

Tighe & Bond

Partnership
with purpose

Garden & Site Improvements
Portsmouth, New Hampshire

**NHDES Standard
Dredge and Fill
Wetlands Permit
Application**

124 Group Inc
July 2026



K0076-0066

July 24, 2026

NHDES Wetlands Bureau
Attn. Eben Lewis, Southeast Region Supervisor
29 Hazen Drive
Concord, NH 03302-0095

**Re: Standard Dredge & Fill Wetlands Permit Application (Major Impact)
124 Heritage Avenue, Portsmouth, New Hampshire**

Dear Mr. Lewis,

On behalf of 124 Group Inc (the Applicant), Tighe & Bond is pleased to submit this Standard Dredge & Fill Wetlands Permit Application for the Proposed Garden and Site Improvements Project, located at 124 Heritage Avenue in Portsmouth, New Hampshire. The Applicant proposes to convert an existing maintained lawn into a community garden for use by one of the building's tenants, Gather, a local food-security non-profit. The proposed work falls within the duly-established 100-foot buffer to a municipally-designated prime wetland; therefore, we understand that the project requires a Standard Dredge & Fill Wetlands Permit from the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau.

The proposed work consists of the conversion of approximately 11,512 sf of maintained lawn into a community garden with associated native plantings and stormwater improvements. This garden is intended to be used by Gather. Shrub plantings are proposed around the edges of the garden and will consist of native berry-producing shrubs which will provide another food source for the community garden and support local wildlife. A pollinator garden is also proposed to support local pollinators. The proposed grass-lined stormwater conveyance swale will improve stormwater runoff from the roadway and adjacent parking lot and promote infiltration. The following coordination has been completed with the pertinent regulatory agencies:

- A Datcheck request was completed through the NHDES Ecological Review Section on May 28, 2026 (DCT26-1245).
- Coordination with the Portsmouth Conservation Commission and Portsmouth Planning Board is ongoing.

Thank you in advance for reviewing these materials. Should you have any questions or require additional information, please contact me at (603) 231-9918 or via email at STetreault@tighbond.com.

Respectfully yours,
Tighe & Bond, Inc.

Stefanie M. Tetreault, CWS, PWS
PROJECT MANAGER

Copy: City of Portsmouth, NH
124 Group, LLC

177 Corporate Drive
Portsmouth, NH 03801

T 603.433.8818

TIGHEBOND.COM

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**NHDES Standard Dredge and
Fill Forms**



STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division / Land Resources Management Program /
Wetlands Bureau



[Check the status of your application](#)

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

Applicant name:		Town name:
<i>Administrative Use Only</i>	<i>File number:</i>	<i>Initials:</i>
	<i>Check number:</i>	<i>Amount:</i>

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

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))	
Please use the Land Resources Management Permit Planning Tool (LRMPPT) , the DataCheck Tool , the Stream Crossing Initiative Data Viewer or other sources to assist in identifying key features such as Priority Resource Areas (PRAs) , protected species or habitats , coastal areas, designated rivers or designated prime wetlands.	
Has the required planning been completed?	☐ Yes ☐ No
Does the property contain a PRA? If yes, provide the following information:	☐ Yes ☐ No
Does the project qualify for an Impact Classification Adjustment (such as an agreement from the NHDES Ecological Review Section for a classification downgrade) or a Project-Type Exception (such as a Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.	☐ Yes ☐ No
Protected species or habitat?	☐ Yes ☐ No
- If yes, species or habitat name(s): - DataCheck project ID number:	
Bog?	☐ Yes ☐ No
Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes ☐ No
Designated prime wetland or duly-established 100-foot buffer?	☐ Yes ☐ No
Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☐ Yes ☐ No
Is the property within a Designated River corridor? If yes, provide the following information:	☐ Yes ☐ No
- Name of Local River Management Advisory Committee (LAC): - A copy of the application was sent to the LAC on (mm/dd/yyyy):	
For dredging projects, is the subject property contaminated? N/A	☐ Yes ☐ No
If yes, list contaminant:	
Is there potential to impact impaired waters, Class A waters or Outstanding Resource Waters?	☐ Yes ☐ No
For stream crossing projects, provide watershed size (see LRMPPT or Stream Stats): N/A	

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

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

des.nh.gov

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

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

SECTION 3 - PROJECT LOCATION

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

Address:

Town or city:

Tax map/block/lot/unit:

U.S. Geological Survey (USGS) topo map waterbody name:

☐ n/a

(Optional) Latitude / longitude in decimal degrees (to five decimal places):

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

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

Name:

Mailing address:

Town or city:

State:

ZIP:

Email address:

Phone:

Electronic communication: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically:

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c)) ☐ N/A

Last name, first name, middle initial:

Company name:

Mailing address:

Town or city:

State:

ZIP:

Email address:

Phone:

Electronic communication: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically:

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))			
<i>If the owner is a trust or a company, then complete with the trust or company information.</i> ☐ Same as applicant			
Name:			
Mailing address:			
Town or city:		State:	ZIP:
Email address:		Phone:	
Electronic communication: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically:			
SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))			
Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters): The project has been designed in accordance with the applicable requirements of Env-Wt 306 and Env-Wt 307 as well as the project specific requirements for commercial and industrial development (Env-Wt 524) to the extent practicable. The proposed work is located within the duly established 100-foot buffer to a municipally designated Prime Wetland, therefore the project has also been evaluated in accordance with the applicable requirements of Env-Wt 700 and is not expected to result in a significant net loss of Prime Wetland functions or values. Refer to Section 3 of the provided Supplemental Project Narrative for a detailed overview of how the project generally conforms to each applicable section.			
SECTION 8 - AVOIDANCE AND MINIMIZATION			
Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation fact sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*			
Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist , the Avoidance and Minimization Narrative , or your own avoidance and minimization narrative.			
*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.			
SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)			
<i>If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.</i>			
Mitigation pre-application meeting date (mm-dd-yyyy):		☐ N/A - Mitigation is not required.	
SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (ENV-WT 313.01(A)(1)C)			
<i>Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable</i>			
☐ I confirm submittal.		☐ N/A – Compensatory mitigation is not required)	

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

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

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

For perennial streams/ivers, linear feet of impact are calculated by summing the lengths of disturbances to the channel and banks.

Permanent (PERM) impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials). Temporary (TEMP) impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

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

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

- ☐ Minimum impact: flat fee of \$600.
- ☐ Non-enforcement related, publicly funded and supervised restoration projects, regardless of impact classification: flat fee of \$600 (refer to R2-A:3, 1(c) for restrictions).
- ☐ Minor or major impact fee: calculate using the table below.

Permanent and temporary (non-docking) in square feet:		× \$0.60 =	\$
Seasonal docking structure, in square feet:		× \$3.00 =	\$
Permanent docking structure, in square feet:		× \$6.00 =	\$
Projects proposing shoreline structures (including docks): add \$600.			\$
Total			\$
The application fee for minor or major impact is the above calculated total or \$600, whichever is greater.			\$

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05) *Indicate the project classification.*

- ☐ Minimum impact project ☐ Minor project ☐ Major project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11) *Initial each box below to certify.*

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

SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)

Signature (owner):	Print name legibly:	Date:
Signature (applicant, if different from owner):	Print name legibly:	Date:
Signature (agent, if applicable):	Print name legibly:	Date:

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

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

des.nh.gov

SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))

As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has provided a hard copy and a digital copy of a completed application form, with required attachments, to the town or city indicated below.

Town or city clerk signature:

Print name legibly:

Town or city:

Date:

DIRECTIONS FOR TOWN OR CITY CLERK

1. Upon confirming receipt of one paper copy and one digital copy of this application, with its attachments, Immediately sign a copy of the application and return it to the applicant for submittal to the department.
2. Retain the hard copy for review by the public and immediately distribute a digital copy of the application package to each of the following bodies:
 - a. Local conservation commission.
 - b. Local governing body such as select board or town or city council.
 - c. Local planning board.

DIRECTIONS FOR APPLICANT

1. Bring one hard copy of the application and its attachments, and one digital copy of the same, to the municipal clerk(s) of the town(s) in which proposed jurisdictional impacts are located. Digital copies shall be in PDF format or other formats approved by NHDES.
2. Submit the copy of the complete application package signed by the municipal clerk(s) to NHDES.
3. State agency applicants may file simultaneously with NHDES and the municipal clerk.



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



Water Division/Land Resources Management
Wetlands Bureau

[Check the Status of your Application](#)

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

APPLICANT'S NAME: 124 Group Inc

TOWN NAME: Portsmouth

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

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

PART I: AVOIDANCE AND MINIMIZATION

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

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

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

THE PROJECT IS CONFINED TO AREAS OF EXISTING MAINTAINED LAWN LOCATED WITHIN THE 100-FOOT BUFFER TO A MUNICIPALLY-DESIGNATED PRIME WETLAND WITH NO DIRECT WETLAND IMPACTS PROPOSED. AS THE EXISTING SITE CONSISTS OF A COMMERCIAL BUILDING WITH ASSOCIATED PARKING LOTS AND DOCKING BAYS THERE IS LIMITED SPACE ELSEWHERE ON THE SITE TO CREATE THE PROPOSED COMMUNITY GARDEN. THE PROJECT IS NOT ANTICIPATED TO ADVERSELY AFFECT THE ECOLOGICAL FUNCTIONS OR VALUES OF THE AREA, AND THE PROPOSED INCLUSION OF NATIVE PLANTINGS WILL ENHANCE THE HABITAT AND BUFFER FUNCTION RELATIVE TO EXISTING CONDITIONS.

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

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

Neither direct nor indirect marsh impacts are anticipated as a result of this project.

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

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

The project will occur entirely in uplands and is not anticipated to alter the hydrologic connection between adjacent wetlands or stream systems. The proposed drainage swale is intended to collect stormwater runoff and improve infiltration.

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

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

Proposed work within the duly established Prime Wetland buffer is limited to an existing maintained lawn and has been designed to avoid direct impacts to wetlands, surface waters, and other jurisdictional areas under RSA 482-A. Appropriate erosion and sediment control measures will be implemented during construction to prevent erosion, sedimentation, and turbidity. An NHDES Ecological Review Datacheck (DCT26-1245), completed on May 28, 2026, determined that the project is not expected to result in impacts to protected species, exemplary natural communities, or critical habitat. The project will enhance existing buffer conditions through native vegetation and improved stormwater management while avoiding impacts to wetland or aquatic resources.

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

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

The proposed project is located in maintained lawn and is not anticipated to adversely affect public commerce, navigation, or recreation. The proposed community garden will provide a public benefit by increasing access to local food production, supporting environmental education and community engagement, and enhancing the site's recreational and social value.

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

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

No impacts to floodplain wetlands are proposed as part of this project.

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

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

No impacts to riverine forested wetlands nor scrub-shrub - marsh complexes are proposed as part of this project.

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

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

Given the low-impact nature of the proposed work, no detrimental impacts to adjacent drinking water supply nor groundwater aquifer levels are anticipated as a result of the project.

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

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

The project is not anticipated to result in adverse impacts to stream channels. The project has been designed to avoid impacts to the adjacent intermittent stream by confining all work to the existing maintained lawn within the Prime Wetland buffer.

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

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

No construction over surface waters is proposed as part of this project.

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

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

No shoreline structures are proposed as part of this project.

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

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

No shoreline structures are proposed as part of this project.

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

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

No shoreline structures are proposed as part of this project.

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

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

No shoreline structures are proposed as part of this project.

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

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

No shoreline structures are proposed as part of this project.

PART II: FUNCTIONAL ASSESSMENT
REQUIREMENTS Ensure that project meets the requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).
FUNCTIONAL ASSESSMENT METHOD USED: U.S. Army Corps of Engineers "The Highway Methodology Workbook Supplement - Wetland Functions and Values, A Descriptive Approach"
NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: STEFANIE TETREALT, PWS, CWS
DATE OF ASSESSMENT: OCTOBER 21, 2025
Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT: ☒
For minor or major projects requiring a standard permit without mitigation, the applicant shall submit a wetland evaluation report that includes completed checklists and information demonstrating the RELATIVE FUNCTIONS AND VALUES OF EACH WETLAND EVALUATED. Check this box to confirm that the application includes this information, if applicable: ☒ Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.



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



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

APPLICANT LAST NAME, FIRST NAME, M.I.:

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

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

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

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

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

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

PART I: WAIVER REQUEST FOR FORESTRY ACTIVITIES

SECTION 1 - REQUESTED WAIVER AND FILING FEE (Env-Wt 706.02(b)(3))

Check or money order for the applicable filing fee payable to "Treasurer – State of NH" (RSA 482-A:3, I(c)).

- ☐ \$200 for a project that would otherwise qualify for a Forestry SPN if it was not located in or near a designated prime wetland or duly-established 100-foot buffer.
- ☐ \$500 for a minor impact project that does not otherwise qualify as minimum or major impact project.
- ☐ \$1,250 for a major impact project classified regardless of prime wetlands designation.

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

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

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

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

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

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

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

- ☐ A sketch of the property depicting the best approximate location of each prime wetlands/buffer in which work is proposed and the location of proposed work, including access roads.
- ☐ A copy of the notice of intent to cut, if applicable. N/A
- ☐ Other information to demonstrate that there will be no significant net loss of wetland values identified by the municipality when the prime wetland/buffer was designated.

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

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

Please note:

- As provided in RSA 482-A:11, IV(b)(3), the department shall not issue a waiver for forestry activities prior to 14 days after receipt of the waiver request, provided however that a municipal conservation commission may request an extension on such waiver issuance, not to exceed 14 days, which the department shall grant if requested.

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

PART II: WAIVER REQUEST FOR ACTIVITIES OTHER THAN FOREST MANAGEMENT

SECTION 1 - REQUESTED WAIVER AND FILING FEE (Env-Wt 706.04(b)(5))

Check or money order for the applicable filing fee payable to "Treasurer – State of NH" (RSA 482-A:3, I(c)).

