REGULAR MEETING
CONSERVATION COMMISSION

1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS

4:00 P.M. **May 14, 2025**

AGENDA

I. APPROVAL OF MINUTES

1. April 9, 2025

2. April 23, 2025

II. WORK SESSIONS

1. 126 Lang Road

III. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. 224 Cate Street
   Jesse Anderson, Owner
   Assessor Map 173 Lot 3

2. **REQUEST TO POSTPONE**
   80 FW Hartford Drive
   Julian Frey, Owner
   Assessor Map 269 Lot 46

IV. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 400 Spaulding Turnpike
   SLF Realty Group LLC, Owner
   Assessor Map 238 Lot 2

V. STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)

REQUEST TO POSTPONE
Dredge and Fill – Major Impact
Peverly Hill Road and Greenleaf Avenue, City ROW
City of Portsmouth

VI. OTHER BUSINESS

a. Follow-up on 2025 Wetland Mapping Update
b. Planning an upcoming work session

VII. 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_Xa4dhVDZTQmUmRUu21Ec7g

NEW HAMPSHIRE
TURTLE RESCUE

New Hampshire Turtle Rescue, Inc.
P.O. Box 185
Nottingham, NH 03290

RECEIVED
MAY 02 REC'D
By K.E.H.

Greetings!

My name is Drew Stevens, and I am the President of New Hampshire Turtle Rescue in Nottingham, NH. I'm reaching out to you because spring has sprung and turtles have started crossing local roads as they migrate to their nesting habitats. If you encounter any injured or distressed turtles, we would be more than happy to assist in their rescue and rehabilitation.

Our clinic is the only facility in New Hampshire licensed to care for the four state-listed turtle species: Blanding's Turtle, Spotted Turtle, Wood Turtle, and Eastern Box Turtle. **If you encounter one of these species, please call or text us immediately at (603) 417-4944.** These species are slow to mature but live a very long time, leading to their populations relying heavily upon a relatively small number of reproductive individuals. Major threats to these populations include: car strikes, dog attacks, lawnmowers, and swallowed fishhooks.

Our mission at New Hampshire Turtle Rescue is to provide comprehensive care for injured turtles, with the ultimate goal of releasing them back into their homes once they are fully recovered. We have a dedicated team that provides medical care, rehabilitation, and recovery support for injured turtles. You can view patient updates on the NH Turtle Rescue page on Facebook.

If you or any of your Commission members encounter an injured turtle I encourage you to call or text anytime at **(603) 417-4944**. I believe that by working together, we can make a positive impact for the imperiled populations of turtles in our community. And remember, if you encounter a turtle crossing a road, simply help them cross in the direction they are heading, and do not relocate. As an alternate member of the Nottingham Conservation Commission, I appreciate your dedication to conservation!

Sincerely,

Drew Stevens
President
New Hampshire Turtle Rescue

Dallas Huggins
Executive Director
New Hampshire Turtle Rescue

RECEIVED
APR 28 2025
By K.E.H.

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS COUNCIL

Docket No. 24-06 WtC

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION
AND DAVID AND MARGARET WITHAM
NHDES Wetlands Permit No. 2018-03677

INTERVENOR'S MOTION TO DISMISS

Now comes, Jon and Joan Dickinson, through their counsel, Rath, Young and Pignatelli, P.C., owners of property located at 220 Walker Bungalow Road, Portsmouth, New Hampshire ("Intervenors"), who respectfully move that the New Hampshire Wetlands Council ("Wetlands Council") dismiss the appeal of the Sagamore Landing Condominium Association and David and Margaret Witham ("Appellants") with respect to the claim that issuance of Wetlands Permit No. 2018-03677, as amended on February 21, 2024, by the New Hampshire Department of Environmental Services ("NHDES") was contrary to RSA 482-A:3, XIII(a). The Intervenors hereby move that the appeal with respect to this claim by the Appellants be dismissed and file this motion pursuant to Ec-Wet 203.09(a), (b). The Intervenors state the following in support of its motion:

Procedural Background and Statement of Facts

1. Jon and Joan Dickinson are owners of property located at 220 Walker Bungalow Road, Portsmouth, New Hampshire, at Tax Map 223, Lot 30 and referred to in the warranty deed to Jon and Joan Dickinson dated September 24, 2017, recorded October 30, 2017 at the Rockingham County Registry of Deeds at Book 5866, Page 1780[1] (hereinafter the "Property").

2. On February 16, 2023, the Permittees, through their engineers, Ambit Engineering, Inc., filed an amended application to NHDES Wetlands Permit No. 2018-03677 for

[1] See Revised Notice of Appeal of Sagamore Landing Condominium Association, Docket No. 24-06 WtC, Part D at 2.

a permanent tidal docking structure at the Property. A copy of plan for the amended permit application is attached hereto as Exhibit A.

3. On February 23, 2024, NHDES issued amended Wetlands Permit No. 2018-03677 (hereinafter the "Decision").[2]

4. On March 24, 2024, the Appellants, Sagamore Landing Condominium Association and David and Margaret Witham filed the Notice of Appeal in the above-referenced docket challenging the Decision. On December 20, 2024, the Appellants filed a revised Notice of Appeal in the above referenced docket challenging the Decision.

5. On March 17, 2025, the Intervenors filed a Motion to Intervene in the above-reference appeal in accordance with RSA 541-A:32, I(a),(b), and Ec-Wet 203.08.

6. On March 20, 2025, the parties met with the Hearing Officer at the pre-hearing conference, at which time the parties, including the Appellant agreed to narrow the appeal to two issues:

a. The underlying permit decision was unreasonable or unlawful because the permitted docking structure violates RSA 482-A:3, XIII(a); and,

b. The underlying permit decision was unreasonable or unlawful because the permitted docking structure violates RSA 482-A:3, XIII(b).

7. On March 25, 2025, the Wetlands Council through the Hearing Officer, granted the Motion to Intervene.

---

[2] See Revised Notice of Appeal of Sagamore Landing Condominium Association, Docket No. 24-06 WtC, Exhibit A, at 10-13.

8. On March 25, 2025, the Wetlands Council through the Hearing Officer, issued a Prehearing Order which included the Appellants will limit the appeal to the two issues listed above and waive all remaining additional claims.

9. On April 4, 2025, the Appellants and Intervenors filed a joint Notice of Stipulation[3] that the shared property line is as follows:

> *The property line between the Intervenors' and Appellants' properties is the centerline of the unnamed brook that discharges to the Sagamore Creek.*

10. The amended plan attached as Exhibit A clearly shows that the permitted docking structure is more than twenty feet (20') from the abutting property line of the Appellants' which is the centerline of the unnamed brook that discharges to the Sagamore Creek.

Summary of Relieve Sought

11. The Permittees request that the Wetlands Council dismiss the Appeal of the Appellants with respect to the alleged errors by NHDES related to issuance of the amended permit in violation of RSA 482-A:3, XIII(a), because the proposed docking structure is more than twenty (20) feet from the abutting property line.

Argument in Support of the Motion to Dismiss:

12. One of the two claims sought by the Appellant alleges that the permitted dock violates RSA 482-A:3, XIII(a) which states the following:

> (a) All boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters, and at least 20 feet in tidal waters. See RSA 482-A:3, XIII(a)

[3] A copy of the Notice of Stipulation is attached as Exhibit B.

13. Exhibit A which was submitted to NHDES on February 16, 2023 was relied upon by NHDES to issue its permitting decision to grant the dock permit on February 23, 2024.

14. In accordance with the stipulation agreed to by the Intervenors and Appellants, the agreed property boundary is the center-line of the unnamed creek that discharges to the Sagamore Creek. See Exhibit B.

15. The Wetlands Council has jurisdiction over appeals of department permitting decisions pursuant to RSA 21-O:5-a. The Wetlands Council therefore has jurisdiction to decide whether NHDES issued the permitting decision on February 23, 2024 that was either unlawful or unreasonable or in violation of RSA 482-A:3, XIII(a). See RSA 21-O:5-a, V, and RSA 21-0:14(a).

16. The NH Supreme Court in interpreting a statute or administrative rule, ascribes the plain and ordinary meanings to words used, looking at the rules or statutory scheme as a whole and not piecemeal. See *Appeal of New Hampshire Department of Environmental Services*, 173 N.H. 282, 292 (2020). Here the plain reading of the statute does not include the terms "shall not extend beyond the extension of the abutter's property line" as set forth in RSA 482-A:3, XIII(b). Therefore, a plain and ordinary reading of RSA 482-A:3, XIII(a) required NHDES to measure the distance from the permitted docking structure from the abutter's property line, or the centerline of the unnamed creek.

17. As shown in Exhibit A, and utilizing the scale provided for that plan, the permitted docking structure was more than 20 feet from the unnamed creek and Appellants' property line, as agreed in the Notice of Stipulation attached as Exhibit B.

18. Given that the property line is not extended from the unnamed creek, NHDES made no error and did not issue the dock permit in violation of RSA 482-A:3, XIII(a).

19. Therefore, the Wetlands Council should dismiss the Appellants' appeal with respect to the claim of violation of RSA 482-A:3, XIII(a) because the Appellants' appeal cannot meet the burden of RSA 21-O:I-a(a) because it was neither unlawful or unreasonable.

WHEREFORE, the Intervenors request that the Wetlands Council and Hearing Officer grant this motion to dismiss.

Respectfully submitted,

JON AND JOAN DICKINSON

By Their Attorney,

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: April 24, 2025

By: _____

James J. Steinkrauss, Esq.
(NH Bar #273631)
One Capital Plaza
Concord, NH 03302
(603) 226-2600
jjs@rathalw.com

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing Motion to Intervene was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on April 24, 2025 to counsel and parties of record listed below:

John Mark Turner, Esq. (via email at *jturner@sheehan.com)*
(Counsel for Sagamore Landing Condominium Assoc. & David and Margaret Witham)
Sheehan Phinney Bass & Green, P.A.
1000 Elm Street, PO Box 3701
Manchester, NH 03105

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)
(Counsel for the New Hampshire Department of Environmental Protection)
Office of the Attorney General
Environmental Protection Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3679

Portsmouth Municipal Clerk (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

Portsmouth Conservation Commission (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

David and Margaret Witham (through counsel via email at *jturner@sheehan.com*)
238 Walker Bungalow Road
Portsmouth, NH 03801

Jon and Joan Dickinson (through counsel via email at *jjs@rathlaw.com*)
1242 Ocean Boulevard
Rye, NH 03870

Mary Ann Tilton, Wetlands Assistant Bureau Administrator (via email at *keely.lovato@doj.nh.gov*)
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Rene Pelletier, Director of Water Division (via email at *keely.lovato@doj.nh.gov*)
Wetlands Bureau Administrator

NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Michelle A. Doucette, Appeals Clerk (via email at *appeals@des.nh.gov*)
New Hampshire Department of Justice
C/O New Hampshire Wetlands Council
1 Granite Place South
Concord, NH 03301

Nathan W. Kenison-Marvin, Esq. (via email at *Nathan.W.Kenison-Marvin@doj.nh.gov*)
Assistant Attorney General
New Hampshire Department of Justice
Office of the Attorney General
1 Granite Place – South
Concord, NH 03301

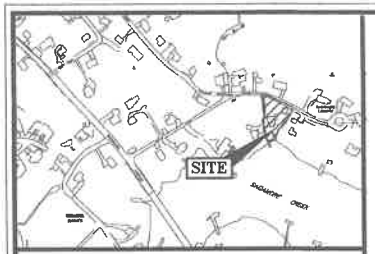
Sagamore Landing Condominium Assoc. (through counsel via email to *jturner@sheehan.com*)
c/o Danielle Megliola
284 Walker Bungalow Road
Portsmouth, NH 03801

Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: April 24, 2025

By: */s/ James J. Steinkrauss*
James J. Steinkrauss

EXHIBIT A



LOCATION MAP SCALE 1"=300'

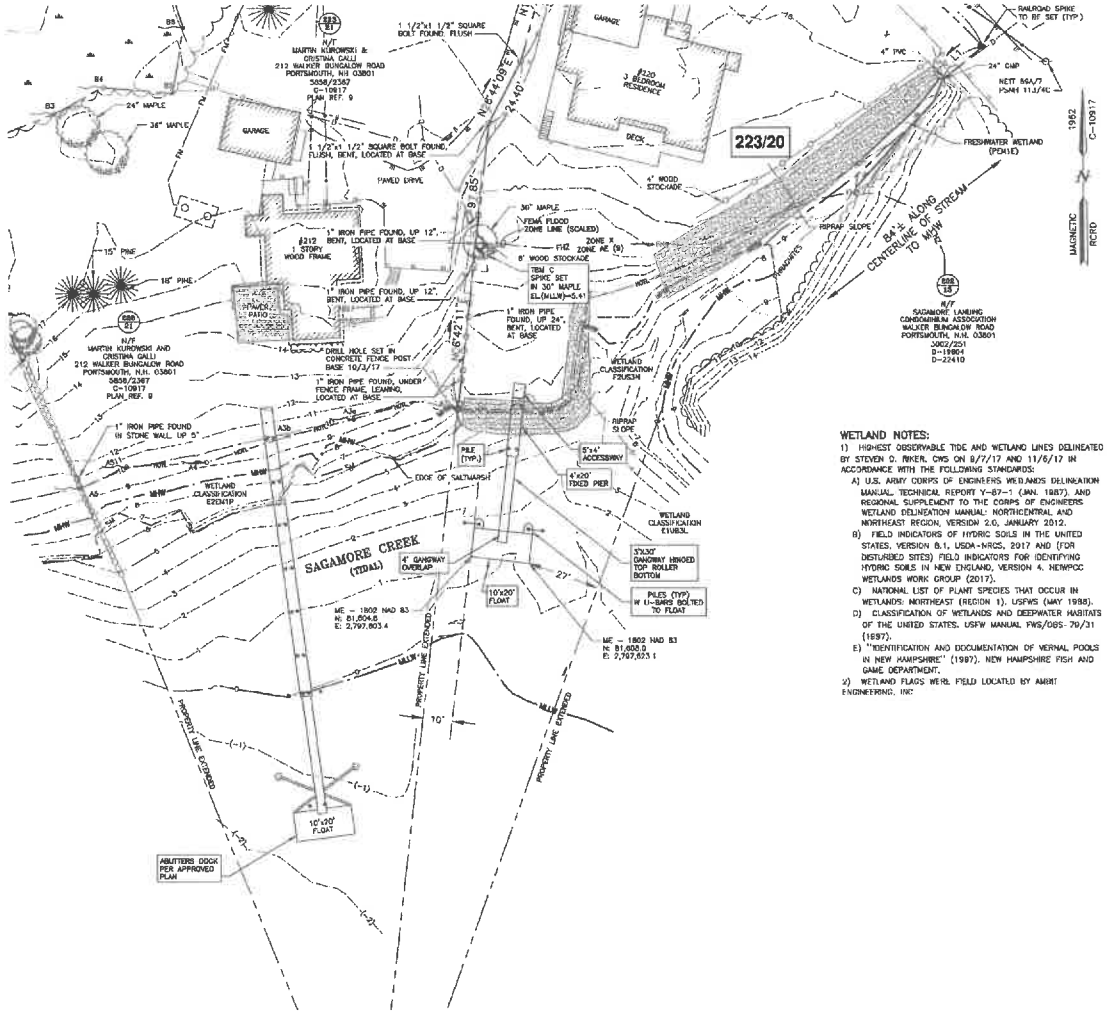
LEGEND:

EXISTING

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11/21	MAP 11 / LOT 21
RR SPK FND	RAILROAD SPIKE FOUND/SET
IR FND	IRON ROD FOUND/SET
IP FND	IRON PIPE FOUND/SET
DH FND	DRILL HOLE FOUND/SET
NHHS FND	NHDOT BOUND FOUND
TB FND	TOWN BOUND FOUND
BND w/DH	BOUND w/ DRILL HOLE
ST BND w/DH	STONE BOUND w/DRILL HOLE
	UNDERGROUND ELECTRIC
	OVERHEAD ELECTRIC/WIRES
100	CONTOUR
	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE

PREVIOUS DES PERMIT APPROVALS:

NH DES WETLANDS: 93-01664
NH DES WETLANDS: 2010-03326
NH DES WETLANDS: 2018 02479
NH DES SHORELAND: 2018-01656



WETLAND NOTES:

1) HIGHEST OBSERVABLE TIDE AND WETLAND LINES DELINEATED BY STEVEN D. RIKER, CWS ON 8/7/17 AND 11/6/17 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 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4, NENPCC WETLANDS WORK GROUP (2017).
   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) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC

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

JOHN R. CHAGNON, LLS #738 — DATE 2.13.23

STATE OF NEW HAMPSHIRE — No. 738 — JOHN R. CHAGNON

GRAPHIC SCALE
10 0 20 40 60 80 FEET
5 0 5 10 15 20 25 METERS

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 436-8888
Fax (603) 436-2310

NOTES:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 223 AS LOT 20.

2) 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.

3) 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.

4) 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).

5) THE LIMIT OF WORK IS TO BE CLEARLY UNDERSTOOD WITHIN THE JURISDICTIONAL AREAS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

6) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED DOCK ON MAP 223 LOT 20 IN THE CITY OF PORTSMOUTH.

7) VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS NH DOT DISC 397-0990. REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8419870, SEAVEY ISLAND. MLLW BEING 4.62' LOWER THAN 0.00 NAVD88. MHW LINE AS SHOWN IS AT ELEV. 6.43 MLLW.

8) WESTERLY BOUNDARY LINE OF THE PARCEL IS REFERRED TO AS A PRIVATE ROAD IN PRECEDING DEEDS FOR THE PROPERTY TO THE WEST (SEE 1024/241). THE DEED FOR THE SUBJECT PARCEL REFERS TO THIS LINE AS A PRIVATE ROAD (SEE 5868/1780). EASTERLY BOUNDARY LINE IS REFERRED TO AS THE CENTERLINE OF A DITCH OR SMALL STREAM LEADING NORTHERLY FROM SAGAMORE CREEK. OWNERSHIP ONLY EXTENDS TO THE CENTERLINE OF THE CREEK IN THE AREA ABOVE MEAN HIGH WATER.

9) UPDATED SITE CONSTRUCTION ON TAX MAP 223 LOTS 20 & 21 IS NOT SHOWN HEREON.

