

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

John K. Bosen
Admitted in NH & MA

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Admitted in NH & ME

March 10, 2020

The Honorable Rick Beckstead, Mayor
Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, N.H. 03801

Re: Cate Street Relocation

Dear Mayor Beckstead and Members of the City Council

As you are aware, for the past 25 years the City has pursued a goal of connecting the Route #1 ByPass with Bartlett Street to take traffic (including truck traffic) off Woodbury Avenue and provide a more convenient access to the Islington Street area. That goal became a reality when the owners of the land necessary for this connector entered into a land swap agreement with the City and as a result, construction is now underway.

In addition to the traffic relief that the relocated roadway will provide, the agreement with the City will add a vital link in the City's long standing goal of protecting and enhancing Hodgson Brook. The amount of pavement in the area will be significantly reduced and all of the surface water run off that now flows directly into the brook will be treated. The project will also allow for a multiuse path along the brook.

As part of the process for the relocation and construction of a new roadway, the existing roadway must be technically "discontinued." To address that requirement, I have prepared a "Petition to Discontinue." I respectfully request that this Petition be placed on the March 16 Council agenda for informational purposes and placed

on the April 6, City Council Agenda for consideration. All of the abutters to the existing roadway will be given certified mail notice of the April 6 meeting.

Sincerely,



John K. Bosen

**PETITION FOR DISCONTINUANCE OF A PORTION OF THE PUBLIC HIGHWAY
KNOWN AS CATE STREET**

**TO THE HONORABLE MAYOR
AND CITY COUNCIL OF THE CITY OF PORTSMOUTH:**

The undersigned respectfully represents that for the accommodation of the public there is occasion for discontinuing completely and absolutely that portion of the public highway known as Cate Street described and depicted on Exhibit A attached hereto, which is incorporated by reference herein and made a part hereof.

Discontinuance is conditioned upon the discontinued portion of the road being kept open, maintained, and unmodified by the owners of the northerly abutting parcels (Tax Map 163, Lots 33 and 34) to which title to the underlying fee of the northerly half of the road will revert, specifically, Cate Street Development, LLC, and their successors, until such time as the travel lanes of the new, proposed public highway, also to be known as Cate Street, as shown on the plan attached as Exhibit A hereto, are completely constructed and open for public use.

Due to the ancient age of the existing public highway known as Cate Street, no prior layout by the City of Portsmouth nor deed conveying title thereto was found.

The undersigned therefore requests that the Mayor and City Council discontinue the within-described portion of the public highway known as Cate Street, subject to the within conditions.

CATE STREET DEVELOPMENT, LLC

By: 
Name: Jay Bisognano
Title: Manager

ABUTTERS

TAX MAP 158, LOT 13
SLATTERY & DUMONT, LLC
66 OLD CONCORD TURNPIKE #10
BARRINGTON, NH 03825
R.C.R.D. BOOK 3471, PAGE 196

TAX MAP 163, LOT 1
M & B PROPERTIES, LLC
54 BARTLETT STREET
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 5794, PAGE 996

TAX MAP 163, LOT 2
INDUSTRIAL RENTS-NH, LLC
6 WAYNE ROAD
WESTFORD, MA 01886
R.C.R.D. BOOK 5606, PAGE 2334

TAX MAP 163, LOT 32
SHARAN R. GROSS REV. TRUST
180 BIRCH HILL RD
YORK, ME 03909
R.C.R.D. BOOK 5261 PAGE 2208
R.C.R.D. BOOK 3406 PAGE 1383

TAX MAP 163, LOT 35
ELDRIDGE BREWERY REALTY PARTNERSHIP
1 CATE ST
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 2572 PAGE 2635

TAX MAP 163, LOT 36
CST HOLDINGS, LLC
3 CATE ST
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 3923 PAGE 202

TAX MAP 163, LOT 37
CITY OF PORTSMOUTH
PO BOX 628
PORTSMOUTH, NH 03802
R.C.R.D. BOOK 2284 PAGE 812

TAX MAP 164, LOT 1
PORTSMOUTH LUMBER & HARDWARE, LLC
105 BARTLETT STREET
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 5372, PAGE 2606

TAX MAP 164, LOT 2
PORTSMOUTH LUMBER & HARDWARE, LLC
105 BARTLETT STREET
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 5808, PAGE 1379