- ☐ \$200 for projects that would otherwise qualify as a minimum impact project if it was not located in a designated prime wetlands buffer.
- ☐ \$500 for a minor impact project that does not otherwise qualify as minimum or major impact project.
- ☐ \$1,250 for a major impact projects.

SECTION 2 - PROPOSED WORK (Env-Wt 706.04(b)(2))

Provide a written description of the work to be performed.

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

Provide a list of the prime wetlands values identified by the municipality when the prime wetlands associated with the buffer was designated. Demonstrate that the project will not create a significant net loss of these wetland values.

SECTION 4 - REQUIRED ATTACHMENTS (Env-Wt 706.04)

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

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

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

Please note:

- As provided in Env-Wt 706.05, the department shall not issue a waiver under Env-Wt 706.01(b) prior to 14 days after receipt of the waiver request, provided however that a municipal conservation commission may request an extension on such waiver issuance, not to exceed 14 days, which the department shall grant if and as requested.
- The department shall not issue a waiver unless the department determines that there will be no significant net loss of wetland values as identified by the local conservation commission/local governing authority and in RSA 482-A:1.
- If the department determines that the criteria for issuing a waiver are met, the waiver shall be issued as part of the SPN or permit, as applicable.
- If the department is unable to determine, based on the information submitted, that the proposed work will not cause a significant net loss of wetland values, the department shall notify the applicant of what additional information is needed and establish a deadline in consultation with the applicant for the submission of the additional information.
- If the department determines that the project would not cause a significant net loss of wetland values if certain conditions were met, the department shall place such conditions on the waiver as are necessary to protect the prime wetlands resource.
- Any waiver issued shall be valid for the term of the permit or SPN with which it is associated, but may be extended.

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**Supplemental Project
Narrative**

SECTION 1 | Project Location and Background

The proposed project is located at 124 Heritage Avenue which is identified as Map 284 Lot 8 on the City of Portsmouth Tax Maps. The property is a 5.8-acre parcel that is located in the City's Industrial (I) Zone. The property is bound to the west by Heritage Avenue, 280-282 Heritage Avenue Industrial property to the north, and undeveloped City owned parcels to the south and east. The site currently operates as a multi-tenant industrial/commercial building.

The proposed project consists of the construction of a garden for the use of one of the building's tenants, Gather. The garden will be located in the front of the existing building in what is currently a maintained lawn area. An ADA accessible ramp is proposed to provide access to the garden from the existing parking lot. A grass-lined stormwater conveyance swale is also proposed adjacent to the garden to improve stormwater management. The project will include additional site improvements outside of jurisdictional areas, including parking lot re-striping, lighting, and landscaping. Site figures are provided in Appendix A and a Photographic Log depicting existing site conditions is provided in Appendix B.

SECTION 2 | Delineation and Classification of Wetland Resource Areas

On October 21, 2025, a Tighe & Bond New Hampshire Certified Wetland Scientist (CWS) delineated wetland resource areas within the vicinity of the site and evaluated each relative to the applicable local, state, and federal criteria. Wetland resource areas in the vicinity of the proposed work were delineated in accordance with the United States Army Corps of Engineers' (USACE) *Wetlands Delineation Manual and Regional Supplement* (2012), *Field Indicators for Identifying Hydric Soils in New England* (Version 4, 2017), the *New Hampshire Code of Administrative Rules: Delineation and Classification of Jurisdictional Areas* (Chapter Env-Wt 400), and Chapter 10 of the Portsmouth Zoning Ordinance. The evaluation also included a review of publicly available data such as LiDAR elevation data and historic aerial imagery.

Wetland boundaries were marked in the field with alphanumerically labeled survey flagging tape. Flags were located by GPS and by a licensed land surveyor. Local weather yielded approximately 1.51-inches of rain in the week prior to the field delineation, including 0.60 inches in the 24-hour period immediately preceding the delineation. According to the U.S. Drought Monitor, Rockingham County was also experiencing Moderate to Severe Drought at the time of the delineation.¹

2.1 Summary of Delineated Natural Resource Areas

Two freshwater wetlands, demarcated by Flag Series 1A and 2A, and one intermittent stream, demarcated by Flag Series 1B and 2B were identified within the vicinity of the project site. Wetland 2A is a municipally-designated Prime Wetland with a duly-established 100-foot Prime Wetland buffer. As per Chapter 10 of the Portsmouth Zoning Ordinance, wetlands present on site are afforded a 100-foot wetland buffer. A summary of delineated wetlands by flagging series is presented in Table 2-1.

TABLE 2-1 Summary of Delineated Wetland Resource Areas by Flag Series

Wetland ID	Flag Series	Flag Numbers	Resource Area Type	Classification*	PRA†
1	1A	1 - 43	Freshwater Wetland	PFO1E	No
	1B	1 - 4	Intermittent Stream	R4UB1	No
2	2A	1 - 9	Freshwater Wetland	PSS1E/PEM1F	Yes
	2B	1 - 3	Intermittent Stream	R4UB3	Yes

* Classification of Wetlands and Deepwater Habitats of the United States by Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979.

† Priority Resource Area, as defined by New Hampshire Department of Environmental Services (NHDES) Administrative Rule Env-Wt 103.68.

¹ U.S. Drought Monitor. 2025. National Drought Mitigation Center, USDA, and NOAA. Available at: <https://droughtmonitor.unl.edu>

Section 2 | Delineation and Classification of Wetland Resource Areas

2.1.2 Freshwater Wetlands

Freshwater (non-tidal) wetlands are defined at RSA 482-A:2, X as "...an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

SERIES 1A

Series 1A defines the limits of a freshwater wetland present to the north, east and south of the site. This wetland is classified as a palustrine, forested, broad-leaved deciduous, seasonally flood/saturated (PFO1E) wetland. Dominant wetland vegetation observed on-site included red maple (*Acer rubrum*, FAC), musclewood (*Carpinus caroliniana*, FAC), American elm (*Ulmus americana*, FACW), winterberry (*Ilex verticillata*, FACW), spicebush (*Lindera benzoin*, FACW), glossy buckthorn (*Frangula alnus*, FAC), cinnamon fern (*Osmundastrum cinnamomeum*, FACW), creeping buttercup (*Ranunculus repens*, FAC), sensitive fern (*Onoclea sensibilis*, FACW), and poison ivy (*Toxicodendron radicans*, FAC). Hydric soils consisted of eight inches of mucky sandy (10YR 2/1) underlain by sand (2.5YR 5/2) with prominent redox concentrations (7.5 YR 4/6) observed in the matrix. Soils met hydric indicators S1 (Sandy Mucky Mineral) and S7 (Dark Surface). Indicators of hydrology include water-stained leaves, geomorphic position, microtopographic relief, and the FAC-Neutral Test.

Dominant vegetation in adjacent uplands consisted of red oak (*Quercus rubra*, FACU), American beech (*Fagus grandifolia*, FACU), American elm, witch hazel (*Hamamelis virginiana*, FACU), winterberry, glossy buckthorn, sensitive fern, rough goldenrod, and poison ivy. Upland soils consisted of loam with dominant soil matrix color 2.5YR 4/3. Prominent redox concentrations (7.5YR 4/6) were observed within the soil profile starting at nine inches below the surface.

SERIES 2A

Series 2A defines the limits of a freshwater wetland located southwest of Heritage Avenue. The portion of this wetland closest to the roadway is classified as palustrine scrub-shrub, broad-leaved deciduous, seasonally flooded-saturated (PSS1E). The interior of this wetland is dominated by herbaceous vegetation, exhibits longer periods of inundation, and is classified as palustrine emergent, persistent, semi-permanently flooded (PEM1F). Dominant wetland vegetation observed within Wetland 2A included red maple, speckled alder (*Alnus serrulata*, OBL), common reed (*Phragmites australis*), narrowleaf cattail (*Typha angustifolia*, OBL), highbush blueberry (*Vaccinium corymbosum*, FACW), glossy buckthorn, and rough goldenrod. Soil consisted of six inches of muck (10YR 2/1) underlain by ten inches of mucky loam (10YR 2/1), and met hydric soil indicator A4 (Hydrogen Sulfide). Indicators of hydrology included surface water, high water table (0 inches), hydrogen sulfide odor, geomorphic position, shallow aquitard (i.e., restrictive layer at 16-inches), and the FAC-neutral test.

Uplands adjacent to the delineated portion of Wetland 2A consisted of the road embankment to Heritage Avenue. Observed upland vegetation predominately consisted of maintained lawn with red maple, glossy buckthorn and multiflora rose also present. The road embankment consisted of compacted fill. Observed vegetation within undisturbed uplands adjacent to Wetland 2A included white oak (*Quercus alba*, FACU), eastern hemlock (*Tsuga canadensis*, FACU), and American beech. Soil consisted of loam with matrix colors 10YR 2/1 in the upper two inches, followed by four inches of 10YR 3/2 underlain by loam with matrix color 7.5YR 3/4 to a depth of ten inches, at which point a restrictive layer was encountered.

2.2 Intermittent Stream

Flag Series 1B and 2B define two sections of an unnamed intermittent stream that flows northwesterly from Wetland 1A to Wetland 2A and is conveyed beneath Heritage Avenue via a culvert. The upper reach of this stream (Flag Series 1B) is classified as a riverine, intermittent, unconsolidated cobble-gravel bottom system (R4UB1), while the downstream reach associated with Flag Series 2B is classified as a riverine, intermittent, unconsolidated mud bottom system (R4UB3). Observed vegetation within the stream bed and associated stream banks included narrowleaf cattail, sensitive fern, American burnweed (*Erechtites hieraciifolius*, FACU), and climbing nightshade (*Solanum dulcamara*, FAC).

2.3 Priority Resource Areas

In accordance with New Hampshire Department of Environmental Services (NHDES) Administrative Rule Env-Wt 103.68 the site was evaluated for the potential presence of Priority Resource Areas (PRA).

2.3.1 Documented Occurrences of Protected Species or Habitat

A Datacheck with the New Hampshire Department of Environmental Services Ecological Review Section was completed on May 28, 2026 (DCT26-1245). Based on the results of the Datacheck, the project is not expected to impact state-listed protected species or exemplary natural communities, or critical habitat.

2.3.2 Bogs

Bogs are a type of peatland, distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and highly acidic conditions. The NHDES Land Resources Management Permit Planning Tool indicated the potential presence of peatlands within Wetland 1A. During the October 2025 delineation, Tighe & Bond documented vegetation and soils present within a portion of Wetland 1A mapped as potential peatland. Soil observed within Wetland 1A displayed a marked gradient along the northern edge of the project site with mineral soil present along the upland boundary that transitioned to organic soil toward the northeast (i.e., toward the wetland interior). Observed organic soil within the interior of Wetland 1A consisted of nine inches of sapric material (i.e., muck) underlain by mucky modified mineral soils.

Observed vegetation within portions of Wetland 1A mapped as potential peatland included, but was not limited to, red maple, cinnamon fern, winterberry, highbush blueberry, spice bush, balsam fir (*Abies balsamea*, FAC), sweetgale (*Myrica gale*, OBL), and several species of sedges (*Carex spp.*). Sphagnum moss was also observed along the forest floor. The potential peatlands were observed to have a red-maple dominated overstory, whereas bogs are typically more open and are dominated by shrubs, stunted evergreens, and herbaceous plants. As such, identified peatlands were more characteristic of a Red Maple – Sphagnum Basin Swamp² than a bog. The Red Maple – Sphagnum Basin Swamp ecological community has a State Conservation Status Rank of S4 (Apparently Secure) and is not classified as a PRA.

² Sperduto, D.D. and William F. Nichols. 2004. Natural Communities of New Hampshire. NH Natural Heritage Bureau, Concord, NH. Pub. UNH Cooperative Extension, Durham, NH.

2.3.3 Designated Prime Wetland and 100-foot Prime Wetland Buffer

Wetland 2A is a municipally-designated Prime Wetland with a duly-established 100-foot Prime Wetland buffer. The Prime Wetland designation was established in 2011 by the City of Portsmouth pursuant to RSA 482-A:15 and subsequently accepted by the NHDES (NHDES Wetland File Number: 2011-00261). The Prime Wetland and 100-foot buffer are regulated as Priority Resource Areas (PRAs) pursuant to Env-Wt 103.68(d) and (e), respectively.

Wetland 2A was designated as a Prime Wetland by the City of Portsmouth due to its ecological significance, including the presence of open water habitat, a diverse wetland complex, and its potential to support rare species and wildlife habitat.³ Wetland 2A is part of the larger Pickering Brook wetland system, which has been recognized by the City of Portsmouth for its significant water quality, wildlife habitat, and hydrologic functions. Consistent with RSA 482-A:15, Prime Wetlands are significant based on factors such as their size, unspoiled character, fragile condition, ecological functions, and habitat value. The duly-established 100-foot buffer to Wetland 2A within the vicinity of the project sites consists of Heritage Avenue, driveway entrances, and maintained lawn associated with 124 Heritage Avenue.

2.4 Functions and Values Assessment

Tighe & Bond conducted a functions and values assessment of Wetlands 1A and 2A based on field observations, site photographs, and publicly available GIS data. Assessment criteria were adapted from RSA 482-A and the U.S. Army Corps of Engineers, New England District, Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach (NAEEP-360-1-30a; September 1999). Wetlands 1A and 2A were evaluated for Ecological Integrity, Wetland-Dependent Wildlife Habitat, Fish and Aquatic Life Habitat, Scenic Quality, Educational Potential, Recreation, Flood Storage, Groundwater Recharge, Nutrient Trapping/Retention/Transformation, Sediment Trapping, Shoreline Anchoring, and Noteworthiness. USACE Wetland Function-Value Evaluation Forms are provided in Appendix C.