DICKINSON DOCK
220 WALKER BUNGALOW ROAD
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
3	SHORTEN DOCK LENGTH	2/13/23
2	DOCK LAYOUT	6/12/22
1	ADD NOTE 8	2/19/19
0	ISSUED FOR COMMENT	12/7/18

REVISIONS

STATE OF NEW HAMPSHIRE — JOHN R. CHAGNON — No. 738 — LICENSED LAND SURVEYOR

STATE OF NEW HAMPSHIRE — STEVEN D. RIKER — No. 219 — CERTIFIED WETLAND SCIENTIST

SCALE 1"=20' AUGUST 2022

NHDES DOCK PERMIT PLAN

C2

FB 256 PG 69

2552.38

EXHIBIT B

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS COUNCIL

Docket No. 24-06 WtC

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION
AND DAVID AND MARGARET WITHAM
NHDES Wetlands Permit No. 2018-03677

NOTICE OF STIPULATION

Pursuant to the Prehearing Order, the Appellants hereby notify the Council that the Appellants and the Intervenors have, for purposes of this Appeal, agreed on the following stipulation concerning their shared property line:

The property line between the Intervenors' and Appellants' properties is the centerline of the unnamed brook that discharges to the Sagamore Creek.

The State does not join this Stipulation.

Respectfully submitted,

Appellants, Sagamore Landing Condominium Assoc. &
David and Margaret Witham

April 4, 2025

By: _____

John Mark Turner
1000 Elm Street, PO Box 3701
Manchester, NH 03105
(603) 627-8143; jturner@sheehan.com

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on April 4, 2025 to counsel and parties of record listed below:

James J. Steinkrauss, Esq. (via email at jjs@rathlaw.com)
(Counsel for the Intervenors – the Dickinsons)
Rath, Young and Pignatellic, P.C.
One Capital Plaza
Concord, NH 03302
(603) 226-2600

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)
(Counsel for the New Hampshire Department of Environmental Protection)
Office of the Attorney General
Environmental Protection Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3679

Portsmouth Municipal Clerk (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

Portsmouth Conservation Commission (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

David and Margaret Witham (through counsel via email at *jturner@sheehan.com*)
238 Walker Bungalow Road
Portsmouth, NH 03801

Mary Ann Tilton, Wetlands Assistant Bureau Administrator (via email at *keely.lovato@doj.nh.gov*)
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Rene Pelletier, Director of Water Division (via email at *keely.lovato@doj.nh.gov*)
Wetlands Bureau Administrator
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Michelle A. Doucette, Appeals Clerk (via email at *appeals@des.nh.gov*)
New Hampshire Department of Justice
C/O New Hampshire Wetlands Council
1 Granite Place South
Concord, NH 03301

Nathan W. Kenison-Marvin, Esq. (via email at *Nathan.W.Kenison-Marvin@doj.nh.gov*)
Assistant Attorney General
New Hampshire Department of Justice
Office of the Attorney General
1 Granite Place – South
Concord, NH 03301

Sagamore Landing Condominium Assoc. (through counsel via email to *jturner@sheehan.com*)
c/o Danielle Megliola
284 Walker Bungalow Road
Portsmouth, NH 03801

Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: April 4, 2025

By:_____
John-Mark Turner

RATH
YOUNG
PIGNATELLI
INSIGHT MATTERS

RECEIVED
APR 28 2025
By K.E.H.

James J. Steinkrauss
Attorney-At-Law
jjs@rathlaw.com
Please reply to: Concord Office

April 24, 2025

VIA ELECTRONIC MAIL
& FIRST CLASS MAIL

appeals@des.nh.gov

Wetlands Council
Attn: Appeals Clerk
NH Department of Justice
1 Granite Place South
Concord, NH 03301

RE: Notice of Appeal of the Sagamore Landing Condominium Association
Docket No. 24-06 WtC

Dear Ms. Doucette,

Enclosed please find the Motion to Dismiss submitted behalf of Intervenors, Jon and Joan Dickinson pursuant to Ec-Wet 203.09 in the above-referenced matter. This letter and motion are filed in accordance with Ec-Wet 201.03(c),(d). A paper copy will be mailed to the attention of the Appeal Clerk within five (5) days of this filing.

Please feel free to contact me with any questions. Thank you for your attention to this matter.

Sincerely,

James J. Steinkrauss

Enc.

RATH
YOUNG
PIGNATELLI

INSIGHT MATTERS

Nathan W. Kenison-Marvin, Esq., Asst. Attorney General
(via email at Nathan.W.Kenison-Marvin@doj.nh.gov

David and Margaret Witham and Sagamore Landing Condominium Association
through their counsel (via email at jturner@sheehan.com)

John-Mark Turner, Esq. (via email at jturner@sheehan.com)

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)

Mary Ann Tilton, Wetlands Assistant Bureau Administrator, NHDES
(via email at keely.lovato@doj.nh.gov)

Rene Pelletier, Director of Water Division
Wetlands Bureau Administrator (via email at keely.lovato@doj.nh.gov)

Portsmouth Municipal Clerk (via mail)
1 Junkins Avenue, Portsmouth, NH 03801

Portsmouth Conservation Commission (via mail)
1 Junkins Avenue, Portsmouth, NH 03801

Martin & Cristina Kurowski (via mail)
212 Walker Bungalow Road
Portsmouth NH 03801

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

RECEIVED
APR 28 2025
By K.E.H.

NEW HAMPSHIRE 200

PORTSMOUTH CONSERVATION COMMISSION NOTIFICATION FOR WETLANDS PERMIT AMENDMENT REQUEST

VIA CERTIFIED MAIL

April 22, 2025

Kate Homet
Portsmouth City Hall
1 Junkins Ave, 3rd Floor
Portsmouth, NH 03801

RE: Rye Conservation Commission Notification for Wetlands Permit Amendment Request
325 Little Harbor Road, Portsmouth, NH – Tax Map: 205, Lot: 2
Project #47099.01

To Whom It May Concern:

This letter is to inform you that a Wetland Permit Amendment Request will be filed with the NH Department of Environmental Services to amend NHDES Wetlands Permit 2022-00789 issued to the above-referenced property on August 29, 2023. Under NHDES Wetlands Bureau Administrative Rule Env-Wt 314.07, we are required to notify you of this permit amendment request.

Should you have any questions regarding this wetland permit amendment request, you're welcome to contact me anytime.

Sincerely,
TFMoran, Inc.

Olivia Boyer
Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

RECEIVED
APR 21 REC'D
By

OUR TRUSTED BREED
making it happen

MD&B

BLAST NOTIFICATION - 2nd NOTICE

April 18, 2025

Dear City of Portsmouth Official,

We at Maine Drilling & Blasting would like to take this opportunity to introduce you to our company and advise you that we have been hired to perform rock removal and blasting at the parking lot on Russell St & Deer St. in Portsmouth, NH. Work will commence in the Summer 2025. All abutters within a 500 ft radius have been notified and offered a pre-blast survey of their property.

The site will be well marked with highly visible signs that detail the whistle warning sequence that will be sounded prior to commencement of each blast. All blasting operations will be conducted during daylight hours and no explosives will be stored at the construction site overnight. The horn will blow in the following sequence:

3 Long Horns – 5 minutes before the blast
2 Long Horns – 2 minutes before the blast
1 Long Horn – All clear to proceed

If you happen to be in the building during the initiation of the blast, you may experience low levels of ground vibration. We will strive to minimize the amplitude of the blast and will be utilizing the most advanced technologies available to the blasting industry to measure the seismic effect of the area. Please be assured that ground vibrations associated with the blasting will not exceed established limits that could potentially cause damage.

If you have any questions or concerns, we encourage you to contact our Risk Management Department at 603-232-8538, from the hours of 7:30 AM to 4:00 PM and we will respond to your concerns in a timely manner.

Sincerely,

Christopher Scott
Pre-Blast & Claims Supervisor

Maine Drilling & Blasting, Inc.
88 Gold Ledge Avenue
Auburn, NH 03032
603.647.0299
603.647.9770 FAX

Divisional Offices

Connecticut	860.242.7419
Maine	207.582.2338
Massachusetts/RI	508.478.0273
New Hampshire	603.647.0299
New York	518.632.9170
Pennsylvania	717.933.5781
Tennessee	615.466.0244
Vermont	802.453.5138

RECEIVED
APR 09 REC'D
By K.E.H.

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS COUNCIL

Docket No. 24-06 WtC

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION
AND DAVID AND MARGARET WITHAM
NHDES Wetlands Permit No. 2018-03677

NOTICE OF STIPULATION

Pursuant to the Prehearing Order, the Appellants hereby notify the Council that the Appellants and the Intervenors have, for purposes of this Appeal, agreed on the following stipulation concerning their shared property line:

The property line between the Intervenors' and Appellants' properties is the centerline of the unnamed brook that discharges to the Sagamore Creek.

The State does not join this Stipulation.

Respectfully submitted,

Appellants, Sagamore Landing Condominium Assoc. &
David and Margaret Witham

April 4, 2025

By: _____

John Mark Turner
1000 Elm Street, PO Box 3701
Manchester, NH 03105
(603) 627-8143; jturner@sheehan.com

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on April 4, 2025 to counsel and parties of record listed below:

James J. Steinkrauss, Esq. (via email at jjs@rathlaw.com)
(Counsel for the Intervenors – the Dickinsons)
Rath, Young and Pignatellic, P.C.
One Capital Plaza
Concord, NH 03302
(603) 226-2600

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)
(Counsel for the New Hampshire Department of Environmental Protection)
Office of the Attorney General
Environmental Protection Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3679

Portsmouth Municipal Clerk (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

Portsmouth Conservation Commission (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

David and Margaret Witham (through counsel via email at *jturner@sheehan.com*)
238 Walker Bungalow Road
Portsmouth, NH 03801

Mary Ann Tilton, Wetlands Assistant Bureau Administrator (via email at *keely.lovato@doj.nh.gov*)
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Rene Pelletier, Director of Water Division (via email at *keely.lovato@doj.nh.gov*)
Wetlands Bureau Administrator
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Michelle A. Doucette, Appeals Clerk (via email at *appeals@des.nh.gov*)
New Hampshire Department of Justice
C/O New Hampshire Wetlands Council
1 Granite Place South
Concord, NH 03301

Nathan W. Kenison-Marvin, Esq. (via email at *Nathan.W.Kenison-Marvin@doj.nh.gov*)
Assistant Attorney General
New Hampshire Department of Justice
Office of the Attorney General
1 Granite Place – South
Concord, NH 03301

Sagamore Landing Condominium Assoc. (through counsel via email to *jturner@sheehan.com*)
c/o Danielle Megliola
284 Walker Bungalow Road
Portsmouth, NH 03801

Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: April 4, 2025

By:_____
John-Mark Turner

The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

April 2, 2025

RECEIVED
APR 08 REC'D
By K.B.H.

393 NEW CASTLE AVENUE LLC
PO BOX 393
PORTSMOUTH NH 03801

RE: **Withdrawn Application/Permit Approval Vacated (RSA 482-A)**
NHDES File Number: 2022-00118
Subject Property: 390 New Castle Avenue, Portsmouth, Tax Map #207, Lot #6

Dear Applicant:

The New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau acknowledges the signed NH Wetlands Council *Stipulation for Docket Markings and Remand* for Docket Nos. 2022-20 and 2022-21 approved by the Wetlands Council Hearing Officer on April 1, 2025, for the above-referenced Standard Dredge and Fill Wetlands Permit Application. Pursuant to the approved Stipulation, the Application is withdrawn by Applicant and Permit approval vacated, and the file is now closed.

If you wish to proceed with the project at a later date, you will need to file a new application with the appropriate form, plans, assessments, attachments, and a new filing fee.

If you have any questions, please contact me at David.Price@des.nh.gov or (603) 559-1514.

Sincerely,

David Price

David Price
East Region Supervisor, Wetlands Bureau
Land Resources Management, Water Division

Copied: Christopher Aslin, DOJ AGO
Municipal Clerk/Conservation Commission
Justin C. Richardson, NH Water Law
Courtney Herz, Sheehan Phinney Bass & Green, PA
John McGee, Jr., Law Office of Flynn & McGee, PA

Memo

TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning & Sustainability
DATE: May 9, 2025
SUBJ: May 14, 2025 Conservation Commission Meeting

---

224 Cate Street
Jesse Anderson, Owner
Assessor Map 173 Lot 3

This application is for an after-the-fact permit to perform an alteration of the natural vegetative state within the wetland buffer. This property had recent work done involving removal of the top layer of soil across the majority of the buffer, removal of trees and the removal of other existing vegetation such as shrubs. This application includes a restoration plan to revegetate and plant a portion of the wetland buffer. These plans include seeding the exposed topsoil with a conservation seed mix, grinding down the stumps to the surface, planting three red maples and seven dogwood shrubs.

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

The removal of vegetation from the buffer on this property significantly increased the impact of pollution, sediment and nutrient runoff into the brook, especially with the steep embankment leading to the water's edge. The plan to establish shrubs and replace the two trees within the 40-ft no-cut vegetative buffer will significantly help to re-establish that part of the buffer and prevent further runoff and erosion.

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

The applicant is proposing to seed all previously disturbed areas with an appropriate seed mix and plant a well-spaced section of trees within an area of the wetland buffer that relies on dense vegetation to protect the brook.

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

The disturbance of this site was in direct violation of the City of Portsmouth Zoning Ordinance and increased the risk of disturbance to Hodgson Brook, an already impaired waterbody that requires protection. With the successful establishment of the proposed plantings and conservation seed mix, the previous impacts to the wetland buffer should be mitigated.

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

This area had already been altered and is proposed to be revegetated to come into compliance with our wetland buffer requirements.

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

This restoration of the previously disturbed area will bring this site back into compliance and hopefully help to improve the health of Hodgson Brook over time.

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

This site is unique as it triggers a wider vegetated buffer strip. With the slope of the brook's bank, this site requires a 40' vegetated buffer strip according to Section 10.1018.22 of the Zoning Ordinance. Currently, two buildings exist within this area which prevents the entire vegetation of this strip, but the planting of the trees and shrubs greatly increases the amount of vegetation there currently.

Recommendation: Staff recommends approval of this after the fact wetland conditional use permit to the Planning Board with the following conditions:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 40' vegetative buffer (due to the steep slope) at 50-foot intervals and must be installed prior to the start of any site work.

2. A monitoring report for the first two years after planting will 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 methods for irrigation and information on routine maintenance practices. The second 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.

3. Prior to the submission to the Planning Board, applicant shall provide a maintenance plan for current and future property owners that gives instructions on maintaining the conservation mix seeded areas. This is to educate property owners on the correct way to care for non-traditional grass lawns.

400 Spaulding Turnpike
SLF Realty Group LLC, Owner
Assessor Map 238 Lot 2

This application is for an after-the-fact wetland conditional use permit for permanent wetland buffer impacts that were not previously captured within the wetland conditional use permit for this property, among many others, that was a part of the 2018 Eversource utility pole upgrade project. While working on this parcel to replace the utility poles, the previously approved access path to reach the poles changed which changed the wetland and wetland buffer impact numbers. In addition, the access path changed from a temporary disturbance to a permanent disturbance. This permit application requests the permanent wetland buffer disturbance of 3,685 s.f. associated with keeping a portion of the access path as crushed gravel for future maintenance needs.

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

This work was part of a previously approved project that had previously approved impact to the wetland for access to Eversource's Pole #19. The actual work that occurred eliminated the impact to the wetland resource and shifted impacts to the wetland buffer.

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

The poles that had to be replaced are located directly within the wetland buffer behind the Ford Dealership. To access the poles, there is no way to bring in equipment without entering into the buffer.

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

After work on replacing the poles finished, the work pad directly under the poles was naturally revegetated which is the area adjacent to the wetland to the north. The most adverse impact of this project is the permanence of the crushed gravel access road leading to the poles. This was left in place for future maintenance needs but a silt soxx buffers it from the wetland to the south, which should remain as a permanent installation with replacement over time as needed.

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

The temporary alteration to the buffer that occurred as part of this work included the work pad underneath the poles. This area has been allowed to naturally revegetate which has occurred. The access road has altered the natural vegetative state but it was noted during the site walk that vegetation is already growing through it and a silt soxx remains in place to protect the adjacent wetland. This seems sufficient for buffering the wetland from the permanent impacts of the accessway.

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

When this violation of the original permit was first noticed, the work pad had not yet revegetated, and the access road contained many layers of crushed gravel for accessing the poles and for parking Ford Dealership vehicles off lot. Since this has occurred, an agreement has been made to prevent future parking of vehicles within this area, a silt soxx has been replaced south of the accessway to prevent impact to the wetland, the property owners have removed a large amount of gravel from the accessway, and the work pad has started to naturally revegetate.

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

The work pad area has been returned to a natural state and while it is not feasible to allow full revegetation of the accessway due to future needs for maintenance, most of the crushed gravel has been removed which created a much thinner layer of impact to the buffer, allowing vegetation to poke through in some areas.

Recommendation: Staff recommends approval of this after the fact wetland conditional use permit to the Planning Board with the following conditions:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be permanently installed as a part of this after the fact permit.

City of Portsmouth, New Hampshire

Wetland Conditional Use Permit Application Checklist

This wetland conditional use permit application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Conservation Commission and Planning Board review. The checklist is required to be uploaded as part of your wetland conditional use permit application to ensure a full and complete application is submitted to the Planning and Sustainability Department and to the online portal. A pre-application conference with a member of the Planning and Sustainability Department is encouraged as additional project information may be required depending on the size and scope of the project. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all wetland conditional use permit requirements. Please refer to Article 10 of the City of Portsmouth Zoning Ordinance for full details.

Applicant Responsibilities: Applicable fees are due upon application submittal to the Planning Board (no fees are required for Conservation Commission submission). The application will be reviewed by Planning and Sustainability Department staff to determine completeness. Incomplete applications which do not provide required information for the evaluation of the proposed site development shall not be provided review by the Conservation Commission or Planning Board.

Name of Applicant: Sarah Sullivan (Large) Date Submitted: 2/20/2025 & 4/17/2025

Application # (in City's online permitting): LU-25-26

Site Address: 224 Cate Street, Portsmouth, NH Map: 173 Lot: 3

☑	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
✔	Complete application form submitted via the City's web-based permitting program	FBE Memorandum
✔	All application documents, plans, supporting documentation, this checklist and other materials uploaded to the application form in OpenGov in digital **Portable Document Format (PDF)**. One hard copy of all plans and materials shall be submitted to the Planning and Sustainability Department by the published deadline.	

