Rob Graham <Rob@graham-consult.com>
Sent: Monday, July 10, 2023 10:27:06 AM
To: Peter M. Stith <pmstith@cityofportsmouth.com>; Joseph Coronati <jcoronati@Jonesandbeach.com>
Cc: Peter L. Britz <plbritz@cityofportsmouth.com>
Subject: RE: Wetland CUP - Planning Board

Hi Peter,



200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

6 July 2023

Rick Chellman, Planning Board Chair
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Request for Preliminary Conceptual Consultation at 581 Lafayette Road, Mixed Use Site Development – Residential Addition

Dear Mr. Chellman and Planning Board Members:

On behalf of Atlas Commons, LLC we are pleased to submit the attached plan set for **Preliminary Conceptual Consultation** for the above-mentioned project and request that we be placed on the agenda for your **July 20, 2023**, Planning Board Meeting. The project consists of the addition of residential dwelling units in a proposed addition to the existing commercial building at 581 Lafayette Road with the associated and required site improvements. The new building addition is intended to add much needed housing in a desirable location where significant walkable amenities are in close proximity. Additionally, the site is near a Coast bus stop. The re-development will include some parking below street level.

The application conforms to the required density and development standards with some exceptions. The project therefore requires the filing of an application with the Zoning Board of Adjustment for those items. The development team would like feedback from the Planning Board before committing to that part of the process. This applicant seeks **Preliminary Conceptual Consultation** with the Planning Board as required under Section 2.4.2.1 of the Site Plan Regulations.

The following plans are included in our submission:

- Cover Sheet – This shows the Development Team, Legend, Site Location, and Site Zoning.
- Existing Conditions Plan C1 – This plan shows the existing site conditions in detail.
- Demolition Plan C2 – This plan shows proposed site demolition prior to construction.
- Site Plan C3 – This plan shows the site development with the associated Zoning Table and Impervious Surface calculations.
- Parking Plan C4 – This plan shows the lower-level parking layout and details the required parking.
- Floor Plans, Elevations, and Renderings PB 1.01 to PB 1.10 – These plans show proposed floor plans, building elevations, and building renderings.

We look forward to the Planning Boards review of this submission and the Boards feedback on the proposed design.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Chagnon', with a long horizontal flourish extending to the right.

John R. Chagnon, PE
CC: 581 Lafayette Team

COMMERCIAL DEVELOPMENT

581 LAFAYETTE ROAD
PORTSMOUTH, NEW HAMPSHIRE

SITE PERMIT PLANS- PRELIMINARY CONCEPTUAL CONSULTATION

OWNER:

ATLAS COMMONS, LLC
3 PLEASANT STREET
SUITE #400
PORTSMOUTH, NH 03801

LANDSCAPE ARCHITECT:

TERRA FIRMA LANDSCAPE
ARCHITECTURE
163A COURT STREET
SUITE #400
PORTSMOUTH, NH 03801
TEL. (603) 430-8388

CIVIL ENGINEER:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801
Tel. (603) 430-9282
Fax (603) 436-2315

ARCHITECT:

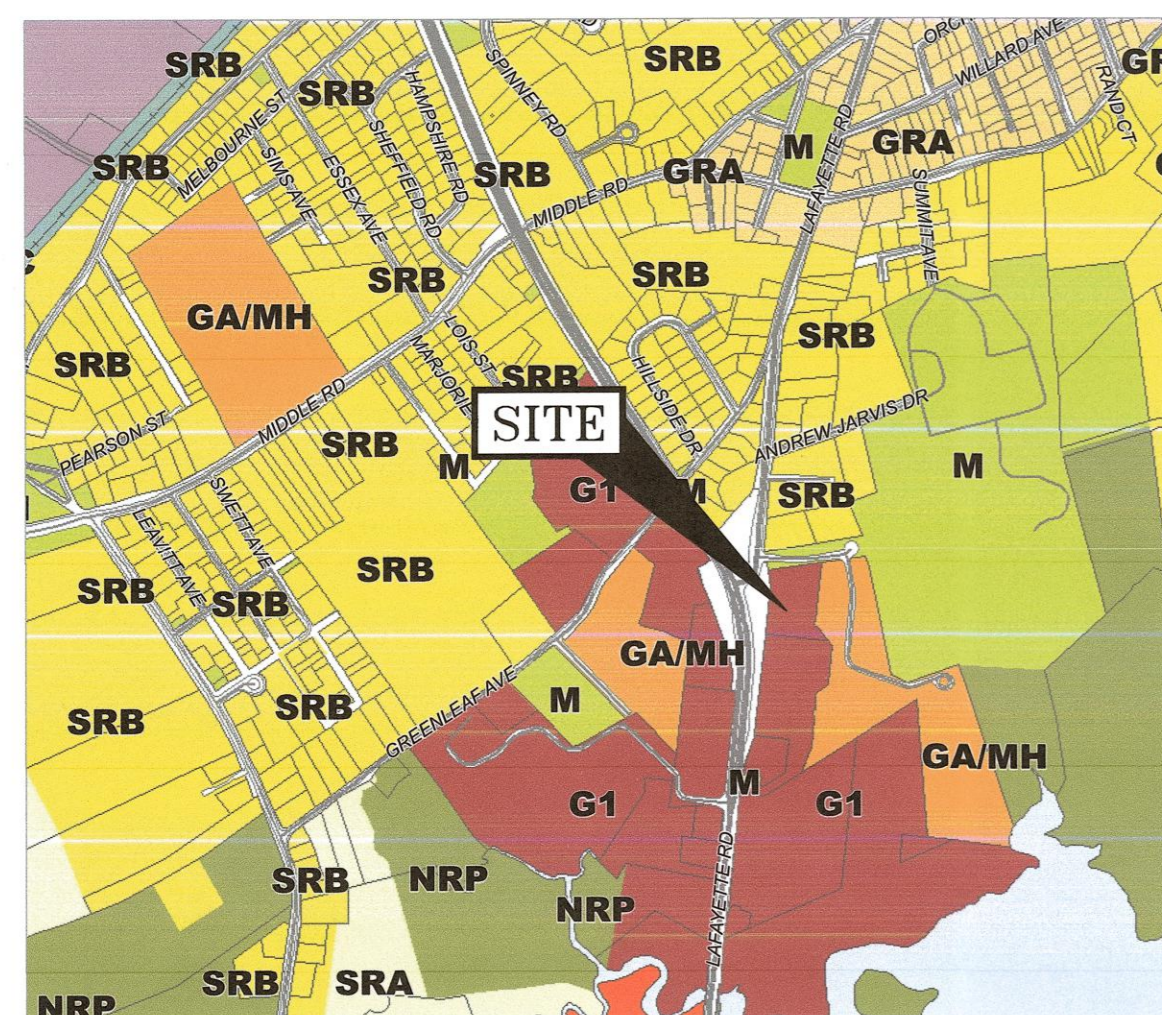
ARCOVE ARCHITECTS
3 CONGRESS STREET, SUITE 1
PORTSMOUTH, NH 03801
TEL. (603) 988-0042

PERMIT LIST:

NHDES SEWER DISCHARGE PERMIT: TO BE SUBMITTED
PORTSMOUTH ZONING BOARD: TO BE SUBMITTED

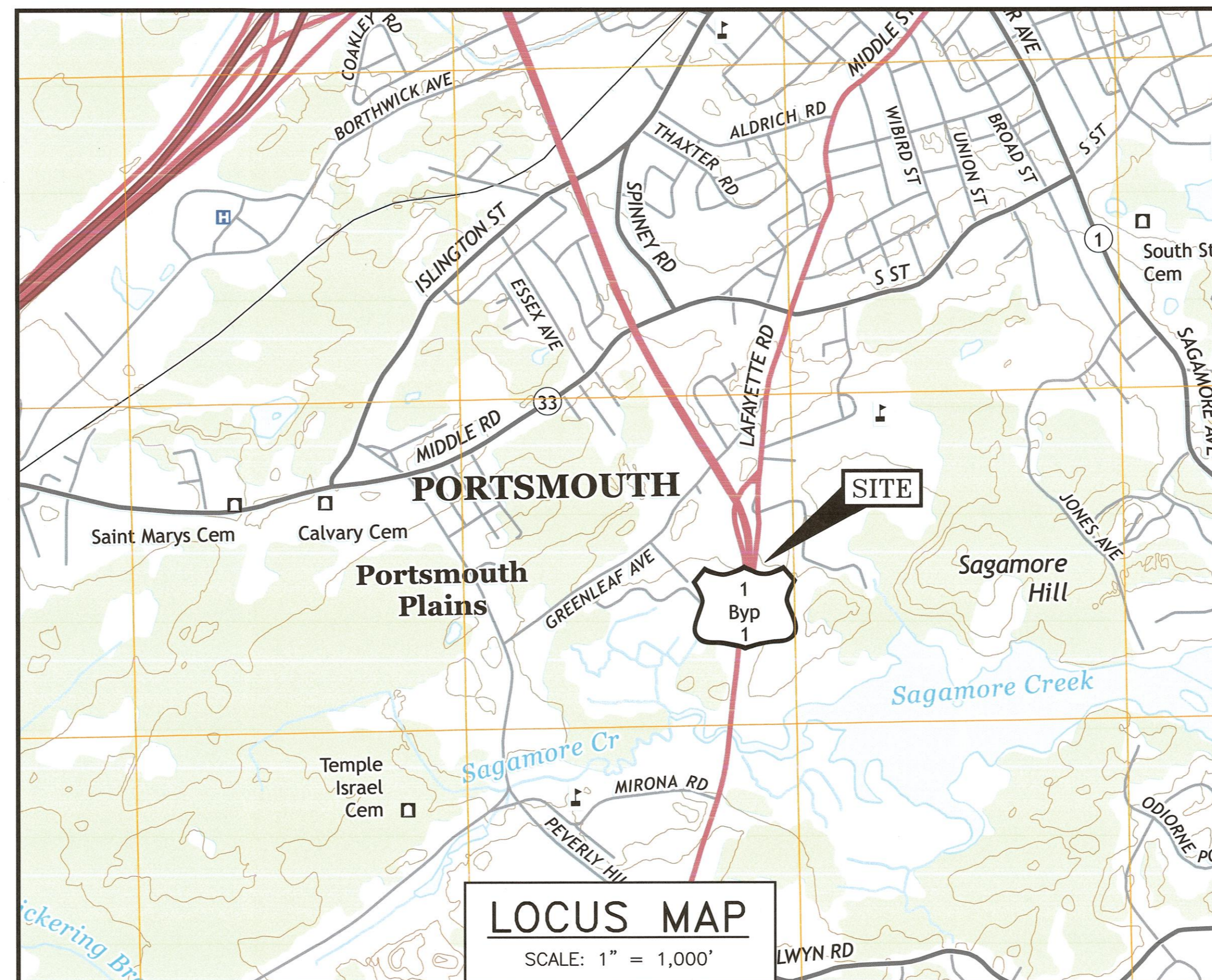
LEGEND:

| EXISTING | PROPOSED | |
|----------|----------|------------------------------|
| --- | --- | PROPERTY LINE |
| --- | --- | SETBACK |
| S | S | SEWER PIPE |
| SL | SL | SEWER LATERAL |
| G | G | GAS LINE |
| D | D | STORM DRAIN |
| W | W | WATER LINE |
| WS | WS | WATER SERVICE |
| UGE | UGE | UNDERGROUND ELECTRIC |
| OHW | OHW | OVERHEAD ELECTRIC/WIRES |
| UD | UD | FOUNDATION DRAIN |
| 100 | 100 | EDGE OF PAVEMENT (EP) |
| 97x3 | 98x0 | CONTOUR |
| ○ | ○ | SPOT ELEVATION |
| ○ | ○ | UTILITY POLE |
| ☀ | ☀ | WALL MOUNTED EXTERIOR LIGHTS |
| ☀ | ☀ | TRANSFORMER ON CONCRETE PAD |
| ☀ | ☀ | ELECTRIC HANDHOLD |
| ☀ | ☀ | SHUT OFFS (WATER/GAS) |
| ☀ | ☀ | GATE VALVE |
| ☀ | ☀ | HYDRANT |
| ☀ | ☀ | CATCH BASIN |
| ☀ | ☀ | SEWER MANHOLE |
| ☀ | ☀ | DRAIN MANHOLE |
| ☀ | ☀ | TELEPHONE MANHOLE |
| ☀ | ☀ | PARKING SPACE COUNT |
| ☀ | ☀ | PARKING METER |
| ☀ | ☀ | LANDSCAPED AREA |
| TBD | TBD | TO BE DETERMINED |
| CI | CI | CAST IRON PIPE |
| COP | COP | COPPER PIPE |
| DI | DI | DUCTILE IRON PIPE |
| PVC | PVC | POLYVINYL CHLORIDE PIPE |
| RCP | RCP | REINFORCED CONCRETE PIPE |
| AC | AC | ASBESTOS CEMENT PIPE |
| VC | VC | VITRIFIED CLAY PIPE |
| EP | EP | EDGE OF PAVEMENT |
| EL | EL | ELEVATION |
| FF | FF | FINISHED FLOOR |
| INV | INV | INVERT |
| S = | S = | SLOPE FT/FT |
| TBM | TBM | TEMPORARY BENCH MARK |
| TYP | TYP | TYPICAL |



Mixed Residential Districts

| | |
|-----|----------------------------|
| MRO | Mixed Residential Office |
| MRB | Mixed Residential Business |
| G1 | Gateway Corridor |
| G2 | Gateway Center |



INDEX OF SHEETS

| DWG No. | Description |
|---------|--------------------------|
| C1 | EXISTING CONDITIONS PLAN |
| C2 | DEMOLITION PLAN |
| C3 | SITE PLAN |
| C4 | PARKING PLAN |
| - | FLOOR PLANS |
| - | ELEVATIONS |

UTILITY CONTACTS

ELECTRIC:
EVERSOURCE
1700 LAFAYETTE ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 436-7708, Ext. 555.5678
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

NATURAL GAS:
UNITIL
325 WEST ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 294-5144
ATTN: DAVE BEAULIEU

CABLE:
COMCAST
155 COMMERCE WAY
PORTSMOUTH, N.H. 03801
Tel. (603) 679-5695 (X1037)
ATTN: MIKE COLLINS

SEWER & WATER:
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 427-1530
ATTN: JIM TOW

COMMUNICATIONS:
FAIRPOINT COMMUNICATIONS
JOE CONSIDINE
1575 GREENLAND ROAD
GREENLAND, N.H. 03840
Tel. (603) 427-5525

**SITE PERMIT PLANS-
PRELIMINARY CONCEPTUAL CONSULTATION
COMMERCIAL DEVELOPMENT
581 LAFAYETTE ROAD
PORTSMOUTH, N.H.**



200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

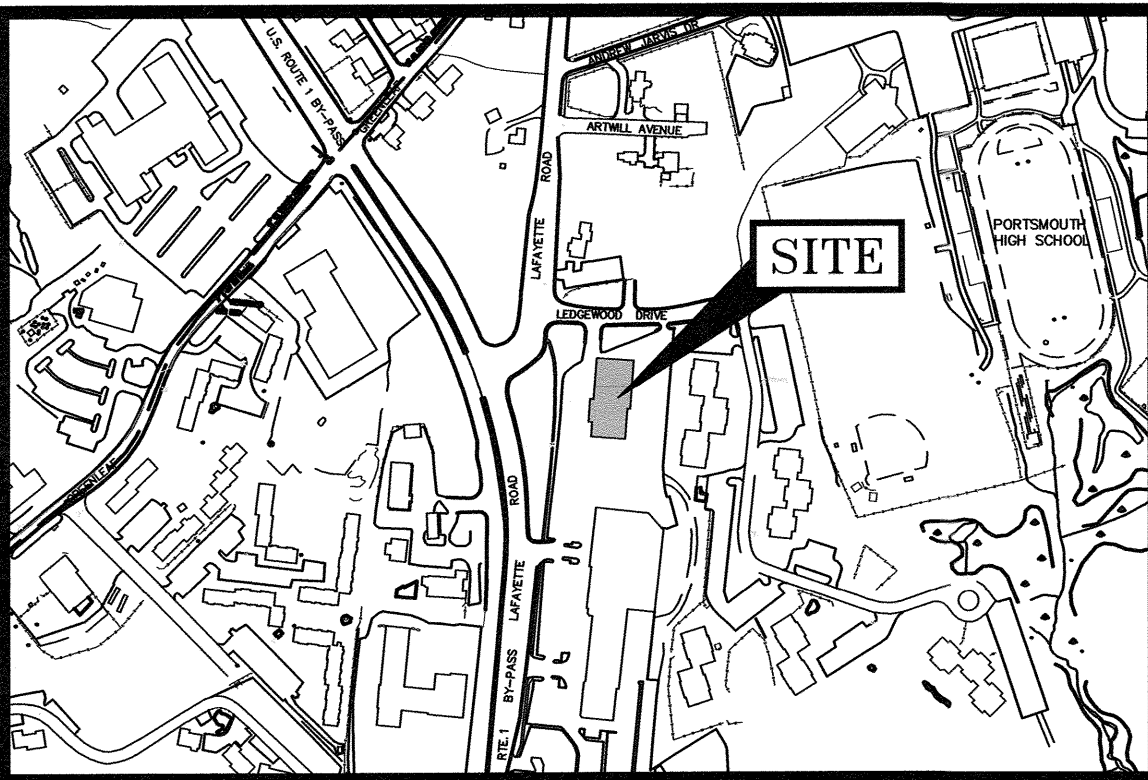
PLAN SET SUBMITTAL DATE: 6 JULY 2023

PORTSMOUTH APPROVAL CONDITIONS NOTE:
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE



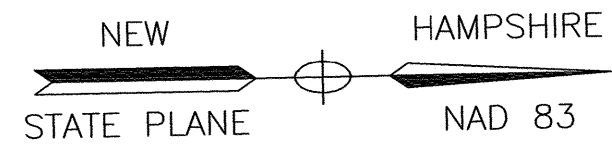
LOCATION MAP

SCALE: 1" = 400'±

| SEWER STRUCTURE SCHEDULE | | | | | |
|--------------------------|---------|-------|-----------|--------|-----------|
| STRUCTURE | PROP/EX | RIM | PIPE SIZE | INVERT | DIRECTION |
| SMH 1 | EX | 23.23 | 8" PVC | 16.01 | IN |
| SMH 1 | EX | 23.23 | 8" PVC | 15.91 | OUT |
| GREASE TRAP 1 | EX | 23.63 | | 17.58 | OUT |
| GREASE TRAP 1 | EX | 23.63 | | 17.23 | OUT |

LENGTH TABLE

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | S15°17'27"W | 14.20' |
| L2 | S48°43'16"E | 33.26' |

