

# Findings of Fact | Site Plan Review

## City of Portsmouth Planning Board

Date: 3-12-2024

Property Address: 99 Bow Street

Application #: LU – 24 - 21

Decision:  Approve     Deny     Approve with Conditions

### Findings of Fact:

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

Site Plan Regulations Section 2.9 Evaluation Criteria - to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations.	Meets  Does Not Meet	The project meets all codes and does not require any Variances.
2	Provision for the safe development, change or expansion of use of the site.	Meets  Does Not Meet	The site work includes the necessary railings and other safety features required for safe operation.
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets  Does Not Meet	The project expands an overwater dock. The Erosion Control required is shown on the plan set. The applicant is required to pay the State of NH a mitigation fee as a part of the NHDES approval. No flooding hazard is created.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>4</b>	Adequate protection for the quality of groundwater.	<b>Meets</b> <b>Does Not Meet</b>	Groundwater is not impacted by the project.
<b>5</b>	Adequate and reliable water supply sources.	<b>Meets</b> <b>Does Not Meet</b>	The project uses existing city water service(s).
<b>6</b>	Adequate and reliable sewage disposal facilities, lines, and connections.	<b>Meets</b> <b>Does Not Meet</b>	The project uses existing city sewer service(s).
<b>7</b>	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	<b>Meets</b> <b>Does Not Meet</b>	There is no change to the existing operation of the facility, only where people sit.
<b>8</b>	Adequate provision for fire safety, prevention and control.	<b>Meets</b> <b>Does Not Meet</b>	The Portsmouth Fire Department was represented at the Technical Advisory Committee meetings and agreed with the project.
<b>9</b>	Adequate protection of natural features such as, but not limited to, wetlands.	<b>Meets</b> <b>Does Not Meet</b>	The adjacent water resource (river) is not impacted – time of year construction limitations are included.
<b>10</b>	Adequate protection of historical features on the site.	<b>Meets</b> <b>Does Not Meet</b>	The development does not impact any historical resources.
<b>11</b>	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	<b>Meets</b> <b>Does Not Meet</b>	The development does not impact any traffic flow.
<b>12</b>	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	<b>Meets</b> <b>Does Not Meet</b>	The development does not create any traffic congestion.
<b>13</b>	Adequate insulation from external noise sources.	<b>Meets</b> <b>Does Not Meet</b>	The project does not have potential impacts from this concern.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>14</b>	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	<b>Meets</b>  <b>Does Not Meet</b>	The city was represented at the Technical Advisory Committee meetings and agreed with the project, voting to approve.
<b>15</b>	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	<b>Meets</b>  <b>Does Not Meet</b>	The project creates Public Recreational Space (Public Deck)
<b>16</b>	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	<b>Meets</b>  <b>Does Not Meet</b>	The Planning Board reviewed the projects connections to the adjacent sidewalk network.
<b>17</b>	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	<b>Meets</b>  <b>Does Not Meet</b>	The NHDES approval indicates that the public is protected. The work is over state property.
<b>18</b>	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	<b>Meets</b>  <b>Does Not Meet</b>	The project includes landscape elements to accomplish the goal.
<b>19</b>	Compliance with applicable City approved design standards.	<b>Meets</b>  <b>Does Not Meet</b>	The Technical Advisory Committee approved the project.
	<b>Other Board Findings:</b>		

March 6, 2023

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

**Re: Martingale Deck Expansion**

Dear Rick:

Martingale, LLC., holds title to property located at 99 Bow Street and further delineated on the City of Portsmouth Tax Map 106 as Lot 54. Martingale filed Land Use Permit LU-21-181 on September 17, 2021 to expand the deck located on the Piscataqua River and received the following approvals from the City of Portsmouth:

Historic District Commission (HDC)	October 06, 2021
Technical Advisory Committee (TAC)	November 02, 2021
Planning Board	December 30, 2021
Historic District Commission (HDC) modifications	April 13, 2022

Martingale submitted a Major Impact Wetland Permit Application with the State of New Hampshire on July 01, 2021. During the NHDES review of our application, one condominium unit owner located in 109-111 Bow Street Condominium Association appealed various findings which caused a lengthy delay of our eventual approval. We received written approval from the Department of Environmental Services on December 15, 2023 with the issuance of Wetlands and Non-Site Specific Permit 2021-02150 authorizing construction of the deck expansion in the Piscataqua River.

The City of Portsmouth Planning Department and Legal Department determined our prior approvals from the Planning Board and Historic District Commission were not stayed during the two years of appeals from an abutter. As a result, Martingale is hereby resubmitting our application to the Planning Board dated November 23, 2021 for approval without any modifications from the Planning Board Approval received on December 30, 2021.

Copies of all referenced approvals and permits above are attached. We respectfully ask the Planning Board to approve this project as presented.

Sincerely,



Mark A. McNabb  
President





200 Griffin Road, Unit 3, Portsmouth, NH 03801  
Phone (603) 430-9282 Fax 436-2315

11 March 2024

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

**RE: Application for Site Plan Approval, Tax Map 106, Lot 54, 99 Bow Street**

Dear Chairman Chellman and Planning Board Members:

On behalf of Martingale, LLC we submit herewith the attached for **Site Plan Approval** for the above-mentioned project and request that we be placed on the agenda for your **March 21, 2024** Planning Board Meeting. Martingale, LLC is requesting approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River.

The project consists of two separate decks which will be attached to the east and west ends of the existing overwater deck located at 99 Bow Street, Portsmouth, and commonly referred to as the Martingale. The West Deck expansion (public wharf deck) will provide the general public with handicap accessible access to the Piscataqua River Waterfront for the enjoyment of the active Inner Harbor of Portsmouth, the Sarah Mildred Long Bridge, the Memorial Bridge, the Moran Tugboats, the NH State Port Authority Pier and the working waterfront of Kittery Maine. The East Deck expansion will be for an expansion of the existing outside dining for the Martingale Wharf Restaurant, which is open to the public.

Martingale Wharf is the only restaurant open to the general public located on the Inner Harbor of downtown Portsmouth that provides full handicap accessibility via on street parking located on Bow Street and a passenger elevator to the waterfront. Martingale Wharf also has handicap accessible bathrooms located on the waterfront as part of the restaurant. The northern, or “waterside” limit of the building is synonymous with a seawall, which is also the landward limit of the Highest Observable Tide Line for the majority of the shoreline frontage associated with the property. At the time of construction in 2010, Martingale was one of only two projects to receive an Urban Exemption to Shoreland Zoning which permitted the construction and improvements as seen today, including approval for public dining on the existing deck. The West Deck expansion (public wharf deck) is the only waterfront deck with handicap accessibility to the general public. The deck also has additional public access via a continuous easement that connects the Martingale with Ceres Street and Bow Street (See Existing Conditions Plan-Sheet C1). The plans include specialized landscaped features will provide the public with a unique experience in a unique space. See the McHenry Architecture and Terra Firma Landscape Architecture Plans in the plan set.

This application received approval from the Portsmouth Historic District Commission on October 6, 2021, with an Amended Approval on April 13, 2022. The Portsmouth Planning Board granted approval of the Site Plan on December 30, 2021. The project then received NHDES Wetland Board approval on October 27, 2022. There was an aggrieved party that filed an appeal of the NHDES Wetland Board approval, which required the application to go to the Wetland Council for adjudication. The Wetland Council upheld the Department of Environmental Services approval, and the plan went to, and received approval from, the Governor and Council on November 29, 2023. The applicant sought to pull a building permit based on the completion of the required reviews by the state, however the Portsmouth Planning Board and Portsmouth HDC approvals had expired, which is the reason the project is back here for approval.

Please find the following plans in this submission:

- Cover Sheet – This shows the Development Team, Legend, Site Location, and Site Zoning.
- As – Built Plan, Martingale Wharf – This shows the property dimensions of the lot.
- Existing Conditions Plan C1 – This plan shows the current improvements on the property.
- NHDES Permit Plan C2 – This plan shows the proposed deck expansion(s) and layout of the proposed features.
- Site Sections C3 – C5 – These plan shows the on-site and adjacent underwater topography / bathymetry as well as the proposed pile locations.
- Details D1 – This plan shows the Deck Details as well as erosion control and project construction sequence.
- Architectural Plans A1 to A12 – These plans show the dimensions of the proposed deck expansion and proposed deck seating, Rendered Views, Perspectives, Elevation View, Cut Sheets and Material selections. Please note the public space is clearly delineated on the plans.
- Landscape Details L1 – The plan show landscape details for the proposed deck expansion.

Also included in this submission are the following additional exhibits to assist in your review:

Green Building Statement  
Wetland Functions and Values Assessment  
Site Photographs (Existing)  
Shoreland Exemption  
Harbor Master Approval  
NHDHR Approval  
Portsmouth HDC Approval  
Portsmouth HDC Amended Approval  
Wetland Board Approval  
Governor & Council Approval  
Portsmouth Planning Board Approval  
Third Exit Building Permit and Plan

We look forward to the Planning Boards review of this submission and we will be in attendance at the meeting to answer any questions the Board may have on the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'JRC', with a long horizontal flourish extending to the right.

John R. Chagnon, PE  
CC: 99 Bow Street – Martingale Team

## Green Building Statement

The project proposes to construct an overwater deck expansion including a public wharf deck resulting in permanent impact to the tidal area requiring NH DES approvals. Since the proposed structures are additions to existing structures, and the purpose of the expansion is tied to the use and enjoyment of waterfront area of the property by the patrons and the general public, practicable alternatives along the 190+/-feet of shoreline are severely reduced.

The proposed structure will be constructed on piles within the tidal area reducing permanent impacts to the tidal wetland resource. Since the structures will be constructed on piles, the structures will not impede tidal flow or alter hydrology, and will not deter use by wildlife species that currently use the tidal area, and it will not impede any migrational fish movement. The proposed structures have been designed to not impede recreation, public commerce, and navigation. The docking structure does not extend into any federal or local navigation channel. The project does not propose any impacts to floodplain wetlands as the dock will be constructed on piles therefore providing no significant decrease in flood storage potential.

The project does not propose any impacts to exemplary natural communities or vernal pools. Per the Natural Heritage Bureau Review, shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus*) have been identified as sensitive species on or near the project site. Coordination with New Hampshire Fish & Game in regards to the above protected species will be a part of the NH DES approval process.

# **Wetland Functions and Values Assessment**

**Prepared for:**

**Martingale LLC  
99 Bow Street  
Portsmouth, New Hampshire 03801**

**Prepared By:**

**Ambit Engineering, Inc  
200 Griffin, Unit 3  
Portsmouth, New Hampshire 03801**



**Date: June 14, 2021**

Revised 10-18-21 to Eliminate Dock Expansion from Scope

**TABLE OF CONTENTS**

**Introduction.....Page 1**

**Methods.....Page 1**

**Functions and Values Assessment.....Page 2**

**Proposed Impacts.....Page 4**

**Summary and Conclusions.....Page 4**

**APPENDICES**

- Appendix A Wetland Function-Value Evaluation Form
- Appendix B Photo Log
- Appendix C NH Natural Heritage Bureau Letter

## INTRODUCTION

The applicant is proposing the construction of an overwater deck expansion with a public wharf deck at 99 Bow Street, Portsmouth, New Hampshire. The project site is identified on Portsmouth Tax Map 106 as Lot 54 and is approximately 9,769 sq. ft. in size. As currently designed, the proposed project would require impacts to tidal wetlands associated within the Piscataqua River.

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

## METHODS

### DATA COLLECTION

The tidal wetlands associated with this project area were identified and characterized through field survey and review of existing information. Ambit Engineering, Inc. (Ambit) conducted a site visit in April of 2021 to characterize the tidal wetlands and collect the necessary information to complete a functions and values assessment. In addition, Ambit contacted the New Hampshire Natural Heritage Bureau (NHB) regarding existing information of documented rare species or natural communities within the vicinity of the project site.

### WETLAND FUNCTIONS AND VALUES ASSESSMENT

Ambit assessed the ability of the tidal wetlands to provide certain functions and values and analyzed the potential affects the proposed project may have on their ability to continue to provide those functions and values. Wetland functions and values were assessed using the *Highway Methodology Workbook, Wetland Functions and Values: A Descriptive Approach*.<sup>1</sup> This method bases function and value determinations on the presence or absence of specific criteria for each of the 13 wetland functions and values (see definitions below). These criteria are assessed through direct field observations and a review of existing resource maps and databases. As part of the evaluation, the most important functions and values associated with the on-site wetlands are identified. In addition, the ecological integrity of the wetlands is evaluated based on the existing levels of disturbance and the overall significance of the wetlands within the local watershed.

#### ° **Groundwater Interchange (Recharge/Discharge)**

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

#### ° **Floodwater Alteration (Storage and Desynchronization)**

*This function considers the effectiveness of the wetlands in reducing flood damage by attenuating floodwaters for prolonged periods following precipitation and snow melt events.*

#### ° **Fish and Shellfish Habitat**

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

#### ° **Sediment/Toxicant Retention**

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

#### ° **Nutrient Removal/Retention/Transformation**

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

---

<sup>1</sup> U.S. Army Corps of Engineers. 1999. *The Highway Methodology Workbook Supplement, Wetland Functions and Values: A Descriptive Approach*. U.S. Army Corps of Engineers. New England Division. 32pp. NAEPP-360-1-30a.

◦ **Production Export (Nutrient)**

*This function relates to the effectiveness of the wetland to produce food or usable products for humans or other living organisms.*

◦ **Sediment/Shoreline Stabilization**

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

◦ **Wildlife Habitat**

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

◦ **Recreation (Consumptive and Non-Consumptive)**

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

◦ **Educational/Scientific Value**

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

◦ **Uniqueness/Heritage**

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

◦ **Visual Quality/Aesthetics**

*This value relates to the visual and aesthetic qualities of the wetland.*

◦ **Endangered Species Habitat**

*This value considers the suitability of the wetland to support threatened or endangered species.*

## **FUNCTIONS AND VALUES ASSESSMENT**

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

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

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

### **Floodwater Alteration (Storage and Desynchronization)**

The tidal wetlands associated with the Piscataqua River receive floodwaters from the surrounding watershed and connected waterways; therefore, is considered a principal function considering the large size of the combined waterways.

### **Fish and Shellfish Habitat**

The tidal wetland does provide fish and shellfish habitat, is associated with the Piscataqua River and the Atlantic Ocean; therefore, is considered a principal function.

### **Sediment/Toxicant Retention**

The tidal wetland and greater marine wetland system associated with the Piscataqua River contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.

### **Nutrient Removal/Retention/Transformation**

The tidal wetland and greater marine wetland system associated with the Piscataqua River contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.



**Production Export (Nutrient)**

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

**Sediment/Shoreline Stabilization**

Due to the tidal nature and wave action of this wetland; sediment/shoreline stabilization is considered a principal function.

**Wildlife Habitat**

The greater tidal wetland and the Piscataqua River provide a variety of coastal and marine habitats, therefore would be considered a principal function.

**Recreation (Consumptive and Non-Consumptive)**

The greater tidal wetland and the Piscataqua River provides a variety of consumptive and non-consumptive recreational opportunities including hunting, fishing and bird watching; therefore, would be considered a principal function.

**Education/Scientific Value**

The greater tidal wetland and the Piscataqua River are part of a larger marine ecosystem with multiple areas of public access making this a principal value.

**Uniqueness/Heritage**

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

**Visual Quality/Aesthetics**

The Piscataqua River provides aesthetically pleasing coastal views that are viewable from surrounding uplands as well as from the water, making this a principal function.

**Endangered Species Habitat**

An online inquiry with the NHB resulted in the potential for Atlantic sturgeon (*Acipenser oxyrinchus*), and short nose sturgeon (*Acipenser brevirostrum*) to potentially occur near the project area. Ambit Engineering will provide specific project information to NHF & G and comments/recommendations will be provided to NH DES upon receipt.

**PROPOSED IMPACTS**

This report is accompanying a New Hampshire Department of Environmental Services (NHDES) Major Impact Wetland Permit Application request to propose 2,910 sq. ft. of permanent impact to tidal wetland for the construction of an overwater deck expansion with a public wharf deck (overall structure length 43.5' as measured from MHW) along 190+/- feet of frontage along the Piscataqua River.

**SUMMARY AND CONCLUSIONS**

The jurisdictional tidal wetland is part of a larger marine system and provides eleven principal functions and values when evaluated as a whole. These functions and values include: floodflow alteration, fish and shellfish habitat, production export, sediment/shoreline stabilization, wildlife habitat, recreation, education/scientific value, uniqueness/heritage, and visual quality aesthetics. While the entire marine system provides these principal functions and values, the proposed impacts associated with the dock modification will not have any effect on its ability to continue to provide them.

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

The structures have been designed to provide expanded use of the property and the businesses that are located on site. There is no grading of the shoreline required to construct the dock. There will be no construction activity that will disturb the area adjacent to the use. All work will be performed from a crane barge at low tide. The barge floats into position and the piles are driven by the crane equipped with a vibratory hammer. This method eliminates any contact of construction equipment with the protected resource. Portions of the structures will be pre-fabricated off site and transported to the site via crane barge.













Based on our assessment of the current functions and values and the proposed structures; it is our belief that the proposed project will have no significant impact on the tidal wetlands or greater marine systems ability to continue to provide their functions and values.

## **APPENDIX A**

### **WETLAND FUNCTION - VALUE EVALUATION FORM**

## Wetland Function – Value Evaluation Form

<b>Wetland Description:</b> Wetland A is a tidal wetland associated with the Piscataqua River.		<b>File number:</b> 3308	
		<b>Wetland identifier:</b> Wetland A	
		Latitude:X:1,227,494.49	Longitude:Y:212,344.
		<b>Preparer(s):</b> Ambit Engineering, Inc.	
		200 Griffin Road	
		<b>Date:</b> April 5, 2021	

Function/Value	Capability		Summary	Principal Yes/No
	Y	N		
 Groundwater Recharge/Discharge		X	This wetland does not possess the characteristics needed to provide this function as there are no identified underlying sand or gravel aquifers.	—
 Floodwater Alteration	X		The tidal wetland and the Piscataqua River do receive floodwater from the surrounding watershed and connected waterways; therefore, this would be considered a principal function.	Y
 Fish and Shellfish Habitat	X		The tidal wetland and the Piscataqua River are part of a larger coastal marine system and provide both fish and shellfish habitat. This is considered a Principal Function.	Y
 Sediment/Toxicant Retention	X		The greater tidal wetland contains dense vegetation and a source of sediments and toxicants, therefore a principal function.	Y
 Nutrient Removal	X		The greater tidal wetland contains dense vegetation and a source of nutrients, therefore a principal function.	Y
 Production Export	X		Because the tidal wetland provides fish and wildlife habitat, commercial and recreational fishing opportunities, and nutrients are transferred over several trophic levels in the marine ecosystem, this is considered a principal function.	Y
 Sediment/Shoreline Stabilization	X		Due to the tidal nature and wave action of this wetland; sediment/shoreline stabilization is considered a principal function.	Y
 Wildlife Habitat	X		The greater tidal wetland and the Piscataqua River provides a variety of coastal and marine habitat, therefore would be considered a principal function.	Y
 Recreation	X		The greater tidal wetland provides a variety of consumptive and non-consumptive recreational opportunities including hunting, fishing and bird watching; therefore, would be considered a principal function.	Y
 Education/Scientific Value	X		The tidal wetland and the Piscataqua River are part of a larger marine ecosystem with multiple areas of public access making this a principal value.	Y
 Uniqueness/Heritage	X		The tidal wetland and the Piscataqua River are unique to the seacoast area. Additionally, there are pre and post-colonial historical components associated with the Piscataqua River and the surrounding areas making this a principal value.	Y
 Visual Quality/Aesthetics	X		The Piscataqua River provides aesthetically pleasing coastal views that are viewed from surrounding uplands as well as from the water, making this a principal function.	Y
<b>ES</b> Endangered Species Habitat	X		An online inquiry with the NH Natural Heritage Bureau resulted in an occurrence of a sensitive species near the project area. Ambit Engineering will coordinate with NHB and NHF & G and will forward comment to NH DES upon receipt.	—
Other				

Notes:

\* Attach list of considerations.

## **APPENDIX B**

### **PHOTO LOG**



Site Photograph #1

April 2021



Site Photograph #2

April 2021





Site Photograph #3

April 2021



Site Photograph #4

April 2021





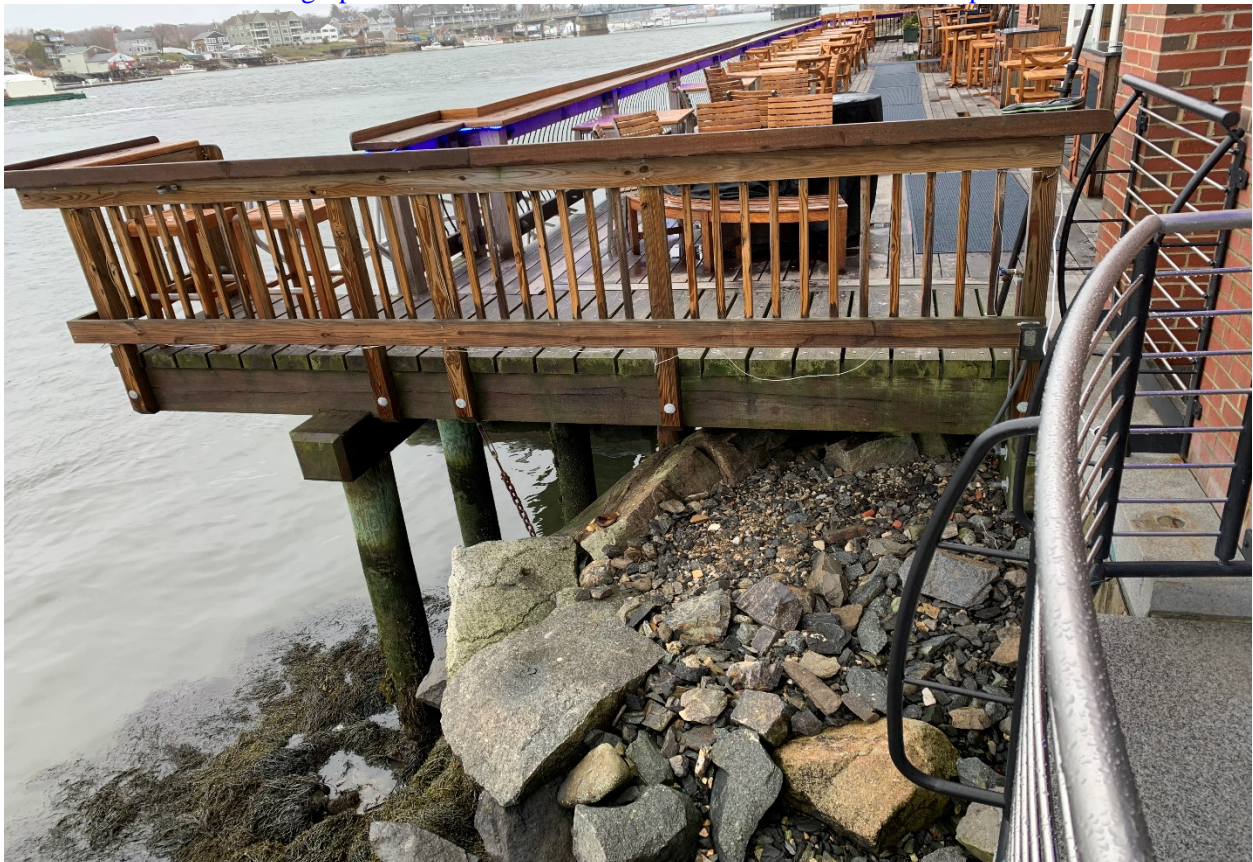
Site Photograph #5

April 2021



Site Photograph #6

April 2021





Site Photograph #7

April 2021



Site Photograph #8

April 2021





Site Photograph #9

April 2021



Site Photograph #10

April 2021







## **APPENDIX C**

### **NEW HAMPSHIRE NATURAL HERITAGE BUREAU CORRESPONDENCE**

# Memo

## NH Natural Heritage Bureau NHB DataCheck Results Letter

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

**From:** Amy Lamb, NH Natural Heritage Bureau

**Date:** 5/10/2021 (valid until 05/10/2022)

**Re:** Review by NH Natural Heritage Bureau

**Permits:** MUNICIPAL POR - Portsmouth, NHDES - Wetland Standard Dredge & Fill - Major, USACE - General Permit

**NHB ID:** NHB21-1524      Town: Portsmouth      Location: 99 Bow Street  
**Description:** The project proposes an expansion of the existing overwater structure (deck used for outdoor dining) and expansion of the existing tidal docking structure.

**cc:** Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

**Comments** NHB: No Comments At This Time

**F&G:** Please provide construction schedule so that we can evaluate for potential noise disturbance to Sturgeon species.

Vertebrate species	State <sup>1</sup>	Federal	Notes
Atlantic Sturgeon ( <i>Acipenser oxyrinchus oxyrinchus</i> )	T	T	Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).
Shortnose Sturgeon ( <i>Acipenser brevirostrum</i> )	E	E	Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

<sup>1</sup>Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (\*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

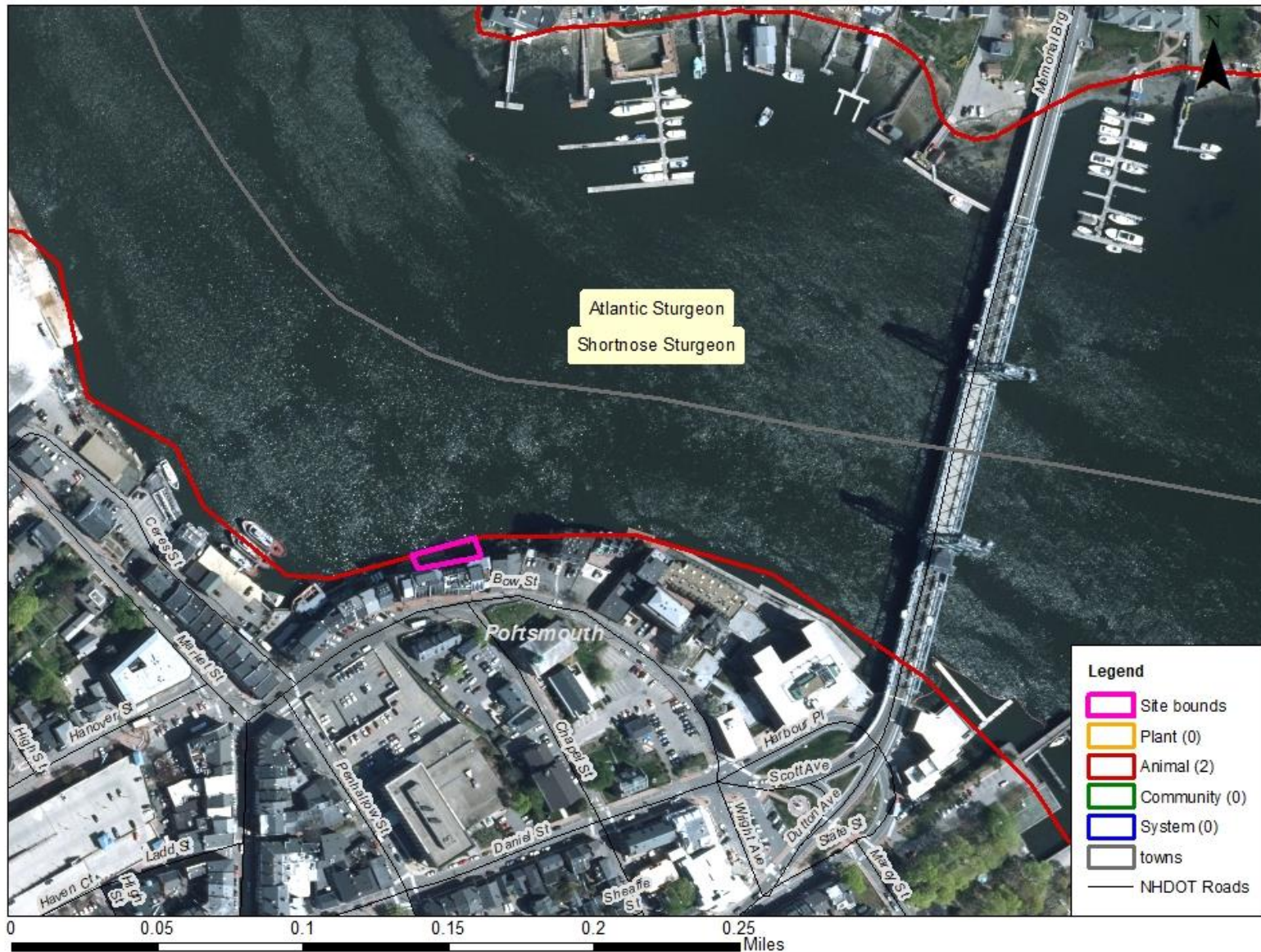
---

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.