TAX MAP 164, LOT 4
BOSTON & MAINE CORP.
IRON HORSE PARK, HIGH STREET
NO. BILLERICA, MA 01862

TAX MAP 164, LOT 5
HOUSTON HOLDINGS, LLC
653 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 3558, PAGE 464

TAX MAP 164, LOT 12
JOSEPH GOBBI SUPPLY CORP.
PO BOX 125
PORTSMOUTH, NH 03802
R.C.R.D. BOOK 3233, PAGE 1949

TAX MAP 165, LOT 1
CATE STREET LLC
105 BARTLETT STREET
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 5903 PAGE 1436

TAX MAP 165, LOT 14
BOSTON AND MAINE CORP
IRON HORSE PK HIGH ST
NO BILLERICA, MA 01862
R.C.R.D. BOOK PAGE

TAX MAP 172, LOT 2
408 HIGHWAY 1 BYPASS, LLC
549 US HIGHWAY 1 BYPASS
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 5671 PAGE 2150

TAX MAP 173, LOT 3
EDGAR W. & JANICE E. ANDERSON
224 CATE ST
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 2956 PAGE 1071

TAX MAP 173, LOT 9
PAUL J. HOLLOWAY
C/O COAST PONTIAC
500 US HWY 1 BYPASS
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 3107, PAGE 950

TAX MAP 173, LOT 10
AREC 13, LLC C/O U-HAUL INTERNATIONAL
PO BOX 29046
PHOENIX, AZ 85038
R.C.R.D. BOOK 4575 PAGE 950

TAX MAP 174, LOT 14
AER RE LLC
185 COTTAGE STREET
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 5965, PAGE 2216

TAX MAP 233, LOT 145
CITY OF PORTSMOUTH
1 JUNIKINS AVENUE
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 5127, PAGE 2074

TAX MAP 234, LOT 2A
PUBLIC SERVICE CO. OF NH
PO BOX 270
HARTFORD, CT 06141
R.C.R.D. BOOK 1257, PAGE 324

TAX MAP 234, LOT 3
PUBLIC SERVICE CO. OF NH
PO BOX 270
HARTFORD, CT 06141
R.C.R.D. BOOK 5548, PAGE 738

TAX MAP 234, LOT 5
SEACOAST DEVELOPMENT GROUP, LLC
505 US ROUTE 1 BYPASS
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 3107, PAGE 950

TAX MAP 234, LOT 7-6
CRETHI WARAMAUG PORTSMOUTH, LLC
C/O CTMI, LLC
PO BOX 741328
DALLAS, TX 75374
R.C.R.D. BOOK 5620, PAGE 1675

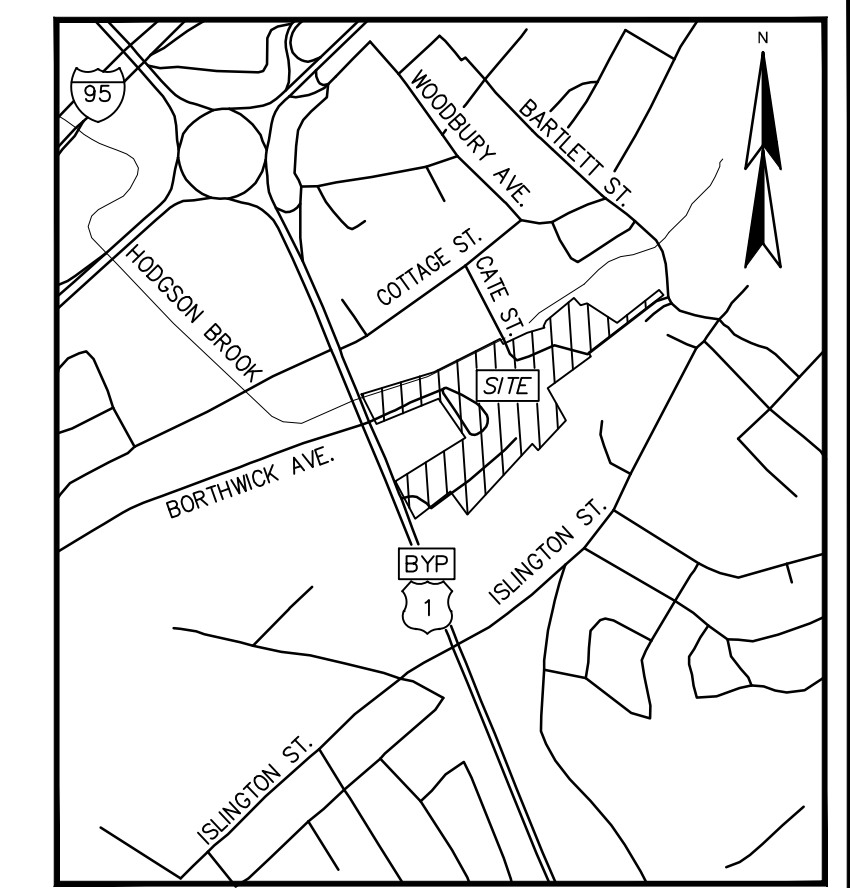
TAX MAP 234, LOT 51
MEADOWBROOK INN CORP.
C/O PORTSMOUTH CHEVROLET
549 ROUTE 1 BYPASS
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 2382, PAGE 1968