2.4.1 Ecological Integrity

Ecological Integrity refers to the overall health and stability of a wetland ecosystem. Limited invasive species were observed within Wetlands 1A and 2A, and both wetlands are connected to surrounding undeveloped upland forest and wetland habitats. Wetland 1A contains Red Maple-Sphagnum Basin Swamp habitat and is part of an approximately 54-acre unfragmented mosaic of wetlands and upland forests. Wetland 1A is also hydrologically connected to Wetland 2A through a culvert beneath Heritage Avenue.

Wetland 2A is designated as a Prime Wetland by the City of Portsmouth due to its unique open water habitat, diverse wetland complex, and potential to support rare species. An approximately 70-acre unfragmented mosaic of wetlands and upland forests surrounds Wetland 2A.

Due to the size, connectivity, and quality of natural habitat associated with these wetlands within an otherwise developed landscape, both wetlands exhibit Ecological Integrity.

³ City of Portsmouth Prime Wetlands Analysis Report, prepared by West Environmental, Inc. for the Portsmouth Conservation Commission and Planning Department (October 2006).
https://files.cityofportsmouth.com/files/planning/prime_rpt.PDF.pdf

2.4.2 Wetland-Dependent Wildlife, Fish, and Aquatic Life Habitat

Wetland-Dependent Wildlife, Fish, and Aquatic Life Habitat considers the suitability of a wetland to provide habitat for wildlife species, fish, and other aquatic organisms. Wetlands 1A and 2A are associated with relatively large areas of undeveloped land and provide a diversity of wetland and upland habitats. The presence of jurisdictional wetlands, combined with their connectivity to surrounding undeveloped areas, supports habitat for wetland-dependent wildlife species. Although an intermittent stream is associated with both wetlands, permanent aquatic habitat was not observed within the vicinity of the project site. Pond habitat within Wetland 2A was identified as a factor contributing to its Prime Wetland designation, which measures approximately $\frac{1}{4}$ acre in size according to aerial imagery. Given the lack of permanent aquatic habitat in Wetland 1A and the limited extent of the open water habitat in Wetland 2A, these wetlands are more likely to support wetland-dependent wildlife than fish or other aquatic organisms. Accordingly, Wetland-Dependent Wildlife Habitat is considered a suitable or principal function of both wetlands. Fish and Aquatic Life Habitat is not considered a principal function of either wetland.

2.4.3 Scenic Quality/Recreation/Education Potential

Scenic Quality evaluates a wetland's visual and aesthetic qualities, Recreation considers its ability to support recreational activities, and Educational Potential evaluates its suitability for education and research. Wetlands 1A and 2A are located within an area zoned "Industrial" with limited public access or visibility. As a result, neither wetland is likely to provide significant scenic, recreational, or educational value.

2.4.4 Flood Storage

According to the FEMA map for the site (Map No. 33015C0270F; effective January 29, 2021), neither Wetland 1A nor Wetland 2A is located within the 100-year floodplain. However, both wetlands likely provide temporary storage of stormwater runoff from Heritage Avenue and the surrounding developed landscape during precipitation events. Given their size and position within the local watershed, both wetlands are likely to provide important flood storage capacity. Accordingly, Flood Storage is considered a principal function of Wetlands 1A and 2A.

2.4.5 Groundwater Recharge

Groundwater Recharge refers to the ability of a wetland to recharge and/or discharge groundwater and its interaction with underlying aquifers. Soils observed within both wetlands consist of organic or mucky-modified material overlying mineral substrates. Soils within Wetland 2A and the southern portion of Wetland 1A are mapped as very poorly drained, while the remaining portions of Wetland 1A are mapped as poorly drained, indicating prolonged saturation and sustained groundwater influence. The wetlands also contain intermittent stream channels that provide hydraulic connectivity between shallow groundwater and surface water, supporting groundwater recharge and discharge during seasonal fluctuations in the water table. Wetlands 1A and 2A are located within the Lower Merrimack aquifer transmissivity zone, which is mapped as having a transmissivity of less than 1,000 ft²/day. Based on soil conditions and their location within a mapped aquifer, Groundwater Recharge is considered a principal function of both wetlands.

2.4.6 Sediment Trapping

Sediment Trapping refers to a wetland's ability to capture and retain sediment transported in runoff from surrounding uplands. This function is influenced by vegetation density and surface roughness, with more densely vegetated wetlands generally providing greater sediment trapping potential. Wetland 1A is a relatively open forested wetland and is therefore likely to provide limited sediment trapping. In contrast, Wetland 2A is a densely vegetated shrub-scrub wetland and is likely to provide substantial sediment trapping capacity for runoff entering the wetland from adjacent developed areas. Accordingly, Sediment Trapping is considered a principal function of Wetland 2A.

2.4.7 Nutrient Trapping/Retention/Transformation

Nutrient Trapping, Retention, and Transformation refers to a wetland's ability to retain, process, and cycle nutrients, thereby reducing the transport of excess nutrients to downstream waters. Both wetlands contain organic or mucky-modified material overlying mineral substrates, indicating that both wetlands have the capacity to retain and transform nutrients. Wetland 2A provides enhanced nutrient retention due to its dense herbaceous vegetation, which slows overland flow, promotes sediment deposition, and increases the opportunity for nutrient uptake and trapping before runoff reaches downstream waters. Accordingly, Nutrient Trapping, Retention, and Transformation is considered a function of Wetland 2A.

2.4.8 Shoreline Anchoring

Shoreline Anchoring refers to a wetland's ability to stabilize shorelines and reduce erosion caused by wave action or flowing water. Both delineated wetlands are palustrine wetlands located in low-energy settings with no significant shoreline erosion processes observed. As a result, Shoreline Anchoring is not considered a suitable function of either wetland.

2.4.9 Noteworthiness

Noteworthiness is a qualitative assessment of whether a wetland possesses one or more outstanding ecological characteristics, such as rare species habitat, unique natural communities, critical wildlife habitat, or other high-value resources.

Wetland 2A has been designated as a Prime Wetland by the City of Portsmouth due to its unique open water habitat, diverse wetland complex, and potential to support rare species. Accordingly, Noteworthiness is considered a principal value of Wetland 2A.

Wetland 1A contains Red Maple-Sphagnum Basin Swamp habitat, which has a State Conservation Status Rank of S4 (Apparently Secure). Based on available information, Noteworthiness is not considered a principal value of Wetland 1A.

SECTION 3 | Criteria for Standard Permit Applications

The project will result in approximately 11,512 square feet (sf) of permanent impact to the duly established Prime Wetland buffer to Wetland 2A associated with the conversion of a maintained lawn into a community garden, with an ADA-accessible walkway and grass-lined stormwater conveyance swale. It is our understanding that the project will be classified as Major Impact, subject to the requirements for a Standard Dredge & Fill Wetlands Permit Application. The following sections describe how the project has been designed in accordance with the applicable requirements of New Hampshire Administrative Rule Chapter Env-Wt 300.

3.1 Env-Wt 306 Required Planning for All Projects

The project has conducted the necessary planning required by Env-Wt 306, including:

- (1) Wetlands and jurisdictional areas were delineated by a NH Certified Wetland Scientist with Tighe & Bond on October 21, 2025.
- (2) Tighe & Bond determined that the proposed project location falls within the duly-established 100-foot Prime Wetlands buffer associated with Wetland 2A, a municipally-designated prime wetland.
- (3) The project is not located in an area subject to Env-Wt 600 (Coastal Lands and Tidal Waters/Wetlands).
- (4) The project is not located within the jurisdiction of a Local River Advisory Committee. The nearest Designated River pursuant to the NH Rivers Management and Protection Program (RA 483:15) is the Squamscott River, located approximately 5.7 miles northwest of the project location. The proposed project is located within upland areas and therefore is not anticipated to be subject to a specific time of year restriction under Env-Wt 307.
- (5) Not applicable. No stream crossing projects are proposed as part of this project.
- (6) Not applicable. No dredging is proposed as part of this project.
- (7) The project falls within the $\frac{1}{4}$ mile buffer to Pickering Brook, which is listed as an impaired water for chloride, copper, dissolved oxygen saturation and concentration, and *E. coli*. However, the project is not anticipated to impact these impaired waters, as appropriate erosion and sedimentation controls will be utilized during construction to limit off site sediment migration. Neither Class A Surface Waters nor Outstanding Resource Waters are present within the vicinity of the site.

3.2 Abutter Notification

Pursuant to Env-Wt 306.06(a) property abutters have been notified prior to filing this application. As required per Env-Wt 311, a tax map showing the project location, a list containing the name, mailing address, and tax map/lot numbers of abutting property owners, copies of abutter notifications, and copies of certified mailing receipts are provided in Appendix E.

3.3 Env-Wt 307 Conditions Applicable to Activities in Jurisdictional Areas

The following narrative describes the methods and manner by which the project complies with the standard permit conditions specified in Env-Wt 307. Please reference the Project Drawings, provided in Appendix F for details regarding the proposed community garden, associated stormwater conveyance swale, impacts to jurisdictional areas, and construction best management practices (BMPs) to be implemented during the work.

3.3.1 Protection of Water Quality

The project is not anticipated to cause or contribute to a degradation of water quality standards. Project activities will be conducted to minimize erosion, sedimentation, and turbidity in surface waters and wetlands through the implementation of construction-period BMPs selected based on the nature of the project and the physical characteristics of the site.

3.3.2 Protection of Fisheries and Breeding Areas

Work is situated entirely in uplands and is not anticipated to generate suspended sediment in bird migratory areas nor fish and shellfish spawning or nursery areas. Appropriate BMPs will be used during construction to minimize off-site sedimentation.

3.3.3 Invasive Species

To the greatest extent practicable, work will be conducted in accordance with the *Best Management Practices for the Control of Invasive and Noxious Plant Species Manual (2018)*. Material imported to the project (e.g., loam, mulch, straw) will not be sourced from locations where invasive plants are known to occur, and construction activities will avoid and minimize disturbance to existing areas containing invasive plants.

Invasive species observed within the vicinity of the site included glossy buckthorn (*Frangula alnus*; FAC), common reed (*Phragmites australis*; FACW), climbing nightshade (*Solanum dulcamara*; FAC), purple loosestrife (*Lythrum salicaria*; OBL), multiflora rose (*Rosa multiflora*; FACU), and creeping buttercup (*Ranunculus repens*; FAC). While disturbance is limited to maintained lawn and separated from observed invasive species populations, several invasive species identified on site are wind- or avian-dispersed. Disturbance will be kept to the minimum extent practicable to achieve project goals and disturbed areas will be stabilized by planting, seeding, and mulching as soon as possible with native species.

3.3.4 Rare, Threatened, or Endangered Species and Habitat

A NHDES Datacheck Report was filed by Tighe & Bond in May 2026 (DCT26-1245). The results of this Datacheck indicated that no impacts to protected species, exemplary natural communities, nor critical habitat were expected as a result of the project and no further Ecological Review was required. A copy of the NHDES Datacheck findings are provided in Appendix E.

3.3.5 Protection of Designated Prime Wetlands and Duly-Established 100-Foot Buffers

- (1) No adverse impacts to the functions and values of the site or surrounding wetlands are anticipated. The addition of native shrubs and native seed mixes is expected to provide a net benefit to the functions and values of the surrounding wetlands. The existing maintained lawn provides limited habitat and ecological value, whereas the proposed native shrubs, groundcovers, and pollinator-friendly plantings will enhance forage and refuge for wildlife. The proposed plantings will support pollinators and other beneficial insects. The community garden will also provide educational and community engagement opportunities that promote environmental stewardship and local food production. The proposed parking lot realignment will reduce impervious surface area within the 100-foot buffer, and the proposed grass-lined swale will improve infiltration and stormwater management. As such, no increase in stormwater runoff to the adjacent wetlands will result as part of this project.
- (2) Authorization for disturbance to the duly-established prime wetland buffer is being requested as part of this application.

3.3.6 Restoration of Temporary Impacts and Site Stabilization

Areas disturbed during construction will be stabilized with mulch, seed and/or straw within three days of the completion of work.

3.4 Env-Wt 311 Application Requirements for Standard Permits

As described above, the project has conducted the necessary planning required by Env-Wt 306.05. As required by Env-Wt 311.07 and Env-Wt 311.10, impacts to jurisdictional areas and their functions and values have been avoided and minimized to the extent practicable. A Functions and Values assessment for the site is provided in Section 2, above.

The proposed project site consists of maintained lawn located in uplands, and is separated from Wetland 2A by Heritage Avenue, a paved roadway. The project has been designed with elements that are intended to enhance the functions and values of the buffer, to include native shrub plantings and a pollinator garden.

3.4.1 Alternatives Considered

The proposed project is focused on the reuse and enhancement of previously developed and maintained areas, and represents the alternative with the least adverse impact to the wetland buffer and adjacent wetland resources. The proposed parking lot reconfiguration will reduce impervious surfaces within the parking area and native plantings are expected to improve wildlife habitat, ecological value, and educational opportunities.

3.4.2 Avoidance and Minimization

Proposed work within the duly-established prime wetland buffer is confined to pre-existing maintained lawn, and the project has been designed to avoid direct wetland impacts. Appropriate erosion and sediment control measures will be implemented during construction to minimize erosion, sedimentation, and turbidity.

3.4.3 Local, State, and Federal Agency Coordination

A Site Review Permit and Conditional Use Permit application was submitted to the City of Portsmouth Planning Department and to the City of Portsmouth Conservation Commission on June 22, 2026 and June 24, 2026, respectively. As of the date of this submission, no comments have been received from either board.

As the proposed project is located entirely within uplands, the project is not subject to jurisdiction under the Clean Water Act nor under the Rivers and Harbors Act. As such, coordination with the United States Army Corps of Engineers (USACE) is not anticipated for the proposed project.