CONFIDENTIAL – NH Dept. of Environmental Services review

NHB21-1524



## New Hampshire Natural Heritage Bureau - Animal Record

### Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*)

**Legal Status**

Federal: Listed Threatened  
 State: Listed Threatened

**Conservation Status**

Global: Rare or uncommon  
 State: Critically imperiled due to rarity or vulnerability

**Description at this Location**

Conservation Rank: Not ranked  
 Comments on Rank: --

Detailed Description: 2016: 1 individual, sex unknown, detected in the lower Piscataqua River. 2015: 1 individual, sex unknown, detected in Portsmouth Harbor. 2012: 1 individual, sex unknown, detected in Little Bay.

General Area: 2016: Tidal waters in Portsmouth Harbor, Little Bay, and the Piscataqua River.

General Comments: --

Management: --

Comments:

**Location**

Survey Site Name: Piscataqua River

Managed By:

County:

Town(s): Out-Of-State

Size: 7749.3 acres

Elevation:

Precision: Within 1.5 miles of the area indicated on the map (location information is vague or uncertain).

Directions: 2016: Tidal waters of Portsmouth Harbor, Little Bay, and the Piscataqua River.

**Dates documented**

First reported: 2012-06-02

Last reported: 2016-05-27

The U.S. Fish & Wildlife Service has jurisdiction over Federally listed species. Please contact them at 70 Commercial Street, Suite 300, Concord NH 03301 or at (603) 223-2541.





Site Photograph #1

April 2021



Site Photograph #2

April 2021





Site Photograph #3

April 2021



Site Photograph #4

April 2021





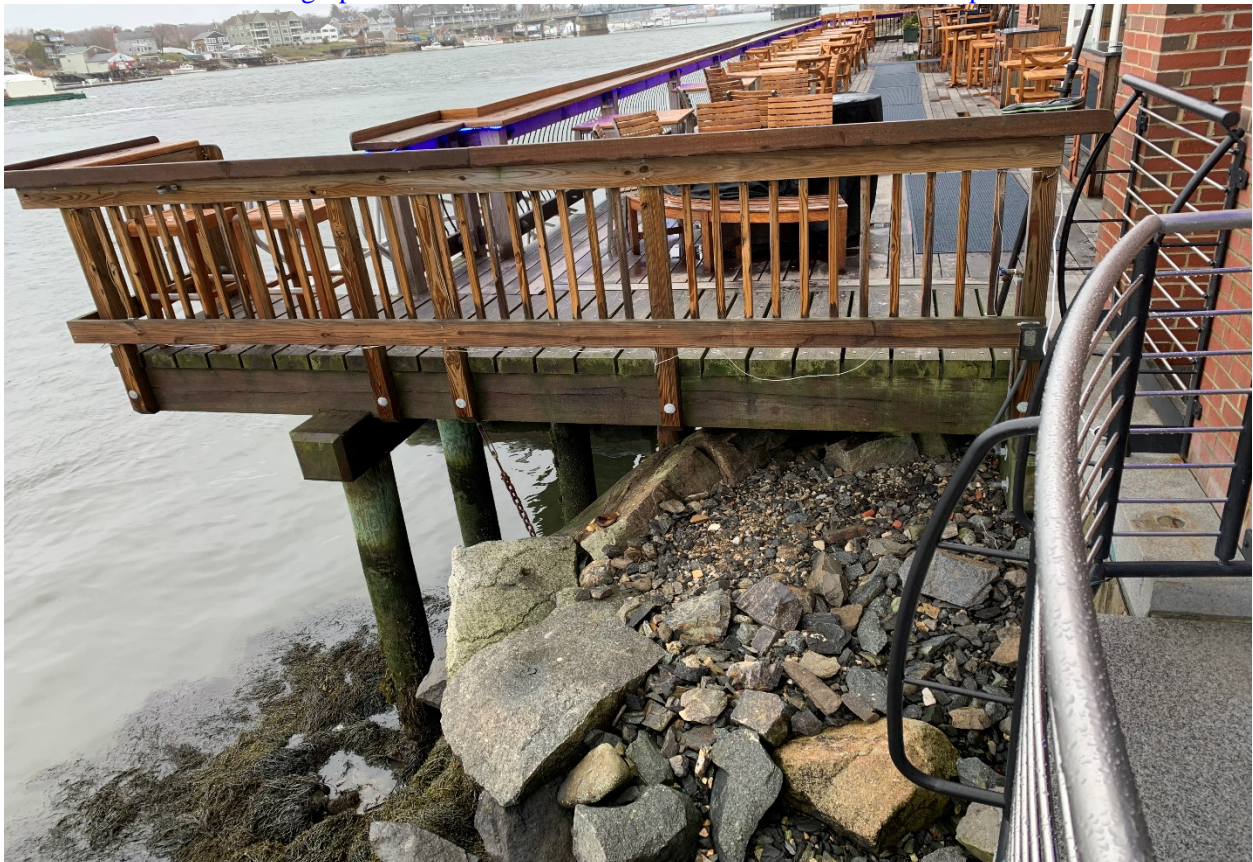
Site Photograph #5

April 2021



Site Photograph #6

April 2021





Site Photograph #7

April 2021



Site Photograph #8

April 2021





Site Photograph #9

April 2021



Site Photograph #10

April 2021

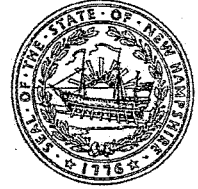








The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

September 11, 2007

Steve Marchand, Mayor  
City Of Portsmouth  
1 Junkins Ave  
Portsmouth, NH 03801

RE: File # 2007-01869, Urban Exemption per RSA 483-B:12, 99 Bow Street, Portsmouth

Dear Mayor Marchand:

The Department of Environmental Services (DES) has reviewed the request dated July 23, 2007 from the City of Portsmouth (the "City") to exempt a portion of the developed area along the Piscataqua River from the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B. DES concurs with the Office of Energy and Planning's August 6, 2007 recommendation for approval. This Urban Exemption is granted in accordance with Rule Env-Wq 1408.05 based upon the following findings:

1. The City has provided evidence of the current and past building density and the commercial and industrial uses of the area to be exempted, as required per RSA 483-B:12, II, (a) and (b).
2. The City has provided documentation that the site is serviced by municipal and public utilities, as required per RSA 483-B:12, II, (c).
3. The City has land use regulations in place affecting the area to be exempted, as required per RSA 483-B:12, II, (d).
4. The City has met the requirements of Part Env-Wq 1408 of the Shoreland Program Administrative Rules.

The area and specific land parcels exempted from the requirements and minimum standards of RSA 483-B are shown on the attached map. A copy of this map will be kept on file in the Shoreland Program at DES. If you have any questions or need any further assistance, please contact the DES Shoreland Program at (603) 271-2147.

Sincerely,

Thomas S. Burack  
Commissioner  
Department of Environmental Services

cc: David Holden, Portsmouth Planning Board  
Portsmouth Conservation Commission  
~~Malcolm R. McNeill Jr., McNeill, Taylor, & Gallo, PA~~

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

RECEIVED

JUN 14 2007

KELLY A. AYOTTE  
ATTORNEY GENERAL

ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL



June 13, 2007

Malcolm R. McNeill, Jr., Esquire  
McNeill, Taylor and Gallo P.A.  
180 Locust Street, P.O. Box 815  
Dover, New Hampshire 03821

RE: DES File No. 2006-02493

Dear Attorney McNeill:

I am writing to you with respect to application No. 2006-02493 for the RRJ Properties Limited Partnership ("RRJ Properties") project located on Bow Street in Portsmouth, New Hampshire. The New Hampshire Department of Environmental Services ("DES") has indicated that section 483-B:12 is the appropriate exemption to request in a case such as this one. Section 483-B:12 was developed to accommodate exactly the type of situation presented in the request from RRJ Properties. This section allows the local community to recognize the unique characteristics of its urban areas and apply for an exemption from the strict requirements of the Shoreland Act. The area in question exhibits high current and historic building density, is a commercial area, is supported by public utilities, and is governed by local zoning restrictions. All of these factors are considered when evaluating a proposal under RSA 483-B:12. The decision of whether or not to grant an exemption resides in the DES Commissioner after consultation with the New Hampshire Office of Energy and Planning. However, without knowing what the outcome will be, it appears appropriate and consistent with the purposes of RSA 483-B:12 for the City of Portsmouth to request an urbanized exemption in this case.

Thank you for your time and attention to this matter. If you have any questions, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Allen Brooks".

K. Allen Brooks  
Assistant Attorney General  
Environmental Protection Bureau  
(603) 271-3679

cc: Collis Adams, Administrator IV, Wetlands Bureau, DES  
Darlene Forst, Shoreland Supervisor, Wetlands Bureau, DES





The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Thomas S. Burack, Commissioner

July 16, 2007

Hon. Steve Marchand, Mayor and  
Members of the Portsmouth City Council  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Request for a municipal shoreland exemption (RSA 483-B:12)  
for property at 99 Bow Street, Portsmouth, NH

Dear Mayor Marchand and Members of the City Council:

Please be advised that I have reviewed the materials to be submitted with the application for shoreland exemption which has been provided to the City Council, and the letter of K. Allen Brooks of the New Hampshire Attorney General's office. I am also familiar with the property which is the subject matter of the request.

As the Shoreland Section Supervisor of the New Hampshire Department of Environmental Services, and I am familiar with the Shoreland Protection Act and the intent of RSA 483-B:12. I agree with the letter of Attorney Brooks of the New Hampshire Attorneys Generals Office dated June 13, 2007 "that Section 483-B was developed to accommodate exactly the type of situation presented in the request from RRJ Properties Limited Partnership."

Given my knowledge of the statute and its application by NHDES, it is appropriate and acceptable to consider the application of the exemption to this property, and the exemption is clearly consistent with the intent of the statute.

Sincerely,

D. Forst  
Shoreland Section Supervisor  
NHDES Wetlands Bureau



JOHN H. LYNCH  
GOVERNOR

STATE OF NEW HAMPSHIRE  
OFFICE OF ENERGY AND PLANNING  
57 Regional Drive, Suite 3  
Concord, NH 03301-8519  
Telephone: (603) 271-2155  
Fax: (603) 271-2615



www.nh.gov/oeep

August 6, 2007

Thomas Burack, Commissioner  
N. H. Department of Environmental Services  
29 Hazen Drive  
Concord, New Hampshire 03301

Re: Shoreland Protection Act Exemption Request  
99 Bow Street, Portsmouth

Dear Commissioner Burack:

The Office of Energy and Planning (OEP) has been given notice, pursuant to RSA 483-B:12, of a request for exemption from provisions of the Comprehensive Shoreland Protection Act, RSA Chapter 483-B. The property in question is located at 99 Bow Street in the historic downtown area of Portsmouth.

The legislature authorized discretionary exemption from the shoreland protection standards when the Commissioner finds the special local urbanization conditions exist. OEP is charged with providing advice on exemption requests.

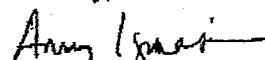
We have reviewed materials submitted by counsel to the property owner which includes proposed site plan, evidence of the property's current and prior uses, correspondence from the Attorney General's office and Wetlands Bureau, Portsmouth Planning Board approval and a recommendation by the Mayor of Portsmouth that the exemption request be granted.

OEP also recommends that the exemption be granted. The property abuts existing high density, commercial uses. Because existing infrastructure is in place, the development will not require new roads or utility service. As an area that has been developed for over 100 years, its natural conditions have long been disturbed, and this development does not appear to make that disturbance any greater. If anything, development may improve rather than diminish the area, providing greater walkways along the waterfront, as buildings now divided will be joined.

The property appears to meet the criteria set forth in RSA 483-B:12, justifying an exemption. Further, it is consistent with the principals of Smart Growth, as it takes two vacant lots caught between other developed properties and creates a unified view that is in keeping with the scale and style of the historic area.

OEP recommends that you exempt the property at 99 Bow Street in Portsmouth from the provisions of the Comprehensive Shoreland Protection Act.

Sincerely,

  
Amy Ignatius

AI:ml

cc: Malcom McNeill

TDD Access: Relay NH 1-800-735-2964



## CITY OF PORTSMOUTH

Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
(603) 610-7200  
Fax (603) 427-1526

Steve Marchand  
Mayor

### MEMORANDUM

**FROM:** Mayor, City of Portsmouth  
**TO:** Thomas Burack, Commissioner of the Department of Environmental Services  
**RE:** Shoreland Exemption request of RRJ Properties Limited Partnership  
RSA 483-B:12  
**DATE:** July 23, 2007

Dear Commissioner Burack:

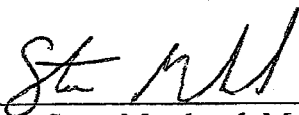
Please be advised that the City Council of the City of Portsmouth has reviewed the municipal exemption request of RRJ Properties Limited Partnership which is appended hereto, and has determined that the RRJ proposal meets all of the criteria of RSA 483-B:12 and respectfully requests that the Department of Environmental Services grant a municipal exemption to the premises as provided in RSA 483-B:12.

- It is the finding of the Portsmouth City Council that the current and past building density of the site support highly developed, urbanized activity and that the RRJ proposal is consistent with the historical uses of the site.
- The Council finds that there has been intense commercial and industrial historical usage of the development area.
- The Council further finds that the subject area is serviced by all necessary municipal and other public utilities.
- The Council further finds that current municipal land use regulations affecting the property have been thoroughly reviewed by all Portsmouth regulators, and that the site fully complies with the Land Use regulations of the City of Portsmouth and that the Applicant has received all necessary municipal approvals.

In conclusion, the City Council requests the granting of the municipal exemption.

Respectfully submitted,

Steve Marchand, Mayor  
City of Portsmouth, New Hampshire

By:   
Steve Marchand, Mayor

August 26, 2021

NH Department of Environmental Service  
Coastal Division  
Pease Field Office  
222 International Drive, Suite 175  
Portsmouth, NH 03801

Attn: Stefanie Giallongo

Re: NHDES file 2021-02150

Dear Stefanie,

We reviewed plans for the construction of additional pier and float to an existing system on the Piscataqua River in Portsmouth on property belonging to

Martingale, LLC  
at  
99 Bow Street  
Portsmouth, NH  
Map 106 Lot 54

We examined the proposed site and found that the structure will have no negative effect on navigation in the channel.

Sincerely,



Tracy R. Shattuck  
Chief Harbor Master

Cc: Stephen Riker  
Ambit Engineering  
200 Griffin Road Unit 3  
Portsmouth, NH 03801

Please mail the completed form and required material to:

RECEIVED  
DEC 28 2021

New Hampshire Division of Historical Resources  
State Historic Preservation Office  
Attention: Review & Compliance  
19 Pillsbury Street, Concord, NH 03301-3570

DHR Use Only	
R&C #	13366
Log In Date	12/28/21
Response Date	1/4/22
Sent Date	1/5/22

## Request for Project Review by the New Hampshire Division of Historical Resources

- This is a new submittal  
 This is additional information relating to DHR Review & Compliance (R&C) #:

<b>GENERAL PROJECT INFORMATION</b>
Project Title 99 Bow Street Overwater Deck Expansion
Project Location 99 Bow Street
City/Town Portsmouth Tax Map 106 Lot # 54
NH State Plane - Feet Geographic Coordinates: Easting 1227494 Northing 212344 (See RPR Instructions and R&C FAQs for guidance.)
Lead Federal Agency and Contact (if applicable) (Agency providing funds, licenses, or permits) Permit Type and Permit or Job Reference #
State Agency and Contact (if applicable) NH DES Wetlands Permit Type and Permit or Job Reference # DES File: 2021-02150
<b>APPLICANT INFORMATION</b>
Applicant Name Martingale LLC
Mailing Address 3 Pleasant Street, Suite 400 Phone Number 603-427-0725
City Portsmouth State NH Zip 03801 Email house@mcnabbgroup.com
<b>CONTACT PERSON TO RECEIVE RESPONSE</b>
Name/Company Steven D. Riker Ambit Engineering Inc.
Mailing Address 200 Griffin Road, Unit 3 Phone Number 603-430-9282
City Portsmouth State NH Zip 03801 Email sdr@ambitengineering.com

This form is updated periodically. Please download the current form at [www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review). Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. **Include a self-addressed stamped envelope** to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: [www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review) or contact the R&C Specialist at [marika.labash@dncr.nh.gov](mailto:marika.labash@dncr.nh.gov) or 603.271.3558.



Project Boundaries and Description

- Attach the Project Mapping **using EMMIT or relevant portion of a 7.5' USGS Map.** (See RPR Instructions and
- Attach a detailed narrative description of the proposed project.
- Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- Attach photos of the project area (overview of project location and area adjacent to project location, and specific area
- A DHR records search must be conducted to identify properties within or adjacent to the project area. Provide records search results via EMMIT or in **Table 1.** (Blank table forms are available on the DHR website.) EMMIT or in-house records search conducted on 9/1/2021.

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area  
If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s): Commerical Structure built in 2010.

- Photographs of **each** resource or streetscape located within the project area, with captions, along with a mapped p
- If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provi

Archaeology

Does the proposed undertaking involve ground-disturbing activity?  Yes  No  
If yes, submit all of the following information:

- Description of current and previous land use and disturbances.
- Available information concerning known or suspected archaeological resources within the project area (such as cel

**Please note that for many projects an a**

**DHR Comment/Finding Recommendation** *This Space for Division of Historical Resources Use Only*

**Insufficient information to initiate review.**  Additional information is needed in order to complete review.

No Potential to cause Effects  No Historic Properties Affected  **No Adverse Effect**  Adverse Effect

Comments: Thank you for including HDSC comments within  
your RPR submission packet.

*If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources*

Authorized Signature: Nashie Mullin, DSHPO Date: 1/4/22







# CITY OF PORTSMOUTH

Planning Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## HISTORIC DISTRICT COMMISSION

October 20, 2021

Martingale LLC  
30 Penhallow Street, Suite 300 East  
Portsmouth, NH 03801

**RE: Certificate of Approval for property located at 99 Bow Street (LU-21-181)**

Dear Owner:

The Historic District Commission, at its regularly scheduled meeting of **Wednesday, October 06, 2021**, considered your application for new construction to an existing structure (expand waterfront deck) as per plans on file in the Planning Department. Said property is shown on Assessor Map 106, Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Diistricts. As a result of said consideration, the Commission voted to **grant** the Certificate of Approval as presented using Alternate Option B (squared-off front of the deck) and with the removal of the artwork. The applicant shall return for Administrative Approval with a revised artwork plan (to consider shipbuilding versus whaling).

### **Findings of Fact**

#### A. Purpose and Intent

The proposed application meets the following objective(s) of the Historic District (as provided in Section 10.631.20 of the Zoning Ordinance):

-Conservation and enhancement of property values.

#### B. Review Criteria

The proposed application also meets the following review criteria of the Historic District (as provided in Section 10.635.70 of the Zoning Ordinance):

-Compatibility of design with surrounding properties.

The Commission's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Commission's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Approvals may also be required from other City Committees or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Historic District Commission unless an extension is granted by the Commission in accordance with Section 10.636.70 of the Zoning Ordinance.

*Please note that any changes or modifications to this application require review and approval from the Commission prior to implementation and additional fees may apply.*

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nick Cracknell". The signature is stylized with a large initial "N" and "C".

Nicholas J. Cracknell, AICP, Principal Planner  
for Jonathan Wyckoff, Chairman of the Historic District Commission

cc: Paul Garand, Interim Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor

Richard Desjardins, AIA, McHenry Architecture



# CITY OF PORTSMOUTH

Planning Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## HISTORIC DISTRICT COMMISSION

April 20, 2022

Martingale, LLC  
3 Pleasant Street, 4th Floor  
Portsmouth, NH 03801

**RE: Administrative Approval for property located at 99 Bow Street (LUHD-458)**

Dear Owner:

The Historic District Commission, at its regularly scheduled meeting of **Wednesday, April 13, 2022**, considered your request for administrative approval for changes to a previously approved design (changes to deck size). As a result of said consideration, the Commission voted to **grant** the Administrative Approval as presented.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Nicholas J. Cracknell, AICP, Principal Planner  
for Jonathan Wyckoff, Chairman of the Historic District Commission

cc:



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

---

**WETLANDS AND NON-SITE SPECIFIC PERMIT 2021-02150**

**NOTE CONDITIONS**

**PERMITTEE:** MARTINGALE LLC  
3 PLEASANT STREET STE 400  
PORTSMOUTH NH 03801

**PROJECT LOCATION:** 99 BOW STREET, PORTSMOUTH  
TAX MAP #106, LOT #54

**WATERBODY:** PISCATAQUA RIVER

**APPROVAL DATE:** OCTOBER 27, 2022      **EXPIRATION DATE:** OCTOBER 27, 2027

---

Based upon review of permit application 2021-02150 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

**PERMIT DESCRIPTION:**

Expand an existing 12 foot x 100 foot wharf by constructing an additional 712 square foot wharf section on the westerly end of the frontage and an 883 square foot wharf section on the easterly end of frontage with no modifications to be made to the existing 10 foot x 75 foot float, providing three slips on the frontage accessed by a 3 foot x 25 foot ramp and a 14 foot 8 inch x 4 foot platform all adjacent to property having approximately 185 feet of frontage along the tidal reach of the Piscataqua River in Portsmouth. Compensatory mitigation to be provided for permanent impacts within tidal surface waters is a one-time payment into the Aquatic Resource Mitigation Fund ("ARM") of \$44,894.81 dollars.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:**

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated December 20, 2021 by Ambit Engineering, Inc., as received by the NH Department of Environmental Services (NHDES) on March 30, 2022.
2. The existing wharf and both areas of proposed wharf shall be solely supported by piles, freestanding, and detached from the mixed use structure located on the adjacent property identified as Lot 54 on Portsmouth Tax Map 106 (the Property) as required to maintain compliance with RSA 482-A:26.
3. In accordance with Env-Wt 307.06 and Env-Wt 307.10(i), all in-water pile driving shall be installed during the dredge window which is November 15 to March 15 to avoid impacts that could adversely affect fish habitat, wildlife habitat, or both.
4. In accordance with Env-Wt 314.02(b) and (c), for projects in the coastal area, the permittee shall record any permit issued for overwater structures, shoreline stabilization, and any work in the tidal buffer zone, tidal wetlands, or sand dunes at the registry of deeds in the county in which the property is located. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the department with a copy of the permit stamped by the registry with the book and page and date of receipt.
5. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established

[www.des.nh.gov](http://www.des.nh.gov)

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

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964



under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.

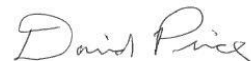
6. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
7. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
8. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
9. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
10. In accordance with Env-Wt 307.04(a), activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.
11. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.
12. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
14. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
15. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
1. MITIGATION
16. The permit is contingent providing a check in the amount of \$44,894.81 to the NHDES Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
17. In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES within 120 days from the approval decision or NHDES will deny the application.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:**

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.

6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



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

**THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).**

---

PERMITTEE SIGNATURE (required)

---

PRINCIPAL CONTRACTOR SIGNATURE (required)

*NEW HAMPSHIRE  
DEPARTMENT OF STATE*



*I, David M. Scanlan, Secretary Of State, of the State of New Hampshire, do hereby certify that the Governor and Executive Council, at their meeting on November 29, 2023 approved ITEM #90 Martingale LLC's request to perform work on Piscataqua River in Portsmouth, NH.*



**In Testimony Whereof**, I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this twenty-ninth day of November, in the year of Our Lord, two thousand and twenty-three.

A handwritten signature in black ink, appearing to read "David M. Scanlan".

Secretary of State



# CITY OF PORTSMOUTH

Planning Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## PLANNING BOARD

January 18, 2022

Martingale LLC  
30 Penhallow Street, Suite 300 East  
Portsmouth, NH 03801

RE: Site Plan Review Approval for property located at 99 Bow Street (LU-21-181)

Dear Owner:

The Planning Board, at its regularly scheduled meeting of **Tuesday, December 30, 2021**, considered your application for Site Plan Review Approval to allow the expansion of the existing deck to include expanded seating for the business as well as public access to the Piscataqua River. Said property is shown on Assessor Map 106, Lot 54 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts. As a result of said consideration, the Board voted to **grant** Site Plan Approval with the following stipulations:

1. The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
  1. a) Easements on the plan and instrument recorded at the registry shall depict the easement to run from Bow street to and through the stairwell to be inclusive of the area depicted as the public deck in the MchHenry plan A9 to include ADA access to run with the land
2. Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.
3. Proper signage shall be posted for public space to be consistent with the Board's request from the Street to the public space.
4. Deck to be built in its entirety including public space for this project to be considered complete.
5. Applicant is to do pre-site inspection and vibratory monitoring throughout the project to identify any impacts to for abutting properties.
6. Property owner is to work with city staff to resolve trash issues through the Construction Management and Mitigation Plan (CMMP) process.
7. Property owner is to be responsible for maintenance of the deck forever.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.



Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all stipulations of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

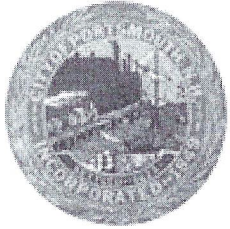
A handwritten signature in blue ink, appearing to read "Dexter R. Legg". The signature is stylized and cursive.

Dexter R. Legg, Chairman of the Planning Board

cc: Paul Garand, Interim Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

Richard Desjardins, AIA, McHenry Architecture



# City of Portsmouth Building Permit

Inspection Department  
1 Junkins Avenue  
Portsmouth, NH 03801  
603-610-7243

**Permit Number:**  
44  
**Date of Issue:**  
April 07, 2017  
**Expires:**  
04/07/2018  
**Const. Cost:**  
\$50000

**Owner:** MARTINGALE WHARF LIMITED PARTNERSHIP  
**Applicant:** Mark McNabb  
**Contractor:** Mark A. McNabb, McNabb Properties, Ltd. **Phone #:** (603)427-0725  
**Location:** 99 BOW ST

**Description of Work:** Construction of new interior stair to connect Martingale Wharf Restaurant to Bow Street which will provide a third means of egress out of Martingale Wharf Restaurant.

**Zoning:** CD5  
**Map/Lot:** 0106--0054--0000-  
**Design Occupant Load:**

**Min Constr. Type:**  
**Bldg. Code:**                   **Edition:**

**Remarks:**

- \* Separate electrical, plumbing and mechanical permits required.
- \* Issuance of this permit does not authorize any increase to existing max. occupant load. Separate permit application required which includes a detailed seating and life safety plan along with all details necessary to justify any requested increase.
- \* Per 4/6/17 email response from designer and revised drawings dated 4/6/17.
- \* Illuminated exit signs and emergency lighting are required throughout the space to illuminate the exit access and front & rear exit discharges.

The PERMIT HOLDER has read this permit, the permit application, and the Building Official's marked-up plans and agrees to perform the work authorized including any conditions or requirements indicated thereon; and any stipulations imposed by a Land Use Board in conjunction with the project. The CONTRACTOR shall be responsible for notifying the Inspection Department 48 hours in advance, for FOUNDATION, FRAMING, and FINAL inspections. A Certificate of Occupancy is required for all Building Permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, and FIRE) are complete and Occupancy has been issued. By signing this permit, the owner or his/her representative (Permit Holder), authorizes property access by city officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process.