☑	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
✔	Basic property and wetland resource information. **(10.1017.21)**	FBE Memorandum
✔	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. **(10.1017.22)**	FBE Memorandum
☐	Demonstrate impacts as they relate to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way). **(10.1017.23)**	
☐	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. **(10.1017.24)**	N/A - impervious surface impacts are not proposed

☑	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
✔	Wetland buffer enhancement plan. **(10.1017.25)**	See Site Map
☐	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. **(10.1017.26)**	N/A
✔	Stormwater management must be in accordance with Best Management Practices including but not limited to: *1. New Hampshire Stormwater Manual, NHDES, current version.* *2. Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.* **(10.1018.10)**	
✔	Vegetated Buffer Strip slope of greater than or equal to 10%. **(10.1018.22)**	> 10% slope
✔	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. **(10.1018.23/10.1018.24/10.1018.25)**	Restoration of disturbed topsoil and buffer enhancements.
☐	All new pavement within a wetland buffer shall be porous pavement. **(10.1018.31)**	N/A - not proposing new pavement
☐	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. **(10.1018.32)**	N/A - not proposing new pavement
✔	Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction. **(10.1018.40)**	Wetland/watercourse delineated. Flagging hung in the field. Shown on the wetland delineation map.
☑	**Requested Items for Submittal**	**Item Location (e.g. Page or Plan Sheet/Note #)**
✔	A narrative/letter addressed to the Conservation Commission Chair (if recommended to Planning Board then an additional narrative addressed to the Planning Board Chair at that time) describing the project and any proposed wetland and/or wetland buffer impacts. Please visit the WCUP instruction page for further application instructions.	FBE Memorandum
☐	If New Hampshire Department of Environmental Services (NHDES) Standard Dredge and Fill Permit is required for this work, please provide this permit application at the same time as your submission for a Wetland Conditional Use Permit.	N/A - no direct wetland impacts proposed

Applicant's Signature: Sarah Sullivan **Date:** 2/20/2025

FB Environmental
where science meets civics

Sarah Large <sarahl@fbenvironmental.com>

Project Check In

Jesse Anderson <jesse@andersonweldingllc.com> Wed, Feb 19, 2025 at 12:36 PM
To: Sarah Large <sarahl@fbenvironmental.com>
Cc: Forrest Bell <info@fbenvironmental.com>

Sarah,

You have my approval to move forward and represent me on my behalf.

Jesse

Anderson Welding LLC
AWCO
Jesse Anderson
Owner
Office: (603)905-9955
Cell: (603)828-5876
19 Colonial Way Barrington NH 03825
www.AWCOutilities.com

[Quoted text hidden]

MEMORANDUM
REVISED

TO: Peter Britz, City of Portsmouth Director of Planning and Sustainability
Kate Homet, City of Portsmouth Environmental Planner

FROM: Sarah Sullivan (Large), FB Environmental Associates

SUBJECT: **224 Cate Street Wetland Buffer Revegetation**

DATE: April 14, 2025

CC: Jesse Anderson (property owner); Forrest Bell & Kevin Ryan, FB Environmental Associates

Attachments: 1) Wetland Delineation Map; 2) Site Map & Revegetation Plan; 3) Site Photographs

FB Environmental Associates (FBE) was contracted by Jesse Anderson, owner of 224 Cate Street (Map 173, Lot 3) in Portsmouth, New Hampshire, to assist with a wetland buffer restoration project addressing a violation of the city's 100-foot wetland buffer ordinance. Sarah Sullivan (Large), CWS, began coordination with Jesse Anderson in mid-December and conducted an initial site visit on 29 January 2025.

The City's violation letter cites vegetation and tree removal, as well as soil disturbance, within 100 feet of Hodgson Brook. The work was unintentionally conducted without approval. During coordination on future redevelopment plans, the property owner became aware of the Wetlands Protection Ordinance. A Land Use and Wetland Conditional Use (WCU) Application has been submitted through the City's online permitting system. This revised memorandum and its attachments supplement the original WCU submission (February 20, 2025) and have been revised to incorporate feedback from the Conservation Commission.

SITE DESCRIPTION

The property includes a two-story house, garage, gravel driveway, shed, two stone retaining walls, and a backyard. The yard slopes gradually north to south toward Hodgson Brook, a perennial watercourse that flows west to east along the southern boundary, between the parcel and Hodgson Way. Two large tree stumps are present upslope from the brook. Snow cover obscured the ground during the site visit, but there was little to no evidence of shrub or tall herbaceous vegetation throughout the yard. Based on photographs provided by the property owner and Google Earth imagery, the yard appears to be a maintained lawn.

The sloped embankment along Hodgson Brook is sparsely vegetated with trees and shrubs, including white ash (*Fraxinus americana*), maple (*Acer* sp.), red-osier dogwood (*Cornus sericea*), weeping forsythia (*Forsythia suspensa*), multiflora rose (*Rosa multiflora*), and Japanese knotweed (*Fallopia japonica*). Only a few isolated individuals of the non-native, invasive multiflora rose and Japanese knotweed were observed, comprising less than 1% of the wetland buffer. A berm with 15 Virginian arborvitae/western red cedar (Thuja plicata x standishii) trees lines the western edge of the backyard.

Due to its proximity to Hodgson Brook, approximately 69% of the lot falls within the City's 100-foot wetland buffer, with about 15% of the buffer occupied by residential development.

Hodgson Brook was mostly frozen during the site visit, though a small exposed section contained up to six inches of flowing water. It is classified as an upper perennial riverine system with an unconsolidated cobble-gravel and sand substrate (R3UB1/2). The watercourse, influenced by its urban surroundings, follows a linear channel constrained between two embankments. The northern edge of Hodgson Brook within the property was delineated, where the ordinary high-water mark and top of bank coincide.

REVEGETATION PLAN & WETLAND BUFFER ENHANCEMENT

To re-establish groundcover at the site, exposed topsoil in the backyard will be seeded with a conservation seed mix, containing a blend of native grasses, wildflowers, and legumes. In addition to providing erosion and sediment control benefits, the seed mix will help establish native vegetation within the wetland buffer. Common species found in conservation seed mixes include common eastern/Virginia wild rye *(Elymus virginicus)*, little bluestem *(Schizachyrium scoparium),* big bluestem *(Andropogon gerardii)*, red fescue *(Festuca rubra)*, Indian grass *(Sorghastrum nutans),* switch grass *(Panicum virgatum)*, showy tick-trefoil *(Desmodium canadense),* beggar ticks *(Bidens frondosa)*, and early goldenrod *(Solidago juncea)* among other species. The use of a conservation seed mix is an enhancement and improvement to the lawn seed and grass established in the yard. The landowner plans to stump grind the two cut tree stumps down to the ground surface, but will leave the root systems in place. Retaining the root systems will avoid additional earth disturbance and supports soil stabilization and nutrient cycling.

Hodgson Brook's vegetated buffer will be enhanced with native plantings consisting of three red maple *(Acer rubrum)* saplings and seven red-osier or gray dogwood (*Cornus racemosa*) shrubs. The addition of these plantings will improve the function of the wetland buffer and Hodgson Brook's riparian corridor by stabilizing the soil and shoreline, promoting the uptake of stormwater and nutrients, and enhancing wildlife habitat. A mix of shrubs and trees provides structural diversity, a key element of a riparian buffer. The shrubs will provide quicker, denser cover resulting in more immediate benefits to stormwater management, stabilization of soil and the brook's shoreline, and nutrient uptake. Whereas the tree saplings will take longer to establish. Once mature, the native tree saplings will provide similar functional and ecological benefits as the shrubs, while also offering shading of the brook, which enhances both terrestrial and aquatic habitat. As shown on the Site Map and Revegetation Plan, the red maple saplings should be spaced 20 to 25 feet apart in a triangular pattern with the dogwood shrubs intermixed and spaced 10 to 15 feet apart. If the dogwood species are unavailable, alternative native species suited to well-drained, sandy loam soils, such as highbush blueberry (*Vaccinium corymbosum*) and smooth arrowwood (*Viburnum dentatum*), may be used. Dogwood and maple species were recommended because they are already established within the buffer along Hodgson Brook.

This work will occur during the growing season and upon the Wetland Conditional Use Permit Approval by the City. Erosion control measures, consisting of a silt sock, have been installed along the top of the slope adjacent to the brook, which will be monitored and adjusted as needed. Per the zoning ordinance (10.1018.40), wetland boundary markers will be placed at the property.

WETLAND CONDITIONAL USE PERMIT APPLICATION – SUPPLEMENTAL INFORMATION

Wetland Buffer Impacts (10.1017.23 & 10.1017.50)

The impacts within the wetland buffer include tree removal and soil disturbance within 100 feet of Hodgson Brook, conducted unintentionally without prior approval.

- The property owner states that the two removed trees, a red oak (*Quercus rubra*) and an ash (*Fraxinus* sp.), were diseased and deteriorating, posing a risk to property and human traffic underneath.
- A contractor used tracked machinery to access and remove the trees, disturbing the lawn's topsoil.
- A Wetland Conditional Use Permit application is submitted to address the violation and restore the wetland buffer.
- The proposed site alteration is the least impactful alternative under the Wetlands Protection Ordinance.
- The restoration aims to re-establish previous site conditions while enhancing the vegetated buffer along the brook.

The following address the Criteria for Approval in Section 10.1017.50:

1. Suitability – The land is well-suited for this activity; the yard was previously lawn and will be restored. Native plantings will help compensate for the trees removed.
2. No feasible alternative – There is no feasible alternative location outside the wetland buffer; the work is focused on restoration.
3. Wetland buffer functions – Re-established groundcover and the addition of native plantings will enhance shoreline stabilization, sediment retention, nutrient attenuation, and stormwater management, protecting Hodgson Brook's water quality.
4. Minimal necessary alteration – Tree removal was limited to what was necessary to protect the property, structures, and people traversing the site.
5. Least adverse impact – The proposed restoration minimizes impacts to the wetland buffer and Hodgson Brook while addressing the violation.
6. Natural state restoration – Areas within the vegetated buffer will be returned to a natural state to the maximum extent feasible. Areas of exposed soil will be stabilized and returned to grass. Native plantings will compensate for the tree removal and enhance the buffer along Hodgson Brook.

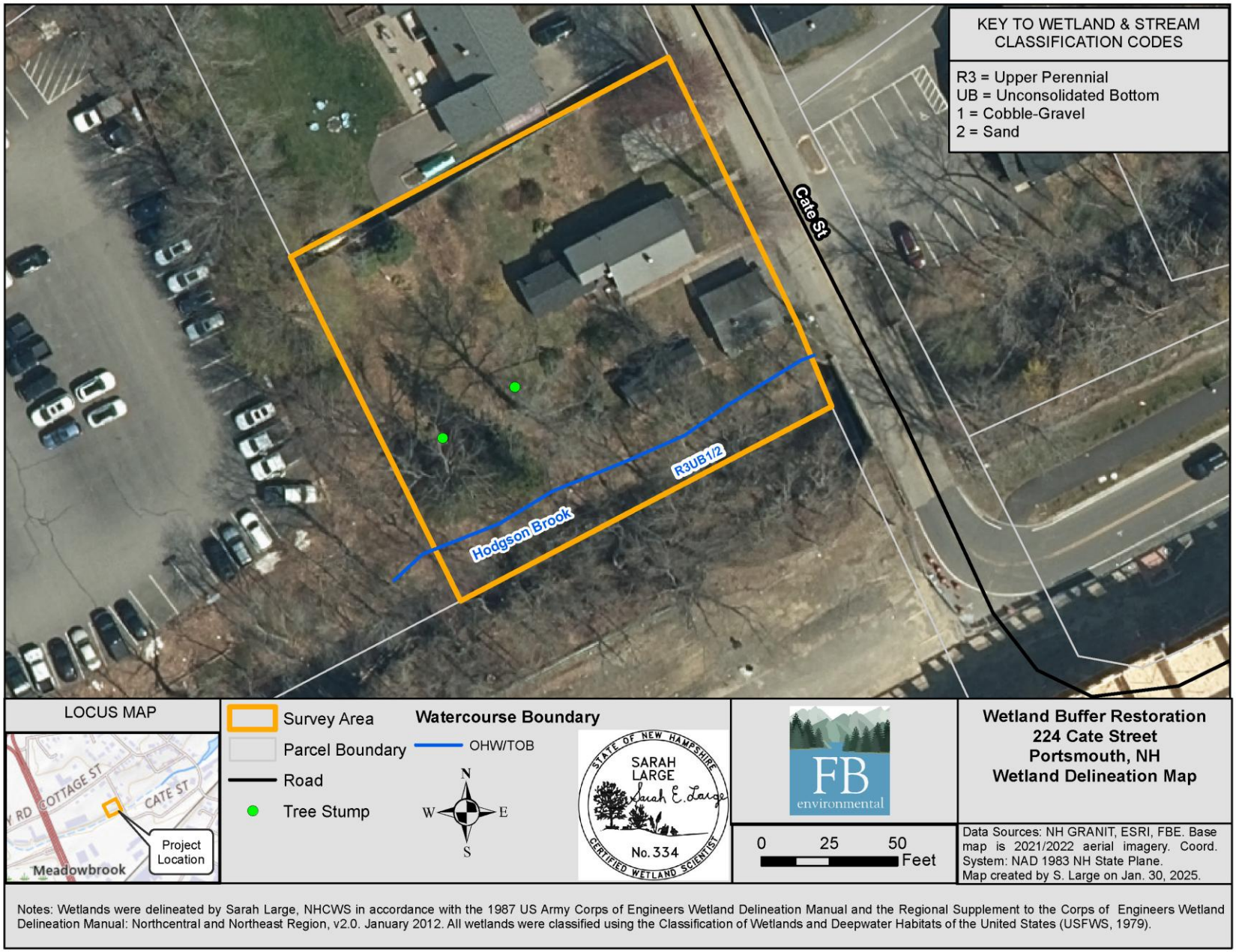
Vegetated Buffer Strip (10.1018.22)

The sloped embankment along Hodgson Brook is greater than 10%. Therefore, per Article 10.1018.22 the Vegetated Buffer Strip along the perennial stream is 40 feet from the wetland resource.

Removal or Cutting of Vegetation (10.1018.23)

The two trees removed are located near the 40-foot Vegetated Buffer Strip (see attached Site Map). Included with this memo is documentation from the company hired to remove the two trees noting their assessment of the health and status of the trees. The disturbed topsoil will be seeded with grass to re-establish groundcover.

ATTACHMENT 1. WETLAND DELINEATION MAP



Notes: Wetlands were delineated by Sarah Large, NHCWS in accordance with the 1987 US Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, v2.0. January 2012. All wetlands were classified using the Classification of Wetlands and Deepwater Habitats of the United States (USFWS, 1979).

ATTACHMENT 2. SITE MAP & REVEGETATION PLAN

Notes:

Wetland Buffer Total Area on Lot:	15,673 SF
Wetland Buffer Area Previously Disturbed:	2,047 SF
Wetland Buffer Enhancement Area:	1,300 SF
Inland Wetland Area On Lot:	2,864 SF
Inland Wetland Area Off Lot: (within map extent)	14,111 SF

*Measurements calculated in GIS.

Buffer Enhancement Area:
Plant three (3) red maple saplings and seven (7) red osier or gray dogwood shrubs in this area. The trees should be spaced ~20-25 feet apart and the shrubs should be spaced ~10-15 feet apart.

Disturbance Area:
The disturbance area hatched in brown represents the approximate limits of topsoil disturbance. Disturbed areas will be seeded with conservation seed mix to re-establish groundcover. Species commonly found in conservation seed mix include native grasses, wildflowers, and legumes such as common eastern wild rye, little bluestem, big bluestem, switch grass, beggar ticks, and early goldenrod.

Wetland buffer boundary markers will be installed during project construction and affixed to stakes, natural features, or exisiting infrastructure such as the property boundary fence.

Notes: Wetlands were delineated by Sarah Sullivan (Large), NHCWS in accordance with the 1987 US Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, v2.0. January 2012. All wetlands were classified using the Classification of Wetlands and Deepwater Habitats of the United States (USFWS, 1979).

ATTACHMENT 3. SITE PHOTOGRAPHS

Photo 1. View facing west of the cut tree stumps and vegetation along Hodgson Brook. Photo taken 29 January 2025.

Photo 2. View of the property's backyard looking northwest toward the western boundary, lined with a row of planted arborvitae (*Thuja* sp.). Photo taken 29 January 2025.

Photo 3. Hodgson Brook, a perennial watercourse, flows west to east along the property's southern boundary. Photo taken 29 January 2025.

Photo 4. Vegetation on the embankment along Hodgson Brook consists of a sparse mix of trees and shrubs. Photo taken 29 January 2025.

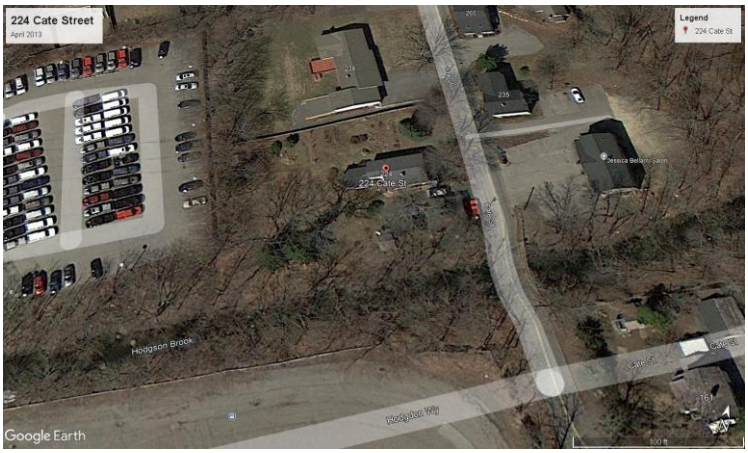


Photo 5. A Google Earth aerial image of 224 Cate Street from April 2013 depicting existing conditions.

Photo 6. A Google Earth aerial image of 224 Cate Street from April 2016 depicting existing conditions.

Photo 7. A Google Earth aerial image of 224 Cate Street from May 2018 depicting existing conditions.

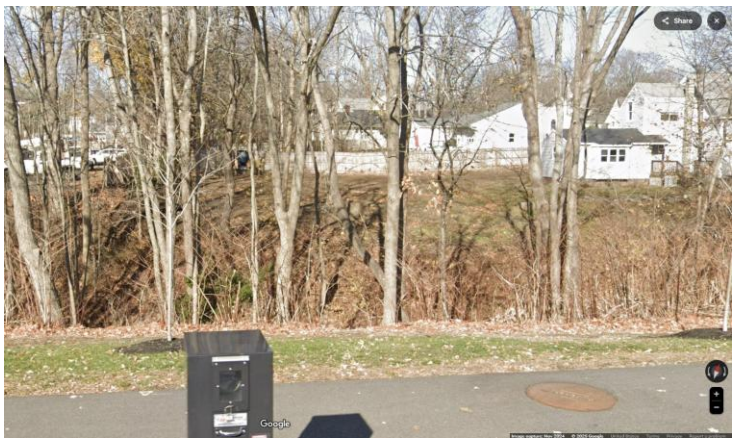


Photo 8. A google street view image facing Hodgson Brook and 224 Cate Street depicting conditions without snow cover.

Photo 9. Image of soil disturbance from fall 2024, provided by the property owner.

