**PLANNING BOARD**
**PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM Public Hearings begin** **March 21, 2024**

# AGENDA

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## REGULAR MEETING 7:00pm

## I. APPROVAL OF MINUTES

**A.** Approval of the February 15, 2024 meeting minutes.

**B.** Approval of the February 21, 2024 meeting minutes.

**C.** Approval of the February 29, 2024 meeting minutes.

## II. DETERMINATIONS OF COMPLETENESS

### SITE PLAN REVIEW

**A.** The request of **Martingale LLC (Owner)**, for property located at **99 Bow Street** requesting site plan approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106 as Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. Said property is located on Assessor Map 106 Lot 54 and lies within the Character District 5(CD-5) and Downtown Overlay District.

## 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 **Public Service Company of NH (Owner)**, for property located at **300 Gosling Road** requesting a Wetland Conditional Use Permit according to Section 10.1017.60 for the removal of 0.6 miles of the existing T-13 Transmission Line and installation of a new 0.6-mile 34.5 kV Distribution Line to connect the new Portsmouth terminal. Additionally, the project requires the replacement of existing

structures along the 3171 Transmission Line from 212 Ocean Road to 100 Borthwick Avenue and a second area off 300 Gosling Road from Schiller Substation to Resistance Substation. The proposed project requires approximately 256,869 sq. ft. of temporary wetland impact and 79,310 sq. ft. of temporary buffer impact in the uplands for access and work pad placement. Said property is located on Assessor Map 214 Lot 3 and lies within the Waterfront Industrial (WI) and Office Research (OR) Districts. (LU-24-2)

**B.** The request of **Suzanne Winslow Revocable Trust (Owner)**, for property located at **999 Islington Street** 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 171 Lot 15 and lies within the Character District 4-W (CD4-W). (LU-24-14)

**C.** The request of **Rosemary L. Gardner Revocable Trust (Owner),** for property located at **50 Odiorne Point Road** requesting an after the fact Wetland Conditional Use Permit in accordance with Section 10.1017 to come into compliance for a wetland violation for construction without permits of a 376 s.f. stone wall within a prime and tidal wetland buffer and within an inland wetland and wetland buffer and construction of a 776 s.f. stone swale to redirect stormwater into the salt marsh, and installation of 444 s.f. of crushed stone in the buffer. Said property is located on Assessor Map 224 Lot 10-3 and lies within the Single Residence A (SRA) District. (LU-24-7)

**D.** The request of **Jewell Court Properties LLC (Owner),** for property located at **33 Jewell Court, Unit S1** requesting a Conditional Use Permit in accordance with Section 10.1112.14 to allow 205 parking spaces where 242 are required. Said property is located on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4-W) and Historic District. (LU-23-205)

**E.** The request of **Ash Chicooree (Owner)**, for property located at **90 FW Hartford Drive** requesting an after the fact Wetland Conditional Use Permit in accordance with Section 10.1017 for the unauthorized removal of 28 trees within the wetland and wetland buffer area. Said property is located on Assessor Map 269 Lot 45 and lies within the Single Residence B (SRB). (LU-23-142)

**F.** The request of **Martingale LLC (Owner)**, for property located at **99 Bow Street** requesting site plan approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106 as Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. Said property is located on Assessor Map 106 Lot 54 and lies within the Character District 5(CD-5) and Downtown Overlay District. (LU-24-21)

**G.** The Planning Board will consider a recommendation to City Council to adopt amendments related to electric vehicles and associated support equipment and

facilities by amending the following: Chapter 10 – Article 4 – ZONING DISTRICTS AND USE REGULATIONS, Section 10.0440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Article 8 – SUPPLEMENTAL USE STANDARDS, Section 10.811 Accessory Uses to Permitted Residential Uses and Section 10.843.30 Motor Vehicle Service Stations, Article 11 – SITE DEVELOPMENT STANDARDS, Section 10.1112.32 Parking Requirements for Nonresidential Uses, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth**.**

## IV. CITY COUNCIL REFERRALS

**A.** Electric Vehicle Amendments (See Item G above)

**B.** Home Occupation

## V. OTHER BUSINESS

**A.** Chairman updates and discussion items

**B.** Board discussion of Regulatory Amendments, Master Plan Scope & other matters

## VI. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_TkpLZYZMQ72Ak0lH2SRdvQ

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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Planning Manager

Date: March 21, 2024

Re: Recommendations for the March 21, 2024 Planning Board Meeting

## I. APPROVAL OF MINUTES

**A.** Approval of the February 15, 2024, February 21, 2024, and February 29, 2024 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 February 15, 21, and 29th meetings and vote to approve meeting minutes with edits if needed.*

## II. DETERMINATIONS OF COMPLETENESS

### SITE PLAN REVIEW

**A.** The request of **Martingale LLC (Owner)**, for property located at **99 Bow Street** requesting site plan approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106 as Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. Said property is located on Assessor Map 106 Lot 54 and lies within the Character District 5(CD-5) and Downtown Overlay District. (LU-24-21)

***Planning Department Recommendation***

*1) Vote to determine that Item A is complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section IV*

*of the agenda) and to accept the application for consideration.*

## 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 **Public Service Company of NH (Owner),** for property located at **300 Gosling Road** requesting a Wetland Conditional Use Permit according to Section 10.1017.60 for the removal of 0.6 miles of the existing T-13 Transmission Line and installation of a new 0.6-mile 34.5 kV Distribution Line to connect the new Portsmouth terminal. Additionally, the project requires the replacement of existing structures along the 3171 Transmission Line from 212 Ocean Road to 100 Borthwick Avenue and a second area off 300 Gosling Road from Schiller Substation to Resistance Substation. The proposed project requires approximately 256,869 sq. ft. of temporary wetland impact and 79,310 sq. ft. of temporary buffer impact in the uplands for access and work pad placement. Said property is located on Assessor Map 214 Lot 3 and lies within the Waterfront Industrial (WI) and Office Research (OR) Districts. (LU-24-2)

**Project Background**

This is a utility structure replacement project with work throughout the Portsmouth transmission corridor off Gosling Road and between Borthwick Avenue and the Ocean Road Substation. The purpose of this work is to replace existing wood utility pole structures with steel to increase the long-term viability of the lines. The proposed steel poles will be approximately 5-10' higher than the existing wooden poles. The current application crosses through primarily rural and industrial upland and wetland areas. Work in the right of way is proposed in upland shrublands and wetland emergent and scrub shrub habitats. This project proposes 256,144 s.f. of temporary wetland impacts for equipment access and work pad placement and 79,310 s.f. of temporary impacts within the buffer. An NHDES permit will also be filed for this proposed work.


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300 Gosling Road
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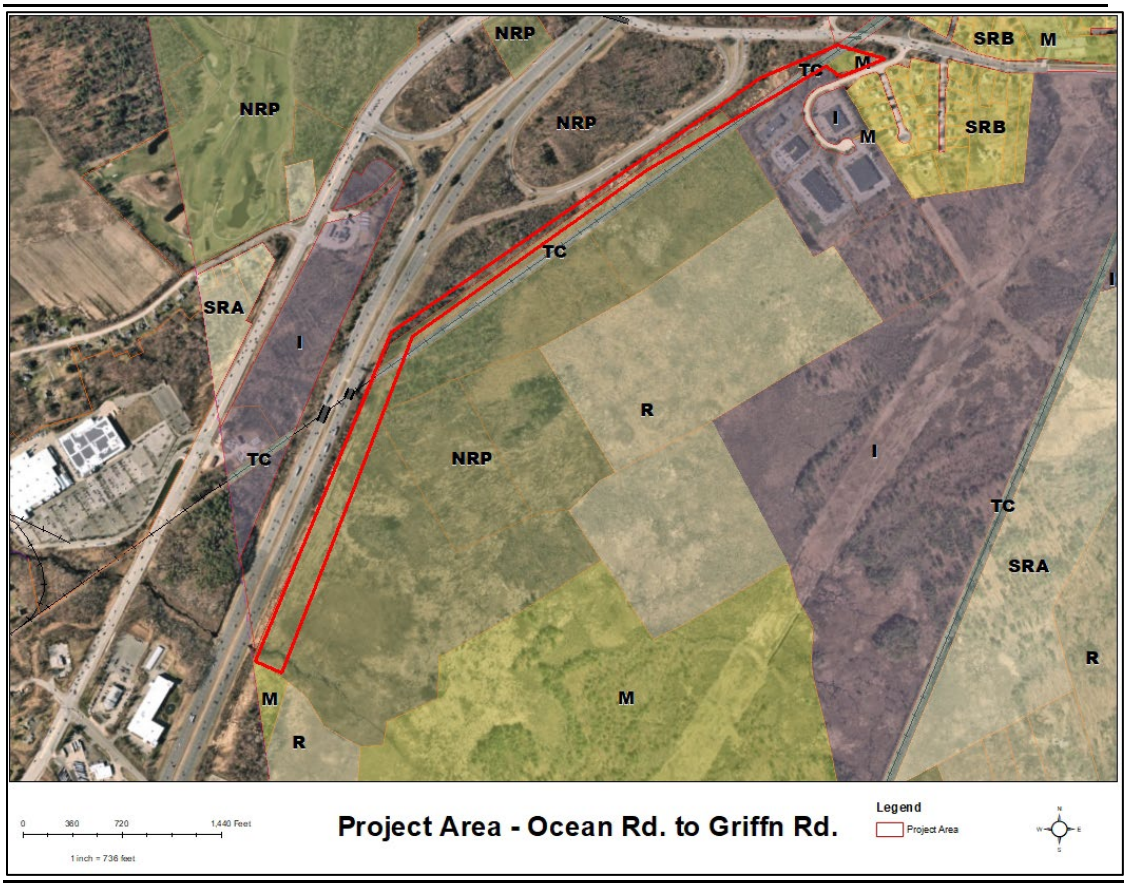
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Project Area - Ocean Rd. to Griffn Rd.
Legend
Project Area

**Project Review, Decisions, and Recommendations**

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, February 14, 2023 and the Commission voted 7-0 to recommend approval with the following stipulation:

*1. The applicant shall update the wetland and wetland buffer impact calculations to reflect the new findings.*

***The application has been updated to address the Con Com stipulation.***

Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.650 the applicant must satisfy the following conditions for approval of this utility project.

**1. The proposed project is in the public interest.**

The project is necessary to maintain existing corridor powerlines with upgraded support poles.

**2. Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade condition and vegetated state.**

The applicant has stated that the work will be conducted in accordance with NHDES Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (NH DNCR 2019). Prior to placement of timber mats, the applicant has stated they will inspect the mats to ensure cleanliness and will clean them off with each reuse. Wooden timber matting will be used to minimize the disturbance of wetlands and sensitive areas and once removed, the areas will be restored and stabilized with seed and mulch. Any areas of soil disturbance will be stabilized with seed and straw mulch.

**3. No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.**

The applicant has chosen the routes with the least amount of impact to access the replacement poles, but the applicant has selected access designed to utilize existing historical access routes where possible to minimize impacts.

**4. Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.**

The vegetation is expected to return to its original configuration after the timber mats are removed. However, there will be some vegetation removed exactly where the structure replacement is proposed.

***Planning Department Recommendation***
***Wetland Conditional Use Permit***

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

*(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.60 of the Ordinance and adopt the findings of fact as amended.*

*2.) Vote to grant the Conditional Use Permit with the following conditions:*

2.1) *Silt sock shall be used wherever practical.*

*2.2) Plans and documents need to require a mat cleaning process to remove invasive species.*

*2.3) Prior to construction, a pole inspection shall be conducted to identify any other poles within the project area 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.*

## 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 **Suzanne Winslow Revocable Trust (Owner)**, for property located at **999 Islington Street** 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 171 Lot 15 and lies within the Character District 4 (CD-4). (LU-24-14)

**Background**

The property is located in the CD4-W district, where an outdoor dining and drinking area requires a conditional use permit as an accessory use to a principal use. The applicant is opening a new restaurant and wants to use the existing space between the front of the building and sidewalk for dining and drinking. No sitework is planned with the proposal. The patio area will be sectioned off with planters and rope.

***Planning Department Recommendation***

***Outdoor Dining Conditional Use Permit***

*1) Vote 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.*

*(Alt.) Vote 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 amended and read into the record.*

*2) Vote to approve the conditional use permit as presented.*

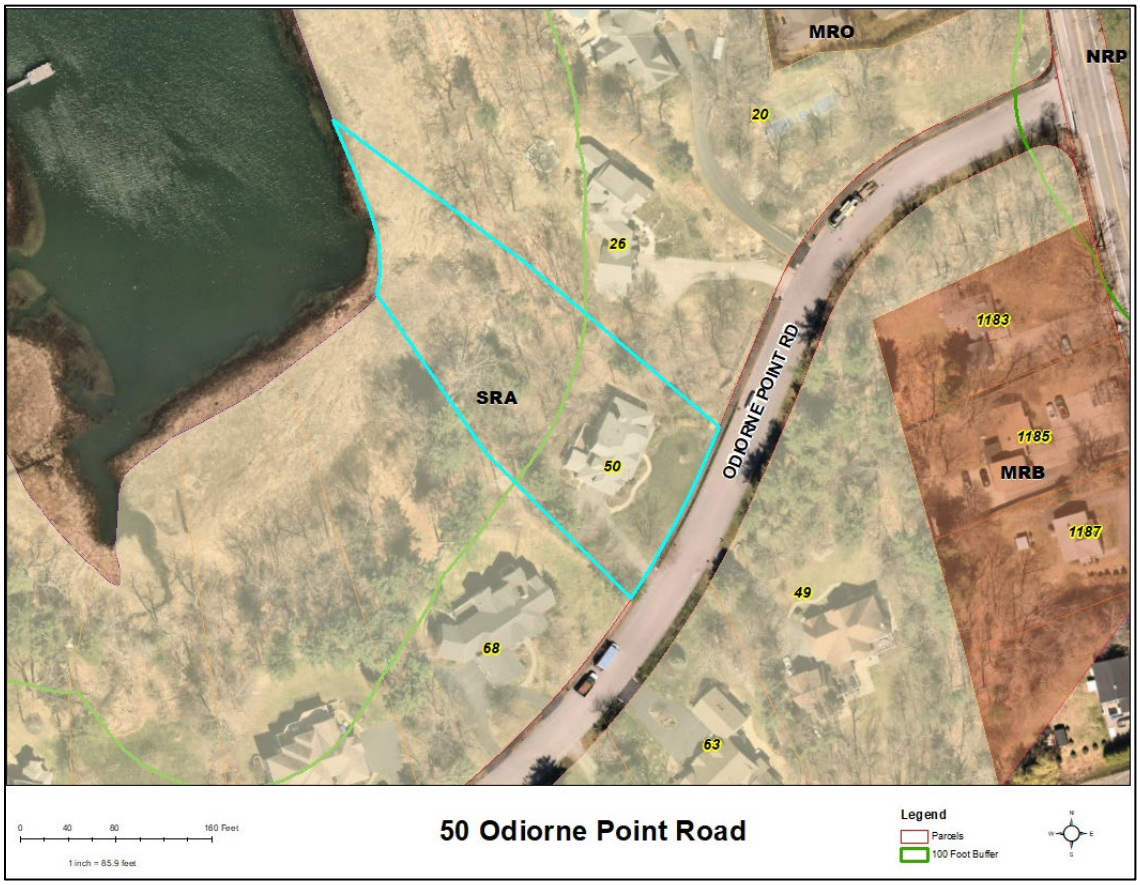
## III. PUBLIC HEARINGS – NEW BUSINESS

*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.*

**C.** The request of **Rosemary L. Gardner Revocable Trust (Owner),** for property located at **50 Odiorne Point Road** requesting an after the fact Wetland Conditional Use Permit in accordance with Section 10.1017 to come into compliance for a wetland violation for construction without permits of a 376 s.f. stone wall within a prime and tidal wetland buffer and within an inland wetland and wetland buffer and construction of a 776 s.f. stone swale to redirect stormwater into the salt marsh, and installation of 444 s.f. of crushed stone in the buffer. Said property is located on Assessor Map 224 Lot 10-3 and lies within the Single Residence A (SRA) District. (LU-24-7)

**Project Background**

This application is for an after the fact wetland conditional use permit. In the summer of 2022, the property owners had been found to be in violation of Article 10 of the City of Portsmouth Zoning Ordinance. The violations on the property consisted of the construction without permits of a 376 s.f. stone wall within a prime and tidal wetland buffer and within an inland wetland and wetland buffer. Additionally, the unpermitted construction of a 776 s.f. stone swale to redirect stormwater directly into the salt marsh. This swale has impacts in the prime/tidal wetland buffer, the inland wetlands and their buffers. In addition to the swale, 444 s.f. of crushed stone had been spread across the buffer area to help reduce erosion. The property owners were asked to come into compliance by submitting a plan for restoration of this area with both the State and the City. The proposed restoration plan within this application is for the City's wetland conditional use permit.




**Project Review, Decisions, and Recommendations**

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, February 14, 2023 and the Commission voted 6-1 to recommend approval with the following stipulations:

*1. The restoration plan shall be amended to include the addition of coir logs to protect the live staking in the plant establishment phase.*

*2. The property owner considers abiding by NOFA standards for all landscaping activities.*

*3. A simplified map will be created for use by future landscapers and property owners that clearly defines what areas can and cannot be mowed, along with what areas should not be maintained and/or manicured.*

***Coir logs have been added to the restoration plan, satisfying stipulation 1***

***above.***

Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

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

The property owner has performed unpermitted work which is not reasonably suited to the wetland habitats on the property. To come into compliance with these criteria, the applicant is proposing to reconfigure the wall with a reduction in height to keep it at 0.5-1.5' tall with a 3-4' base. The gravel will be removed completely, and the swale stones will be mostly removed along with the existing liner to be replaced with vegetation for natural filtration and slowing of stormwater.

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

The installation of the stone swale and the large stone wall have direct impacts on the surrounding wetlands and have a negative impact on stormwater quality entering the marsh. The proposed removal of the majority of the stone swale and replacement with vegetation should help to restore the quality of runoff entering the marsh.

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

The site has been adversely impacted already due to the unpermitted work. The proposed planting and restoration plan is robust and has extensive monitoring proposed which should help to reduce impacts to the wetlands once vegetation becomes established.

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

This proposal aims to restore areas previously disturbed within wetlands and buffers. The planting of vegetation will be positive for improving the inland wetlands and buffers, and all of the vegetative buffers should be maintained naturally to further enhance the quality of the wetlands and the stormwater runoff. The proposed plantings and maintenance are impressive and should result in a successful vegetative buffer.

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

The proposal to restore the areas of disturbance and mitigate the impacts of what is being left behind should have a positive impact on the health of the surrounding wetlands and vegetation.

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

This proposal includes a large amount of live stake plantings to replace the stone swale and work to slow and infiltrate stormwater before reaching the resources. It is critical that applicants retain the first 25' of the buffer as vegetated with minimal maintenance to enhance the quality of the wetland it is buffering.

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***Planning Department Recommendation***
***Wetland Conditional Use Permit***

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

*(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as amended.*

*2.) Vote to grant the Conditional Use Permit as presented.*

*2.1) The property owner considers abiding by NOFA standards for all landscaping activities.*

*2.2) A simplified map will be created for use by future landscapers and property owners that clearly defines what areas can and cannot be mowed, along with what areas should not be maintained and/or manicured.*

*2.3) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50'along the property. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*

## III. PUBLIC HEARINGS – NEW BUSINESS

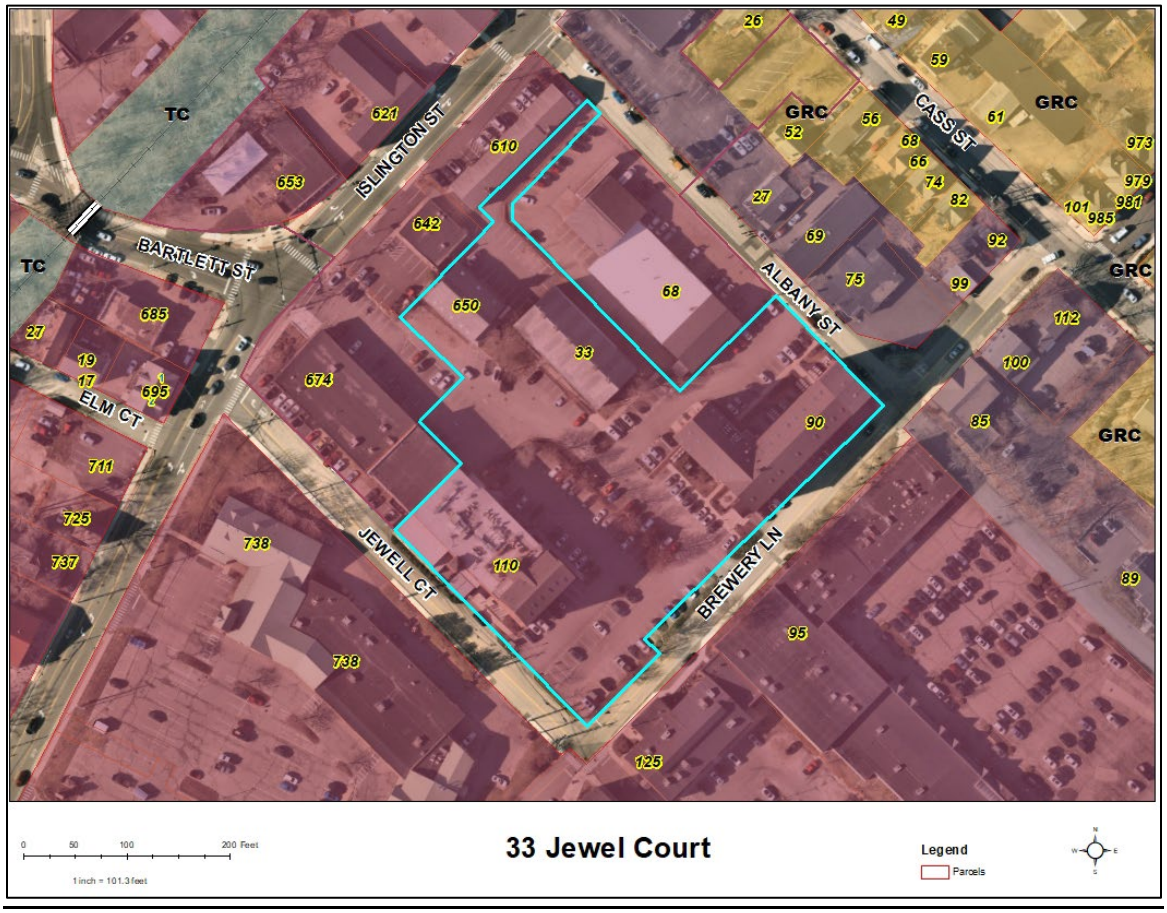
*The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

**D.** The request of **Jewell Court Properties LLC (Owner),** for property located at **33 Jewell Court, Unit S1** requesting a Conditional Use Permit in accordance with Section 10.1112.14 to allow 205 parking spaces where 242 are required. Said property is located on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4-W) and Historic District. (LU-23-205)

**Project Background**

The applicant is requesting a parking conditional use permit to provide less than the required parking for an event space that was recently approved by the Board of Adjustment to allow up to 250 occupants. It is important to note that a place of assembly permit will be required and reviewed by the Fire & Inspections Departments, which may result in a lower occupancy load than the special exception allows.

The property contains 191 parking spaces and has deeded access to 14 spaces on the adjacent CVS property, totaling 205 spaces. With the addition of an event space, the total parking required for all the uses is 242 spaces. A variance was granted in 1996 to allow 205 spaces, of which 245 were required at that time. The applicant has stated that patrons will be contractually required to use shuttle or valet services to attend events. The application states 25-35 events will be held per year and will occur on Friday, Saturday and Sunday in the afternoon/evening time and has provided a count of available spaces during those times. A parking demand was conducted between February 16 – 18th at times when events would be held to determine the availability of parking onsite. The analysis demonstrated a range of vacant spaces from 66 – 96 during those dates.




**Project Review, Decisions, and Recommendations**

The applicant was before the Zoning Board of Adjustment and the Technical Advisory Committee. See below for details.

Board of Adjustment

The applicant was before the Board of Adjustment at its regularly scheduled meeting of Tuesday, January 23, 2024 and the Board voted 6-0 to grant a Special Exception from Section 10.440, Use #9.42 to allow an event venue with an occupant load up to 250 people.

Technical Advisory Committee

The applicant was before the Technical Advisory Committee at its regular meeting of Tuesday, March 5, 2024, and the committee voted to find the parking demand analysis acceptable and requested the following items be included in the final application to the Planning Board:

1. *Please provide documentation that authorizes the use of any off-site parking including easements and deeded parking spaces.*

2. *Please provide the letter of support from Eric Chinburg.*

***Both documents have been included in the Planning Board application.***

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***Planning Department Recommendation***
***Parking Conditional Use Permit***

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

*(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and adopt the findings of fact as amended.*

*2.) Vote to grant the Conditional Use Permit as presented.*

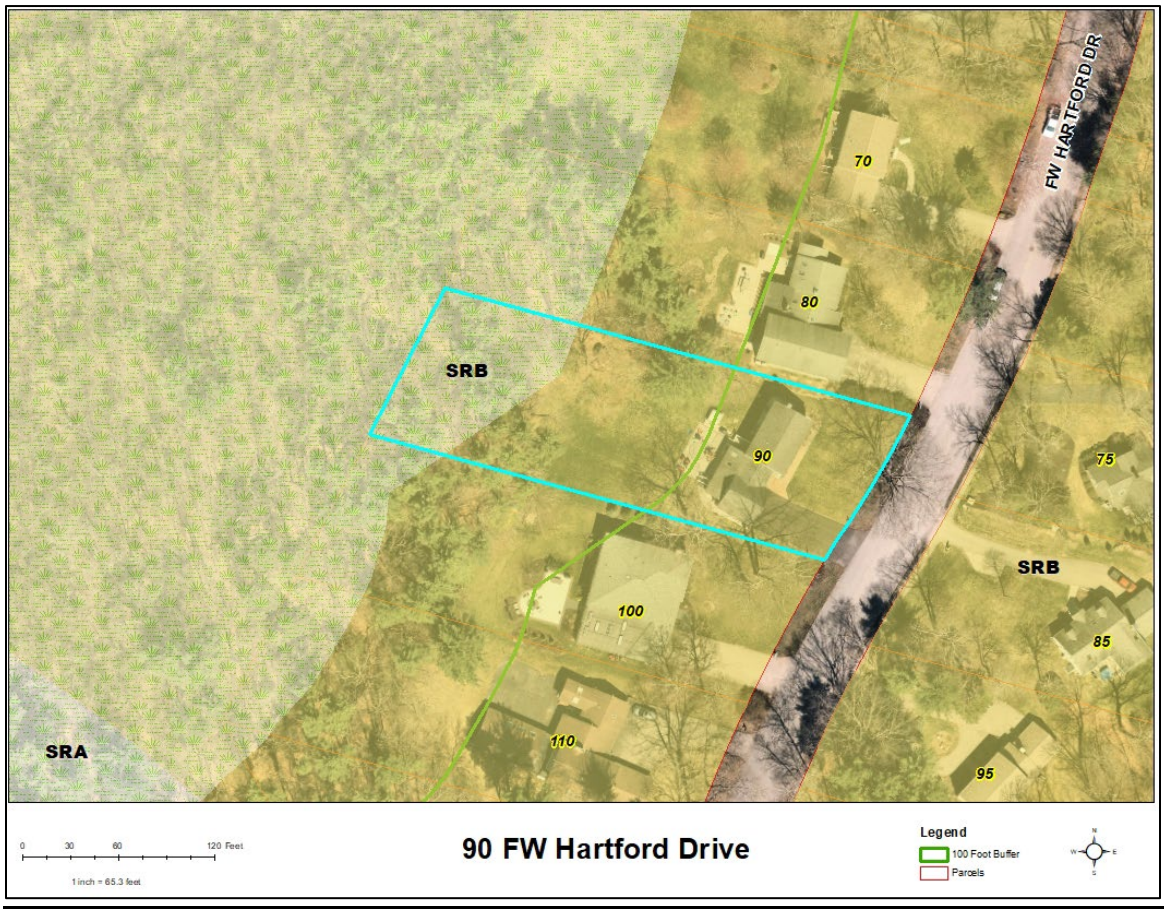
## III. PUBLIC HEARINGS – NEW BUSINESS

*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.*

**E.** The request of **Ash Chicooree (Owner)**, for property located at **90 FW Hartford Drive** requesting an after the fact Wetland Conditional Use Permit in accordance with Section 10.1017 for the unauthorized removal of 28 trees within the wetland and wetland buffer area. Said property is located on Assessor Map 269 Lot 45 and lies within the Single Residence B (SRB). (LU-23-142)

**Project Background**

The applicant was first before the Conservation Commission in the fall of 2023 requesting an after the fact permit for the unauthorized removal of 28 trees within the wetland and wetland buffer on the subject property. The Commission tasked the applicant with hiring a wetland scientist to conduct a wetland delineation and preparing a restoration plan and was before the Commission again in December and February.



**Project Review, Decisions, and Recommendations**

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, February 14, 2023, and the Commission voted 6-1 to recommend approval with the following stipulations:

*1. The applicant must include the 25, 50 and 100' wetland buffer delineation lines along with the location of the existing shed on the wetland delineation map.*

*2. The applicant will add an additional 7 trees to the planting plan, increasing it from 21 to 28 new plantings. These should be spread out between the 0-50' wetland buffer.*

*3. The applicant will put a note on the plans stating that all plantings will be planted by the end of June 2024 for the best survival during the upcoming growing season.*

*4. The applicant will put a note in the plans that a certified wetland scientist will be responsible for the monitoring reports of the restoration project and for overseeing the initial planting process.*

*5. A monitoring report for the first two years after planting will be required to be submitted annually to the Planning and Sustainability Department. The first report shall be submitted after the restoration work has been completed. This report will include an update on all plant health, growth, and establishment. Additionally, it should include invasive management techniques, methods for irrigation and information on routine maintenance practices. The report must demonstrate at least an 80% survival rate of new plantings after the first two years of monitoring, if not, then replanting will be required.*

*6. A visual barrier will be placed on the property to designate where the 'no mow' line starts and ends.*

*7. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*

*8. If the existing shed is found to be within the 100' wetland buffer, a separate after the fact Wetland Conditional Use Permit will have to be applied for.*

*9. Prior to the removal of any tree stumps within the wetland and/or wetland buffer, the applicant will need to apply for a separate wetland conditional use permit.*

***Stipulations 1-4 have been addressed in the February 23, 2024 letter from Marc Jacobs.***

Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

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

The applicant removed multiple large trees from the buffer, many of which appear to have been within the vegetated buffer strip according to citywide wetland maps, which is not allowed according to the City of Portsmouth Zoning Ordinance Article 10 Section 10.1018.23 where any cutting of vegetation within the first 25 feet of the buffer is prohibited.

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

According to the City's wetland delineation (and confirmed by the applicant's wetland scientist), all trees that were removed appear to be within the 100-ft wetland buffer.

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

The removal of mature trees from the wetland buffer will likely have an impact on the wetland resource as a critical group of buffer plantings was removed, leaving mostly grass and bare soil in their place. It is highly recommended that the applicant restores the buffer with extensive plantings and ensures all bare soil is adequately covered with groundcover. This will help control and filter stormwater runoff as it enters the wetland and will help to increase soil health and bring back cover for wildlife.

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

The natural vegetative state was altered with the removal of these trees. Although the applicant will be unable to replace the trees with ones of equal maturity and environmental benefit, extensive planting of native species will help offset the negative impacts of tree removal and vegetation removal within the wetland buffer.

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

Removal of vegetation within the vegetated buffer strip is prohibited. Additionally, the applicant should have consulted with staff about the removal of trees within the limited cut area to ensure compliance with Article 10 Section 10.1018.23. This removal resulted in adverse impacts to the wetland buffer and will require an extensive restoration plan to attempt to offset negative environmental impacts.

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

The vegetated buffer strip was altered with the removal of these trees. Although the applicant will be unable to replace the trees with ones of equal maturity and environmental benefit, extensive planting of native species will help offset the negative impacts of tree removal and vegetation removal within the wetland buffer.

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***Planning Department Recommendation***
***Wetland Conditional Use Permit***

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

*(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.60 of the Ordinance and adopt the findings of fact as amended.*

*2.) Vote to grant the Conditional Use Permit with the following conditions:*

*2.1) A monitoring report for the first two years after planting will be required to be submitted annually to the Planning and Sustainability Department. The first report shall be submitted after the restoration work has been completed. This report will include an update on all plant health, growth, and establishment. Additionally, it should include invasive management techniques, methods for irrigation and information on routine maintenance practices. The report must demonstrate at least an 80% survival rate of new plantings after the first two years of monitoring, if not, then replanting will be required.*

*2.2) A visual barrier will be placed on the property to designate where the 'no mow' line starts and ends.*

*2.3) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*

*2.4) If the existing shed is found to be within the 100' wetland buffer, a separate after the fact Wetland Conditional Use Permit will have to be applied for.*

*2.5) Prior to the removal of any tree stumps within the wetland and/or wetland buffer, the applicant will need to apply for a separate wetland conditional use permit.*

## 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.*

**F.** The request of **Martingale LLC (Owner)**, for property located at **99 Bow Street** requesting site plan approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106 as Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. Said property is located on Assessor Map 106 Lot 54 and lies within the Character District 5(CD-5) and Downtown Overlay District. (LU-24-21)

**Project Background**

The proposed project includes construction of an addition to the existing deck at Martingale Wharf which was previously before the City in 2021 for site plan approval. As outlined in the letter in the application, the state wetland approval was appealed. During that time, the local land use approvals expired. The applicant is seeking new approvals of the project with no changes from what was originally approved in 2021 from the Planning Board and Historic District Commission.

**Project Review, Discussion, and Recommendations**

The project has been before the Technical Advisory Committee, Conservation Commission and Historic District Commission. See below for details.

Conservation Commission

The application was previously before the Conservation Commission for a recommendation to the state for a NHDES major impact wetland application. The Conservation Commission, at its regular meeting on Wednesday, September 15, 2021, considered the application for and voted 4-0 to not recommend approval to the State Wetlands Bureau.

When the Conservation Commission reviewed the plans, the deck was larger and curved, which was later changed to a more rectilinear shape and eventually approved by the State and the HDC.

Historic District Commission Review

The applicant was first before the Historic District Commission, at its regularly scheduled meeting of Wednesday, October 6, 2021, and the HDC considered the application and voted to grant the Certificate of Approval. The plan was later amended at the April 13, 2022 HDC meeting, which expired in April of 2023. They are scheduled to be back in front of the HDC at their April meeting.

Technical Advisory Committee Review

The applicant was initially before the Technical Advisory Committee at their November 2, 2021 meeting and the Committee recommended approval with the following conditions:

1) Public access along the waterfront is increased to 20 feet.
2) Public access signage will be displayed.
3) Owner reserves the right to close gate after hours for public safety.

The Submission to the Planning Board in 2021 addressed the three conditions above. Nothing has changed with the project since the original approval and the conditions that were part of the December 30, 2021 Planning Board approval have been included in the recommendation below.

***Planning Department Recommendation***

***Site Plan Approval***

*1) Vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.*

*(Alt.) Vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as amended.*

*2.) Vote to grant Site Plan Approval with the following conditions:*

***Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:***

*2.1 The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

a. *Easements on the plan and instrument recorded at the registry shall depict the easement to run from Bow Street to and through the stairwell to be inclusive of the area depicted as the public deck in the McHenry plan A9 to include ADA access to run with the land.*

*2.2 Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

*2.3 Applicant is to do pre-site inspection and vibratory monitoring throughout the project to identify any impacts to for abutting properties.*

*2.4 Property owner will work with city staff to resolve trash issues through the Construction Management and Mitigation Plan (CMMP) process.*

***Prior to the issuance of a Certificate of Occupancy or release of the bond**:*

*2.5 Proper signage shall be posted for public space to be consistent with the Board's request from the Street to the public space.*

*2.6 Deck to be built in its entirety including public space for this project to be considered complete.*
*2.7 Property owner is to be responsible for maintenance of the deck forever.*

## 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.*

**G**. The Planning Board will consider a recommendation to City Council to adopt amendments related to electric vehicles and associated support equipment and facilities by amending the following: Chapter 10 – Article 4 – ZONING DISTRICTS AND USE REGULATIONS, Section 10.0440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Article 8 – SUPPLEMENTAL USE STANDARDS, Section 10.811 Accessory Uses to Permitted Residential Uses and Section 10.843.30 Motor Vehicle Service Stations, Article 11 – SITE DEVELOPMENT STANDARDS, Section 10.1112.32 Parking Requirements for Nonresidential Uses, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth**.**

Background

At their May 2, 2022 meeting, City Council referred draft zoning ordinance amendments for Electric Vehicle Charging Stations to the Planning Board for a referral back for first reading. Attached is the draft sent by Council to the Planning Board. Staff reviewed the proposed amendments and provided a redlined version for consideration and discussion in January and at the February 29, 2024 meeting the Planning Board voted to schedule a public hearing on the amendments after legal review.

Legal reviewed the draft with staff and the Chair and made edits to simplify, reword and condense the amendments, which is what is included in the document dated March 14, 2024.

Currently, an Electric Vehicle Charging station as a principal use is allowed by special exception in the GB, G1, B, CD4-W and I zones as a motor vehicle service station. As an accessory use, EV charging station are currently allowed as an accessory use to any permitted principal use.

The proposed edits add definitions related to electric vehicles, setbacks for support equipment, and adding electric vehicle charging as an accessory use to both residential and commercial uses.

With the speed of change in the industry, having broad definitions that will not become obsolete is the best approach. For example, when the Board began discussion of this topic there were Level 1, 2 and 3 chargers and now there are level 4 chargers, fully automated battery exchange stations and soon there may be wireless charging. The proposed amendments capture EV charging and infrastructure that should remain relevant with the future technology in electric

vehicles.

## ***Planning Department Recommendation***

*1) Vote to recommend to City Council to hold first reading on the zoning amendments dated 3/14/24.*

## IV. CITY COUNCIL REFERRALS

**A.** Electric Vehicle Amendments (See Item Above)

**B.** Home Occupation

Background

At the February 20, 2024 meeting, City Council voted to request the language in the City Council packet related to Home Occupation use be sent to the Planning Board for discussion and returned to the City Council.

The language below was sent to Council to allow more flexibility in the home occupation use, which currently prohibits any client, vendor or general public visitation. The proposed amendment below would allow up to 2 clients at one time for a home occupation, 1 or 2. This would allow, for example, someone to teach art or give music lessons as a home occupation and have clients come to their house.

Proposed language shown in red.

Home occupation

An office or other use customarily conducted as an accessory use to a dwelling, complying with all the following standards:

(a) Conducted entirely within a dwelling or an existing accessory building, and with no change to the character of the dwelling or accessory building;
(b) Maximum floor area of 300 square feet;
(c) No outdoor storage of materials or products;
(d) Outdoor parking of no more than one vehicle related to the home occupation;
(e) No deliveries by vehicles with more than two axles.

Home occupation 1

A home occupation with no nonresident employees; no sign related to the business; no more than 2 client, vendor or general public visitations at one time; and no deliveries other than by regular postal service and no more than one package delivery service truck (e.g., FedEx, UPS, etc.) per day.

Home occupation 2

A home occupation with not more than one nonresident employee.

***Planning Department Recommendation***

*1) Vote to recommend to City Council to hold first reading on the zoning amendments for home occupation.*

## V. OTHER BUSINESS

**A.** Chairman's Updates and Discussion Items

**B.** Board Discussion of Regulatory Amendments and Other Matters

## VI. ADJOURNMENT

**PLANNING BOARD**
**PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM** **February 15, 2024**

**MINUTES**

**MEMBERS PRESENT:** Rick Chellman, Chairman; Greg Mahanna, Vice Chair; Karen Conard, City Manager Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; James Hewitt; Jayne Begala; Paul Giuliano; William Bowen, Alternate

**ALSO PRESENT:** Peter Stith, Planning Manager

**MEMBERS ABSENT:** Andrew Samonas, Alternate

Chair Chellman called the meeting to order at 7:00 p.m.

## I. APPROVAL OF MINUTES

**A.** Approval of the January 18, 2024 meeting minutes and the January 25, 2024 work session meeting minutes.

*Mr. Almeida moved to approve the January 18 and January 25 meeting minutes as presented, seconded by Councilor Moreau. The motion passed with all in favor.*

## II. DETERMINATIONS OF COMPLETENESS

### SITE PLAN REVIEW

**A.** The request of **The Islamic Society of the SeaCOAST Area (Owner)**, for property located at **686 Maplewood Avenue** requesting Site Plan Review approval and Conditional Use Permit approval.

*Councilor Moreau moved that the Board determine that Item A is complete according to the Site Plan Review Regulations, and to accept the application for consideration. Vice-Chair Mahanna seconded. The motion passed with all in favor.*

## III. PUBLIC HEARINGS – NEW BUSINESS

**A.** The request of **The Islamic Society of the SeaCOAST Area (Owner)**, for property located at **686 Maplewood Avenue** requesting Site Plan Review approval for the construction of six (6) single family unit residential condominium with the associated paving, stormwater management, lighting, utilities and landscaping and a Conditional Use Permit in accordance with Section 10.674 Highway Noise Overlay District. Said property is located on Assessor Map 220 Lot 90 and lies within the Single Residence B (SRB) District. (LU-23-57)

**SPEAKING TO THE PETITION**

[Timestamp 6:31] John Chagnon representing Chinburg Properties was present, including project architect Carla Goodnight and Marie Pyburn pf Chinburg Properties. Mr. Chagnon reviewed the petition in full. He noted that the project received BOA approval in August 2023 for lot-area-per-dwelling-units and for having more than one building on the lot, and TAC approval was obtained on January 2 subject to review of the retaining wall as it pertains to the zoning ordinance's definition of structures and the stormwater plan being approved by DPW. He said the applicant was also requesting a Conditional Use Permit as specified and allowed under the Highway Noise Overlay District and that the project met the standards.

[Timestamp 16:32] Vice-Chair Mahanna said the grade was challenging and asked if there would be fill behind the retaining wall. Mr. Chagnon agreed. Vice-Chair Mahanna said he saw a lot of construction debris. Mr. Chagnon said the previous project had funding problems, so the site became available and was used as a laydown yard during the Maplewood Avenue reconstruction project. Vice-Chair Mahanna said it was difficult to ensure that the six homeowners would follow the maintenance plan for the stormwater system. He asked if there was an optional outlying pipe. Mr. Chagnon explained that the tank system would exit back to the street and be hard-piped to the City's drainage pipes and connect to the City's pipe through Maplewood Avenue. He said the catch basin would stop the system from being clogged and another sump would be maintained. He said the ongoing maintenance plan was in the inspection and maintenance plan that would be submitted to the City. Vice-Chair Mahanna asked if it could be attached to the condominium document so that the homeowners were aware of it, and Mr. Chagnon agreed. Councilor Moreau asked if the plantings' roots would go into the wall. Mr. Chagnon said the root penetration would go down and not out.

[Timestamp 21:28] Ms. Begala asked why no direct measurements of traffic noise on Route 95 were made instead of the sound plan computer model. Mr. Chagnon said the sound consultant took noise level measurements in doing the work. Ms. Begala said if a model used must be approved by the Federal Highway Administration (FHWA) according to the ordinance, then the sound plan should be FHWA approved. Mr. Chagnon said the computer model sound plan was FHWA approved. Ms. Begala asked why all the windows wouldn't be noise mitigating ones instead of just the front windows facing Route 95. Mr. Chagnon said the noise would propagate from the highway going east and the buildings would block the noise on the windows on the back side of the building. Chair Chellman said the noise study indicated that the windows that

don't face the front were subject to 20 dB reduction in noise. Ms. Begala asked how the face of the building was away from Route 95 and was told it was about 120 feet. She said she thought there would be significant noise. Mr. Chagnon said there would be noise and the ordinance had a requirement that noise be reduced in the interior of the structure to 45 dB. He said the noise mitigation would meet the ordinance. Ms. Begala said she only saw three parking spaces. Mr. Chagnon said each building had a two-car garage, which was 12 spaces, and there were three guest spaces. He noted that there would also be extra parking in the driveway. Mr. Bowen asked about trash pickup. Mr. Chagnon said the resident would leave trash at the end of the driveway on a designated day and it would be picked up by a private trash hauler.

[Timestamp 29:06] Chair Chellman asked why the applicant didn't ask for subdivision approval for the six proposed condos. Mr. Chagnon said they were asking for site plan approval to keep it a single lot and make it a condominium. He said the issue of subdividing was extensively discussed at the BOA meeting. He said the zone requires100 feet of frontage and 15,000 sf of lot are per lot, and that was the same density requirement because the lot was 62,000 sf and would support four units. He said the applicant got approval to build six units by variance, noting that the original ask of the BOA was eight units with two being affordable, but it didn't pass. Chair Chellman said he still thought it was a subdivision by definition. Vice-Chair Mahanna said he thought it was a planned unit development (PUD) vs. a subdivision. Mr. Chagnon said it met the definition of subdivision under the State but it fell under the City's site plan review, and in that zone there could be duplexes and single-family homes by right, but a variance was needed to do a multi-unit development, which was obtained. He said the project met the requirements needed to be approved. It was further discussed. Councilor Moreau said some condo sites looked more like a subdivision but legally were not. Mr. Chagnon said the only area of the unit that was limited common was the deck and the patio below it, otherwise everything else was common and there would be condo fees for plowing, landscaping, and so on, which was part of moving it through the TAC process. Chair Chellman said he still thought it was a subdivision but noted that the applicant had been through TAC and had done what had been done on similar projects. He said the issue would be addressed with City Staff for future projects.

Chair Chellman opened the public hearing.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

**DECISION OF THE BOARD**

*Councilor Moreau moved that the Board find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented. Vice-Chair Mahanna seconded. The motion passed with all in favor.*

*Councilor Moreau moved that the Board grant Site Plan Approval with the following* ***conditions****:*

*2.1) The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*2.2) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*

*2.3) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*

*2.4) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit https://www.cityofportsmouth.com/publicworks/stormwater/ptap*

**Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:**

*2.5) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;*

*2.6) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

*Ms. Conard seconded the motion. The motion passed with all in favor.*

Councilor Moreau said it was a good use of a difficult area due to the easement. She said several projects were proposed in that area but that the freestanding single-family condos would fit within the density of the single-family homes behind it. Vice-Chair Mahanna said there were four condos in two buildings to the south that were of similar character.

*Councilor Moreau moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as presented. Mr. Almeida seconded. The motion passed with all in favor.*

*Councilor Moreau moved that the Board grant the Conditional Use Permit as presented. Vice-Chair Mahanna seconded. The motion passed with all in favor.*

**B.** Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Business (G1) as follows: from Office Research (OR): Map 267 Lot 4, Map 267 Lot 5, Map 267 Lot 6, Map 267 Lot 7, Map 267 Lot 8, Map 252 Lot 1, Map 252 Lot 1-7, Map 233 Lot 145,Map 234 Lot 3, Map 234 Lot 7-7, Map 234 Lot 2; from Garden Apartment/Mobile Home Park (GA/MH): Map 291 Lot 1-1 and Map 285 Lot 1; from

General Business (GB): Map 234 Lot 7-6, Map 234 Lot 5, Map 234 Lot 6, Map 234 Lot 51, Map174 Lot 12, Map 174 Lot 13, Map 175 Lot 11, Map 175 Lot 4, Map 175 Lot 5, Map 236 Lot 35, Map 236 Lot 34, Map 236 Lot 33 (portion of), Map 236 Lot 36, Map 236 Lot 39, Map 237 Lot 56 (portion of) and Map 237 Lot 57; from Single Residence B (SRB): Map 243 Lot 66, Map 229 Lot 6, Map 229 Lot 6A, and Map 268 Lot 97; from Mixed Residential Business (MRB): Map 217 Lot 1 (portion of) and Map 217 Lot 2A (portion of); from General Residence A (GRA): Map 174 Lot 14; from Industrial (I): Map 273 Lot 5; from Industrial (I) and General Residence A (GRA): Map 173 Lot 9.

Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Mixed Use Center (G2) as follows: from Single Residence B (SRB): Map 246 Lot 1.

Amend the Zoning Map to change the zoning designation to Garden Apartment/Mobile Home Park (GA/MH) as follows: from Gateway Neighborhood Business (G1) and Office Research (OR): Map 215 Lot 9.

The above Zoning Map changes are proposed pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance.

[Timestamp 37:28] Chair Chellman read the zoning map amendments into the record. Mr. Stith began reviewing the proposed amendments. Several members stated that there had not been enough time to review the inordinate amount of information before the meeting and that the information presented did not have enough detail.

*Vice-Chair Mahanna moved to **table** the issue to a future work session, seconded by Mr. Hewitt.*

Mr. Stith then reviewed a few more zoning map amendments. Most Board members felt that they still didn't have enough information or that the proposed zoning did not make sense.

Chair Chellman opened the public hearing.

**SPEAKING TO, FOR, OR AGAINST THE PROPOSED AMENDMENTS**

Tony Coviello of 341 Dennett Street said the City had to value the limited land that they had. He said the idea putting affordable housing on single units on parcels of land was not an efficient one, and waiting for a master plan that occurred every ten years was too slow of a method. He said the City had to react faster and go further into zoning to find affordable housing.

Elizabeth Bratter of 159 McDonough Street gave handouts to the Board that showed where the buildings were located and what was next to them. She made several recommendations, including that certain industrial areas should be kept industrial and that the differences between Gateway One and Gateway Two should be kept in mind. She suggested postponing the session until a workshop was done and information from the Land Use Committee could be used.

David Weed of 3003 Lafayette Road said he owned Members Service Credit Union. He said there were 60,000 housing units in deficit that were needed to satisfy demand and there were 1,000 units on the market now. He said he financed mixed-user commercial in NH and had worked with other municipalities to build safe affordable housing.

Christine Wellington said she was a credit union loan officer. She said many more housing units were needed, especially for older people who wanted to downsize and younger people who wanted to buy homes, but affordability was at an all-time low. She said she hoped the Board would consider some of the opportunities available for affordable housing.

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

**DECISION OF THE BOARD**

[Timestamp 1:45:29] Vice-Chair Mahanna said he wanted to amend his original motion to continue the session to a later date after the Board had the opportunity to review and approve each parcel individually. He said there wasn't enough technical explanation presented from Staff. There was further discussion. [Timestamp 1:47:38]

*Vice-Chair Mahanna **amended** his motion and moved that the Board continue the discussion at the February 29th Planning Board meeting at 6 pm. Mr. Hewitt seconded. Chair Chellman took a roll call vote. The motion passed by a vote of 7-1, with Ms. Conard voting in opposition.*

## IV. PRELIMINARY CONCEPTUAL CONSULTATION

**A.** The request of **100 Durgin Lane LLC (Owner)**, for property located at **100 Durgin Lane** requesting residential redevelopment to include 360 rental housing units with approximately 580 parking spaces and 10% community space including associated site improvements for parking, pedestrian access, utilities, stormwater management, lighting, and landscaping. Said property is located on Assessor Map 239 Lot 18 and lies within the Gateway Corridor (G1) and Highway Noise Overlay Districts. **(**LUPD-24-1)

**SPEAKING TO THE PETITION**

]Timestamp 1:57:16] Attorney John Bosen was present on behalf of the applicant along with Andrew Hayes, Director of Eastern Real Estate, Patrick Crimmins of Tighe and Bond, and project architect Brett Bentson and landscape architect Nick Aceto. Attorney Bosen said the development would be a mix of 3- and 4-story buildings with a variety of transportation options including vehicles, bikes, and a possible COAST bus stop. Mr. Hayes said the underutilized retail property would be developed into a unique walkable development. Mr. Bentson reviewed some of the constraints including access and power line easements and wetlands and said the development would have an on-site solar ready infrastructure and EV charging spaces. Mr. Aceto reviewed the proposed landscaping and said the site would have two acres of community space and a central community green. Mr. Crimmins explained that they would need a

Conditional Use Permit for the site development area and a wetland Conditional Use Permit for any work done within the buffer. He said traffic evaluation approval would go through TAC and they would need site review approval and an alteration-of-terrain permit, a sewer connection permit from the City, and an EPA general construction permit with a stormwater plan. He noted that the trip generation showed that a traffic study wasn't needed. He reviewed the public benefits that included 10 percent of community space.

[Timestamp 2:20:20] Vice-Chair Mahanna asked who maintained the other three unnamed roads. Mr. Crimmins said they were private easements and that the owners of the properties and easement rights maintained them. Vice-Chair Mahanna asked who would be responsible for fixing the unsightly road going up to Motel 6. Mr. Crimmins said he thought it would be the current owners of the property or whoever has the easement rights. He said any improvements would be done through the site review process. Mr. Hayes said there were mutual easements and that the ownership group was the contract buyer of the parcel and it would be their responsibility going forward. Mr. Bowen said he thought there would be increased traffic and trip counts going in the direction of Trader Joe's and that it was something the project should think about.

Chair Chellman said that, although the total number of trips would be reduced, the type and time of day and direction of those trips would change given the change in use. He said if a significant portion of the residents decided they wanted to work at Pease, it could create an issue at that intersection. He asked for some destination estimates and also asked what the status of the connection to the north was and whether the development owned it or if it was an easement on someone else's property. Mr. Hayes said the limits of the site plan were owned by the developer and it was a mutual easement of access between multiple parties. Chair Chellman asked if it could be overburdened by putting too many cars on it at a certain time of day, and Mr. Hayes said there was no volume restriction. It was further discussed. Chair Chellman said Pease was a major traffic generator and the intersections around it were congested at times, so he wanted to see it addressed. Chair Chellman asked if the driveways throughout the site would be changed or gated. Mr. Hayes said they had no intention to change or gate them. Chair Chellman asked if the developer was obligated to maintain them for north and south traffic. Mr. Hayes agreed and said they had to maintain access between the Motel 6 and Home Depot. Councilor Moreau said the developer could have gotten more green and community space by having smaller buildings. Mr. Hayes said they considered the existing zoning parameters and a key limitation was the number of units programmed per building. He said the reason they were proposing 3- and 4-story buildings was to have a wider range and diversity of units and to also add variability to the site. He said it would also give them the added benefits of the highway noise overlay and create a bit of a sound buffer along the highway.

[Timestamp 2:29:05] Mr. Almeida asked why the applicant didn't consider podium construction, where the parking is open and on the ground floor. He said the developer could go four stories above a podium and could have more housing and open space. Mr. Bentson said they wanted units on the ground floor so that it felt like a walkable community and that a podium construction didn't allow that social cohesion. Ms. Begala said she didn't see any child-friendly or pet-friendly elements, like safety precautions for crossing roads, play areas, and so on. Mr. Aceto said the plan was in the conceptual stage and that they would have more details about

connections and safety as they continued to break up the parking fields and make more deliberate linkages to the sidewalks. Ms. Begala asked what was meant by offroad multi-use paths. Mr. Bentson said they wanted to create paths for people to walk on and enjoy the natural spaces.

[Timestamp 2:33:13] Mr. Hewitt asked if the Highway Noise Overlay District would be addressed through architecture like a sound wall. Mr. Bentson said they would have an acoustic engineer address it in a few weeks. Mr. Hewitt said the developer was building less than what was allowed by right, and he asked how many units could be built by right. Mr. Hayes said 16 units per acre were allowed, and they had 26 acres, so they could have in excess of 400 units, and if they pursued the Conditional Use Permit for the density bonus, they could have an additional 26 units. He said the current plan was for about 14 units per acre. Mr. Hewitt said his biggest concern with access was the Motel 6 site and the fact that coming off Gosling Road, it felt more like the back of a parking lot than a road and that the applicant wouldn't be able to improve that. Mr. Hayes agreed but said they planned to discuss it with the abutters. Mr. Hewitt said there would be relief needed for wetland buffer issues and asked if it would be new construction. Mr. Crimmins said they needed a permit because they were working in the wetland buffer and would improve what was already there. Mr. Hewitt asked how the developer came up with the parking demand estimates. Mr. Hayes said they surveyed comparable properties in the market and engaged a third-party consultant to help them evaluate it based on the unit mix, and he believed it was appropriate to meet the demand, given the location of the site. Mr. Hewitt said he agreed with the Chair that should be some type of additional traffic study showing more than what was provided in the applicant's peak hour demands.

[Timestamp 2:38:39] Councilor Moreau asked the applicant to explain what 'on-site solar ready' meant. Mr. Hayes said they were evaluating several options and figuring out the optimal location for solar and how the building program would take advantage of it. He said they wanted the EV stations built in anticipation of future growth. Councilor Moreau asked if the area coming down Durgin Lane before the first crossover road was a garden or landscaped one. Mr. Hayes said it could be a dog park or a play area or a possible COAST bus stop. He said it would get reshaped depending on what program came together in that space. Chair Chellman said there were different building types but that the lot got thin as it went more toward the highway. He asked if some of the greenspace between the parking areas and the buildings be put into that area. Mr. Bentson said the overall site plan and mix of buildings across the site continued to evolve every week and that they wanted to ensure that every building had access to meaningful greenspace on the site. He said it was primarily a vehicle-centered site and people wanted convenient parking. He said they were trying to find the right balance so that it didn't feel like a sea of parking.

[Timestamp 2:43:46] The need for a separate location to accommodate package deliveries was discussed. Mr. Hayes said they were leaning toward the central community building as the home for ingoing and outgoing packages, which would allow for better control and security. Mr. Almeida asked if the green space should be more peripheral. Mr. Hayes said the community building would be a one-story building that would invite people into the neighborhood and then expose them to the open green space. He said there would also be a robust wayfinding signage plan. Councilor Moreau asked if the applicant considered a childcare center. Mr. Hayes said they

discussed it but felt that a lot of amenities already existed around the site, so they didn't currently anticipate having on-site retail serving the project itself. It was further discussed.

[Timestamp 2:49:39] Councilor Moreau said the applicant was in Gateway One and the City was looking to expand Gateway One to other lots in the City. She asked if the applicant had any feedback about that and if they considered workforce housing. Regarding Gateway One, Mr. Hayes said he felt that the site was well suited to be programmed in a manner in conformance with code. He said they had the benefit of having scale and a little bit of a buffer between the adjacent units. Regarding workforce housing, he said the program and the mix of different unit sites would meet a wide breadth of the market due to the range of unit sizes and types, which would allow for a breadth of price point for the professional workforce, aging, and young families. He said all the units would be rentals.

**DECISION OF THE BOARD**

*There was no action taken.*

## V. CITY COUNCIL REFERRALS

**A.** Request for Salter Street to be rezoned from Waterfront Business to General Residence B

Marsha McCormack of 53 Salter Street was present and said a waterfront business always had an impact on residential. She said she wanted to appeal the zoning due to the large scale construction and reconfiguration of the area. She said the Thompsons' attorney wrote to the Board of Adjustment to request relief to move their structure back and up and said if they were denied relief, they would be forced to restore the structure to an office or event space, which she said would increase traffic and detract from the value of surrounding properties. She said the attorney also stated that there wasn't a single permitted waterfront business that would be appropriate on Salter Street. Chair Chellman said the topic would be added to the discussion of the zoning map changes at the February 29 Planning Board meeting.

*Mr. Giuliano moved that the Board add the topic to the February 29 Planning Board meeting, seconded by Mr. Almeida. The motion passed unanimously.*

**B.** Solar Energy Amendments

Chair Chellman said there was a joint work session scheduled with the Historic District Commission on conceptual consensus so that a short Planning Board meeting could be convened after the workshop. He said the Planning Board would make a recommendation to the City Council to get their endorsement and then the plan would get drafted into an actual proposed amendment plan. There was no action taken.

**C.** Electric Vehicle Amendments

Chair Chellman said the amendments were almost finished and should be ready the following week. There was no action taken.

## VI. OTHER BUSINESS

**A.** Appointment to Rockingham Planning Commission Transportation Advisory Committee

Mr. Hewitt said Eric Eby would do a fine job but that felt that a City resident should be on the committee. Chair Chellman asked that it be kept in mind for the Master Plan discussions. Mr. Stith said the letter noted that the Planning Board nominates a representative for consideration, who would then be recommended to the City Council.

*Councilor Moreau moved that the Board recommend to City Council to appoint Eric Eby as the Portsmouth representative on the Rockingham Planning Commission and Transportation Advisory Committee and Jillian Harris as an alternate. Mr. Almeida seconded. The motion passed with all in favor.*

**Note**: The next two items were combined.

**B.** Chairman Updates and Discussion Items
**C.** Planning Board Rules and Procedures

Chair Chellman said he spoke to the Legal Department and proposed a new section of Planning Board rules addressing that errors by Planning Board members should be handled at the Planning Board level. He said he recommended a provision whereby the Planning Board could institute a censure process for a member who made a mistake. He said he didn't know if it should require no action the first time or education the second time, and so on. He said the City Attorney had not given him feedback yet.

*Vice-Chair Mahanna moved that the Planning Board immediately select and retain outside counsel to advise the Planning Board on all matters including the Master Plan as well as amendments such as errors made by Planning Board members, with the approval of the City Manager. Mr. Hewitt seconded.*

Vice-Chair Mahanna said it had been done in the past. He referred to the recent session where the City's Legal Department created a charged document that was overreaching, and outside counsel was able to convince seven out of eight City Councilors that the document was wrong. For that reason alone, as well as moving into the Master Plan and zoning that required more legal analysis, he felt that outside counsel who specialized in those sorts of things should be hired. It was further discussed. Chair Chellman asked Vice-Chair Mahanna if he would consider letting the Master Plan Subcommittee investigate the concept of outside counsel. Vice-Chair Mahanna said he would as long as it wasn't just for the Master Plan. Mr. Bowen asked if there was any role for the State Municipal Association and if they had the resources to be credible enough if there was a need for an intervention. Chair Chellman said they would not intervene between a City attorney. Ms. Conard asked Vice-Chair Mahanna to pose the issue in a more formal

proposal so that there was more time to think about it. Vice-Chair Mahanna agreed and said it would up included at the February 29 Planning Board meeting.

*Vice-Chair Mahanna **withdrew** his motion and said he would submit a more formal proposal in writing for the February 29 Planning Board meeting. Mr. Hewitt agreed.*

**D.** Board Discussion of Regulatory Amendments, Master Plan Scope, & Other Matters

There was no action taken.

## VII. ADJOURNMENT

The meeting adjourned at 10:11 p.m.

Respectfully submitted,

Joann Breault
Secretary for the Planning Board

**PLANNING BOARD** and **HISTORIC DISTRICT COMMISSION**
**WORK SESSION**

**PORTSMOUTH, NEW HAMPSHIRE**
**LEVINSON ROOM - PORTSMOUTH PUBLIC LIBRARY**
**175 PARROT AVENUE, PORTSMOUTH NH**

**6:00 PM Work Session begins** **February 21, 2024**

**WORK SESSION/SPECIAL MEETING**

| | |
|---|---|
| **PB MEMBERS PRESENT:** | Rick Chellman, Chairman; Greg Mahanna, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager (via Zoom); Beth Moreau, City Councilor; James Hewitt; Jayne Begala; Paul Giuliano; Andrew Samonas, William Bowen, Alternate |
| **HDC MEMBERS PRESENT:** | Reagan Ruedig, Chair; Margot Doering, Vice Chair; Martin Ryan, Dave Adams, Jon Wyckoff (via Zoom), Larry Booz, Dr. Dan Brown; City Councilor Rich Blalock |
| **ALSO PRESENT:** | Peter Stith, Planning Manager; Jilian Harris, Principal Planner; Izak Gilbo, Planner 1 |

## I. Solar Panel Zoning Amendment Discussion Workshop with Historic District Commission

Planning Chair Rick Chellman said the Planning Board and the Historic District Commission (HDC) were charged by the City Council to come up with a consensus on how to address solar panels and appurtenances in the Historic District, and if they reached a consensus as a workshop group, a Planning Board meeting would then be convened to make a recommendation to the City Council. He said he and HDC Chair Reagan Ruedig would then receive the City Council's input and then come up with regulations. He said the specific motions that the City Council put forth for the Planning Board and HDC to consider ranged from doing nothing to getting involved and considering different neighborhood contexts in the HDC. He said there could be different grades of solar panel use, like those that were permitted more easily and those that might require more review. Chair Ruedig agreed and said she wanted to ensure that solar panels in the Historic District were used in an appropriate way to protect the District but still allow a use that citizens wanted to do with their properties. She said solar panel applications came before the HDC more frequently, and some were easy but others were difficult, and the HDC could try to make their guidelines simpler for applicants so that they knew what to expect.

City Councilor Blalock said there had been numerous applications before the HDC for solar panels and a lot of residents were frustrated and did not think that it was part of the HDC's purview. City Councilor Moreau said the frustration was the fact that some panels were okay to approve and some weren't, and she asked what needed to be adjusted. Mr. Adams said one thing that made solar panels less egregious to a historic fabric of a building was the visibility of them and the 360 degree nature of a building, and another one was the non-standard way that some historic properties were constructed or added onto over time. He said the HDC wasn't just for the preservation of some particular part of a building but also concerned about the building's aesthetics. Planning Board Vice Chair Mahanna asked if there were exceptions for the sides and back of a building. Mr. Adams said the HDC had to consider the impact of appurtenances and so on because buildings needed ventilation. He said the HDC tried to find the best aesthetic decision and encourage applicants to keep the front of the building pristine, but it wasn't quantified in their ordinance. Dr. Brown said he liked the idea of alternate energy methods and agreed that there were different degrees of the Historic District neighborhoods. He asked what percentage of the problem it was and if a whole new proclamation from the law of from the Council was needed. Mr. Gilbo said structures in the HDC comprised only 13 percent of all the structures in Portsmouth and parcel sizes comprised about 16 percent, so 93-96 percent of Portsmouth residents could put solar panels on their roofs any way they wanted to. He said several of the streets in the HDC ran east-west, which meant half the houses on a street could place their solar panels in the back and reduce the percentage close to one half percent. Dr. Brown said putting shiny black panels on all the roofs would not be appropriate.

Joe Almeida (via Zoom) defended the HDC and their role in the City and thought the motion should be taken down. He said there was a robust set of guidelines that the HDC had worked on for years that could be updated to address developing technologies. He said a historic building owner had a responsibility when presenting anything that could potentially harm the Historic District and that just owning and maintaining a historic building put the owner in a category of a preservationist and environmentalist. Mr. Ryan referred to Councilor Blalock's comment about citizens not thinking the HDC should have purview over solar panels. He said there were zoning regulations and building codes, and solar panels were an option and weren't like vents. He said he found the City Council's request that the HDC not have purview over solar panels extreme because it wasn't just about the location of the solar panels but the fact that the panels were foreign to the concept of natural and historic materials in the HDC. He said the HDC could explain to the public what the HDC wanted in terms of preserving the historic environment while in some cases still allowing the solar panels to be installed. Mr. Wyckoff (via Zoom) said the City Council's renewable energy policy of March 2018 was to promote solar panels, and he thought those panels should not be visible on defining structures in the HDC but should be allowed on other houses if the resident follow certain procedures, like painting all conduits the roof and siding color, not removing chimneys or dormers when installing the panels, and so on.

He explained how solar shingles should be installed and said they looked like solar panels except they weren't as thick and didn't go up as high and were more expensive.

Chair Chellman said other questions had to be addressed like whether ground-mounted solar panels were appropriate. Chair Ruedig said that would be a rare application because it would require a lot of space, which the south end and other areas in the HDC did not have. Vice-Chair Doering said the HDC's current guidelines had not caused a lot of solar panel request denials and she thought it was inappropriate for the City Council to remove the purview of solar panels from the HDC based on the perception that the HDC was blocking solar panel requests. She said it was true that some were blocked because the panels faced the street or didn't face the sun, but circumstances and not the current guidelines were causing the bulk of the turndowns. She said the HDC could make some changes to the guidelines, like dealing with the issue of perpendicular roofs or making an exception for a back accessory building. She said the purpose of the HDC was to protect the structures in the Historic District and create an aesthetic, and solar panels affected that aesthetic, so the HDC was trying to find a balance. She said there were things the HDC could do to improve the use of solar panels in the Historic District and make it easier for people to figure out what they could or could not do without removing the HDC's authority and oversight from the process. Mr. Hewitt said the idea of removing the HDC's authority on solar panels was an insult and that he would not recommend any changes.

Mr. Samonas said having the solar panel ordinance in place for the HDC to review was a safe measure, especially from an aesthetic perspective. As a reasonable alternative to solar panels in the HDC, he said a conversation could be had with the property owner to review the overall sustainability of their property. He said a metric could be figured out to see if the panels could move forward or not, which might take a site visit, and the home's orientation and rooflines would change the way the panels are affected. He asked how old housing stock could be made better, including mitigating issues like rising water and energy costs. Larry Booz said he thought it was a slippery slope to take away the power from the HDC over any item just because people didn't like what the HDC said. He cited other towns that had strict solar panel guidelines. He said people came to Portsmouth because it was a beautiful historic town, and he thought there were other ways to encourage energy conservation beyond solar panels, like replacement windows. Ms. Begala said the HDC were the best people to set clearer guidelines about solar panels. Vice-Chair Mahanna agreed that it had to stay with the HDC and that they were qualified to assess types of panels, appurtenances, hardware, and so on but that they should plan for the future. He said an applicant could be required to have an energy audit done before submitting an application for solar panels. Chair Chellman said there the south end was very different than Middle Street or the downtown and asked if different sections of the Historic District should be treated differently from a solar panel perspective. Mr. Adams said he remembered when there were Historic A and B Districts but didn't recommend going back to that. He asked if an average person coming into town would understand the difference in the architecture of Middle Street

compared to Gate Street. Mr. Samonas asked why it wouldn't be good to have A or B Districts or tiers. Mr. Adams said it could create an opportunity for a person to ignore the HDC's recommendations and think he should have what he wanted and hire a lawyer. Mr. Wyckoff said at one time chimney caps were just as controversial as solar panels. He said times changed and the HDC had to change with them, and as long as the structure of a historic building didn't change, there would still be the Historic District. It was further discussed.

Mr. Giuliano asked how solar panels would be incorporated discretely into a structure and how an array of them on different structures would look like if they had contrasting colors and different patterns. Chair Chellman said the issue from the City Council was that solar panels would be flush-mounted on the roof with no HDC review. He said the first motion was very broad and he had concerns with it because if solar energy issues were removed from the HDC authority, buildings could be removed for solar access. He said the charge for the Planning Board and the HDC was to take some refinement to the City Council. He thought it made sense to treat different areas of the Historic District differently. Chair Ruedig said the HDC looked at every application and property on its own, so it might be difficult to lump a whole group of properties in an area together and say that they were not as important as others. She said the HDC's ordinance also had exemptions for things like wooden storm doors or play structures. She said there were certain things that the HDC could look at and have a work session or a subcommittee look through their guidelines and ordinance and say that something like a tall flat roof on a commercial building downtown could be an exemption. She said the guidelines could be updated as technological trends and thought processes changed. She said the current solar panel guidelines were basic and clear in some instances but not so clear in others, and she would like to make the approach to solar panels clear. Councilor Moreau said she looked at the HDC's exemptions and saw one about putting electrical or mechanical equipment out of public view. She said the HDC could come up with a similar exemption about solar panels. Vice-Chair Doering said the HDC had been saying for some time that the guidelines should be rewritten, and now they had to improve them and be specific. She said the HDC could recognize that there would be exceptions for different properties and that some requests could be administrative approvals and others would have to be looked at more carefully. It was further discussed.

Chair Chellman asked if there were any items that could be brought to the Council that the HDC would like to add to the list. Vice-Chair Doering said a short list would include refining the definition of the back-of-the-house when there's a roof structure that lies perpendicular to the road; quantifying things that hang off the side of the building; placing solar panels on accessory structures that face the south; and adding things that would be a definite no, like if a roof appurtenance that obstructs a key feature of a house or something that would be permanently damaging. Mr. Ryan said there should be a least a graphic-oriented page or two of guidance about solar panels given to the public instead of a large guideline book that would only confuse the public more, and that the same could be done with windows. He said solar panels had such an

impact on a home that the HDC would be irresponsible not to judge them in a meeting. He said an administrative approval should be for something like replacements in kind, but he thought the board could improve the process by educating the public in what to expect when coming before the HDC. Mr. Booz said it someone could drive by a home and see panels, that could be an automatic no. Mr. Wyckoff said the back-of-the-house rule didn't work all the time because people could still see the panels from public views. He noted that people had never told him that they thought the HDC should allow solar panels in the Historic District. Mr. Bowen asked if any prior projects with solar panels had fire safety issues. Mr. Adams said the fire department needed a walkable surface around the panels to get access to the roof. Councilor Blalock said the Fire Department would prevent someone from installing solar panels if they weren't south facing or safe. It was further discussed.

Chair Chellman said a concern was also to preserve discretion and that it couldn't get quantified down to slopes and angles and so on. Chair Ruedig said she agreed with all the suggestions but also thought the HDC could go a bit further with modern sustainability and include doors, windows, insulation, etc. and also treat downtown commercial buildings differently. Mr. Wyckoff said it all went back to subjectiveness and where you could place the panels and where you couldn't, and that's why he thought the panels should be allowed in the Historic District. Mr. Hewitt said he had meant that he didn't want any changes made to the HDC's authority on solar panels but believed there could be more guidance on the HDC's website. He suggested a document called Energy Efficiency, Renewable Energy, and Historic Preservation: A Guide for Historic District Commissioners and said it could be customized for Portsmouth. It was further discussed. Chair Chellman said the city could look at doing solar farms and give people in the Historic District access to them. He asked about Chair Ruedig's idea about commercial buildings in the HDC being treated differently. Councilor Moreau said sometimes it made sense and it didn't because some old Victorian buildings were businesses. Chair said that could be a criteria, and it was further discussed. Councilor Moreau asked if energy audits could be enforced legally if people wanted to install solar panels, or if people could be forced to look at other aspects of their home that weren't visible. Mr. Booz said there could be a small questionnaire that stimulated that thought process on the part of the resident. Mr. Ryan said it could be incorporated into the permit process since new homes and renovations had to meet energy codes. Chair Chellman said properties with an energy audit that had a certain score could get an administrative approval, and then a more full review might have to be done. Mr. Wyckoff said it would require people to have an energy audit of their home done before they could ask for a building permit for anything. He said an ordinance could be passed that would require all new flat-roof buildings in the Historic District to have solar panels. It was further discussed.

Chair Chellman said they had a list of items, which included definitions like the back of the house, things hanging from the side of a building, accessory structures, a list of NO items, the front of the house being off limits including siding, anything that would permanently damage the

roof, having a 1-2 page guidance document describing how to do solar in the Historic District and maybe address windows at the same time, commercial buildings with flat roofs having a simpler process, and perhaps an energy audit as an option. He said it was a good framework for the HDC to further discuss. Chair Ruedig said the Commission could meet in March and come back to the Planning Board and the Legal Department to move it forward.

## II. Adjournment of Workshop

Chair Chellman closed the workshop.

## III. Convene Planning Board Meeting

Councilor Moreau said she could review the list of ideas from the workshop and decide how they wanted to make the process better for the public and the HDC and look at ways to have an exemption like other mechanicals, add the one-sheet guidelines, and so on, as well as as a few ideas based on what the HDC would bring back as concrete principles and ideas that could improve the process. She said the Planning Board could review it and bring it to the City Council and get their feedback to make sure the Planning Board was going in the right direction. Chair Chellman said the Planning Board had to have an interactive discussion with the City Council and give them the chance to ask questions. Ms. Begala confirmed that it should be the HDC's purview to control the implementation of solar panels within the Historic District. Councilor Moreau agreed and it was further discussed.

## IV. Consider Recommendation to Council regarding Solar Panel Zoning Amendment

*Ms. Conard **moved** to recommend that the Planning Board develop an update that Councilor Moreau can give on behalf of the Planning Board at the March 4 City Council meeting to let them know how the meeting transpired and that the Planning Board has a sense of what the HDC is going to work on in the next two months, and then report back through the Planning Board to the Counsel. Vice-Chair Mahanna seconded the motion. The motion **passed** unanimously.*

## V. Adjournment

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Joann Breault
Planning Board/HDC Recording Secretary

**PLANNING BOARD**
**PORTSMOUTH, NEW HAMPSHIRE**

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

**6:00 PM** ***(Reconvened from February 15, 2024)*** **February 29, 2024**

**MEMBERS PRESENT:** Rick Chellman, Chairman; Greg Mahanna, Vice Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; James Hewitt, Jayne Begala, Paul Giuliano and Andrew Samonas

**ALSO PRESENT:** Peter Stith, Planning Manager

**MEMBERS ABSENT:** William Bowen, Alternate

Chair Chellman called the meeting to order at 6:00 p.m. He stated that Vice-Chair Mahanna and Mr. Samonas would be late to the meeting. Jim Hewitt explained why he had to recuse himself from the property behind the Service Credit Union.

## I. PUBLIC HEARINGS – NEW BUSINESS

**A.** Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Business (G1) as follows: from Office Research (OR): Map 267 Lot 4, Map 267 Lot 5, Map 267 Lot 6, Map 267 Lot 7, Map 267 Lot 8, Map 252 Lot 1, Map 252 Lot 1-7, Map 233 Lot 145,Map 234 Lot 3, Map 234 Lot 7-7, Map 234 Lot 2; from Garden Apartment/Mobile Home Park (GA/MH): Map 291 Lot 1-1 and Map 285 Lot 1; from General Business (GB): Map 234 Lot 7-6, Map 234 Lot 5, Map 234 Lot 6, Map 234 Lot 51, Map174 Lot 12, Map 174 Lot 13, Map 175 Lot 11, Map 175 Lot 4, Map 175 Lot 5, Map 236 Lot 35, Map 236 Lot 34, Map 236 Lot 33 (portion of), Map 236 Lot 36, Map 236 Lot 39, Map 237 Lot 56 (portion of) and Map 237 Lot 57; from Single Residence B (SRB): Map 243 Lot 66, Map 229 Lot 6, Map 229 Lot 6A, and Map 268 Lot 97; from Mixed Residential Business (MRB): Map 217 Lot 1 (portion of) and Map 217 Lot 2A (portion of); from General Residence A (GRA): Map 174 Lot 14; from Industrial (I): Map 273 Lot 5; from Industrial (I) and General Residence A (GRA): Map 173 Lot 9.

Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Mixed Use Center (G2) as follows: from Single Residence B (SRB): Map 246 Lot 1.

Amend the Zoning Map to change the zoning designation to Garden Apartment/Mobile Home Park (GA/MH) as follows: from Gateway Neighborhood Business (G1) and Office Research (OR): Map 215 Lot 9.

The above Zoning Map changes are proposed pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance.

**SPEAKING TO THE PETITION**

[Timestamp 6:30] Chair Chellman summarized the origin and goals for the zoning map designation amendments and read the list of zoning amendment changes into the record. Mr. Stith noted that the Land Use Committee originally looked at nearly 70 parcels and narrowed it down to 40 parcels, which were consensus parcels that were agreed upon to move forward. He said they were presented to the City Council at their January meeting and referred to the Planning Board for consideration. He said the Staff Memo provided additional information as to how it was consistent with the Master Plan, specifically on the corridor areas. He said the corridors were identified as existing commercial ones and the goal was to make the corridors more mixed-use districts. Chair Chellman said he thought all the proposals were consistent with, and a continuation of, the amendments that flowed from the 2015 Master Plan. He noted that Portsmouth Listens brought up a few zoning amendments that would require an update to the Master Plan. Mr. Hewitt said the Master Plan was finalized in February 2017 and shortly thereafter 170 properties were rezoned G1 and G2. He said those 170 properties had been the only major effort on rezoning and he wondered why the 40 properties were not included back then. Chair Chellman said they looked at the existing Gateway District zoning and changed many of the parcels to conform with the recommended Master Plan changes, creating the new Gateway Districts. It was further discussed. Mr. Stith said they were zoned General Business (GB), and in 2010 the old Gateway District was created to go into the boundaries of the GB district, and in 2017, the old Gateway was converted to Gateway One and Gateway Two within the borders of those districts and didn't expand in any manner to other parcels. Chair Chellman said a lot of the older zoning was more single use and excluded residential, and one of the charges of the Land Use Committee was to find opportunities for residential. He said it felt that it was consistent with what the Board had done.

Chair Chellman opened the public hearing.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

**First Round Speakers**

Tom Ferrini of 69 Taft Road said he was the chairman of the Portsmouth Housing Authority, who believed that the zoning changes were in the best economic interests of the city to have housing opportunities in the proposed districts so that employees could live in Portsmouth

Margaret O'Brien, principal broker of Bow Street Commercial Brokerage, said there was a big shift in office users because companies were downsizing after Covid. She said the office parks were dying and thought they could be considered in the second round of properties changing to the Gateway District.

Chris Hilson said he was a Portsmouth attorney who wanted to articulate the support of his clients regarding the amendments and the lack of workforce housing. He asked that the lots on Commerce Way and Portsmouth Boulevard in the Gateway District be in the next round.

Petra Huda of 280 South Street said the packet included four car dealerships, two church properties, five hotel properties, a marine, and medical buildings that would not change, and some of the parcels were very small. She asked what benefit .12 of a parcel would give for housing and why there was no analysis on properties with wetlands.

Mike Mulhern, owner of Service Credit Union of 3003 Lafayette Road, said it was difficult for his employees to find housing in Portsmouth and that people declined employment offers due to the housing expense. He said some of their parcels were zoned Apartment/Mobile Home and that they were looking for increased density so that they could offer more affordable housing.

Rick Becksted of 1395 Islington Street said he would speak during the second round.

Patricia Martine of 139 Aldrich Road said it was a housing crisis, and what the Board was doing was a beginning but it needed to be made an emergency.

Andrea Pickett of Osprey Landing said the Board should grant what they could now instead of waiting for the next Master Plan because there was an immediate need for affordable housing. She asked what programs were available for those who didn't fall under the poverty line but didn't qualify for mortgages. She said friends had to leave their jobs and move. She said she would lose her Section 8 voucher because she got promoted and wondered where she would go.

Esther Kennedy of 41 Pickering Avenue said the city was in this crisis because numerous units for affordable housing had gone to market value because they did their 20 or 30 years. She said not putting parameters in that zoning would not support the community in 20 years. She said people making minimum wages couldn't be brought into the city at the current rental levels.