**The Permit Card Shall Be Posted and Visible From the Street During Construction.**

**Code Official:**

This is an e-permit. To learn more, scan this barcode or visit [portsmouthnh.viewpointcloud.com/#/records/44](http://portsmouthnh.viewpointcloud.com/#/records/44)



**City of Portsmouth**  
**Planning & Inspection Departments**  
**1 Junkins Ave**  
**Portsmouth, NH 03801**  
**Phone: 603-610-7216**

Receipt #: 118278

Date: 4/07/2017

INSPECT

**Paid By:**

**Transaction Receipt**

Martingale, LLC

----- Bills Paid -----				
Invoice #	Principal	Costs	Interest	Amount Applied
	Description / Location			Balance Due
2017 OC-BLDGPORTS-MS-45364	500.00	0.00	0.00	500.00
	0			0.00
	44/Building Permits			
<b>Total Applied:</b>	<b>500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>500.00</b>

----- Payments -----				
Type	Reference	Fees	Amount	Total Paid
CHECK	14049	0.00	500.00	500.00
				0.00



Received

# City of Portsmouth, NH

1 Junkins Ave, (603) 610-7243

FAX: (603) 610-4040

[www.cityofportsmouth.com](http://www.cityofportsmouth.com)

BOA \_\_\_\_\_  
HDC \_\_\_\_\_  
SPR \_\_\_\_\_  
CC \_\_\_\_\_

## Building Permit Application -- MINOR CONSTRUCTION / RENOVATION and MISCELLANEOUS ACTIVITIES

Form Updated May 2016

**Office Use:** Cost of All Construction: \$ \_\_\_\_\_ Fee: \$ \_\_\_\_\_ Chk #: \_\_\_\_\_ Cash: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_ HD: \_\_\_\_\_ DOD: \_\_\_\_\_ Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_ Building Permit #: \_\_\_\_\_

*Print in Ink or Type. Complete all blanks or indicate "N/A" if not applicable.*

PROPERTY OWNER	
Name:	Martingale, LLC
Address:	99 Bow Street
City:	Portsmouth
State:	NH
Zip:	03801
Phone:	603-427-0725
Cell Phone:	603-235-2918
E-mail:	mark@mcnabbgroup.com

PERMIT APPLICANT	
Name:	SAME
Address:	_____
City:	_____
State:	_____
Zip:	_____
Phone:	_____
Cell Phone:	_____
E-mail:	_____

**Street Address of Property/Project:** 99 Bow Street **Unit #:** \_\_\_\_\_  
**Contractor Name:** TBD **Phone:** \_\_\_\_\_

**Existing Use of Property:** Mixed Use - Office / Restaurant

### Description of Work (Check all that apply)

**Cost of All Construction:** \$ 50,000.00

<input type="checkbox"/> Reroofing in Historic District	<input type="checkbox"/> Remodel _____	<input checked="" type="checkbox"/> Commercial Renovation (Plans Required)
<input type="checkbox"/> Siding	<input type="checkbox"/> Remodel Kitchen (Floor Plans)	<input type="checkbox"/> Electrical Work (Separate Permit)
<input type="checkbox"/> Replacement Windows/Doors	<input type="checkbox"/> Remodel Bathroom (Floor Plans)	<input type="checkbox"/> Plumbing Work (Separate Permit)
<input type="checkbox"/> Buried Tank(s)-Removal	<input type="checkbox"/> New Interior Room(s) (Floor Plans)	<input type="checkbox"/> Other Activity - <b>Explain Fully Below</b>

Expanded Description of Work: Construction of new stair and corridor to provide an additional exit to wharf level restaurant.

When doing remodeling, provide sketch of work area.

If structural work is involved, provide framing information in sketch format, in plan view or with cross section(s).

I certify that the information given is true and correct to the best of my knowledge. **No change from the above information will be made without approval of the Building Inspector.** Construction activities shall not commence until the Building Permit is issued. I realize that when all necessary approvals have been acquired, a Building Permit may be granted by the Building Inspector to allow construction or remodeling in conformance with this application and the plans/specifications submitted in support of said construction or remodeling only.

Painting and remodeling in dwellings and commercial child care occupancies built before 1978 require all work to be in conformance with Federal EPA rules concerning lead paint. All contractors shall be certified as required by these rules.

I further acknowledge that the proposed structure or improvements shall not be occupied or otherwise utilized without the issuance of a Building Certificate of Occupancy and only after all necessary inspections have been requested and completed. I am also aware that the disposal of waste generated from this project is my responsibility and not part of the City's Trash/Recycling Program.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
If Not Owner, State Relationship

Permit Issuance Approved by Building Inspector: \_\_\_\_\_ Date \_\_\_\_\_



# MARTINGALE WHARF RESTAURANT: NEW EGRESS STAIR

PORTSMOUTH, NEW HAMPSHIRE

MARTINGALE WHARF RESTAURANT  
NEW EGRESS STAIR

99 BOW STREET  
PORTSMOUTH, NEW HAMPSHIRE

## PROJECT DESCRIPTION:

THE GOAL OF THIS PROJECT IS TO ADD A THIRD MEANS OF EGRESS FROM THE MARTINGALE WHARF RESTAURANT. THE CURRENT RESTAURANT UTILIZES ONE INTERIOR STAIR AND ONE EXTERIOR STAIR AS IT'S TWO MEANS OF EGRESS. THE EXISTING MEANS OF EGRESS ALLOWS FOR THE MAX OCCUPANCY OF 322 PEOPLE, AND THE ADDITION OF A NEW INTERIOR STAIR WILL ALLOW AN INCREASE IN OCCUPANT LOAD UP TO 475 PEOPLE.

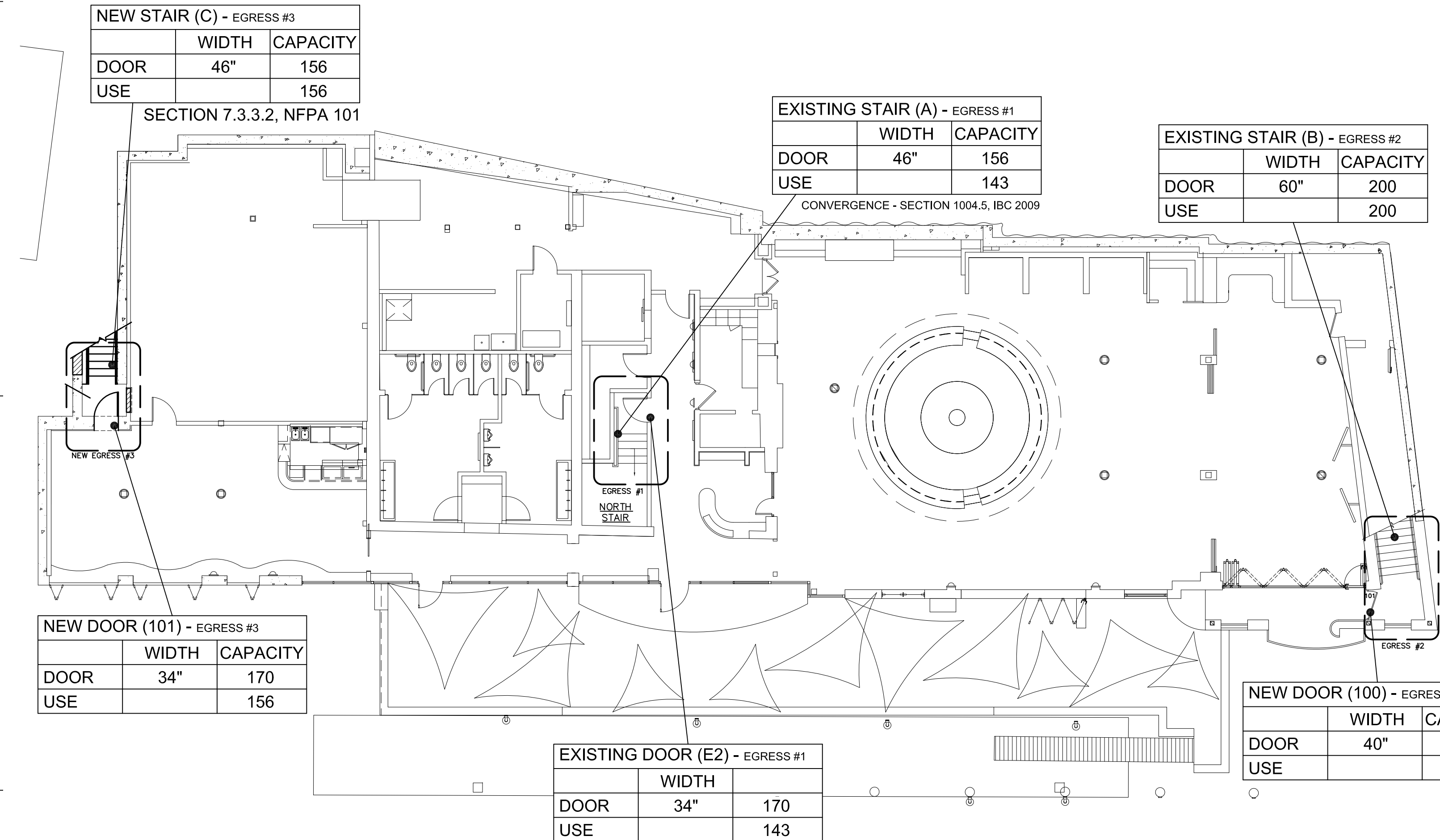
## BUILDING CODE REVIEW:

BUILDING DATA	
FOOTPRINT GROSS AREA	8,544 SF
NUMBER OF STORIES ABOVE GRADE	FIVE STORIES
BUILDING HEIGHT	49'-9" (AVG. GRADE TO MID-SLOPE OF ROOF)
CONSTRUCTION TYPE	2A (TABLE 601 IBC 2009)
SPRINKLER SYSTEM	SUPERVISED NFPA-13 SYSTEM (903.2.9.1 IBC 2009)
OCCUPANCY USE GROUP	A2 - RESTUARANTS + B - BUSINESS (CHAPTER 3, IBC 2009)
MEANS OF EGRESS REQUIREMENTS	
OCCUPANT LOAD	SEE OCCUPANT LOAD CHART - (TABLE 7.3.1.2, NFPA 101)
MINIMUM NUMBER OF EXITS REQUIRED	2 PER STORY (7.4.1, NFPA 101)
REQUIRED CLEAR EGRESS WIDTH AT DOORS	32" MIN. / 34" PROVIDED (A.7.2.1.2.3.2 NFPA 101)
REQUIRED CLEAR EGRESS WIDTH AT STAIR	44" MIN. / 44" PROVIDED (7.2.2.1.2(B) NFPA 101)
FIRE RATINGS	
	TYPE 2A CONSTRUCTION
EXTERIOR BEARING WALLS	1 HOUR (TABLE 601, IBC 2009)
INTERIOR BEARING WALLS	1 HOUR (TABLE 601, IBC 2009)
NON-BEARING INTERIOR WALLS	0 HOUR (TABLE 601, IBC 2009)
FLOOR CONSTRUCTION	1 HOUR (TABLE 601, IBC 2009)
ROOF CONSTRUCTION	1 HOUR (TABLE 601, IBC 2009)
STRUCTURAL FRAME	1 HOUR (TABLE 601, IBC 2009)
EXIT ENCLOSURES	2 HOUR (1022.1, IBC 2009)
CORRIDOR SEPARATION	0 HOUR (TABLE 1018.1, IBC 2009)

## OCCUPANT LOAD/CONVERGENCE CHART:

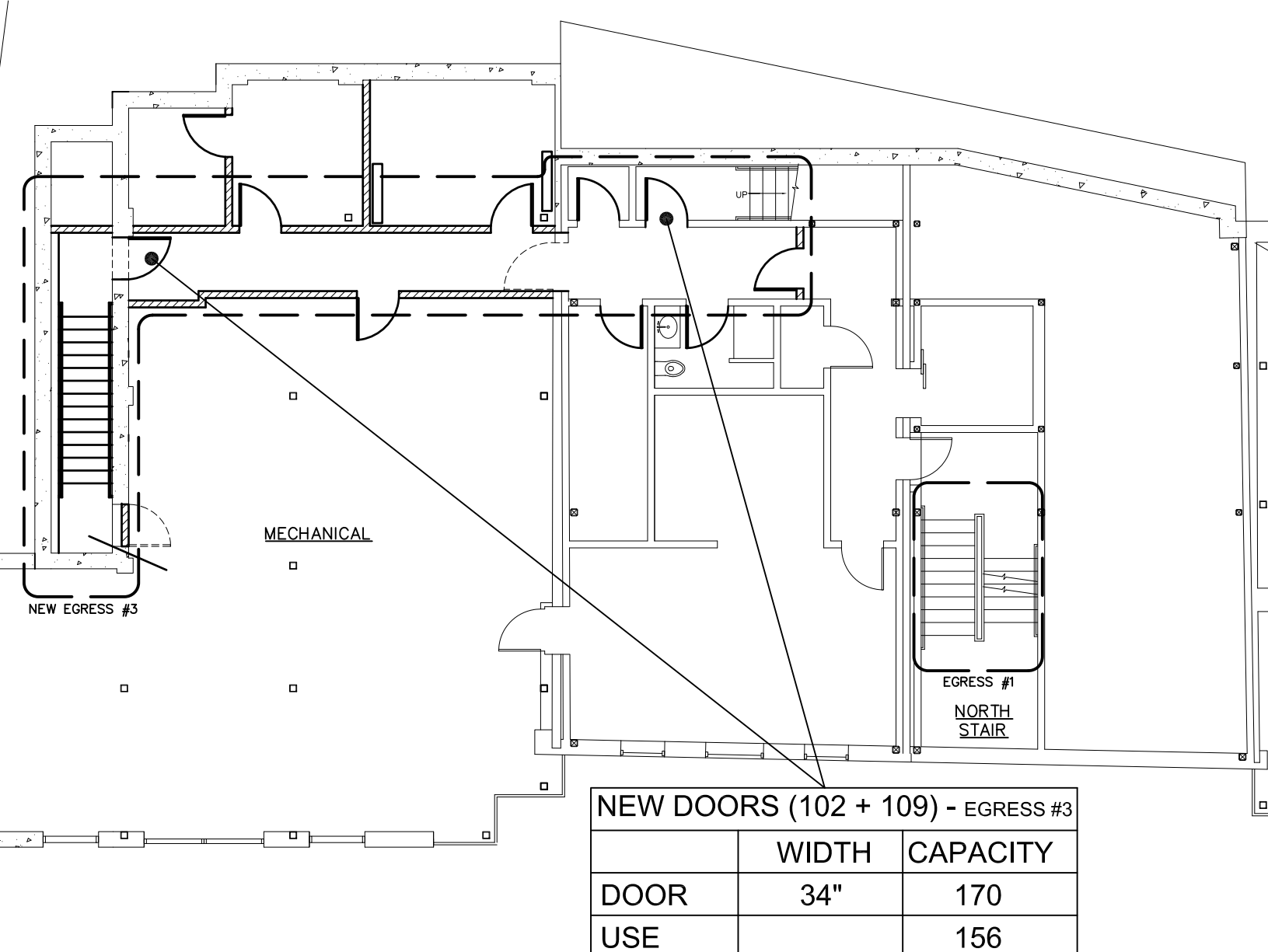
LEVEL	OCCUPANTS
FIFTH LEVEL (NOT SHOWN)	+3 53
FOURTH LEVEL (NOT SHOWN)	+2 77
THIRD LEVEL (NOT SHOWN)	+1 77
SECOND LEVEL (EXITS/BOW STREET)	0 282
FIRST LEVEL (NOT SHOWN)	-1 76
MECHANICAL MEZZANINE	-2 12
WHARF LEVEL	-3 475

CONVERGENCE - THE TWO INTERIOR EXIT ENCLOSURES AT THE MARTINGALE BOTH EXIT AT BOW STREET AT WHAT IS CALLED THE SECOND LEVEL. THERE ARE THREE LEVELS ABOVE THE EXIT LEVEL AND THREE LEVELS BELOW THE EXIT LEVEL. SECTION 1004.5, IBC 2009 STATES THAT CONVERGENCE OCCURS WHEN "OCCUPANTS OF ONE FLOOR TRAVEL DOWN AND OCCUPANTS OF A LOWER FLOOR TRAVEL UP AND MEET AT A COMMON, INTERMEDIATE EGRESS COMPONENT." IN THIS SITUATION THE NEW EXIT IS BEING CREATED FROM THE WHARF LEVEL WHICH IS -3 FROM THE LEVEL OF DISCHARGE AND OCCUPANTS EXITING THE WHARF WILL MEET UP AT STREET LEVEL WITH THE OCCUPANTS FROM THE FIFTH LEVEL. THEREFORE THE FIFTH LEVEL OCCUPANT LOAD OF 53 MUST BE ACCOUNTED FOR WITHIN THE CAPACITY OF ANY PERTINENT EGRESS COMPONENT.



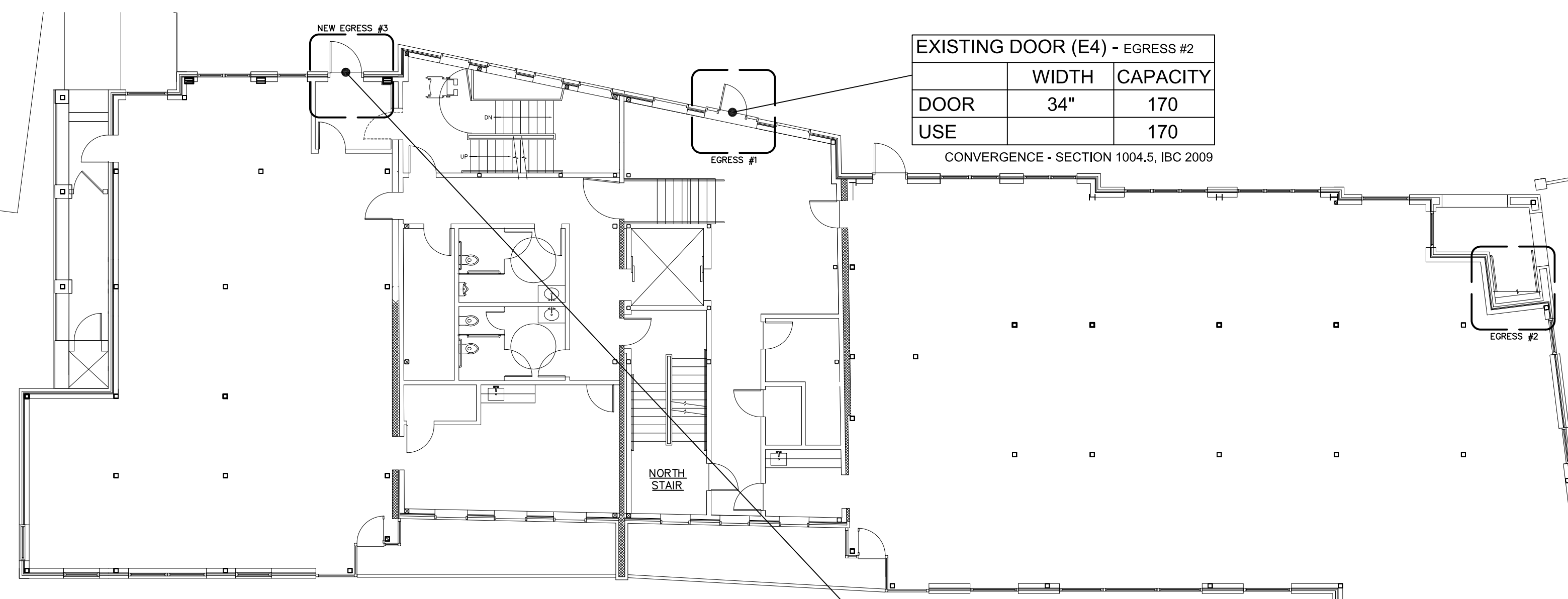
1 WHARF LEVEL EGRESS PLAN (LEVEL -3)

A1 SCALE: 3/32"=1'-0"



2 MECHANICAL LEVEL EGRESS PLAN (LEVEL -2)

A1 SCALE: 3/32"=1'-0"



3 BOW STREET LEVEL EGRESS PLAN (LEVEL 0)

A1 SCALE: 3/32"=1'-0"

## EGRESS CAPACITY/USE:

TO DETERMINE THE ALLOWABLE INCREASE IN OCCUPANTS TO THE WHARF LEVEL DUE TO THE ADDITION OF A THIRD EGRESS SYSTEM THE CAPACITY OF EACH EGRESS COMPONENT WITHIN THE SYSTEM MUST BE EVALUATED USING OCCUPANT LOAD COUNTS AND APPLICABLE CONVERGENCE FACTORS.

EGRESS #1 - 170 OCCUPANTS (DOOR E4) - 27 OCCUPANTS (FIFTH LEVEL CONVERGENCE FACTOR) = 143 OCCUPANTS (MORE STRINGENT)  
OR 156 OCCUPANTS (STAIR A) = 156 OCCUPANTS

EGRESS #2 - 200 OCCUPANTS (DOOR 100) OR  
200 OCCUPANTS (STAIR B) = 200 OCCUPANTS

EGRESS #3 - 200 OCCUPANTS (DOOR E3) - 27 OCCUPANTS (FIFTH LEVEL CONVERGENCE FACTOR) = 173 OCCUPANTS OR  
156 OCCUPANTS (STAIR C) = 156 OCCUPANTS (MORE STRINGENT)

MARTINGALE WHARF OCCUPANT LOAD = 499 TOTAL

## LIST OF DRAWINGS:

### ARCHITECTURAL

- A1.1 LIST OF DRAWINGS, CODE REVIEW, & EGRESS PLANS
- A1.2 GENERAL NOTES, FLOOR PLANS, WALL TYPES, & DOOR SCHEDULE

PROJECT:

McHENRY  
ARCHITECTURE

4 Market Street  
Portsmouth, New Hampshire  
603.430.0274

STAMP:

CONSULTANT:

REVISIONS:

06APRIL2017

PROJECT NAME:

MARTINGALE WHARF RESTAURANT  
NEW EGRESS STAIR

PROJECT NO.: 15024

DRAWN BY: JJ

APPROVED BY: JJ

ISSUE DATE: 10MARCH2017

DRAWING NAME:

LIST OF DRAWINGS,  
CODE REVIEW,  
&  
EGRESS PLANS

SCALE: AS NOTED

DRAWING NO.:

A1.1

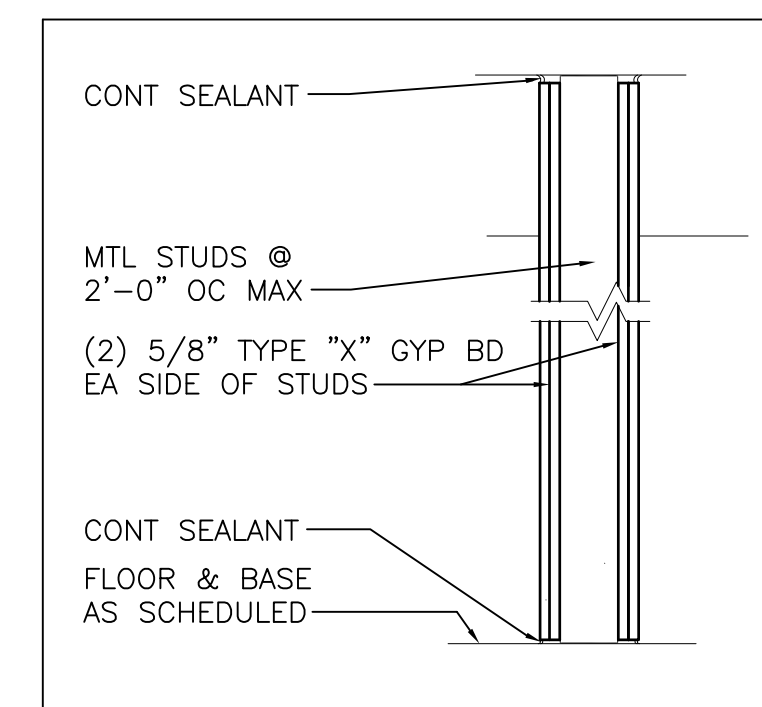
**GENERAL CONSTRUCTION NOTES:**

1. WORK INCLUDED IN THIS CONTRACT SHALL CONFORM TO THE STATE, NATIONAL, AND OTHER CODES AND ORDINANCES THAT APPLY TO THIS PROJECT.
2. DO NOT SCALE DRAWINGS OR DIMENSIONS. FOR MISSING DIMENSIONS OR DIMENSIONAL CONFLICTS, CONTACT THE ARCHITECT IMMEDIATELY BEFORE CONTINUING WITH THE WORK.
3. BRING ANY DISCREPANCIES IN THESE PLANS TO THE ARCHITECT'S ATTENTION IMMEDIATELY.
4. REFER TO MECHANICAL, ELECTRICAL, PLUMBING AND FIRE PROTECTION DRAWINGS AND SPECIFICATIONS FOR LOCATIONS OF ALL BLOCK OUTS, INSERTS, OPENINGS, CURBS, BASES, AND PADS THAT ARE NOT DIMENSIONED OR SHOWN ON ARCHITECTURAL OR STRUCTURAL DRAWINGS, TYP.
5. STRUCTURAL STEEL, MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION DRAWINGS AND SPECIFICATIONS SHALL BE PROVIDED AND ARE THE RESPONSIBILITY OF THEIR RESPECTIVE SUBCONTRACTORS AND THEIR DESIGN BUILD ENGINEER.
6. DIMENSIONS ARE FROM FACE OF FRAMING TO FACE OF FRAMING UNLESS NOTED OTHERWISE. DIMENSIONS INDICATED AS "CLEAR" SHALL MAINTAIN A CLEAR OPENING WIDTH FROM FACE OF FINISHES. DIMENSIONS TO EXISTING CONSTRUCTION ARE TO FACE OF FINISH UNLESS NOTED OTHERWISE.
7. WORK FROM GIVEN DIMENSIONS AND LARGE SCALE DETAILS ONLY. DO NOT SCALE DRAWINGS.
8. ROOM NUMBERS ON PLANS ARE FOR REFERENCE ONLY AND MAY NOT CORRESPOND TO ACTUAL ROOM NUMBERS AT THE SITE.
9. BEFORE PENETRATING JOISTS, BEAMS, OR OTHER STRUCTURAL MEMBERS, OBTAIN APPROVAL FROM THE ARCHITECT.
10. THE LOCATION OF DOOR OPENINGS NOT DIMENSIONED SHALL BE 6" FROM ADJACENT WALL (FACE OF FRAMING TO ROUGH OPENING).
11. PROVIDE BLOCKING BEHIND SURFACE APPLIED FIXTURES, TRIM, GRAB BARS, SHELVING, CHAIR RAILS, PICTURE RAILS, WOOD TRIM AND BASE, AND OTHER ACCESSORIES WHEN MOUNTED ON STUD WALLS.
12. WHERE WALLS OR INFILLS ABUT OR INTERSECT EXISTING WALLS, TAPE AND FINISH JOINTS AT INTERSECTIONS SMOOTH AND CONTINUOUS. USE METAL TRIM WHERE GYPSUM BOARD INTERSECTS OTHER MATERIALS.
13. PERMITS ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE COORDINATED WITH PHASING AND WITH THE LOCAL BUILDING COMMISSIONER.
14. DURING THE ENTIRE CONTRACT PERIOD, MAINTAIN THE CONSTRUCTION SITE IN A SECURE, NEAT, CLEAN, AND SAFE MANNER.
15. DISPOSE OF AND/OR RECYCLE CONSTRUCTION DEBRIS FROM THE PROJECT SITE AS REQUIRED BY THE CONTRACT AND AS INSTRUCTED BY THE OWNER. OBTAIN DISPOSAL PERMITS AS REQUIRED.
16. PROVIDE AND COORDINATE TEMPORARY UTILITY CONNECTIONS WITH THE OWNER.
17. WORK SHALL BE COMPLETED IN COMPLIANCE WITH INDUSTRY STANDARDS AND PERFORMED IN A WORKMANLIKE PROFESSIONAL MANNER.

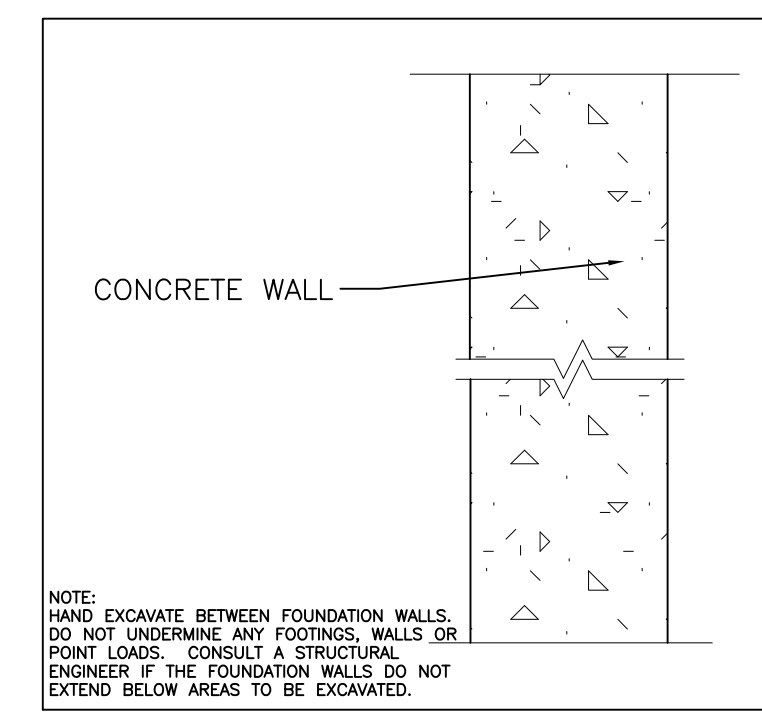
**GENERAL DEMO NOTES:**

1. ANY REFERENCE TO DEMOLITION IS BASED ON EXISTING WORKING DRAWINGS AND EXAMINATION OF THE EXISTING STRUCTURE AND ARE INTENDED TO SHOW THE GENERAL CONDITIONS WHICH ARE EXPECTED TO OCCUR. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR ANY SITUATIONS, DIMENSIONS, OR OTHER CONDITIONS OF THE EXISTING STRUCTURE WHICH MAY ARISE DURING DEMOLITION OR CONSTRUCTION.
2. VERIFY ALL CONDITIONS BEFORE PROCEEDING WITH THE DEMOLITION WORK IN ANY AREA. DEMOLITION OF DOORS, WINDOWS, CABINETS, FINISHES, PARTITIONS, OR ANY OTHER NON-STRUCTURAL ITEMS MAY PROCEED AS INDICATED. WHERE DISCREPANCIES INVOLVE STRUCTURAL ITEMS, REPORT SUCH DIFFERENCES TO THE ARCHITECT IMMEDIATELY AND SECURE INSTRUCTIONS BEFORE PROCEEDING WITH WORK IN THAT AREA.
3. DASHED LINES INDICATE WALLS, DOORS, WINDOWS, CABINETS, AND OTHER ITEMS TO BE DEMOLISHED.
4. CUT WORK BY METHODS LEAST LIKELY TO DAMAGE EXISTING WORK TO REMAIN AND ANY NEW WORK. THE CONTRACTOR SHALL REPAIR ALL DAMAGES CAUSED TO THE ADJACENT WORK CAUSED BY THE DEMOLITION.
5. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY FORMS OF PROTECTION.
6. THE CONTRACTOR SHALL FOLLOW ALL OSHA REQUIREMENTS.
7. WHERE APPLICABLE PATCH AND REPAIR ALL FLOORING, WALLS, WALL BASE, AND CEILINGS TO MATCH EXISTING ADJACENT MATERIALS.