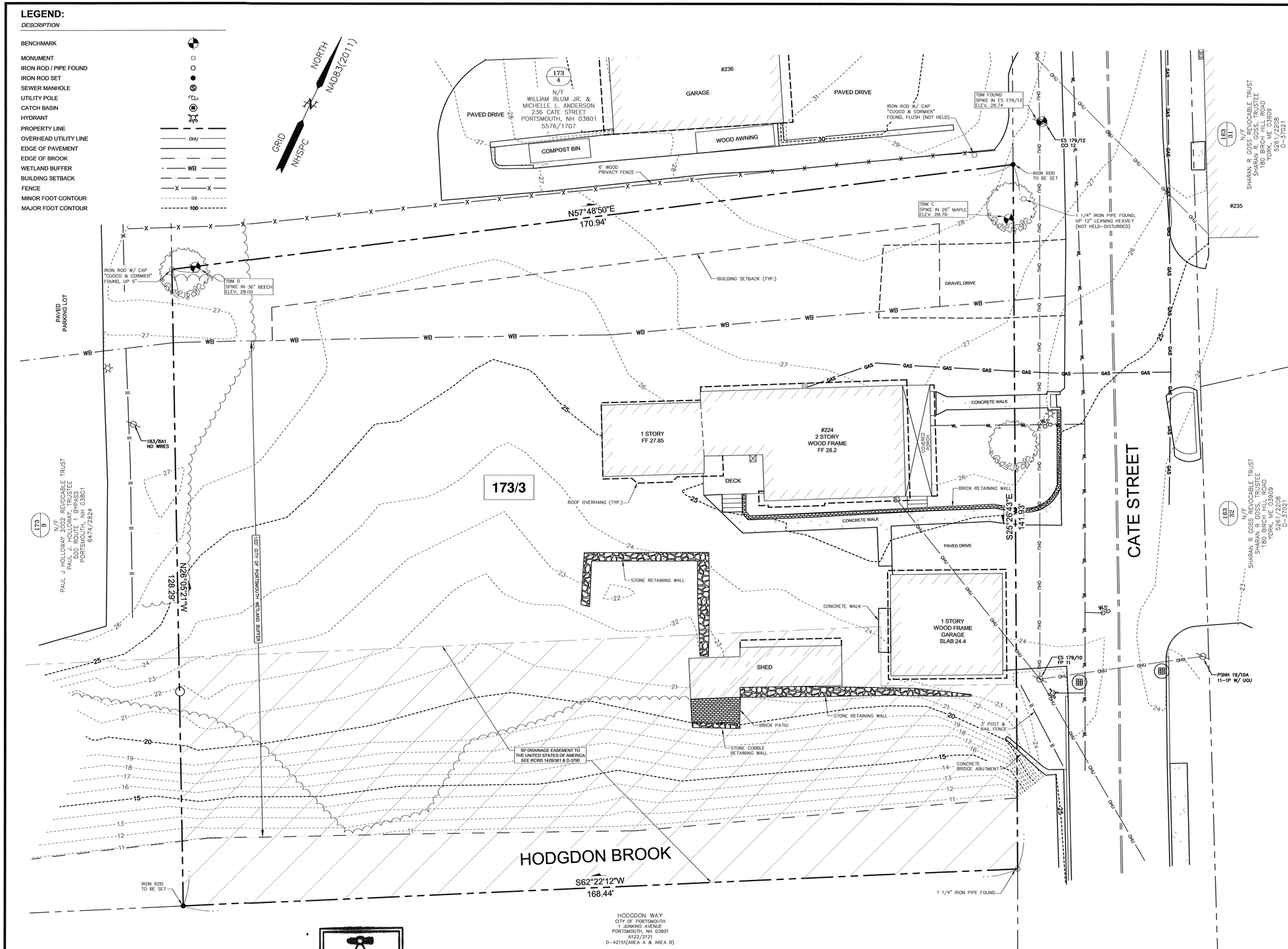
Photo 10. An image of the soil disturbance and remaining stumps, provided by the property owner.

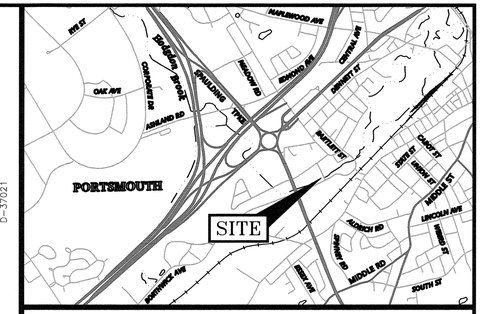
Photo 11. Silt sock erosion control measures installed at the top of the embankment above Hodgson Brook. Photo provided by the property owner.

LEGEND:

DESCRIPTION

- BENCHMARK
- MONUMENT
- IRON ROD / PIPE FOUND
- IRON ROD SET
- SEWER MANHOLE
- UTILITY POLE
- CATCH BASIN
- HYDRANT
- PROPERTY LINE
- OVERHEAD UTILITY LINE — OHU —
- EDGE OF PAVEMENT
- EDGE OF BROOK
- WETLAND BUFFER — WB —
- BUILDING SETBACK
- FENCE — X — X —
- MINOR FOOT CONTOUR — 98 —
- MAJOR FOOT CONTOUR — 100 —





LOCATION MAP SCALE: 1" = 2000'

NOTES:

1. PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 173 AS LOT 3.
2. OWNER OF RECORD:
   JESSE WARREN ANDERSON
   3 DEAN DRIVE
   DOVER, NH 03801
   5576/1707
3. PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2005.
4. EXISTING LOT AREA:
   22,847 S.F.
   0.5245 ACRES
5. PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
6. DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	7,500 S.F.
FRONTAGE:	100 FEET
SETBACKS:	
FRONT	15 FEET
SIDE	10 FEET
REAR	20 FEET
MAXIMUM BUILDING HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE:	25%
MINIMUM OPEN SPACE:	30%

7. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 173 LOT 3 IN THE CITY OF PORTSMOUTH, N.H..
8. VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
9. PARCEL IS BURDENED BY A DRAINAGE EASEMENT FOR THE BENEFIT OF THE UNITED STATES OF AMERICA, AS DESCRIBED IN RCRD 1428/361 AND SHOWN HEREON.
10. 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.
11. ABUTTING STRUCTURE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE ONLY.

PLAN REFERENCES:

1. PLAN OF A LOT OF LAND BELONGING TO FRANK JONES PORTSMOUTH, N.H., SCALE: 25 FEET TO AN INCH, DATED: MAY 1901, RCRD PLAN #00203
2. PLAN OF A LOT OF LAND BELONGING TO FRANK JONES PORTSMOUTH, N.H., PART OF WOODBURY FARM, SCALE: 40 FEET TO AN INCH, DATED: JULY 1901, PREPARED BY: A.C. HOYT, SURVEYOR, RCRD PLAN# 00223.
3. SUBDIVISION OF LAND HEIRS OF CORNELIUS COAKLEY PORTSMOUTH, N.H., SCALE: 1" = 40', DATED: APRIL 25, 1973, PREPARED BY: MCKENNA ASSOCIATES, RCRD D-3790.
4. LOT LINE REVISION PORTSMOUTH, N.H. FOR : MICHAEL A. PAGANO, SCALE 1 INCH = 10 FEET, DATED: JUNE 26, 1981, PREPARED BY JOHN W. DURGIN ASSOCIATES, INC., RCRD D-10278.
5. PLAN OF LAND FOR JOSEPH J. O'BRIEN JR. & SR., CATE STREET / ROUTE 1 BYPASS, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H., SCALE: 1" = 50', DATED: NOVEMBER 17, 1988, PREPARED BY: RICHARD P. MILLETTE AND ASSOCIATES, RCRD D-19110.
6. LOT LINE RELOCATION PLAN FOR U-HAUL REAL ESTATE COMPANY AND FRANCIS J. COSTELLO, CATE STREET / ROUTE 1 BYPASS, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H., SCALE: 1" = 50', DATED: MAY 25, 1995, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, RCRD D-24912.
7. STANDARD BOUNDARY SURVEY AND SUBDIVISION PLAN OF LAND LOT 8, TAX MAP 173, 160 COTTAGE STREET PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM, SCALE 1" = 20', DATED 4-16-01, PREPARED BY: CIVILWORKS, RCRD D-28981.
8. LOT LINE ADJUSTMENT PLAN FOR LAND OWNED BY SHARAN R. GOSS REVOCABLE TRUST KNOWN AS TAX MAP 163 LOT 31 & 32 LOCATED ALONG #201 & 235 CATE STREET PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM, SCALE 1" = 20', DATED: JULY 28, 2011, PREPARED BY KNIGHT HILL LAND SURVEYING SERVICES, INC., RCRD D-37021
9. PLAN OF LAND, LAND OF PORTSMOUTH LAND ACQUISITIONS, LLC, TAX MAP 163, LOTS 33 & 34, TAX MAP 165, LOT 2, TAX MAP 172, LOT 1, TAX MAP 173, LOT 2, CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE, SCALE 1 INCH = 50 FT., DATED: OCTOBER 2018, PREPARED BY: DOUCET SURVEY, INC., RCRD D-41129.
10. SUBDIVISION & EASEMENT PLAN FOR CATE STREET DEVELOPMENT LLC OF TAX MAP 163, LOTS 33 & 34, TAX MAP 165, LOT 2, TAX MAP 172, LOT 1, TAX MAP 173, LOT 2, CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE, SCALE: 1 INCH = 50 FT., DATED: JULY 3, 2019, PREPARED BY: DOUCET SURVEY LLC, RCRD D-42451.
11. PROPERTY SURVEY LOCATED AT: 267 CATE STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, FOR: WILLIAM H. LOMAS, SCALE: 1" = 10', DATED: 5/15/2023, PREPARED BY: STONEWALL SURVEYING, RCRD D-43914.
12. BOUNDARY PLAN OF LAND PREPARED FOR WILLIAM BLUM, JR. & MICHELLE ANDERSON, TAX MAP 173, LOT NO. 4, 236 CATE STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20', DATED: OCTOBER 16, 2024, PREPARED BY: McENEANEY SURVEY ASSOCIATES, NOT RECORDED.

"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."

LLS 10/18/2024

PHILLIP A. YETMAN, LLS DATE

No 1122 PHILLIP A. YETMAN LICENSED LAND SURVEYOR

GRAPHIC SCALE

10 0 5 10 20 30

(IN FEET)
1 inch = 10 ft.

REV.	DATE	DESCRIPTION	BY	CHK.
-	10/18/24	ISSUED FOR COMMENT	CSA	PAY

DRAWING ISSUE STATUS

SITE SURVEY

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
200 GRIFFIN ROAD
UNIT # 14
PORTSMOUTH, NH 03801
603.430.9282
WWW.HALEYWARD.COM

PROJECT

ANDERSON RESIDENCE
224 CATE STREET, PORTSMOUTH, NH

TITLE

EXISTING CONDITIONS SURVEY

DATE: SEPTEMBER 2024	SCALE: 1" = 10'
DRAWN BY: CSA	DESIGNED BY: —
CHECKED BY: PAY	
PROJECT No. 5010480.001	FIELD BOOK & PAGE: FB 480 PG 1
DRAWING No. V101	REV. -

FILE LOCATION: P:\H\5010480-EDDIE HAUL\5010-ALPINE CONSTRUCTION_238 CATE ST -CSA\02-CAD_FILES\SURVEY\5010480-V-EC.DWG, 2024.10.18, 5:52 PM

FB Environmental
where science meets civics

Sarah Large <sarahl@fbenvironmental.com>

Fwd: Tree removal

Jesse Anderson <jesse@andersonweldingllc.com> Thu, Dec 12, 2024 at 3:22 PM
To: Sarah Large <sarahl@fbenvironmental.com>

Anderson Welding LLC
AWCO
Jesse Anderson
Owner
Office: (603)905-9955
Cell: (603)828-5876
19 Colonial Way Barrington NH 03825
www.AWCOutilities.com

---------- Forwarded message ---------
From: **Timber Falls Tree Care** <timberfallstreecare@gmail.com>
Date: Thu, Dec 12, 2024 at 3:16 PM
Subject: Tree removal
To: <Jesse@andersonweldingllc.com>

To whom it may concern.
Jesse Anderson hired my company Timber Falls Tree Care for the services of removing 2 trees in his backyard. One of the trees was an Ash tree which due to the Emerald Ash bore beetle left the tree in a rapid state of structural collapse. The second tree was an aging Red oak tree with evidence of past upper canopy failures and substantial visible decaying wood roughly 20' up on the main trunk. With the forecasted constructions plans discussed with the land owner we decided to remove the tree as the traffic under the canopy of the tree will be increasing over the next several months.

Thank you
Derek Barnett

City of Portsmouth, New Hampshire

Wetland Conditional Use Permit Application Checklist

This wetland conditional use permit application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Conservation Commission and Planning Board review. The checklist is required to be uploaded as part of your wetland conditional use permit application to ensure a full and complete application is submitted to the Planning and Sustainability Department and to the online portal. A pre-application conference with a member of the Planning and Sustainability Department is encouraged as additional project information may be required depending on the size and scope of the project. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all wetland conditional use permit requirements. Please refer to Article 10 of the City of Portsmouth Zoning Ordinance for full details.

Applicant Responsibilities: Applicable fees are due upon application submittal to the Planning Board (no fees are required for Conservation Commission submission). The application will be reviewed by Planning and Sustainability Department staff to determine completeness. Incomplete applications which do not provide required information for the evaluation of the proposed site development shall not be provided review by the Conservation Commission or Planning Board.

Name of Applicant: Eversource Energy Date Submitted: 03/25/2025

Application # (in City's online permitting): LU-25-50

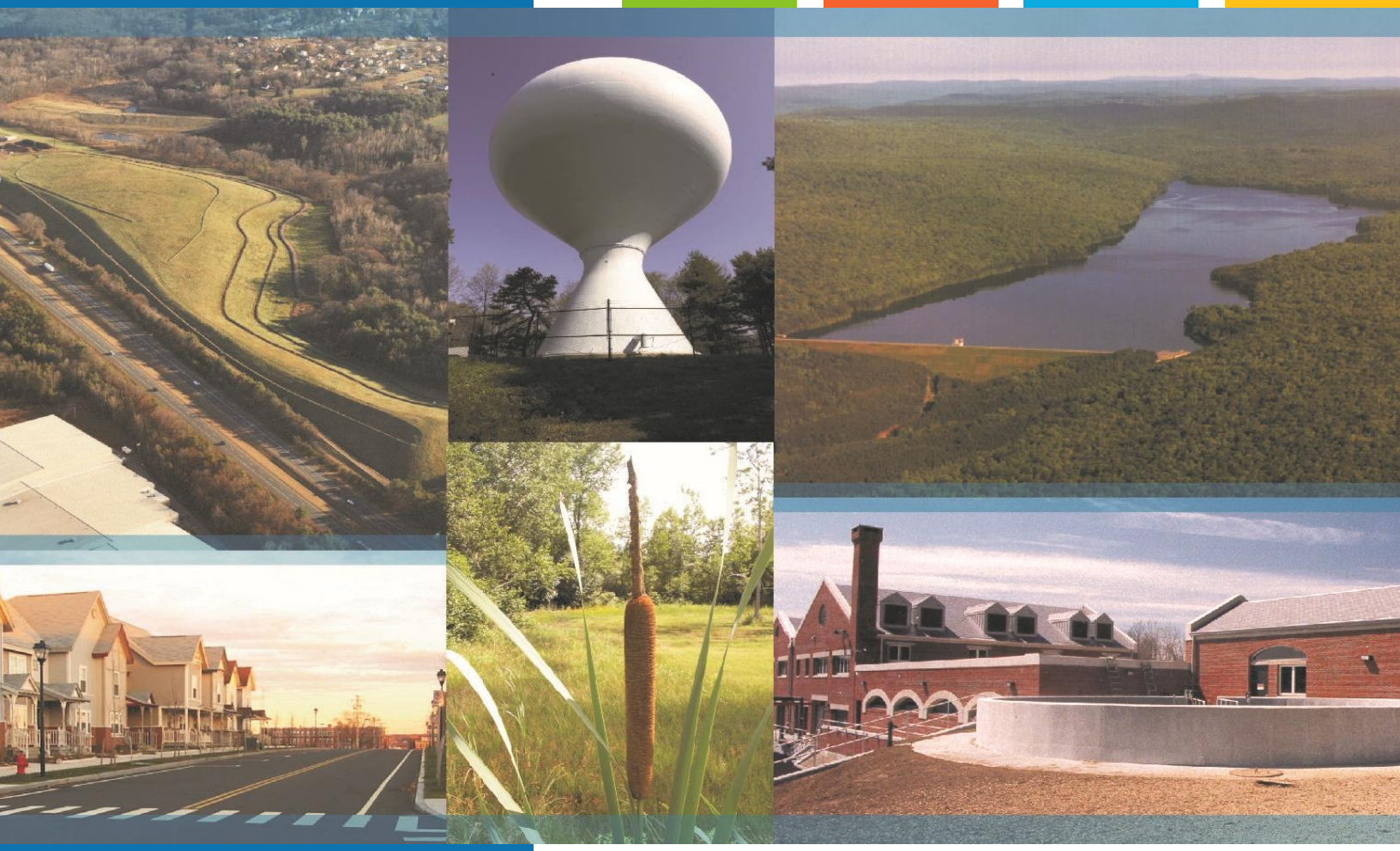
Site Address: 400 Spaulding Turnpike Map: 238 Lot: 2

☑	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
✔	Complete application form submitted via the City's web-based permitting program	Section 2.1, Page 2-1
✔	All application documents, plans, supporting documentation, this checklist and other materials uploaded to the application form in OpenGov in digital **Portable Document Format (PDF)**. One hard copy of all plans and materials shall be submitted to the Planning and Sustainability Department by the published deadline.	online 03/25/2025; hard copy 04/17/2025; Section 4, Page 4-1

☑	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
✔	Basic property and wetland resource information. **(10.1017.21)**	Section 2.1, Page 2-1
✔	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. **(10.1017.22)**	Section 2.2, Page 2-1; Section 4.1.1, Page 4-2; Appendix B
✔	Demonstrate impacts as they relate to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way). **(10.1017.23)**	online 03/25/2025; hard copy 04/17/2025; Section 4, Page 4-1
✔	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. **(10.1017.24)**	Section 4.1.2, Page 4-2

☑	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
✔	Wetland buffer enhancement plan. **(10.1017.25)**	Section 4.1.2, Page 4-2
☐	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. **(10.1017.26)**	N/A
✔	Stormwater management must be in accordance with Best Management Practices including but not limited to: *1. New Hampshire Stormwater Manual, NHDES, current version.* *2. Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.* **(10.1018.10)**	Section 4.2.1, 4.3.2, Page 4-2; project plans, Appendix A
☐	Vegetated Buffer Strip slope of greater than or equal to 10%. **(10.1018.22)**	N/A
☐	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. **(10.1018.23/10.1018.24/10.1018.25)**	N/A
☐	All new pavement within a wetland buffer shall be porous pavement. **(10.1018.31)**	N/A
☐	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. **(10.1018.32)**	N/A
☐	Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction. **(10.1018.40)**	N/A
☑	**Requested Items for Submittal**	**Item Location (e.g. Page or Plan Sheet/Note #)**
✔	A narrative/letter addressed to the Conservation Commission Chair (if recommended to Planning Board then an additional narrative addressed to the Planning Board Chair at that time) describing the project and any proposed wetland and/or wetland buffer impacts. Please visit the WCUP instruction page for further application instructions.	online 03/25/2025; hard copy 04/17/2025
✔	If New Hampshire Department of Environmental Services (NHDES) Standard Dredge and Fill Permit is required for this work, please provide this permit application at the same time as your submission for a Wetland Conditional Use Permit.	NHDES Utility SPN 2022-03496, received 10/06/2023

Applicant's Signature: Stefan M. Tetreault **Date:** 05/02/2025



E194 and U181 Structure Replacement Project
Echo Avenue, Portsmouth, New Hampshire

CITY OF PORTSMOUTH AFTER-THE-FACT CONDITIONAL USE PERMIT

Eversource Energy
13 Legends Drive
Hooksett, New Hampshire

March 2025

Tighe&Bond

100% Recyclable

Tighe&Bond

E5034-200
March 19, 2025

Samantha Collins, Chair
City of Portsmouth Conservation Commission
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: **Eversource E194 and U181 Structure Replacement Project**
After-the-Fact Wetland Conditional Use Permit
Echo Avenue, Portsmouth, NH

Dear Ms. Collins:

On behalf of Eversource Energy dba Public Service Company of New Hampshire (Eversource), Tighe & Bond is submitting the following after-the-fact Conditional Use Permit (CUP) for the above referenced project.

