

GOVE ENVIRONMENTAL SERVICES, INC.  
AGENT

CITY OF PORTSMOUTH  
CONDITIONAL USE PERMIT  
APPLICATION

CATE ST. DEVELOPMENT, LLC  
CATE ST RE-DEVELOPMENT

MAP-LOTS

172-1

173-2

165-2

163-33&34

Prepared By

Gove Environmental Services, Inc.  
8 Continental Dr Bldg 2 Unit H, Exeter, NH 03833-7526  
*Ph* (603) 778 0644 / *Fax* (603) 778 0654  
[info@gesinc.biz](mailto:info@gesinc.biz) / [www.gesinc.biz](http://www.gesinc.biz)

GES 2018024

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# City of Portsmouth Conditional Use Application

**City of Portsmouth**  
**Application for Conditional Use Permit**  
**For Use, Activity or Alteration in a Wetland or Wetland Buffer**  
 [Zoning Ordinance – Section 10.1010 – Wetlands Protection]

Date Submitted: 01/30/19 Fee: \$1,000.00  
 Site Address: Cate St., Portsmouth, NH Map \_\_\_\_\_ Lot See description  
 Zoning District: G1 Mixed Residential Lot area: 579,348 sq. ft.

Owner		Applicant	
Name	<u>Jay Bisognano</u>	Name	<u>Jay Bisognano</u>
Address	<u>60K St., Boston, MA, 02127</u>	Address	<u>60K St., Boston, MA, 02127</u>
Phone	<u>978-490-5278</u>	Phone	<u>978-490-5278</u>
Email	<u>jb@torprops.com</u>	Email	<u>jb@torprops.com</u>

<p><b>Proposed Activity (check all that apply):</b></p> <p><input type="checkbox"/> New structure</p> <p><input type="checkbox"/> Expansion of existing structure</p> <p><input checked="" type="checkbox"/> Other site alteration (specify):  <u>Working within the buffer</u></p>	<p><b>Impacted Jurisdictional Area(s) (check all that apply):</b></p> <p><input checked="" type="checkbox"/> Inland wetland    <input checked="" type="checkbox"/> Inland wetland buffer</p> <p><input type="checkbox"/> Tidal wetland    <input type="checkbox"/> Tidal wetland buffer</p>
---	---

Total area of inland wetland (both on and off the parcel): _____ sq. ft.	
Distance of proposed structure or activity to edge of wetland: <u>~16</u> ft.	
	<b>Total Area on Lot</b>
Inland wetland	<u>7,515.47</u> sq. ft.
Tidal wetland	_____ sq. ft.
Wetland buffer	<u>106,553.56</u> sq. ft.
	<b>Area to be Disturbed</b>
	<u>0.0</u> sq. ft.
	<u>T: 19,567 P: 50,225</u> sq. ft.

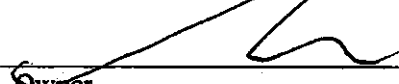
**Temporary & Permanent**

**Description of site and proposed construction:** Map 172 Lot 1, Map 173 Lot 2, Map 165 Lot 2, Map 163 Lot 33&34

The proposed project will be a re-development of existing lots for residential living space and will include office and retail space while also improving storm water management on site and removing ~14% impervious surface across the site

See reverse side for Submission Requirements and Information for Applicant.

Both sides must be signed to complete this form.

 Date: 1/29/18  
 Owner  
 Applicant (if different) Date: \_\_\_\_\_

### Submission Requirements

The applicant must file 22 copies (10 copies for the Conservation Commission and 12 copies for the Planning Board) of a stamped and folded Site Plan to scale showing the location of the proposed structure, use, activity or alteration in relation to the wetland, as determined by on-site inspection by a certified wetland scientist at a time when conditions are favorable for such inspection and delineation. The plan shall include all information specified in Section 10.1017.20 of the Zoning Ordinance, and shall include a locus map with a north arrow.

### Information for Applicant

If there is any question, however slight, of the presence of wetlands on the site, the applicant should consult the City Wetlands Map on file in the Planning Department. If it appears that wetlands might exist on site, the applicant should become familiar with the provisions of Section 10.1010 of the Zoning Ordinance.

### Review by Independent Certified Wetland Scientist

In the majority of cases the Planning Board will require the opinion of a qualified independent certified wetland scientist. In such cases the procedure is that the Board applies to the Rockingham County Conservation District for the services of such an individual. The findings of the certified wetland scientist will include, but are not limited to, the suitability of the site for the proposed use and the effect of the project on the wetlands on site and in the vicinity.

The certified wetland scientist will render a report to the District, with copies to the Planning Board and the Conservation Commission. The District will bill the City directly for the services of the certified wetland scientist. The owner /applicant shall forward a check to the City made payable to Rockingham County Conservation District prior to the petition being reviewed by either the Conservation Commission or the Planning Board.

Following the receipt of the report from the Rockingham County Conservation District, the Conservation Commission will review the application and will make a recommendation to the Planning Board. Once such a recommendation is made by the Conservation Commission, the Planning Board will schedule a Public Hearing.

I have read and understand the above information. I will pay any additional fees due as required above.

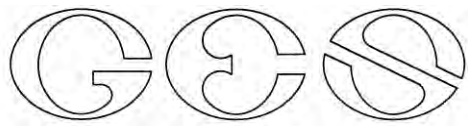
\_\_\_\_\_  
Owner

Date: 1/28/19

\_\_\_\_\_  
Applicant (if different)

Date: \_\_\_\_\_

# Conditional Use Application Fact Sheet



## Conditional Use Application

### Fact Sheet

#### Wetlands, Overall Site:

- Subject Parcel: Map 172 Lot 1, Map 173 Lot 2, Map 165 Lot 2 and Map 163 Lots 33 & 34
  - Total area: 13.3 acres
- Total Wetland Area: Approximately 0.2 acres
- Total Area of 100-Foot Wetland Buffer: Approximately 2.5 acres

#### Wetland, Proposed Impact:

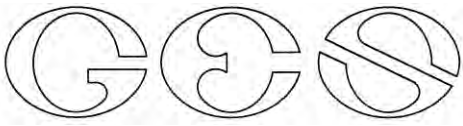
- Area of Wetland to be disturbed: 0.00 square feet
- Area of 100-foot Wetland Buffer to be disturbed:
  - Permanent: 50,225 square feet
  - Temporary: 19,567 square feet
  - Total: 69,792 square feet
- Minimization: The proposed project avoids all wetland impacts and will remove about 24% of the existing impervious surface
- Avoidance: The proposed design moves all buildings away from the resource area and adds detention basins between Hodgson Brook and the proposed roadway for water quality control.

#### Wetlands, Proposed Restoration & Site Improvements:

- Area of Wetland Buffer to be restored: 19,567 square feet
  - Existing impervious surface to be reduced by 24%
  - Invasive species removal (Japanese Knotweed)
  - Native plantings to be installed
  - Detention basins to be installed for water quality
- Net Wetland Buffer Improvement: 19,567 square feet
- Other Site Improvements:
  - Introduce stormwater management to the site
  - Stormwater detention basin provides treatment of runoff
  - Stormwater will no longer flow untreated into Hodgson Brook
  - Plantings in 19,567 square feet of temporary disturbance area

# Conditional Use Application Requirements & Criteria for Approval





**Conditional Use Application**

10.1017.21

*The application shall be in a form prescribed by the Planning Board, and shall include the following information:*

*(1) Location and area of lot and proposed activities and uses;*

All work subject to conditional approval as noted in 10.1016.20 will occur on the 13.3-acre project site that incorporates Map 163, Lots 33&34 (0.28-acres, 1.54-acres), Map 165, Lot 2 (1.6-acres), Map 172, Lot 1 (5.43-acres), Map 173, Lot 2 (3.35-acres) and the right of way for Cate St adjacent to the aforementioned lots. Proposed activity within the 100ft buffer is for the construction of a through road that will join Cate St. to the Borthwick Ave and Route 1 intersection. During the construction of the connecting roadway, approximately 15,663 SF (~24%) of existing impervious surface currently within the buffer will be removed and the areas will be vegetated with native plantings. Other impacts within the buffer associated with the proposed project include invasive species removal, culvert removal and construction of treatment swale.

*(2) Location and area of all jurisdictional areas (vernal pool, inland wetland, tidal wetland, river or stream) on the lot and within 250 feet of the lot;*

GES reviewed work previously done by another wetland scientist on site. Upon review of all the jurisdictional wetland areas established on site we deemed them to be accurate based on the current wetland delineation standards. All wetlands on site are outlined on page CW-100 and CW-101

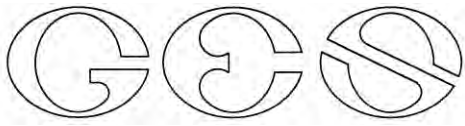
*(3) Location and area of wetland buffers on the lot;*

Total Wetland area on site:	7,515.47 SF
Total Area of 100ft Wetland Buffer:	106,553.56 SF
Area of Wetland Buffer to be Disturbed:	48,862 SF
Area of Wetland to be Disturbed:	0.00 SF (no direct wetland impacts)

See Plan:

*(4) Description of proposed construction, demolition, fill, excavation, or any other alteration of the wetland or wetland buffer;*

The applicant is proposing to connect Cate St. to the intersection of Borthwick Ave, and Route 1. During this proposed construction extending Cate St. removal of 15,663 SF of existing impervious pavement will be removed. Additional work within the buffer will include invasive species removal, culvert removal, and the construction of a treatment swale for storm water that enters Hodgson's Brook.



*(4) Setbacks of proposed alterations from property lines, jurisdictional areas and wetland buffers;*

See Proposed Conditions, Site Plan: CC-101

*(6) Location and area of wetland impact, new impervious surface, previously disturbed upland;*

There are no direct wetland impacts associated with the proposed development. All proposed work regarding the conditional use permit will occur within the bank of Hodgson Brook or within the 100ft buffer of the established wetland delineation. Existing impervious surface on site is 64,525 SF. The proposed development will impact approximately 48,862 SF of wetland buffer through the connection of Cate St. to the intersection of Borthwick Ave, and Route 1. This will result in 15,663 SF less impervious surface than what is currently existing on site, an approximate decrease of 24%. An additional 5,267SF of temporary impact will be done within the bank for removal of invasive species, and two culverts as well as the construction of a water quality treatment swale. All areas that will be considered temporary impacts will be re-established using an erosion control seed mix and native plantings to ensure that the areas are stabilized

*(7) Location and description of existing trees to be removed, other landscaping, grade changes, fill extensions, rip rap, culverts, utilities;*

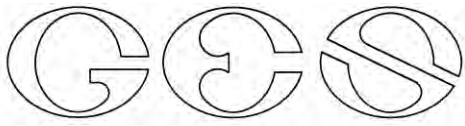
This information is shown on Wetland Impact Plan CW-101. As part of the project, the dumping material as well as invasive species and culvert are to be removed and disposed of off-site. This are will be amended with clean material and planted with native species.