Elizabeth Bratter of 159 McDonough Street passed out some documentation to the Board and said he would speak in the second round.

Paige Trace of 27 Hancock Street said she understood what the Board was doing with the rezoning of properties to include them in the Gateway District for residential, but she was concerned that the new budget was kicked down the road to next year. She said the City wasn't addressing the real problem, which was that it couldn't build housing cheap enough for people to afford and house their families. She said the Master Plan belonged to everyone.

**Second Round Speakers**

Rick Becksted of 1395 Islington Street said Portsmouth would never build itself out of the crisis and had to protect what existed. He said two housing projects were lost because the NHDOT would not allow an exit or entrance onto Spaulding Turnpike. He suggested that the Board recommend to the City Council that a certain portion of the Spaulding Turnpike have no housing

due to sound barrier issues. He said there should be housing at the Community Campus property. He said there was a reason why some properties had not been developed and that the City didn't have the help from the Federal government anymore and should do exemptions.

Elizabeth Bratter of 159 McDonough Street explained in detail why she thought the zoning should remain the same or change, including that the Rite Aid property should be MRB, the Spaulding Turnpike, Best Western, Holiday Inn and Elwyn Park should be Gateway 2, and Borthwick Ave should stay the same to keep the open space. [Timestamp 49:35]

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

**DISCUSSION OF THE BOARD**

[Timestamp 55:50] Ms. Begala said she was concerned that the Board was just doing a mapping exercise, which wasn't the approach to get the kind housing they wanted for all. She agreed that the Land Use Committee was created by the City Council to look at diversifying land use regulations, and that the zoning considerations the Board was looking at was to create more opportunities for housing development, but she didn't think it was the way to go forward. She said rezoning everything to Gateway One would not achieve diversification or create more opportunities for housing development. She said more buildings coming in could not be controlled so that they didn't go to market rate and that it took planning to include connectivity and integration of buildings into neighborhoods. She said certain corridors should not be expanded because they already comprised 38 percent of Portsmouth's land. She said the Master Plan encouraged walkable mixed-use development along existing commercial corridors, but she didn't think it had been achieved. She said the Portsmouth Listens group talked about a vision of neighborhoods and emphasized that they wanted equity with as much focus on neighborhoods as downtown. She said a mapping exercise did not consider architectural design standards for quality in low-income housing. She said better incentives were needed for affordable housing and that there could be exceptions for workforce housing included in the City's budget. She said corridors should be rezoned and not expanded and that requirements were also needed for building out complete streets and ensuring open spaces for quality of life for everyone. She said affordable housing should not relegate people to corridors of wasteland. She said neighborhoods should connect to walkable services and have character. She asked who would want to live off the Spaulding Turnpike, with no sound barriers protecting neighborhoods. She said the Portsmouth Listens report stated a need to increase owner units by 227 and renter units by 2,897. She said the City needed a plan with timelines and deadlines to meet and asked how that would be done if there was no inventory of what existed and what was approved for future projects. She said she wanted a Master Plan that had measurable indicators and suggested that City departments work together to determine infrastructure capacity and transportation needs. She said the Board might have to work incentives or exceptions for larger scale housing to meet the demand. She asked if the Board should consider the rezoning in segments or table it until a full approach with upfront data and outcomes and rationales for all 39-40 parcels was clear to everyone. She thought shunting everything to the Master Plan process was not a good idea and thought the Board had to hear the rationale for each parcel and how it would result in further housing development, or else she would have to vote no.

[Timestamp 1:17:22] Chair Chellman said it was a zoning exercise and some of the things discussed in addition to zoning were changes to site plan review regulations. He said Gateway zoning created the opportunity to create mixed-use neighborhoods that didn't exist as much as in the other zoning, but the physical layout and how that design fit in was a site plan issue. He said zoning could provide parameters and that he didn't think the word 'crisis' should be used because it created the wrong legal connotation. He said there was a concern that had to be addressed and the market was changing since the Master Plan was created, but it wasn't "this or nothing". He said the Board had discussed looking at site plan regulations and adding architectural design guidelines outside of the Historic District and should continue to discuss it because that was how mixed-use neighborhoods were created, but it couldn't be done if the base zoning didn't allow for it. Mr. Almeida noted that the Planning Department section on the City's website spoke to the questions asked about the existing housing stock and categories. Mr. Samonas said the Board had a great sampling of public opinion that evening and heard two very different dichotomies of opinions, which helped because one of the Board's purposes was to have a dialogue with all members of the public and hear their ideas on how to improve the City. He noted Portsmouth Listens stated statistics that there was one percent available land to build on in the City, and the average time for people to live in Portsmouth was 50 years. He said some of the older properties that would turn over from people moving out could be used to create units from within those properties, like a building on Middle Street that created 19 additional units. He said a property owner could rent those units at a lower cost than a developer's units. He said quantifiable metrics in the Master Plan were necessary and that proactivity had to be focused on. He noted that the United Way had a program that gave property owners with multi-family buildings up to $850 per unit per year to improve the threshold of quality for lower income apartments, and he asked if that concept could be used at local level. Councilor Moreau said the changes made were in line with many of the City's policies and plans, with the Master Plan being one and the housing policy being one. She said market studies were done in Portsmouth by PSA, the regional RCP, and the State of New Hampshire that gave the City Council data that supported the plan to create the opportunity for housing. She said just because the zoning could change didn't mean that housing would come but meant that it was an opportunity to create it. She said the Veridian wasn't allowed in the zoning when it was first proposed, but now they were building another building and allowing 20 percent workforce housing for sale, which was the first time that had happened from a developer and that the Gateway zoning was starting to create some of that. She said other people were talking about adding housing to business lots, and by expanding the Gateway zoning, it fit in with all the planning.

[Timestamp 1:29:22] Mr. Hewitt said the 2017 Master Plan was approved and ten months later 170 new properties were created in Gateway Districts One and Two, which he thought was appropriate, but he said seven or eight developments, which he named, were created in the corridors in the last seven years with less workforce housing than promised and most units at market rate, and he asked if the City was just going to recreate those projects. Chair Chellman said it was about creating opportunities to diversify the market. Vice-Chair Mahanna said he saw it as optics and thought it wouldn't accomplish anything. He said very few properties on Route One were vacant and that he would be in favor of rezoning a few but not the vast majority. He asked why the Board would look at properties that were mostly unbuildable and wet and change the zoning. He said it wouldn't solve any problems and that he would not vote for it. Mr.

Samonas said he was in favor of taking action on changing zoning amendments but asked if it would just enable someone else to do something similar to what Mr. Hewitt had just listed. Councilor Moreau said RKG was working on all the Council's incentives for workforce housing and the numbers from a financial point of view, and the next step was to look at all the incentives around it and make sure that the numbers put into the zoning made financial sense. Mr. Samonas asked if they wanted to open the gate to those opportunities before having the numbers figured out. Councilor Moreau said she felt it had been going on simultaneously and noted that the changes still had to go through three readings and the City Council. Mr. Samonas said it would probably be a Master Plan effort as well and asked if they would put the opportunities out there for developers to do market rates, or construct an equation and put it out there and be willing to adapt and change. He said they had to be willing to amend thereafter and change again and again because they had to learn in real time and he didn't know what came first.

[Timestamp 1:35:37] Chair Chellman said they were facing a dilemma on what to do first. He said he was hearing from the public input and the Board's discussion that the Board had to have regular discussions about needed zoning amendments and additional properties to come in and perhaps tune what the G1 District permits. He said the first step to was consider a map change, which he didn't see as being inconsistent with the Master Plan. He said the Master Plan subcommittee comprised had talked extensively about the need for have more robust public input. He said he and Mr. Samonas met with the high school principal and Superintendent and thought starting at that level and going all the way through all age groups would be good. He said there were other people they needed to reach out to in different ways, which was why they would have a consultant working on the Master Plan who knew more about doing outreach. He said a new Master Plan would not be seen in 2024 and meanwhile, several parcels didn't permit housing at all. He said there was outdated single-use zoning that didn't fit the current conditions that should expand into some of the adjacent neighborhoods. He said he thought the idea of creating orphan parcels in the zoning was a good one that could be further discussed.

**DECISION OF THE BOARD**

*Councilor Moreau moved that the Board recommend approval to City Council the map amendments as presented with the following:*

*1.1) Remove Map 233 Lot 145 because it is municipally owned.*

*1.2) Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.*

*1.3) Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 7-1 and Map 268 Lot 97.*

*Mr. Almeida seconded.*

[Timestamp 1:38:44] Mr. Almeida said he understood the questioning of individual lots and whether they were wetlands and so on, but he wasn't seeing any harm in advancing the topic forward for discussion. He said the Board was recommending further discussion and not making any actual changes that evening, and if there was something found to be wrong with any of the decisions, there would still be time to correct it. Vice-Chair Mahanna asked for clarification on 1.2 through 1.3. Mr. Stith said the list came from the Council in January, and in 1.2, those lots were originally considered by the Land Use Committee but weren't on the list because they were small parcels; 1.3 corrected a few maps that were on that list with the correct parcel numbers; and 1.1 was municipally owned and recommended to leave it as such. It was further discussed. Ms. Begala said she agreed that maybe six parcels should be changed to Gateway One but was hesitant about the others because there were existing businesses on them. She said having housing along the Spaulding Turnpike would be inhuman. She asked how one would vote on the entire list when they didn't agree with all of it. Chair Chellman said the motion was for the entirety. He noted that there was a Sound Overlay District and if housing were proposed in Gateway One, it would have to conform with the sound protection provisions. He said the fact that there might be an existing business on a lot wasn't controlling because when the zoning changed, an owner might want to consider another use for the property which could include an apartment above a commercial use. It was further discussed. Mr. Hewitt asked how the zoning change would accomplish any of the goals heard from Portsmouth Listens. Mr. Samonas said it would alert the developers to hand the City a proposal that may or may not align with the Master Plan goals without having amended the zoning ordinances. Chair Chellman said some of the parcels were in locations that some Board members couldn't imagine being residential, but they could be affordable for small residential units and if they were properly soundproofed, they wouldn't be impossible places to live in. He said it could be a different market than what had happened in the last seven years due to location. He said they were places being proposed for rezoning but weren't a "one and done" issue and was something that the Council was ready to act on. He said he wanted to support that action and keep going and propose more additions to it. Mr. Almeida agreed. He said he was a landlord and knew that when new developments got built, it drove the prices down. He said it was a supply and demand issue and thought that encouraging more housing would work in a positive way. Vice-Chair Mahanna said, as a landlord for 30 years, when new construction brought people to the neighborhood to look at a $2,500 per month new apartment they could not afford, they came to his apartments that used to be $1500 and were now $2,000, so it didn't lower anything. He said the proposed rezoning would not create affordable pricing because most of the parcels would require significant infrastructure to tear down and rebuild what was required. Chair Chellman said it would create more opportunities for housing and what it did to the market remained to be seen.

*The motion **passed** by a vote of 6-3, with Ms. Begala, Mr. Hewitt, and Vice-Chair Mahanna voting in opposition.*

[Timestamp 1:55:35] Ms. Begala said she wanted a clarification about the Board's role, including a mixture of housing that was affordable to all socio-economic groups in Portsmouth. Chair Chellman said the Board didn't need any other input from the Council and received input from the public and from each other, so they could proceed on that basis.

## II. CITY COUNCIL REFERRALS

**A.** Request for Salter Street to be rezoned from Waterfront Business to General Residence B

[Timestamp 1:59:13] Chair Chellman said the area from the end of Salter Street south was what the request was for, but the current zoning also extended south and north. He said one area was more complex and that it made sense to consider that area as part of the Master Plan and to change it to residential because the Waterfront District wasn't all residential at this time. Councilor Moreau said one property was deep off the waterfront and the rest became part of the residential district that they abutted. She said she would leave the very end lot the way it was and make the rest of the lots residential. Vice-Chair Mahanna said that, because the waterfront went around the corner, he would stick with it being Waterfront Business. He said a working waterfront was crucial to the history of Portsmouth. It was further discussed.

*Mr. Almeida moved that the Board recommend to City Council to leave the existing zoning for Salter Street as Waterfront Business and to evaluate the waterfront designations through the Master Plan process. Ms. Conard seconded. The* ***motion*** *passed unanimously.*

**B.** Electric Vehicle Amendments

[Timestamp 2:07:11] There was discussion about the existing levels of EV charging.

*Councilor Moreau moved that the Board refer to Legal and schedule a public hearing at the March regular meeting. Ms. Conard seconded. The motion* ***passed*** *unanimously.*

## III. OTHER BUSINESS

**A.** Chairman updates

Chair Chellman asked if the Board wanted to have regular workshops every month to discuss zoning. Vice-Chair Mahanna said the Board should have been warned about the 39-40 parcels and gotten all the background because they could have been more productive and voted on it a few weeks ago, and it was discussed. Chair Chellman said the HDC liked the idea of a joint meeting and wanted to do it on a regular basis.

## IV. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Joann Breault
Planning Board Meeting Secretary

# Findings of Fact | Wetland Conditional Use Permit
## City of Portsmouth Planning Board

Date: March 21, 2023
Property Address: Gosling – Ocean Rd
Application #: LU-24-2
Decision:

**Findings of Fact:**

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 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 10.1017.60 (Criteria for Approval) of the Zoning Ordinance.

| | **Zoning Ordinance Sector 10.1017.60 Criteria for Approval** | **Finding** (Meets Criteria for Approval) | **Supporting Information** |
|---|---|---|---|
| **1** | *1. The proposed project is in the public interest.* | **Meets** | The project is necessary to maintain existing corridor powerlines with upgraded support poles. |
| **2** | 2.Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade condition and vegetated state. | **Meets** | The applicant has stated that the work will be conducted in accordance with NHDES Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (NH DNCR 2019). Prior to placement of timber mats, the applicant has stated they will inspect the mats to ensure cleanliness and will clean them off with each reuse. Wooden timber matting will be used to minimize the disturbance of wetlands and sensitive areas and once removed, the areas will be restored and stabilized with seed and mulch. Any areas of soil disturbance will be stabilized with seed and straw mulch. |

| | Zoning Ordinance Sector 10.1017.60 Criteria for Approval | Finding (Meets Criteria for Approval) | Supporting Information |
|---|---|---|---|
| **3** | *3.No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.* | **Meets** | The applicant has chosen the routes with the least amount of impact to access the replacement poles, but the applicant has selected access designed to utilize existing historical access routes where possible to minimize impacts. |
| **4** | *4.Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.* | **Meets** | The vegetation is expected to return to its original configuration after the timber mats are removed. However, there will be some vegetation removed exactly where the structure replacement is proposed. |
| **5** | **Other Board Findings:** | | |

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5 Commerce Park North
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F: 603.624.9463
www.gza.com

February 22, 2024
File No. 04.0191410.47

City of Portsmouth
Planning Board
Attn: Rick Chellman, Chairman
1 Junkins Ave, 3rd Floor
Portsmouth, New Hampshire 03801

Re: Conditional Use Permit Application
Eversource Energy
Resistance Substation Retirement Project
Portsmouth, New Hampshire

Dear Chairman Chellman:

This letter transmits a Conditional Use Permit Application on behalf of Public Service Company of New Hampshire doing business as Eversource Energy (Eversource), for Resistance Substation Retirement Project (see attached **Figure 1, Locus Plan**). On behalf of Eversource, GZA GeoEnvironmental, Inc. (GZA) is requesting consideration of a Conditional Use Permit Application for required impacts within the City of Portsmouth.

The proposed project includes the retirement the Resistance Substation located in Portsmouth, New Hampshire and associated electric line work required to retire the substation. The electric line work includes the removal of 0.6 miles of the existing T-13 Transmission Line and installation of a new 0.6-mile 34.5 kV Distribution Line to connect the new Portsmouth terminal. Additionally, the project requires the reconductoring and replacement of existing structures along 1.5 miles of the 3171 Transmission Line from Ocean Road to the 2102 Tap, which in total crosses through portions of Portsmouth and Greenland, New Hampshire, for approximately 2.1 miles. See **Figure 2 – Access and Permitting Plans** for a depiction of the proposed project. In Portsmouth, the proposed work crosses through primarily rural and industrial upland and wetland areas. Natural cover within the ROW includes upland shrublands and wetland emergent and scrub-shrub habitats.

In total, the proposed project requires approximately 256,144 sq. ft. of temporary wetland impact for equipment access and work pad placement. The proposed project also requires 79,310 sq. ft. of temporary buffer impact in uplands for access and work pad placement. The proposed project also requires

725 sq. ft. of permanent wetland impact associated with the replacement of utility poles for caisson and pole installation within wetlands. A summary of proposed wetland and buffer impacts is provided in the table below.

**Table 1 – Summary of Wetland and Surface Water Buffer Impacts**

| Wetland ID | Classification | Temporary Wetland Impact (sq. ft.) | Permanent Wetland Impact (sq. ft.) | Temporary Upland Buffer Impact (sq. ft.) |
|---|---|---|---|---|
| GW-1 | PEM1/PSS1/PFO1E,Fg/R2UB | 102,034 | 275 | 6,931 |
| PW-1 | PEM1/PSS1E,Fg | 140,642 | 400 | 17,373 |
| PW-2 | PEM1/PSS1E | 0 | 0 | 0 |
| PW-3 | PEM1/PSS1E | 0 | 0 | 0 |
| PW-4 | PEM1/PSS1E | 0 | 0 | 0 |
| PW-5 | PEM1/PSS1E | 0 | 0 | 0 |
| PW-6 | PEM1/PSS1E | 3,505 | 25 | 19,968 |
| PW-7 | PEM1/PSS1E,H | 2,089 | 0 | 5,666 |
| PW-8 | PEM1/PSS1E | 0 | 0 | 0 |
| PW-9 | PEM1/PSS1Ex | 0 | 0 | 0 |
| PW-10 | PSS1Ex | 0 | 0 | 3,029 |
| PW-11 | PSS1/PEM1Ex | 0 | 0 | 3,029 |
| PW-12 | PEM1/PSS1E | 3,416 | 0 | 5,994 |
| PW-13 | PEM1/PSS1E | 4,458 | 25 | 11,988 |
| PW-14 | PSS1/PEM1E | 0 | 0 | 3,103 |
| PW-15 | PEM1E | 0 | 0 | 2,229 |
| | ***Total*** | ***256,144*** | ***725*** | ***79,310*** |

**Key to classifications:**

P = palustrine wetland system
SS = scrub-shrub, 1 = broad-leaved deciduous
EM = emergent, 1= persistent, 5 = Phragmites

Modifiers
E = nontidal, seasonally flooded/saturated
H = permanently flooded

The proposed project is necessary in order to support current and future electricity demands in the region. The existing wood structures will be replaced with wood equivalent steel structures in order to increase the long-term reliability of the line. There are no proposed expansions to the ROW associated with this project. In addition, work is proposed within an existing and maintained utility ROW, and therefore tree removal is not anticipated as part of this project. Pole replacements will be on average 5-10-ft higher than existing poles due to updated National Electric Safety Code Standards. Work is proposed to begin in May 2024 and pending emergencies and weather-related delays, the proposed project will be completed by December 2024.

In addition to this Conditional Use Permit, Eversource will also be filing a Standard Dredge and Fill Wetlands Application with the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau.

Wetlands were delineated by GZA in 2016 and confirmed in 2022 and 2023 in accordance with the United States Army Corps of Engineers (USACE) Wetlands Delineation Manual using the Routine Determinations Method, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual as required by

the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau and the USACE. GZA photographed resources and recorded data relevant to functions and values provided by these natural resources within the ROW in November 2022 and June and August 2023. GZA classified wetlands in accordance with the "Classification of Wetlands and Deepwater Habitats of United States" (Federal Geographic Committee, 2013).

Where proposed access and work pads are located within existing wetlands, timber matting will be utilized to minimize and prevent rutting and compaction within wetlands. Work will be conducted in accordance with NHDES Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (March 2019). Prior to placement of timber matting within wetlands, timber mats will be reviewed to ensure cleanliness to prevent spread of invasive plant species. Upon completion of work, timber matting will be removed and temporarily impacted wetlands will be stabilized with straw and will be restored using a native herbaceous seed mix.

In accordance with the City of Portsmouth Zoning Ordinance, Article 10, section 10.1017.60, a Conditional Use Permit may be issued by the Planning Board for the construction of Public and Private Utilities within Rights-of-Ways in wetlands and wetland buffers provided that certain conditions are satisfied. The following section describes how the proposed project meets the stated conditions.

**A.** ***The proposed construction is in the public interest****.* The proposed project is necessary to maintain the power supply of the existing distribution and transmission lines and if the work is not conducted, the utility poles could eventually fail and prevent power transmission. The project will improve the existing distribution line and increase reliability. This project does not propose expansion of the existing utility line ROW. The project includes replacement and maintenance of existing infrastructure within an existing and maintained utility ROW.

**B.** ***Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade, condition, and vegetated state.*** As previously mentioned, the proposed work will be conducted in accordance with NHDES Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (March 2019). The access for the project has been sited to avoid prime wetlands and prime wetland buffers to the greatest extent feasible. In addition, the project utilizes existing access trails within the ROW wherever possible to limit and prevent new disturbance. Where access ways temporarily cross a wetland or wetland buffer, the proposed project has been designed to minimize temporary wetland impacts through the use of timber matting. Matting will be temporarily placed in a narrow section of the wetland, to provide appropriate access and prevent rutting and compaction.

Best management practices that include the installation and maintenance of erosion and sediment barriers will be used during construction. In addition, timber matting will be reviewed prior to placement to prevent the spread of invasive plant species. Upon completion of work, temporarily impacted areas will be seeded and mulched with a native herbaceous seed mix to establish permanent vegetative cover, as necessary, to promote restoration as nearly as possible to its original grade, condition, and vegetated state.

**C.** ***No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.*** There are no alternatives with less impact that maintain the safety and reliability of the existing transmission line. Access is sited within an existing and maintained utility ROW. In addition, the project has been designed to utilize existing historical access routes along the ROW, where possible, to minimize impacts to wetlands.

**D.** ***Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.*** The proposed project will utilize existing access trails within the ROW to limit disturbance to wetlands and wetland buffers to the greatest extent feasible. Timber matting will be used to limit impacts on natural vegetation. Best management practices will be used to restore the site as nearly as possible to its original grade, condition and vegetated state. Permanent alterations of natural vegetation are proposed only where Eversource has identified utility structures which must be replaced in order to maintain current and projected future energy demands.

GZA conducted a wetland Function and Value Assessment November 2022. Wetlands within the ROW corridor are typically capable of production export, nutrient removal, and groundwater recharge and discharge. Common principal functions and values include sediment and toxicant retention due to wetlands having close proximity to roadways, wildlife habitat, and flood flow alteration. It is not anticipated that the long-term functions and values of these wetlands will be impacted as a result of the proposed project. The project is maintenance of existing utility infrastructure.

Should you have any questions, please contact Mr. Conor Madison at 603-232-8784 or at conor.madison@gza.com.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.

Conor E. Madison, CPESC, CESSWI
Project Manager

Deborah M. Zarta Gier, CNRP
Principal

Tracy L. Tarr, CWS, CESSWI
Consultant/Reviewer

Attachments: Conditional Use Permit Application Form - Online
List of Abutters
Photo Log
Wetland Function and Value Assessment
Figure 1 – Locus Plan
Figure 2 – Access and Permitting Plans
Application Fee

**List of Abutters**

# Resistance Substation Retirement Project
# Eversource Energy
# Abutters List
# Portsmouth, New Hampshire

**Wetland Scientist**
GZA GeoEnvironmental, Inc.
Attn: Tracy Tarr, CWS, CWB, CESSWI
5 Commerce Park North, Suite 201
Bedford, NH 03110

**Tax Map 0214-0003-0000, 0281-0002-0000, R21-052-000**
**Owner/Applicant**
Eversource Energy
PO Box 270
Hartford, CT 06141

**Tax Map 0213-0011-0000, 0214-0001-0000, 0214-0002-0000, 58-04, 28-5**
GSP Schiller LLC
431 River Road
Bow, NH 03304

**Tax Map 0278-0001-0000, 0280-0003-0000, 0281-0001-0000, 0260-0140-0000, 0260-0159-0000, 0259-0010-0000, 0259-0014-0000, 0240-0002-1001**
City of Portsmouth
PO Box 628
Portsmouth, NH 03801

**Tax Map 0263-0003-0000, 0278-0002-0000, 0278-0003-0000, 0282-0005-0000, 0259-0001-0000, 0234-0007-0003, 0212-0122-0000, R20-001-000**
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

**Tax Map 0165-0014-0000, 0165-0014-0000, 0165-0014-0000**
Boston & Maine Corp.
Iron Horse Pk High Street
No. Billerica, MA 01862

**Tax Map 0258-0054-0000, 0263-0001-0006,**
State of NH Fish & Game
11 Hazen Drive
Concord, NH 03301

**Tax Map 0279-0001-0000, 0279-0002-0000, 0279-0008-0000, 0279-0009-0000**
Aranosian Oil Co
557 N State Street
Concord, NH 03301

**Tax Map 0121-0001-0000, 0121-0001-0000**
Boston & Maine Railroad
Market Street
Portsmouth, NH 03801

**Tax Map 0216-0001-0010**
First Citizens Bank & Trust Co
FCB Mail Code DAV41 100 E Tyron Road
Raleigh, NC 27603

**Tax Map 0216-0001-0011, 0213-0001-0000, 0213-0012-0000, 0216-0001-008A**
135 Commerce Way LLC
210 Commerce Way Suite 300
Portsmouth, NH 03801

**Tax Map 0263-0001-0001**
Portsmouth Medical Office Bldg
100 Griffin Road
Portsmouth, NH 03801

**Tax Map 0279-0004-0000**
Darvid Elisabeth Rev Trust
1630 Greenland Road
Portsmouth, NH 03801

**Tax Map 0279-0006-0000**
PDNED Greenland LLC
75 Park Plaza
Boston, MA 0216

**Tax Map 0280-0001-0000, R21-048-000**
Coastal Concrete Company Inc.
PO Box 540
Wakefield, MA 01880

**Tax Map 0320-0000-0000, R22-032-000**
Pease Airport District
55 International Drive
Portsmouth, NH 03801

**Tax Map 0279-0003-0000**
Christopher Beliveau
1620 Greenland Road
Portsmouth, NH 03801

**Tax Map 0279-0005-0000**
Robert Keene
1640 Greenland Road
Portsmouth, NH 03801

**Tax Map 0279-0007-0000**
Shevlin Family Rev Trust
1648 Greenland Road
Portsmouth, NH 03801

**Tax Map 0280-0002-0000, R21-045-000**
National Propane LP
PO Box 798
Valley Forge, PA 19482

**Tax Map 0262-0010-0000**
United States America GZA
Property Management
10 Causeway Street
Boston, MA 02222

**Tax Map 0300-0001-0000**
James Jalbert
185 Grafton Road
Portsmouth, NH 03801

**Tax Map 0260-0001-0000**
Shephane & Matthew Campagna
100 Sherburne Road
Portsmouth, NH 03801

**Tax Map 0260-0004-0000**
Philip Griggs
176 Sherburne Road
Portsmouth, NH 03801

**Resistance Substation Retirement Project**
**Eversource Energy**
**Abutters List**
**Portsmouth, New Hampshire**

**Tax Map 0260-0137-0000**
Cynthia Jeffries
7 Victory Road
Portsmouth, NH 03801

**Tax Map 0260-0138-0000**
Sean Evans
96 Sagamore Road
Rye, NH 03870

**Tax Map 0260-0139-0000**
Thomas Oleary
316 Colonial Drive
Portsmouth, NH 03801

**Tax Map 0260-0141-0000**
Jared Bedrick
296 Colonial Drive
Portsmouth, NH 03801

**Tax Map 0260-0142-0000**
Michael Doll
284 Colonial Drive
Portsmouth, NH 03801

**Tax Map 0260-0143-0000**
Paul Monaghan
272 Colonial Drive
Portsmouth, NH 03801

**Tax Map 0260-0144-000**
Craig Simmons
9 Worthen Road
Portsmouth, NH 03801

**Tax Map 0260-0145-0000**
Kimberly Scott
14 Worthen Road
Portsmouth, NH 03801

**Tax Map 0260-0169-0000**
Amanda Kaplan
664 State Street Apt 4
Portsmouth, NH 03801

**Tax Map 0318-0003-0000**
Pease Development Authority
Treatment Plant
Corporate Drive
Portsmouth, NH 03801

**Tax Map 0259-0002-0000**
Foley/Ciccolini Family Trust
61 Malcom Road South #16
Bridgton, ME 04009

**Tax Map 0259-0003-0000**
Amanda & Peter Getman
888 Greenland Road
Portsmouth, NH 03801

**Tax Map 0259-0005-0000**
Gail Wholey
933 Greenland Road
Portsmouth, NH 03801

**Tax Map 0259-0009-0000**
Douglas Crossman
52 Shelburne Road
Portsmouth, NH 03801

**Tax Map 0262-0001-0001**
Steven Cobert
20 Shelburne Road
Portsmouth, NH 03801

**Tax Map 0262-0002-0000**
Richard Blalock
922 Greenland Road
Portsmouth, NH 03801

**Tax Map 0262-0003-0000**
Michael Thomson
930 Greenland Road
Portsmouth, NH 03801

**Tax Map 0262-0004-000**
Kate Arruda
946 Greenland Road
Portsmouth, NH 03801

**Tax Map 0262-0005-0000**
Shannon Francois
962 Greenland Road
Portsmouth, NH 03801

**Tax Map 0262-0006-0000**
Meghan Rice
1002 Greenland Road
Portsmouth, NH 03801

**Tax Map 0262-0007-0000**
Ashley Spinale
1000 Greenland Road
Portsmouth, NH 03801

**Tax Map 0262-0008-0000**
Amy Lalime
1004 Greenland Road
Portsmouth, NH 03801

**Tax Map 0262-0009-0000**
State of NH
State House
Concord, NH 03301

**Tax Map 0240-0001-0000**
Liberty Mutual Insurance Co
Attn: Joanne Bragg
175 Berkeley Street
Boston, MA 02116

**Tax Map 0259-0012-0000**
Orchard Park Condos
875 Greenland Road
Portsmouth, NH 03801

**Tax Map 0529-0013-0000**
Chadwick & Trefethen Inc
50 Borwich Ave
Portsmouth, NH 03801

**Tax Map 0259-0014-0001**
Millennium Borthwick II LLC
155 Borthwick Ave
Portsmouth, NH 03801

**Resistance Substation Retirement Project**
**Eversource Energy**
**Abutters List**
**Portsmouth, New Hampshire**

**Tax Map 0259-0015-0000**
Northeast Credit Union
Attn: Accounting
PO Box 1240
Portsmouth, NH 03801

**Tax Map 0259-0016-0000**
Kennedy Edeltraud Trust of 2017
719 Greenland Road
Portsmouth, NH 03801

**Tax Map 0240-0002-0001**
HCA Health Services of NH Inc.
PO Box 680610
Indianapolis, IN 46280

**Tax Map 0215-0001-0000**
Retrosi Properties LLC
150 Gosling Road
Portsmouth, NH 03801

**Tax Map 0215-0009-0000**
Kelly Properties Trust
PO Box 342
Rye Beach, NH 03871

**Tax Map 0215-0014-0000**
Cole BJ Portfolio II LLC
25 Research Drive
Westborough, MA 01581

**Tax Map 0216-0001-0001**
150 Commerce Way LLC
210 Commerce Way Suite 100
Portsmouth, NH 03801

**Tax Map 0216-0001-0002**
Commerce Center at Portsmouth
273 Corporate Drive Suite 150
Portsmouth, NH 03801

**Tax Map 0216-0001-0009**
175 Commerce Road LLC
725 Canton Street
Norwood, MA 02062

**Tax Map 0216-0003-0000**
Bromley Portsmouth LLC
57 Dedham Ave
Needham, MA 02492

**Tax Map 0212-0121-0000**
PHA Housing Development
245 Middle Street
Portsmouth, NH 03801

**Tax Map 0212-0123-0000**
Lewis Family Trust 2019
595 Las Colindas Road
San Rafael, CA 94903

**Tax Map 0212-0168-0000, 0212-0167-0000**
Atlantic Pointe Condominium
7 Tokanel Road
Windham, NH 03087

**Tax Map 0213-0003-000**
Thom Graeme
212 Mayfield Circle
Alpharette, GA 30009

**Tax Map 0213-0006-0000**
Abdallah Alhamdan
12 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0213-0007-0000**
Melissa Gillis
14 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0213-0008-0000**
Dipentima Family Rev Living Trust
16 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0213-0009-0000**
Nania Family Trust
18 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0213-0010-0000**
Raad Mukhlis
20 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0217-0002-0000**
Spinnaker Point Condo
70 Spinnaker Way
Portsmouth, NH 03801

**Tax Map 0218-0040-0000**
Gita Paudel
10 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0218-0041-0000**
Dragan Vidacic
8 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0218-0042-0000**
Maass Family Rev Trust
6 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0218-0043-0000**
Kristina Jette
2 Dunlin Way
Portsmouth, NH 03801

**Tax Map 0212-0124-0000**
Kenneth Hall
276 Crescent Way
Portsmouth, NH 03801

**Tax Map 0212-0125-0000**
Evon Cooper
16 Garland Road
Lincoln, MA 01773

**Tax Map 0212-0126-0000**
Karole Smith Rev Trust
254 Crescent Way
Portsmouth, NH 03801

**Resistance Substation Retirement Project**
**Eversource Energy**
**Abutters List**
**Portsmouth, New Hampshire**

**Tax Map 0212-0128-0000**
Bruce Teatrowe
226 Crescent Way
Portsmouth, NH 03801

**Tax Map 0212-0128-0001**
Lori Santana
224 Crescent Way
Portsmouth, NH 03801

**Tax Map 0212-0129-0000**
Keith Hodgdon
220 Crescent Way
Portsmouth, NH 03801

**Tax Map 0212-0130-0000**
Francis Hartford
1810 State Road
Eliot, ME 03903

**Tax Map 0212-0133-0000**
Richard Woodhead
187 Porpoise Way
Portsmouth, NH 03801

**Tax Map 0212-0153-0000**
Alan Baker
180 Porpoise Way
Portsmouth, NH 03801

**Tax Map 0212-126A-0000**
Atlantic Heights LLC
480 Route 101
Bedford, NH 03101

**Tax Map 0258-0020-0000**
John Madden Jr
700 Greenland Road
Portsmouth, NH 03801

**Tax Map 0258-0021-0000**
David Kennard
17 Griffin Road
Portsmouth, NH 03801

**Tax Map 0258-0030-0000**
Stamatia Miminas
49 Griffin Road
Portsmouth, NH 03801

**Tax Map 0260-0146-0000**
Abigail Schilemmer
234 Colonial Drive
Portsmouth, NH 03801

**Tax Map R20-008-000**
AG-EIP 150 Ocean Road LLC
245 Park Ave 24th Floor
New York, NY 10167

**Tax Map R21-051-000**
Bluebird Greenland, LLC
125 Ocean Road
Greenland, NH 03840

**Tax Map R21-054-000**
TA Operating LLC
24601 Center Ridge Road
Suite 200
Westlake, OH 44145

**Tax Map R21-017-000**
Marilyn Twombly
703 Narrow Leaf Drive
Upper Marlborough, MD 20774

**Tax Map R21-044-000**
Target Corporation
PO Box 9456
Minneapolis, MN 55440

**Tax Map R21-044-000**
Lowes Home Center Inc
1000 Lowes Blvd
Morresville, NC 28117

**Tax Map R21-044-000**
Stop & Shop
PO Box 6500
Carlisle, PA 17013

# Photo Log

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 1: Looking north at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 94 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

Photograph No. 2: Looking south at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 94 on the 3171 Line ROW off Ocean Road, Greenland, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**


Photograph No. 3: Looking northeast at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 93 on the 3171 Line ROW off Ocean Road, Greenland, NH.

Photograph No. 4: Looking east at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 92 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 5: Looking southwest at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 91 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

Photograph No. 6: Looking north at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 90 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 7: Looking east at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 89 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

Photograph No. 8: Looking east at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 88 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 9: Looking west at Wetland GW-1 (PEM1/PSS1/PFO1E.Fg/R2UB) near Structure 87 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

Photograph No. 10: Looking north towards Structure 86 on the 3171 Line ROW off Ocean Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 11: Looking east at Structures 85 and 84 on the 3171 Line ROW off NH33, Portsmouth, NH

Photograph No. 12: Looking east at Wetland PW-1 (PEM1/PSS1E.Fg) near Structure 83 on the 3171 Line ROW off NH33, Portsmouth, NH

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 13: Looking southwest at Wetland PW-1 (PEM1/PSS1E.Fg) near Structure 82 on the 3171 Line ROW off NH33, Portsmouth, NH

Photograph No. 14: Looking west at Wetland PW-1 (PEM1/PSS1E.Fg) near Structure 81 on the 3171 Line ROW off NH33, Portsmouth, NH

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 15: Looking southwest at Wetland PW-1 (PEM1/PSS1E.Fg) near Structure 80 on the 3171 Line ROW off NH33, Portsmouth, NH

Photograph No. 16: Looking northwest at Wetland PW-1 (PEM1/PSS1E.Fg) near Structure 79 on the 3171 Line ROW off NH33, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 17: Looking west at Wetland PW-1 (PEM1/PSS1E.Fg) near Structures 78 and 77 on the 3171 Line ROW off NH33, Portsmouth, NH.

Photograph No. 18: Looking northeast at Wetland PW-1 (PEM1/PSS1E.Fg) towards Structure 77 to 73 on the 3171 Line ROW off NH33, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**


Photograph No. 19: Looking northwest towards Structures 72 and 72.6 on the 3171 Line ROW off NH33, Portsmouth, NH.

Photograph No. 20: Looking southeast at Structures 72.1 to 72.5 on the 3171 Line ROW off Griffin Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 21: Looking northeast at Structure 1 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

Photograph No. 22: Looking south near Wetland PW-2 (PEM1/PSS1E) on the T13 Line ROW off Gosling Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 23: Looking northwest near Wetland PW-3 (PEM1/PSS1E) between Structures 1 and 2 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

Photograph No. 24: Looking southwest at Structure 2 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 25: Looking northwest at Wetland PW-4 (PEM1/PSS1E) near Structure 2 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

Photograph No. 26: Looking south at Structure 3 and Wetlands PW-5 (PEM1/PSS1E) and PW-6 (PEM1/PSS1E) on the T13 Line ROW off Gosling Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 27: Looking west at Structure 3.5 and Wetland PW-6 (PEM1/PSS1E) on the T13 Line ROW off Gosling Road, Portsmouth, NH.

Photograph No. 28: Looking southeast at Structure 4 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 29: Looking south at Structure 5 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

Photograph No. 30: Looking east at Structure 6 and Wetland PW-7 (PEM1/PSS1E,H) on the T13 Line ROW off Gosling Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 31: Looking east at Wetlands PW-9 (PEM1/PSS1Ex) and PW-8 (PEM1/PSS1E) near Structure 6 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

Photograph No. 32: Looking east at Structure 7 and Wetlands PW-10 (PSS1Ex) and PW-11 (PSS1/PEM1Ex) on the T13 Line ROW off Gosling Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 33: Looking east at Wetland PW-11 (PSS1/PEM1Ex) between Structures 7 and 8 on the T13 Line ROW off Gosling Road, Portsmouth, NH

Photograph No. 34: Looking northeast at Structure 9 and Wetland PW-12 (PEM1/PSS1E) on the T13 Line ROW off Gosling Road, Portsmouth, NH.

**PHOTO LOG**
**T13/3171, and Resistance SS Project**
**Portsmouth, and Greenland, New Hampshire**
**Photos Taken: November 2022 & June and August 2023**

Photograph No. 35: Looking east at Wetland PW-13 (PEM1/PSS1E) and Structure 10 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

Photograph No. 36: Looking southeast at Wetlands PW-13 (PEM1/PSS1E), PW-14 (PSS1/PEM1E), and PW-15 (PEM1E), and at Structures 10 and 11 on the T13 Line ROW off Gosling Road, Portsmouth, NH.

# Wetland Function and Value Assessment

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-1**<br>**PEM1/PSS1E,Fg** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | Y | | 1, 2, 6 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | Y |
| Floodflow Alteration | Y | | 3, 4, 5, 6, 7, 8, 9, 18 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | Y |
| Fish and Shellfish Habitat | | N | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | N |
| Sediment/Toxicant Retention | Y | | 1, 2, 4, 5, 8 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention and accepts runoff from I95 North. | Y |
| Nutrient Removal | Y | | 2, 3, 5, 6, 7, 8, 9, 10 | Dense vegetation and poorly drained organic soils are present with ponded water. | Y |
| Production Export | Y | | 1, 4, 5, 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | Y |
| Sediment/Shoreline Stabilization | | N | Not Applicable | No streams or shoreline edges are associated with the wetland. | N |
| Wildlife Habitat | Y | | 5, 6, 7, 8, 11, 13, 18, 19, 23 | A portion of the wetland is located in “highest ranked habitat in New Hampshire” (see Wildlife Action Plan overlay). | Y |
| Recreation | | N | 1, 5 | There are no water-based recreational opportunities present. | N |
| Educational/Scientific Value | Y | | 5, 6 | The wetland is located on City of Portsmouth conservation land (Great Bog). However, parking suitable for school buses is not present and the wetland is located under an active distribution line adjacent to Interstate 95 and an existing rail bed. | N |
| Uniqueness/Heritage | Y | | 13, 17, 19 | The wetland contains a Priority Resource Area (PRA) mapped Peatland Habitat in the northeast portion of the wetland. | N |
| Visual Quality/Aesthetics | | N | 2, 8, 12 | The wetland does not contain open water or emergent marsh vistas and is surrounded by Interstate 95 and an existing rail bed. | N |
| **ES** Endangered Species Habitat | Y | | 1, 2 | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | N |

Notes: Plants within the herbaceous layer include reed canary grass, broadleaf cattail, jewel weed, cinnamon fern, sensitive fern, reed canary grass, phragmites, and sphagnum moss. Plants within the shrub/sapling layer include meadowsweet, silky dogwood, glossy buckthorn, red maple, and gray birch.

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-2**<br>**PEM1/PSS1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention and accepts runoff from Gosling Road. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Dense vegetation is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. Over size limits its capability. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-3**<br>**PEM1/PSS1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Dense vegetation is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. Over size limits its capability. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| | | | |
|---|---|---|---|
| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
| **Wetland ID: PW-4**<br>**PEM1/PSS1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Dense vegetation is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMNT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-4**<br>**PEM1/PSS1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | Y | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | N |
| Floodflow Alteration | Y | | 5, 6, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | N |
| Fish and Shellfish Habitat | | N | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | N |
| Sediment/Toxicant Retention | Y | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. | Y |
| Nutrient Removal | Y | | 3, 8, 9 | Dense vegetation is present. | N |
| Production Export | Y | | 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | N |
| Sediment/Shoreline Stabilization | | N | Not Applicable | No streams or shoreline edges are associated with the wetland. | N |
| Wildlife Habitat | Y | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | N |
| Recreation | | N | 5 | There are no water-based recreational opportunities present. | N |
| Educational/Scientific Value | | N | 5 | The wetland is located on private property and is located under an active transmission line. | N |
| Uniqueness/Heritage | | N | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | N |
| Visual Quality/Aesthetics | | N | 8 | The wetland does not contain open water or emergent marsh vistas. | N |
| **ES** Endangered Species Habitat | | N | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | N |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-6**<br>**PEM1/PSS1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. Some ponded water is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Dense vegetation is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-7**<br>**PEM1/PSS1E,H** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. Some ponded water is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Dense vegetation is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8, 18 | The wetland contains a potential vernal pool and scrub-shrub cover in a commercial area. | **Y** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| | | | |
|---|---|---|---|
| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
| **Wetland ID: PW-8**<br>**PEM1/PSS1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. The wetland accepts stormwater from surrounding roads. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Dense vegetation is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation and export is occurring through wildlife use in the wetland. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-9**<br>**PEM1/PSS1Ex** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. The wetland accepts stormwater from surrounding roads. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Emergent and scrub shrub cover is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
|---|---|---|---|
| **Wetland ID: PW-10**<br>**PSS1Ex** | | **GZA Personnel: Peter Petkauskos, Tracy Tarr** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. The wetland accepts stormwater from surrounding roads. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Scrub shrub cover is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| | | | |
|---|---|---|---|
| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
| **Wetland ID: PW-11**<br>**PSS1/PEM1Ex** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | Y | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | N |
| Floodflow Alteration | Y | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. Ponded water is present in an existing stormwater basin. | N |
| Fish and Shellfish Habitat | | N | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | N |
| Sediment/Toxicant Retention | Y | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. The wetland accepts stormwater from surrounding roads and contains a stormwater basin. | Y |
| Nutrient Removal | Y | | 3, 8, 9 | Scrub shrub and emergent cover is present. | N |
| Production Export | Y | | 7, 12 | The wetland contains dense vegetation. | N |
| Sediment/Shoreline Stabilization | | N | Not Applicable | No streams or shoreline edges are associated with the wetland. | N |
| Wildlife Habitat | Y | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | N |
| Recreation | | N | 5 | There are no water-based recreational opportunities present. | N |
| Educational/Scientific Value | | N | 5 | The wetland is located on private property and is located under an active transmission line. | N |
| Uniqueness/Heritage | | N | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | N |
| Visual Quality/Aesthetics | | N | 8 | The wetland does not contain open water or emergent marsh vistas. | N |
| **ES** Endangered Species Habitat | | N | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | N |

Notes:

# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| | | | |
|---|---|---|---|
| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
| **Wetland ID: PW-12 and PW-13**<br>**PEM1/PSS1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | Y | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | N |
| Floodflow Alteration | Y | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | N |
| Fish and Shellfish Habitat | | N | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | N |
| Sediment/Toxicant Retention | Y | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. The wetland accepts stormwater from surrounding roads. | Y |
| Nutrient Removal | Y | | 3, 8, 9 | Scrub shrub and emergent cover is present. | N |
| Production Export | Y | | 7, 12 | The wetland contains dense vegetation. | N |
| Sediment/Shoreline Stabilization | | N | Not Applicable | No streams or shoreline edges are associated with the wetland. | N |
| Wildlife Habitat | Y | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | N |
| Recreation | | N | 5 | There are no water-based recreational opportunities present. | N |
| Educational/Scientific Value | | N | 5 | The wetland is located on private property and is located under an active transmission line. | N |
| Uniqueness/Heritage | | N | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | N |
| Visual Quality/Aesthetics | | N | 8 | The wetland does not contain open water or emergent marsh vistas. | N |
| **ES** Endangered Species Habitat | | N | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | N |

Notes:

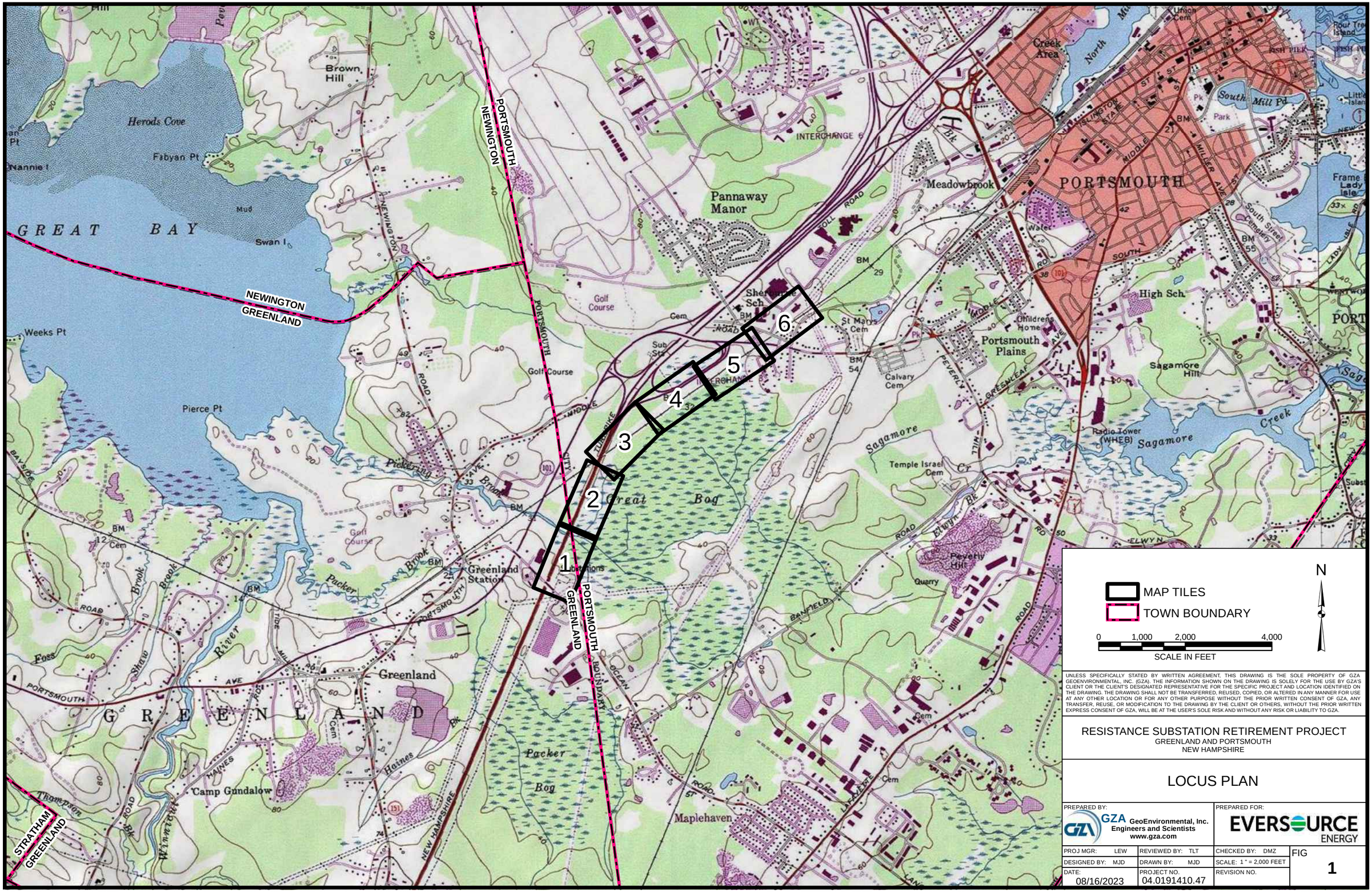
# 3171 & T13 STRUCTURE REPLACEMENT PROJECT
# GREENLAND & PORTSMOUTH, NEW HAMPSHIRE

| | | | |
|---|---|---|---|
| **File No:** 04.0191410.47 | **WETLAND FUNCTION – VALUE EVALUATION FORM** | **Date: 10/19/2023** | |
| **Wetland ID: PW-12 and PW-13**<br>**PSS1/PEM1E** | | **GZA Personnel: Peter Petkauskos CWS, Tracy Tarr CWS** | |

| Function/Value | Capability Y | Capability N | Rationale (Reference #) | Summary | Principal Yes/No |
|---|---|---|---|---|---|
| Groundwater Recharge/Discharge | **Y** | | 4 | Wetland hydrology is supported by runoff and a seasonally high-water table. The wetland is not directly underlain by an aquifer (see Aquifer Transmissivity Overlay). | **N** |
| Floodflow Alteration | **Y** | | 5, 6, 7, 9 | The wetland receives and retains overland sheet flow. Dense vegetation is present. | **N** |
| Fish and Shellfish Habitat | | **N** | Not Applicable | The wetland is not associated with a watercourse or permanently flooded habitat. | **N** |
| Sediment/Toxicant Retention | **Y** | | 1, 2 | The wetland contains dense vegetation suitable for sediment/toxicant detention and retention. The wetland accepts stormwater from surrounding roads. | **Y** |
| Nutrient Removal | **Y** | | 3, 8, 9 | Scrub shrub and emergent cover is present. | **N** |
| Production Export | **Y** | | 7, 12 | The wetland contains dense vegetation. | **N** |
| Sediment/Shoreline Stabilization | | **N** | Not Applicable | No streams or shoreline edges are associated with the wetland. | **N** |
| Wildlife Habitat | **Y** | | 7, 8 | The wetland contains scrub-shrub cover in a commercial area. | **N** |
| Recreation | | **N** | 5 | There are no water-based recreational opportunities present. | **N** |
| Educational/Scientific Value | | **N** | 5 | The wetland is located on private property and is located under an active transmission line. | **N** |
| Uniqueness/Heritage | | **N** | 17 | The wetland is not known to contain exemplary communities and is not designated as a prime wetland. | **N** |
| Visual Quality/Aesthetics | | **N** | 8 | The wetland does not contain open water or emergent marsh vistas. | **N** |
| **ES** Endangered Species Habitat | | **N** | Not Applicable | NHB does not have records of rare species in the vicinity of this wetland (see NHB memo dated NHB22-3650). | **N** |

Notes:

**Figure 1 – Locus Plan**




MAP TILES

TOWN BOUNDARY

N

0 1,000 2,000 4,000

SCALE IN FEET

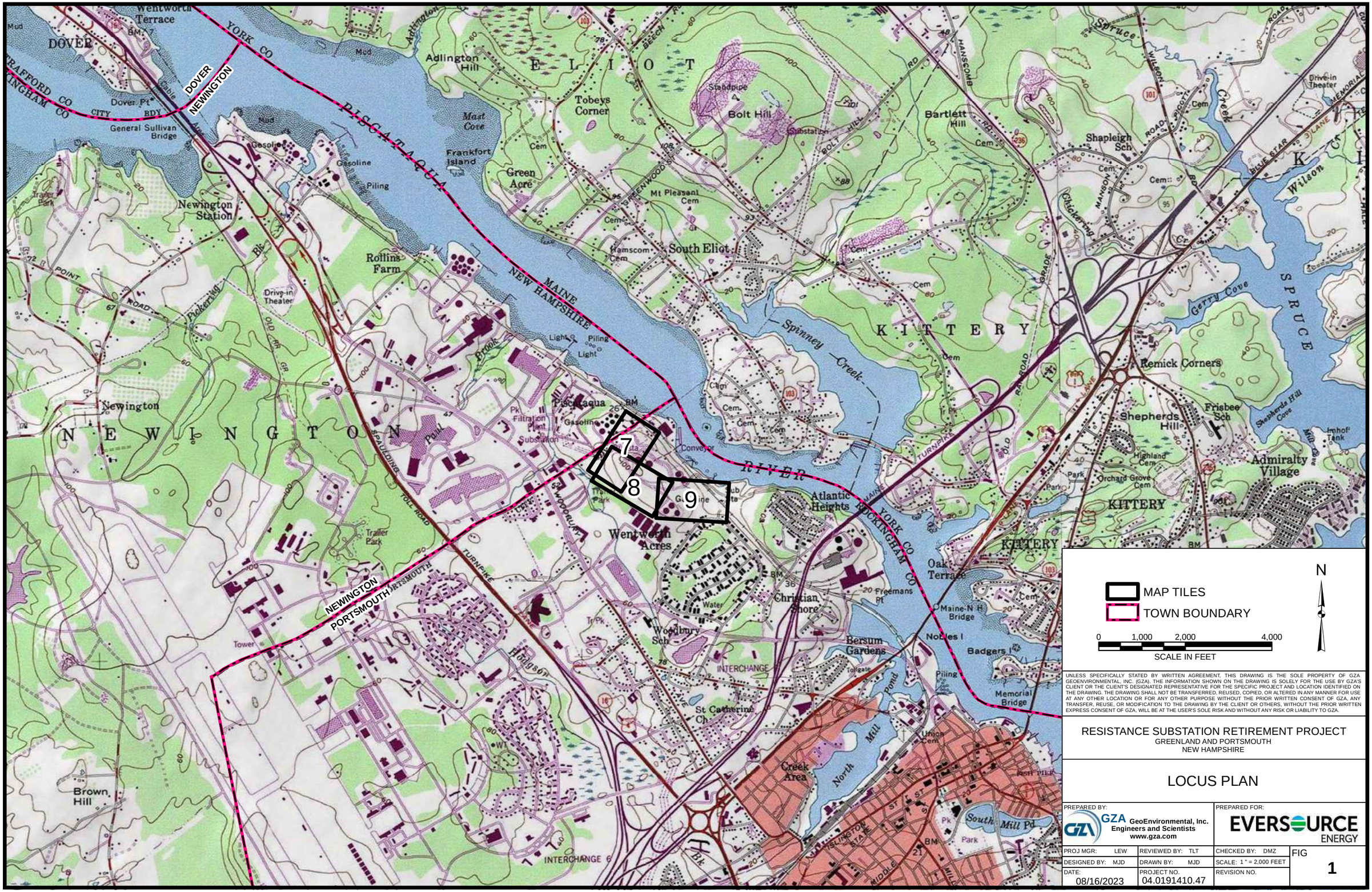


# RESISTANCE SUBSTATION RETIREMENT PROJECT

GREENLAND AND PORTSMOUTH
NEW HAMPSHIRE

## LOCUS PLAN

| | | | |
|---|---|---|---|
| PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com | | PREPARED FOR: EVERSOURCE ENERGY | |
| PROJ MGR: LEW | REVIEWED BY: TLT | CHECKED BY: DMZ | FIG 1 |
| DESIGNED BY: MJD | DRAWN BY: MJD | SCALE: 1 " = 2,000 FEET | |
| DATE: 08/16/2023 | PROJECT NO. 04.0191410.47 | REVISION NO. | |




N

MAP TILES

TOWN BOUNDARY

0 1,000 2,000 4,000

SCALE IN FEET



# RESISTANCE SUBSTATION RETIREMENT PROJECT

GREENLAND AND PORTSMOUTH
NEW HAMPSHIRE

## LOCUS PLAN

| PREPARED BY: | | PREPARED FOR: | |
|---|---|---|---|
| GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com | | EVERSOURCE ENERGY | |
| PROJ MGR: LEW | REVIEWED BY: TLT | CHECKED BY: DMZ | FIG 1 |
| DESIGNED BY: MJD | DRAWN BY: MJD | SCALE: 1 " = 2,000 FEET | |
| DATE: 08/16/2023 | PROJECT NO. 04.0191410.47 | REVISION NO. | |

**Figure 2 – Access and Permitting Plans**

Interstate 95 South INTERSTATE 95 SOUTH

Interstate 95 North INTERSTATE 95 NORTH

Crossover

OCEAN RD Ocean Rd

APPROXIMATE TEMPORARY WETLAND IMPACT: 102,309 SF

0E-3111

3111 Line

82

100/3111

81

2

96

3111 Line

3171 Line

3171 Line

3

80

95

4

79

94

Pickering Brook

0E-3171

3171 Line

97

1

GW-1

PEM1/PSS1/PFO1E,Fg/R2UB

GREENLAND

PORTSMOUTH

Unnamed Stream

OCEAN ROAD SS

INDEX MAP


- PROPOSED STRUCTURE
- EXISTING STRUCTURE
- EXISTING STRUCTURE TO BE REMOVED
- PROPOSED DISTRIBUTION LINE
- NHDOT ROADS
- EXISTING DISTRIBUTION LINE
- FLOWLINES
- TRANSMISSION LINE
- APPROXIMATE ROW
- EROSION CONTROLS
- PROPOSED ACCESS
- OFF ROW ACCESS
- EXISTING ACCESS
- TEMPORARY WETLAND IMPACT
- WETLAND DELINEATION BOUNDARY
- PARCEL BOUNDARY
- POTENTIAL VERNAL POOL
- PEATLAND HABITAT
- WETLAND
- WETLAND ADJACENT TO TIER 3+
- PRIME WETLAND
- STONEWALL
- WORK AREA
- DOT ROAD
- TOWN BOUNDARY
- RAILROAD
- 2FT CONTOURS
- APPROXIMATE WETLAND BUFFER
- APPROXIMATE WETLAND BUFFER IMPACT

*This mapping product has been created to comply with submittal requirements to obtain certain regulatory approvals and, as such, there is no reliance on the information contained herein for any other purpose.*

N

1 inch = 100 feet

0 50 100 Feet

| NO. | DATE | REVISIONS |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

EVERSOURCE ENERGY

**RESISTANCE SUBSTATION RETIREMENT PROJECT**

GREENLAND/PORTSMOUTH, NH

MAP SHEET

Date: December, 2023

04.0191410.47

1 OF 9

Document Path: \\GZABedford\Jobs\04Jobs\01\9140\s\04.0191410.00 - EE Siting Permitting 2019-2022\04.0191410.47 - T13, 3171, and Resistance SS\ Portsmouth and Greenland NH\Figures\MXD\Portsmouth CUP.mxd

GREENLAND
PORTSMOUTH

INTERSTATE 95 SOUTH Interstate 95 South

Interstate 95 North INTERSTATE 95 NORTH

GW-1
PEM1/PSS1/PFO1E,Fg/R2UB

APPROXIMATE
TEMPORARY WETLAND
IMPACT: 102,309 SF

3111 Line
3171 Line
3111 Line
3171 Line

5 6 7 8 9 10 11 12
78 93 77 92 76 91 75 90 74 89 73 88

Unnamed Stream

APPROXIMATE
WETLAND BUFFER
IMPACT: 6,931 SF

INDEX MAP


- PROPOSED STRUCTURE
- EXISTING STRUCTURE
- EXISTING STRUCTURE TO BE REMOVED
- PROPOSED DISTRIBUTION LINE
- NHDOT ROADS
- EXISTING DISTRIBUTION LINE
- FLOWLINES
- TRANSMISSION LINE
- APPROXIMATE ROW
- EROSION CONTROLS
- PROPOSED ACCESS
- OFF ROW ACCESS
- EXISTING ACCESS
- TEMPORARY WETLAND IMPACT
- WETLAND DELINEATION BOUNDARY
- PARCEL BOUNDARY
- POTENTIAL VERNAL POOL
- PEATLAND HABITAT
- WETLAND
- WETLAND ADJACENT TO TIER 3+
- PRIME WETLAND
- STONEWALL
- WORK AREA
- DOT ROAD
- TOWN BOUNDARY
- RAILROAD
- 2FT CONTOURS
- APPROXIMATE WETLAND BUFFER
- APPROXIMATE WETLAND BUFFER IMPACT

*This mapping product has been created to comply with submittal requirements to obtain certain regulatory approvals and, as such, there is no reliance on the information contained herein for any other purpose.*

N

1 inch = 100 feet
0 50 100 Feet

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EVERSOURCE ENERGY

**RESISTANCE SUBSTATION RETIREMENT PROJECT**

PORTSMOUTH, NH

MAP SHEET

Date: December, 2023

04.0191410.47

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Document Path: \\GZABelford\Jobs\04Jobs\01914\05\04.0191410.00 - EE Siting Permitting 2019-20\22\04.0191410.47 - T-13, 3171, and Resistance SS - Portsmouth and Greenland NH\Figures\MXD\Portsmouth CUP.mxd

Interstate 95 South — INTERSTATE 95 SOUTH

I-95 SB Exit 3 On-ramp (NH-33)

SPAULDING TPKE NB EXIT 3 ON-RAMP (WOODBURY AVE)

Spaulding Tpke NB Exit 3 On-ramp (Woodbury Ave)

Crossover

INTERSTATE 95 NORTH — Interstate 95 North

APPROXIMATE WETLAND BUFFER IMPACT: 6,931 SF

APPROXIMATE TEMPORARY WETLAND IMPACT: 139,792 SF

APPROXIMATE TEMPORARY WETLAND IMPACT: 102,309 SF

APPROXIMATE WETLAND BUFFER IMPACT: 16,707 SF

3111 Line

3171 Line

GW-1
PEM1/PSS1/PFO1E,Fg/R2UB

PW-1
PEM1/PSS1E,Fg

Unnamed Stream

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- 2FT CONTOURS
- APPROXIMATE WETLAND BUFFER
- APPROXIMATE WETLAND BUFFER IMPACT

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EVERSOURCE ENERGY

**RESISTANCE SUBSTATION RETIREMENT PROJECT**

PORTSMOUTH, NH

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SPAULDING TPKE NB EXIT 3 ON-RAMP (WOODBURY AVE)

Spaulding Tpke NB Exit 3 On-ramp (Woodbury Ave)

APPROXIMATE WETLAND BUFFER IMPACT: 666 SF

APPROXIMATE TEMPORARY WETLAND IMPACT: 139,792 SF

I-95 Exit 3 On-ramp (NH 33)

I-95 EXIT 3 ON-RAMP (NH 33)

NO NAME

No Name

3111 Line

ENTRANCE REQUIRES DOT APPROVAL

PW-1
PEM1/PSS1E;Fg

3111 Line

3171 Line

21 22 23 24 25 26 27

66 81 65 80 64 79 63 78 62 77

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EVERSOURCE ENERGY

**RESISTANCE SUBSTATION RETIREMENT PROJECT**

PORTSMOUTH, NH

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NO NAME – No Name

3111 Line

I-95 Exit 3 Off-ramp (NH 33)

49D

NH ROUTE 33 – NH Route 33

Line

PW-1
PEM1/PSS1E,Fg

SPAULDING TPKE NB EXIT 3 ON RAMP (WOODBURY AVE)

Spaulding Tpke NB Exit 3 On ramp (Woodbury Ave)

I-95 Exit 3 On ramp (NH 33)

I-95 EXIT 3 ON RAMP (NH 33)

I-95 EXIT 3 OFF-RAMP (NH 33)

APPROXIMATE WETLAND BUFFER IMPACT: 16,707 SF

APPROXIMATE TEMPORARY WETLAND IMPACT: 1,250 SF

Greenland Rd – GREENLAND RD

3111 DE

3171 Line

ACCESS ROAD REQUIRES RAILROAD COORDINATION

APPROXIMATE TEMPORARY WETLAND IMPACT: 139,792 SF

40C1

Griffin Rd – GRIFFIN RD

40C

4A

4

Davis Rd

28 29 30 31 32 33 34 35 36 37 38 39 40 41 57 58 59 60 61 72 72.1 72.2 72.3 72.4 72.5 72.6 73 74 75 76

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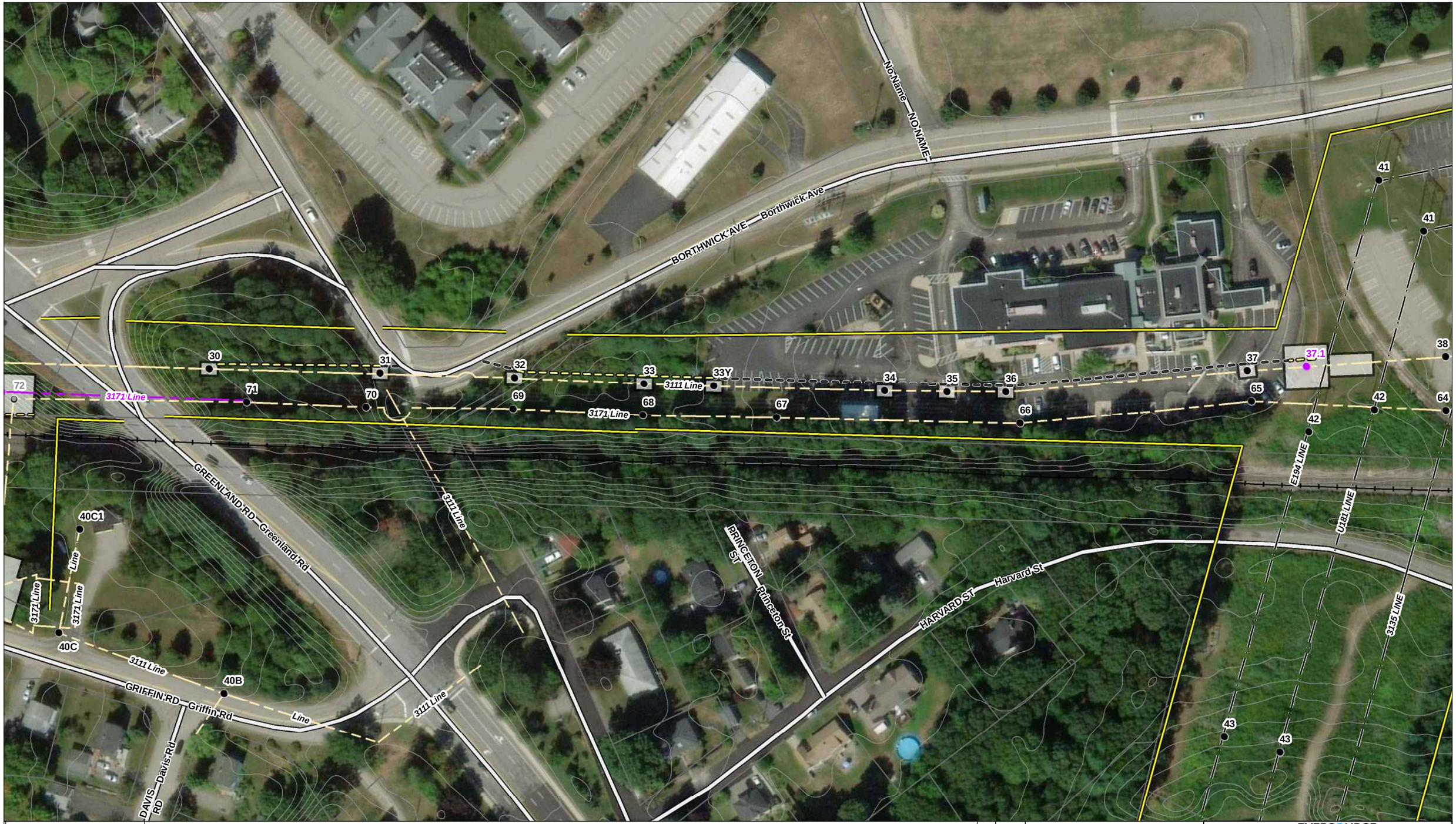
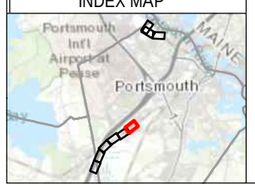



INDEX MAP

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EVERSOURCE ENERGY

**RESISTANCE SUBSTATION RETIREMENT PROJECT**

PORTSMOUTH, NH

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SCHILLER SS

PORTSMOUTH SS

Schiller S/S

Schiller S/S

Schiller S/S

Schiller S/S

Portsmouth S/S

NO NAME

APPROXIMATE WETLAND BUFFER IMPACT: 2,500 SF

APPROXIMATE TEMPORARY WETLAND IMPACT: 3,530 SF

APPROXIMATE WETLAND BUFFER IMPACT: 17,468 SF

339 Line

Z156 Line

T13 Line

E194 Line

U181 Line

E194 LINE

U181 LINE

3176 Line

PW2A Line

Gosling Rd – PORTSMOUTH

NEWINGTON

GOSLING RD

No Name

PW-2
PEM1/PSS1E

PW-3
PEM1/PSS1E

PW-4
PEM1/PSS1E

PW-5
PEM1/PSS1E

PW-6
PEM1/PSS1E

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PW-3
PEM1/PSS1E

3176 Line

E194 LINE

E194 Line

NO NAME

No Name

Z156 Line

Portsmouth
S/S

APPROXIMATE TEMPORARY
WETLAND IMPACT: 3,530 SF

PORTSMOUTH SS

APPROXIMATE WETLAND
BUFFER IMPACT: 2,500 SF

U181 LINE

U181 Line

PW-4
PEM1/PSS1E

PW-5
PEM1/PSS1E

APPROXIMATE
WETLAND BUFFER
IMPACT: 17,468 SF

PW-6
PEM1/PSS1E

PW-7
PEM1/PSS1E,H

PW-8
PEM1/PSS1E

PW-9
PEM1/PSS1Ex

APPROXIMATE
TEMPORARY WETLAND
IMPACT: 1,848 SF

APPROXIMATE TEMPORARY
WETLAND IMPACT: 241 SF

T13 Line

339 Line

APPROXIMATE
WETLAND BUFFER
IMPACT: 5,666 SF

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EVERSOURCE ENERGY

**RESISTANCE SUBSTATION RETIREMENT PROJECT**

PORTSMOUTH, NH | MAP SHEET

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# Findings of Fact | Outdoor Dining Conditional Use Permit
## City of Portsmouth Planning Board

Date: March 21, 2024
Property Address: 999 Islington Street
Application #: LU-24-14
Decision: □ Approve □ Deny □ Approve with Conditions

**Findings of Fact:**
Per RSA 676:3, I: 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.

**Outdoor Dining Conditional Use Permit**
10.242.10 The Planning Board may grant a conditional use permit if the application is found to be in compliance with the general criteria in Section 10.243 or, if applicable, the specific standards or criteria set forth in this Ordinance for the particular use or activity.

| | Outdoor Dining Conditional Use Permit 10.243 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information |
|---|---|---|---|
| **1** | 10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area. | **Meets**<br>**Does Not Meet** | • Applicant is proposing color coordinated furniture to use in the space. The layout will be compatible with adjacent properties and the design will complement and enhance the character of surrounding development. Planter boxes will be used to enhance curb appeal. |
| **2** | 10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the | **Meets**<br>**Does Not Meet** | • The indoor facilities will be open and available to all patrons of the proposed patio. The existing building is currently served by |

| | Outdoor Dining Conditional Use Permit 10.243 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information |
|---|---|---|---|
| | proposed use. | | existing utilities. |
| **3** | 10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan. | **Meets**<br><br>**Does Not Meet** | • The site and surrounding streets will have more than adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan. The proposed patio will utilize the existing brick inlaid patio that abuts the building. This still leaves the 60" walking patio wide open and available to the public. Along with the additional 43" brick addition available to the public that abuts the actual curb of Islington St. |
| **4** | 10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. | **Meets**<br><br>**Does Not Meet** | The proposal will not have an impact on the surrounding properties. The area will mostly cater to adults and will not have late hours of operation. The property is located among other commercial properties who are not open late. All design elements of current interior space have been made with the surrounding area in mind to add value to the west end of Portsmouth. |
| **5** | 10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat. | **Meets**<br><br>**Does Not Meet** | No construction proposed. The patio is already inlaid in brick. |
| **6** | 10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties. | **Meets**<br><br>**Does Not Meet** | The addition of this space will benefit the area and west end by adding an aesthetic value to the area. |
| **6** | **<u>Other Board Findings:</u>** | | |

| | Outdoor Dining Conditional Use Permit 10.243 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information |
|---|---|---|---|
| | | | |
| 7 | **Additional Conditions of Approval:** | | |

**10.243.21** The design of our patio furniture will be of a standard height and scale in relation to the site's surroundings.

We are proposing *3x - 31''X63*" tables along the Islington St. wall of the existing building *(999 Islington St. Portsmouth NH).* Along with two lounge style patio sets that will be 78"X42". All dark grey and black in coloring.

The nature and use of the proposed furniture will just be standard food and beverage service from the hours of 11am till 8pm. The layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, we feel that the design will complement and enhance the character of surrounding development and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.

We plan on using planter boxes in staged areas to enhance the curb appeal of the corner and add to the beatification of the existing property and area.

**10.243.22** All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use. Our indoor faculties will be completely open and available to all patrons of the proposed patio.

**10.243.23** The site and surrounding streets will have more than adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan. We are only looking to use the interior brick inlaid patio that abuts the actual building. This still leaves the 60" walking patio wide open and available to the public. Along with the additional 43" brick addition available to the public that abuts the actual curb of Islington St.

**10.243.24** The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

-No, we don't feel that will have much of an impact on the surrounding properties whatsoever. We mostly cater to adults in the area, and don't keep late "*bar*" hours. We are fully incased in commercial properties who don't keep night operational availability hours. All design elements of current interior space have been made with the surrounding area in mind to add value to the west end of Portsmouth, we plan on staying consistent in that mindset with our exterior space.

**10.243.25** The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.

-No, the proposed space is already fully inlaid in brick, and no construction whatsoever is needed.

**10.243.26** The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.

-No, we feel that the addition of this space will greatly the benefit the area and west end. By adding an aesthetic value to the area and allow for a greater draw for residents of the area!

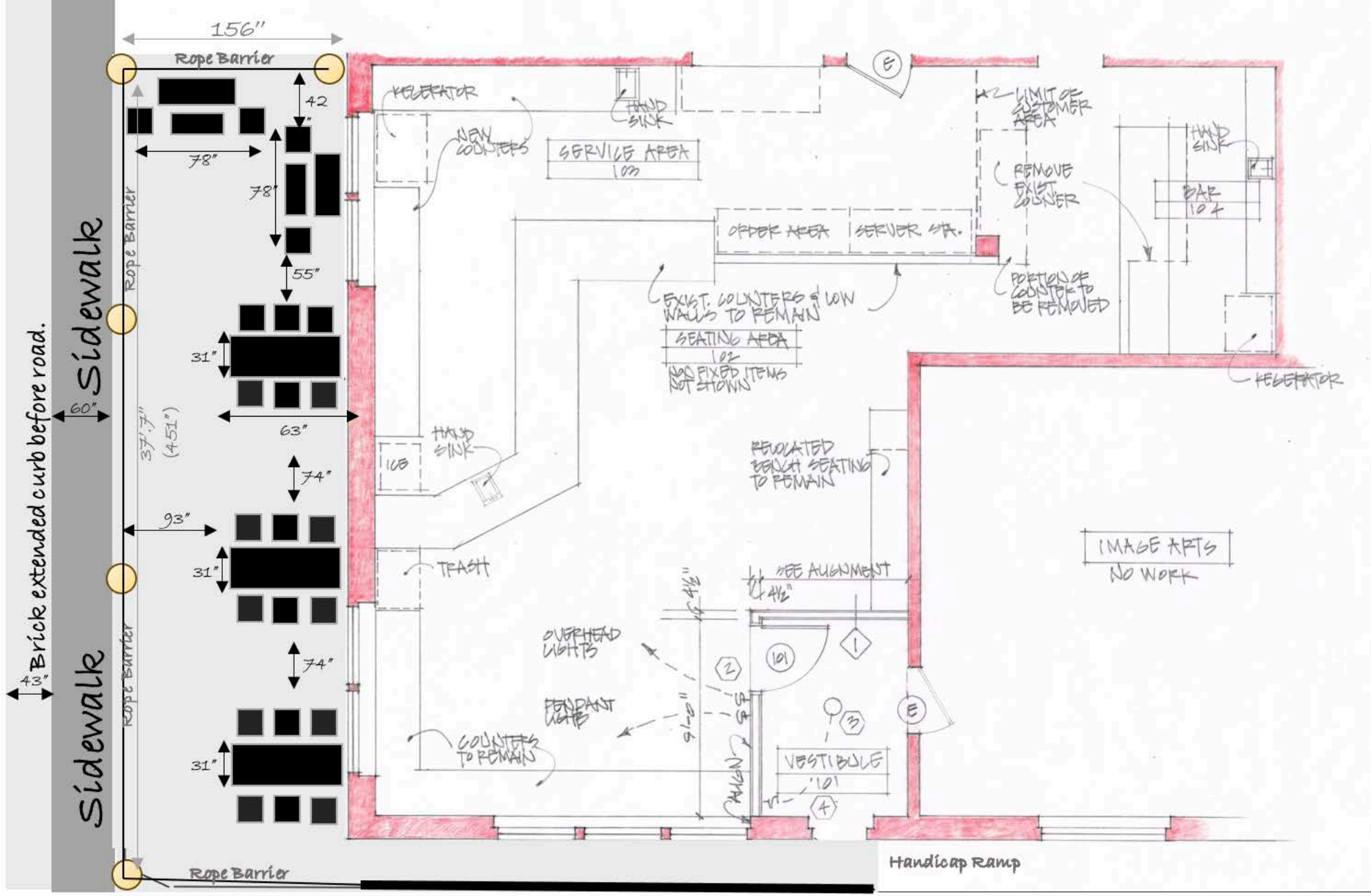
156"
Rope Barrier
42"
78"
78"
55"
31"
63"
74"
93"
74"
31"
31"
Rope Barrier
Rope Barrier
Rope Barrier
Sidewalk
Sidewalk
60"
43"
Brick extended curb before road.
37'-7" (451")
ELEVATOR
HAND SINK
NEW COUNTERS
SERVICE AREA
103
LIMIT OF CUSTOMER AREA
REMOVE EXIST COUNTER
HAND SINK
BAR
104
ORDER AREA
SERVER STA.
PORTION OF COUNTER TO BE REMOVED
EXIST. COUNTERS & LOW WALLS TO REMAIN
SEATING AREA
102
NO FIXED ITEMS NOT SHOWN
ELEVATOR
HAND SINK
ICE
RELOCATED BENCH SEATING TO REMAIN
IMAGE ARTS
NO WORK
TRASH
SEE ALIGNMENT
4½"
4½"
OVERHEAD LIGHTS
PENDANT LIGHTS
COUNTERS TO REMAIN
6'-0"
VESTIBULE
101
Handicap Ramp
Railing in Front of Building
=Planters with post for rope barrier

Image Arts Etc.