3.4.4 Construction Sequencing

The sequence of construction will be left to the discretion of the selected contractor. Although construction is subject to the means and methods of the selected contractor, the project will generally consist of the following elements .

- (1) Install temporary erosion and sediment controls along the limits of work prior to beginning any earth moving activities.
- (2) Verify the location of utilities present within the project site.
- (3) Mobilize equipment and materials to staging areas.
- (4) Conduct ground disturbing activities in accordance with the project plans.

Section 3 | Criteria for Standard Permit Applications

- (5) Install underdrain trench.
- (6) Regrade areas in accordance with the project plans.
- (7) Stabilize disturbed areas with loam, mulch, straw, and/or native seed.
- (8) Demobilize from the site.
- (9) Install native shrub plantings by hand during the growing season.

DRAFT

SECTION 4 | Env-Wt 500 Project Specific Requirements

The proposed project has been designed to comply with the project-specific requirements of Env-Wt 524 for residential, commercial, and industrial development.

4.1 Residential, Commercial, and Industrial Development Criteria

The project has been designed to comply with all applicable requirements of Env-Wt 400, Env-Wt 700, Env-Wt 800, and Env-Wt 900, as described in other sections of this narrative. No use of wetlands nor surface waters for stormwater or water quality treatment is proposed as part of this project. Appropriate BMPs will be utilized during construction, and the project is not expected to negatively impact private and public drinking water supplies, hydrologic connectivity, source water protection areas, nor fisheries. No impacts to existing wetland-dependent wildlife habitat nor associated migratory pathways, reproductive sites, nor wetland complex/community systems are anticipated as part of the proposed work. Proposed work will be conducted in compliance with the project plans submitted as part of this application.

The proposed project complies with the applicable design requirements of Env-Wt 524.04, as follows:

- The project does not utilize wetlands or surface waters for stormwater or water quality treatment.
- Appropriate setbacks and stormwater management measures will protect adjacent water resources.
- The project maintains existing hydrologic connections and is not expected to adversely affect fisheries, fish passage, wetland-dependent wildlife habitat, associated migratory pathways, reproductive sites, or the surrounding wetland community system. And,
- Work will be conducted in accordance with the approved project plans.

Overall, the proposed project has been designed to avoid direct impacts to wetlands and other aquatic resources while enhancing the ecological function of the existing Prime Wetland buffer through native vegetation and improved stormwater management. The proposed work is not anticipated to adversely affect the surrounding wetland system or its functions and values and is consistent with the applicable design requirements of Env-Wt 524.04.

SECTION 5 | Env-Wt 700 Prime Wetlands

The proposed project includes work within the duly established 100-foot buffer to a municipally designated Prime Wetland and is therefore subject to the supplemental requirements of Env-Wt 700. The following summarizes the project's compliance with these requirements.

5.1 Env-Wt 704 Supplementary Information and Criteria for Project Proposed in Prime Wetlands/Buffer

The project includes work within the duly-established 100-foot buffer to a municipally designated Prime Wetland (Wetland 2A). The proposed work is limited to an existing maintained lawn within the Prime Wetland buffer and is physically separated from the Prime Wetland by Heritage Avenue. No direct impacts to the Prime Wetland, adjacent intermittent stream, or other jurisdictional aquatic resources are proposed. Consistent with Env-Wt 704.02, the following functional assessment and impact analysis demonstrates that the proposed project will not result in a significant net loss of the values protected under RSA 482-A:1.

While surrounding wetlands support important functions and values, the areas proposed to be impacted by this project are dominated by maintained lawn and provide comparatively limited habitat and ecological function relative to the adjacent natural communities. Based on the functional assessment presented in Section 2, the proposed project is not expected to result in a significant net loss of the functions and values of the Prime Wetland or its duly-established buffer. The addition of native shrubs and native seed mixes is expected to provide a net benefit to the functions and values of the surrounding wetlands. The proposed native shrubs, groundcovers, and pollinator-friendly plantings will enhance forage and refuge for wildlife and beneficial insects. The community garden will also provide educational and community engagement opportunities that promote environmental stewardship and local food production.

Additional information is provided in the wetland functions and values assessment (Section 2) and the USACE Wetland Function-Value Evaluation Forms (Appendix C). Accordingly, the proposed project is not expected to result in a significant net loss of Prime Wetland functions or values and is consistent with the approval criteria of Env-Wt 704.

**Appendix A:
Site Figures**

FIGURE 1
SITE LOCATION
November 2025

The Kane Company
124 Heritage Avenue
Portsmouth, New Hampshire

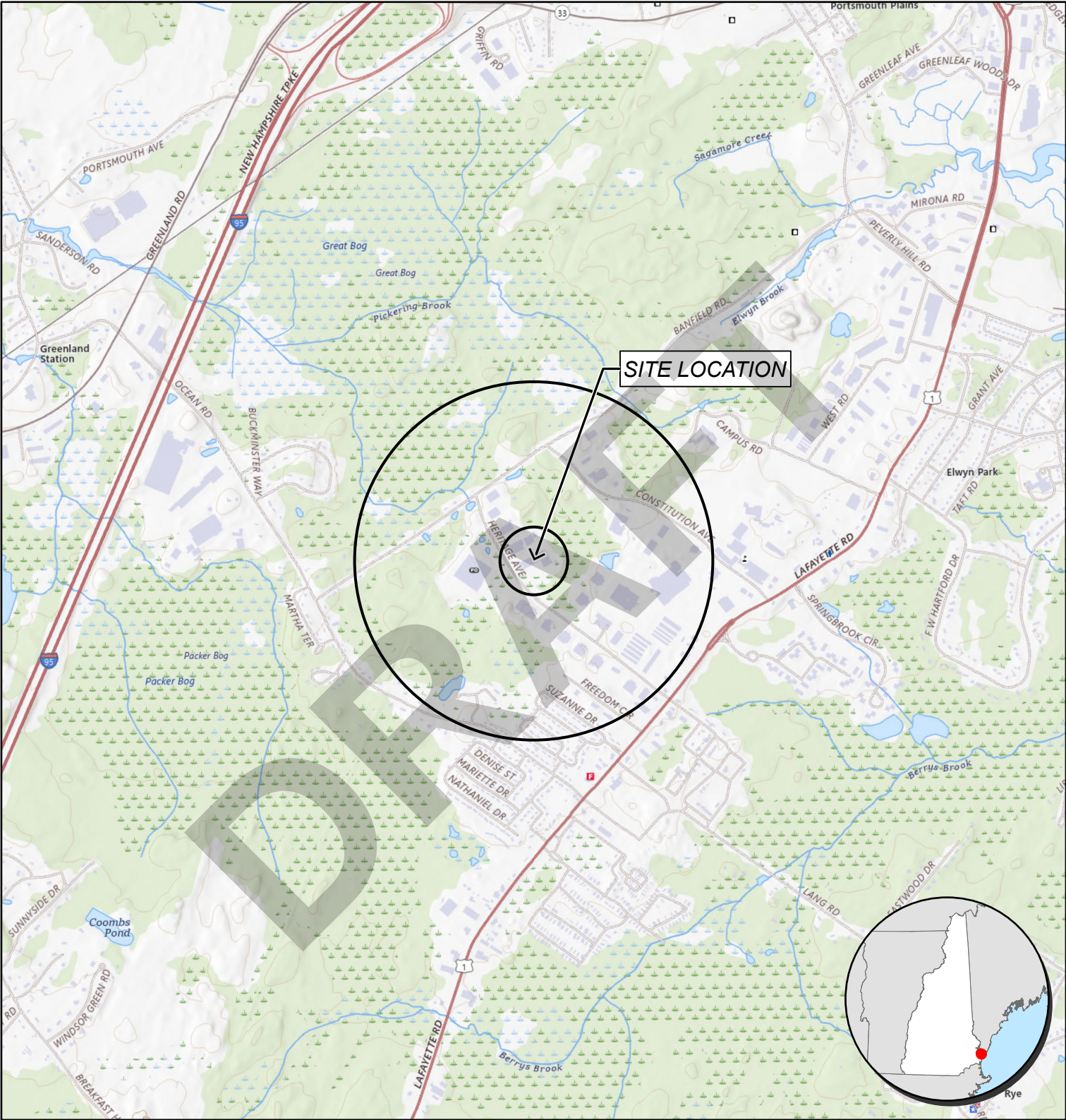
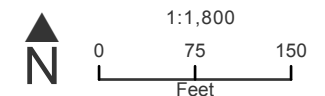


FIGURE 2
AERIAL
 December 2025

The Kane Company
 124 Heritage Avenue
 Portsmouth, New Hampshire



- | | | |
|-------------------|-----------------------------|------------------------------|
| Culvert | Freshwater Wetland Flag | Freshwater Wetland |
| Upland Data Plot | Delineated Top of Bank | Approximate Subject Property |
| Wetland Data Plot | Delineated Wetland Boundary | Approximate Parcel Boundary |
| Top of Bank Flag | 100-Foot Buffer Zone | |



Tighe&Bond

Based on NH GRANIT Color Orthophotography (2021-2022).
 Parcel boundaries were provided by NH GRANIT and are approximate.

Figure 3: National Flood Hazard Layer FIRMette



Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/19/2025 at 1:28 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

**Appendix B:
Photographic Log**

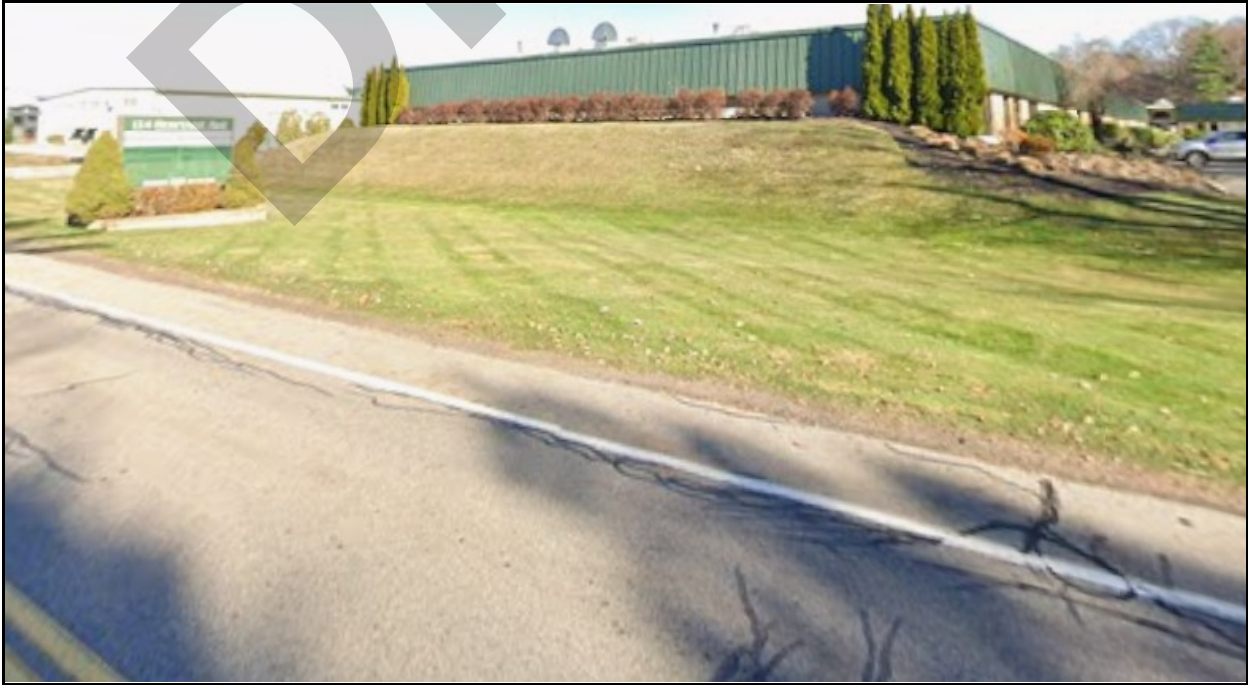
Photographic Log

Client: 124 Group Inc

Job Number: K-0076-0066

Site: 124 Heritage Avenue Portsmouth, New Hampshire

Photograph No.: 1	Date: 4/25/2025	Direction Taken: North
Description: Nearmap Imagery depicting the proposed impact area relative to Wetland 2A.		
		

Photograph No.: 2	Date: 11/1/2024	Direction Taken: Northwest
Description: Representative view of the maintained lawn where the community garden is proposed.		
		

Photographic Log

Client: 124 Group Inc

Job Number: K-0076-0066

Site: 124 Heritage Avenue Portsmouth, New Hampshire

Photograph No.: 3	Date: 10/21/2025	Direction Taken: Southeast
Description: Typical view of Wetland 1A.		
		

Photograph No.: 4	Date: 10/21/2025	Direction Taken: Southwest
Description: Typical view of uplands adjacent to Wetland 1A.		
		

Photographic Log

Client: 124 Group Inc

Job Number: K-0076-0066

Site: 124 Heritage Avenue Portsmouth, New Hampshire

Photograph No.: 5	Date: 10/21/2025	Direction Taken: Northeast
Description: Typical view of mapped peatlands in the vicinity of Wetland 1A. This community was identified as a Red Maple–Sphagnum Basin Swamp (i.e., not a “bog”).		
		

Photograph No.: 6	Date: 10/21/2025	Direction Taken: North
Description: Alternate view of mapped peatlands in the vicinity of Wetland 1A. This community was identified as a Red Maple Sphagnum-Basin Swamp (i.e., not a “bog”).		
		

Photographic Log

Client: 124 Group Inc **Job Number:** K-0076-0066

Site: 124 Heritage Avenue Portsmouth, New Hampshire

Photograph No.: 7	Date: 10/21/2025	Direction Taken: Northwest
Description: Typical view of existing conditions at 124 Heritage Avenue.		
		

