



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 July 2021

Wetland Inspector  
New Hampshire Department of Environmental Services  
Wetlands Bureau  
29 Hazen Drive / P.O. Box 95  
Concord, New Hampshire 03302

**Re: NHDES Major Impact Wetland Permit Application  
Tax Map 106, Lot 54  
Martingale, LLC, Applicant  
99 Bow Street  
Portsmouth, New Hampshire**

Dear Wetland Inspector:

This letter transmits a New Hampshire Department of Environmental Services (NHDES) Major Impact Wetland Permit Application by Martingale, LLC for approximately 2,910 square feet of permanent impact to the tidal wetland of 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 Martingale. The West Deck expansion (public wharf deck) will be approximately 544 square feet to 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 coveted Moran Tug Boats, the NH State Port Authority Pier and the working waterfront of Kittery Maine. The East Deck expansion will be approximately 1,647 square feet for an expansion of the existing outside dining for Martingale Wharf restaurant. The project also includes a tidal docking float expansion of 719 sq. ft. which will provide docking for patrons of the businesses located on the subject parcel during their visit.

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 and via a continuous easement that connects Martingale with Ceres Street and Bow Street (See Existing Conditions Plan-Sheet C1).

The subject property has been active along the Piscataqua River waterfront well before the 20<sup>th</sup> century. The building contains commercial and restaurant uses that are patronized by the general public and also

attracts customers contributing to the commerce and tourism of the businesses associated with the property and the city as a whole.

The proposed construction of an overwater deck expansion, a public wharf deck, and a tidal docking float expansion represents the least impacting alternative while providing reasonable use of the property (see attached DES Avoidance & Minimization Form). The existing overwater deck already provides a reasonable use associated with the Martingale Wharf Restaurant and this proposal simply provides a functionally-equivalent use as defined in Env-Wt 602.20, central to the fundamental use of the property. The public wharf deck would provide increased access to the waterfront by the general public, without having to be a patron of the on-site restaurant. This access would be a unique feature along this stretch of the Piscataqua River waterfront as there are no other known accesses including ADA access. The public wharf deck would provide a "transient public use access point" as defined by Env-Wt 602.61.

The public wharf deck and the public dining deck will each display an educational bas relief sculpture installed on the walls of the deck expansion. Each sculpture will depict black and white seamen in the age of sail, while weaving in images of the Portsmouth seaport history. The 27-foot long, 10-foot tall sculpture located on the East wall of the public dining deck will feature seamen at work, while the 16-foot long, 8-foot tall sculpture located on the West wall of the public wharf deck will feature seamen at rest and play. These and other specialized landscaped features will provide the public with a unique experience in a unique space (See McHenry Architecture Plans attached).

The proposed overwater deck expansion and public wharf deck are located in an area that is previously developed and the shoreline would be characterized as previously disturbed. The substrate associated with the tidal wetland resource below the proposed improvements would be characterized as rock bottom rubble (rip rap) with rockweed present and man-made seawall. There is no emergent vegetation or eelgrass present in this location. There are also no impacts to current shellfish beds, highest ranked wildlife habitat, and the project would not have any impact to floodplain wetlands (See attached DES Coastal Worksheet).

As stated above, on September 11, 2007, Martingale was granted a rare Shoreland Protection Act Urban Exemption pursuant to RSA 483-B:12, because of the special local urbanization conditions that exist at this property. This exempts the entire property located at 99 Bow Street from the Shoreland Protection Act and allows for over public water seating for dining establishments. The dining use restriction for the previously authorized and existing wharf and deck structure was removed via an Amendment to Permit 2001-00920, dated April 23, 2010. Use of both the existing wharf deck and the proposed East Deck structures for dining is specifically authorized pursuant to Env-Wt 307.09(c)(1) because of the Urban Exemption. Copies of the Urban Exemption letter and related maps are attached.

The previously developed shoreline along Bow Street consists of a series of stone revetments (rip rap) and seawalls that parallel the shore and provide protection and the stability for the existing development located landward.

The proposed overwater deck expansion and public wharf deck will be constructed parallel to the shoreline in an urbanized shorefront area along Bow Street and Ceres Street which have "wharves" of similar size and structure. The proposed improvements will be "in-kind" with existing structures on adjacent properties which will serve to minimize visual impacts and maintain the character of the working waterfront. The existing and proposed waterfront dining deck area would be consistent with the extension of the existing wharf, as well as those other adjoining waterfront dining decks associated with nearby restaurants including Harpoon Willy's, River House, Old Ferry Landing, Poco's Bow Street Cantina and the Oar House Restaurant.

Attached to this application is a "NH DES Permit Plan-Sheet C2" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and permanent impact areas.

Per Env-Wt 306.05, Certified Wetland Scientist Steven D. Riker from Ambit Engineering, Inc. classified all jurisdictional areas and identified the predominant functions of all relevant resources. The Highest Observable Tide Line marks the reference line for the 100' TBZ, as well the beginning of Tidal Wetland on the attached plan set. Attached to this application is a Wetland Functions and Values Assessment and Coastal Vulnerability Assessment summarizing these functions; as this project is subject to the requirements of Env-Wt 603.04 and Env-Wt 603.05.

The proposed structures will be constructed on piles within the tidal wetland further reducing permanent impacts to the tidal wetland resource. The project will have no impact on the functions and values of the adjacent tidal wetland. The structures have been designed to allow the adjacent tidal resource to maintain its current functions and values. The structures will not contribute to additional storm water or pollution. It is anticipated that there will be no affect on any fish and wildlife species that currently use the site for food, cover, and/or habitat. Given these are pile supported structures, they 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 also been designed to connect and join to the existing building and current uses associated with the property (See attached Plans from McHenry Architecture). There is no grading of the shoreline required to construct the decks. 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 greatly reduces contact of construction equipment with the protected resource. Portions of the structures may be pre-fabricated off site and transported to the site via crane barge where they would be installed post pile driving, further reducing impacts and construction disturbance such as noise.

The construction sequence for the proposed structures are as follows:

- Mobilization of a crane barge, push boat, work skiff, materials and prefabricated components to the site via the Piscataqua River.
- Mobilization of equipment trucks to the site.
- The barge will be positioned alongside the proposed location of the improvements and waterward of the existing revetment and seawall to avoid any damage to the shoreline.
- Installation of the sub-structure will be performed from a crane barge or skiff to reduce the amount of foot or machine traffic in the intertidal area.
- All work will be performed at low tide to minimize sedimentation.
- Piles will be driven by a vibratory hammer eliminating any excavation for installation of the pilings. Piles are driven to refusal.
- Piles are cut and beam caps are installed and the super structures are built. Materials are lifted from the barge and set into position by the crane.

- Once the structures are complete, the crane barge is removed from the site.

Per Env-Wt 603.02(b), attached to this application you will find a plan set which depicts the existing lot, jurisdictional areas, all natural resources in the area, abutting parcels, existing structures, and proposed structures. Also included in this application are maps created in accordance with Env-Wt 603.03 and Env-Wt 603.05.

In order to complete the application package for this project, Env-Wt 306.05 (a)(2) has been evaluated and addressed below.

- (2) a. Contains any documented occurrences of protected species or habitat for such species, using the NHB DataCheck tool;

**Attached to this application are the results of the NHB review and it was determined that Atlantic sturgeon (*Acipenser oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) have the potential to occur within the project area. Ambit Engineering will coordinate with NHB and NHF & G regarding the protected species and comments will be forwarded to NH DES upon receipt.**

- (2) b. Is a bog;

**Utilizing the NH DES WPPT, the subject property is not a bog, nor does it contain any portion of a bog.**

- (2) c. Is a floodplain wetland contiguous to a tier 3 or higher watercourse;

**Utilizing the NH DES WPPT, the subject property does contain a floodplain wetland contiguous to a tier 3 or higher watercourse.**

- (2) d. Does the property contain a designated prime wetlands or a duly established 100-foot buffer; or

**The property does not contain a prime wetland or duly established 100 foot buffer.**

- (2) e. Does the property contain a sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone;

**The property does not contain a sand dune. The property does contain a tidal wetland and tidal waters.**

The DES Wetlands Bureau rules in Chapter Env-Wt 306.05 (a)(4) and (a)(7) has been evaluated and addressed below.

- (4) a. Is the subject property within LAC jurisdiction;

**The property does not fall within an area of LAC jurisdiction.**

- (4) b. Does the subject property fall within or contain any areas that are subject to time of year restrictions under Env-Wt 307;

**The property does not fall within or contain any areas that are subject to time of year restrictions.**

- (7) Does the project have potential to impact impaired waters, class A waters, or outstanding resource waters;

**The Lower Piscataqua River in Portsmouth is listed by NHDES as an impaired water; however, the nature of the proposed project will not adversely impact the water quality of the river.**

The rules set forth in Env-Wt 603.02 (e) & (f) have been evaluated and addressed below.

- (e)(1) The project meets the standard conditions in Env-Wt 307;  
**The project meets the standard conditions in Env-Wt 307 as the proposed structures meet the standards of Env-Wq 1000, RSA 483-B and Env-Wq 1400. Sediment and erosion controls will also be used and maintained during the proposed construction ensuring protection of water quality on the site. Since the construction will be conducted during low tide conditions, it is not anticipated that there will be any impacts to fish or shellfish. Under Env-Wt 306.05 (a)(2)a. a NHB review has been performed to ensure there are no impacts to protected species or habitats of such species. The protection of Prime Wetlands or Duly-Established 100 foot buffers does not apply as none exist on or adjacent to the subject lot. The use is authorized pursuant to Env-Wt 307.09(c)(1).**
- (e)(2) The project meets the approval criteria in Env-Wt 313.01;  
**The project meets the approval criteria in Env-Wt 313.01 as the project requires a functional assessment (attached), meets the avoidance and minimization requirements specified in Env-Wt 313.03, meets applicable conditions specified in Env-Wt 307 (above), meets project specific criteria listed in Env-Wt 600 (above), and the project is located entirely within the boundary of the applicants property.**
- (f)(1) The project design narrative as described in Env-Wt 603.06;  
**The project design narrative is provided above.**
- (f)(2) Design plans that meet the requirements of Env-Wt 603.07;  
**The design plans meet the above standard.**
- (f)(3) The water depth supporting information required by Env-Wt 603.08;  
**The design plans provide water depth information.**
- (f)(4) A statement regarding impact on navigation and passage required by Env-Wt 603.09.  
**The Permit Plan Set will be provided to the Pease Development Authority, Division of Ports and Harbors, for formal review and comment by the Harbormaster. That documentation will be provided to NH DES upon receipt.**

With respect to the setback requirements set forth in RSA 482-A:3, XIII(a), and Env-Wt 606.3(a), please find the attached executed, notarized, written consents of the 109-111 Bow Street Condominium Association abutting the East Deck and the owners of 67 Bow Street abutting the West Deck consenting to building with twenty (20) feet of the property line pursuant to RSA 482-A:3, XIII(c). This applies to both the East & West Deck expansions and the proposed tidal docking float expansion.

In accordance with Rule Env-Wt 606.02(a) and 606.06(e), the marine contractor will be constructing the proposed dock modification utilizing a vibratory hammer to install piles. The vibratory hammer uses vibration to install the pile in the marine sediment, instead of a standard hammer which uses a physical force to drive the pile, with a much greater noise impact. Using the vibratory hammer is the least impacting alternative to drive piles for dock construction. All of the proposed pile locations for the structures will be installed at low tide. Installation during "the dry" or low tide greatly reduces the amount of noise that is transmitted into the water column.

The proposed structure will use CCA (Chromated Copper Arsenate) treated lumber. The proposed piles will be CCA treated 12" diameter southern yellow pine. Attached to this application is a Safety Data Sheet for CCA treated wood. Per the data sheet, toxicity is limited to inhalation of wood dust originating from CCA treated lumber. Additionally, per the Safety Data Sheet, 12. Ecological Information (page 12) "The product is not classified as environmentally hazardous. However, this does exclude the possibility that large or frequent spills can have a harmful or damaging effect on the environment." The product is also insoluble in water. The marine contractor that will be constructing the proposed docking structure receives the timber piles and lumber pre-treated. The marine contractor does not treat the lumber, and therefore there is no risk of spilling the treatment chemical in or near resource areas.

Previous permit approvals associated with the subject property are listed below:

NH DES Wetlands 2001-00920; reconstruction of a 12' x 100' timber wharf, as amended on April 23, 2010.

NH DES Wetlands 2006-02599; site re-development and site improvements.

NH DES Wetlands 2012-01050; construction of a gangway and float.

The proposed overwater deck expansion, public wharf deck and tidal dock float expansion comply with the requirements of Env-Wt 606 Overwater Structures in Coastal Areas. Both the East deck dining extension and the West deck for public access will provide "transient public access" to the waterfront (whether by patrons of the restaurant which is open to the general public or through the public access deck). A dock providing transient public access is one of the three types of commercial tidal docks defined in 602.11. And as discussed previously, under Env-Wt 606.03(c), these will provide specialized landscape design features related to the unique function of a public dining and public viewing facility. Items under Env-Wt 606.03(c) (1) & (2) are addressed below.

- (1) Be substantiated by the applicant with a justification tied to the specific purpose of the project;

**As also discussed above, the East Deck expansion simply enlarges an existing deck area to be used for outdoor dining which serves the Martingale Wharf Restaurant. The proposed deck expansion will allow the restaurant to expand the outdoor seating capacity by approximately 99 seats. The East Deck expansion would be directly appurtenant to the existing primary structure in terms of location and use. The deck would be located on the same floor, and directly adjacent to the restaurant space located within the existing building. Access and egress to and from the deck/outdoor dining space and restaurant facility would be via two doorways, providing foot access to the deck for dining service, use of indoor bathroom facilities by patrons, and exit to Bow Street.**

**The proposed public wharf on the West Deck would provide ADA accessible public access to the waterfront, for aesthetic enjoyment of the working waterfront and the Piscataqua River. This structure would provide a unique function, not only to the customers of the businesses located at 99 Bow Street, but anyone from the general public who wishes to access the primary viewing location from Bow Street. The stairway access from Bow Street to the public wharf deck is located within an existing waterfront easement (see Existing Conditions Plan-Sheet C2). Currently there are no other elevators within existing buildings along Bow Street that provide public handicap access to the waterfront. The transient public use access point would be a distinctive feature of the property and provides substantial public benefits by increasing access to the working waterfront associated with Bow and Ceres Streets, further promoting commerce and tourism within the City of Portsmouth.**

**In addition, the project proposes a unique, custom mural or Bas Relief sculpture with historic significance on both the East and West Decks. This unique design feature has historical significance**

**ted to the rich, diverse history of the working waterfront of Portsmouth and promotes the arts and education of the public visiting the project. A rendering of the proposed bas relief sculptures, as well as a written description of each, are attached.**

(2) Be certified by the applicant as meeting applicable local, industry, and legal standards.

**The proposed structures would meet all applicable building codes, including ADA access for the public wharf deck. Architectural drawings prepared by McHenry Architecture are attached to this application and serve to demonstrate access, egress, and various components associated with safety and building codes applicable to the proposed use (See Architecture Plans by McHenry Architecture).**

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,



Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

13 June, 2021

**To Whom It May Concern**

**RE: New Hampshire Department of Environmental Services Wetland Permit Application for proposed overwater deck expansion and public wharf deck for Martingale, LLC, 99 Bow Street, Portsmouth, NH.**

This letter is to inform the New Hampshire Department of Environmental Services, in accordance with State Law that Ambit Engineering is authorized to obtain approvals in regards to the above referenced property.

Please feel free to call me if there is any question regarding this authorization.

Sincerely,



Martingale LLC  
3 Pleasant Street, Suite 400  
Portsmouth, NH 03801  
603-427-0725



**STANDARD DREDGE AND FILL  
WETLANDS PERMIT APPLICATION**  
Water Division/Land Resources Management  
Wetlands Bureau  
[Check the Status of your Application](#)



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

**APPLICANT'S NAME:** Martingale LLC

**TOWN NAME:** Portsmouth

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

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

<b>SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))</b>	
Please use the <a href="#">Wetland Permit Planning Tool (WPPT)</a> , the Natural Heritage Bureau (NHB) <a href="#">DataCheck Tool</a> , the <a href="#">Aquatic Restoration Mapper</a> , or other sources to assist in identifying key features such as: <a href="#">priority resource areas (PRAs)</a> , <a href="#">protected species or habitats</a> , coastal areas, designated rivers, or designated prime wetlands.	
Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&amp;G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Protected species or habitat?                             <ul style="list-style-type: none"> <li>If yes, species or habitat name(s): Atlantic sturgeon (<i>Acipenser oxirinchus</i>), shortnose sturgeon (<i>Acipenser brevirostrum</i>)</li> <li>NHB Project ID #: 21-1524</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Bog?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Floodplain wetland contiguous to a tier 3 or higher watercourse?</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Designated prime wetland or duly-established 100-foot buffer?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Name of Local River Management Advisory Committee (LAC): N/A</li> </ul>	

[irm@des.nh.gov](mailto:irm@des.nh.gov) or (603) 271-2147

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

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

<ul style="list-style-type: none"> <li>A copy of the application was sent to the LAC on Month: <input type="text"/> Day: <input type="text"/> Year: <input type="text" value="N/A"/></li> </ul>	
For dredging projects, is the subject property contaminated? <ul style="list-style-type: none"> <li>If yes, list contaminant: <input type="text"/></li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For stream crossing projects, provide watershed size (see <a href="#">WPPT</a> or Stream Stats): <input type="text" value="N/A"/>	
<b>SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))</b> Provide a <b>brief</b> description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached"; please use the space provided below.	
The project proposes to construct an overwater deck expansion, a public wharf deck, and a tidal docking float expansion resulting in 2,901 sq. ft. of permanent impact to tidal wetlands. (overall structure length 43.5' as mesasured from MHW) on 190+/- feet of frontage along the Piscataqua River.	
<b>SECTION 3 - PROJECT LOCATION</b> Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: <input type="text" value="99 Bow Street"/>	
TOWN/CITY: <input type="text" value="Portsmouth"/>	
TAX MAP/BLOCK/LOT/UNIT: <input type="text" value="Map 106, Lot 54"/>	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: <input type="text" value="Piscataqua River"/> <input type="checkbox"/> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): <input type="text" value="X: 1,227,494.4913° North"/>	

[irm@des.nh.gov](mailto:irm@des.nh.gov) or (603) 271-2147

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

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

Y: 212,344.3018° West

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

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

NAME: Martingale LLC

MAILING ADDRESS: 3 Pleasant Street, Suite 400

TOWN/CITY: Portsmouth

STATE: NH

ZIP CODE: 03801

EMAIL ADDRESS: house@mcnabbgroup.com

FAX: [REDACTED]

PHONE: 603-427-0725

ELECTRONIC COMMUNICATION: By initialing here: [REDACTED], I hereby authorize NHDES to communicate all matters relative to this application electronically.

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

LAST NAME, FIRST NAME, M.I.: Riker, Steven, D.

COMPANY NAME: Ambit Engineering, Inc.

MAILING ADDRESS: 200 Griffin Road, Unit 3

TOWN/CITY: Portsmouth

STATE: NH

ZIP CODE: 03801

EMAIL ADDRESS: sdr@ambitengineering.com

FAX: [REDACTED]

PHONE: 603-430-9282

ELECTRONIC COMMUNICATION: By initialing here *SR*, I hereby authorize NHDES to communicate all matters relative to this application electronically.**SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))**

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

 Same as applicant

NAME: [REDACTED]

MAILING ADDRESS: [REDACTED]

TOWN/CITY: [REDACTED]

STATE: [REDACTED]

ZIP CODE: [REDACTED]

EMAIL ADDRESS: [REDACTED]

FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here [REDACTED], I hereby authorize NHDES to communicate all matters relative to this application electronically.

**SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))**

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

Please see attached narrative.

**SECTION 8 - AVOIDANCE AND MINIMIZATION**

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).\* Any project with unavoidable jurisdictional impacts must then be minimized as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#) and the [Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet](#). For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).\*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the [Avoidance and Minimization Checklist](#), the [Avoidance and Minimization Narrative](#), or your own avoidance and minimization narrative.

\*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

**SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)**

If unavoidable jurisdictional impacts require mitigation, a mitigation [pre-application meeting](#) must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month:  Day:  Year:

N/A - Mitigation is not required

**SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)**

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable:  I confirm submittal.

N/A – Compensatory mitigation is not required

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

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

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

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

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Scrub-shrub Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Emergent Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Wet Meadow			<input type="checkbox"/>			<input type="checkbox"/>
	Vernal Pool			<input type="checkbox"/>			<input type="checkbox"/>
	Designated Prime Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input type="checkbox"/>			<input type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Perennial Stream or River			<input type="checkbox"/>			<input type="checkbox"/>
	Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - River			<input type="checkbox"/>			<input type="checkbox"/>
Banks	Bank - Intermittent Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Bank - Perennial Stream / River			<input type="checkbox"/>			<input type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
Tidal	Tidal Waters			<input type="checkbox"/>			<input type="checkbox"/>
	Tidal Marsh			<input type="checkbox"/>			<input type="checkbox"/>
	Sand Dune			<input type="checkbox"/>			<input type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input type="checkbox"/>			<input type="checkbox"/>
	Previously-developed TBZ			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Tidal Water	2,910		<input type="checkbox"/>			<input type="checkbox"/>
<b>TOTAL</b>		2,910					

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

**MINIMUM IMPACT FEE:** Flat fee of \$400.

**NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

**MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking):		SF	× \$0.40 =	\$
Seasonal docking structure:		SF	× \$2.00 =	\$
Permanent docking structure:	2910	SF	× \$4.00 =	\$ 11,640
Projects proposing shoreline structures (including docks) add \$400 =				\$ 400
Total =				\$ 12,040

**The application fee for minor or major impact is the above calculated total or \$400, whichever is greater =** \$

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**SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)**

Indicate the project classification.

Minimum Impact Project

Minor Project

Major Project

**SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)**

Initial each box below to certify:

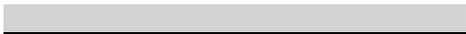
Initials: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
--	--

Initials: 	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
--	--

Initials: 	<p>The signer understands that:</p> <ul style="list-style-type: none"> <li>• The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:             <ol style="list-style-type: none"> <li>1. Deny the application.</li> <li>2. Revoke any approval that is granted based on the information.</li> <li>3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1.</li> </ol> </li> <li>• The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.</li> <li>• The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.</li> </ul>
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Initials: 	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.
--	---

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

SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: 	DATE: 
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: 	DATE: 
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Steven D. Riker	DATE: 6/14/2021

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

As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: 
TOWN/CITY: 	DATE: 

**DIRECTIONS FOR TOWN/CITY CLERK:**

Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

**DIRECTIONS FOR APPLICANT:**

Submit the original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page. Make check or money order payable to "Treasurer – State of NH".



AVOIDANCE AND MINIMIZATION  
WRITTEN NARRATIVE  
Water Division/Land Resources Management  
Wetlands Bureau  
[Check the Status of your Application](#)



**RSA/ Rule:** RSA 482-A/ Env-Wt 311.04(j); Env-Wt 311.07; Env-Wt 313.01(a)(1),b; Env-Wt 313.01(c)

**APPLICANT LAST NAME, FIRST NAME, M.I.:** Martingale LLC.

An applicant for a standard permit shall submit with the permit application a written narrative that explains how all impacts to functions and values of all jurisdictional areas have been avoided and minimized to the maximum extent practicable. This attachment can be used to guide this narrative (attach additional pages if needed). Alternatively, the applicant may attach a completed Avoidance and Minimization Checklist (NHDES-W-06-050) to the permit application.

**SECTION 1 - WATER ACCESS STRUCTURES (Env-Wt 311.07(b)(1))**

Is the primary purpose of the proposed project to construct a water access structure?

Yes. One component of the project is to expand an existing tidal docking structure (float) for boating access.

**SECTION 2 - BUILDABLE LOT (Env-Wt 311.07(b)(1))**

Does the proposed project require access through wetlands to reach a buildable lot or portion thereof?

No. This is not applicable.

**SECTION 3 - AVAILABLE PROPERTY (Env-Wt 311.07(b)(2))**

For any project that proposes permanent impacts of more than one acre or that proposes permanent impacts to a PRA, or both, are any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, that could be used to achieve the project's purpose without altering the functions and values of any jurisdictional area, in particular wetlands, streams, and PRAs?

Since the proposal includes the expansion of existing structures, this is not applicable.

**SECTION 4 - ALTERNATIVES (Env-Wt 311.07(b)(3))**

Could alternative designs or techniques, such as different layouts, different construction sequencing, or alternative technologies be used to avoid impacts to jurisdictional areas or their functions and values on the subject property or on other property that is reasonably available to the applicant as described in the *Wetlands Best Management Practice Techniques for Avoidance and Minimization*?

THE PROJECT PROPOSES TO CONSTRUCT AN OVERWATER DECK EXPANSION, A PUBLIC WHARF DECK, AND A TIDAL DOCKING FLOAT EXPANSION RESULTING IN 2,901 SQ. FT. OF PERMANENT IMPACT TO TIDAL WETLANDS. SINCE THE PROPOSED STRUCTURES ARE ADDITIONS TO EXISTING STRUCTURES, PRACTICABLE ALTERNATIVES ALONG THE 190+/- FEET OF SHORELINE ARE SEVERELY REDUCED.

**SECTION 5 - CONFORMANCE WITH Env-Wt 311.10(c) (Env-Wt 311.07(b)(4))**

How does the project conform to Env-Wt 311.10(c)? Please note that for a minimum impact project, the applicant may replace this explanation with a certification signed by a certified wetland scientist that the project is located and designed to minimize impacts to wetlands functions and values.