*(8) Dimensions and uses of existing and proposed buildings and structures.*

The two existing buildings on Map 165 Lot 2 are commercial warehouses, the two existing buildings on Map 172 Lot 1 include the Frank Jones Center as well as a second commercial building which does not appear to have active tenants, Map 163 Lots 33 & 34 both have buildings existing on the lots with one being a residential building (33) and the second being a landscaping station (34). There are no current structures on Map 173 Lot 2. The proposed buildings include 2 apartment buildings with a total of 250 units, 23 townhouse condos, and a retail/office building.

*(9) Any other information necessary to describe the proposed construction or alteration.*

The proposed project will remove 24% of the existing impervious surface within the 100-foot buffer along Hodgson Brook and replace it with native plantings to help re-establish native fauna along this section of the brook. No work will be occurring within Hodgson Brook. All work proposed by the applicant will only benefit the functions and values of this resource area.



*10.1017.22*

*The application shall describe the impact of the proposed project with specific reference to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way), and shall demonstrate that the proposed site alteration is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Ordinance.*

**Project Description**

The proposed project will look to redevelop the site previously mentioned above. The redevelopment will create addition residential living spaces as well as some commercial office and retail space. Currently the site is almost entirely paved or developed with 80.5% of the 13.3-acre site having impervious surface. The proposal brought forward by the applicant looks to remove approximately 14% of the impervious surface across the site and remove 24% of the impervious surface within the wetland buffer. The project also will tackle the stormwater treatment across the site as there is currently no treatment for stormwater before it enters directly into Hodgson Brook. Stormwater treatment will be done using, bioretention areas as well as a treatment swale and a closed drainage system.

**Site Description**

The site is almost entirely developed with impervious surface. Of the 13.3-acre site 10.7 acres are covered with impervious surface. A small area along Hodgson Brook appears to be somewhat naturally vegetated, however, this area also is becoming overrun with invasive species such as knotweed and rugosa rose. Drainage on site currently discharges directly into Hodgson Brook due to either sheet flow as the site is sloped towards the brook or through outflow pipes connected to catch basins on site. Impervious surface extends for a significant portion of the site adjacent to the top of bank leaving only a small amount of vegetated buffer between the current pavement and Hodgson Brook.

**Explanation of Proposed Buffer Impact**

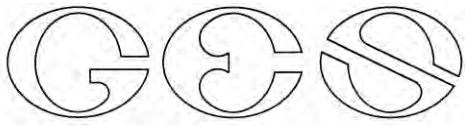
The applicants proposed impacts to the buffer of the resource area (Hodgson Brook) are to remove impervious surface from within the buffer, removal of invasive species and two culverts within the top of bank, the construction of a treatment swale and the connection of Cate St. to the intersection of Borthwick Ave and Route 1.

*10.1017.50*

*Criteria for Approval Any proposed development, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:*

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

The subject properties are within the G1 Zoning district Mixed Residential (Gateway Corridor). In Section 10.410 of the Zoning Ordinance, the purpose and definition of the G1 district “is to facilitate a broad range of housing types together with compatible



commercial, fabrication, and civic uses in a high-quality pedestrian environment with moderate to high density.”

The proposed project looks to promote a high-quality pedestrian environment at a moderate to high density. This is accomplished with the project design as it promotes the addition of open community space through the projects residential buildings as well as the promotion of a proposed pedestrian walking/biking trail adjacent to Hodgson Brook.

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

The proposed project looks to move the road out of the buffer to the greatest extent possible. The roadway needs to impact the wetland buffer slightly as it needs to have smooth connectivity with the existing intersection of Borthwick Ave and Route 1. The proposed project will be removing 15,663SF of impervious surface that is currently within the buffer.

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

There will be no adverse impacts on the wetland’s functional values from the proposed project. All impacts within the buffer and associated with the project will be beneficial to the wetland’s functional values through the removal of impervious surface within the buffer and the treatment of stormwater that would otherwise not be treated before entering into Hodgson Brook.

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

The impact to the 100ft buffer has been limited to the greatest extent possible. no unnecessary grading or clearing of vegetation will occur. The impact will be limited to 48,862 SF of permanent impact.

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

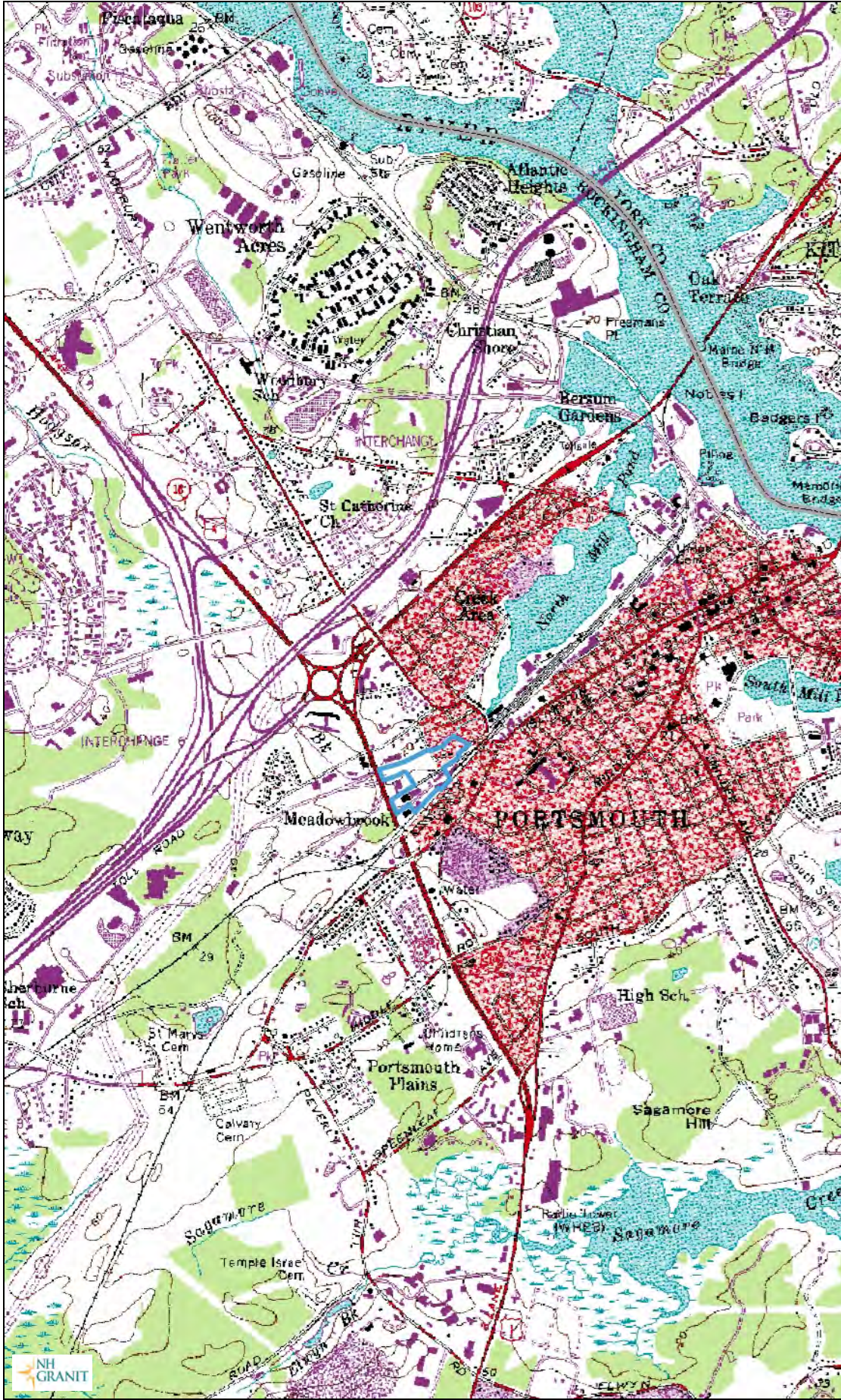
The proposed project avoids all direct wetland impacts and will remove approximately 24% of the existing impervious surface currently within the buffer and the project design moves all buildings away from the resource area and adds stormwater management to the site so the water will see treatment before entering Hodgson Brook.

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

All temporary impacts within the buffer will be re-established with native vegetation and stabilized using erosion control BMP’s.