This work was completed under an existing CUP which was granted on June 22, 2023 (LU-23-60). Eversource Energy replaced forty-five (45) wooden utility structures with steel structures on the E194 and U181 Lines in Portsmouth and Newington, due to their overall age and condition. As part of the approved access to Structures 19 and 19 (E194 and U181), the CUP permitted 6,286 square feet (SF) of impacts to the adjacent wetland and 1,644 SF of impacts to the wetland buffer.

Following City approval and the issuance of the CUP, Eversource obtained landowner authorization from the Portsmouth Ford auto dealership to access the right-of-way (ROW) directly from Echo Avenue. As such, construction deviated from what was permitted by the CUP in this area, and both structures were accessed by a more direct route with no wetland impacts. This re-route eliminated direct wetland impacts; however, impacts within the wetland buffer increased from the permitted 1,644 SF to an as-built total of 3,685 SF.

Enclosed is a project description and supporting documents for a request to permit after-the-fact wetland buffer impacts associated with the constructed access to Structures 19, including project mapping, the Wetland Resource Area Description and Assessment Report that was included in the original 2023 CUP application, representative site photographs, and an application fee check in the amount of $1,300.

We trust the enclosed information addresses the requirements for the CUP application and site plan approval. If you have any questions or require any additional information, please feel free to contact me at (603) 231-9918 or at STetreault@tighebond.com.

Respectfully,

TIGHE & BOND, INC.

Stefanie M. Tetreault

Stefanie M. Tetreault
Project Manager

Enclosures
Copy: Planning Board, City of Portsmouth
Ashley Friend, Licensing and Permitting, Eversource Energy

Filing Fee Check (File Copy)

Section 1 Project Description

Section 2 Existing Conditions

2.1 Project Site 2-1
2.2 Jurisdictional Wetland Resource Areas 2-1
2.2.1 Wetlands....2-1
2.2.2 100-foot Buffer Zone 2-1

Section 3 Completed Activities

3.1 Structure Replacement and Maintenance....3-1
3.2 Access 3-1
3.3 Work Pad Construction....3-1
3.4 Construction Sequence 3-2
3.5 Protective Measures 3-2

Section 4 Regulatory Compliance

4.1 City of Portsmouth Zoning Ordinance – Article 10....4-1
4.1.1 Wetland Functions and Values Assessment 4-2
4.1.2 Wetland Buffer Impervious Surface Impacts 4-2
4.2 State Permits....4-2
4.2.1 Alteration of Terrain 4-2
4.2.2 Utility Statutory Permit-by-Notification....4-2
4.3 Federal Permits....4-2
4.3.1 EPA 2022 Construction General Permit....4-2

Appendices

A Project Mapping

B 2023 Wetland Resource Area Description and Assessment Report

C Site Photographs

\\Tighebond.com\data\Data\Projects\E\E5034 Eversource L&P 2019\200 - Line E194 & U181\Permitting\202409 Portsmouth Ford Violation\Archive\E194 & U181 2025 CUP Narrative - Final.docx

Official eCheck

Tighe & Bond, Inc.
53 Southampton Road
Westfield, MA 01085

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions, call Deluxe Payment Exchange customer support at 1-877-[illegible]33-6964. Ref: 62A9[illegible]59BD

9036

Date 01/31/2025
Void after 90 days

PAY TO THE ORDER OF City of Portsmouth

$ 1,300.00

One thousand, three hundred and 00/100 Dollars

TD Bank, NA

Memo

Verify check at https://echecks.com/verify

FILE COPY

FILE COPY ⑈009036⑈ ⑆[illegible]⑆ [illegible]⑈ FILE COPY

Account numbers are concealed for your security

Check Details

Check issued: 01/30/2025

Check number: 9036

From: Tighe & Bond, Inc.

Amount: $1,300.00

Payable to: City of Portsmouth

Delivered to: jdegler@tighebond.com

Documents: Yes - see Remittance below

Message from sender: Hi, attached is your Tighe & Bond electronic check. Any questions please email AP@tighebond.com.

Notes

Activity

ACTIVITY TYPE	TIME	DATE
Tracy Houle issued check 9036	08:13 AM EST	01/31/2025
Check 9036 printed by Jeremy Degler	16:44 PM EDT	03/13/2025
Check 9036 file copy printed by Jeremy Degler	16:45 PM EDT	03/13/2025

Section 1
Project Description

From October 2023 through June 2024, Eversource Energy replaced forty-five (45) wooden utility structures with steel structures on the E194 and U181 Transmission Lines in Portsmouth and Newington, due to their overall age and condition. Forty-two (42) of these structures were located within Portsmouth. These included Structures 13-16, 19, 37-41, 43-45, 48-54, 65.5 and 66 on the U181 Line, and Structures 12-14, 19, 41-53, 65.5, and 66 on the E194 Line. Additionally, static wire work was conducted at STRs 65-67 on the U181 and STRs 65-67 on the E194. The proposed structure replacements were required to maintain the safety and reliability of the existing transmission system.

This work was completed under an existing Conditional Use Permit (CUP) which was granted on June 22, 2023 (LU-23-60). As part of the approved access to Structures 19 and 19 (E194 and U181), the CUP permitted 6,286 square feet (SF) of impacts to the adjacent wetland and 1,644 SF of impacts to the wetland buffer.

Following City approval and the issuance of the CUP, Eversource obtained landowner authorization from the Portsmouth Ford auto dealership to access the right-of-way (ROW) directly from Echo Avenue. As such, construction deviated from what was permitted by the CUP in this area, and both structures were accessed by a more direct route with no wetland impacts. This re-route resulted in a total elimination of the direct wetland impacts; however, impacts within the wetland buffer increased from the permitted 1,644 SF to an as-built total of 3,685 SF.

The following narrative describes existing conditions and the completed activities within jurisdictional areas. Project Mapping is provided in Appendix A, the Wetland Resource Area Description and Assessment Report that was in the original 2023 CUP application is included in Appendix B, and representative photographs of the project area are found in Appendix C.

Section 2
Existing Conditions

2.1 Project Site

The E194 and U181 transmission lines originate at the Newington Substation off Gosling Road in Newington and run southwest of the Piscataqua River. The lines then extend southeast, parallel with Route 4 before turning southwest again, parallel with Interstate 95. The lines continue southwest through Great Bog in Portsmouth before turning west and terminating at the Ocean Road Substation in Greenland. The topography is generally flat throughout the right-of-way (ROW) with slight depressions and hills located in the less developed reaches. The areas surrounding the ROW are mostly commercial, industrial, and residential, with some large portions of forested and wetland areas closer to the Greenland town line.

The proposed limit of work covered by this after-the-fact CUP is the constructed access route to Structures 19 and 19 (E194 and U181). This work area is located northeast of Echo Avenue, directly across from the Portsmouth Ford automotive dealership. Based on review of aerial imagery, access from Echo Avenue in this location has historically been used for routine ROW maintenance and vehicle storage from Portsmouth Ford. Representative site photographs are provided in Appendix C.

2.2 Jurisdictional Wetland Resource Areas

There are multiple wetland resource areas within this portion of the E194 and U181 ROW corridor. Jurisdictional wetland resource areas within the project area were identified and delineated on December 21, 2022, and January 4, 9, and 17, 2023 by Tighe & Bond wetland scientists, including a New Hampshire Certified Wetland Scientist. Refer to the Wetland Resource Area Description and Assessment Report that was included in the original 2023 CUP application provided in Appendix B for a detailed description of these areas.

2.2.1 Wetlands

Wetlands within the project area are characterized as a mixture of palustrine scrub-shrub (PSS) and palustrine emergent (PEM) systems. These wetlands are situated within disturbed areas in the ROW, surrounded by development. The original CUP permitted 6,286 SF of impacts to the adjacent southern wetland. The as-built conditions eliminated all direct impacts to wetlands.

2.2.2 100-foot Buffer Zone

The 100-foot Buffer Zone within the project area consists of the existing maintained ROW and impervious area (e.g., parking lots and roadways), with some upland areas in and adjacent to the ROW. The original CUP permitted 1,644 SF of impacts to the adjacent southern wetland buffer. The as-built conditions resulted in a net increase of impacts to the wetland buffer, up to 3,685 SF.

Section 3
Completed Activities

3.1 Structure Replacement and Maintenance

The structure replacements consisted of drilling holes up to four feet in diameter and the installation of a steel caisson into each hole approximately 15 to 20 feet (10% of structure height plus 2 feet) below the ground surface. The new poles were placed into the caissons and backfilled with clean, suitable materials. Spoils generated from the drilling operations were placed in appropriate upland areas at least 100 feet away from wetland areas and then stabilized.

Once the new poles were installed, old poles were then removed by cutting them below the ground surface. The old poles, cross-arms, wires, and accessory equipment were removed and disposed off-site. The pole butts associated with the existing poles were only removed if they impacted the structural integrity of the new poles.

3.2 Access

Access road improvements and development were needed to provide reliable access for the proposed work. As part of the approved access to Structures 19, the CUP permitted 6,286 SF of impacts to the adjacent southern wetland and 1,644 SF of impacts to the wetland buffer.

Following City approval and the issuance of the CUP, Eversource obtained landowner authorization from the Portsmouth Ford auto dealership to access the ROW directly from Echo Avenue. As such, Structures 19 were accessed by a more direct route. This route resulted in a total elimination of the direct wetland impacts; however, impacts within the wetland buffer increased from the permitted 1,644 SF to an as-built total of 3,685 SF.

Where permanent access through the buffer to Structures 19 is requested under this CUP, the existing boulder barricade will be replaced with a steel gate. This will prevent further encroachment within the buffer and limit use to future maintenance and emergency repairs within the ROW at Structures 19.

3.3 Work Pad Construction

The proposed project included the construction of 100-foot by 100-foot gravel work pads to provide level and stable surfaces needed to facilitate the structure installations. Work pads in upland areas were constructed using crushed stone, top-dressed with 1.5- to 3-inch diameter clean stone. 68 SF of wetland impact was permitted to construct suitable work pads at Structures 19, though during construction, wetland impacts were avoided altogether. Areas of soil disturbance around the work pads were stabilized with seed and straw mulch.

3.4 Construction Sequence

The work began in October of 2023 and was completed in June 2024. The following is a description of the general construction sequence. The actual sequence and schedule was determined by the selected contractor(s).

- Install sediment and erosion controls
- Upgrade access roads and build work pads, install construction mats where needed
- Conduct structure replacements
- Remove construction mats and stabilize/restore disturbed areas
- Stabilize exposed soils within the ROW
- Remove erosion and sedimentation controls following stabilization

Pending review and approval of the proposed activities, Eversource will replace the existing boulder barricade with a steel gate. Appropriate construction-period best management practices will be implemented to minimize potential impacts to the nearby wetland resource areas.

3.5 Protective Measures

Work was performed utilizing the latest *Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire* (NH DNCR 2019) to limit impacts to the environment. Perimeter protective measures consisting of silt fence, straw wattles, and/or straw bales were installed around the structure to minimize potential impacts to the nearby wetland resource areas. Water bars were also installed in areas of road improvements and in areas with steep slopes as identified by the contractor. Areas of disturbed soil were mulched with hay or straw following the completion of work. No equipment or material was stored within wetland resource areas. Erosion controls were implemented during construction, as noted on the project plans in Appendix A, to minimize any potential impacts during construction.

Section 4
Regulatory Compliance

4.1 City of Portsmouth Zoning Ordinance – Article 10

Work was completed in compliance with the requirements set forth in the City of Portsmouth Zoning Ordinance (Article 10, Environmental Protection Standards). The work complied with the criteria set forth in Article 10, Section 1017.60, Public and Private Utilities within Rights-of-Way in Wetlands and Wetland Buffers, discussed below.

(1) The proposed construction is in the public interest;

The construction was in the public interest, as these structure replacements are necessary to continue reliable transmission of public utilities.

(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;

Eversource utilized Best Management Practices, as described in Section 3.5, during construction to mitigate impacts to wetland resource areas. Following construction, disturbed areas were restored to previously existing conditions, where feasible. Where access was constructed to Structures 19 through the buffer, Eversource proposes to retain this impact area after-the-fact, for future maintenance and emergency repairs, as shown on the attached Site Plans in Appendix A.

(3) No alternative feasible route exists which does not cross or alter a wetland or have less detrimental impact on a wetland; and

The work was designed in consideration of environmental impacts. The replacement activities were limited to the existing maintained ROW and limits of work were established to allow only for work necessary to complete the structure replacements. Access to the structures was primarily by utilizing existing access routes in previously disturbed areas to replace the existing infrastructure. Work associated with the replacement of Structures 19 resulted in no direct wetland impacts. The after-the-fact impact proposed by this CUP application was necessary to achieve a direct route to the replacement structures once landowner authorization was obtained, and resulted in 2,041 SF of additional impact to the buffer, beyond what was originally approved. Overall, the as-built condition resulted in the least overall impact on the wetland, as shown on the attached Site Plans in Appendix A.

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

There was no proposed alteration of woodland vegetation, as all work was within the maintained extent of the ROW. As noted above, the limits of work were established to allow work only necessary to complete the structure replacements;

where access was constructed to Structures 19 through the buffer, Eversource proposes to retain this impact area after-the-fact, for future maintenance and emergency repairs, as shown on the attached Site Plan in Appendix A.

4.1.1 Wetland Functions and Values Assessment

Pursuant to Article 10, Section 1017.22 of the City of Portsmouth Zoning Ordinance, a project that proposes the temporary or permanent alteration of greater than 1,000 square feet of wetland and greater than 250 square feet of wetland buffer requires a function and values assessment and wetland buffer description. A copy of the Wetland Resource Area Description and Assessment Report, including those for the Echo Avenue Wetlands, that was included in the original 2023 CUP application provided in Appendix B.

4.1.2 Wetland Buffer Impervious Surface Impacts

Impacts resulting from the construction of gravel access paths to work pads will not increase impervious surfaces within wetland buffers. A wetland buffer enhancement plan is not feasible due to the nature of the proposed work and the need to retain viable access for future maintenance within the ROW. Vegetation within the ROW is routinely maintained and access will be necessary for future utility maintenance.

4.2 State Permits

4.2.1 Alteration of Terrain

The overall project exceeded 100,000 square feet of earth moving activities and as such required an Alteration of Terrain (AoT) permit from the New Hampshire Department of Environmental Services (NHDES) AoT Bureau. This permit was obtained on July 29, 2023 (AoT-2427).

4.2.2 Utility Statutory Permit-by-Notification

This project included direct impacts to wetlands and waters of the state, and thus required authorization under NH RSA § 482-A. Utility Statutory Permit-by-Notification applications were filed in September 2023 for each municipality where work was completed (NHDES file numbers 2022-03511 and 2022-03496).

4.3 Federal Permits

4.3.1 EPA 2022 Construction General Permit

The total of work completed exceeded one acre of earth moving activities and required a Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA). A Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) was completed in September 2023, at least 14 days prior to the start of construction. The project was monitored by a SWPPP inspector throughout the duration of construction.

Tighe&Bond

APPENDIX A

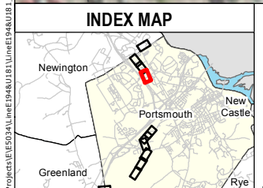
ORIGINAL CUP GRANTED JUNE 22, 2023 (LU-23-60)
1,644 SF WETLAND BUFFER IMPACT
6,286 SF WETLAND IMPACT

TOTAL AOT IMPACTS ON THIS PAGE:
14,255 SQ. FT.
TOTAL AOT IMPACTS:
206,545 SQ. FT.

833-028
833-034
833-035 - 833-035.19
833-036
Unknown 93
Portsmouth
Arthur F Brady Dr
No Name
STRUCTURE 19 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 68 SQ. FT.
STRUCTURE 19 ACCESS
TEMPORARY WETLAND IMPACT
+/- 6,286 SQ. FT.
833-031
833-033
Line 3135
125
124
Line U181
PEM1E
PEM/PSS1C
833-038
18
19
20
Line E194
833-037
833-030
833-032
Echo Ave
Echo Ave Dead End
PORTSMOUTH FORD DEALERSHIP
Omne Mall Connector
Spaulding Tpke North

V:\Projects\EE\E5034\Line E194&U181\LineE194&U181_StructureReplacementProject_Pages_Ao7.mxd

INDEX MAP



Legend

- Proposed Structure
- Existing Structure to be Modified
- Existing Structure to be Removed
- Existing Structure
- Gate
- Culvert
- Existing Access
- Proposed Access
- Off-ROW Access Pending Rights
- Railroad
- Contour Line (2 Ft.)
- Fence
- Overhead Eversource Line
- Distribution Line
- Stonewall
- Sediment Control Barrier
- 25' Wetland Buffer (Newington)
- 100' Buffer Zone (Portsmouth)
- Existing Right-of-Way
- Municipal Boundary
- Delineated Intermittent Watercourse
- Delineated Wetland Boundary Outline
- Field Delineated Wetland*
- Parcel Boundary
- Work Pad
- 100 Year Flood Zone
- Wellhead Protection Areas
- Alteration of Terrain

Map Notes:
Data valid as of March 2023.
Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.