NOTES:

- 1. REFERENCE: TAX MAP 163, LOT 33 - 12,230 SF OR 0.28 AC.
TAX MAP 163, LOT 34 - 64,109 SF OR 1.47 AC.
...
5. THE LIMITS OF JURISDICTIONAL WETLANDS WERE DELINEATED BY MARC JACOBS IN NOVEMBER 2016 AND REVIEWED BY GOVE ENVIRONMENTAL SERVICES, INC. DURING APRIL 2018...

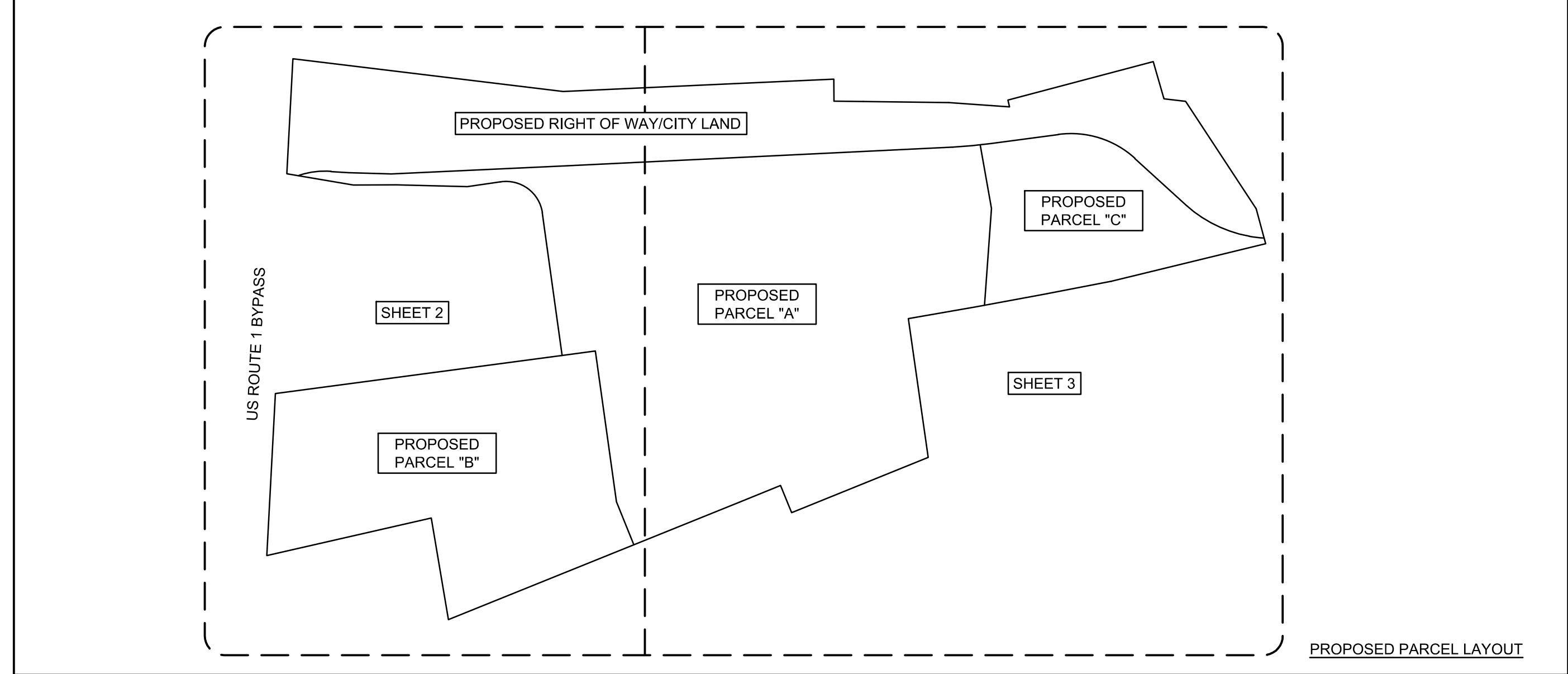
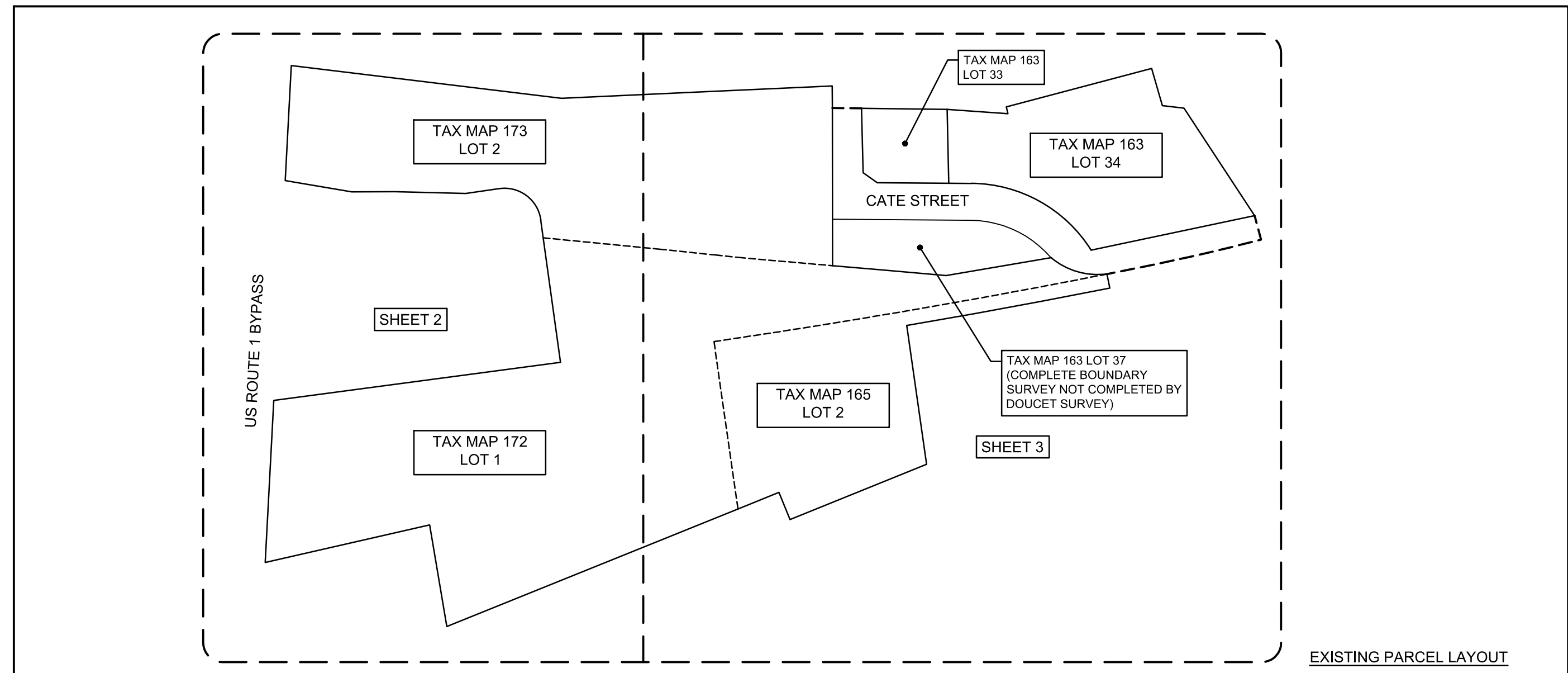
- 6. FLOOD HAZARD ZONE: "X", PER FIRM MAP #33015C0259E, DATED 5/17/05.
7. VERTICAL DATUM IS BASED ON NGVD29 PER DISK V 28 1942 ELEV. 25.59.
...
11. FINAL MONUMENTATION MAY BE DIFFERENT THAN THE PROPOSED MONUMENTATION SHOWN HEREON...