Photograph No.: 8	Date: 10/21/2025	Direction Taken: Southeast
Description: Representative view of the unnamed intermittent stream defined by Flag Series 1B (i.e., northern edge of stream, along delineated OHW).		
		

Photographic Log

Client: 124 Group Inc

Job Number: K-0076-0066

Site: 124 Heritage Avenue Portsmouth, New Hampshire

Photograph No.: 9	Date: 10/21/2025	Direction Taken: Northwest
Description: Typical view of Wetland 2A, a municipally-designated Prime Wetland.		
		

Photograph No.: 10	Date: 10/21/2025	Direction Taken: Northwest
Description: Typical view of uplands adjacent to Wetland 2A.		
		

Photographic Log

Client: 124 Group Inc

Job Number: K-0076-0066

Site: 124 Heritage Avenue Portsmouth, New Hampshire



**Appendix C:
USACE Wetland Function-
Value Data Forms**

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? _____ Is wetland part of a wildlife corridor? _____ or a "habitat island"? _____

Adjacent land use _____ Distance to nearest roadway or other development _____

Dominant wetland systems present _____ Contiguous undeveloped buffer zone present _____

Is the wetland a separate hydraulic system? _____ If not, where does the wetland lie in the drainage basin? _____

How many tributaries contribute to the wetland? _____ Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. _____

Latitude _____ Longitude _____

Prepared by: _____ Date _____

Wetland Impact:

Type _____ Area _____

Evaluation based on:

Office _____ Field _____

Corps manual wetland delineation completed? Y _____ N _____

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge				
 Floodflow Alteration				
 Fish and Shellfish Habitat				
 Sediment/Toxicant Retention				
 Nutrient Removal				
 Production Export				
 Sediment/Shoreline Stabilization				
 Wildlife Habitat				
 Recreation				
 Educational/Scientific Value				
 Uniqueness/Heritage				
 Visual Quality/Aesthetics				
ES Endangered Species Habitat				
Other				

Notes:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? _____ Is wetland part of a wildlife corridor? _____ or a "habitat island"? _____

Adjacent land use _____ Distance to nearest roadway or other development _____

Dominant wetland systems present _____ Contiguous undeveloped buffer zone present _____

Is the wetland a separate hydraulic system? _____ If not, where does the wetland lie in the drainage basin? _____

How many tributaries contribute to the wetland? _____ Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. _____

Latitude _____ Longitude _____

Prepared by: _____ Date _____

Wetland Impact:

Type _____ Area _____

Evaluation based on:

Office _____ Field _____

Corps manual wetland delineation completed? Y _____ N _____

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge				
 Floodflow Alteration				
 Fish and Shellfish Habitat				
 Sediment/Toxicant Retention				
 Nutrient Removal				
 Production Export				
 Sediment/Shoreline Stabilization				
 Wildlife Habitat				
 Recreation				
 Educational/Scientific Value				
 Uniqueness/Heritage				
 Visual Quality/Aesthetics				
ES Endangered Species Habitat				
Other				

Notes:

* Refer to backup list of numbered considerations.

**Appendix D:
NHDES Ecological Review**



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

To: Lucas Fromm, Tighe & Bond
177 Corporate Drive

Portsmouth, NH 03857

From: Ecological Review Section
New Hampshire Department of Environmental Services

Date Issued: 5/28/2026

Expiration Date: 5/28/2027

Re: DataCheck Review by NHDES Ecological Review Section submitted 5/20/2026

Permits: MUNICIPAL POR - Portsmouth, NHDES - Wetlands Standard Dredge & Fill

DCT ID: DCT26-1245

Applicant: 124 Group LLC

Location: Portsmouth
124 Heritage Avenue

**Project
description:**

The proposed project will consist of the conversion of approximately 12,000 sf of maintained lawn into a community garden with associated native plantings and a drainage swale. This work will occur within the 100-foot buffer to a municipally-designated Prime Wetland, which is located to the southwest of Heritage Avenue. The work is proposed to be completed in Fall/Winter 2026, with native plantings installed during the next growing season (i.e., Spring 2027).

The New Hampshire Department of Environmental Services Ecological Review Section has reviewed the provided mapped project area against available records of protected species, exemplary natural communities and critical habitat. Based on the project mapping and submitted information, impacts are not expected, and an ecological review is not required. If the map and project information submitted inaccurately represents the proposed project, a new letter may need to be obtained.

Disclaimer: DataCheck Tool screening only includes occurrences of protected species and exemplary natural communities that have been documented and verified by state biologists and ecologists. This letter does not guarantee protected species and habitat are not present at this location, only that their presence has not been documented and verified by state biologists and ecologists. As many areas have never been surveyed, or have only been surveyed for certain species, on site surveys are the best way to determine the resources present on your site.

Federal Compliance: This letter does not constitute compliance with the federal Endangered Species Act (ESA). There may be federally listed species in New Hampshire that are impacted by your activity not included in this letter. For ESA compliance, please visit the US Fish and Wildlife Service's (USFWS) [Information for Planning and Consultation \(iPaC\) website](#) for an official list of federally listed species that may be present in your project area. If a federal agency is involved in your project through funding,

www.des.nh.gov

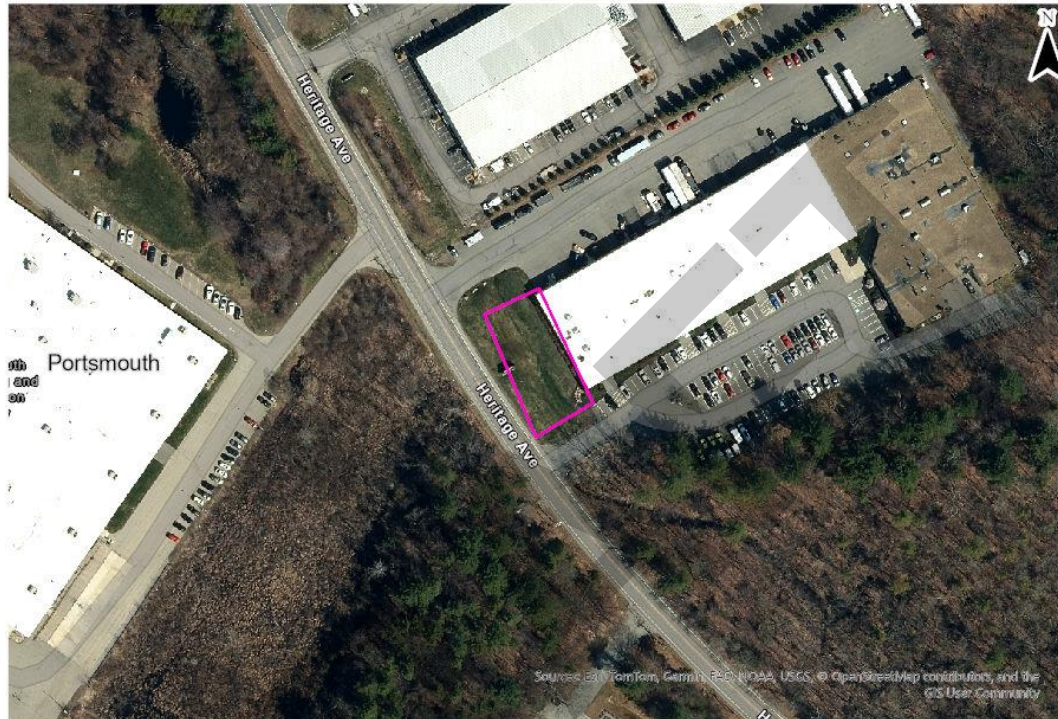
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

permit or other authorization, coordinate your IPaC results with your point of contact at the agency for further ESA review. If there is no federal agency nexus to your project, and you determine through IPaC, habitat evaluations etc. that a project may cause take of a federally listed species, we recommend coordinating with the USFWS' New England Field Office (newengland@fws.gov or [603-223-2541](tel:603-223-2541)).

DRAFT

Map of project boundaries for: **DCT26-1245**

DCT26-1245

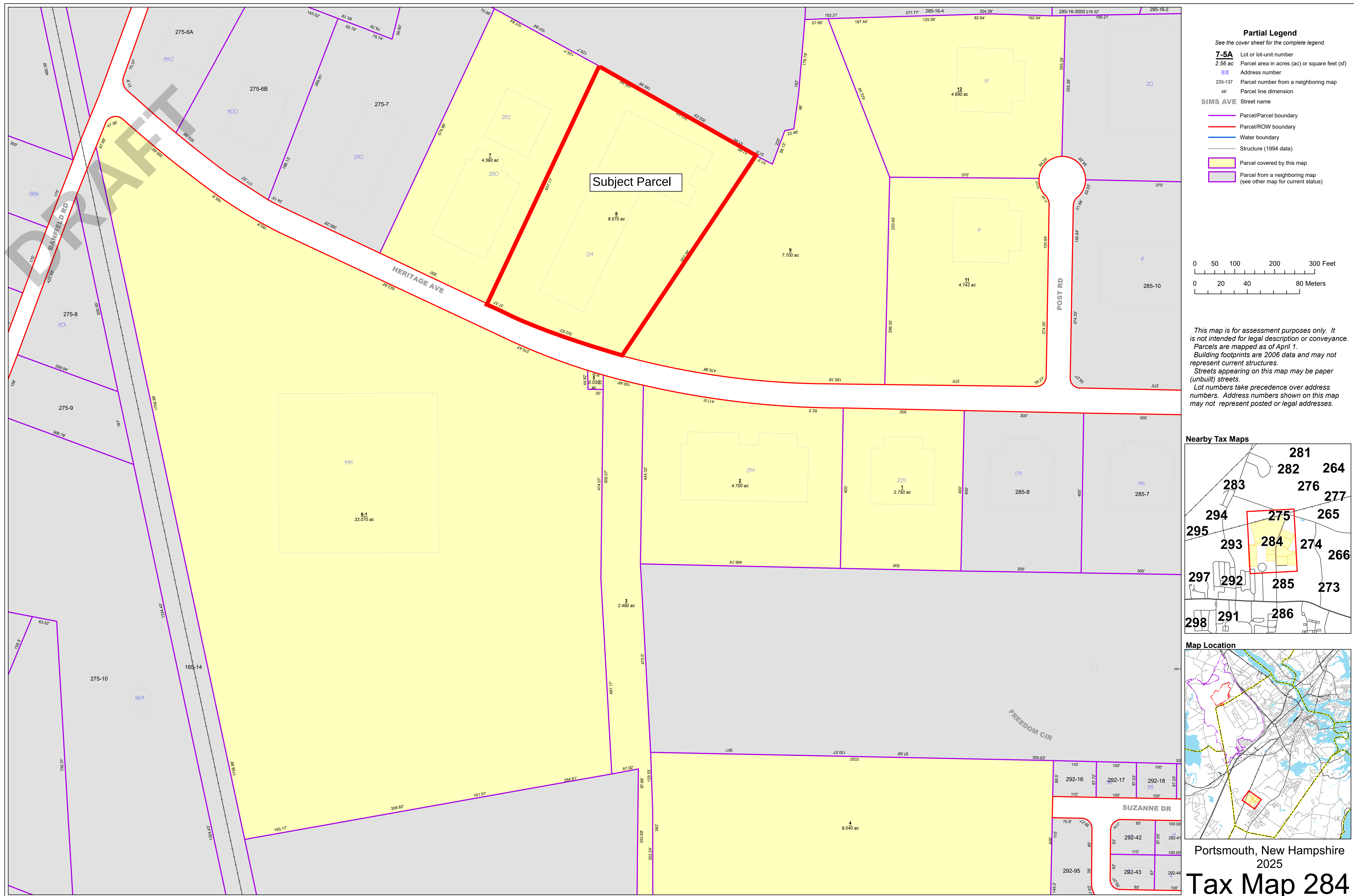


0 0.02 0.04 0.06 0.08 0.1 Miles

Legend

- City/Town
- Site bounds

**Appendix E:
Abutter Notification
Information**



List of Abutters to 124 Heritage Avenue

Property ID	Site Address	Owner Name	Owner Address
0274-0003-0000	Banfield Road	City of Portsmouth, Department of Public Works	680 Peverly Hill Road, Portsmouth, NH 03802
0284-0002-0000	235 Heritage Avenue	Cooper Malt LLC City of Portsmouth, Conservation Commission	Old Orchard Beach, ME 04064 PO Box 6697, Portsmouth, NH 03802
0284-0003-0000	Heritage Avenue	City of Portsmouth, Department of Public Works	PO Box 628, Portsmouth, NH 03802
0284-0005-0000	329 Heritage Avenue	280 Heritage Avenue Condo Mastercard, 145 Heritage Avenue Properties LLC	126 Daniel Street, Portsmouth, NH 03801
0284-0007-0000	280 Heritage Avenue	City of Portsmouth, Conservation Commission	PO Box 6697, Portsmouth, NH 03802
0284-0009-0000	Heritage Avenue		345 Heritage Avenue, Portsmouth, NH 03801
0284-0006-0001	345 Heritage Avenue	United States Postal Service	288 South River Road, Building B, Bedford, NH 03110
0284-0007-0001	280 Heritage Avenue #A	Sussex Associates LLC	PO Box 552 Rollinsford, NH 03869
0284-0007-0002	280 Heritage Avenue #B	Guernsey Capital LLC	280 Heritage Avenue, Unit C, Portsmouth, NH 03801
0284-0007-0003	280 Heritage Avenue #C	Pointless Properties INC	67 Meredith Way, Portsmouth, NH 03801
0284-0007-0004	280 Heritage Avenue #D	PDI Realty Trust	280 Heritage Avenue, Unit E, Portsmouth, NH 03801
0284-0007-0005	280 Heritage Avenue #E	Comgall Holding LLC	280 Heritage Avenue, Unit F, Portsmouth, NH 03801
0284-0007-0006	280 Heritage Avenue #F	Fired Holdings LLC	27 Marble Ridge Road, North Andover, MA 01845
0284-0007-0007	280 Heritage Avenue #G	Seaside LLC	566 Washington Road, Rye, NH 03870
0284-0007-0008	280 Heritage Avenue #H	Fuente Short Story LLC	

List of Abutters to 124 Heritage Avenue

Property ID	Site Address	Owner Name	Owner Address
0284-0007-0009	280 Heritage Avenue #I	Taylor Mary Tap Properties LLC	195 West Road, Portsmouth, NH 03801
0284-0007-0010	280 Heritage Avenue #J	Lussier Debora E. Revocable Trust	2432 SE 28th Street, Cape Coral, FL 33904
0284-0007-0011	282 Heritage Avenue #11	145 Heritage Avenue Properties LLC	126 Daniel Street, Portsmouth, NH 03801
0284-0007-0012	282 Heritage Avenue #12	145 Heritage Avenue Properties LLC	126 Daniel Street, Portsmouth, NH 03801
0284-0007-0013	282 Heritage Avenue #13	145 Heritage Avenue Properties LLC	126 Daniel Street, Portsmouth, NH 03801

PUBLIC NOTICE
NOTICE OF INTENT TO FILE

Please take notice that 124 Heritage Group Inc (applicant) is filing a Standard Dredge & Fill Wetlands Permit application with the New Hampshire Department of Environmental Services (NHDES) for a proposed garden and site improvements project located at 124 Heritage Avenue in Portsmouth, New Hampshire (Town of Portsmouth Tax Map 284 Lot 8).