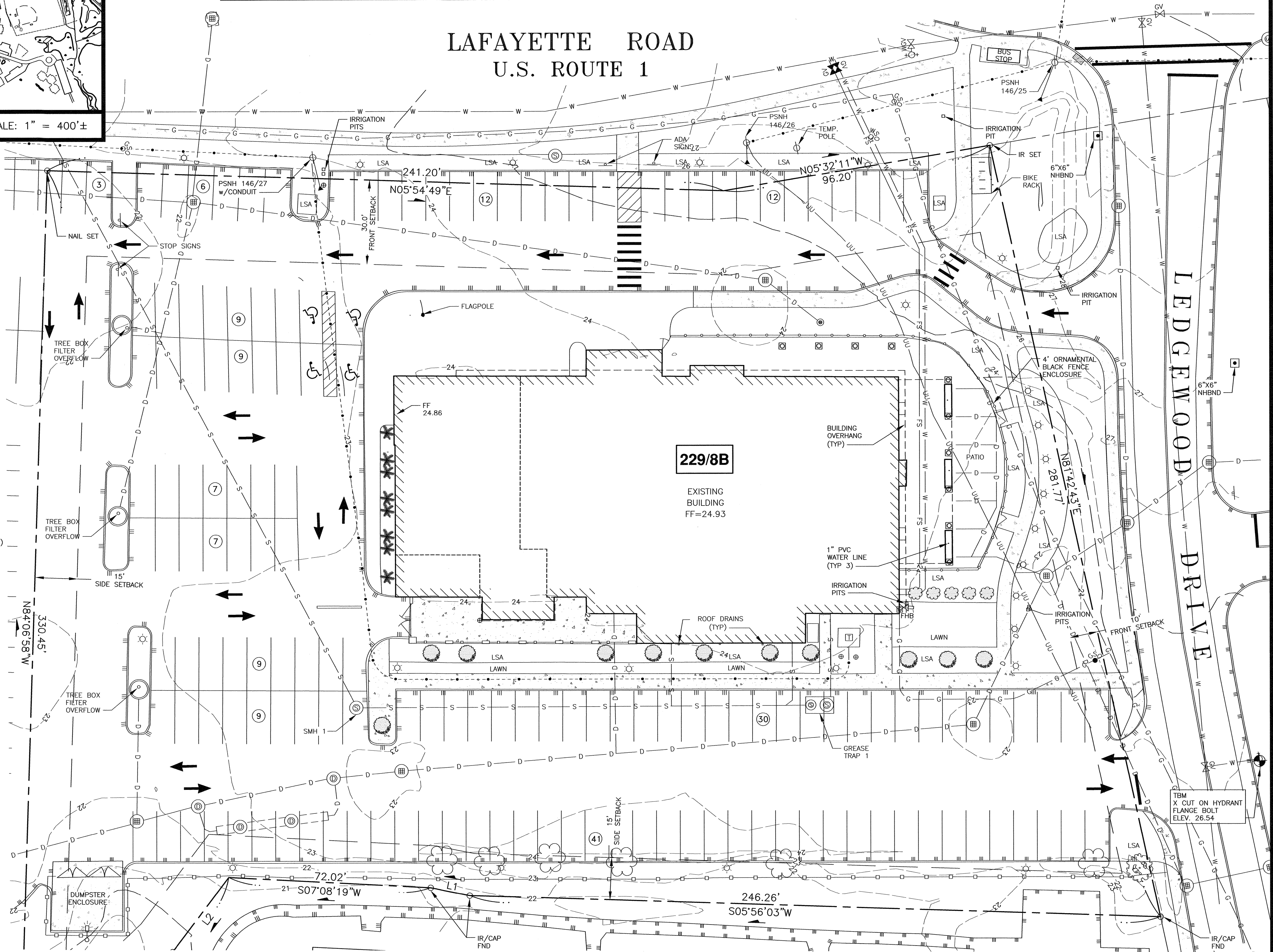


NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 229 AS LOT 8B.
- OWNERS OF RECORD:
ATLAS COMMONS, LLC
3 PLEASANT STREET, SUITE 400
PORTSMOUTH, NH 03801
6474/1538
- THE PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0270F, EFFECTIVE JANUARY 29, 2021.
- EXISTING LOT AREA:
98,124 S.F.
2.2526 AC
- PARCEL IS LOCATED IN THE GATEWAY (GW) DISTRICT.
- DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 43,560 S.F.
FRONTAGE: 200 FT.
DEPTH: 100 FT.
SETBACKS:
FRONT: 30 FT.
SIDE: 30 FT.
REAR: 50 FT.
MAXIMUM STRUCTURE HEIGHT: 40 FT.
MAXIMUM ROOF APPURTENANCE HEIGHT: 10 FT.
MAXIMUM BUILDING COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON TAX MAP 229 LOT 8B.
- EASEMENTS & RESTRICTIONS:
A) ROAD/UTILITY EASEMENT AREA: SEE C-3316 AND RCRD 2110/428 AND 2184/184. THIS EASEMENT WAS PARTIALLY TERMINATED ON 11/9/15: SEE RCRD 5669/0645.
B) 30' RIGHT OF WAY: SEE D-8806 AND 5446/2589.
C) MUTUAL PARKING AND ACCESS RIGHTS FOR LOTS 1-3 ON PLAN D-8806 ARE OF RECORD. RCRD 2343/128 AND 5446/2588.
- UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

LEGEND

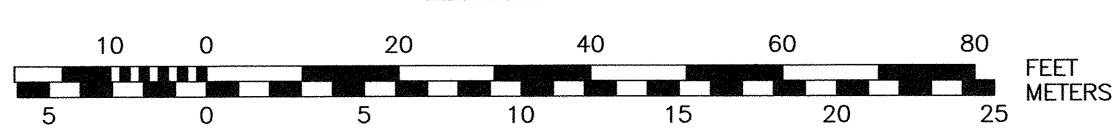
- | EXISTING | DESCRIPTION |
|---------------------------------------|---------------------------------------|
| (124/21) | MAP 124 / LOT 21 |
| N/F | NOW OR FORMERLY |
| RP | RECORD OF PROBATE |
| RCRD | ROCKINGHAM COUNTY REGISTRY OF DEEDS |
| - - - - - | BOUNDARY LINE |
| - - - - - | SETBACK LINE |
| RR SPK FND | RAILROAD SPIKE FOUND |
| IR FND | IRON ROD FOUND |
| IP FND | IRON PIPE FOUND |
| DH FND | DRILL HOLE FOUND |
| BND w/ DH | BOUND w/ DRILL HOLE |
| FM | FORCE MAIN |
| S | SEWER LINE |
| G | GAS LINE |
| D | STORM DRAIN |
| W | POTABLE WATER LINE |
| - - - - - | UNDERGROUND ELECTRIC |
| - - - - - | OVERHEAD WIRES |
| - - - - - | CONTOUR LINE |
| 100 | SPOT ELEVATION |
| 97x3 | EDGE OF PAVEMENT |
| Woods / Tree Line | WOODS / TREE LINE |
| Utility Pole (w/ GUY) (w/ LIGHT) | UTILITY POLE (w/ GUY) (w/ LIGHT) |
| Light Pole | LIGHT POLE |
| Shutoff/Curb Stop (Water, Gas, Sewer) | SHUTOFF/CURB STOP (WATER, GAS, SEWER) |
| Gate Valve | GATE VALVE |
| Hydrant | HYDRANT |
| CB | CATCH BASIN |
| Telephone Manhole | TELEPHONE MANHOLE |
| Sewer Manhole | SEWER MANHOLE |
| Drain Manhole | DRAIN MANHOLE |
| FF | FINISHED FLOOR |
| INV. | INVERT |
| TBM | TEMPORARY BENCHMARK |
| TYP. | TYPICAL |



229/8B

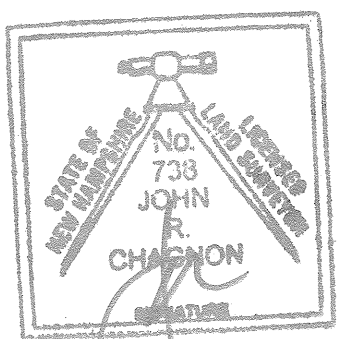
EXISTING BUILDING
FF=24.93

GRAPHIC SCALE



COMMERCIAL DEVELOPMENT
581 LAFAYETTE ROAD
PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|-----|--------------------|--------|
| 0 | ISSUED FOR COMMENT | 7/5/23 |



SCALE: 1"=20' FEBRUARY 2023

EXISTING CONDITIONS PLAN **C1**

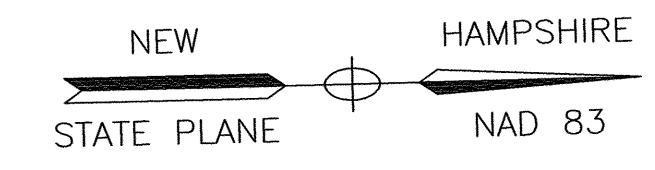
P:\NH\2019\191703\191703-Lafayette Rd., Portsmouth-NH-03801\191703-Plans & Specifications\191703-EXISTING 2023.dwg, 7/6/2023 1:47:41 PM, Portsmouth, John Channon 73800000

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 229 AS LOT 8B.
 - 2) OWNERS OF RECORD:
ATLAS COMMONS, LLC
3 PLEASANT STREET, SUITE 400
PORTSMOUTH, NH 03801
6474/1538
 - 3) THE PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0270E, EFFECTIVE MAY 17, 2005
 - 4) EXISTING LOT AREA:
98,124 S.F.
2.2526 AC
 - 5) PARCEL IS LOCATED IN THE GATEWAY CORRIDOR (G1) DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
SEE ZONING ORDINANCE SECTION 10.5B22.10
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED BUILDING ADDITION ON TAX MAP 229 LOT 8B.
 - 8) DESIGN BASED ON ARCHITECTURAL PLAN BY ARCOVE ARCHITECTS DATED 7/6/23.
 - 9) CONVERSION OF TUSCAN MARKETPLACE TO RESTAURANT (NORTHEASTERN THAI, LLC)
- APPROVED UNDER PERMIT: LU-22-254

IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

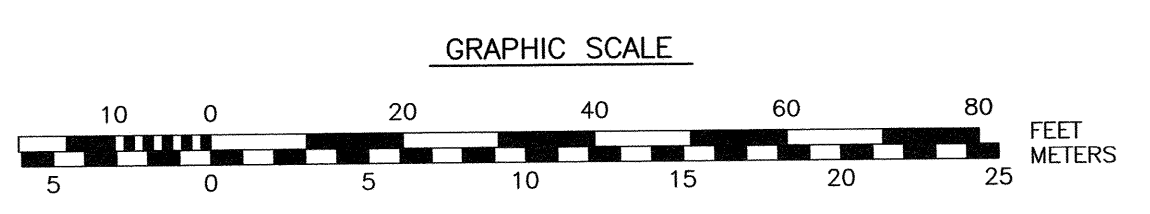
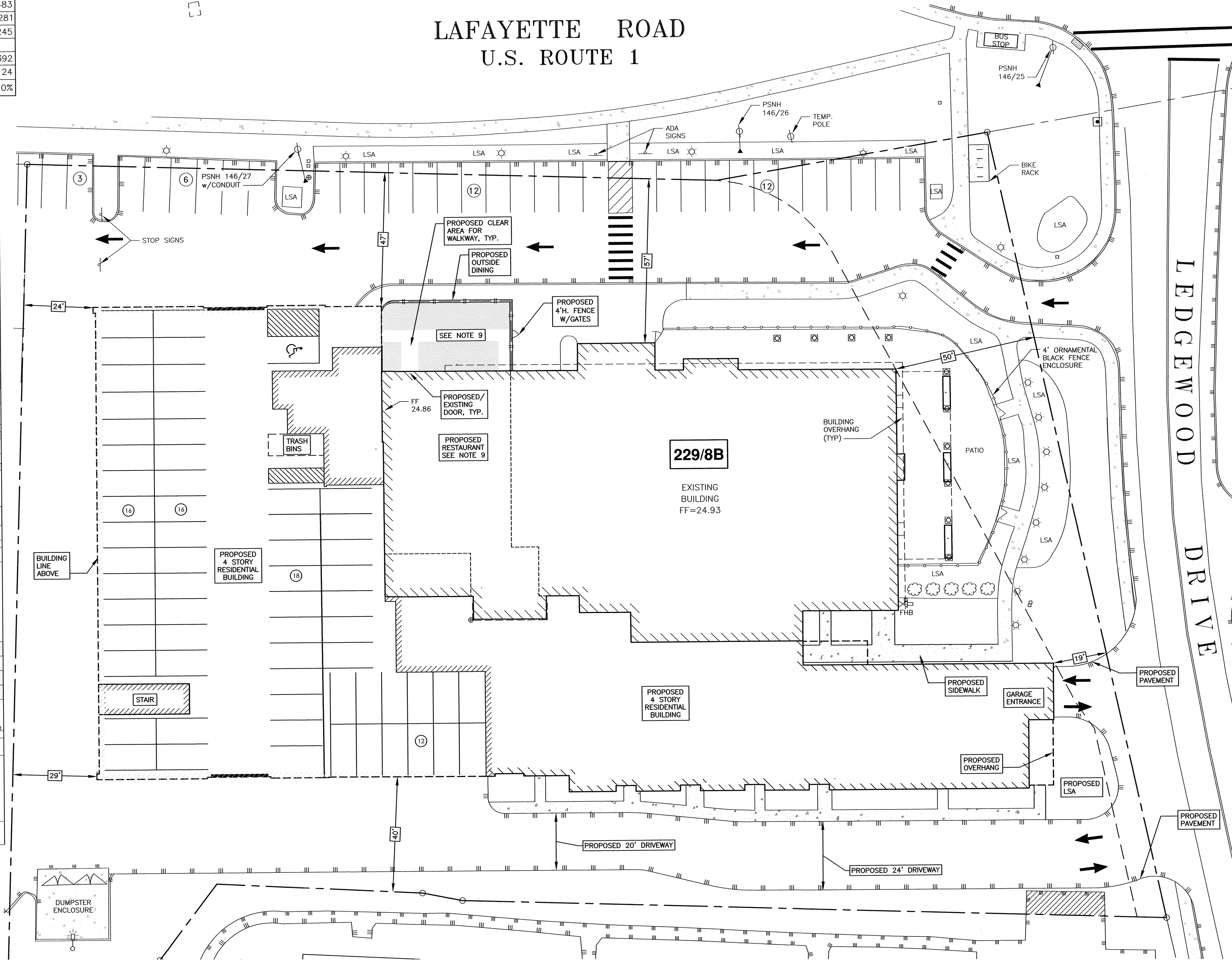
| STRUCTURE | POST-CONSTRUCTION IMPERVIOUS (S.F.) |
|-------------------|-------------------------------------|
| MAIN STRUCTURE | 44,632 |
| CONCRETE/SIDEWALK | 3,996 |
| PAVEMENT | 29,483 |
| PATIO | 5,281 |
| CURB | 245 |
| TOTAL | 83,392 |
| LOT SIZE | 98,124 |
| % LOT COVERAGE | 85.0% |



LAFAYETTE ROAD
U.S. ROUTE 1

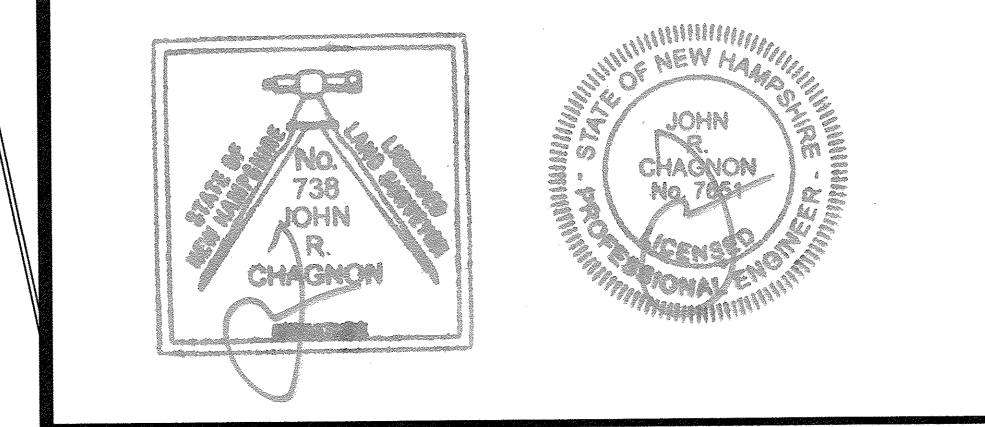
ZONING TABLE

| Zone | additions | proposed |
|--|---|--|
| G1 | | |
| Height | 4 stories or 50 ft. for apartments in G1. 10.5B.22.20, at streets <60' row: 30' max <25' setback 45' max <50' setback 60' max >50' (verify) | 35/3 stories at street fronts 45/4 stories beyond 50/4 stories at center |
| perthouses & appurtenances | 10' above allowed building height | <10' |
| Roof appurtenance | Roof decks, roof gardens, and related structures and appurtenances shall not be counted in the building height limits. | <10' |
| Facade Types | forecourt, recessed entry, dooryard, step, porch | recessed entry |
| Building Types | Dwelling units | Workforce Housing: 3 stories Podium parking at street level and one level below grade |
| Setbacks (ft) * | | |
| Front (principle) | 70'-90' from cl of Lafayette Rd | >90' |
| Front (secondary) | min 10' & max 30' from Lot Line at Ledgewood | 19' |
| Side | Minimum side setback: 15 ft. Where a development site includes a more than one building type, the minimum building setback to interior lot lines shall be 0 feet | 40' |
| Rear | N/A Minimum rear setback 20 ft. (& 25 ROW easement) | 24' |
| Front lot line buildout residential | 50% | 85% |
| Front lot line buildout commercial/mixed-use | 75% | 85% |
| Frontage, Lafayette | 100 ft min | 337.4' |
| Lot area (sf) | NR | |
| area per dwelling | Workforce Housing units for rent: min 10% or 2 units, min. 800 sf or average unit size (larger of two) | 1,363 |
| Coverage, maximum | 50% | 85% |
| Footprint, max | NR | |
| Offstreet parking | For developments located on public transit with year round, 5 days-per-week, fixed route service and where at least 50% of the building(s) are within 1/4 mile of a transit stop, the minimum offstreet parking shall be reduced by 20%. | 170 |
| ground floor area per use, max | NR | parking |
| Open space, minimum | 20% | 15% |
| permitted uses (G1) | multifamily, restaurant | multifamily |
| building length, max (ft) | 200 | 236 |
| facade modulation length, max (ft) | A) Symmetrical and vertically articulated bays >6' <50' wide, minimum 3. B) Buildings greater than one hundred (100) feet in width shall read as a series of smaller buildings with varied architectural design and facade glazing patterns; or include a change in vertical plane of the facade of at least four (4) feet (in depth or projection) for at least one (1) bay in width for every one hundred (100) feet of total facade width. This change in plane applies to the entire height of the facade. | modulations < 100 ft |
| entrance spacing, max (ft) | | entries facing street fronts |
| floor height above sidewalk, max | 36" | 8" |
| ground floor height, min | | 13' |
| second floor height, min | | 11' |
| glazing, shopfront, min | 20% | Streetfront Glazing at lobby entrances 100%. Sides & rear: podium parking at first floor, some open and some screening |
| glazing, other | NR | |
| roof types(pitch) | All flat roofs must have "parapet wall that acts as a structural expression of the building facade and its materials) 1 bicycle space for each 5 dwellings units or portion thereof. Off-site parking: Less than 500 sq. ft. 0.5 spaces per unit. 500-700 sq. ft. 1.0 space per unit Over 750 sq. ft. 1.3 space per unit | flat |
| Parking, off-street, | 10.112.312 In addition to the off-street parking spaces provided in accordance with Sec. 10.112.311, any dwelling or group of dwelling on a lot containing more than 4 dwelling units shall provide one visitor parking space for every 5 dwelling units or portion thereof. | 170 |
| Units density | 24 units per building. 36 units exception for workforce housing Conditional Use Permit under the provisions for Density Bonuses in Section 10.5B72&10.5B72 | 36 units per building * 2 buildings = 72 units |



COMMERCIAL DEVELOPMENT
581 LAFAYETTE ROAD
PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|-----|--------------------|--------|
| 0 | ISSUED FOR COMMENT | 7/5/23 |



SCALE: 1"=20' FEBRUARY 2023

SITE PLAN **C3**

P:\NH\2023\581 Lafayette Road\Projects\581 Lafayette Road - Portsmouth - HC\2023 Site Plan - 1972023.dwg, 1972023.dwg, 1972023.dwg, 1972023.dwg
 Portsmouth Project - 1972023.dwg