The proposed structures will be constructed on piles within the tidal wetland further reducing permanent impacts to the tidal wetland resource. The structure have been designed to allow the adjacent tidal resource to maintain its current functions and values. 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. As a result, The project will have no impact on the functions and values of the adjacent tidal wetland. A Wetland Functions and Values Assessment is attached to this application.



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



Water Division/Land Resources Management  
Wetlands Bureau

[Check the Status of your Application](#)

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

**APPLICANT LAST NAME, FIRST NAME, M.I.:** Martingale LLC.

Attachment A can be used to satisfy some of the additional requirements for minor and major projects regarding avoidance and minimization, as well as functional assessment.

**PART I: AVOIDANCE AND MINIMIZATION**

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

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

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

THE PROJECT PROPOSES TO CONSTRUCT AN OVERWATER DECK EXPANSION, A PUBLIC WHARF DECK, AND A TIDAL DOCKING FLOAT EXPANSION RESULTING IN 2,901 SQ. FT. OF PERMANENT IMPACT TO TIDAL WETLANDS. SINCE THE PROPOSED STRUCTURES ARE ADDITIONS TO EXISTING STRUCTURES, PRACTICABLE ALTERNATIVES ALONG THE 190+/- FEET OF SHORELINE ARE SEVERELY REDUCED.

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

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

The proposed location of the structures do not impact any tidal marshes.

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

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

The proposed structures will be constructed on piles within the tidal wetland further 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, it will not deter use by wildlife species that currently use the wetland area, and it will not impede any migrational fish movement.

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

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

The project does not propose any impacts to exemplary natural communities or vernal pools. Per the NHB Review, shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus*) have been identified as sensitive species on or near the project site. Coordination with NHF & G in regards to the above protected species is expected and comments from those departments will be forwarded to NH DES upon receipt.

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

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

The proposed 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.

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

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

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.

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

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

The project does not propose impacts to riverine forested wetland systems and scrub shrub marsh complexes.

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

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

The wetland resources associated with the project site are not hydrologically connected to a groundwater aquifer or drinking water supply.

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

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

The project does not propose any impacts to stream channels.

<b>PART II: FUNCTIONAL ASSESSMENT</b>
<p><b>REQUIREMENTS</b></p> <p>Ensure that project meets requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).</p>
<p><b>FUNCTIONAL ASSESSMENT METHOD USED:</b></p> <p>Wetland functions and values were assessed using the Highway Methodology Workbook, Wetland Functions and Values: A Descriptive Approach. 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.</p>
<p><b>NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT:</b> STEVEN D. RIKER, CWS</p>
<p><b>DATE OF ASSESSMENT:</b> APIL 5 2021</p>
<p>Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT: <input checked="" type="checkbox"/></p>
<p>For minor or major projects requiring a standard permit without mitigation, the applicant shall submit a wetland evaluation report that includes completed checklists and information demonstrating the RELATIVE FUNCTIONS AND VALUES OF EACH WETLAND EVALUATED. Check this box to confirm that the application includes this information, if applicable: <input checked="" type="checkbox"/></p> <p>Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.</p>



COASTAL RESOURCE WORKSHEET  
Water Division/Land Resources Management  
Wetlands Bureau



[Check the Status of your Application](#)

**RSA/Rule:** RSA 482-A/ Env-Wt 600

**APPLICANT LAST NAME, FIRST NAME, M.I.:** Martingale LLC

**Applicability:** This worksheet may be used to present the information required for projects in coastal areas in addition to the information required for Lower-Scrutiny Approvals, Expedited Permits, and Standard Permits under Env-Wt 603.01.

Please refer to Env-Wt 605.03 for impacts requiring compensatory mitigation.

**SECTION 1 - REQUIRED INFORMATION (Env-Wt 603.02; Env-Wt 603.06; Env-Wt 603.09)**

The following information is required for projects in coastal areas.

Describe the purpose of the proposed project, including the overall goal of the project, the core project purpose including a concise description of the facilities and work that could impact jurisdictional areas, and the intended project outcome. Specifically identify all natural resource assets in the area proposed to be impacted and include maps created through a data screening in accordance with Env-Wt 603.03 (refer to Section 2) and Env-Wt 603.04 (refer to Section 3) as attachments.

**The project proposes to construct an overwater deck expansion, a public wharf deck, and a tidal docking float expansion resulting in 2,901 sq. ft. of permanent impact to tidal wetlands. Since the proposed structures are additions to existing structures, practicable alternatives along the 190+/-feet of shoreline are severely reduced. The purpose for the overwater deck expansion is to provide the Martingale Wharf Restaurant with expanded and improved outdoor seating for the restaurant. The proposed public wharf deck will provide ADA accessible public access to the waterfront for the aesthetic enjoyment of the working waterfront and the Piscataqua River. The tidal dock float expansion will provide opportunity for business patrons to travel to the property via boat and provide a docking service during their visit.**

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For standard permit projects, provide:

- A Coastal Functional Assessment (CFA) report (refer to Section 3); and
- A vulnerability assessment (refer to Section 4).

Explain all recommended methods and other considerations to protect the natural resource assets during and as a result of project construction in accordance with Env-Wt 603.04, Env-Wt 311.07, and Env-Wt 313.

**A Coastal Functional Assessment and a Coastal Vulnerability Assessment is attached to this application per Env-Wt 603.04. An Avoidance & Minimization Form is attached to this application, and also described in the attached narrative letter per Env-Wt 311.07 and Env-Wt 313.**

Provide a narrative showing how the project meets the standard conditions in Env-Wt 307 and the approval criteria in Env-Wt 313.01.

**The project plan set, specifically the Details-Sheet D1 includes all notes demonstrating compliance with Env-Wt 307 and Env-Wt 313.01.**

Provide a project design narrative that includes the following:

- A discussion of how the proposed project:
  - Uses best management practices and standard conditions in Env-Wt 307;
  - Meets all avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
  - Meets approval criteria in Env-Wt 313.01;
  - Meets evaluation criteria in Env-Wt 313.01(c);
  - Meets CFA requirements in Env-Wt 603.04; and
  - Considers sea-level rise and potential flooding evaluated pursuant to Env-Wt 603.05;
- A construction sequence, erosion/siltation control methods to be used, and a dewatering plan; and
- A discussion of how the completed project will be maintained and managed.

**The completed project will result in an overwater deck expansion, a public wharf deck, and a tidal docking float. Other than general maintenance and up-keep, there are no specific milestones for maintenance or service of the structure over their expected life spans, which is 50-100 years.**

- Provide design plans that meet the requirements of Env-Wt 603.07 (refer to Section 5);
- Provide water depth supporting information required by Env-Wt 603.08 (refer to Section 6); and
- For any major project that proposes to construct a structure in tidal waters/wetlands or to extend an existing structure seaward, provide a statement from the Pease Development Authority Division of Ports and Harbors (“DP&H”) chief harbormaster, or designee, for the subject location relative to the proposed structure’s impact on navigation. If the proposed structure might impede existing public passage along the subject shoreline on foot or by non-motorized watercraft, the applicant shall explain how the impediments have been minimized to the greatest extent practicable.

**Review and comment by the Pease Development Authority will be provided to NH DES upon receipt.**

**SECTION 2 - DATA SCREENING (Env-Wt 603.03, in addition to Env-Wt 306.05)**

Please use the Wetland Permit Planning Tool, or any other database or source, to indicate the presence of:

- Existing salt marsh and salt marsh migration pathways;
- Eelgrass beds;
- Documented shellfish sites;
- Projected sea-level rise; and
- 100-year floodplain.

Conduct data screening as described to identify documented essential fish habitat, and tides and currents that may be impacted by the proposed project, by using the following links:

- [National Oceanic and Atmospheric Administration \(NOAA\) Tides & Currents](#); and
- [NOAA Essential Fish Habitat Mapper](#).
- Verify or correct the information collected from the data screenings by conducting an on-site assessment of the subject property in accordance with Env-Wt 406 and Env-Wt 603.04.

**SECTION 3 - COASTAL FUNCTIONAL ASSESSMENT/ AVOIDANCE AND MINIMIZATION (Env-Wt 603.04; Env-Wt 605.01; Env-Wt 605.02; Env-Wt 605.03)**

Projects in coastal areas shall:

- Not impair the navigation, recreation, or commerce of the general public; and
- Minimize alterations in prevailing currents.

An applicant for a permit for work in or adjacent to tidal waters/wetlands or the tidal buffer zone shall demonstrate that the following have been avoided or minimized as required by Env-Wt 313.04:

- Adverse impacts to beach or tidal flat sediment replenishment;
- Adverse impacts to the movement of sediments along a shore;
- Adverse impacts on a tidal wetland's ability to dissipate wave energy and storm surge; and
- Adverse impacts of project runoff on salinity levels in tidal environments.

For standard permit applications submitted for minor or major projects:

- Attach a CFA based on the data screening information and on-site evaluation required by Env-Wt 603.03. The CFA for tidal wetlands or tidal waters shall be:
  - Performed by a qualified coastal professional; and
  - Completed using one of the following methods:
    - a. The US Army Corps of Engineers (USACE) Highway Methodology Workbook, dated 1993, together with the USACE New England District *Highway Methodology Workbook Supplement*, dated 1999; or
    - b. An alternative scientifically-supported method with cited reference and the reasons for the alternative method substantiated.

For any project that would impact tidal wetlands or tidal waters or associated sand dunes, the applicant shall:

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- Use the results of the CFA to select the location of the proposed project having the least impact to tidal wetlands, tidal waters or associated sand dunes;
- Design the proposed project to have the least impact to tidal wetlands, tidal waters or associated sand dunes;
- Where impact to wetland and other coastal resource functions is unavoidable, limit the project impacts to the least valuable functions, avoiding and minimizing impact to the highest and most valuable functions; and
- Include on-site minimization measures and construction management practices to protect coastal resource areas.

Projects in coastal areas shall use results of this CFA to:

- Minimize adverse impacts to finfish, shellfish, crustacea, and wildlife;
- Minimize disturbances to groundwater and surface water flow;
- Avoid impacts that could adversely affect fish habitat, wildlife habitat, or both; and
- Avoid impacts that might cause erosion to shoreline properties.

#### **SECTION 4 - VULNERABILITY ASSESSMENT (Env-Wt 603.05)**

Refer to the New Hampshire Coastal Flood Risk Summary Part 1: Science and New Hampshire Coastal Flood Risk Summary Part II: Guidance for Using Scientific Projections or other best available science to:

- a. Determine the time period over which the project is designed to serve;

A Coastal Vulnerability Assessment is attached to this application.

- b. Identify the project's relative risk tolerance to flooding and potential damage or loss likely to result from flooding to buildings, infrastructure, salt marshes, sand dunes and other valuable coastal resource areas;

See attached CVA

- c. Reference the projected sea-level rise (SLR) scenario that most closely matches the end of the project design life and the project's tolerance to risk or loss;

See attached CVA

- d. Identify areas of the proposed project site subject to flooding from SLR;

See attached CVA

- e. Identify areas currently located within the 100-year floodplain and subject to coastal flood risk;

See attached CVA

- f. Describe how the project design will consider and address the selected SLR scenario within the project design life, including in the design plans;

See attached CVA

- g. Where there are conflicts between the project's purpose and the vulnerability assessment results, schedule a pre-application meeting with the department to evaluate design alternatives, engineering approaches, and use of the best available science.

Pre-application meeting date held: **N/A**

**SECTION 5 - DESIGN PLANS (Env-Wt 603.07, in addition to Env-Wt 311)**

Submit design plans for the project in both plan and elevation views that clearly depict and identify all required elements:

- The plan view shall depict the following:
- The engineering scale used, which shall be no larger than one inch equals 50 feet;
  - The location of tidal datum lines depicted as a line with the associated elevation noted, based on North American Vertical Datum of 1988 (NAVD 88), derived from [https://tidesandcurrents.noaa.gov/datum\\_options.html](https://tidesandcurrents.noaa.gov/datum_options.html), as described in Section 6.
  - An imaginary extension of property boundary lines into the waterbody and a 20-foot setback from those property line extensions;
  - The location of all special aquatic sites at or within 100 feet of the subject property;
  - Existing bank contours;
  - The name and license number, if applicable, of each individual responsible for the plan, including:
    - a. The agent for tidal docking structures who determined elevations represented on plans; and
    - b. The qualified coastal professional who completed the CFA report and located the identified resources on the plan; and
  - The location and dimensions of all existing and proposed structures and landscape features on the property;
  - Tidal datum(s) with associated elevations noted, based on NAVD 88; and
  - Location of all special aquatic sites within 100-feet of the property.
- The elevation view shall depict the following:
- The nature and slope of the shoreline;
  - The location and dimensions of all proposed structures, including permanent piers, pilings, float stop structures, ramps, floats, and dolphins; and
  - Water depths depicted as a line with associated elevation at highest observable tide, mean high tide, and mean low tide, and the date and tide height when the depths were measured. Refer to Section 6 for more instructions regarding water depth supporting information.
- See specific design and plan requirements for certain types of coastal projects:
- Overwater structures (Env-Wt 606);
  - Dredging activities (Env-Wt 607);
  - Tidal beach maintenance (Env-Wt 608);
  - Tidal shoreline stabilization (Env-Wt 609);
  - Protected tidal zone (Env-Wt 610);
  - Sand Dunes (Env-Wt 611).

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**SECTION 6 - WATER DEPTH SUPPORTING INFORMATION REQUIRED (Env-Wt 603.08)**

Using current predicted NOAA tidal datum for the location, and tying field measurements to NAVD 88, field observations of at least 3 tide events, including at least one minus tide event, shall be located to document the range of the tide in the proposed location showing the following levels:

- Mean lower low water;
- Mean low water;
- Mean high water;
- Mean tide level;
- Mean higher high water;
- Highest observable tide line; and
- Predicted sea-level rise as identified in the vulnerability assessment in Env-Wt 603.05.

The following data shall be presented in the application project narrative to support how water depths were determined:

- The date, time of day, and weather conditions when water depths were recorded; and
- The name and license number of the licensed land surveyor who conducted the field measurements.
- For tidal stream crossing projects, provide water depth information to show how the tier 4 stream crossing is designed to meet Env-Wt 904.07(c) and (d), and for repair, rehabilitation or replacement of tier 4 stream crossings, demonstrate how the requirements of Env-Wt 904.09 are met.

**SECTION 7 - GENERAL CRITERIA FOR TIDAL BEACHES, TIDAL SHORELINE, AND SAND DUNES (Env-Wt 604.01)**

Any person proposing a project in or on a tidal beach, tidal shoreline, or sand dune, or any combination thereof, shall evaluate the proposed project based on:

- The standard conditions in Env-Wt 307;
- The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- The approval criteria in Env-Wt 313.01;
- The evaluation criteria in Env-Wt 313.05;
- The project specific criteria in Env-Wt 600;
- The CFA required by Env-Wt 603.04; and
- The vulnerability assessment required by Env-Wt 603.05.

New permanent impacts to sand dunes that provide coastal storm surge protection for protected species or habitat shall not be allowed except:

- To protect public safety; and
- Only if constructed by a state agency, coastal resiliency project, or for a federal homeland security project.

Projects in or on a tidal beach, tidal shoreline, or sand dune shall support integrated shoreline management that:

- Optimizes the natural function of the shoreline, including protection or restoration of habitat, water quality, and self-sustaining stability to flooding and storm surge; and
- Protects upland infrastructure from coastal hazards with a preference for living shorelines over hardened shoreline practices.

#### **SECTION 8 - GENERAL CRITERIA FOR TIDAL BUFFER ZONES (Env-Wt 604.02)**

The 100-foot statutory limit on the extent of the tidal buffer zone shall be measured horizontally. Any person proposing a project in or on an undeveloped tidal buffer zone shall evaluate the proposed project based on:

- The standard conditions in Env-Wt 307;
- The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- The approval criteria in Env-Wt 313.01;
- The evaluation criteria in Env-Wt 313.05;
- The project specific criteria in Env-Wt 600;
- The CFA required by Env-Wt 603.04; and
- The vulnerability assessment required by Env-Wt 603.05.

Projects in or on a tidal buffer zone shall preserve the self-sustaining ability of the buffer area to:

- Provide habitat values;
- Protect tidal environments from potential sources of pollution;
- Provide stability of the coastal shoreline; and
- Maintain existing buffers intact where the lot has disturbed area defined under RSA 483-B:4, IV.

#### **SECTION 9 - GENERAL CRITERIA FOR TIDAL WATERS/WETLANDS (Env-Wt 604.03)**

Except as allowed under Env-Wt 606, permanent new impacts to tidal wetlands shall be allowed only to protect public safety or homeland security. Evaluation of impacts to tidal wetlands and tidal waters shall be based on:

- The standard conditions in Env-Wt 307;
- The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- The approval criteria in Env-Wt 313.01;
- The evaluation criteria in Env-Wt 313.05;
- The project specific criteria in Env-Wt 600;
- The CFA required by Env-Wt 603.04; and
- The vulnerability assessment required by Env-Wt 603.05.

Projects in tidal surface waters or tidal wetlands shall:

- Optimize the natural function of the tidal wetland, including protection or restoration of habitat, water quality, and self-sustaining stability to storm surge;
- Be designed with a preference for living shorelines over hardened stabilization practices; and
- Be limited to public infrastructure or restoration projects that are in the interest of the general public, including a road, a bridge, energy infrastructure, or a project that addresses predicted sea-level rise and coastal flood risk.

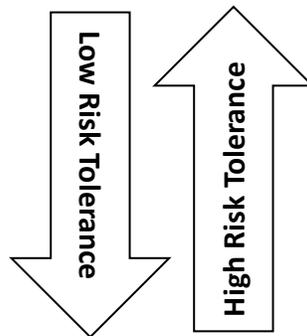
**SECTION 10 – GUIDANCE**

Your application must follow the New Hampshire Coastal Risk and Hazards Commission’s Guiding Principles or other best available science. Below are some of these guidance principles:

- Incorporate science-based coastal flood risk projections into planning;
- Apply risk tolerance\* to assessment, planning, design and construction;
- Protect natural resources and public access;
- Create a bold vision, start immediately, and respond incrementally and opportunistically as projected coastal flood risks increase over time; and
- Consider the full suite of actions including effectiveness and consequences of actions.

\*Risk tolerance is a project’s willingness to accept a higher or lower probability of flooding impacts. The diagram below gives examples of project with lower and higher risk tolerance:

Critical Infrastructures, historic sites, essential ecosystems, and high value assets typically have lower risk tolerance, and thus should be planned, designed, and constructed using higher coastal flood risk projections.



Sheds, pathways, and small docks typically have higher risk tolerance and thus may be planned, designed, and constructed using less protective coastal flood risk projections.

Site Photograph #1

April 2021



Site Photograph #2

April 2021



Site Photograph #3

April 2021



Site Photograph #4

April 2021



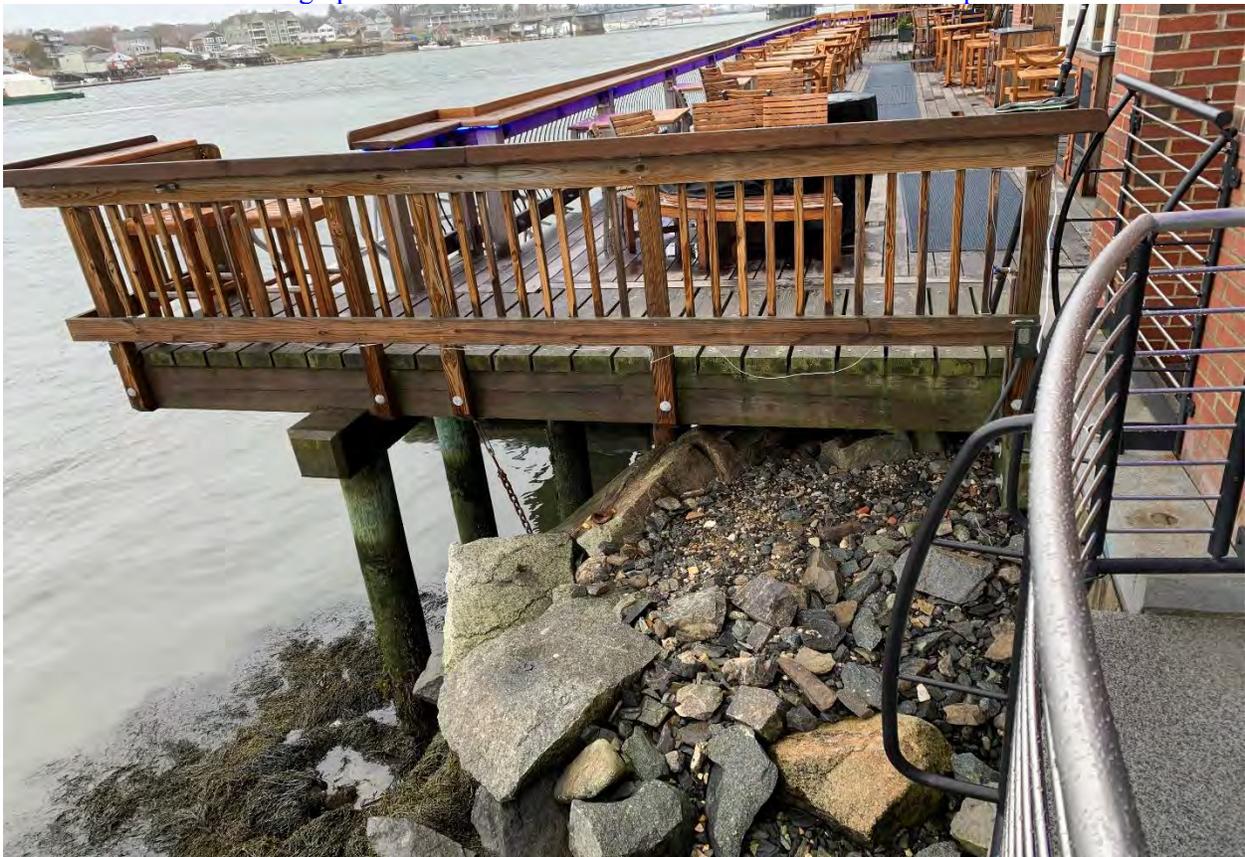
Site Photograph #5

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





# Map by NH GRANIT



## Legend

- State
- County
- City/Town

Map Scale

1: 6,494

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Map Generated: 6/15/2021



## Notes





**Property Information**

**Property ID** 0106-0054-0000  
**Location** 99 BOW ST  
**Owner** MARTINGALE LLC



**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 4/1/2019  
Data updated 7/17/2019

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

## **ABUTTER'S LIST**

JN 3308

Client: Martingale LLC

Project Address: 99 Bow Street, Portsmouth, NH 03801

<b>MAP</b>	<b>LOT</b>	<b>NAME(S)</b>	<b>PO BOX</b>	<b>STREET ADDRESS</b>	<b>CITY/STATE/ZIP</b>
106	55	109-111 Bow Street Condominium		111 Bow Street	Portsmouth, NH 03801
Unit 1		ASRT LLC		266 Middle Street	Portsmouth, NH 03801
Unit 2		BOWSPORTS EV Corporation		25 West Road	Rye, NH 03870
Unit 3		George B. Glidden Revocable Trust	729		Portsmouth, NH 03802-0729
Unit 3		Frank Marjan Revocable Trust	729		Portsmouth, NH 03801-0729
Unit 4		ASRT LLC		111 Bow Street	Portsmouth, NH 03801
Unit 5		ASRT LLC		111 Bow Street	Portsmouth, NH 03801
Unit 6		Montgomery Portsmouth Trust		111 Bow Street #6	Portsmouth, NH 03801
Unit 7		John Samonas		33 Cape Road	New Castle, NH 03854
106	53	Forum Group LLC & Blue Star Properties	4780		Portsmouth, NH 03802-04780



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

109-111 Bow Street Condominium Association  
C/O: John Samonas, President  
33 Cape Road  
New Castle, NH 03854

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH.  
109-111 Bow Street Condominium Association, 109-111 Bow Street, Portsmouth, NH**

Dear Mr. Samonas,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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Plans are on file at this office, and once the application is filed, plans that show the proposed project and wetland and other jurisdictional impacts will be available for viewing during normal business hours at the office of the **Portsmouth** clerk, **Portsmouth City offices**, or once received by DES, at the offices of the DES Wetlands Bureau, (8 a.m. to 4 p.m.) (603) 271-2147. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Please feel free to call me at 603-430-9282 if you have any questions or comments.

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

Forum Group, LLC  
C/O: Michael G. Labrie, Manager P.O. Box 300  
Rye, NH 03870-0300

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 67 Bow Street, Portsmouth, NH**

Dear Mr. Labrie,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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Steven D. Riker  
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**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

Blue Star Properties, LLC  
C/O: Peter J. Labrie, Manager P.O. Box 300  
Rye, NH 03870-0300

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 67 Bow Street, Portsmouth, NH**

Dear Mr. Labrie,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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Sincerely,

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NH Certified Wetland Scientist/Permitting Specialist

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**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

ASRT LLC  
266 Middle Street  
Portsmouth, NH 03081

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 1, Portsmouth, NH**

Dear Property Owner,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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NH Certified Wetland Scientist/Permitting Specialist

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**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

ASRT LLC  
111 Bow Street  
Portsmouth, NH 03801

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 5, Portsmouth, NH**

Dear Property Owner,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

ASRT LLC  
111 Bow Street  
Portsmouth, NH 03801

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 4, Portsmouth, NH**

Dear Property Owner,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

John Samonas  
33 Cape Road  
New Castle, NH 03854

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 7, Portsmouth, NH**

Dear Mr. Samonas,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

Bruce D. Montgomery, Trustee  
Montgomery Portsmouth Trust  
111 Bow Street #6  
Portsmouth, NH 03801

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 6, Portsmouth, NH**

Dear Mr. Montgomery,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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Please feel free to call me at 603-430-9282 if you have any questions or comments.