Plans and details of this application will be available for your review at the City of Portsmouth Clerk's Office, 1 Junkins Avenue, Portsmouth, New Hampshire (8:00am – 6:00pm Monday; 8:00am – 4:30pm Tuesday and Thursday; 9:00am – 4:30pm Wednesday; 8:00 AM – 1:00 PM Friday) or at the NHDES Wetlands Bureau, 29 Hazen Drive, Concord, New Hampshire (8:00am - 4:00pm Monday - Friday).

**Appendix F:
Project Plans
(Bound Separately)**

PROPOSED GARDEN AND SITE IMPROVEMENTS

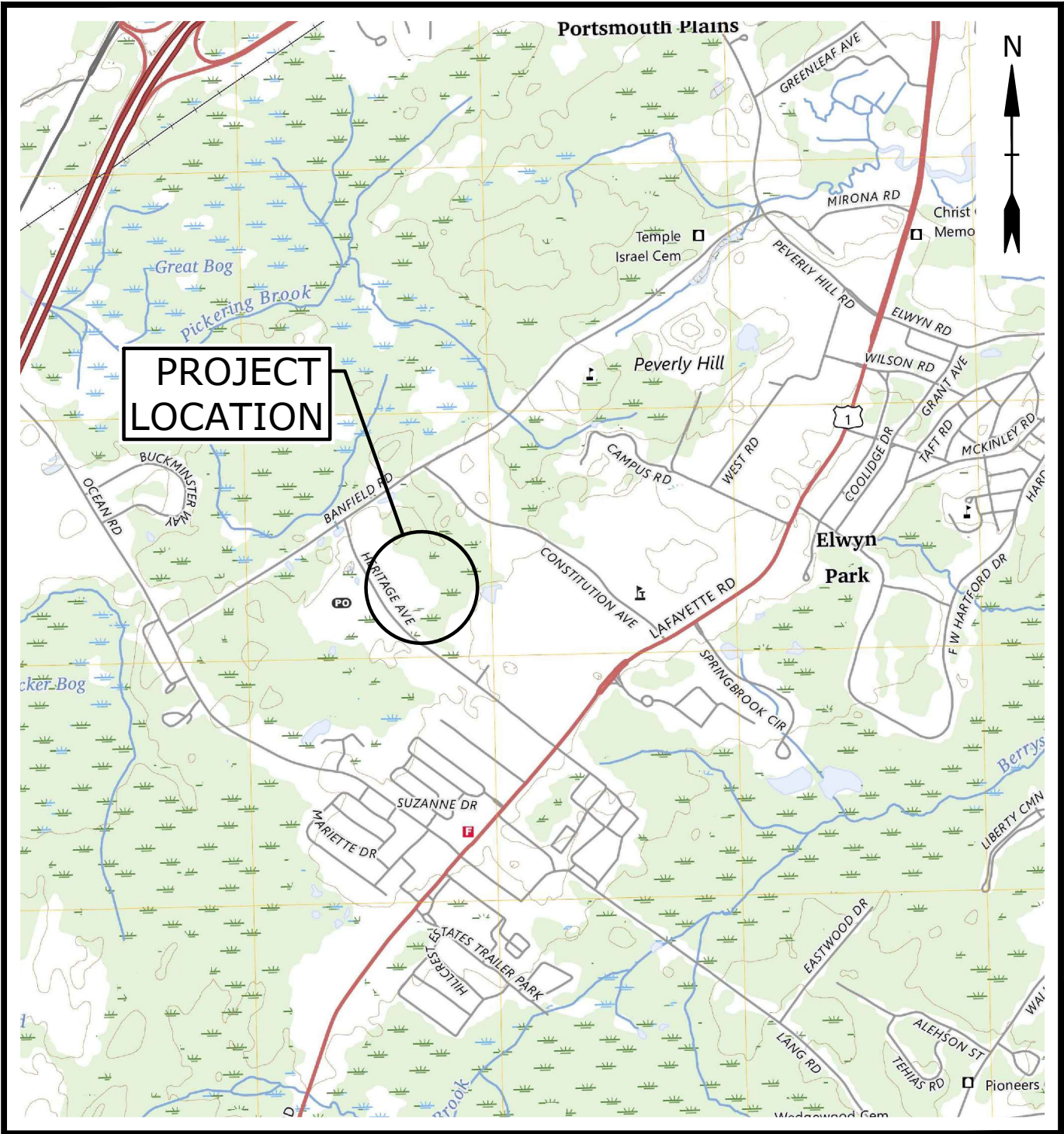
124 HERITAGE AVENUE PORTSMOUTH, NEW HAMPSHIRE

DATE: APRIL 29, 2026
LAST REVISED: JULY 22, 2026

SHEET INDEX	
DRAWING NO.	DRAWING TITLE
-	COVER SHEET
1 OF 1	EXISTING CONDITIONS PLAN
G-001	GENERAL NOTES AND LEGEND
C-101	DEMOLITION PLAN
C-201	SITE PLAN
C-301	GRADING, DRAINAGE, EROSION CONTROL, AND UTILITIES PLAN
C-501	EROSION CONTROL NOTES AND LEGEND
C-502	DETAILS SHEET
LT-101	PHOTOMETRIC PLAN
L-101	PLANTING PLAN

LIST OF PERMITS		
LOCAL	STATUS	DATE
SITE PLAN REVIEW PERMIT	PENDING	
CONDITIONAL USE PERMIT - WETLAND BUFFER	PENDING	
STATE		
NHDES - STANDARD DREDGE AND FILL WETLANDS	NOT SUBMITTED	
FEDERAL		
NPDES - CONSTRUCTION GENERAL PERMIT	NOT SUBMITTED	

CONSTRUCTION NOTES:		
1.	THE CONTRACTOR SHALL NOT RELY ON SCALED DIMENSIONS AND SHALL CONTACT THE ENGINEER FOR CLARIFICATION IF A REQUIRED DIMENSION IS NOT PROVIDED ON THE PLANS.	
2.	THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS, AND FOR SITE CONDITIONS THROUGHOUT CONSTRUCTION. NEITHER THE PLANS NOR THE SEAL OF THE ENGINEER AFFIXED HEREON EXTEND TO OR INCLUDE SYSTEMS REQUIRED FOR THE SAFETY OF THE CONTRACTOR, THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING AND IMPLEMENTING SAFETY PROCEDURES AND SYSTEMS AS REQUIRED BY THE UNITED STATES OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA), AND ANY STATE OR LOCAL SAFETY REGULATIONS.	
3.	TIGHE & BOND ASSUMES NO RESPONSIBILITY FOR ANY ISSUES LEGAL OR OTHERWISE, RESULTING FROM CHANGES MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION OF TIGHE & BOND.	

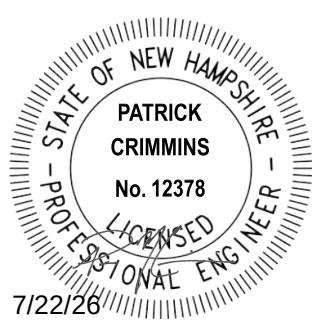
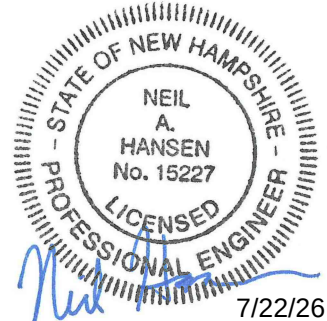


SITE LOCATION MAP
SCALE: 1" = 2,000'

PREPARED BY:

Tighe & Bond

177 Corporate Drive
Portsmouth, NH 03801
T 603.433.8818



OWNER/APPLICANT:

ONE TWENTY FOUR GROUP, INC.
210 COMMERCE WAY, SUITE 300
PORTSMOUTH, NH 03801

SURVEYOR:

GREENMAN-PEDERSEN, INC.
21 DANIEL ST., SECOND FLOOR
PORTSMOUTH, NH 03801

**TAC SUBMISSION
COMPLETE SET 10 SHEETS**



- 1) OWNER OF RECORD OF MAP 284 LOT 8:
ONE TWENTY FOUR GROUP INC
210 COMMERCE WAY SUITE 300
PORTSMOUTH, NH 03801
DEED REFERENCE: BOOK 3037 PAGE 2641
ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 2) ZONE: INDUSTRIAL DISTRICT (I)

REFER TO THE CITY OF PORTSMOUTH ZONING ORDINANCE FOR
VERIFICATION, ADDITIONAL RESTRICTIONS AND PERMITTED USES.
- 3) THIS PLAN IS THE RESULT OF AN ON-THE-GROUND FIELD SURVEY
PERFORMED BY THIS OFFICE BETWEEN NOVEMBER 3 AND NOVEMBER
21, 2025.
- 4) BEARINGS SHOWN HEREON ARE BASED ON NAD83 PER GPS
OBSERVATIONS PERFORMED BY THIS OFFICE ON NOVEMBER 3, 2025.
- 5) ELEVATIONS SHOWN HEREON ARE BASED ON NAVD83 PER GPS
OBSERVATIONS PERFORMED BY THIS OFFICE ON NOVEMBER 3, 2025.

- 6) LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE ONLY AND ARE SHOWN BASED ON SURFACE UTILITIES OBSERVED DURING THE FIELD SURVEY AND RECORD UTILITY INFORMATION. ADDITIONAL UNDERGROUND UTILITIES OTHER THAN THOSE SHOWN MAY BE ENCOUNTERED. INVERTS ARE LISTED IN A CLOCKWISE DIRECTION ENDING WITH THE INVERT OUT (UNLESS OTHERWISE NOTED).
- 7) THE SURVEY TRACT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD) PER FLOOD INSURANCE RATE MAP NUMBER 33015C0270F, WITH AN EFFECTIVE DATE OF JANUARY 29, 2021.
- 8) A TOTAL OF 181 (177 STANDARD, 4 MARKED AS ACCESSIBLE) CLEARLY IDENTIFIABLE PARKING SPACES WERE OBSERVED IN CONDUCTING THIS SURVEY.

WATER SERVICE - PUBLIC WATER - MUNICIPAL

SEWER SERVICE - PUBLIC SEWER - MUNICIPAL

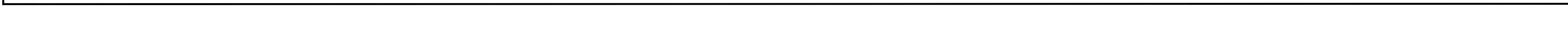
GAS SERVICE - GAS - UNITIL

ELECTRICAL SERVICE - EVERSOURCE

	SLOPED GRANITE CURB		SPOT ELEVATION
	VERTICAL GRANITE CURB		CATCH BASIN
	ELECTRIC UTILITY		VENT
	GAS UTILITY		SEWER MANHOLE
	OVERHEAD UTILITY		GAS VALVE
	WATER UTILITY		FIRE HYDRANT
	WOOD GUARDRAIL		BOLLARD
	HAND RAIL		GAS METER
	CONTOUR ELEVATION		LIGHT POLE
	TREE		WETLAND LINE
	UTILITY POLE		PROPERTY LINE
	GUY WIRE		ZONE LINE
	PULL BOX/HAND HOLE		ABUTTER PROPERTY LINE
	SIGN		TREELINE



BF BANK FLAG 2B-3



EXISTING
CONDITIONS
PLAN

SCALE: 1"=30'

NEX-2200150.60

1 OF 1



THIS DOCUMENT IS RELEASED
TEMPORARILY FOR PROGRESS REVIEW ONLY.
IT IS NOT INTENDED FOR BIDDING OR
CONSTRUCTION PURPOSES.

124 Heritage Ave.

One Twenty
Four Group, Inc.