REQUIRED PARKING:

| 581 Lafayette Road Unit/Parking Analysis June 6, 2023 | | | |
|---|-----------|-----------|--------------|
| 1 bedroom units 500-900 sf | | | |
| Level | Room No. | Area (sf) | spaces/unit |
| LEVEL 4 | B405 | 503 | 1.00 |
| LEVEL 4 | B404 | 503 | 1.00 |
| LEVEL 1 | B103 | 522 | 1.00 |
| LEVEL 1 | B104 | 523 | 1.00 |
| LEVEL 3 | B310 | 607 | 1.00 |
| LEVEL 2 | A211 | 624 | 1.00 |
| LEVEL 3 | A311 | 627 | 1.00 |
| LEVEL 3 | B306 | 673 | 1.00 |
| LEVEL 4 | B410 | 678 | 1.00 |
| LEVEL 4 | A411 | 680 | 1.00 |
| LEVEL 3 | B307 | 683 | 1.00 |
| LEVEL 2 | B206 | 693 | 1.00 |
| LEVEL 4 | B407 | 697 | 1.00 |
| LEVEL 4 | B402 | 699 | 1.00 |
| LEVEL 3 | B305 | 726 | 1.00 |
| LEVEL 3 | B308 | 733 | 1.00 |
| LEVEL 3 | B303 | 737 | 1.00 |
| LEVEL 4 | B406 | 738 | 1.00 |
| LEVEL 4 | B403 | 755 | 1.30 |
| LEVEL 4 | B408 | 800 | 1.30 |
| LEVEL 3 | B309 | 847 | 1.30 |
| LEVEL 1 | B105 | 848 | 1.30 |
| 1 bedroom units: | 22 | | 23.20 |

| Studio 400-500 sf | | | |
|--------------------------|----------|-----|-------------|
| LEVEL 1 | B102 | 418 | 0.50 |
| LEVEL 2 | A207 | 433 | 0.50 |
| LEVEL 3 | A307 | 433 | 0.50 |
| LEVEL 2 | A209 | 434 | 0.50 |
| LEVEL 3 | A309 | 434 | 0.50 |
| LEVEL 3 | B304 | 442 | 0.50 |
| LEVEL 4 | A407 | 500 | 0.50 |
| LEVEL 4 | A409 | 500 | 0.50 |
| Studio units: | 8 | | 4.00 |

| 2 bedroom units 900-1,400 sf | | | |
|-------------------------------------|-----------|------|--------------|
| LEVEL 4 | B409 | 919 | 1.30 |
| LEVEL 4 | B411 | 946 | 1.30 |
| LEVEL 3 | A303 | 981 | 1.30 |
| LEVEL 2 | A203 | 981 | 1.30 |
| LEVEL 3 | A305 | 988 | 1.30 |
| LEVEL 3 | A308 | 1007 | 1.30 |
| LEVEL 4 | A408 | 1016 | 1.30 |
| LEVEL 4 | A403 | 1036 | 1.30 |
| LEVEL 4 | A405 | 1037 | 1.30 |
| LEVEL 2 | A208 | 1043 | 1.30 |
| LEVEL 2 | A204 | 1060 | 1.30 |
| LEVEL 3 | A304 | 1060 | 1.30 |
| LEVEL 3 | A306 | 1062 | 1.30 |
| LEVEL 4 | A406 | 1071 | 1.30 |
| LEVEL 4 | A404 | 1072 | 1.30 |
| LEVEL 3 | B301 | 1228 | 1.30 |
| LEVEL 2 | B205 | 1244 | 1.30 |
| LEVEL 4 | B401 | 1249 | 1.30 |
| LEVEL 2 | B201 | 1281 | 1.30 |
| LEVEL 2 | B203 | 1308 | 1.30 |
| LEVEL 2 | B204 | 1371 | 1.30 |
| 2 bedroom units: | 21 | | 27.30 |

| 3+ Bedroom units 1,500 - 2,200 sf | | | |
|--|-----------|-----------|--------------|
| Level | Type | Area (sf) | spaces/unit |
| LEVEL 2 | A205 | 1952 | 1.30 |
| LEVEL 3 | A312 | 1535 | 1.30 |
| LEVEL 4 | A412 | 1675 | 1.30 |
| LEVEL 2 | A201 | 2201 | 1.30 |
| LEVEL 3 | A301 | 2201 | 1.30 |
| LEVEL 4 | A401 | 1778 | 1.30 |
| LEVEL 2 | A212 | 1670 | 1.30 |
| LEVEL 2 | B207 | 1536 | 1.30 |
| LEVEL 3 | B311 | 1534 | 1.30 |
| LEVEL 2 | B202 | 1551 | 1.30 |
| 3 bedroom units: | 10 | | 13.00 |
| Grand Total Units: | 61 | | 67.5 |

| Parking Spaces Required per Unit Size | |
|---------------------------------------|-----|
| 0-500 | 0.5 |
| 500-750 | 1 |
| 750-1900 | 1.3 |



PARKING ANALYSIS
Zoning Ordinance 10.1112
June 14, 2023

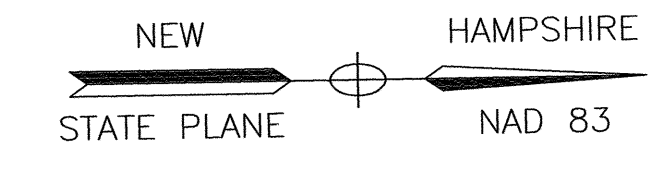
| Apartments Parking Required | | with gateway deduct -20% |
|-----------------------------------|-----------|--------------------------|
| Subtotal parking spaces required | 67.5 | |
| Gateway deduct -20% | -13.5 | |
| Apartment Parking Required | 54 | 54 |

| Restaurant/Recreation Parking Required | | | |
|---|-------------|--------------|--------|
| spaces/gfa | gfa or occ | spaces | |
| restaurant | 1/100 | 13,982.00 | 139.82 |
| mezzanine office | 1/350 | 1,060.00 | 3.0 |
| recreation (golf) | 1per 4 occ. | 20.00 | 5.0 |
| subtotal | | 147.8 | |
| Gateway deduct -20% | | -29.6 | |
| Total restaurant/recreation parking required | | 118.3 | |

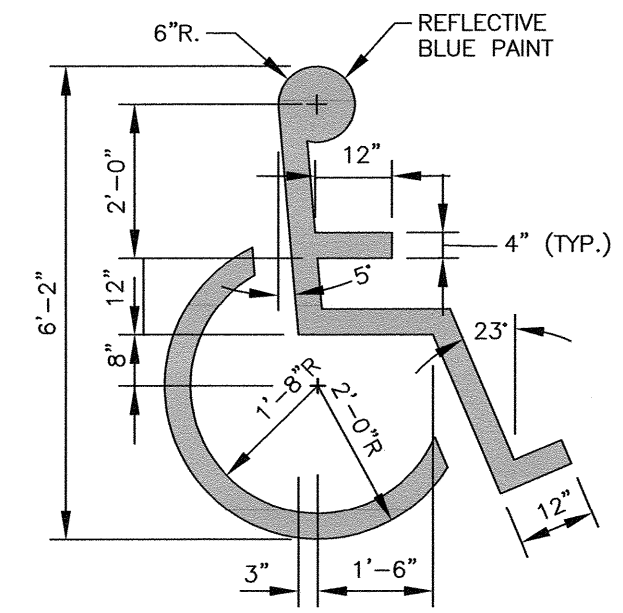
| Land Use | Weekday | | | | Weekend | | | | Nighttime | | Maximum TOTAL Required |
|--|----------------------------|--------------|---------------------------|---------------|----------------------------|--------------|-------------------------------|--------------|-------------------------|-------------|------------------------|
| | daytime (8am-5pm) required | spaces | evening (6-12pm) required | spaces | daytime (8am-5pm) required | spaces | evening (6-midnight) required | spaces | (midnight-5am) required | spaces | |
| Apartments | 60% | 32.4 | 100% | 54.0 | 80% | 43.2 | 100% | 54.0 | 100% | 54.0 | 170.6 |
| restaurant | 70% | 78.3 | 100% | 111.9 | 80% | 89.5 | 100% | 111.9 | 100% | 111.9 | 111.9 |
| Office | 100% | 2.4 | 20% | 0.5 | 10% | 0.2 | 5% | 0.1 | 5% | 0.1 | 2.4 |
| entertainment (golf) | 40% | 1.6 | 100% | 4.0 | 80% | 3.2 | 100% | 4.0 | 10% | 0.4 | 4.0 |
| Total NEEDED | | 114.7 | | 170.34 | | 136.1 | | 170.0 | | 65.7 | 170.0 |
| Net Excess (Defect) Parking | | | | | | | | | | | 16 |
| Total parking level1+ basement proposed | | | | | | | | | | | 137 |
| Existing to remain on site | | | | | | | | | | | 33 |
| Total parking proposed | | | | | | | | | | | 170 |
| Existing total available-today | | | | | | | | | | | 154 |
| Provided-Existing | | | | | | | | | | | 16 |

| 9. Eating and Drinking Places | | |
|-------------------------------|--------------------------------|------------------|
| 9.10-9.50 | All eating and drinking places | 1 per 100 of GFA |

| 4. Recreational Uses | | |
|----------------------|---|--|
| 4.10 | Religious, recreation or private non-profit recreational use | Parking demand analysis |
| 4.20 | Cinema or similar indoor amusement use with no live performance | 0.4 per seat, or Parking demand analysis |
| 4.30 | Indoor recreation use such as bowling alley or arcade | 1 per 4 persons maximum occupancy |
| 4.40 | Health club, yoga studio, martial arts school, or similar use | 1 per 250 of GFA |
| 4.50 | Outdoor recreation use | Parking demand analysis |
| 4.60 | Amusement park, water park or theme park | N/A - Prohibited Use |