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

Frank Marjan Revocable Trust  
P.O. Box 729  
Portsmouth, H 03802-0729

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 3, Portsmouth, NH**

Dear Property Owner,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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Please feel free to call me at 603-430-9282 if you have any questions or comments.

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

George B. Glidden Revocable Trust  
P.O. Box 729  
Portsmouth, H 03802-0729

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 3, Portsmouth, NH**

Dear Property Owner,

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Sincerely,

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NH Certified Wetland Scientist/Permitting Specialist

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**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

29 June, 2021

BOWPORTS EV Corporation  
C/O: Katy Sherman  
25 West Road  
Rye, NH 03870

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH. 109-111 Bow Street, Unit 2, Portsmouth, NH**

Dear Ms. Sherman,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands**, on behalf of your abutter, **Martingale LLC**.

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Please feel free to call me at 603-430-9282 if you have any questions or comments.

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist/Permitting Specialist

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Street and Apt. No., or PO Box No.

PO BOX 300

City, State, ZIP+4®

RYE, NH 03870-0300

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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- Adult Signature Restricted Delivery \$

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Total Postage and Fees

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Street and Apt. No., or PO Box No.

25 WEST ROAD

City, State, ZIP+4®

RYE, NH 03870

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- Adult Signature Restricted Delivery \$

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Sent To

ASRT LLC  
Street and Apt. No., or PO Box No.

266 MIDDLE STREET

City, State, ZIP+4®

PORTSMOUTH, NH 03801

PS Form 3800, April 2015 PSN 7530-02-000-9047

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- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

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Total Postage and Fees

\$

Sent To

109-111 BOW STREET CONDOMINIUM ASSOCIATION  
Street and Apt. No., or PO Box No.

33 CAPE ROAD

City, State, ZIP+4®

NEW CASTLE, NH 03854

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

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Total Postage and Fees

\$

Sent To

BLUE STAR PROPERTIES  
Street and Apt. No., or PO Box No.

PO BOX 300

City, State, ZIP+4®

RYE, NH 03870-0300

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

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- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

GEORGE B. GLIDDEN REV. TRUST  
Street and Apt. No., or PO Box No.

PO BOX 729

City, State, ZIP+4®

PORTSMOUTH, NH 03802-0729

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Sent To  
**ASRT LLC**  
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**PORTSMOUTH, NH 03801**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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**111 BOW STREET #6**  
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**PORTSMOUTH, NH 03801**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage	\$
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Sent To  
**JOHN SAMONAS**  
Street and Apt. No., or PO Box No.  
**33 CAPE ROAD**  
City, State, ZIP+4®  
**NEW CASTLE, NH 03854**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0004 2882 9798

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Certified Mail Fee	\$
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<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



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Sent To  
**FRANK MARTIN REV. TRUST**  
Street and Apt. No., or PO Box No.  
**PO BOX 729**  
City, State, ZIP+4®  
**PORTSMOUTH, NH 03802-0729**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

29 June, 2021

New Hampshire Department of Environmental Services  
Wetlands Bureau  
29 Hazen Drive / P.O. Box 95  
Concord, New Hampshire 03302

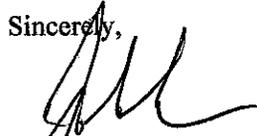
**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH.  
Consent to build within 20' setback – RSA 482-A:3, XIII(c)  
109-111 Bow Street, Portsmouth, NH 03801, Tax Map 106, Lot 55**

To Whom it May Concern:

This letter is to inform the New Hampshire Department of Environmental Services (DES) Wetlands Bureau, in accordance with State Law that our abutter, **Martingale LLC**, has shown us plans (dated 05/26/2021) depicting the proposed overwater structure & tidal dock expansion on their property (Tax Map 106, Lot 54) prepared by McHenry Architects, Ambit Engineering, Inc., and Terra Firma Landscaping. We are aware that the proposed overwater structure is located within 20 feet of the abutting property line that we share with **Martingale LLC**. In addition, we are also aware that any boat attached to the proposed floating dock, may extend into the 20' setback.

In accordance with DES rules and RSA 482-A:3, XIII(c), 109-111 Bow Street Condominium's majority of owners (five [5] of seven [7]), more specifically units 1,4,5,6, and 7 hereby signs this letter to indicate consent and acceptance of the proposed tidal docking structure to be built within 20 feet of our shared boundary, and consent to the possibility of a boat attached to the proposed float extending into the 20' setback associated with the boundary that we share with **Martingale LLC**.

Sincerely,



John Samonas  
Samonas Realty  
109 -111 Bow Street  
Portsmouth, NH 03810  
Tax Map 106, Lot 55

By: JOHN SAMONAS  
Printed Name:  
Title: OWNER  
Date: 6/29/21

State of New Hampshire

County of Rockingham

This letter and abutter consent was acknowledged before me on June 29 2021  
2021 and executed by John Samonas, as owner [title], duly  
authorized representative of Samonas Realty, owner of Unit 1,4,5, 6, and 7, of 109 -  
111 Bow Street, Portsmouth, NH

Michele N. Ferris  
Notary Signature

Notary Seal

My Commission Expires: April 5, 2022



1 June, 2021

New Hampshire Department of Environmental Services  
Wetlands Bureau  
29 Hazen Drive / P.O. Box 95  
Concord, New Hampshire 03302

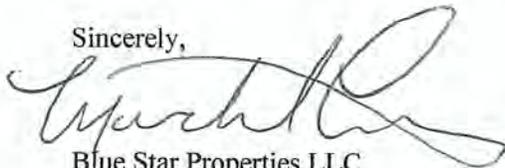
**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH.  
Consent to build within 20' setback – RSA 482-A:3, XIII(c)  
67 Bow Street, Portsmouth, NH 03801, Tax Map 106, Lot 53**

To Whom it May Concern:

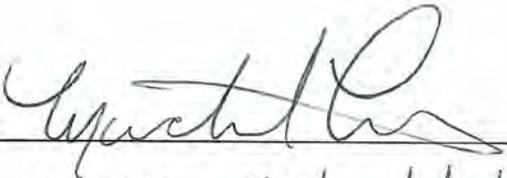
This letter is to inform the New Hampshire Department of Environmental Services (DES) Wetlands Bureau, in accordance with State Law that our abutter, **Martingale LLC**, has shown us plans (dated 05/26/2021) depicting the proposed overwater structure & tidal dock expansion on their property (Tax Map 106, Lot 54) prepared by McHenry Architects, Ambit Engineering, Inc., and Terra Firma Landscaping. We are aware that the proposed overwater structure is located within 20 feet of the abutting property line that we share with **Martingale LLC**. In addition, we are also aware that any boat attached to the proposed floating dock, may extend into the 20' setback.

In accordance with DES rules and RSA 482-A:3, XIII(c), Blue Star Properties, LLC hereby signs this letter to indicate consent and acceptance of the proposed tidal docking structure to be built within 20 feet of our shared boundary, and consent to the the possibility of a boat attached to the proposed float extending into the 20' setback associated with the boundary that we share with **Martingale LLC**.

Sincerely,



Blue Star Properties LLC  
PO Box 300  
Rye, NH 03870-0300  
Tax Map 106, Lot 53

By: 

Printed Name: Michael Labrie

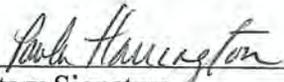
Title: member

Date: 6-17-21

State of New Hampshire

County of Rockingham

This letter and abutter consent was acknowledged before me on June 17, 2021 and executed by Michael Labrie, as Manager and duly authorized representative of Blue Star Properties, LLC.

  
Notary Signature

Notary Seal

My Commission Expires: June 10, 2025



June 1, 2021

New Hampshire Department of Environmental Services  
Wetlands Bureau  
29 Hazen Drive / P.O. Box 95  
Concord, New Hampshire 03302

**RE: New Hampshire DES Wetland Application for overwater structure & tidal dock expansion for Martingale LLC, 99 Bow Street, Portsmouth, NH.  
Consent to build within 20' setback – RSA 482-A:3, XIII(c)  
67 Bow Street, Portsmouth, NH 03801, Tax Map 106, Lot 53**

To Whom it May Concern:

This letter is to inform the New Hampshire Department of Environmental Services (DES) Wetlands Bureau, in accordance with State Law that our abutter, **Martingale LLC**, has shown us plans (dated 05/26/2021) depicting the proposed overwater structure & tidal dock expansion on their property (Tax Map 106, Lot 54) prepared by McHenry Architects, Ambit Engineering, Inc., and Terra Firma Landscaping. We are aware that the proposed overwater structure is located within 20 feet of the abutting property line that we share with **Martingale LLC**. In addition, we are also aware that any boat attached to the proposed floating dock, may extend into the 20' setback.

In accordance with DES rules and RSA 482-A:3, XIII(c), Forum Group, LLC hereby signs this letter to indicate consent and acceptance of the proposed tidal docking structure to be built within 20 feet of our shared boundary, and consent to the the possibility of a boat attached to the proposed float extending into the 20' setback associated with the boundary that we share with **Martingale LLC**.

Sincerely,



Forum Group LLC  
PO Box 300  
Rye, NH 03870-0300  
Tax Map 106, Lot 53

By: 

Printed Name: Michael Labrie  
Title: member  
Date: 6-17-21

State of New Hampshire

County of Rockingham

This letter and abutter consent was acknowledged before me on 17<sup>th</sup> of June, 2021 and executed by Michael Labrie, as Manager and duly authorized representative of Forum Group, LLC.

  
Notary Signature

Notary Seal

My Commission Expires: June 10, 2025



For recorder's use:  
Transfer Tax: \$ Exempt  
Recording Fee: \$28.50  
LCHIP Fee: \$ Exempt  
Return to: Acct No.: D7  
Devine, Millimet & Branch  
Attn: amw/(HRM)  
111 Amherst Street  
Manchester, NH 03101

E 49177

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

2017 Nov 03 PM 02:23

**CONFIRMATORY QUITCLAIM DEED**

**MARTINGALE, LLC, successor in interest to Martingale Wharf Limited Partnership, successor in interest to RRJ Properties, Limited Partnership, a New Hampshire limited liability company, having an address of 30 Penhallow Street, Suite 300 East, Portsmouth, New Hampshire 03801, for consideration paid, grants to MARTINGALE, LLC, a New Hampshire limited liability company, having an address of 30 Penhallow Street, Suite 300 East, Portsmouth, New Hampshire 03801, with QUITCLAIM COVENANTS:**

A certain tract or parcel of land situated in Portsmouth, County of Rockingham, State of New Hampshire, bounded and described as follows:

- Northerly by the Piscataqua River;
- Easterly by land of Robert S. Chase;
- Southerly by Bow Street;
- Westerly by land of Brigham.

The premises are also shown on the plan entitled "As-Built Plan, Martingale Wharf - 99 Bow Street, Portsmouth, NH, Assessor's Parcel: 106-54, for: Martingale Wharf Limited Partnership", prepared by James Verra and Associates, Inc., dated May 3, 2011, and recorded March 7, 2012, as Plan D-37138 of the Rockingham County Registry of Deeds (the "2011 Plan"), to which plan reference is hereby made for a more particular description of said premises.

ALSO CONVEYING all the wharf and water privileges and riparian privileges therewith.

ALSO a right of way to and from Cerness Street, but SUBJECT TO any easements of record.

TOGETHER WITH the rights and easements described in the Restrictive Easement Deed from Forum Group, LLC to Martingale Wharf, LP recorded July 23, 2010, at Book 5128, Page 1293 of the Rockingham County Registry of Deeds, as affected by Easements for Access, Use, Restricted Uses, and Release Deed between Forum Group, LLC, Blue Star Properties, LLC and Martingale Wharf, Limited Partnership dated February 10, 2012, and recorded with the Rockingham County Registry of Deeds at Book 5295, Page 138.

ALSO TOGETHER WITH the rights and easements set forth in the Easement Deeds from the City of Portsmouth to Martingale Wharf Limited Partnership (a) dated March 20, 2012, and recorded at Book 5309, Page 2637, said Registry of Deeds; and (b) dated March 23, 2012, and recorded at Book 5312, Page 1224.

SUBJECT TO the rights and easements described in the Cross Easements for Access, Use, Restricted Uses, and Release Deed between Forum Group, LLC, Blue Star Properties, LLC and Martingale Wharf, Limited Partnership dated February 10, 2012, and recorded with the Rockingham County Registry of Deeds at Book 5295, Page 138.

FURTHER SUBJECT TO the following:

1. Such state of facts as are disclosed on the plans recorded with the Rockingham County Registry of Deeds as Plan Nos. D-36712; D-37137; and D-37138.
2. Terms and conditions of the New Hampshire Department of Environmental Services Wetlands and Non-Site Specific Permit 2001-00920 recorded April 29, 2010, at Book 5106, Page 1789, said Registry of Deeds.
3. Terms and conditions set forth in the Easement Agreement between Forum Group, LLC and Martingale Wharf, LP dated June 3, 2010, and recorded at Book 5128, Page 1288 of the Rockingham County Registry of Deeds.
4. Terms and conditions relating to the lease evidenced by Notice of Lease between Martingale Wharf Limited Partnership and Surf Portsmouth, Inc. dated November 15, 2010, and recorded at Book 5186, Page 1301, said Registry of Deeds, as affected by First Amendment to Notice of Lease dated September 30, 2011, and recorded at Book 5259, Page 336.
5. Terms and conditions relating to the lease evidenced by Notice of Lease between Martingale Wharf Limited Partnership and Surf Portsmouth, Inc. dated February 23, 2012, and recorded at Book 5292, Page 1280 of the Rockingham County Registry of Deeds.
6. Terms and conditions of the New Hampshire Department of Environmental Services Wetlands and Non-Site Specific Permit 2012-01050 recorded March 6, 2013, at Book 5415, Page 2031, said Registry of Deeds.
7. Commercial Mortgage, Security Agreement and Assignment of Leases and Rents from Martingale, LLC to Kennebunk Savings Bank dated December 12, 2014, and recorded at Book 5581, Page 2720 of the Rockingham County Registry of Deeds, as affected by Modification Agreement dated April 13, 2016, and recorded at Book 5705, Page 2459, said Registry of Deeds.
8. Commercial Mortgage, Security Agreement and Assignment of Leases and Rents from Martingale, LLC to Kennebunk Savings Bank dated April 13, 2016, and recorded at Book 5705, Page 2417, said Registry of Deeds.

E 49177

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

E 49177

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

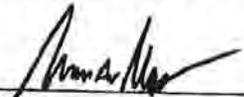
Meaning and intending to describe Tract 1 in the deed from James A. Labrie, individually and as Trustee of The James A. Labrie Revocable Trust of 1991, and Robert A. Ricci, Sr., all d/b/a R & L Enterprises, to RRJ Properties, Limited Partnership dated July 31, 2002, and recorded at Book 3810, Page 535 of the Rockingham County Registry of Deeds. See, (a) Affidavit of Name Change from RRJ Properties Limited Partnership to Martingale Wharf Limited Partnership dated November 19, 2009, and recorded at Book 5068, Page 1241 of the Rockingham County Registry of Deeds; and (b) Certificate of Conversion and Certificate of Formation of Martingale, LLC, formerly Martingale Wharf Limited Partnership, dated December 8, 2014, and recorded at Book 5581, Page 266, said Registry of Deeds.

**Purpose of Deed:** This deed is given to: (a) confirm that title vested in the Grantee herein following the succession of interests from RRJ Properties, Limited Partnership to Martingale, LLC as described above; and (b) to add a reference to the 2011 Plan to the legal description of the premises.

**Transfer Tax and L-Chip Surcharge:** This transfer is exempt from real estate transfer tax pursuant to RSA 78-B:2,V and is also exempt from the Land and Community Heritage Investment Program (LCHIP) surcharge pursuant to New Hampshire Department of Revenue Administration Rev 3001.03.

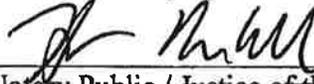
Executed as of the 27<sup>th</sup> day of October, 2017.

**MARTINGALE, LLC, successor to Martingale  
Wharf Limited Partnership, successor to RRJ  
Properties, Limited Partnership**

By:   
Mark A. McNabb, its Manager  
Duly Authorized

State of New Hampshire  
County of Rockingham

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of October, 2017, by **Mark A. McNabb**, Manager, of **Martingale, LLC**, for the purposes herein intended.



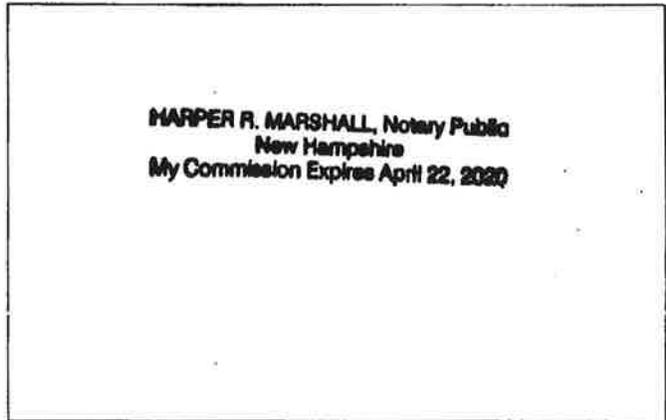
Notary Public / Justice of the Peace

Print Name:

My Commission Expires:

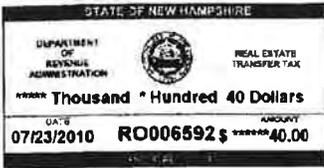
**HARPER R. MARSHALL, Notary Public  
New Hampshire  
My Commission Expires April 22, 2020**

Affix Seal/  
Stamp within  
box



E 49177

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

**Easement Agreement**

Agreement entered into this <sup>3<sup>RD</sup></sup> day of June, 2010 by and between Forum Group, LLC with an address of 67 Bow Street, Suite 7, Portsmouth NH 03801 ("Forum") and Martingale Wharf, LP with an address at 225 Banfield Road, Portsmouth NH 03801 ("Martingale").

**Whereas** Martingale is owner of real property known as 99 Bow Street, Portsmouth NH and further delineated on City of Portsmouth Tax Assessor Map 0106 as Lot 0054-0000 ("Martingale Property"); and

**Whereas** Forum is owner of the abutting real property know as 67 Bow Street, Portsmouth NH and further delineated on City of Portsmouth Tax Assessor Map 0106 as Lot 0053-0000 ("Forum Property"); and

**Whereas** the parties have undertaken to determine what easement rights may exist for the crossing of the Forum Property for the benefit of the Martingale Property; and

**Whereas** the parties have not been able to determine what the legal rights of the respective parties may be regarding access through Forum Property for the benefit of Martingale Property; and

**Whereas** the parties are desirous of settling all such issues between the parties with regard to access rights between the Martingale Property and the Forum Property.

**Therefore** in consideration of the resolution of all claims and rights regarding access across Forum Property for the benefit of Martingale Property, the parties agree as follows:

1. Forum shall grant Martingale a easement for pedestrian use, not including any motorized or powered vehicles, and related uses to service the river level unit of Martingale's commercial building limited to delivery of supplies, removal of trash and recyclables in conjunction with a restaurant use, and other approved incidental uses, through Forum Property along the waterfront, which easement shall abut the existing Forum building as depicted on the attached Easement Plat entitled "Easement Plat 67 and 99 Bow Street Portsmouth, New Hampshire" date Preliminary: revision 4/23/2010 prepared by James Verra and Associates, Inc. ("Easement Plat"). **(PLAN TO BE REVISED TO DELETE "See also BK 3454 PG 13 and BK 616 pPG 114" in box referring to Easement to Ceres street in Favor of Martingale Wharf LP)**

2. The easement will be the width shown on the Easement Plat. This easement will be open to all tenants, guests, invitees of Martingale but shall not be a public right of way. Trash removal and deliveries will by limited to between 6 a.m. and 11 a.m. or other times mutually agreeable between the parties. Signage for the Martingale businesses will not be permitted in the easement area. Upon completion of construction and finalization of an As Built Easement Plan, based on the information in the Easement Plat but certified by James Verra as to actual construction, the parties shall finalize and record an Easement Deed that contains a metes and bounds description

030591

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ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

of the easement area in conformance with the certified As Built Easement Plan and this Agreement. At the same time of recording the easement deed the parties shall record a Release Deed releasing any and all rights of Martingale to any other easement that may cross the Forum Property ("Release Deed").

3. The existing stairs, landings, dumpster platform including walls and gates, ice maker and ice maker room located on the intermediate landing, beer cooler on the ground level, Harpoon Willy's exhaust fan and all other improvements currently located between the foundation walls of Martingale Property and Forum Property will be demolished and/or reconfigured in accordance with detailed construction plans to be provided by Martingale and approved by Forum. The parties understand and agree that construction of the proposed improvements and changes may have de minimus changes resulting from field conditions, constructability and unforeseen limiting conditions.

4. Martingale will be responsible for obtaining all required state and municipal permits, providing detailed plans, a construction schedule and plan to minimize adverse impact on existing tenants during construction, with approval by Forum prior to commencing construction, which approval shall not be unreasonably withheld. Construction will not commence before October 12, 2010 and will end by April 15, 2011. In the event final approvals have not been obtained and construction has not commenced prior to January 1, 2011, to allow for completion of the project in any event prior to April 15, 2011, construction shall be delayed until October 11, 2011 unless otherwise approved by Forum. The cost for permits and regulatory approvals for the construction described herein (survey, engineering, legal etc) will be equally split between Martingale and Forum.

5. The parties agree that Ricci Construction will be the general contractor for making all proposed improvements delineated in paragraphs 2, 3 and 4 (the "Improvements") based on an actual verifiable cost approach to be billed at cost. Prior to commencing work Ricci Construction shall provide a budget for all proposed Improvements and proof of insurance. The budget will be for the purpose of giving an estimated cost of construction. Martingale will pay Twenty Thousand Dollars (\$20,000) toward the cost of construction of improvements, excluding legal, permitting and survey work as otherwise provided herein, and Forum will pay the remaining cost. In addition, Martingale agrees to fully pay the cost of reconstruction of the concrete slab which runs from the sidewalk on Bow Street to the existing stairs and dumpster platform, with the concrete slab to be dyed red as previously existed, based on a prior verbal agreement between the parties. The parties agree to execute a contract with Ricci Construction in conformance with the terms of this Agreement and containing conditions normal and customary to a construction agreement for this scope and cost approach upon receipt of all final permits and approvals and review of the budget and construction plans referenced above.

6. To allow the stairs and landings to be built on a portion of the Martingale Property, and allow the construction of walls and service areas and placing of equipment under the stairs being built and to allow for the attachment of same to the Martingale building as may be shown on the construction plans, Martingale agrees to grant Forum a restrictive easement as depicted in the Easement Plat. The easement will provide that Martingale will be prohibited from using the area over which Forum has such easement for any pedestrian access to Bow Street by Martingale and

such restriction will be contained in the easement deed executed by Martingale. Upon completion of construction the parties shall finalize and record a restrictive easement deed that contains a metes and bounds description in conformance with an As Built Easement Plan, to be certified by James Verra and this Agreement.

7. International Building Code (IBC) requires greater than a three foot separation between structures in order to have unprotected openings (windows). Forum agrees to grant Martingale a restrictive easement, as depicted on the Easement Plat that prohibits Forum from constructing a building above the level of the stairs and platforms being constructed for the purpose of allowing windows on that elevation of the Martingale building. Martingale shall not have any access to the property described in the restrictive easement and shall not have any access to Bow Street, and in the event International Building (IBC) and International Fire Code (IFC) are changed so as not to require such a building separation distance then Martingale shall release the same. Within thirty (30) days of execution of this Agreement the parties shall finalize and record a restrictive easement deed that contains a metes and bounds description of the restrictive easement area in conformance with the Easement Plat and this Agreement, which restrictive easement shall be amended if necessary to comply with the As Built Easement Plan upon completion of construction.

8. The parties shall equally share the cost of the survey work to be performed by James Verra & Associates for work in preparing the Easement Plat and As Built Easement Plans and metes and bounds descriptions of the above referenced easements. Each party shall pay its own legal fees, other than the legal fees of Donahue, Tucker & Ciandella in the amount of \$1925.00 which were billed for work performed prior to April 14, 2010 in conjunction with drafting and revising this Agreement, which amount shall be equally split between the parties as previously agreed. The parties shall equally share the cost of preparation and recording of the three easement deeds referenced within this Agreement.

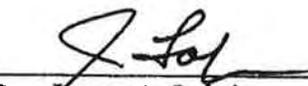
9. In the event of a default of this Agreement by either party, the parties may exercise any and all legal rights available under New Hampshire law including specific performance. The defaulting party shall pay the legal fees of the prevailing party.

10. The parties agree that upon recording of the easement deeds and release deed referenced herein it shall be deemed a final determination of the easement rights between the properties and a release by both parties of any claims related thereto.

In witness whereof we have executed this Agreement this 3<sup>RD</sup> day of June, 2010.

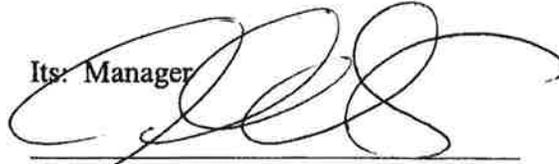
**Forum Group, LLC**

Dated: 6-4-2010

  
By: James A. Labrie

Dated: 6-4-10

Its: Manager



By: Anders Albertsen  
Its: Manager

Dated: 6.3.10.