**WALL TYPES:**



**3 5/8" METAL STUD FULL HEIGHT, 2 HOUR RATED UL U411**

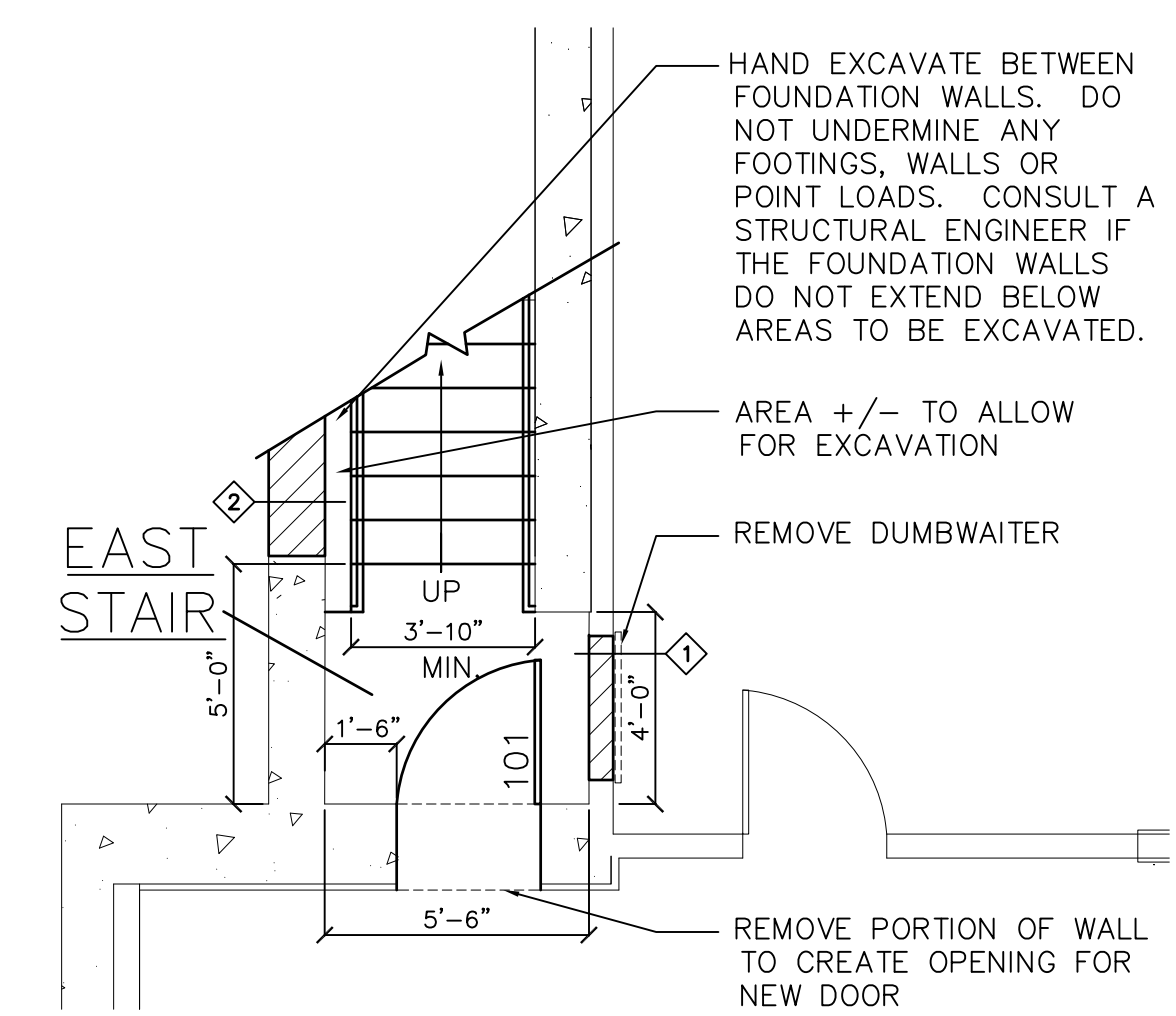


**CONCRETE INFILL WALL: TO MATCH EXISTING ADJACENT WALL**

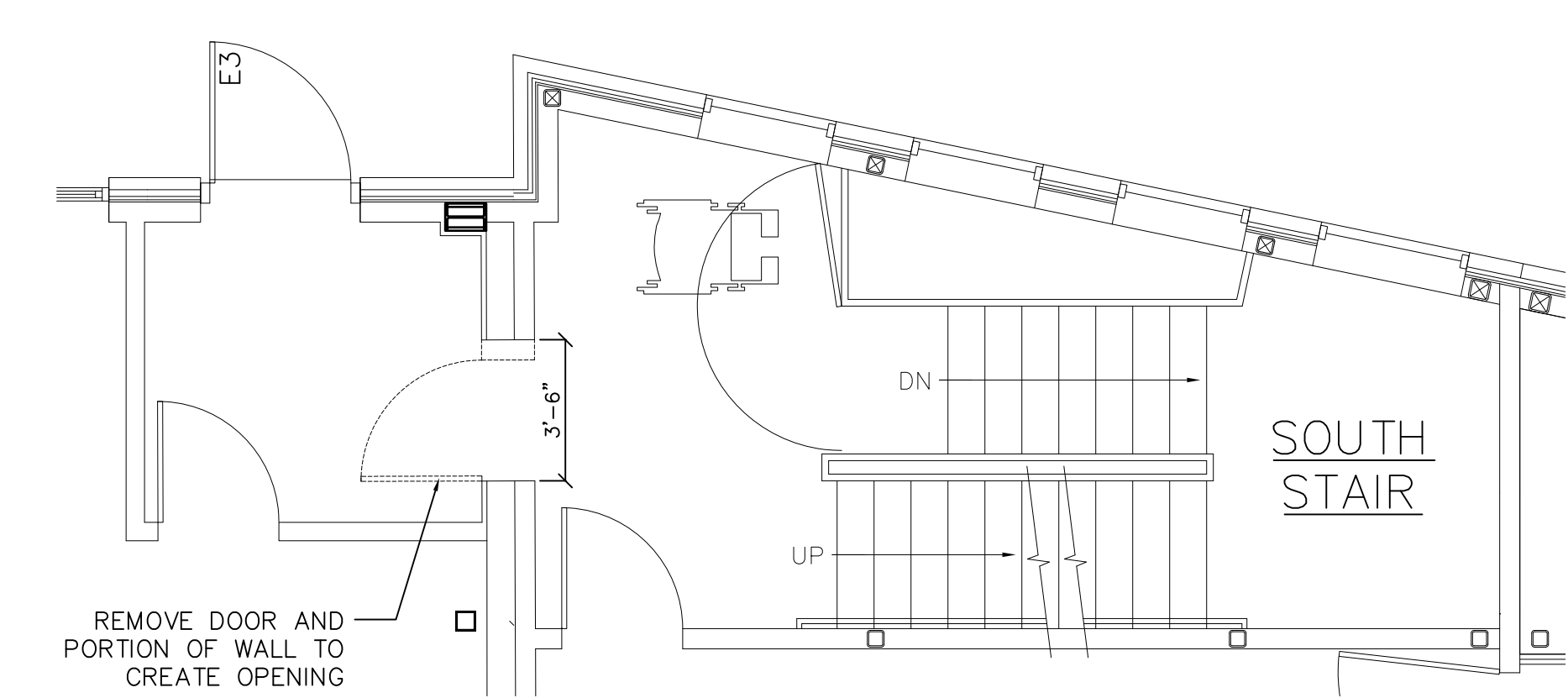
NOTE:  
THE FLOOR/CEILING ASSEMBLIES OF THE NEW CORRIDOR AT THE MECHANICAL LEVEL HAVE A 1HR FIRE RESISTANCE RATING AS CONSTRUCTED. SINCE THIS CORRIDOR WILL BE AN "EXIT PASSAGEWAY" THE FIRE RESISTANCE RATING OF THE FLOOR/CEILING ASSEMBLIES WILL NEED TO BE INCREASED TO 2HR. THIS WILL BE ACHIEVED WITH EITHER A SPRAY APPLIED FIRE RESISTIVE COATING OR AN INTUMESCENT PAINT COATING. DETAILS TO BE DETERMINED ON-SITE ONCE THESE AREAS CAN BE EXPOSED.

**DOOR SCHEDULE:**

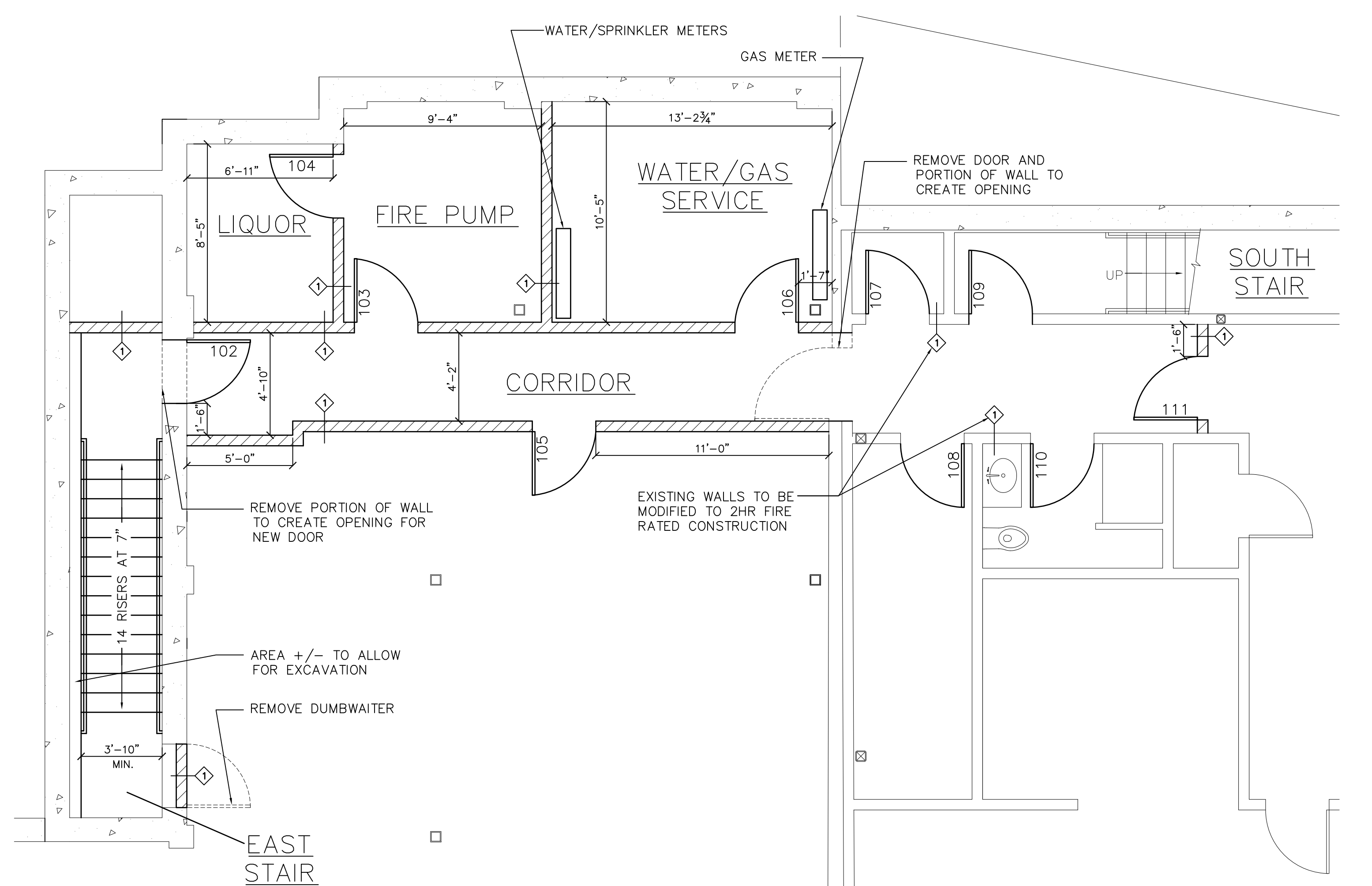
NO.	RATING	SIZE	NOTES
100	-	3'-4" WIDE	NEW GATE IN LARGER OPENING
101	90 MIN	3'-0" x 6'-8"	NEW DOOR IN NEW OPENING
102	90 MIN	3'-0" x 6'-8"	NEW DOOR IN NEW OPENING
103	90 MIN	3'-0" x 6'-8"	NEW DOOR IN NEW OPENING
104	90 MIN	3'-0" x 6'-8"	NEW DOOR IN NEW OPENING
105	90 MIN	3'-0" x 6'-8"	NEW DOOR IN NEW OPENING
106	90 MIN	3'-0" x 6'-8"	NEW DOOR IN NEW OPENING
107	90 MIN	3'-0" x 6'-8"	NEW DOOR IN EXISTING OPENING
108	90 MIN	3'-0" x 6'-8"	NEW DOOR IN EXISTING OPENING
109	90 MIN	3'-0" x 6'-8"	NEW DOOR IN EXISTING OPENING
110	90 MIN	3'-0" x 6'-8"	NEW DOOR IN EXISTING OPENING
111	90 MIN	3'-0" x 6'-8"	NEW DOOR IN NEW OPENING



**1 NEW EGRESS #3 - WHARF LEVEL**  
A1.2 SCALE: 1/4"=1'-0"



**3 NEW EGRESS #3 - BOW STREET LEVEL**  
A1.2 SCALE: 1/4"=1'-0"



**2 NEW EGRESS #3 - MECHANICAL LEVEL**  
A1.2 SCALE: 1/4"=1'-0"

PROJECT:  
**McHENRY ARCHITECTURE**  
 4 Market Street  
 Portsmouth, New Hampshire  
 603.430.0274

STAMP:

CONSULTANT:

REVISIONS:  
 06APRIL2017

PROJECT NAME:  
 MARTINGALE WHARF RESTAURANT  
 NEW EGRESS STAIR

PROJECT NO.: 15024  
 DRAWN BY: JJ  
 APPROVED BY: JJ  
 ISSUE DATE: 10MARCH2017

DRAWING NAME:  
 GENERAL NOTES,  
 FLOOR PLANS,  
 WALL TYPES, &  
 DOOR SCHEDULE

SCALE: AS NOTED  
 DRAWING NO.:



# PUBLIC ACCESS IMPROVEMENTS

## MARTINGALE WHARF

### 99 BOW STREET, PORTSMOUTH, NEW HAMPSHIRE

# PERMIT PLANS

**OWNER & APPLICANT:**  
**MARTINGALE, LLC**  
**MCNABB PROPERTIES, LTD**  
 3 PLEASANT STREET, SUITE 400  
 PORTSMOUTH, NH 03801  
 (603) 427-0725

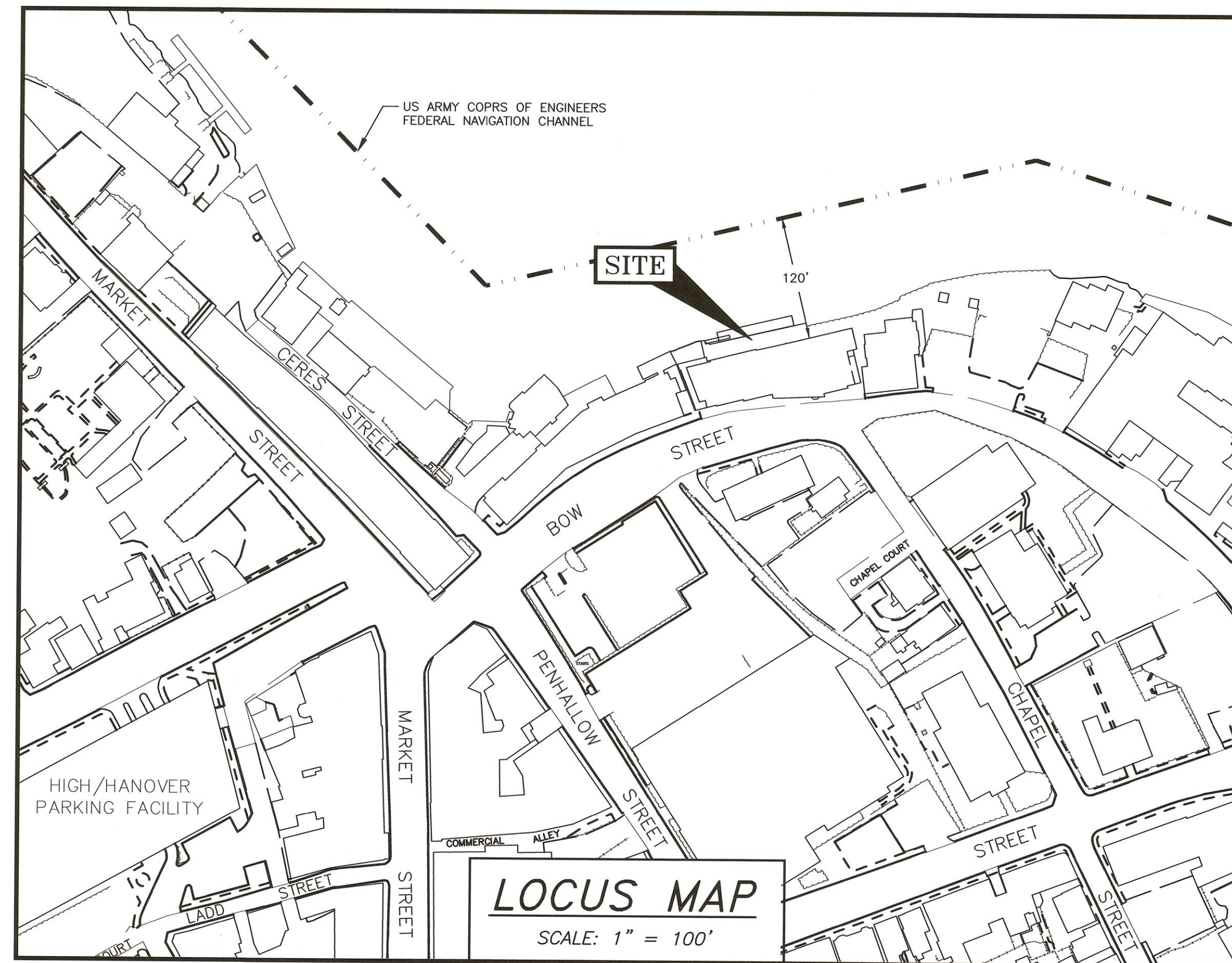
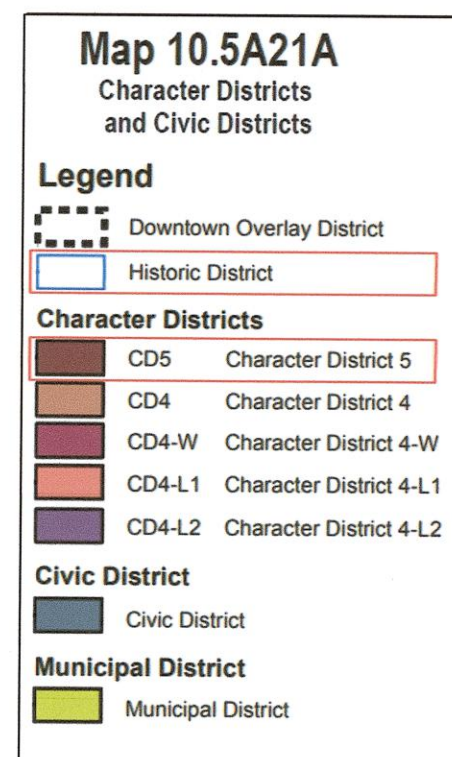
**LANDSCAPE ARCHITECT:**  
**TERRA FIRMA LANDSCAPE**  
**ARCHITECTURE**  
 163A COURT STREET  
 PORTSMOUTH NH 03801  
 TEL. (603) 430-8388

**CIVIL ENGINEER & LAND**  
**SURVEYOR:**  
**AMBIT ENGINEERING, INC.**  
 200 GRIFFIN ROAD, UNIT 3  
 PORTSMOUTH, N.H. 03801  
 Tel. (603) 430-9282  
 Fax (603) 436-2315

**ARCHITECT:**  
**McHENRY ARCHITECTURE, PLLC**  
 4 MARKET STREET  
 PORTSMOUTH NH 03801  
 TEL. (603) 430-0274

**ATTORNEY:**  
**RATH, YOUNG, AND PIGNATELLI, P.C.**  
 ONE CAPITAL PLAZA  
 CONCORD NH 03302-1500  
 (603) 226-2600

**PERMIT LIST:**  
 PORTSMOUTH HDC: PENDING  
 NHDES: PENDING



**LEGEND:**

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	---	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
100	100	CONTOUR
97x3	98x0	SPOT ELEVATION
⊙	⊙	UTILITY POLE
⊙	⊙	WALL MOUNTED EXTERIOR LIGHTS
⊙	⊙	TRANSFORMER ON CONCRETE PAD
⊙	⊙	ELECTRIC HANDHOLD
⊙	⊙	SHUT OFFS (WATER/GAS)
⊙	⊙	GATE VALVE
⊙	⊙	HYDRANT
⊙	⊙	CATCH BASIN
⊙	⊙	SEWER MANHOLE
⊙	⊙	DRAIN MANHOLE
⊙	⊙	TELEPHONE MANHOLE
⊙	⊙	PARKING SPACE COUNT
⊙	⊙	PARKING METER
LSA	LSA	LANDSCAPED AREA
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	AC	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL.	EL.	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL



**INDEX OF SHEETS**

DWG. No.	Description
-	AS-BUILT PLAN
C1	EXISTING CONDITIONS PLAN
C2	NHDES PERMIT PLAN
C3-C5	SITE SECTIONS
D1	DETAILS
A1-A12	ARCHITECTURAL PLANS
L1	LANDSCAPE PLANS

**UTILITY CONTACTS**

**ELECTRIC:**  
 EVERSOURCE  
 1700 LAFAYETTE ROAD  
 PORTSMOUTH, N.H. 03801  
 Tel. (603) 436-7708, Ext. 555.5678  
 ATTN: MICHAEL BUSBY, P.E. (MANAGER)

**NATURAL GAS:**  
 UNITIL  
 325 WEST ROAD  
 PORTSMOUTH, N.H. 03801  
 Tel. (603) 294-5144  
 ATTN: DAVE BEAULIEU

**CABLE:**  
 COMCAST  
 155 COMMERCE WAY  
 PORTSMOUTH, N.H. 03801  
 Tel. (603) 679-5695 (X1037)  
 ATTN: MIKE COLLINS

**SEWER & WATER:**  
 PORTSMOUTH DEPARTMENT OF PUBLIC WORKS  
 680 PEVERLY HILL ROAD  
 PORTSMOUTH, N.H. 03801  
 Tel. (603) 427-1530  
 ATTN: JIM TOW

**COMMUNICATIONS:**  
 FAIRPOINT COMMUNICATIONS  
 JOE CONSIDINE  
 1575 GREENLAND ROAD  
 GREENLAND, N.H. 03840  
 Tel. (603) 427-5525

**PUBLIC ACCESS IMPROVEMENTS**  
**MARTINGALE WHARF**  
**99 BOW STREET**  
**PORTSMOUTH, N.H.**

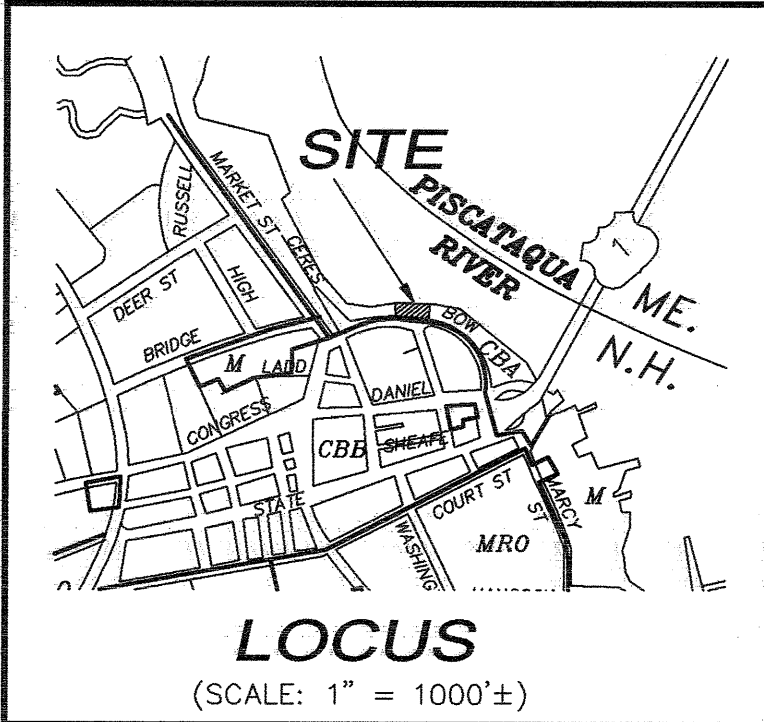
**AMBIT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 200 Griffin Road - Unit 3  
 Portsmouth, N.H. 03801-7114  
 Tel (603) 430-9282  
 Fax (603) 436-2315

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

PLAN SET SUBMITTAL DATE: 11 MARCH 2024

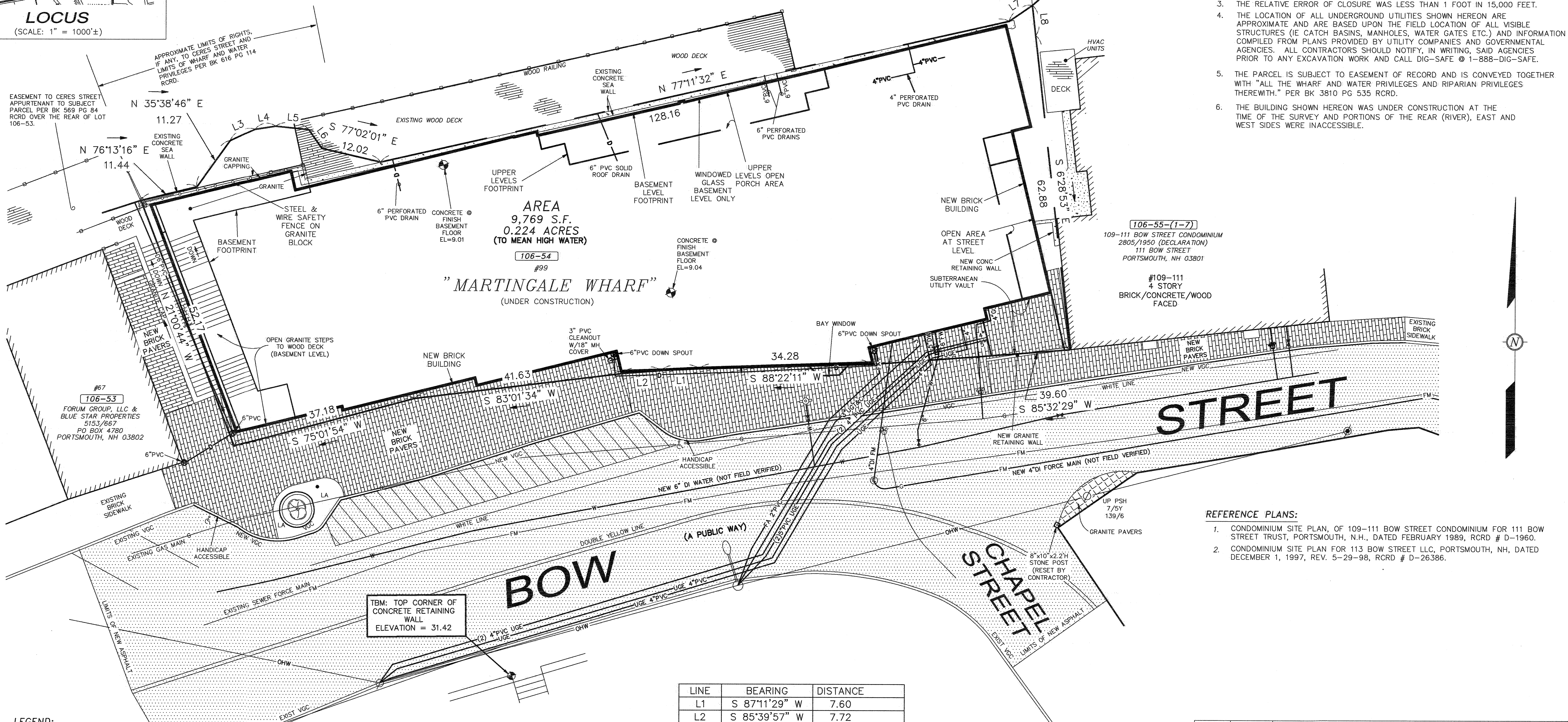




# PISCATAQUA RIVER

(AN ARM OF THE SEA)

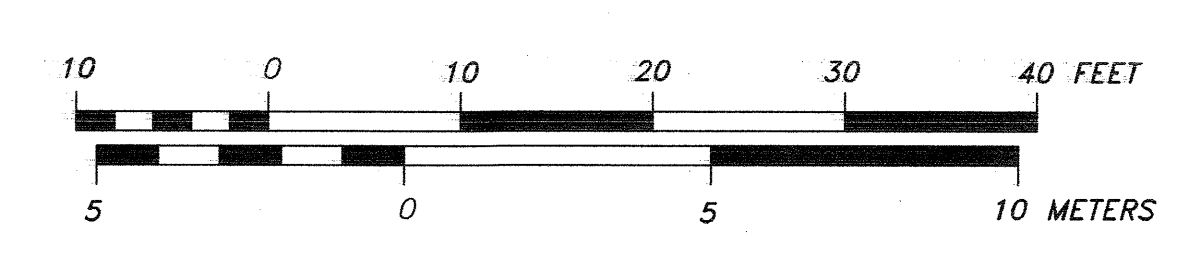
EBB FLOW



- NOTES:**
- OWNER OF RECORD..... MARTINGALE WHARF LIMITED PARTNERSHIP  
ADDRESS..... POB 930, PORTSMOUTH, NH 03802  
DEED REFERENCE..... 5068/1241 (3810/535)  
TAX SHEET / LOT..... 106-054
  - ZONED..... CBA (CENTRAL BUSINESS A) FRONT YARD SETBACK..... 0'  
MINIMUM LOT AREA 1,500 S.F. SIDE YARD SETBACK..... 0'  
FRONTAGE..... N/A REAR YARD SETBACK..... 0'  
ZONE OVERLAY..... DOD (DOWNTOWN OVERLAY DISTRICT)
  - THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
  - THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
  - THE PARCEL IS SUBJECT TO EASEMENT OF RECORD AND IS CONVEYED TOGETHER WITH "ALL THE WHARF AND WATER PRIVILEGES AND RIPARIAN PRIVILEGES THEREWITH." PER BK 3810 PG 535 RCRD.
  - THE BUILDING SHOWN HEREON WAS UNDER CONSTRUCTION AT THE TIME OF THE SURVEY AND PORTIONS OF THE REAR (RIVER), EAST AND WEST SIDES WERE INACCESSIBLE.