Contours downloaded from New Hampshire GRANIT

Parcels provided by New Hampshire GRANIT

Figure intended to be printed on 11x17

**Indicates datasets with a transparency setting of 30-70%*

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

Line E194 and U181
Structure Replacement Project

Portsmouth, New Hampshire

Date: March 23, 2023

Map Sheet 4 of 11

Tighe&Bond

CONSTRUCTED ACCESS (2024)
3,685 SF WETLAND BUFFER IMPACT
0 SF WETLAND IMPACT

833-028
833-034
833-035 - 833-035.19
Unknown 93
833-036
Portsmouth
Arthur F Brady Dr
No Name
STRUCTURE 19 WORK PAD
TEMPORARY WETLAND IMPACT
+/- 68 SQ. FT.
833-031
833-033
Line 3135
125
124
PEM1E
PEM/PSS1C
Line U181
20
833-038
19
18
Line E194
833-037
833-030
833-032
Echo Ave
Echo Ave Dead End
PORTSMOUTH FORD DEALERSHIP
Omne Mall Connector
Spaulding Tpke North

TOTAL AOT IMPACTS ON THIS PAGE:
19,004 SQ. FT.
TOTAL AOT IMPACTS:
202,453 SQ. FT.

V:\Projects\E\ES0341\LineE194&U181_StructureReplacementProject_Page4_Construction.mxd

INDEX MAP

Newington
Portsmouth
New Castle
Greenland
Rye

Legend

- Proposed Structure
- Existing Structure to be Modified
- Existing Structure to be Removed
- Existing Structure
- Gate
- Culvert
- Existing Access
- Proposed Access
- Off-ROW Access Pending Rights
- Railroad
- Contour Line (2 Ft.)
- Fence
- Overhead Eversource Line
- Distribution Line
- Stonewall
- Sediment Control Barrier
- 25' Wetland Buffer (Newington)
- 100' Buffer Zone (Portsmouth)
- Existing Right-of-Way
- Municipal Boundary
- Delineated Intermittent Watercourse
- Delineated Wetland Boundary Outline
- Field Delineated Wetland*
- Work Pad
- 100 Year Flood Zone
- Temporary Construction Matting
- Alteration of Terrain
- Parcel Boundary
- Work Area Within in Histosols

Map Notes:
Data valid as of September 2023.
Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.

Contours downloaded from New Hampshire GRANIT

Parcels provided by New Hampshire GRANIT

Soil boundary obtained from SSURGO for the state of New Hampshire.

Figure intended to be printed on 11x17

**Indicates datasets with a transparency setting of 30-70%*

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

Line E194 and U181
Structure Replacement Project

Portsmouth, New Hampshire

Date: September 25, 2023

Map Sheet 4 of 11

Tighe&Bond

EASEMENT REFERENCES:

1. DRAINAGE EASEMENT IN FAVOR OF THE STATE OF NEW HAMPSHIRE AS DESCRIBED IN RCRD BK.#2503 PG.#1410.
2. ACCESS EASEMENT ACROSS MAP 238 LOT 20 FOR THE BENEFIT OF MAP 28 LOTS 1A & 2 AS DESCRIBED IN RCRD BK.#2503 PG.#1420 & BK.#2503 PG.#1413, AND FURTHER DESCRIBED IN "AGREEMENT & CONSENT TO JOINT USE", JUNE 1984, RCRD BK.#2498 PG.#363.
3. DRAINAGE EASEMENT ON MAP 238 LOT 1A IN FAVOR OF THE STATE OF NEW HAMPSHIRE AS DESCRIBED IN RCRD BK.#2503 PG.#1426.
4. SLOPE AND EMBANKMENT EASEMENT IN FAVOR OF THE STATE OF NEW HAMPSHIRE AS DESCRIBED IN RCRD BK.#1143 PG.#92 (NOT DEFINED AS TO LOCATION).
5. SLOPE AND EMBANKMENT EASEMENT IN FAVOR OF THE STATE OF NEW HAMPSHIRE AS DESCRIBED IN RCRD BK.#1143 PG.#92 (NOT DEFINED AS TO LOCATION).
6. 300' WIDE PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE EASEMENT, TRACT F-607-E. SEE RCRD BK.#1263 PG.#204 & BK.#1350 PG.#1864.
7. SEWER EASEMENT ACROSS MAP 238 LOT 2 TO BENEFIT MAP 238 LOT 20 AS DESCRIBED IN BK.#2503 PG.#1424.
8. SEWER EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH AS DESCRIBED IN BK.#1868 PG.#79.
9. RIGHT-OF-WAY APPURTENANT TO 238-002 AS DESCRIBED IN RCRD BK.#955 PG.#455 (EXTENDS TO WOODBURY AVENUE).
10. APPROXIMATE CENTER LINE OF RIGHT OF WAY AS SHOWN ON REF. PLAN NO.4 AND AS RESERVED IN RCRD BK.#1032 PG.#24.
11. SLOPE AND EMBANKMENT EASEMENT IN FAVOR OF THE STATE OF NEW HAMPSHIRE AS DESCRIBED IN RCRD BK.#1143 PG.#94.
12. UTILITY EASEMENT IN FAVOR OF PUBLIC SERVICE CO. N.H. & N.E. TELEPHONE CO. AS DESCRIBED IN RCRD BK.#2503 PG.#1400-1403 & BK.#2503 PG.#1403.
13. WATER LINE EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH AS DESCRIBED IN BK.#2503 PG.#1402.
14. EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH FOR ROADWAY CHANGE OF DIRECTION AS DESCRIBED IN BK.#2507 PG.#1723.

PURSUANT TO NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES LAN 503.09(24):
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED ON OCTOBER 2015 & NOVEMBER 2024. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18, II, III AND IV AND 672:14:
"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

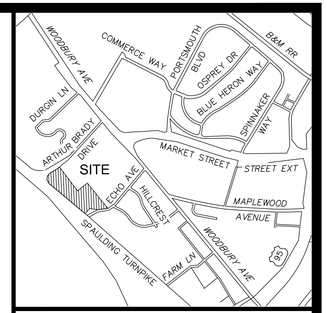
A COPY OF THIS PLAT HAS BEEN FILED WITH THE LOCAL PLANNING BOARD.

STATE OF NEW HAMPSHIRE — LICENSED LAND SURVEYOR — NO. 01037 — BRENDA M. KOLBOW — SIGNATURE

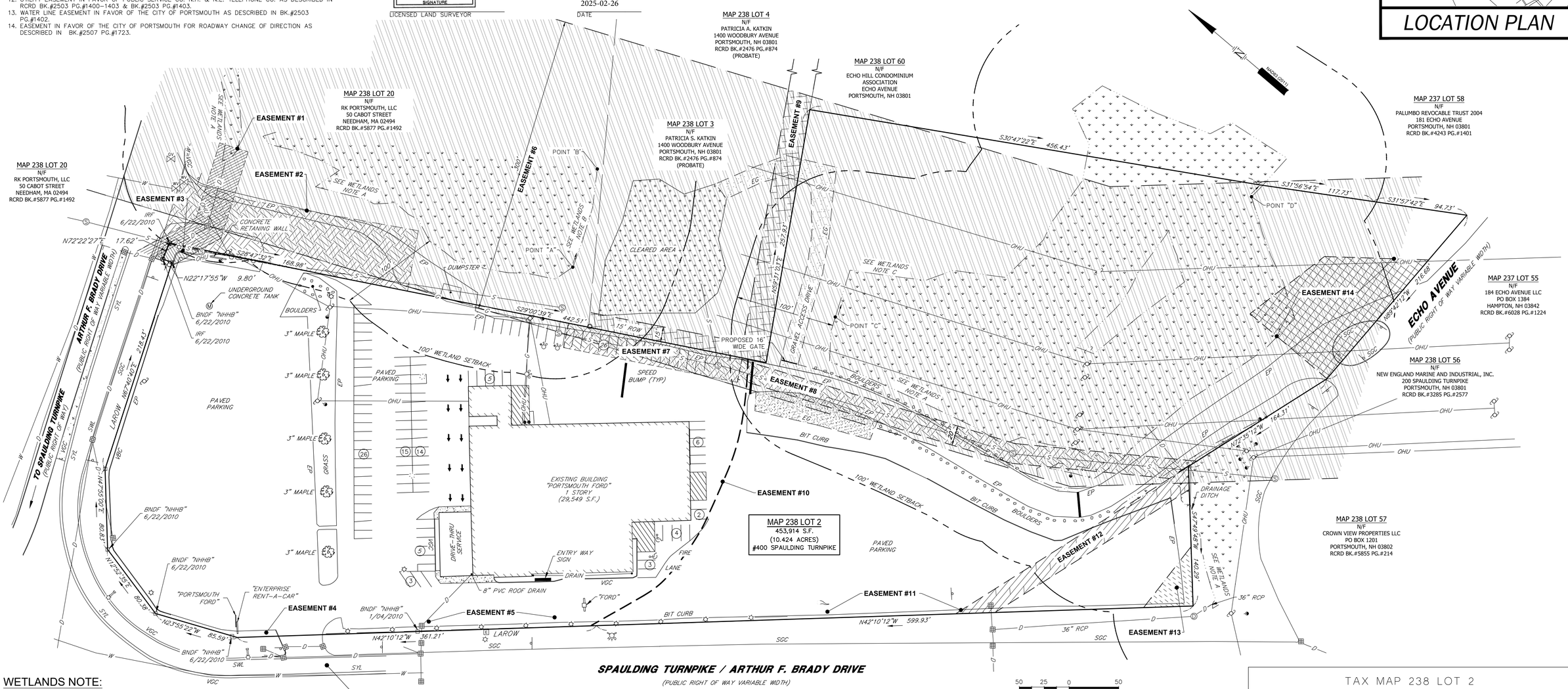
LICENSED LAND SURVEYOR — 2025-02-26 DATE

NOTES:

1. THE PARCEL IS LOCATED IN THE GATEWAY NEIGHBORHOOD MIXED USE CORRIDOR (G1) ZONING DISTRICT. SEE THE CITY OF PORTSMOUTH ZONING ORDINANCE ARTICLE 5B FOR REGULATIONS/DEVELOPMENT STANDARDS.
2. THE PARCEL IS AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 238 AS LOT 2.
3. THE PARCEL IS LOCATED IN ZONE X, AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 260 OF 681, MAP NUMBER 33015C0260F, WITH AN EFFECTIVE DATE OF JANUARY 29, 2021.
4. OWNER OF RECORD:
   MAP 238 LOT 2:
   SLF REALTY GROUP LLC
   400 SPAULDING TURNPIKE
   PORTSMOUTH, NH 03801
   RCRD BK#3327 PG#1409
5. PARCEL AREA:
   MAP 238 LOT 2:
   453,914 S.F.
   (10.424 ACRES)
6. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
7. THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES AND CURRENT SITE FEATURES OF MAP 238 LOT 2 AND THE GRAVEL ACCESS DRIVE AND CLEARED AREA ON MAP 238 LOT 3.
8. FIELD SURVEY COMPLETED BY TCE IN OCTOBER 2015 AND NOVEMBER 2024 USING A LEICA TS-16 INSTRUMENT AND CARLSON SURVPC DATA COLLECTION SOFTWARE.
9. THE HORIZONTAL DATUM IS NAD83 (2011) PER REDUNDANT NETWORK RTK GPS OBSERVATIONS.
10. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
11. THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.
12. SEE SHEET S-2 FOR LEGEND.



LOCATION PLAN



WETLANDS NOTE:

(A) THE WETLANDS DEPICTED ON THIS PLAN WERE DELINEATED ON AUGUST 19, 2024, BY JASON R. AUBE CWS #313. THESE WETLANDS WERE DELINEATED ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (JANUARY 1987) AND THE REGIONAL SUPPLEMENT TO THE U.S. CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0 (JANUARY 2012). THE PRESENCE OF DOMINANT HYDROPHYTIC VEGETATION WAS DETERMINED USING THE NORTHCENTRAL AND NORTHEAST 2016 REGIONAL WETLAND PLANT LIST, VERSION 3.3, 2016, PUBLISHED BY THE ARMY CORPS OF ENGINEERS. HYDRIC SOILS WERE DETERMINED USING THE NH HYDRIC SOILS TECHNICAL COMMITTEE'S "FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND",VERSION 4, 2017, PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION.

(B) WETLANDS SHOWN HEREON BETWEEN POINT "A" TO POINT "B" WERE DELINEATED BY MARC JACOBS, CERTIFIED WETLAND SCIENTIST ON JULY 7, 2013 AND FIELD LOCATED BY MSC, INC. (NOW TFMORAN, INC).

(C) WETLANDS SHOWN HEREON BETWEEN POINT "C" TO POINT "D" WERE PROVIDED BY JAMES VERRA & ASSOCIATES, INC. AND USED WITH PERMISSION AS SHOWN ON "ALTA/ACSM LAND TITLE SURVEY, 400 SPAULDING TURNPIKE, PORTSMOUTH, NH, OWNER: SLF REALTY GROUP, LLC, ASSESSOR'S PARCEL NO. 238-02" BY JAMES VERRA AND ASSOCIATES, INC, DATED 2-22-2010.

50 25 0 50
Graphic Scale in Feet

REV.	DATE	DESCRIPTION	DR	CK
2	2/25/2025	CLEAN UP FOR RECORDING	OMS	BMK
1	2/17/2025	ADDED PROPOSED GATE	BMK	JCC

Seacoast Division
TFM
Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists
170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

FILE	DR	RJB	FB	606	
47111-20	CK	BMK	CADFILE	SEE MARGIN	S-1

TAX MAP 238 LOT 2
AS-BUILT PLAN
400 SPAULDING TURNIKE
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
OWNED BY
SLF REALTY GROUP LLC

SCALE: 1" = 50' (22x34)
1" = 100' (11x17)
JANUARY 7, 2025

Feb 26, 2025 - 10:06am
F:\MSC Projects\47111 - Spaulding Tpke - Portsmouth\47111-11 Portsmouth Ford 400 Spaulding Tpke\Carlson Survey\Dwgs\47111-11 Survey_Mylar.dwg

LEGEND:

MAP 137 LOT 11	ASSESSORS MAP/ LOT NUMBER
BK. PG.	BOOK/PAGE
BIT	BITUMINOUS CURB
BNDF	BOUND FOUND
EG	EDGE OF GRAVEL
EP	EDGE OF PAVEMENT
IRF	IRON ROD FOUND
LAROW	LIMITED ACCESS RIGHT OF WAY
PSNH	PUBLIC SERVICE OF NEW HAMPSHIRE
N/F	NOW OR FORMERLY
NHHB	NEW HAMPSHIRE HIGHWAY BOUND
PVC	POLYVINYL CHLORIDE
TYP.	TYPICAL
RCP	REINFORCED CONCRETE PIPE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
SGC	SLOPED GRANITE CURB
SWL	SINGLE WHITE LINE
SYL	SINGLE YELLOW LINE
VBC	VERTICAL BITUMINOUS CURB
VGC	VERTICAL GRANITE CURB
	IRON PIPE/ROD FOUND
	BOUND FOUND
	BOLLARD
	BOULDER
	GUY POLE
	LIGHT POLE
	UTILITY POLE
	ELECTRIC BOX
	LIGHT POLE WITH ARM
	DRAIN MANHOLE
	CATCH BASIN
	FLAG POLE
	DECIDUOUS TREE
	MANHOLE
	SEWER MANHOLE
	HANDICAP PARKING
	GAS VALVE
	HYDRANT
	WATER SHUT OFF
	WATER GATE VALVE
	SIGN
OHU	OVERHEAD UTILITIES
	CHAINLINK FENCE
	BOUNDARY LINE
D	DRAIN LINE
S	SEWER LINE
G	GAS LINE
W	WATER LINE
	EDGE OF WETLAND
	WETLAND SETBACK
	CONCRETE
	GRAVEL
	CLEARED AREA
	WETLANDS
	EASEMENT #1
	EASEMENT #2
	EASEMENT #3
	EASEMENT #6
	EASEMENT #7
	EASEMENT #8
	EASEMENT #9
	EASEMENT #12
	EASEMENT #13
	EASEMENT #14

NOTE:

1. SEE SHEET S-1 FOR AS-BUILT PLAN, NOTES AND LOCATION PLAN.

PURSUANT TO NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES LAN 503.09(24):
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED ON OCTOBER 2015 & NOVEMBER 2024. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18, II, III AND IV AND 672:14:
"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

A COPY OF THIS PLAT HAS BEEN FILED WITH THE LOCAL PLANNING BOARD.

STATE OF NEW HAMPSHIRE
No. 01037
BRENDA M. KOLBOW
LICENSED LAND SURVEYOR
SIGNATURE

LICENSED LAND SURVEYOR

2025-02-26
DATE

REV.	DATE	DESCRIPTION	DR	CK
2	2/25/2025	CLEAN UP FOR RECORDING	OMS	BMK
1	2/17/2025	NO REVISIONS THIS SHEET	BMK	JCC

Seacoast Division
TFM®
Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists
170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

FILE	47111-20	DR	RJB	FB	606	S-2
		CK	BMK	CADFILE	SEE MARGIN	

TAX MAP 238 LOT 2

AS-BUILT PLAN - LEGEND

400 SPAULDING TURNIKE

PORTSMOUTH, NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

OWNED BY

SLF REALTY GROUP LLC

SCALE: 1" = 50' (22x34)
1" = 100' (11x17)

JANUARY 7, 2025

Feb 26, 2025 - 10:07am
F:\MSC Projects\47111 - Spaulding Tpke - Portsmouth\47111-11 Portsmouth Ford 400 Spaulding Tpke\Carlson Survey\Dwgs\47111-11 Survey_Mylar.dwg

Tighe&Bond

APPENDIX B

E194 & U181 Structure Replacement Project

Wetland Resource Area Description and Assessment

TO: Katy Wilkins, Project Manager, Tighe & Bond, Inc.

FROM: Julia Novotny, Environmental Scientist, Tighe & Bond, Inc.
Jeremy Degler, Project Environmental Scientist, CWS, PWS, CWB, Tighe & Bond, Inc.

DATE: March 22, 2023

On December 21, 2022 and January 4, 9, and 17, 2023, Tighe & Bond wetland scientists conducted a wetland resource area investigation within and adjacent to the location of the E194 and U181 transmission line right-of-way (ROW) in support of a structure replacement project proposed by Eversource Energy (Eversource). This memorandum presents a summary of the wetland resource areas investigated at the Project Site and a functions and values assessment for these resource areas.