**Martingale Wharf, LP**

By Martingale Wharf, LLC its general partner



By: Robert A. Ricci, Jr.  
Its: Manager

Dated: 6.3.10



By: John E. Ricci  
Its: Manager

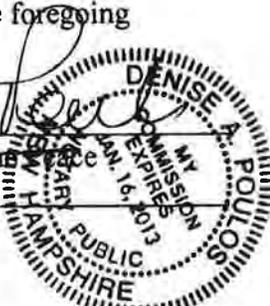
STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Personally appeared this 21 day of W, 2010, the above named James A. Labrie,  
duly authorized Manager of Forum Group, LLC, and acknowledged the foregoing  
instrument to be its voluntary act and deed. Before me,

*Denise A. Poulos*  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_  


STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Personally appeared this 16 day of July, 2010, the above named Anders Albertsen,  
duly authorized Manager of Forum Group, LLC, and acknowledged the foregoing  
instrument to be its voluntary act and deed. Before me,

*Denise A. Poulos*  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_  


STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Personally appeared this 20 day of July, 2010, the above named John E. Ricci, Duly  
Authorized Manager of Martingale Wharf LLC the general partner of Martingale Wharf  
Limited Partnership, and acknowledged the foregoing instrument to be its voluntary act  
and deed. Before me,

*E. R. Hayes*  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_  


STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Personally appeared this 20 day of July, 2010, the above named Robert A. Ricci,  
Duly Authorized Manager of Martingale Wharf LLC the general partner of Martingale  
Wharf Limited Partnership, and acknowledged the foregoing instrument to be its  
voluntary act and deed. Before me,

*E. R. Hayes*  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_  






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 RKJ 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  
NH DES 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/oepp

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.

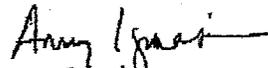
We have reviewed materials submitted by counsel to the property owner which includes proposed site plan, evidence of the property's current and prior uses, correspondence from the Attorney General's office and Wetlands Bureau, Portsmouth Planning Board approval and a recommendation by the Mayor of Portsmouth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

AL: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:

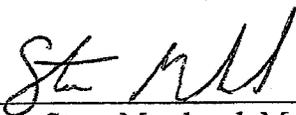
Please be advised that the City Council of the City of Portsmouth has reviewed the municipal exemption request of RRJ Properties Limited Partnership which is appended hereto, and has determined that the RRJ proposal meets all of the criteria of RSA 483-B:12 and respectfully requests that the Department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

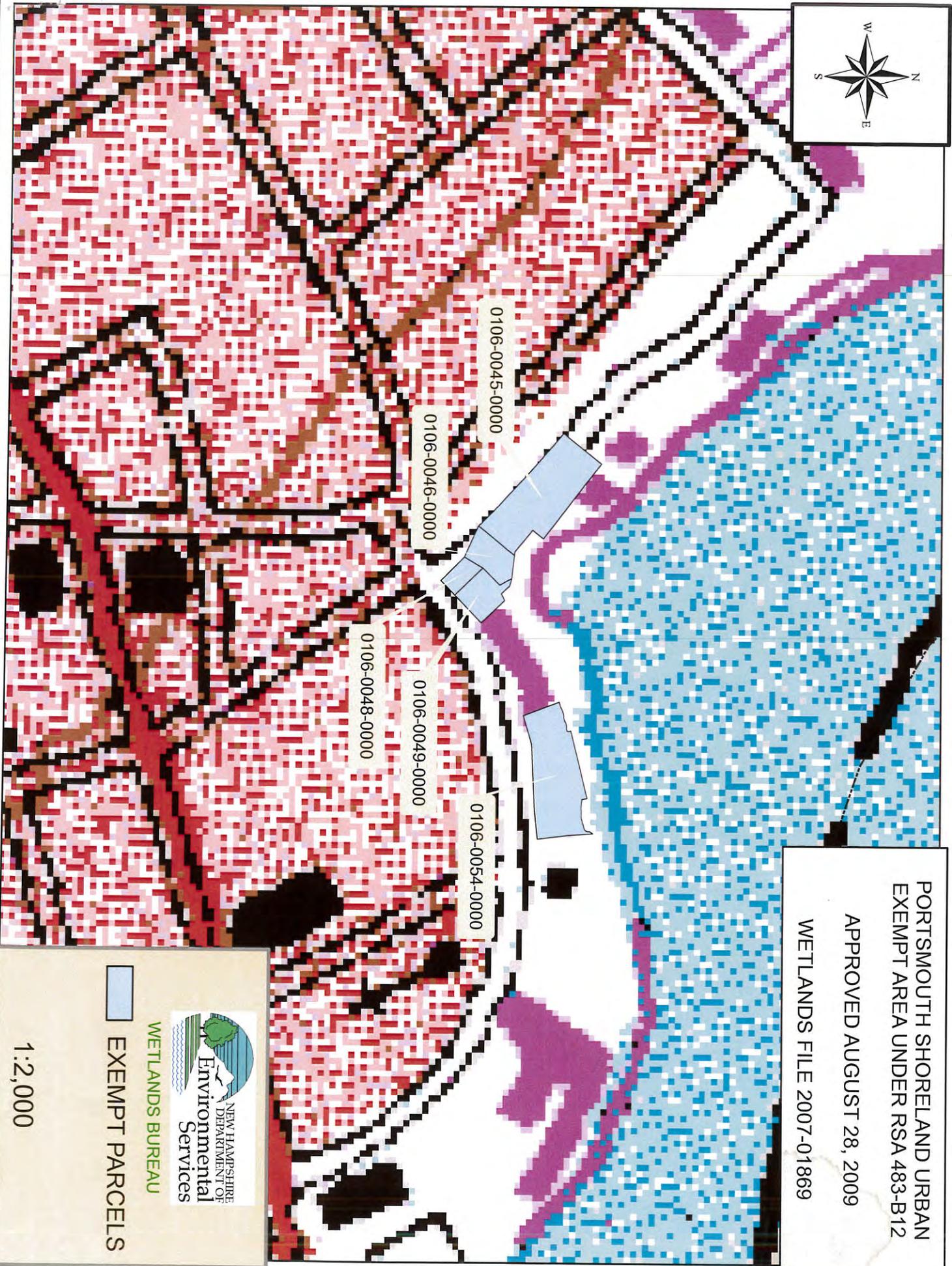
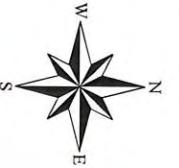
- It is the finding of the Portsmouth City Council that the current and past building density of the site support highly developed, urbanized activity and that the RRJ proposal is consistent with the historical uses of the site.
- The Council finds that there has been intense commercial and industrial 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



PORTSMOUTH SHORELAND URBAN  
EXEMPT AREA UNDER RSA 483-B12

APPROVED AUGUST 28, 2009

WETLANDS FILE 2007-01869

0106-0045-0000

0106-0046-0000

0106-0048-0000

0106-0049-0000

0106-0054-0000



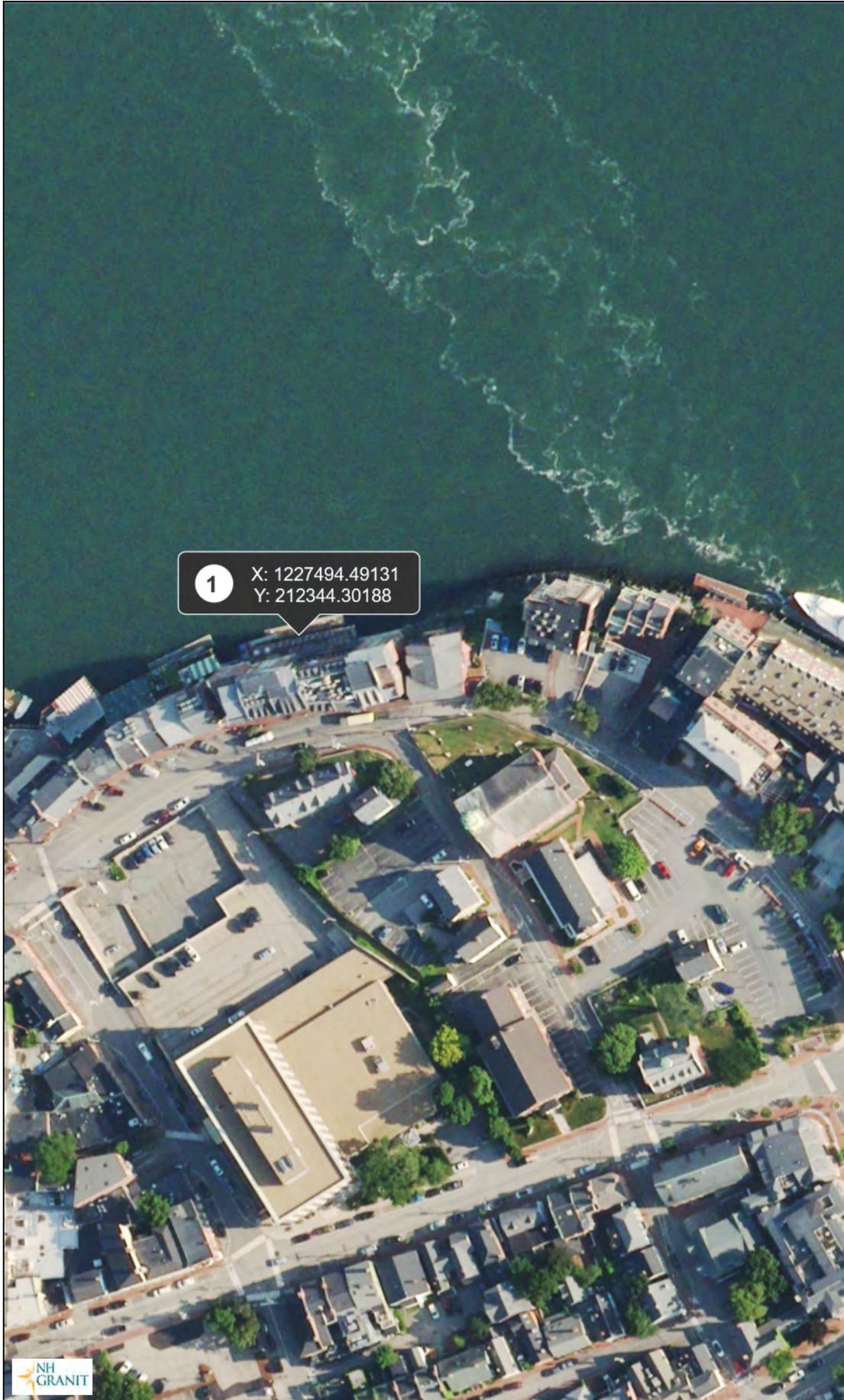
EXEMPT PARCELS

WETLANDS BUREAU



1:2,000

# Map by NH GRANIT



## Legend

- 2019 Coastal 2019 1-foot RGB

## Map Scale

1: 1,624

© NH GRANIT, [www.granit.unh.edu](http://www.granit.unh.edu)  
Map Generated: 6/14/2021

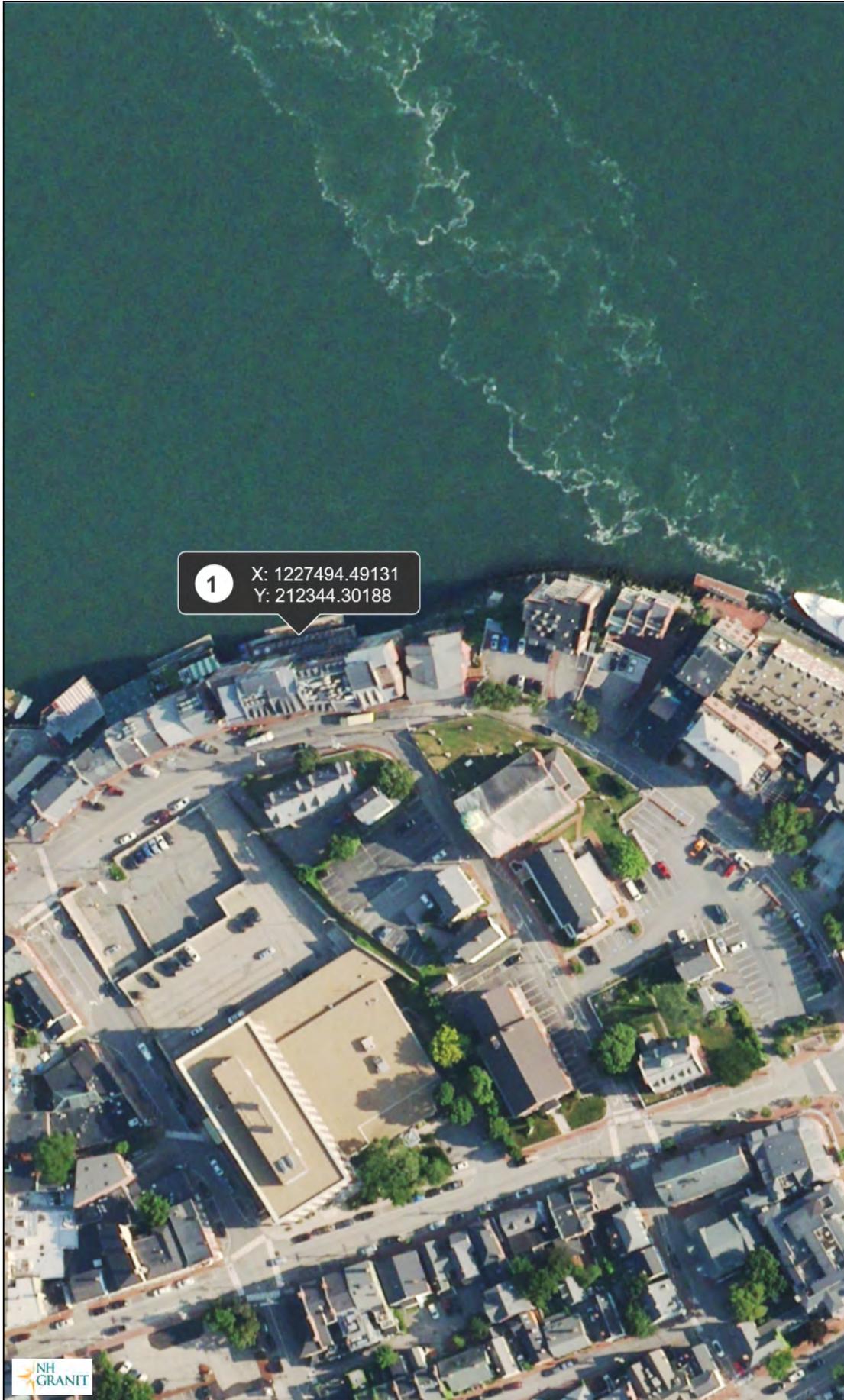


## Notes

2019 Eelgrass



# Map by NH GRANIT



## Legend

- Current Shellfish Beds
- Blue Mussel
  - Oyster
  - Razor Clam
  - Softshell Clam
  - Surf Clam
- Coastal 2019 1-foot RGB

Map Scale

1: 1,624

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Map Generated: 6/11/2021



## Notes

Current Shellfish Beds



# Map by NH GRANIT



## Legend

- State
  - County
  - City/Town
- WAP 2020: Highest Ranked Wildlife Habitat
- 1 Highest Ranked Habitat in NH
  - 2 Highest Ranked Habitat in Region
  - 3 Supporting Landscape
- Coastal 2019 1-foot RGB

1

X: 1227490.520653  
Y: 212342.830527

Map Scale

1: 3,247

© NH GRANIT, [www.granit.unh.edu](http://www.granit.unh.edu)

Map Generated: 6/15/2021



## Notes

Highest Ranked Wildlife Habitat



# 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.



**EFH Data Notice:** Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional Fishery Management Councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

Greater Atlantic Regional Office  
Atlantic Highly Migratory Species Management Division

### Query Results

Degrees, Minutes, Seconds: Latitude = 43°4'46" N, Longitude = 71°14'42" W  
Decimal Degrees: Latitude = 43.08, Longitude = -70.76

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

### \*\*\* WARNING \*\*\*

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

### EFH

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Atlantic Sea Scallop	ALL	New England	Amendment 14 to the Atlantic Sea Scallop FMP
			Atlantic Wolffish	ALL	New England	Amendment 14 to the Northeast Multispecies FMP
			Winter Flounder	Eggs Juvenile Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
			Little Skate	Juvenile Adult	New England	Amendment 2 to the Northeast Skate Complex FMP
			Atlantic Herring	Juvenile Adult Larvae	New England	Amendment 3 to the Atlantic Herring FMP

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Atlantic Cod	Larvae Adult Eggs	New England	Amendment 14 to the Northeast Multispecies FMP
			Pollock	Juvenile Eggs Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
			Red Hake	Adult Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Windowpane Flounder	Adult Larvae Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Winter Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
			Smooth Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
			White Hake	Adult Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Thorny Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
			Bluefin Tuna	Adult	Secretarial	Amendment 10 to the 2006 Consolidated HMS FMP: EFH

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Atlantic Mackerel	Eggs Larvae Juvenile	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Bluefish	Adult Juvenile	Mid-Atlantic	Bluefish
			Atlantic Butterfish	Adult	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11

### HAPCs

Show	Link	Data Caveats	HAPC Name	Management Council
			Inshore 20m Juvenile Cod	undefined

### EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

**Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data. \*\*For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

**All spatial data is currently mapped for this region**



# SAFETY DATA SHEET

## 1. Identification

Product identifier **CCA Treated Wood**

Other means of identification

SDS number 92-KPC

Recommended use Preservative Treated Wood for various weather protected and exterior uses.

Recommended restrictions None known.

### Manufacturer/Importer/Supplier/Distributor information

Company Name Koppers Performance Chemicals Inc.  
 Address 1016 Everee Inn Rd., Griffin, GA 30224  
 Telephone number 770-233-4200  
 Contact person Regulatory Manager, KPC Inc.  
 Emergency Telephone CHEMTREC 1-800-424-9300  
 Number  
 E-mail KPCmgrsds@koppers.com

## 2. Hazard(s) identification

Physical hazards Not classified.

Health hazards Carcinogenicity (Inhalation) Category 1A

OSHA defined hazards Combustible dust

### Label elements



Signal word Danger

Hazard statement May cause cancer by inhalation. May form combustible dust concentrations in air.

Precautionary statement

Prevention Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Keep away from heat/sparks/open flames/hot surfaces. - No smoking. Keep container tightly closed. Wear protective gloves/protective clothing/eye protection/face protection. Prevent dust accumulation to minimize explosion hazard. Observe good industrial hygiene practices.

Response If exposed or concerned: Get medical advice/attention. Take off contaminated clothing and wash before reuse. In case of fire: Use water fog, foam, carbon dioxide, dry chemical for extinction. Collect spillage.

Storage Store away from incompatible materials.

Disposal Dispose of contents/container in accordance with local/regional/national/international regulations.

Hazard(s) not otherwise classified (HNOC) None known.

## 3. Composition/information on ingredients

### Mixtures

Chemical name	CAS number	%
Arsenic Pentoxide	1303-28-2	<3
Copper Oxide	1317-39-1	<1.5
Trivalent Chromium	1308-38-9	<3.5
Wood	N/A	<85

**Composition comments** All concentrations are in percent by weight unless ingredient is a gas. Gas concentrations are in percent by volume.  
Components not listed are either non-hazardous or are below reportable limits.

Depending on the additives applied to the treating solution, this wood may also contain <1 % of mold inhibitors, <1% of a non-hazardous oil emulsion, and <% of a colorant.

#### 4. First-aid measures

**Inhalation** Move to fresh air. If breathing is difficult, give oxygen. Get medical attention immediately. Some species may cause allergic respiratory reactions with asthma-like symptoms in sensitized individuals.

**Skin contact** Remove contaminated clothing. Wash skin thoroughly with soap and water for several minutes. Prolonged contact with treated wood and/or treated wood dust, especially when freshly treated at the plant, may cause irritation to the skin. Abrasive handling or rubbing of the treated wood may increase skin irritation. Some wood species, regardless of treatment, may cause dermatitis or allergic skin reactions in sensitized individuals. In case of rashes, wounds or other skin disorders: Seek medical attention and bring along these instructions.

**Eye contact** Do not rub eye. Immediately flush eye(s) with plenty of water. Remove any contact lenses and open eyelids wide apart. If irritation persists get medical attention.

**Ingestion** Rinse mouth thoroughly if dust is ingested. Get medical attention if any discomfort continues.

**Most important symptoms/effects, acute and delayed** Wood dust: May cause nasal dryness, irritation and mucostasis. Coughing, wheezing, sneezing, sinusitis and prolonged colds have also been reported. Depending on wood species may cause respiratory sensitization and/or irritation. Symptoms can include irritation, redness, scratching of the cornea, and tearing. May cause eczema-like skin disorders (dermatitis). Airborne treated or untreated wood dust may cause nose, throat, or lung irritation and other respiratory effects.

**Indication of immediate medical attention and special treatment needed** If one ounce of treated wood dust per 10 lbs. of body weight are ingested, acute arsenic intoxication is a possibility.

**General information** Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.

#### 5. Fire-fighting measures

**Suitable extinguishing media** Water fog. Foam. Carbon dioxide (CO<sub>2</sub>). Dry chemical powder. Apply extinguishing media carefully to avoid creating airborne dust.

**Unsuitable extinguishing media** Do not use water jet as an extinguisher, as this will spread the fire.

**Specific hazards arising from the chemical** Explosion hazard: Avoid generating dust; fine dust dispersed in air in sufficient concentrations and in the presence of an ignition source is a potential dust explosion hazard. Depending on moisture content, and more importantly, particle diameter and airborne concentration, wood dust in a contained area may explode in the presence of an ignition source. Wood dust may similarly deflagrate (combustion without detonation like an explosion) if ignited in an open or loosely contained area. An airborne concentration of 40 grams (40,000 mg) of dust per cubic meter of air is often used as the LEL for wood dusts. Reference NFPA Standards- 654 and 664 for guidance. Toxic vapors from wood and preservative may be given off in a fire. Ash will contain free arsenic and chromium and may be toxic.

**Special protective equipment and precautions for firefighters** Self-contained breathing apparatus and full protective clothing must be worn in case of fire.

**Fire fighting equipment/instructions** In case of fire and/or explosion do not breathe fumes. Move containers from fire area if you can do so without risk.

**Specific methods** Use standard firefighting procedures and consider the hazards of other involved materials.

**General fire hazards** May form combustible dust concentrations in air.

## 6. Accidental release measures

### Personal precautions, protective equipment and emergency procedures

Use only non-sparking tools. Keep unnecessary personnel away. Keep people away from and upwind of spill/leak. Dust deposits should not be allowed to accumulate on surfaces, as these may form an explosive mixture if they are released into the atmosphere in sufficient concentration. Wear appropriate protective equipment and clothing during clean-up. Ensure adequate ventilation. Local authorities should be advised if significant spillages cannot be contained. For personal protection, see section 8 of the SDS.

### Methods and materials for containment and cleaning up

Eliminate all ignition sources (no smoking, flares, sparks, or flames in immediate area). Take precautionary measures against static discharge. Use only non-sparking tools. Avoid dispersal of dust in the air (i.e., clearing dust surfaces with compressed air). Stop the flow of material, if this is without risk.

Large Spills: Wet down with water and dike for later disposal. Shovel the material into waste container. Following product recovery, flush area with water.

Small Spills: Sweep up or vacuum up spillage and collect in suitable container for disposal.

Never return spills to original containers for re-use. For waste disposal, see section 13 of the SDS.

### Environmental precautions

Avoid release to the environment. Prevent further leakage or spillage if safe to do so. Avoid discharge into drains, water courses or onto the ground. Inform appropriate managerial or supervisory personnel of all environmental releases.

## 7. Handling and storage

### Precautions for safe handling

Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Minimize dust generation and accumulation. Avoid significant deposits of material, especially on horizontal surfaces, which may become airborne and form combustible dust clouds and may contribute to secondary explosions. Routine housekeeping should be instituted to ensure that dusts do not accumulate on surfaces. Keep away from heat/sparks/open flames/hot surfaces. - No smoking. Explosion-proof general and local exhaust ventilation. Avoid prolonged exposure. Wear appropriate personal protective equipment. Avoid release to the environment. Do not burn preserved wood. Do not use preserved wood as Mulch. Observe good industrial hygiene practices.

### Conditions for safe storage, including any incompatibilities

Keep away from heat, spark, open flames and other sources of ignition. Store away from incompatible materials (see Section 10 of the SDS).

## 8. Exposure controls/personal protection

### Occupational exposure limits

#### U.S. - OSHA

Components	Type	Value	Form
Wood Dust (CAS N/A)	PEL	5 mg/m <sup>3</sup>	Respirable dust.
		15 mg/m <sup>3</sup>	Total fraction.

#### US. OSHA Table Z-1 Limits for Air Contaminants (29 CFR 1910.1000)

Components	Type	Value
Trivalent Chromium (CAS 1308-38-9)	PEL	0.5 mg/m <sup>3</sup>

#### ACGIH

Components	Type	Value	Form
Wood Dust (CAS N/A)	TWA	1 mg/m <sup>3</sup>	Inhalable fraction.