- REFERENCE PLANS:**
- CONDOMINIUM SITE PLAN, OF 109-111 BOW STREET CONDOMINIUM FOR 111 BOW STREET TRUST, PORTSMOUTH, N.H., DATED FEBRUARY 1989, RCRD # D-1960.
  - CONDOMINIUM SITE PLAN FOR 113 BOW STREET LLC, PORTSMOUTH, NH, DATED DECEMBER 1, 1997, REV. 5-29-98, RCRD # D-26386.

LINE	BEARING	DISTANCE
L1	S 87°11'29" W	7.60
L2	S 85°39'57" W	7.72
L3	N 64°32'22" E	5.46
L4	N 81°19'31" E	4.13
L5	S 84°27'22" E	6.62
L6	S 35°26'01" E	4.56
L7	N 55°18'29" E	5.60
L8	S 6°28'53" E	6.00



- LEGEND:**
- WOOD FENCE
  - HYDRANT
  - WATER GATE VALVE
  - WATER SHUTOFF VALVE
  - CEMENT CONCRETE PAD
  - UTILITY POLE
  - LIGHT POLE W/ARM
  - UTILITY POLE W/TRANSFORMER
  - GUY
  - ELECTRIC METER
  - SEWER LINE
  - WATER LINE
  - GAS LINE
  - OVERHEAD WIRES
  - FORCE MAIN
  - SIGN
  - VERTICAL FACED GRANITE CURB
  - ROCKINGHAM COUNTY REGISTRY OF DEEDS
  - FIRE ALARM
  - UNDERGROUND TELEPHONE & COMMUNICATIONS
  - DUCTILE IRON
  - VERTICAL FACED GRANITE CURB
  - VERTICAL FACED CONCRETE CURB
  - UNDERGROUND ELECTRIC
  - FIRE ALARM
  - DOMESTIC WATER LINE
  - PROPERTY LINE
  - PVC DOWNSPOUT
  - PVC SEWER CLEANOUT
  - LANDSCAPED AREA

**AS-BUILT PLAN**  
**MARTINGALE WHARF - 99 BOW STREET**  
**PORTSMOUTH, NH**  
 ASSESSOR'S PARCEL: 106 - 54  
 for: **MARTINGALE WHARF LIMITED PARTNERSHIP**

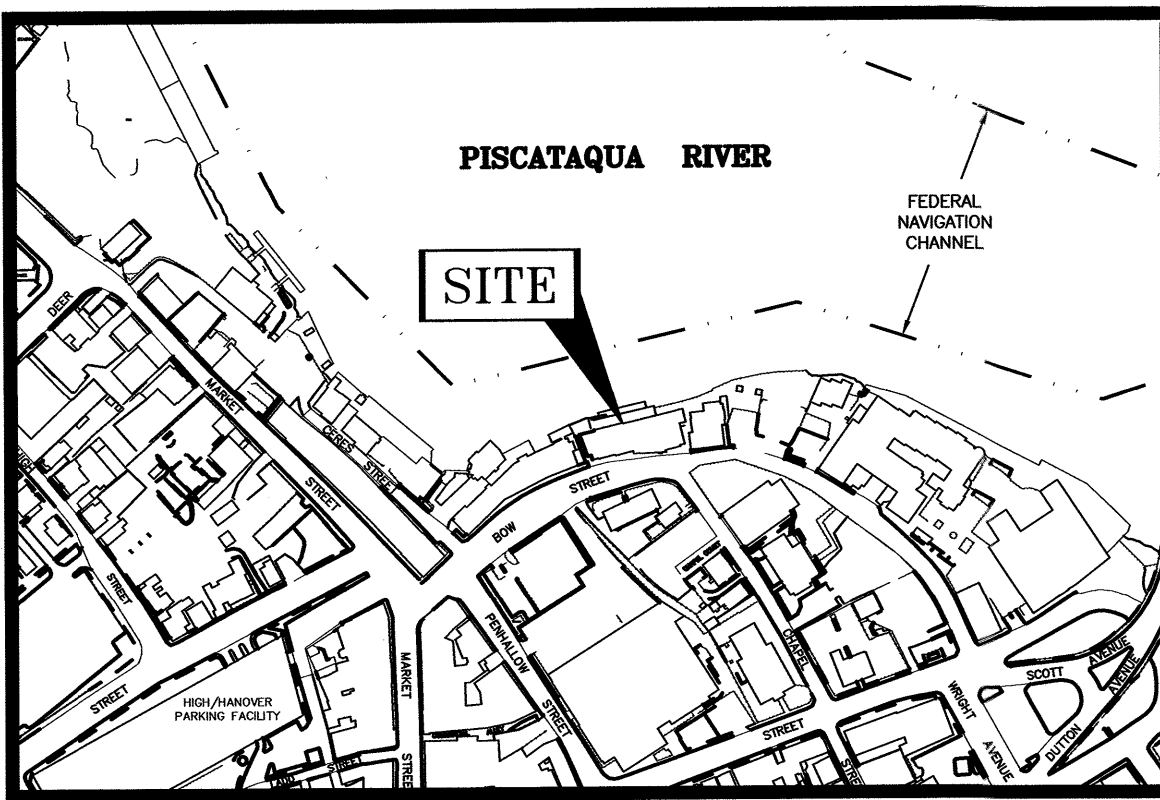
**JAMES VERRA and ASSOCIATES, INC.**

DATE: 5-3-2011  
 JOB NO: 21889-C  
 SCALE: 1" = 10'  
 DWG NAME: 21889-C  
 PLAN NO: 21889-C-1  
 SHEET: 1 OF 1

101 SHATTUCK WAY  
 SUITE # 8  
 NEWINGTON, NH 03801-7876  
 603.436.3557

HRM PROJECT MGR  
 HRM DRAWN BY  
 COPYRIGHT © 2011 by JAMES VERRA and ASSOCIATES, INC.





**PLAN REFERENCE:**

- AS-BUILT PLAN MARTINGALE WHARF - 99 BOW STREET PORTSMOUTH, NH, ASSESSOR'S PARCEL 106-54, FOR MARTINGALE WHARF LIMITED PARTNERSHIP, SCALE 1" = 10', PREPARED BY JAMES VERRA AND ASSOCIATES, INC., DATED 5-3-2011, NOT RECORDED
- AS-BUILT EASEMENT PLAT 67 & 99 BOW STREET PORTSMOUTH, NH HAMPSHIRE, ASSESSOR'S PARCELS 106-053 & 106-054, OWNERS FORUM GROUP, LLC & BLUE STAR PROPERTIES MARTINGALE WHARF LIMITED PARTNERSHIP, SCALE 1" = 5', PREPARED BY JAMES VERRA AND ASSOCIATES, INC., DATED 12 MAY 2011, RCRD D-37137
- AS-BUILT PLAN MARTINGALE WHARF - 99 BOW STREET PORTSMOUTH, NH, ASSESSOR'S PARCEL 106-54, FOR MARTINGALE WHARF LIMITED PARTNERSHIP, SCALE 1" = 10', PREPARED BY JAMES VERRA AND ASSOCIATES, INC., DATED 5-3-2011, REVISED 3-5-2012, RCRD D-37138

- 106-55 N/F 111 BOW STREET CONDO ASSOCIATION 111 BOW STREET PORTSMOUTH, N.H. 03801 2805/1950
- 106-55-1 N/F ASRT LLC 266 MIDDLE ST PORTSMOUTH, N.H. 03801 5720/0499 (109-111 BOW ST #1)
- 106-55-2 N/F BOWPORTS EV CORPORATION C/O KATY SHERMAN 25 WEST RD, RYE, NH 03870 3008/0951 (109-111 BOW ST #2)
- 106-55-3 N/F GEORGE B. GLIDDEN REVOCABLE TRUST 1/2 INT, FRANK MARJAN REVOCABLE TRUST 1/2 INT PO BOX 729 PORTSMOUTH, NH 03802-0729 5050/2061 (109-111 BOW ST #3)
- 106-55-4 N/F ASRT LLC 111 BOW STREET PORTSMOUTH, N.H. 03801 5634/0949 (109-111 BOW ST #4)
- 106-55-5 N/F MONTGOMERY PORTSMOUTH TRUST, BRUCE D. MONTGOMERY TRUSTEE 111 BOW STREET #6 PORTSMOUTH, NH 03801 5712/0640 (109-111 BOW ST #6)
- 106-55-6 N/F ASRT LLC 111 BOW STREET PORTSMOUTH, N.H. 03801 5634/0949 (109-111 BOW ST #5)
- 106-55-7 N/F JOHN SAMONAS 33 CAPE ROAD NEWCASTLE, NH 03854 6095/71 (109-111 BOW ST #7)

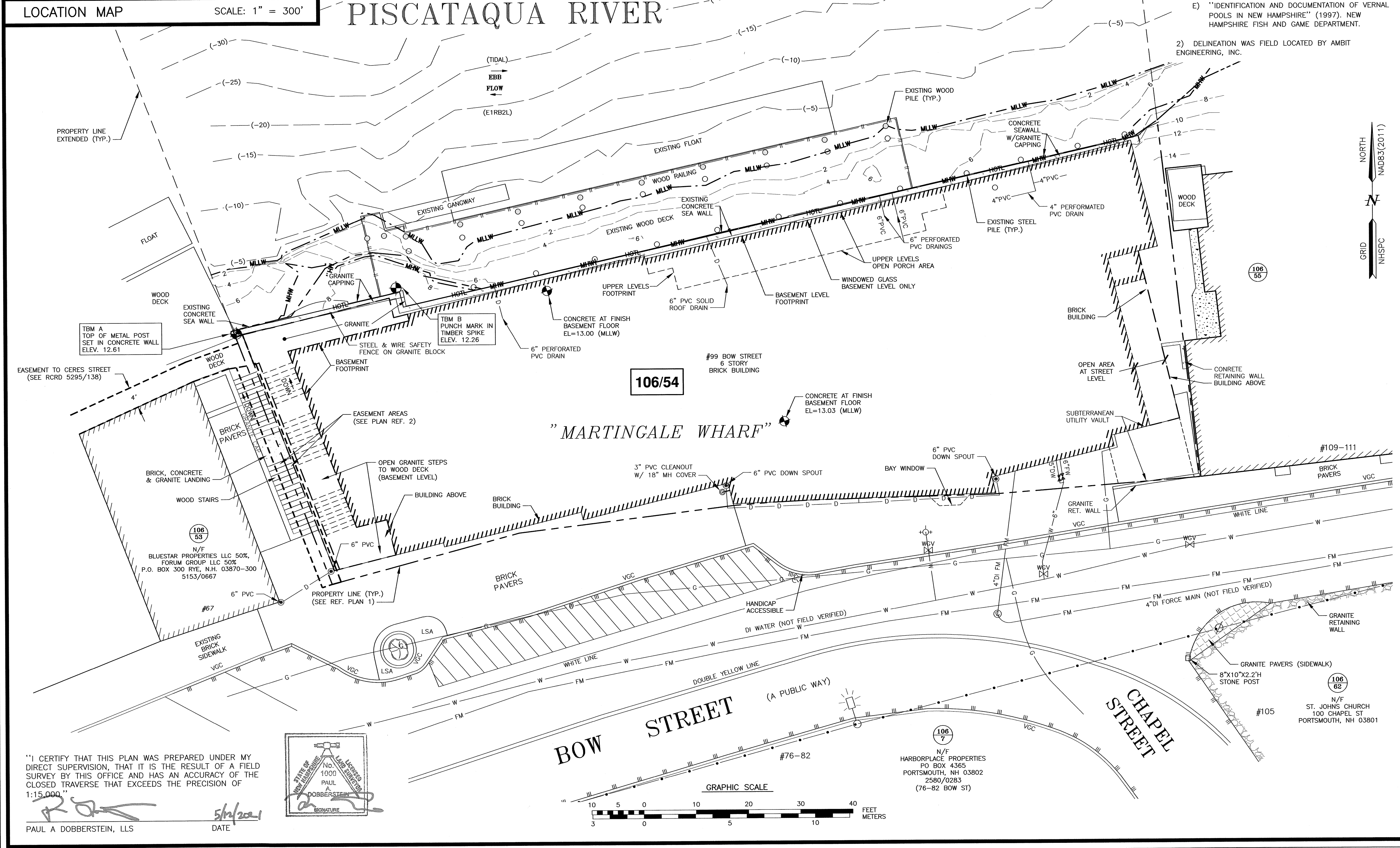
**WETLAND NOTES:**

- HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 04/5/2021 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
  - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPPC WETLANDS WORK GROUP (2019).
  - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
  - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
  - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- DELINEATION WAS FIELD LOCATED BY AMBIT ENGINEERING, INC.

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

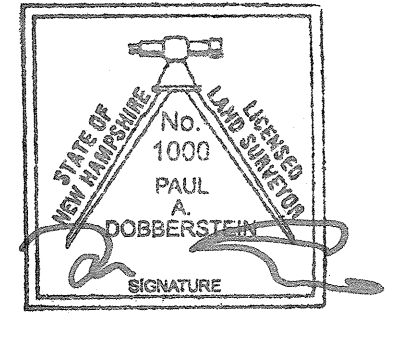
**NOTES:**

- PARCEL IS SHOWN ON THE TOWN OF PORTSMOUTH ASSESSOR'S MAP 106 AS LOT 54.
- OWNERS OF RECORD:  
MARTINGALE LLC  
3 PLEASANT ST, 4TH FLOOR  
PORTSMOUTH, NH 03801  
5868/2627
- PARCEL IS PARTIALLY IN A FLOOD HAZARD ZONE (ZONE AE EL. 8) AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
- EXISTING LOT AREA:  
9,769 S.F. TO MEAN HIGH WATER (PER PLAN REF. 3)  
0.224 ACRES TO MEAN HIGH WATER (PER PLAN REF. 3)
- PARCEL IS LOCATED IN THE DOWNTOWN OVERLAY DISTRICT, CDS (CHARACTER DISTRICT 5), HISTORIC DISTRICT.
- DIMENSIONAL REQUIREMENTS: SEE CITY ZONING REQUIREMENTS.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSORS MAP TAX MAP 106 LOT 54 IN THE CITY OF PORTSMOUTH.
- BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCE 3. EASEMENTS, RIGHTS OF OTHERS, ETC., HAVE NOT BEEN RESEARCHED OR NOTED HEREON.
- VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD83. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000"

PAUL A DOBBERSTEIN, LLS  
DATE 5/12/21



**PUBLIC ACCESS IMPROVEMENTS BOW STREET PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	UPDATE EASEMENT	5/12/21
0	ISSUED FOR COMMENT	4/23/21

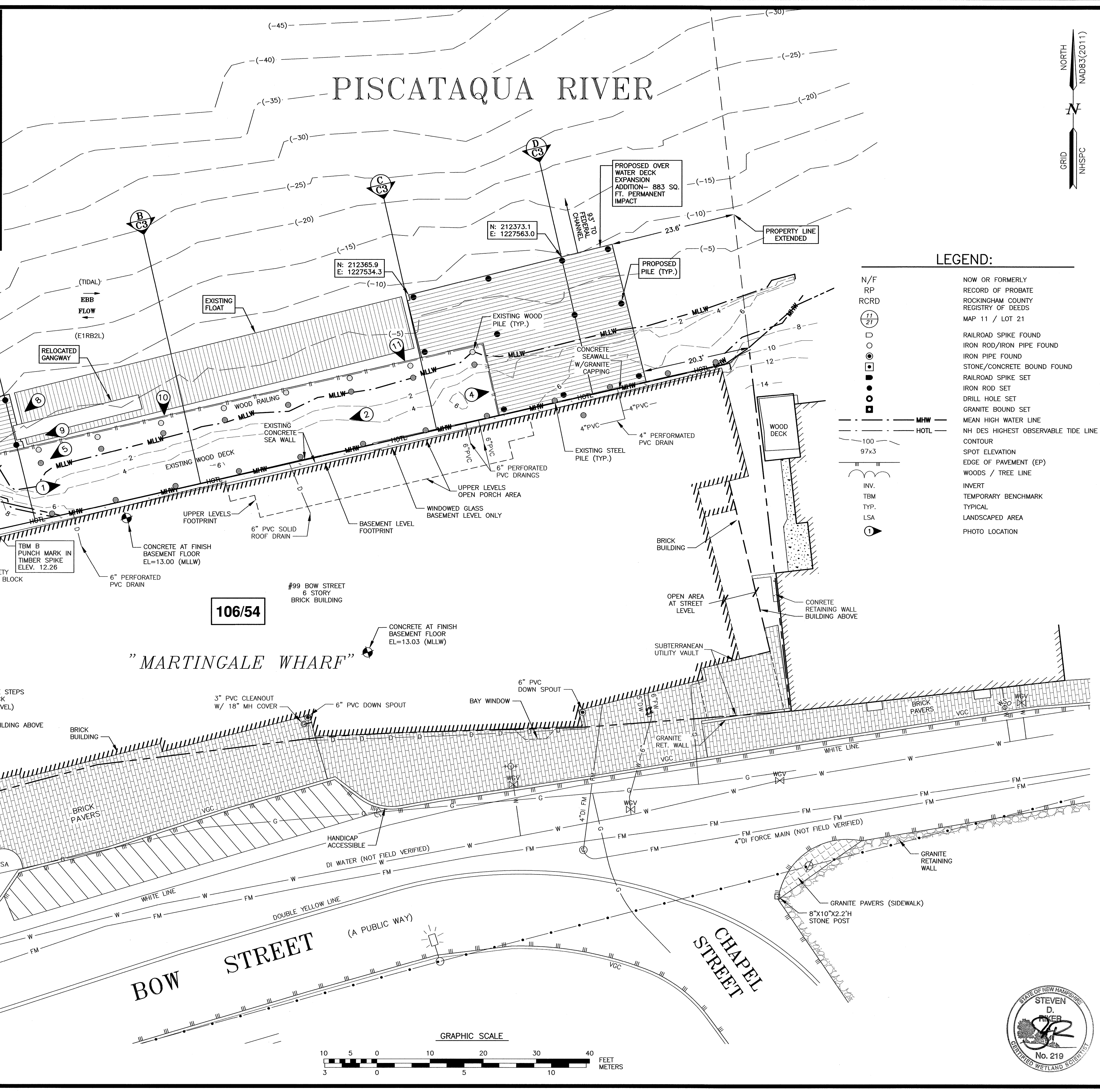
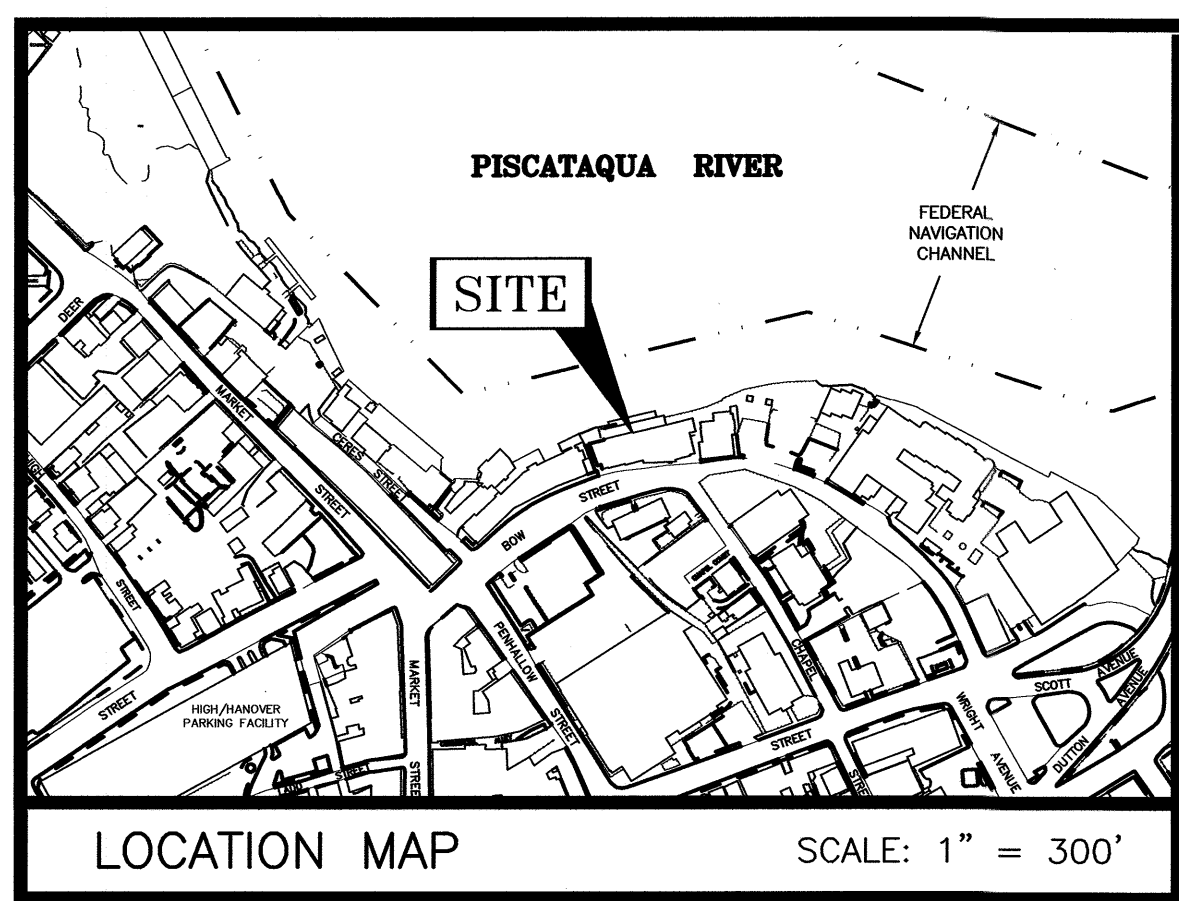
STATE OF NEW HAMPSHIRE  
STEVEN D. RIKER  
REGISTERED WETLAND SCIENTIST  
No. 219

N/F ST. JOHN'S CHURCH  
100 CHAPEL ST  
PORTSMOUTH, NH 03801

SCALE: 1" = 10'  
MARCH 2021

EXISTING CONDITIONS PLAN  
**C1**





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

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF PORTSMOUTH ASSESSOR'S MAP 106 AS LOT 54.
  - 2) OWNERS OF RECORD:  
MARTINGALE LLC  
3 PLEASANT ST, 4TH FLOOR  
PORTSMOUTH, NH 03801  
5868/2627
  - 3) PARCEL IS PARTIALLY IN A FLOOD HAZARD ZONE (ZONE AE EL. 8) AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE DATE JANUARY 29, 2021.
  - 4) EXISTING LOT AREA:  
9,769 S.F. TO MEAN HIGH WATER (PER PLAN REF. 3)  
0.224 ACRES TO MEAN HIGH WATER (PER PLAN REF. 3)
  - 5) PARCEL IS LOCATED IN THE DOWNTOWN OVERLAY DISTRICT, CDS (CHARACTER DISTRICT 5), HISTORIC DISTRICT.
  - 6) DIMENSIONAL REQUIREMENTS: SEE CITY ZONING REQUIREMENTS.
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED IMPROVEMENTS ON ASSESSORS MAP TAX MAP 106 LOT 54 IN THE CITY OF PORTSMOUTH.
  - 8) BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCES, EASEMENTS, RIGHTS OF OTHERS, ETC., HAVE NOT BEEN RESEARCHED OR NOTED HEREON.
  - 9) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
  - 10) PUBLIC ACCESS SIGNAGE WILL BE DISPLAYED.
  - 11) OWNER RESERVES THE RIGHT TO CLOSE GATE AFTER HOURS FOR PUBLIC SAFETY.