The Plate

HOVEY'S


HOVEY'S


Image Arts Etc.
999
The Plate
Millport
1001 ISLINGTON
FORM
973
theatre project

# Findings of Fact | Wetland Conditional Use Permit
## City of Portsmouth Planning Board

Date: March 21, 2024
Property Address: 50 Odiorne Point Road
Application #: LU-24-7
Decision: □ Approve □ Deny □ Approve with Conditions

**Findings of Fact:**

Per RSA 676:3, I: 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** | *1. The land is reasonably suited to the use activity or alteration.* | **Meets**<br>**Does Not Meet** | The property owner has performed unpermitted work which is not reasonably suited to the wetland habitats on the property. To come into compliance with these criteria, the applicant is proposing to reconfigure the wall with a reduction in height to keep it at 0.5-1.5' tall with a 3-4' base. The gravel will be removed completely, and the swale stones will be mostly removed along with the existing liner to be replaced with vegetation for natural filtration and slowing of stormwater. |
| **2** | 2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* | **Meets**<br>**Does Not Meet** | The installation of the stone swale and the large stone wall have direct impacts on the surrounding wetlands and have a negative impact on stormwater quality entering the marsh. The proposed removal of the majority of the stone swale and replacement with vegetation should help to restore the quality of runoff entering the marsh. |

| | 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**<br>**Does Not Meet** | The site has been adversely impacted already due to the unpermitted work. The proposed planting and restoration plan is robust and has extensive monitoring proposed which should help to reduce impacts to the wetlands once vegetation becomes established. |
| **4** | *4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* | **Meets**<br>**Does Not Meet** | This proposal aims to restore areas previously disturbed within wetlands and buffers. The planting of vegetation will be positive for improving the inland wetlands and buffers, and all of the vegetative buffers should be maintained naturally to further enhance the quality of the wetlands and the stormwater runoff. The proposed plantings and maintenance are impressive and should result in a successful vegetative buffer. |
| **5** | *5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* | **Meets**<br>**Does Not Meet** | The proposal to restore the areas of disturbance and mitigate the impacts of what is being left behind should have a positive impact on the health of the surrounding wetlands and vegetation. |
| **6** | *6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* | **Meets**<br>**Does Not Meet** | This proposal includes a large amount of live stake plantings to replace the stone swale and work to slow and infiltrate stormwater before reaching the resources. It is critical that applicants retain the first 25' of the buffer as vegetated with minimal maintenance to enhance the quality of the wetland it is buffering. |
| **7** | **<u>Other Board Findings:</u>** | | |

NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS

February 27, 2024

NHDES Water Division/Land Resources Management
Wetlands Bureau
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302
and
City of Portsmouth
Planning & Sustainability
1 Junkins Avenue
Portsmouth, NH 03801

Re: Restoration Plan
Gardner Property: Stone Wall, Swale, and Vegetation Restoration Project
Portsmouth, New Hampshire

Dear NHDES:

On behalf of Mr. John (Jack) Gardner, Normandeau Associates, Inc. (Normandeau) is submitting this Restoration Plan for the proposed Stone Wall, Swale, and Vegetation Restoration Project to address violations of the New Hampshire Wetland Rules and the City of Portsmouth's Zoning Ordinance associated with unpermitted work in jurisdictional areas at 50 Odiorne Point Road in Portsmouth, NH (Property).

Mr. Gardner is seeking approval from the New Hampshire Department of Environmental Services (NHDES) and the City of Portsmouth to conduct a restoration on the Property in response to a notification that the Property is in violation of the City of Portsmouth's Zoning Ordinance and the Fill and Dredge in Wetlands Act (RSA 482-A), Administrative Rules (Env-Wt 100-900) due to grading, installation of fill, and vegetation removal within the City of Portsmouth's 25' wetland buffer zone and the 100' Previously Develop Tidal Buffer Zone without prior application and approval for a City of Portsmouth Wetland Conditional Use Permit and/or a State Wetland Permit issued by NHDES. Mr. Gardner is required by the City of Portsmouth and NHDES to submit a restoration plan for mitigation of the unpermitted work completed on the Property. Normandeau provided wetlands consulting and wetlands delineation services, including the designing of the proposed restoration measures and methods in consultation with representatives from the City of Portsmouth and NHDES.

Included with this submittal is a detailed project overview narrative, required plans and figures, and additional supporting materials. Site visits to discuss the property were held on January 12, 2023 and May 22, 2023 and a virtual meeting was held on May 10, 2023 with additional phone correspondence with NHDES in December 2023.

A preliminary review of this restoration plan was completed by David Price of NHDES and Peter Britz and Kate Homet of the City of Portsmouth Planning & Sustainability Department. Both parties provided feedback based on this review and Normandeau updated the restoration proposal accordingly prior to submittal to the City of Portsmouth Conservation Commission for review during the February 14th, 2024 meeting. During the February 14th meeting, the Conservation Commission voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following stipulations:

1. The restoration plan shall be amended to include the addition of coir logs to protect the live staking in the plant establishment phase.
2. The property owner considers abiding by NOFA standards for all landscaping activities.
3. A simplified map will be created for use by future landscapers and property owners that clearly defines what areas can and cannot be mowed, along with what areas should not be maintained and/or manicured.

Revisions in response to each of these stipulations have been made to the restoration proposal accordingly.

Please feel free to contact Elizabeth Olliver at (603) 637-1122 or at eolliver@normandeau.com if you have any questions.

Sincerely,

Elizabeth A Olliver

Elizabeth Olliver
Senior Scientist

Attachments: Restoration Plan

CC: Mr. John (Jack) Gardner via Email

# Restoration Plan

## Gardner Property: Stone Wall, Swale, and Vegetation Restoration Project

**Prepared For**
Mr. John (Jack) Gardner
50 Odiorne Point Road
Portsmouth, NH 03801

**Prepared By**
Normandeau Associates, Inc.
25 Nashua Road
Bedford, NH 03110
(603) 472-5191
www.normandeau.com

Original: January 2024
Revised: February 2024

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# RESTORATION PLAN NARRATIVE

## PROJECT INTRODUCTION

Normandeau Associates, Inc. ("Normandeau") has prepared this restoration plan on behalf of Mr. John (Jack) Gardner in response to a requested mitigation for work completed in violation of the City of Portsmouth's Zoning Ordinance and the Fill and Dredge in Wetlands Act (RSA 482-A), Administrative Rules (Env-Wt 100-900) at 50 Odiorne Point Road in Portsmouth, New Hampshire ("the Property"). This work includes grading, installation of fill, and vegetation removal associated with the rebuilding of a pre-existing stone wall at the base of the Property in summer 2022 and the progressive installation of a stone swale that routes stormwater across the property between 2010 and summer 2022. Mr. Gardner proposes to restore the rebuilt section of stone wall to a design consistent with adjacent undisturbed stone wall on the property, completely remove the most recently installed section of stone swale, remove the lining and majority of stone in the older portion of the swale with a minimal amount of stone placed back in for temporary stabilization purposes, install woody vegetation throughout the length of the swale restoration, and restore and/or enhance vegetation coverage in previously disturbed areas of the Property. Normandeau provided environmental resource consultation, wetlands delineation, and restoration design services. Base Flow, LLC conducted a hydrological study of flows being conveyed by the existing stone swale. Knights Hill Survey surveyed the existing conditions on the Property.

## SITE DESCRIPTION

The Property is 1.17 acres containing a private residence, driveway, and landscaped lawns and beds in front and behind the residence. The back of the Property slopes down to a stone wall that divides maintained backyard from the salt marsh that occurs along the shoreline of Tucker's Cove (POGW1 on the Project Plans in Attachment B), portions of which are infested by the invasive common reed (*Phragmites australis*). The stone wall was rebuilt in summer 2022 in response to erosion observed by Mr. Gardner in the vicinity of the pre-existing stone wall in 2021. The southern portion of this rebuilt stone wall extends 42 feet over the property line onto the abutting parcel (68 Odiorne Point Road) and was rebuilt following a verbal receipt of permission to do so by the abutting parcel owner (Mr. James Polus).

A stone swale extends northwest down the property slope from near the northwest corner of the residence to the northern end of the rebuilt stone wall, ranging in width from approximately 6 to 10 feet. This swale was progressively installed between 2010 and 2022, again in response to erosion observed on the slope directly north of the existing swale by Mr. Gardner shortly after purchasing the property in 2006. The cause of this erosion is stormwater flow from two culverts exiting a roadside headwall located on the parcel directly to the north. The northern culvert hydraulically connects to undelineated wetlands across Odiorne Point Road, while the southern culvert hydraulically connects to a portion of the storm drain system for the development. The stormwater from these culverts becomes channelized as a single channel upgradient of the Gardner property (POGS1 on the Project Plans in Attachment B). Prior to installation of the stone swale, Mr. Gardner observed progressive loss of vegetation cover and erosion of the substrate on the slope leading down to the salt marsh, which prompted his installation of the upper portion of the stone swale and a request for a site visit from representatives of the City of Portsmouth ("the City") in 2017 to discuss the issue of

erosion in the area directly north of the swale. Extension of the stone swale to its current configuration was completed in 2022 in response to erosion observed at the downstream end of the swale. Currently, much of the stormwater flow from the two culverts out of the roadside headwall is captured by the stone swale and a natural re-establishment of herbaceous ground cover on the slope north of the swale has been observed. However, some stormwater flow does escape from the swale at the top of the slope where plastic landscaping edging along the side of the swale has become unseated and is overtopped during certain events. The area into which the culverts discharge on the adjacent property, the previously eroded slope, and a small portion of the rebuilt stone wall lies within a palustrine forest wetland (POGW2 on the Project Plans in Attachment B). Please see Attachment A – Gardner Property Natural Resource Survey Report for a more detailed discussion of the existing natural resources on the Property, Attachment D – Gardner Property Hydrology & Hydraulic Memo for a discussion of the study of hydraulic flow conveyed by the existing swale, and Attachment G – NHDES Requested Protected Shoreland Data and Additional Buffer Information for the additional Protected Shoreland data requested by NHDES following their initial review of this restoration plan, as well as mapping of the various jurisdictional state and City of Portsmouth buffers.

**PROJECT MOTIVATION**

Normandeau was contracted by Mr. Gardner to provide services to facilitate bringing the Property under local and state regulatory compliance. A natural resource survey and wetland delineation of the parcel by a New Hampshire Certified Wetland Scientist, as well as a hydraulic study for the property, were completed in Fall/Winter 2022. Findings from this natural resource survey and the hydraulic study were provided to the City's Planning and Sustainability Department and the New Hampshire Department of Environmental Services ("NHDES") with a request for guidance from NHDES on what would be required to bring the property under state regulatory compliance, as what would be required from a local perspective was already stipulated in the Notice of Violation sent by the City. Following the receipt of guidance from NHDES and the City during site visits on January 12, 2023 and May 22, 2023, as well as virtual meeting with NHDES and the City on May 10, 2023, the property was surveyed by a New Hampshire Licensed Land Surveyor (Knights Hill Land Surveying, Inc.) in August 2023.

During the site visits and the virtual meetings, the following items of concern were identified by Mr. David Price of NHDES and Mr. Peter Britz of the City:

1. Most of the stone wall along the base of the property was rebuilt in Summer 2022 to be 2.5 ft. tall and 3 ft. wide, with a fitted and squared off design and a 327 sq. ft. footprint; 316 sq. ft. of which lies in wetland buffer area and 11 sq. ft. in wetland POGW2. The southern 122 sq. ft. of the rebuilt wall extends 42 ft. onto the abutting property to the south (68 Odiorne Point Road) and was rebuilt with verbal permission from the abutting property owner (Mr. James Polus). Rebuilding of the wall was achieved through the repositioning of existing stone from the collapsing stone wall on site to reform the base of the wall along the pre-existing centerline of the wall. An estimated addition of 10-15 tons of stone and filler gravel/crushed stone sourced from off- site were used to cleanly square off the wall and

increase its height. A small gap in the wall was established to provide easier access to the salt marsh below the wall that is periodically treated for *Phragmites* management. This resulted in a loss of 2,240 sq. ft. of herbaceous ground cover within the State 100' wetland buffer for wetland POGW1, which is a tidal and prime wetland, and the combined City of Portsmouth's 100' wetland buffer for wetlands POGW1 and POGW2. While concerns were originally raised about the potential use of a cementing agent in the 2022 rebuild, inspection of the wall by NHDES, City, and Normandeau staff during the May 2023 site visit confirmed that to not be the case.

2. A stone swale has been progressively installed on the property by the Owner between 2010 and 2022 to manage stormwater flow onto the Property that was resulting in loss of vegetation cover and erosion of the substrate. The upslope half of the swale, hereafter referred to as the Upper Swale, existed prior to 2022 and primarily consists of stone brought in from off site and installed by a contractor hired by the Owner that is underlain by a liner material. Periodic additions of stone collected on site by Mr. Gardner were made to re-enforce the edges of the Upper Swale and further contain flow within it. In total, the Upper Swale has a 476 sq. ft. footprint. Due to observed erosion and channel incision at the downslope end of the swale, the swale was extended an additional 300 sq. ft. at the same time as the rebuilding of the stone wall in summer 2022. This was achieved through the installation of landscaping fabric within an incising channel area at the downstream end of the existing stone lined swale, which was then topped with 4-inch stone left over from the stone wall rebuild. Collectively, the swale now impacts 776 sq. ft. of POGW2.

3. Left over gravel/crush stone was spread over 444 sq. ft. of the substrate north of the summer 2022 swale extension and 50 sq. ft. of substrate in the gap between the two sections of rebuilt stone wall with the intent of increasing substrate surface roughness and reducing erosion. The 444 sq. ft. of gravel north of the swale extension falls entirely within POGW2. The 50 sq. ft. associated with the gap in the wall falls within the 100' buffer of the tidal prime wetland downslope but does not directly impact any wetland areas.

The actions listed above, as well as the access of the property by equipment and associated loss of vegetation have resulted in a total disturbance of 4,572 sq. ft. on the property between 2010 and Summer 2022. These impacts fall within multiple overlapping jurisdictional areas including a delineated freshwater wetland (POGW2); the 100' tidal buffer zone and duly established 100' buffer of the Prime Wetlands along Sagamore Creek; the 250-ft Protected Shoreland of Sagamore Creek; and the City of Portsmouth's 100' wetland buffers for POGW1 and POGW2. Tables presenting the breakdown of these various impacts are provided below (Table 1 and 2).

**Table 1 – Impacts to State Jurisdictional Areas**

| Jurisdictional Areas | Area (sq. ft.) |
|---|---|
| Delineated freshwater wetland (POGW2) | 1,231 |
| 100-ft Previously Developed Tidal Buffer Zone and Prime Wetland Buffer | 4,208* |

| | |
|---|---|
| 250-ft Protected Shoreland (also total impacts on the property) | 4,572* |

* Includes impacts to overlapping jurisdictional areas

**Table 2 – Wetland or Wetland Buffer Activity (Information provided in Steps 9 and 11 of the Wetlands Conditional Use Permit application)**

| **Jurisdictional Areas** | **Area (sq. ft.)** |
|---|---|
| Total Area of Inland Wetland (POGW2) both on and off the parcel | 9,345 |
| Total Area of Vernal Pool both on and off the parcel | 0 |
| Distance of proposed activity to edge of wetland | 0 |
| Total Wetland Buffer Area on Lot | 24,277 |
| Wetland Buffer Area to be Disturbed | 3,341 |
| Total Inland Wetland Area on Lot | 6,133 |
| Inland Wetland Area to be Disturbed | 1,231 |
| Total Vernal Pool Area on Lot | 0 |
| Vernal Pool Area to be Disturbed | 0 |
| Total Tidal Wetland Area on Lot | 12,104 |
| Tidal Wetland Area to be Disturbed | 0 |
| **Total Impacts to Jurisdictional Areas on Property** | **4,572** |

This work was completed without prior obtainment of local and/or state level permits. While revegetation of the disturbed area is naturally occurring, after-the-fact permitting of the reconstructed stone wall and the stone swale as it exists now is not feasible, as both the City and NHDES have indicated the stone wall reconstruction and stone swale installation do not conform with existing regulations.

Thus, the City of Portsmouth and NHDES have requested that the following restoration actions be taken:

1. The stone wall be restored to a lower, loose-pile configuration that conforms with pre-disturbance conditions. As full documentation of wall prior to disturbance does not exist, the City and NHDES have agreed to the use of the existing stone wall at the northern end of the property that was not touched as part of the 2022 rebuild as a template. See Figures 1 and 2 in Attachment B.
2. The Lower Swale be completely removed and replaced with a combination of woody shrub and herbaceous groundcover. The liner and majority of stone in the upper half of the swale be removed and woody shrub also be installed. Re-installation of a minimal amount of stone will be permitted in the Upper Swale for stabilization purposes along the northwestern edge of the swale where it curves at the top of the slope. Re-installation of this stone is permitted with the understanding that when vegetation becomes established and the area is stabilized, some or all of the stone may be required to be removed at a future date. The decision to proceed with this removal will be

considered in coordination with NHDES and the City during post-construction monitoring.

3. All gravel/crushed stone spread over the substrate north of the Lower Swale and in the gap between the two sections of stone wall be completely removed.
4. All areas disturbed by the proposed restoration work be revegetated with native species appropriate for the environment.

Below Normandeau presents a plan for addressment of the restoration action items requested by the City and NHDES.

## PROPOSED RESTORATION ACTIONS

On behalf of the Owner, Normandeau proposes to restore the rebuilt stone wall to a height, width, and loose-pile design extrapolated from undisturbed stone wall at the northern end of the Property, remove the filler gravel and stone installed in the substrate and stone wall, remove the Lower Swale, remove the underlying liner and majority of stone from the Upper Swale, install woody vegetation throughout the existing swale footprint to improve stormwater management functionality, and restore and/or enhance vegetative cover in various portions of 100-ft tidal buffer zone. This work is proposed to be completed in Spring/Summer 2024, pending approval of this restoration plan by NHDES and the City, attainment of all necessary permits, and acquisition of necessary planting materials.

### RESTORATION AREA 1 - STONE WALL RESTORATION

The rebuilt stone wall (located in what is referred to on the plans in Attachment B as Restoration Area 1) will be restored to a lower height, with a loose-pile configuration. As comprehensive documentation of the wall prior to the rebuild in 2022 does not exist, the City and NHDES agreed during the May 22, 2023 site visit to use the existing stone wall on the northern end of the property that was not been disturbed as a template. See Figures 1 and 2 on Sheet 5 in Attachment B. The estimated 10-15 tons of filler stone and gravel brought in for the 2022 work will be removed from the 109 feet of rebuilt wall and disposed of off-site. The contractor responsible for the rebuilding of the wall in 2022 may provide advisement on which stone within the wall was brought in and which already existed on site. The 50 sq. ft. of gravel spread over the substrate in the gap between the two sections of rebuilt wall and in a small apron downslope of it will also be removed and disposed off-site. The larger, pre-existing stones that form the base of the wall will be retained to reconstruct the wall into a loose-pile design and the gap between the two sections of wall will be closed. The centerline of the restored wall will follow the centerline of the existing wall, as field review suggests the position of this centerline does not vary significantly from pre-disturbance conditions. Survey of the width of the existing undisturbed section of stone wall at the northern end of the property across three cross-sections determined it to have a 3.3 to 4.6 ft. wide base and a variable height ranging from of 0.5 to 1.73 ft. Based on this, we propose a restored loose-pile stone wall design with a variable base width of 3 to 4 ft. and a variable height of 0.5 to 1.5 ft. depending on available material after removal of the filler stone and gravel. Stone placement should avoid creating any level or squared off surfaces, resulting in a loosely triangular or mounded cross-section like that shown on Sheet 5 in Attachment B – Project Plans: Proposed Stone Wall Detail.

Written permission from the abutting property owner (Mr. James Polus) to restore the 122 sq. ft. of stone wall on the abutting property to the south (68 Odiorne Point Road) is provided in Attachment H.

Following removal of the substrate protection from the area upslope of the stone wall, the opportunistic vegetation cover currently in Restoration Area 1 will be retained to the extent practicable, if determined to not contain invasive species. This area will be lightly aerated using hand tools to mitigate soil compaction and prepare the substrate for planting. A mix of woody shrubs will be planted, including coastal sweet-pepperbush (*Clethra alnifolia*), American yew (*Taxus canadensis*), and mapleleaf viburnum (*Viburnum acerifolium*). Finally, a custom project seed mix consisting of deer tongue (*Dichanthelium clandestinum*), switch panicgrass (*Panicum virgatum*), and path rush (*Juncus tenuis*) will be spread over the over the substrate following completion of shrub installation and covered with a light layer of weed free straw. Please see Sheets 6 and 8 in Attachment B for specifications regarding the project seed mix and appropriate application rate, the proposed shrub species, their installation, and the estimated number of shrubs required for Restoration Area 1.

### RESTORATION AREA 2 – LOWER SWALE REMOVAL

The 4-inch angular stone and landscaping fabric comprising the Lower Swale and the excess gravel spread on the 444 sq. ft of substrate north of the Lower Swale (referred to as Restoration Area 2), will be removed and disposed off-site. Minor grading of the substrate in Restoration Area 2 will be done as needed to remove or reduce remnants of any channel topography from the landscape. Grading may be performed using hand tools and/or the equipment discussed below as needed to complete the work. Biodegradable, wildlife-friendly erosion control blanket will be installed overtop the former Lower Swale footprint after completion of any necessary grading. Additionally, a minimum of two coir logs will be installed across the former footprint of the Lower Swale footprint at the approximate locations shown on Sheet 3 of Attachment B. Coir logs will be held in place using crossing wooden stakes rather than staking through the coir log itself, to maintain the integrity of the coir log.

Please see Sheet 4 in Attachment B for specifications on the erosion control blanket to be used and its installation.

Restoration of vegetation cover in Restoration Area 2 will be achieved through the combined installation of live stakes (or tubelings, depending on time of work) of silky dogwood (*Cornus amomum*) and pussy willow (*Salix discolor*) within the former footprint of the Lower Swale and shrub plantings of meadowsweet (*Spiraea alba var. latifolia*) in the area previously spread with gravel. Live stakes will be installed through the erosion control blanket with sufficient space left between them and the coir logs discussed above so that the coir log is not pressing up against or touching the live stakes. As with Restoration Area 1, the custom Project Seed Mix will be spread over the substrate following completion of live stake and shrub installation, then covered with a light layer of weed-free straw. Please see Sheets 6 through 8 in Attachment B for specifications regarding the project seed mix, live stakes and shrubs, their installation, and the estimated numbers required for Restoration Area 2.

### RESTORATION AREA 3 – UPPER SWALE VEGETATIVE ENHANCEMENT

With agreement from the City of Portsmouth and NHDES, the liner and most of the stone in the Upper Swale (Restoration Area 3) will be removed and biodegradable, wildlife-friendly erosion control blanket will be installed overtop the substrate. A minimum of two coir logs will be installed across the former footprint of the Upper Swale footprint at the approximate locations shown on Sheet 3 of Attachment B and will be held in placing using crossing wooden stakes. Live stakes of silky dogwood (*Cornus amomum*) and pussy willow (*Salix discolor*) will be installed through the erosion control blanket, again leaving sufficient space between the coir log and live stakes so that they are not pressing up against one another. The plastic landscape siding along the northwestern edge of the Upper Swale, where it curves before progressing downslope, will be removed and a minimal amount of retained stone will be re-established along the edge of the swale in this area. Twelve shrubs consisting of a mixture of silky dogwood and pussy willow will be planted in two rows directly downslope of this edging to help manage stormwater flow that overtops the edge of the swale during storm events. Finally, the New England Semi-shade Grass and Forbs seed mix from New England Wetland Plants will be spread over the slope north of the swale to help boost vegetation coverage in the area that was experiencing erosion prior to installation of the swale. Stone not re-installed in the Upper Swale will be disposed of off-site. The potential for hand removal of the stone in the Upper Swale will be considered in consultation with NHDES and the City during the five (5) year post-construction monitoring period following establishment of the live stakes. Please see Sheets 6 through 8 in Attachment B for specifications regarding live stakes and shrubs, their installation, and the estimated numbers required for Restoration Area 3. Please see Attachment E for a specification sheet of the species included in the New England Semi-shade Grass and Forbs seed mix and recommended application rate.

### RESTORATION AREA 4 – ACCESS ROUTE RESTORATION

Upon completion of all activities requiring use of the access route from the driveway down to the bottom of the Property, the ground will be lightly aerated in preparation for planting and erosion control blanket installed on the steepest portions. Plantings of New York fern (*Parathelypteris noveboracensis*) or native fern sod depending on pricing and availability will be installed as depicted in Restoration Area 4 on Sheet 2 in Attachment B. The areas between plants and the portion of access route outside of the 100’ previously developed tidal buffer zone will be spread with New England Erosion Control/Restoration Mix for Dry Sites from New England Wetland Plants. Please see Attachment F for a specification sheet of the species included in this seed mix and recommended application rate.

Please see Sheets 6 through 8 in Attachment B for specifications regarding all proposed plant species, installation of live stake and shrub plantings, appropriate seed application rates, and the estimated number of live stakes and plantings required for each Restoration Area.

## TIMING OF WORK AND GENERAL COMMENTS

All work will be conducted in accordance with the best management practices outlined by the *New Hampshire Stormwater Manual* dated December 2008. Prior to the start of any restoration activities, erosion and sediment controls (“ESCs”) will be installed. Please see Sheets 2 through

4 in Attachment B for proposed placement of these ESCs and specifications regarding their installation and maintenance. These ESCs will remain in place, be maintained, and supplemented for the duration of earth disturbing activities and for as long as necessary following completion of restoration activities until the substrate is determined satisfactorily stabilized by vegetation growth (>75% vegetation coverage) by the Environmental Monitor for the project. Erosion and sediment controls shown placed across the access route should be temporarily moved aside during active work and replaced at the end of the workday.

The equipment to be used will be the lightest weight equipment capable of conducting the work, while maintaining a safe and practical workflow. It is currently anticipated a small skid steer and/or excavator may be necessary safely and efficiently remove the filler stone and gravel from the Property. Plywood sheeting will be placed over the substrate in Restoration Area 1 that the equipment must cross to prevent the development of ruts and access of the Property by heavy equipment should be avoided during wet conditions.

The activities outlined above are anticipated to take approximately two weeks in spring/early summer 2024. To the extent practicable, timing of activities requiring significant earth disturbance and the use of motorized equipment (i.e., stone wall restoration and removal of stone taken from the swale from the Property) should be conducted during drier substrate conditions, when significant rain events or high tide conditions that could result in erosion of active work areas are not in the forecast. Similarly, installation of all planting materials and application of seed should also not be conducted when significant rain events are in the forecast, as significant stormwater runoff shortly after installation could negatively impact their establishment. However, the use of live stakes requires their installation to be completed before the end of the woody vegetation senescence period (typically the end of March into early April). As the appropriate timing for installation of the live stakes may not align with sufficiently dry enough conditions to bring heavy equipment onto the property, the stone from the swale in Restoration Areas 2 and 3 and gravel over the substrate in Restoration Area 2 may be removed by hand and temporarily stockpiled within Restoration Area 1 or elsewhere within the previously disturbed tidal buffer zone on the property that does not contain wetlands. This stockpiled stone and gravel will be removed later in spring/summer 2024 as site conditions allow. Any temporary loss of vegetation covering the substrate beneath stockpiled stone and/or gravel within the previously developed tidal buffer zone will be restored as part of restoration efforts.

Per Section 10.1018.23 of the City of Portsmouth Zoning Ordinance, removal or cutting of vegetation is prohibited in a wetland or the vegetated buffer strip of a wetland. However, the 25-ft vegetated buffer strip of wetland POGW2 contains developed features, including portions of the primary residence, regularly mowed front and backyard lawns, and landscaped garden beds that are regularly maintained. The property owner requests the following allowances be made for him to maintain the aesthetic quality and value of the property:

1. Allow continued maintenance of the existing landscaped beds and portions of lawns that fall within the 25-ft vegetated buffer of wetland POGW2. These currently

maintained areas will not be expanded past their current footprint and "Do not disturb or cut" signage will be posted along the boundary between the restoration areas and/or the wetland boundary and the existing maintained portions of the property to define this extent. Placement of this signage, either mounted on trees or on short permanent mountings in the ground, at the locations shown on Sheet 3 in Attachment B will designate the combined extent of restoration and wetland area on the property to be protected from future accidental landscaping and/or cutting in alignment with Section 10.1018.40 of the City's Zoning Ordinance.

2. Allow periodic pruning of shrubby vegetation within the restoration areas, once determined to be established and healthy. This periodic pruning will be to a height no less than 3 feet in accordance with Protected Shoreland requirements.

   Following completion of the proposed restoration activities, the current property owner has agreed to abid by the following standards, which are in alignment with NOFA standards:

   1. No use of fertilizers, including organic products, within 25 feet of the reference line of wetland POGW1 or within the boundaries of wetland POGW2.

   2. Between 25 and 250 feet from the reference line of POGW2 but outside of POGW2, only slow or controlled release fertilizer will be used. This slow or controlled release fertilizer will be guaranteed, as indicated on the package label, to contain:

      a. At most 2% phosphorous, and

      b. A nitrogen component which contains at least 50% slow-release nitrogen.

   3. No chemicals, including organic pesticides, will be applied within 50 feet of the reference line of POGW1 or within the POGW2, except by a professional licensed for pesticide application by the State of New Hampshire.

   4. The current property owner will have their landscaper maintain the grass of the existing manicured lawns three inches or higher to encourage deeper roots and reduce fertilizer needs.

The Construction Sequence and Notes provided below and in Attachment B – Project Plans detail the proposed sequence restoration of activities on site and general notes.

**CONSTRUCTION SEQUENCE AND NOTES**

Notification of the specific timing and commencement of the various phases of restoration work will be communicated to the City's Planning and Sustainability Department and NHDES via email an agreed number of days prior to the start of work. The restoration work is to be conducted under the supervision of a qualified Environmental Monitor approved by the City of Portsmouth Conservation Commission and NHDES. The environmental monitor will be on-site

to monitor restoration activities as necessary and adjust when appropriate to meet restoration goals, ensure compliance with project permits, and notify the City and NHDES at required inspection periods. Presented below is an ideal order of restoration activities on the Property. As discussed above, it may be necessary to rearrange the order of these activities to meet the timing needs of live stake installation in the swale while minimizing impacts by heavy equipment should early spring 2024 conditions on site be overly wet. The Environmental Monitor shall communicate the need for this adjustment to the City and NHDES prior to commencement of work.

1. Installation of all initial necessary erosion and sediment controls and substrate protection in Restoration Area 1 as shown on the plans and specified in the notes in Attachment B.

2. Remove the estimated 10-15 tons of non-native stone and gravel forming the top portion of the stone wall in Restoration Area 1 and the Lower Swale Restoration Area 2.

3. Remove all non-native gravel spread over the substrate in the 50 sq. ft. area between the sections of rebuilt wall in Restoration Area 1 and in the 444 sq. ft. area north of the lower half of the swale in Restoration Area 2. Also remove any remaining landscaping fabric from the Lower Swale.

4. Remove all the stone and liner from the Upper Swale in Restoration Area 3. Retain a subset of smaller stones for re-installation in the Upper Swale.

5. Reconfigure the remaining native stones on site to create a stone wall with a general cross-section shape and dimensions as outlined in the Proposed Stone Wall Detail on Sheet 5 in Attachment B. Centerline of the stone wall should follow that of the existing wall.

6. Regrade substrate in Restoration Area 2 to eliminate any trace channel topography and install biodegradable, wildlife friendly erosion control blanket over the swale footprint in Restoration Areas 2 and 3. Also install a minimum of 4 coir logs across the restored channel topography as shown on Sheet 3 in Attachment B.

7. Remove substrate protection in Restoration Area 1, lightly aerate the substrate to mitigate soil compaction and prepare substrate for planting.

8. Install all shrubs and/or live stakes as specified on Sheets 3 and 6 through 8 in Restoration Areas 1 through 3. Re-install a minimal amount of reserved smaller stone in the Upper Swale at the same time as live stakes installation.

9. Lightly aerate the soil to mitigate soil compaction and install fern plantings in Restoration Area 4 as specified on Sheets 3, 6, and 8.

10. Spread the seed mixes at the appropriate application rates specified in the Restoration Planting Table on Sheet 6 in Attachment B. Cover all disturbed seeded areas with a light layer of weed-free straw.

11. Install any supplemental erosion and sediment controls determined needed at the conclusion of restoration activities.

12. Install "Do not disturb or cut" signage at specified locations shown on Sheet 3.

13. Complete as-built documentation and reporting and commence post-construction monitoring protocols as discussed below.

14. Temporary erosion and sediment controls will remain in place and be maintained until the site has been confirmed to be stabilized (>75% herbaceous ground cover and a lack of signs of erosion and sediment transport in all disturbed portions of the project area) by the environmental monitor. Maintenance and removal of erosion controls such as filter socks, silt fencing, and/or hay bales will be done by hand and be the responsibility of the Environmental Monitor. Erosion control blankets will remain in place and be allowed to biodegrade into the substrate.

This construction sequence is also provided on Sheet 9 in Attachment B – Project Plans. Please see Attachment C – Project Plan Detail Notes for full size copies of additional construction and planting notes included with the details provided in Attachment B – Project Plans.

**AS-BUILT REPORTING**

Following completion of the restoration activities described above, an as-built report, set of as-built plans, and photo log documenting the activities completed and conditions on site at the conclusion of restoration activities will be developed. A set of permanent photo stations around the restored and/or enhanced portions of the property will be selected, and their locations recorded with a GPS for inclusion on the as-built plans. Photos of the restored and enhanced areas on the property will be taken from these established photo stations at approximately the same angle and magnification during each follow-up site visit to the property. The location and species of each installed container shrub will also be GPS recorded and presented on the as-built plans. Finally, a tally of all woody vegetation plantings (both container shrubs and live stakes/tubelings) installed in Restoration Areas 1-3 will be recorded and provided as part of the as-built report to serve as a baseline for assessing woody planting survival during post-construction monitoring. The as-built report, plans, and photo log will be provided to Mr. Gardner, the City, and NHDES within two weeks of the completion of restoration activities. Finally, a simplified map will be created for future landscapers and property owners that clearly defines areas that can and cannot be mowed, along with what areas should not be maintained and/or manicured.

# POST-CONSTRUCTION MONITORING PLAN AND PERMFORMANCE STANDARDS

## STANDARDS OF SUCCESS

For the restoration project to be considered successful, the following conditions must be met in each Restoration Area:

1. Have at least 75% areal cover by planted and native volunteer species by the end of the second growing season and through the end of the monitoring period;

2. Have at least 80% survival of the planted container shrubs by the end of Year 1 of the monitoring period;

3. Have sufficiently successful establishment of the live stakes/tubelings in the swale by the end of Year 1 to avoid development of large gaps in woody vegetation coverage in the swale;

4. Have stable substrate with no erosion problems; and

5. Control any invasive plant species, if present, for the duration of the monitoring period.

## TIMING AND FREQUENCY OF MONITORING

Immediately following completion of restoration activities, we propose to conduct inspections on a biweekly basis and within 24 hours of a storm event with >0.25 inches of rain until >75% herbaceous vegetation coverage is achieved in Restoration Areas 1 and 2. If no signs of erosion are observed in any of the Restoration Areas by the time that goal is achieved and the Environmental Monitor deems it to be appropriate, the remaining temporary erosion controls including any filter socks, silt fencing, and/or hay bales will be removed by hand. At this time, the Project will transition to conducting one planned visit annually with additional visits after significant storm events and/or when concern is raised by the property owner. Notification of this reduction in monitoring frequency will be communicated to the City and NHDES via submittal of a brief status report for the Project via email.

Long term progress of the Project's achievement of the conditions discussed above will be assessed during annual site visits. Annual assessments will occur in late June/early July with the first assessment occurring after completion of the proposed restoration actions and continuing for a minimum of 2 years and up to 5 years post-completion of the initial restoration activities. Additional assessments may be conducted should an instance of disruption to the restoration be reported. During annual assessments, the environmental monitor will walk the property to photo document and record observations on the conditions in each Restoration Area. The estimated overall percent cover of vegetation and invasive species in each Restoration Area, as well as a list of the observed plant species will be recorded. In Restoration Areas 1 through 3, a tally of the successfully established woody plantings (both planted container shrubs and live stakes/tubelings) will be conducted for comparison against the as-built tally and previous

annual assessments. General observations of the health and propagation of the woody plantings will also be noted.

The results from each annual assessment will be presented in a report that compares them to the conditions listed above and previous annual assessment results. This report will be provided to the property owner by August 31st and the City and NHDES by September 30th of the given year of the assessment. Any evidence of the Project failing to meet the conditions listed above will immediately be brought to the attention of the property owner. In the case of Condition 2, if there is a less than 80% survival of the planted container shrubs by the end of Year 1, those shrubs which have failed will be assessed to determine if in-kind replacement of the shrubs is appropriate or if selection of an alternative species is more appropriate. Planting of replacement shrubs will occur the following year. In the case of Condition 3, if large patches of lives stakes/tubelings are observed to have not become established by the end of Year 1 (i.e., are not alive), additional live stakes/tubelings will be installed to replace them and fill in the gaps. The determination of what constitutes as a large patch of unsuccessful live stakes/tubelings will depend on its size, functional position within the swale, and observations made by the environmental monitor during or after storm events on how the lack of success of these live stakes is impacting flow within the restored swale.

Plans for addressment of any concerns observed as part of the post-construction monitoring will be developed in collaboration with the property owner, NHDES, and the City of Portsmouth Planning and Sustainability Department, and presented as part of the annual report for final review and approval. Finally, the annual report will provide a discussion on the feasibility of hand removal of some, or all of the stone re-installed in the Upper Swale. The decision to proceed with removal of some or all this stone will be made in discussion with NHDES and the City of Portsmouth Planning and Sustainability Department and will weigh the benefits of removing the little remaining hardscape from a wetland area against the potential risk of disrupting the established swale system and destabilizing the slope. If a decision is made to remove stone, this removal should occur when no rain is in the forecast and the project seed mix or other native seed mix approved by NHDES and City of Portsmouth Planning and Sustainability Department should be spread over areas where stone is to be removed to stabilize the newly exposed substrate.

If after Year 2 of post-construction monitoring it is agreed by all interested parties (i.e., the property owner, Normandeau, NHDES, and the City of Portsmouth Planning and Sustainability Department) that the restoration is stable and has achieved its restoration goals, then a decision to end post-construction monitoring may be reached and a notice of completion for the project will be issued.

# ADJUSTMENTS TO THE RESTORATION PLAN AND PROPERTY MANAGEMENT PLAN PER THE CONSERVATION COMMISSION DECISION LETTER STIPULATIONS

On February 16, 2024 the Portsmouth Conservation Commission issued a recommendation for approval of a Wetlands Conditional Use Permit to complete the restoration plan discussed above with the following stipulation:

1. *The restoration plan shall be amended to include the addition of coir logs to protect the live stakes in the plant establishment phase.*

   **Project response:** The project scope has been revised to include the installation of a minimum of six (6) coir logs across the existing channel of the swale as shown on Sheets 2 and 3 in Attachment B. Two of these coir logs will be installed during site set up to reduce flow velocities upstream of the restoration project, while the other four will be installed at intervals down the swale as stone is removed and live stakes installed. Coir logs will be positioned between live stakes with sufficient space to prevent them from pressing up against or touching the live stakes. All coir logs will be held in place using crossed wooden stakes rather than staking through the coir log itself, to maintain the integrity of the coir log. These coir logs will remain in place during live stake establishment and only be removed with the approval of Environmental Monitor for the project.

2. *The property owner considers abiding by NOFA standards for all landscaping activities.*

   **Project response:** The current property owner has agreed to abide by the following standards, which are in alignment with NOFA standards:

   5. No use of fertilizers, including organic products, within 25 feet of the reference line of wetland POGW1 or within the boundaries of wetland POGW2.

   6. Between 25 and 250 feet from the reference line of POGW2 but outside of POGW2, only slow or controlled release fertilizer will be used. This slow or controlled release fertilizer will be guaranteed, as indicated on the package label, to contain:

      a. At most 2% phosphorous, and

      b. A nitrogen component which contains at least 50% slow-release nitrogen.

   7. No chemicals, including organic pesticides, will be applied within 50 feet of the reference line of POGW1 or within the POGW2, except by a professional licensed for pesticide application by the State of New Hampshire.

8. The current property owner will have their landscaper maintain the grass of the existing manicured lawns three inches or higher to encourage deeper roots and reduce fertilizer needs.

3. *A simplified map will be created for use by future landscapers and property owners that clearly defines what areas can and cannot be mowed, along with what areas should not be maintained and/or manicured.*

   **Project response:** A statement specifying that this will be done as part of the as-built reporting process at the end of planting has been added to the plan.

# Attachment A: Gardner Property Natural Resource Report

NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS

# Gardner Property
# Natural Resource Survey Report

**Portsmouth, New Hampshire**

**Presented To:**

Mr. John (Jack) Gardner.
50 Odiorne Point Road

Portsmouth, NH, 03801

**Submitted By:**

Normandeau Associates, Inc.
25 Nashua Road
Bedford, NH 03110

February 21, 2023

www.normandeau.com

# Contents



# Figures



# Attachments

## 1.0 Introduction

Normandeau Associates, Inc. (Normandeau) conducted a wetland delineation and natural resource surveys on the Gardner property (Map 224 Block 10 Lot 3) on Odiorne Point Road in Portsmouth, New Hampshire (Figure 1). This property contains the Gardner's private residence. Following a site visit to the Gardner property by City of Portsmouth staff on June 16, 2022, Peter Britz, Environmental Planner/Sustainability Coordinator, issued a letter documenting that the property was in violation of the Zoning Ordinance of the City of Portsmouth, NH due to work that was completed in the City's 100' tidal buffer zone without a permit. The work included the grading and/or installation of fill around a rebuilt stone wall at the base of the property and the installation of stone extending a pre-existing stone swale that routes water across the property. The stone swale, soil and grading, wall reconstruction, and vegetation removal within the 25' wetland buffer all constitute work in the buffer zone which is not allowed without a City of Portsmouth Wetland Conditional Use Permit and a State Wetland Permit issued by NH Department of Environmental Services. Following recommendations made by City of Portsmouth staff during a meeting on July 19, 2022, Mr. Gardner contacted Normandeau on July 21, 2022 and, following a period of proposal development involving site visits for scoping purposes, Mr. Gardner contracted Normandeau for support services to bring the property under local and state regulatory compliance. As part of these services, a Normandeau wetland scientists completed a natural resource survey and delineation of the entire parcel on November 11 and 29, 2022, supplemented by photos and observations made during a proposal development site visit on August 11, 2022.

The Gardner property is 1.17 acres containing a private residence, driveway, and landscaped lawn at the front of the property. The back of the property slopes down to a stone wall that divides the landscaped backyard from salt marsh that occurs along the shoreline of Tucker's Cove, portions of which are infested by the invasive common reed (*Phragmites australis*). This stone wall was rebuilt in 2022 in response to observed erosion in the vicinity of the pre-existing stone wall in 2021. A stone swale extends northwest down the property slope from near the northwest corner of the residence to the northern end of the stone wall, ranging in width from approximately 6 to 10 feet. This swale was progressively installed between 2009 and 2022, again in response to erosion observed by the property shortly after purchasing the property in 2006. Most of the parcel upslope of the salt marsh is upland, with a freshwater wetland that includes the stone swale along most the northern side of the parcel and extends northeast onto the neighboring property to the north.

A summary of the site characteristics, methodology, and results of the natural resource surveys are provided below.

## 2.0 Desktop Mapping and Resource Data

The Wetland Permit Planning Tool (WPPT, Figure 2a) mapped the salt marsh bordering Tucker's Cove as floodplain wetland contiguous to a tier-3-or-higher watercourse and a designated prime wetland with a duly established 100-ft buffer. Therefore, these wetlands and areas within their 100-ft buffer are Priority Resource Areas (PRAs) according to New Hampshire Department of Environmental Services (NHDES) wetland regulations. The parcel is in the Upper Sagamore Creek water quality assessment unit (AUID: NHEST600031001-03) (Figure 2b). This assessment unit is listed as Severe for Aquatic Life Integrity and Recreation, and Poor for Fish and Shellfish Consumption on the 2018 305(b)/303(d) Assessment Watershed Report Card. The 2020 NH Wildlife Action Plan map of Highest Ranked Wildlife Habitat by Ecological Condition (Figure 2c) classifies the salt marsh as highest ranked habitat in New Hampshire based on the rarity of the habitat in the state. The Natural Resource Conservation Service (NRCS) has mapped the majority of the parcel as well-drained Chatfield-Hollis-Canton complex, while the salt marsh along the northwestern end of the parcel is very-poorly-drained Westbrook mucky peat (Figure 3). The Federal Emergency Management Agency (FEMA) mapped the 100-year floodplain at an elevation of 8 feet (Figure 4).

# 3.0 Vegetated Wetland Delineation and Assessment

## 3.1 Methods

Wetland boundaries were delineated according to the 1987 *Corps of Engineers Wetland Delineation Manual* and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*, which utilize the three-parameter approach (i.e., evaluating the site for the presence of hydric soils, hydrophytic vegetation and wetland hydrology) for identifying wetlands and determining their jurisdictional limits[1,2]. The 1987 Corps Manual and the Regional Supplement describe the methodology that is required for wetland delineations that are subject to review under the NHDES Wetland Rules (Env-Wt 406.01). The wetland boundaries were flagged with pink "Wetland Delineation" flagging. The flags for each wetland are sequentially numbered and remain at the site. A New Hampshire Certified Wetland Scientist (NHCWS #298) reviewed the wetland delineation. Flags were GPS-surveyed at the time of delineation. Data from paired upland-wetland U.S. Army Corps of Engineers (USACE) data plots were collected to document representative wetland boundary information.

Wetlands were classified according to the US Fish and Wildlife Services classification system (Cowardin)[3] and functions and values (services) assessed based on the USACE Highway Methodology Workbook Supplement (1999)[4].

## 3.2 Results

Two wetlands were delineated within the study area. A sketch map of the wetlands is included in Figure 5 and a summary of significant characteristics is provided in Table 1 below. Brief descriptions of the wetlands are included below, and representative site photos are included in Attachment A. USACE wetland determination data forms for selected wetland are included in Attachment B and Highway Methodology Function and Values (Services) forms are included in Attachment C.

### Wetland POGW1

Wetland POGW1 is an estuarine intertidal emergent wetland (E2EM1,5P) that occurs just downslope of the stone wall on the Gardner parcel, along the shoreline of Tucker's Cove that extends north and south of the parcel boundaries. Portions of this wetland, including most of the area within the Gardner property, are infested by the invasive common reed (*Phragmites australis*). The Gardner portion of this wetland is currently undergoing periodic spray treatment under a state permit to manage this invasive species. The stone swale installed to manage stormwater runoff on the parcel drains into POGW1 at the northern end of the rebuilt stone wall. The majority of the POGW1 within the Gardner parcel is dominated by common reed, although smooth cordgrass (*Spartina alterniflora*) becomes dominant downslope towards Tucker's Cove. In areas of the wetland adjacent the Gardner parcel not infested with common reed, the marsh platform is dominated by smooth cordgrass and,

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[1] U.S. Army Corps of Engineers. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiments Station.

[2] U.S. Army Corps of Engineers. 2011. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*, ed. J. S. Wakeley, R. W. Lichvar, C. V. Noble, and J. F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

[3] Classification of Wetlands and Deepwater Habitats of the United States", adapted from Cowardin, Carter, Golet and LaRoe (1979), August 2013, FGDC- STD-004-2013.

[4] US Army Corps of Engineers New England District. September 1999. The Highway Methodology Workbook Supplement, Wetland Functions and Values, A Descriptive Approach. NAEEP-360-1-30a. 32 pp.

in higher elevation areas, saltmeadow cordgrass (*Spartina patens*). The landward edge of the saltmarsh contains some species more typical of freshwater wetlands, especially arrow-leaved tearthumb (*Persicaria sagittata*). The highest observable tide line (HOTL) is coincident with the boundary of this wetland on the Gardner parcel. Soils in the data plot were silt loams and met the depleted below dark surface hydric soil indicator. The wetland is regularly flooded at high tide, resulting in an observed water table at the substrate surface and water marks on woody vegetation stumps on the upslope fringe of the wetland. This wetland provides several functions and services, principle of which is sediment/shoreline stabilization due to its location on the shoreline of Tucker's Cover and uniqueness and heritage due to its designation as a prime wetland. POGW1 is also suitable for floodflow alteration, fish/shellfish habitat, sediment/toxicant retention, nutrient removal/retention, production export, and wildlife habitat, due to the high vegetation density, potential for runoff from lawns and impervious surfaces, and extent of saltmarsh habitat. This wetland is considered a PRA under NHDES Wetland Regulations due to its classification as a tidal wetland and floodplain wetland contiguous to a tier 3 or higher watercourse, as well as being a designated a prime wetland (Env-Wt 103.66).

Wetlands POGW2

Wetlands POGW2 is a forested wetland (PFO1E) that occurs on the slope on the northern half of the Gardner parcel, running from near the front of the property down to the stone wall at the back. This wetland extends onto the parcel to the north (26 Odiorne Point Rd.), where it is hydraulically connected via two culverts to undelineated potentially wetlands across the road at 49 Odiorne Point Rd. (Culvert N) and a portion of the stormwater drainage system for Odiorne Point Rd. (Culvert S). Discharge from these culverts exits the roadside headwall, becomes channelized into a single channel, and drains southwest onto the Gardner parcel adjacent the northern side of the house. The direction of flow shifts northwest once on the Gardner property, following the direction slope and is captured by the stone swale along the southwestern edge of POGW2. The tree/shrub canopy in the upslope portion of POGW2, into which the culverts discharge, is dominated by American hornbeam (*Carpinus caroliniana*) and red maple (*Acer rubrum*), with a dense herbaceous understory dominated by jewelweed (*Impatiens capensis*), poison-ivy (*Toxicodendron radicans*), sensitive fern (*Onoclea sensibilis*), and field horsetail (*Equisetum arvense*). The tree canopy in the mid and lower slope portions of POGW2 adjacent the stone swale are dominated by red maple with some red oak (*Quercus rubra*) and eastern white pine (*Pinus strobus*) also present. The understory in the mid to lower slope areas is dominated by switch panicgrass (*Panicum virgatum*), fowl manna grass (*Glyceria striata*), creeping buttercup (*Ranunculus repens*), and common wrinkle-leaved goldenrod (*Solidago rugosa*), which reduces in coverage progressing downslope. The hydric soil indicator is A11. Depleted below dark surface, with a water table observed within 6" of the substrate surface. Small patches of the invasive shrubs multiflora rose (*Rosa multiflora*) and false glossy buckthorn (*Frangula alnus*) were also observed in the mid slope portion of this wetland. This wetland provides fewer functions and services than POGW1, principle of which is sediment/toxicant retention due to its receiving of stormwater runoff. This wetland is also suitable for groundwater recharge/discharge, floodflow alteration, production export, sediment stabilization, and wildlife habitat. POGW2 is considered a PRA under NHDES Wetland Regulations due to its location within the duly-established 100-foot buffer of the designated prime wetland downslope that occurs along the entire shoreline of Tucker's Cove.

# 4.0 Channel Delineation

## 4.1 Methods

Stream channels located in and adjacent to the property were mapped using survey methods. The location of each culvert and points delineating the centerline of each channel were GPS-located on November 11. Stream characteristics including water depth at the time of survey, bankfull width, bank height, and dominant bed

substrate were identified at the time of the survey. Flow regime was determined for each stream based on bed and bank characteristics, as well as incorporating the flow observations of the landowner.

## 4.2 Results

Two streams, each originating from a separate culvert exiting a roadside headwall, were identified on the parcel to the north. These streams converge to form a single stream channel that flows onto the Garner property. These streams are discussed in more detail below.

**Stream POGS1**

POGS1 is channel which begins in the upslope portion of POGW2, sourced from a culvert that hydraulically connects wetland POGW2 with at a portion of the stormwater drainage system for the development. The channel runs northwest approximately 34 feet before converging with POGS2 to form a single channel. This combined flow runs southwest onto the Gardner parcel and is captured by the stone swale installed by the Gardner's. The swale conveys this flow northwest down the slope of the property to the northern end of the rebuilt stone wall. All channelized flow associated with POGS1 is contained within the delineated boundary of wetland POGW2. No evidence of channelized flow or sedimentation was observed downslope of the end of the swale into wetland POGW1. Prior to being captured by the stone swale POGS1 is classified as a riverine, ephemeral stream with a mud bottom. Under the Cowardin system ephemeral streams are not formally assigned, but the USACE tracks them under the classification R6. The NHDES Wetland Rules protect ephemeral streams as a jurisdictional area subject to regulation RSA 482-A (Env-Wt 103.25). Runoff from rainfall and snowmelt is the primary source of stream flow and so the stream has flowing water only during, and for a short duration after, precipitation or thaw events. The natural portion of the POGS1 channel has an average bankfull width of 1 foot and an average bank height of 4 inches. The stone swale portion of POGS1 has an average bankfull width of 6 feet and an average bank height of 1 inch. No water was observed within the natural or stone swale portion of the channel at the time of the natural resource survey.

**Stream POGS2**

POGS2 is a short channel located in the upslope portion of POGW2, sourced from a culvert that hydraulically connects wetland POGW2 with undelineated wetlands across Odiorne Point Rd. The channel runs southwest approximately 61 feet before converging with POGS1 to form a single channel. POGS2 is classified as a riverine, ephemeral stream with a mud bottom. Under the Cowardin system ephemeral streams are not formally assigned, but the USACE tracks them under the classification R6. Runoff from rainfall and snowmelt is the primary source of stream flow and so the stream has flowing water only during, and for a short duration after, precipitation or thaw events. The channel has an average bankfull width of 1 foot and an average bank height of 4 inches. No water was observed within the channel at the time of the natural resource survey.

Table 1 - Summary of delineated wetland and stream characteristics.

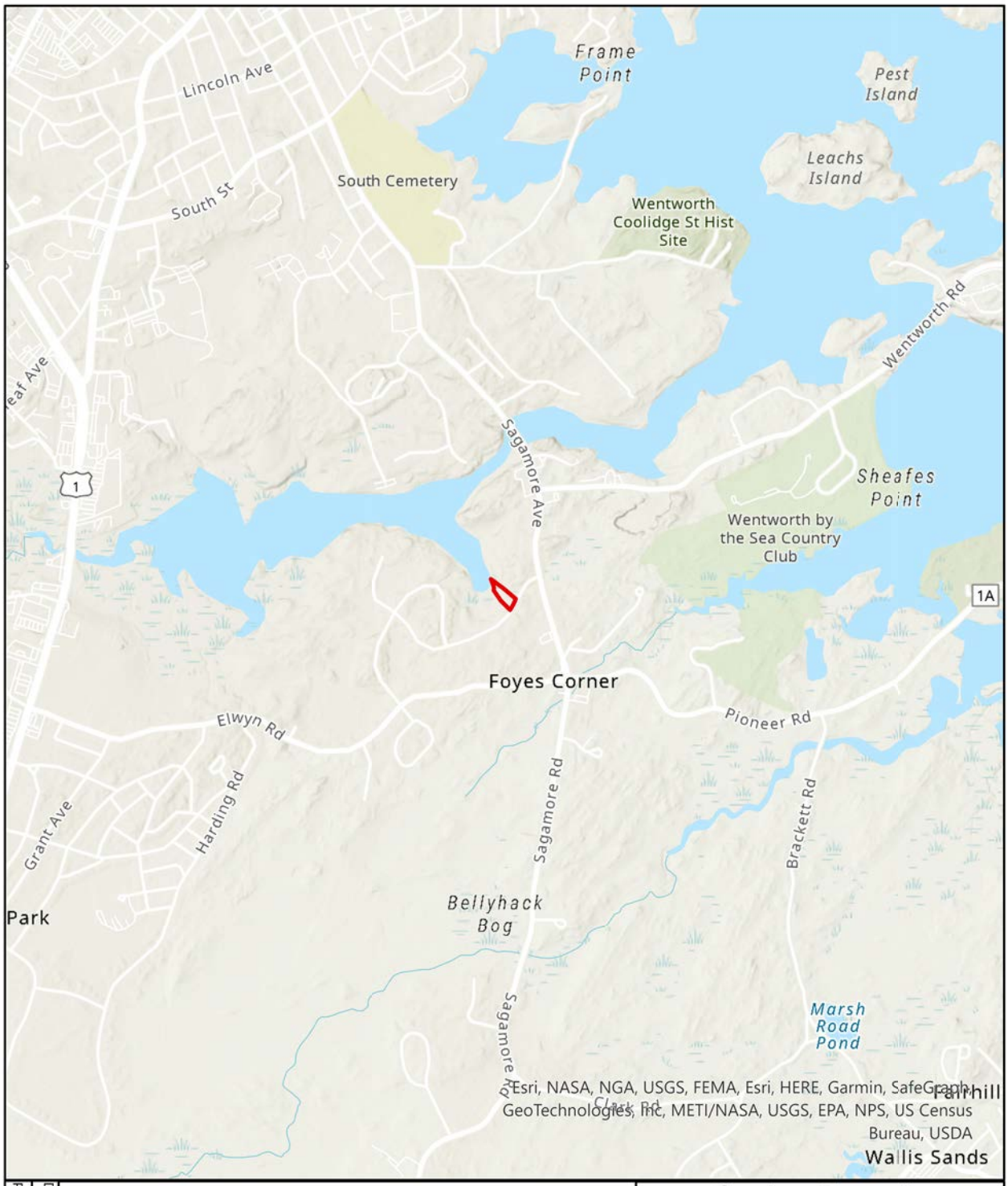
| Wetland ID | Cowardin Classification | PRA | Associated Watercourse | Delineated Area/Length |
|---|---|---|---|---|
| POGW1 | E2EM1,5P (100%) | Y | Sagamore Creek | 12,104 sq. ft. |
| POGW2 | PFO1E (100%) | Y | POGS1 | 9,345 sq. ft. |
| POGS1 | R6UB3 | Y | POGS2 | 163 ft. (on parcel) and 65 ft. (off parcel) |
| POGS2 | R6UB3 | N | POGS1 | 61 ft. (off parcel) |

## 5.0 Discussion

Wetlands on the Gardner parcel, as well as the duly established 100-ft buffer of POGW1, are PRAs, and therefore permanent impacts of any size to these wetlands or the buffer are subject to compensatory mitigation. Clearing of vegetation in wetlands is considered a secondary impact, and the USACE may require mitigation for secondary impacts. Alteration of natural habitats adjacent to streams is also considered a secondary impact potentially subject to mitigation by the USACE if the alteration impairs the stream, so minimizing clearing and earthwork is imperative.

Correspondence with NHDES and the City of Portsmouth regarding the proposed project following a site visit to the property on January 12, 2023 is ongoing. Correspondence with the NH Natural Heritage Bureau (NHNHB) in response to the documented occurrence of a protected habitat in the vicinity of the proposed project area is ongoing following completion of a virtual meeting to discuss the proposed work and restoration planting plan. NHNHB has expressed satisfaction with the proposed project activities and planting plan but has requested they be kept informed should any significant changes to the proposed work or restoration plan occur. The results of the NHNHB review does not include any wildlife species records and therefore formal consultation with NH Fish & Game (NHFG) is not anticipated at this time.

**Figures**




Project No.: 24731.000

Drawn By: eolliver

50 Odiorne Point Road Property Line

N

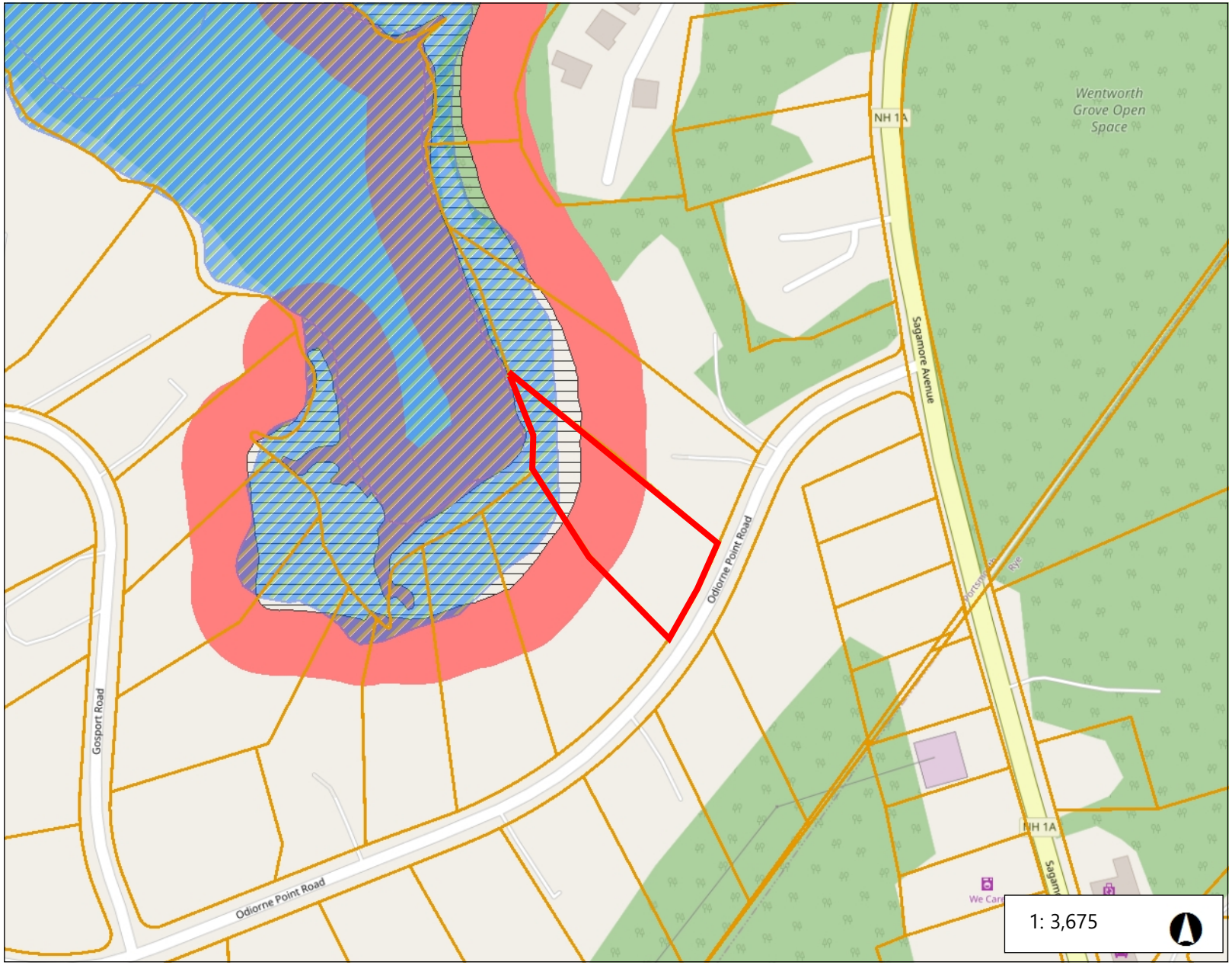
0 1,000 2,000 Feet

**Gardner Property**
**Project Locus**
Portsmouth, NH

NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS

*25 Nashua Road Bedford, NH 03110*
*(603) 472-5191 www.normandeau.com*

# Figure 2a. Wetland Permit Planning Tool - PRAs




Gardner Parcel

Legend

NH Parcels

Parcel Polygons

Flood Plain Wetlands Adjacent to Tier 3 Streams Prime Wetlands

Prime Wetlands

100 ft Prime Wetland Buffer

Dunes

backdune

foredune

interdune

other

Notes

0.1 0 0.06 0.1 Miles

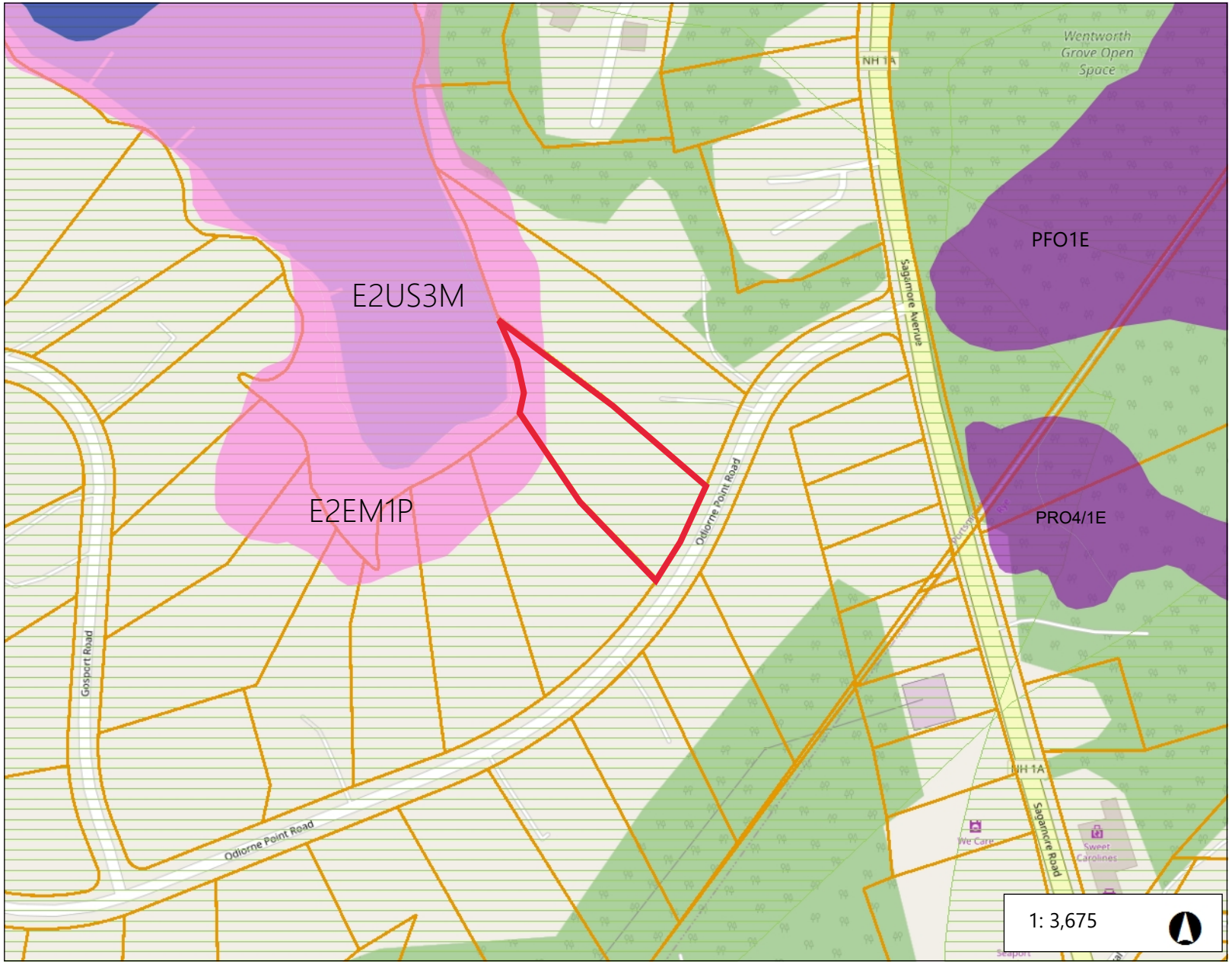
WGS_1984_Web_Mercator_Auxiliary_Sphere



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# Figure 2b. Wetland Permit Planning Tool - Impaired Waters and NWI Plus




Gardner Parcel

## Legend

NH Parcels

- Parcel Polygons

Wetland Types and NWIPlus

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetlan
- Freshwater Pond
- Lake
- Other
- Riverine

- Watersheds with Chloride Impairments 2016
- Surface Waters with Impairments 2016 with Quarter Mile Buffer

## Notes

0.1 0 0.06 0.1 Miles

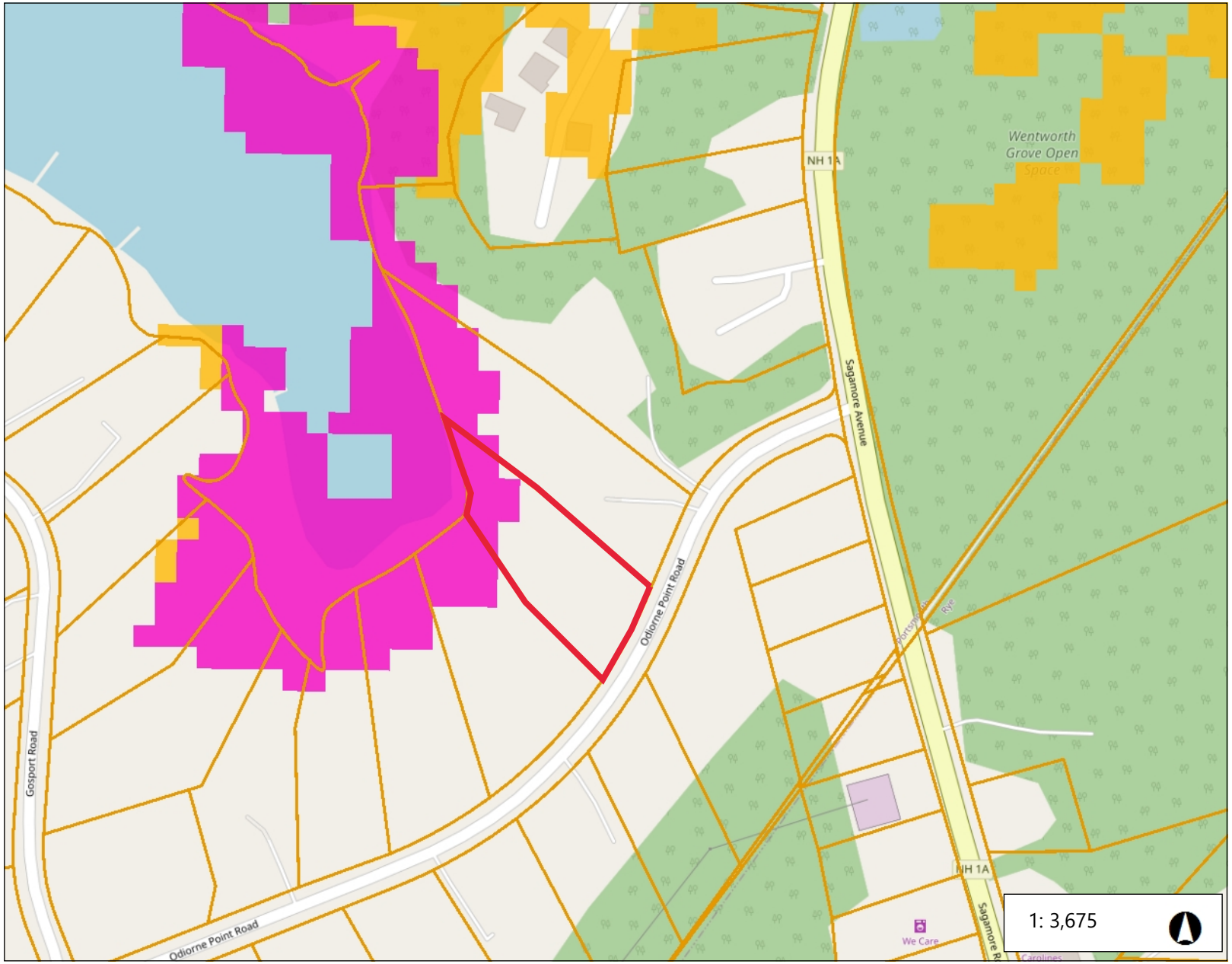
WGS_1984_Web_Mercator_Auxiliary_Sphere



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# Figure 2c. Wetland Permit Planning Tool - 2020 Highest Ranked Wildlife Habitat by Ecological Condition




Gardner Parcel

Legend

NH Parcels

Parcel Polygons

Highest Ranked Wildlife Habitat

0

1 Highest Ranked Habitat in NH

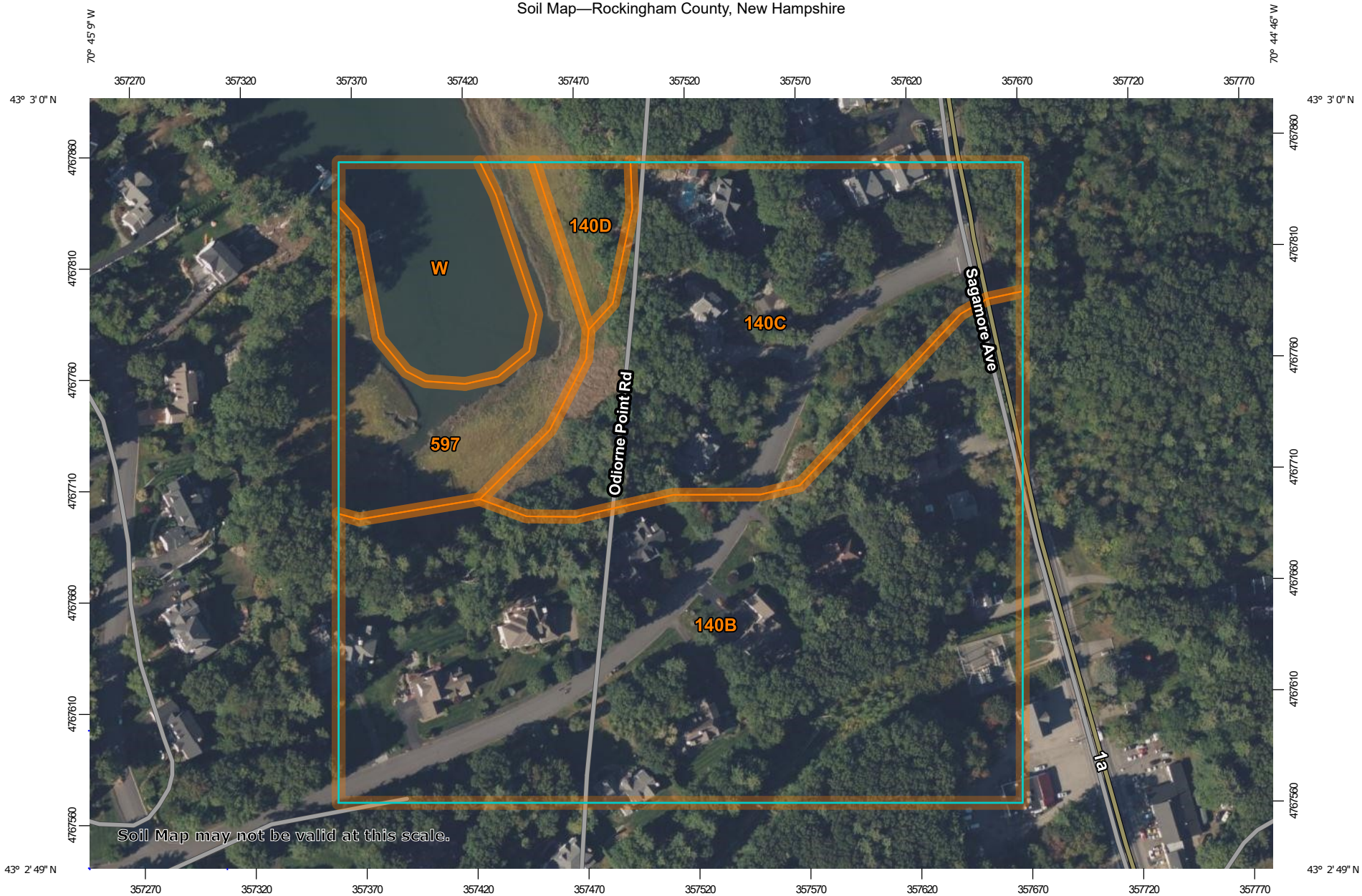
2 Highest Ranked Habitat in Regior

3 Supporting Landscape

Notes

0.1 0 0.06 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere




Map Scale: 1:2,440 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 35 70 140 210

Feet: 0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

## MAP LEGEND

**Area of Interest (AOI)**

- Area of Interest (AOI)

**Soils**

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

**Special Point Features**

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

**Water Features**

- Streams and Canals

**Transportation**

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

**Background**

- Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Rockingham County, New Hampshire
Survey Area Data: Version 25, Sep 12, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

# Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|---|---|---|---|
| 140B | Chatfield-Hollis-Canton complex, 0 to 8 percent slopes, rocky | 11.7 | 53.3% |
| 140C | Chatfield-Hollis-Canton complex, 8 to 15 percent slopes, rocky | 6.0 | 27.4% |
| 140D | Chatfield-Hollis-Canton complex, 15 to 35 percent slopes, rocky | 0.5 | 2.3% |
| 597 | Westbrook mucky peat, 0 to 2 percent slopes, very frequently flooded | 2.1 | 9.6% |
| W | Water | 1.6 | 7.4% |
| **Totals for Area of Interest** | | **22.0** | **100.0%** |

# National Flood Hazard Layer FIRMette

FEMA

70°45'17"W 43°3'9"N


70°44'39"W 43°2'43"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

*Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020*

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS**
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

**GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**
- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**
- Digital Data Available
- No Digital Data Available
- Unmapped

N

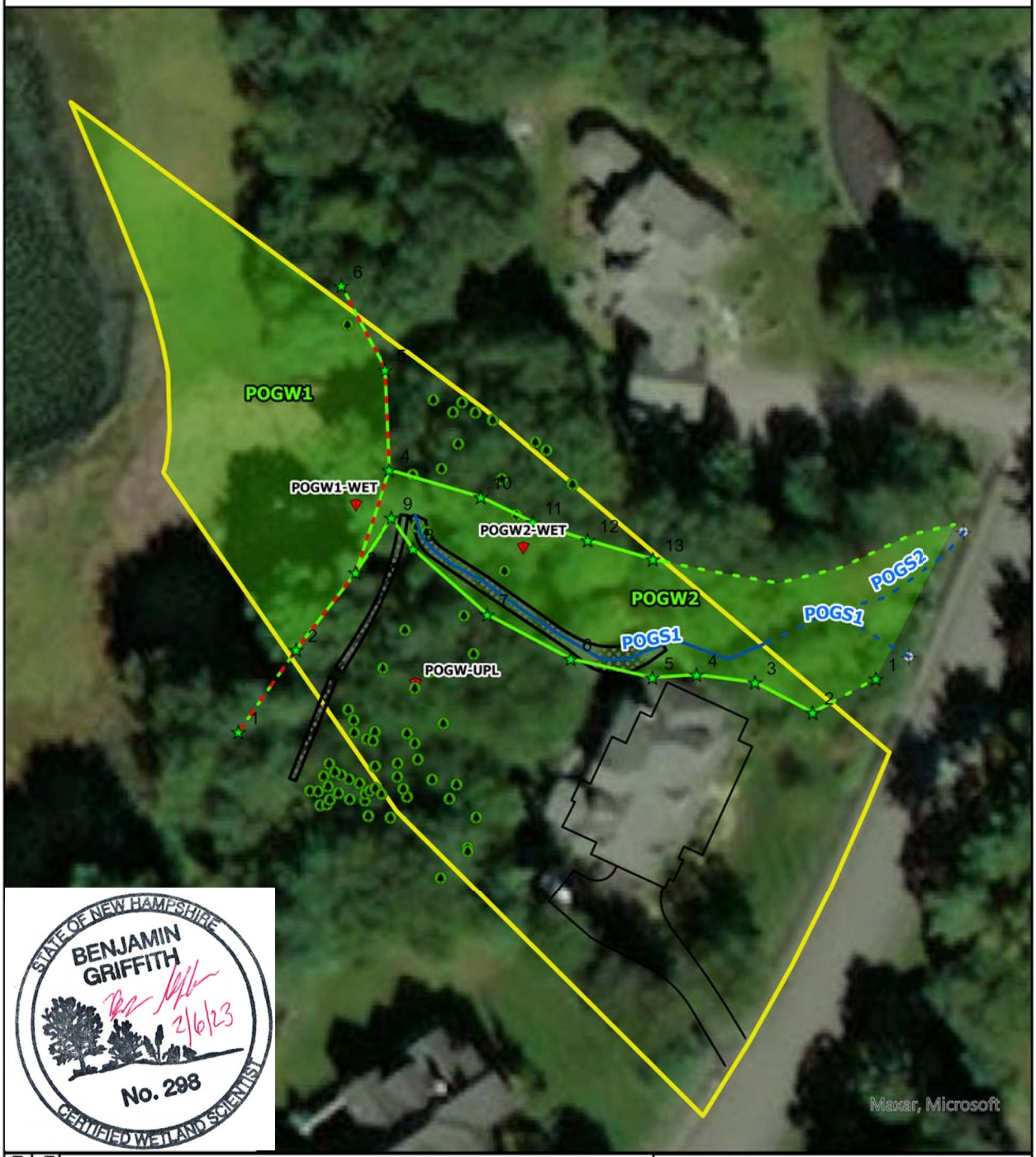
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/10/2023 at 3:40 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Wetlands delineated by Elizabeth Olliver under the supervision of Benjamin Griffith (Certified Wetland Scientist #298) on November 11th and 29th, 2022.