-SEE SHEET 4 FOR NOTES 12 & 13 SPECIFIC TO EXISTING AND PROPOSED EASEMENT.
-SEE SHEET 7 FOR NOTES SPECIFIC TO EXISTING CONDITIONS.



REFERENCE PLANS

- 1. "MAINE-NEW HAMPSHIRE INTERSTATE BRIDGE AUTHORITY, PISCATAQUA RIVER BRIDGE, KITTEERY, MAINE-PORTSMOUTH, NEW HAMPSHIRE, RIGHT OF WAY MAPS, N.H. APPROACH,BY ALBERT MOULTON, CE, DATED 1954, ON FILE A THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION.
2. "PLAT OF LAND U.S. ROUTE 1 BY-PASS PORTSMOUTH, NEW HAMPSHIRE FOR GRIFFIN FAMILY CORP.", BY DURGIN, VERRA AND ASSOCIATES, INC., DATED JANUARY 20, 1992, RECEIVED FROM THE OFFICE OF JAMES VERRA.
...
33. "LAND IN PORTSMOUTH, N.H. BARTLETT & CATE STREET", BY JOHN W. DURGIN CIVIL ENGINEER, DATED JULY 1924, R.C.R.D. PLAN 0133.



APPROVED FOR THE RECORD
CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES...

SUBDIVISION & EASEMENT PLAN FOR CATE STREET DEVELOPMENT LLC OF TAX MAP 163, LOTS 33 & 34 TAX MAP 165, LOT 2 TAX MAP 172, LOT 1 TAX MAP 173, LOT 2 CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE

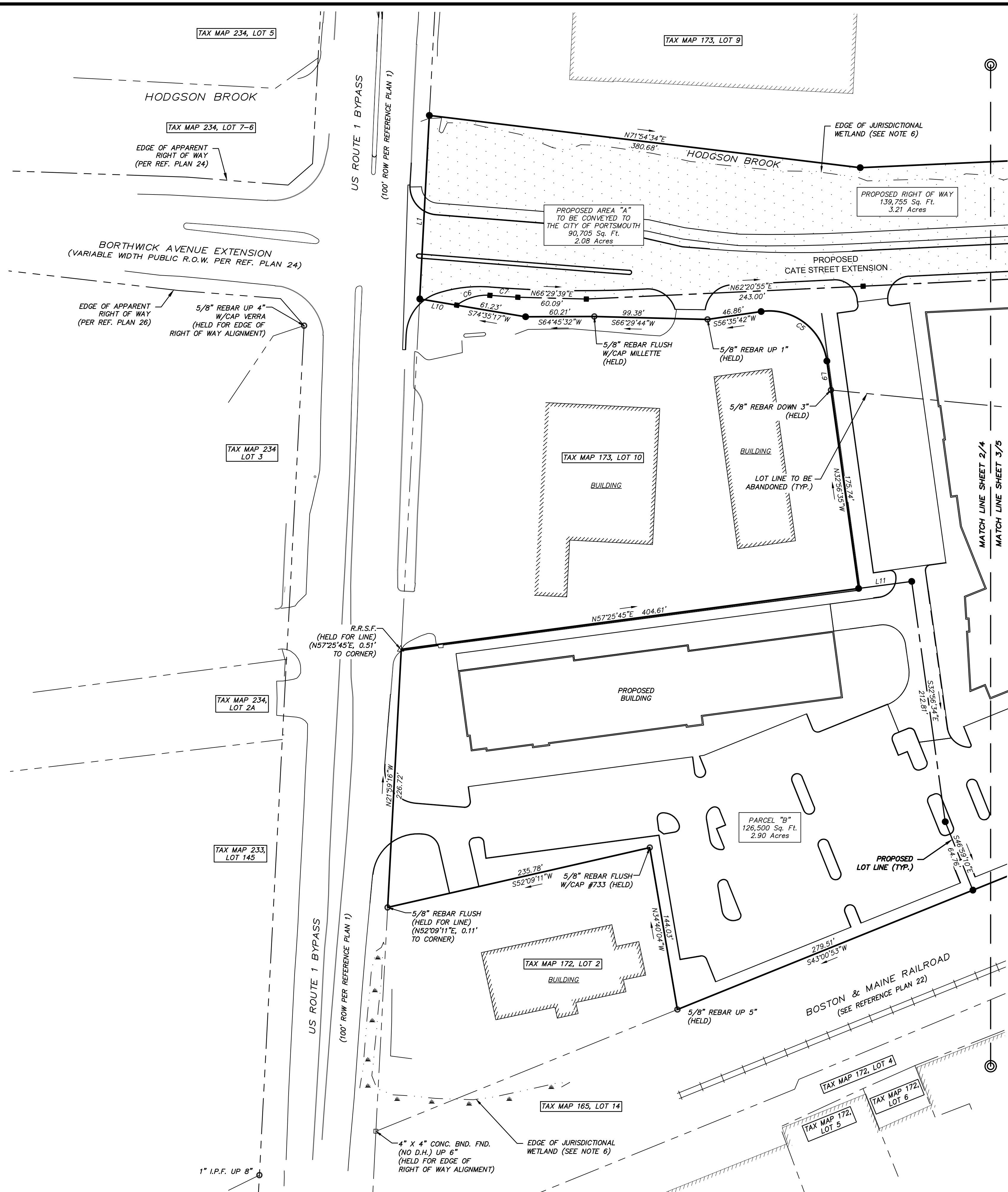
Table with columns: NO., DATE, DESCRIPTION, BY.