# Locus Map

# Site Location



## Legend

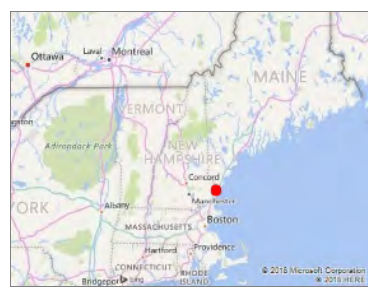
- State
- County
- City/Town

Map Scale  
1: 25,000

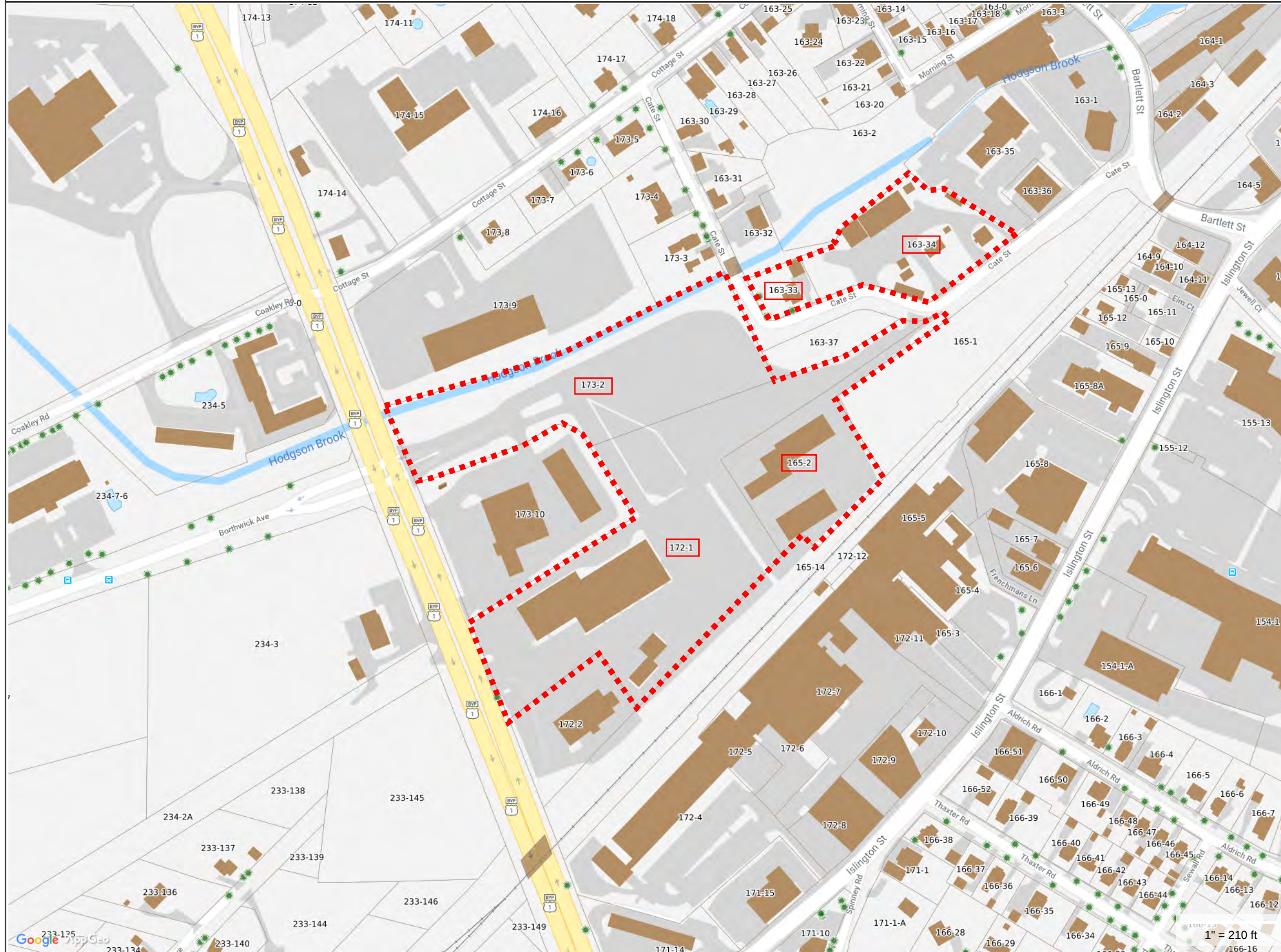


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Map Generated: 8/28/2018

## Notes



# Tax Map



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

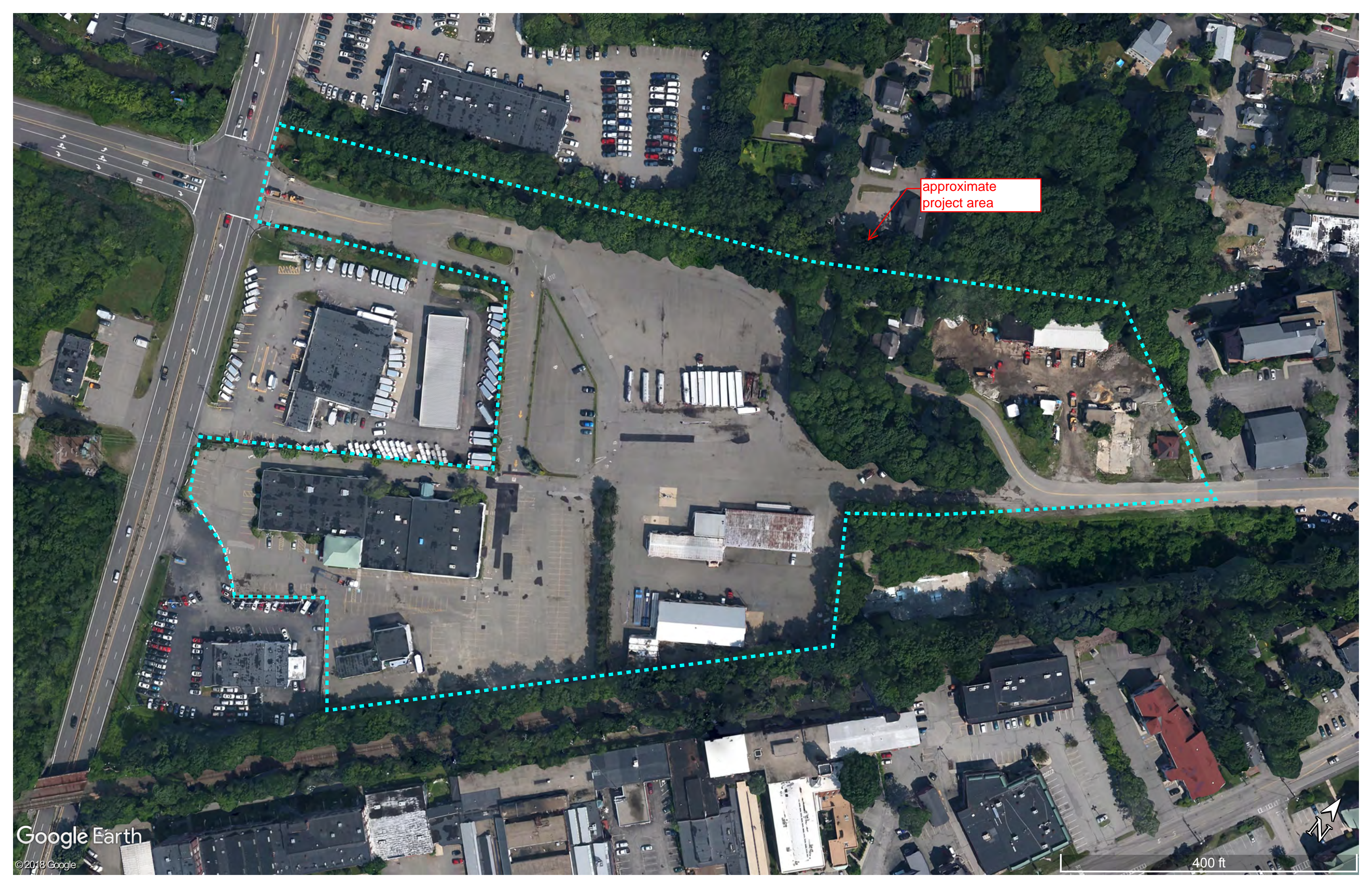
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/30/2018  
Data updated 11/19/2018

1" = 210 ft



## Overview Photo

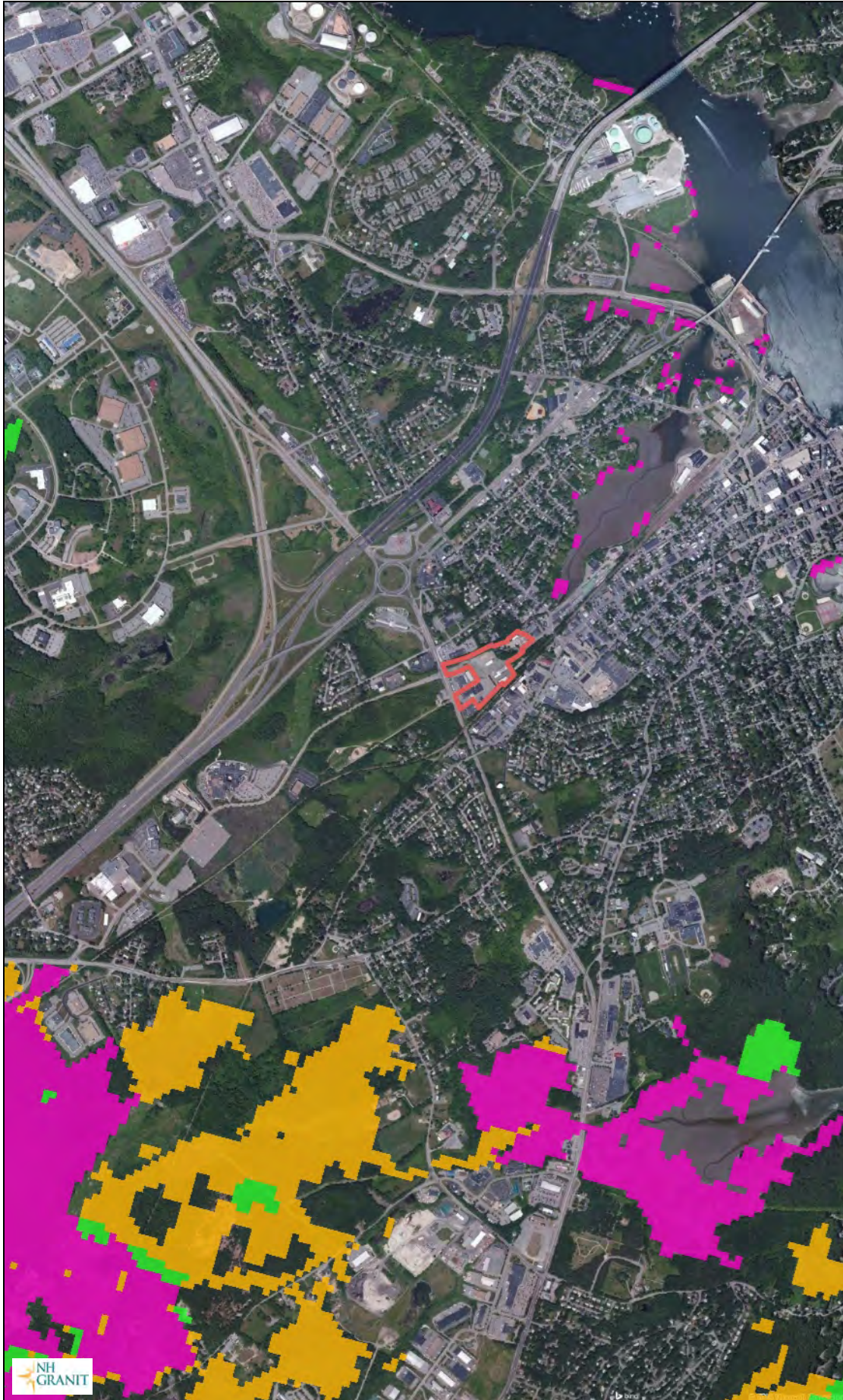


approximate  
project area



# NH Fish & Game Wildlife Map of Highest Ranked Wildlife Habitat

# Highest Ranked Habitat



## Legend

### WAP 2015: Highest Ranked Wildlife Habitat

- Not Top Ranked
- Highest Ranked Habitat in NH
- Highest Ranked Habitat in Region
- Supporting Landscape