#### US. ACGIH Threshold Limit Values

Components	Type	Value
Arsenic Pentoxide (CAS 1303-28-2)	TWA	0.01 mg/m <sup>3</sup>
Trivalent Chromium (CAS 1308-38-9)	TWA	0.5 mg/m <sup>3</sup>

#### US. NIOSH: Pocket Guide to Chemical Hazards

Components	Type	Value	Form
Arsenic Pentoxide (CAS 1303-28-2)	Ceiling	0.002 mg/m <sup>3</sup>	

## US. NIOSH: Pocket Guide to Chemical Hazards

Components	Type	Value	Form
Copper Oxide (CAS 1317-39-1)	TWA	1 mg/m <sup>3</sup>	Dust and mist.
Trivalent Chromium (CAS 1308-38-9)	TWA	0.5 mg/m <sup>3</sup>	
Wood Dust (CAS N/A)	TWA	1 mg/m <sup>3</sup>	Dust.

### Biological limit values

#### ACGIH Biological Exposure Indices

Components	Value	Determinant	Specimen	Sampling Time
Arsenic Pentoxide (CAS 1303-28-2)	35 µg/l	Inorganic arsenic, plus methylated metabolites, as As	Urine	*

\* - For sampling details, please see the source document.

**Appropriate engineering controls** Explosion-proof general and local exhaust ventilation. Good general ventilation (typically 10 air changes per hour) should be used. Ventilation rates should be matched to conditions. If applicable, use process enclosures, local exhaust ventilation, or other engineering controls to maintain airborne levels below recommended exposure limits. If exposure limits have not been established, maintain airborne levels to an acceptable level.

#### Individual protection measures, such as personal protective equipment

**Eye/face protection** Wear dust-resistant safety goggles with side shields where there is danger of eye contact.

#### Skin protection

**Hand protection** When handling wood, wear leather or fabric gloves.

**Other** Wear suitable protective clothing. Use of an impervious apron is recommended.

**Respiratory protection** If engineering controls do not maintain airborne concentrations below recommended exposure limits (where applicable) or to an acceptable level (in countries where exposure limits have not been established), an approved respirator must be worn. Use a NIOSH-approved respirator if there is a potential for exposure to dust exceeding exposure limits (See 29 CFR 1910.134, respiratory protection standard).

**Thermal hazards** Wear appropriate thermal protective clothing, when necessary.

**General hygiene considerations** If wood dust contacts the skin, workers should wash the affected areas with soap and water. Clothing contaminated with wood dust should be removed, and provisions should be made for the safe removal of the chemical from the clothing. Persons laundering the clothes should be informed of the hazardous properties of wood dust. A worker who handles wood dust should thoroughly wash hands, forearms, and face with soap and water before eating, using tobacco products, using toilet facilities, applying cosmetics, or taking medication. Workers should not eat, drink, use tobacco products, apply cosmetics, or take medication in areas where wood dust is handled, or processed.

## 9. Physical and chemical properties

### Appearance

<b>Physical state</b>	Solid.
<b>Form</b>	Solid.
<b>Color</b>	Yellow/green.
<b>Odor</b>	Wood odor.
<b>Odor threshold</b>	Not available.
<b>pH</b>	Not applicable.
<b>Melting point/freezing point</b>	Not available.
<b>Initial boiling point and boiling range</b>	Not available.
<b>Flash point</b>	Not available.
<b>Evaporation rate</b>	Not available.
<b>Flammability (solid, gas)</b>	Combustible solid.

### Upper/lower flammability or explosive limits

Flammability limit - lower (%)	Not available.
Flammability limit - upper (%)	Not available.
Explosive limit - lower (%)	Not available.
Explosive limit - upper (%)	Not available.
Vapor pressure	Not applicable.
Vapor density	Not applicable.
Relative density	Not available.
Solubility(ies)	
Solubility (water)	Highly insoluble.
Partition coefficient (n-octanol/water)	Not available.
Auto-ignition temperature	Not available.
Decomposition temperature	Not available.
Viscosity	Not applicable.
Other information	
Density	As wood.

## 10. Stability and reactivity

Reactivity	The product is stable and non-reactive under normal conditions of use, storage and transport.
Chemical stability	Material is stable under normal conditions.
Possibility of hazardous reactions	No dangerous reaction known under conditions of normal use.
Conditions to avoid	Keep away from heat, sparks and open flame. Minimize dust generation and accumulation. Contact with incompatible materials.
Incompatible materials	Strong oxidizing agents.
Hazardous decomposition products	Toxic vapors from wood and preservative may be given off in a fire. Ash will contain free arsenic and chromium and may be toxic.

## 11. Toxicological information

### Information on likely routes of exposure

Inhalation	Wood dust, treated or untreated, is irritating to the nose, throat and lungs. Prolonged or repeated inhalation of wood dusts may cause respiratory irritation, recurrent bronchitis and prolonged colds. Some species may cause allergic respiratory reactions with asthma-like symptoms in sensitized individuals. Prolonged exposure to wood dusts by inhalation has been reported to be associated with nasal and paranasal cancer.
Skin contact	Handling may cause splinters. Prolonged contact with treated wood and/or treated wood dust, especially when freshly treated at the plant, may cause irritation to the skin. Abrasive handling or rubbing of the treated wood may increase skin irritation. Some wood species, regardless of treatment, may cause dermatitis or allergic skin reactions in sensitized individuals.
Eye contact	Dust may irritate the eyes.
Ingestion	Not likely, due to the form of the product. However, ingestion of dusts generated during working operations may cause nausea and vomiting. If one ounce of treated wood dust per 10 lbs. of body weight are ingested, acute arsenic intoxication is a possibility. Certain species of wood and their dusts may contain natural toxins, which can have adverse effects in humans.
Symptoms related to the physical, chemical and toxicological characteristics	Wood dust: May cause nasal dryness, irritation and mucostasis. Coughing, wheezing, sneezing, sinusitis and prolonged colds have also been reported. Depending on wood species may cause respiratory sensitization and/or irritation. Symptoms can include irritation, redness, scratching of the cornea, and tearing. May cause eczema-like skin disorders (dermatitis). Airborne treated or untreated wood dust may cause nose, throat, or lung irritation and other respiratory effects.

### Information on toxicological effects

Acute toxicity	Not expected to be acutely toxic.
Skin corrosion/irritation	Dust may irritate skin.
Serious eye damage/eye irritation	Dust may irritate the eyes.

## Respiratory or skin sensitization

### ACGIH Sensitization

Wood (CAS N/A)

Dermal sensitization  
Respiratory sensitization

### Respiratory sensitization

Exposure to wood dusts can result in hypersensitivity,

### Skin sensitization

Exposure to wood dust can result in the development of contact dermatitis. The primary irritant dermatitis resulting from skin contact with wood dusts consist of erythema, blistering, and sometimes erosion and secondary infections occur.

## Germ cell mutagenicity

No component of this product present at levels greater than or equal to 0.1% is identified as a mutagen by OSHA.

## Carcinogenicity

May cause cancer by inhalation.

This classification is based on an increased incidence of nasal and paranasal cancers in people exposed to wood dusts.

### IARC Monographs. Overall Evaluation of Carcinogenicity

Arsenic Pentoxide (CAS 1303-28-2)

1 Carcinogenic to humans.

Trivalent Chromium (CAS 1308-38-9)

3 Not classifiable as to carcinogenicity to humans.

Wood (CAS N/A)

1 Carcinogenic to humans.

### NTP Report on Carcinogens

Arsenic Pentoxide (CAS 1303-28-2)

Known To Be Human Carcinogen.

Wood Dust (CAS N/A)

Known To Be Human Carcinogen.

### OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)

Arsenic Pentoxide (CAS 1303-28-2)

Cancer

## Reproductive toxicity

This product is not expected to cause reproductive or developmental effects.

## Specific target organ toxicity - single exposure

Not classified.

## Specific target organ toxicity - repeated exposure

Not classified.

## Aspiration hazard

Not likely, due to the form of the product.

## Chronic effects

Chronic exposure to wood dusts can result in pneumonitis, and coughing, wheezing, fever and the other signs and symptoms associated with chronic bronchitis. Individuals with pre-existing disease in or a history of ailments involving the skin, kidney, liver, respiratory tract, eyes, or nervous system are at a greater than normal risk of developing adverse effects from woodworking operations with this product.

## Further information

The effects of industrial exposure to the chrome-copper-arsenic preservative used to treat CCA wood has been evaluated in three independent epidemiology studies. In each case the authors concluded that workers exposed on a daily basis to these preservatives were at no increased risk of death or disease as a result of their exposure.

Recreational exposure to children using CCA treated wood playground equipment has been evaluated. The results of this study indicate that the amount of arsenic transferred from the wood surface to the child is within the normal variation of total arsenic exposure to children and that the maximum risks of skin cancer associated with the exposure approximates the skin cancer risk from the sunlight experienced during play periods. Leaf, stem, and fruit of grape plants grown adjacent to CCA treated wood poles did not take up preservative components from the poles above background levels (limit of detection 0.2 and 0.05 ppm for chrome and arsenic, respectively).

## 12. Ecological information

### Ecotoxicity

The product is not classified as environmentally hazardous. However, this does not exclude the possibility that large or frequent spills can have a harmful or damaging effect on the environment.

### Persistence and degradability

No data is available on the degradability of this product.

### Bioaccumulative potential

No data available on bioaccumulation.

### Mobility in soil

The product is insoluble in water.

### Mobility in general

The product is not volatile but may be spread by dust-raising handling.

### Other adverse effects

No other adverse environmental effects (e.g. ozone depletion, photochemical ozone creation potential, endocrine disruption, global warming potential) are expected from this component.

### 13. Disposal considerations

<b>Disposal instructions</b>	Collect and reclaim or dispose in sealed containers at licensed waste disposal site. Do not allow this material to drain into sewers/water supplies. Do not contaminate ponds, waterways or ditches with chemical or used container. <b>DO NOT BURN!</b> Ash may be toxic and a hazardous waste; combustion vapors may be toxic. Dispose of contents/container in accordance with local/regional/national/international regulations.
<b>Local disposal regulations</b>	Dispose in accordance with all applicable regulations.
<b>Hazardous waste code</b>	The waste code should be assigned in discussion between the user, the producer and the waste disposal company.
<b>US RCRA Hazardous Waste P List: Reference</b>	
Arsenic Pentoxide (CAS 1303-28-2)	P011
<b>Waste from residues / unused products</b>	Dispose of in accordance with local regulations. Empty containers or liners may retain some product residues. This material and its container must be disposed of in a safe manner (see: Disposal instructions).
<b>Contaminated packaging</b>	Empty containers should be taken to an approved waste handling site for recycling or disposal. Since emptied containers may retain product residue, follow label warnings even after container is emptied.

### 14. Transport information

<b>DOT</b>	Not regulated as dangerous goods.
<b>IATA</b>	Not regulated as dangerous goods.
<b>IMDG</b>	Not regulated as dangerous goods.
<b>Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code</b>	Not applicable.

### 15. Regulatory information

<b>US federal regulations</b>	This product is a "Hazardous Chemical" as defined by the OSHA Hazard Communication Standard, 29 CFR 1910.1200. All components are listed on or exempt from the U.S. EPA TSCA Inventory List.	
<b>TSCA Section 12(b) Export Notification (40 CFR 707, Subpt. D)</b>	Not regulated.	
<b>OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)</b>	Arsenic Pentoxide (CAS 1303-28-2)	
	Cancer	
	Liver	
	Skin	
	Respiratory irritation	
	Nervous system	
	Acute toxicity	
<b>CERCLA Hazardous Substance List (40 CFR 302.4)</b>	Arsenic Pentoxide (CAS 1303-28-2)	
	LISTED	
	Copper Oxide (CAS 1317-39-1)	LISTED
	Trivalent Chromium (CAS 1308-38-9)	LISTED

#### Superfund Amendments and Reauthorization Act of 1986 (SARA)

<b>Hazard categories</b>	Immediate Hazard - No Delayed Hazard - Yes Fire Hazard - Yes Pressure Hazard - No Reactivity Hazard - No
--------------------------	--

#### SARA 302 Extremely hazardous substance

Chemical name	CAS number	Reportable quantity (pounds)	Threshold planning quantity (pounds)	Threshold planning quantity, lower value (pounds)	Threshold planning quantity, upper value (pounds)
Arsenic Pentoxide	1303-28-2	1		100	10000

SARA 311/312 Hazardous chemical Yes

**SARA 313 (TRI reporting)**

Chemical name	CAS number	% by wt.
Arsenic Pentoxide	1303-28-2	<3
Copper Oxide	1317-39-1	<1.5
Trivalent Chromium	1308-38-9	<3.5

**Other federal regulations**

**Clean Air Act (CAA) Section 112 Hazardous Air Pollutants (HAPs) List**

Arsenic Pentoxide (CAS 1303-28-2)  
Trivalent Chromium (CAS 1308-38-9)

**Clean Air Act (CAA) Section 112(r) Accidental Release Prevention (40 CFR 68.130)**

Not regulated.

**Safe Drinking Water Act (SDWA)** Not regulated.

**US state regulations**

**US. Massachusetts RTK - Substance List**

Arsenic Pentoxide (CAS 1303-28-2)  
Trivalent Chromium (CAS 1308-38-9)

**US. New Jersey Worker and Community Right-to-Know Act**

Arsenic Pentoxide (CAS 1303-28-2)  
Copper Oxide (CAS 1317-39-1)  
Trivalent Chromium (CAS 1308-38-9)  
Wood Dust (CAS N/A)

**US. Pennsylvania Worker and Community Right-to-Know Law**

Arsenic Pentoxide (CAS 1303-28-2)  
Trivalent Chromium (CAS 1308-38-9)  
Wood Dust (CAS N/A)

**US. Rhode Island RTK**

Arsenic Pentoxide (CAS 1303-28-2)  
Copper Oxide (CAS 1317-39-1)  
Trivalent Chromium (CAS 1308-38-9)

**US. California Proposition 65**

WARNING: This product contains a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.

**US - California Proposition 65 - Carcinogens & Reproductive Toxicity (CRT): Listed substance**

Wood Dust (CAS N/A)

**International Inventories**

Country(s) or region	Inventory name	On inventory (yes/no)*
United States & Puerto Rico	Toxic Substances Control Act (TSCA) Inventory	Yes

\*A "Yes" indicates this product complies with the inventory requirements administered by the governing country(s).

A "No" indicates that one or more components of the product are not listed or exempt from listing on the inventory administered by the governing country(s).

**16. Other information, including date of preparation or last revision**

Issue date	05-April-2015
Revision date	01-June-2015
Version #	02

**Further information**

HMIS® is a registered trade and service mark of the NPCA.  
E - Safety Glasses, Gloves, Dust Respirator

**PERCENTAGE OF HAZARDOUS INGREDIENTS COMPONENT %:**

- 0.25 pcf  
Arsenic Pentoxide 0.3%, Copper Oxide 0.15%, Chromium Trioxide 0.4%, Wood Dust\* 84.28%
- 0.4 pcf  
Arsenic Pentoxide 0.4%, Copper Oxide 0.2%, Chromium Trioxide 0.6%, Wood Dust\* 83.98%
- 0.6 pcf  
Arsenic Pentoxide 0.6%, Copper Oxide 0.3%, Chromium Trioxide 0.9%, Wood Dust\* 83.47%
- 1.0 pcf  
Arsenic Pentoxide 1.0%, Copper Oxide 0.6%, Chromium Trioxide 1.4%, Wood Dust\* 82.45%
- 2.5 pcf  
Arsenic Pentoxide 2.6%, Copper Oxide 1.3%, Chromium Trioxide 3.3%, Wood Dust\* 78.88%

\* This represents the maximum amount of wood dust that could be generated if the wood was completely machined.

The above percentages are based on the applicable retention, a wood density of 32 pcf., and a moisture content of 15%, the above values may vary due to the variability of treatment and the natural variability of wood.

**HMIS® ratings**

Health: 1\*  
Flammability: 1  
Physical hazard: 0  
Personal protection: E

**NFPA ratings**



**Disclaimer**

Koppers Performance Chemicals Inc. cannot anticipate all conditions under which this information and its product, or the products of other manufacturers in combination with its product, may be used. It is the user's responsibility to ensure safe conditions for handling, storage and disposal of the product, and to assume liability for loss, injury, damage or expense due to improper use. The information in the sheet was written based on the best knowledge and experience currently available.

# **Coastal Vulnerability 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**



## **Introduction**

This Coastal Vulnerability Assessment (CVA) is being provided in support of a New Hampshire Department of Environmental Services (NHDES) Wetland Permit Application for the construction of an overwater deck expansion, tidal dock (float) expansion, and a public wharf deck at 99 Bow Street, Portsmouth, NH (herein referred to as “project site”). The project site is a commercial lot located on the northern side of Bow Street and to the south of the Piscataqua River. The surrounding land use is commercial with similar docking and wharf structures.

## **Methods**

On April 5, 2021, Steven D. Riker, CWS from Ambit Engineering, Inc. conducted a site visit to evaluate coastal characteristics of the project site, as well as the functions and values of the tidal wetland area (see attached Coastal Functions and Values assessment). This CVA was completed utilizing the NH Coastal Flood Risk Science and Technical Advisory Panel (2019). New Hampshire Coastal Flood Risk Summary Part: Guidance for Using Scientific Projections. Report Published by the University of New Hampshire (herein referred to as Guidance Document).

### **Part 1.1 – Project Type**

This project proposes the construction of an overwater deck expansion, tidal dock expansion and a public wharf deck on a commercial lot adjacent to the Piscataqua River. The purpose for the overwater deck expansion is to provide the Martingale Wharf Restaurant with expanded and improved outdoor seating for the restaurant. The proposed public wharf deck will provide ADA accessible public access to the waterfront for the aesthetic enjoyment of the working waterfront and the Piscataqua River. The tidal dock float expansion will provide opportunity for business patrons to travel to the property via boat and provide a docking service during their stay. For more details regarding construction of the docking structure and construction sequences; please refer to the NH DES Wetlands Bureau Application Letter to the Wetlands Inspector and attached NHDES Permit Plan – C2 and Detail Sheet D1.

### **Part 1.2 – Project Location**

The project location is 99 Bow Street, Portsmouth, NH, Tax Map 106, Lot 54 and consists of 9,769 sq. ft. of upland and 190 +/- of shoreline frontage along the Piscataqua River. Access to the project site will be from Bow Street for the staging of equipment, and the Piscataqua River for the staging of the barge to be used for deck, dock and pile installation.

### **Part 1.3 – Timeline for Desired Useful Life**

The desired useful life for this project is considered to be 2100 (50-100 years) due to the fact that the public wharf deck, deck expansion and tidal dock float expansion are structures that have a life expectancy of approximately 50-75 years.

## **2.1 – Project Risk Tolerance**

The proposed project is considered to have a high-risk tolerance considering that the structures have a relatively low cost, are relatively easy to modify, propose little to no implications on public function and/or safety; and has relatively low sensitivity to inundation, as the decks and dock floats are designed to withstand fluctuating tidal conditions including storm surge.

## 2.2 – Risk Tolerance of Important Access and Service Areas

The risk tolerance of surrounding access and service areas is not applicable to this project, as the project occurs on private property, with the public wharf deck being accessed by foot from Bow Street via a stairway.

## 3.1 – Relative Sea Level Rise Scenario (RSLR)

Based on Table 3 in the Guidance Document (see table below), the RSLR for this project (based on the previously determined high risk tolerance) is considered to be on the lower magnitude, and higher probability. The following table depicts the probable sea level rise from 2000 through 2150.

**Table 3 from the Guidance Document:**

Risk Tolerance	High	Medium	Low	Extremely Low
Example Project	Walking Trail *Docking structure & Stone Revetment	Local Road Culvert	Wastewater Treatment Facility	Hospital
Timeframe	Manage to the following sea level rise (ft*) <i>Compared to the sea level in the year 2000</i>			
	Lower magnitude Higher probability	←—————→		Higher magnitude Lower probability
2030	0.7	0.9	1.0	1.1
2050	1.3	1.6	2.0	2.3
2100	2.9	3.8	5.3	6.2
2150	4.6	6.4	9.9	11.7

\*Added by Ambit Engineering, Inc. based on the application of the Guidance Document towards our project.

## 3.2 – RSLR Impacts to the Project Evaluation

Please see the attached Figure 1 – Projected SLR’s; which depicts the project site and relevant Highest Observable Tide Line (HOTL), MHHW, and the projected SLR’s for the year 2100. Relative to surrounding topography and considering the High Risk Tolerance of this project; it is not expected the projected RSLR for this project needs to be a strong consideration. The overwater deck expansion and public wharf deck will be constructed at elevation 12.21. The projected sea level rise in year 2100 is 2.9 feet resulting in future Mean High Water (MHHW) elevation of 10.28 feet. MHW, MHHW and projected SLR is depicted in the profile view on Details-Sheet D1 in relation to the proposed deck and wharf deck elevation.

## 3.3 – Other Factors

Other factors were evaluated in conjunction with RSLR including surface water levels, groundwater levels, and current velocities which will increase with sediment erosion and deposition, which will also change. The projects position in the landscape was also considered relative to other infrastructure. The closest surface water to the project site is the adjacent Piscataqua River, projections of RSLR of which have already been depicted and discussed. There are no current restrictions on the project site or associated with the proposed project. Mean High Water (MHHW) associated with the project site is located approximately at elevation 7.38. Considering a 2.9 foot RSLR in the year 2100 resulting in an elevation of 10.28, and the proposed deck expansion and public wharf deck to be constructed at elevation 12, the structure will function as intended throughout the expected useful life of the residential structure they will serve, simply by the means in which they are constructed.

#### **4.1 – RSLR and Coastal Storms**

Due to the project site location being immediately adjacent to the Piscataqua River, it is anticipated that RSLR and storm surge on the proposed project site will be comparable to adjacent properties with similar docking structures. Considering the high risk tolerance of this project, it is not anticipated that this project has a significant level of vulnerability to RSLR and coastal storms given the method in which the proposed structures will be constructed.

#### **4.2 – Other Factors**

Other factors such as surface water levels, groundwater levels, wind and current velocities have been considered. Considering the high risk tolerance of this project, it is not anticipated that this project has a significant level of vulnerability to groundwater levels, wind and current velocities given the method in which the proposed structures will be constructed.

#### **5.1 – Projected RSL-Induced Groundwater Rise**

Based on the Sea-Level Rise Mapper, there is projected groundwater rise associated with RSLR on the project site, however given that the project provides structure that will be pile supported over water, we do not believe groundwater rise should be a strong consideration.

#### **5.2 – Projected Groundwater Depth at the Project Location**

Based on knowledge of the site and soil morphology of the site, groundwater depth (Estimated Seasonal High Water Table) is between 25-35” below the soil surface.

#### **6.1 – Best Available Precipitation Estimates**

Please see the attached Extreme Precipitation Tables from the Northeast Regional Climate Center.

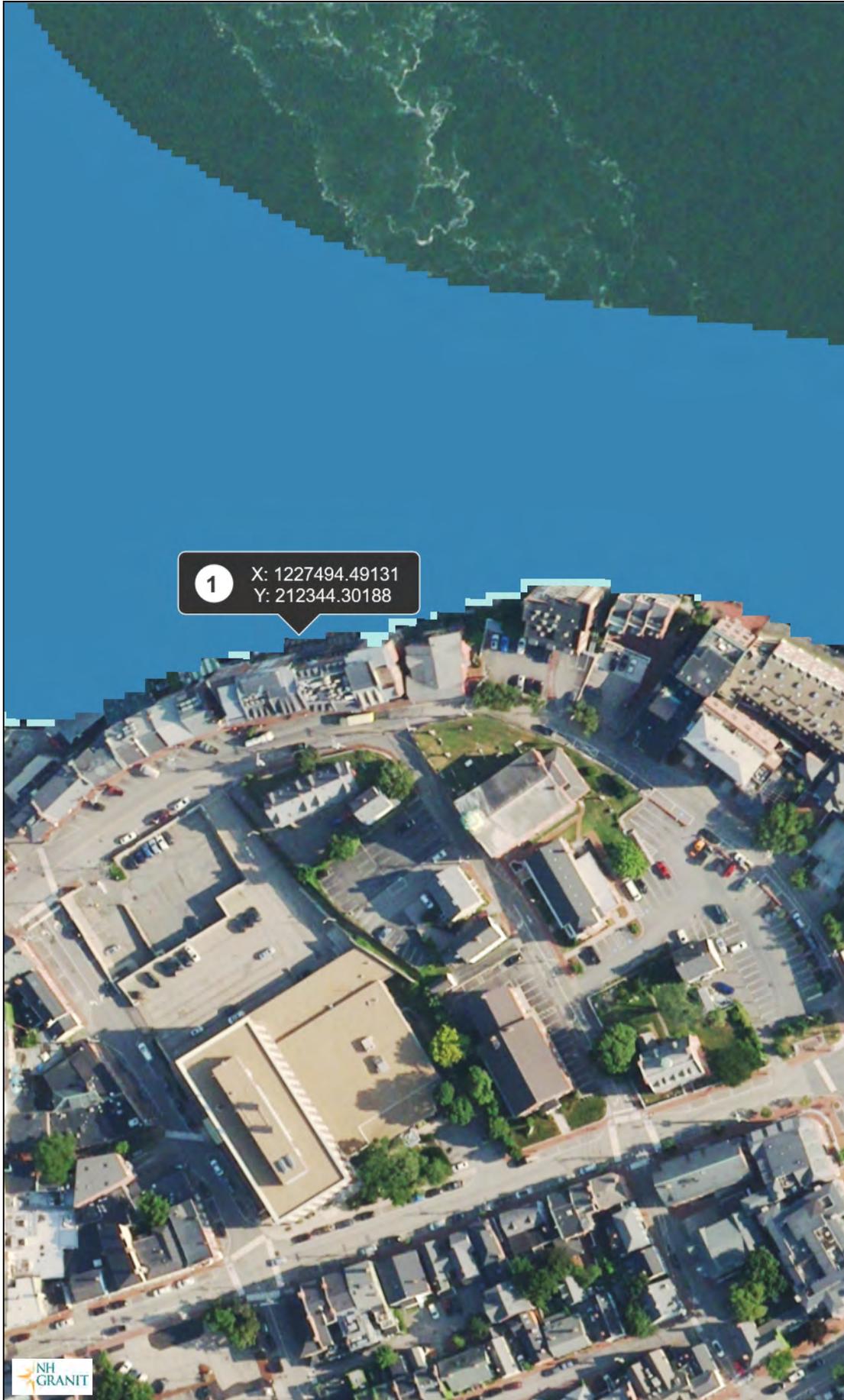
#### **7.1 – Cumulative Coastal Flood Risk to the Project**

Based on the high risk tolerance of this project combined with all other factors including RSLR, coastal storms, RSLR-induced groundwater rise, extreme precipitation and/or freshwater flooding occurring together; this project is not considered to be at high risk from coastal flooding.