Project Location

The project area consists of the existing maintained transmission line ROW that contains the E194 and U181 Lines. This ROW is comprised of a mixture of impervious area, maintained upland, and wetland. The surrounding landscape areas are comprised of impervious surfaces (e.g., roadways and parking lots), industrial, commercial, and residential areas, in addition to forest and wetlands. The ROW runs from the Newington Substation off Gosling Road to the Ocean Road Substation on the Greenland/Portsmouth border.

Methodology of Wetland Resource Investigations

The wetland delineation was conducted in accordance with the procedures outlined in the *U.S. Army Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (January 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (January 2012). Locations of wetland boundaries were surveyed using a global positioning system (GPS) unit with sub-meter accuracy.

Summary of Jurisdictional Wetland Resource Areas

The following sections discuss the wetland resource areas identified in the project area and summarize their characteristics.

Vegetated Wetlands

Multiple wetlands were identified within the E194 and U181 ROW, adjacent to the limits of work. Wetlands identified within the ROW were classified as having the characteristics of both palustrine emergent system with persistent vegetation, and a palustrine scrub-shrub system with broad-leaved deciduous vegetation (PEM1/PSS1).

Common vegetation observed included common reed (*Phragmites australis;* FACW), cattail (*Typha sp.; OBL)*, purple loosestrife (*Lythrum salicaria*; OBL), sensitive fern (*Onoclea sensibilis*; FACW), curly dock (*Rumex crispus*; FAC), winterberry (*Ilex verticillata*; FACW), willow (*Salix spp.)*, glossy buckthorn (*Frangula alnus*; FAC), red maple (*Acer rubrum*; FAC), common rush (*Juncus effusus*; OBL), reed canary grass (*Phalaris arundinacea*; FACW), white meadowsweet (*Spirea alba*; FACW), red osier dogwood (*Cornus sericea*; FACW), speckled

alder (*Alnus incana*; FACW), tussock sedge (*Carex stricta*; OBL), brambles (*Rubus spp.*), and goldenrod (*Solidago spp*.)

Two streams were identified in association with the delineated wetlands: an unnamed tributary to the Piscataqua River (Newington) and an unnamed tributary to Pickering Brook in Great Bog (Portsmouth). Many of the wetlands within the project area are disturbed from previous ROW work and surrounding development including from commercial, industrial, and residential areas.

100-foot Buffer Zone (Locally Regulated)

The 100-foot Buffer Zone associated with the wetlands identified in the project area consists of a mixture of impervious area (e.g., paved parking lots, roadways), residential, industrial, and commercial areas, as well as forested areas, and maintained ROW. The percentage of Buffer Zone that is developed, including impervious paved areas, is approximately 40 percent. Non-impervious 100-foot Buffer Zone is mainly comprised of maintained shrubby vegetation within the existing ROW and mixed deciduous and coniferous forest on the ROW boundaries.

Functions and Values Assessment

Gosling Road and Durgin Lane Wetlands

Wetlands off Gosling Road and Durgin Lane are surrounded by residential and commercial development. They are classified as palustrine emergent and scrub-shrub systems, mostly dominated by common reed, purple loosestrife, and cattail. These wetlands are situated in depressions and flat, low lying areas and are densely vegetated with pockets of standing water. Flood storage, sediment and toxicant retention, and nutrient retention/removal are likely functions of these wetlands. Due to the location of these wetlands in highly developed areas and the dominance of invasive species, they do not provide good aesthetic qualities and are unlikely to provide good wildlife habitat.

Echo Avenue Wetlands

Echo Avenue wetlands are characterized as palustrine emergent and palustrine scrub-shrub systems. These wetlands are located directly adjacent to commercial and residential development. They are also located approximately 330 feet northeast of Route 4. These wetlands are densely vegetated and some portions are situated in depressions. Functions associated with these areas include flood storage and sediment and toxicant retention. Due to the location of these wetlands in a developed area and the dominance of invasive species, they do not provide good aesthetic qualities and are unlikely to provide good wildlife habitat.

Borthwick Avenue Wetlands

The wetlands adjacent to Borthwick Avenue are situated in highly disturbed areas. These wetlands are mainly palustrine emergent systems dominated by common reed and cattail. These wetlands are designated as Prime Wetlands pursuant to NH RSA § 482-A:15.

Dense emergent vegetation and organic soils in these wetlands allow for sediment and toxicant retention. Given the proximity of these wetlands to surrounding development and impervious surfaces and their position on the landscape they are likely important in providing flood storage. These wetlands provide little aesthetic qualities as they are dominated by invasive species that obstruct clear views and are surrounded by impervious area and commercial development.

Great Bog Wetlands

The wetlands associated with Great Bog are predominantly palustrine emergent and palustrine scrub-shrub systems. These wetlands are associated with Pickering Brook, which flows northeast to southwest through Great Bog. These wetlands are designated as Prime Wetlands.

Due to the dense vegetation in this wetland and the presence of deep water and organic soils, it likely provides sediment and toxicant retention, as well as nutrient retention and transformation. Additionally, the large size of this wetland complex and its position on the landscape allows for flood storage. Great Bog has historic known occurrences of rare, threatened, and endangered plant species, and has aesthetic qualities and recreational opportunities via adjacent trails. This area likely provides good wildlife habitat as Great Bog is large and relatively unfragmented. The aesthetic quality is partially compromised by the dominance of invasive common reed and purple loosestrife, and the proximity of Great Bog to major roads and highways.

Tighe&Bond

APPENDIX C

Photographic Log

Client: Eversource Energy **Job Number:** 14-5034-200

Site: E194 & U181 Structure Replacement Project
Portsmouth and Newington, NH

Photograph No.: 1	**Date:** 1/9/2023	**Direction Taken:** Northwest

Description: Overview of the originally permitted access to Structures 19 on the E194 and U181 Lines (indicated by the arrows). This would have resulted in 6,286 SF of impacts to the pictured wetland.

Photograph No.: 2	**Date:** 3/18/2024	**Direction Taken:** Northeast

Description: Overview of the as-built gravel access to Structures 19 on the E194 and U181 Lines (red arrow). No direct wetland impacts occurred during construction; rather, 3,685 SF of buffer impacts are requested to be retained under this after-the-fact CUP. A steel gate will be installed to replace the existing boulders.

www.tighebond.com

100% Recyclable

GENERAL NOTES

1. HORIZONTAL DATUM IS BASED ON NORTH AMERICAN DATUM OF 1983(NAD83) NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM ZONE 2800.
2. VERTICAL DATUM IS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988(NAVD88) AND WAS OBTAINED FROM REDUNDANT GPS OBSERVATIONS IN NOVEMBER 2024.
3. WETLANDS SHOWN HEREON WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES NOVEMBER 2024 AND LOCATED BY MCCLURE ENGINEERING CO. NOVEMBER 2024. TAX MAP 291, LOT 1-2 WAS NOT DELINEATED AT THE TIME OF THIS SURVEY.
4. UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND EVIDENCE AND PLANS REFERENCED. MCCLURE TAKES NO RESPONSIBILITY FOR THE LOCATION OF SAID UTILITIES, AS SHOWN HEREON.
5. BY GRAPHIC PLOTTING ONLY, THE PARCEL SHOWN HEREON LIES WITHIN ZONE X AND ZONE A FLOOD HAZARD AREAS, AS SHOWN ON THE (F.E.M.A.)FEDERAL EMERGENCY MANAGEMENT AGENCY) (F.I.R.M.)FLOOD INSURANCE RATE MAP 33015C0270F, WITH AN EFFECTIVE DATE OF JANUARY 29, 2021.

BENCHMARK NOTES:

1. MAGNAIL SET IN PAVEMENT AT INTERSECTION OF LANG ROAD & LONGMEADOW ROAD, AS SHOWN HEREON. ELEVATION = 67.01
2. MAGNAIL SET IN PAVEMENT AT 90 DEGREE TURN OF LONGMEADOW ROAD, AS SHOWN HEREON. ELEVATION = 58.17

PLAN REFERENCES

1. "LOT LINE RELOCATION PLAN" BY MILLETTE, SPRAGUE & COLWELL, INC., DATED 9/02/99, AND RECORDED IN ROCKINGHAM COUNTY REGISTRY OF DEEDS PLAN D-27623.
2. "TOPOGRAPHIC PLAN OF TAX MAP 291, LOT 1-1, LANG ROAD, PORTSMOUTH, NH" BY DOUCET SURVEY INC., DATED DECEMBER 22, 2015, UNRECORDED.
3. "AS-BUILT PLAN FOR CITY OF PORTSMOUTH OF LONGMEADOW ROAD & LANG ROAD, PORTSMOUTH, NH" BY DOUCET SURVEY LLC DATED DECEMBER 20, 2020.
4. "SUBDIVISION PLAN OF SERVICE FEDERAL CREDIT UNION" BY DOUCET SURVEY LLC DATED 02/11/21, AND RECORDED IN ROCKINGHAM COUNTY REGISTRY OF DEEDS PLAN D-42707.

EXISTING SURVEY LEGEND

LINEWORK

- DRAINAGE
- WATER
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- INTERMEDIATE CONTOUR (2')
- INDEX CONTOUR (10')
- PROPERTY LINE
- RIGHT OF WAY
- SECTION LINE
- EASEMENT
- GUARD RAIL
- FIELD FENCE
- CHAIN LINK FENCE
- WOODEN FENCE

TYPICAL HATCHING

- WETLANDS
- LEDGE

ABBREVIATIONS

BM	BENCHMARK
RIM	ELEVATION AT RIM
W/	WITH
TYP	TYPICAL
CB	CATCH BASIN
SMH	SEWER MANHOLE
DMH	DRAINAGE MANHOLE
CI	CAST IRON PIPE
DI	DUCTILE IRON PIPE
CMP	CORRUGATED METAL PIPE
HDPE	HIGH-DENSITY POLYETHYLENE PIPE
VCP	VITRIFIED CLAY PIPE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
UTM	UNABLE TO MEASURE
IP	IRON PIN OR PIPE
IR	IRON ROD
DH	DRILL HOLE
F	FOUND
TBS	TO BE SET

GENERAL SITE FEATURES

- BOLLARD
- FLAGPOLE
- FLOOD LIGHT
- GUY WIRE
- MB MAILBOX
- SIGN- DOUBLE POST
- SIGN- SINGLE POST
- SOILBORE
- WETLAND FLAG
- STREET LIGHT
- UTILITY POLE
- UTILITY POLE W/STREET LIGHT
- UNKNOWN MANHOLE

MONUMENTS

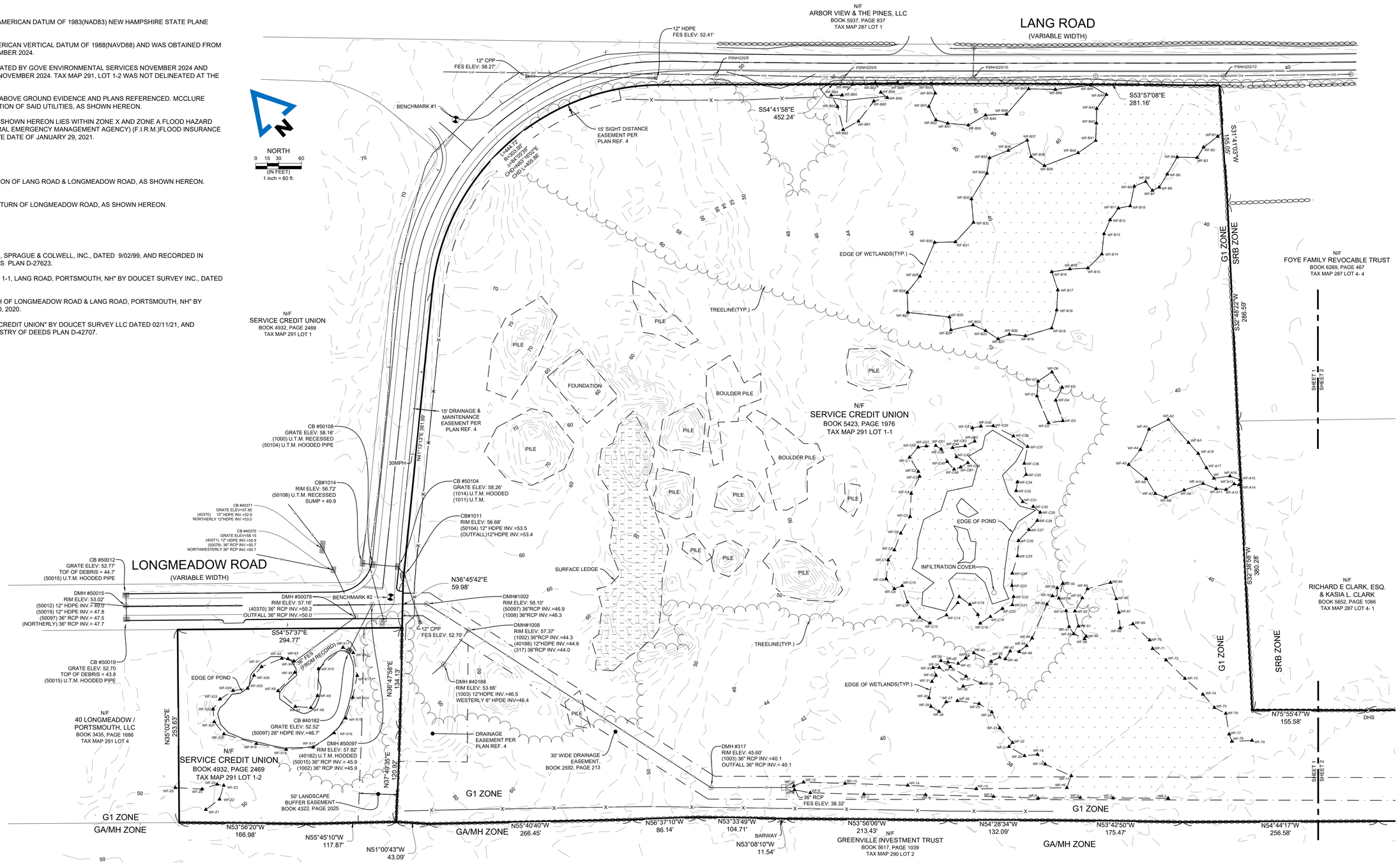
- BENCHMARK

STORM SEWER

- BEEHIVE INTAKE (SIZE VARIES)
- FLARED END SECTION (SIZE VARIES)
- CATCH BASIN
- STAND PIPE
- DRAINAGE CLEANOUT
- DRAINAGE MANHOLE
- OPEN SIDED AREA INTAKE (SIZE VARIES)

WATER

- CURB STOP
- FIRE HYDRANT
- IRRIGATION VALVE
- MONITORING WELL
- POST INDICATOR VALVE
- WATER MANHOLE
- WATER VALVE
- WATER VALVE MANHOLE



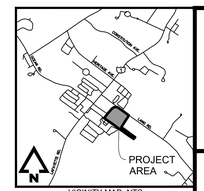
SURVEYOR'S CERTIFICATIONS:

LAN 503.04
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE SURVEY WAS COMPLETED WITH A TRIMBLE RTK GPS (R12I AND R10) WITH A 95% CONFIDENCE LEVEL OF 0.05' + 1:10,000 OR GREATER.

RSA 676:16
"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

PRELIMINARY

DATE: _____ _____
LICENSED LAND SURVEYOR #953



VICINITY MAP- NTS

EXISTING CONDITIONS PLAN
OF
126 LANG ROAD, PORTSMOUTH, NH
PREPARED FOR SERVICE CREDIT UNION

PRELIMINARY

ENGINEER	DRAWN BY	REVISIONS
	DMS	-
SURVEYOR	CREW CHIEF	-
JDG	DMS	-

SHEET NO.
1 / 2

2024006643
DECEMBER 2, 2024

McCLURE
making lives better.
25 New Hampshire Avenue
Portsmouth, NH
603-766-0435

DRAWING PATH: P:\2024006643.000 - EC- 126 Lang Road, Portsmouth, NH\04-Drawings\Survey\2024006643 - ECVOR.dwg PLOT DATE: 05/29/2025 5:03 PM PLOTTED BY: DUNE SHERMAN

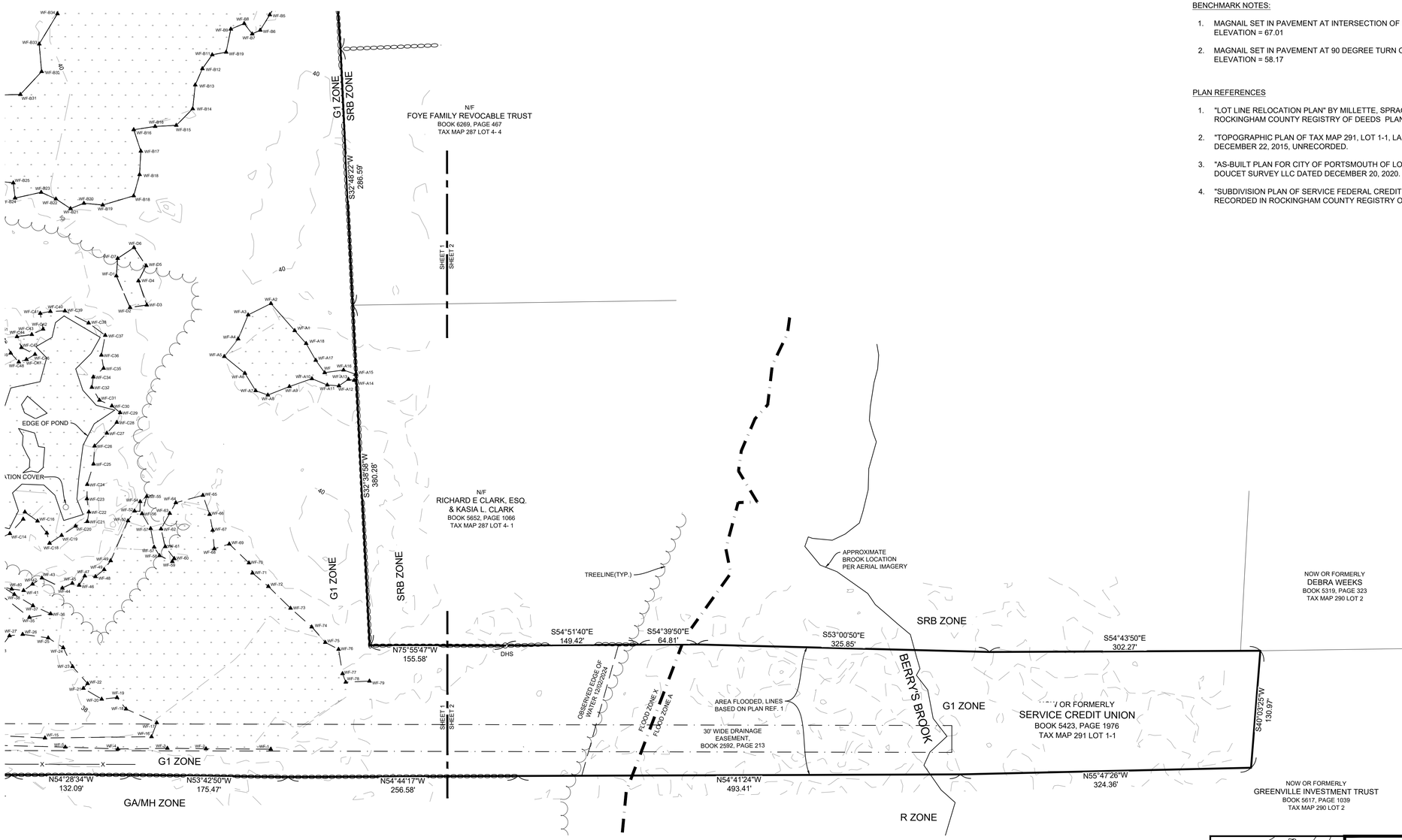
NORTH

0 15 30 60

(IN FEET)

1 inch = 60 ft.