Map Scale

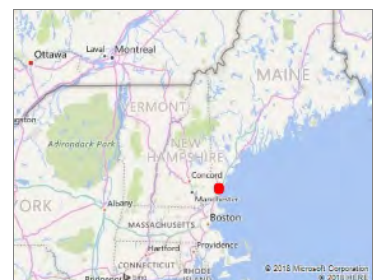
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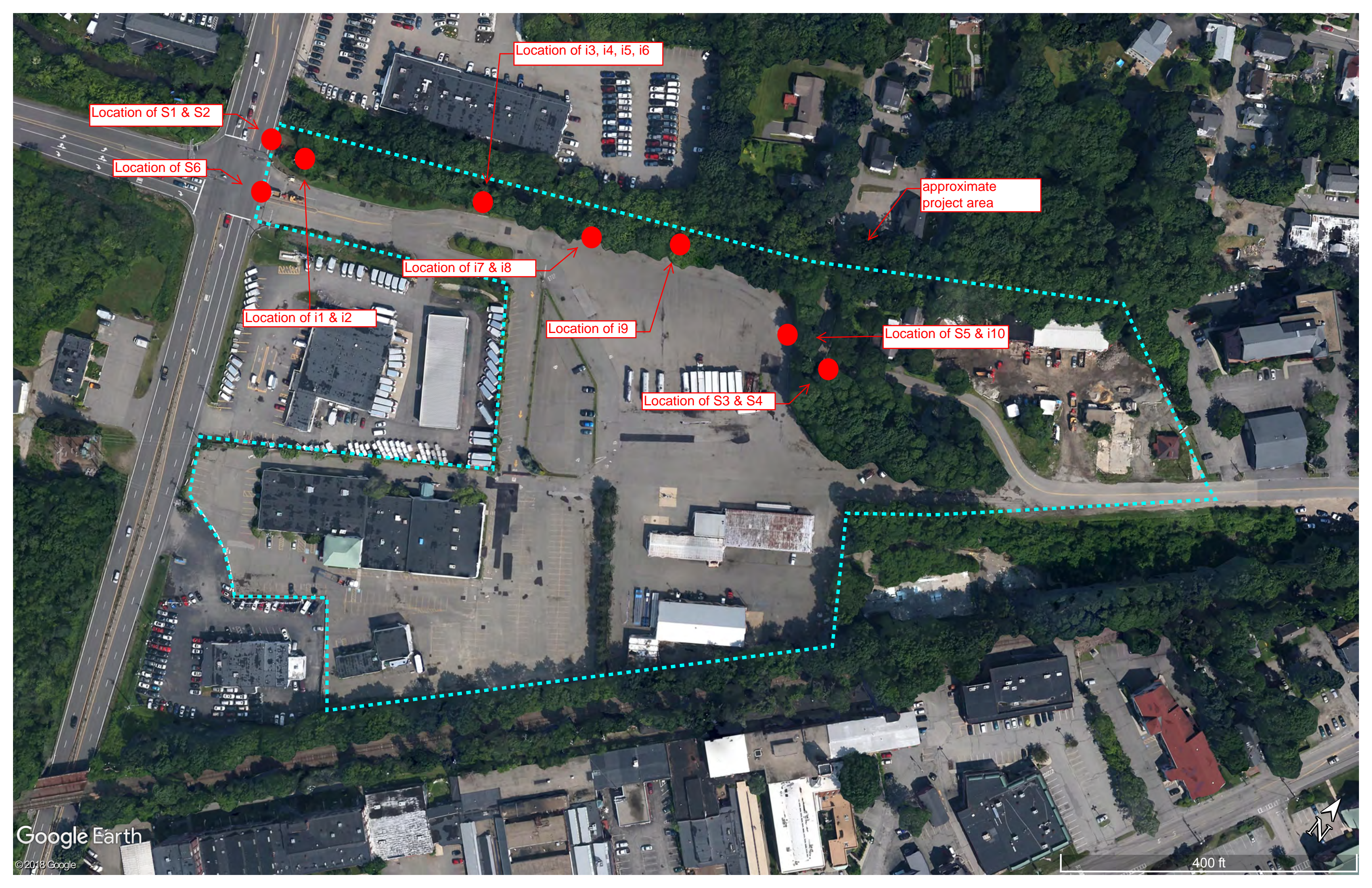
Map Generated: 8/28/2018



## Notes



# Photo Locations



Location of S1 & S2

Location of S6

Location of i3, i4, i5, i6

approximate project area

Location of i7 & i8

Location of i1 & i2

Location of i9

Location of S5 & i10

Location of S3 & S4



# Photos of Street Scape, Photos #1-#5



Photo #01: Looking south at the intersection of Route 1 and Borthwick Ave along the frontage of the property



Photo #02: Looking north along the property frontage on Route 1





Photo #03: Looking to the north along Cate St.



Photo #04: Looking to the west along Cate St.



Photo #05: Looking out at the the open lot area to the intersection of Borthwick Ave and Route 1



Photo #06: Looking west towards the project are with wetland buffer impacts to the left. Route 1 behind photographer

Photos of Location of Buffer Impacts,  
Photos #10-#20



Photo K: Impact area #1 looking toward the bank. Route 1 is behind the photographer.



Photo L: Impact area #1. Looking toward Route 1.



Photo K3: Looking towards Route 1 along the bank at impact area #2



Photo K4: Depicting the abundance of Japanese Knotweed. Looks north towards Hodgson Brook, showing impact area #3



Photo **K5**: Depicting the abundance of Japanese Knotweed. Looks into Hodgson Brook, showing impact area #3



Photo **K6**: Depicting the abundance of Japanese Knotweed. Looks upslope toward the parking lot on site with Hodgson brook behind. This shows impact area #3



Photo K: Depicting the abundance of Japanese Knotweed. Looks north towards Hodgson Brook, showing impact area #4



Photo L: Depicting the abundance of Japanese Knotweed. Looks north towards Hodgson Brook, showing impact area #4



Photo I9: Depicting the abundance of Japanese Knotweed. Looking towards Route 1 and down slope towards Hodgson Brook, showing impact area #4.

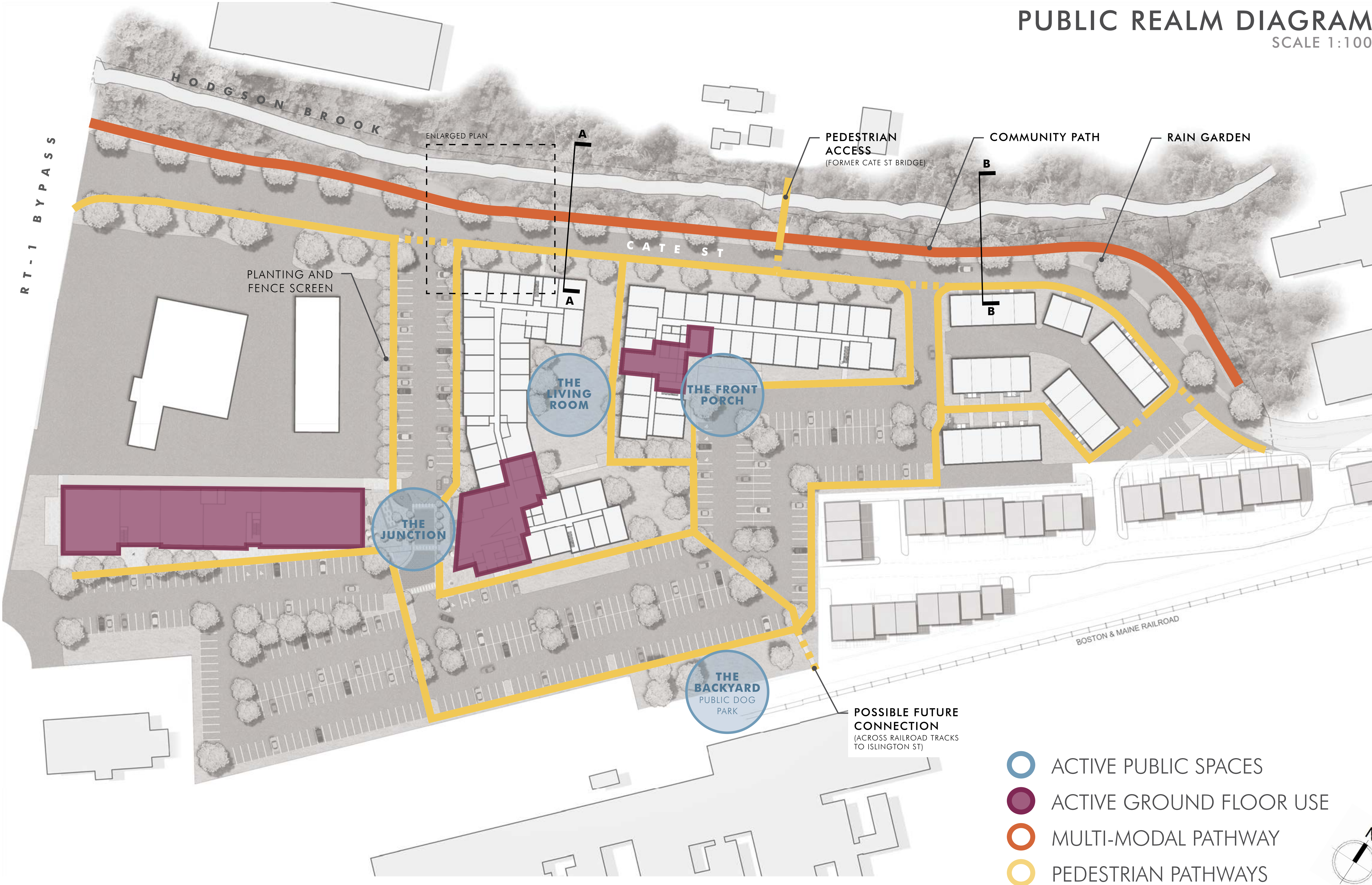


Photo I10: Looking towards Route 1 with impact areas in the buffer to the left.