#### **7.2 – Possible Actions to Mitigate Coastal Flood Risk**

Given the high risk tolerance of the proposed project, it is not anticipated that it is necessary to mitigate for coastal flood risk beyond what has already been incorporated into the design plan for the docking structure. The projected SLR scenario through 2100 is 2.9’ (See profile view on Sheet D1), and the proposed docking structure has been designed to account for this projection.

# Map by NH GRANIT



## Legend

MHHW + 1-ft SLR

0 - 2

2 - 4

4 - 6

6 - 8

8 - 10

Coastal 2019 1-foot RGB

Map Scale

1: 1,624

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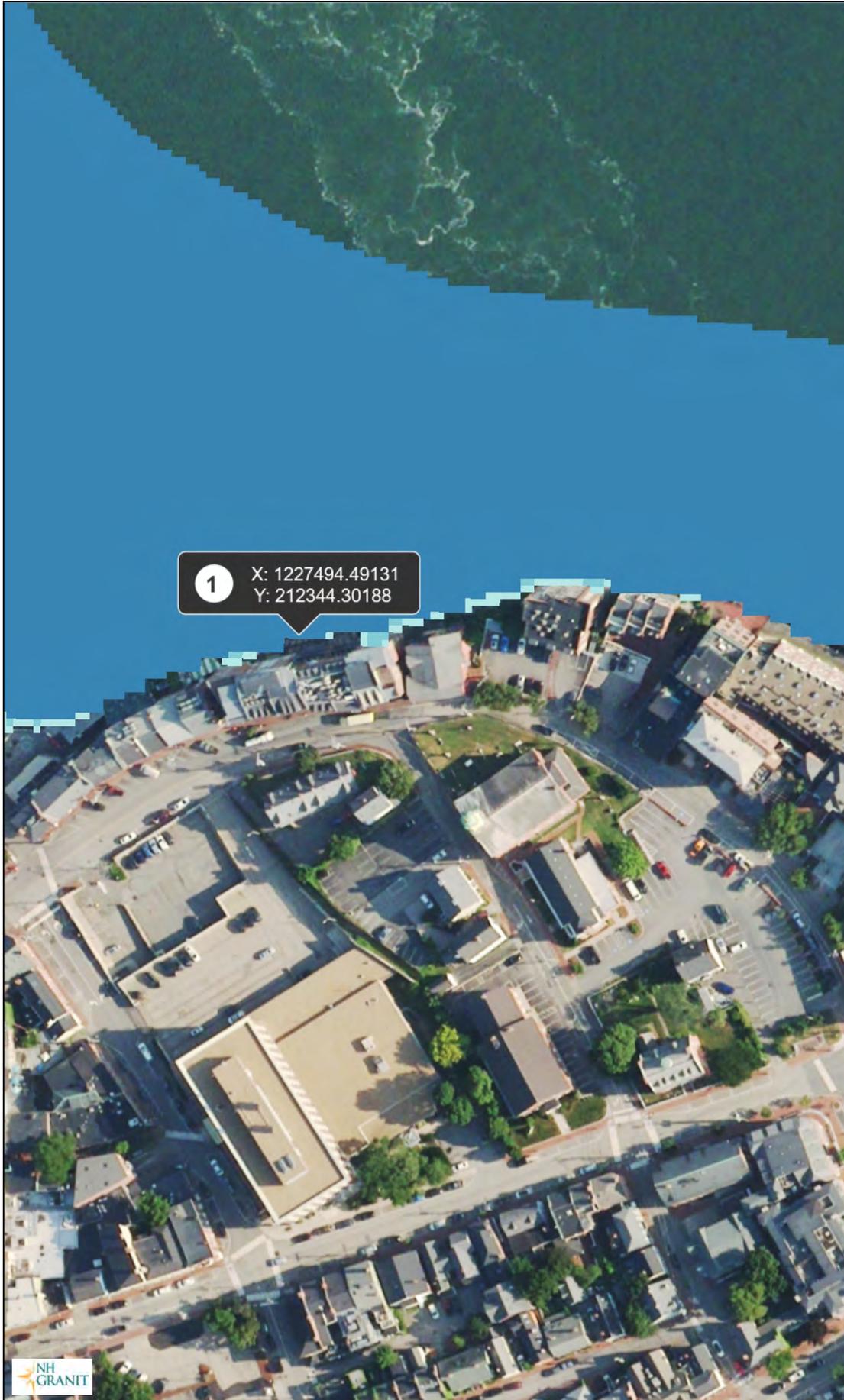
Map Generated: 6/14/2021



## Notes



# Map by NH GRANIT



**1** X: 1227494.49131  
Y: 212344.30188

## Legend

MHHW + 2-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

1: 1,624

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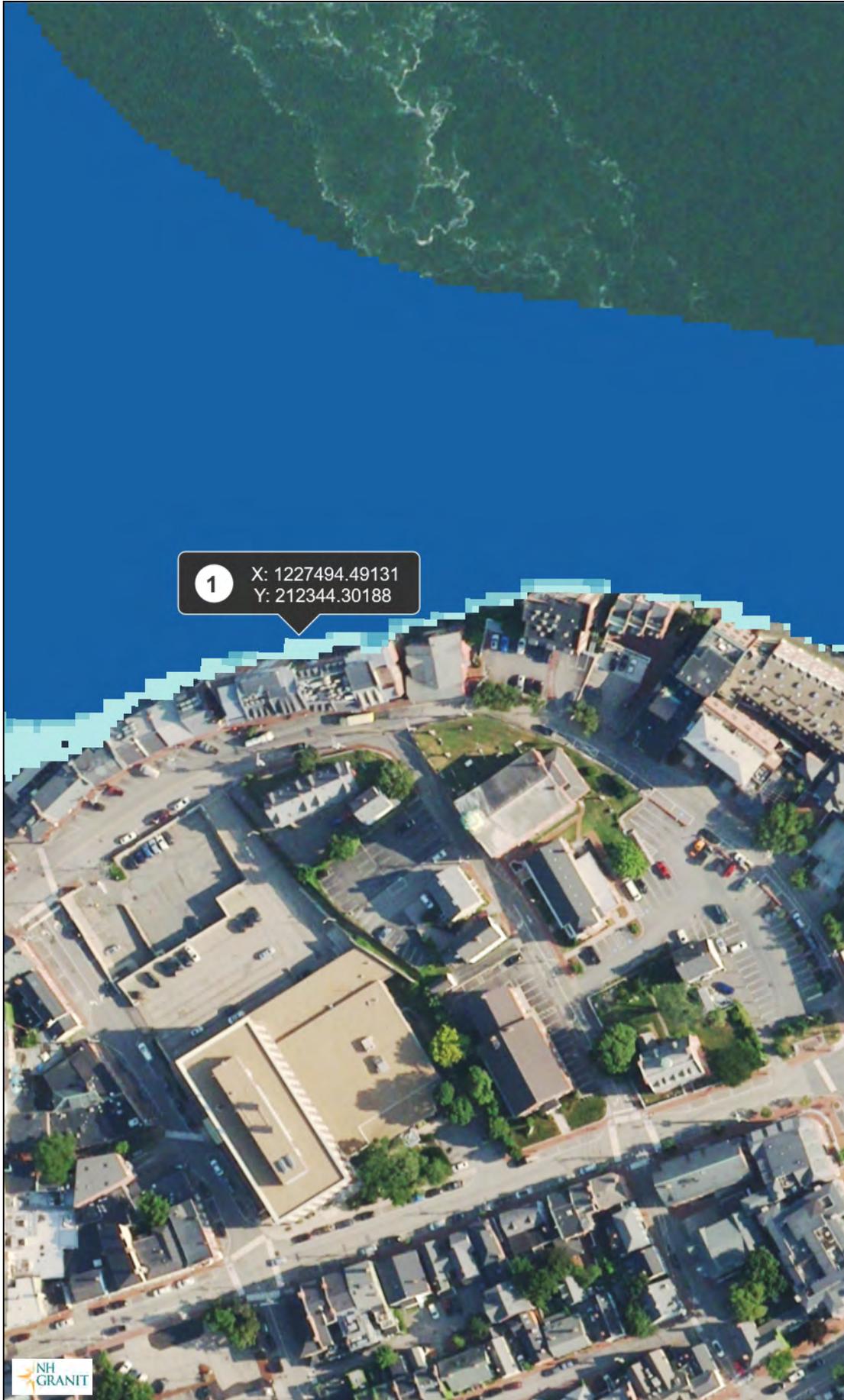
Map Generated: 6/14/2021



## Notes



# Map by NH GRANIT



**1** X: 1227494.49131  
Y: 212344.30188

## Legend

MHHW + 4-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

1: 1,624

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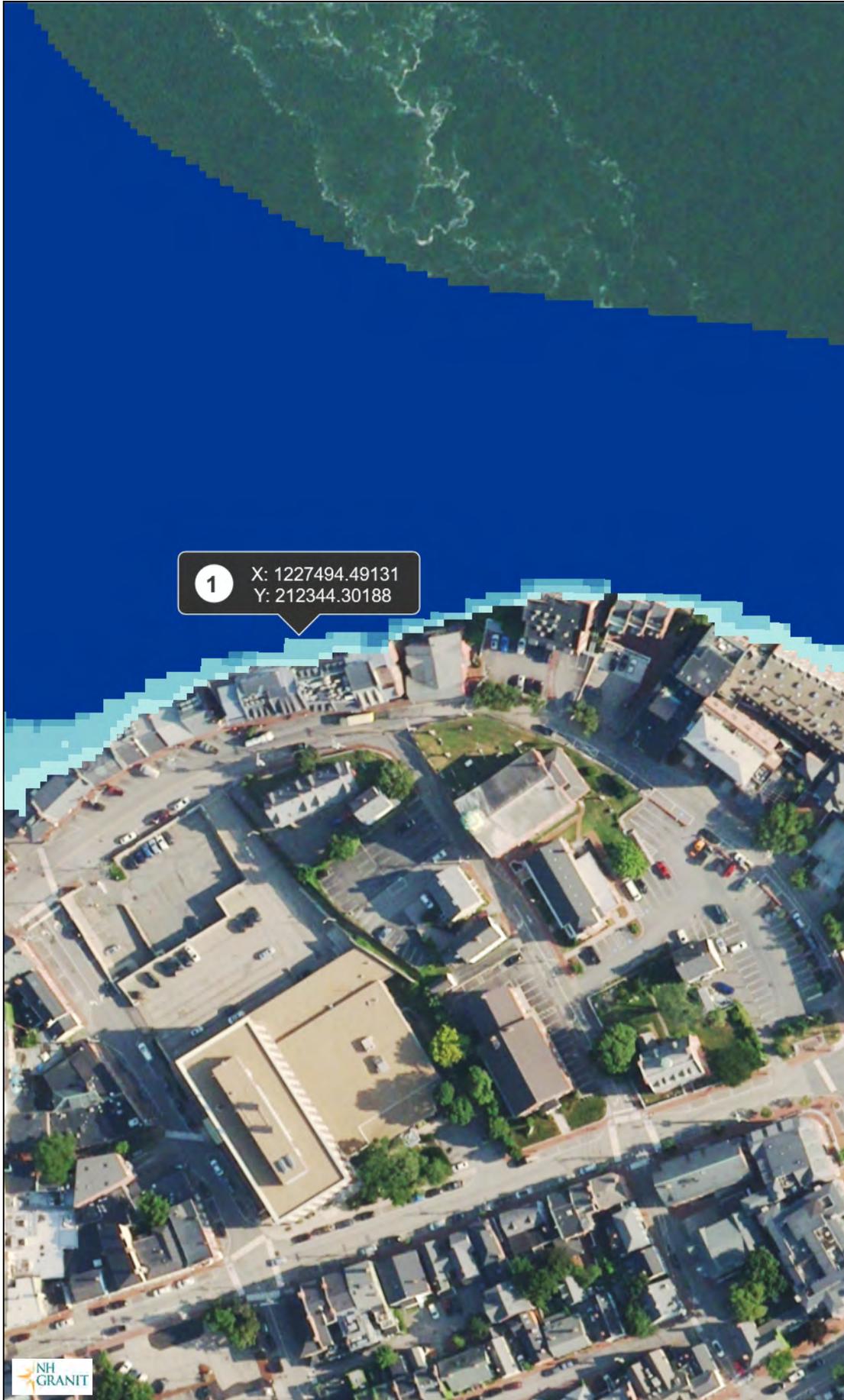
Map Generated: 6/14/2021



## Notes



# Map by NH GRANIT



1 X: 1227494.49131  
Y: 212344.30188

## Legend

MHHW + 6-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

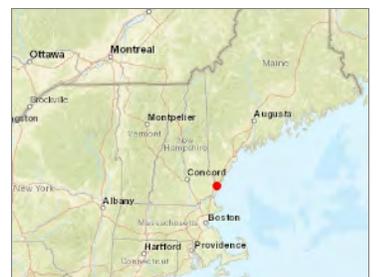
1: 1,624

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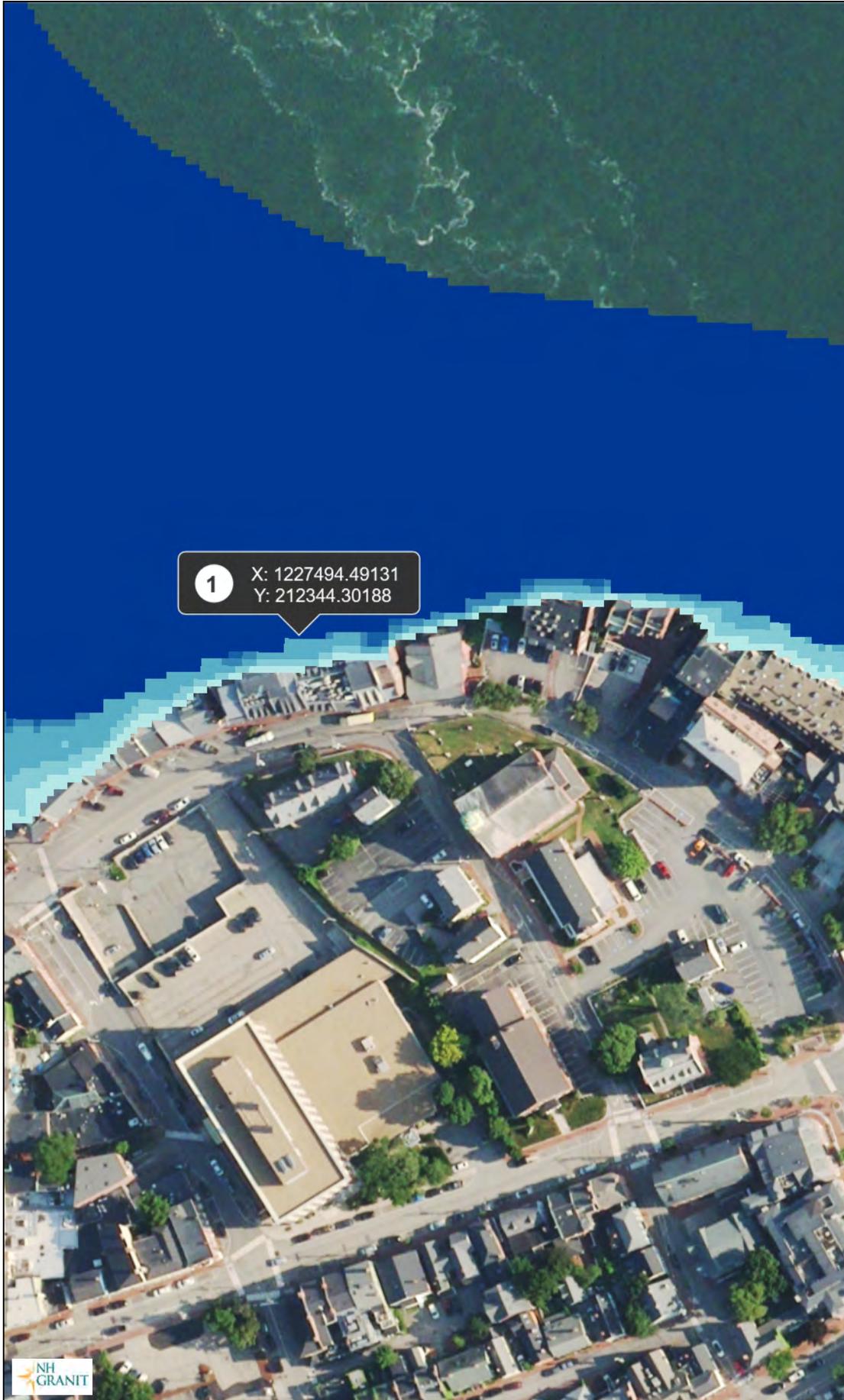
Map Generated: 6/14/2021



## Notes



# Map by NH GRANIT



**1** X: 1227494.49131  
Y: 212344.30188

## Legend

MHHW + 8-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

1: 1,624

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Map Generated: 6/14/2021



## Notes



# Extreme Precipitation Tables

## Northeast Regional Climate Center

Data represents point estimates calculated from partial duration series. All precipitation amounts are displayed in inches.

Smoothing	Yes
State	
Location	
Longitude	70.745 degrees West
Latitude	43.071 degrees North
Elevation	0 feet
Date/Time	Tue, 21 Jan 2020 12:37:30 -0500

Precipitation estimates multiplied by 1.15 are listed below:

1-yr: 3.06  
 2-yr: 3.69  
 10-yr: 5.59  
 50-yr: 8.49

### Extreme Precipitation Estimates

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.26	0.40	0.50	0.65	0.81	1.04	1yr	0.70	0.98	1.21	1.56	2.03	2.66	2.92	1yr	2.35	2.81	3.22	3.94	4.55	1yr
2yr	0.32	0.50	0.62	0.81	1.02	1.30	2yr	0.88	1.18	1.52	1.94	2.49	3.21	3.57	2yr	2.84	3.43	3.94	4.68	5.33	2yr
5yr	0.37	0.58	0.73	0.98	1.25	1.61	5yr	1.08	1.47	1.89	2.43	3.14	4.07	4.58	5yr	3.60	4.40	5.04	5.94	6.70	5yr
10yr	0.41	0.65	0.82	1.12	1.45	1.89	10yr	1.25	1.73	2.23	2.90	3.75	4.86	5.53	10yr	4.30	5.32	6.09	7.11	7.98	10yr
25yr	0.48	0.76	0.97	1.34	1.78	2.34	25yr	1.54	2.15	2.78	3.64	4.74	6.17	7.10	25yr	5.46	6.83	7.81	9.02	10.05	25yr
50yr	0.54	0.86	1.10	1.54	2.08	2.77	50yr	1.79	2.53	3.30	4.33	5.67	7.38	8.58	50yr	6.54	8.25	9.43	10.81	11.97	50yr
100yr	0.60	0.97	1.25	1.78	2.43	3.27	100yr	2.09	2.99	3.92	5.17	6.77	8.85	10.37	100yr	7.83	9.98	11.39	12.96	14.26	100yr
200yr	0.68	1.11	1.43	2.05	2.84	3.85	200yr	2.45	3.53	4.63	6.14	8.09	10.60	12.54	200yr	9.38	12.06	13.76	15.54	17.00	200yr
500yr	0.80	1.32	1.72	2.50	3.50	4.79	500yr	3.02	4.40	5.79	7.72	10.23	13.47	16.13	500yr	11.92	15.51	17.68	19.77	21.47	500yr

### Lower Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.23	0.36	0.44	0.59	0.72	0.88	1yr	0.62	0.86	0.93	1.33	1.69	2.25	2.48	1yr	1.99	2.38	2.87	3.20	3.91	1yr
2yr	0.31	0.49	0.60	0.81	1.00	1.19	2yr	0.86	1.16	1.37	1.82	2.33	3.06	3.45	2yr	2.71	3.32	3.82	4.55	5.09	2yr
5yr	0.35	0.54	0.67	0.92	1.17	1.40	5yr	1.01	1.37	1.61	2.11	2.73	3.78	4.18	5yr	3.35	4.02	4.72	5.53	6.23	5yr
10yr	0.39	0.59	0.73	1.03	1.33	1.60	10yr	1.14	1.56	1.80	2.38	3.05	4.36	4.85	10yr	3.86	4.66	5.43	6.40	7.18	10yr
25yr	0.44	0.67	0.83	1.19	1.56	1.90	25yr	1.35	1.86	2.10	2.75	3.52	4.74	5.87	25yr	4.20	5.64	6.62	7.77	8.66	25yr
50yr	0.48	0.73	0.91	1.31	1.76	2.16	50yr	1.52	2.12	2.34	3.06	3.91	5.36	6.76	50yr	4.75	6.50	7.69	9.01	9.99	50yr
100yr	0.53	0.81	1.01	1.46	2.01	2.46	100yr	1.73	2.41	2.62	3.40	4.32	6.03	7.80	100yr	5.34	7.50	8.92	10.47	11.53	100yr
200yr	0.59	0.89	1.13	1.63	2.27	2.81	200yr	1.96	2.75	2.93	3.76	4.76	6.77	8.99	200yr	5.99	8.64	10.34	12.17	13.33	200yr
500yr	0.68	1.02	1.31	1.90	2.70	3.36	500yr	2.33	3.28	3.41	4.28	5.40	7.89	10.84	500yr	6.99	10.43	12.56	14.89	16.15	500yr

### Upper Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.29	0.44	0.54	0.72	0.89	1.09	1yr	0.77	1.06	1.26	1.74	2.20	2.97	3.17	1yr	2.63	3.05	3.58	4.37	5.04	1yr
2yr	0.34	0.52	0.64	0.87	1.07	1.27	2yr	0.92	1.24	1.48	1.96	2.52	3.42	3.71	2yr	3.03	3.57	4.10	4.84	5.62	2yr
5yr	0.40	0.62	0.77	1.05	1.34	1.62	5yr	1.15	1.59	1.89	2.54	3.26	4.34	4.97	5yr	3.84	4.78	5.38	6.39	7.17	5yr
10yr	0.47	0.72	0.89	1.25	1.61	1.98	10yr	1.39	1.94	2.29	3.11	3.97	5.34	6.22	10yr	4.72	5.98	6.84	7.86	8.77	10yr
25yr	0.58	0.88	1.09	1.56	2.05	2.58	25yr	1.77	2.52	2.96	4.08	5.17	7.74	8.37	25yr	6.85	8.05	9.20	10.36	11.43	25yr
50yr	0.67	1.03	1.28	1.84	2.47	3.14	50yr	2.13	3.07	3.61	5.02	6.35	9.69	10.50	50yr	8.57	10.10	11.51	12.76	13.99	50yr
100yr	0.79	1.20	1.50	2.17	2.98	3.83	100yr	2.57	3.74	4.39	6.18	7.81	12.11	13.17	100yr	10.72	12.66	14.41	15.74	17.13	100yr
200yr	0.93	1.40	1.77	2.57	3.58	4.68	200yr	3.09	4.57	5.36	7.61	9.61	15.19	16.53	200yr	13.44	15.89	18.08	19.41	20.97	200yr
500yr	1.16	1.72	2.21	3.21	4.57	6.07	500yr	3.94	5.94	6.96	10.07	12.67	20.50	22.33	500yr	18.14	21.48	24.39	25.60	27.40	500yr

# **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**

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## INTRODUCTION

The applicant is proposing the construction of an overwater deck expansion, a public wharf deck and a tidal dock float expansion 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.*

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<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, a public wharf deck and a tidal dock float expansion (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**