STATE OF NEW HAMPSHIRE
BENJAMIN GRIFFITH
3/6/23
No. 298
CERTIFIED WETLAND SCIENTIST

Project No.: 24731.000

Drawn By: eolliver

- Wetland Flag
- Stream Centerline
- Stream Centerline (off parcel)
- Stream Centerline (on parcel)
- Wetland Boundaries
- HOTL
- Wetland Boundary (off parcel)
- Wetland Boundary (on parcel)
- Delineated Wetland Area
- Tree
- Culvert
- USACE Plot
- House
- Driveway
- Stone Swale
- Rebuilt Stone Wall
- Property Line

N

0 30 60 Feet

**Gardner Property**
**Natural Resource Delineation**
Portsmouth, NH

NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS
25 Nashua Road Bedford, NH 03110
(603) 472-5191 www.normandeau.com

**Attachment A**

**Site Photographs**

**Project Site Overview**

*Photo 1. Upper portion of the access route off the driveway to stone wall and swale project area, viewing southwest. (08-11-22)*

*Photo 2. Lower portion of the access route off the driveway to stone wall and swale project area, viewing northwest. (08-11-22)*

*Photo 3. Wider overview of the slope above the stone wall and south of the stone swale, viewing southeast. (08-11-22)*

*Photo 4. Overview of the northern half of the Gardner property containing POGW2 and the stone wale, viewing northwest from the deck. (08-11-22)*

*Photo 5. Overview of the upland slope south of the stone swale, viewing west from the deck. (08-11-22)*

*Photo 6. Overview of the upland slope south of the stone swale, viewing west. (08-11-22)*

**Stone Wall Overview**

*Photo 7. Area directly upslope of the stone wall previously disturbed by stone wall reconstruction, viewing south. (08-11-22)*

*Photo 8. Overview of the downslope side of the stone wall, viewing south from the northern end of the stone wall. Wetland POGW1 occurs in the right side of the photo. (08-11-22)*

*Photo 9.Overview of pre-existing stone wall on property to the south of the Gardner property, viewing south. (08-11-22)*

## Wetland POGW1 (Salt marsh at western end of Gardner property)

*Photo 10. Overview of the POGW1, viewing west-southwest. (08-11-22)*

*Photo 11.Overview of POGW1 north of the Gardner property salt marsh, viewing north. (08-11-22)*

*Photo 12.Overview of POGW1 west of the Gardner property, viewing south. Area shown is undergoing treatment for Phragmites australis. (08-11-22)*

*Photo 13.Overview of POGW1 closer to the open water of Tucker's Cove, viewing southwest. Area shown is undergoing treatment for Phragmites australis. (08-11-22)*

## Wetland POGW2 and Stone Swale

*Photo 14. Overview of the undelineated area and the inflow on eastern side of Odiorne Point Road that flows to the northern culvert outflow into POGW2 shown in Photo 16, viewing north. (08-11-22)*

*Photo 15. Overview of the northeastern most portion of POGW2 off the Gardner property containing Photos 16 to 20, viewing northeast. (08-11-22)*

*Photo 16. Northern culvert outflow (source of delineated POGS2) into POGW2, viewing west. (08-11-22)*

*Photo 17. Southern culvert outflow (source of POGS1) into POGW2, viewing west. (08-11-22)*

*Photo 18. POGS1 leading from the southern culvert outflow from the headwall at the northwestern edge of POGW2 (shown in Photo 17), viewing west, upstream. (08-11-22)*

*Photo 19. POGS1 leading onto the Gardner property from the culverts located at the northeastern end of POGW2, viewing northeast, upstream. Head wall from which the flows are sourced is in the upper right portion of the photo. Blue arrows indicate the paths of POGS1 and POGS2 from the two culvert outflows from the headwall to where they merge in the foreground. (08-11-22)*

*Photo 20. POGS1 leading onto the Gardner property from the culverts located at the northeastern end of POGW2, viewing south, downstream. Property boundary is indicated by the green rod indicated by the red arrow. (08-11-22)*

*Photo 21. POGS1 leading onto the Gardner property from the culverts located at the northeastern end of POGW2, viewing southwest, downstream. Property boundary is indicated by the green rod visible in the right side of the photo. (08-11-22)*

*Photo 22. POGS1 leading onto the Gardner property from the culverts located at the northeastern end of POGW2, viewing north-northeast, upstream. Property boundary is indicated by the green rod indicated by the red arrow. (08-11-22)*

*Photo 23. POGS1 bound by POGW2 running parallel to the northern side of the Gardner house, viewing southwest downstream. Channel path is indicated by the blue arrows. (08-11-22)*

*Photo 24. POGS1 parallel the north side of the house on the Gardner property in POGW2, viewing east upstream. (08-11-22)*

*Photo 25. Plastic landscaping barrier that funnels flow from POGS1 into the upper portion of the stone swale, viewing north. (08-11-22)*

*Photo 26. Upper portion of wetland POGW2, viewing west downslope from the plastic landscaping barrier forming the northwestern boundary of the channel that funnels into the upper portion of the stone swale. (08-11-22)*

*Photo 27. Overview of the older portion of the stone swale, viewing west from the near the top of the swale. (08-11-22)*

*Photo 28. Overview of the older, upper portion of the stone swale, viewing east upslope. (08-11-22)*

*Photo 29. Overview of the newer portion of the stone swale, viewing east from below the reconstructed stone wall. Location of the top of the stone swale extension is indicated by the red arrow. (08-11-22)*

*Photo 30. Lower portion of wetland POGW2, viewing east upslope from near the bottom of the stone swale. Top of the stone swale extension is indicated by the red arrow (08-11-22)*

*Photo 31. Bottom of the new portion of the stone swale, viewing west. (08-11-22)*

*Photo 32. Bottom of the stone swale, viewing northwest. (11-11-22)*

**Attachment B**

**USACE Wetland Determination Data Sheets**

## WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Gardner Property Stone Wall and Swale Addressment City/County: Portsmouth/Rockingham Sampling Date: November 11, 2022

Applicant/Owner: Jack Gardner State: NH Sampling Point: POGW1and2-UPL

Investigator(s): E. Olliver and B. Griffith Section, Township, Range:

Landform (hillside, terrace, etc.): Hillside Local relief (concave, convex, none): None Slope %: 3

Subregion (LRR or MLRA): LRR R Lat: Long: Datum: WGS 1984

Soil Map Unit Name: Chatfield-Hollis-Canton complex NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation X, Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No

Are Vegetation X, Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes | No X | **Is the Sampled Area** |
| Hydric Soil Present? | Yes | No X | **within a Wetland?** **Yes** **No** X |
| Wetland Hydrology Present? | Yes | No X | If yes, optional Wetland Site ID: |

Remarks: (Explain alternative procedures here or in a separate report.)
This area is was relatively recently impacted by work on the property and is part of a regularly maintained lawn area as well. Additionally, the field delineation was completed following plant senescence making identification and determination of herbaceous species percent coverages difficult.

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- Marl Deposits (B15)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Moss Trim Lines (B16)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- Microtopographic Relief (D4)
- FAC-Neutral Test (D5)

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes | No X | Depth (inches): |
| Water Table Present? | Yes | No X | Depth (inches): |
| Saturation Present? (includes capillary fringe) | Yes | No X | Depth (inches): |

**Wetland Hydrology Present?** **Yes** **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION** – Use scientific names of plants.

Sampling Point: OGW1and2-UF

| Tree Stratum (Plot size: 30' R) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. *Acer rubrum* | 50 | Yes | FAC |
| 2. *Pinus strobus* | 40 | Yes | FACU |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| | 90 | =Total Cover | |
| **Sapling/Shrub Stratum** (Plot size: 15' R) | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| | | =Total Cover | |
| **Herb Stratum** (Plot size: 5' R) | | | |
| 1. *Symphyotrichum spp* | 3 | No | |
| 2. Unidentified graminoids | 5 | Yes | |
| 3. *Leucanthemum vulgare* | 10 | Yes | UPL |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 18 | =Total Cover | |
| **Woody Vine Stratum** (Plot size: 30' R) | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | | =Total Cover | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 25.0% (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: | |
|---|---|---|---|
| OBL species | 0 | x 1 = | 0 |
| FACW species | 0 | x 2 = | 0 |
| FAC species | 50 | x 3 = | 150 |
| FACU species | 40 | x 4 = | 160 |
| UPL species | 10 | x 5 = | 50 |
| Column Totals: | 100 (A) | | 360 (B) |

Prevalence Index = B/A = 3.60

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** **Yes** ___ **No** X

Remarks: (Include photo numbers here or on a separate sheet.)
Field delineation was conducted after senescence of most of the herbaceous vegetation for the season. Additionally, the area is located on maintained private property and the plot area likely contained species that were planted by the property owner or previous property owner.

**SOIL**

Sampling Point: OGW1and2-UP

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth | Matrix | | Redox Features | | | | | |
|---|---|---|---|---|---|---|---|---|
| (inches) | Color (moist) | % | Color (moist) | % | Type[1] | Loc[2] | Texture | Remarks |
| 0 - 5 | 10YR 3/3 | 100 | | | | | | loamy |
| 5 - 9 | 10YR 5/6 | 100 | | | | | | sandy loam |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ High Chroma Sands (S11) (**LRR K, L)**
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) (**LRR K, L**)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** ____ **No** X

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

## WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Gardner Property Stone Wall and Swale Addressment City/County: Portsmouth/Rockingham Sampling Date: November 11, 2022

Applicant/Owner: City of Portsmouth State: NH Sampling Point: POGW1-Wet

Investigator(s): E. Olliver and B. Griffith Section, Township, Range:

Landform (hillside, terrace, etc.): Flat Local relief (concave, convex, none): None Slope %: 0

Subregion (LRR or MLRA): LRR R Lat: Long: Datum: WGS 1984

Soil Map Unit Name: Chatfield-Hollis-Canton complex NWI classification: E2EM1P (from NH WPPT)

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation X, Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No

Are Vegetation X, Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No | **Is the Sampled Area** |
| Hydric Soil Present? | Yes X | No 0 | **within a Wetland?** **Yes** X **No** |
| Wetland Hydrology Present? | Yes X | No | If yes, optional Wetland Site ID: |

Remarks: (Explain alternative procedures here or in a separate report.)
This portion of the salt marsh has been infested by Phragmites australis and is under treatment for management of the invasive plant species. Additionally, the field delineation was completed following plant senescence making identification and determination of herbaceous species percent coverages difficult.

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- Surface Water (A1)
- X High Water Table (A2)
- Saturation (A3)
- X Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- Marl Deposits (B15)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Moss Trim Lines (B16)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- Microtopographic Relief (D4)
- FAC-Neutral Test (D5)

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes | No X | Depth (inches): |
| Water Table Present? | Yes X | No | Depth (inches): 0 |
| Saturation Present? (includes capillary fringe) | Yes X | No | Depth (inches): 0 |

**Wetland Hydrology Present?** **Yes** X **No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Surface water was not observed within the plot at the time of the November 11th delineation but has been observed in other portions of the wetland.

**VEGETATION** – Use scientific names of plants.

Sampling Point: POGW1-Wet

| Tree Stratum (Plot size: 30' R) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. *Quercus rubra* | 40 | Yes | FACU |
| 2. *Pinus strobus* | 10 | Yes | FACU |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| | 50 | =Total Cover | |
| **Sapling/Shrub Stratum** (Plot size: 15' R) | | | |
| 1. *Smilax rotundifolia* | 2 | No | FAC |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| | 2 | =Total Cover | |
| **Herb Stratum** (Plot size: 5' R) | | | |
| 1. *Phragmites australis* | 10 | Yes | FACW |
| 2. *Persicaria sagittata* | 20 | Yes | OBL |
| 3. Unidentified graminoids | 7 | No | |
| 4. *Rosa multiflora* | 1 | No | FACU |
| 5. *Typha latifolia* | 2 | No | OBL |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 40 | =Total Cover | |
| **Woody Vine Stratum** (Plot size: 30' R) | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | | =Total Cover | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50.0% (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: | |
|---|---|---|---|
| OBL species | 22 | x 1 = | 22 |
| FACW species | 10 | x 2 = | 20 |
| FAC species | 2 | x 3 = | 6 |
| FACU species | 51 | x 4 = | 204 |
| UPL species | 0 | x 5 = | 0 |
| Column Totals: | 85 (A) | | 252 (B) |

Prevalence Index = B/A = 2.96

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** **Yes** X **No** ___

Remarks: (Include photo numbers here or on a separate sheet.)
Field delineation was conducted after senescence of most of the herbaceous vegetation for the season. Additionally, the area has recently undergone chemical treatment for Phragmites australis infestation.

**SOIL**

Sampling Point POGW1-Wet

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth | Matrix | | Redox Features | | | | | |
|---|---|---|---|---|---|---|---|---|
| (inches) | Color (moist) | % | Color (moist) | % | Type[1] | Loc[2] | Texture | Remarks |
| 0 - 3 | 7.5YR 2.5/1 | 100 | | | | | | Sandy silt/loamy |
| 3 - 6 | 7.5YR 5/1 | 100 | | | | | | Sandy silt |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- X Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ High Chroma Sands (S11) (**LRR K, L)**
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) (**LRR K, L**)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** ____ **No** ____

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

## WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Gardner Property Stone Wall and Swale Addressment City/County: Portsmouth/Rockingham Sampling Date: November 11, 2022

Applicant/Owner: Jack Gardner State: NH Sampling Point: POGW2-Wet

Investigator(s): E. Olliver and B. Griffith Section, Township, Range:

Landform (hillside, terrace, etc.): Flat Local relief (concave, convex, none): None Slope %: 3

Subregion (LRR or MLRA): LRR R Lat: Long: Datum: WGS 1984

Soil Map Unit Name: Chatfield-Hollis-Canton complex NWI classification:

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation X, Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No

Are Vegetation X, Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes | No X | **Is the Sampled Area** |
| Hydric Soil Present? | Yes X | No | **within a Wetland?** **Yes** X **No** |
| Wetland Hydrology Present? | Yes X | No | If yes, optional Wetland Site ID: |

Remarks: (Explain alternative procedures here or in a separate report.)
This area is located on a maintained private property and thus some of the plants could have been planted by the property owner or previous property owner. Additionally, the field delineation was completed following plant senescence making identification and determination of herbaceous species percent coverages difficult.

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- Marl Deposits (B15)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Moss Trim Lines (B16)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- Microtopographic Relief (D4)
- FAC-Neutral Test (D5)

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes | No X | Depth (inches): |
| Water Table Present? | Yes X | No | Depth (inches): 4 |
| Saturation Present? (includes capillary fringe) | Yes X | No | Depth (inches): 6 |

**Wetland Hydrology Present?** **Yes** X **No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Saturation presence was subtle.

**VEGETATION** – Use scientific names of plants.

Sampling Point: POGW2-Wet

| Tree Stratum (Plot size: 30' R) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. *Acer rubrum* | 50 | Yes | FAC |
| 2. *Pinus strobus* | 5 | No | FACU |
| 3. *Quercus rubra* | 5 | No | FACU |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| | 60 | =Total Cover | |
| **Sapling/Shrub Stratum** (Plot size: 15' R) | | | |
| 1. *Rosa multiflora* | 5 | Yes | FACU |
| 2. *Frangula alnus* | 3 | Yes | FAC |
| 3. *Viburnum plicatum** | | | UPL |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| | 8 | =Total Cover | |
| **Herb Stratum** (Plot size: 5' R) | | | |
| 1. *Symphyotrichum spp* | 10 | No | |
| 2. *Solidago rugosa* | 20 | Yes | FAC |
| 3. *Ranunculus repens* | 25 | Yes | FAC |
| 4. *Panicum virgatum* | 30 | Yes | FAC |
| 5. *Circaea canadensis* | 2 | No | FACU |
| 6. *Glyceria striata* | 20 | Yes | OBL |
| 7. *Verbena urticifolia* | 10 | No | FAC |
| 8. *Epilobium palustre* | 2 | No | OBL |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 119 | =Total Cover | |
| **Woody Vine Stratum** (Plot size: 30' R) | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | | =Total Cover | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 6 (A)

Total Number of Dominant Species Across All Strata: 7 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 85.7% (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: | |
|---|---|---|---|
| OBL species | 22 | x 1 = | 22 |
| FACW species | 0 | x 2 = | 0 |
| FAC species | 138 | x 3 = | 414 |
| FACU species | 17 | x 4 = | 68 |
| UPL species | 0 | x 5 = | 0 |
| Column Totals: | 177 (A) | | 504 (B) |

Prevalence Index = B/A = 2.85

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

_X_ 2 - Dominance Test is >50%

_X_ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** **Yes** ___ **No** X

Remarks: (Include photo numbers here or on a separate sheet.)
Field delineation was conducted after senescence of most of the herbaceous vegetation for the season. Additionally, the area is located on maintained private property and the plot area likely contained species that were planted by the property owner or previous property owner.

*=Planted

**SOIL**

Sampling Point POGW2-Wet

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth | Matrix | | Redox Features | | | | | |
|---|---|---|---|---|---|---|---|---|
| (inches) | Color (moist) | % | Color (moist) | % | Type[1] | Loc[2] | Texture | Remarks |
| 0 - 6 | 2.5Y 2.5/1 | 100 | | | | | Loamy/Clayey | |
| 6 - 10 | 2.5Y 4/1 | 70 | 2.5Y 5/3 | 30 | C | PL | Loamy/Clayey | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- X Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ High Chroma Sands (S11) (**LRR K, L)**
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) (**LRR K, L**)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** ____ **No** ____

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

**Attachment C**

**Wetland, Vernal Pool, and Stream**

**Functions and Values Forms**

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# Stream Data Sheet

***Gardner Property***

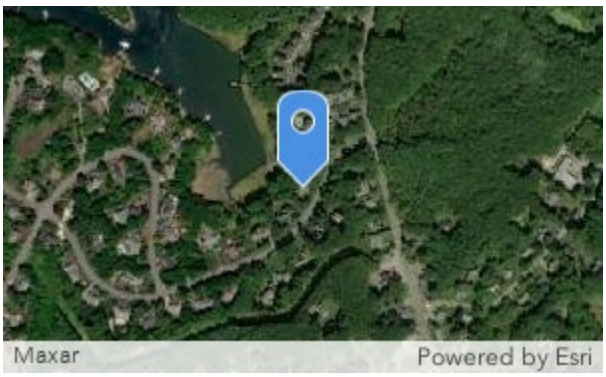
*Portsmouth , NH*

| | | | |
|---|---|---|---|
| **Stream ID:** | POGS1 | **Stream Name:** | |
| **Cowardin Classification:** | R6UB3 | **Delineator(s):** | Elizabeth Olliver |
| **Flow Regime:** | Ephemeral | **Number of Flags:** | No flags hung |
| **Associated Wetland:** | Yes | **Wetland ID:** | POGW2 |
| **Stream Notes:** | | | |

**Stream Characteristics:**

| | |
|---|---|
| **Flow Observations:** | Dry |
| **Bed composition:** | Fines w/ large cobble in portions. |
| **Bank Height (ft):** | 0.5 |
| **Average Bankfull Width (ft)** | 1 |
| **Average Depth (inches):** | 0 |
| **Riffle/Pool Complex:** | No |
| **Defined Bed and Bank** | No |
| **Shown on USGS Topo?** | No |
| **Flows Continuously for at least 6 Months?** | No |
| **Aquatic Organisms Present?** | No |
| **Aquatic Vegetation Present?** | No |
| **Scoured Mineral Bottom?** | Yes |

**Location:**



**Photos:**

Southern culvert outflow serving as the delineated upstream end of POGS1 in wetland POGW2. (08-11-22)

Channel leading from the southern culvert outflow from the headwall at the western end of POGW2 (shown in Photo 1), viewing west, upstream. (08-11-22)

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Channel leading onto the Gardner property after POGS1 and POGS2 merge, viewing south, downstream. Approximate property boundary location is indicated by the green rod visible to the left of the channel. (08-11-22)

# Wetland Function- Value Evaluation Form

Total area of wetland? 9,345 sq. ft. Human made? N Is wetland part of a wildlife corridor? N or a "habitat island"? N

Adjacent land use Residential and road Distance to nearest roadway or other development 10 ft

Dominant wetland systems present PFO1E Contiguous undeveloped buffer zone present N

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin Mid point

How many tributaries contribute to the wetland? 2 Wildlife & vegetation diversity/abundance (see attached list)

Wetland ID POGW2
Latitude Longitude
Prepared by: eolliver_NAI _USA Date 11/11/2022
Wetland Impact:
Type Area
Evaluation based on:
Office X Field X
Corps manual wetland delineation completed? Y__X___ N_____

| Function/Value | Suitability Y/N | Rationale (Reference #)* | Principal Function(s)/Value(s) | Comments |
|---|---|---|---|---|
| Groundwater Recharge/Discharge | Y | 15 | ☐ | |
| Floodflow Alteration | Y | 3,4,5,9,13,6 | ☐ | |
| Fish and Shellfish Habitat | N | | ☐ | |
| Sediment/Toxicant Retention | Y | 1,4 | ☐ | |
| Nutrient Removal | N | | ☐ | |
| Production Export | N | | ☐ | |
| Sediment/Shoreline Stabilization | Y | 1,2,3,4,8,9 | ☐ | |
| Wildlife Habitat | N | | ☐ | |
| Recreation | N | | ☐ | |
| Educational/Scientific Value | N | | ☐ | |
| Uniqueness/Heritage | N | | ☐ | |
| Visual Quality/Aesthetics | N | | ☐ | |
| ES Endangered Species Habitat | N | | ☐ | |
| Other | no | | | |

**Notes:**

* Refer to backup list of numbered considerations.

| FUNCTIONS/ VALUES | SUITABILITY (Y/N) | RATIONALE (Reference #) | PRINCIPAL FUNCTION/VALUE? (Y/N) | IMPORTANT NOTES |
|---|---|---|---|---|
| 1 | 5 | | | Modification of flow from culvert and stone swale. |
| 2 | N | | ☐ | |
| 3 | N | | ☐ | |
| 4 | Y | 3,4,5,9,13,6 | ☐ | |
| 5 | Y | 15 | ☐ | |
| 6 | N | | ☐ | |
| 7 | N | | ☐ | |
| 8 | N | | ☐ | |
| 9 | N | | ☐ | |
| 10 | Y | 1,4 | ☐ | |
| 11 | Y | 1,2,3,4,8,9 | ☐ | |
| 12 | N | | ☐ | |
| 13 | N | | ☐ | |
| 14 | N | | ☐ | |

**Notes:**

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# Stream Data Sheet

***Gardner Propery***

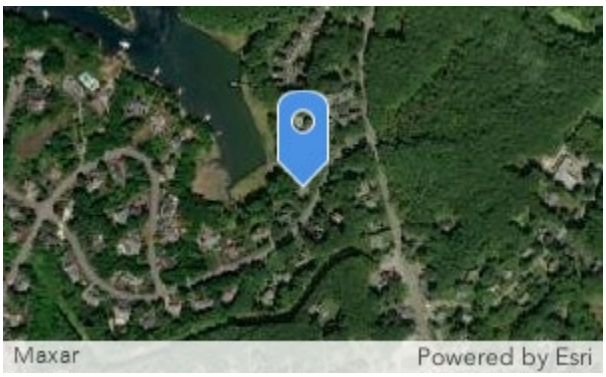
*Portsmouth , NH*

| | | | |
|---|---|---|---|
| **Stream ID:** | POGS2 | **Stream Name:** | |
| **Cowardin Classification:** | R6UB3 | **Delineator(s):** | Elizabeth Olliver |
| **Flow Regime:** | Ephemeral | **Number of Flags:** | No flags hung |
| **Associated Wetland:** | Yes | **Wetland ID:** | POGW2 |
| **Stream Notes:** | | | |

**Stream Characteristics:**

| | |
|---|---|
| **Flow Observations:** | Dry |
| **Bed composition:** | Fines w/large cobble in portions |
| **Bank Height (ft):** | 0.5 |
| **Average Bankfull Width (ft)** | 1 |
| **Average Depth (inches):** | 0 |
| **Riffle/Pool Complex:** | No |
| **Defined Bed and Bank** | No |
| **Shown on USGS Topo?** | No |
| **Flows Continuously for at least 6 Months?** | No |
| **Aquatic Organisms Present?** | No |
| **Aquatic Vegetation Present?** | No |
| **Scoured Mineral Bottom?** | Yes |

**Location:**



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**Photos:**

Northern culvert outflow serving as the delineated upstream end of POGS2 in wetland POGW2. (08-11-22)

Merging of flow from POGS2 and POGS1 in portion of POGW2 off the Gardner parcel. (08-11-22)

# Wetland Function- Value Evaluation Form

Total area of wetland? 9,345 sq. ft. Human made? N Is wetland part of a wildlife corridor? N or a "habitat island"? N

Adjacent land use Residential and roads Distance to nearest roadway or other development 10 feet

Dominant wetland systems present PFO1E Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin Mid point

How many tributaries contribute to the wetland? 2 Wildlife & vegetation diversity/abundance (see attached list)

Wetland ID POGW2
Latitude Longitude
Prepared by: eolliver_NAI _USA Date 11/11/2022
Wetland Impact:
Type Area
Evaluation based on:
Office X Field X
Corps manual wetland delineation completed? Y__X___ N_____

| Function/Value | Suitability Y/N | Rationale (Reference #)* | Principal Function(s)/Value(s) | Comments |
|---|---|---|---|---|
| Groundwater Recharge/Discharge | Y | 15 | ☐ | |
| Floodflow Alteration | Y | 3,4,5,9,13,6 | ☐ | |
| Fish and Shellfish Habitat | N | | ☐ | |
| Sediment/Toxicant Retention | Y | 1,4 | ☐ | |
| Nutrient Removal | N | | ☐ | |
| Production Export | N | | ☐ | |
| Sediment/Shoreline Stabilization | Y | 1,2,3,4,8,9 | ☐ | |
| Wildlife Habitat | N | | ☐ | |
| Recreation | N | | ☐ | |
| Educational/Scientific Value | N | | ☐ | |
| Uniqueness/Heritage | N | | ☐ | |
| Visual Quality/Aesthetics | N | | ☐ | |
| ES Endangered Species Habitat | N | | ☐ | |
| Other | no | | | |

**Notes:**

* Refer to backup list of numbered considerations.

| FUNCTIONS/ VALUES | SUITABILITY (Y/N) | RATIONALE (Reference #) | PRINCIPAL FUNCTION/VALUE? (Y/N) | IMPORTANT NOTES |
|---|---|---|---|---|
| 1 | 5 | | | Modification of flow from culvert. |
| 2 | N | | ☐ | |
| 3 | N | | ☐ | |
| 4 | Y | 3,4,5,9,13,6 | ☐ | |
| 5 | Y | 15 | ☐ | |
| 6 | N | | ☐ | |
| 7 | N | | ☐ | |
| 8 | N | | ☐ | |
| 9 | N | | ☐ | |
| 10 | Y | 1,4 | ☐ | |
| 11 | Y | 1,2,3,4,8,9 | ☐ | |
| 12 | N | | ☐ | |
| 13 | N | | ☐ | |
| 14 | N | | ☐ | |

**Notes:**

# Wetland Functions and Values Data Sheet

***Gardner Stone Wall and Swale***

*Portsmouth, NH*

| | | | |
|---|---|---|---|
| **Wetland ID:** | POGW1 | **Delineator(s):** | Elizabeth Olliver |
| **Cowardin Classification:** | E2EM1/5 (60/40%) | **Survey Date:** | November 11, 2022 |
| **Number of Flags:** | 6 | **Open Water:** | No |
| **Wetland Open/Closed** | Open | **Wetland Open Details** | 1 and 6 |
| **Associated Stream:** | No | **Stream ID:** | Sagamore Creek into Tucker's Cove. Not delineated as part of this project. |
| **Vernal Pool/Potential Vernal Pool Identified:** | No | **VP/PVP ID:** | None |
| **Wetland Description:** | Salt marsh wetland invaded by stands of Phragmites with more freshwater species along top of wetland near stone wall. | | |

**Functions and Values:**

| | |
|---|---|
| **Groundwater Recharge/Discharge** | No |
| **Floodflow Alteration** | Suitable |
| **Fish/Shellfish Habitat** | Suitable |
| **Sediment/Toxicant Retention** | Suitable |
| **Nutrient Removal/Retention** | Suitable |
| **Production Export** | Suitable |
| **Sediment/Shoreline Stabilization** | Principal |
| **Wildlife Habitat** | Suitable |
| **Recreation** | No |
| **Education/Scientific Value** | No |
| **Uniqueness/Heritage** | Principal |
| **Visual Quality/Aesthetics** | No |
| **Rare/Threatened and Endangered Species** | No |
| **Other** | no |

**Soils:**

**Texture:** Silty
**Parent Material:** Alluvium
**Restrictive Layer:** No
**Hydric Soil Indicator(s):** A11. Depleted below dark surface

**Soil Notes:**

**Dominant Plants:**

**Tree**

**Sapling/ Shrub**

**Herb/Seedling**
*Spartina alterniflora, Spartina patens,* and *Persicaria sagittate*

**Woody Vine**

**Invasives**
*Phragmites australis*

**Location:**


**Special wetland type/Unique Swamp:** Tidal wetland.

**Wetland Comments:** Wetland is undergoing treatment for Phragmites australis.

**NHDES Priority Resource Area / USACE Special Aquatic Site?** Yes. Prime wetland with a duly established 100-ft buffer.

---

**Wildlife:**

**List of observed wildlife:** None

**List of Potential Wildlife** Small mammals and coastal wetland birds.

**Evidence of wildlife**: None

**Wildlife and Habitat Comments:** None

**Photos:**

Photo 1. Viewing across wetland towards bay from the rebuilt stone wall near POGW1 flag 3, viewing northwest. (11-11-22)

Photo 2. Viewing across wetland to outlet into bay from near POGW1 flag 3, viewing southwest. (11-11-22)

Photo 3. Looking along the upslope boundary of POGW1, viewing south. (11-11-22)

# Wetland Function- Value Evaluation Form

Total area of wetland? 12,104 sq. ft. Human made? No Is wetland part of a wildlife corridor? N or a "habitat island"? N

Adjacent land use Residential and Tucker's Cove. Distance to nearest roadway or other development 100 ft

Dominant wetland systems present E2EM1,5 Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin Bottom

How many tributaries contribute to the wetland? 2 Wildlife & vegetation diversity/abundance (see attached list)

Wetland ID POGW1

Latitude Longitude

Prepared by: eolliver_NAI_USA Date 11/11/2022

Wetland Impact: None

Type Area

Evaluation based on:

Office X Field X

Corps manual wetland delineation completed? Y X N

| Function/Value | Suitability Y/N | Rationale (Reference #)* | Principal Function(s)/Value(s) | Comments |
|---|---|---|---|---|
| Groundwater Recharge/Discharge | N | | ☐ | |
| Floodflow Alteration | Y | 5,6,9 | ☐ | |
| Fish and Shellfish Habitat | Y | 1,2 | ☐ | |
| Sediment/Toxicant Retention | Y | 2,1,3,4 | ☐ | |
| Nutrient Removal | Y | 3,4,5,7,10 | ☐ | |
| Production Export | Y | 2 | ☐ | |
| Sediment/Shoreline Stabilization | Y | 6,7,10,11,12,15 | ☑ | |
| Wildlife Habitat | Y | 6,7,8 | ☐ | |
| Recreation | N | | ☐ | |
| Educational/Scientific Value | N | | ☐ | |
| Uniqueness/Heritage | Y | | ☑ | |
| Visual Quality/Aesthetics | N | | ☐ | |
| ES Endangered Species Habitat | N | | ☐ | |
| Other | no | | | |

**Notes:**

* Refer to backup list of numbered considerations.

| FUNCTIONS/ VALUES | SUITABILITY (Y/N) | RATIONALE (Reference #) | PRINCIPAL FUNCTION/VALUE? (Y/N) | IMPORTANT NOTES |
|---|---|---|---|---|
| 1 | | | | |
| 2 | N | | ☐ | |
| 3 | Y | 1,2 | ☐ | |
| 4 | Y | 5,6,9 | ☐ | |
| 5 | N | | ☐ | |
| 6 | N | | ☐ | |
| 7 | Y | 3,4,5,7,10 | ☐ | |
| 8 | Y | 2 | ☐ | |
| 9 | N | | ☐ | |
| 10 | Y | 2,1,3,4 | ☐ | |
| 11 | Y | 6,7,10,11,12,15 | ☑ | |
| 12 | Y | | ☑ | |
| 13 | N | | ☐ | |
| 14 | Y | 6,7,8 | ☐ | |

**Notes:**

# Wetland Functions and Values Data Sheet

***Gardner Stone Wall and Swale***

*Portsmouth, NH*

| | | | |
|---|---|---|---|
| **Wetland ID:** | POGW2 | **Delineator(s):** | Elizabeth Olliver |
| **Cowardin Classification:** | PF01E, 100% | **Survey Date:** | November 11, 2022 |
| **Number of Flags:** | 13 | **Open Water:** | No |
| **Wetland Open/Closed** | Open | **Wetland Open Details** | 1 and 13 |
| **Associated Stream:** | Yes | **Stream ID:** | POGS1 and POGS2 |
| **Vernal Pool/Potential Vernal Pool Identified:** | No | **VP/PVP ID:** | |
| **Wetland Description:** | Small wetland that culverts drain into. Wetland drains down to the slope towards the salt marsh and it's boundary meets with the salt marsh boundary. | | |

**Functions and Values:**

| | |
|---|---|
| **Groundwater Recharge/Discharge** | Suitable |
| **Floodflow Alteration** | Suitable |
| **Fish/Shellfish Habitat** | No |
| **Sediment/Toxicant Retention** | Principal |
| **Nutrient Removal/Retention** | No |
| **Production Export** | Suitable |
| **Sediment/Shoreline Stabilization** | Suitable |
| **Wildlife Habitat** | Suitable |
| **Recreation** | No |
| **Education/Scientific Value** | No |
| **Uniqueness/Heritage** | No |
| **Visual Quality/Aesthetics** | No |
| **Rare/Threatened and Endangered Species** | No |
| **Other** | no |

**Soils:**

**Texture:** Loamy
**Parent Material:** Till
**Restrictive Layer:** No
**Hydric Soil Indicator(s):** A11. Depleted below dark surface
**Soil Notes:** None

**Dominant Plants:**

**Tree**
*Carpinus caroliniana* and *Acer rubrum*

**Sapling/ Shrub**
*Acer rubrum* and *Frangula alnus*

**Herb/Seedling**
*Equisetum arvense, Impatiens capensis, Toxicodendron radicans, Onoclea sensibilis, Panicum virgatum, Glyceria striata, Ranunculus repens,* and *Solidago rugosa*

**Woody Vine**

**Invasives**
*Rosa multiflora* and *Frangula alnus*

**Location:**


**Special wetland type/Unique Swamp:** No

**Wetland Comments:** Wetland receives flow from stormwater system and from undelineated potential wetlands across the road.

**NHDES Priority Resource Area / USACE Special Aquatic Site?** A portion of this wetland lies within the duly established 100-ft buffer of the prime wetlands bordering Tucker's Cover downslope (delineated as POGW1).

---

**Wildlife:**

**List of observed wildlife:** None

**List of Potential Wildlife** Small mammals, amphibians, turtles, and birds.

**Evidence of wildlife**: None

**Wildlife and Habitat Comments:** None

**Photos:**

Photo 1. Viewing into the upper portion of the wetland between flags 4 and 5, viewing northeast. (11-11-22)

Photo 2. Viewing down into mid portion of the wetland running down the slope. Near first turn into swale between flags 5 and 6, viewing northwest. (11-11-22)

Photo 3. Viewing upslope into upper portion of the wetland. Near first turn into swale between flags 5 and 6, viewing northeast. (11-11-22)

# Wetland Function- Value Evaluation Form

Total area of wetland? 9, 345 sq. ft. Human made? Unclear Is wetland part of a wildlife corridor? N or a "habitat island"? N

Adjacent land use Private property and roadway Distance to nearest roadway or other development 10 ft.

Dominant wetland systems present PF01E Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin Mid point

How many tributaries contribute to the wetland? 2 Wildlife & vegetation diversity/abundance (see attached list)

Wetland ID POGW2
Latitude Longitude
Prepared by: eolliver_NAI _USA Date 11/25/2022
Wetland Impact:
Type Area
Evaluation based on:
Office X Field X
Corps manual wetland delineation completed? Y__X___ N_____

| Function/Value | Suitability Y/N | Rationale (Reference #)* | Principal Function(s)/Value(s) | Comments |
|---|---|---|---|---|
| Groundwater Recharge/Discharge | Y | 2,4,7 | ☐ | |
| Floodflow Alteration | Y | 4,5,6,9 | ☐ | |
| Fish and Shellfish Habitat | N | | ☐ | |
| Sediment/Toxicant Retention | Y | 2,1 10 | ☑ | |
| Nutrient Removal | N | | ☐ | |
| Production Export | Y | 2,1 | ☐ | |
| Sediment/Shoreline Stabilization | Y | 1 | ☐ | |
| Wildlife Habitat | Y | 8,7 | ☐ | |
| Recreation | N | | ☐ | |
| Educational/Scientific Value | N | | ☐ | |
| Uniqueness/Heritage | N | | ☐ | |
| Visual Quality/Aesthetics | N | | ☐ | |
| ES Endangered Species Habitat | N | | ☐ | |
| Other | no | | | |

**Notes:**

* Refer to backup list of numbered considerations.

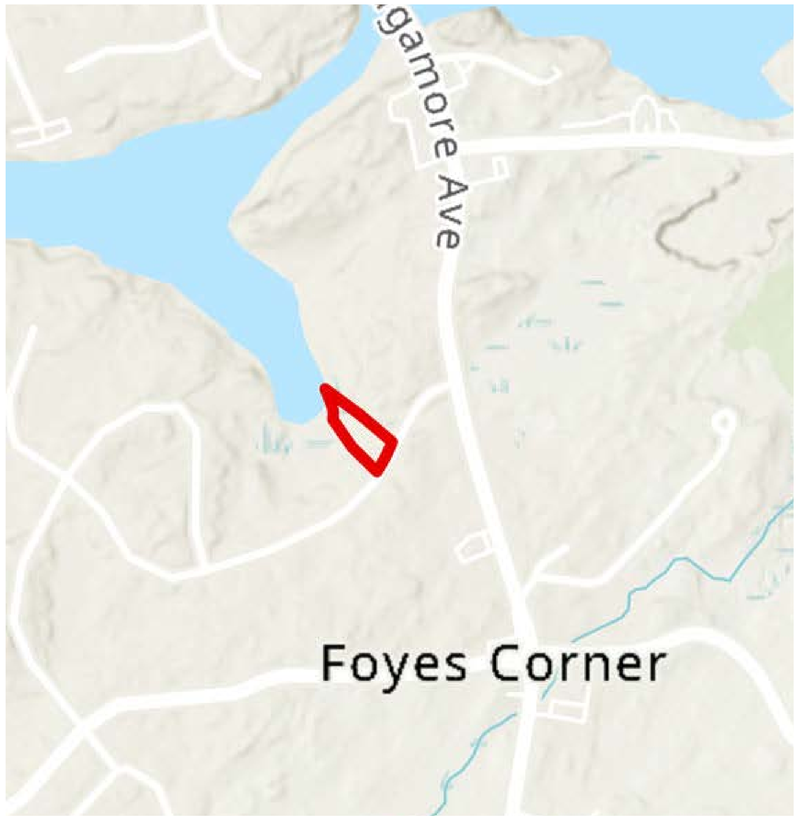
| FUNCTIONS/ VALUES | SUITABILITY (Y/N) | RATIONALE (Reference #) | PRINCIPAL FUNCTION/VALUE? (Y/N) | IMPORTANT NOTES |
|---|---|---|---|---|
| 1 | 3.6 | | | |
| 2 | N | | ☐ | |
| 3 | N | | ☐ | |
| 4 | Y | 4,5,6,9 | ☐ | |
| 5 | Y | 2,4,7 | ☐ | |
| 6 | N | | ☐ | |
| 7 | N | | ☐ | |
| 8 | Y | 2,1 | ☐ | |
| 9 | N | | ☐ | |
| 10 | Y | 2,1 10 | ☑ | |
| 11 | Y | 1 | ☐ | |
| 12 | N | | ☐ | |
| 13 | N | | ☐ | |
| 14 | Y | 8,7 | ☐ | |

**Notes:**

# Attachment B: Project Plans

# GARDNER PROPERTY RESTORATION PROJECT

NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS




PROJECT LOCUS

**EROSION AND SEDIMENT CONTROL NOTES:**

1. ALL EROSION AND SEDIMENT CONTROL MEASURES (ECSs) SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE NHDES BEST MANAGEMENT PRACTICES MANUAL FOR UTILITY MAINTENANCE IN AND ADJACENT TO WETLANDS AND WATERBODIES IN NEW HAMPSHIRE DATED MARCH 2019. PLEASE SEE DETAILS REGARDING SUGGESTED ESCs ON SHEET 4.
2. MEANS OF EROSION AND SEDIMENT PROTECTION AS NOTED ON THE DRAWINGS INDICATE MINIMUM RECOMMENDED PROVISIONS. THE CONTRACTOR IS RESPONSIBLE FOR FINAL SELECTION AND PLACEMENT OF EROSION AND SEDIMENTATION CONTROLS BASED ON ACTUAL SITE AND CONSTRUCTION CONDITIONS. ADDITIONAL MEANS OF PROTECTION SHALL BE PROVIDED BY THE CONTRACTOR AS REQUIRED FOR CONTINUED OR UNFORESEEN EROSION PROBLEMS, OR AS DIRECTED BY THE ENVIRONMENTAL MONITOR, AT NO ADDITIONAL EXPENSE TO THE OWNER.
3. ESCs SHALL BE ADJUSTED TO MEET FIELD CONDITIONS AT THE TIME OF AND DURING ALL PHASES OF CONSTRUCTION AND BE CONSTRUCTED PRIOR TO AND IMMEDIATELY AFTER ANY DISTURANCE OF EXISTING SURFACE MATERIAL ON THE SITE.
4. AFTER ANY SIGNIFICANT RAINFALL (>0.25 INCHES OF RAINFALL WITHIN 24 HOURS), ESCs SHALL BE INSPECTED FOR INTEGRITY. ANY DAMAGE SHALL BE CORRECTED IMMEDIATELY.
5. PERIODIC INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL STRUCTURES SHALL BE PROVIDED TO ENSURE THAT THE INTENDED PURPOSE IS ACCOMPLISHED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SEDIMENT LEAVING THE LIMIT OF WORK. ESCs SHALL BE IN WORKING CONDITION AT THE END OF EACH WORKDAY.
6. THE CONTRACOTR SHALL BE RESPONSIBLE FOR PREVENTING SEDIMENT FROM ENTERING ANY STORM DRAINAGE SYSTEM AND FROM BEING CONVEYED TO ANY WETLAND RESOURCE AREA, PUBLIC WAYS, ABUTTING PROPERTY, OR OUTSIDE OF THE PROJECT LIMITS.
7. ANY SEDIMENT TRACKED ONTO PAVED AREAS SHALL BE SWEPT AT THE END OF EACH WORKING DAY.
8. ANY AREAS OUTSIDE OF THE LIMIT OF WORK THAT ARE DISTURBED SHALL BE RESTORED BY THE CONTRACTOR TO THE PRE-CONSTRUCTION CONDITION/GRADE AT NO COST TO THE OWNER.

**GENERAL PROJECT NOTES:**

1. TOPOGRAPHIC DATA, PROPERTY LINE INFORMATION, AND EXISTING FEATURES ARE PROVIDED IN THE “EXISTING CONDITIONS PLAN” PREPARED BY KNIGHT HILL LAND SURVEYING SERVICES, INC. DATED 11/06/23.
2. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, REGULATIONS, AND SAFETY CODES IN THE EXECUTION OF THIS RESTORATION PLAN.
3. THE LOCATION OF ALL AND ELEVATIONS OF ALL EXISTING UTILITIES ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. PRESENCE AND LOCATIONS OF ALL UTILITIES WITHIN THE LIMIT OF WORK MUST BE DETERMINED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL KEEP A RECORD OF ANY DISCREPANCIES OR CHANGES IN THE LOCATIONS OF ANY UTILITIES SHOWN OR ENCOUNTERED DURING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE OWNER AND NORMANDEAU ASSOCIATES, INC. ANY DAMAGE RESULTING FROM THE FAILURE OF THE CONTRACTOR TO MAKE THESE DETERMINATIONS AND CONTACTS SHALL BE BORNE BY THE CONTRACTOR.
4. THE CONTRACTOR SHALL, THROUGHOUT CONSTRUCTION, TAKE ADEQUATE PRECAUTIONS TO PROTECT ALL WALKS, GRADING, SIDEWALKS, AND SITE DETAILS OUTSIDE OF THE LIMIT OF WORK AS DEFINED ON THE DRAWINGS AND SHALL REPAIR AND REPLACE OR OTHERWISE MAKE GOOD AS DIRECTED BY THE ENVIRONMENTAL MONITOR OR OWNER’S DESIGNATED REPRESENTATIVE ANY SUCH OR OTHER DAMAGE SO CAUSED.
5. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY AND ALL CONSTRUCTION MEANS AND METHODS.
6. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE SITE AND CONSTRUCTION DOCUMENTS TO DEVELOP A THOROUGH UNDERSTANDING OF THE PROJECT, INCLUDING ANY SPECIAL CONDITIONS AND CONSTRAINTS.
7. IT IS THE CONTRACTOR’S RESPONSIBILITY TO BECOME FAMILIAR WITH THE PROJECT SITE AND TO VERIFY ALL CONDITIONS IN THE FIELD AND REPORT DISCREPANCIES BETWEEN PLANS AND ACTUAL CONDITIONS TO THE OWNER OR OWNER’S REPRESENTATION IMMEDIATELY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION AND ESTABLISHMENT OF ALL EROSION AND SEDIMENT CONTROLS.
9. ELEVATION REFERENCED TO NAVD88.

GENERAL NOTES:

1.) THE EXISTING SITE DETAILS DEPICTED ON THIS PLAN ARE THE RESULTS OF AN ON THE GROUND INSTRUMENT FIELD SURVEY CONDUCTED AUGUST, 2023 BY KNIGHT HILL LAND SURVEYING SERVICES, INC.

2.) PORTIONS OF SUBJECT LOT LIE IN THE FEMA FLOOD ZONE AE DETERMINED TO BE AT OR BELOW ELEVATION 8 OF THE NORTH AMERICAN VERTICAL DATUM OF 88 (NAVD88) PER FLOOD INSURANCE RATE MAP (FIRM) 33015C0270F EFFECTIVE 1/29/2021.

3.) SUBJECT LOT IS LOCATED IN THE SINGLE RESIDENTIAL ZONE "SRA"

4.) THE ELEVATION DATUM WAS ESTABLISHED USING THE NHDPW DISK #397-0570.

5.) WETLAND DELINEATION BY ELIZABETH A. OLLIVER, Ph.D. UNDER THE SUPERVISION OF BENJAMIN GRIFFITH (CERTIFIED WETLAND SCIENTIST #298) ON NOVEMBER 11TH AND 29TH, 2022. WETLAND BOUNDARIES, DRAINAGE FLOW PATH CENTERLINES, HIGHEST OBSERVABLE TIDE LINE AND OTHER FEATURES OF INTEREST REFLAGGED BY ELIZABETH OLLIVER ON AUGUST 16, 2023.

6.) SUBJECT LOT MAY BE SUBJECT TO PROTECTIVE COVENANTS PER RCRD BK. 3276 PG. 2555 AND BK. 3621 PG. 1449 AS STIPULATED IN SUBJECT LOT DEED BK. 4411 PG. 513.

7.) TREE LOCATIONS INSERTED PER NORMANDEAU ASSOC. AUTOCAD FILES.

LEGEND

PROPERTY LINE
SETBACK LINE
EDGE OF PAVEMENT
UNDERGROUND ELECTRIC PEDESTAL
IRON PIN
STONE RETAINING WALL
STEPPING STONE PATH
STONE WALL
HIGHEST OBSERVABLE TIDELINE
DRAINAGE FLOW PATH
EDGE OF FLAGGED WETLANDS
EDGE OF FLAGGED ALTERED AREA
2 FOOT CONTOUR
CATCH BASIN
SEWER MANHOLE
GUARD RAIL
AIR CONDITIONER
GENERATOR
FACED DRY STONE WALL
WETLAND SYMBOL
EDGE STONE WALL RUBBLE
DECIDUOUS TREE PER NORMANDEAU FILES
CONIFEROUS TREE PER NORMANDEAU FILES

SAGAMORE CREEK (TIDAL)

N13°25'41"E 150.78'

N12°01'48"E 162.81'

S06°31'34"E 204.19'

S02°52'35"E 207.92'

N01°46'36"E 169.21'

S69°25'13"W 24.31'

L=137.05' R=725.00' Δ=10°49'51" CHORD/ BRNG 136.85'/ N74°50'09"E

EDGE OF FLOOD ZONE AE AT CONTOUR 8 (SEE NOTE 2)

HIGHEST OBSERVABLE TIDE LINE

SQUARED OFF DRY WALL 2.5± HIGH (UPLAND SIDE) (67.0± LONG X 3.0± WIDE AT BASE & 2.5± WIDE ON TOP) AREA = 201± SQ. FT. (12± SQ. FT. INSIDE POGW2 WETLAND)

50± SQ. FT. OF CRUSHED STONE IN WALK THRU AREA

SQUARED OFF DRY WALL 2.5± HIGH (UPLAND SIDE) (42.0'± LONG X 3.0± WIDE AT BASE & 2.5'± WIDE ON TOP) AREA = 126± SQ. FT.

ALTERED GROUND COVER 2,240± SF.

ALTERED GROUND COVER 444± SF.

BENCH MARK TOP IRON PIN W/CAP #844 0.2'± HIGH EL. = 15.2± (NAVD88)

BENCH MARK HUB & TACK (FLUSH) EL. = 16.2± (NAVD88)

BENCH MARK TOP IRON PIN EL. = 30.2± (NAVD88)

IRON PIN FOUND FLUSH LEANING NORTH

4"± FLAT FACED STONES IN DRAINAGE FLOW PATH 300± SQ. FT.

4"± SMOOTH ROUND STONES IN DRAINAGE FLOW PATH 476± SQ. FT.

AREA WITHIN 25' BUFFER SETBACK TO WETLANDS = 6,490± SF.

IRON PIN W/CAP #844 FOUND 0.5'± HIGH

AREA WITHIN 25' BUFFER SETBACK TO WETLANDS = 3,307± SF.

100' TIDAL WETLAND BUFFER

#50
2 ST. WD. HOUSE
BUILDING FOOTPRINT
= 2,560± SQ. FT.

LANDSCAPED

LAWN

PAVED DRIVEWAY

PAVER WALKWAY

20' SIDE SETBACK (TYP.)

30' FRONT SETBACK

IRON PIN W/CAP #844 FOUND FLUSH

INV. OUT =19.8± 12" PLASTIC PIPE

INV. OUT =19.8± 15" PLASTIC PIPE

INV. IN = 20.2± 12" PLASTIC PIPE

ODIORNE POINT ROAD

N/F
JAMES POLUS
NOREEN A. POLUS
MAP 224 LOT 10-4
68 ODIORNE POINT RD.
RCRD BK. 6084 PG. 1177

N/F
MICHAEL L. DANLEY
ANN MARIE V. DANLEY
MAP 224 LOT 10-2
26 ODIORNE POINT RD.
RCRD BK. 4793 PG. 59

N/F
DONALD A. MARCHAND REV. TR.
JOYCE P. MARCHAND REV. TR.
MAP 224 LOT 10-39
63 ODIORNE POINT RD.
RCRD BK. 5608 PG. 518

N/F
RODRIGUEZ-VODAK-ROSANIA
FAMILY REVOCABLE TRUST
MAP 224 LOT 10-40
(49 ODIORNE POINT RD.)
492 UNION ST.
PORTSMOUTH, NH, 03801
RCRD BK. 6035 PG. 1792

48°02'49" FROM RECORD PLAN BEARINGS TO TRUE NORTH PER NORMANDEAU GPS

BEARINGS PER PLAN REFERENCE 1

STONE WALL DETAIL

SCALE 1" = 10'

4.3'±

3.3'±

4.6'±

PLAN REFERENCES:

1.) "LOT LINE RELOCATION PLAN LOTS 23 & 24 FOR TUCKERS COVE LIMITED LIABILITY COMPANY, ODIORNE POINT ROAD, PORTSMOUTH, NH" BY MILLETTE, SPRAGUE & COLWELL INC., DATED/APPROVED 4/15/02 & RECORDED AT RCRD AS PLAN #D-29869.

SITE DATA

TAX MAP 224 LOT 10-3

| | |
|---|---|
| ZONE: | SINGLE RESIDENTIAL ZONE (SRA) |
| RECORD OWNER | JOHN E. GARDNER REVOCABLE TRUST<br>ROSEMARY L. GARDNER REVOCABLE TRUST<br>50 ODIRNE POINT ROAD<br>PORTSMOUTH, NH., 03801 |
| RECORD DEED: | R.C.R.D. BK. 5258 PG. 442 |
| SUBJECT LOT AREA: | 1.07± ACRES |

# EXISTING CONDITIONS PLAN

for land OWNED by

ROSEMARY L. GARDNER REVOCABLE TRUST

&

JOHN E. GARDNER REVOCABLE TRUST

known as

TAX MAP 224 LOT 10-3

located along

50 ODIORNE POINT ROAD

PORTSMOUTH, NH

COUNTY OF ROCKINGHAM

SEPT. 8, 2023 SCALE 1" = 20' PROJECT # 2300PNTS


PREPARED FOR:
JACK GARDNER
50 ODIORNE POINT ROAD
PORTSMOUTH, NH, 03801
603-430-2127
jrgardner2@outlook.com

PREPARED BY:
KNIGHT HILL LAND SURVEYING SERVICES, INC.
c/o DAVE HISLOP
34 OLD POST ROAD
NEWINGTON, N. H. 03801
(603) 436-1330
dave@khlandsurveying.com


GRAPHIC SCALE

20 0 10 20 40 80

( IN FEET )
1 inch = 20 ft.

THE DETAILS DEPICTED HEREON WERE LOCATED IN AUGUST 2023 UNDER MY SUPERVISION AND ARE SHOWN ACCURATELY RELATIVE TO THE PROPERTY LINES. (TREES BY NORMANDEAU)

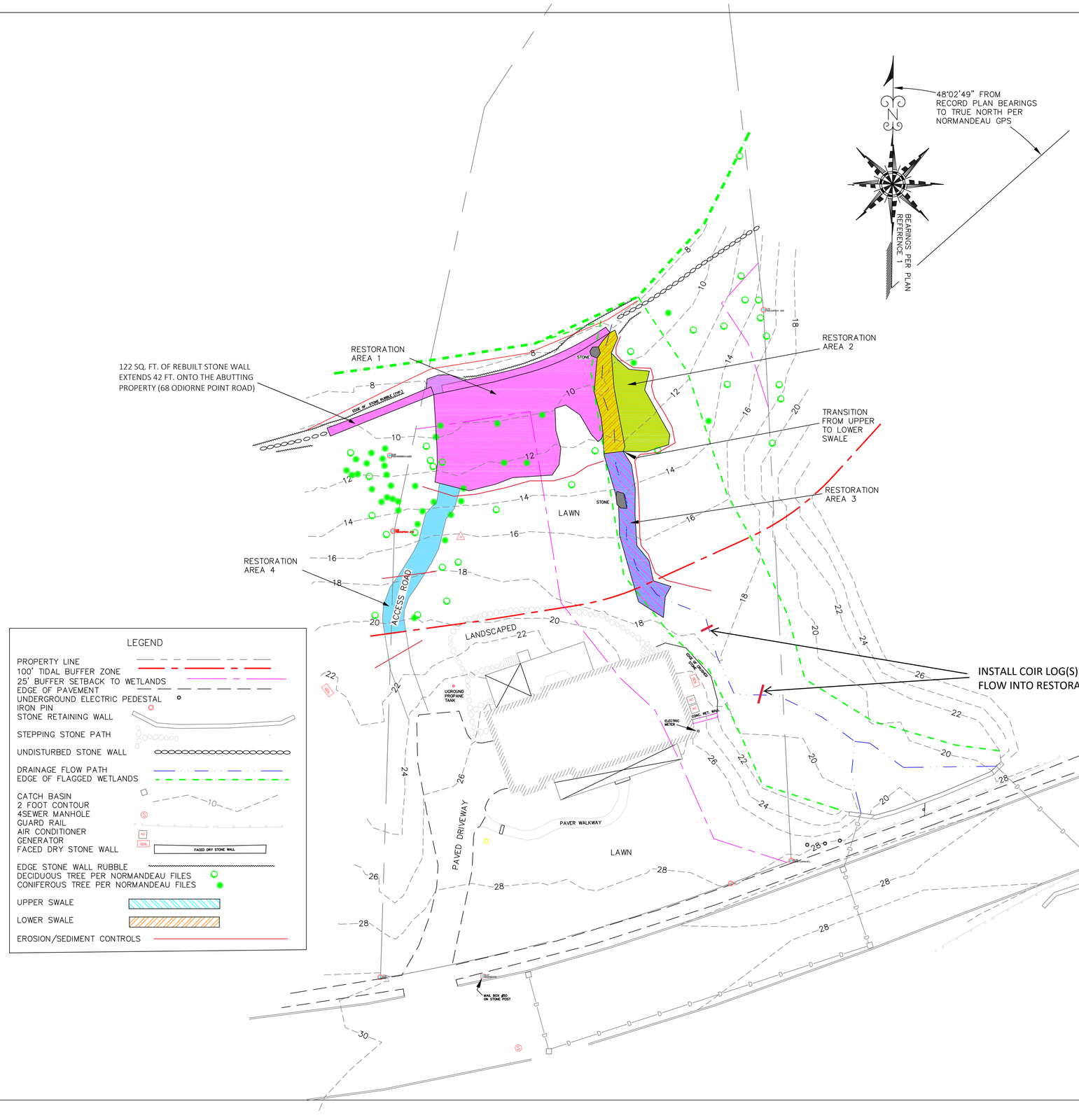
STATE OF NEW HAMPSHIRE No. 802 G. DAVIDSON HISLOP JR. LICENSED LAND SURVEYOR

11-6-23

G. DAVIDSON HISLOP, JR. LLS 802 DATE

REVISION 9-10-23 ADD TREE LOCATIONS, NOTE 7 AND STONE WALL DETAIL
REVISION 10-19-23 ADD TREE LOCATIONS PER NORMANDEAU CAD FILES, OLD STONE WALL BASE WIDTH, TRUE NORTH & NOTE 7.
REVISION 11-6-23 ADD NEW ST. WALL AREA INSIDE POGW2, CORRECT POGW1 F6 SPELLING, UPDATE DRAFTING CLARITY

2300PNTS




NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS

SURVEY INFORMATION PROVIDED BY: KNIGHT HILL SURVEYING SERVICES, INC.
PROPOSED CONDITIONS PLAN PROVIDED BY: NORMANDEAU ASSOCIATES, INC.
DATE: 01/08/24

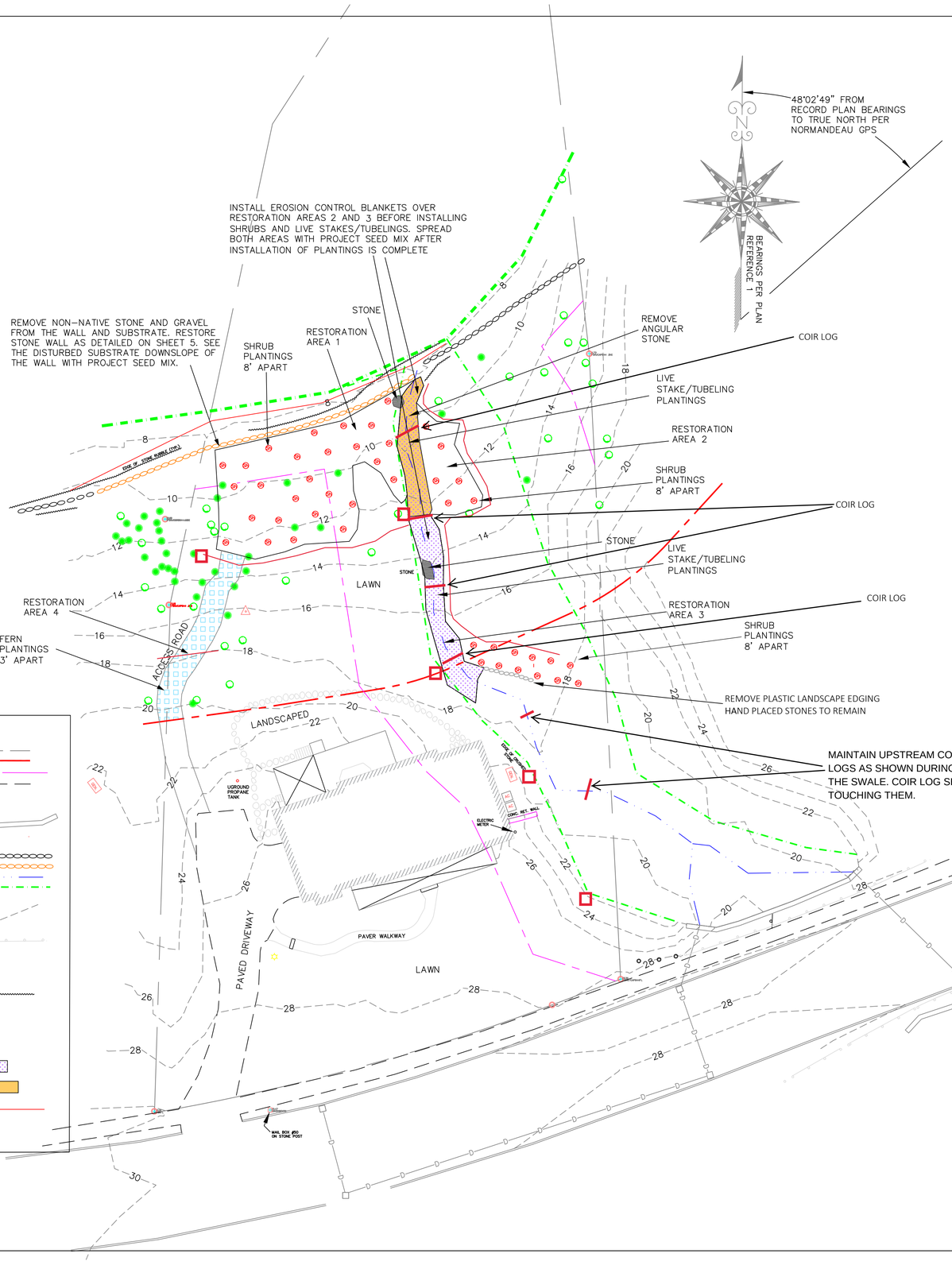
REVISIONS:
ADDITION OF COIR LOGS ACROSS THE CHANNEL OF THE SWALE TO REDUCE FLOW VELOCITIES DURING LIVES STAKE ESTABLISHMENT PER STRIPULTATION #1 OF THE PORTSMOUTH CONSERVATION COMISSION DECISION LETTER. (02/21/24)

GARDNER PROPERTY RESTORATION PLAN
NORMANDEAU ASSOCIATES, INC.
PORTSMOUTH, NEW HAMPSHIRE

PROPOSED RESTORATION AREAS AND EROSION AND SEDIMENT CONTROLS

PROJECT NUMBER: 24780.000

SHEET NUMBER: 2 OF 9




NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS

SURVEY INFORMATION PROVIDED BY: kNIGHT HILL SURVEYING SERVICES, iNC.
PROPOSED CONDITIONS PLAN PROVIDED BY: NORMANDEAU ASSOCIATES, INC.
DATE: 01/08/24

REVISIONS:
ADDITION OF COIR LOGS ACROSS THE CHANNEL OF THE SWALE TO REDUCE FLOW VELOCITIES DURING LIVES STAKE ESTABLISHMENT PER STRIPULTATION #1 OF THE PORTSMOUTH CONSERVATION COMISSION DECISION LETTER. (02/21/24)

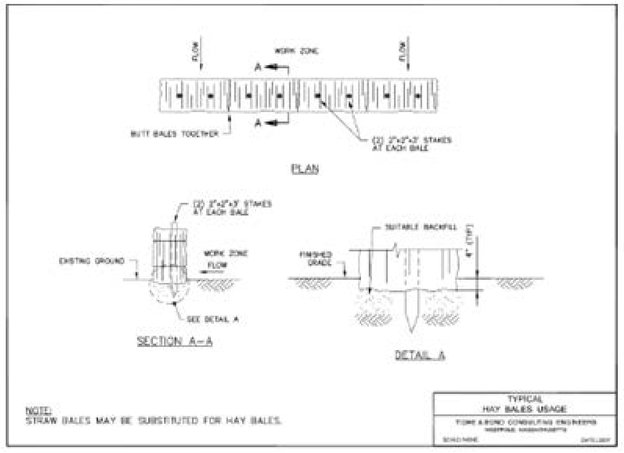
GARDNER PROPERTY RESTORATION PLAN
NORMANDEAU ASSOCIATES, INC.
PORTSMOUTH, NEW HAMPSHIRE

PROPOSED CONDITIONS AND PLANTING PLAN

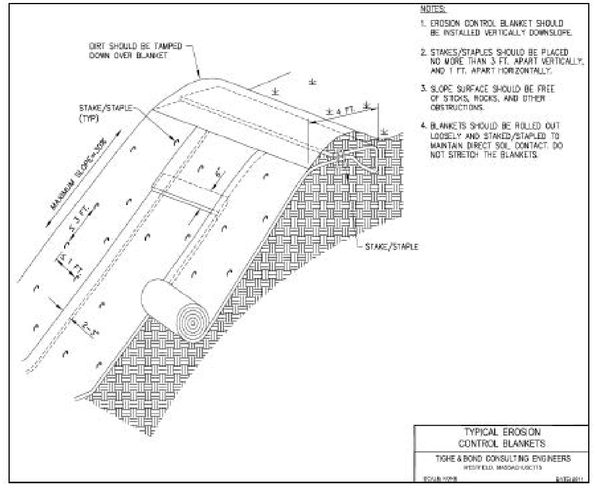
PROJECT NUMBER: 24780.000

SHEET NUMBER: 3 OF 9

*Properly installed hay bale barrier with silt fence (direction of flow indicated by arrow).*

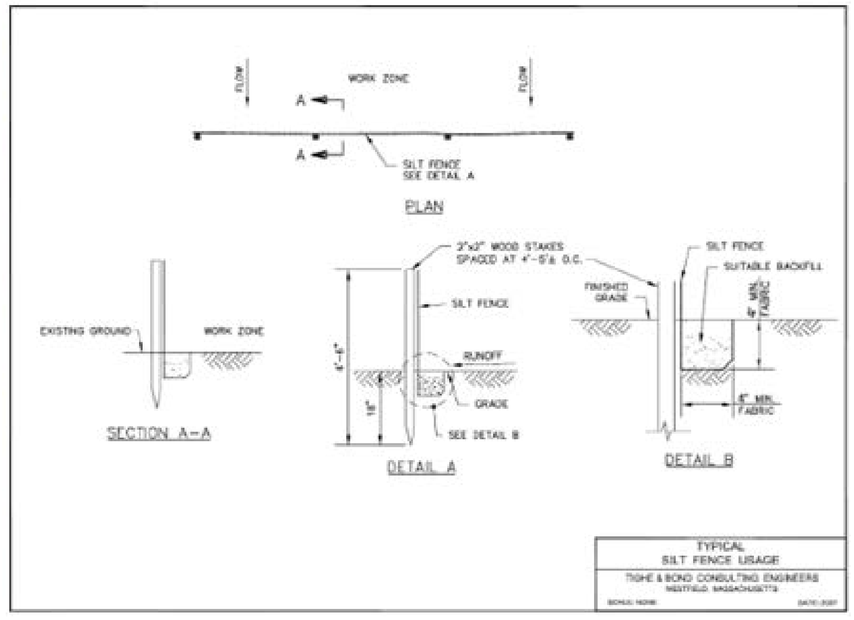


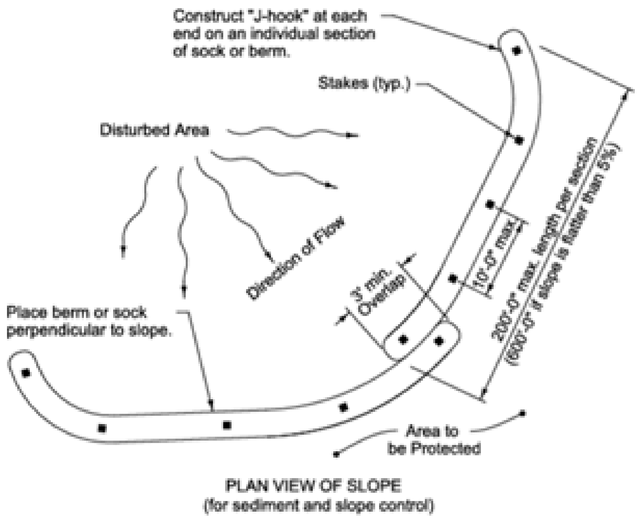

**TYPICAL WEED FREE STRAW OR HAY BALE INSTALLATION**

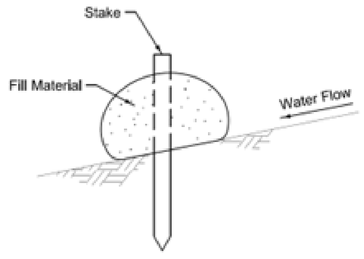



**TYPICAL EROSION CONTROL BLANKET INSTALLATION**

**TYPICAL SILT FENCE INSTALLATION**




**TYPICAL FILTER SOCK INSTALLATION PLAN AND CROSS-SECTION VIEW**

**PLEASE NOTE**: INSTALLATION OF COIR LOGS ACROSS THE STREAM CHANNEL UPSTREAM AND AT INTERVALS DOWN THE RESTORED SWALE HAVE BEEN ADDED TO THE SCOPE FOLLOWIGN REVIEW OF THE PROJECT BY THE PORTSMOUTH CONSERVATION COMMISSION ON FEBURARY 14, 2024 FOR THE PURPOSE OF REDUCING FLOW VELOCITIES DOWN THE SWALE TO PROTECT THE LIVE STAKES/TUBELINGS DURING ESTABLISHMENT. WHILE COIR LOGS ARE SIMILAR IN SOME RESPECTS TO FILTER SOCKS, THEY SHOULD BE HELD IN PLACE WITH CROSSING WOODEN STAKES, RATHER THAN PLACING THE STAKE THROUGH THE COIR LOG TO BETTER MAINTAIN IT'S INTEGRATY.

**REFERENCES:**

TYPICAL WEED FREE STRAW OR HAY BALE, EROSION CONTROL BLANKET, AND SILT FENCE INSTALLATION DETAILS ARE SOURCED FROM THE NHDES BEST MANAGEMENT PRACTICES MANUAL FOR UTILITY MAINENCE IN AND ADJACENT TO WETLANDS AND WATERBODIES IN NEW HAPSHIRE DATED MARCH 2019

TYPICAL FILTER SOCK INSTALLATION DETAILS ARE SOURCED FROM THE IOWA STATEWIDE URBAN DESIGN AND SPECIFICATIONS - STANDARD SPECIFICATIONS

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SURVEY INFORMATION PROVIDED BY: KNIGHT HILL SURVEYING SERVICES, INC.
PROPOSED CONDITIONS PLAN PROVIDED BY: NORMANDEAU ASSOCIATES, INC.
DATE: 01/08/24

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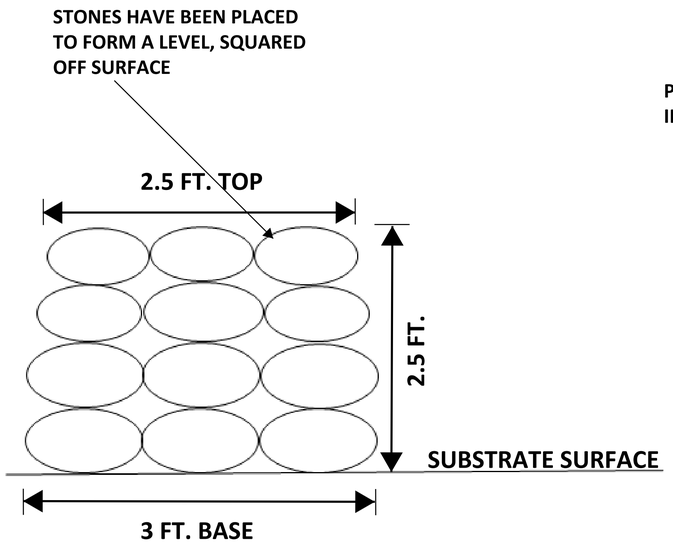
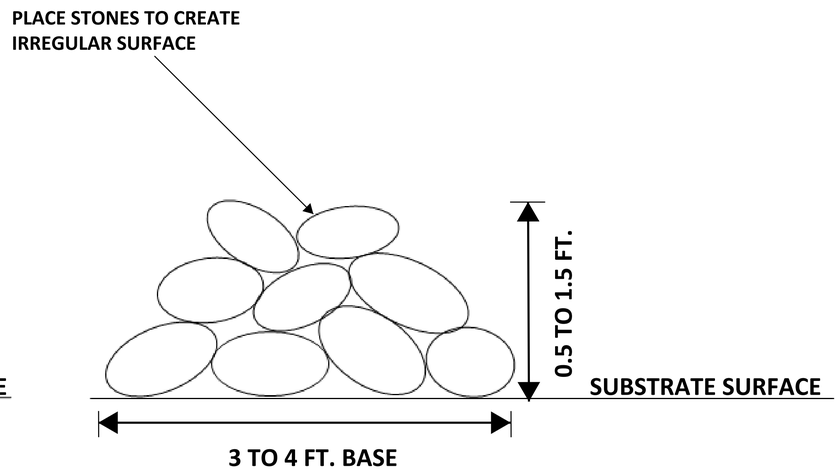
GARDNER PROPERTY RESTORATION PLAN
NORMANDEAU ASSOCIATES, INC.
PORTSMOUTH, NEW HAMPSHIRE

EROSION CONTROL DETAILS

PROJECT NUMBER: 24780.000




**TYPICAL EXISTING STONE WALL CROSS-SECTION**
**(NOT TO SCALE)**




**TYPICAL PROPOSED STONE WALL CROSS-SECTION**
**(NOT TO SCALE)**

**STONE WALL RESTORATION NOTES:**

1. **THE 10-15 TONS OF FILLER STONE AND GRAVEL BROUGHT IN FROM OFF-SITE SHALL BE REMOVED FROM THE STONE WALL TO THE EXTENT PRACTICAL AND DISPOSED OFF-SITE.**
2. **REMAINING STONE ON-SITE SHALL BE REORGANIZED AS NEEDED TO CREATE A LOW, LOOSE-PILE STONE WALL CONSISTENT WITH THE UNDISTURBED SECTION OF STONE WALL AT THE NORTHERN END OF THE PROPERTY (SEE FIGURES 1 AND 2 BELOW)**
3. **THE RESTORED STONE WALL SHALL BE BUILT TO HAVE A BASE OF VARIABLE WIDTH BETWEEN 3 AND 4 FEET AND A VARIABLE HEIGHT BETWEEN 0.5 AND 1.5 FEET RELATIVE TO THE SUBSTRATE SURFACE ON THE UPSLOPE SIDE OF THE WALL.**
4. **THE CROSS-SECTION SHAPE OF THE RESTORED WALL SHALL GENERAL CONFORM WITH THAT SHOWN IN THE PROPOSED STOEN WALL DETAIL, WITH NO LEVELED OR SQUARED OFF SURFACES.**

***PLEASE NOTE THAT THE CROSS-SECTION DETAILS AND THE NUMBER AND DIMENSION OF STONES WITHIN THEM ARE REPRESENTATIVE AND NOT DRAWN TO SCALE OR TO REPLICATE REAL WORLD CONDITIONS.**

FIGURE 1. UNDISTURBED PORTION OF STONE WALL AT NORTHERN END OF PROPERTY. CORRESPONDS WITH THE SECTION OF STONE WALL CIRCLED IN RED IN FIGURE 2. (8/26/23)


FIGURE 2. A) SCREEN CAPTURE FROM VIDEO SHOWING CONDITIONS ON IN VICINITY OF THE CURRENT LOWER HALF OF THE SWALE. VIDEO DATES TO PRIOR TO THE STONE WALL REBUILD IN 2022 BUT AFTER THE COMPLETION OF THE UPPER STONE SWALE INSTALLTION IN 2017. AREA CIRCLED IN RED REPRESENTS THE SECTION OF UNDISTURBED STONE WALL TO SERVE AS THE TEMPLATE FOR THE STONE WALL RESTORATION BASED ON DISCUSSIONS WITH THE CITY AND NHDES. B) ZOOMED IN VIEW OF THE TEMPLATE SECTION OF STONE WALL

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STONE WALL RESTORATION DETAILS

PROJECT NUMBER:
24780.000

| RESTORATION PLANTINGS | | | | |
|---|---|---|---|---|
| **PLANT NAME** | **TYPE** | **PLANT SIZE** | **PLANT QUANTITY** | **SPACING** |
| **RESTORATION AREA 1 - STONE WALL RESTORATION** | | | | |
| CLETHRA ALNIFOLIA + (SWEET PEPPERBUSH) | SHRUB PLANTING | 18-24" CONTAINER | 8 | 8 FT. OC |
| TAXUS CANADENSIS ^ (AMERICAN YEW) | SHRUB PLANTING | Not listed at NEWP | 8 | 8 FT. OC |
| VIBURNUM ACERIFOLIUM + (MAPLELEAF VIBURNUM) | SHRUB PLANTING | 18-24" CONTAINER | 10 | 8 FT. OC |
| **RESTORATION AREA 2 - LOWER SWALE REMOVAL** | | | | |
| SPIRAEA ALBA + (MEADOWSWEET) | SHRUB PLANTING | 18-24" CONTAINER | 6 | 8 FT. OC |
| CORNUS AMOMUM + (SILKY DOGWOOD) | LIVE STAKE/TUBELING | 2-3' (LIVE STAKES)/ 5" DEEP PLUG (TUBELINGS) | 67 | 1-2 FT. OC |
| SALIX DISCOLOR + (PUSSY WILLOW) | LIVE STAKE/TUBELING | 2-3' (LIVE STAKES)/ 5" DEEP PLUG (TUBELINGS) | 67 | 1-2 FT. OC |
| **PROJECT SEED MIX (TO BE SPREAD IN RESTORATION AREAS 1 AND 2)** | | | | |
| DICHANTHELIUM CLANDESTINUM * (DEER TONGUE) | SEED | - | 1 lb./1000 sq. ft. | - |
| PANICUM VIRGATUM * (SWITCH PANIC GRASS) | SEED | - | 1/2 lb./1000 sq. ft. | - |
| JUNCUS TENUIS ‡ (PATH RUSH) | SEED | - | 0.6 lb./acre | - |
| **RESTORATION AREAS 3 - UPPER SWALE REMOVAL** | | | | |
| CORNUS AMOMUM + (SILKY DOGWOOD) | LIVE STAKE/TUBELING | 2-3' (LIVE STAKES)/ 5" DEEP PLUG (TUBELINGS) | 106 | 1-2 FT. OC |
| SALIX DISCOLOR + (PUSSY WILLOW) | LIVE STAKE/TUBELING | 2-3' (LIVE STAKES)/ 5" DEEP PLUG (TUBELINGS) | 106 | 1-2 FT. OC |
| CORNUS AMOMUM + (SILKY DOGWOOD) | SHRUB PLANTING | 18-24" CONTAINER | 6 | 8 FT. OC |
| SALIX DISCOLOR + (PUSSY WILLOW) | SHRUB PLANTING | 18-24" CONTAINER | 6 | 8 FT. OC |
| NEW ENGLAND SEMI-SHADE GRASS AND FORBS + | SEED | - | 1lb/1450 sq. ft. | - |
| **RESTORATION AREA 4 - ACCESS ROUTE RESTORATION** | | | | |
| PARATHELYPTERIS NOVEBORACENSIS + (NEW YORK FERN) | FERN PLANTING | #1 | 60 | 2-3 FT. OC |
| NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DRY SITES + | SEED | - | 1lb/1250 sq. ft. | - |

**GENERAL PLANTING NOTES:**

1. **PLANTING MATERIALS CURRENTLY PROPOSED TO BE SOURCED FROM THE FOLLOWING PROVIDERS:**
   **NEW ENGLAND WETLAND PLANTS, INC. (INDICATED BY +)**
   **PIERSON NURSERIES, INC. (INDICATED BY ^)**
   **THE VERMONT WILDFLOWER FARM (INDICATED BY *)**
   **ERNEST SEEDS (INDICATED BY ‡)**
2. **SPACING OF PLANTING INSTALLATIONS FOR EACH SPECIES SHALL CONFORM WITH THE OFF-CENTER SPACING INFORMATION PROVIDED IN THE RESTORATION PLANTINGS TABLE.**
3. **CHOICE OF WHETHER TO USE LIVE STAKES OR TUBELINGS WILL DEPEND ON THE TIMING OF WORK. LIVE STAKES SHOULD ONLY BE USED IF IT IS POSSIBLE TO COMPLETE LIVE STAKE PLANTING PRIOR TO THE END OF THE WOODY VEGETATION SENESCENCE PERIOD (TYPICALLY THE END OF MARCH INTO EARLY APRIL).**
4. **APPLICATION RATE OF EACH SEED OR SEED MIX USED SHALL CONFORM WITH THOSE PROVIDED BY THE SELLER, WHICH ARE PROVIDED IN THE RESTORATION PLANTING TABLE. SEED CAN BE SOWN BY HAND OR WITH A HANDHELD SPREADER.**
5. **A LIGHT MULCH (NO MORE THAN 1" THICK) OF CLEAN, WEED FREE STRAW IS RECOMMENDED IN ALL RESTORATION AREAS.**
6. **IF SPRING CONDITIONS ARE DRIER THAN USUAL, WATERING OF PLANTINGS AND SEEDED AREA MAY BE REQUIRED.**
7. **A WARRANTY OF 1 YEAR, 85 PERCENT CARE AND REPLACEMENT WARRANTY FOR ALL PURCHASED SHRUB AND FERN PLANTINGS SHALL BE MAINTAINED BY THE CONTRACTOR RESPONSIBLE PLANTING INSTALLATION. A PERIOD OF CARE AND REPLACEMENT SHALL BEGIN AFTER INSPECTION AND APPROVAL OF THE INITIAL PLANTINGS INSTALLATION AND CONTINUE FOR 1 YEAR, WITH ONE POTENTIAL REPLACEMENT PERIOD. THE CONTRACTOR INSTALLING THE PLANTINGS SHALL NOT BE RESPONSIBLE FOR PLANTINGS THAT HAVE BEEN DAMAGED BY VANDALISM, FIRE, FLOODING, OR OTHER ACTIVTIES BEYOND THE CONTRACTORS CONTROL.**

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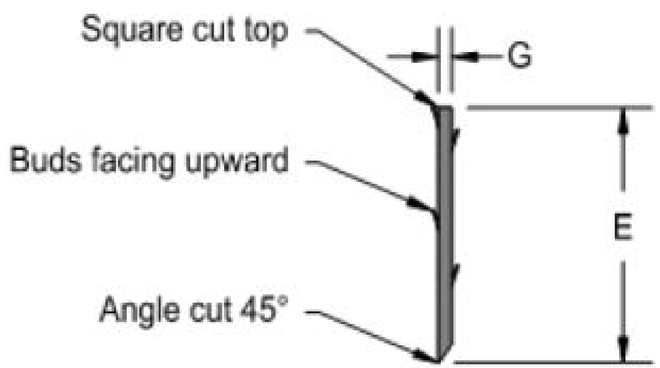
GARDNER PROPERTY RESTORATION PLAN
NORMANDEAU ASSOCIATES, INC.
PORTSMOUTH, NEW HAMPSHIRE