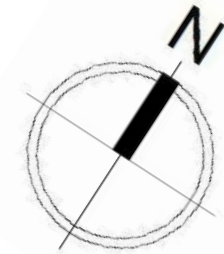


# PUBLIC REALM DIAGRAM

SCALE 1:100

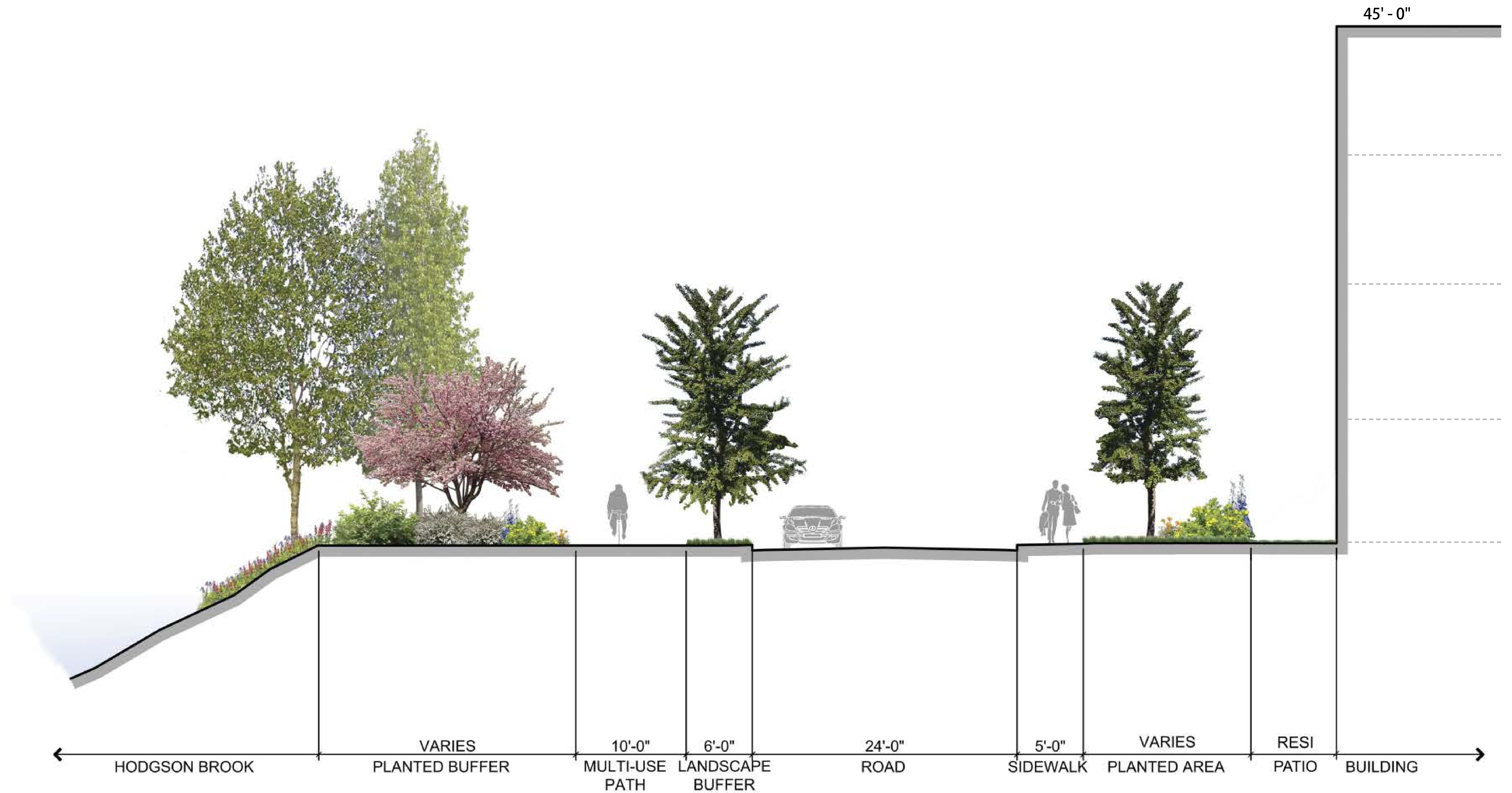


- ACTIVE PUBLIC SPACES
- ACTIVE GROUND FLOOR USE
- MULTI-MODAL PATHWAY
- PEDESTRIAN PATHWAYS





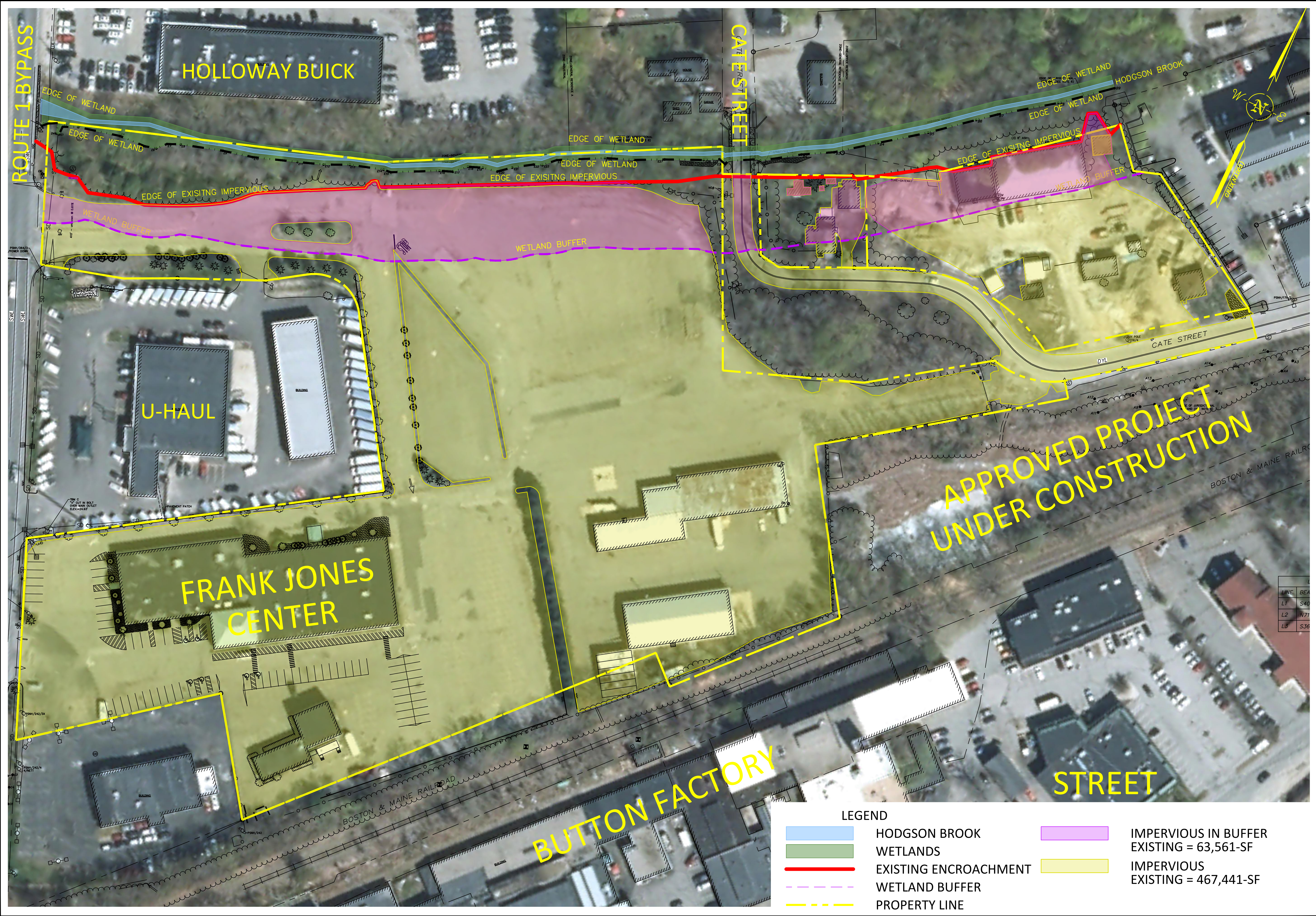
# SITE SECTION A-A: BUILDING A @ CATE ST



SITE SECTION B-B: TOWNHOUSES @ CATE ST

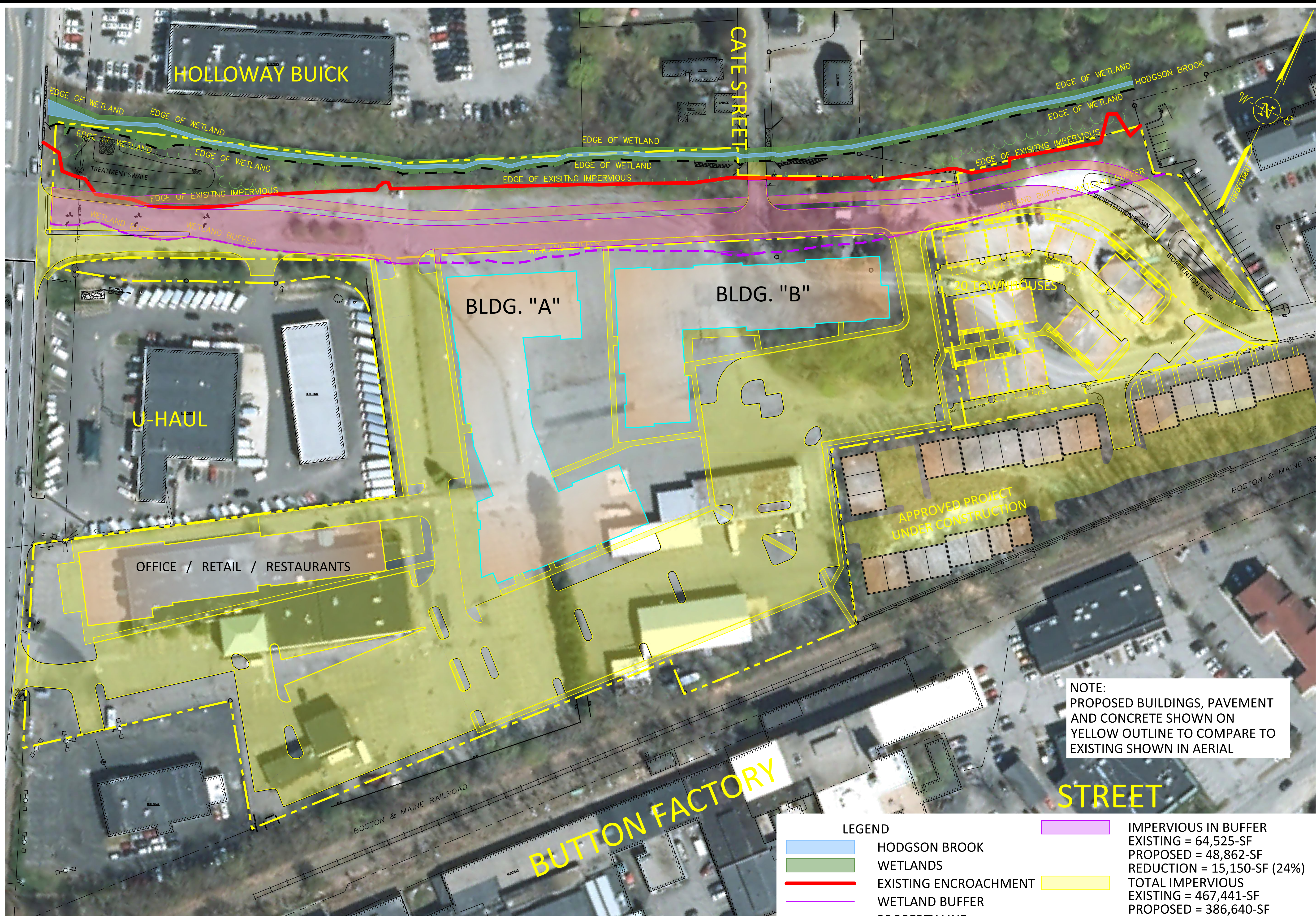


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 MS VIEW: LAYER STATE: Plotter: DWG TO PDF-PC3 CTB File: FO-STB

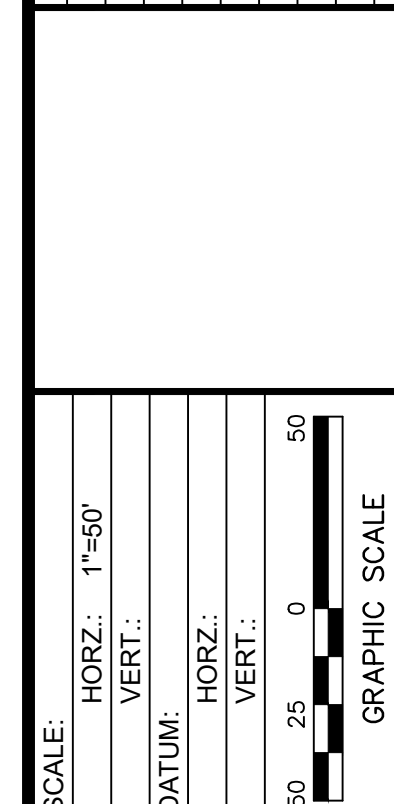


LEGEND	
	HODGSON BROOK
	WETLANDS
	EXISTING ENCROACHMENT
	WETLAND BUFFER
	PROPERTY LINE
	IMPERVIOUS IN BUFFER EXISTING = 63,561-SF
	IMPERVIOUS EXISTING = 467,441-SF

<b>FUSS &amp; O'NEILL</b> UPPER SQUARE BUSINESS CENTER 5 FLETCHER STREET, SUITE 1 KENNEBUNK, MAINE 04043 207.563.0609 www.fandoo.com									
CATE STREET DEVELOPMENT, LLC EXISTING CONDITIONS PLAN AERIAL EXHIBIT WEST END YARDS PORTSMOUTH NEW HAMPSHIRE									
PROJ. No.: 20180317.A10 DATE: 01/25/2019									
CCE-100									