**LEGEND:**

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY
	REGISTRY OF DEEDS
	MAP 11 / LOT 21
○	RAILROAD SPIKE FOUND
○	IRON ROD/IRON PIPE FOUND
○	IRON PIPE FOUND
○	STONE/CONCRETE BOUND FOUND
○	RAILROAD SPIKE SET
○	IRON ROD SET
○	DRILL HOLE SET
○	GRANITE BOUND SET
○	MEAN HIGH WATER LINE
○	NH DES HIGHEST OBSERVABLE TIDE LINE
○	CONTOUR
○	SPOT ELEVATION
○	EDGE OF PAVEMENT (EP)
○	WOODS / TREE LINE
○	INVERT
○	TEMPORARY BENCHMARK
○	TYPICAL
○	LANDSCAPED AREA
○	PHOTO LOCATION

**IMPACT REDUCED:**

2,191 S.F. PREVIOUS (7/13/21 PLAN SET)  
1,595 S.F. CURRENT  
=596 S.F. REDUCTION

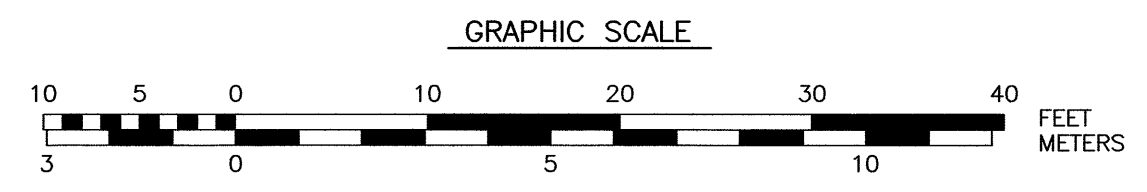
**PUBLIC ACCESS IMPROVEMENTS BOW STREET PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
5	REDUCE DECK EXPANSION EASTERN SIDE	12/20/21
4	ENLARGE PUBLIC USE	11/24/21
3	REVISE DECK	9/10/21
2	ELIMINATE ADDED DOCK	7/13/21
1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21

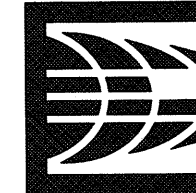
Professional seals and stamps for the project, including the State of New Hampshire seal and the engineer's seal for Steven D. Taylor, No. 219, Licensed Professional Engineer.

SCALE: 1" = 10' MARCH 2021

NHDES PERMIT PLAN **C2**

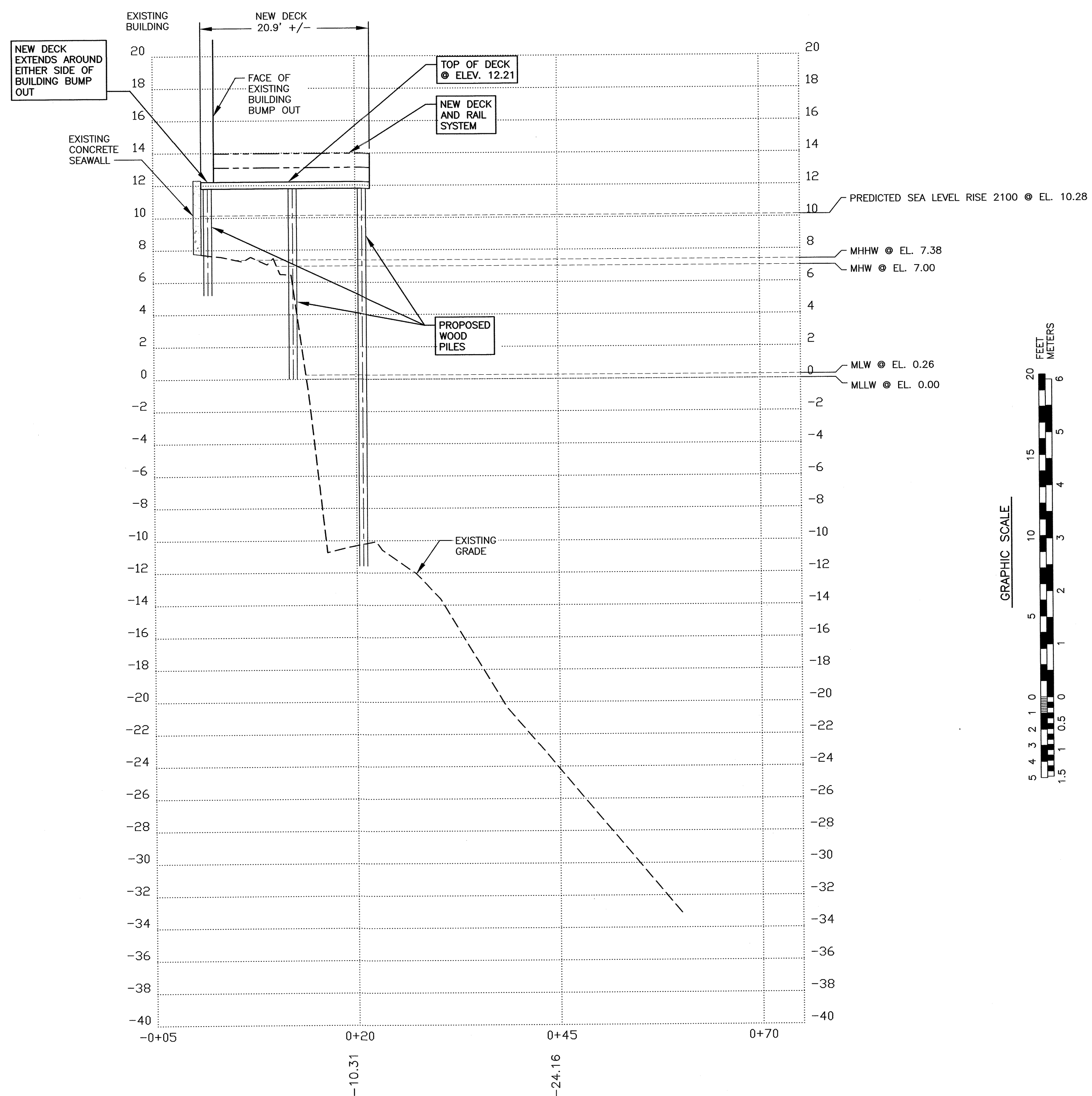






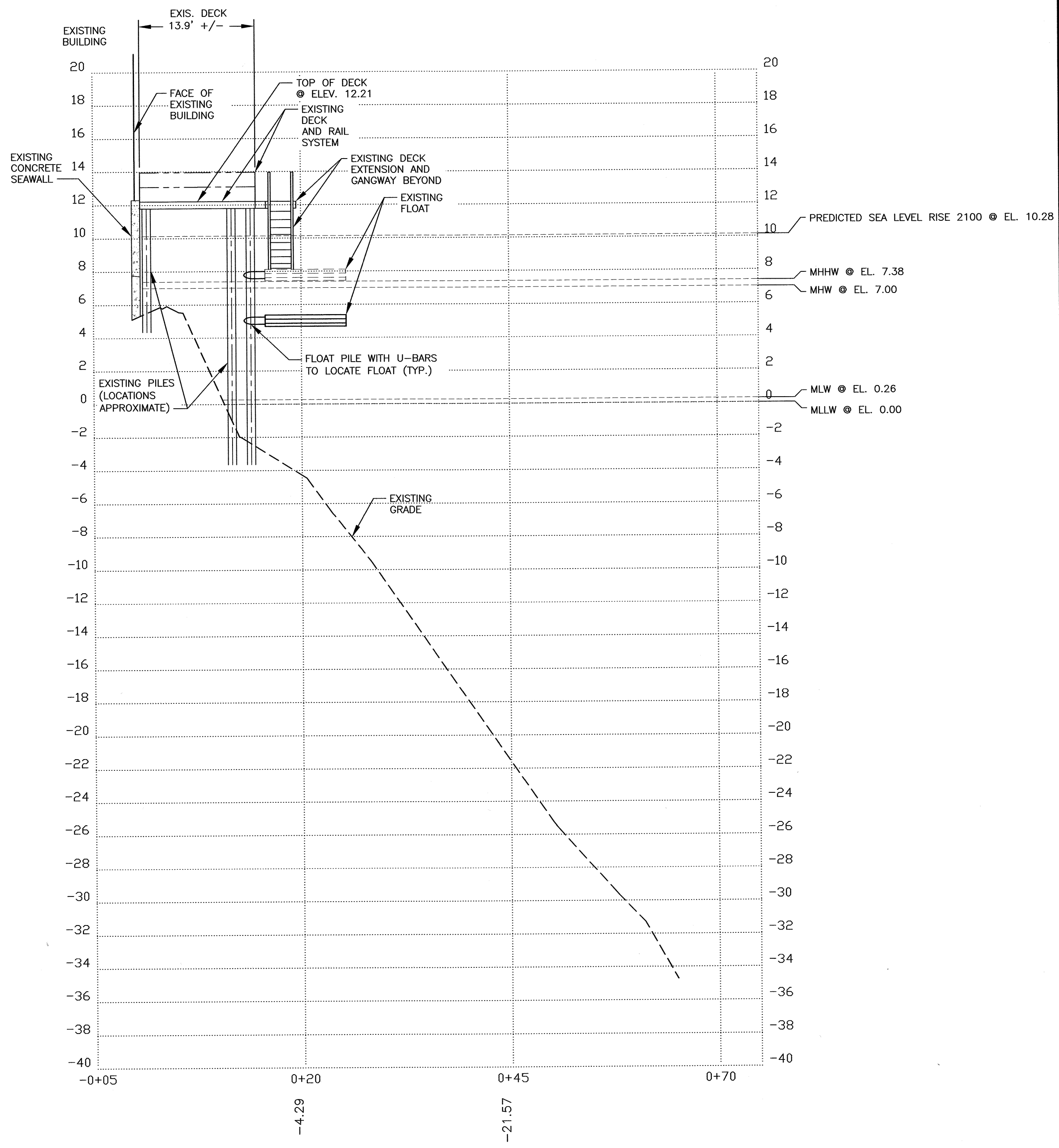
**NOTES:**

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) NUMBER OF PILES TO BE DRIVEN FOR DECK & DOCKING STRUCTURE NOT TO EXCEED 22 AS DEPICTED ON PLANS. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.
- 5) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.



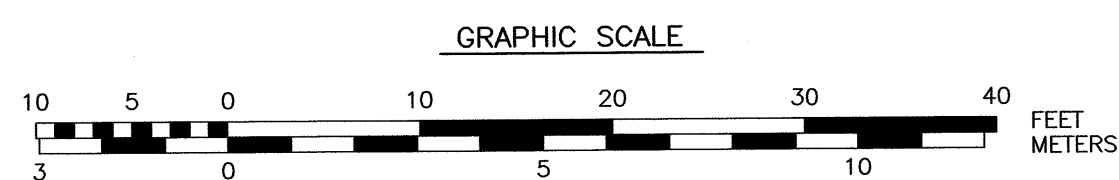
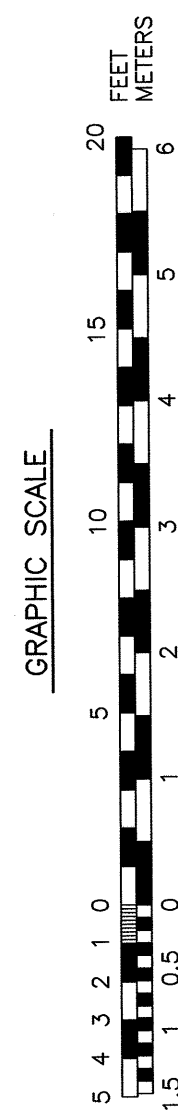
**SECTION A**

SCALE: 1" = 10' (HOR.)  
1" = 5' (VERT.)



**SECTION B**

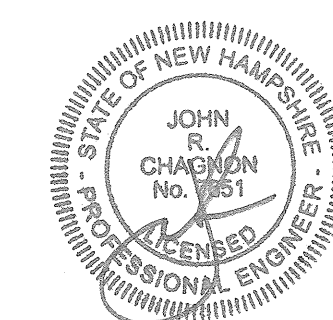
SCALE: 1" = 10' (HOR.)  
1" = 5' (VERT.)



**PUBLIC ACCESS  
IMPROVEMENTS  
BOW STREET  
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
4	PILE COUNT	12/20/21
3	REVISED DECK LAYOUT	9/10/21
2	REVISED PILE LOCATIONS	8/12/21
1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21

REVISIONS

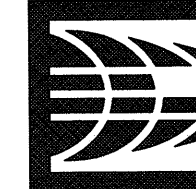


SCALE: AS NOTED

MARCH 2021

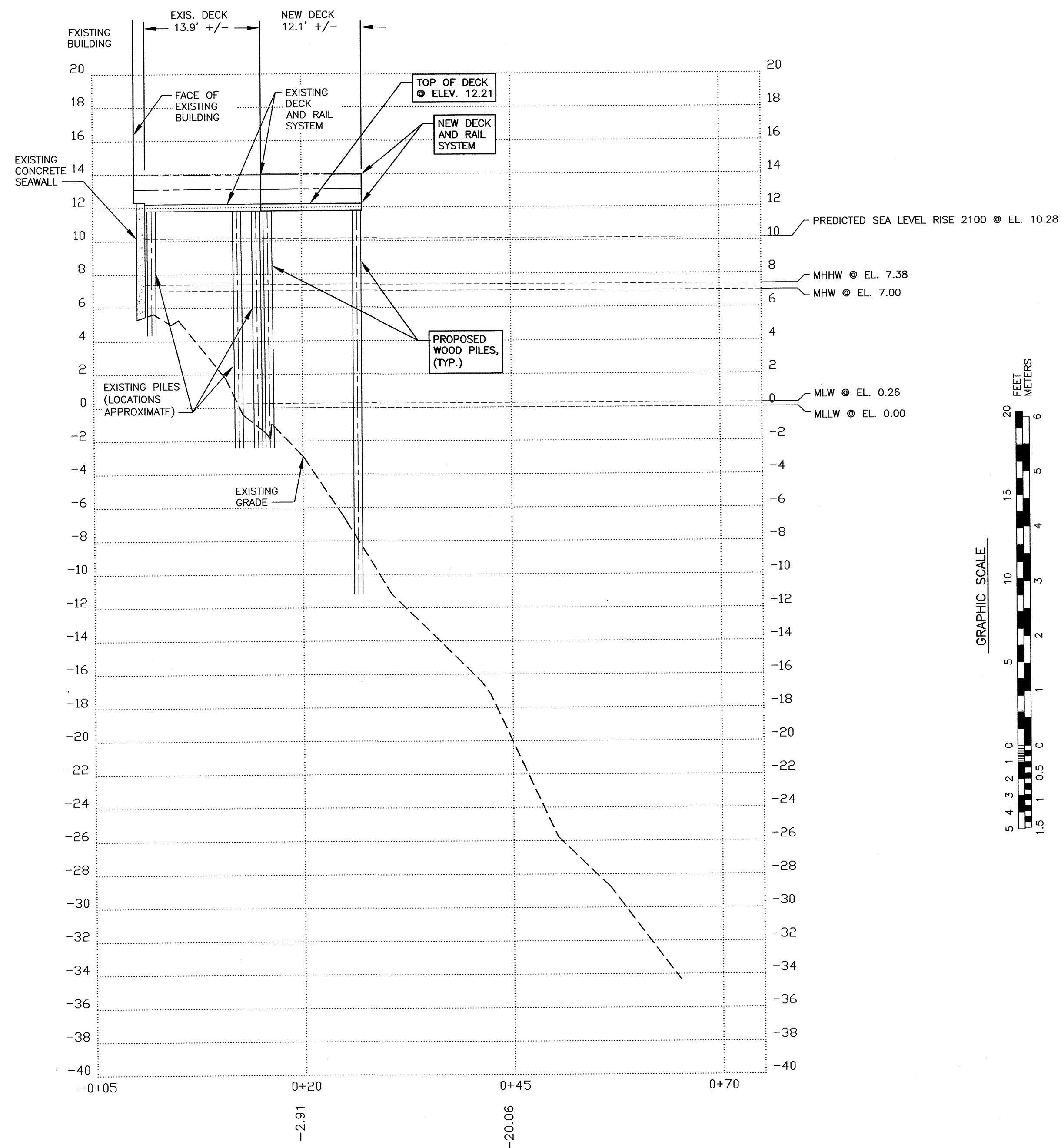
SITE SECTIONS

**C3**



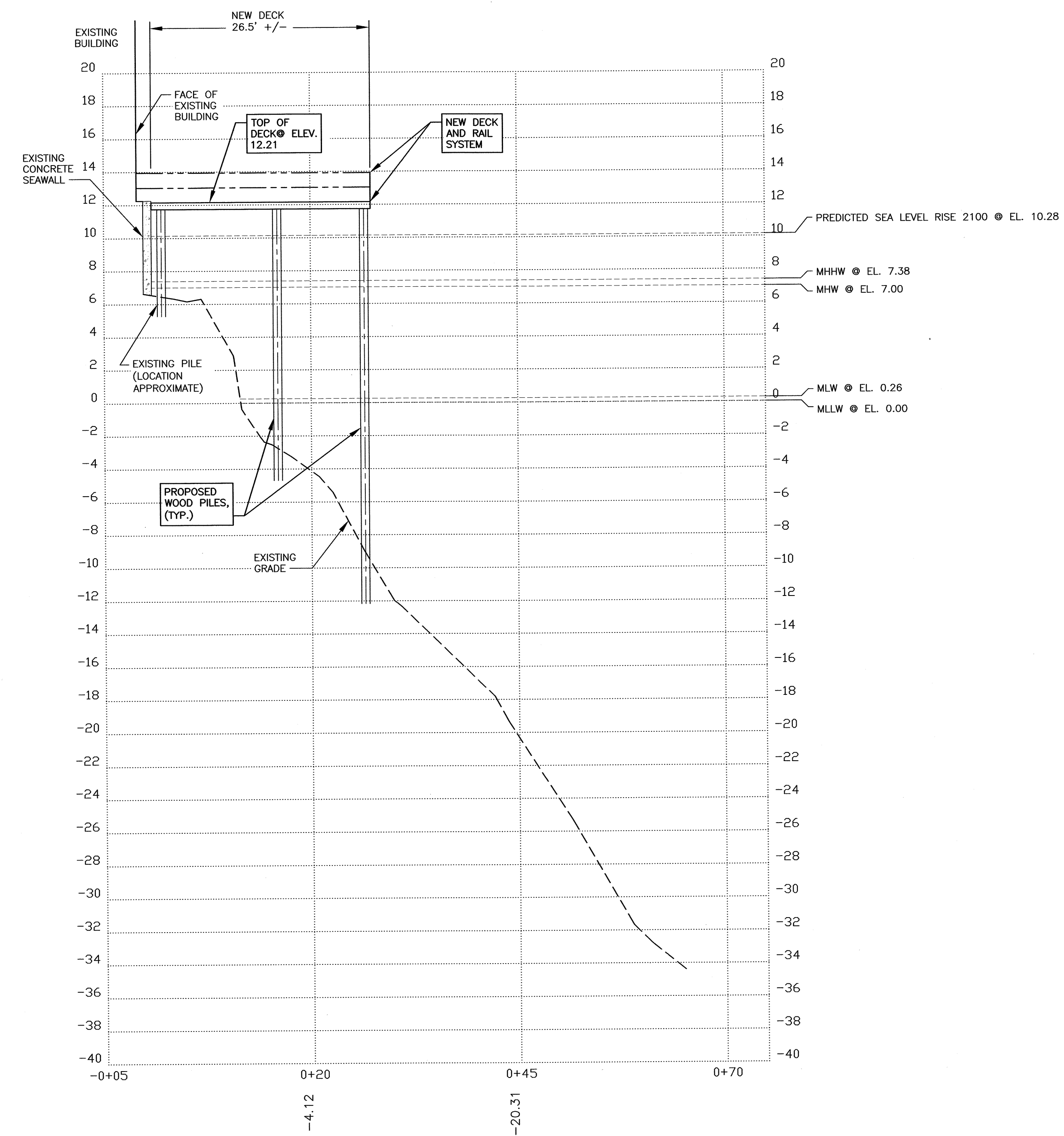
**NOTES:**

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) NUMBER OF PILES TO BE DRIVEN FOR DECK & DOCKING STRUCTURE NOT TO EXCEED 22 AS DEPICTED ON PLANS. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.
- 5) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.



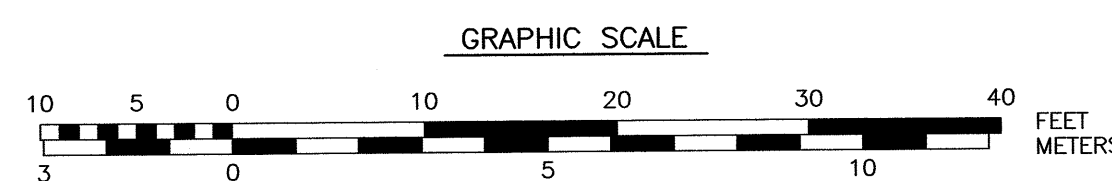
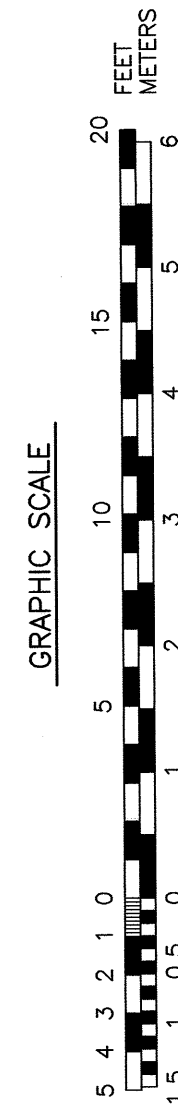
**SECTION C**

SCALE: 1" = 10' (HOR.)  
 1" = 5' (VERT.)



**SECTION D**

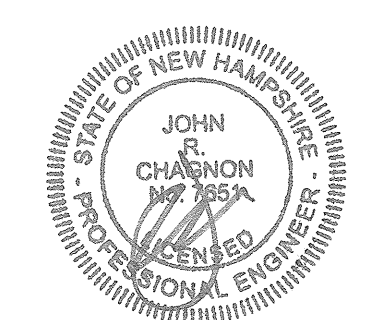
SCALE: 1" = 10' (HOR.)  
 1" = 5' (VERT.)



**PUBLIC ACCESS  
 IMPROVEMENTS  
 BOW STREET  
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
4	PILE COUNT	12/20/21
3	REVISED DECK LAYOUT	9/10/21
2	REVISE PILES. REMOVE PROPOSED FLOAT	8/12/21
1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21

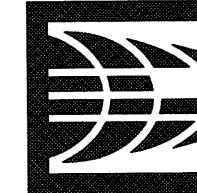
REVISIONS



SCALE: AS NOTED MARCH 2021

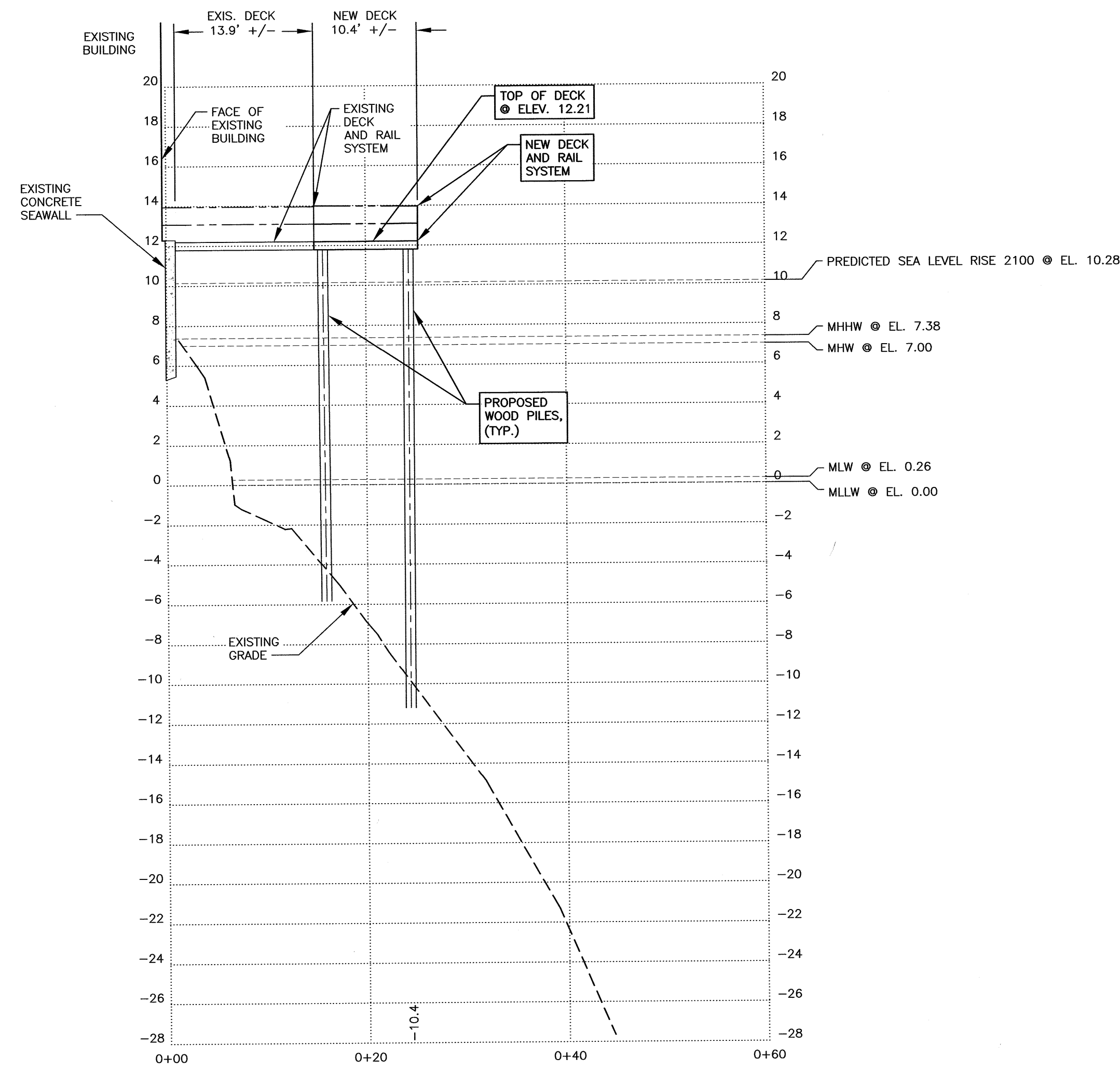
SITE SECTIONS

**C4**



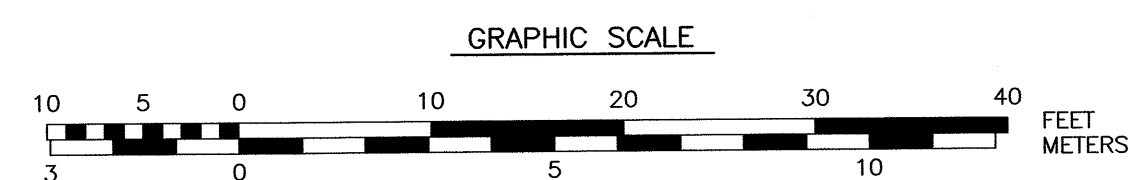
**NOTES:**

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) NUMBER OF PILES TO BE DRIVEN FOR DECK & DOCKING STRUCTURE NOT TO EXCEED 22 AS DEPICTED ON PLANS. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.
- 5) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8423005 T14A PORTSMOUTH, MLLW BEING 3.99 FEET LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.



**SECTION AA**

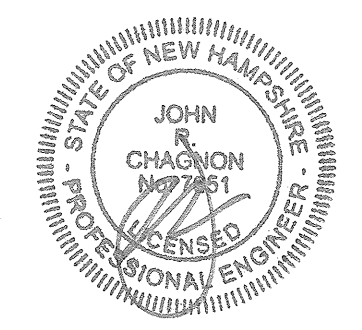
SCALE: 1" = 10' (HOR.)  
 1" = 5' (VERT.)