Table with columns: DRAWN BY, M.W.F., DATE, JULY 3, 2019; CHECKED BY, W.J.D., DRAWING NO., 5517D; JOB NO., 5517, SHEET 1 OF 12.

DOUCET SURVEY logo and contact information: Serving Your Professional Surveying & Mapping Needs, 102 Kent Place, Newmarket, NH 03857 (603) 659-6560.

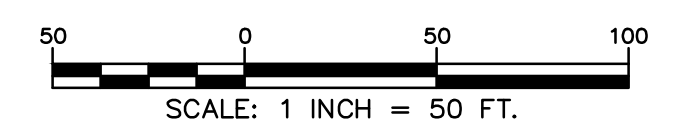
CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	66.21'	178.00'	21°18'42"	N85°47'06"E	65.83'
C2	20.94'	178.00'	6°44'29"	N71°45'30"E	20.93'
C3	180.71'	11451.20'	0°54'15"	N54°18'39"E	180.71'
C4	108.14'	11451.20'	0°32'28"	N55°02'01"E	108.14'
C5	80.85'	51.00'	90°49'33"	S78°21'38"E	72.64'
C6	30.94'	45.00'	39°23'52"	N48°30'09"E	30.34'
C7	24.56'	1008.50'	1°23'42"	N68°53'56"E	24.56'
C8	38.52'	635.87'	3°28'15"	N60°29'39"E	38.51'
C9	15.14'	635.87'	1°21'52"	N58°04'35"E	15.14'
C10	115.78'	133.00'	49°52'37"	N82°19'58"E	112.16'
C11	33.65'	178.00'	10°49'50"	S78°08'38"E	33.60'
C12	181.57'	200.00'	52°00'57"	S83°14'19"E	175.40'
C13	84.14'	100.00'	48°12'27"	N81°13'11"E	81.68'
C14	134.92'	2836.93'	2°43'29"	N52°04'44"E	134.90'
C15	101.35'	148.44'	39°07'10"	N84°55'36"W	99.39'
C16	26.01'	148.44'	10°02'24"	N70°29'37"E	25.98'
C17	18.43'	200.00'	5°16'48"	N68°06'49"E	18.42'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N21°59'16"W	161.10'
L2	S25°06'26"E	30.74'
L3	N65°44'42"E	40.75'
L4	N38°11'17"W	10.00'
L5	N71°55'42"E	30.64'
L6	S40°12'57"E	42.38'
L7	S36°26'29"E	20.00'
L8	N46°59'07"W	41.00'
L9	N32°56'35"W	25.61'
L10	S74°35'17"W	32.98'
L11	N57°25'45"E	47.00'
L12	S26°33'24"E	20.39'
L13	S79°44'51"E	24.00'
L14	N65°28'25"E	31.49'
L15	S55°22'43"W	92.06'
L16	S55°22'43"W	56.61'
L17	N20°49'54"W	60.72'
L18	N20°49'54"W	65.36'
L19	N35°02'16"W	44.30'
L20	N35°02'16"W	46.03'