No.	DATE	DESCRIPTION	DESIGNER/REVIEWER

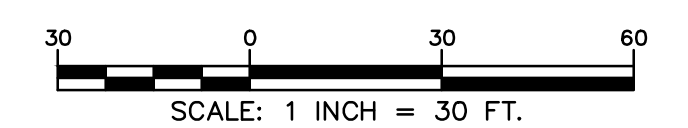
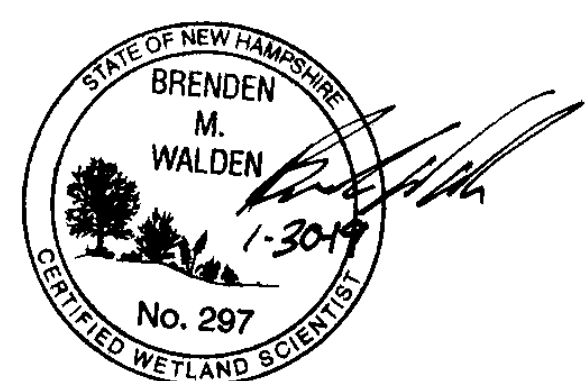
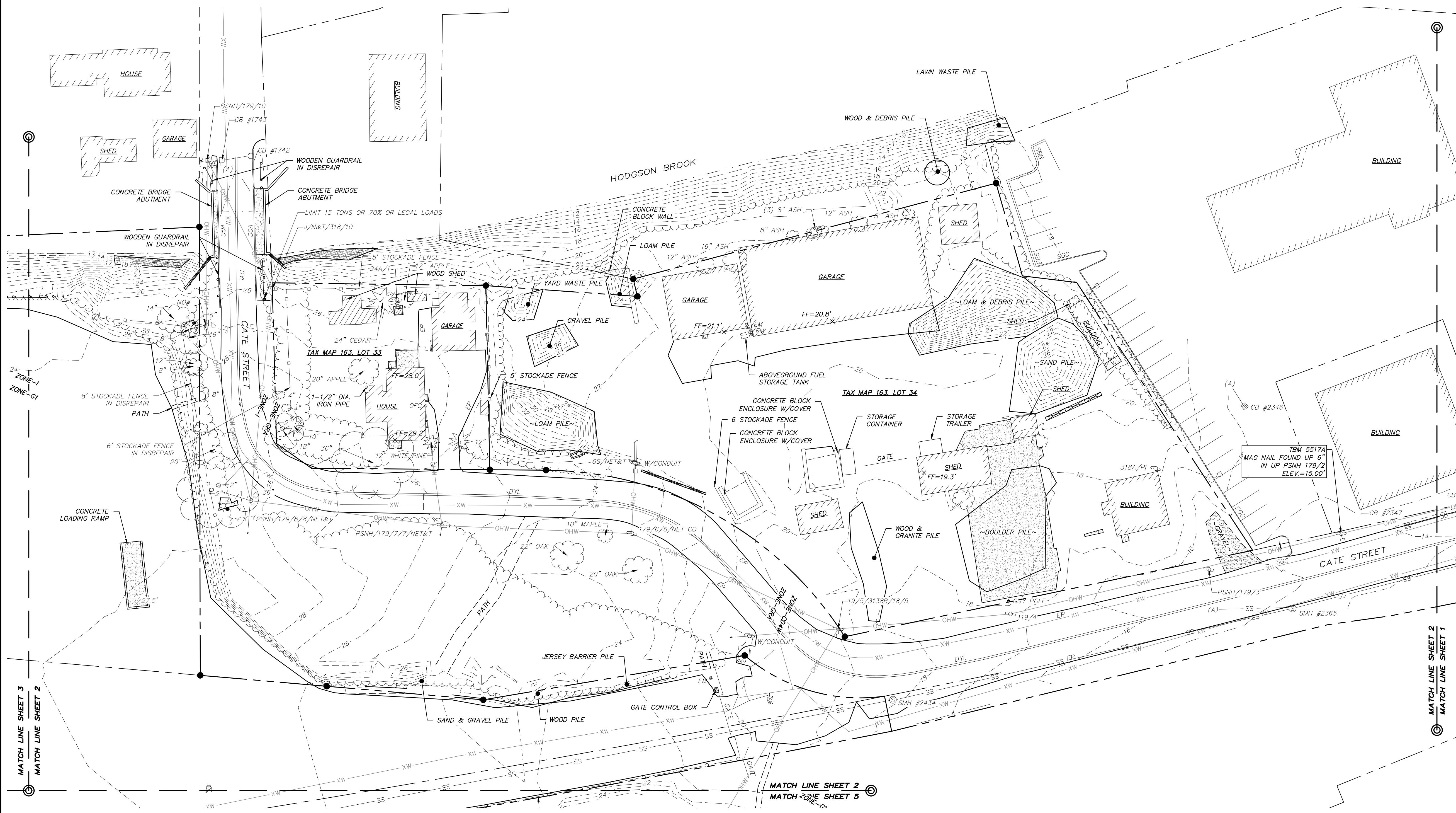
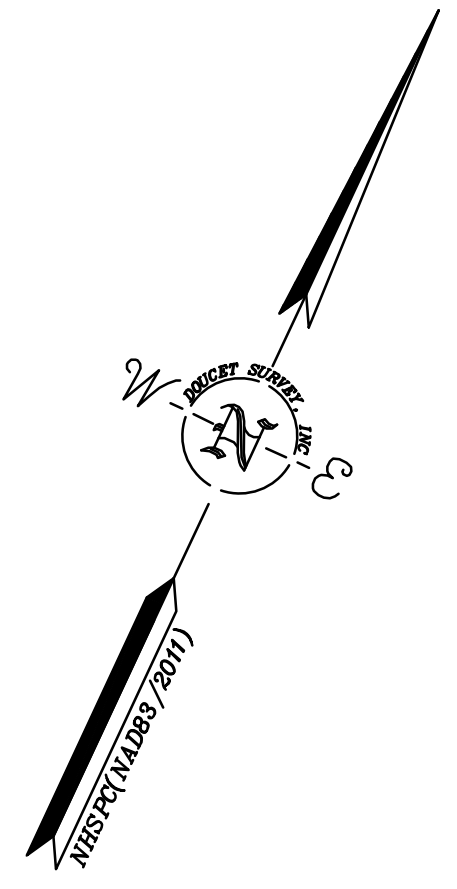


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CATE STREET DEVELOPMENT, LLC  
 PROPOSED VS. EXISTING  
 COVERAGE AERIAL EXHIBIT  
 WEST END YARDS  
 PORTSMOUTH NEW HAMPSHIRE

PROJ. No.: 20180317.A10  
 DATE: 01/25/2019  
**CC-101**

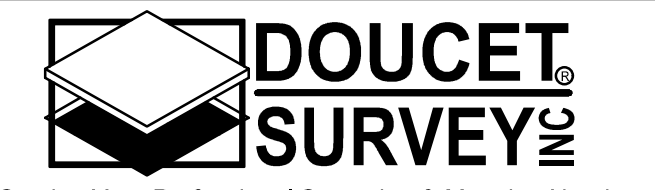




**TOPOGRAPHIC PLAN**  
 FOR  
**CATE STREET DEVELOPMENT, LLC**  
 OF  
 TAX MAP 163, LOTS 33 & 34  
 TAX MAP 165, LOT 2  
 TAX MAP 172, LOT 1  
 TAX MAP 173, LOT 2  
 CATE STREET & US ROUTE 1 BYPASS  
 PORTSMOUTH, NEW HAMPSHIRE

NO.	DATE	DESCRIPTION	BY
2	1/30/19	REVISE WETLAND NOTE & OWNER INFO.	MWF
1	10/10/18	ADDITIONAL SURVEY AREA	MWF

DRAWN BY:	M.T.L.	DATE:	DECEMBER 2016
CHECKED BY:	M.W.F.	DRAWING NO.:	5517A
JOB NO.:	5517	SHEET	2 OF 5

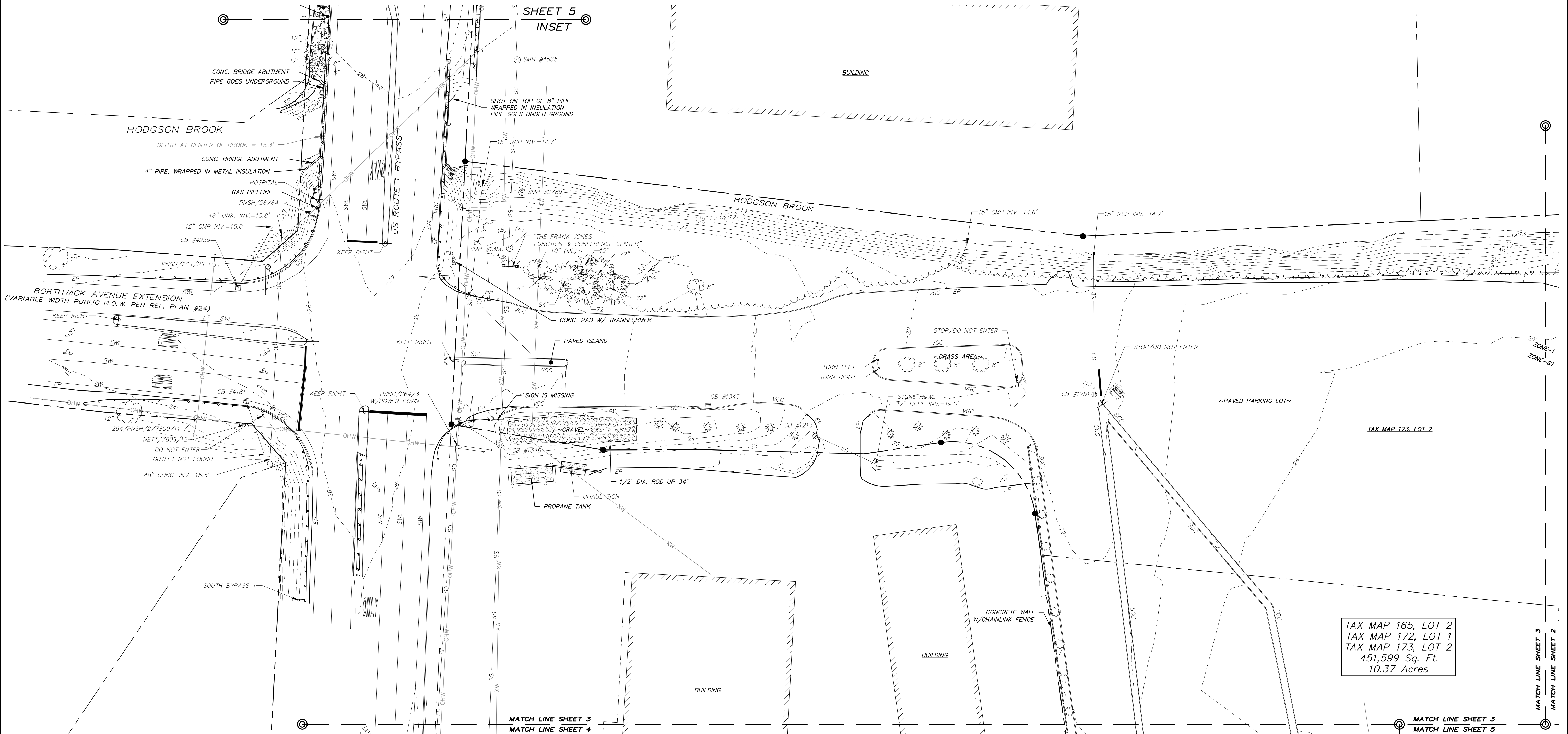


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 102 Kent Place, Newmarket, NH 03857 (603) 659-6560  
 2 Commerce Drive (Suite 202) Bedford, NH 03110 (603) 614-4060  
 10 Storer Street (Riverview Suite) Kennebunk, ME (207) 502-7005  
<http://www.doucetsurvey.com>