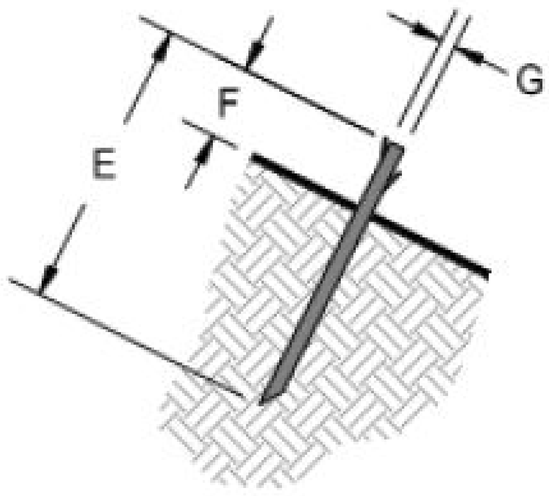
GENERAL PLANTING DETAILS

PROJECT NUMBER: 24780.000




**LIVE STAKE DETAIL**

**TUBELING DETAIL**




**INSTALLED LIVE STAKE DETAIL**

**INSTALLED TUBELING DETAIL**

**LIVE STAKE/TUBELING NOTES:**

1. **LIVE STAKES/TUBELINGS SHALL CONSIST OF A MIX OF THE TWO FOLLOWING SPECIES, WITH EACH SPECIES COMPRISING APPROXIMATELY 50 PERCENT OF THE MIX: SILKY DOGWOOD (CORNUS AMOMUM) AND PUSSY WILLOW (SALIX DISCOLOR).**

2. **SEE GENERAL PLANTING NOTE #3 ON SHEET 6 REGARDING CHOICE OF USING LIVE STAKES VERSUS TUBELINGS FOR THIS PROJECT.**

3. **IF USING LIVE STAKES:**
   a. **LIVING CUTTINGS FOR LIVE STAKES SHALL BE ½ TO 1 ½ INCHES IN DIAMETER (G IN LIVE STAKE DETAILS) AND 2 TO 3 FEET IN LENGTH (E LIVE STAKE DETAILS). SIDE BRANCHES SHALL BE REMOVED AND THE BARK LEFT INTACT PRIOR TO INSTALLATION. BUDS ON THE STAKES SHALL BE ORIENTED IN AN UPWARD POSITION AND THE BASAL ENDS TAPERED FOR EASY INSERTION INTO THE SUBSTRATE. THE TOP SHALL BE CUT SMOOTH AND SQUARE**
   b. **PILOT HOLES, SMALLER IN DIAMETER THAN THE LIVE STAKES, SHALL BE DRILLED/DRIVEN INTO THE SUBSTRATE. THE STAKE SHALL THEN BE DRIVEN INTO THE PILOT HOLES SO THAT 67 TO 75 PERCENT OF EACH STAKE IS BELOW THE GROUND SURFACE (DIFFERENCE BETWEEN E AND F IN INSTALLED LIVE STAKE DETAIL).**

4. **IF USING TUBELINGS:**
   a. **TUBELINGS SHALL CONSIST OF A ROOTED CUTTING IN A 5-INCH DEEP PLUG CELL AND MEASURE BETWEEN 8 AND 24 INCHES IN HEIGHT.**
   b. **PLANTING HOLES SLIGHTLY DEEPER AND WILDER THAN THE 5-INCH DEEP PLUGS SHALL BE DUG INTO THE SUBSTRATE. THE PLUGS SHALL BE PLACED IN THESE HOLES AND BACK FILLED WITH EXCESS SOIL.**

5. **LIVE STAKES/TUBELINGS SHALL BE PLANTED AT 90 DEGREE ANGLE TO THE SUBSTRATE AND BE SPACED 1 TO 2 FEET OFF-CENTER. SMALLER SPACING (1 FOOF OFF-CENTER) SHALL BE USED IN THE CENTER 3 to 4 FEET OF THE SWALE, WITH SPACING GRADUALLY INCREASED UP TO 2 FEET OFF-CENTER PROGRESSING OUT TO THE SIDES OF THE SWALE. THE TWO SPECIES SHALL BE RANDOMLY INTERMIXXED.**

6. **MINIMAL RETAINED STONE SHALL BE INSTALLED BACK IN THE UPPER SWALE IN RESTORATION AREA 3 AT THE SAME TIME AS THE LIVE STAKE/ TUBELING INSTALLATION.**

7. **STAKES/TUBELINGS SHALL BE INSTALLED THROUGH THE EROSION CONTROL BLANKET, TO BE INSTALLED AFTER FINALIZATION OF ANY NECESSARY GRADING. ADDITIONALLY, A MINIMUM OF 1 FOOT SPACE SHOULD BE LEFT BETWEEN LIVE STAKES/TUBELINGS AND THE COIR LOGS INSTALLED ACROSS THE RESTORED SWALE. COIR LOGS SHOULD NOT BE PRESSED UP AGAINAT ANY LIVE STAKES.**

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LIVE STAKE/TUBELING DETAILS

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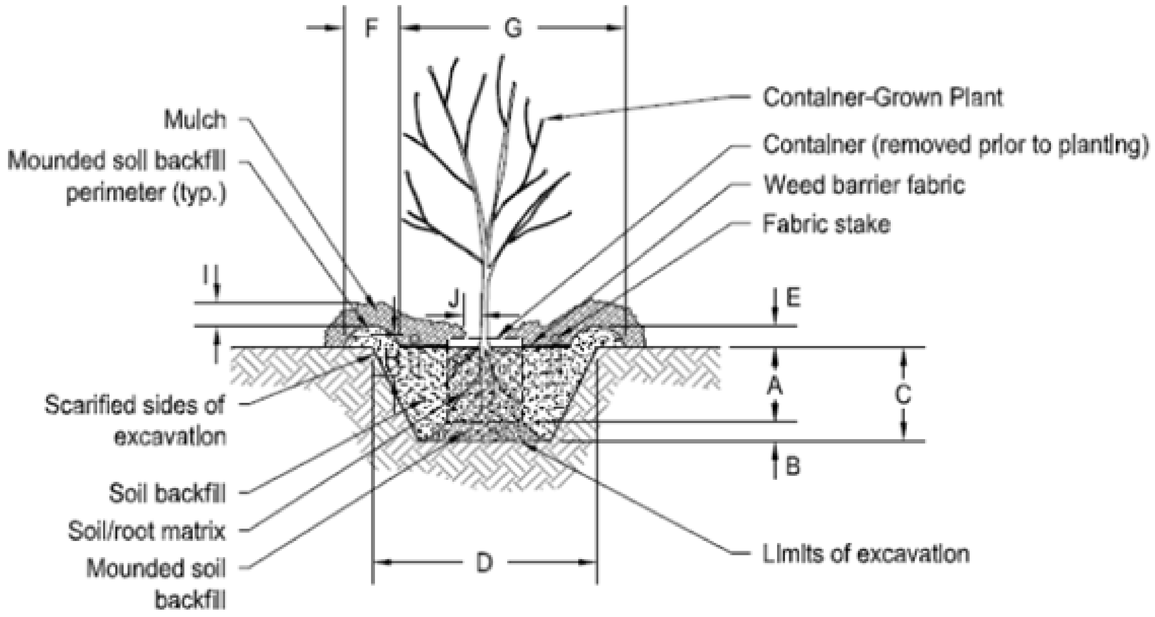


## TYPICAL CONTAINER-GROWN PLANT INSTALLATION DETAIL

| Dimension[1] | Name | Typical Unit | Guidelines[2] | Description |
|---|---|---|---|---|
| A | Planting depth | Varies | Depth as required based on dimension of container soil and roots. | Planting depth of the container grown plant. |
| B | Heigth of mounded soil backfill | Inches | -- | Height of mounded loose soil placed in over-excavated planting pit. |
| C | Depth of planting pit | Varies | Depth as required based on dimension of container soil and roots. | Depth of the planting pit; accomodates dimension of container soil and roots as well as mounded loose soil at bottom of pit. |
| D | Width of planting pit | Varies | 1 ½ to 2 times the width of the container soil and roots. | Over-excavated width of the planting pit; accomodates the width of the container soil and roots. |
| E | Heigth of mounded soil perimeter | Inches | 3" | Height of soil berm constructed along the perimeter of the planting pit; helps retain water. |
| F | Width of mounded soil perimeter | Inches | 8" | Width of soil berm constructed along the perimeter of the planting pit; helps retain water. |
| G | Width of weed barrier fabric (not recommended) | Inches | -- | Width of fabric placed on surface to control weeds within the mounded soil perimeter |
| H | Fabric stake length (not recommended) | Inches | 4-6" | Length of staples/spikes used to secure weed barrier fabric |
| I | Thickness of mulch | Inches | 1" | Thickness of weed free straw mulch. |
| J | Gap between mulch and plant stem/trunk | Inches | 2" | Room between plant stem/trunk and mulch. |

## SHRUB AND FERN PLANTING NOTES:

1. **SHRUBS TO BE INSTALLED IN RESTORATION AREA 1 SHALL CONSIST OF A MIX OF THE THREE FOLLOWING SPECIES, WITH EACH SPECIES COMPRISING NO MORE THAN 50 PERCENT AND NO LESS THAN 20 PERCENT OF THE MIX: SWEET PEPPERBUSH (CLETHRA ALNIFOLIA), AMERICAN YEW (TAXUS CANADENSIS), AND MAPLELEAF VIBURNUM (VIBURNUM ACERFOLIUM). SHRUB SPECIES SHOULD BE PLANTED IN AN INTERMIXXED CONFIGURATION.**
2. **SHRUBS TO BE INSTALLED IN RESTORATION AREAS 2 SHALL BE MEADOWSWEET (SPIRAEA ALBA VAR. LATIFOLIA).**
3. **SHRUBS TO BE INSTALLED IN RESTORATION AREA 3 SHALL BE SILKY DOGWOOD (CORNUS AMOMUM) AND PUSSY WILLOW (SALIX DISCOLOR) AND SHOULB BE INTERMIXXED WHEN PLANTING.**
4. **FERNS TO BE INSTALLED IN RESTORATION AREA 4 SHALL CONSIST OF NEW YORK FERN (PARATHELYPTERIS NOVEBORACENSIS).**
5. **SHRUB AND FERN PLANTINGS SHALL BE INSTALLED BASED ON THE CONTAINER-GROWN PLANT INSTALLATION DETAIL AND ASSOCIATED TABLE.**
6. **SHRUBS SHALL BE INSTALLED IN A SPACING OF 8 FT. OFF-CENTER FROM OTHER SHRUBS. IN RESTORATION AREAS 1 THROUGH 3, THE THREE SPECIES OF SHRUB TO BE USED IN RESTORATION AREA 1 SHOULD BE INTERMIXXED.**
7. **FERNS SHALL BE INSTALLED IN A SPACING OF 2 to 3 FT. OFF-CENTER.**

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CONTAINER GROWN PLANTING NOTES

PROJECT NUMBER: 24780.000

## Construction Sequence

1. **Installation of all necessary erosion and sediment controls and substrate protection in Restoration Area 1 as shown on the plans and specified in the notes in Attachment B.**

2. **Remove the estimated 10-15 tons of non-native stone and gravel forming the top portion of the stone wall in Restoration Area 1 and the Lower Swale Restoration Area 2.**

3. **Remove all non-native gravel spread over the substrate in the 50 sq. ft. area between the sections of rebuilt wall in Restoration Area 1 and in the 444 sq. ft. area north of the lower half of the swale in Restoration Area 2. Also remove any remaining landscaping fabric from the Lower Swale.**

4. **Remove all the stone and liner from the Upper Swale in Restoration Area 3. Retain a subset of smaller stones for re-installation in the Upper Swale.**

5. **Reconfigure the remaining native stones on site to create a stone wall with a general cross-section shape and dimensions as outlined in the Proposed Stone Wall Detail on Sheet 5 in Attachment B. Centerline of the stone wall should follow that of the existing wall.**

6. **Regrade substrate in Restoration Area 2 to eliminate any trace channel topography and install biodegradable, wildlife friendly erosion control blanket over the swale footprint in Restoration Areas 2 and 3. Also install a minimum of 4 coir logs across the restored channel topography as shown on Sheet 3.**

7. **Remove substrate protection in Restoration Area 1, lightly aerate the substrate to mitigate soil compaction and prepare substrate for planting.**

8. **Install all shrubs and/or live stakes as specified on Sheets 3 and 6 through 8 in Restoration Areas 1 through 3. Re-install a minimal amount of reserved smaller stone in the Upper Swale at the same time as live stakes installation.**

9. **Lightly aerate the soil to mitigate soil compaction and install fern plantings in Restoration Area 4 as specified on Sheets 3, 6, and 8.**

10. **Spread the seed mixes at the appropriate application rates specified in the Restoration Planting Table on Sheet 6 in Attachment B. Cover all disturbed seeded areas with a light layer of weed-free straw.**

11. **Install any supplemental erosion and sediment controls determined needed at the conclusion of restoration activities.**

12. **Install "Do not disturb or cut" signage at specified locations shown on Sheet 3.**

13. **Complete as-built documentation and reporting and commence post-construction monitoring protocols.**

14. **Temporary erosion and sediment controls will remain in place and be maintained until the site has been confirmed to be stabilized (>75% herbaceous ground cover and a lack of signs of erosion and sediment transport in all disturbed portions of the project area) by the environmental monitor. Maintenance and removal of erosion controls such as filter socks, silt fencing, and/or hay bales will be done by hand and be the responsibility of the Environmental Monitor. Erosion control blankets will remain in place and be allowed to biodegrade into the substrate.**

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GARDNER PROPERTY RESTORATION PLAN
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CONSTRUCTION SEQUENCE

PROJECT NUMBER:
24780.000

# Attachment C: Project Plan Notes

Full size copies of the notes provided on the Cover Sheet and Sheets 5 through 8 of the Project Plans in Attachment B.

EROSION AND SEDIMENT CONTROL NOTES (COVER SHEET):

1. ALL EROSION AND SEDIMENT CONTROL MEASURES (ECSs) SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE NHDES BEST MANAGEMENT PRACTICES MANUAL FOR UTILITY MAINTENANCE IN AND ADJACENT TO WETLANDS AND WATERBODIES IN NEW HAMPSHIRE DATED MARCH 2019. PLEASE SEE DETAILS REGARDING SUGGESTED ESCs ON SHEET 4.

2. MEANS OF EROSION AND SEDIMENT PROTECTION AS NOTED ON THE DRAWINGS INDICATE MINIMUM RECOMMENDED PROVISIONS. THE CONTRACTOR IS RESPONSIBLE FOR FINAL SELECTION AND PLACEMENT OF EROSION AND SEDIMENTATION CONTROLS BASED ON ACTUAL SITE AND CONSTRUCTION CONDITIONS. ADDITIONAL MEANS OF PROTECTION SHALL BE PROVIDED BY THE CONTRACTOR AS REQUIRED FOR CONTINUED OR UNFORESEEN EROSION PROBLEMS, OR AS DIRECTED BY THE ENVIRONMENTAL MONITOR, AT NO ADDITIONAL EXPENSE TO THE OWNER.

3. ESCs SHALL BE ADJUSTED TO MEET FIELD CONDITIONS AT THE TIME OF AND DURING ALL PHASES OF CONSTRUCTION AND BE CONSTRUCTED PRIOR TO AND IMMEDIATELY AFTER ANY DISTURANCE OF EXISTING SURFACE MATERIAL ON THE SITE.

4. AFTER ANY SIGNIFICANT RAINFALL (>0.25 INCHES OF RAINFALL WITHIN 24 HOURS), ESCs SHALL BE INSPECTED FOR INTEGRITY. ANY DAMAGE SHALL BE CORRECTED IMMEDIATELY.

5. PERIODIC INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL STRUCTURES SHALL BE PROVIDED TO ENSURE THAT THE INTENDED PURPOSE IS ACCOMPLISHED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SEDIMENT LEAVING THE LIMIT OF WORK. ESCs SHALL BE IN WORKING CONDITION AT THE END OF EACH WORKDAY.

6. THE CONTRACOTR SHALL BE RESPONSIBLE FOR PREVENTING SEDIMENT FROM ENTERING ANY STORM DRAINAGE SYSTEM AND FROM BEING CONVEYED TO ANY WETLAND RESOURCE AREA, PUBLIC WAYS, ABUTTING PROPERTY, OR OUTSIDE OF THE PROJECT LIMITS.

7. ANY SEDIMENT TRACKED ONTO PAVED AREAS SHALL BE SWEPT AT THE END OF EACH WORKING DAY.

8. ANY AREAS OUTSIDE OF THE LIMIT OF WORK THAT ARE DISTURBED SHALL BE RESTORED BY THE CONTRACTOR TO THE PRE-CONSTRUCTION CONDITION/GRADE AT NO COST TO THE OWNER.

GENERAL PROJECT NOTES (COVER SHEET):

TOPOGRAPHIC DATA, PROPERTY LINE INFORMATION, AND EXISTING FEATURES ARE PROVIDED IN THE "EXISTING CONDITIONS PLAN" PREPARED BY KNIGHTS HILL LAND SURVEYING SERVICES, INC. DATED 11/06/23.

THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, REGULATIONS, AND SAFETY CODES IN THE EXECUTION OF THIS RESTORATION PLAN.

THE LOCATION OF ALL AND ELEVATIONS OF ALL EXISTING UTILITIES ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. PRESENCE AND LOCATIONS OF ALL UTILITIES WITHIN THE LIMIT OF WORK MUST BE DETERMINED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL KEEP A RECORD OF ANY DISCREPANCIES OR CHANGES IN THE LOCATIONS OF ANY UTILITIES SHOWN OR ENCOUNTERED DURING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE OWNER AND NORMANDEAU ASSOCIATES, INC. ANY DAMAGE RESULTING FROM THE FAILURE OF THE CONTRACTOR TO MAKE THESE DETERMINATIONS AND CONTACTS SHALL BE BORNE BY THE CONTRACTOR.

THE CONTRACTOR SHALL, THROUGHOUT CONSTRUCTION, TAKE ADEQUATE PRECAUTIONS TO PROTECT ALL WALKS, GRADING, SIDEWALKS, AND SITE DETAILS OUTSIDE OF THE LIMIT OF WORK AS DEFINED ON THE DRAWINGS AND SHALL REPAIR AND REPLACE OR OTHERWISE MAKE GOOD AS DIRECTED BY THE ENVIRONMENTAL MONITOR OR OWNER'S DESIGNATED REPRESENTATIVE ANY SUCH OR OTHER DAMAGE SO CAUSED.

THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY AND ALL CONSTRUCTION MEANS AND METHODS.

PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE SITE AND CONSTRUCTION DOCUMENTS TO DEVELOP A THOROUGH UNDERSTANDING OF THE PROJECT, INCLUDING ANY SPECIAL CONDITIONS AND CONSTRAINTS.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO BECOME FAMILIAR WITH THE PROJECT SITE AND TO VERIFY ALL CONDITIONS IN THE FIELD AND REPORT DISCREPANCIES BETWEEN PLANS AND ACTUAL CONDITIONS TO THE OWNER OR OWNER'S REPRESENTATION IMMEDIATELY.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION AND ESTABLISHMENT OF ALL EROSION AND SEDIMENT CONTROLS.

ELEVATION REFERENCED TO NAVD88.

STONE WALL RESTORATION NOTES (SHEET 5):

1. THE 10-15 TONS OF FILLER STONE AND GRAVEL BROUGHT IN FROM OFF-SITE SHALL BE REMOVED FROM THE STONE WALL TO THE EXTENT PRACTICAL AND DISPOSED OFF-SITE.

2. REMAINING STONE ON-SITE SHALL BE REORGANIZED AS NEEDED TO CREATE A LOW, LOOSE-PILE STONE WALL CONSISTENT WITH THE UNDISTURBED SECTION OF STONE WALL AT THE NORTHERN END OF THE PROPERTY (SEE FIGURES 1 AND 2 BELOW)

3. THE RESTORED STONE WALL SHALL BE BUILT TO HAVE A BASE OF VARIABLE WIDTH BETWEEN 3 AND 4 FEET AND A VARIABLE HEIGHT BETWEEN 0.5 AND 1.5 FEET RELATIVE TO THE SUBSTRATE SURFACE ON THE UPSLOPE SIDE OF THE WALL.

4. THE CROSS-SECTION SHAPE OF THE RESTORED WALL SHALL GENERALLY CONFORM WITH THAT SHOWN IN THE PROPOSED STOEN WALL DETAIL, WITH NO LEVELED OR SQUARED OFF SURFACES.

GENERAL PLANTING NOTES (SHEET 6):

1. PLANTING MATERIALS CURRENTLY PROPOSED TO BE SOURCED FROM THE FOLLOWING PROVIDERS:
   NEW ENGLAND WETLAND PLANTS, INC. (INDICATED BY +)
   PIERSON NURSERIES, INC. (INDICATED BY ^)
   THE VERMONT WILDFLOWER FARM (INDICATED BY *)
   ERNEST SEEDS (INDICATED BY ǂ)

2. SPACING OF PLANTING INSTALLATIONS FOR EACH SPECIES SHALL CONFORM WITH THE OFF-CENTER SPACING INFORMATION PROVIDED IN THE RESTORATION PLANTINGS TABLE.

3. CHOICE OF WHETHER TO USE LIVE STAKES OR TUBELINGS WILL DEPEND ON THE TIMING OF WORK. LIVE STAKES SHOULD ONLY BE USED IF IT IS POSSIBLE TO COMPLETE LIVE STAKE PLANTING PRIOR TO THE END OF THE WOODY VEGETATION SENESCENCE PERIOD (TYPICALLY THE END OF MARCH INTO EARLY APRIL).

4. APPLICATION RATE OF EACH SEED OR SEED MIX USED SHALL CONFORM WITH THOSE PROVIDED BY THE SELLER, WHICH ARE PROVIDED IN THE RESTORATION PLANTING TABLE. SEED CAN BE SOWN BY HAND OR WITH A HANDHELD SPREADER.

5. A LIGHT MULCH (NO MORE THAN 1” THICK) OF CLEAN, WEED FREE STRAW IS RECOMMENDED IN RESTORATION AREAS 1, 2, AND 4.

6. IF SPRING CONDITIONS ARE DRIER THAN USUAL, WATERING OF PLANTINGS AND SEEDED AREA MAY BE REQUIRED.

7. A WARRANTY OF 1 YEAR, 85 PERCENT CARE AND REPLACEMENT WARRANTY FOR ALL PURCHASED SHRUB AND FERN PLANTINGS SHALL BE MAINTAINED BY THE CONTRACTOR RESPONSIBLE PLANTING INSTALLATION. A PERIOD OF CARE AND REPLACEMENT SHALL BEGIN AFTER INSPECTION AND APPROVAL OF THE INITIAL PLANTINGS INSTALLATION AND CONTINUE FOR 1 YEAR, WITH ONE POTENTIAL REPLACEMENT PERIOD. THE CONTRACTOR INSTALLING THE PLANTINGS SHALL NOT BE RESPONSIBLE FOR PLANTINGS THAT HAVE BEEN DAMAGED BY VANDALISM, FIRE, FLOODING, OR OTHER ACTIVTIES BEYOND THE CONTRACTORS CONTROL.

LIVE STAKE/TUBELING NOTES (SHEET 7):

1. LIVE STAKES/TUBELINGS SHALL CONSIST OF A MIX OF THE TWO FOLLOWING SPECIES, WITH EACH SPECIES COMPRISING APPROXIMATELY 50 PERCENT OF THE MIX: SILKY DOGWOOD (CORNUS AMOMUM) AND PUSSY WILLOW (SALIX DISCOLOR).

2. SEE GENERAL PLANTING NOTE #3 ON SHEET 6 REGARDING CHOICE OF USING LIVE STAKES VERSUS TUBELINGS FOR THIS PROJECT.

3. IF USING LIVE STAKES:
    a. LIVING CUTTINGS FOR LIVE STAKES SHALL BE ½ TO 1 ½ INCHES IN DIAMETER (G IN LIVE STAKE DETAILS) AND 2 TO 3 FEET IN LENGTH (E LIVE STAKE DETAILS). SIDE BRANCHES SHALL BE REMOVED AND THE BARK LEFT INTACT PRIOR TO INSTALLATION. BUDS ON THE STAKES SHALL BE ORIENTED IN AN UPWARD POSITION AND THE BASAL ENDS TAPERED FOR EASY INSERTION INTO THE SUBSTRATE. THE TOP SHALL BE CUT SMOOTH AND SQUARE
    b. PILOT HOLES, SMALLER IN DIAMETER THAN THE LIVE STAKES, SHALL BE DRILLED/DRIVEN INTO THE SUBSTRATE. THE STAKE SHALL THEN BE DRIVEN INTO THE PILOT HOLES SO THAT 67 TO 75 PERCENT OF EACH STAKE IS BELOW THE GROUND SURFACE (DIFFERENCE BETWEEN E AND F IN INSTALLED LIVE STAKE DETAIL).

4. IF USING TUBELINGS:
    a. TUBELINGS SHALL CONSIST OF A ROOTED CUTTING IN A 5-INCH DEEP PLUG CELL AND MEASURE BETWEEN 8 AND 24 INCHES IN HEIGHT.
    b. PLANTING HOLES SLIGHTLY DEEPER AND WIDER THAN THE 5-INCH DEEP PLUGS SHALL BE DUG INTO THE SUBSTRATE. THE PLUGS SHALL BE PLACED IN THESE HOLES AND BACK FILLED WITH EXCESS SOIL.

5. LIVE STAKES/TUBELINGS SHALL BE PLANTED AT 90 DEGREE ANGLE TO THE SUBSTRATE AND BE SPACED 1 TO 2 FEET OFF-CENTER. SMALLER SPACING (1 FOOF OFF-CENTER) SHALL

BE USED IN THE CENTER 3 to 4 FEET OF THE SWALE, WITH SPACING GRADUALLY INCREASED UP TO 2 FEET OFF-CENTER PROGRESSING OUT TO THE SIDES OF THE SWALE. THE TWO SPECIES SHOULD BE RANDOMLY INTERMIXXED.

6. MINIMAL RETAINED STONE SHALL BE INSTALLED BACK IN THE UPPER SWALE IN RESTORATION AREA 3 AT THE SAME TIME AS THE LIVE STAKE/TUBELING INSTALLATION.

7. STAKES/TUBELINGS SHALL BE INSTALLED THROUGH THE EROSION CONTROL BLANKET, TO BE INSTALLED AFTER FINALIZATION OF ANY NECESSARY GRADING. ADDITIONALLY, A MINIMUM OF 1 FOOT SPACE SHOULD BE LEFT BETWEEN LIVE STAKES/TUBELINGS AND THE COIR LOGS INSTALLED ACROSS THE RESTORED SWALE. COIR LOGS SHOULD NOT BE PRESSING UP AGAINST ANY LIVE STAKES.

SHRUB AND FERN PLANTING NOTES (SHEET 8):

1. SHRUBS TO BE INSTALLED IN RESTORATION AREA 1 SHALL CONSIST OF A MIX OF THE THREE FOLLOWING SPECIES, WITH EACH SPECIES COMPRISING NO MORE THAN 50 PERCENT AND NO LESS THAN 20 PERCENT OF THE MIX: SWEET PEPPERBUSH (CLETHRA ALNIFOLIA), AMERICAN YEW (TAXUS CANADENSIS), AND MAPLELEAF VIBURNUM (VIBURNUM ACERFOLIUM). SHRUB SPECIES SHOULD BE PLANTED IN AN INTERMIXXED CONFIGURATION

2. SHRUBS TO BE INSTALLED IN RESTORATION AREAS 2 SHALL BE MEADOWSWEET (SPIRAEA ALBA VAR. LATIFOLIA).

3. SHRUBS TO BE INSTALLED IN RESTORATION AREA 3 SHALL BE SILKY DOGWOOD (CORNUS AMOMUM) AND PUSSY WILLOW (SALIX DISCOLOR).

4. FERNS TO BE INSTALLED IN RESTORATION AREA 4 SHALL CONSIST OF NEW YORK FERN (PARATHELYPTERIS NOVEBORACENSIS).

5. SHRUB AND FERN PLANTINGS SHALL BE INSTALLED BASED ON THE CONTAINER-GROWN PLANT INSTALLATION DETAIL AND ASSOCIATED TABLE.

6. SHRUBS SHALL BE INSTALLED IN A SPACING OF 8 FT. OFF-CENTER FROM OTHER SHRUBS.

7. FERNS SHALL BE INSTALLED IN A SPACING OF 2 TO 3 FT. OFF-CENTER.

# Attachment D: Gardner Property Hydrology & Hydraulic Memo

BASE FLOW, LLC
3 Brimstone Hill Road, Amherst, NH 03031
C (603) 809-6101 baseflowinfo@gmail.com

Februrary 15, 2023

# MEMO

To: Elizabeth Olliver, Normandeau Associates, Inc.

From: Gabe Bolin, PE

Base Flow Project No. 2022-01
Subject: Gardner Stone Wall & Swale, H&H Analysis

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Base Flow, LLC (Base Flow) has prepared this memo to summarize a hydrology and hydraulic (H&H) analysis performed for the Gardner property, located at 50 Odiorne Point Road in Portsmouth, New Hampshire. The property is located along the shoreline of Sagamore Creek and receives surface water flows from both an unnamed stream and a stormwater runoff collection system associated with Odiorne Point Road. Surface water flows during storm events has caused soil erosion in the northern portion of the property, and the property owner previously installed a stone swale to convey storm flows through the property and to Sagamore Creek to mitigate the erosion. The property owner has also reported regular erosion of the ground surface directly north of the swale due to flows that are not contained in the swale during moderate to large storm events.

Unrelated to this analysis, the property owner recently improved upon the existing stone wall along the shorefront portion of the property. Due to conflicts with the wall installation and the New Hampshire Department of Environmental Services (NHDES) wetland regulations, the wall, swale and overall property is under review by NHDES staff and questions were raised as to whether the stone swale should be replaced with a more 'green' solution. Therefore, the purpose of this H&H analysis was to evaluate alternatives to the current stone swale, specifically to 1) determine if a greener solution was feasible and if that solution would 'hold up' to the existing surface water flow regime, and 2) if so, develop 1-2 green solution alternatives.

## 1. Existing Conditions

Base Flow performed a topographic survey of the site on November 11, 2022. A GPS base and rover unit was used to collect location and elevation data of the ground and site features including but not limited to the roadway edge, catch basin inverts, utilities, pipe inverts, trees, edge of driveway, landscaping features, house corners, stone walls, stream thalweg and banks, conveyance swale centerline and edge, tidal limits, etc. Data was collected in state plane coordinates (NAD83) and refers to the NAVD88 vertical datum. Data was uploaded into an AutoCAD drawing and used to create a triangulated irregular network (TIN), or graphical representation of the ground surface for the site. Contours were applied to the TIN and other features were developed to represent existing conditions. The AutoCAD drawing for this project is provided as Sheet 1, included at the end of this document.

The unnamed stream has an approximate drainage area of 21.51 acres (0.03 $mi^2$; StreamStats, 2023). Land use in the drainage area consists primarily of low density residential and forest, with 14.4% of the area covered by impervious surfaces and 22.6% covered by mix forest (StreamStats, 2023). Stream flow is conveyed to the property via a 12" high-density polyethylene (HDPE) pipe that exists under Odiorne Point Road. The pipe discharges at a large, stone masonry headwall adjacent to the property and neighboring property.

The stormwater collection system discharges via a 15" HDPE pipe at the same headwall. From inspection during our survey, the system consists of a few stormwater curb inlets and a relatively small subsurface stormwater conveyance system that collects stormwater along approximately 300 linear feet of Odiorne Point Road adjacent to Sagamore Avenue (NH Route 1A) and conveys it to the outlet at the headwall.

Surface water flows from both the unnamed stream and stormwater collection system combine approximately 35 feet northwest of the headwall and continues to flow west approximately 70 feet through a forested/vegetated natural area until flow reaches the stone swale. The property owner uses a section of landscape edging at the head of the swale to encourage flow into the swale, after which flows travel approximately 120 feet along the swale before discharging near the northern edge of the improved stone wall. Flow then travels around the wall and eventually into the creek. The depth of channel flow in the natural area upstream of the swale, which is primarily flat, is 1-2" with no real defined bankfull width. The stone swale, as shown in Figure 1, drops in elevation from approximately 17.5' to 8.4' for a slope of 7.6%. The swale is 10.5' wide at its widest section upslope and reduces down to 5-6' wide over the straight portion of the swale. It is comprised of mostly river cobble, with stone sizes ranging roughly from 3 to 6 inches in diameter (measured along the stone intermediate axis) with a few boulders located randomly in the swale.

The area directly north of the swale also receives stormwater runoff flows during certain events, when flows bypass the landscaping edging to the north. Some evidence of low to moderate soil erosion was observed in this area although it was difficult to make a full assessment due to leaf cover. However, it is evident that this area and most of the back yard adjacent to the creek cannot support grass or turf growth due to the density of trees on the property and resultant shade. The portion of this area subject to erosion would most likely not hold a layer of topsoil due to the frequency of stormwater flows. Figure 1 below provides photos of this portion of the property.

***Figure 1**. Downstream end of swale and discharge by improved stone wall end (top left); stone swale looking upstream, photo taken from area close to stone wall end (right); property directly north of swale subject to erosion, looking upstream, photo taken from area close to stone wall end (lower left).*

## 2. H&H Analysis

### 2-1: Hydrology

Base Flow accessed the StreamStats web application to obtain 1) approximate limits of the drainage area contributing surface water flows to the site and 2) estimated peak flows for recurrence interval storm events, to be used as input for the hydraulic model.

For quality control purposes, Base Flow performed a check of the drainage area limits provided by StreamStats with respect to accuracy, to ensure that the peak flow values provided are representative of existing conditions. We utilized our knowledge of the existing stormwater conveyance system and publicly available LiDAR (NHGranit, 2023) to confirm the delineation. It was concluded that the StreamStats

delineation was accurate after confirming that 1) the local stormwater conveyance system ends close to the neighboring property to the south along Odiorne Point Road (near the local highpoint in the roadway) and 2) the delineation seems to follow the drainage divides as indicated by elevations represented by local LiDAR. There are additional stormwater conveyance systems along Odiorne Point Road, however they convey flows to the south and do not contribute flow to this drainage area.

Table 1 provides a range of peak flow values relative to specific recurrence interval storm events, obtained from StreamStats. These flows were used as input for the one-dimensional steady state hydraulic model discussed in detail below.

*Table 1: Summary of Peak Flows at the Site*

| Recurrence Interval (years) | Flow (cfs) |
|---|---|
| 2 | 1.48 |
| 5 | 2.94 |
| 10 | 4.34 |
| 25 | 6.52 |
| 50 | 8.51 |
| 100 | 11.00 |

*Source: Output from USGS StreamStats*
*Abbreviations: cfs = cubic feet per second*
*Date and Author: 2-15-2023, GMB*

**2-2: Hydraulics**

Base Flow used the US Army Corps of Engineers (USACE) Hydrologic Engineering Center's River Analysis System model (HEC-RAS; http://www.hec.usace.army.mil/software/hec-ras/) to develop a one-dimensional, steady flow hydraulic model of the unnamed stream and adjacent areas. This model was used to simulate the peak flows for existing conditions.

The TIN surface developed as part of this project was used as the source of topography for the existing conditions hydraulic model. TIN surface data along cross sections defined in the AutoCAD map were exported from AutoCAD and imported into HEC-RAS Mapper, a user interface provided with the program. The series of long, dashed lines on Sheet 1 with labels 'STA = 1+XX' provide a graphical representation of the cross sections. The station numbering starts from zero at the end of the hydraulic model (at the northern

end of the improved wall) and continues in the upstream direction to the start of the model, at station 5+74 (not visible in Sheet 1).

Once the geometry file was created, features such as the swale, headwall, pipes, ineffective flow areas, upstream channel, stream bank stations, distances between cross-sections, and Manning's roughness coefficient at each cross-section were more fully defined. Manning's n values were selected based on channel surface roughness and presence of vegetation, informed from on site inspections and observations of aerial imagery.

HES-RAS requires boundary conditions to set the starting water surface elevation at the upstream and/or downstream ends of the river system being modeled. Additionally, a flow regime (subcritical, supercritical, or mixed) must be selected for each analysis. For this project, the steady flow analysis was completed using a subcritical flow regime, which is well suited for the size of site and hydraulic conditions. While only the downstream boundary condition is needed for a subcritical flow analysis, we specified upstream and downstream normal depth energy slope boundary conditions equal to 0.008 and 0.073, respectively, for all flow profiles. The energy slopes were estimated based on the channel slopes in the vicinity of the upstream and downstream portions of the project.

### 2-3: Model Results

Table 2 provides results at Station 0+44, which corresponds to a location that is approximately in the middle of the straight section of the swale (Sheet 1). The table provides results for velocity and shear within the limits of the swale channel. As discussed further in Section 3, these variables are considered most relevant to the assessment of erosion potential due to surface water flows on the property.

*Table 2: Summary of Model Results at Station 0+44*

| Recurrence Interval (years) | Q Total (cfs) | Velocity in Channel (ft/s) | Shear in Channel (lb/sq ft) |
|---|---|---|---|
| 2 | 1.48 | 2.53 | 0.79 |
| 5 | 2.94 | 2.87 | 0.92 |
| 10 | 4.34 | 3.12 | 1.04 |
| 25 | 6.52 | 2.99 | 0.90 |
| 50 | 8.51 | 2.18 | 0.44 |
| 100 | 11.00 | 2.39 | 0.52 |

*Source: Output from HEC-RAS model*
*Abbreviations: cfs = cubic feet per second; ft/s = feet per second; lb/sq ft = pounds force per square foot*
*Date and Author: 2-15-2023, GMB*

## 3. Discussion & Conclusions

Table 2 provides model results for velocity, which is the speed at which surface water flows over a channel boundary, and shear, which is a measure of the fluid force on the channel boundary. While in this analysis, both parameters will be used to assess the potential for channel erosion to occur, shear is the more applicable variable to predict the potential of channel boundary erosion.

When the ability of a stream to transport sediment exceeds the availability of sediments within the incoming flow, and stability thresholds for the material forming the boundary of the channel are exceeded, erosion occurs (Fischenich, 2001). For this project, it is suspected that there is a relatively low amount of sediment in the incoming flow, and the velocity and the shear forces associated with that flow range from moderate to high, depending on the intensity and duration of the storm event. So, the potential for erosion at the site is dependent on the channel boundary material and the particular storm event.

A relation of channel boundary material, flow velocity and shear is provided as Table 2 in Fischenich, 2001 (https://www.marincounty.org/-/media/files/departments/pw/mcstoppp/residents/fischenichstabilitythresholds.pdf). The table includes permissible shear stress and velocity values for soils, varying types of vegetation and types of stabilization techniques from a variety of sources. Ranges of values presented in the table reflect various measures presented within the literature (Fischenich, 2001).

Similarly, Table 3 below provides permissible shear stress and velocity values for the boundary types applicable to existing conditions at the site, along with recurrence intervals exceed (per the hydraulic model) for each boundary type.

*Table 3: Summary of Permissible Shear Stress and Velocity for Applicable Channel Lining Materials with Recurrence Interval Exceedances*

| Boundary Category | Boundary Type | Permissible Shear Stress (lb/sq ft) | Permissible Velocity (ft/s) | Recurrence Intervals Exceeded (shear and/or velocity) |
|---|---|---|---|---|
| Soils | Silty Loam (noncolloidal) | 0.045 – 0.05 | 1.75 – 2.25 | All (except 50-year for velocity) |
| | Firm Loam | 0.075 | 2.5 | All (except 50 & 100-year for velocity) |
| Gravel/ Cobble | 2-inch | 0.67 | 3 - 6 | All (except 50 & 100-year for shear) |
| | 6-inch | 2.0 | 4 – 7.5 | None |
| Soil Bioengineering | Wattles | 0.2 – 1.0 | 3.0 | 10-year for both |

*Source: Fischenich, 2001 (columns 1-4); Base Flow (column 5)*
*Abbreviations: ft/s = feet per second; lb/sq ft = pounds force per square foot*
*Date and Author: 2-15-2023, GMB*

The boundary types included in Table 3 include what already exists on site, including our interpretation of site surficial soils and those materials found in the stone swale. We also reviewed the table in the Fischenich document for boundary types that could be included in the table for green alternatives, however, the choices were limited due to the anticipated growth limitations for vegetation at the site. For example, no boundary types from the Vegetation category of Table 2 in the Fischenich reference are included in our Table 3 above because we do not expect that turf or grasses can be established at the site due to light limitations. Temporary Degradable Rolled Erosion Control Products (RECPs) and Non-Degradable RECPs were also not considered because all of those products depend on the long-term establishment of vegetation. Wattles is the only item from the Soil Bioengineering category included in the analysis since it does not relay on establishment of vegetation, however, wattles are considered temporary controls and they would not be feasible as a long-term solution. The remaining items in that category either rely on vegetation establishment, are not a viable long-term option or may introduce aggressive plant species that may not be appropriate for the habitable portion of a residential backyard.

The comparisons made in Table 3 indicate that bare soils at the site are subject to erosion from surface water flows during all major recurrence interval storm events. Small gravels (≤2 inches) are also subject to erosion during the higher frequency storm events.

The 6-inch material is the only material in the comparison that is predicted to remain stable during all events, according to the estimates in the Fischenich document. These findings are consistent with the existing conditions of the stable stone swale and reports from the land owner that since installation of the swale, erosion within the limits of the swale has been successfully mitigated. These findings are also consistent with

the landowner claims that any flows that bypass the stone swale often result in soil erosion of the portion of the property directly north of the swale, and limited observations of erosion in this area made by Base Flow staff during the site survey.

Based on this analysis, we have concluded that the existing stone swale is the most appropriate solution to address erosion at the property. Considering the limited alternatives for replacement of the stone swale, the potential land disturbance that would occur along the creek shoreline if it was replaced, and the potential unnecessary costs to the landowner, we believe that there is no reason to pursue development of alternatives to the stone swale and believe that the existing swale should remain in place.

If a greener solution is still desired, it may be possible to plant between some of the stones in the swale. This could serve as a compromise that would incorporate vegetation, potentially improve water quality and still provide for the channel boundary stability required for the flow regime. However, plants would be limited to those that are shade tolerant and a maintenance plan may need to be developed with the landowner.

## 4. References

Fischenich, C., 2001. Stability Thresholds for Stream Restoration Materials. USAE Research and Development Center, Environmental Laboratory, Vicksburg MS. ERDC TN-EMRRP-SR-29. May, 2001. (Available at: https://www.marincounty.org/-/media/files/departments/pw/mcstoppp/residents/fischenichstabilitythresholds.pdf)

U.S. Geological Survey, 2016. The StreamStats program, online at http://streamstats.usgs.gov, accessed on (December 5, 2022).

# Attachment E: New England Semi-Shade Grass and Forbs Mix

# NEW ENGLAND WETLAND PLANTS, INC

**820 WEST STREET, AMHERST, MA 01002**

**PHONE: 413-548-8000 FAX 413-549-4000**

**EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM**

## New England Semi-Shade Grass and Forbs Mix

| Botanical Name | Common Name | Indicator |
|---|---|---|
| *Elymus virginicus* | Virginia Wild Rye | FACW- |
| *Elymus canadensis* | Canada Wild Rye | FACU+ |
| *Festuca rubra* | Red Fescue | FACU |
| *Chamaecrista fasciculata* | Partridge Pea | FACU |
| *Liatris spicata* | Spiked Gayfeather/Marsh Blazing Star | FAC+ |
| *Onoclea sensibilis* | Sensitive Fern | FACW |
| *Aster prenanthoides (Symphyotrichum prenanthoide* | Zigzag Aster | FAC |
| *Eupatorium fistulosum (Eutrochium fistulosum)* | Hollow-Stem Joe Pye Weed | FACW |
| *Eupatorium perfoliatum* | Boneset | FACW |
| *Juncus tenuis* | Path Rush | FAC |

PRICE PER LB. $87.00 MIN. QUANITY 1 LBS. **TOTAL:** $87.00 APPLY: 30 LBS/ACRE :1450 sq ft/lb

The New England Semi Shade Grass & Forb Mix contains a broad spectrum of native grasses and forbs that will tolerate semi-shade and edge conditions. Always apply on clean bare soil. The mix may be applied by hydro-seeding, by mechanical spreader, or on small sites it can be spread by hand. Lightly rake, or roll to ensure proper seed to soil contact. Best results are obtained with a Spring seeding. Late Spring and early Summer seeding will benefit with a light mulching of weed-free straw to conserve moisture. If conditions are drier than usual, watering will be required. Late Fall and Winter dormant seeding require an increase in the seeding rate. Fertilization is not required unless the soils are particularly infertile. Preparation of a clean weed free seed bed is necessary for optimal results.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is $/bulk pound, FOB warehouse, Plus SH and applicable taxes.

# Attachment F: New England Erosion Control/Restoration Mix for Dry Sites

# NEW ENGLAND WETLAND PLANTS, INC

**820 WEST STREET, AMHERST, MA 01002**

**PHONE: 413-548-8000 FAX 413-549-4000**

**EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM**

## New England Erosion Control/Restoration Mix for Dry Sites

| Botanical Name | Common Name | Indicator |
|---|---|---|
| *Elymus canadensis* | Canada Wild Rye | FACU+ |
| *Festuca rubra* | Red Fescue | FACU |
| *Lolium multiflorum* | Annual Ryegrass | |
| *Lolium perenne* | Perrenial Ryegrass | |
| *Schizachyrium scoparium* | Little Bluestem | FACU |
| *Panicum virgatum* | Switch Grass | FAC |
| *Sorghastrum nutans* | Indian Grass | UPL |

PRICE PER LB. $18.00 MIN. QUANITY 5 LBS. **TOTAL:** $90.00 APPLY: 35 LBS/ACRE :1250 sq ft/lb

The New England Erosion Control/Restoration Mix For Dry Sites provides an appropriate selection of native and naturalized grasses to ensure that dry and recently disturbed sites will be quickly revegetated and the soil surface stabilized. It is an appropriate seed mix for road cuts, pipelines, steeper slopes, and areas requiring quick cover during the ecological restoration process. The mix may be applied by hydro-seeding, by mechanical spreader, or on small sites it can be spread by hand. Lightly rake, or roll to ensure proper soil-seed contact. Best results are obtained with a Spring or late Summer seeding. Late Spring through Mid-Summer seeding will benefit from a light mulching of weed-free straw to conserve moisture. If conditions are drier than usual, watering will be required. Fertilization is not required unless the soils are particularly infertile. Preparation of a clean weed free seed bed is necessary for optimal results.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is $/bulk pound, FOB warehouse, Plus SH and applicable taxes.

# Attachment G: NHDES Requested Protected Shoreland Data and Additional Buffer Information

## INTRODUCTION

As part of the 2022 natural resource survey of the Gardner Property, Normandeau Associates, Inc. (Normandeau) completed a tree inventory of all trees in the vicinity of the disturbed portions of the Gardner property associated with the stone swale and stone wall. The reference line for this inventory is the HOTL, which was delineated by Normandeau in November 2022 and surveyed by Knights Hill Survey in August 2023. The data and summary report provided in this supplemental attachment has been developed at the request of New Hampshire Department of Environmental Services as part of the process for receiving approval for the restoration plan for the property. This report outlines the results of this tree inventory, methods used, and the basic Protected Shoreland regulatory requirements associated with removal of vegetation from the site.

Vegetation is an important component in preserving and protecting water quality. Well vegetated shorelands that are comprised of native trees, shrubs, and ground cover provide significant benefits in terms of stormwater runoff. The Shoreland Water Quality Protection Act (SWQPA), RSA 483-B, serves to protect the water quality of New Hampshire's surface waters by managing the disturbance of shoreland areas. The protected shoreland area includes lands located within 250 feet from the reference line of public waters. The reference line for coastal waters is the highest observable tide line (HOTL), which means a line defining the furthest landward limit of tidal flow. The HOTL was previously delineated by Normandeau in November 2022.

The SWQPA attempts to maintain a shoreland buffer of natural vegetation to reduce the transportation of excess nutrients, sediments, and other pollutants into waterbodies. The SWQPA protects a 150-foot wide vegetated buffer adjacent to public waters such as lakes, ponds, rivers, and tidal waters. The vegetated buffer area is divided into two zones: the waterfront buffer and the natural woodland buffer. The waterfront buffer encompasses the first 50 feet beginning at the reference line, and the natural woodland buffer includes the area between 50 feet and 150 feet from the reference line.

Trees and saplings can be removed from the protected shoreland area, though different vegetation removal limitations apply within the two zones described above. Removal of trees and saplings within the waterfront buffer must be performed in accordance with a grid and point system. Removal of trees and saplings within the natural woodland buffer must comply with the unaltered state requirement. There are no limitations on tree removal in areas extending beyond 150 feet from the reference line.

## METHODS

While the entire property falls within the 250 ft protected shoreland of Sagamore Creek, the tree inventory was limited to those areas in the vicinity of the disturbed areas in the back half of the property including the areas containing the stone swale, rebuilt stone wall, and access

route down to the stone wall from the driveway. Thus, this inventory does not represent a fully inventory of trees on the property. Each tree/sapling was located using a GPS unit capable of sub-meter accuracy, identified to the species level, if possible, and a diameter at breast height (DBH) measurement recorded. When a cluster of trees or saplings were growing from one individual plant, a diameter was recorded for each stem within the grouping. In addition to performing the inventory of individual trees and saplings, a general description of understory vegetation within the survey areas was also documented.

After conducting the field inventories, trees and saplings within the waterfront buffer (first 50 feet beginning at the reference line) were assigned a score based on DBH. Tree and sapling scores were calculated using the following guidelines:

- Diameter of one to three inches = 1 point
- Diameter greater than 3 inches and including 6 inches = 5 points
- Diameter greater than 6 inches and including 12 inches = 10 points
- Diameter greater than 12 inches = 15 points

For specimens with multiple stems greater than 1 inch, a diameter was recorded for each individual stem as described above. To calculate the score for plants with multiple stems, the score for each stem was determined, and then a sum of all scores for the plant resulted in a total score for that specimen. For example, a plant with three stems measuring diameters of 3 inches (1 point), 5 inches (5 points), and 6 inches (5 points) was assigned a total score of 11 points.

To complete each tree inventory assessment, the waterfront buffer in each surveyed area was divided into 25-foot by 50-foot grid segments. The purpose of the grid segments was to determine the tree and sapling score within each grid. Under the SWQPA, a minimum tree and sapling score of 25 points must be maintained within each grid segment. A general characterization of the percent shrub cover within the waterfront buffer was also recorded during each survey. This included an account of dominant species as well as the presence of any invasive species that were not recorded during the tree inventories.

**RESULTS**

The conditions at the back of the Gardner property, where the tree survey was conducted, consisted of a combination of regularly mowed lawn, landscaped garden beds, minimally to unmaintained fringing woodlands north and south of the mowed lawn, and a tidal wetland forming the very back of the property. Much of the woodland buffer (between 50 and 150 feet from the HOTL) has been developed on this property, although the fringing woodlands north and south of the mowed lawn (shaded in purple in the map below) constitute as unaltered natural woodland and comprise 33% of the woodland buffer on the property. The southern portion of unaltered woodlands has an understory that is sparsely vegetated with New York fern (*Parathelypteris noveboracensis*) that was impacted by the access route from the driveway to the stone wall. The northern portion of unaltered woodlands has an understory that is more

densely vegetated, primarily with herbaceous species, and contains a freshwater palustrine forest wetland (POGW2) that was eroded by stormwater runoff from the two culverts upslope prior to the installation of the swale. Please see Attachment A – Garner Property Natural Resource Report for specific information on the groundcover within this area and for photos of the protected shoreland on the property. Between the maintained lawn and rebuilt stone wall, a strip of bare substrate was observed that was the result of impacts by equipment used during the stone wall rebuild and swale extension in 2022. As stated above, the tree survey focused on those trees and saplings near the disturbed portions of the property and the species observed within the 50-foot waterfront buffer are displayed in Table 1 below. The most dominant species within the waterfront buffer were Eastern white pine (*Pinus strobus*) and sweet birch (*Betula lenta*). A total of twelve (12) Eastern white pine were recorded in the waterfront buffer with an average diameter of 10.2 inches. A total of seven (7) sweet birch were documented within the waterfront buffer with an average diameter of 8 inches.

**Table 1. Trees and sapling inventory within the Gardner property waterfront buffer.**

| **Scientific Name** | **Common Name** |
|---|---|
| *Betula lenta* | Sweet birch |
| *Pinus strobus* | Eastern white pine |
| *Quercus alba* | White oak |
| *Quercus rubra* | Northern red oak |
| *Acer rubrum* | Red maple |

As detailed in the methods section of this report, the waterfront buffer was divided into 25-foot by 50-foot grid segments, with a total of 7 grids located on the Gardner property. The scores within grid segments ranged from a low of 0 points in Grid 1 to a high of 62 points in Grid 7 (Table 2). All grid segments and the location of each tree and shrub inventoried are depicted in the map provided at the end of this report. Please note that two of the grids, Grids 1 and 7, are not fully contained within the limits of the property. In the case of Grid 1, most of the grid lies outside of the property boundary. While the tree survey suggests no trees occur within this this grid, that is potentially misleading because the tree survey in this area was kept strictly within the property boundary due to its distance from the impacts on the property and proposed impacts associated with the restoration plan. In the case of Grid 7, most of this grid lies within the property boundary and was fully surveyed because the rebuilt stone wall now proposed to be restored extends off the property in this area. A score for the entire grid, as well as for just the portion of the grid within the property boundaries is provided in the table below.

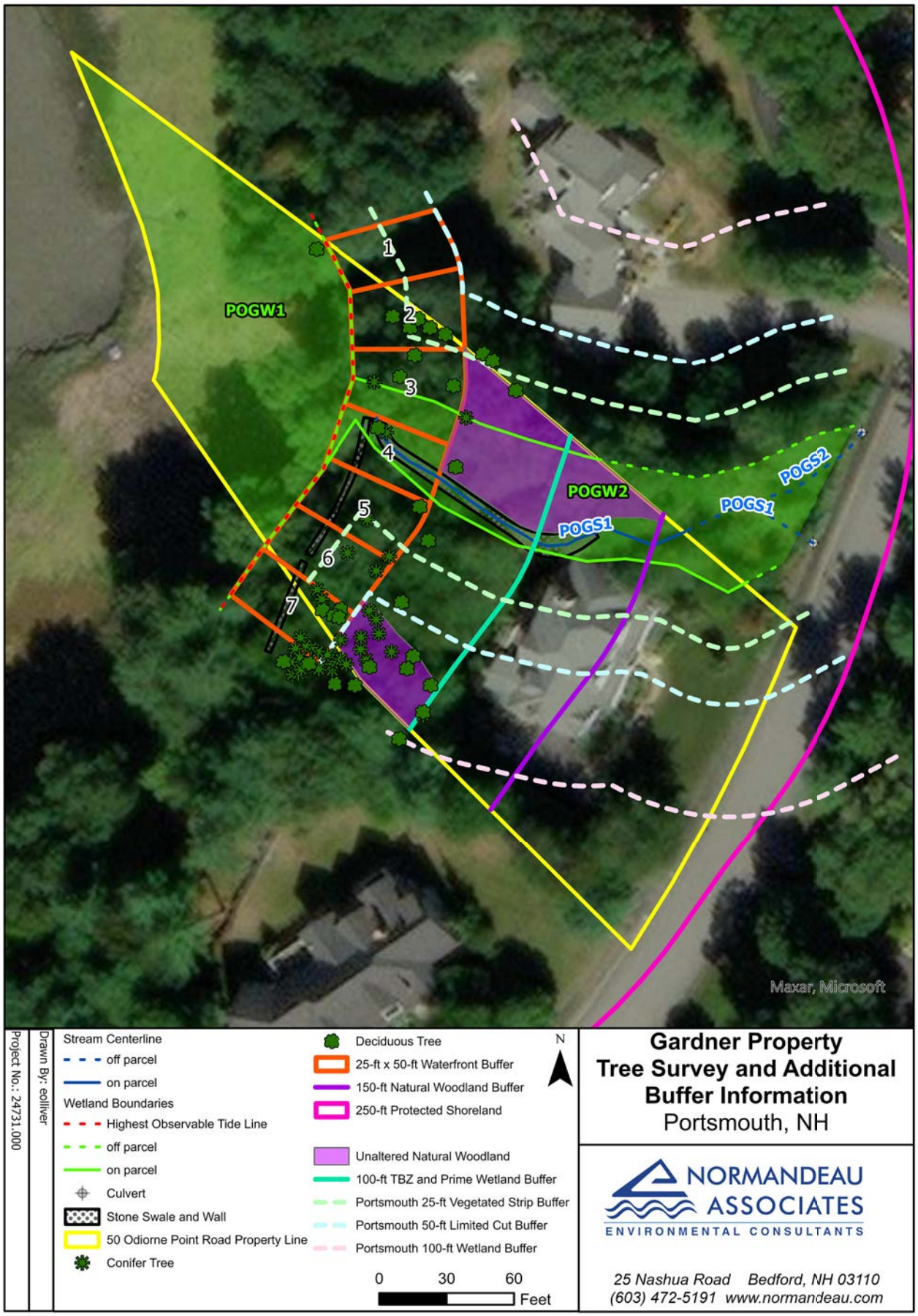
**Table 2. Trees identified in the Gardner property survey.**

| Grid | Species | Stem Diameter (in.) | | | | | Tree and Sapling Score |
|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | |
| **Grid 1 Total Tree Score for portion on the property** | | | | | | | **0** |
| 2 | Betula lenta | 8 | - | - | - | - | 10 |
| 2 | Betula lenta | 8 | 5 | - | - | - | 15 |
| 2 | Betula lenta | 4 | - | - | - | - | 5 |
| 2 | Quercus rubra | 10 | - | - | - | - | 10 |
| 2 | Quercus alba | 12 | - | - | - | - | 10 |
| **Grid 2 Total Tree Score** | | | | | | | **50** |
| 3 | Quercus alba | 10 | - | - | - | - | 10 |
| 3 | Quercus alba | 1 | - | - | - | - | 1 |
| 3 | Betula lenta | 6 | 10 | 12 | | | 25 |
| 3 | Pinus strobus | 30 | - | - | - | - | 15 |
| **Grid 3 Total Tree Score** | | | | | | | **51** |
| 4 | Quercus rubra | 16 | - | - | - | - | 15 |
| 4 | Pinus strobus | 16 | - | - | - | - | 15 |
| **Grid 4 Total Tree Score** | | | | | | | **30** |
| 5 | Quercus rubra | 14 | 13 | - | - | - | 30 |
| 5 | Pinus strobus | 12 | - | - | - | - | 10 |
| 5 | Pinus strobus | 14 | - | - | - | - | 15 |
| **Grid 5 Total Tree Score** | | | | | | | **55** |
| 6 | Pinus strobus | 10 | - | - | - | - | 10 |
| 6 | Pinus strobus | 12 | - | - | - | - | 10 |
| **Grid 6 Total Tree Score** | | | | | | | **20** |
| 7 | Betula lenta | 10 | - | - | - | - | 10 |
| 7 | Betula lenta | 12 | - | - | - | - | 10 |
| 7 | Betula lenta | 8 | - | - | - | - | 10 |
| 7 | Acer rubrum | 4 | - | - | - | - | 5 |
| 7 | Pinus strobus | 8 | - | - | - | - | 10 |
| 7 | Pinus strobus | 6 | - | - | - | - | 5 |
| **Grid 7 Total Tree Score for portion on the property** | | | | | | | **50** |
| 7 | Pinus strobus | 3 | - | - | - | - | 1 |
| 7 | Pinus strobus | 1 | - | - | - | - | 1 |
| 7 | Pinus strobus | 4 | - | - | - | - | 5 |
| 7 | Pinus strobus | 6 | - | - | - | - | 5 |
| **Grid 7 Total Score including trees not on the property** | | | | | | | **62** |

## DISCUSSION

The unpermitted work completed on the property between 2010 and 2022 in the protected shoreland area resulted in loss of herbaceous cover and increased hardscape in association with the stone swale. However, none of these activities involved the removal of any pre-existing shrubs, saplings, and/or trees and the currently proposed restoration will result in a nearly complete removal of the unpermitted hardscape associated with the swale. The restoration will also restore the lost herbaceous vegetation cover and enhance the protected shoreland beyond

its condition pre-disturbance through the installation of shrubby vegetation in multiple portions of the protected shoreland. Container shrub plantings will be installed in the area upslope of the stone wall, within the waterfront buffer, as well as further up in the unaltered natural woodland adjacent to the curvature in the swale at the top of the slope. Additionally, the swale will be converted from a hardscape to a fully vegetated green design with the removal of all geotextile liners and most of the stone and the installation of live stakes/tubelings, which will improve the management of stormwater runoff across the property.




Please note, the extent of rebuilt stone wall and existing swale presented on this map represent the data collected as part of the initial natural resource survey in November 2022. Please refer to Attachment B for the survey grade presentation of the stone wall and swale features on the property.

# Attachment H: Permission from abutting property owner to restore section of stone wall on their property to approximate pre-existing conditions

NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS

January 29, 2024

City of Portsmouth
Planning & Sustainability
1 Junkins Avenue
Portsmouth, NH 03801

Re: Property Owner Authorization for Completion of Work on Property in Association with Work on the 50 Odiorne Point Road Property
68 Odiorne Point Road
Portsmouth, New Hampshire

To Whom it May Concern:

I (James Polus), the property owner of the 68 Odiorne Point Road parcel, confirm that I provided verbal approval for Mr. John Gardner to rebuild a portion of existing stone wall on my property in the summer of 2022. Pending the approval of the necessary Wetland's Conditional Use Permit from the City of Portsmouth and Restoration Order from the New Hampshire Department of Environmental Services, I now grant permission for Mr. Gardner to restore that rebuilt stone wall to approximate pre-existing conditions as outlined in the Gardner Property: Stone Wall, Swale, and Vegetation Restoration Project dated January 2024.

Sincerely,

James Polus

# Findings of Fact | Parking Conditional Use Permit
## City of Portsmouth Planning Board

Date: March 21, 2024
Property Address: 33 Jewell Ct.
Application #: LU-23-205
Decision: □ Approve □ Deny □ Approve with Conditions

**Findings of Fact:**
Per RSA 676:3, I: 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** |
|---|---|---|---|
| **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**<br>**Does Not Meet** | The number of off-street parking spaces supplied at this site is sufficient for this use. Most guests will carpool or Uber to an event. Pursuant to the submitted parking demand analysis, there is excess parking supply during the anticipated peak hours for the proposed 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 rideshare/microtransit services | **Meets**<br>**Does Not Meet** | The applicant's operation involves no staff on site and clients utilizing the facility will be contractually required to utilize shuttle or valet service over and above the spaces that the condominium association has allocated to 33 Jewell Court. In addition, parking for this site is within the regulatory purview the |

| | Parking Conditional Use Permit 10.1112.14 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information |
|---|---|---|---|
| | 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. | | condominium association, which would have the authority to establish appropriate rules and regulations in the unlikely event parking becomes problematic as a result of this use. |
| **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**<br>**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**<br>**Does Not Meet** | |
| **5** | **Other Board Findings:** | | |
| **6** | **Additional Conditions of Approval:** | | |

Bosen & Associates
ATTORNEYS AT LAW

**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*

February 27, 2024

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

***RE: 33 Jewell Court, Tax Map 155, Lot 5-S1***
***REQUEST FOR PARKING CONDITIONAL USE PERMIT***

Dear Mr. Chellman:

This office represents 33 Jewell Court, LLC, the owner of the above referenced property. The property presently consists of a single, stand-alone building within a condominium association. It has 9500 square feet of office space. The applicant's principal, Ms. Jessica Kaiser, is the principal of Hawthorne Creative, which provides marketing and support services for the wedding and event industry. Hawthorne Creative's offices previously occupied the second floor of this space, and had 45 employees in the space at its peak. As a result of the pandemic, Hawthorne Creative moved to a remote office model, in April of 2020. They were able to secure a new tenant in 2021, however, that tenant is now moving out and despite extensive efforts to market the space since August, it has not received any interest.

Ms. Kaiser is seeking to leverage her twenty plus years in the wedding and event planning industry by converting the second floor into event space. A special exception for that purpose was obtained from the Board of Adjustment on January 23, 2024 (Case no. LU-23-25). A copy of that approval is attached. The applicant intends to rent the space out for events and to contractually require clients to employ shuttle or valet services. It is anticipated that the facility will host 25-35 events per year. Overflow parking, if necessary, is available at a number of nearby businesses on Islington Street, whose hours of operation will not conflict with the primarily weekend events to be hosted in the space.

The applicant requires a Conditional Use Permit pursuant to 10.1112.14 to 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 3,800 square feet of office space into event space. Based upon discussions with planning department staff, it is the applicant's understanding that the parking requirement applies only to the actual event space itself, not accessory storage, mechanical space and bathrooms.

Submitted herewith are site plan, floor plan, parking calculation and parking demand analysis.

The parking configuration on site as it presently exists consists of 205 spaces. For the combined uses on the site, should this use be approved, the ordinance would otherwise require 242 spaces. The property received a special exception and variance in 1996 to allow 205 spaces where 244 would have otherwise been required under the zoning then in effect. The condominium association of which 33 Jewell Court is a part has allocated 28 spaces to this building. Parking has never been a problem at this location. To the extent patrons of the proposed event space require utilization of more spaces than those allocated to 33 Jewell Court, they will be contractually obligated to use the aforementioned shuttle or valet services.

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

10.1112.141. The number of off-street parking spaces supplied at this site is sufficient for this use. According to Brian Slovenski, President of Atlantic Parking Services, a valet parking company in Portsmouth, a host can expect to park a maximum of 50% of cars for attendees at any given event. Most guests will carpool or Uber to an event. Pursuant to the submitted parking demand analysis, there is clearly excess parking supply during the anticipated peak hours for the proposed use.

10.1112.142. The applicant's operation involves no staff on site and clients utilizing the facility will be contractually required to utilize shuttle or valet service over and above the spaces that the condominium association has allocated to 33 Jewell Court. In addition, parking for this site is within the regulatory purview the condominium association, which would have the authority to establish appropriate rules and regulations in the unlikely event parking becomes problematic as a result of this use.

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,

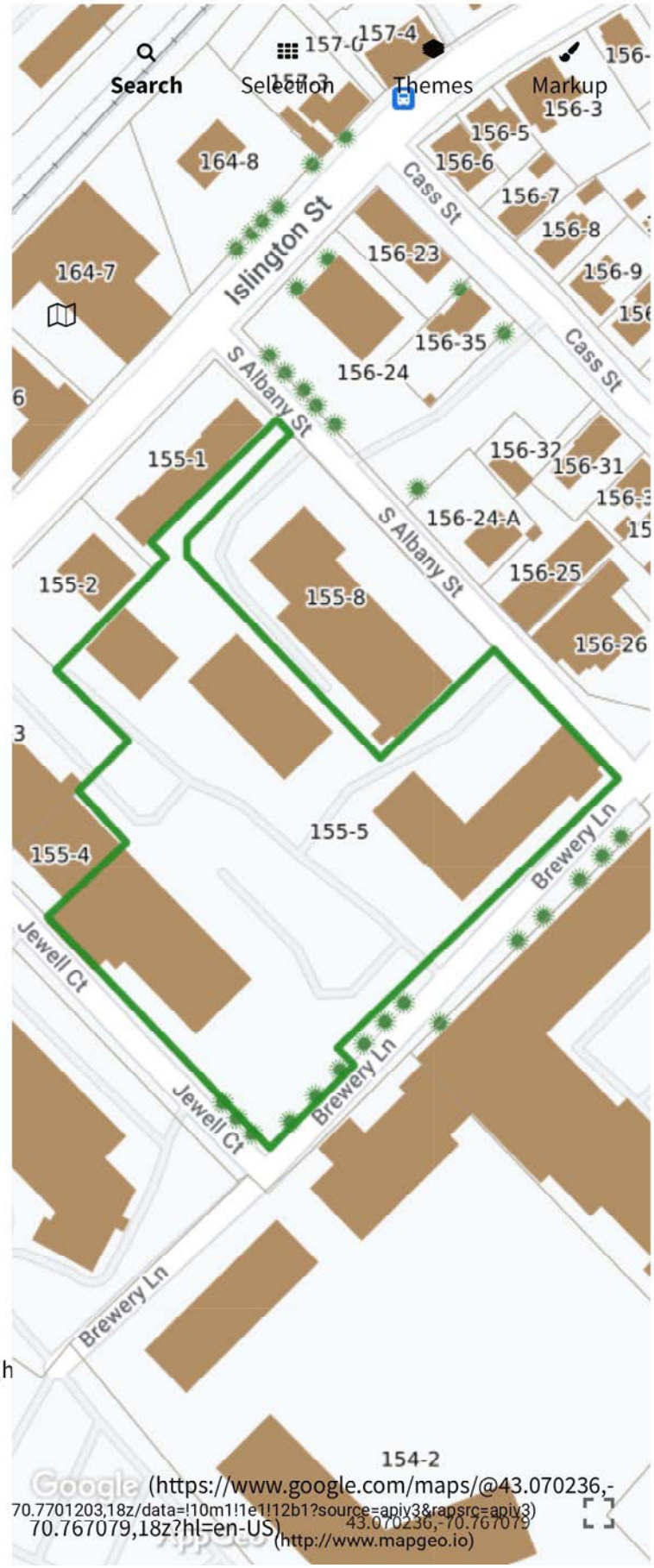
*John K. Bosen*

John K. Bosen

City of Portsmouth, NH

Property

33 Jewell




Search

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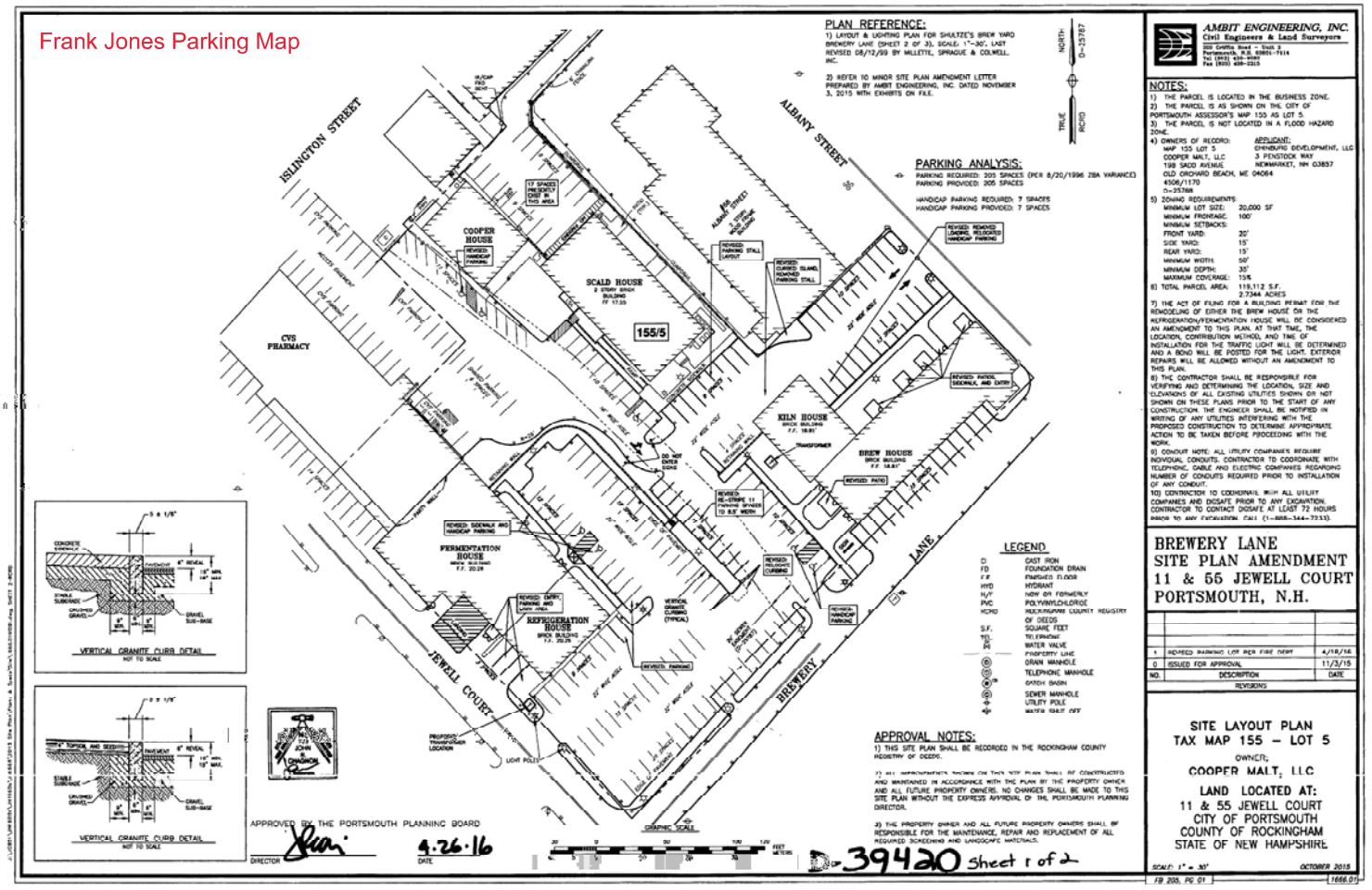
Showing 1-1 results. Scroll to see more.

33 JEWELL CT #S1
JEWELL COURT PROPERTIES LLC
0155-0005-00S1

2016 APR 27 AM 9:11 016328

Frank Jones Parking Map




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) THE PARCEL IS LOCATED IN THE BUSINESS ZONE.
2) THE PARCEL IS AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 155 AS LOT 5.
3) THE PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
4) OWNERS OF RECORD: MAP 155 LOT 5 COOPER MALT, LLC 198 SACO AVENUE OLD ORCHARD BEACH, ME 04064 4506/1170 D-25788
APPLICANT: OHNEBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857
5) ZONING REQUIREMENTS:

| | |
|---|---|
| MINIMUM LOT SIZE: | 20,000 SF |
| MINIMUM FRONTAGE: | 100' |
| MINIMUM SETBACKS: | |
| FRONT YARD: | 20' |
| SIDE YARD: | 15' |
| REAR YARD: | 15' |
| MINIMUM WIDTH: | 50' |
| MINIMUM DEPTH: | 35' |
| MAXIMUM COVERAGE: | 15% |

6) TOTAL PARCEL AREA: 119,112 S.F. 2.7344 ACRES
7) THE ACT OF FILING FOR A BUILDING PERMIT FOR THE REMODELING OF EITHER THE BREW HOUSE OR THE REFRIGERATION/FERMENTATION HOUSE WILL BE CONSIDERED AN AMENDMENT TO THIS PLAN. AT THAT TIME, THE LOCATION, CONTRIBUTION METHOD, AND TIME OF INSTALLATION FOR THE TRAFFIC LIGHT WILL BE DETERMINED AND A BOND WILL BE POSTED FOR THE LIGHT. EXTERIOR REPAIRS WILL BE ALLOWED WITHOUT AN AMENDMENT TO THIS PLAN.
8) THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATIONS OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED CONSTRUCTION TO DETERMINE APPROPRIATE ACTION TO BE TAKEN BEFORE PROCEEDING WITH THE WORK.
9) CONDUIT NOTE: ALL UTILITY COMPANIES REQUIRE INDIVIDUAL CONDUITS. CONTRACTOR TO COORDINATE WITH TELEPHONE, CABLE AND ELECTRIC COMPANIES REGARDING NUMBER OF CONDUITS REQUIRED PRIOR TO INSTALLATION OF ANY CONDUIT.
10) CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES AND DIGSAFE PRIOR TO ANY EXCAVATION. CONTRACTOR TO CONTACT DIGSAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION. CALL (1-888-344-7233).

# BREWERY LANE
# SITE PLAN AMENDMENT
# 11 & 55 JEWELL COURT
# PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 1 | REVISED PARKING LOT PER FIRE DEPT | 4/19/16 |
| 0 | ISSUED FOR APPROVAL | 11/3/15 |

REVISIONS

## SITE LAYOUT PLAN
## TAX MAP 155 – LOT 5

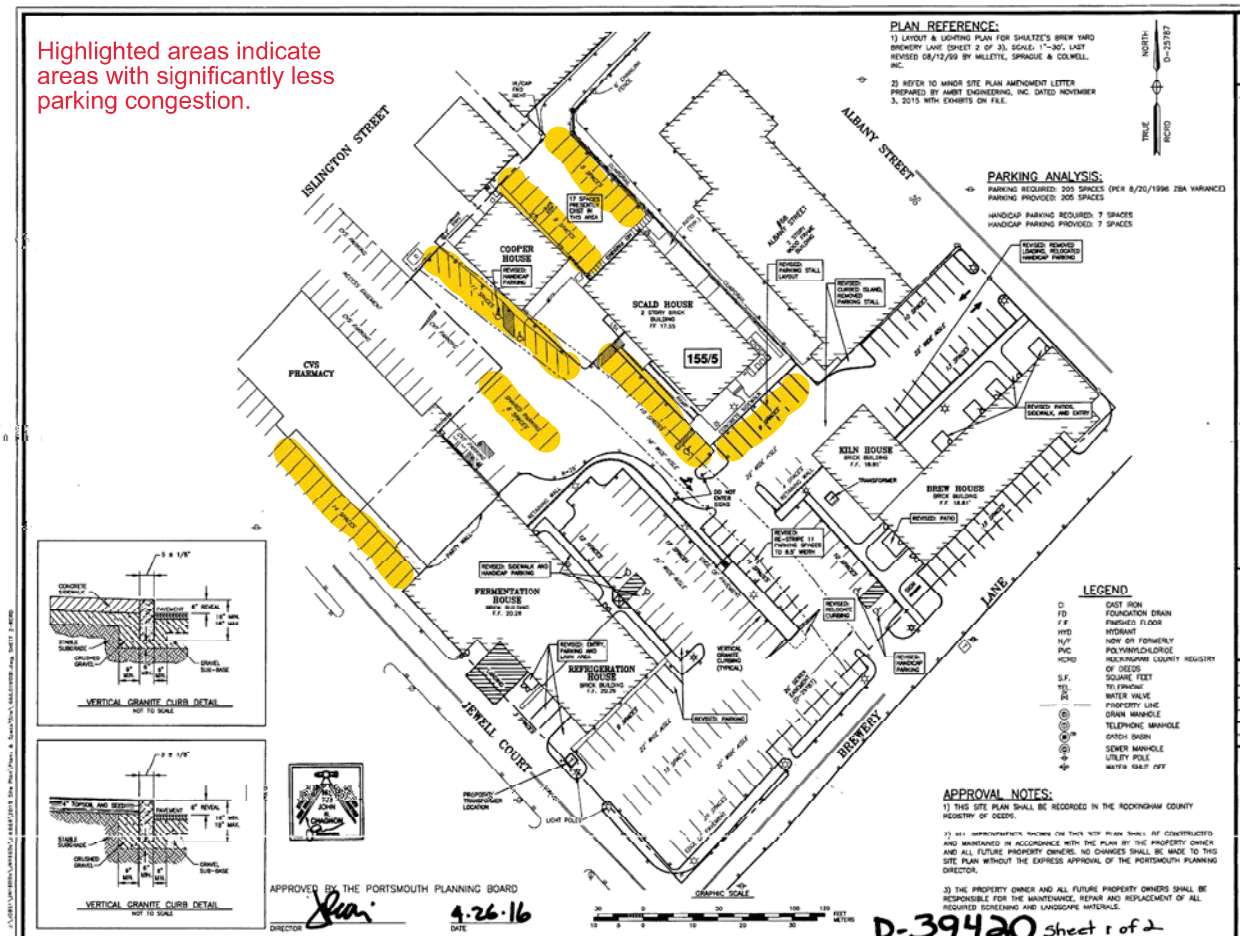
OWNER:
COOPER MALT, LLC

LAND LOCATED AT:
11 & 55 JEWELL COURT
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 30' OCTOBER 2015
FB 205, PG 01 1666.01

2016 APR 27 AM 9:11 016328

Highlighted areas indicate areas with significantly less parking congestion.




## PLAN REFERENCE:

1) LAYOUT & LIGHTING PLAN FOR SHULTZE'S BREW YARD BREWERY LANE (SHEET 2 OF 3), SCALE: 1"=30', LAST REVISED 08/12/99 BY MILLETTE, SPRAGUE & COLWELL, INC.

2) REFER TO MINOR SITE PLAN AMENDMENT LETTER PREPARED BY AMBIT ENGINEERING, INC. DATED NOVEMBER 3, 2015 WITH EXHIBITS ON FILE.

NORTH: D-25767
TRUE NORTH

## PARKING ANALYSIS:

PARKING REQUIRED: 205 SPACES (PER 8/20/1996 ZBA VARIANCE)
PARKING PROVIDED: 205 SPACES

HANDICAP PARKING REQUIRED: 7 SPACES
HANDICAP PARKING PROVIDED: 7 SPACES







## LEGEND

| | |
|---|---|
| ○ | CAST IRON |
| FD | FOUNDATION DRAIN |
| F.F. | FINISHED FLOOR |
| HYD | HYDRANT |
| N/F | NOW OR FORMERLY |
| PVC | POLYVINYLCHLORIDE |
| RCRD | ROCKINGHAM COUNTY REGISTRY OF DEEDS |
| S.F. | SQUARE FEET |
| TEL | TELEPHONE |
| W | WATER VALVE |
| | PROPERTY LINE |
| | DRAIN MANHOLE |
| | TELEPHONE MANHOLE |
| | CATCH BASIN |
| | SEWER MANHOLE |
| | UTILITY POLE |
| | WATER SHUT OFF |

## APPROVAL NOTES:

1) THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

2) ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

3) THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

DIRECTOR _____ DATE 4.26.16

D-39420 sheet 1 of 2

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) THE PARCEL IS LOCATED IN THE BUSINESS ZONE.
2) THE PARCEL IS AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 155 AS LOT 5.
3) THE PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
4) OWNERS OF RECORD:
MAP 155 LOT 5
COOPER MALT, LLC
198 SACO AVENUE
OLD ORCHARD BEACH, ME 04064
4506/1170
D-25788

APPLICANT:
OHNEBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NH 03857

5) ZONING REQUIREMENTS:

| | |
|---|---|
| MINIMUM LOT SIZE: | 20,000 SF |
| MINIMUM FRONTAGE: | 100' |
| MINIMUM SETBACKS: | |
| FRONT YARD: | 20' |
| SIDE YARD: | 15' |
| REAR YARD: | 15' |
| MINIMUM WIDTH: | 50' |
| MINIMUM DEPTH: | 35' |
| MAXIMUM COVERAGE: | 15% |

6) TOTAL PARCEL AREA: 119,112 S.F. 2.7344 ACRES

7) THE ACT OF FILING FOR A BUILDING PERMIT FOR THE REMODELING OF EITHER THE BREW HOUSE OR THE REFRIGERATION/FERMENTATION HOUSE WILL BE CONSIDERED AN AMENDMENT TO THIS PLAN. AT THAT TIME, THE LOCATION, CONTRIBUTION METHOD, AND TIME OF INSTALLATION FOR THE TRAFFIC LIGHT WILL BE DETERMINED AND A BOND WILL BE POSTED FOR THE LIGHT. EXTERIOR REPAIRS WILL BE ALLOWED WITHOUT AN AMENDMENT TO THIS PLAN.

8) THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATIONS OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED CONSTRUCTION TO DETERMINE APPROPRIATE ACTION TO BE TAKEN BEFORE PROCEEDING WITH THE WORK.

9) CONDUIT NOTE: ALL UTILITY COMPANIES REQUIRE INDIVIDUAL CONDUITS. CONTRACTOR TO COORDINATE WITH TELEPHONE, CABLE AND ELECTRIC COMPANIES REGARDING NUMBER OF CONDUITS REQUIRED PRIOR TO INSTALLATION OF ANY CONDUIT.

10) CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES AND DIGSAFE PRIOR TO ANY EXCAVATION. CONTRACTOR TO CONTACT DIGSAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION. CALL (1-888-344-7233).

# BREWERY LANE
# SITE PLAN AMENDMENT
# 11 & 55 JEWELL COURT
# PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 1 | REVISED: PARKING LOT PER FIRE DEPT | 4/15/16 |
| 0 | ISSUED FOR APPROVAL | 11/3/15 |

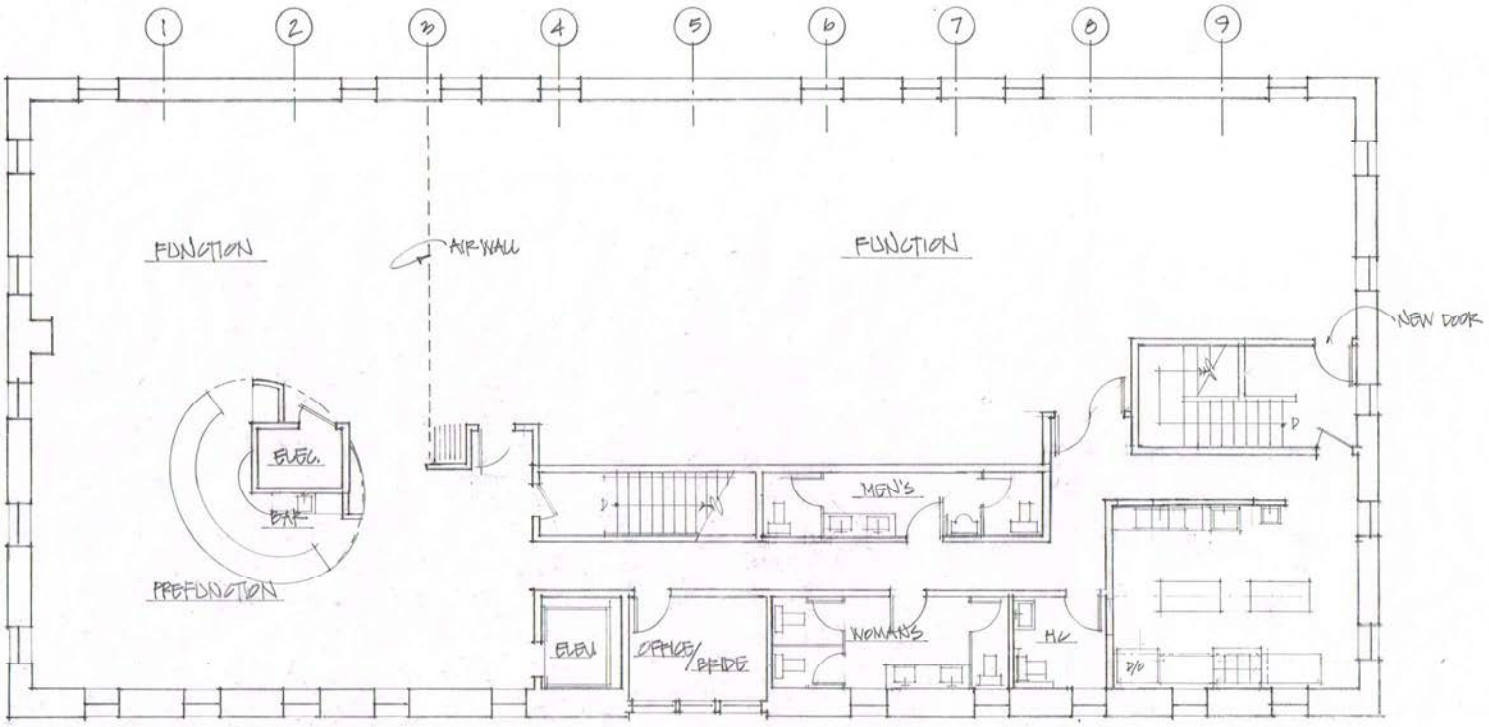
REVISIONS

## SITE LAYOUT PLAN
## TAX MAP 155 – LOT 5

OWNER:
COOPER MALT, LLC

LAND LOCATED AT:
11 & 55 JEWELL COURT
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 30' OCTOBER 2015
FB 255, PG 01 1666.07




1 SECOND FLOOR PLAN - PROPOSED
1/8" = 1'-0"

studioB-E ARCHITECTURE

# 33 Jewell Court

Portsmouth, NH

PROPOSED
SECOND FLOOR
PLAN
REVISED
SK-04B
11.27.2023

A) PARKING CALC – 33 JEWELL COURT (Includes entire Schultz Brew Yard Condominium Association *)

| City Use # | Type | Use / SF | spaces / SF | required |
|---|---|---|---|---|
| | COOPER HOUSE | | | |
| 13.10 | Wholesale: | 2,500 SF | 1/2000 | 2 |
| 5.10 | Office: | 2,500 SF | 1/350 | 8 |
| | SCALD HOUSE (33 Jewell Court) | | | |
| 20.10 | Storage/Facilities: | 2,241 SF | N/A | 0 |
| 9.10 | Function Room: | 3,800 SF | 1/100 | 38 |
| 5.10 | Office: | 3,459 SF | 1/350 | 10 |
| | KILN/MALT aka BREW HOUSE | | | |
| | Residential | 52 Units | 1.3/Unit | 68 ** |
| | REFRIGERATION/FERMENTATION | | | |
| 9.10 | Restaurant: | 3,000 SF | 1/100 | 30 |
| | Kitchen (per special exception in 1996) | 1,500 SF | 1/1000 | 2 |
| 5.10 | Office: | 17,052 SF | 1/350 | 49 |
| | Residential | 16 Units | 1.3/Unit | 21 ** |
| ** | Residential Visitor Parking | 68 Units | 1/5 Units | 14 |
| TOTAL PARKIING REQUIREMENT | | | | 242 |

*Variance was obtained in 1996 to permit 205 spaces where 245 were required under the then current ordinance.

CITY OF PORTSMOUTH
Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

**ZONING BOARD OF ADJUSTMENT**

January 29, 2024

Jewell Court Properties LLC
30 Spring Street
Portsmouth, New Hampshire 03801

RE: **Board of Adjustment request for property located at 33 Jewell Court Unit S1 (LU-23-205)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, January 23, 2024**, considered your application for establishing an event venue serving up to 250 people which requires a Special Exception from Section 10.440, Use # 9.42 where it is permitted by Special Exception. Said property is shown on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4W). As a result of said consideration, the Board voted to **grant** the special exception.

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

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material

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

Very truly yours,

Phyllis Eldridge

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John K. Bosen, Attorney, Bosen and Associates PLLC

# Findings of Fact | Special Exception
## City of Portsmouth Zoning Board of Adjustment

Date: 1-23-2024

Property Address: 33 Jewell Court, Unit S1

Application #: LU-23-205

Decision: **Grant**

**Findings of Fact:**
Effective August 23, 2022, amended RSA 676:3, It 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 all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Special Exception:

| **Special Exception Review Criteria: Section 10.232.20** | **Finding** | **Relevant Facts** |
|---|---|---|
| 10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception; | **Yes** | • The use is allowed by special exception. |
| 10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials. | **Yes** | • It is a dense intermingling of entertainment, hospitality, and residential use.<br>• Allowing the special exception will not have a detrimental impact on surrounding properties, particularly since a sound study was performed that addressed the one potential concern with noise level. |
| 10.233.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, | **Yes** | • The parking will be contained to the condo association, so there is really no impact on the general public.<br>• Allowing the special exception will not have a detrimental impact on surrounding properties, particularly |

| | | |
|---|---|---|
| dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials; | | since a sound study was performed that addressed the one potential concern with noise level. |
| 10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity; | **Yes** | • The shuttle service will transport lots of people with a smaller number of vehicles.<br>• It is a congested traffic area but the applicant stated that they will require the use of either a valet or shuttle service parking. |
| 10.233.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and | **Yes** | • No changes are being done to the building externally. |
| 10.232.26 No significant increase of stormwater runoff onto adjacent property or streets. | **Yes** | • No changes are being done to the building externally. |

**PARKING DEMAND ANALYSIS**

**33 Jewell Court**

**PORTSMOUTH, NH**

LU-23-205

February 26, 2024

33 Jewell Court is part of a condominium association consisting of four stand-alone buildings with a mixture of residential and commercial uses.

The number of off street parking spaces required under the City of Portsmouth Zoning Ordinance is 242. The number of spaces provided is 205. A parking calculation has been submitted. The applicant and other members of the condominium association have never experienced a parking shortage despite this non-compliance with Section 10.1110 Off Street Parking requirements.

The applicant's property at 33 Jewell Court is allocated 28 parking spaces by the association. However, per the condominium agreement, all 205 spaces are available to all members on a first come first serve basis. This has historically been sufficient to more than meet its needs when the property was utilized exclusively as office space. The proposal to convert 3,800 square feet of space to event space, which would be utilized primarily on weekend evenings, is not expected to place greater demand on the existing parking.

A recent review of demand during the expected peak utilization periods, summarized below, demonstrates that there will be sufficient parking for this use on site, when coupled with the applicant's stated intention to contractually require clients to utilize valet and/or shuttle services to locate parking off site if the demand exceeds the 28 spaces allocated by the association.

| Date | Time | Vacant parking spaces |
|---|---|---|
| Friday 2-16-24 | 5pm | 66 out of 205 |
| Saturday 2-17-24 | 4-5pm | 79 out of 205 |
| Sunday 2-18-24 | 2pm | 96 out of 205 |
| Sunday 2-18-24 | 5pm | 87 out of 205 |

Thus, it is the applicant's position that the existing on-site parking will be more than adequate for the expected demand.

# 33 Jewell Court
# Weekend Parking Snapshots

Below we've captured photos and parking vacancies in the parking lot of the Frank Jones buildings, on Friday, Saturday and Sunday, February 16, 17 & 18th, 2024

**Friday, 2/16, 5PM**

**66 vacant parking spots out of 205 at 5PM**


5pm 2/16/24 Friday Front
30+/- Spaces


5 pm 2/16/24 Parking Front middle


5 pm 2/16/24 Fidy Copperage
15 of 17
Spaces open

**Saturday, 2/17, 4PM & 5PM**

**79 vacant parking spots out of 205 at 5PM**

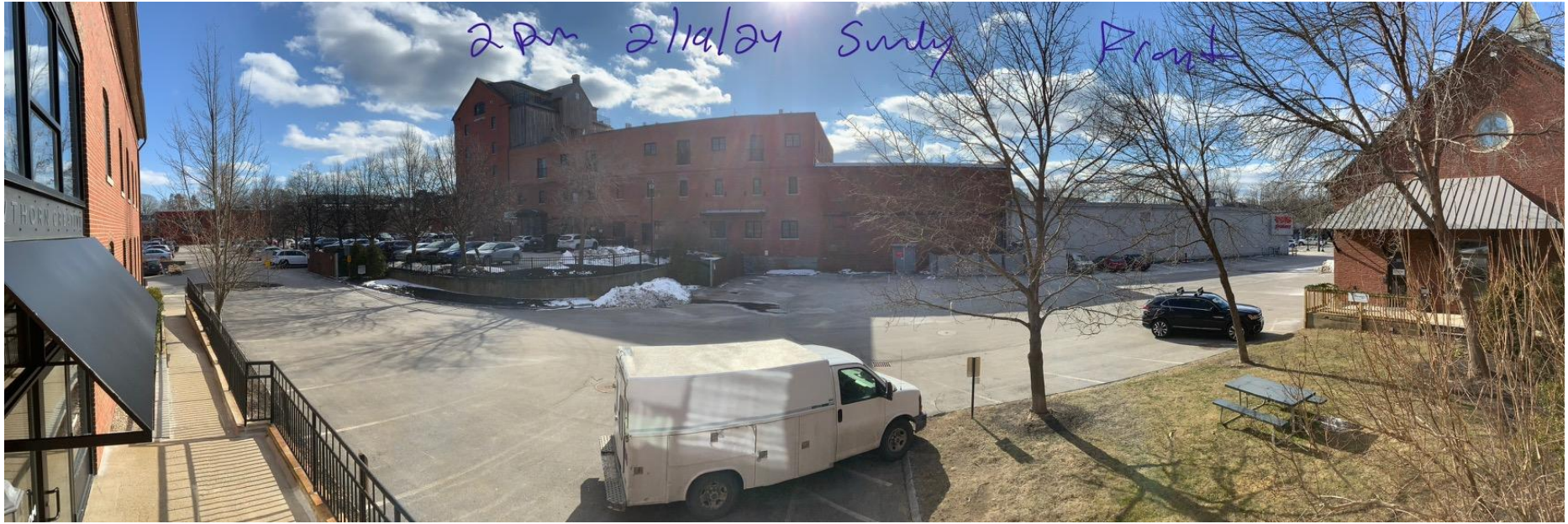

5pm
2/17/24
Suburb
Front


4 pm 2/17/24 Submitted
Coop 10/11
MO 12/13
HC 9+1/9+1


5 pm
21/7/20
Saturday
17/7

**Sunday, 2/18, 2PM**

**96 vacant parking spots out of 205**


2pm 2/14/24 Sunny Front


2pm 2/19/24 Sunday 17/17


2pm 2/19/24 Sudy
coop 7/11
1fc 9+1/9+1
Middle 13/13

**Sunday, 2/18, 5PM**

**87 of 205 vacant parking spots**


5pm 2/8 Sunday Front


5pm 2/19/24 sunny 3/9

Bosen & Associates
ATTORNEYS AT LAW

**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*

March 5, 2024

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

***RE: 33 Jewell Court, Tax Map 155, Lot 5-S1***
***REQUEST FOR PARKING CONDITIONAL USE PERMIT***

Dear Mr. Chellman:

Following from the March 5, 2024 Technical Advisory Committee meeting relative to the above project, we are submitting the following documents to supplement our February 28, 2024 application materials:

1. Letter of support from Eric Chinburg dated January 3, 2024; and
2. Easement Deed of Fairlawn Plaza, Inc. to Schubett Realty Co., Inc. dated June 9, 1997 and Recorded at the Rockingham County Registry of Deeds at Book 3242, Page 2917.

Thank you for your attention.

Sincerely,

*John K. Bosen*
John K. Bosen

Eric Chinburg
President
Schultzes Brew Yard Condominium Association
1/3/2023

Subject: Approval for Launch of Event Venue at 33 Jewell Court

As the President of Schultzes Brew Yard Condominium Association, I'm pleased to officially approve the launch of an event venue at 33 Jewell Court in Portsmouth, NH. It is with great enthusiasm that we support initiatives that enhance the community experience and provide unique spaces where individuals can gather and celebrate.

After careful consideration and review of the proposed plans, it is evident that the event venue aligns with the values of our community and the overall vision of the Condo Association. The historical nature of the property will be preserved and will allow access to a stunning historic event space, unlike anything else being offered here in Portsmouth. All events will be required to utilize shuttles or valet parking at an off-property private parking lot. This will ensure that the use of parking spaces at our association are not impacted and will, in fact reduce the daily parking congestion from regular corporate tenants. I've also reviewed the sound audit by Reuter Associates and understand that sound levels during these events will remain below 45-dba, meeting all sound requirements after 9PM, and therefore will not impact tenants in nearby residential buildings. As an association in the mixed-use Character District, our properties offer an eclectic mix of restaurants, hair salons, artist studios, and residential apartments. I feel that the addition of a historic event venue would reinforce our commitment to building out the West End as a thriving area of town that offers a diverse mix of services.

We appreciate the hard work and dedication of conceptualizing and planning this venture. Jessica's commitment to ensuring that the venue adheres to the guidelines set forth by the City and the Condo Association has not gone unnoticed. We are confident that the event venue will be a valuable addition to our community, offering a range of events that cater to the diverse interests of our town.

Sincerely,

Eric Chinburg
President
Schultzes Brew Yard Condominium Association

**EASEMENT DEED**

KNOW ALL PERSONS BY THESE PRESENTS, That FAIRLAWN PLAZA, INC., a Rhode Island corporation with a principal place of business at 835 East Taunton Avenue in East Providence, County of Providence and State of Rhode Island, for consideration paid, grants to SCHUBETT REALTY CO., INC., a New Hampshire corporation with a principal place of business at 698 Islington Street in Portsmouth, County of Rockingham and State of New Hampshire, it heirs, successors and assigns,

WITH QUITCLAIM COVENANTS, a perpetual right and easement upon land of the within Grantor located on the northerly side of Jewell Court, so-called, in Portsmouth, County of Rockingham, State of New Hampshire, said property having been acquired by the Grantor by deed recorded in Rockingham County Registry of Deeds at Book 3065, Page 1425; and to allow the Grantee, its heirs, successors, assigns, and business invitees, exclusive right to park motor vehicles upon the following described portion of the Grantor's premises:

Parking Easement: Beginning at the southwesterly corner of land of the within Grantee on the northerly sideline of Jewell Court, so-called, thence turning and running N 45° 38' 00" E a distance of 22 feet, more or less, along the westerly face of the building upon land of Grantee to a point at the southerly face of the building on land of the Grantor; thence turning and running northwesterly along the southerly face of the building of the Grantor a distance of 125 feet, more or less, to a loading dock projecting from the building of the Grantor; thence running in a southwesterly direction 22 feet, more or less, to the northerly sideline of Jewell Court; thence turning and running in a southeasterly direction along the northerly sideline of Jewell Court, so-called, a distance of 125 feet, more or less, to the point of beginning.

* Permanent exclusive parking easement on CVS Property as depicted as 14 spaces on the southwestern edge of the plans.

Meaning and intending to convey to the Grantee an exclusive right to park vehicles in a rectangular strip of land approximately 125 feet by 22 feet, located between the northerly sideline of Jewell Court and the southerly sideline of the building on land of the within Grantor.

Also conveying to the Grantee, the right to remove at Grantee's sole expense a certain loading dock and one-story structure located within the demised Easement area at its southerly end. The Grantee shall have the right to grade and improve the Easement area. Grantee shall be responsible for any and all maintenance and snow removal within the Easement area.

The within Easement shall be binding upon and shall inherit to the benefit of the Grantor, Grantee, and each of their heirs, successors and assigns.

Executed this 9th day of JUNE, 1997.

FAIRLAWN PLAZA, INC.

By: J. Robert Pesce

Name: J. Robert Pesce

Title: PRESIDENT

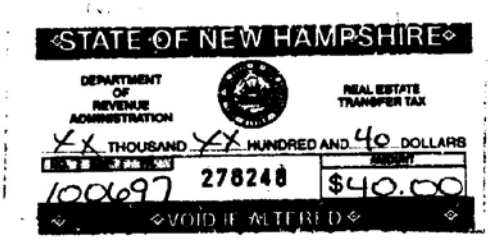
STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE, SS.

On this 9 day of June, 1997, personally appeared the above named J. ROBERT PESCE, in his/her capacity as PRESIDENT of Fairlawn Plaza, Inc., being known to me and acknowledged that he/she executed the foregoing Easement Deed voluntarily and for the purposes stated, on behalf of said Corporation as whose behalf he was duly authorized to act.

Before me,

Patricia A. Dillon
Notary Public
Printed Name: PATRICIA A. DILLON
Commission Expires: 11-10-97

NOTARY PUBLIC



# Findings of Fact | Wetland Conditional Use Permit
## City of Portsmouth Planning Board

Date: March 21, 2024
Property Address: 90 FW Hartford Dr.
Application #: LU-23-142
Decision: □ Approve □ Deny □ Approve with Conditions

**Findings of Fact:**

Per RSA 676:3, I: 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 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** | *1. The land is reasonably suited to the use activity or alteration.* | **Meets**<br>**Does Not Meet** | The applicant removed multiple large trees from the buffer, many of which appear to have been within the vegetated buffer strip according to citywide wetland maps, which is not allowed according to the City of Portsmouth Zoning Ordinance Article 10 Section 10.1018.23 where any cutting of vegetation within the first 25 feet of the buffer is prohibited. |
| **2** | *2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* | **Meets**<br>**Does Not Meet** | According to the City's wetland delineation (and confirmed by the applicant's wetland scientist), all trees that were removed appear to be within the 100-ft wetland buffer. The restoration plan contains plantings in the wetland and wetland buffer area to resolve the violation. |

| | 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**<br>**Does Not Meet** | The removal of mature trees from the wetland buffer will likely have an impact on the wetland resource as a critical group of buffer plantings was removed, leaving mostly grass and bare soil in their place. The restoration plan restores the buffer with plantings and ensures all bare soil is adequately covered with groundcover. This will help control and filter stormwater runoff as it enters the wetland and will help to increase soil health and bring back cover for wildlife. |
| **4** | *4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* | **Meets**<br>**Does Not Meet** | The natural vegetative state was altered with the removal of these trees. Although the applicant will be unable to replace the trees with ones of equal maturity and environmental benefit, planting of native species will offset the negative impacts of tree removal and vegetation removal within the wetland buffer. |
| **5** | *5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* | **Meets**<br>**Does Not Meet** | Removal of vegetation within the vegetated buffer strip is prohibited. Additionally, the applicant should have consulted with staff about the removal of trees within the limited cut area to ensure compliance with Article 10 Section 10.1018.23. This removal resulted in adverse impacts to the wetland buffer and will require an extensive restoration plan to attempt to offset negative environmental impacts. |
| **6** | *6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* | **Meets**<br>**Does Not Meet** | The vegetated buffer strip was altered with the removal of these trees. Although the applicant will be unable to replace the trees with ones of equal maturity and environmental benefit, extensive planting of native species will offset the negative impacts of tree removal and vegetation removal within the wetland buffer. |
| **7** | **<u>Other Board Findings:</u>** | | |

# Restoration Program

Marc E. Jacobs, *CSS, CWS, PWS, CPESC*
*Professional Wetland / Soil Scientist*
jacobs2wetsoil2004@yahoo.com

VIA EMAIL to a.chicoree@gmail.com

February 23, 2024

Mr. Amrishi 'Ash' Chicooree
90 F.W. Hartford Drive
Portsmouth, N.H. 03801

Re: Assessor's Map 269, Lot 45
90 F.W. Hartford Drive
Portsmouth, N.H.

Subject: Wetland Buffer Restoration Program

Dear Mr. Chicooree,

The following specifications are offered as a wetland buffer restoration program and are intended to address stipulation 1.d. as well as other stipulations in the letter from the Portsmouth Conservation Commission (PCC) dated December 21, 2023, which was issued after a public meeting and their earlier site visit in August 2023 to document the removal of trees within the buffer zone at the above-referenced location without their prior review and authorization. This letter also addresses stipulations 1-5 in the PCC letter dated February 20, 2024. Refer to Figure 1 for a depiction of the area.

This program addresses area T2, but does not address the common area, previously referred to in my November 22, 2023 delineation report as area T1. Area T1 straddles the property line with your neighbor at 80 F.W. Hartford Drive. Area T1 lies within the 100-foot wetland buffer and the trees in this area were also cut but it is my understanding that you and the neighbor intend to coordinate regarding the future of this area. Until that coordination happens we cannot properly address area T1 in this wetland buffer restoration program.

The quantity of trees to be planted to restore a wetland and/or its buffer would customarily be determined using the size - in square feet (SF) - of the area that was cut or graded, and the desired density (for example, 15-feet on center) of specimens, especially where the area has been grubbed and the stumps have been removed. However, there has been no survey of the T2 area by a land surveyor and no scaled drawing exists which accurately depicts the size of Area T2 in SF. Furthermore, the area has not been graded, the stumps from the trees that were cut remain and, regarding stipulation 1.e. in the PCC letter, are not proposed to be removed, therefore we have used the tally of stumps provided in Table 1 from our November 22, 2023 letter as the basis for the quantity and species of trees proposed for planting in the 0-50' portion of the T2 buffer zone area. Refer to Table 1 below.

**609 Portsmouth Avenue**
**PO Box 417**
**Greenland, NH 03840-0417**

***Phone*** **(603) 686-5097**
***Fax*** **(603) 686-5142**
***Mobile*** **(603) 534-SOIL (7645)**

**TABLE 1**

| TREE SPECIES | 0-25 FT BUFFER | 25-50 FT BUFFER |
|---|---|---|
| | **Diameter (inches)** | **Diameter (inches)** |
| Red maple *(Acer rubrum)* | 7, 9, 9, 9, 10, 13, 19 | 14*, 14 |
| White pine *(Pinus strobus)* | 5*, 6*, 8*, 18, 21, 21, 23, 24 | 8 |
| Eastern hemlock *(Tsuga Canadensis)* | 6, 7, 7, 9, 9, 11, 16 | 7, 7, 14 |
| Black birch *(Betula lenta)* | 9 | NA |
| Red oak *(Quercus rubra)* | 22 | 18, 22 |
| **TOTAL** Number of Trees (live) | **21 Total** | **7 Total** |

*These stumps represent dead trees or trees that were removed long before the trees that were recently removed.

**Plant Specifications**

The specified plantings identified below were chosen as a result of the tally of stumps or because the species is generally represented elsewhere on site. Any substitutions of plant materials due to lack of commercial availability or delays in installation due to seasonal conditions (such as drought, frost or snow) shall be preapproved in writing by the wetland scientist and the City of Portsmouth. If the specimens are installed between October 1 and December 1 in any year, they will be mulched with an apron of wood chips, bark mulch or similar. (Installation after December 1 or before April 1 in any year is not recommended.) Any apron will be 3 inches in depth, will not bury the stem but will extend outward at least 1 foot from the stem in all directions. (The apron is recommended after planting in any season.) All woody shrub species shall be non-ornamental varieties. No stumps are proposed to be removed. With the exception of one red maple which is proposed for actual wetlands, proposed shrubs will be planted randomly but uniformly between existing stumps within the T2 area and specifically within the 0-50' buffer per stipulation 1.c in the 2023 and 2024 PCC letters. Refer to Table 2 below.

Note that while we refer to trees throughout this program, all trees will be planted as shrubs and the expectation is that they will mature into trees with the passage of time. (The technical definition of trees comprises specimens that are 5 inches or more in diameter at breast height [dbh], which is measured 4.5 feet from the ground surface. Acquisition and installation of specimens of that size is not practicable).

We have not proposed any eastern hemlock (*Tsuga Canadensis*) specimens although hemlock stumps were commonly observed within Area T2. Hemlock is susceptible to hemlock woolly adelgid, a non-native invasive insect pest, which is proliferating rapidly in our region.

**TABLE 2**

| STRATUM | SPECIES / MIX<br>Common (*scientific*) name | SIZE / RATE | QUANTITY / LOCATION |
|---|---|---|---|
| **Tree** | Red Maple (*Acer rubrum*) | 4-5' minimum | 9 specimens randomly but uniformly distributed within the 0-50' buffer in Area T2 uplands per Figure 2. *One specimen shall be located within the wetland.* |
| | White pine (*Pinus strobus*) | 2-3' minimum | 9 specimens randomly but uniformly distributed within the 0-50' buffer in Area T2 uplands per Figure 2. |
| **Shrub** | High Bush Blueberry (*Vaccinium corymbosum*) | 36"- 48" minimum height | 10 specimens randomly but uniformly distributed within the 0-25' buffer in T2 uplands per Figure 2. |
| | | | **Total of 28 shrubs** |

In the absence of a bonafide land survey, it is impractical to show the exact locations of individual specimens proposed for planting per stipulation 1.b in the PCC letter. Similarly, we were unable to show the locations of individual stumps in our delineation report for analogous reasons; due to the scale of GIS mapping resources. We have however prepared a sketch which shows the approximate location of plantings proposed for installation within the 0-50' buffer. Refer to Figure 2. We are also proposing that staff from our office we will be on site to lay out the plants and guide the installation of proposed plantings.

**Long-term Monitoring and Status Reports**

Within 30 days of completion of the plant installation work, an initial status report, including photographs), will be prepared and submitted to the City of Portsmouth. Status reports will provide information regarding the following parameters (minimally):

- An inventory and the general status (health) of shrubs,
- observations regarding the uniformity of live vegetation throughout the 0-50' buffer of Area T2,
- any plant substitutions (initial report only),
- observations of any commonly accepted invasive vegetation species (with an emphasis on new infestations [area or species] or expansions of existing infestations), and
- recommended remedial measures or corrective actions, if any.

As necessary to confirm the successful re-establishment of restored buffer zone, additional inspections and status reports will be prepared and submitted to the City of Portsmouth by June 30th for two (2) additional growing seasons following installation of restoration plantings. In addition to those items listed above, subsequent reports will document the following ecological performance standard: a minimum of 80 percent survival/establishment of the woody tree / shrub plantings installed within restored wetland buffer. Woody stems must be uniformly distributed.

The percentage of trees and shrubs deemed to have survived will be based upon an actual woody stem count and will be compared to the total quantity of woody stems originally planted. Shrubs will be considered living (and therefore counted in the tally) if they exhibit at least 25 percent foliage during the normal growing season. The woody stem count may also include suitable woody specimens that have colonized the restored wetland buffer areas from surrounding natural areas and which were not represented in the original plant list specified in Table 1 above. Suitable woody specimens include those which are not considered invasive or exotic according to commonly accepted sources.

Where inspections and status reports demonstrate that the ecological performance standard stated above has not been achieved at the end of two (2) full growing seasons, or as soon as it may be apparent that site conditions may not result in a successful restoration of wetland buffer, the status report will identify any recommended corrective action(s), such as replanting or invasive species management, that may be necessary to bring the restored wetland buffer area into compliance with this program. The City of Portsmouth will be consulted prior to initiating any remedial actions. (After 2 years and any remedial plantings, the restored buffer area will be allowed to grow naturally (without alteration) in perpetuity. Any future proposed management activities will be pre-approved through prior consultation with the PCC or submittal of a Conditional Use Permit application.)

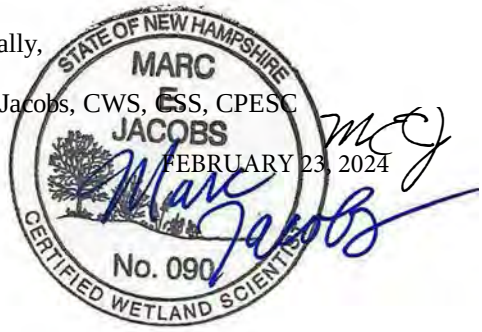
While it is anticipated that the wetland scientist of record or another suitably qualified individual will be conducting future inspections and preparing status reports, the property owner will ultimately be the party responsible for providing status reports as well as implementing any remedial measures or corrective actions which may be needed to bring the restored wetland buffer area into compliance with this program.

**Other**

Regarding stipulation 1.f. in the December 21, 2023 PCC letter, the portion of the 25-foot buffer that is currently being mowed, I understand it is your intention to cease mowing this area in perpetuity. No shrub plantings are proposed here. We have identified the approximate area on the attached buffer restoration sketch. This area will need to be measured with a fiberglass tape and staked-out in the field. It is our recommendation that you propose a permanent means of marking the limits of this area in the field. A line of boulders may be the easiest method and would not require any short or long-term maintenance.

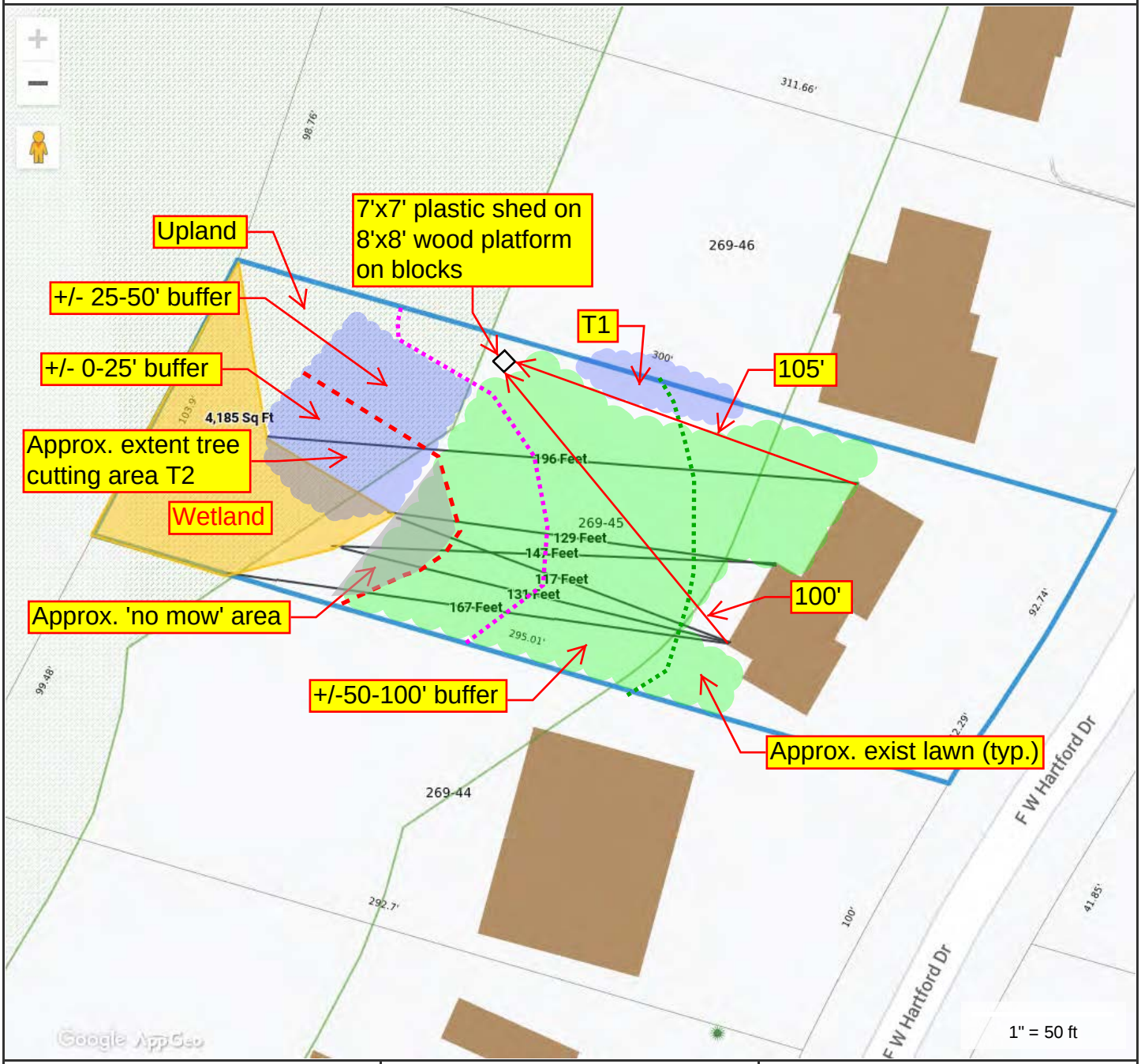
Please contact the undersigned with any questions.

Cordially,




Marc Jacobs, CWS, CSS, CPESC

# F W Hartford Drive




**Property Information**

| | |
|---|---|
| **Property ID** | 0269-0045-0000 |
| **Location** | 90 FW HARTFORD DR |
| **Owner** | CHICOOREE AMRISHI A |

Buffer Restoration Sketch
Marc Jacobs, CWS MCJ
February 23, 2024
Features w/o exact dimensions (from GIS) are not-to-scale and will be measured in the field during implementation of this program.

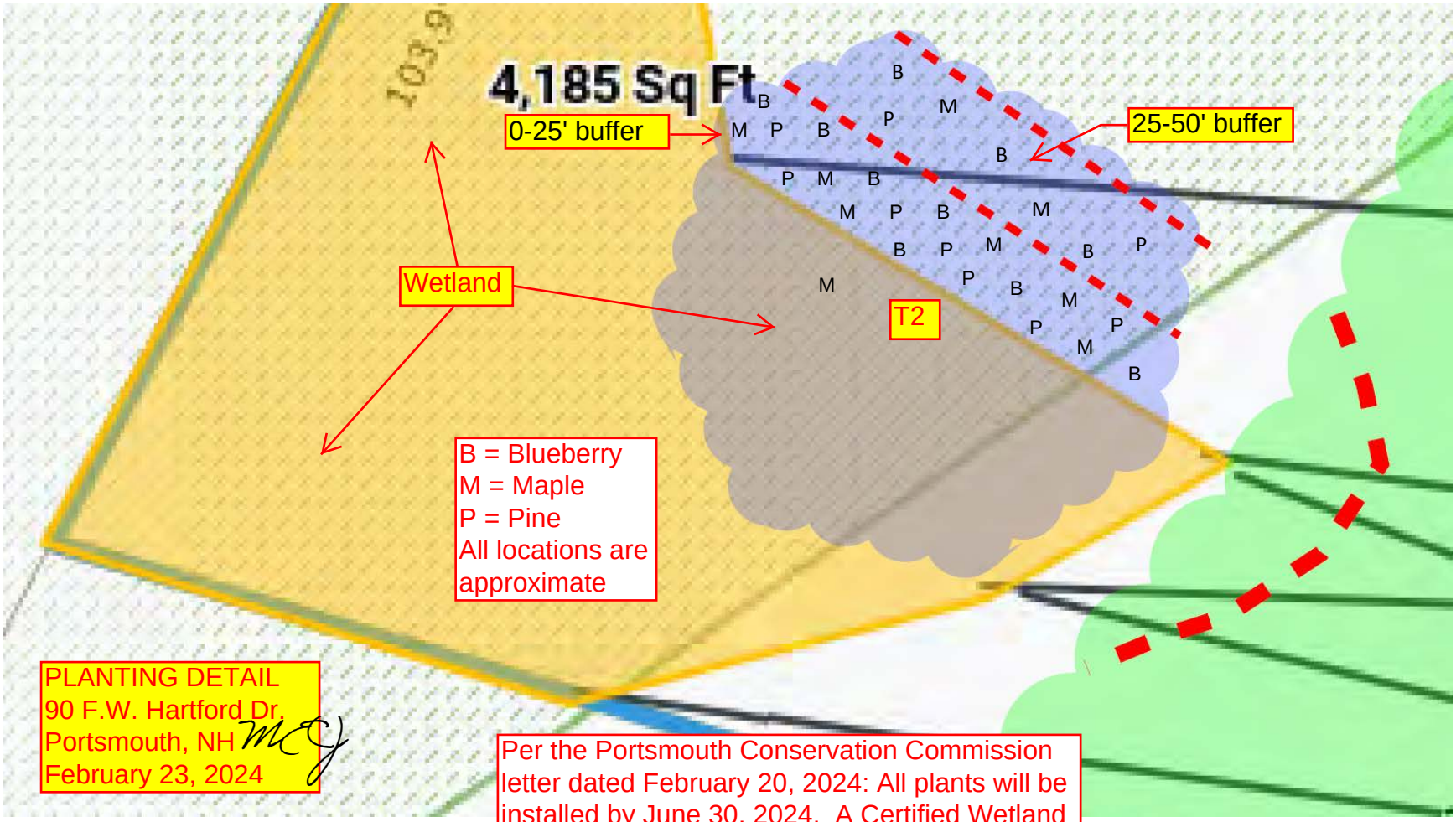
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT



Geometry updated 08/24/2023
Data updated 3/9/2022

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

FIGURE 2


4,185 Sq Ft
0-25' buffer
25-50' buffer
Wetland
T2
B = Blueberry
M = Maple
P = Pine
All locations are approximate
PLANTING DETAIL
90 F.W. Hartford Dr.
Portsmouth, NH
February 23, 2024
Per the Portsmouth Conservation Commission letter dated February 20, 2024: All plants will be installed by June 30, 2024. A Certified Wetland Scientist will oversee the initial planting process and will prepare all monitoring reports.

# Findings of Fact | Site Plan Review
## City of Portsmouth Planning Board

Date: 3-12-2024
Property Address: 99 Bow Street
Application #: LU – 24 - 21
Decision: □ Approve □ Deny □ Approve with Conditions

**Findings of Fact:**

Per RSA 676:3, I: 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 all conditions necessary to obtain final approval.

Site Plan Regulations Section 2.9 Evaluation Criteria - to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

| | Site Plan Review Regulations Section 2.9 Evaluation Criteria | Finding (Meets Standard/Criteria) | Supporting Information |
|---|---|---|---|
| **1** | Compliance with all City Ordinances and Codes and these regulations. | **Meets**<br>**Does Not Meet** | The project meets all codes and does not require any Variances. |
| **2** | Provision for the safe development, change or expansion of use of the site. | **Meets**<br>**Does Not Meet** | The site work includes the necessary railings and other safety features required for safe operation. |
| **3** | Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another. | **Meets**<br>**Does Not Meet** | The project expands an overwater dock. The Erosion Control required is shown on the plan set. The applicant is required to pay the State of NH a mitigation fee as a part of the NHDES approval. No flooding hazard is created. |

| | Site Plan Review Regulations Section 2.9 Evaluation Criteria | Finding (Meets Standard/Criteria) | Supporting Information |
|---|---|---|---|
| **4** | Adequate protection for the quality of groundwater. | **Meets**<br>**Does Not Meet** | Groundwater is not impacted by the project. |
| **5** | Adequate and reliable water supply sources. | **Meets**<br>**Does Not Meet** | The project uses existing city water service(s). |
| **6** | Adequate and reliable sewage disposal facilities, lines, and connections. | **Meets**<br>**Does Not Meet** | The project uses existing city sewer service(s). |
| **7** | Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties. | **Meets**<br>**Does Not Meet** | There is no change to the existing operation of the facility, only where people sit. |
| **8** | Adequate provision for fire safety, prevention and control. | **Meets**<br>**Does Not Meet** | The Portsmouth Fire Department was represented at the Technical Advisory Committee meetings and agreed with the project. |
| **9** | Adequate protection of natural features such as, but not limited to, wetlands. | **Meets**<br>**Does Not Meet** | The adjacent water resource (river) is not impacted – time of year construction limitations are included. |
| **10** | Adequate protection of historical features on the site. | **Meets**<br>**Does Not Meet** | The development does not impact any historical resources. |
| **11** | Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion. | **Meets**<br>**Does Not Meet** | The development does not impact any traffic flow. |
| **12** | Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site. | **Meets**<br>**Does Not Meet** | The development does not create any traffic congestion. |
| **13** | Adequate insulation from external noise sources. | **Meets**<br>**Does Not Meet** | The project does not have potential impacts from this concern. |

| | Site Plan Review Regulations Section 2.9 Evaluation Criteria | Finding (Meets Standard/Criteria) | Supporting Information |
|---|---|---|---|
| **14** | Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project. | **Meets**<br>**Does Not Meet** | The city was represented at the Technical Advisory Committee meetings and agreed with the project, voting to approve. |
| **15** | Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site | **Meets**<br>**Does Not Meet** | The project creates Public Recreational Space (Public Deck) |
| **16** | Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks. | **Meets**<br>**Does Not Meet** | The Planning Board reviewed the projects connections to the adjacent sidewalk network. |
| **17** | Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health. | **Meets**<br>**Does Not Meet** | The NHDES approval indicates that the public is protected. The work is over state property. |
| **18** | Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers. | **Meets**<br>**Does Not Meet** | The project includes landscape elements to accomplish the goal. |
| **19** | Compliance with applicable City approved design standards. | **Meets**<br>**Does Not Meet** | The Technical Advisory Committee approved the project. |
| | **Other Board Findings:** | | |

McNabb Properties Ltd.
Construction | Development | Management

March 6, 2023

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

**Re: Martingale Deck Expansion**

Dear Rick:

Martingale, LLC., holds title to property located at 99 Bow Street and further delineated on the City of Portsmouth Tax Map 106 as Lot 54. Martingale filed Land Use Permit LU-21-181 on September 17, 2021 to expand the deck located on the Piscataqua River and received the following approvals from the City of Portsmouth:

| | |
|---|---|
| Historic District Commission (HDC) | October 06, 2021 |
| Technical Advisory Committee (TAC) | November 02, 2021 |
| Planning Board | December 30, 2021 |
| Historic District Commission (HDC) modifications | April 13, 2022 |

Martingale submitted a Major Impact Wetland Permit Application with the State of New Hampshire on July 01, 2021. During the NHDES review of our application, one condominium unit owner located in 109-111 Bow Street Condominium Association appealed various findings which caused a lengthy delay of our eventual approval. We received written approval from the Department of Environmental Services on December 15, 2023 with the issuance of Wetlands and Non-Site Specific Permit 2021-02150 authorizing construction of the deck expansion in the Piscataqua River.

The City of Portsmouth Planning Department and Legal Department determined our prior approvals from the Planning Board and Historic District Commission were not stayed during the two years of appeals from an abutter. As a result, Martingale is hereby resubmitting our application to the Planning Board dated November 23, 2021 for approval without any modifications from the Planning Board Approval received on December 30, 2021.

Copies of all referenced approvals and permits above are attached. We respectfully ask the Planning Board to approve this project as presented.

Sincerely,

Mark A. McNabb
President

AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.
200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

11 March 2024

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

**RE: Application for Site Plan Approval, Tax Map 106, Lot 54, 99 Bow Street**

Dear Chairman Chellman and Planning Board Members:

On behalf of Martingale, LLC we submit herewith the attached for **Site Plan Approval** for the above-mentioned project and request that we be placed on the agenda for your **March 21, 2024** Planning Board Meeting. Martingale, LLC is requesting approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River.

The project consists of two separate decks which will be attached to the east and west ends of the existing overwater deck located at 99 Bow Street, Portsmouth, and commonly referred to as the Martingale. The West Deck expansion (public wharf deck) will provide the general public with handicap accessible access to the Piscataqua River Waterfront for the enjoyment of the active Inner Harbor of Portsmouth, the Sarah Mildred Long Bridge, the Memorial Bridge, the Moran Tugboats, the NH State Port Authority Pier and the working waterfront of Kittery Maine. The East Deck expansion will be for an expansion of the existing outside dinning for the Martingale Wharf Restaurant, which is open to the public.

Martingale Wharf is the only restaurant open to the general public located on the Inner Harbor of downtown Portsmouth that provides full handicap accessibility via on street parking located on Bow Street and a passenger elevator to the waterfront. Martingale Wharf also has handicap accessible bathrooms located on the waterfront as part of the restaurant. The northern, or "waterside" limit of the building is synonymous with a seawall, which is also the landward limit of the Highest Observable Tide Line for the majority of the shoreline frontage associated with the property. At the time of construction in 2010, Martingale was one of only two projects to receive an Urban Exemption to Shoreland Zoning which permitted the construction and improvements as seen today, including approval for public dining on the existing deck. The West Deck expansion (public wharf deck) is the only waterfront deck with handicap accessibility to the general public. The deck also has additional public access via a continuous easement that connects the Martingale with Ceres Street and Bow Street (See Existing Conditions Plan-Sheet C1). The plans include specialized landscaped features will provide the public with a unique experience in a unique space. See the McHenry Architecture and Terra Firma Landscape Architecture Plans in the plan set.

This application received approval from the Portsmouth Historic District Commission on October 6, 2021, with an Amended Approval on April 13, 2022. The Portsmouth Planning Board granted approval of the Site Plan on December 30, 2021. The project then received NHDES Wetland Board approval on October 27, 2022. There was an aggrieved party that filed an appeal of the NHDES Wetland Board approval, which required the application to go to the Wetland Council for adjudication. The Wetland Council upheld the Department of Environmental Services approval, and the plan went to, and received approval from, the Governor and Council on November 29, 2023. The applicant sought to pull a building permit based on the completion of the required reviews by the state, however the Portsmouth Planning Board and Portsmouth HDC approvals had expired, which is the reason the project is back here for approval.

Please find the following plans in this submission:

- Cover Sheet – This shows the Development Team, Legend, Site Location, and Site Zoning.
- As – Built Plan, Martingale Wharf – This shows the property dimensions of the lot.
- Existing Conditions Plan C1 – This plan shows the current improvements on the property.
- NHDES Permit Plan C2 – This plan shows the proposed deck expansion(s) and layout of the proposed features.
- Site Sections C3 – C5 – These plan shows the on-site and adjacent underwater topography / bathymetry as well as the proposed pile locations.
- Details D1 – This plan shows the Deck Details as well as erosion control and project construction sequence.
- Architectural Plans A1 to A12 – These plans show the dimensions of the proposed deck expansion and proposed deck seating, Rendered Views, Perspectives, Elevation View, Cut Sheets and Material selections. Please note the public space is clearly delineated on the plans.
- Landscape Details L1 – The plan show landscape details for the proposed deck expansion.

Also included in this submission are the following additional exhibits to assist in your review:

Green Building Statement
Wetland Functions and Values Assessment
Site Photographs (Existing)
Shoreland Exemption
Harbor Master Approval
NHDHR Approval
Portsmouth HDC Approval
Portsmouth HDC Amended Approval
Wetland Board Approval
Governor & Council Approval
Portsmouth Planning Board Approval
Third Exit Building Permit and Plan

We look forward to the Planning Boards review of this submission and we will be in attendance at the meeting to answer any questions the Board may have on the project.

Sincerely,

John R. Chagnon, PE
CC: 99 Bow Street – Martingale Team

# Green Building Statement

The project proposes to construct an overwater deck expansion including a public wharf deck resulting in permanent impact to the tidal area requiring NH DES approvals. Since the proposed structures are additions to existing structures, and the purpose of the expansion is tied to the use and enjoyment of waterfront area of the property by the patrons and the general public, practicable alternatives along the 190+/-feet of shoreline are severely reduced.

The proposed structure will be constructed on piles within the tidal area reducing permanent impacts to the tidal wetland resource. Since the structures will be constructed on piles, the structures will not impede tidal flow or alter hydrology, and will not deter use by wildlife species that currently use the tidal area, and it will not impede any migrational fish movement. The proposed structures have been designed to not impede recreation, public commerce, and navigation. The docking structure does not extend into any federal or local navigation channel. The project does not propose any impacts to floodplain wetlands as the dock will be constructed on piles therefore providing no significant decrease in flood storage potential.

The project does not propose any impacts to exemplary natural communities or vernal pools. Per the Natural Heritage Bureau Review, shortnose sturgeon (Acipenser brevirostrum) and Atlantic sturgeon (Acipenser oxyrinchus) have been identified as sensitive species on or near the project site. Coordination with New Hampshire Fish & Game in regards to the above protected species will be a part of the NH DES approval process.

# Wetland Functions and Values Assessment

**Prepared for:**

**Martingale LLC**
**99 Bow Street**
**Portsmouth, New Hampshire 03801**

**Prepared By:**
**Ambit Engineering, Inc**
**200 Griffin, Unit 3**
**Portsmouth, New Hampshire 03801**

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

**Date: June 14, 2021**

Revised 10-18-21 to Eliminate Dock Expansion from Scope

## TABLE OF CONTENTS



## APPENDICES

## INTRODUCTION

The applicant is proposing the construction of an overwater deck expansion with a public wharf deck at 99 Bow Street, Portsmouth, New Hampshire. The project site is identified on Portsmouth Tax Map 106 as Lot 54 and is approximately 9,769 sq. ft. in size. As currently designed, the proposed project would require impacts to tidal wetlands associated within the Piscataqua River.

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

## METHODS

### DATA COLLECTION

The tidal wetlands associated with this project area were identified and characterized through field survey and review of existing information. Ambit Engineering, Inc. (Ambit) conducted a site visit in April of 2021 to characterize the tidal wetlands and collect the necessary information to complete a functions and values assessment. In addition, Ambit contacted the New Hampshire Natural Heritage Bureau (NHB) regarding existing information of documented rare species or natural communities within the vicinity of the project site.

### WETLAND FUNCTIONS AND VALUES ASSESSMENT

Ambit assessed the ability of the tidal wetlands to provide certain functions and values and analyzed the potential affects the proposed project may have on their ability to continue to provide those functions and values. Wetland functions and values were assessed using the *Highway Methodology Workbook, Wetland Functions and Values: A Descriptive Approach*.[1] This method bases function and value determinations on the presence or absence of specific criteria for each of the 13 wetland functions and values (see definitions below). These criteria are assessed through direct field observations and a review of existing resource maps and databases. As part of the evaluation, the most important functions and values associated with the on-site wetlands are identified. In addition, the ecological integrity of the wetlands is evaluated based on the existing levels of disturbance and the overall significance of the wetlands within the local watershed.

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

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

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

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

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

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[1] U.S. Army Corps of Engineers. 1999. *The Highway Methodology Workbook Supplement, Wetland Functions and Values: A Descriptive Approach.* U.S. Army Corps of Engineers. New England Division. 32pp. NAEEP-360-1-30a.

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

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

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

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

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

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

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

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

## FUNCTIONS AND VALUES ASSESSMENT

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

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

**Floodwater Alteration (Storage and Desynchronization)**
The tidal wetlands associated with the Piscataqua River receive floodwaters from the surrounding watershed and connected waterways; therefore, is considered a principal function considering the large size of the combined waterways.

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

**Sediment/Toxicant Retention**
The tidal wetland and greater marine wetland system associated with the Piscataqua River contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.

**Nutrient Removal/Retention/Transformation**
The tidal wetland and greater marine wetland system associated with the Piscataqua River contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.

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

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

**Wildlife Habitat**
The greater tidal wetland and the Piscataqua River provide a variety of coastal and marine habitats, therefore would be considered a principal function.

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

**Education/Scientific Value**
The greater tidal wetland and the Piscataqua River are part of a larger marine ecosystem with multiple areas of public access making this a principal value.

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

**Visual Quality/Aesthetics**
The Piscataqua River provides aesthetically pleasing coastal views that are viewable from surrounding uplands as well as from the water, making this a principal function.

**Endangered Species Habitat**
An online inquiry with the NHB resulted in the potential for Atlantic sturgeon (Acipenser oxyrinchus), and short nose sturgeon (Acipenser brevirostrum) to potentially occur near the project area. Ambit Engineering will provide specific project information to NHF & G and comments/recommendations will be provided to NH DES upon receipt.

## PROPOSED IMPACTS

This report is accompanying a New Hampshire Department of Environmental Services (NHDES) Major Impact Wetland Permit Application request to propose 2,910 sq. ft. of permanent impact to tidal wetland for the construction of an overwater deck expansion with a public wharf deck (overall structure length 43.5' as measured from MHW) along 190+/- feet of frontage along the Piscataqua River.

## SUMMARY AND CONCLUSIONS

The jurisdictional tidal wetland is part of a larger marine system and provides eleven principal functions and values when evaluated as a whole. These functions and values include: floodflow alteration, fish and shellfish habitat, production export, sediment/shoreline stabilization, wildlife habitat, recreation, education/scientific value, uniqueness/heritage, and visual quality aesthetics. While the entire marine system provides these principal functions and values, the proposed impacts associated with the dock modification will not have any effect on its ability to continue to provide them.

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

The structures have been designed to provide expanded use of the property and the businesses that are located on site. There is no grading of the shoreline required to construct the dock. There will be no construction activity that will disturb the area adjacent to the use. All work will be performed from a crane barge at low tide. The barge floats into position and the piles are driven by the crane equipped with a vibratory hammer. This method eliminates any contact of construction equipment with the protected resource. Portions of the structures will be pre-fabricated off site and transported to the site via crane barge.

Based on our assessment of the current functions and values and the proposed structures; it is our belief that the proposed project will have no significant impact on the tidal wetlands or greater marine systems ability to continue to provide their functions and values.

# APPENDIX A

## WETLAND FUNCTION - VALUE EVALUATION FORM

# Wetland Function – Value Evaluation Form

| | | |
|---|---|---|
| **Wetland Description**: Wetland A is a tidal wetland associated with the Piscataqua River. | **File number**: 3308 | |
| | **Wetland identifier**: Wetland A | |
| | Latitude:X:1,227,494.49 | Longitude:Y:212,344. |
| | **Preparer(s)**: Ambit Engineering, Inc. | |
| | 200 Griffin Road | |
| | **Date**: April 5, 2021 | |

| Function/Value | Capability Y | Capability N | Summary | Principal Yes/No |
|---|---|---|---|---|
| Groundwater Recharge/Discharge | | X | This wetland does not possess the characteristics needed to provide this function as there are no identified underlying sand or gravel aquifers. | — |
| Floodwater Alteration | X | | The tidal wetland and the Piscataqua River do receive floodwater from the surrounding watershed and connected waterways; therefore, this would be considered a principal function. | Y |
| Fish and Shellfish Habitat | X | | The tidal wetland and the Piscataqua River are part of a larger coastal marine system and provide both fish and shellfish habitat. This is considered a Principal Function. | Y |
| Sediment/Toxicant Retention | X | | The greater tidal wetland contains dense vegetation and a source of sediments and toxicants, therefore a principal function. | Y |
| Nutrient Removal | X | | The greater tidal wetland contains dense vegetation and a source of nutrients, therefore a principal function. | Y |
| Production Export | X | | Because the tidal wetland provides fish and wildlife habitat, commercial and recreational fishing opportunities, and nutrients are transferred over several trophic levels in the marine ecosystem, this is considered a principal function. | Y |
| Sediment/Shoreline Stabilization | X | | Due to the tidal nature and wave action of this wetland; sediment/shoreline stabilization is considered a principal function. | Y |
| Wildlife Habitat | X | | The greater tidal wetland and the Piscataqua River provides a variety of coastal and marine habitat, therefore would be considered a principal function. | Y |
| Recreation | X | | The greater tidal wetland provides a variety of consumptive and non-consumptive recreational opportunities including hunting, fishing and bird watching; therefore, would be considered a principal function. | Y |
| Education/Scientific Value | X | | The tidal wetland and the Piscataqua River are part of a larger marine ecosystem with multiple areas of public access making this a principal value. | Y |
| Uniqueness/Heritage | X | | The tidal wetland and the Piscataqua River are unique to the seacoast area. Additionally, there are pre and post-colonial historical components associated with the Piscataqua River and the surrounding areas making this a principal value. | Y |
| Visual Quality/Aesthetics | X | | The Piscataqua River provides aesthetically pleasing coastal views that are viewed from surrounding uplands as well as from the water, making this a principal function. | Y |
| ES Endangered Species Habitat | X | | An online inquiry with the NH Natural Heritage Bureau resulted in an occurrence of a sensitive species near the project area. Ambit Engineering will coordinate with NHB and NHF & G and will forward comment to NH DES upon receipt. | — |
| Other | | | | |

Notes:

* Attach list of considerations.

# APPENDIX B

## PHOTO LOG

SITE PHOTOGRAPHS
Portsmouth, NH

Site Photograph #1 April 2021

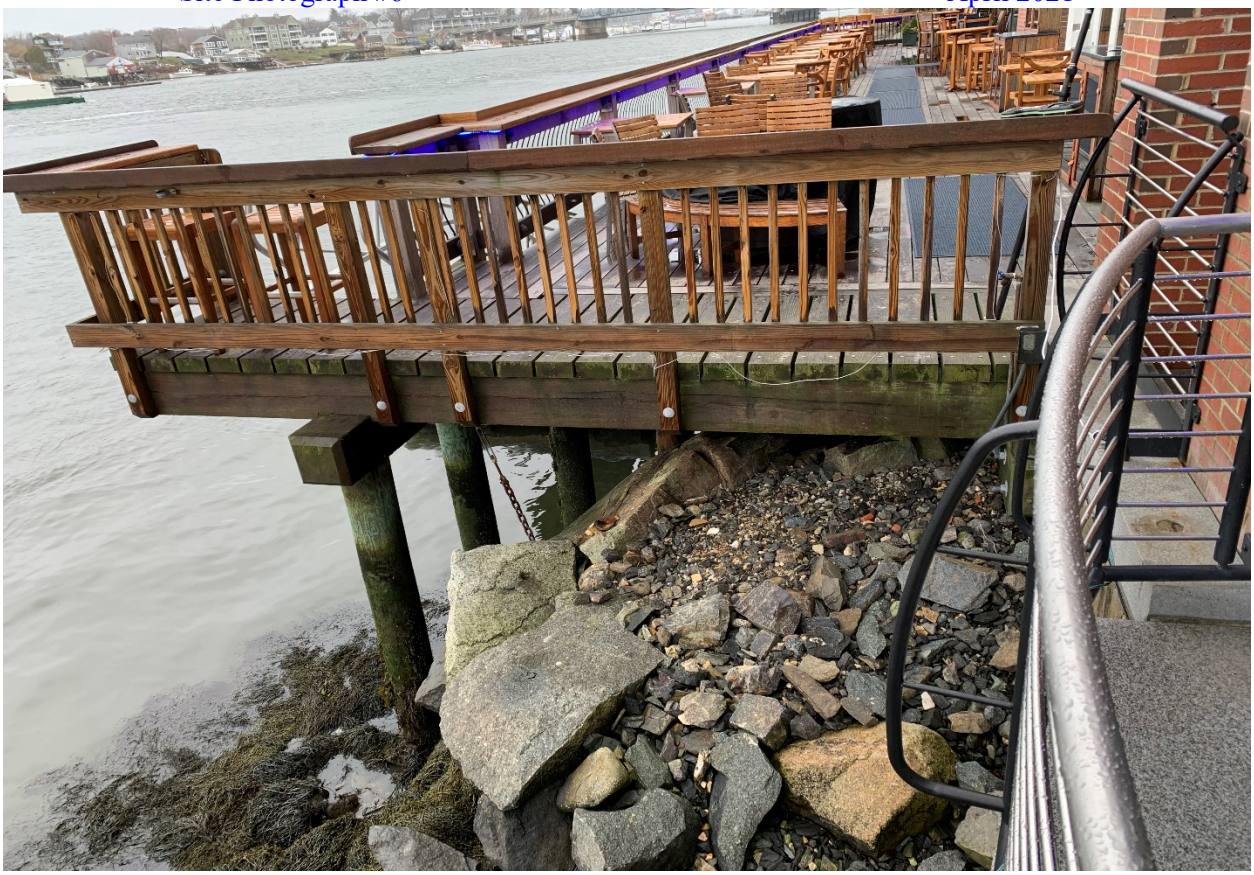
Site Photograph #2 April 2021

Site Photograph #3 April 2021

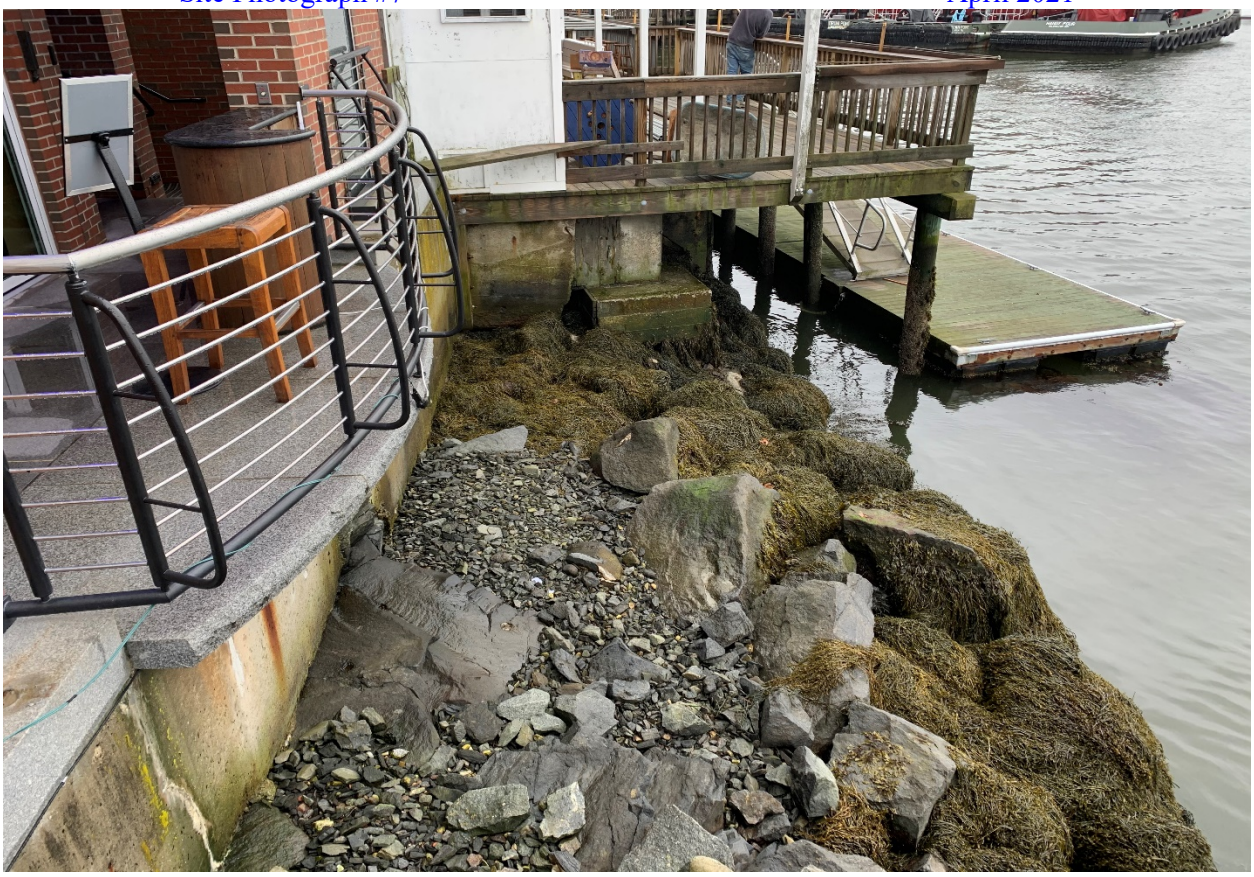
Site Photograph #4 April 2021

Site Photograph #5 April 2021

Site Photograph #6 April 2021



Site Photograph #7 April 2021



Site Photograph #8 April 2021

Site Photograph #9 April 2021

Site Photograph #10 April 2021

Site Photograph #11 April 2021

# APPENDIX C

## NEW HAMPSHIRE NATURAL HERITAGE BUREAU CORRESPONDENCE

# Memo

NH Natural Heritage Bureau
NHB DataCheck Results Letter

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

**From**: Amy Lamb, NH Natural Heritage Bureau
**Date**: 5/10/2021 (valid until 05/10/2022)
**Re**: Review by NH Natural Heritage Bureau
**Permits**: MUNICIPAL POR - Portsmouth, NHDES - Wetland Standard Dredge & Fill - Major, USACE - General Permit

**NHB ID:** **NHB21-1524** Town: Portsmouth Location: 99 Bow Street
Description: The project proposes an expansion of the existing overwater structure (deck used for outdoor dining) and expansion of the existing tidal docking structure.
**cc**: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

**Comments** **NHB: No Comments At This Time**
**F&G: Please provide construction schedule so that we can evaluate for potential noise disturbance to Sturgeon species.**

| Vertebrate species | State[1] | Federal | Notes |
|---|---|---|---|
| Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) | T | T | Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below). |
| Shortnose Sturgeon (*Acipenser brevirostrum*) | E | E | Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below). |

[1]Codes: "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.

*Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.*

---

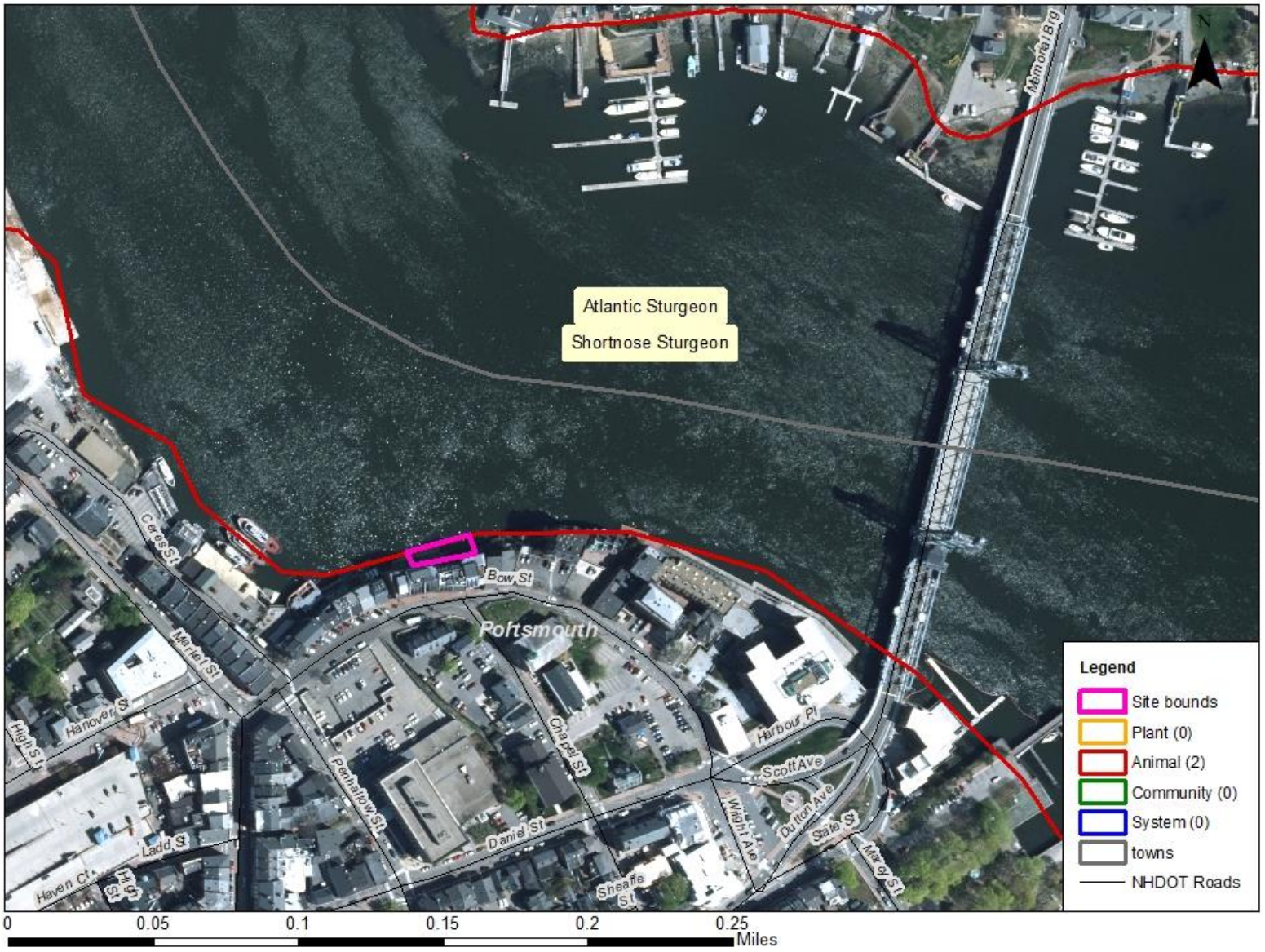
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

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

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

**CONFIDENTIAL – NH Dept. of Environmental Services review**

## NHB21-1524



# New Hampshire Natural Heritage Bureau - Animal Record

## Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*)

| **Legal Status** | | **Conservation Status** | |
|---|---|---|---|
| Federal: | Listed Threatened | Global: | Rare or uncommon |
| State: | Listed Threatened | State: | Critically imperiled due to rarity or vulnerability |

**Description at this Location**

| | |
|---|---|
| Conservation Rank: | Not ranked |
| Comments on Rank: | -- |
| Detailed Description: | 2016: 1 individual, sex unknown, detected in the lower Piscataqua River. 2015: 1 individual, sex unknown, detected in Portsmouth Harbor. 2012: 1 individual, sex unknown, 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: 2012-06-02 Last reported: 2016-05-27

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.

# New Hampshire Natural Heritage Bureau - Animal Record

## Shortnose Sturgeon (*Acipenser brevirostrum*)

| Legal Status | Conservation Status |
|---|---|
| Federal: Listed Endangered | Global: Rare or uncommon |
| State: Listed Endangered | 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.

SITE PHOTOGRAPHS
Portsmouth, NH

Site Photograph #1 April 2021

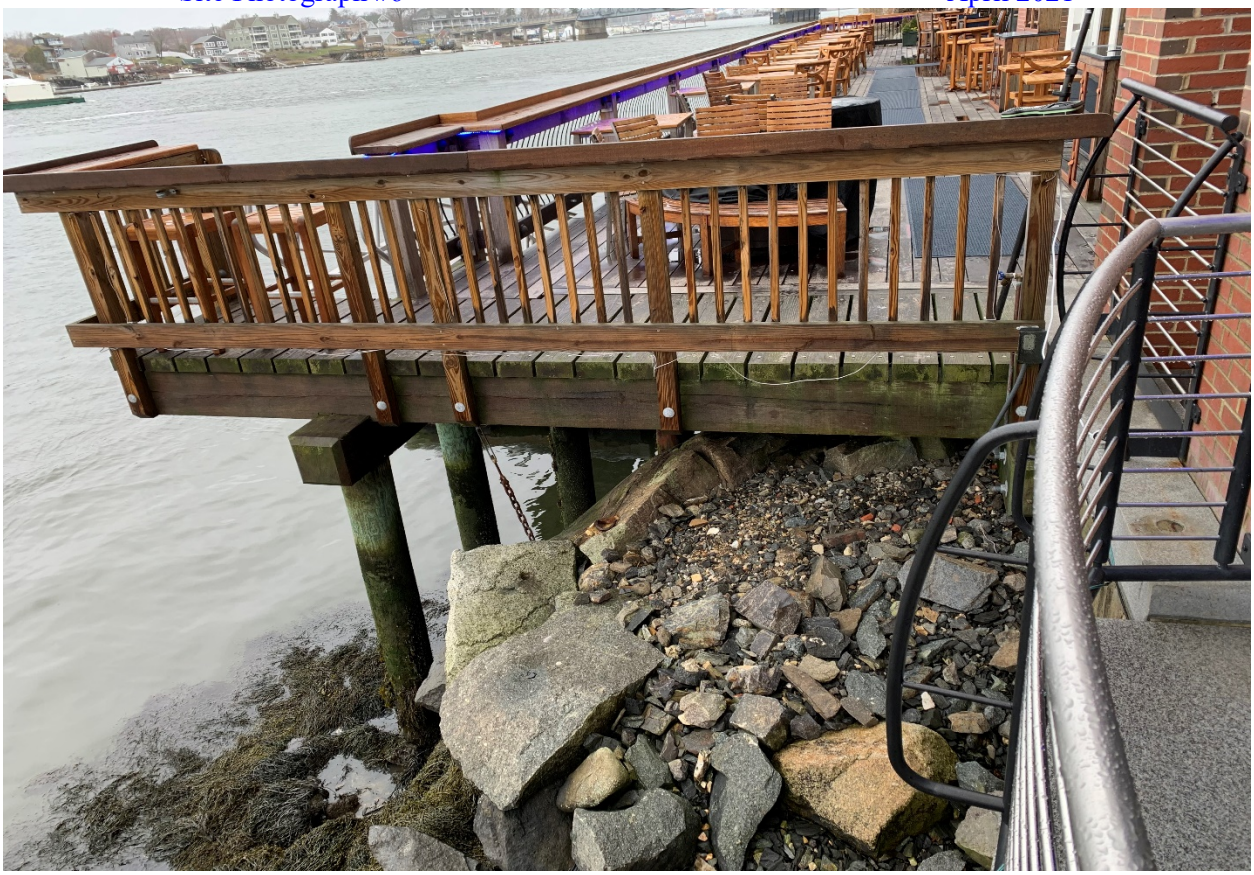
Site Photograph #2 April 2021

Site Photograph #3 April 2021

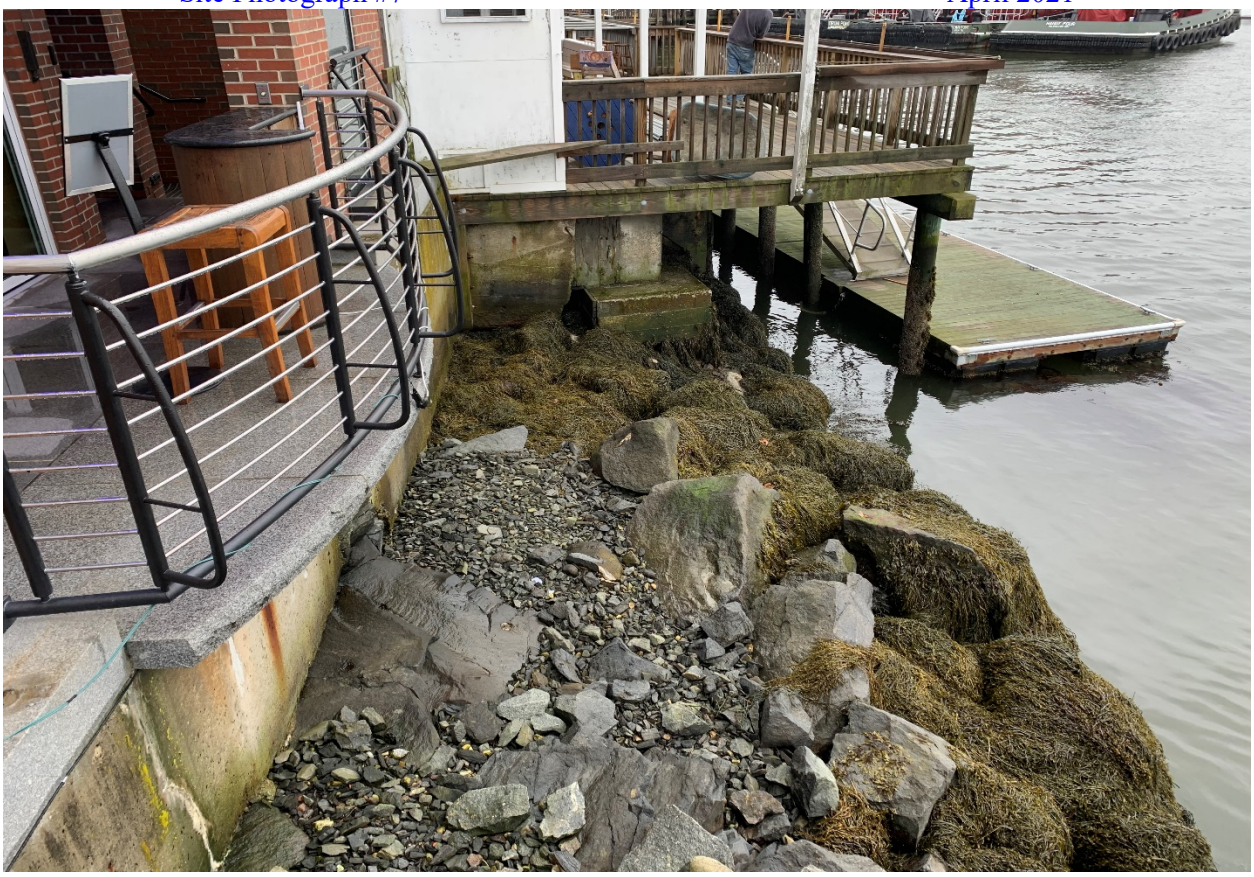
Site Photograph #4 April 2021

Site Photograph #5 April 2021

Site Photograph #6 April 2021



Site Photograph #7 April 2021



Site Photograph #8 April 2021

Site Photograph #9 April 2021

Site Photograph #10 April 2021

Site Photograph #11 April 2021

The State of New Hampshire

# DEPARTMENT OF ENVIRONMENTAL SERVICES

**Thomas S. Burack, Commissioner**

September 11, 2007

Steve Marchand, Mayor
City Of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

RE: File # 2007-01869, Urban Exemption per RSA 483-B:12, 99 Bow Street, Portsmouth

Dear Mayor Marchand:

The Department of Environmental Services (DES) has reviewed the request dated July 23, 2007 from the City of Portsmouth (the "City") to exempt a portion of the developed area along the Piscataqua River from the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B. DES concurs with the Office of Energy and Planning's August 6, 2007 recommendation for approval. This Urban Exemption is granted in accordance with Rule Env-Wq 1408.05 based upon the following findings:

1. The City has provided evidence of the current and past building density and the commercial and industrial uses of the area to be exempted, as required per RSA 483-B:12, II, (a) and (b).
2. The City has provided documentation that the site is serviced by municipal and public utilities, as required per RSA 483-B:12, II, (c).
3. The City has land use regulations in place affecting the area to be exempted, as required per RSA 483-B:12, II, (d).
4. The City has met the requirements of Part Env-Wq 1408 of the Shoreland Program Administrative Rules.

The area and specific land parcels exempted from the requirements and minimum standards of RSA 483-B are shown on the attached map. A copy of this map will be kept on file in the Shoreland Program at DES. If you have any questions or need any further assistance, please contact the DES Shoreland Program at (603) 271-2147.