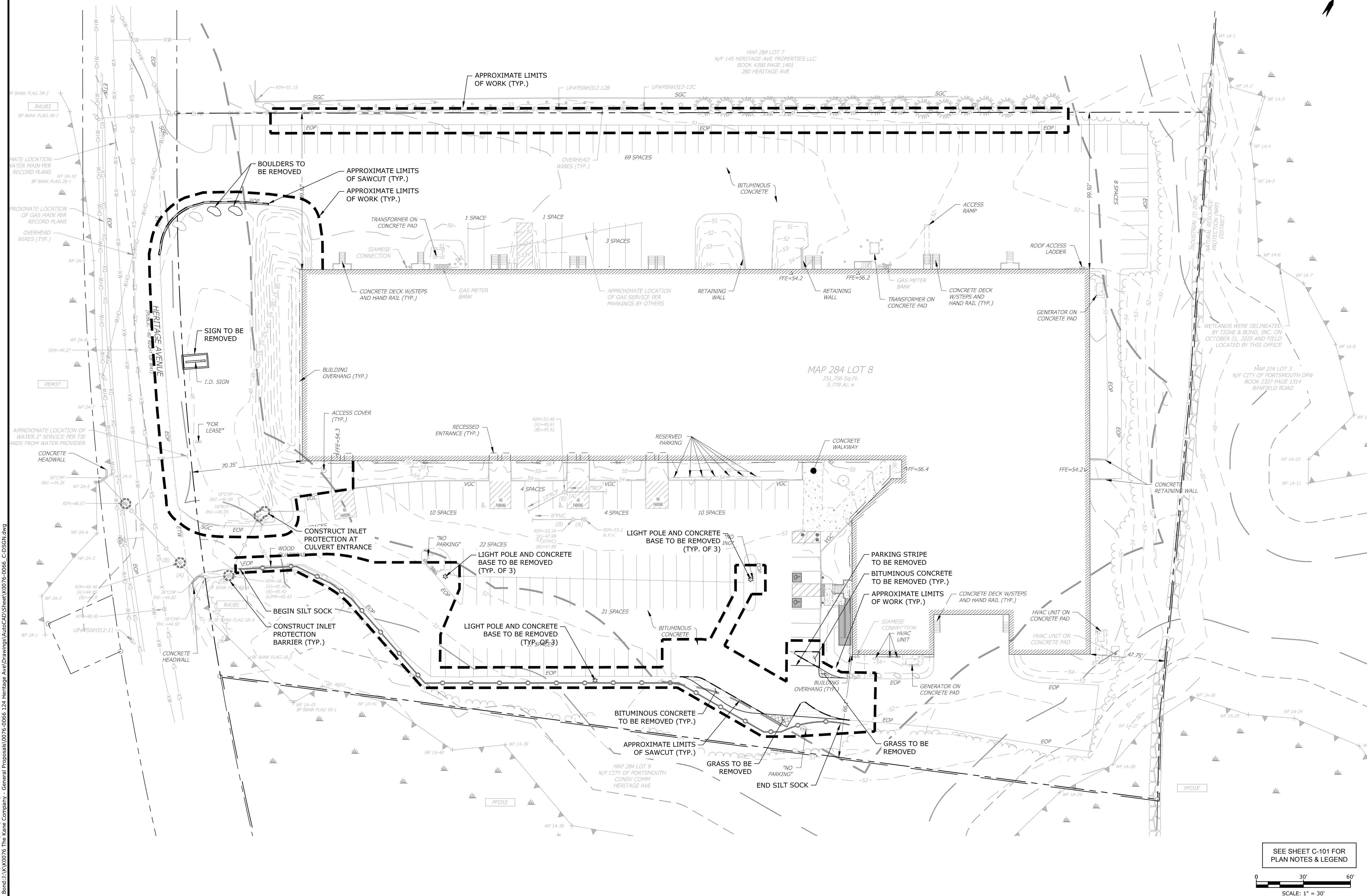
Portsmouth,
New Hampshire

B	6/22/2026	TAC SUBMISSION
A	4/29/2026	CC WORK SESSION
MARK	DATE	DESCRIPTION
PROJECT NO: K0076-0066		
DATE: 4/29/2026		
FILE: K0076-0066_C-DSGN.dwg		
DRAWN BY: M.CURLEY		
DESIGNED BY: B.CURCIO		
CHECKED BY: N.HANSEN		
APPROVED BY: P.CRIMMINS		

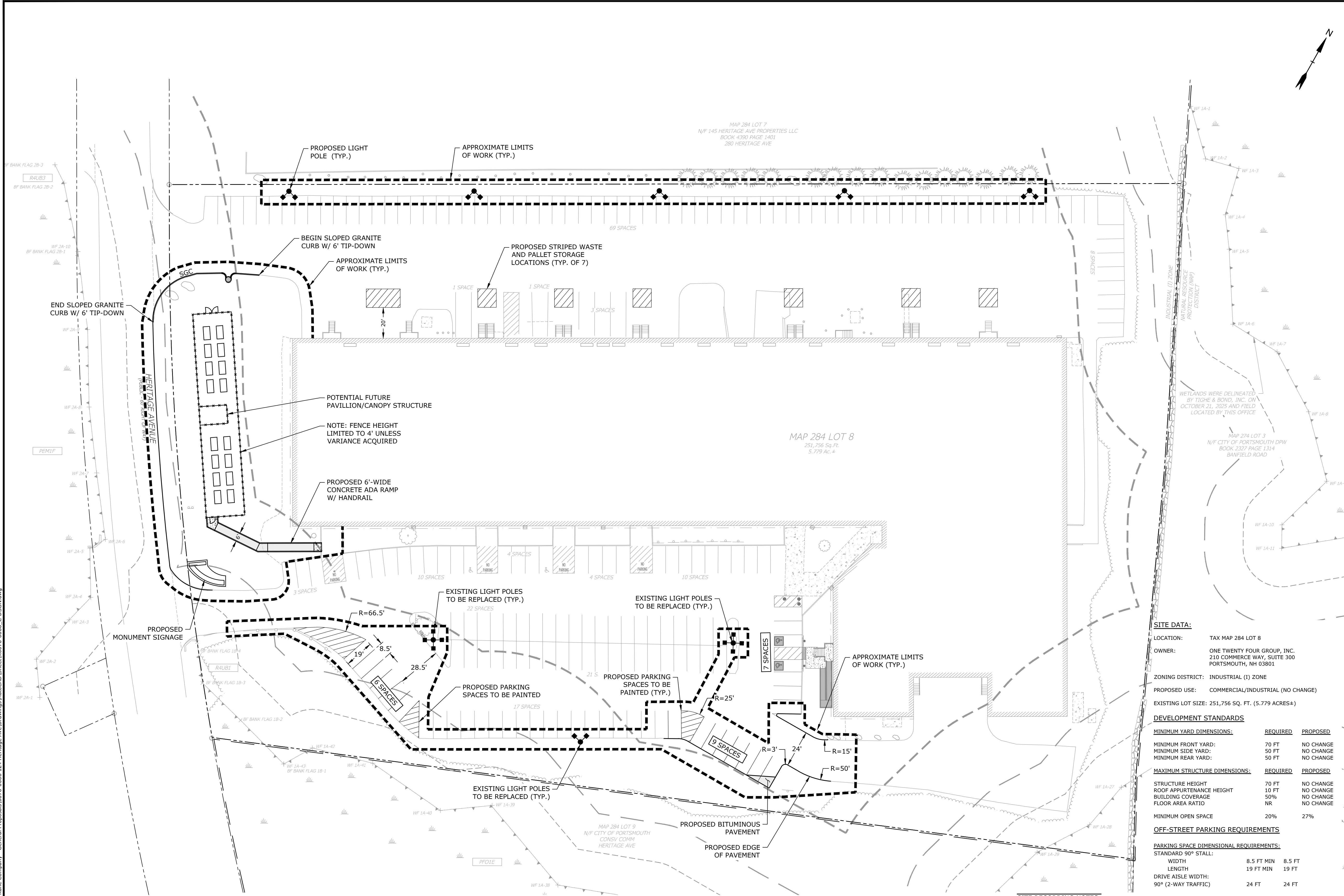
DEMOLITION PLAN

SCALE:

C-101

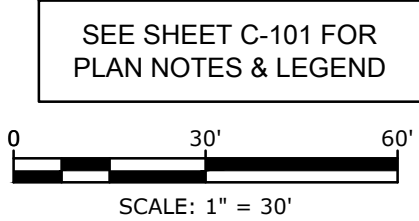


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Plotted On: Jul 22, 2026 2:23pm
Tighe & Bond 23-K0076 The Kane Company - General Proposals\0076-0066 124 Heritage Ave\Drawings\AutoCAD\Sheet\K0076-0066_C-DSGN.dwg



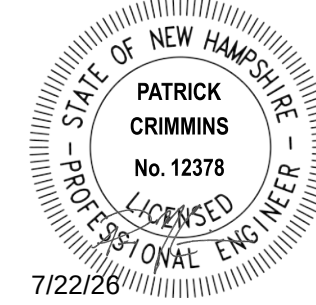
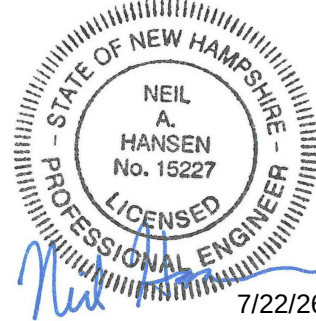
<u>SITE DATA:</u>		
LOCATION:	TAX MAP 284 LOT 8	
OWNER:	ONE TWENTY FOUR GROUP, INC. 210 COMMERCE WAY, SUITE 300 PORTSMOUTH, NH 03801	
ZONING DISTRICT:	INDUSTRIAL (I) ZONE	
PROPOSED USE:	COMMERCIAL/INDUSTRIAL (NO CHANGE)	
EXISTING LOT SIZE:	251,756 SQ. FT. (5.779 ACRES±)	
<u>DEVELOPMENT STANDARDS</u>		
<u>MINIMUM YARD DIMENSIONS:</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
MINIMUM FRONT YARD:	70 FT	NO CHANGE
MINIMUM SIDE YARD:	50 FT	NO CHANGE
MINIMUM REAR YARD:	50 FT	NO CHANGE
<u>MAXIMUM STRUCTURE DIMENSIONS:</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
STRUCTURE HEIGHT	70 FT	NO CHANGE
ROOF APPURTENANCE HEIGHT	10 FT	NO CHANGE
BUILDING COVERAGE	50%	NO CHANGE
FLOOR AREA RATIO	NR	NO CHANGE
MINIMUM OPEN SPACE	20%	27%
<u>OFF-STREET PARKING REQUIREMENTS</u>		
<u>PARKING SPACE DIMENSIONAL REQUIREMENTS:</u>		
STANDARD 90° STALL:		
WIDTH	8.5 FT MIN	8.5 FT
LENGTH	19 FT MIN	19 FT
DRIVE AISLE WIDTH:		
90° (2-WAY TRAFFIC)	24 FT	24 FT

- SITE RECORDING NOTES:**
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
 - ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
 - ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
 - THIS IS NOT A BOUNDARY SURVEY AND SHALL NOT BE USED AS SUCH.



Tighe & Bond

177 Corporate Drive
Portsmouth, NH 03801
T 603.433.8818



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IT IS NOT INTENDED FOR BIDDING OR
CONSTRUCTION PURPOSES.

**124 Heritage
Ave.**

**One Twenty
Four Group, Inc.**

**Portsmouth,
New Hampshire**

MARK	DATE	DESCRIPTION
C	7/22/2026	TAC SUBMISSION
B	6/22/2026	TAC SUBMISSION
A	4/29/2026	CC WORK SESSION

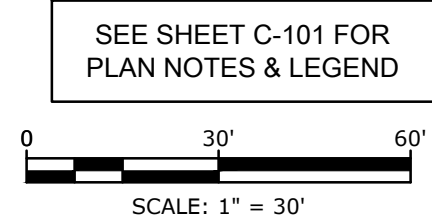
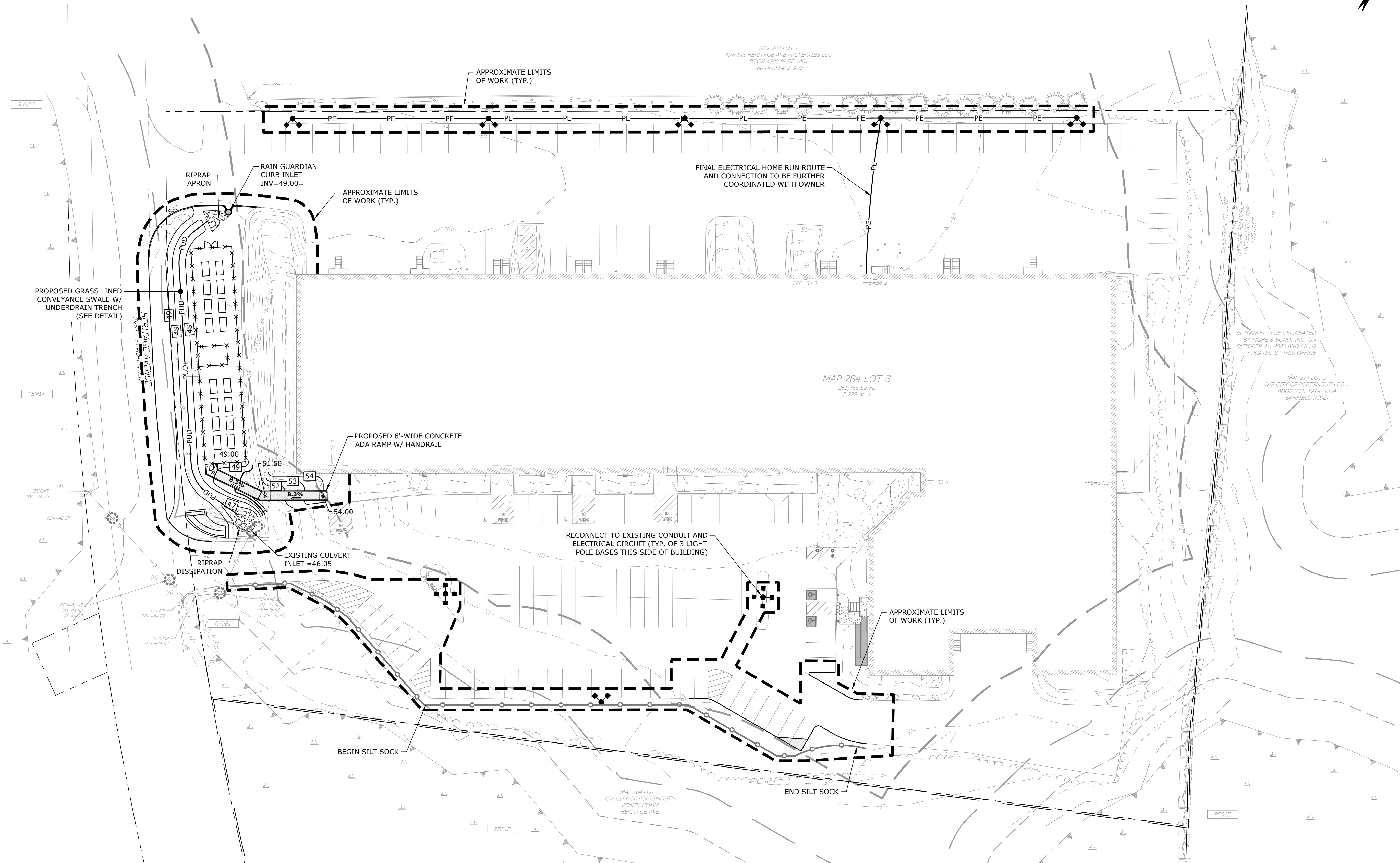
SITE PLAN