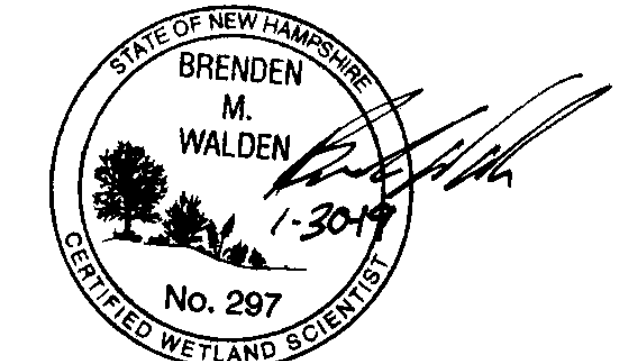
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FILE NAME: \\V:\PROJECTS\5171\_CAD (S&E) 4130\DWG\5171A\_C35.dwg LAYOUT NAME: TPO (3) PLOTTED: Wednesday, January 30, 2019 - 9:35am



TAX MAP 165, LOT 2  
TAX MAP 172, LOT 1  
TAX MAP 173, LOT 2  
451,599 Sq. Ft.  
10.37 Acres

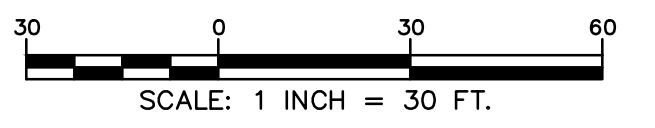
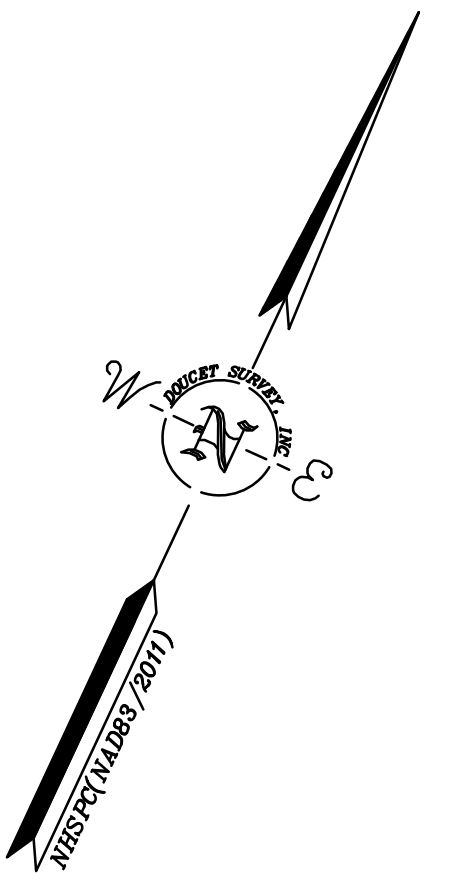
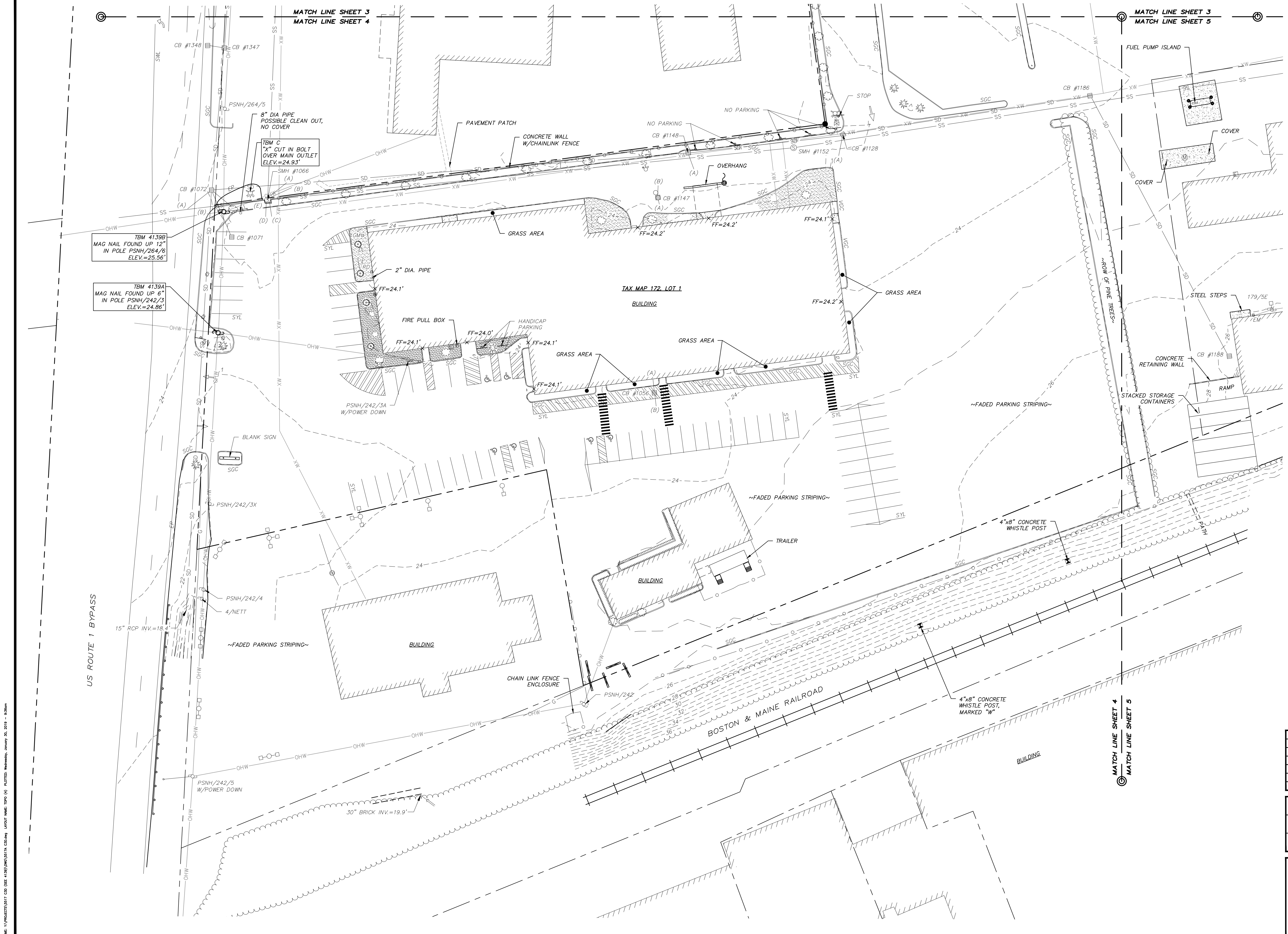


**TOPOGRAPHIC PLAN**  
FOR  
CATE STREET DEVELOPMENT, LLC  
OF  
TAX MAP 163, LOTS 33 & 34  
TAX MAP 165, LOT 2  
TAX MAP 172, LOT 1  
TAX MAP 173, LOT 2  
CATE STREET & US ROUTE 1 BYPASS  
PORTSMOUTH, NEW HAMPSHIRE

NO.	DATE	DESCRIPTION	BY
2	1/30/19	REVISE WETLAND NOTE & OWNER INFO.	MWF
1	10/10/18	ADDITIONAL SURVEY AREA	MWF

DRAWN BY:	M.T.L.	DATE:	DECEMBER 2016
CHECKED BY:	M.W.F.	DRAWING NO.:	5517A
JOB NO.:	5517	SHEET	3 OF 5

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10 Storer Street (Riverview Suite) Kennebunk, ME (207) 502-7005  
<http://www.doucetsurvey.com>



**TOPOGRAPHIC PLAN**  
 FOR  
**GATE 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  
 GATE STREET & US ROUTE 1 BYPASS  
 PORTSMOUTH, NEW HAMPSHIRE

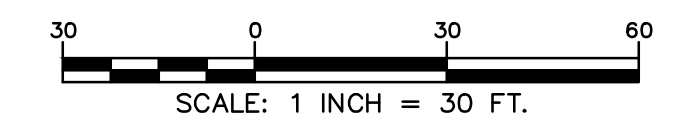
NO.	DATE	DESCRIPTION	BY
2	1/30/19	REVISE WETLAND NOTE & OWNER INFO.	MWF
1	10/10/18	ADDITIONAL SURVEY AREA	MWF