## **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.



# 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

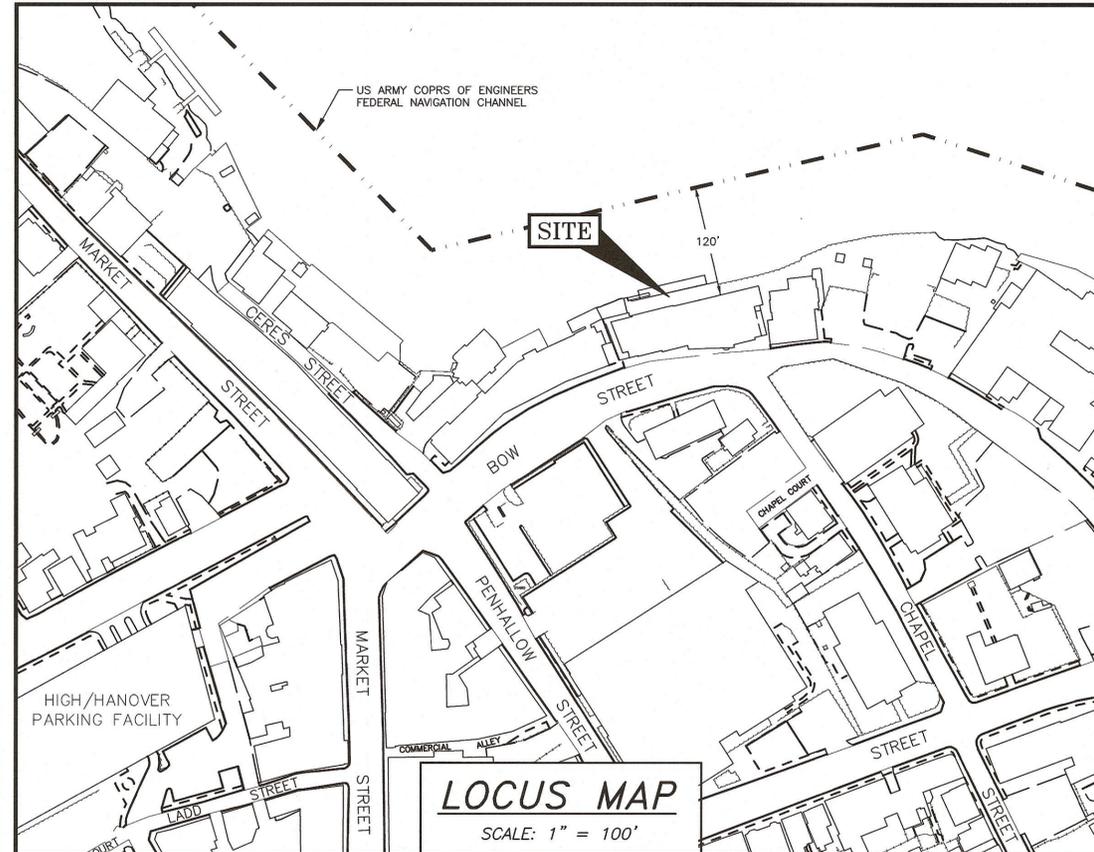
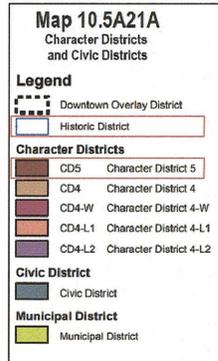
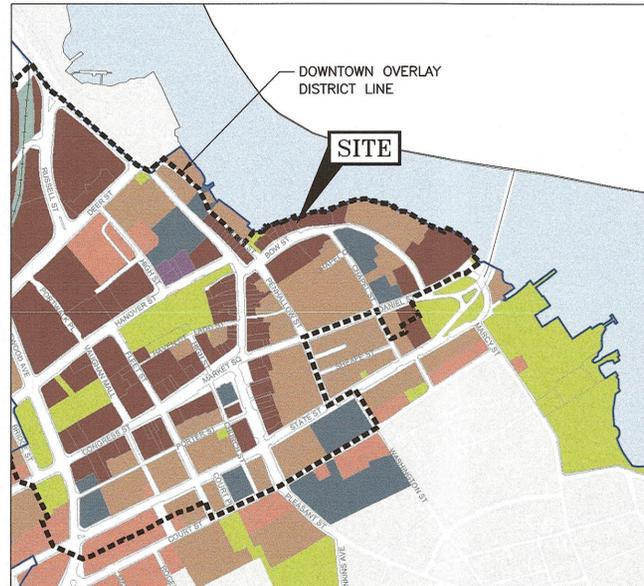
**LANDSCAPE ARCHITECT:**  
**TERRA FIRMA LANDSCAPE**  
**ARCHITECTURE**  
 163A COURT STREET  
 PORTSMOUTH NH 03801  
 TEL. (603) 430-8388

**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 COUNTER
⊕	⊕	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	DES PERMIT PLAN
C3-C4	SITE SECTIONS
D1	DETAILS
-	ARCHITECTURAL PLANS
-	PERSPECTIVE VIEWS
-	DECK EXPANSION PLAN
-	ELEVATIONS AND DETAILS
-	CUT SHEETS
-	LANDSCAPE DETAILS

**UTILITY CONTACTS**

<b>ELECTRIC:</b> EVERSOURCE 1700 LAFAYETTE ROAD PORTSMOUTH, N.H. 03801 Tel. (603) 436-7708, Ext. 555.5678 ATTN: MICHAEL BUSBY, P.E. (MANAGER)	<b>NATURAL GAS:</b> UNITIL 325 WEST ROAD PORTSMOUTH, N.H. 03801 Tel. (603) 294-5144 ATTN: DAVE BEAULIEU	<b>CABLE:</b> COMCAST 155 COMMERCE WAY PORTSMOUTH, N.H. 03801 Tel. (603) 679-5695 (X1037) ATTN: MIKE COLLINS
<b>SEWER &amp; WATER:</b> PORTSMOUTH DEPARTMENT OF PUBLIC WORKS 680 PEVERLY HILL ROAD PORTSMOUTH, N.H. 03801 Tel. (603) 427-1530 ATTN: JIM TOW	<b>COMMUNICATIONS:</b> 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.**

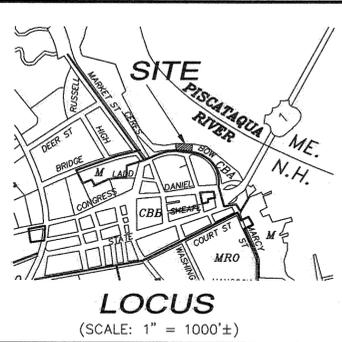
**AMBIT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 200 Griffin Road - Unit 3  
 Portsmouth, N.H. 03801-7114  
 Tel (603) 430-9282  
 Fax (603) 436-2315

PLAN SET SUBMITTAL DATE: 12 AUGUST 2021

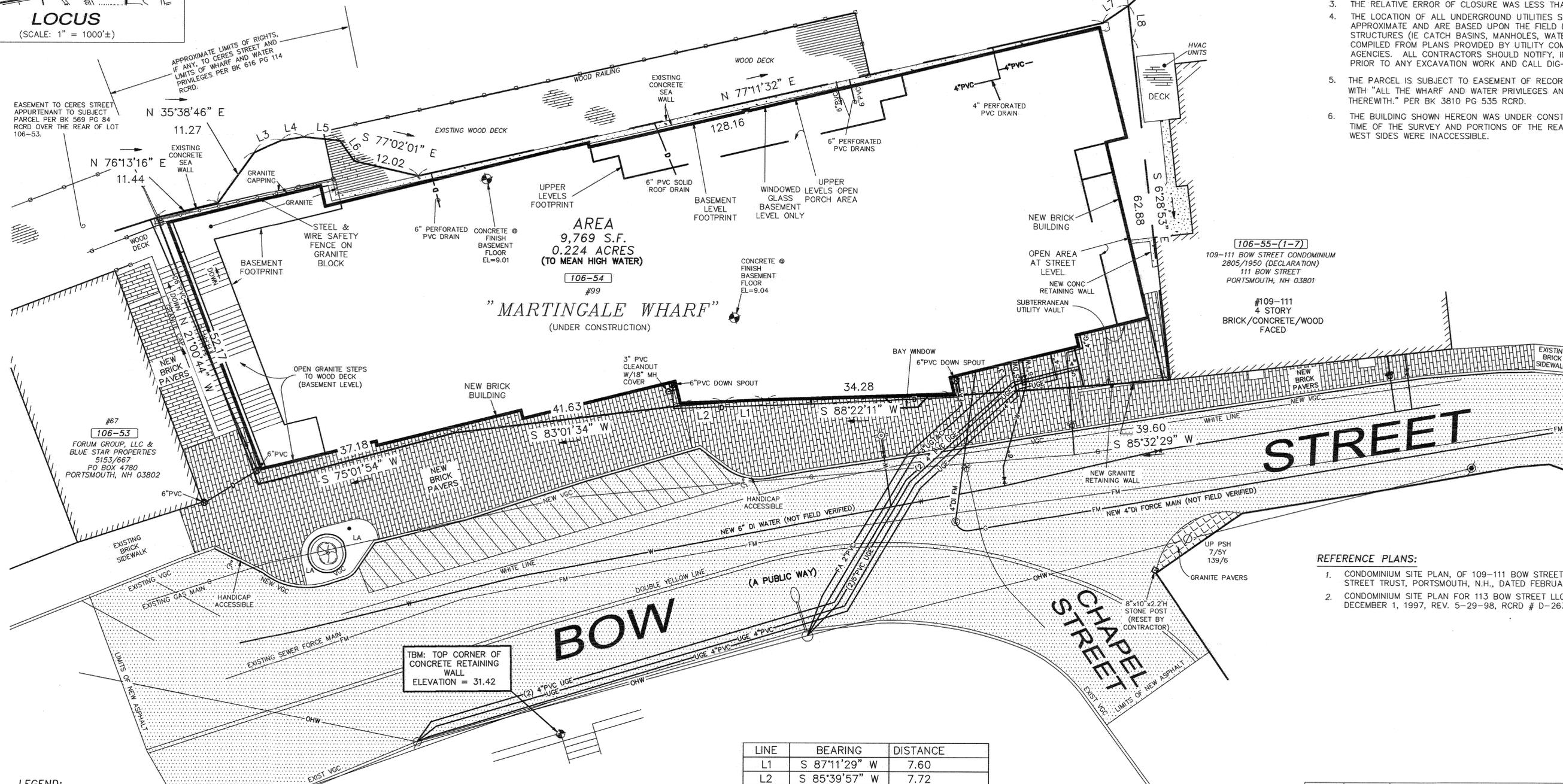
# PISCATAQUA RIVER

(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.



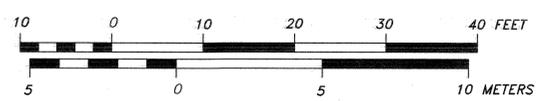
**106-55-(1-7)**  
109-111 BOW STREET CONDOMINIUM  
2805/1950 (DECLARATION)  
111 BOW STREET  
PORTSMOUTH, NH 03801

**#109-111**  
4 STORY  
BRICK/CONCRETE/WOOD  
FACED

**#67**  
**106-53**  
FORUM GROUP, LLC &  
BLUE STAR PROPERTIES  
5153/667  
PO BOX 4780  
PORTSMOUTH, NH 03802

TBM: TOP CORNER OF  
CONCRETE RETAINING  
WALL  
ELEVATION = 31.42

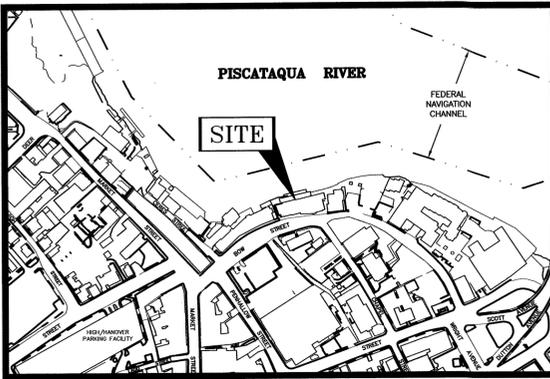
LINE	BEARING	DISTANCE
L1	S 87°11'29" W	7.60
L2	S 85°39'57" W	7.72
L3	N 64°32'22" E	5.46
L4	N 81°19'31" E	4.13
L5	S 84°27'22" E	6.62
L6	S 35°26'01" E	4.56
L7	N 55°18'29" E	5.60
L8	S 6°28'53" E	6.00



- 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

- 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.

REV. NO.	DATE	DESCRIPTION	APPR'D
<b>AS-BUILT PLAN</b> <b>MARTINGALE WHARF - 99 BOW STREET</b> <b>PORTSMOUTH, NH</b> <b>ASSESSOR'S PARCEL: 106 - 54</b> <b>for: MARTINGALE WHARF LIMITED PARTNERSHIP</b>			
<b>JAMES VERRA and ASSOCIATES, INC.</b> 101 SHATTUCK WAY SUITE # 8 NEWINGTON, NH 03801-7876 603.436.3557			DATE: 5-3-2011 JOB NO: 21889-C SCALE: 1" = 10' DWG NAME: 21889-C PLAN NO: 21889-C-1 SHEET: 1 OF 1
HRM PROJECT MGR COPYRIGHT © 2011 by JAMES VERRA and ASSOCIATES, INC.		HRM DRAWN BY	



LOCATION MAP SCALE: 1" = 300'

**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 ASRT LLC 111 BOW STREET PORTSMOUTH, N.H. 03801 5634/0949 (109-111 BOW ST #5)
- (106 55-6) N/F MONTGOMERY PORTSMOUTH TRUST, BRUCE D. MONTGOMERY TRUSTEE 111 BOW STREET #6 PORTSMOUTH, NH 03801 5712/0640 (109-111 BOW ST #6)
- (106 55-7) N/F JOHN SAMONAS 33 CAPE ROAD NEWCASTLE, NH 03854 6095/71 (109-111 BOW ST #7)

**WETLAND NOTES:**

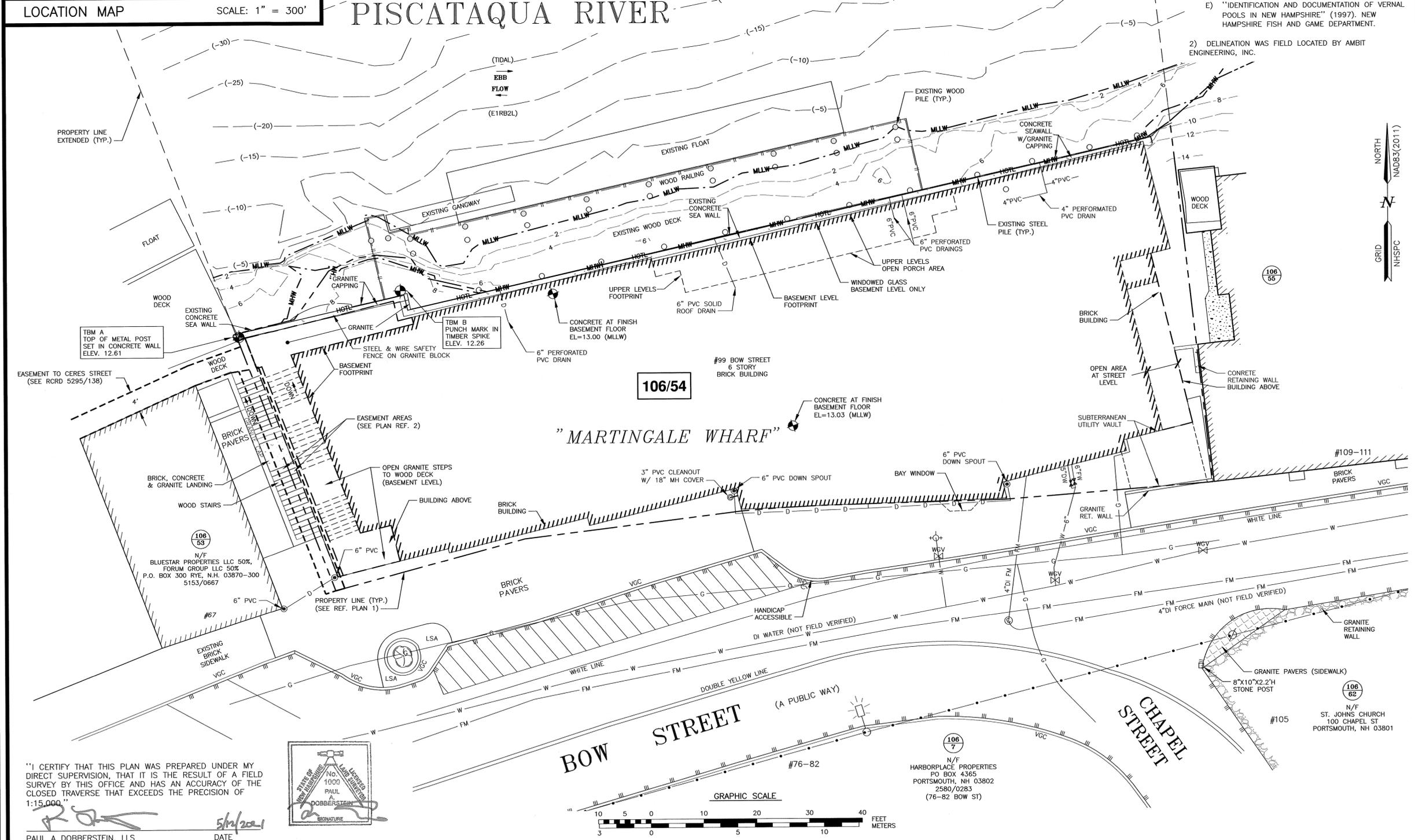
- HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 04/5/2021 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL 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.



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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.



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

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

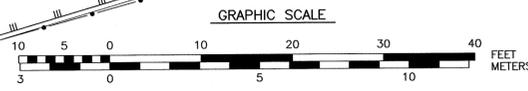
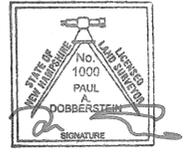


SCALE: 1" = 10' MARCH 2021

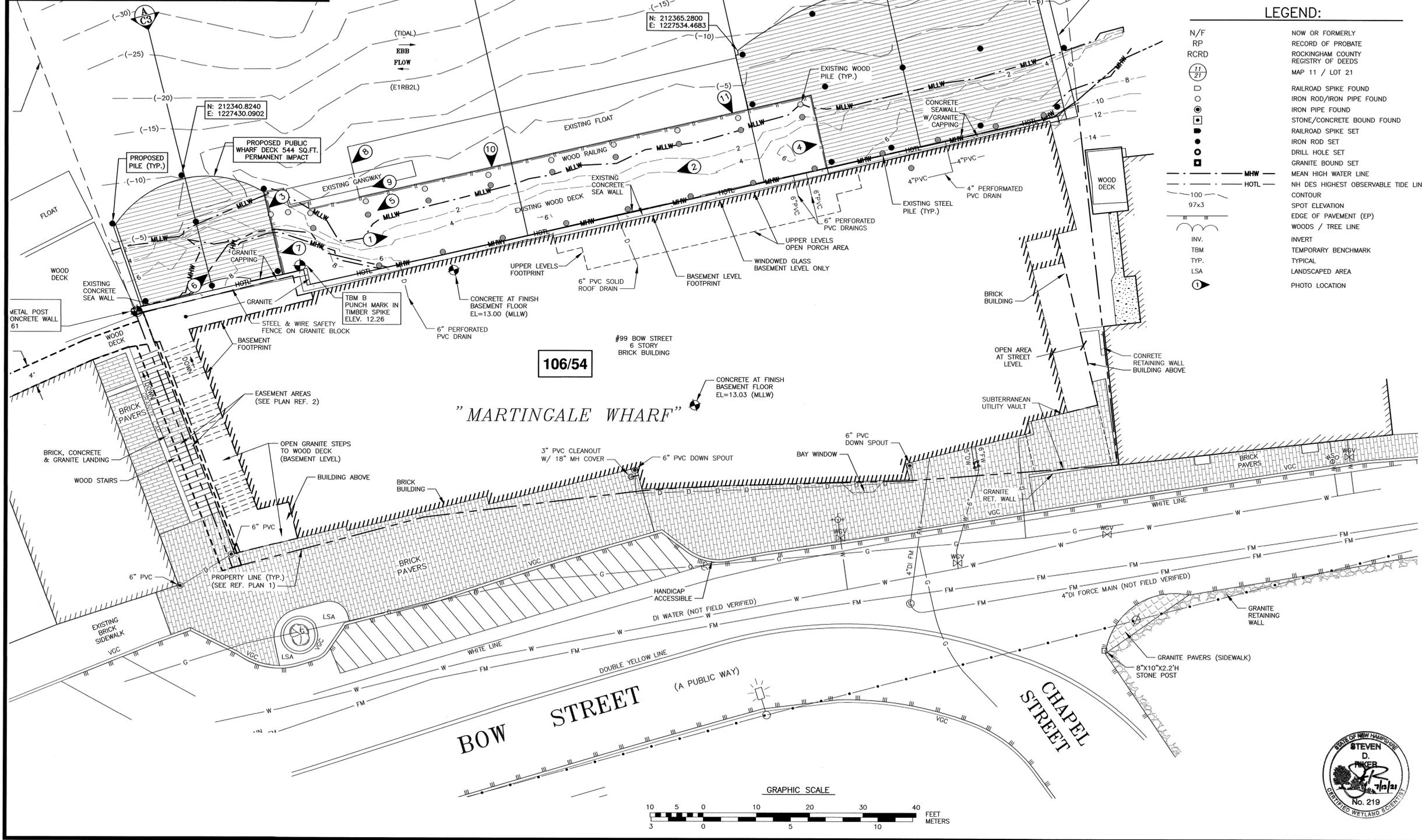
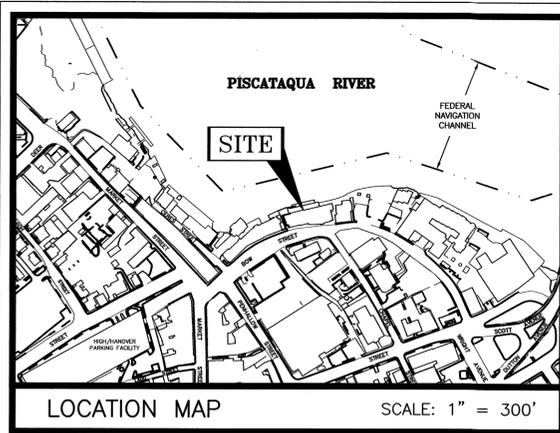
EXISTING CONDITIONS PLAN **C1**

"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 5/12/2021



JOB: 210315 10000001 Date: 5/12/2021 10:02:44 AM, CT File: 7/1/2021 10:02:44 AM



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  - 2) OWNERS OF RECORD:  
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PORTSMOUTH, NH 03801  
5868/2627
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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.

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

NO.	DESCRIPTION	DATE
2	ELIMINATE ADDED DOCK	7/13/21
1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21

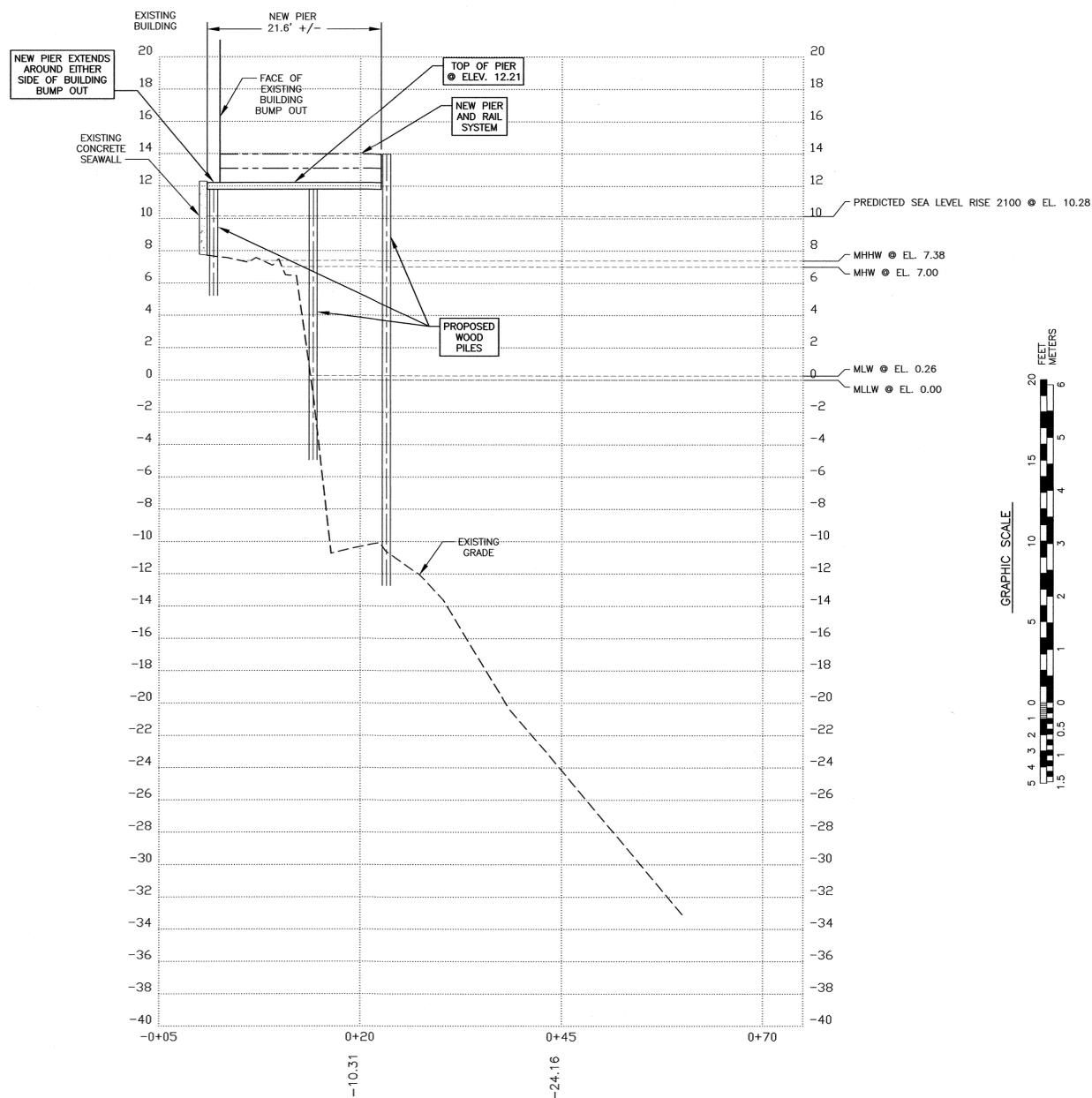
Professional Engineer Seal for Steven D. Chagnon, State of New Hampshire, License No. 738. Includes the text 'LICENSED PROFESSIONAL ENGINEER' and 'REGISTERED'.