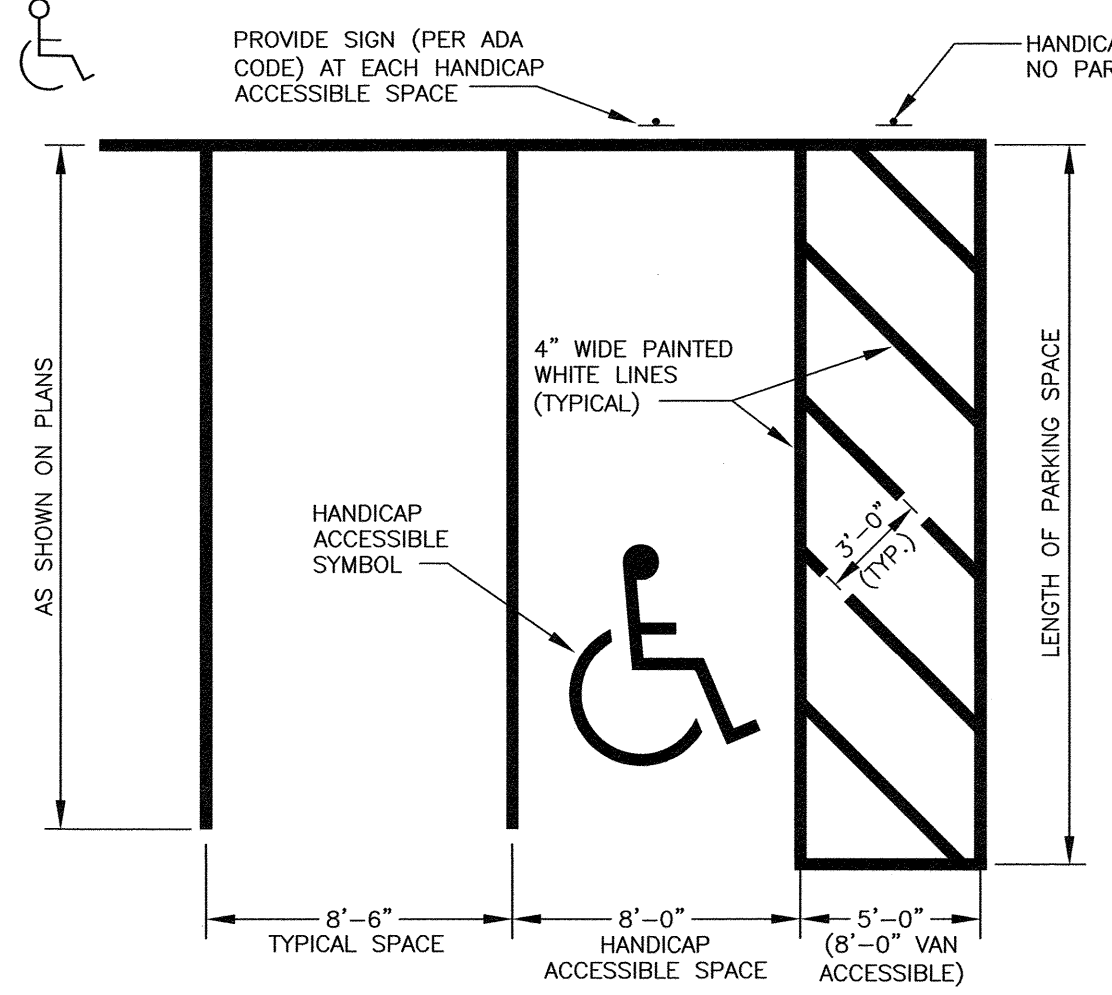
R7-80
12" x 18"
SIGN ON POST
EACH SPACE SHALL HAVE THIS SIGN DISPLAYED PER ADA CODE



K-4438
12" x 18"
SIGN ON POST

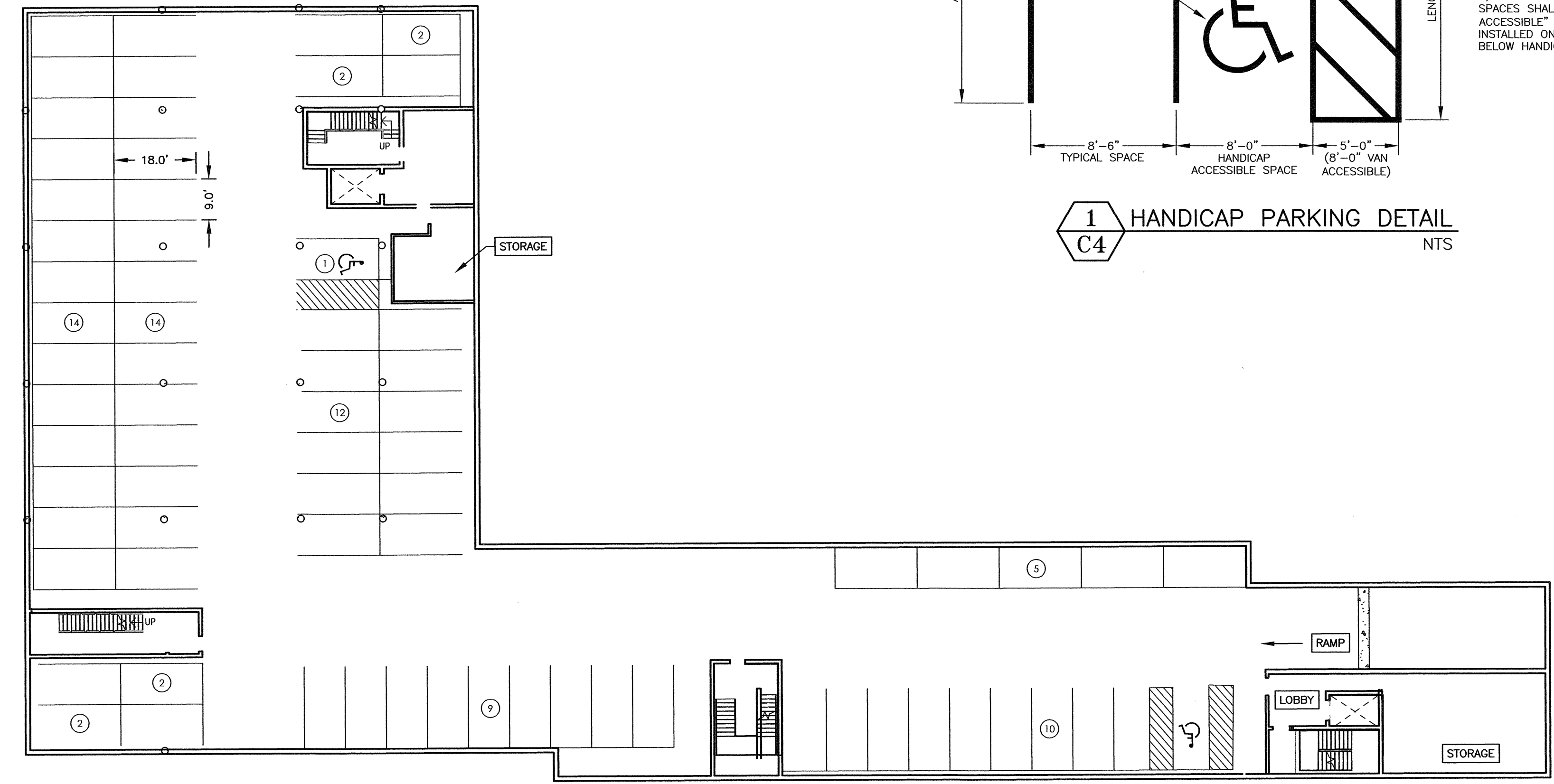
SIGNAGE
LEGEND SYMBOL

SIGNAGE



1 C4 HANDICAP PARKING DETAIL NTS

- NOTES:
- 1) SYMBOL TO BE PAINTED IN ALL HANDICAPPED SPACES.
 - 2) SYMBOL PAINT AND SIGNAGE TO CONFORM TO AMERICANS WITH DISABILITIES ACT (ADA).
 - 3) ALL VAN ACCESSIBLE SPACES SHALL HAVE "VAN ACCESSIBLE" PLATE INSTALLED ON SIGN POST BELOW HANDICAP SIGN.



- NOTES:
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 229 AS LOT 8B.
 - 2) OWNERS OF RECORD:
ATLAS COMMONS, LLC
3 PLEASANT STREET, SUITE 400
PORTSMOUTH, NH 03801
6474/1538
 - 3) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBSURFACE PARKING FOR THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 229 LOT 8B IN THE CITY OF PORTSMOUTH.
 - 4) REQUIRED PARKING: (SEE TABLE)

COMMERCIAL DEVELOPMENT
581 LAFAYETTE ROAD
PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|-----|--------------------|--------|
| 0 | ISSUED FOR COMMENT | 7/5/23 |

SCALE: 1"=20' FEBRUARY 2023

PARKING PLAN

C4

U.S. ROUTE 1



3 CONGRESS ST., SUITE 1
PORTSMOUTH NH 03801
603.988.0042
www.ARCove.com

581 Lafayette Road Apartments

581 LAFAYETTE RD
PORTSMOUTH, NH, 03801

PROJECT NO: 1013

OWNER
ATLAS COMMONS, LLC
3 PLEASANT STREET, SUITE 400
PORTSMOUTH, NH 03801
603.427.0725

CIVIL ENGINEERING
AMBIT ENGINEERING, A DIVISION OF
HALEY WARD
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, NH 03801
603.430.9282
<https://www.ambitengineering.com/>