Sincerely,

Thomas S. Burack
Commissioner
Department of Environmental Services

cc: David Holden, Portsmouth Planning Board
Portsmouth Conservation Commission
Malcolm R. McNeill Jr., McNeill, Taylor, & Gallo, PA

DES Web site: **www.des.nh.gov**
**P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095**
Telephone: (603) 271-2147 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL

ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

RECEIVED
JUN 14 2007

June 13, 2007

Malcolm R. McNeill, Jr., Esquire
McNeill, Taylor and Gallo P.A.
180 Locust Street, P.O. Box 815
Dover, New Hampshire 03821

RE: DES File No. 2006-02493

Dear Attorney McNeill:

I am writing to you with respect to application No. 2006-02493 for the RRJ Properties Limited Partnership ("RRJ Properties") project located on Bow Street in Portsmouth, New Hampshire. The New Hampshire Department of Environmental Services ("DES") has indicated that section 483-B:12 is the appropriate exemption to request in a case such as this one. Section 483-B:12 was developed to accommodate exactly the type of situation presented in the request from RRJ Properties. This section allows the local community to recognize the unique characteristics of its urban areas and apply for an exemption from the strict requirements of the Shoreland Act. The area in question exhibits high current and historic building density, is a commercial area, is supported by public utilities, and is governed by local zoning restrictions. All of these factors are considered when evaluating a proposal under RSA 483-B:12. The decision of whether or not to grant an exemption resides in the DES Commissioner after consultation with the New Hampshire Office of Energy and Planning. However, without knowing what the outcome will be, it appears appropriate and consistent with the purposes of RSA 483-B:12 for the City of Portsmouth to request an urbanized exemption in this case.

Thank you for your time and attention to this matter. If you have any questions, please feel free to contact me at any time.

Sincerely,

K. Allen Brooks
Assistant Attorney General
Environmental Protection Bureau
(603) 271-3679

cc: Collis Adams, Administrator IV, Wetlands Bureau, DES
Darlene Forst, Shoreland Supervisor, Wetlands Bureau, DES

The State of New Hampshire

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**Thomas S. Burack, Commissioner**

July 16, 2007

Hon. Steve Marchand, Mayor and
Members of the Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Request for a municipal shoreland exemption (RSA 483-B:12)
for property at 99 Bow Street, Portsmouth, NH

Dear Mayor Marchand and Members of the City Council:

Please be advised that I have reviewed the materials to be submitted with the application for shoreland exemption which has been provided to the City Council, and the letter of K. Allen Brooks of the New Hampshire Attorney General's office. I am also familiar with the property which is the subject matter of the request.

As the Shoreland Section Supervisor of the New Hampshire Department of Environmental Services, and I am familiar with the Shoreland Protection Act and the intent of RSA 483-B:12. I agree with the letter of Attorney Brooks of the New Hampshire Attorneys Generals Office dated June 13, 2007 "that Section 483-B was developed to accommodate exactly the type of situation presented in the request from RRJ Properties Limited Partnership."

Given my knowledge of the statute and its application by NHDES, it is appropriate and acceptable to consider the application of the exemption to this property, and the exemption is clearly consistent with the intent of the statute.

Sincerely,

D. Forst
Shoreland Section Supervisor
NH DES Wetlands Bureau

JOHN H. LYNCH
GOVERNOR

**STATE OF NEW HAMPSHIRE**
**OFFICE OF ENERGY AND PLANNING**
57 Regional Drive, Suite 3
Concord, NH 03301-8519
Telephone: (603) 271-2155
Fax: (603) 271-2615

OEP
www.nh.gov/oep

August 6, 2007

Thomas Burack, Commissioner
N. H. Department of Environmental Services
29 Hazen Drive
Concord, New Hampshire 03301

Re: Shoreland Protection Act Exemption Request
99 Bow Street, Portsmouth

Dear Commissioner Burack:

The Office of Energy and Planning (OEP) has been given notice, pursuant to RSA 483-B:12, of a request for exemption from provisions of the Comprehensive Shoreland Protection Act, RSA Chapter 483-B. The property in question is located at 99 Bow Street in the historic downtown area of Portsmouth.

The legislature authorized discretionary exemption from the shoreland protection standards when the Commissioner finds the special local urbanization conditions exist. OEP is charged with providing advice on exemption requests.

We have reviewed materials submitted by counsel to the property owner which includes proposed site plan, evidence of the property's current and prior uses, correspondence from the Attorney General's office and Wetlands Bureau, Portsmouth Planning Board approval and a recommendation by the Mayor of Portsmouth that the exemption request be granted.

OEP also recommends that the exemption be granted. The property abuts existing high density, commercial uses. Because existing infrastructure is in place, the development will not require new roads or utility service. As an area that has been developed for over 100 years, its natural conditions have long been disturbed, and this development does not appear to make that disturbance any greater. If anything, development may improve rather than diminish the area, providing greater walkways along the waterfront, as buildings now divided will be joined.

The property appears to meet the criteria set forth in RSA 483-B:12, justifying an exemption. Further, it is consistent with the principals of Smart Growth, as it takes two vacant lots caught between other developed properties and creates a unified view that is in keeping with the scale and style of the historic area.

OEP recommends that you exempt the property at 99 Bow Street in Portsmouth from the provisions of the Comprehensive Shoreland Protection Act.

Sincerely,

Amy Ignatius

AI:ml

cc: Malcom McNeill

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 610-7200
Fax (603) 427-1526

Steve Marchand
Mayor

**MEMORANDUM**

**FROM:** Mayor, City of Portsmouth

**TO:** Thomas Burack, Commissioner of the Department of Environmental Services

**RE:** Shoreland Exemption request of RRJ Properties Limited Partnership
RSA 483-B:12

**DATE:** July 23, 2007

Dear Commissioner Burack:

Please be advised that the City Council of the City of Portsmouth has reviewed the municipal exemption request of RRJ Properties Limited Partnership which is appended hereto, and has determined that the RRJ proposal meets all of the criteria of RSA 483-B:12 and respectfully requests that the Department of Environmental Services grant a municipal exemption to the premises as provided in RSA 483-B:12.

- It is the finding of the Portsmouth City Council that the current and past building density of the site support highly developed, urbanized activity and that the RRJ proposal is consistent with the historical uses of the site.
- The Council finds that there has been intense commercial and industrial historical usage of the development area.
- The Council further finds that the subject area is serviced by all necessary municipal and other public utilities.
- The Council further finds that current municipal land use regulations affecting the property have been thoroughly reviewed by all Portsmouth regulators, and that the site fully complies with the Land Use regulations of the City of Portsmouth and that the Applicant has received all necessary municipal approvals.

In conclusion, the City Council requests the granting of the municipal exemption.

Respectfully submitted,

Steve Marchand, Mayor
City of Portsmouth, New Hampshire

By: _____
Steve Marchand, Mayor

PEASE
INTERNATIONAL
PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

August 26, 2021

NH Department of Environmental Service
Coastal Division
Pease Field Office
222 International Drive, Suite 175
Portsmouth, NH 03801

Attn: Stefanie Giallongo

Re: NHDES file 2021-02150

Dear Stefanie,

We reviewed plans for the construction of additional pier and float to an existing system on the Piscataqua River in Portsmouth on property belonging to

Martingale, LLC

at

99 Bow Street
Portsmouth, NH
Map 106 Lot 54

We examined the proposed site and found that the structure will have no negative effect on navigation in the channel.

Sincerely,

Tracy R. Shattuck
Chief Harbor Master

Cc: Stephen Riker
Ambit Engineering
200 Griffin Road Unit 3
Portsmouth, NH 03801

Please mail the completed form and required material to:

RECEIVED
DEC 28 2021

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street, Concord, NH 03301-3570

| DHR Use Only | |
|---|---|
| R&C # | 13366 |
| Log In Date | 12/28/21 |
| Response Date | 1/4/22 |
| Sent Date | 1/5/22 |

# 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) #:

## GENERAL PROJECT INFORMATION

Project Title 99 Bow Street Overwater Deck Expansion

Project Location 99 Bow Street

City/Town Portsmouth Tax Map 106 Lot # 54

NH State Plane - Feet Geographic Coordinates: Easting 1227494 Northing 212344
*(See RPR Instructions and R&C FAQs for guidance.)*

Lead Federal Agency and Contact *(if applicable)*
*(Agency providing funds, licenses, or permits)*
Permit Type and Permit or Job Reference #

State Agency and Contact *(if applicable)* NH DES Wetlands

Permit Type and Permit or Job Reference # DES File: 2021-02150

## APPLICANT INFORMATION

Applicant Name Martingale LLC

Mailing Address 3 Pleasant Street, Suite 400 Phone Number 603-427-0725

City Portsmouth State NH Zip 03801 Email house@mcnabbgroup.com

## CONTACT PERSON TO RECEIVE RESPONSE

Name/Company Steven D. Riker Ambit Engineering Inc.

Mailing Address 200 Griffin Road, Unit 3 Phone Number 603-430-9282

City Portsmouth State NH Zip 03801 Email sdr@ambitengineering.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.

*Project Boundaries and Description*

☒ Attach the Project Mapping ***using EMMIT or relevant portion of a 7.5' USGS Map.*** *(See RPR Instructions and*
☒ 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 ar
☒ 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 9/1/2021.

*Architecture*

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area
If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s): Commerical Structure built in 2010.

☒ Photographs of ***each*** resource or streetscape located within the project area, with captions, along with a mapped p
☒ If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provi

*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 cel

**Please note that for many projects an a**

**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: Thank you for including HDC comments within your RPR submission packet.

*If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resourc*

Authorized Signature: Nathi Mullin, DSHPO Date: 1/4/22

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

**HISTORIC DISTRICT COMMISSION**

October 20, 2021

Martingale LLC
30 Penhallow Street, Suite 300 East
Portsmouth, NH 03801

RE: **Certificate of Approval for property located at 99 Bow Street (LU-21-181)**

Dear Owner:

The Historic District Commission, at its regularly scheduled meeting of **Wednesday, October 06, 2021**, considered your application for new construction to an existing structure (expand waterfront deck) as per plans on file in the Planning Department. Said property is shown on Assessor Map 106, Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Diistricts. As a result of said consideration, the Commission voted to **grant** the Certificate of Approval as presented using Alternate Option B (squared-off front of the deck) and with the removal of the artwork. The applicant shall return for Administrative Approval with a revised artwork plan (to consider shipbuilding versus whaling).

**Findings of Fact**

A. Purpose and Intent

The proposed application meets the following objective(s) of the Historic District (as provided in Section 10.631.20 of the Zoning Ordinance):

-Conservation and enhancement of property values.

B. Review Criteria

The proposed application also meets the following review criteria of the Historic District (as provided in Section 10.635.70 of the Zoning Ordinance):

-Compatibility of design with surrounding properties.

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

Approvals may also be required from other City Committees or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Historic District Commission unless an extension is granted by the Commission in accordance with Section 10.636.70 of the Zoning Ordinance.

*Please note that any changes or modifications to this application require review and approval from the Commission prior to implementation and additional fees may apply.*

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

Very truly yours,

Nicholas J. Cracknell, AICP, Principal Planner
for Jonathan Wyckoff, Chairman of the Historic District Commission

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

Richard Desjardins, AIA, McHenry Architecture

# CITY OF PORTSMOUTH

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


**HISTORIC DISTRICT COMMISSION**

April 20, 2022

Martingale, LLC
3 Pleasant Street, 4th Floor
Portsmouth, NH 03801

RE: **Administrative Approval for property located at99 Bow Street (LUHD-458)**

Dear Owner:

The Historic District Commission, at its regularly scheduled meeting of **Wednesday, April 13, 2022**, considered your request for administrative approval for for changes to a previously approved design (changes to deck size). As a result of said consideration, the Commission voted to **grant** the Administrative Approval as presented.

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

Very truly yours,

Nicholas J. Cracknell, AICP, Principal Planner
for Jonathan Wyckoff, Chairman of the Historic District Commission

cc:

**WETLANDS AND NON-SITE SPECIFIC PERMIT 2021-02150**

**NOTE CONDITIONS**

| | |
|---|---|
| **PERMITTEE:** | **MARTINGALE LLC**<br>**3 PLEASANT STREET STE 400**<br>**PORTSMOUTH NH 03801** |
| **PROJECT LOCATION:** | **99 BOW STREET, PORTSMOUTH**<br>**TAX MAP #106, LOT #54** |
| **WATERBODY:** | **PISCATAQUA RIVER** |
| **APPROVAL DATE:** | **OCTOBER 27, 2022** |

**EXPIRATION DATE: OCTOBER 27, 2027**

Based upon review of permit application 2021-02150 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

**PERMIT DESCRIPTION:**
Expand an existing 12 foot x 100 foot wharf by constructing an additional 712 square foot wharf section on the westerly end of the frontage and an 883 square foot wharf section on the easterly end of frontage with no modifications to be made to the existing 10 foot x 75 foot float, providing three slips on the frontage accessed by a 3 foot x 25 foot ramp and a 14 foot 8 inch x 4 foot platform all adjacent to property having approximately 185 feet of frontage along the tidal reach of the Piscataqua River in Portsmouth. Compensatory mitigation to be provided for permanent impacts within tidal surface waters is a one-time payment into the Aquatic Resource Mitigation Fund ("ARM") of $44,894.81 dollars.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated December 20, 2021 by Ambit Engineering, Inc., as received by the NH Department of Environmental Services (NHDES) on March 30, 2022.
2. The existing wharf and both areas of proposed wharf shall be solely supported by piles, freestanding, and detached from the mixed use structure located on the adjacent property identified as Lot 54 on Portsmouth Tax Map 106 (the Property) as required to maintain compliance with RSA 482-A:26.
3. In accordance with Env-Wt 307.06 and Env-Wt 307.10(i), all in-water pile driving shall be installed during the dredge window which is November 15 to March 15 to avoid impacts that could adversely affect fish habitat, wildlife habitat, or both.
4. In accordance with Env-Wt 314.02(b) and (c), for projects in the coastal area, the permittee shall record any permit issued for overwater structures, shoreline stabilization, and any work in the tidal buffer zone, tidal wetlands, or sand dunes at the registry of deeds in the county in which the property is located. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the department with a copy of the permit stamped by the registry with the book and page and date of receipt.
5. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established

under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.

6. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
7. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
8. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
9. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
10. In accordance with Env-Wt 307.04(a), activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.
11. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.
12. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
14. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
15. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
1. MITIGATION
16. The permit is contingent providing a check in the amount of $44,894.81 to the NHDES Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
17. In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES within 120 days from the approval decision or NHDES will deny the application.

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

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.

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

APPROVED:

David A. Price
East Region Supervisor, Wetlands Bureau
Land Resources Management, Water Division

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

_____ _____

PERMITTEE SIGNATURE (required) PRINCIPAL CONTRACTOR SIGNATURE (required)

# *NEW HAMPSHIRE*
# *DEPARTMENT OF STATE*

*I, David M. Scanlan*, Secretary Of State, of the State of New Hampshire, do hereby certify that the Governor and Executive Council, at their meeting on November 29, 2023 approved **ITEM** #90 Martingale LLC's request to perform work on Piscataqua **River** in Portsmouth, NH.

**In Testimony Whereof**, I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this twenty-ninth day of November, in the year of Our Lord, two thousand and twenty-three.

Secretary of State

CITY OF PORTSMOUTH

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

**PLANNING BOARD**

January 18, 2022

Martingale LLC
30 Penhallow Street, Suite 300 East
Portsmouth, NH 03801

RE: Site Plan Review Approval for property located at 99 Bow Street (LU-21-181)

Dear Owner:

The Planning Board, at its regularly scheduled meeting of **Tuesday, December 30, 2021**, considered your application for Site Plan Review Approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River Said property is shown on Assessor Map 106, Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. As a result of said consideration, the Board voted to **grant** Site Plan Approval with the following stipulations:

1. The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
1. a) Easements on the plan and instrument recorded at the registry shall depict the easement to run from Bow street to and through the stairwell to be inclusive of the area depicted as the public deck in the MchHenry plan A9 to include ADA access to run with the land
2. Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.
3. Proper signage shall be posted for public space to be consistent with the Board's request from the Street to the public space.
4. Deck to be built in its entirety including public space for this project to be considered complete.
5. Applicant is to do pre-site inspection and vibratory monitoring throughout the project to identify any impacts to for abutting properties.
6. Property owner is to work with city staff to resolve trash issues through the Construction Management and Mitigation Plan (CMMP) process.
7. Property owner is to be responsible for maintenance of the deck forever.

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

This site plan approval shall not be effective until a site plan agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all stipulations of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

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

Very truly yours,

Dexter R. Legg, Chairman of the Planning Board

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

Peter H. Rice, Director of Public Works

Richard Desjardins, AIA, McHenry Architecture

# City of Portsmouth
# Building Permit

Inspection Department
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7243

**Permit Number:** 44
**Date of Issue:** April 07, 2017
**Expires:** 04/07/2018
**Const. Cost:** $50000

**Owner:** MARTINGALE WHARF LIMITED PARTNERSHIP
**Applicant:** Mark McNabb
**Contractor:** Mark A. McNabb, McNabb Properties, Ltd. **Phone #:** (603)427-0725
**Location:** 99 BOW ST

**Description of Work:** Construction of new interior stair to connect Martingale Wharf Restaurant to Bow Street which will provide a third means of egress out of Martingale Wharf Restaurant.

**Zoning:** CD5
**Map/Lot:** 0106--0054--0000-
**Design Occupant Load:**

**Min Constr. Type:**
**Bldg. Code:** **Edition:**

**Remarks:**

* Separate electrical, plumbing and mechanical permits required.
*Issuance of this permit does not authorize any increase to existing max. occupant load. Separate permit application required which includes a detailed seating and life safety plan along with all details necessary to justify any requested increase.
*Per 4/6/17 email response from designer and revised drawings dated 4/6/17.
* Illuminated exit signs and emergency lighting are required throughout the space to illuminate the exit access and front & rear exit discharges.

**The PERMIT HOLDER has read this permit, the permit application, and the Building Official's marked-up plans and agrees t perform the work authorized including any conditions or requirements indicated thereon; and any stipulations imposed by a Land Use Board in conjunction with the project. The CONTRACTOR shall be responsible for notifying the Inspection Department 48 hours in advance, for FOUNDATION, FRAMING, and FINAL inspections. A Certificate of Occupancy is required for all Bu ilding Permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, and FIRE) are complete and Occupancy has been issued. By signing this permit, the owner or his/her representative (Permit Holder), authorizes property access by city officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process.**

## The Permit Card Shall Be Posted and Visible From the Street During Construction.

**Code Official:**

This is an e-permit. To learn more, scan this barcode or

visit portsmouthnh.viewpointcloud.com/#/records/44

# City of Portsmouth
## Planning & Inspection Departments
### 1 Junkins Ave
### Portsmouth, NH 03801
### Phone: 603-610-7216

Receipt #: 118278
Date: 4/07/2017

INSPECT

**Paid By:**

Martingale, LLC
,

## Transaction Receipt

----- Bills Paid -----

| Invoice # | Principal | Costs | Interest | Amount Applied |
|---|---|---|---|---|
| | Description / Location | | | Balance Due |
| 2017 OC-BLDGPORTS-MS-45364 | 500.00 | 0.00 | 0.00 | 500.00 |
| 44/Building Permits | 0 | | | 0.00 |
| **Total Applied:** | **500.00** | **0.00** | **0.00** | **500.00** |

----- Payments -----

| Type | Reference | Fees | Amount | Total Paid |
|---|---|---|---|---|
| CHECK | 14049 | 0.00 | 500.00 | 500.00 |

0.00

Received

# City of Portsmouth, NH

1 Junkins Ave, (603) 610-7243
FAX: (603) 610-4040
www.cityofportsmouth.com

BOA ___
HDC ___
SPR ___
CC ___

## Building Permit Application -- MINOR CONSTRUCTION / RENOVATION and MISCELLANEOUS ACTIVITIES

Form Updated May 2016

***Office Use:*** Cost of All Construction: $_____ Fee: $_____ Chk #: _____ Cash: ___

Zoning District: _____ HD: ___ DOD: ___ Map #: _____ Lot #: _____ Building Permit # : _____

***Print in Ink or Type.*** *Complete all blanks or indicate "N/A" if not applicable.*

| PROPERTY OWNER | | PERMIT APPLICANT | |
|---|---|---|---|
| Name: Martingale, LLC | | Name: SAME | |
| Address: 99 Bow Street | | Address: — | |
| City: Portsmouth | State: NH Zip: 03801 | City: — | State: Zip: |
| Phone: 603-427-0725 | Cell Phone: 603-235-2918 | Phone: — | Cell Phone: |
| E-mail: mark@mcnabbgroup.com | | E-mail: — | |

**Street Address of Property/Project:** 99 Bow Street **Unit #:** _____

Contractor Name: TBD Phone: _____

Existing Use of Property: Mixed Use - Office / Restaurant

**Description of Work** (Check all that apply)

**Cost of All Construction:** $ 50,000.00

- ☐ Reroofing in Historic District
- ☐ Siding
- ☐ Replacement Windows/Doors
- ☐ Buried Tank(s)-Removal
- ☐ Remodel _____
- ☐ Remodel Kitchen (Floor Plans)
- ☐ Remodel Bathroom (Floor Plans)
- ☐ New Interior Room(s) (Floor Plans)
- ☑ Commercial Renovation (Plans Required)
- ☐ Electrical Work (Separate Permit)
- ☐ Plumbing Work (Separate Permit)
- ☐ Other Activity – **Explain Fully Below**

Expanded Description of Work: Construction of new stair and corridor to provide an additional exit to wharf level restaurant.

When doing remodeling, provide sketch of work area.
If structural work is involved, provide framing information in sketch format, in plan view or with cross section(s).

I certify that the information given is true and correct to the best of my knowledge. ***No change from the above information will be made without approval of the Building Inspector***. Construction activities shall not commence until the Building Permit is issued. I realize that when all necessary approvals have been acquired, a Building Permit may be granted by the Building Inspector to allow construction or remodeling in conformance with this application and the plans/specifications submitted in support of said construction or remodeling only.

Painting and remodeling in dwellings and commercial child care occupancies built before 1978 require all work to be in conformance with Federal EPA rules concerning lead paint. All contractors shall be certified as required by these rules.

I further acknowledge that the proposed structure or improvements shall not be occupied or otherwise utilized without the issuance of a Building Certificate of Occupancy and only after all necessary inspections have been requested and completed. I am also aware that the disposal of waste generated from this project is my responsibility and not part of the City's Trash/Recycling Program.

_____ _____ _____
Signature of Applicant Date If Not Owner, State Relationship

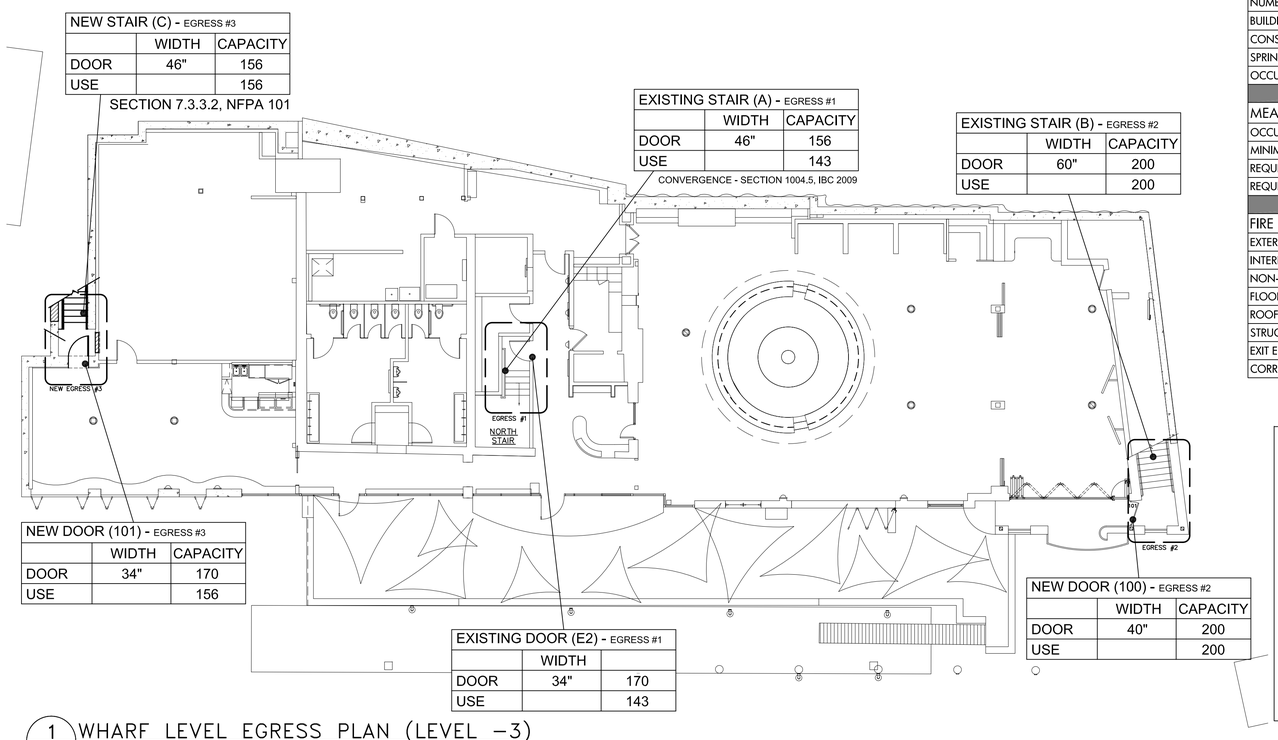
Permit Issuance Approved by Building Inspector: _____ Date _____

# MARTINGALE WHARF RESTAURANT: NEW EGRESS STAIR

PORTSMOUTH, NEW HAMPSHIRE

## PROJECT DESCRIPTION:

THE GOAL OF THIS PROJECT IS TO ADD A THIRD MEANS OF EGRESS FROM THE MARTINGALE WHARF RESTAURANT. THE CURRENT RESTAURANT UTILIZES ONE INTERIOR STAIR AND ONE EXTERIOR STAIR AS IT'S TWO MEANS OF EGRESS. THE EXISTING MEANS OF EGRESS ALLOWS FOR THE MAX OCCUPANCY OF 322 PEOPLE, AND THE ADDITION OF A NEW INTERIOR STAIR WILL ALLOW AN INCREASE IN OCCUPANT LOAD UP TO 475 PEOPLE.




| NEW STAIR (C) - EGRESS #3 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 46" | 156 |
| USE | | 156 |

SECTION 7.3.3.2, NFPA 101

| EXISTING STAIR (A) - EGRESS #1 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 46" | 156 |
| USE | | 143 |

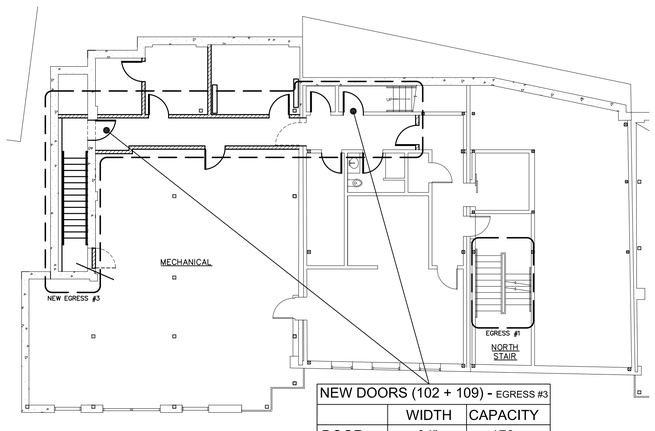
| EXISTING STAIR (B) - EGRESS #2 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 60" | 200 |
| USE | | 200 |

| NEW DOOR (101) - EGRESS #3 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 34" | 170 |
| USE | | 156 |

| EXISTING DOOR (E2) - EGRESS #1 | | |
|---|---|---|
| | WIDTH | |
| DOOR | 34" | 170 |
| USE | | 143 |

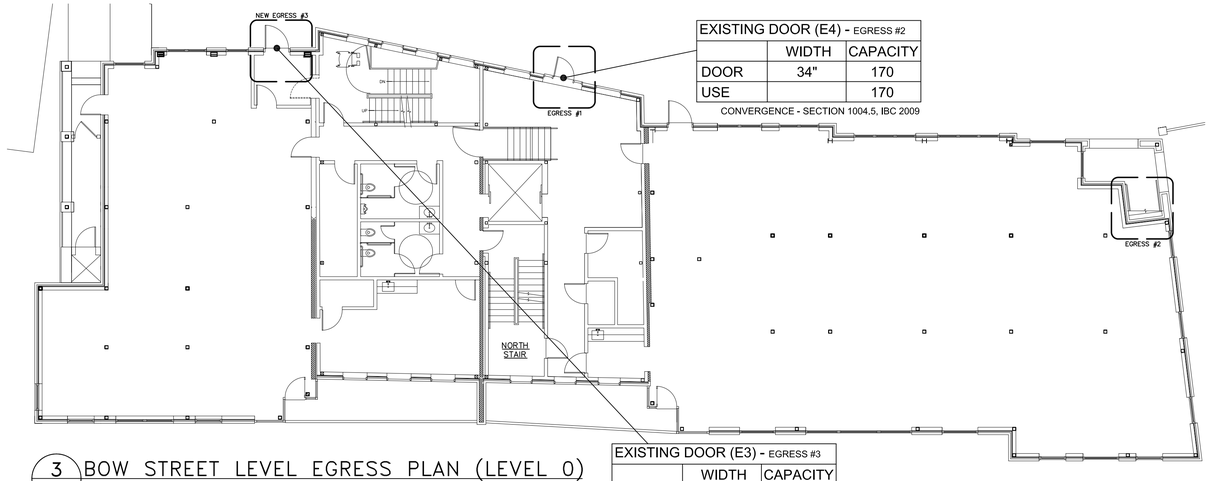
| NEW DOOR (100) - EGRESS #2 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 40" | 200 |
| USE | | 200 |

1 A1 WHARF LEVEL EGRESS PLAN (LEVEL −3)
SCALE: 3/32"=1'−0"




| NEW DOORS (102 + 109) - EGRESS #3 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 34" | 170 |
| USE | | 156 |

2 A1 MECHANICAL LEVEL EGRESS PLAN (LEVEL −2)
SCALE: 3/32"=1'−0"




| EXISTING DOOR (E4) - EGRESS #2 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 34" | 170 |
| USE | | 170 |

| EXISTING DOOR (E3) - EGRESS #3 | | |
|---|---|---|
| | WIDTH | CAPACITY |
| DOOR | 40" | 200 |
| USE | | 156 |

3 A1 BOW STREET LEVEL EGRESS PLAN (LEVEL 0)
SCALE: 3/32"=1'−0"

## BUILDING CODE REVIEW:

| | BUILDING DATA |
|---|---|
| FOOTPRINT GROSS AREA | 8,544 SF |
| NUMBER OF STORIES ABOVE GRADE | FIVE STORIES |
| BUILDING HEIGHT | 49'-9" (AVG. GRADE TO MID-SLOPE OF ROOF) |
| CONSTRUCTION TYPE | 2A (TABLE 601 IBC 2009) |
| SPRINKLER SYSTEM | SUPERVISED NFPA-13 SYSTEM (903.2.9.1 IBC 2009) |
| OCCUPANCY USE GROUP | A2 - RESTUARANTS + B - BUSINESS (CHAPTER 3, IBC 2009) |
| | |
| MEANS OF EGRESS REQUIREMENTS | |
| OCCUPANT LOAD | SEE OCCUPANT LOAD CHART - (TABLE 7.3.1.2, NFPA 101) |
| MINIMUM NUMBER OF EXITS REQUIRED | 2 PER STORY (7.4.1, NFPA 101) |
| REQUIRED CLEAR EGRESS WIDTH AT DOORS | 32" MIN. / 34" PROVIDED (A.7.2.1.2.3.2 NFPA 101) |
| REQUIRED CLEAR EGRESS WIDTH AT STAIR | 44" MIN. / 44" PROVIDED (7.2.2.2.1.2(B) NFPA 101) |
| | |
| FIRE RATINGS | TYPE 2A CONSTRUCTION |
| EXTERIOR BEARING WALLS | 1 HOUR (TABLE 601, IBC 2009) |
| INTERIOR BEARING WALLS | 1 HOUR (TABLE 601, IBC 2009) |
| NON-BEARING INTERIOR WALLS | 0 HOUR (TABLE 601, IBC 2009) |
| FLOOR CONSTRUCTION | 1 HOUR (TABLE 601, IBC 2009) |
| ROOF CONSTRUCTION | 1 HOUR (TABLE 601, IBC 2009) |
| STRUCTURAL FRAME | 1 HOUR (TABLE 601, IBC 2009) |
| EXIT ENCLOSURES | 2 HOUR (1022.1, IBC 2009) |
| CORRIDOR SEPARATION | 0 HOUR (TABLE 1018.1, IBC 2009) |

## OCCUPANT LOAD/CONVERGENCE CHART:

| LEVEL | | OCCUPANTS |
|---|---|---|
| FIFTH LEVEL (NOT SHOWN) | +3 | 53 |
| FOURTH LEVEL (NOT SHOWN) | +2 | 77 |
| THIRD LEVEL (NOT SHOWN) | +1 | 77 |
| SECOND LEVEL (EXITS/BOW STREET) | 0 | 282 |
| FIRST LEVEL (NOT SHOWN) | -1 | 76 |
| MECHANICAL MEZZANINE | -2 | 12 |
| WHARF LEVEL | -3 | 475 |

CONVERGENCE
CONVERGENCE
CONVERGENCE

CONVERGENCE – THE TWO INTERIOR EXIT ENCLOSURES AT THE MARTINGALE BOTH EXIT AT BOW STREET AT WHAT IS CALLED THE SECOND LEVEL. THERE ARE THREE LEVELS ABOVE THE EXIT LEVEL AND THREE LEVELS BELOW THE EXIT LEVEL. SECTION 1004.5, IBC 2009 STATES THAT CONVERGENCE OCCURS WHEN "OCCUPANTS OF ONE FLOOR TRAVEL DOWN AND OCCUPANTS OF A LOWER FLOOR TRAVEL UP AND MEET AT A COMMON, INTERMEDIATE EGRESS COMPONENT." IN THIS SITUATION THE NEW EXIT IS BEING CREATED FROM THE WHARF LEVEL WHICH IS −3 FROM THE LEVEL OF DISCHARGE AND OCCUPANTS EXITING THE WHARF WILL MEET UP AT STREET LEVEL WITH THE OCCUPANTS FROM THE FIFTH LEVEL. THEREFORE THE FIFTH LEVEL OCCUPANT LOAD OF 53 MUST BE ACCOUNTED FOR WITHIN THE CAPACITY OF ANY PERTINENT EGRESS COMPONENT.

## EGRESS CAPACITY/USE:

TO DETERMINE THE ALLOWABLE INCREASE IN OCCUPANTS TO THE WHARF LEVEL DUE TO THE ADDITION OF A THIRD EGRESS SYSTEM THE CAPACITY OF EACH EGRESS COMPONENT WITHIN THE SYSTEM MUST BE EVALUATED USING OCCUPANT LOAD COUNTS AND APPLICABLE CONVERGENCE FACTORS.

EGRESS #1 – 170 OCCUPANTS (DOOR E4) – 27 OCCUPANTS (FIFTH LEVEL CONVERGENCE FACTOR) = 143 OCCUPANTS (MORE STRINGENT)
OR 156 OCCUPANTS (STAIR A) = 156 OCCUPANTS

EGRESS #2 – 200 OCCUPANTS (DOOR 100) OR
200 OCCUPANTS (STAIR B) = 200 OCCUPANTS

EGRESS #3 – 200 OCCUPANTS (DOOR E3) – 27 OCCUPANTS (FIFTH LEVEL CONVERGENCE FACTOR) = 173 OCCUPANTS OR
156 OCCUPANTS (STAIR C) = 156 OCCUPANTS (MORE STRINGENT)

MARTINGALE WHARF OCCUPANT LOAD = 499 TOTAL

## LIST OF DRAWINGS:

ARCHITECTURAL





MARTINGALE WHARF RESTAURANT
NEW EGRESS STAIR
99 BOW STREET
PORTSMOUTH, NEW HAMPSHIRE

PROJECT:


McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire
603.430.0274


STAMP:

CONSULTANT:

REVISIONS:
06APRIL2017

PROJECT NAME:
MARTINGALE WHARF RESTAURANT
NEW EGRESS STAIR

PROJECT NO.: 15024
DRAWN BY: JJ
APPROVED BY: JJ
ISSUE DATE: 10MARCH2017

DRAWING NAME:
LIST OF DRAWINGS, CODE REVIEW, & EGRESS PLANS

SCALE: AS NOTED
DRAWING NO.:

A1.1

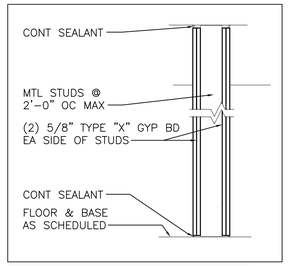
## GENERAL CONSTRUCTION NOTES:

1. WORK INCLUDED IN THIS CONTRACT SHALL CONFORM TO THE STATE, NATIONAL, AND OTHER CODES AND ORDINANCES THAT APPLY TO THIS PROJECT.
2. DO NOT SCALE DRAWINGS OR DIMENSIONS. FOR MISSING DIMENSIONS OR DIMENSIONAL CONFLICTS, CONTACT THE ARCHITECT IMMEDIATELY BEFORE CONTINUING WITH THE WORK.
3. BRING ANY DISCREPANCIES IN THESE PLANS TO THE ARCHITECT'S ATTENTION IMMEDIATELY.
4. REFER TO MECHANICAL, ELECTRICAL, PLUMBING AND FIRE PROTECTION DRAWINGS AND SPECIFICATIONS FOR LOCATIONS OF ALL BLOCK OUTS, INSERTS, OPENINGS, CURBS, BASES, AND PADS THAT ARE NOT DIMENSIONED OR SHOWN ON ARCHITECTURAL OF STRUCTURAL DRAWINGS, TYP.
5. STRUCTURAL STEEL, MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION DRAWINGS AND SPECIFICATIONS SHALL BE PROVIDED AND ARE THE RESPONSIBILITY OF THEIR RESPECTIVE SUBCONTRACTORS AND THEIR DESIGN BUILD ENGINEER.
6. DIMENSIONS ARE FROM FACE OF FRAMING TO FACE OF FRAMING UNLESS NOTED OTHERWISE. DIMENSIONS INDICATED AS "CLEAR" SHALL MAINTAIN A CLEAR OPENING WIDTH FROM FACE OF FINISHES. DIMENSIONS TO EXISTING CONSTRUCTION ARE TO FACE OF FINISH UNLESS NOTED OTHERWISE.
7. WORK FROM GIVEN DIMENSIONS AND LARGE SCALE DETAILS ONLY. DO NOT SCALE DRAWINGS.
8. ROOM NUMBERS ON PLANS ARE FOR REFERENCE ONLY AND MAY NOT CORRESPOND TO ACTUAL ROOM NUMBERS AT THE SITE.
9. BEFORE PENETRATING JOISTS, BEAMS, OR OTHER STRUCTURAL MEMBERS, OBTAIN APPROVAL FROM THE ARCHITECT.
10. THE LOCATION OF DOOR OPENINGS NOT DIMENSIONED SHALL BE 6" FROM ADJACENT WALL (FACE OF FRAMING TO ROUGH OPENING).
11. PROVIDE BLOCKING BEHIND SURFACE APPLIED FIXTURES, TRIM, GRAB BARS, SHELVING, CHAIR RAILS, PICTURE RAILS, WOOD TRIM AND BASE, AND OTHER ACCESSORIES WHEN MOUNTED ON STUD WALLS.
12. WHERE WALLS OR INFILLS ABUT OR INTERSECT EXISTING WALLS, TAPE AND FINISH JOINTS AT INTERSECTIONS SMOOTH AND CONTINUOUS. USE METAL TRIM WHERE GYPSUM BOARD INTERSECTS OTHER MATERIALS.
13. PERMITS ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE COORDINATED WITH PHASING AND WITH THE LOCAL BUILDING COMMISSIONER.
14. DURING THE ENTIRE CONTRACT PERIOD, MAINTAIN THE CONSTRUCTION SITE IN A SECURE, NEAT, CLEAN, AND SAFE MANNER.
15. DISPOSE OF AND/OR RECYCLE CONSTRUCTION DEBRIS FROM THE PROJECT SITE AS REQUIRED BY THE CONTRACT AND AS INSTRUCTED BY THE OWNER. OBTAIN DISPOSAL PERMITS AS REQUIRED.
16. PROVIDE AND COORDINATE TEMPORARY UTILITY CONNECTIONS WITH THE OWNER.
17. WORK SHALL BE COMPLETED IN COMPLIANCE WITH INDUSTRY STANDARDS AND PERFORMED IN A WORKMANLIKE PROFESSIONAL MANNER.

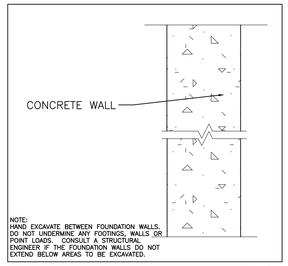
## GENERAL DEMO NOTES:

1. ANY REFERENCE TO DEMOLITION IS BASED ON EXISTING WORKING DRAWINGS AND EXAMINATION OF THE EXISTING STRUCTURE AND ARE INTENDED TO SHOW THE GENERAL CONDITIONS WHICH ARE EXPECTED TO OCCUR. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR ANY SITUATIONS, DIMENSIONS, OR OTHER CONDITIONS OF THE EXISTING STRUCTURE WHICH MAY ARISE DURING DEMOLITION OR CONSTRUCTION.
2. VERIFY ALL CONDITIONS BEFORE PROCEEDING WITH THE DEMOLITION WORK IN ANY AREA. DEMOLITION OF DOORS, WINDOWS, CABINETRY, FINISHES, PARTITIONS, OR ANY OTHER NON-STRUCTURAL ITEMS MAY PROCEED AS INDICATED. WHERE DISCREPANCIES INVOLVE STRUCTURAL ITEMS, REPORT SUCH DIFFERENCES TO THE ARCHITECT IMMEDIATELY AND SECURE INSTRUCTIONS BEFORE PROCEEDING WITH WORK IN THAT AREA.
3. DASHED LINES INDICATE WALLS, DOORS, WINDOWS, CABINETRY, AND OTHER ITEMS TO BE DEMOLISHED.
4. CUT WORK BY METHODS LEAST LIKELY TO DAMAGE EXISTING WORK TO REMAIN AND ANY NEW WORK. THE CONTRACTOR SHALL REPAIR ALL DAMAGES CAUSED TO THE ADJACENT WORK CAUSED BY THE DEMOLITION.
5. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY FORMS OF PROTECTION.
6. THE CONTRACTOR SHALL FOLLOW ALL OSHA REQUIREMENTS.
7. WHERE APPLICABLE PATCH AND REPAIR ALL FLOORING, WALLS, WALL BASE, AND CEILINGS TO MATCH EXISTING ADJACENT MATERIALS.

## WALL TYPES:




3 5/8" METAL STUD
FULL HEIGHT, 2 HOUR RATED
UL U411 — 1

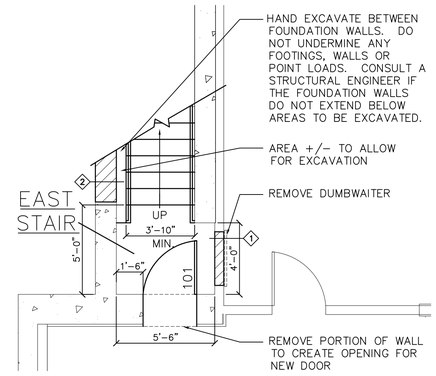



CONCRETE INFILL WALL: TO MATCH EXISTING ADJACENT WALL — 2

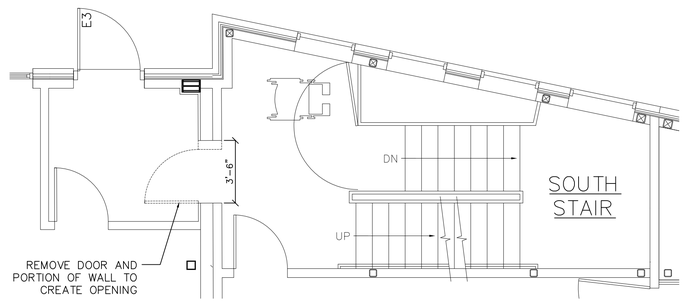
NOTE:
THE FLOOR/CEILING ASSEMBLIES OF THE NEW CORRIDOR AT THE MECHANICAL LEVEL HAVE A 1HR FIRE RESISTANCE RATING AS CONSTRUCTED. SINCE THIS CORRIDOR WILL BE AN "EXIT PASSAGEWAY" THE FIRE RESISTANCE RATING OF THE FLOOR/CEILING ASSEMBLIES WILL NEED TO BE INCREASED TO 2HR. THIS WILL BE ACHIEVED WITH EITHER A SPRAY APPLIED FIRE RESISTIVE COATING OR AN INTUMESCENT PAINT COATING. DETAILS TO BE DETERMINED ON-SITE ONCE THESE AREAS CAN BE EXPOSED.

## DOOR SCHEDULE:

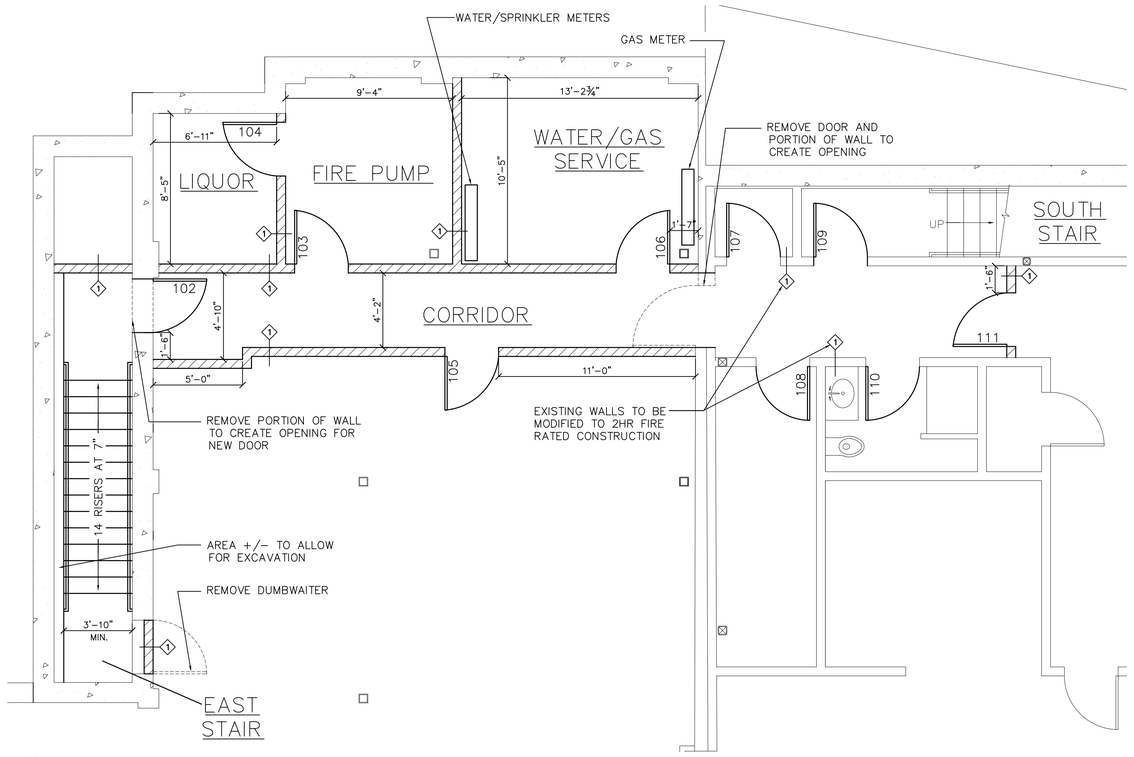
| NO. | RATING | SIZE | NOTES |
|---|---|---|---|
| 100 | – | 3'-4" WIDE | NEW GATE IN LARGER OPENING |
| 101 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN NEW OPENING |
| 102 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN NEW OPENING |
| 103 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN NEW OPENING |
| 104 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN NEW OPENING |
| 105 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN NEW OPENING |
| 106 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN NEW OPENING |
| 107 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN EXISTING OPENING |
| 108 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN EXISTING OPENING |
| 109 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN EXISTING OPENING |
| 110 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN EXISTING OPENING |
| 111 | 90 MIN | 3'-0" x 6'-8" | NEW DOOR IN NEW OPENING |




1 A1.2 NEW EGRESS #3 – WHARF LEVEL
SCALE: 1/4"=1'-0"




3 A1.2 NEW EGRESS #3 – BOW STREET LEVEL
SCALE: 1/4"=1'-0"




2 A1.2 NEW EGRESS #3 – MECHANICAL LEVEL
SCALE: 1/4"=1'-0"

MARTINGALE WHARF RESTAURANT
NEW EGRESS STAIR
99 BOW STREET
PORTSMOUTH, NEW HAMPSHIRE

PROJECT:

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire
603.430.0274

STAMP:

CONSULTANT:

REVISIONS:
06APRIL2017

PROJECT NAME:
MARTINGALE WHARF RESTAURANT
NEW EGRESS STAIR

PROJECT NO.: 15024
DRAWN BY: JJ
APPROVED BY: JJ
ISSUE DATE: 10MARCH2017

DRAWING NAME:
GENERAL NOTES, FLOOR PLANS, WALL TYPES, & DOOR SCHEDULE

SCALE: AS NOTED
DRAWING NO.:

A1.2

# PUBLIC ACCESS IMPROVEMENTS

## MARTINGALE WHARF

## 99 BOW STREET, PORTSMOUTH, NEW HAMPSHIRE

# PERMIT PLANS


**OWNER & APPLICANT:**
MARTINGALE, LLC
MCNABB PROPERTIES, LTD
3 PLEASANT STREET, SUITE 400
PORTSMOUTH, NH 03801
(603) 427–0725

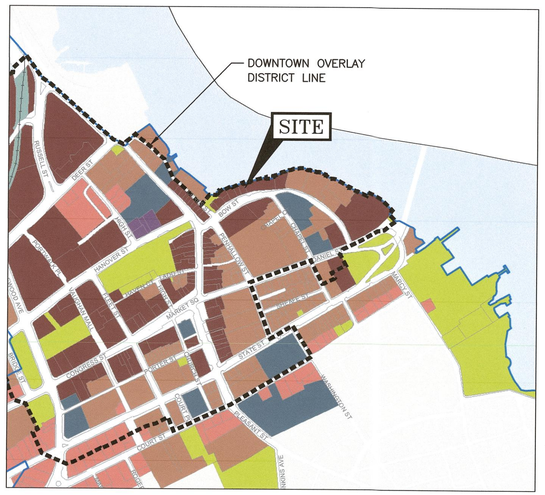
**CIVIL ENGINEER & LAND SURVEYOR:**
AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801
Tel. (603) 430–9282
Fax (603) 436–2315

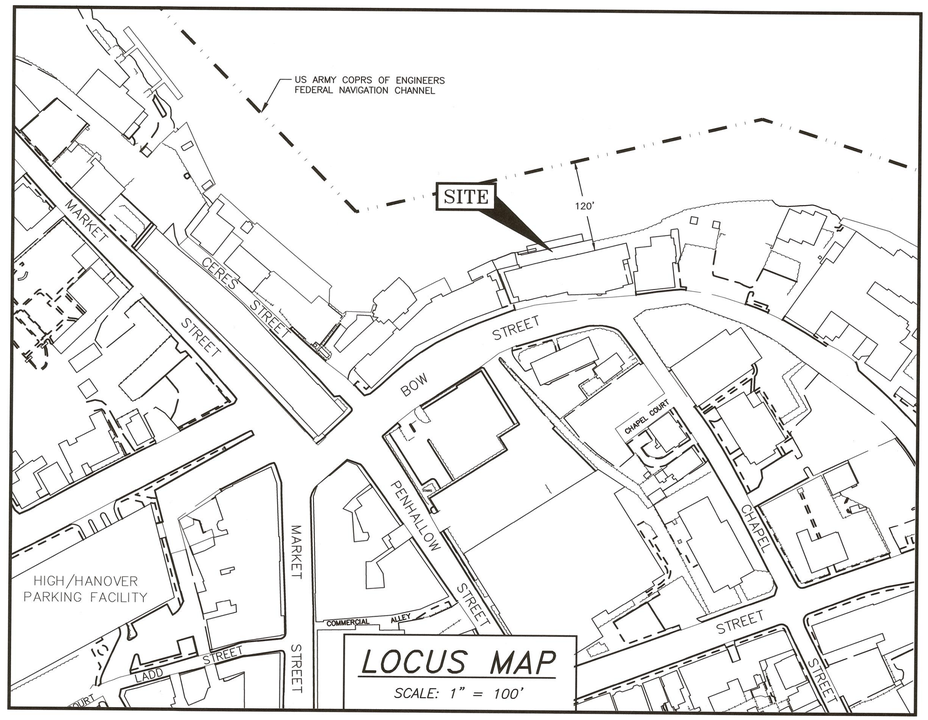
**ATTORNEY:**
RATH, YOUNG, AND PIGNATELLI, P.C.
ONE CAPITAL PLAZA
CONCORD NH 03302–1500
(603) 226–2600

**LANDSCAPE ARCHITECT:**
TERRA FIRMA LANDSCAPE ARCHITECTURE
163A COURT STREET
PORTSMOUTH NH 03801
TEL. (603) 430–8388

**ARCHITECT:**
McHENRY ARCHITECTURE, PLLC
4 MARKET STREET
PORTSMOUTH NH 03801
TEL. (603) 430–0274


PERMIT LIST:
PORTSMOUTH HDC: PENDING
NHDES: PENDING




**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 | FOUNDATION DRAIN |
| | | EDGE OF PAVEMENT (EP) |
| 100 | 100 | CONTOUR |
| 97x3 | 98x0 | SPOT ELEVATION |
| | | UTILITY POLE |
| | | WALL MOUNTED EXTERIOR LIGHTS |
| | | TRANSFORMER ON CONCRETE PAD |
| | | ELECTRIC HANDHOLD |
| | | SHUT OFFS (WATER/GAS) |
| | GV | GATE VALVE |
| | HYD | HYDRANT |
| CB | CB | CATCH BASIN |
| | SMH | SEWER MANHOLE |
| | DMH | DRAIN MANHOLE |
| | TMH | TELEPHONE MANHOLE |
| 14 | 14 | PARKING SPACE COUNT |
| PM | | PARKING METER |
| LSA | | 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 | – | 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 |

DIG SAFE
– ME – NH – RI – VT
1–888–344–7233
CALL TOLL FREE

## INDEX OF SHEETS



## UTILITY CONTACTS

**ELECTRIC:**
EVERSOURCE
1700 LAFAYETTE ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 436–7708, Ext. 555.5678
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

**SEWER & WATER:**
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 427–1530
ATTN: JIM TOW

**NATURAL GAS:**
UNITIL
325 WEST ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 294–5144
ATTN: DAVE BEAULIEU

**COMMUNICATIONS:**
FAIRPOINT COMMUNICATIONS
JOE CONSIDINE
1575 GREENLAND ROAD
GREENLAND, N.H. 03840
Tel. (603) 427–5525

**CABLE:**
COMCAST
155 COMMERCE WAY
PORTSMOUTH, N.H. 03801
Tel. (603) 679–5695 (X1037)
ATTN: MIKE COLLINS

*ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

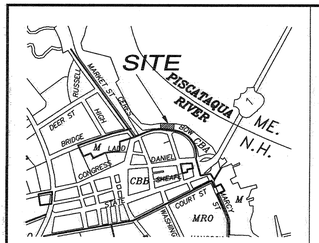
CHAIRMAN _____ DATE _____

PUBLIC ACCESS IMPROVEMENTS
MARTINGALE WHARF
99 BOW STREET
PORTSMOUTH, N.H.


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


PLAN SET SUBMITTAL DATE: 11 MARCH 2024

3308




LOCUS
(SCALE: 1" = 1000'±)

# PISCATAQUA RIVER

(AN ARM OF THE SEA)

EBB FLOW

APPROXIMATE LIMITS OF RIGHTS, IF ANY, TO CERES STREET AND LIMITS OF WHARF AND WATER PRIVILEGES PER BK 616 PG 114 RCRD.

EASEMENT TO CERES STREET APPURTENANT TO SUBJECT PARCEL PER BK 569 PG 84 RCRD OVER THE REAR OF LOT 106-53.

N 35°38'46" E 11.27

N 76°13'16" E 11.44

L3 L4 L5 L6 S 77°02'01" E 12.02

EXISTING CONCRETE SEA WALL

GRANITE CAPPING

GRANITE

STEEL & WIRE SAFETY FENCE ON GRANITE BLOCK

WOOD RAILING

EXISTING WOOD DECK

WOOD DECK

BASEMENT FOOTPRINT

EXISTING CONCRETE SEA WALL

N 77°11'32" E 128.16

6" PERFORATED PVC DRAIN

CONCRETE @ FINISH BASEMENT FLOOR EL=9.01

UPPER LEVELS FOOTPRINT

6" PVC SOLID ROOF DRAIN

BASEMENT LEVEL FOOTPRINT

WINDOWED GLASS BASEMENT LEVEL ONLY

UPPER LEVELS OPEN PORCH AREA

6" PERFORATED PVC DRAINS

4"PVC

4" PERFORATED PVC DRAIN

L7 L8

HVAC UNITS

DECK

S 6°28'53" E 62.88

NEW BRICK BUILDING

OPEN AREA AT STREET LEVEL

NEW CONC RETAINING WALL

SUBTERRANEAN UTILITY VAULT

AREA
9,769 S.F.
0.224 ACRES
(TO MEAN HIGH WATER)

106-54
#99

"MARTINGALE WHARF"
(UNDER CONSTRUCTION)

CONCRETE @ FINISH BASEMENT FLOOR EL=9.04

106-55-(1-7)
109-111 BOW STREET CONDOMINIUM
2805/1950 (DECLARATION)
111 BOW STREET
PORTSMOUTH, NH 03801

#109-111
4 STORY
BRICK/CONCRETE/WOOD FACED

EXISTING BRICK SIDEWALK

NEW BRICK PAVERS

NEW VGC

WHITE LINE

FM

OPEN GRANITE STEPS TO WOOD DECK (BASEMENT LEVEL)

NEW BRICK BUILDING

3" PVC CLEANOUT W/18" MH COVER

6"PVC DOWN SPOUT

BAY WINDOW

6"PVC DOWN SPOUT

41.63 S 83°01'34" W

34.28 S 88°22'11" W

L2 L1

39.60 S 85°32'29" W

STREET

#67
106-53
FORUM GROUP, LLC & BLUE STAR PROPERTIES
5153/667
PO BOX 4780
PORTSMOUTH, NH 03802

N 21°00'14" W 51.17

37.18 S 75°01'54" W

6"PVC

NEW BRICK PAVERS

HANDICAP ACCESSIBLE

NEW 6" DI WATER (NOT FIELD VERIFIED)

NEW GRANITE RETAINING WALL

NEW 4"DI FORCE MAIN (NOT FIELD VERIFIED)

4"DI FM

EXISTING BRICK SIDEWALK

EXISTING VGC

EXISTING GAS MAIN G

HANDICAP ACCESSIBLE

DOUBLE YELLOW LINE

(A PUBLIC WAY)

BOW

UP PSH 7/5Y 139/6

GRANITE PAVERS

8"x10"x2.2'H STONE POST (RESET BY CONTRACTOR)

CHAPEL STREET

EXISTING SEWER FORCE MAIN

FM

OHW

(2) 4"PVC UGE

UGE 4"PVC

(2) 4"PVC UGE

TBM: TOP CORNER OF CONCRETE RETAINING WALL
ELEVATION = 31.42

LIMITS OF NEW ASPHALT

EXIST VGC

LIMITS OF NEW ASPHALT

N

## NOTES:

1. OWNER OF RECORD..... MARTINGALE WHARF LIMITED PARTNERSHIP
   ADDRESS..... POB 930, PORTSMOUTH, NH 03802
   DEED REFERENCE..... 5068/1241 (3810/535)
   TAX SHEET / LOT..... 106-054
2. ZONED:..... CBA (CENTRAL BUSINESS A) FRONT YARD SETBACK.... 0'
   MINIMUM LOT AREA 1,500 S.F. SIDE YARD SETBACK..... 0'
   FRONTAGE..... N/A REAR YARD SETBACK..... 0'
   ZONE OVERLAY..... DOD (DOWNTOWN OVERLAY DISTRICT)
3. THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
4. 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.
5. THE PARCEL IS SUBJECT TO EASEMENT OF RECORD AND IS CONVEYED TOGETHER WITH "ALL THE WHARF AND WATER PRIVILEGES AND RIPARIAN PRIVILEGES THEREWITH." PER BK 3810 PG 535 RCRD.
6. THE BUILDING SHOWN HEREON WAS UNDER CONSTRUCTION AT THE TIME OF THE SURVEY AND PORTIONS OF THE REAR (RIVER), EAST AND WEST SIDES WERE INACCESSIBLE.

## REFERENCE PLANS:

1. CONDOMINIUM SITE PLAN, OF 109-111 BOW STREET CONDOMINIUM FOR 111 BOW STREET TRUST, PORTSMOUTH, N.H., DATED FEBRUARY 1989, RCRD # D-1960.
2. CONDOMINIUM SITE PLAN FOR 113 BOW STREET LLC, PORTSMOUTH, NH, DATED DECEMBER 1, 1997, REV. 5-29-98, RCRD # D-26386.

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 87°11'29" W | 7.60 |
| L2 | S 85°39'57" W | 7.72 |
| L3 | N 64°32'22" E | 5.46 |
| L4 | N 81°19'31" E | 4.13 |
| L5 | S 84°27'22" E | 6.62 |
| L6 | S 35°26'01" E | 4.56 |
| L7 | N 55°18'29" E | 5.60 |
| L8 | S 6°28'53" E | 6.00 |

## LEGEND:

- WOOD FENCE
- HYDRANT
- WATER GATE VALVE
- WATER SHUTOFF VALVE
- CEMENT CONCRETE PAD
- UTILITY POLE
- LIGHT POLE W/ARM
- UTILITY POLE W/TRANSFORMER
- GUY
- ELECTRIC METER
- S — SEWER LINE
- W — WATER LINE
- G — GAS LINE
- ohw — OVERHEAD WIRES
- FM — FORCE MAIN
- SIGN
- VGC — VERTICAL FACED GRANITE CURB
- RCRD — ROCKINGHAM COUNTY REGISTRY OF DEEDS
- FA — FIRE ALARM
- UGT&C — UNDERGROUND TELEPHONE & COMMUNICATIONS
- DI — DUCTILE IRON
- VGC — VERTICAL FACED GRANITE CURB
- VCC — VERTICAL FACED CONCRETE CURB
- UGE — UNDERGROUND ELECTRIC
- FA — FIRE ALARM
- DW — DOMESTIC WATER LINE
- PROPERTY LINE
- Ⓡ — PVC DOWNSPOUT
- Ⓒ — PVC SEWER CLEANOUT
- LA — LANDSCAPED AREA

10 0 10 20 30 40 FEET
5 0 5 10 METERS

| REV. NO. | DATE | DESCRIPTION | APPR'D |
|---|---|---|---|

# AS-BUILT PLAN
## MARTINGALE WHARF - 99 BOW STREET
# PORTSMOUTH, NH
### ASSESSOR'S PARCEL: 106 - 54
### for: MARTINGALE WHARF LIMITED PARTNERSHIP

JAMES VERRA and ASSOCIATES, INC.
101 SHATTUCK WAY
SUITE # 8
NEWINGTON, N.H 03801-7876
603.436.3557

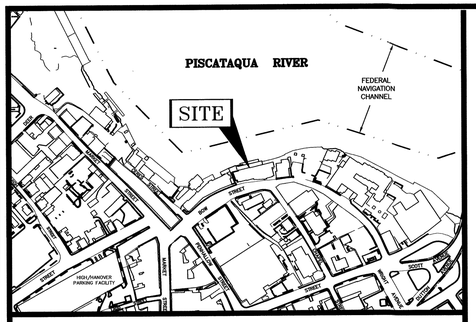
HRM PROJECT MGR
HRM DRAWN BY



| | |
|---|---|
| DATE: | 5-3-2011 |
| JOB NO: | 21889-C |
| SCALE: 1" = | 10' |
| DWG NAME: | 21889-C |
| PLAN NO: | 21889-C-1 |
| SHEET: | 1 OF 1 |

2011-05-03

3308




LOCATION MAP SCALE: 1" = 300'

## PLAN REFERENCE:

1) AS-BUILT PLAN MARTINGALE WHARF - 99 BOW STREET PORTSMOUTH, NH, ASSESSOR'S PARCEL 106-54, FOR MARTINGALE WHARF LIMITED PARTNERSHIP, SCALE 1" = 10', PREPARED BY JAMES VERRA AND ASSOCIATES, INC., DATED 5-3-2011, NOT RECORDED

2) AS-BUILT EASEMENT PLAT 67 & 99 BOW STREET PORTSMOUTH, NHW HAMPSHIRE, ASSESSOR'S PARCELS 106-053 & 106-054, OWNERS FORUM GROUP, LLC & BLUE STAR PROPERTIES MARTINGALE WHARF LIMITED PARTNERSHIP, SCALE 1" = 5', PREPARED BY JAMES VERRA AND ASSOCIATES, INC., DATED 12 MAY 2011, RCRD D-37137

3) AS-BUILT PLAN MARTINGALE WHARF - 99 BOW STREET PORTSMOUTH, NH, ASSESSOR'S PARCEL 106-54, FOR MARTINGALE WHARF LIMITED PARTNERSHIP, SCALE 1" = 10', PREPARED BY JAMES VERRA AND ASSOCIATES, INC., DATED 5-3-2011, REVISED 3-5-2012, RCRD D-37138

106/55 N/F
111 BOW STREET
CONDO ASSOCIATION
111 BOW STREET
PORTSMOUTH, N.H. 03801
2805/1950

106/55-1 N/F
ASRT LLC
266 MIDDLE ST
PORTSMOUTH, N.H. 03801
5720/0499
(109-111 BOW ST #1)

106/55-2 N/F
BOWPORTS EV CORPORATION
C/O KATY SHERMAN
25 WEST RD, RYE, NH 03870
3008/0951
(109-111 BOW ST #2)

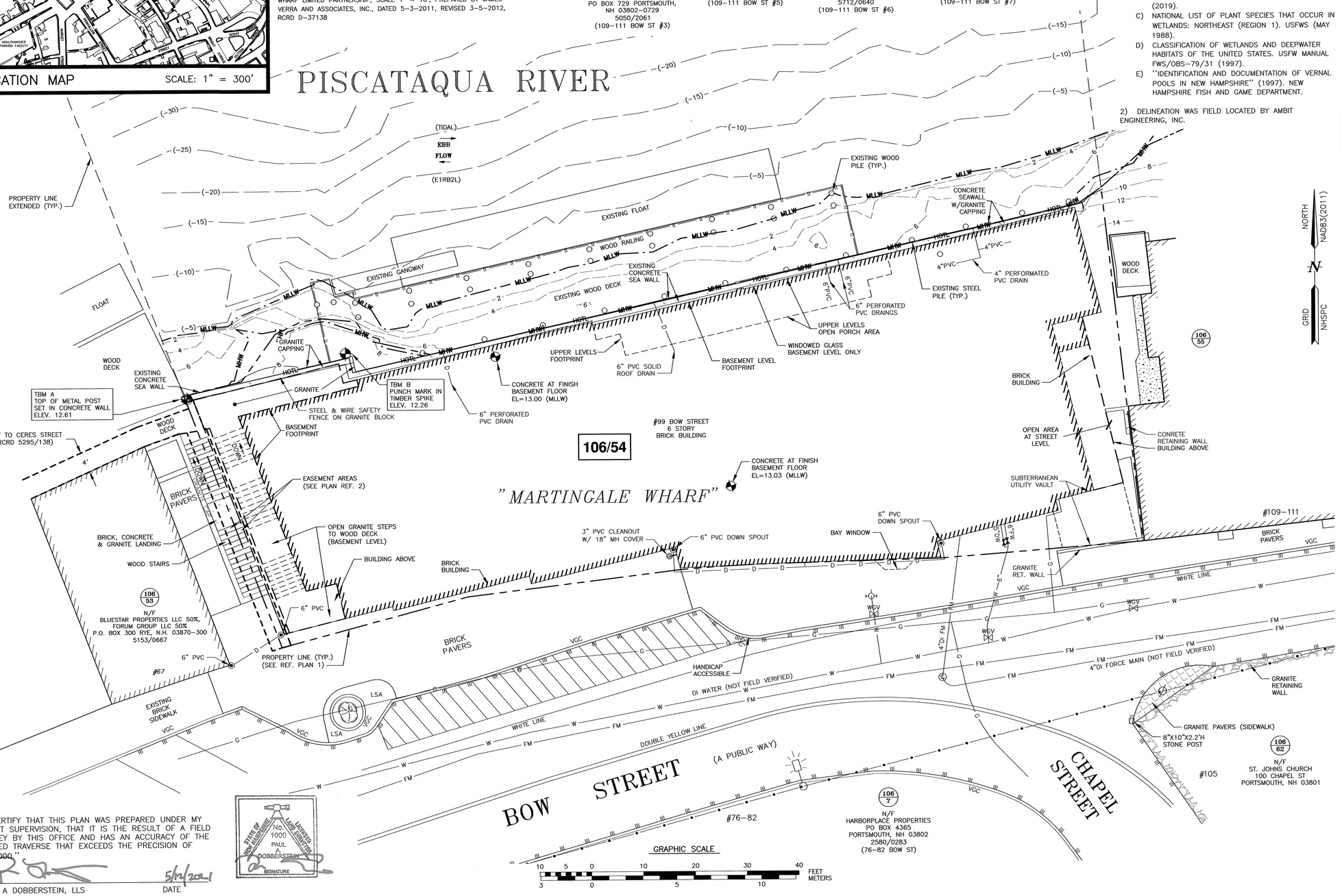
106/55-4 N/F
ASRT LLC
111 BOW STREET
PORTSMOUTH, N.H. 03801
5634/0949
(109-111 BOW ST #4)

106/55-3 N/F
GEORGE B. GLIDDEN
REVOVABLE TRUST 1/2 INT,
FRANK MARJAN REVOCABLE
TRUST 1/2 INT
PO BOX 729 PORTSMOUTH,
NH 03802-0729
5050/2061
(109-111 BOW ST #3)

106/55-5 N/F
ASRT LLC
111 BOW STREET
PORTSMOUTH, N.H. 03801
5634/0949
(109-111 BOW ST #5)

106/55-6 N/F
MONTGOMERY PORTSMOUTH TRUST,
BRUCE D. MONTGOMERY TRUSTEE
111 BOW STREET #6
PORTSMOUTH, NH 03801
5712/0640
(109-111 BOW ST #6)

106/55-7 N/F
JOHN SAMONAS
33 CAPE ROAD
NEWCASTLE, NH 03854
6095/71
(109-111 BOW ST #7)




"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PAUL A DOBBERSTEIN, LLS — DATE 5/12/2021

STATE OF NEW HAMPSHIRE NO. 1000 LICENSED LAND SURVEYOR PAUL A. DOBBERSTEIN SIGNATURE

## WETLAND NOTES:

1) HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 04/5/2021 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
   - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL. TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
   - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEIWPCC WETLANDS WORK GROUP (2019).
   - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
   - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
   - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.

2) DELINEATION WAS FIELD LOCATED BY AMBIT ENGINEERING, INC.


**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) PARCEL IS SHOWN ON THE TOWN OF PORTSMOUTH ASSESSOR'S MAP 106 AS LOT 54.

2) OWNERS OF RECORD:
MARTINGALE LLC
3 PLEASANT ST, 4TH FLOOR
PORTSMOUTH, NH 03801
5868/2627

3) PARCEL IS PARTIALLY IN A FLOOD HAZARD ZONE (ZONE AE EL. 8) AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.

4) EXISTING LOT AREA:
9,769 S.F. TO MEAN HIGH WATER (PER PLAN REF. 3)
0.224 ACRES TO MEAN HIGH WATER (PER PLAN REF. 3)

5) PARCEL IS LOCATED IN THE DOWNTOWN OVERLAY DISTRICT, CD5 (CHARACTER DISTRICT 5), HISTORIC DISTRICT.

6) DIMENSIONAL REQUIREMENTS: SEE CITY ZONING REQUIREMENTS.

7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSORS MAP TAX MAP 106 LOT 54 IN THE CITY OF PORTSMOUTH.

8) BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCE 3. EASEMENTS, RIGHTS OF OTHERS, ETC., HAVE NOT BEEN RESEARCHED OR NOTED HEREON.

9) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

# PUBLIC ACCESS IMPROVEMENTS BOW STREET PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 1 | UPDATE EASEMENT | 5/12/21 |
| 0 | ISSUED FOR COMMENT | 4/23/21 |

REVISIONS

STATE OF NEW HAMPSHIRE STEVEN D. RIKER 5/12/21 NO. 219 CERTIFIED WETLAND SCIENTIST

SCALE: 1" = 10' MARCH 2021

EXISTING CONDITIONS PLAN — C1

FB 420 PG 1

3308

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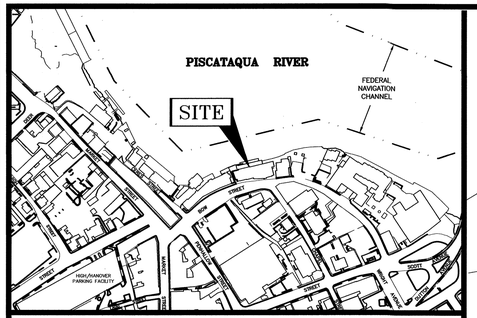


LOCATION MAP SCALE: 1" = 300'

# PISCATAQUA RIVER

NORTH NAD83(2011) — N — GRID NHSPC

"MARTINGALE WHARF"

106/54

#99 BOW STREET 6 STORY BRICK BUILDING

BOW STREET (A PUBLIC WAY)

CHAPEL STREET

PROPERTY LINE EXTENDED

PROPOSED OVER WATER DECK EXPANSION ADDITION= 883 SQ. FT. PERMANENT IMPACT

PROPOSED PILE (TYP.)

EXISTING FLOAT

RELOCATED GANGWAY

(TIDAL) EBB FLOW (E1RB2L)

N: 212373.1 E: 1227563.0

N: 212365.9 E: 1227534.3

N: 212340.1 E: 1227430.7

219 S.F. MARTINGALE
420 S.F. PUBLIC
73 S.F. PLANTER

PROPERTY LINE EXTENDED (TYP.)

PROPOSED OVER WATER DECK EXPANSION ADDITION= 712 SQ. FT. PERMANENT IMPACT

PROPOSED PLANTER

PROPOSED PUBLIC WHARF DECK

FLOAT

PROPOSED PILE (TYP.)

PROPOSED MURAL

WOOD DECK

EXISTING CONCRETE SEA WALL

GRANITE CAPPING

GRANITE

STEEL & WIRE SAFETY FENCE ON GRANITE BLOCK

TBM A
TOP OF METAL POST SET IN CONCRETE WALL
ELEV. 12.61

TBM B
PUNCH MARK IN TIMBER SPIKE
ELEV. 12.26

BASEMENT FOOTPRINT

EASEMENT AREAS (SEE PLAN REF. 2)

BRICK PAVERS

BRICK, CONCRETE & GRANITE LANDING

WOOD STAIRS

OPEN GRANITE STEPS TO WOOD DECK (BASEMENT LEVEL)

BUILDING ABOVE

BRICK BUILDING

6" PVC

PROPERTY LINE (TYP.) (SEE REF. PLAN 1)

EXISTING BRICK SIDEWALK

LSA

WOOD RAILING

EXISTING CONCRETE SEA WALL

EXISTING WOOD DECK

UPPER LEVELS FOOTPRINT

CONCRETE AT FINISH BASEMENT FLOOR EL=13.00 (MLLW)

6" PERFORATED PVC DRAIN

6" PVC SOLID ROOF DRAIN

BASEMENT LEVEL FOOTPRINT

WINDOWED GLASS BASEMENT LEVEL ONLY

UPPER LEVELS OPEN PORCH AREA

6" PERFORATED PVC DRAINGS

8"PVC

6"PVC

EXISTING STEEL PILE (TYP.)

4"PVC

4" PERFORMATED PVC DRAIN

CONCRETE SEAWALL W/GRANITE CAPPING

EXISTING WOOD PILE (TYP.)

WOOD DECK

BRICK BUILDING

OPEN AREA AT STREET LEVEL

CONRETE RETAINING WALL BUILDING ABOVE

SUBTERRANEAN UTILITY VAULT

CONCRETE AT FINISH BASEMENT FLOOR EL=13.03 (MLLW)

3" PVC CLEANOUT W/ 18" MH COVER

6" PVC DOWN SPOUT

BAY WINDOW

GRANITE RET. WALL

BRICK PAVERS

WHITE LINE

DOUBLE YELLOW LINE

HANDICAP ACCESSIBLE

DI WATER (NOT FIELD VERIFIED)

4"DI FORCE MAIN (NOT FIELD VERIFIED)

GRANITE RETAINING WALL

GRANITE PAVERS (SIDEWALK)

8"X10"X2.2'H STONE POST

23.6'

20.3'

82' TO FEDERAL CHANNEL

GRAPHIC SCALE
10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

## LEGEND:

| | |
|---|---|
| N/F | NOW OR FORMERLY |
| RP | RECORD OF PROBATE |
| RCRD | ROCKINGHAM COUNTY REGISTRY OF DEEDS |
| 11/21 | MAP 11 / LOT 21 |
| | RAILROAD SPIKE FOUND |
| | IRON ROD/IRON PIPE FOUND |
| | IRON PIPE FOUND |
| | STONE/CONCRETE BOUND FOUND |
| | RAILROAD SPIKE SET |
| | IRON ROD SET |
| | DRILL HOLE SET |
| | GRANITE BOUND SET |
| MHW | MEAN HIGH WATER LINE |
| HOTL | NH DES HIGHEST OBSERVABLE TIDE LINE |
| 100 | CONTOUR |
| 97x3 | SPOT ELEVATION |
| | EDGE OF PAVEMENT (EP) |
| | WOODS / TREE LINE |
| INV. | INVERT |
| TBM | TEMPORARY BENCHMARK |
| TYP. | TYPICAL |
| LSA | LANDSCAPED AREA |
| 1 | PHOTO LOCATION |


AMBIT ENGINEERING, INC.
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10) PUBLIC ACCESS SIGNAGE WILL BE DISPLAYED.

11) OWNER RESERVES THE RIGHT TO CLOSE GATE AFTER HOURS FOR PUBLIC SAFETY.