NTS



EXISTING SURVEY LEGEND

LINEWORK

- DRAINAGE
- WATER
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- INTERMEDIATE CONTOUR (2')
- INDEX CONTOUR (10')
- PROPERTY LINE
- RIGHT OF WAY
- SECTION LINE
- EASEMENT
- GUARD RAIL
- FIELD FENCE
- CHAIN LINK FENCE
- WOODEN FENCE

TYPICAL HATCHING

- WETLANDS
- LEDGE

ABBREVIATIONS

BM	BENCHMARK
RIM	ELEVATION AT RIM
W/	WITH
TYP	TYPICAL
CB	CATCH BASIN
SMH	SEWER MANHOLE
DMH	DRAINAGE MANHOLE
CI	CAST IRON PIPE
DI	DUCTILE IRON PIPE
CMP	CORRUGATED METAL PIPE
HDPE	HIGH-DENSITY POLYETHYLENE PIPE
VCP	VITRIFIED CLAY PIPE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
UTM	UNABLE TO MEASURE
IP	IRON PIN OR PIPE
IR	IRON ROD
DH	DRILL HOLE
F	FOUND
TBS	TO BE SET

GENERAL SITE FEATURES

- BOLLARD
- FLAGPOLE
- FLOOD LIGHT
- GUY WIRE
- MB MAILBOX
- SIGN- DOUBLE POST
- SIGN- SINGLE POST
- SOILBORE
- WETLAND FLAG
- STREET LIGHT
- UTILITY POLE
- UTILITY POLE W/STREET LIGHT
- UNKNOWN MANHOLE

MONUMENTS

- BENCHMARK

STORM SEWER

- BEEHIVE INTAKE (SIZE VARIES)
- FLARED END SECTION (SIZE VARIES)
- CATCH BASIN
- STAND PIPE
- DRAINAGE CLEANOUT
- DRAINAGE MANHOLE
- OPEN SIDED AREA INTAKE (SIZE VARIES)

WATER

- CURB STOP
- FIRE HYDRANT
- IRRIGATION VALVE
- MONITORING WELL
- POST INDICATOR VALVE
- WATER MANHOLE
- WATER VALVE
- WATER VALVE MANHOLE

GENERAL NOTES

1. HORIZONTAL DATUM IS BASED ON NORTH AMERICAN DATUM OF 1983(NAD83) NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM ZONE 2800.
2. VERTICAL DATUM IS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988(NAVD88) AND WAS OBTAINED FROM REDUNDANT GPS OBSERVATIONS IN NOVEMBER 2024.
3. WETLANDS SHOWN HEREON WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES NOVEMBER 2024 AND LOCATED BY MCCLURE ENGINEERING CO. NOVEMBER 2024. TAX MAP 291, LOT 1-2 WAS NOT DELINEATED AT THE TIME OF THIS SURVEY.
4. UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND EVIDENCE AND PLANS REFERENCED. MCCLURE TAKES NO RESPONSIBILITY FOR THE LOCATION OF SAID UTILITIES, AS SHOWN HEREON.
5. BY GRAPHIC PLOTTING ONLY, THE PARCEL SHOWN HEREON LIES WITHIN ZONE X AND ZONE A FLOOD HAZARD AREAS, AS SHOWN ON THE (F.E.M.A.)FEDERAL EMERGENCY MANAGEMENT AGENCY) (F.I.R.M.)FLOOD INSURANCE RATE MAP 33015C0270F, WITH AN EFFECTIVE DATE OF JANUARY 29, 2021.

BENCHMARK NOTES:

1. MAGNAIL SET IN PAVEMENT AT INTERSECTION OF LANG ROAD & LONGMEADOW ROAD, AS SHOWN HEREON. ELEVATION = 67.01
2. MAGNAIL SET IN PAVEMENT AT 90 DEGREE TURN OF LONGMEADOW ROAD, AS SHOWN HEREON. ELEVATION = 58.17

PLAN REFERENCES

1. "LOT LINE RELOCATION PLAN" BY MILLETTE, SPRAGUE & COLWELL, INC., DATED 9/02/99, AND RECORDED IN ROCKINGHAM COUNTY REGISTRY OF DEEDS PLAN D-27623.
2. "TOPOGRAPHIC PLAN OF TAX MAP 291, LOT 1-1, LANG ROAD, PORTSMOUTH, NH" BY DOUCET SURVEY INC., DATED DECEMBER 22, 2015, UNRECORDED.
3. "AS-BUILT PLAN FOR CITY OF PORTSMOUTH OF LONGMEADOW ROAD & LANG ROAD, PORTSMOUTH, NH" BY DOUCET SURVEY LLC DATED DECEMBER 20, 2020.
4. "SUBDIVISION PLAN OF SERVICE FEDERAL CREDIT UNION" BY DOUCET SURVEY LLC DATED 02/11/21, AND RECORDED IN ROCKINGHAM COUNTY REGISTRY OF DEEDS PLAN D-42707.

SURVEYOR'S CERTIFICATIONS:

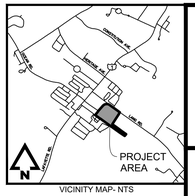
LAN 503.04
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE SURVEY WAS COMPLETED WITH A TRIMBLE RTK GPS (R12) AND R10) WITH A 95% CONFIDENCE LEVEL OF 0.05' + 1:10,000 OR GREATER.

RSA 676:16
"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

PRELIMINARY

DATE: _____ _____

LICENSED LAND SURVEYOR #953



VICINITY MAP- NTS

EXISTING CONDITIONS PLAN

OF

126 LANG ROAD, PORTSMOUTH, NH

PREPARED FOR SERVICE CREDIT UNION

PRELIMINARY

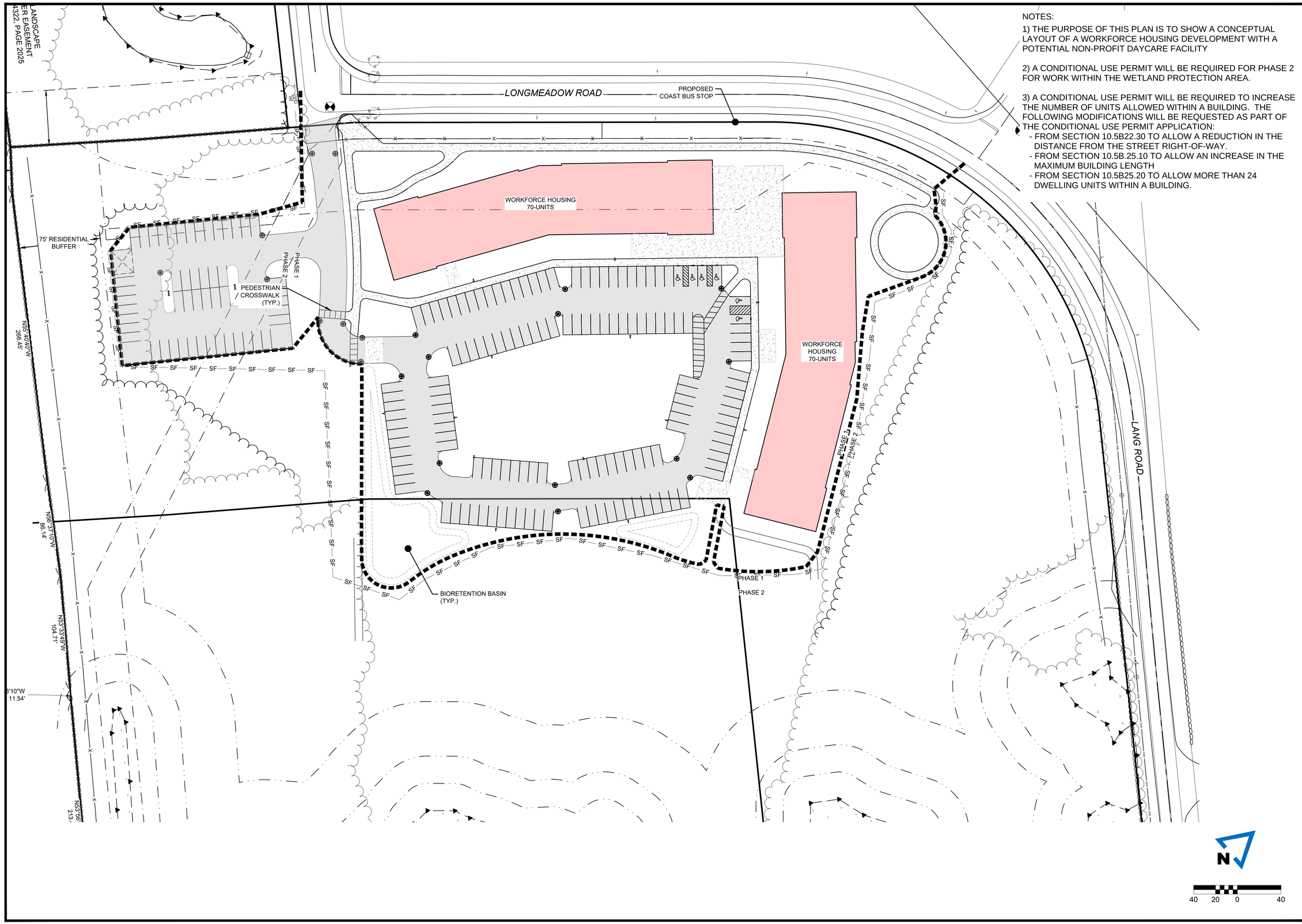
ENGINEER	DRAWN BY	REVISIONS
SURVEYOR JDG	CREW CHIEF DMS	DMS

SHEET NO. 2 / 2

2024006643
DECEMBER 2, 2024

McCLURE™
making lives better.
25 New Hampshire Avenue
Portsmouth, NH
603-766-0435

DRAWING PATH: P:\2024006643\00-EC- 126 Lang Road, Portsmouth, NH\04-Drawings\Survey\2024006643_TEMPS.dwg PLOT DATE: 12/02/2025 5:23:13 PM PLOTTED BY: DAVE SHERMAN



NOTES:

1) THE PURPOSE OF THIS PLAN IS TO SHOW A CONCEPTUAL LAYOUT OF A WORKFORCE HOUSING DEVELOPMENT WITH A POTENTIAL NON-PROFIT DAYCARE FACILITY

2) A CONDITIONAL USE PERMIT WILL BE REQUIRED FOR PHASE 2 FOR WORK WITHIN THE WETLAND PROTECTION AREA.

3) A CONDITIONAL USE PERMIT WILL BE REQUIRED TO INCREASE THE NUMBER OF UNITS ALLOWED WITHIN A BUILDING. THE FOLLOWING MODIFICATIONS WILL BE REQUESTED AS PART OF THE CONDITIONAL USE PERMIT APPLICATION:
- FROM SECTION 10.5B22.30 TO ALLOW A REDUCTION IN THE DISTANCE FROM THE STREET RIGHT-OF-WAY.
- FROM SECTION 10.5B.25.10 TO ALLOW AN INCREASE IN THE MAXIMUM BUILDING LENGTH
- FROM SECTION 10.5B25.20 TO ALLOW MORE THAN 24 DWELLING UNITS WITHIN A BUILDING.

McCLURE™
25 New Hampshire Avenue
Suite 255
Portsmouth, NH 03801
P 603-766-0435

Ankeny,IA | Carroll,IA
Cedar Rapids,IA | Clive,IA
Coralville,IA | Council Bluffs,IA
Fort Dodge,IA | Sioux City,IA
Columbia,MO | Macon,MO
North Kansas City,MO
Lenexa, KS
Portsmouth, NH | Boston, MA

NOTICE:
McClure Engineering Co. is not responsible or liable for any issues, claims, damages, or losses (collectively, "Losses") which arise from failure to follow these Plans, Specifications, and the engineering intent they convey, or for Losses which arise from failure to obtain and/or follow the engineers' or surveyors' guidance with respect to any alleged errors, omissions, inconsistences, ambiguities, or conflicts contained within the Plans and Specifications.

REVISIONS

PROJECT INFO
2024002213

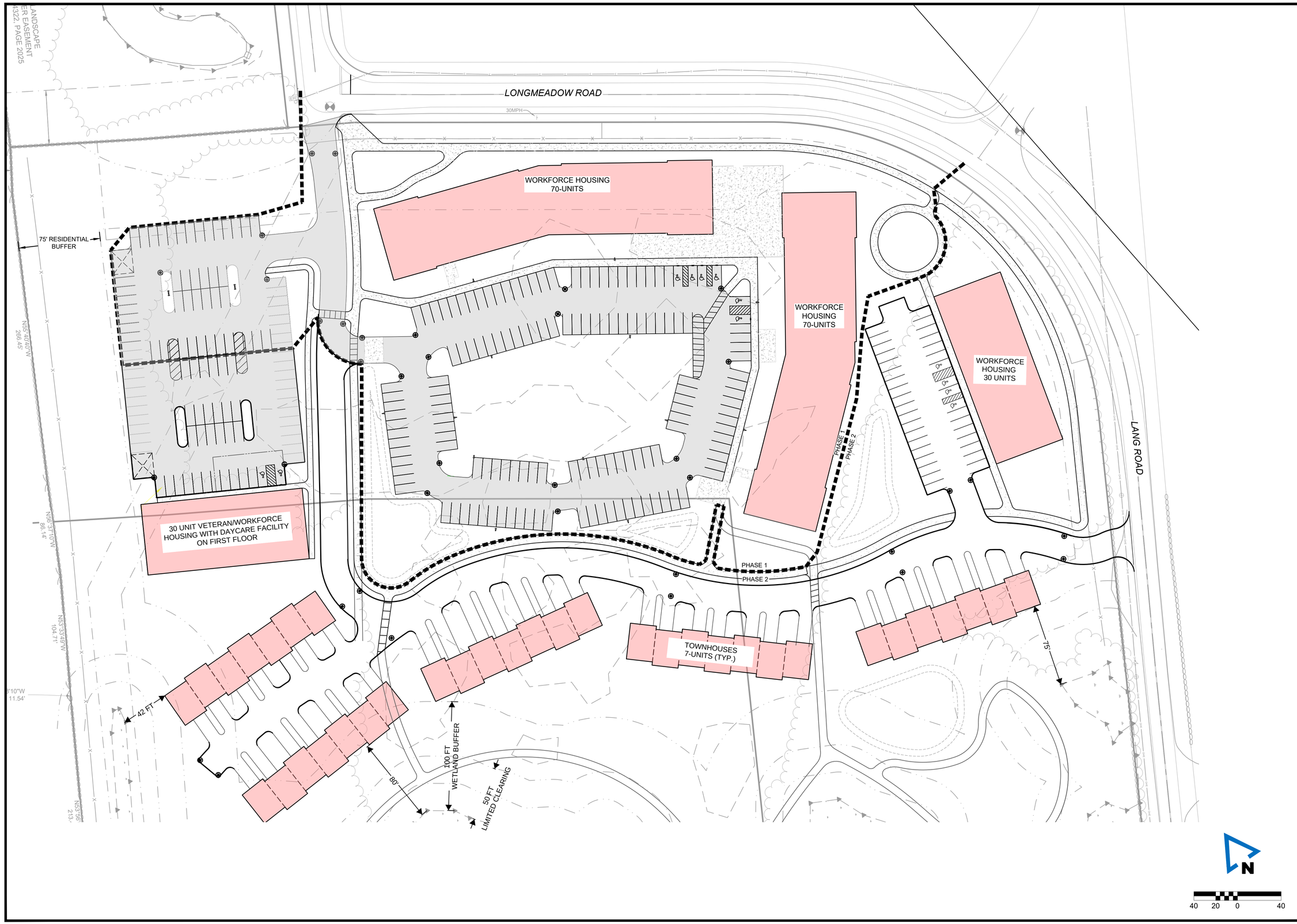
ENGINEER	DRAWN BY	CHECKED BY
N. DUQUETTE	B. RICHARDS	N. DUQUETTE

WORKFORCE HOUSING DEVELOPMENT
126 LANG ROAD
PORTSMOUTH, NH 03801

CONCEPTUAL SITE PLAN - PH. 1

P:\2024001787\04-DRAWINGS\DWG\PLANS\24-1787_PHASE-1\24-1787_SITE PLAN.DWG

DRAWING NO.
C100



McCLURE™

25 New Hampshire Avenue
Suite 255
Portsmouth, NH 03801
P 603-766-0435

Ankeny,IA | Carroll,IA
Cedar Rapids,IA | Clive,IA
Coralville,IA | Council Bluffs,IA
Fort Dodge,IA | Sioux City,IA
Columbia,MO | Macon,MO
North Kansas City,MO
Lenexa, KS
Portsmouth, NH | Boston, MA

NOTICE:
McClure Engineering Co. is not responsible or liable for any issues, claims, damages, or losses (collectively, "Losses") which arise from failure to follow these Plans, Specifications, and the engineering intent they convey, or for Losses which arise from failure to obtain and/or follow the engineers' or surveyors' guidance with respect to any alleged errors, omissions, inconsistences, ambiguities, or conflicts contained within the Plans and Specifications.

REVISIONS

PROJECT INFO
2024002213

ENGINEER	DRAWN BY	CHECKED BY
N. DUQUETTE	B. RICHARDS	N. DUQUETTE

WORKFORCE HOUSING DEVELOPMENT
126 LANG ROAD
PORTSMOUTH, NH 03801

CONCEPTUAL SITE PLAN-PH. 2

P:\2024001787\04-DRAWINGS\DWG\PLANS\24-1787_PHASE-2\24-1787_SITE PLAN-PH2.DWG

DRAWING NO.
C200