LEGEND

---	LOT LINE
---	PROPOSED LOT LINE
---	APPARENT RIGHT OF WAY LINE
---	LOT LINE TO BE ABANDONED
---	APPROXIMATE ABUTTER LOT LINE
---	EDGE OF WETLAND
---	BOUND FOUND
△	R.R.S.F.
○	RAILROAD SPIKE FOUND
○	IRON PIPE/ROD FOUND
○	4"x4" GRANITE BOUND TO BE SET
○	5/8" REBAR W/ID CAP TO BE SET
○	BOUND FOUND
○	I.P.F.
○	CONC.
○	DRILL HOLE
---	AREA TO BE CONVEYED TO THE CITY OF PORTSMOUTH



SUBDIVISION & EASEMENT PLAN FOR CATE STREET DEVELOPMENT LLC OF TAX MAP 163, LOTS 33 & 34 TAX MAP 165, LOT 2 TAX MAP 172, LOT 1 TAX MAP 173, LOT 2 CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE

NO.	DATE	DESCRIPTION	BY
4	11/14/19	REVISE EASEMENTS	MWF
3	9/30/19	ADD ADDITIONAL TOPO	MTL
2	9/6/19	ADD ADDITIONAL EASEMENTS	MWF
1	8/19/19	ADD ADDITIONAL EASEMENTS	MWF

DRAWN BY:	M.W.F.	DATE:	JULY 3, 2019
CHECKED BY:	W.J.D.	DRAWING NO.:	5517D
JOB NO.:	5517	SHEET	2 OF 12

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 2 Commerce Drive (Suite 202) Bedford, NH 03110 (603) 614-4060
 10 Storer Street (Riverview Suite) Kennebunk, ME (207) 502-7005
<http://www.doucetsurvey.com>