**PUBLIC ACCESS  
 IMPROVEMENTS  
 BOW STREET  
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	PILE COUNT	12/20/21
0	ISSUED FOR COMMENT	9/10/21

**REVISIONS**



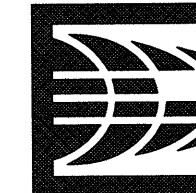
SCALE: AS NOTED MARCH 2021

**SITE SECTIONS**

**C5**

Z:\0308\A\100751\03082021\Draw\100751.dwg, 12/22/21 11:13:11 AM, User: J. Chagnon, Plot: 3308.dwg





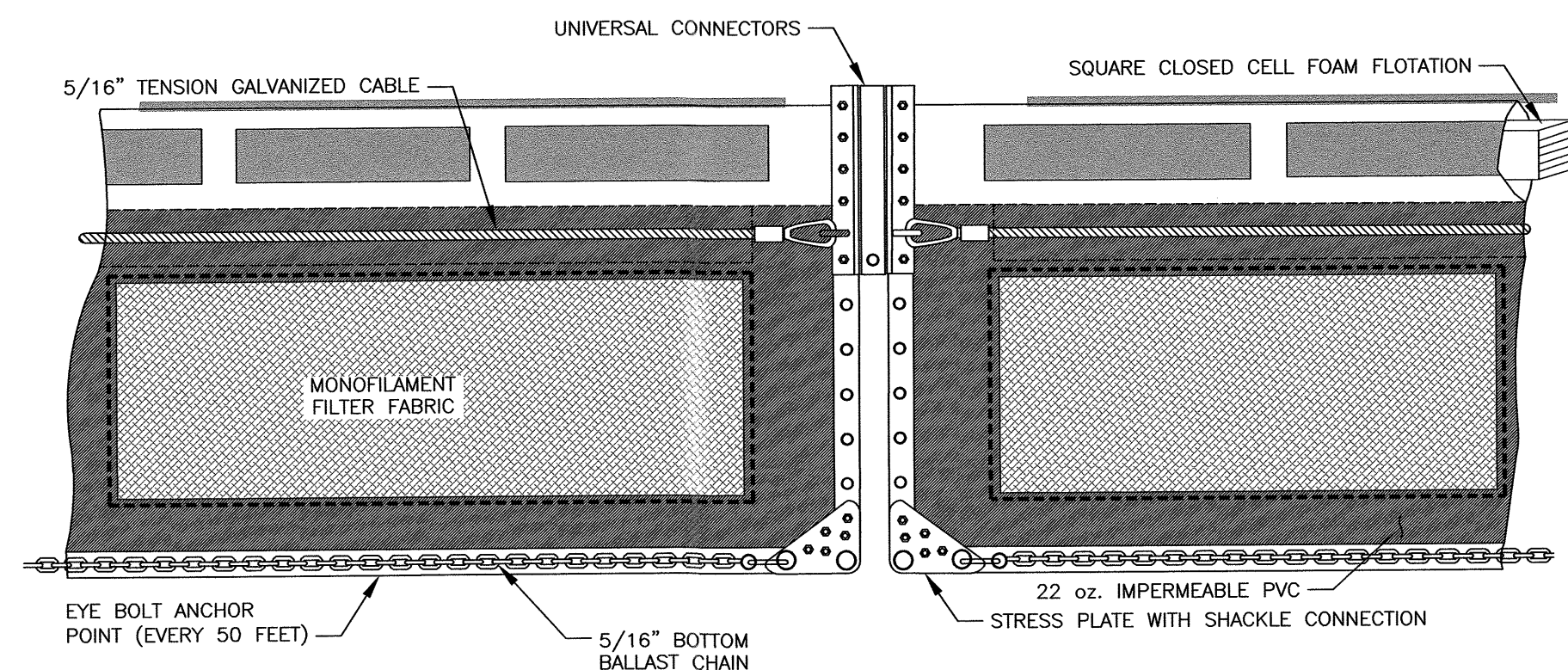
**AMBIT ENGINEERING, INC.**

Civil Engineers & Land Surveyors

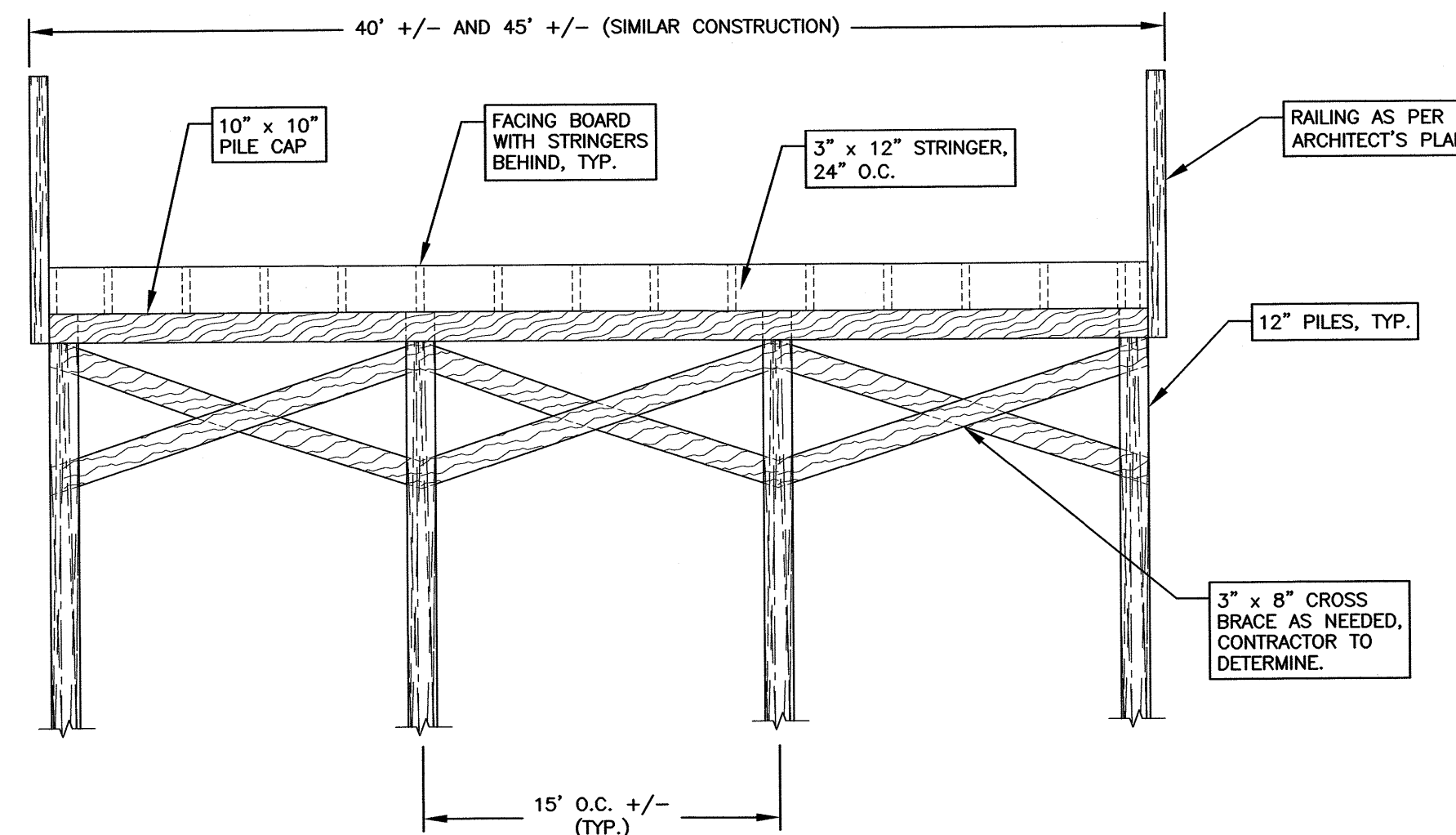
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

**NOTES:**

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).



**1**  
**D1** TURBIDITY CURTAIN DETAIL  
(DEPLOY AS NEEDED) NTS



**2**  
**D1** PROPOSED DECK DETAIL NTS

**SEQUENCE OF CONSTRUCTION**

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA APPROVED ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
- 6) PILING WILL BE MECHANICALLY DRIVEN BY A CRANE ELIMINATING ANY EXCAVATION FOR INSTALLATION OF THE PILING. PILING ARE DRIVEN TO REFUSAL.
- 7) PILING ARE CUT AND BEAM CAPS ARE INSTALLED AND THE SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
- 8) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

**DISCHARGES, AVOIDANCE, MINIMIZATION AND MITIGATION**

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. AND ANY SECONDARY IMPACTS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE. PERMITTEES MAY ONLY FILL THOSE JURISDICTIONAL WETLANDS AND WATERWAYS THAT THE CORP AND NHDES AUTHORIZES TO BE FILLED AND IMPACT THOSE AREAS THAT THE CORPS AND NHDES AUTHORIZES AS SECONDARY IMPACTS. IF NOT SPECIFICALLY AUTHORIZED BY USACE AND NHDES, ANY UNAUTHORIZED FILL OR SECONDARY IMPACT TO WETLANDS MAY BE CONSIDERED AS A VIOLATION OF THE CWA.

UNLESS SPECIFICALLY AUTHORIZED USACE AND NHDES, NO WORK SHALL DRAIN A WATER OF THE U.S. BY PROVIDING A CONDUIT FOR WATER ON OR BELOW THE SURFACE.

**HEAVY EQUIPMENT IN FRESH WATER WETLANDS**

HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WORKING IN WETLANDS SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, UNLESS IT IS LESS ENVIRONMENTALLY DAMAGING OTHERWISE, AND AS MUCH AS POSSIBLE SHALL NOT BE OPERATED WITHIN THE INTERTIDAL ZONE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (<3 PSI), OR SHALL NOT BE LOCATED DIRECTLY ON WETLAND SOILS AND VEGETATION; IT SHALL BE PLACED ON SWAMP MATS THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. SWAMP MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING SWAMP MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE LESS IMPACTING AND ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. SIMILARLY, NOT USING MATS DURING FROZEN, DRY OR OTHER CONDITIONS MAY BE ALLOWED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CORDUROY ROADS AND SWAMP/CONSTRUCTION MATS ARE CONSIDERED AS FILL WHETHER THEY'RE INSTALLED TEMPORARILY OR PERMANENTLY.

**TIME OF YEAR WORK WINDOW AND NOISE RESTRICTIONS**

- I. PILES INSTALLED IN-THE-DRY DURING LOW WATER OR IN-WATER BETWEEN NOV. 15TH - MAR. 15TH, OR MUST BE DRILLED AND PINNED TO LEDGE, OR
  - II. VIBRATORY HAMMERS USED TO INSTALL ANY SIZE AND QUANTITY OF WOOD, CONCRETE OR STEEL PILES, OR
  - IV. IMPACT HAMMERS LIMITED TO ONE HAMMER AND <50 PILES INSTALLED/DAY WITH THE FOLLOWING: WOOD PILES OF ANY SIZE, CONCRETE PILES ≤18-INCHES DIAMETER, STEEL PILES 12-INCHES DIAMETER IF THE HAMMER IS ≤3000 LBS. AND A WOOD CUSHION IS USED BETWEEN THE HAMMER AND STEEL PILE.
- FOR II-IV ABOVE:
- I. IN-WATER NOISE LEVELS SHALL NOT >187dB SEL RE  $L_{pA}$  OR 206dB PEAK RE  $L_{pA}$  AT A DISTANCE >10M FROM THE PILE BEING INSTALLED, AND
  - II. IN-WATER NOISE LEVELS >155dB PEAK RE  $L_{pA}$  SHALL NOT EXCEED 12 CONSECUTIVE HOURS ON ANY GIVEN DAY AND A 12 HOUR RECOVERY PERIOD (I.E., IN-WATER NOISE BELOW 155dB PEAK RE  $L_{pA}$ ) MUST BE PROVIDED BETWEEN WORK DAYS.

**WORK SITE RESTORATION**

- 1) UPON COMPLETION OF CONSTRUCTION, ALL DISTURBED WETLAND AREAS SHALL BE PROPERLY STABILIZED. ANY SEED MIX SHALL CONTAIN ONLY PLANT SPECIES NATIVE TO NEW ENGLAND.
- 2) THE INTRODUCTION OR SPREAD OF INVASIVE PLANT SPECIES IN DISTURBED AREAS IS PROHIBITED.
- 3) IN AREAS OF AUTHORIZED TEMPORARY DISTURBANCE, IF TREES ARE CUT THEY SHALL BE CUT AT GROUND LEVEL AND NOT UPROOTED IN ORDER TO PREVENT DISRUPTION TO THE WETLAND SOIL STRUCTURE AND TO ALLOW STUMP SPROUTS TO REVEGETATE THE WORK AREA, UNLESS OTHERWISE AUTHORIZED.
- 4) WETLAND AREAS WHERE PERMANENT DISTURBANCE IS NOT AUTHORIZED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AND ELEVATION, WHICH UNDER NO CIRCUMSTANCES SHALL BE HIGHER THAN THE PRE-CONSTRUCTION ELEVATION. ORIGINAL CONDITION MEANS CAREFUL PROTECTION AND/OR REMOVAL OF EXISTING SOIL AND VEGETATION, AND REPLACEMENT BACK TO THE ORIGINAL LOCATION SUCH THAT THE ORIGINAL SOIL LAYERING AND VEGETATION SCHEMES ARE APPROXIMATELY THE SAME, UNLESS AUTHORIZED.

**SEDIMENTATION AND EROSION CONTROL**

ADEQUATE SEDIMENTATION AND EROSION CONTROL MANAGEMENT MEASURES, PRACTICES AND DEVICES, SUCH AS PHASED CONSTRUCTION, VEGETATED FILTER STRIPS, GEOTEXTILE SILT FENCES, STORMWATER DETENTION AND INFILTRATION SYSTEMS, SEDIMENT DETENTION BASINS, OR OTHER DEVICES SHALL BE INSTALLED AND PROPERLY MAINTAINED TO REDUCE EROSION AND RETAIN SEDIMENT ON-SITE DURING AND AFTER CONSTRUCTION. THEY SHALL BE CAPABLE OF PREVENTING EROSION, OF COLLECTING SEDIMENT, SUSPENDED AND FLOATING MATERIALS, AND OF FILTERING FINE SEDIMENT. THE DISTURBED AREAS SHALL BE STABILIZED AND THESE DEVICES SHALL BE REMOVED UPON COMPLETION OF WORK. THE SEDIMENT COLLECTED BY THESE DEVICES SHALL BE REMOVED AND PLACED AT AN UPLAND LOCATION, IN A MANNER THAT WILL PREVENT ITS LATER EROSION INTO A WATERWAY OR WETLAND. ALL EXPOSED SOIL AND OTHER FILLS SHALL BE PERMANENTLY STABILIZED AT THE EARLIEST PRACTICABLE DATE.

**SPAWNING AREAS**

DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED. IMPACTS TO THESE AREAS SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE DURING ALL TIMES OF THE YEAR. INFORMATION ON SPAWNING HABITAT FOR SPECIES MANAGED UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (I.E., EFH FOR SPAWNING ADULTS) CAN BE OBTAINED FROM THE NMFS WEBSITE AT: WWW.NERO.NOAA.GOV/HCD.

**STORAGE OF SEASONAL STRUCTURES**

COASTAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, ETC., THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION, LOCATED ABOVE HIGHEST OBSERVABLE TIDE LINE (HOTL) AND NOT IN TIDAL WETLANDS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS SEAWARD OF HOTL. THIS IS INTENDED TO PREVENT STRUCTURES FROM BEING STORED ON THE MARSH SUBSTRATE AND THE SUBSTRATE SEAWARD OF MHW.

**ENVIRONMENTAL FUNCTIONS AND VALUES**

THE PERMITTEE SHALL MAKE EVERY REASONABLE EFFORT TO 1) CARRY OUT THE CONSTRUCTION OR OPERATION OF THE WORK AUTHORIZED BY USACE AND NHDES HEREIN IN A MANNER THAT MINIMIZES ADVERSE IMPACTS ON FISH, WILDLIFE AND NATURAL ENVIRONMENTAL VALUES, AND 2) PROHIBIT THE ESTABLISHMENT OR SPREAD OF PLANT SPECIES IDENTIFIED AS NON-NATIVE INVASIVE SPECIES BY ANY FEDERAL OR STATE AGENCY. SEE THE SECTION ON INVASIVE SPECIES AT HTTP://WWW.USACE.ARMY.MIL/REGULATORY/ FOR CONTROL METHODS.

**INSPECTIONS**

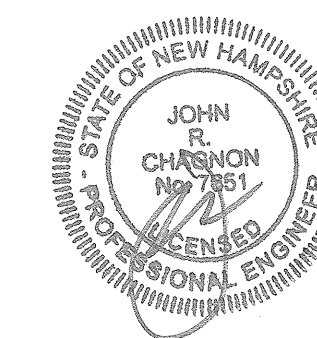
THE PERMITTEE SHALL ALLOW THE CORPS AND NHDES TO MAKE PERIODIC INSPECTIONS AT ANY TIME DEEMED NECESSARY IN ORDER TO ENSURE THAT THE WORK IS BEING OR HAS BEEN PERFORMED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. THE CORPS AND NHDES MAY ALSO REQUIRE POST-CONSTRUCTION ENGINEERING DRAWINGS FOR COMPLETED WORK, AND POST-DREDGING SURVEY DRAWINGS FOR ANY DREDGING WORK.

**PUBLIC ACCESS IMPROVEMENTS  
BOW STREET  
PORTSMOUTH, N.H.**

4	DETAIL 2	12/20/21
3	TIME OF YEAR NOTE	11/4/21
2	DETAIL 2	9/10/21
1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21

NO.	DESCRIPTION	DATE
-----	-------------	------

REVISIONS



SCALE: NTS MARCH 2021

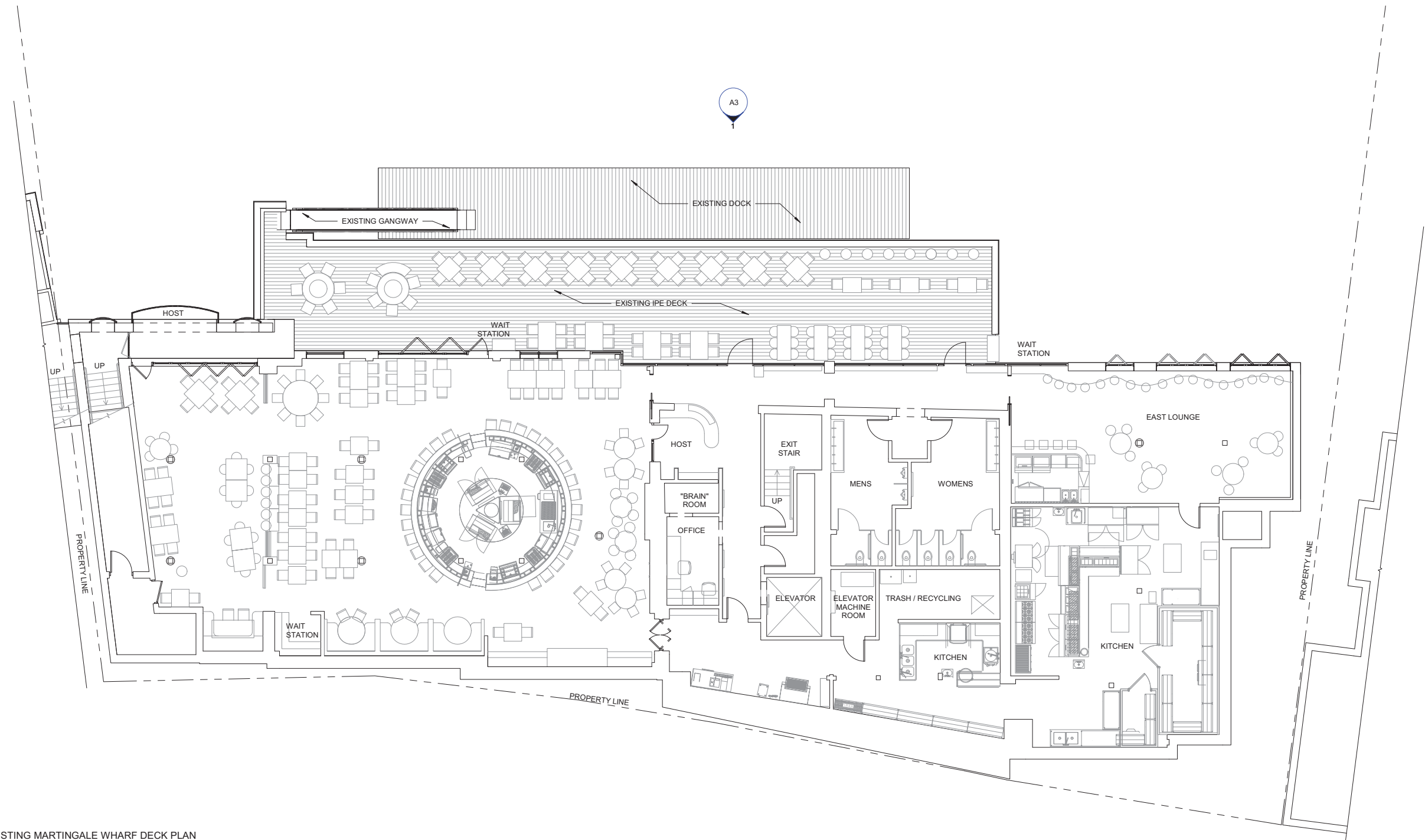
DETAILS

**D1**









1 EXISTING MARTINGALE WHARF DECK PLAN  
1/8" = 1'-0"





DECK  
9' - 6"

1 EXISTING NORTH ELEVATION  
1/8" = 1'-0"

PRINTED AT 1/2 SCALE ON 11X17 PAPER









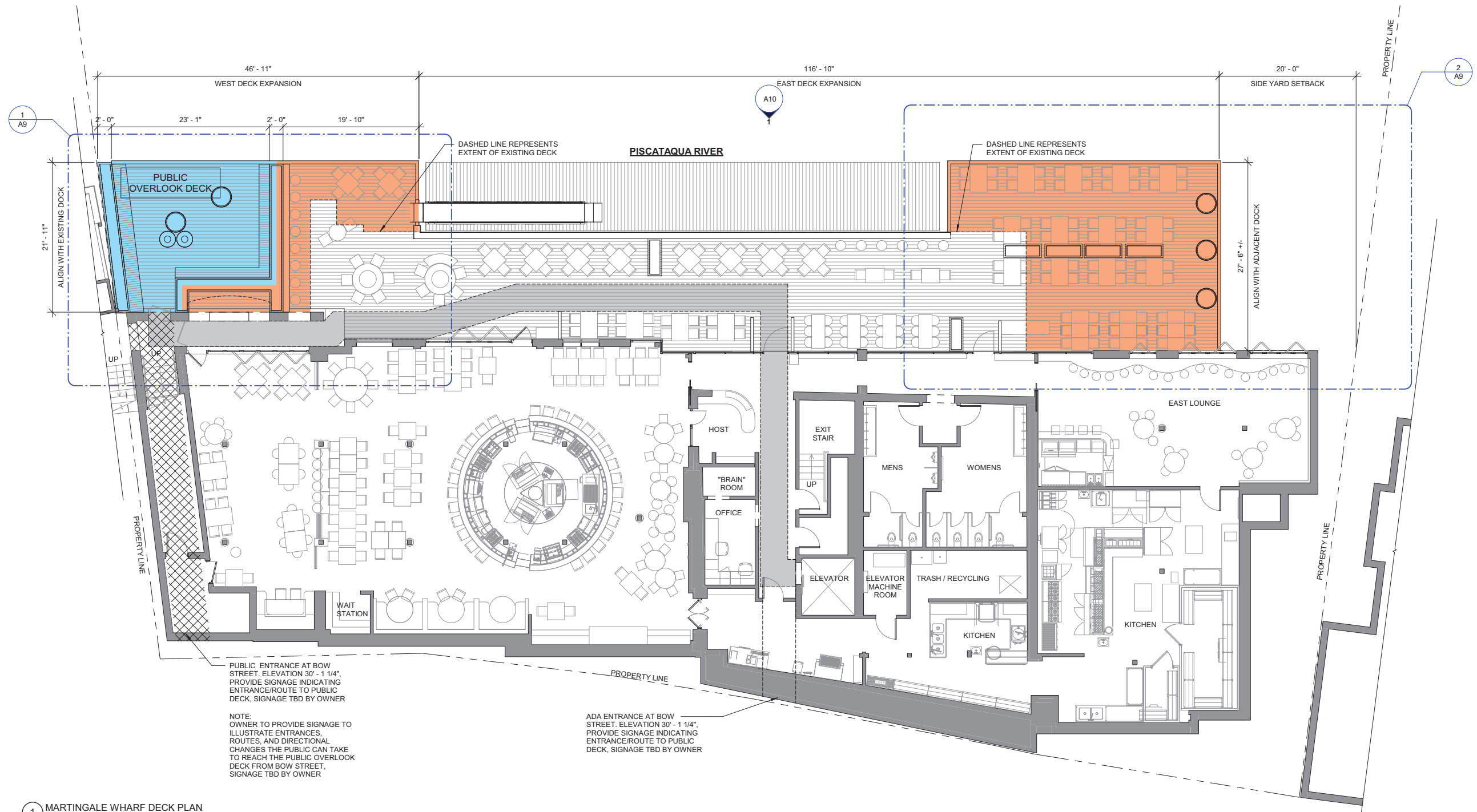












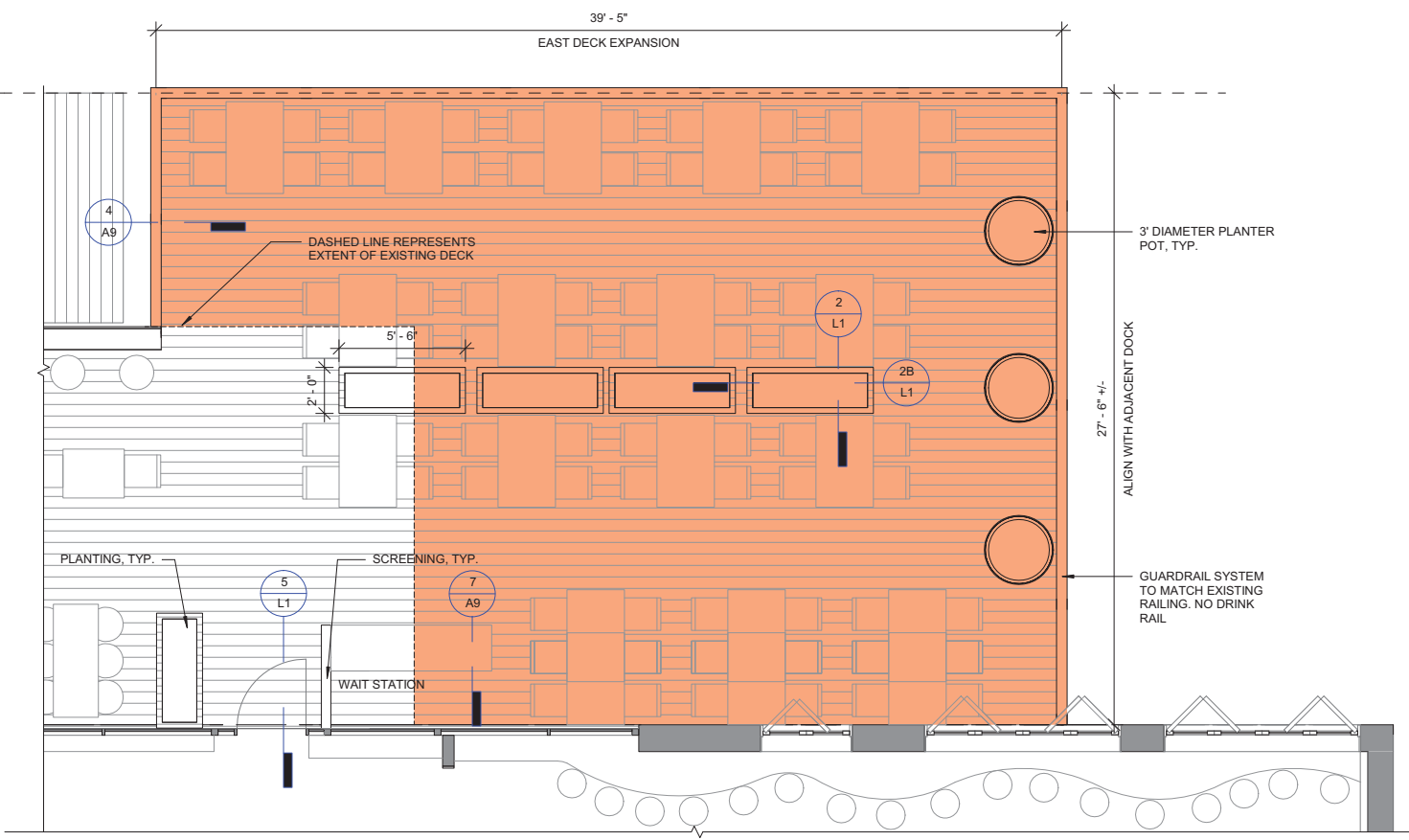
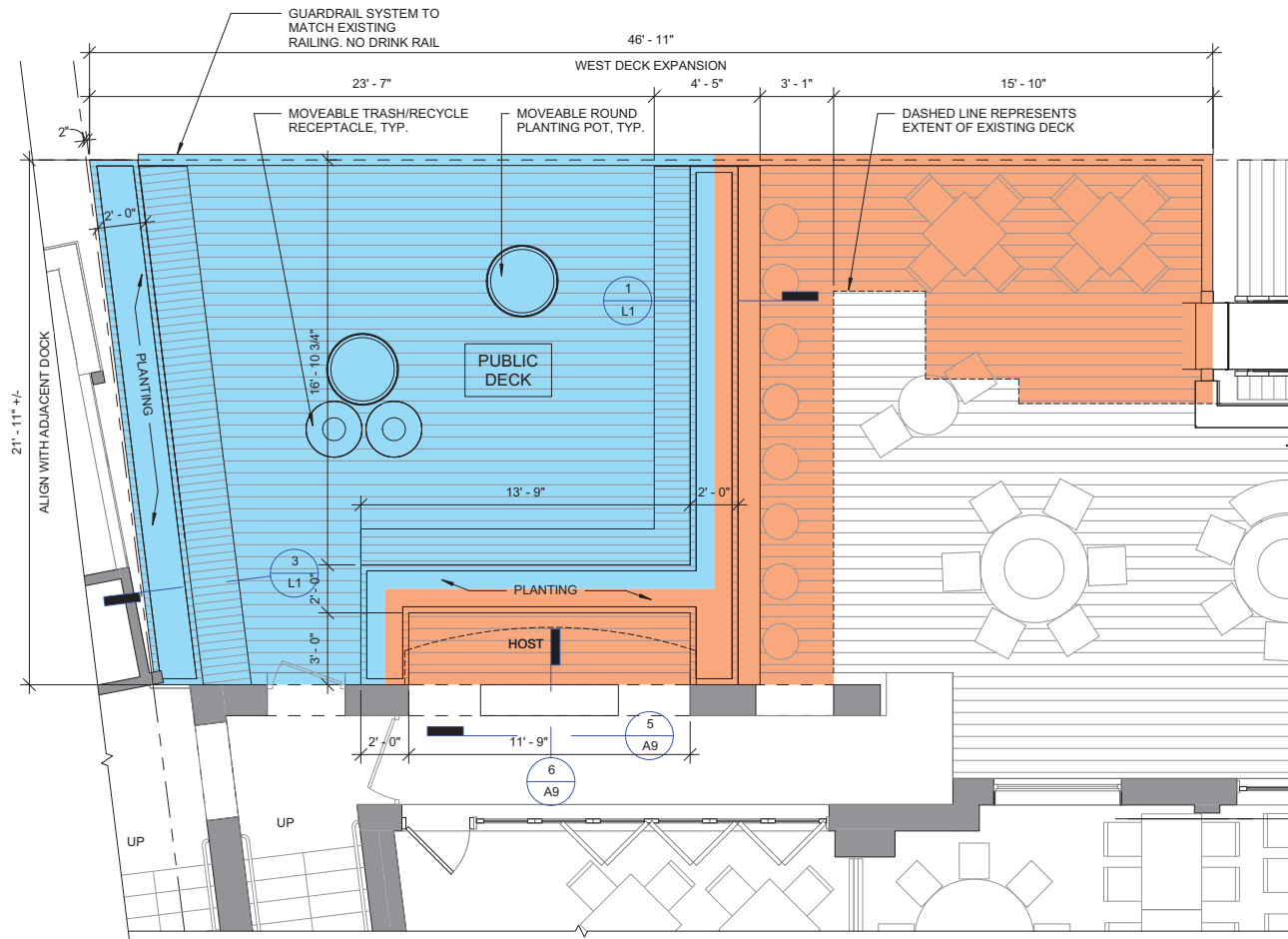
PUBLIC ENTRANCE AT BOW STREET, ELEVATION 30' - 1 1/4", PROVIDE SIGNAGE INDICATING ENTRANCE/ROUTE TO PUBLIC DECK, SIGNAGE TBD BY OWNER