## IMPACT REDUCED:

2,191 S.F. PREVIOUS (7/13/21 PLAN SET)
1,595 S.F. CURRENT
=596 S.F. REDUCTION

# PUBLIC ACCESS IMPROVEMENTS BOW STREET PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | REDUCE DECK EXPANSION EASTERN SIDE | 12/20/21 |
| 4 | ENLARGE PUBLIC USE | 11/24/21 |
| 3 | REVISE DECK | 9/10/21 |
| 2 | ELIMINATE ADDED DOCK | 7/13/21 |
| 1 | ISSUED FOR APPROVAL | 6/29/21 |
| 0 | ISSUED FOR COMMENT | 6/8/21 |

REVISIONS

JOHN R. CHAGNON No. 7783 LICENSED PROFESSIONAL ENGINEER – STATE OF NEW HAMPSHIRE

LICENSED LAND SURVEYOR No. 738 JOHN R. CHAGNON STATE OF NEW HAMPSHIRE

STATE OF NEW HAMPSHIRE STEVEN D. PARER No. 219 CERTIFIED WETLAND SCIENTIST

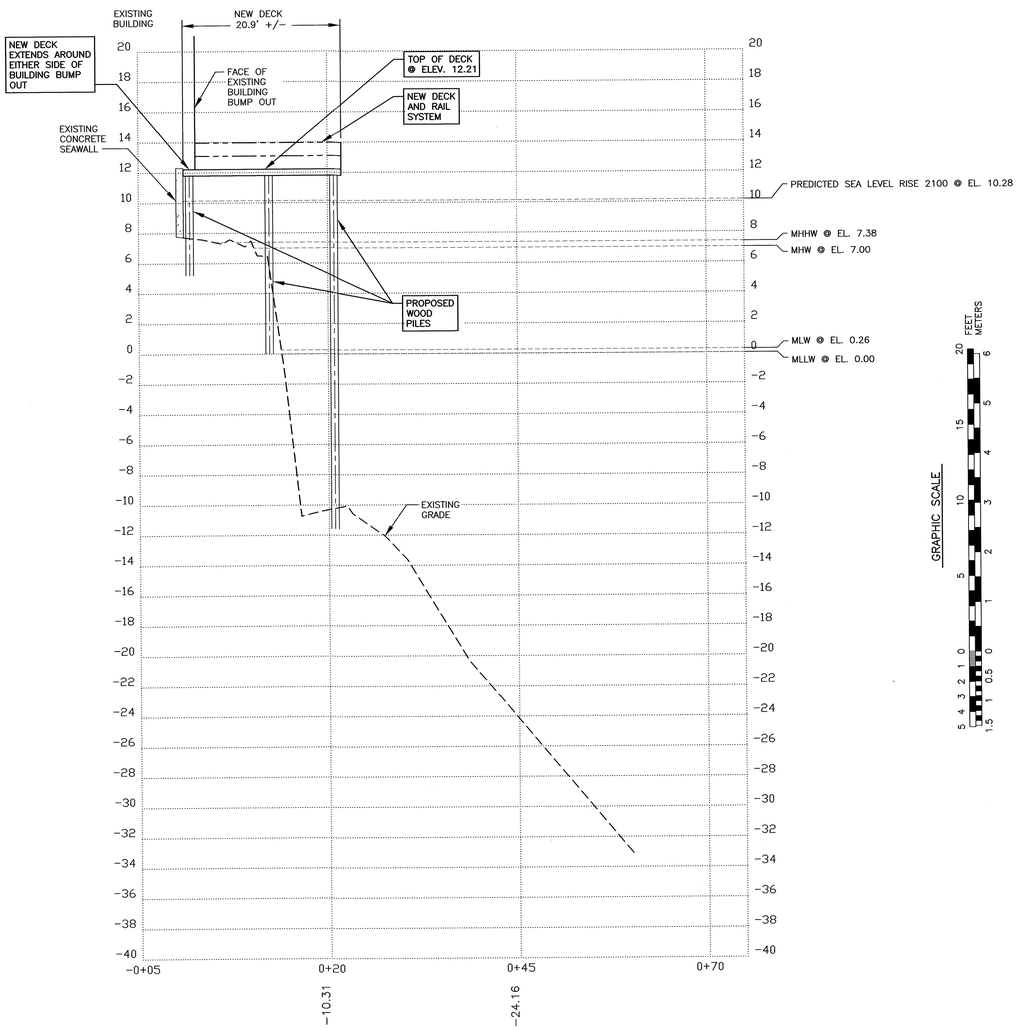
SCALE: 1" = 10' MARCH 2021

NHDES PERMIT PLAN

C2

FB 420 PG 1

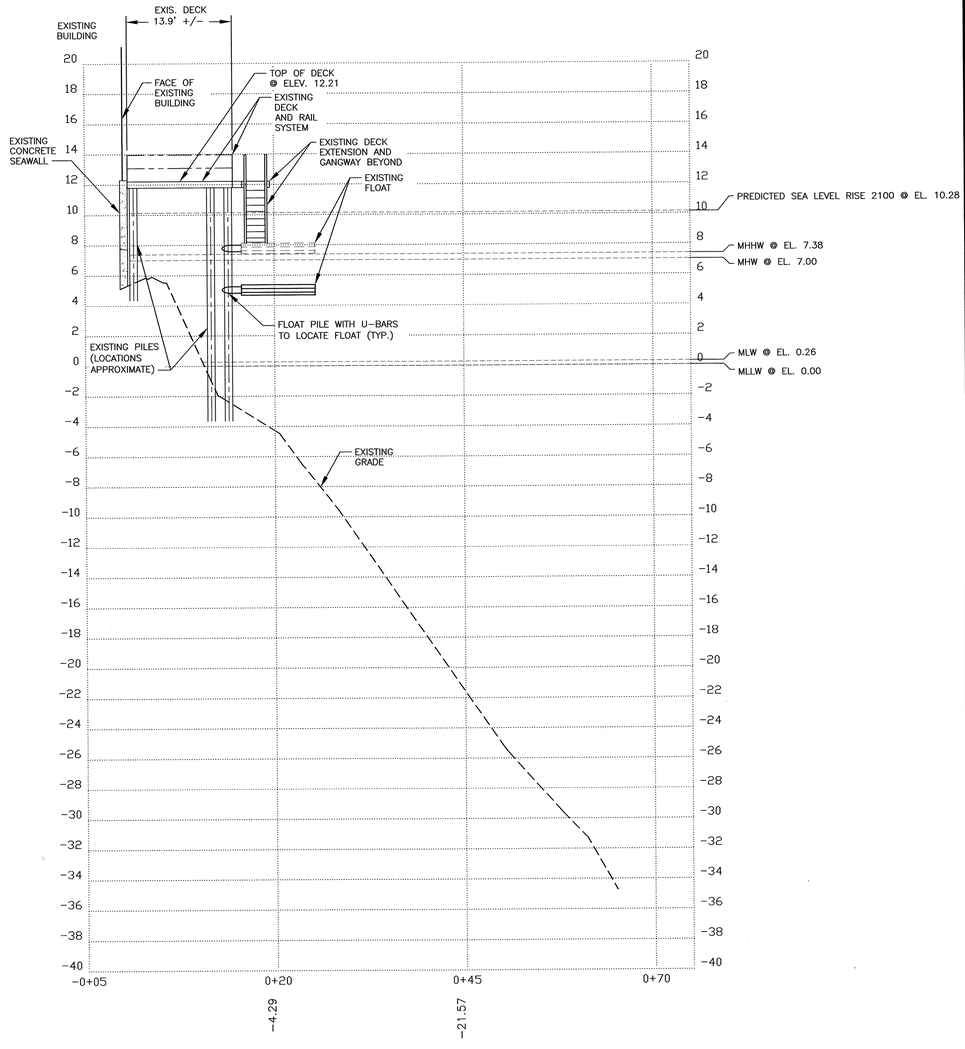
3308




# SECTION A

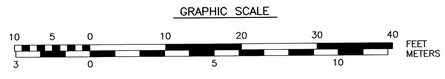
SCALE: 1" = 10' (HOR.)
1" = 5' (VERT.)




# SECTION B

SCALE: 1" = 10' (HOR.)
1" = 5' (VERT.)





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## NOTES:

1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.

2) 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.

3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

4) NUMBER OF PILES TO BE DRIVEN FOR DECK & DOCKING STRUCTURE NOT TO EXCEED 22 AS DEPICTED ON PLANS. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.

5) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

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| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | PILE COUNT | 12/20/21 |
| 3 | REVISED DECK LAYOUT | 9/10/21 |
| 2 | REVISED PILE LOCATIONS | 8/12/21 |
| 1 | ISSUED FOR APPROVAL | 6/29/21 |
| 0 | ISSUED FOR COMMENT | 6/8/21 |

REVISIONS

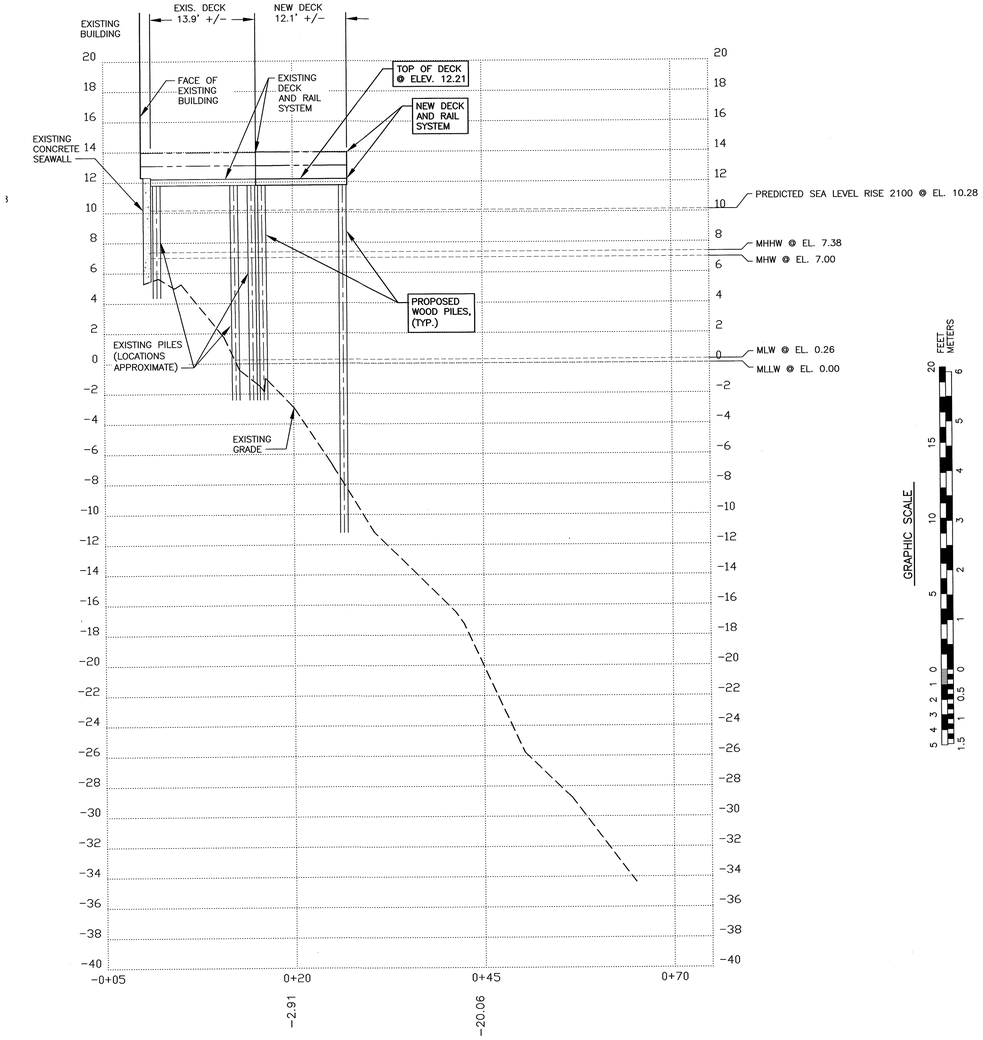

SCALE: AS NOTED
MARCH 2021

SITE SECTIONS

C3

FB 420 PG 1

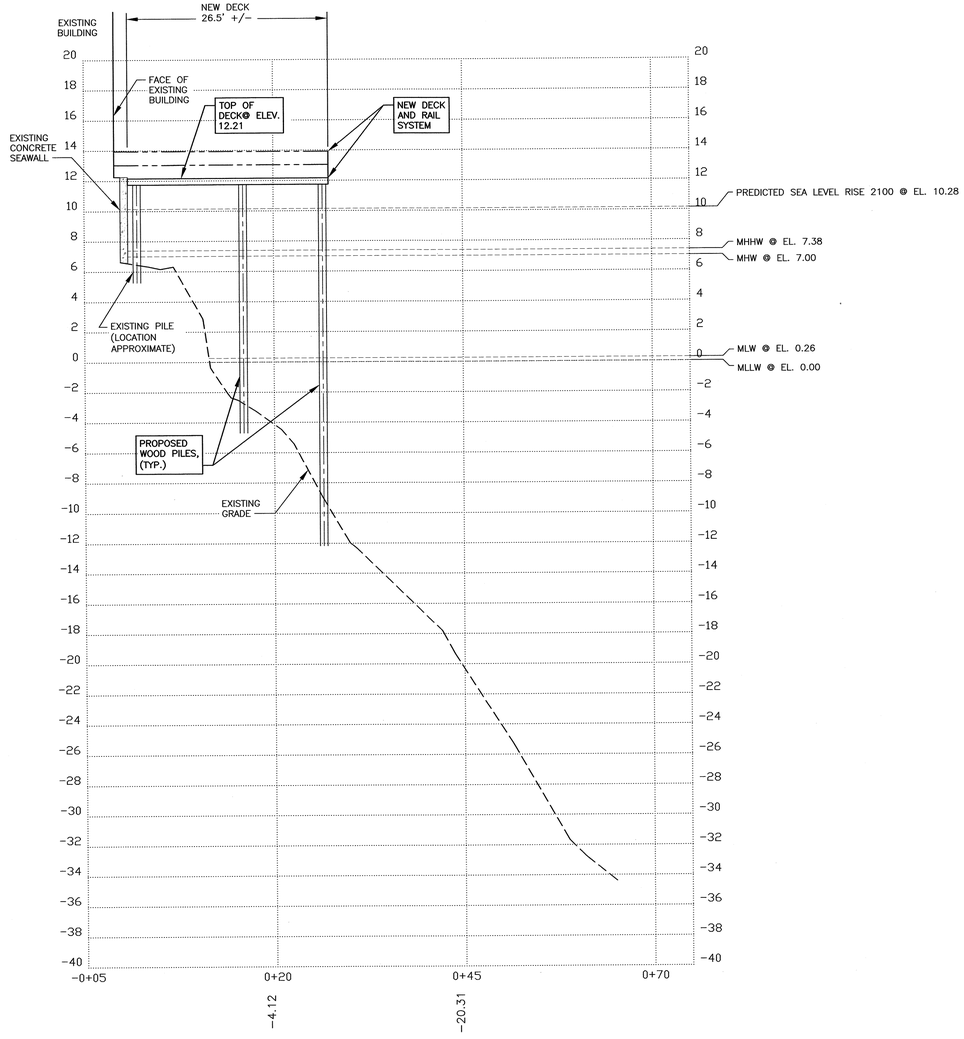
3308




## SECTION C

SCALE: 1" = 10' (HOR.)
1" = 5' (VERT.)




## SECTION D

SCALE: 1" = 10' (HOR.)
1" = 5' (VERT.)

GRAPHIC SCALE
FEET
METERS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# PUBLIC ACCESS IMPROVEMENTS BOW STREET PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | PILE COUNT | 12/20/21 |
| 3 | REVISED DECK LAYOUT | 9/10/21 |
| 2 | REVISE PILES. REMOVE PROPOSED FLOAT | 8/12/21 |
| 1 | ISSUED FOR APPROVAL | 6/29/21 |
| 0 | ISSUED FOR COMMENT | 6/8/21 |

REVISIONS

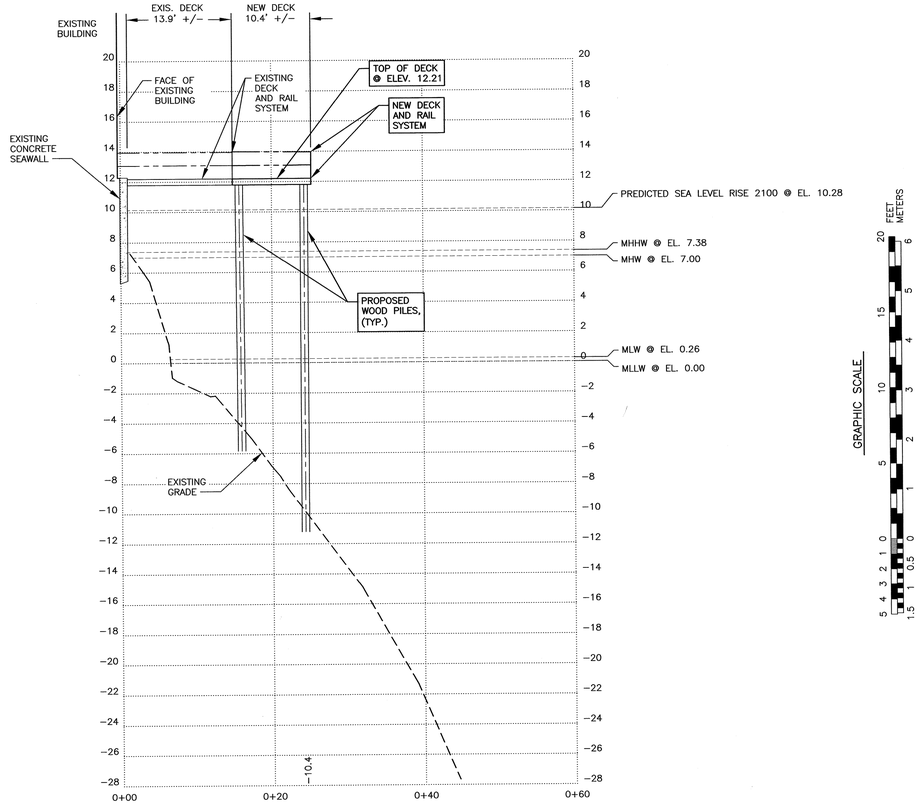
JOHN E. CHAMPION No. 7857 LICENSED PROFESSIONAL ENGINEER - STATE OF NEW HAMPSHIRE -

SCALE: AS NOTED — MARCH 2021

SITE SECTIONS — C4

FB 420 PG 1

3308




# SECTION AA

SCALE: 1" = 10' (HOR.)
1" = 5' (VERT.)

GRAPHIC SCALE

10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

GRAPHIC SCALE

20 15 10 5 1 0 FEET
6 5 4 3 2 1 0.5 0 METERS
5 4 3 2 1 0
1.5 1 0.5 0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# PUBLIC ACCESS IMPROVEMENTS BOW STREET PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| 1 | PILE COUNT | 12/20/21 |
| 0 | ISSUED FOR COMMENT | 9/10/21 |

REVISIONS

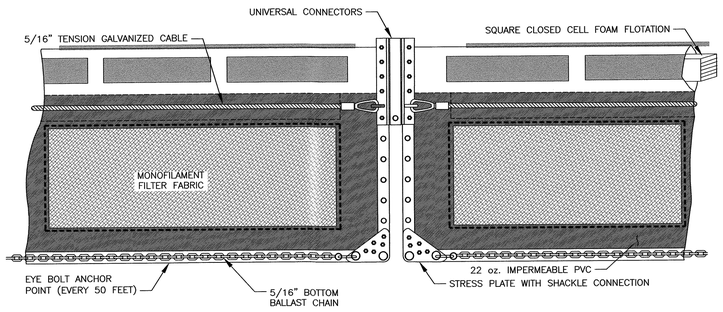
JOHN R. CHAGNON 9607 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

SCALE: AS NOTED MARCH 2021

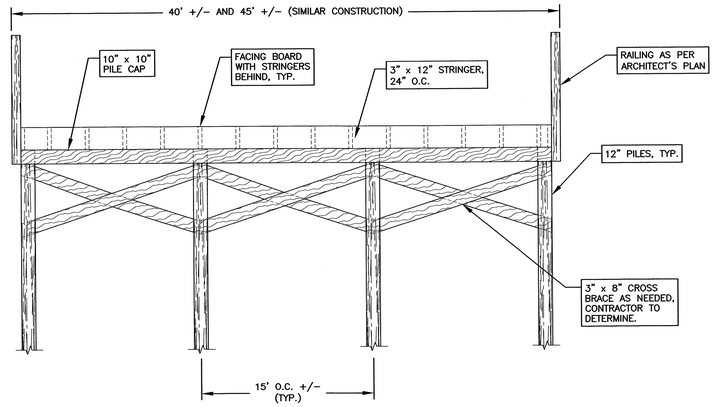
SITE SECTIONS C5

FB 420 PG 1

3308




1/D1 TURBIDITY CURTAIN DETAIL
(DEPLOY AS NEEDED) NTS




2/D1 PROPOSED DECK DETAIL
NTS

## SEQUENCE OF CONSTRUCTION

1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA APPROVED ACCESS.
2) MOBILZATION OF EQUIPMENT TRUCKS TO THE SITE.
3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS
4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
6) PILINGS WILL BE MECHANICALLY DRIVEN BY A CRANE ELIMINATING ANY EXCAVATION FOR INSTALLATION OF THE PILINGS. PILING ARE DRIVEN TO REFUSAL.
7) PILINGS ARE CUT AND BEAM CAPS ARE INSTALLED AND THE SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
8) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

## DISCHARGES. AVOIDANCE, MINIMIZATION AND MITIGATION

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. AND ANY SECONDARY IMPACTS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE. PERMITTEES MAY ONLY FILL THOSE JURISDICTIONAL WETLANDS AND WATERWAYS THAT THE CORP AND NHDES AUTHORIZES TO BE FILLED AND IMPACT THOSE AREAS THAT THE CORPS AND AND NHDES AUTHORIZES AS SECONDARY IMPACTS. IF NOT SPECIFICALLY AUTHORIZED BY USACOE AND AND NHDES, ANY UNAUTHORIZED FILL OR SECONDARY IMPACT TO WETLANDS MAY BE CONSIDERED AS A VIOLATION OF THE CWA.

- UNLESS SPECIFICALLY AUTHORIZED USACOE AND AND NHDES, NO WORK SHALL DRAIN A WATER OF THE U.S. BY PROVIDING A CONDUIT FOR WATER ON OR BELOW THE SURFACE.

## HEAVY EQUIPMENT IN FRESH WATER WETLANDS

HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WORKING IN WETLANDS SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, UNLESS IT IS LESS ENVIRONMENTALLY DAMAGING OTHERWISE, AND AS MUCH AS POSSIBLE SHALL NOT BE OPERATED WITHIN THE INTERTIDAL ZONE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (<3 PSI), OR SHALL NOT BE LOCATED DIRECTLY ON WETLAND SOILS AND VEGETATION; IT SHALL BE PLACED ON SWAMP MATS THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. SWAMP MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING SWAMP MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE LESS IMPACTING AND ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. SIMILARLY, NOT USING MATS DURING FROZEN, DRY OR OTHER CONDITIONS MAY BE ALLOWED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CORDUROY ROADS AND SWAMP/CONSTRUCTION MATS ARE CONSIDERED AS FILL WHETHER THEY'RE INSTALLED TEMPORARILY OR PERMANENTLY.

## TIME OF YEAR WORK WINDOW AND NOISE RESTRICTIONS

I. PILES INSTALLED IN-THE-DRY DURING LOW WATER OR IN-WATER BETWEEN NOV. 15TH – MAR. 15TH, OR
II. MUST BE DRILLED AND PINNED TO LEDGE, OR
III. VIBRATORY HAMMERS USED TO INSTALL ANY SIZE AND QUANTITY OF WOOD, CONCRETE OR STEEL PILES, OR
IV. IMPACT HAMMERS LIMITED TO ONE HAMMER AND <50 PILES INSTALLED/DAY WITH THE FOLLOWING: WOOD PILES OF ANY SIZE, CONCRETE PILES ≤18-INCHES DIAMETER, STEEL PILES 12-INCHES DIAMETER IF THE HAMMER IS ≤3000 LBS. AND A WOOD CUSHION IS USED BETWEEN THE HAMMER AND STEEL PILE.

FOR II-IV ABOVE:
I. IN-WATER NOISE LEVELS SHALL NOT >187dB SEL RE $\mu$Pa OR 206dB PEAK RE $\mu$Pa AT A DISTANCE >10M FROM THE PILE BEING INSTALLED, AND
II. IN-WATER NOISE LEVELS >155dB PEAK RE $\mu$Pa SHALL NOT EXCEED 12 CONSECUTIVE HOURS ON ANY GIVEN DAY AND A 12 HOUR RECOVERY PERIOD (I.E., IN-WATER NOISE BELOW 155dB PEAK RE $\mu$Pa) MUST BE PROVIDED BETWEEN WORK DAYS.

## WORK SITE RESTORATION

1) UPON COMPLETION OF CONSTRUCTION, ALL DISTURBED WETLAND AREAS SHALL BE PROPERLY STABILIZED. ANY SEED MIX SHALL CONTAIN ONLY PLANT SPECIES NATIVE TO NEW ENGLAND.

2) THE INTRODUCTION OR SPREAD OF INVASIVE PLANT SPECIES IN DISTURBED AREAS IS PROHIBITED.

3) IN AREAS OF AUTHORIZED TEMPORARY DISTURBANCE, IF TREES ARE CUT THEY SHALL BE CUT AT GROUND LEVEL AND NOT UPROOTED IN ORDER TO PREVENT DISRUPTION TO THE WETLAND SOIL STRUCTURE AND TO ALLOW STUMP SPROUTS TO REVEGETATE THE WORK AREA, UNLESS OTHERWISE AUTHORIZED.

4) WETLAND AREAS WHERE PERMANENT DISTURBANCE IS NOT AUTHORIZED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AND ELEVATION, WHICH UNDER NO CIRCUMSTANCES SHALL BE HIGHER THAN THE PRE-CONSTRUCTION ELEVATION. ORIGINAL CONDITION MEANS CAREFUL PROTECTION AND/OR REMOVAL OF EXISTING SOIL AND VEGETATION, AND REPLACEMENT BACK TO THE ORIGINAL LOCATION SUCH THAT THE ORIGINAL SOIL LAYERING AND VEGETATION SCHEMES ARE APPROXIMATELY THE SAME, UNLESS AUTHORIZED.

## SEDIMENTATION AND EROSION CONTROL

ADEQUATE SEDIMENTATION AND EROSION CONTROL MANAGEMENT MEASURES, PRACTICES AND DEVICES, SUCH AS PHASED CONSTRUCTION, VEGETATED FILTER STRIPS, GEOTEXTILE SILT FENCES, STORMWATER DETENTION AND INFILTRATION SYSTEMS, SEDIMENT DETENTION BASINS, OR OTHER DEVICES SHALL BE INSTALLED AND PROPERLY MAINTAINED TO REDUCE EROSION AND RETAIN SEDIMENT ON-SITE DURING AND AFTER CONSTRUCTION. THEY SHALL BE CAPABLE OF PREVENTING EROSION, OF COLLECTING SEDIMENT, SUSPENDED AND FLOATING MATERIALS, AND OF FILTERING FINE SEDIMENT. THE DISTURBED AREAS SHALL BE STABILIZED AND THESE DEVICES SHALL BE REMOVED UPON COMPLETION OF WORK. THE SEDIMENT COLLECTED BY THESE DEVICES SHALL BE REMOVED AND PLACED AT AN UPLAND LOCATION, IN A MANNER THAT WILL PREVENT ITS LATER EROSION INTO A WATERWAY OR WETLAND. ALL EXPOSED SOIL AND OTHER FILLS SHALL BE PERMANENTLY STABILIZED AT THE EARLIEST PRACTICABLE DATE.

## SPAWNING AREAS.

DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED. IMPACTS TO THESE AREAS SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE DURING ALL TIMES OF THE YEAR. INFORMATION ON SPAWNING HABITAT FOR SPECIES MANAGED UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (I.E., EFH FOR SPAWNING ADULTS) CAN BE OBTAINED FROM THE NMFS WEBSITE AT: WWW.NERO.NOAA.GOV/HCD.

## STORAGE OF SEASONAL STRUCTURES.

COASTAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, ETC., THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION, LOCATED ABOVE HIGHEST OBSERVABLE TIDE LINE (HOTL) AND NOT IN TIDAL WETLANDS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS SEAWARD OF HOTL. THIS IS INTENDED TO PREVENT STRUCTURES FROM BEING STORED ON THE MARSH SUBSTRATE AND THE SUBSTRATE SEAWARD OF MHW.

## ENVIRONMENTAL FUNCTIONS AND VALUES

THE PERMITTEE SHALL MAKE EVERY REASONABLE EFFORT TO 1) CARRY OUT THE CONSTRUCTION OR OPERATION OF THE WORK AUTHORIZED BY USACOE AND NHDES HEREIN IN A MANNER THAT MINIMIZES ADVERSE IMPACTS ON FISH, WILDLIFE AND NATURAL ENVIRONMENTAL VALUES, AND 2) PROHIBIT THE ESTABLISHMENT OR SPREAD OF PLANT SPECIES IDENTIFIED AS NON-NATIVE INVASIVE SPECIES BY ANY FEDERAL OR STATE AGENCY. SEE THE SECTION ON INVASIVE SPECIES AT HTTP://WWW.NAE.USACE.ARMY.MIL/REGULATORY/ FOR CONTROL METHODS.

## INSPECTIONS

THE PERMITTEE SHALL ALLOW THE CORPS AND NHDES TO MAKE PERIODIC INSPECTIONS AT ANY TIME DEEMED NECESSARY IN ORDER TO ENSURE THAT THE WORK IS BEING OR HAS BEEN PERFORMED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. THE CORPS AND NHDES MAY ALSO REQUIRE POST-CONSTRUCTION ENGINEERING DRAWINGS FOR COMPLETED WORK, AND POST-DREDGING SURVEY DRAWINGS FOR ANY DREDGING WORK.

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) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.

2) 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.

3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

# PUBLIC ACCESS IMPROVEMENTS BOW STREET PORTSMOUTH, N.H.

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | DETAIL 2 | 12/20/21 |
| 3 | TIME OF YEAR NOTE | 11/4/21 |
| 2 | DETAIL 2 | 9/10/21 |
| 1 | ISSUED FOR APPROVAL | 6/29/21 |
| 0 | ISSUED FOR COMMENT | 6/8/21 |

REVISIONS

STATE OF NEW HAMPSHIRE – JOHN R. CHANNON No. 7851 LICENSED PROFESSIONAL ENGINEER

SCALE: NTS MARCH 2021

DETAILS D1

FB 420 PG 1

3308

MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

EXISTING PHOTOGRAPHS OF DECK
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

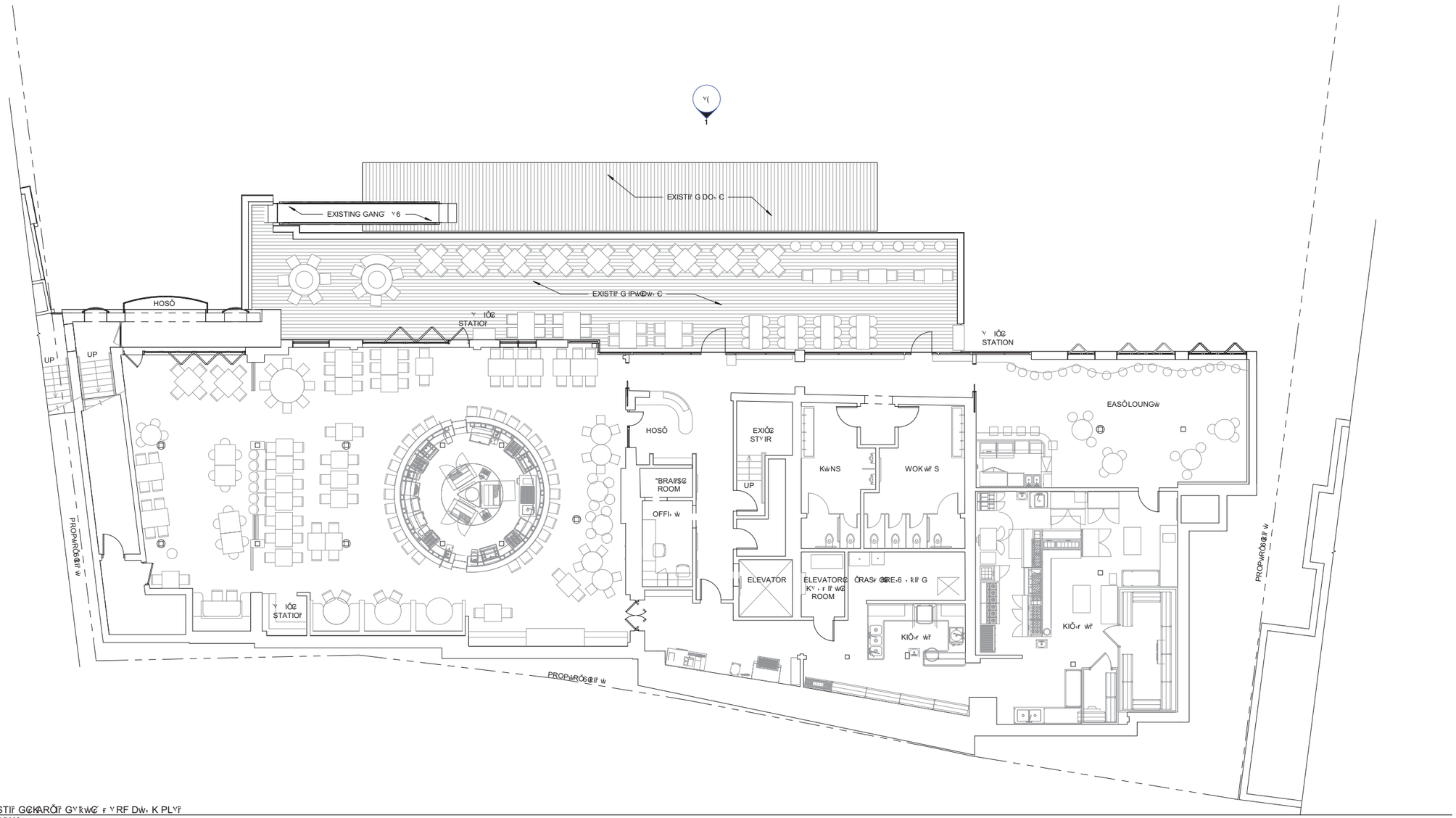
terra firma
landscape architecture
165a court street · portsmouth, nh 03801
office 603.430.8598 | terrence@terrafirmalandarch.com

MARTINGALE WHARF
RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A1

04/07/2022
PLOT TO SCALE
RD / MG




1 EXISTING CONDITIONS PLAN
1/8" = 1'-0"

PRINTED AT 1/2 SCALE ON 11X17 PAPER

MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

EXISTING DECK PLAN
PORTSMOUTH HISTORIC DISTRICT COMMISSION
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MARTINGALE WHARF
RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A2

04/07/2022
1/8" = 1'-0"
RD / MG


1 EXISTING NORTH ELEVATION
1/8" = 1'-0"

PRINTED AT 1/2 SCALE ON 11X17 PAPER

MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

EXISTING NORTH ELEVATION
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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landscape architecture
163a court street · portsmouth, nh 03801
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MARTINGALE WHARF RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A3

04/04/2022
1/8" = 1'-0"
RD


MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

PERSPECTIVE VIEW OF DECK EXPANSION
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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landscape architecture
163A court street · portsmouth, nh 03801
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MARTINGALE WHARF
RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A4

04/07/2022
NOOOOOE, YRW
RD / MG


MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

PERSPECTIVE VIEW OF DECK EXPANSION
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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landscape architecture
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McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A5

04/07/2022
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MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

PERSPECTIVE VIEW OF EAST DECK EXPANSION
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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Portsmouth, New Hampshire

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04/07/2022
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MARTINGALE WHARF DECK EXPANSION
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PERSPECTIVE VIEW OF WEST DECK EXPANSION
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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MARTINGALE WHARF
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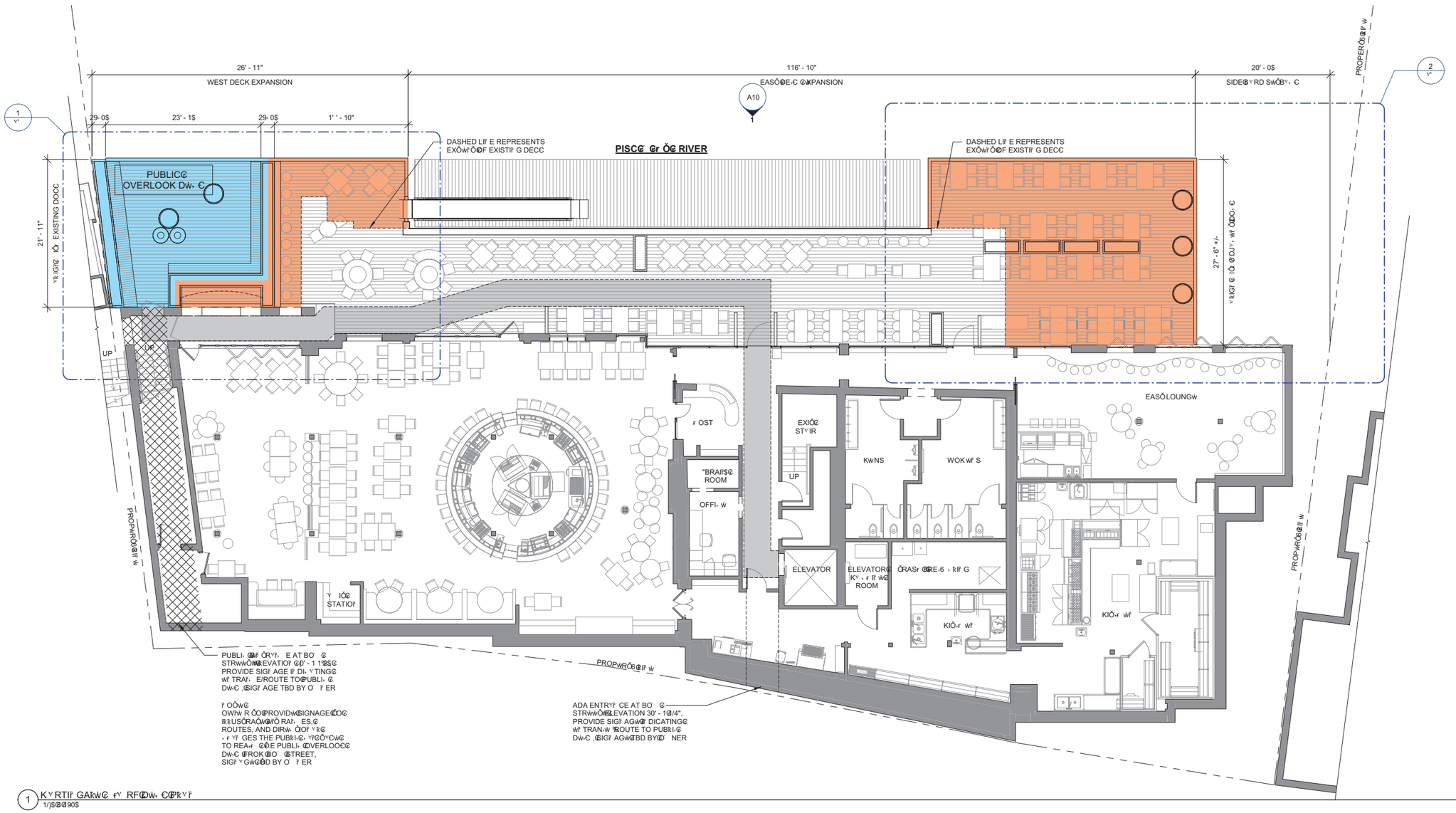
McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A7

04/07/2022
RD / MG




1 OVERALL SITE PLAN
1/16" = 1'-0"

PUBLIC ACCESS PATH
PUBLIC ACCESSWAY
PUBLIC ACCESS AREA - 2,282 SF
MARTINGALE WHARF EXPANSION AREA - 1,213 SF

GRAPHICS

PRINTED AT 1/2 SCALE ON 11X17 PAPER

# MARTINGALE WHARF DECK EXPANSION

99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

## DECK EXPANSION PLAN

PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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MARTINGALE WHARF
RESTAURANT & BAR

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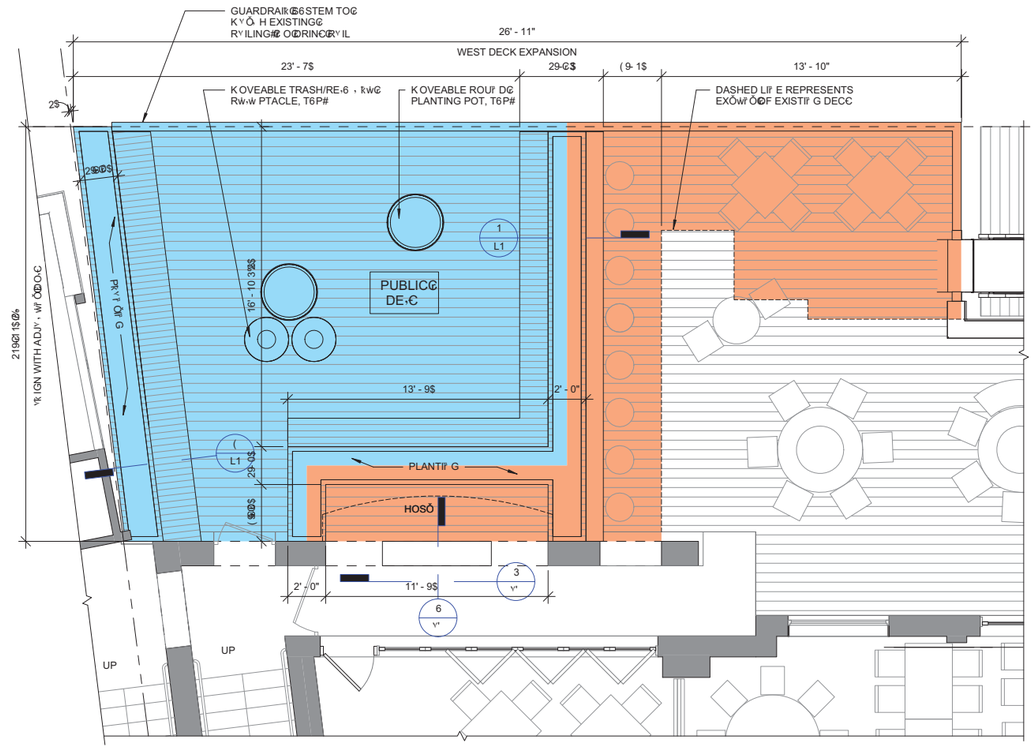
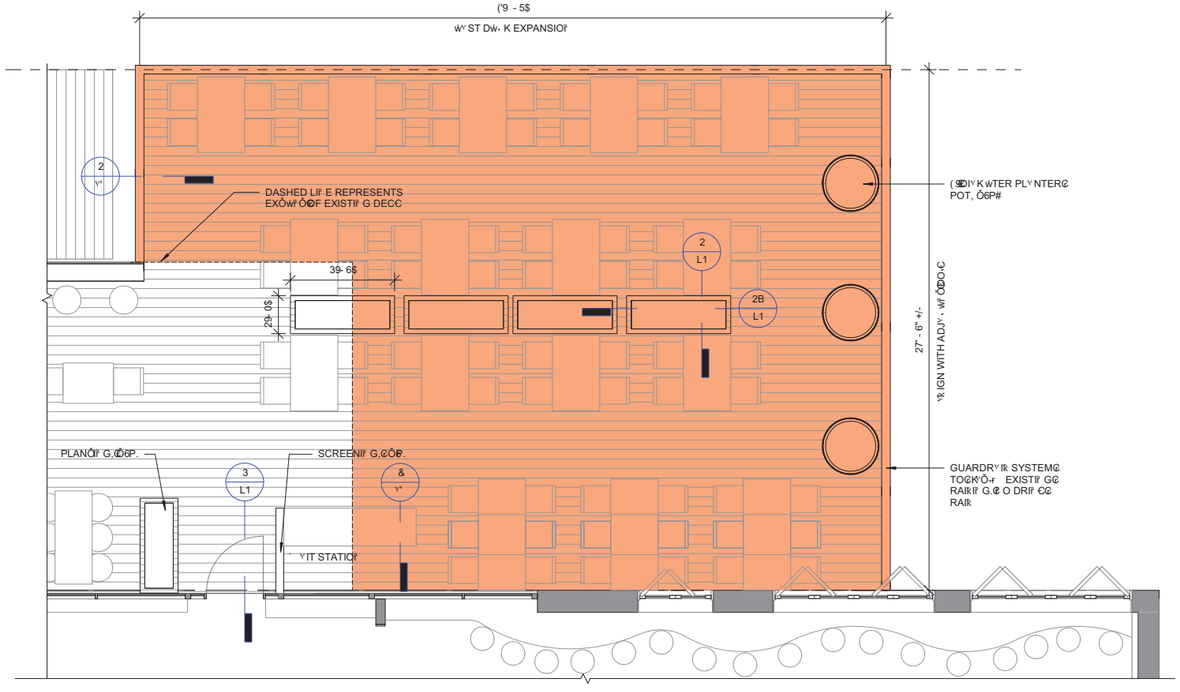
04/07/2022
As indicated
RD / MG




1 WEST DECK PUBLIC PLAN
1/2" = 1'-0"




2 WEST DECK MARTINGALE EXPANSION PLAN
1/2" = 1'-0"

**GENERAL NOTES FOR MARTINGALE DECK**

1. ONLY AUTHORIZED EMPLOYEES AND INVITED GUESTS.

2. SUBJECT TO RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE WELFARE OF THE PROPERTY AND ITS OCCUPANTS.

THE FOLLOWING RULES & REGULATIONS:

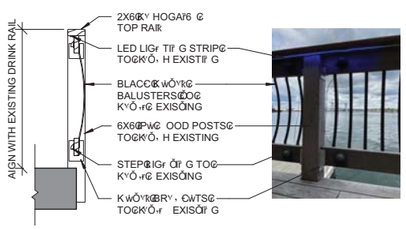
A. NO SMOKING
B. NO DRINKING ALCOHOLIC BEVERAGES.
C. NO AUDIBLE MUSIC
D. NO FISHING
E. NO DOGS, CATS BOATS, KAYAKS OR ANOTHING FLOATING TO BE TIED TO RAILING
F. NO COOKERS, GRILLS, BIKES, OR OTHER SIMILAR FURNITURE
G. NO PETS.
H. NO OPERATION OF DRONES OR KITES.
I. NO LOUD, UNRULY, DISRUPTIVE BEHAVIOR
J. NO SWIMMING OR DIVING FROM DECK
K. CLOSED DURING SNOW, ICE, HIGH WINDS OR OTHER UNSAFE CONDITIONS
L. NO REMOVING OR DISTURBING ANY FURNITURE OR EQUIPMENT
M. NO LOITERING OR REMAINING ON THE DECK AFTER BEING REQUESTED BY AN EMPLOYEE TO LEAVE

(# KEEP AREA CLEAN. DO NOT PROVIDE IN SURFACE, KAIROSOFT CLEANERS, REPAIRS, OR DAMAGE WHICH IS NOT NORMAL WEAR AND TEAR. ANY COST, THIS IS INCLUDES BUT IS NOT LIMITED TO PROVIDING REPAIRS, ETC. KEEP ALL PLANTINGS AND LANDSCAPE FEATURES, GARDEN TRASH, ETC. IN GOOD CONDITION. ANY DAMAGE SHOULD BE REPORTED IMMEDIATELY TO MANAGEMENT#

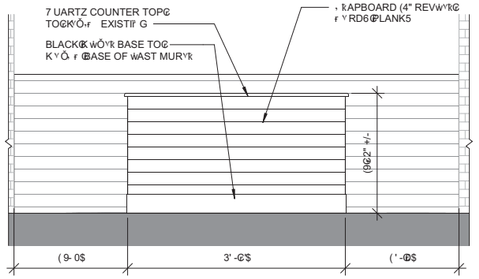
2# SIGNAGE WILL BE PROVIDED, BUT SOLELY, AND MAY NOT BE ALTERED BY ANY ONE OTHER THAN MANAGEMENT. ALL STAIRS AND MAY NOT BE ENTIRELY CLOSED TO THE PUBLIC. ATTENDANT MUST BE PRESENT DURING HOURS OF OPERATION. NO ACCESS TO THE PUBLIC OVERLOOKING THE GARDEN, ESPECIALLY DURING PRIVATE EVENTS. RESERVES THE RIGHT TO LIMIT ACCESS TO THE LOCATION OF SIGNAGE AS NEEDED TO PROVIDE THE PUBLIC WITH AN UNOBSTRUCTED VIEW OF THE GARDEN#

3# ALL RESERVES THE RIGHT TO ALTER THE NUMBER OF PLANTERS, BENCHES, TRASH RECEPTACLES, ETC. AS NEEDED TO MAINTAIN THE SIZE OF THE GARDEN, SIGNAGE, SECURITY CAMERAS AND OTHER INFRASTRUCTURE#

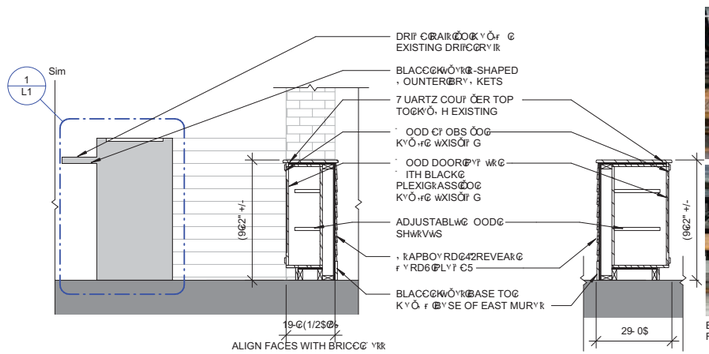
1 KEY PLAN
1/2" = 1'-0"



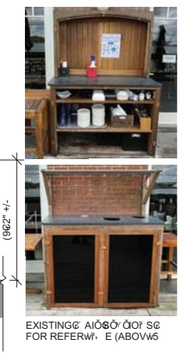

2 PROPOSED GUARDRAIL SECTION DETAIL
1/2" = 1'-0"




3 ELEVATION OF POST STATION
1/2" = 1'-0"




6 SECTION THROUGH HOSE BIB
1/2" = 1'-0"




& SECTION THROUGH OPEN KEG STORAGE
1/2" = 1'-0"

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# MARTINGALE WHARF DECK EXPANSION

99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

## ENLARGED PLANS, ELEVATIONS, AND DETAILS

PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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165a court street · portsmouth, nh 03801
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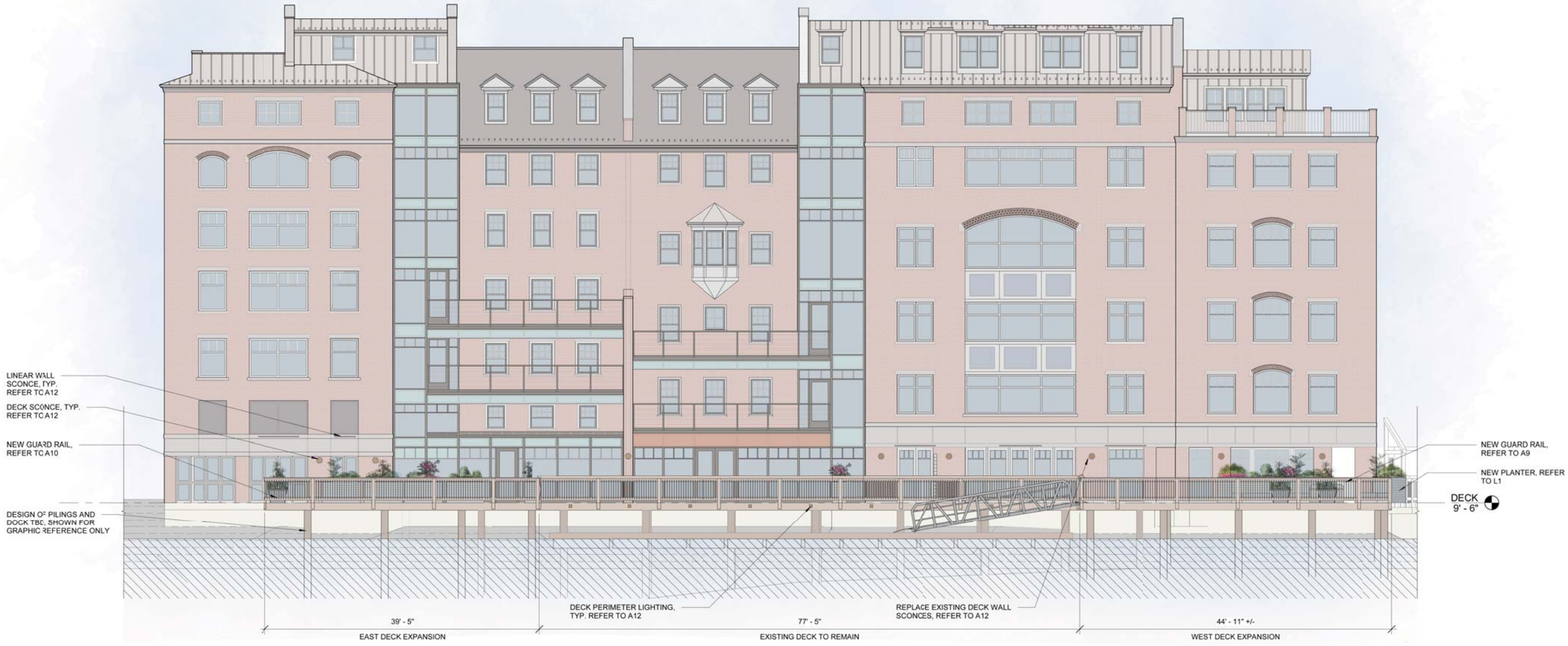
MARTINGALE WHARF
RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A9

04/07/2022
AS INDICATED
RD / MG




1 PROPOSED NORTH ELEVATION
1/8" = 1'-0"

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MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

DECK EXPANSION NORTH ELEVATION
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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4 Market Street
Portsmouth, New Hampshire

A10

04/04/2022
1/8" = 1'-0"
RD


1 SOUTH ELEVATION - BOW STREET
1/8" = 1'-0"

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MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

SOUTH ELEVATION AT BOW STREET
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

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landscape architecture
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MARTINGALE WHARF RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A11

04/04/2022
1/8" = 1'-0"
RD

## Pitch LED Indoor/Outdoor Wall Sconce
By Tech Lighting

LUMENS LIGHT AND LIVING
Call Us 877.445.4486

**Product Options**

**Finish:** ~~Black~~, Bronze, ~~Weathered Silver~~
**Voltage:** 120 Volt , 277 Volt

**Details**

- May be mounted up or down
- Marine-grade powder coat finishes
- Stainless Steel mounting hardware
- Impact-resistant, UV stabilized frosted acrylic lensing
- Material: Die-Cast Metal
- ADA compliant, Dark Sky compliant, Title 24 compliant
- ETL Listed Wet
- Marine Grade
- Warranty: 5 years
- Made In China

**Dimensions**

120 Volt Option Fixture: Width 5", Height 5", Depth 3.9", Weight 1.66Lbs
277 Volt Option Fixture: Width 5", Height 5", Depth 3.9", Weight 1.66Lbs

**Lighting**

- 120 Volt Option: 26.1 Watt (823 Lumens) 120 Volt Integrated LED: CRI: 80 Color Temp: 3000K Lifespan: 70000 hours
- 277 Volt Option: 26.1 Watt (823 Lumens) 277 Volt Integrated LED: CRI: 80 Color Temp: 3000K Lifespan: 70000 hours

**Additional Details**

**Product URL:** https://www.lumens.com/pitch-led-indoor-outdoor-wall-sconce-by-tech-lighting-TECP90024.html
**Rating:** ETL Listed Wet

**Product ID:** TECP90024

**Notes:**
OR EQUY R

Product Title

ˆ Y RKGSCONCEG ÖŒE‹C ŒwRIK wÕWR‹~ ORGwQUYR

## Norfolk Outdoor Wall Sconce
By Troy Lighting

LUMENS LIGHT AND LIVING
Call Us 877.445.4486

**Product Options**

**Size:** ~~Small~~, Medium, ~~Large~~

**Details**

- Finish: Marine Bronze
- Material: Solid Brass
- Shade Material: Frosted Pressed Prismatic glass
- ADA compliant
- UL Listed Wet
- Made In China

**Dimensions**

Small Option Fixture: Depth 3", Diameter 8"
Medium Option Fixture: Depth 3.5", Diameter 10"
Large Option Fixture: Depth 4.5", Diameter 13"

**Lighting**

- Small Option: One 40 Watt (384 Lumens) 120 Volt E12 Candelabra Base Incandescent Lamp(s) (Not Included)
- Medium Option: Two 40 Watt (384 Lumens) 120 Volt E12 Candelabra Base Incandescent Lamp(s) (Not Included)
- Large Option: Two 60 Watt (672 Lumens) 120 Volt E12 Candelabra Base Incandescent Lamp(s) (Not Included)

**Additional Details**

**Product URL:** https://www.lumens.com/norfolk-outdoor-wall-sconce-by-troy-lighting-uu466059.html
**Rating:** UL Listed Wet

**Product ID:** uu466059

**Notes:**
OR EQUY R

Product Title

ˆ Y RKGSCONCEG ÖŒBUIRDING - OR wQUAKG

## Thin-Line LED Wall Bar
By SONNEMAN Lighting

LUMENS LIGHT AND LIVING
Call Us 877.445.4486

**Product Options**

Finish: ~~Bronze~~, ~~Brushed Aluminum~~, ~~Satin Black~~, Satin White
Size: 1, 4, 6, 8
Lighting Option: Indirect , One-Sided , Two-Sided

**Details**

- One sided configuration can be installed as a downlight or uplight
- Two sided configuration can be surface only
- Dimmable when used with TRIAC or ELV dimmer (not included)
- Damp rated for indoor use only
- Designed By Robert Sonneman in 2018
- Material: Metal
- Shade Material: Optical Acrylic
- ADA compliant
- UL Listed
- Warranty: Limited 1 Year
- Made In China

**Dimensions**

2 Option Backplate: Width 1", Height 1"
3 Option Fixture: Width 25", Height 0.75", 1", Depth 2.5", Weight 4Lbs
4 Option Backplate: Width 1", Height 1"
4 Option Fixture: Width 49", Height 0.75", 1", Depth 2.5", Weight 7Lbs
4 Option Shade: Width 48", Height 1", Depth 0.75"
6 Option Backplate: Width 1", Height 1"
6 Option Fixture: Width 73", Height 0.75", 1", Depth 3.5", Weight 9Lbs
6 Option Shade: Width 72", Height 1", Depth 0.75"
8 Option Backplate: Width 1", Height 1"
8 Option Fixture: Width 96", Height 0.75", 1", Depth 3.5", Weight 13Lbs
8 Option Shade: Width 96", Height 1", Depth 0.75"

**Lighting**

- 3 Option: 15 Watt (810 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 3 Option: 39 Watt (2220 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 4 Option: 22 Watt (1450 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 4 Option: 44 Watt (2910 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 6 Option: 26 Watt (2220 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 6 Option: 72 Watt (4440 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 8 Option: 47 Watt (3120 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 8 Option: 94 Watt (6240 Lumens) 120 Volt Integrated LED: Color Temp: 3000K

**Additional Details**

Product URL: https://www.lumens.com/thin-line-led-wall-bar-by-sonneman-lighting-SNNP202253.html
Rating: UL Listed

**Product ID:** SNNP202253

**Notes:**
EXTERIOR RATED@7 UYK

Product Title

LIFW Y RG YKKGK OUNTWDGIGRÔ IF GG ÖŒBUILDING ÖO K Y Ö‹FG wXISÖNGG

EXISTING LIF EARG YKKGK OUF ŒEDGKGHTING AT BUILDIF G

## PL23DM Outdoor LED Path Light
By Focus Industries

LUMENS LIGHT AND LIVING
Call Us 877.445.4486

**Product Options**

**Finish:** ~~Black Texture~~, Bronze Texture

**Details**

- LED Lifespan: 50000 hours
- Driver is included
- Material: Aluminum
- ETL Listed Wet
- Warranty: Limited 5 Year
- Made In USA

**Dimensions**

Fixture: Width 2.25", Height 18", Depth 2.25", Weight 2.1Lbs

**Lighting**

- 4 Watt (300 Lumens) 12 Volt Integrated LED: CRI: 90 Color Temp: 3000K

**Additional Details**

**Product URL:** https://www.lumens.com/pl23dm-outdoor-led-path-light-by-focus-industries-FOCP309793.html
**Rating:** ETL Listed Wet

**Notes:**
OR EQUY R

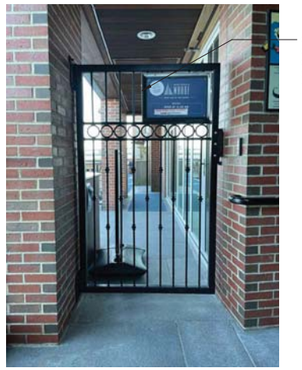
**Product ID:** FOCP309793

Product Title

YK BIENT PLYF TERŒDO F RIGHTS - OR wQUAK

IPE WOODŒDW KINGG KY Ö‹FG wXISÖNG

F YRDIE PKYF CG 2$@XPOSURWG BOOTHBAY BLUWG



GY ÓWGYÓGWRTINGALE PUBLI‹ €G OVERLOOKŒW‹ K TOŒ Y Ö‹F EXISTIF GG GY TE TOŒÖWGK RTINGALE DW‹C #€ SIGF Y GE REGY RDIF G USE, RUKES, YF D REGURATIONSŒO BE ATTACrW D TO GYÓW#

1 PROPOSED GATE YÓŒPUBLI‹ OVERKOOK DW‹ €

ÕRASrGYF D RE‹6 ‹K WŒRE‹ WPÕY‹ KWS YÓGKARTINGALE PUBLI‹ ŒDVERLOOGG TO BE SIKIKY R TO CIÕ6ŒDFG PORÕSMOUTH RW‹W PTACKWS

2 ÕRY SrGY ND RE‹6 ‹KW ŒRW‹ WPÕY‹ KWS

MARTINGALE WHARF DECK EXPANSION
99 BOW ST. SUITE W
PORTSMOUTH, NH 03801

CUT SHEETS AND MATERIAL SELECTIONS
PORTSMOUTH HISTORIC DISTRICT COMMISSION
ADMINISTRATIVE APPROVAL - 05/04/2022

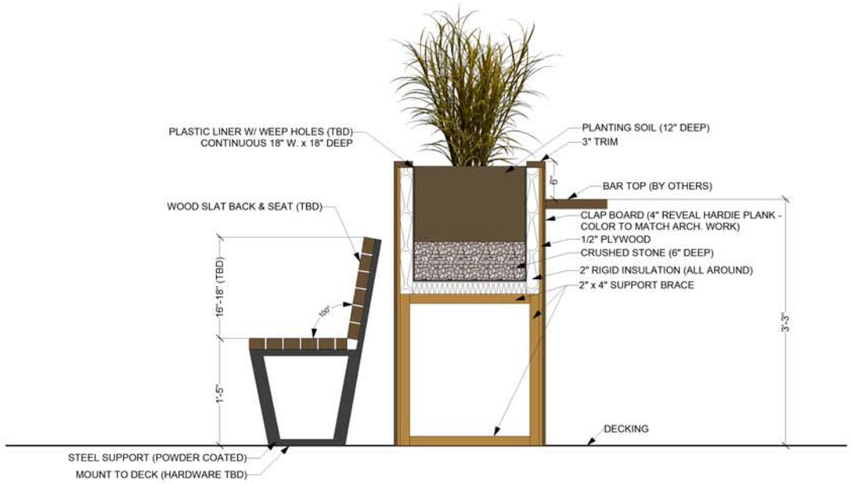
terra firma landscape architecture
163A court street · portsmouth, nh 03801
office 603.430.8588 | terrence@terrafirmalandarch.com

MARTINGALE WHARF RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A12

04/07/2022
GF OÓŒO SCYKW
RD / MG



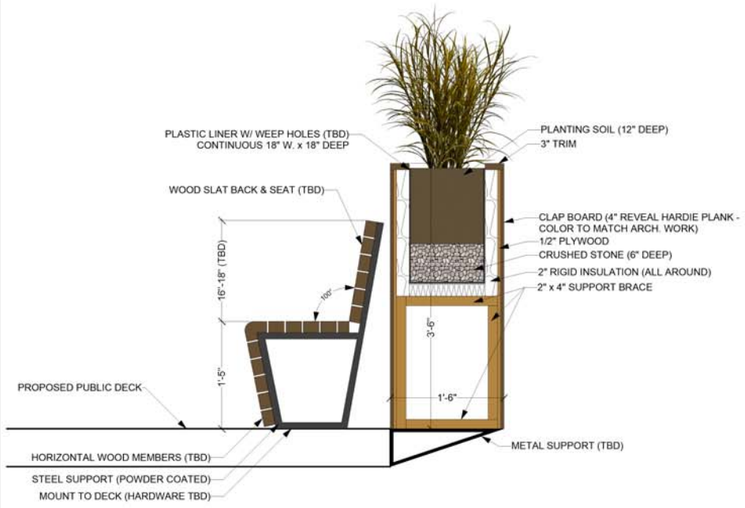

1 / L-1 PLANTING BOX AND BAR DETAIL

SCALE: 1"=1'-0"


2 / L-1 SOLITARY PLANTER (18" W. x 48" L. x 35" HT.)

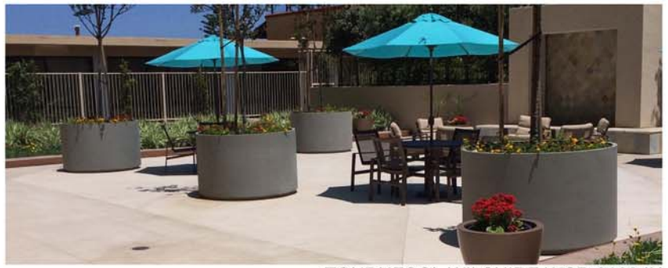
SCALE: 1"=1'-0"

0 1 2 3 FT

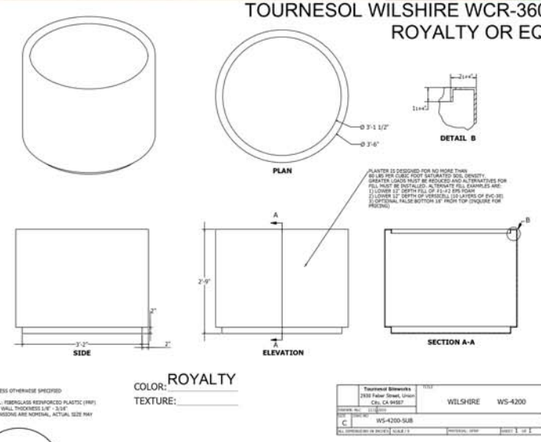



3 / L-1 WEST BENCH AND PLANTER DETAIL

SCALE: 1"=1'-0"



TOURNESOL WILSHIRE WCR-3600 IN ROYALTY OR EQUAL




4 / L-1 42" DIAMETER PLANTER DETAIL

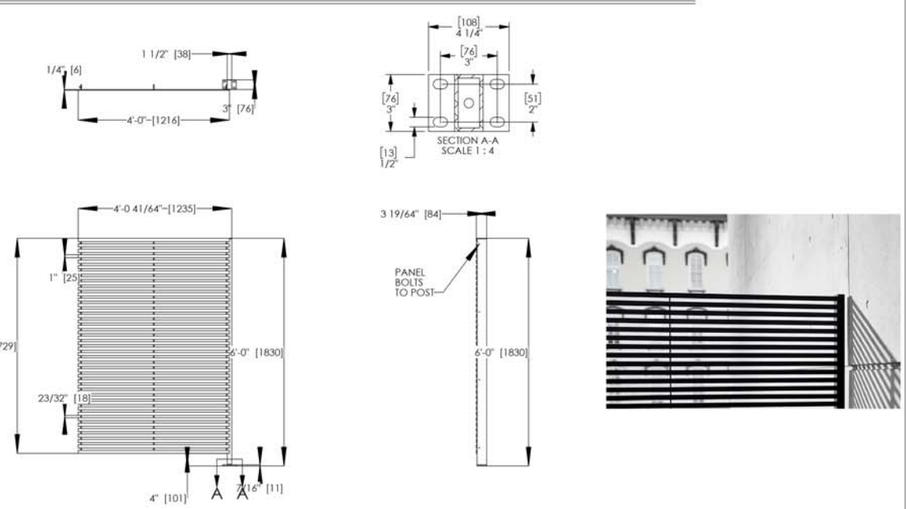
SCALE: 1"=1'-0"

**LINE** panel with one post, 6ft high, 1in horizontal slat panel OR EQUAL

Product Drawing

www.landscapeforms.com Ph: 800.521.2546

Date: 07/18/2019




Drawing: BX0603
Dimensions are in inches [mm]



5 / L-1 METAL SCREEN PARTITION AT WAITRESS STAND

SCALE: 1"=1'-0"

MARTINGALE WHARF DECK EXPANSION
30 PENHALLOW ST., SUITE 300E
PORTSMOUTH, NH 03801

PROPOSED LANDSCAPE DETAILS

terra firma
landscape architecture
169 a court street : portsmouth, nh 03801
office 603.430.8388 | terrence@terrafirmalandarch.com

MARTINGALE WHARF RESTAURANT & BAR

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

L1

3/29/2022
1" = 1'-0"
TP // TC

## ***Electric Vehicle Charging Station Zoning Amendments***

*Motion to approve and send the draft Zoning Ordinance amendments regarding Electric Vehicle Charging Stations to the Planning Board for review and recommendation back to the City Council for first reading.*

**Article 1 Purpose and Applicability**

**Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts**

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/MH | MRO CD4-L1 | CD4-L2 | MRB | CD5 CD4 | GB | G1 | G2 | B CD4-W | WB | OR | I | WI | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **11. Motor Vehicle-Related Uses** | | | | | | | | | | | | | | | | | | |
| 11.90 **Electric Vehicle Charging Stations as a Principal Use** | N | N | N | N | N | N | P | P | CU | P | P | P | P | N | P | P | P | 10.870<br>10.1110 |
| **19. Accessory Uses** | | | | | | | | | | | | | | | | | | |
| 19.60 **Level 1 and Level 2 Electric Vehicle Charging Stations as an Accessory Use** | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| 19.70 **Level 3 Electric Vehicle Charging Stations as an Accessory Use** | CU | CU | CU | CU | CU | CU | P | P | CU | P | P | P | P | CU | P | P | P | |

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

**Section 10.450 Table of Uses – Pease/Airport Districts**

| Use | AIR | AI | PI | ABC | Supplemental Regulations |
|---|---|---|---|---|---|
| **15. Transportation and Utilities** | | | | | |
| 15.60 **Level 1 and Level 2 Electric Vehicle Charging Stations as an Accessory Use** | P | P | P | P | |
| 15.70 **Level 3 Electric Vehicle Charging Stations as an Accessory Use** | P | P | P | P | |
| 15.80 **Electric Vehicle Charging Stations as a Principal Use** | P | P | P | P | 10.870<br>10.1110 |

**Article 8 Supplemental Use Standards**

**Section 10.870**

10.870 **Electric Vehicle Charging Stations as a Principal Use**
10.870.10 General
10.870.11 There shall be no more than two 40-foot wide curb cuts or access or egress points on each abutting street.
10.870.12 No vehicles in an inoperative condition shall remain on the site for more than 14 days.

**Article 11 Site Development Standards**

**Section 10.1110 Off-Street Parking**

**Table of Minimum Off-Street Parking Requirements for Nonresidential Uses**

| Use No. | Use | Requirement |
|---|---|---|
| **11. Motor Vehicle-Related Uses** | | |
| **11.70** | **Electric Vehicle Charging Stations as a Principal Use** | **Number of charging ports + 2 parking spaces** |

**Section 10.1130 Landscaping and Screening**

10.1133 Landscaping and screening will not required for the electric transformers necessary for Electric Vehicle Charging Stations as a Principal Use and will not be required by the Site Plan Review Regulations.

**Article 15 Definitions**

**Section 10.1530 Terms of General Applicability**

**Level 1 and Level 2 Electric Vehicle Charging Stations as an Accessory Use**
Level 1 (120-volt or equivalent) and Level 2 (240-volt or equivalent) Electric Vehicle Charging Stations that are accessory to the primary permitted use of the property.

**Level 3 Electric Vehicle Charging Stations as an Accessory Use**
Level 3 (DC Fast Charging or equivalent) Electric Vehicle Charging Stations that are accessory to the primary permitted use of the property.

**Electric Vehicle Charging Stations as a Principal Use**
Level 1 (120-volt or equivalent), Level 2 (240-volt or equivalent), and Level 3 (DC Fast Charging or equivalent) Electric Vehicle Charging Stations that are the principal use of the property.

| Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts **Use** | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO CD4-L1 | CD4-L2 | MRB | CD5 CD4 | GB | G1 | G2 | B CD4-W | WB | OR | I | WI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **11. Motor Vehicle-Related Uses** | | | | | | | | | | | | | | | | | |
| 11.20 **Motor vehicle service station** | N | N | N | N | N | N | N | N | N | ~~S~~CU | ~~S~~CU | N | ~~S~~CU | N | N | ~~S~~CU | N |
| 11.21 **Motor vehicle fueling station**~~:~~ | N | N | N | N | N | N | N | CU | N | CU | CU | CU | CU | N | CU | CU | CU |
| ~~**motor vehicle repair** or~~ 11.22~~.~~ **Car wash** ~~washing facility for passenger cars and **light trucks**~~ | N | N | N | N | N | N | N | N | N | CU | CU | N | CU | N | N | CU | N |

| Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts **Use** | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO CD4-L1 | CD4-L2 | MRB | CD5 CD4 | GB | G1 | G2 | B CD4-W | WB | OR | I | WI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **19. Accessory Uses** | | | | | | | | | | | | | | | | | |
| 19.10 **Accessory use** to a permitted **principal use**, but not including any **outdoor storage** | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| 19.20 **Home occupation** | | | | | | | | | | | | | | | | | |
| 19.21 **Home occupation 1** | P | P | P | P | P | P | P | P | P | P | P | P | P | N | N | N | N |
| 19.22 **Home occupation 2** | S | S | S | S | N | S | S | P | P | P | P | P | P | N | N | N | N |
| 19.30 Concessions and services located within the **principal building** | N | N | N | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| 19.40 **Drive-through facility**, as **accessory use** to a permitted **principal use** | N | N | N | N | N | N | N | N | N | CU | CU | N | CU | N | CU | N | N |
| 19.50 Outdoor dining or drinking area, as **accessory use** to a permitted **principal use** | N | N | N | N | N | N | CU | N | P | P | P | P | CU | N | N | N | N |
| 19.60 **EV Fueling Space** as **accessory use** to a permitted **principal use** | N | N | N | N | N | CU | N | N | N | P | P | P | P | N | N | P | N |

## ection 10.810 Residential and Institutional Residence or Care Uses

### 10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following **use**s are permitted as **accessory use**s to permitted residential **use**s, in addition to those **accessory use**s listed in Section 10.440:

(a) The keeping of dogs and cats and other **household pet**s, but not including **kennel**s.

(b) **Yard sale**.

(b) The **outdoor storage** of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.

(c) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:

(1) Such stand or display area shall not cover more than 150 square feet of **gross floor area** or ground area.

(2) Such stand or display area shall be located at least 30 feet from the **street** right-of-way.

(3) Adequate **off-street parking** shall be provided and arranged in such a way that vehicles will not back into the **street**.

(d) **Electric Vehicle (EV) fueling space** limited to customary residential electrical service (currently also known, without limitation, as "level one" and level two").

### 10.843.30 Motor Vehicle Service Stations

10.843.31 All repairs and service work shall take place within an enclosed **building**.

10.843.32 Repaired or rebuilt vehicles shall not be sold upon the premises.

10.843.33 All pump islands shall be set back at least 40 feet from all **lot line**s.

10.843.34 Above ground electric vehicle charging support equipment (including, but not limited to, generators and transformers) shall be setback 10 feet from all lot lines.

10.843.35 Sale of **convenience goods 1** and **2** as an **accessory use**

### *10.1112.32 Parking Requirements for Nonresidential Uses*

10.1112.321 The required minimum number of **off-street parking** spaces for **use**s other than 1.10 through 1.90 shall be based on the following table.

**Table of Minimum Off-Street Parking Requirements for Nonresidential Uses**

| Use No. | Use | Requirement |
|---|---|---|
| **2. Institutional Residence or Care Facilities** | | |
| **11. Motor Vehicle-Related Uses** | | |
| 11.20 | **Motor vehicle service station**, motor vehicle fueling station, **motor vehicle repair** or washing facility for passenger cars and **light truck**s | 2 + 1 per 400 sf GFA<br>Electric Vehicle fueling spaces may count towards minimum parking |

## ection 10.1530 Terms of General Applicability

**Electric vehicle (EV)**

An **EV** is a vehicle that derives motive power from an electric motor that draws electricity from a battery and is charged from an external source. An **EV** includes both plug-in vehicles powered only by a battery-powered electric motor (plug-in all electric vehicle) and plug-in vehicles powered by both battery-power and an internal combustion engine (plug-in hybrid electric vehicle).

**Electric vehicle battery exchange**

A **motor vehicle fueling station** where **EV**s may exchange depleted batteries with charged batteries, which may or may not be done through an automated process.

**EV fueling space**

A **motor vehicle fueling space** for an **EV**.

**Motor vehicle fueling space**

A public or private parking space used for the transfer of electrical energy by conductive or inductive means, or liquid or gaseous fuels by pumps and hoses, to a motor vehicle. A **motor vehicle fueling space** shall include any appurtenant above ground equipment adjacent to and service not more than two **motor vehicle fueling spaces**, but shall not include transformers or underground tanks serving multiple **motor vehicle fueling space**s as a part of a **motor vehicle fueling station.**

**Motor vehicle fueling station**

A retail establishment for **EV battery exchange** or one that uses **motor vehicle fueling spaces** to sell motor vehicle fuel, (including, but not limited to gasoline, diesel, natural gas, electricity and hydrogen) to individual vehicles. A **motor vehicle fueling station** may also include the following accessory uses:

- Retail sale of propane in containers not larger than forty pounds (7.1 gallons) and kerosene in containers not larger than five gallons;
- Retail sale of products used by retail owners of motor vehicles for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers and wiper fluid, tires, batteries, cleaning fluids and similar items; and
- Electric charging facilities for electric bicycles, scooters, and other similar electric mobility devices.

**Motor vehicle service station**

An **establishment** that ~~sells fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) to individual vehicles. A **motor vehicle service station**~~ may include a **motor vehicle fueling station**, **motor vehicle repair** or **convenience goods 1** or **2** but does not include any of the following:

- **motor vehicle painting or body work**;
- motor vehicle sales, leasing or rental;

- **outdoor storage** or display of vehicles, boats, automobile parts or other merchandise, except for (a) small sample displays of automotive accessory items or (b) batteries or tires located **adjacent** to the **principal building** or on the **motor vehicle fueling space** island(s). .

- ~~retail sale of propane and kerosene;~~
- ~~retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items;~~
- ~~minor automotive maintenance such as the addition of fluids, replacement of wiper blades and similar activities; and~~
- ~~retail sale of over-the-counter consumer merchandise.~~

**~~Motor vehicle service station 1~~**

~~A **motor vehicle service station** that includes not more than 12 square feet of display area for the retail sale of consumer merchandise, and that does not include any of the following:~~

- ~~**motor vehicle repair**;~~
- ~~**motor vehicle painting or body work**;~~
- ~~motor vehicle sales, leasing or rental;~~
- ~~**outdoor storage** or display of vehicles, boats, automobile parts or other merchandise, except for (a) small sample displays of automotive accessory items or (b) batteries or tires located **adjacent** to the **principal building** or on the pump islands.~~

**~~Motor vehicle service station 2~~**

~~A **motor vehicle service station** that include the activities and limitations of **motor vehicle service station 1** and also includes **motor vehicle repair**.~~

**~~Motor vehicle service station 3~~**

~~A **motor vehicle service station** that includes the activities and limitations of **motor vehicle service station 1** and also includes sale of **convenience goods 1** or **2**.~~

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

## Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

| Use | R | SRA SRB | GRA GRB | GRC (A) | GA/ MH | MRO CD4-L1 | CD4-L2 | MRB | CD5 CD4 | GB | G1 | G2 | B CD4-W | WB | OR | I | WI | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | | |
| **11. Motor Vehicle-Related Uses** | | | | | | | | | | | | | | | | | | |
| 11.20 Motor vehicle service station, ~~motor vehicle repair or washing facility for passenger cars and light trucks~~ | N | N | N | N | N | N | N | N | N | ~~S~~ CU | ~~S~~ CU | ~~N~~ CU | ~~S~~ CU | N | N | ~~S~~ CU | N | 10.581 (lot area)<br>10.592 (location)<br>10.843 (motor vehicle related uses) |
| 11.21 Car wash | N | N | N | N | N | N | N | N | N | CU | CU | N | CU | N | N | CU | N | |
| **19. Accessory Uses** | | | | | | | | | | | | | | | | | | |
| 19.60 **EV fueling space 1** | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | 10.811 (Accessory uses to permitted residential uses) |
| 19.70 **EV fueling space 2** | N | N | N | N | N | CU | N | N | N | P | P | P | P | N | N | P | N | 10.843 (motor vehicle related uses) |

# Section 10.810 Residential and Institutional Residence or Care Uses

## 10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following uses are permitted as accessory uses to permitted residential uses, in addition to those accessory uses listed in Section 10.440:

(a) The keeping of dogs and cats and other household pets, but not including kennels.

(b) Yard sale.

(b) The outdoor storage of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.

(c) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:

(1) Such stand or display area shall not cover more than 150 square feet of gross floor area or ground area.

(2) Such stand or display area shall be located at least 30 feet from the street right-of-way.

(3) Adequate off-street parking shall be provided and arranged in such a way that vehicles will not back into the street.

(d) **EV fueling space 1.**

## 10.843 Motor Vehicle, Marine Craft and Equipment Sales, Service and Related Uses

### 10.843.30 Motor Vehicle Service Stations

10.843.31 All repairs and service work shall take place within an enclosed building.

10.843.32 Repaired or rebuilt vehicles shall not be sold upon the premises.

10.843.34 Except for **EV fueling space 1**, all above ground **EV** charging support equipment (including, but not limited to, generators and transformers) shall be set back 10 feet from all **lot line**s.

10.843.33 All pump islands shall be set back at least 40 feet from all lot lines.

10.843.35 Sale of convenience goods 1 and 2 as an accessory use

### *10.1112.32 Parking Requirements for Nonresidential Uses*

10.1112.321 The required minimum number of off-street parking spaces for uses other than 1.10 through 1.90 shall be based on the following table.

**Table of Minimum Off-Street Parking Requirements for Nonresidential Uses**

| Use No. | Use | Requirement |
|---|---|---|
| **11. Motor Vehicle-Related Uses** | | |
| 11.20 | Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks | 2 + 1 per 400 sf GFA **EV fueling spaces 1** and **2** may count towards minimum parking requirements |

# Article 15 Definitions

## Section 10.1530 Terms of General Applicability

**EV (Electric Vehicle)**

An **EV** is a motor vehicle that derives some or all of its primary motive power from an electric motor that draws electricity from a battery and is charged from an external source.

**EV fueling space 1**

A public or private parking space with adjacent above ground charging support equipment that uses customary residential electric service for charging **EV**s.

**EV fueling space 2**

A public or private parking space with adjacent above ground charging support equipment that uses greater than customary residential electric service for charging **EV**s.

Motor vehicle service station

An establishment that sells fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) to ~~individual~~ **EV**s and motor vehicles. A motor vehicle service station may include:

- **motor vehicle repair**;
- **convenience goods 1 and 2**;
- retail sale of propane and kerosene;
- retail sale of motor vehicle and **EV** maintenance products**;** ~~required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items;~~
- ~~minor automotive maintenance such as the addition of fluids, replacement of wiper blades and similar activities; and~~
- ~~retail sale of over-the-counter consumer merchandise.~~
- **EV fueling space**s **1** and **2**;
- the sale and exchange of **EV** batteries; and
- electric charging facilities for electric mobility devices

**Motor vehicle service station**s do not include any of the following:

- **motor vehicle painting or body work;**
- motor vehicle sales, leasing or rental; and
- **outdoor storage** or display of motor vehicles, boats, motor vehicle parts or other merchandise, except for:
  - (a) small sample displays of motor vehicle accessory items; or
  - (b) batteries or tires located **adjacent** to the **principal building** or on islands or designated areas that support fueling infrastructure

~~Motor vehicle service station 1~~

~~**A** motor vehicle service station **that includes not more than 12 square feet of display area for the retail sale of consumer merchandise, and that does not include any of the following:**~~

- ~~motor vehicle repair;~~
- ~~motor vehicle painting or body work;~~
- ~~**motor vehicle sales, leasing or rental;**~~

- ~~outdoor storage~~ **or display of vehicles, boats, automobile parts or other merchandise, except for (a) small sample displays of automotive accessory items or (b) batteries or tires located** ~~adjacent~~ **to the** ~~principal building~~ **or on the pump islands.**

~~Motor vehicle service station 2~~

~~**A** motor vehicle service station~~ **that include the activities and limitations of** ~~motor vehicle service station 1~~ **and also includes** ~~motor vehicle repair~~**.**

~~Motor vehicle service station 3~~

~~**A** motor vehicle service station~~ **that includes the activities and limitations of** ~~motor vehicle service station 1~~ **and also includes sale of** ~~convenience goods 1~~ **or** ~~2~~**.**