PRELIMINARY DESIGN REVIEW - PLANNING BOARD

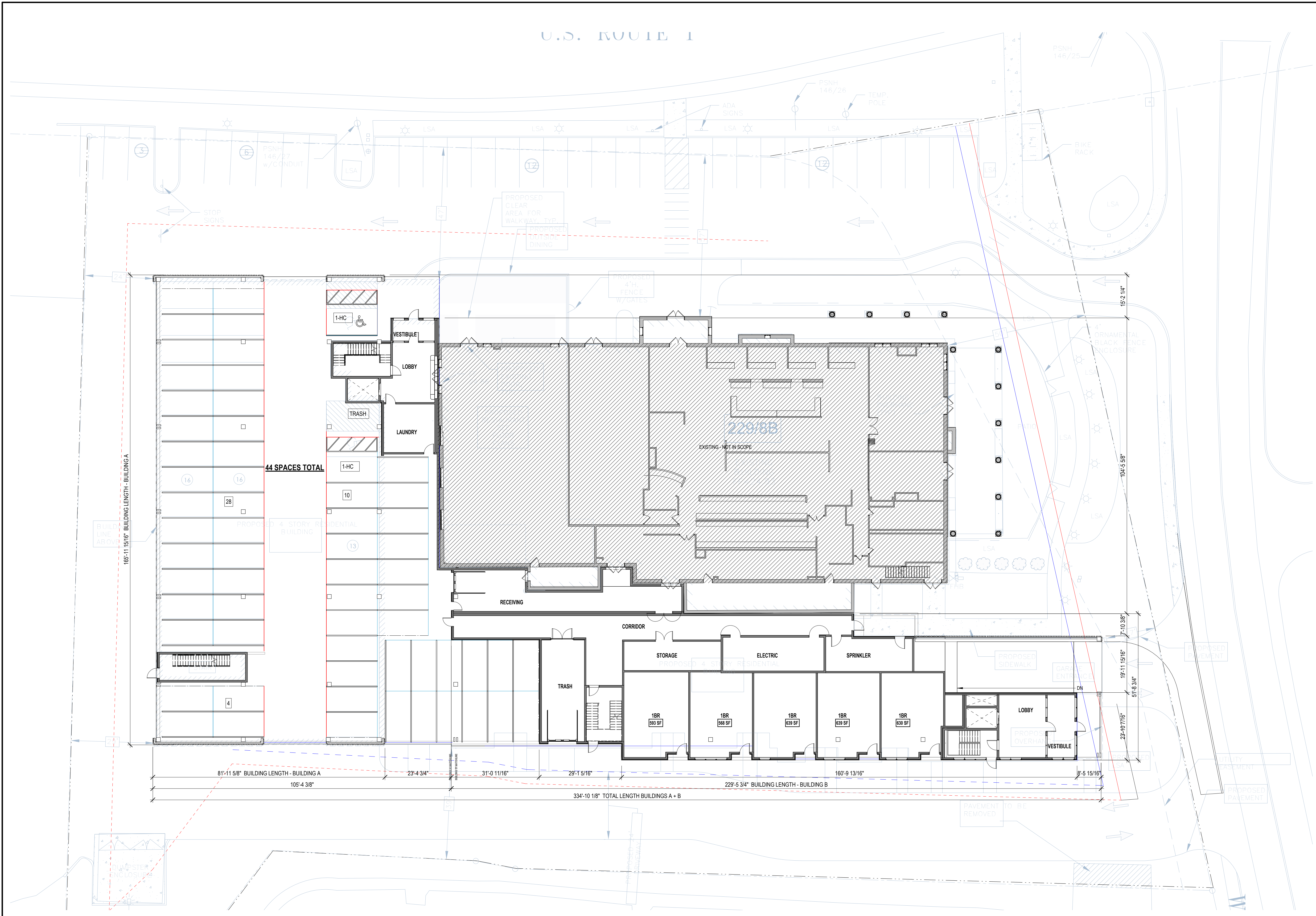
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LEVEL 1 FLOOR PLAN

SCALE: 1/16" = 1'-0"
DATE: 07/06/2023
DRAWN: Author
CHECKED: Checker

PB1.02



1 LEVEL 1 PLAN - pb
1/16" = 1'-0"



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581 Lafayette Road Apartments

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PROJECT NO: 1013

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 603.427.0725

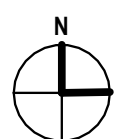
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REVISIONS

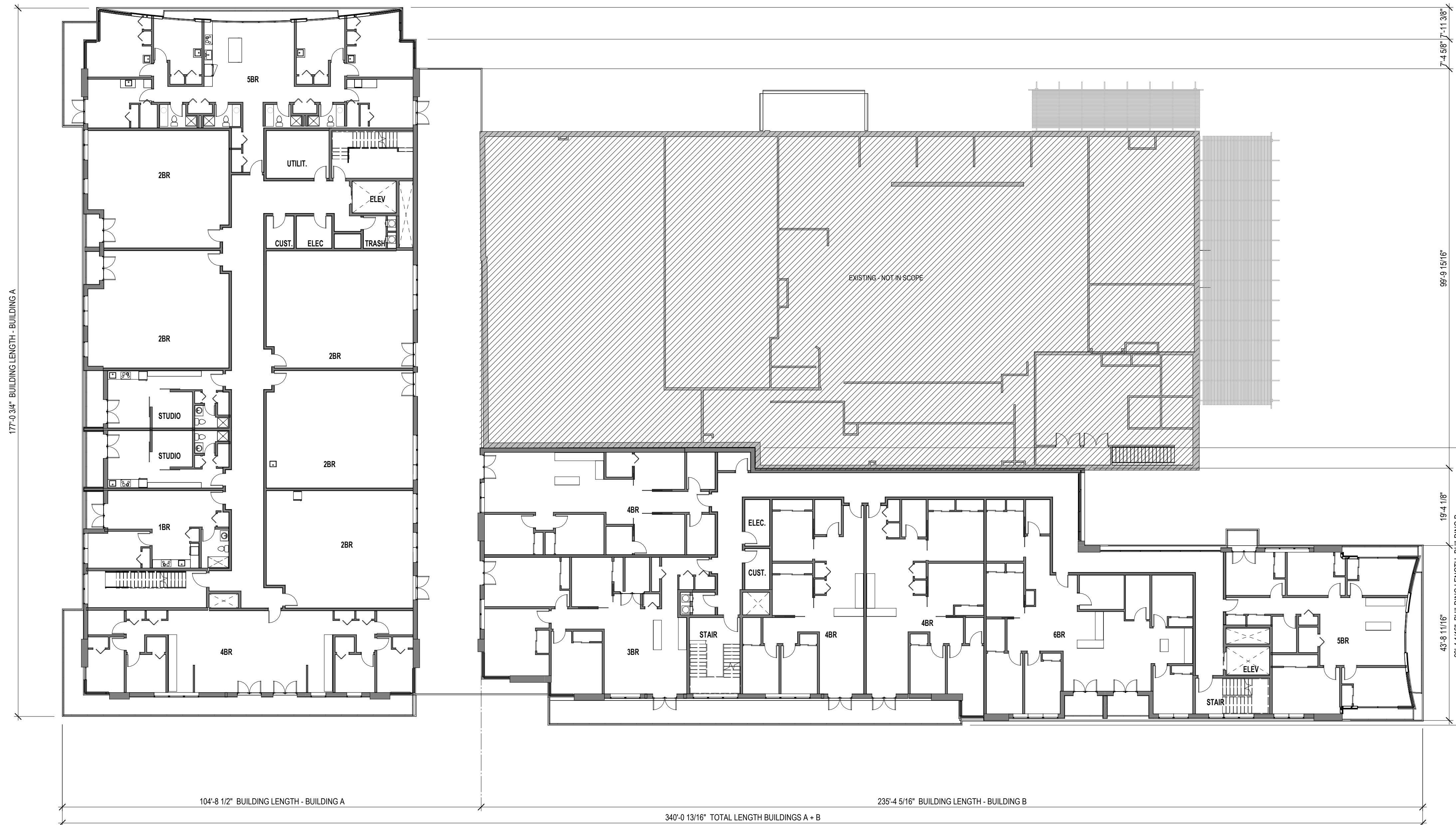
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LEVEL 2 FLOOR PLAN



SCALE: 1/16" = 1'-0"
 DATE: 07/06/2023
 DRAWN: Author
 CHECKED: Checker

PB1.03



1 LEVEL 2 PLAN - pb
 1/16" = 1'-0"



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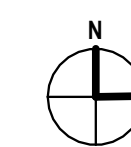
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LEVEL 3 FLOOR PLAN



SCALE: 1/16" = 1'-0"

DATE: 07/06/2023

DRAWN: Author

CHECKED: Checker

PB1.04



1 LEVEL 3 PLAN - pb
 1/16" = 1'-0"



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581 Lafayette Road Apartments