NOTE: OWNER TO PROVIDE SIGNAGE TO ILLUSTRATE ENTRANCES, ROUTES, AND DIRECTIONAL CHANGES THE PUBLIC CAN TAKE TO REACH THE PUBLIC OVERLOOK DECK FROM BOW STREET, SIGNAGE TBD BY OWNER

ADA ENTRANCE AT BOW STREET, ELEVATION 30' - 1 1/4", PROVIDE SIGNAGE INDICATING ENTRANCE/ROUTE TO PUBLIC DECK, SIGNAGE TBD BY OWNER

1 MARTINGALE WHARF DECK PLAN  
1/8" = 1'-0"

- : ADA PUBLIC ACCESS PATH
  - : PUBLIC ACCESS PATH
  - : PUBLIC DECK EXPANSION AREA - 492SF
  - : MARTINGALE WHARF DECK EXPANSION AREA - 1,215 SF
- GRAPHIC KEY



1 ENLARGED PUBLIC DECK PLAN  
1/4" = 1'-0"

2 ENLARGED MARTINGALE WHARF DECK EXPANSION PLAN  
1/4" = 1'-0"

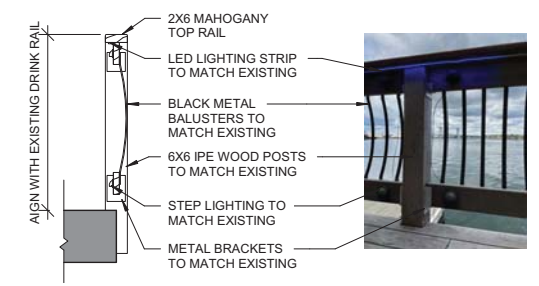
**NOTES FOR MARTINGALE PUBLIC OVERLOOK DECK:**

- OCCUPANCY LIMITED TO 50 PERSONS.
- SUBJECT TO RULES AND REGULATIONS, WHICH MAY CHANGE OVER TIME, AS DEEMED NECESSARY BY THE PROPERTY OWNER, MARTINGALE, LLC.

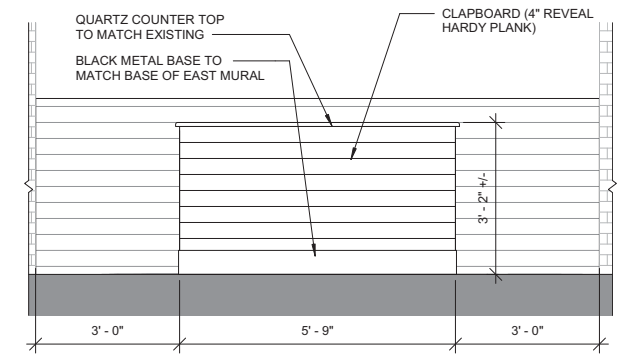
- THE FOLLOWING ARE INITIAL RULES & REGULATIONS:
- NO SMOKING.
  - NO DRINKING ALCOHOLIC BEVERAGES.
  - NO AUDIBLE MUSIC.
  - NO FISHING.
  - NO DOCKING BOATS, KAYAKS OR ANYTHING FLOATING TO THE DECK.
  - NO COOLERS, TENTS, CHAIRS, BIKES, OR OTHER SIMILAR FURNITURE.
  - NO PETS.
  - NO OPERATION OF DRONES OR KITES.
  - OCCUPANCY LIMITED TO 50 PERSONS.
  - CLOSED DURING THE HOURS OF 9 PM TO 9 AM.
  - CLOSED DURING INCLEMENT WEATHER OR FOR REASONABLE SAFETY AND MAINTENANCE CONSIDERATIONS.
  - THE RIGHT TO REQUEST PERSON(S) HAVING UNDESIRABLE BEHAVIOR TO LEAVE AND IF NECESSARILY HAVE POLICE REMOVE SAID PERSON(S) AS TRESPASSING.
  - THE INTENT OF THIS PUBLIC OVERLOOK IS TO PROVIDE THE PUBLIC A PLACE TO ENJOY THE VIEWS AND REST AND NOT A PLACE FOR GATHERINGS, PARTIES, DOCKING, FISHING, OR PROLONGED USE.

- MARTINGALE, LLC WILL PROVIDE INSURANCE, MAINTENANCE, REPAIRS, AND MANAGEMENT OF THE PUBLIC OVERLOOK DECK AT ITS SOLE COST. THIS INCLUDES BUT IS NOT LIMITED TO PROVIDING INSURANCE, MAINTAINING PLANTS AND LANDSCAPE FEATURES, EMPTYING TRASH, CLEANING, AND SHOVELING SNOW.
- SIGNAGE WILL BE PROVIDED, INSTALLED, AND MAINTAINED AT THE WEST ENTRANCE STAIRS AND MAIN ENTRANCE DOOR LOCATED ON BOW STREET. THE SIGNAGE WILL ALLOW THE PUBLIC ACCESS TO THE WATERFRONT FOR ACCESSING THE PUBLIC OVERLOOK DECK. MARTINGALE, LLC. RESERVES THE RIGHT TO CHANGE THE LOCATION OF SIGNAGE AND WORDING TO PROVIDE THE PUBLIC WITH EFFECTIVE SIGNAGE.
- MARTINGALE, LLC. RESERVES THE RIGHT TO ALTER THE LOCATION AND SIZE OF PLANTERS, BENCHES, TRASH RECEPTACLES, RECYCLING RECEPTACLES, SIGNAGE, SECURITY GATE AND ANY OTHER IMPROVEMENT(S) NOT DEEMED AS PART OF THE DECK STRUCTURE.

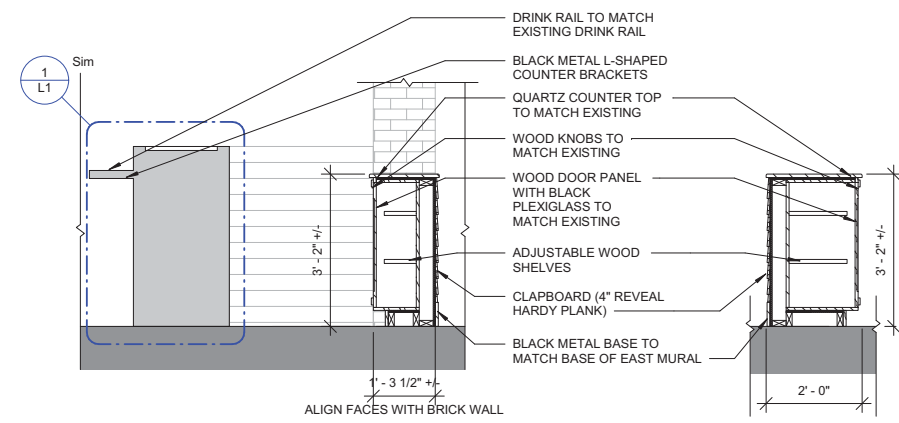
3 MARTINGALE PUBLIC OVERLOOK NOTES



4 PROPOSED GUARDRAIL SECTION DETAIL  
1/2" = 1'-0"



5 ELEVATION AT HOST STATION  
1/2" = 1'-0"



6 SECTION THROUGH HOST STATION  
1/2" = 1'-0"

7 SECTION THROUGH TYPICAL WAIT STATION  
1/2" = 1'-0"



EXISTING WAIT STATIONS FOR REFERENCE (ABOVE)





1 PROPOSED NORTH ELEVATION  
1/8" = 1'-0"





PUBLIC ENTRANCE AT BOW STREET. ELEVATION 30' - 1 1/4", PROVIDE SIGNAGE INDICATING ENTRANCE/ROUTE TO PUBLIC DECK, SIGNAGE TBD BY OWNER

ADA ENTRANCE AT BOW STREET. ELEVATION 30' - 1 1/4", PROVIDE SIGNAGE INDICATING ENTRANCE/ROUTE TO PUBLIC DECK, SIGNAGE TBD BY OWNER

1 SOUTH ELEVATION - BOW STREET  
1/8" = 1'-0"



**Pitch LED Indoor/Outdoor Wall Sconce**  
By Tech Lighting



**Product Options**

Finish: Black Bronze  
Voltage: 120 Volt, 277 Volt

**Details**

- May be mounted up or down
- Marine-grade powder coat finishes
- Stainless Steel mounting hardware
- Impact-resistant, UV stabilized frosted acrylic lensing
- Material: Die-Cast Metal
- ADA compliant, Dark Sky compliant, Title 24 compliant
- ETL Listed Wet
- Marine Grade
- Warranty: 5 years
- Made in China

**Dimensions**

120 Volt Option Fixture: Width 5", Height 5", Depth 3.9", Weight 1.66Lbs  
277 Volt Option Fixture: Width 5", Height 5", Depth 3.9", Weight 1.66Lbs

**Lighting**

- 120 Volt Option: 26.1 Watt (823 Lumens) 120 Volt Integrated LED: CRI: 80 Color Temp: 3000K Lifespan: 70000 hours
- 277 Volt Option: 26.1 Watt (823 Lumens) 277 Volt Integrated LED: CRI: 80 Color Temp: 3000K Lifespan: 70000 hours.

**Additional Details**

Product URL: <https://www.lumens.com/pitch-led-indoor-outdoor-wall-sconce-by-tech-lighting-TECP90024.html>  
Rating: ETL Listed Wet

Product ID: TECP90024

Notes:  
OR EQUAL



WALL SCONCE AT DECK PERIMETER - OR EQUAL

**Norfolk Outdoor Wall Sconce**  
By Troy Lighting



**Product Options**

Size: Small Medium Large

**Details**

- Finish: Marine Bronze
- Material: Solid Brass
- Shade Material: Frosted Pressed Prismatic glass
- ADA compliant
- UL Listed Wet
- Made in China

**Dimensions**

Small Option Fixture: Depth 3", Diameter 8"  
Medium Option Fixture: Depth 3.5", Diameter 10"  
Large Option Fixture: Depth 4.5", Diameter 13"

**Lighting**

- Small Option: One 40 Watt (384 Lumens) 120 Volt E12 Candelabra Base Incandescent Lamp(s) (Not Included)
- Medium Option: Two 40 Watt (384 Lumens) 120 Volt E12 Candelabra Base Incandescent Lamp(s) (Not Included)
- Large Option: Two 60 Watt (672 Lumens) 120 Volt E12 Candelabra Base Incandescent Lamp(s) (Not Included)

**Additional Details**

Product URL: <https://www.lumens.com/norfolk-outdoor-wall-sconce-by-troy-lighting-uu466059.html>  
Rating: UL Listed Wet

Product ID: uu466059

Notes:  
OR EQUAL



WALL SCONCE AT BUILDING - OR EQUAL

**Thin-Line LED Wall Bar**  
By SONNEMAN Lighting



**Product Options**

Finish: Black White  
Size: 4, 6, 8  
Lighting Option: Indirect, One-Sided, Two-Sided

**Details**

- One-sided configuration can be installed on a downlight or uplight
- Can be mounted horizontally or vertically
- Removable when used with TRAC, or ETL (removal not included)
- Design rated for indoor use only
- Designed by Robert Sommer in 2018
- Material: Metal
- Lens: Moulded Optical Acrylic
- UL compliant
- Warranty: Limited 1 Year
- Made in China

**Dimensions**

1 Option Backplate: Width 7", Height 1"  
1 Option Fixture: Width 30", Height 0.75", Depth 3.5", Weight 4Lbs  
1 Option Shade: Width 30", Height 1", Depth 0.75"  
2 Option Backplate: Width 7", Height 1"  
2 Option Fixture: Width 28", Height 0.75", Depth 3.5", Weight 7Lbs  
2 Option Shade: Width 28", Height 1", Depth 0.75"  
3 Option Backplate: Width 7", Height 1"  
3 Option Fixture: Width 22", Height 0.75", Depth 3.5", Weight 9Lbs  
3 Option Shade: Width 22", Height 1", Depth 0.75"  
4 Option Backplate: Width 7", Height 1"  
4 Option Fixture: Width 16", Height 0.75", Depth 3.5", Weight 13Lbs  
4 Option Shade: Width 16", Height 1", Depth 0.75"

**Lighting**

- 1 Option: 10 Watt (90 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 2 Option: 18 Watt (225 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 3 Option: 22 Watt (260 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 4 Option: 44 Watt (520 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 5 Option: 36 Watt (220 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 6 Option: 72 Watt (440 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 7 Option: 47 Watt (420 Lumens) 120 Volt Integrated LED: Color Temp: 3000K
- 8 Option: 94 Watt (840 Lumens) 120 Volt Integrated LED: Color Temp: 3000K

**Additional Details**

Product URL: <https://www.lumens.com/thin-line-led-wall-bar-by-sonneman-lighting-snp202253.html>  
Rating: UL Listed

Product ID: SNP202253

Notes:  
EXTERIOR RATED EQUAL



LINEAR WALL MOUNTED LIGHTING AT BUILDING TO MATCH EXISTING



EXISTING LINEAR WALL MOUNTED LIGHTING AT BUILDING

**PL23DM Outdoor LED Path Light**  
By Focus Industries



**Product Options**

Finish: Black Texture Bronze Texture

**Details**

- LED Lifespan: 50000 hours
- Driver is included
- Material: Aluminum
- ETL Listed Wet
- Warranty: Limited 5 Year
- Made in USA

**Dimensions**

Fixture: Width 2.25", Height 18", Depth 2.25", Weight 2.1Lbs

**Lighting**

- 4 Watt (300 Lumens) 12 Volt Integrated LED: CRI: 90 Color Temp: 3000K

**Additional Details**

Product URL: <https://www.lumens.com/pl23dm-outdoor-led-path-light-by-focus-industries-FOCP309793.html>  
Rating: ETL Listed Wet

Product ID: FOCP309793

Notes:  
OR EQUAL



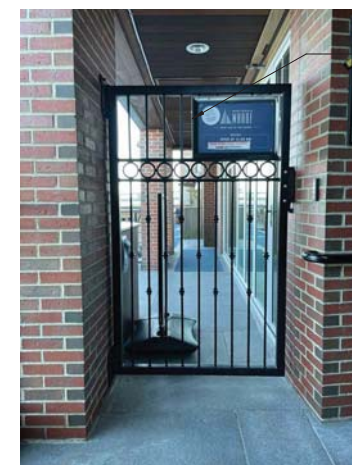
AMBIENT PLANTER DOWNLIGHTS - OR EQUAL



IPE WOOD DECKING - MATCH EXISTING



HARDIE PLANK - 4" EXPOSURE - BOOTHBAY BLUE



1 PROPOSED GATE AT PUBLIC OVERLOOK DECK

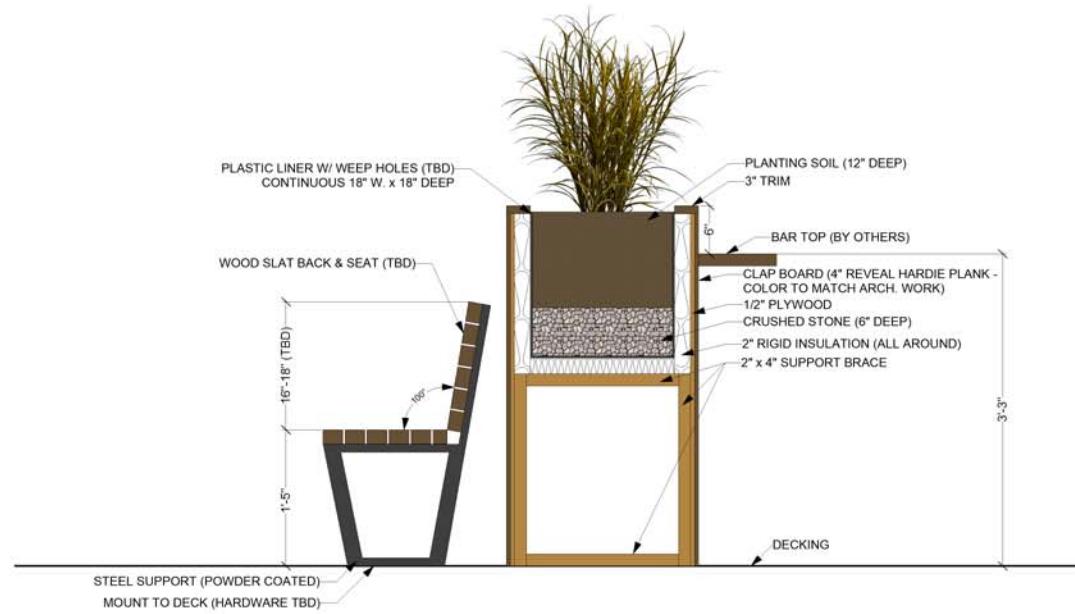
GATE AT MARTINGALE PUBLIC OVERLOOK DECK TO MATCH EXISTING GATE TO THE MARTINGALE DECK. SIGNAGE REGARDING USE, RULES, AND REGULATIONS TO BE ATTACHED TO GATE.



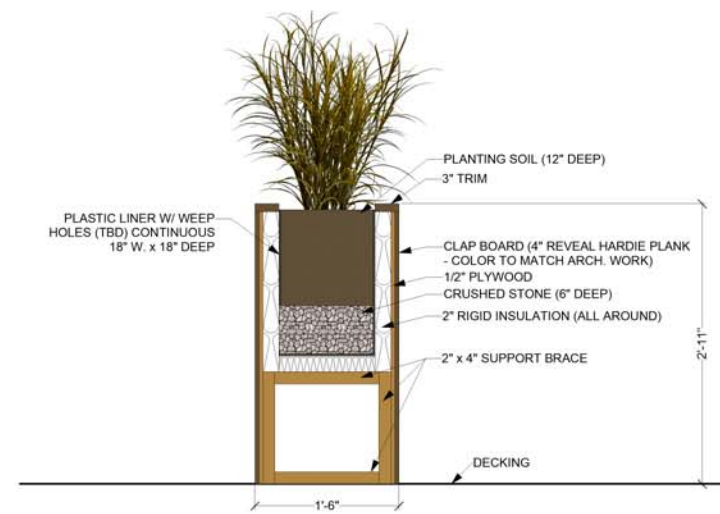
2 TRASH AND RECYCLE RECEPTACLES

TRASH AND RECYCLE RECEPTACLES AT MARTINGALE PUBLIC OVERLOOK TO BE SIMILAR TO CITY OF PORTSMOUTH RECEPTACLES

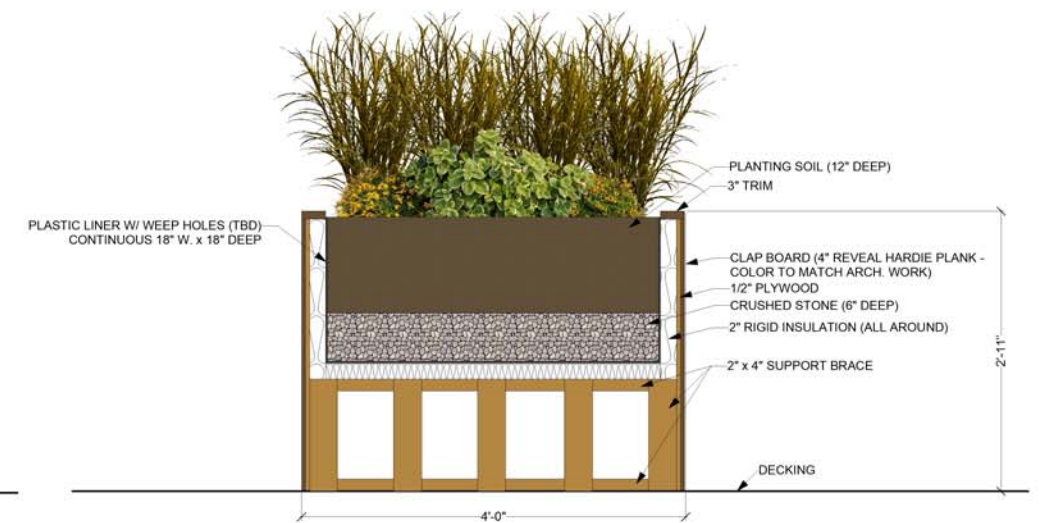




1 PLANTING BOX AND BAR DETAIL  
L-1 SCALE: 1"=1'-0"



2 SOLITARY PLANTER (18" W. x 48" L. x 35" HT.)  
L-1 SCALE: 1"=1'-0"



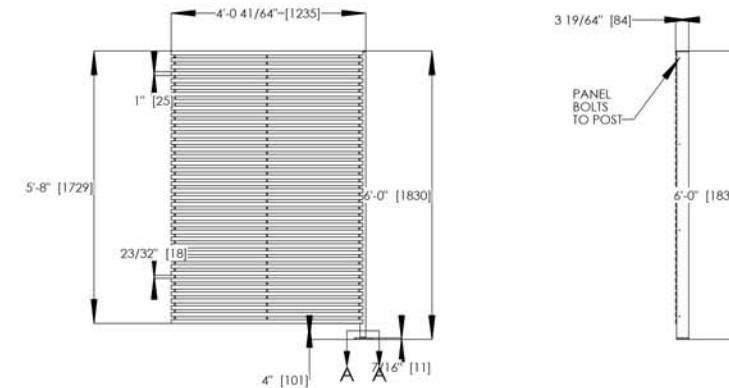
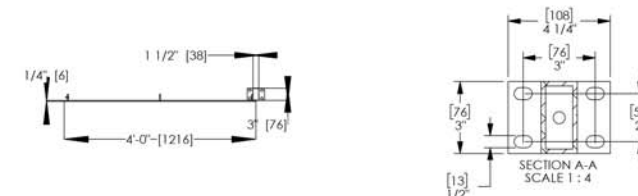
0 1 2 3 FT



TOURNESOL WILSHIRE WCR-3600 IN ROYALTY OR EQUAL

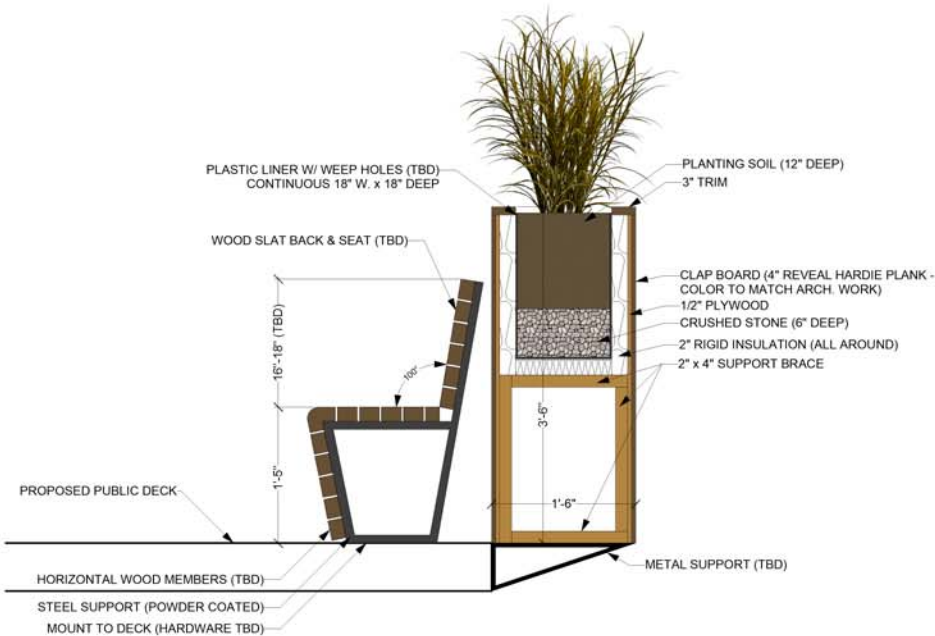
LINE panel with one post, 6ft high, 1in horizontal slat panel OR EQUAL  
Product Drawing

Date: 07/18/2019  
www.landscapeforms.com Ph: 800.521.2546

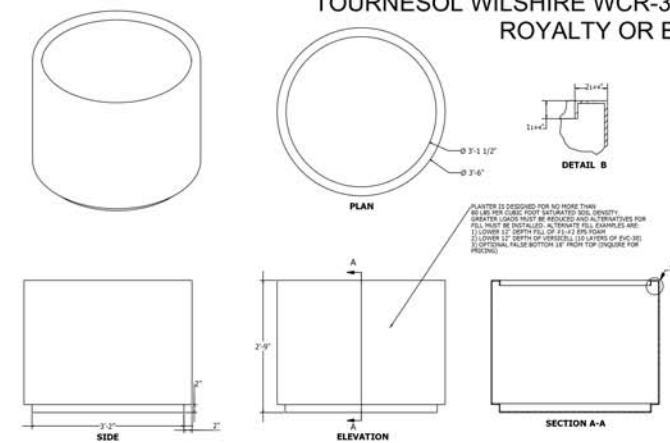


Drawing: BX0603  
Dimensions are in inches [mm]

CONFIDENTIAL DRAWING INFORMATION CONTAINED HEREIN IS THE PROPERTY OF LANDSCAPE FORMS. INTENDED USE IS LIMITED TO DESIGN PROFESSIONALS SPECIFYING LANDSCAPE FORMS PRODUCTS AND THEIR DIRECT CLIENTS. DRAWING IS NOT TO BE COPIED OR DISCLOSED TO OTHERS WITHOUT THE CONSENT OF LANDSCAPE FORMS. © 2018 LANDSCAPE FORMS. ALL RIGHTS RESERVED.



3 WEST BENCH AND PLANTER DETAIL  
L-1 SCALE: 1"=1'-0"



ROYALTY  
COLOR: ROYALTY  
TEXTURE: \_\_\_\_\_  
WILSHIRE WS-4200  
WS-4200-SUB

4 42" DIAMETER PLANTER DETAIL  
L-1 SCALE: 1"=1'-0"

5 METAL SCREEN PARTITION AT WAITRESS STAND  
L-1 SCALE: 1"=1'-0"