SCALE:

C-201

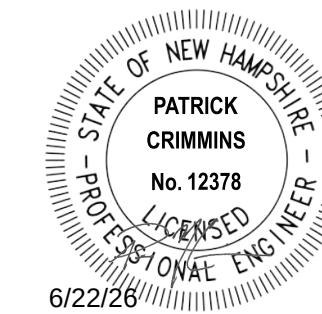
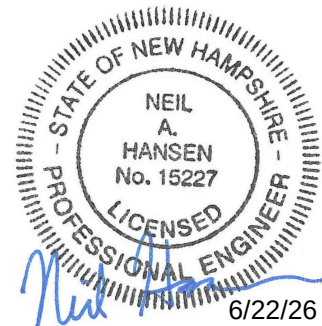
Last Saved: 6/19/2026
Plotted On: Jun 19, 2026 - 4:43pm By: MCurley

Tighe & Bond 3:K0076 The Kane Company - General Proposals\0076-0066 124 Heritage Ave\Drawings\AutoCAD\Sheet\K0076-0066_C-DSGN.dwg



Tighe & Bond

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B	6/22/2026	TAC SUBMISSION
A	4/29/2026	CC WORK SESSION
MARK	DATE	DESCRIPTION
PROJECT NO: K0076-0066		
DATE: 4/29/2026		
FILE: K0076-0066_C-DSGN.dwg		
DRAWN BY: M.CURLEY		
DESIGNED BY: B.CURCIO		
CHECKED BY: N.HANSEN		
APPROVED BY: P.CRIMMINS		

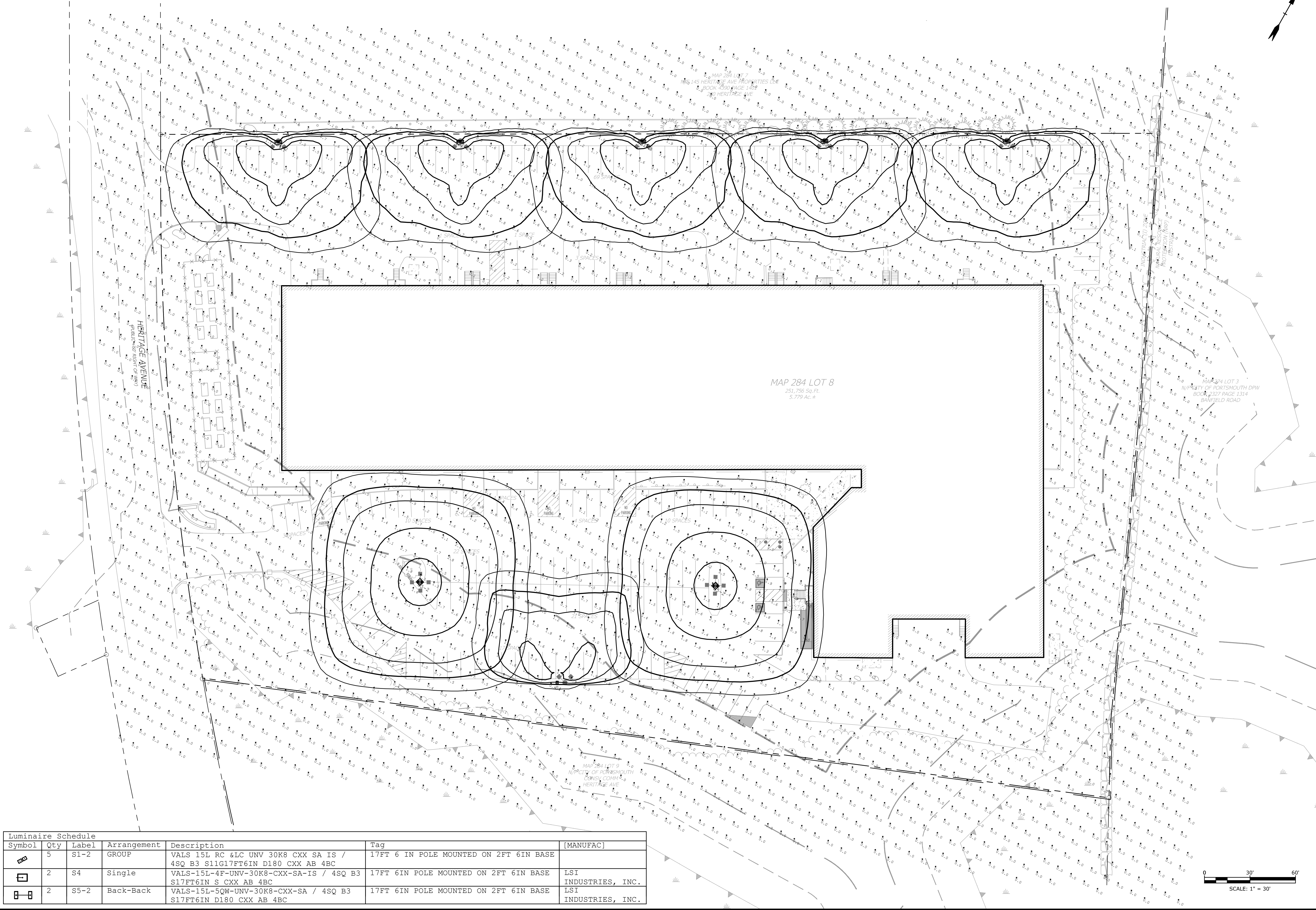
**GRADING, DRAINAGE,
EROSION CONTROL,
AND UTILITIES PLAN**

SCALE:

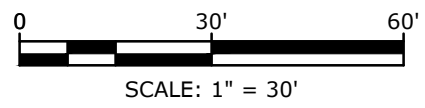
C-301

Last Saved: 6/19/2026
Plotted On: Jun 22, 2026
Tighe & Bond: J:\K\K007

Last Saved: 6/19/2026 11:30am By: MCurley
Plotted On: Jun 19, 2026 11:30am
File: S:\Bids\1K\K0076 The Kane Company - General Proposals\K0076-0066 124 Heritage Ave\Drawings\AutoCAD\Sheet\K0076-0066_C-DSGN.dwg

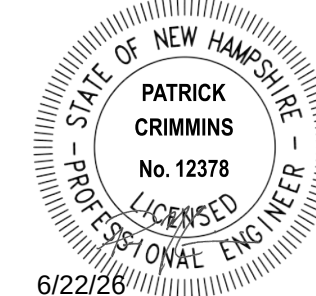
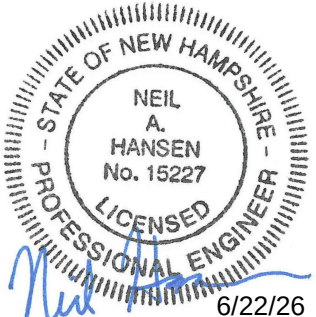


Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Description	Tag	[MANUFAC]
	5	S1-2	GROUP	VALS 15L RC &LC UNV 30K8 CXX SA IS / 4SQ B3 S11G17FT6IN D180 CXX AB 4BC	17FT 6 IN POLE MOUNTED ON 2FT 6IN BASE	[MANUFAC]
	2	S4	Single	VALS-15L-4F-UNV-30K8-CXX-SA-IS / 4SQ B3 S17FT6IN S CXX AB 4BC	17FT 6IN POLE MOUNTED ON 2FT 6IN BASE	LSI INDUSTRIES, INC.
	2	S5-2	Back-Back	VALS-15L-5QW-UNV-30K8-CXX-SA / 4SQ B3 S17FT6IN D180 CXX AB 4BC	17FT 6IN POLE MOUNTED ON 2FT 6IN BASE	LSI INDUSTRIES, INC.



Tighe & Bond

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**Portsmouth,
New Hampshire**

B	6/22/2026	TAC SUBMISSION
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MARK	DATE	DESCRIPTION
PROJECT NO: K0076-0066		
DATE: 4/29/2026		
FILE: K0076-0066_C-DSGN.dwg		
DRAWN BY: M.CURLEY		
DESIGNED BY: B.CURCIO		
CHECKED BY: N.HANSEN		
APPROVED BY: P.CRIMMINS		

PHOTOMETRIC PLAN

SCALE:

LT-101

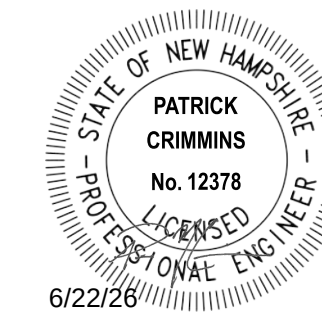
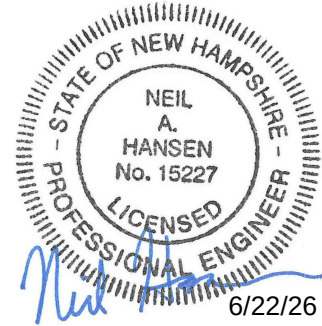
GENERAL NOTES:

1. INSTALL SIGNAGE IDENTIFYING NATIVE EDIBLE PLANT SPECIES.
2. BLACKBERRY AND RASPBERRY CAN PROVIDE A PRODUCTIVE EDIBLE COMPONENT TO THE PLANTING AREA. HOWEVER, BOTH SPECIES TEND TO SPREAD VIGOROUSLY THROUGH CANES AND ROOT SUCKERS AND MAY REQUIRE PERIODIC PRUNING AND CONTAINMENT TO MAINTAIN THE INTENDED LAYOUT. IF LONG-TERM MAINTENANCE IS EXPECTED TO BE LIMITED, CONSIDER SUBSTITUTING WITH LOWER-MAINTENANCE EDIBLE NATIVE SHRUBS SUCH AS BLUEBERRY.



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DRAWN BY:	M.CURLEY	
DESIGNED BY:	B.CURCIO	
CHECKED BY:	N.HANSEN	
APPROVED BY:	P.CRIMMINS	

PLANTING PLAN

SCALE:

L-101

Plotted On: Jul 29, 2026 - 1:37pm By: BCurcio
Tighe & Bond: J:\K\0076 The Kane Company - General Proposals\0076-0066 124 Heritage Ave\Drawings\AutoCAD\Sheet\K0076-0066_C-D\SGN.dwg

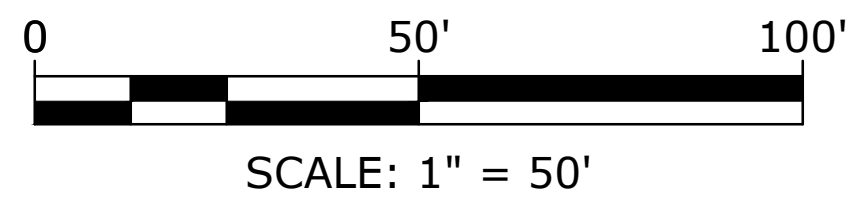


EXISTING IMPERVIOUS SURFACES
SCALE 1" = 50'



PROPOSED IMPERVIOUS SURFACES
SCALE 1" = 50'

IMPERVIOUS SURFACES WITHIN WETLAND BUFFERS		
LOCAL WETLAND BUFFER SETBACK	WITHIN DEVELOPMENT PARCEL	
	EXISTING (SF)	PROPOSED (SF)
0 - 25 FT	521	521
25 - 50 FT	3,356	3,553
50 - 100 FT	20,747	21,048
TOTAL IMPERVIOUS SURFACE	24,624	25,121
NET IMPERVIOUS SURFACE	498	



124 HERITAGE AVENUE
PORTSMOUTH, NH

WETLAND BUFFER
IMPERVIOUS SURFACE EXHIBIT

DATE: 7/29/2026
SCALE: AS SHOWN
FIGURE: 1 OF 1



Owner Letter of Authorization

This letter is to authorize Tighe & Bond, Inc. (Civil Engineer), to represent and submit on behalf of 124 Group LLC (Owner), applications and materials in all site design and permitting matters for the proposed Gather garden and parking improvements project at 124 Heritage Avenue in Portsmouth, New Hampshire. This authorization shall relate to those activities that are required for local, state and federal permitting for the above project and include any required signatures for those applications.

Signed by:

392AA5B729C34AD...

kelsey kraus

4/29/2026

Signature

Print Name

Date