DRAWN BY:	M.T.L.	DATE:	DECEMBER 2016
CHECKED BY:	M.W.F.	DRAWING NO.:	5517A
JOB NO.:	5517	SHEET	4 OF 5

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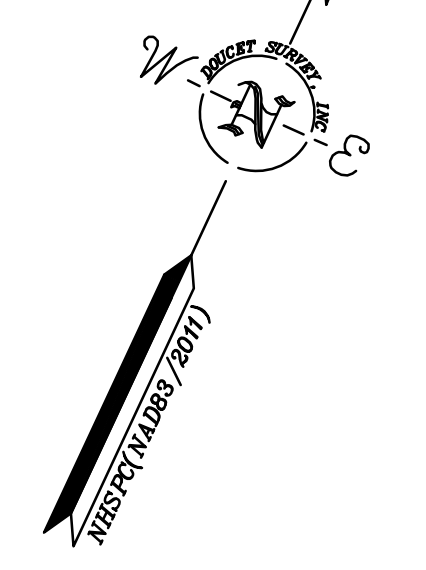
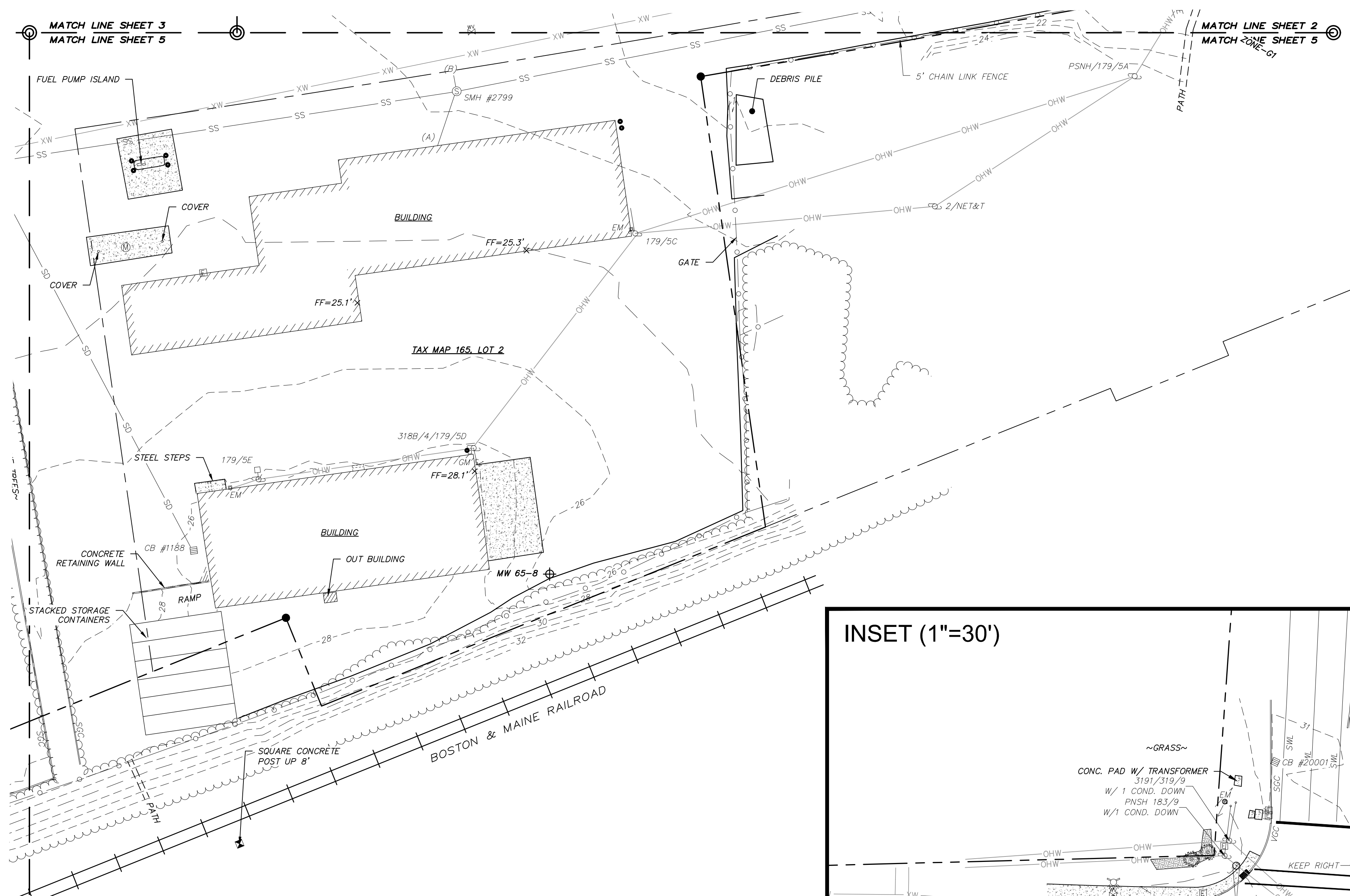
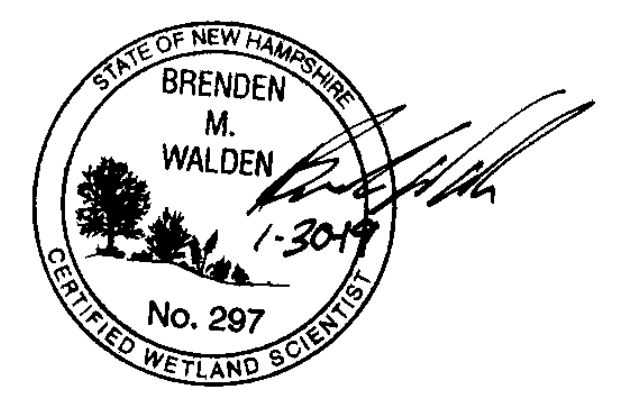
TOPOGRAPHIC PLAN  
FOR  
CATE STREET DEVELOPMENT, LLC  
OF  
TAX MAP 163, LOTS 33 & 34  
TAX MAP 165, LOT 2  
TAX MAP 172, LOT 1  
TAX MAP 173, LOT 2  
CATE STREET & US ROUTE 1 BYPASS  
PORTSMOUTH, NEW HAMPSHIRE



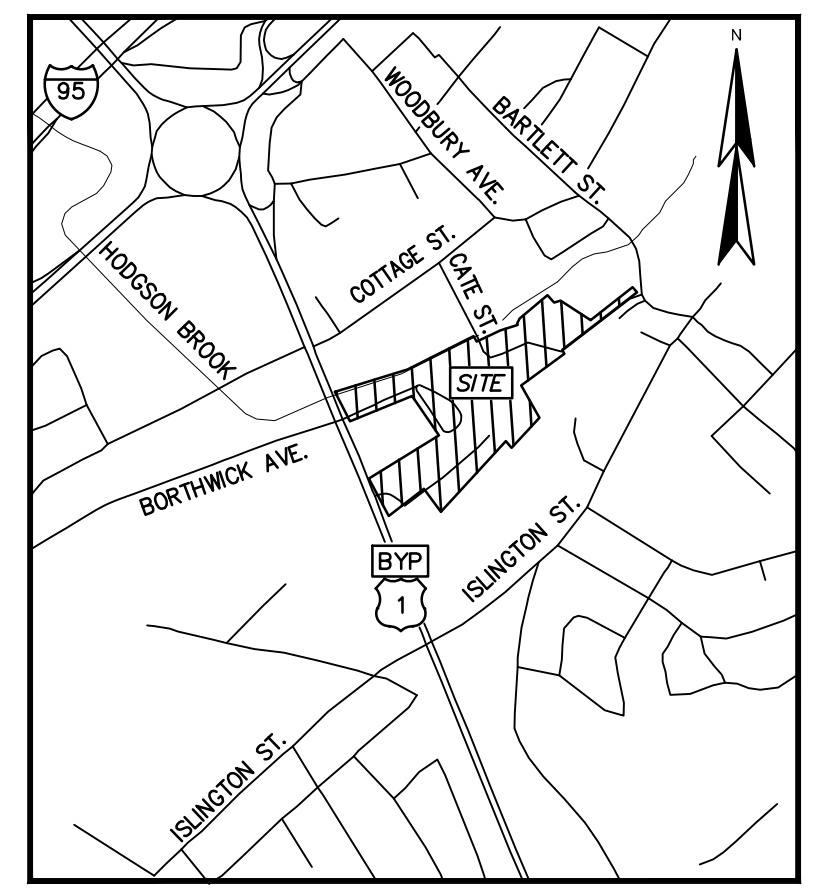
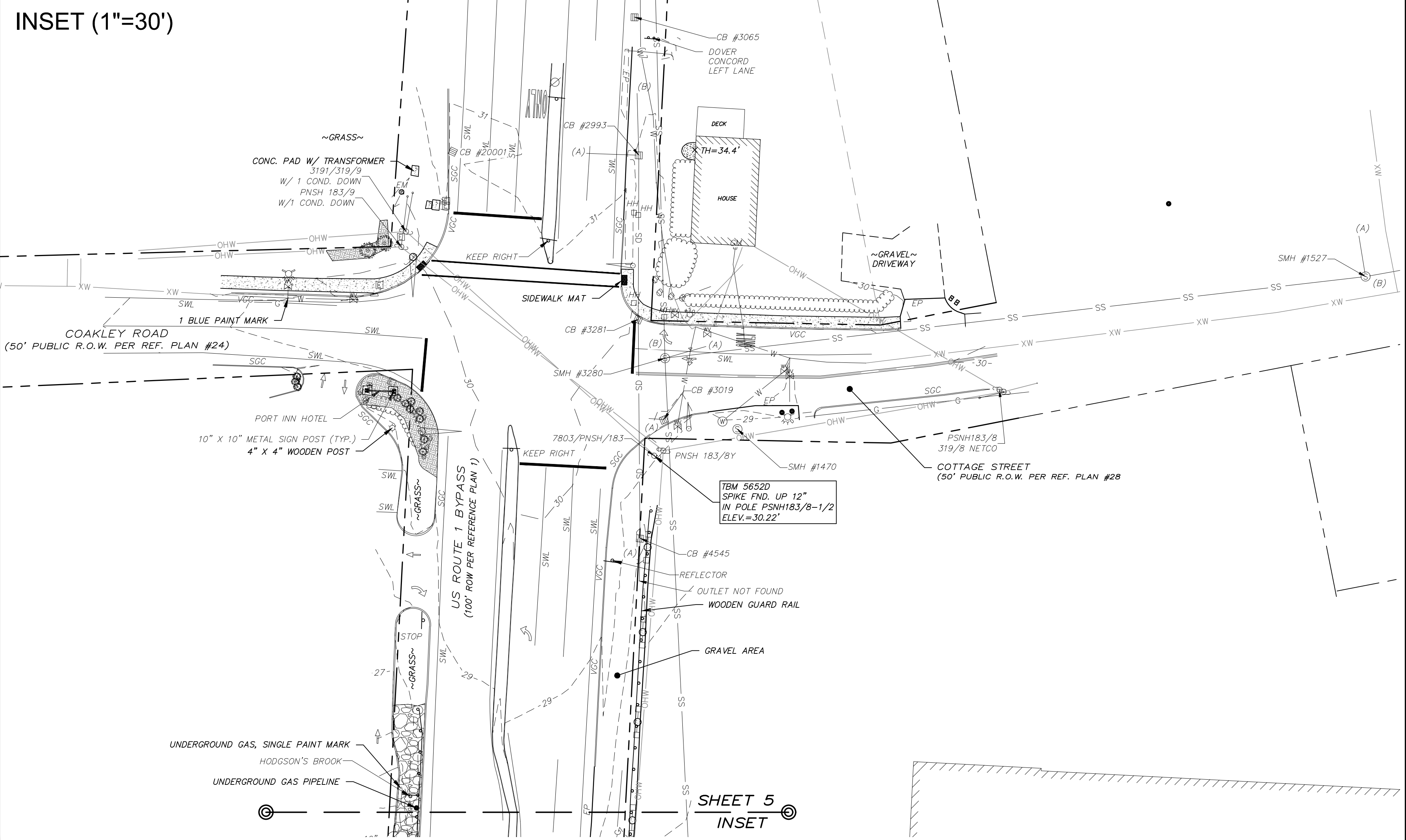
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NO.	DATE	DESCRIPTION	BY
2	1/30/19	REVISE WETLAND NOTE & OWNER INFO.	MWF
1	10/10/18	ADDITIONAL SURVEY AREA	MWF

DRAWN BY:	M.T.L.	DATE:	DECEMBER 2016
CHECKED BY:	M.W.F.	DRAWING NO.:	5517A
JOB NO.:	5517	SHEET	5 OF 5



INSET (1"=30')



LOCATION MAP (n.t.s.)

MATCH LINE SHEET 4  
MATCH LINE SHEET 5  
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