APPROVED FOR THE RECORD
 CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

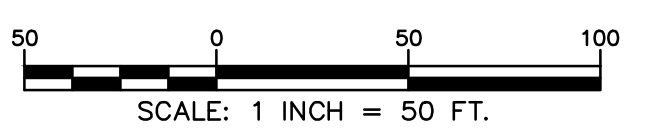
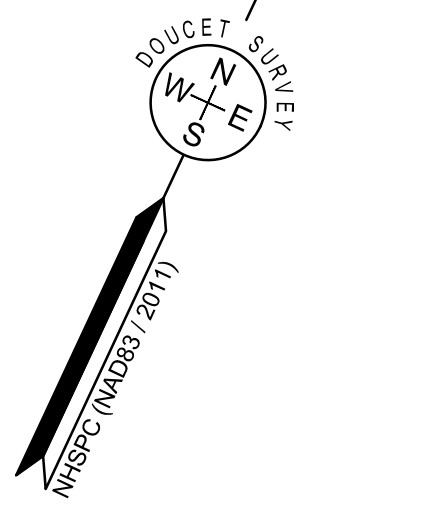
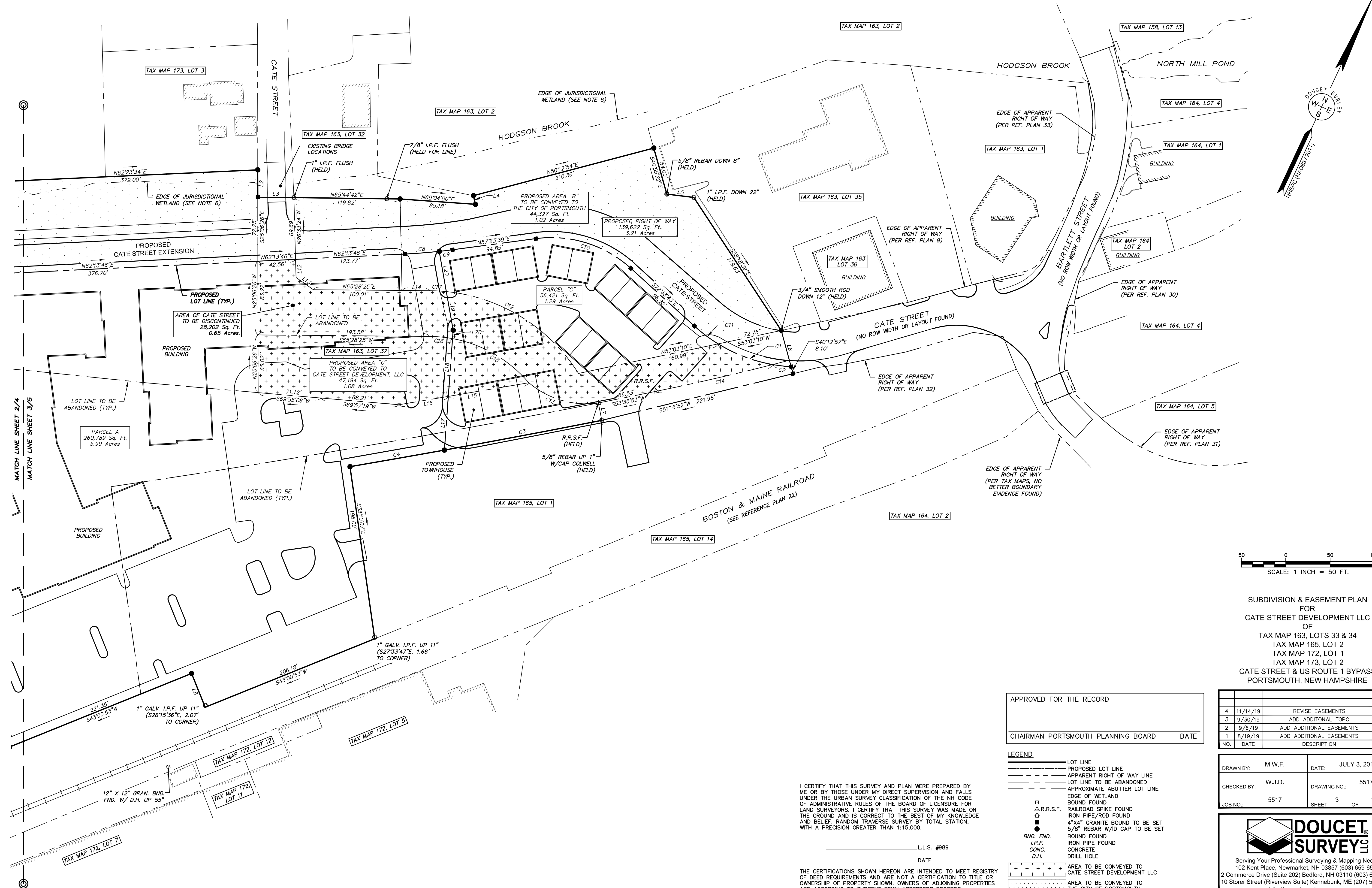
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. RANDOM TRAVERSE SURVEY BY TOTAL STATION, WITH A PRECISION GREATER THAN 1:15,000.

L.L.S. #989
 DATE

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEED REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.

FILE NAME: Y:\WORK\2019\5517.DWG DATE: 4/13/2019 10:51:10 AM PLAN: 5517 PLOTTED: Thursday, February 16, 2020 - 12:28pm

FILE NAME: Y:\WORK\2019\5517.DWG DATE: 4/19/2019 10:53:19 SUB: PLANS.dwg LAYOUT NAME: SUB DATE: 03/17/2019 10:53:19 PLOTTED: Thursday, February 16, 2020 - 12:26pm



SUBDIVISION & EASEMENT PLAN
FOR
CATE STREET DEVELOPMENT LLC
OF
TAX MAP 163, LOTS 33 & 34
TAX MAP 165, LOT 2
TAX MAP 172, LOT 1
TAX MAP 173, LOT 2
CATE STREET & US ROUTE 1 BYPASS
PORTSMOUTH, NEW HAMPSHIRE

APPROVED FOR THE RECORD

CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

LEGEND

---	LOT LINE
- - - -	PROPOSED LOT LINE
- · - · -	APPROXIMATE ABUTTER LOT LINE
- · - · -	EDGE OF WETLAND BOUND FOUND
□	R.R.S.F.
○	RAILROAD SPIKE FOUND
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●	4"x4" GRANITE BOUND TO BE SET
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■	BOUND FOUND
■	IRON PIPE FOUND
■	CONCRETE
■	DRILL HOLE
+	AREA TO BE CONVEYED TO CATE STREET DEVELOPMENT LLC
+	AREA TO BE CONVEYED TO THE CITY OF PORTSMOUTH

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