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PROJECT NO: 1013

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 603.427.0725

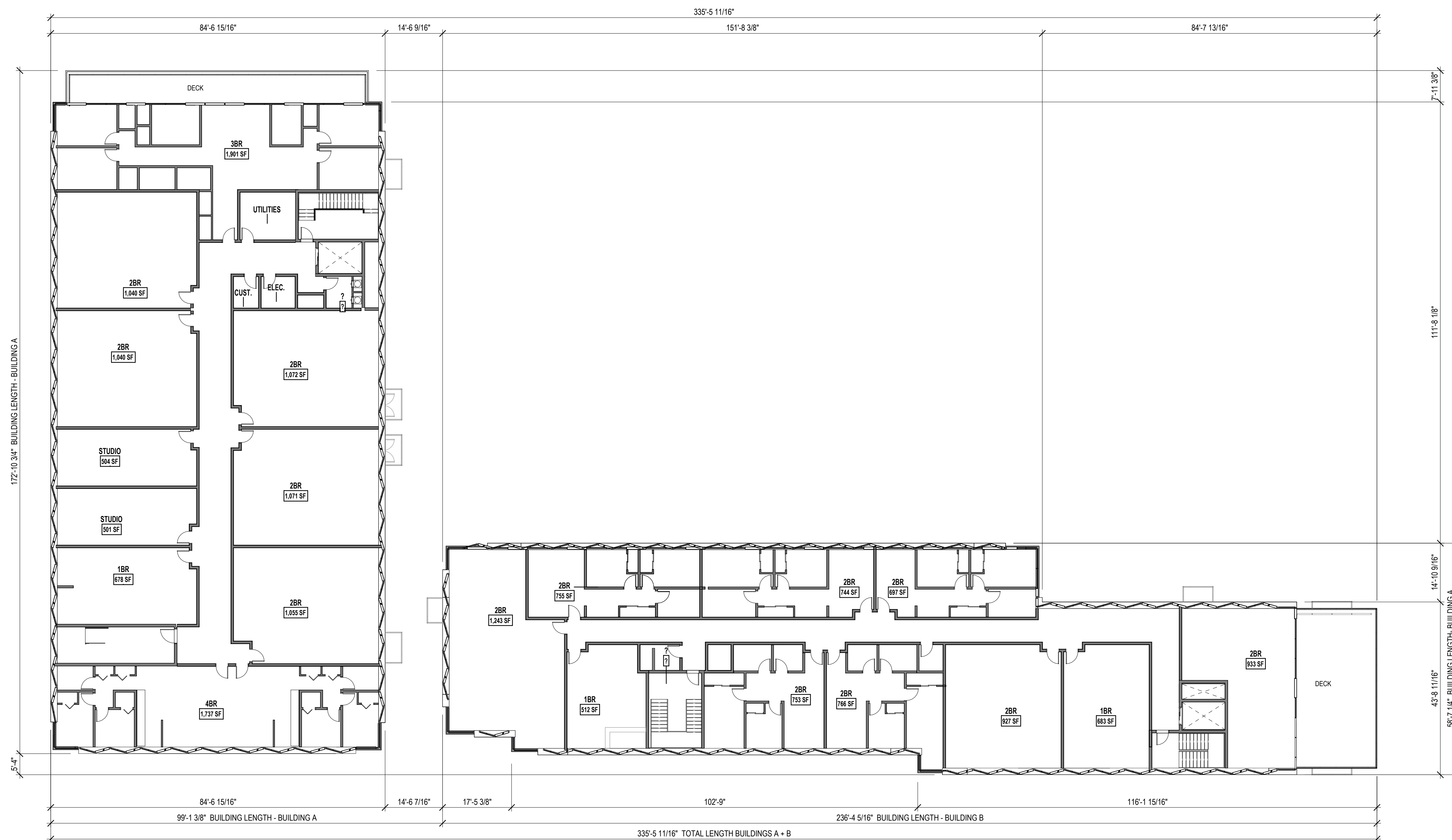
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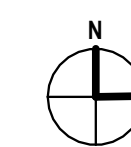
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LEVEL 4 FLOOR PLAN



1 LEVEL 4 PLAN - pb
 1/16" = 1'-0"



SCALE: 1/16" = 1'-0"
 DATE: 07/06/2023
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PB1.05



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ELEVATIONS

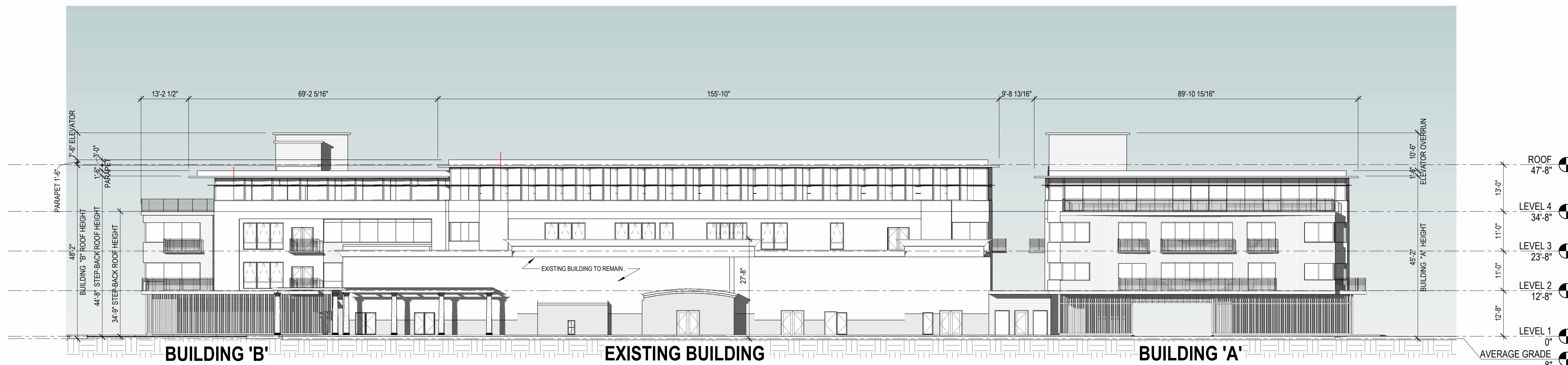
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DATE: 07/06/2023

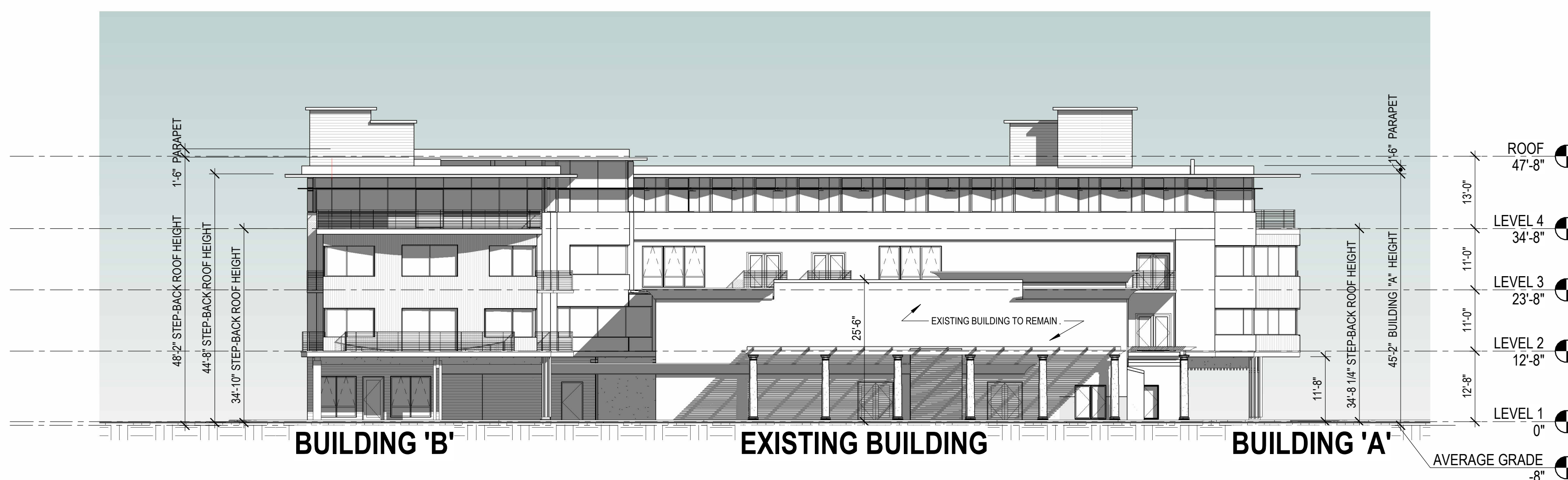
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CHECKED: TK

PB1.06



2 WEST ELEVATION PB
 1/16" = 1'-0"



1 NORTH ELEVATION PB
 1/16" = 1'-0"





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581 Lafayette Road Apartments

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ELEVATIONS

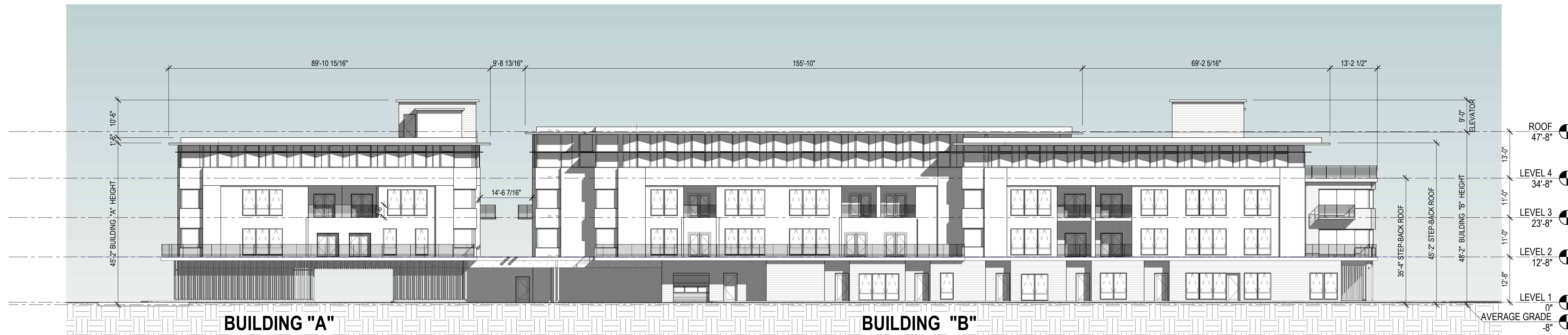
SCALE: 1/16" = 1'-0"

DATE: 07/06/2023

DRAWN: Author

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PB1.07



2 EAST ELEVATION PB
 1/16" = 1'-0"



1 SOUTH ELEVATION PB
 1/16" = 1'-0"





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**581 Lafayette Road
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PROJECT NO: 1013

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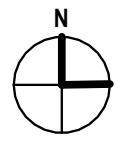
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RENDERINGS



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PB1.09



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**581 Lafayette Road
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RENDERINGS



SCALE:
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PB1.10

K0076-038
June 28, 2023

Mr. Peter Britz
Director of Planning and Sustainability
City of Portsmouth Planning & Sustainability Department
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: **Site Plan Review & Conditional Use Approval Extension Request (LU-22-14)
Proposed 2-Story Building, 230 Commerce Way, Portsmouth, NH**

Dear Peter,

On behalf of 230 Commerce Way, LLC (owner/applicant), we respectfully request to extend the Amended Site Plan Review and Wetland Conditional Use approvals granted on July 21, 2022, by the Planning Board for an additional one (1) year.

If you have any questions or need any additional information, please contact Neil Hansen by phone at (603) 433-8818 or by email at nahansen@tighebond.com.

Sincerely,

TIGHE & BOND, INC.



Neil A. Hansen, PE
Project Manager



Patrick M. Crimmins, PE
Vice President

Cc: 230 Commerce Way, LLC