SCALE: 1" = 10' MARCH 2021  
**NHDES PERMIT PLAN**  
**C2**



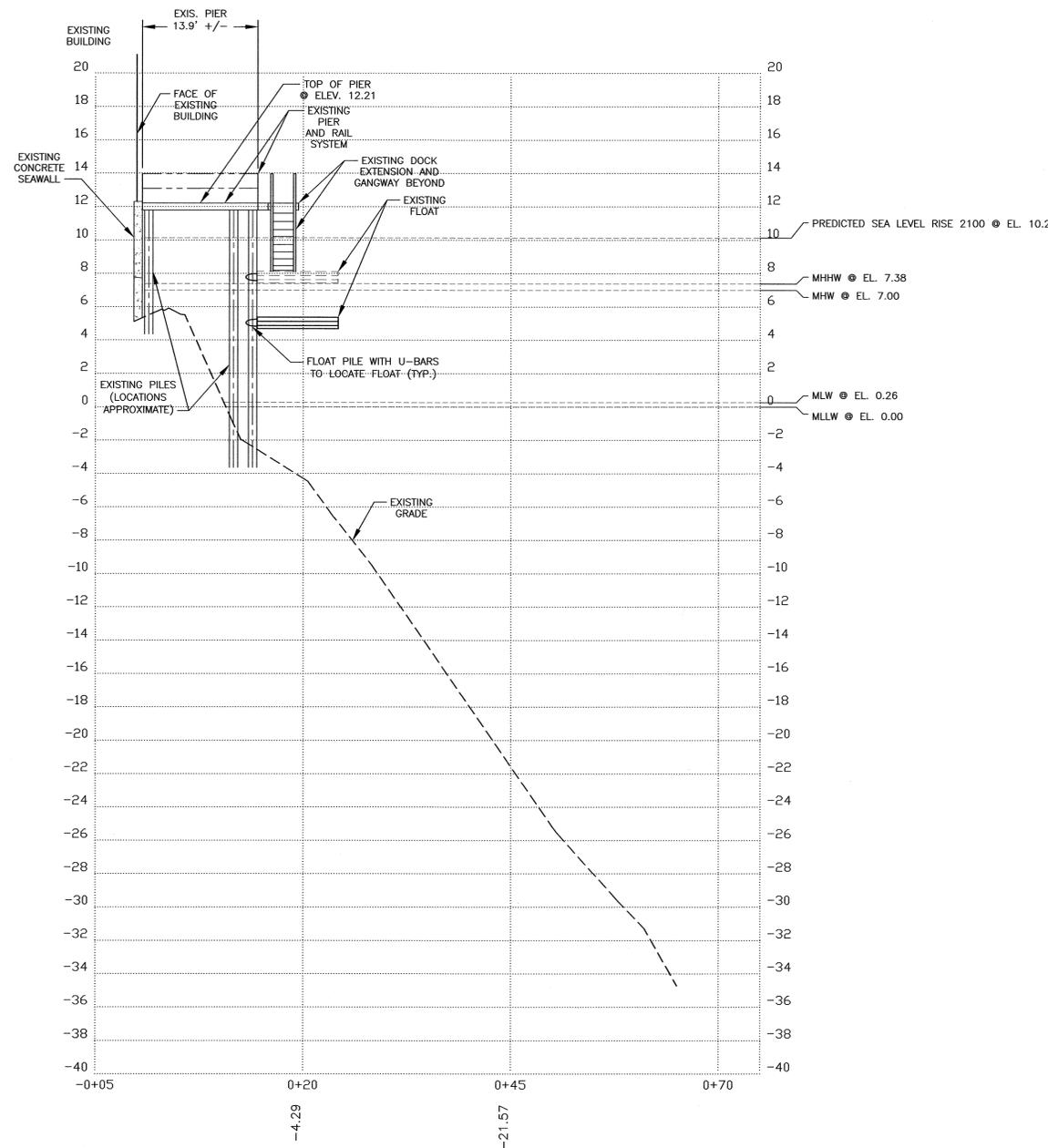
**NOTES:**

- 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 25 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.



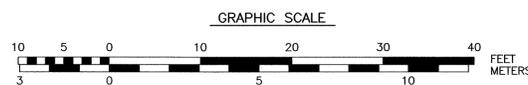
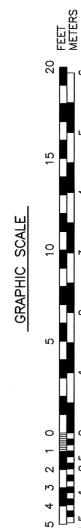
**SECTION A**

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



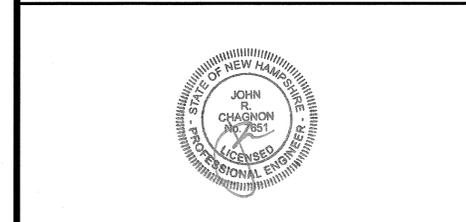
**SECTION B**

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



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

NO.	DESCRIPTION	DATE
2	REVISED PILE LOCATIONS	8/12/21
1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21



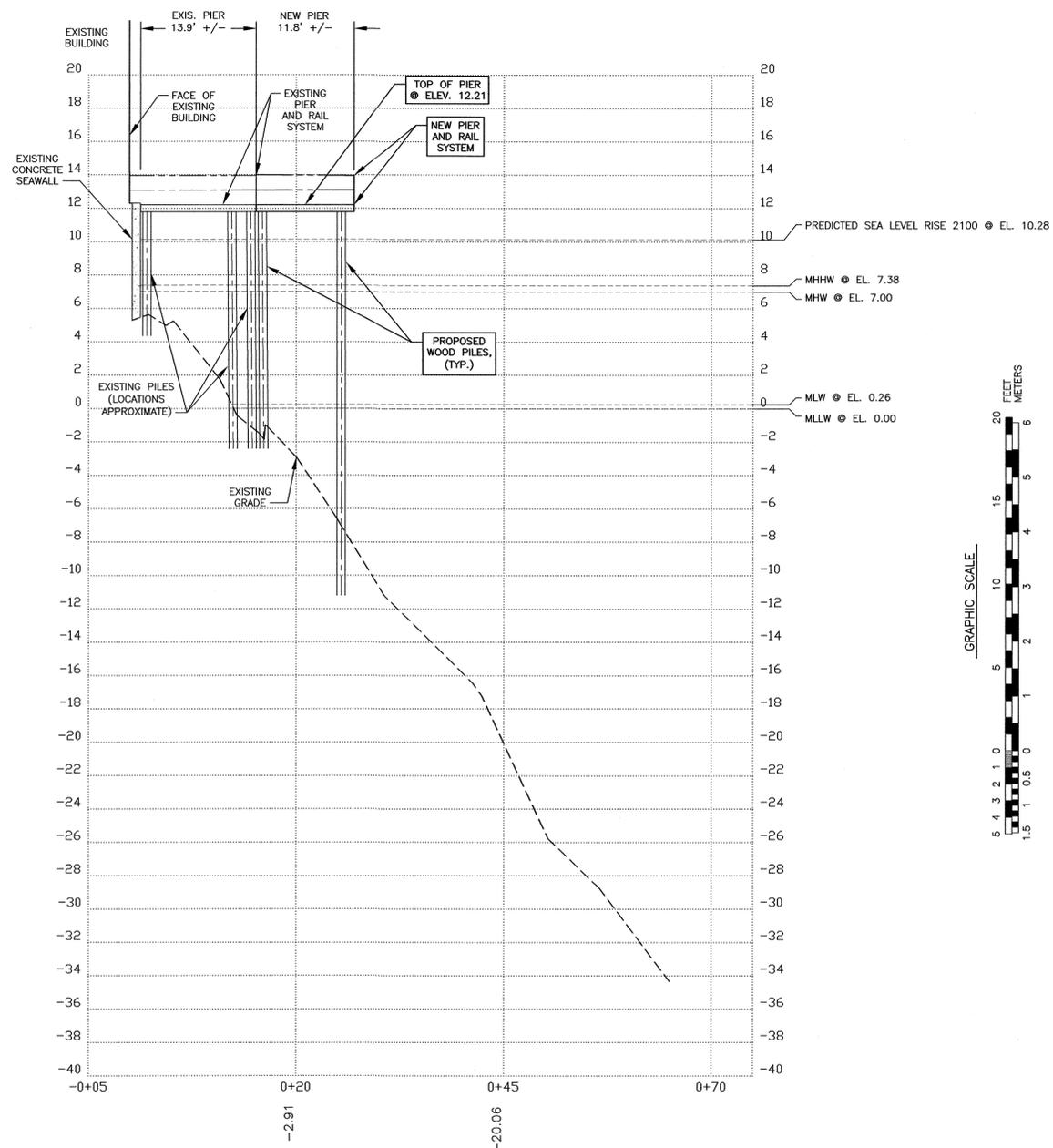
SCALE: AS NOTED MARCH 2021

**SITE SECTIONS** **C3**



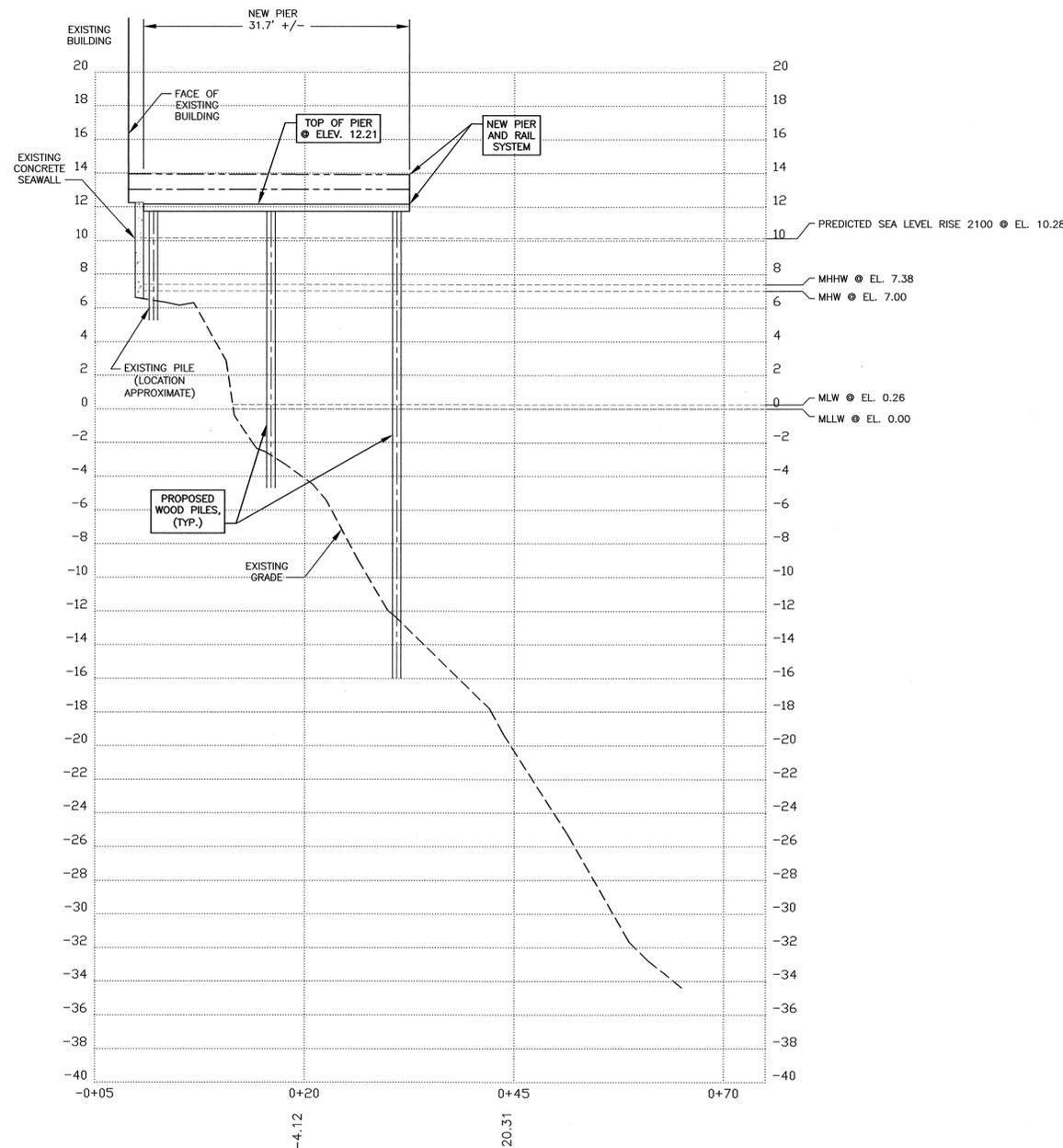
**NOTES:**

- 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.
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- 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).
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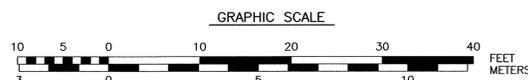
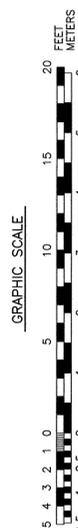
**SECTION C**

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



**SECTION D**

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



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

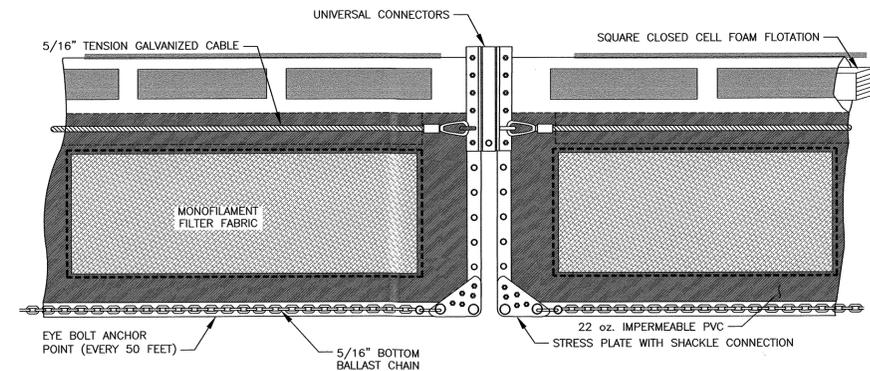
NO.	DESCRIPTION	DATE
2	REVISE PILES. REMOVE PROPOSED FLOAT	8/12/21
1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21

**REVISIONS**

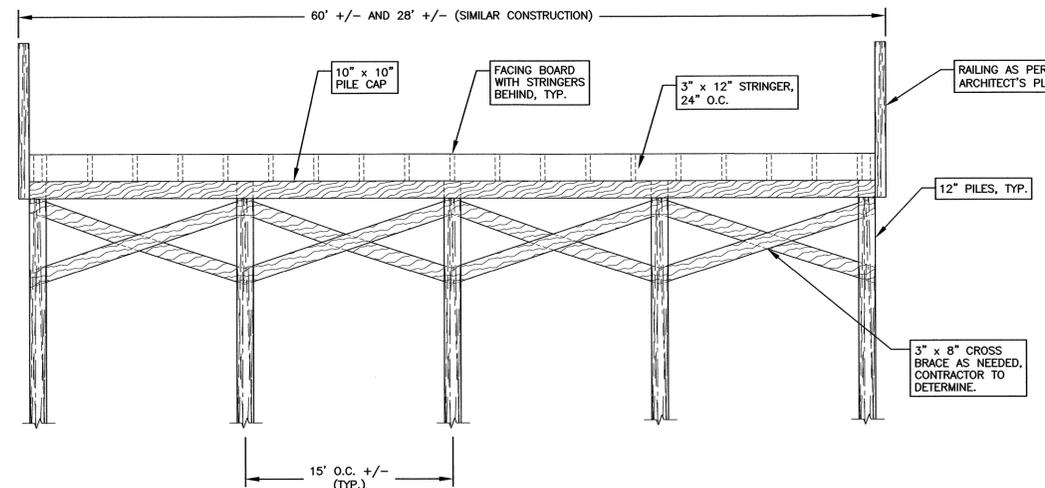


SCALE: AS NOTED MARCH 2021

**SITE SECTIONS** **C4**



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



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

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- 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).

**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 CORP AND NHDES AUTHORIZES AS SECONDARY IMPACTS. IF NOT SPECIFICALLY AUTHORIZED BY USACOE AND AND NHDES, ANY UNAUTHORIZED FILL OR SECONDARY IMPACT TO WETLANDS MAY BE CONSIDERED AS A VIOLATION OF THE CWA.

**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. 8TH - APR. 9TH, OR
  - II. MUST BE DRILLED AND PINNED TO LEDGE, OR
  - III. 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  $1\mu Pa$  OR 206dB PEAK RE  $1\mu Pa$  AT A DISTANCE >10M FROM THE PILE BEING INSTALLED, AND
  - II. IN-WATER NOISE LEVELS >155dB PEAK RE  $1\mu Pa$  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  $1\mu Pa$ ) 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 USACOE 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.NAE.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.**

1	ISSUED FOR APPROVAL	6/29/21
0	ISSUED FOR COMMENT	6/8/21
NO.	DESCRIPTION	DATE

**REVISIONS**



SCALE: NTS MARCH 2021

**DETAILS** **D1**



TANGRAM 3DS



TANGRAM 3DS

MARTINGALE WHARF DECK EXPANSION  
 99 BOW ST. SUITE W  
 PORTSMOUTH, NH 03801

PERSPECTIVE VIEW OF DECK EXPANSION

**terra firma**  
 landscape architecture  
 163a court street - portsmouth, nh 03801  
 phone: 603-430-8988 | terrafirma@terrafirmalandscape.com

**MARTINGALE**  
 WHARF  
 RESTAURANT & BAR

McHENRY ARCHITECTURE  
 4 Market Street  
 Portsmouth, New Hampshire

A5

08/06/2021  
 NOT TO SCALE  
 RD / JJ



TANGRAM 3DS



TANCRAM 3DS



EAST MURAL AT MARTINGALE WHARF DECK

**MARTINGALE RESTAURANT: NARRATIVE FOR THE EAST END BAS RELIEF SCULPTURAL MURAL**

THE CITY OF PORTSMOUTH AND THE PISCATAQUA RIVER HAS A 400-YEAR HISTORY AS AN ACTIVE HARBOR AND PORT OF CALL, AND AS A VITAL SHIP BUILDING COMMUNITY.

THE PROPOSED EAST AND WEST IMAGES ON EITHER END OF THIS DOCK EXTENSION HAVE BEEN CONCEIVED AS 'BAS RELIEF' SCULPTURES. THE DESIGN IS BASED, IN PART, ON INFORMATION ABOUT THE HISTORY OF SAILORS, BOTH WHITE AND BLACK, THAT I CULLED FROM A BOOK CALLED, **BLACK JACKS** BY A UNH HISTORY PROFESSOR W. JEFFREY BOLSTER.

THIS BAS RELIEF SCULPTURE HAS NUMEROUS SYMBOLIC ELEMENTS:

- BLACK SAILORS WERE CALLED 'BLACK JACKS', AND THEY WERE ABOUT 20% OF ALL AMERICAN SAILORS. BLACK JACKS SOUGHT SAILING AND WHALING AS A MEANS TO ACHIEVE FREEDOM FROM SLAVERY AND TO MAKE A LIVING.
- THE SAILOR CLOTHING IS A MIX OF THE VARIOUS STYLES OF HATS AND DRESS OF THE SAILORS THROUGH THE DECADES, INCLUDING CIVIL WAR SAILORS AND THOSE ON WHALING SHIPS.
- THE WHALE REPRESENTS THE SAILOR'S PURSUIT OF FREEDOM AND THE ECONOMY OF OIL.
- THE ROPE REPRESENTS THE SAILOR'S STRUGGLE AND THE COOPERATION AMONG SAILORS OF ALL WALKS OF LIFE IN COMBINED PURSUIT OF THEIR INDIVIDUAL INDEPENDENCE. THE FOCUS OF THAT STRUGGLE, THE WHALE, SEEMINGLY SWIMS AWAY SUGGESTING AN OUTCOME THAT IS NOT KNOWN.
- THE TURBULENCE OF THE WATER REPRESENTS THE INSTABILITY AND DANGERS INHERENT IN THE LIVELIHOOD OF SAILING. THE SAILORS IN THIS IMAGE ARE SEEN STANDING ON THE WATER, AND THE HINT OF A DECK, SUGGESTING THEIR FATE AND SAFETY WERE ALWAYS IN QUESTION.
- THE SHIP IS A TYPICAL AMERICAN COMMERCIAL SCHOONER OF THE 1800'S WITH NUMEROUS SAILS AND RIGGING.
- THE TOWER OF THE BRIDGE IN THE BACKGROUND IS THE CURRENT SAILORS MEMORIAL BRIDGE. INSERTING THE CONCEPT OF 'HISTORIC DISSONANCE' WITH THE IMAGE OF THE CONTEMPORARY BRIDGE SUGGESTS THAT HISTORY IS NOT STATIC, THE STRUGGLES OF SAILORS REMAIN, AND PORTSMOUTH IS STILL A VITAL SEAPORT. THE BRIDGE WILL ALSO BE SEEN FROM THIS VIEW.

TERRENCE PARKER, ARTIST AND LANDSCAPE ARCHITECT

**PUBLIC DECK: NARRATIVE FOR THE WEST END BAS RELIEF SCULPTURAL MURAL**

JUST AS WITH THE PROPOSED EAST IMAGE, THE IMAGE ON THE WEST END OF THE DOCK EXTENSION HAS BEEN CONCEIVED AS A 'BAS RELIEF' SCULPTURE. THIS DESIGN IS ALSO BASED, IN PART, ON INFORMATION ABOUT THE HISTORY SAILORS, BOTH WHITE AND BLACK, CULLED FROM A BOOK CALLED, **BLACK JACKS** BY A UNH HISTORY PROFESSOR W. JEFFREY BOLSTER

THE WEST SCULPTURE WILL HAVE DIRECT ACCESS BY THE PUBLIC FROM A STAIR SYSTEM THAT EXTENDS FROM BOW STREET ONTO A PUBLIC DECK THAT LOOKS NORTH UP THE PISCATAQUA RIVER. THERE WILL OVER 32 LINEAR FEET OF BUILT-IN BENCHES ON THIS DECK. IN THIS IMAGE, A PROPOSED BENCH IS IN THE FOREGROUND AND RUNS THE LENGTH OF THE DOCK ABOUT 16'. THE SAILOR FIGURES ARE LIFE-SIZE AND STAND BEHIND THE BENCH AS THE TOURISTS SIT ON THE BENCH. A PERFECT 'SELFIE' OPPORTUNITY.

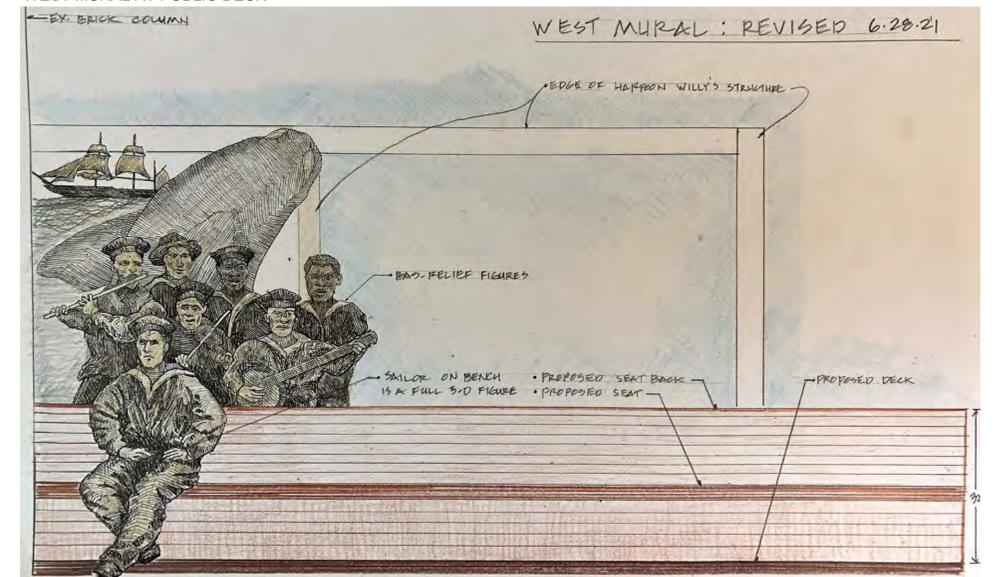
THE THEME OF THIS BAS RELIEF IS THAT OF SAILORS AT REST AND PLAY, THE OPPOSITE THEME OF THE EAST SCULPTURE. AS HARD AS SAILORS WORKED IN THIS DANGEROUS OCCUPATION, THERE WERE TIMES OF SLACK WIND OR EXTENDED PORT STAYS THAT ALLOWED SAILORS TIME TO RELAX. MUSIC WAS IMPORTANT TO SAILORS AND CONSEQUENTLY THEY INVENTED THE SHANTI WORK SONGS, SUNG TO AID IN COOPERATIVE TASKS SUCH AS LOADING AND UNLOADED THE VESSELS.

THE HISTORIC BOAT IN THE BACKGROUND IS ONE OF THE QUINTESSENTIAL VESSELS OF THE SHIPYARD, THE KEARSARGE, ORIGINALLY BUILT DURING THE CIVIL WAR HAS HAD NUMEROUS NAMESAKES BUILT SINCE THEN. AND FINALLY, EVEN THE WHALE, UNLIKE THE ONE BEING PURSUED IN THE EAST IMAGE, CAN BE SEEN FREE OF ENCUMBRANCES AS IT LEAPS OUT OF THE WATER HEADING OUT TO SEA.

TERRENCE PARKER, ARTIST AND LANDSCAPE ARCHITECT



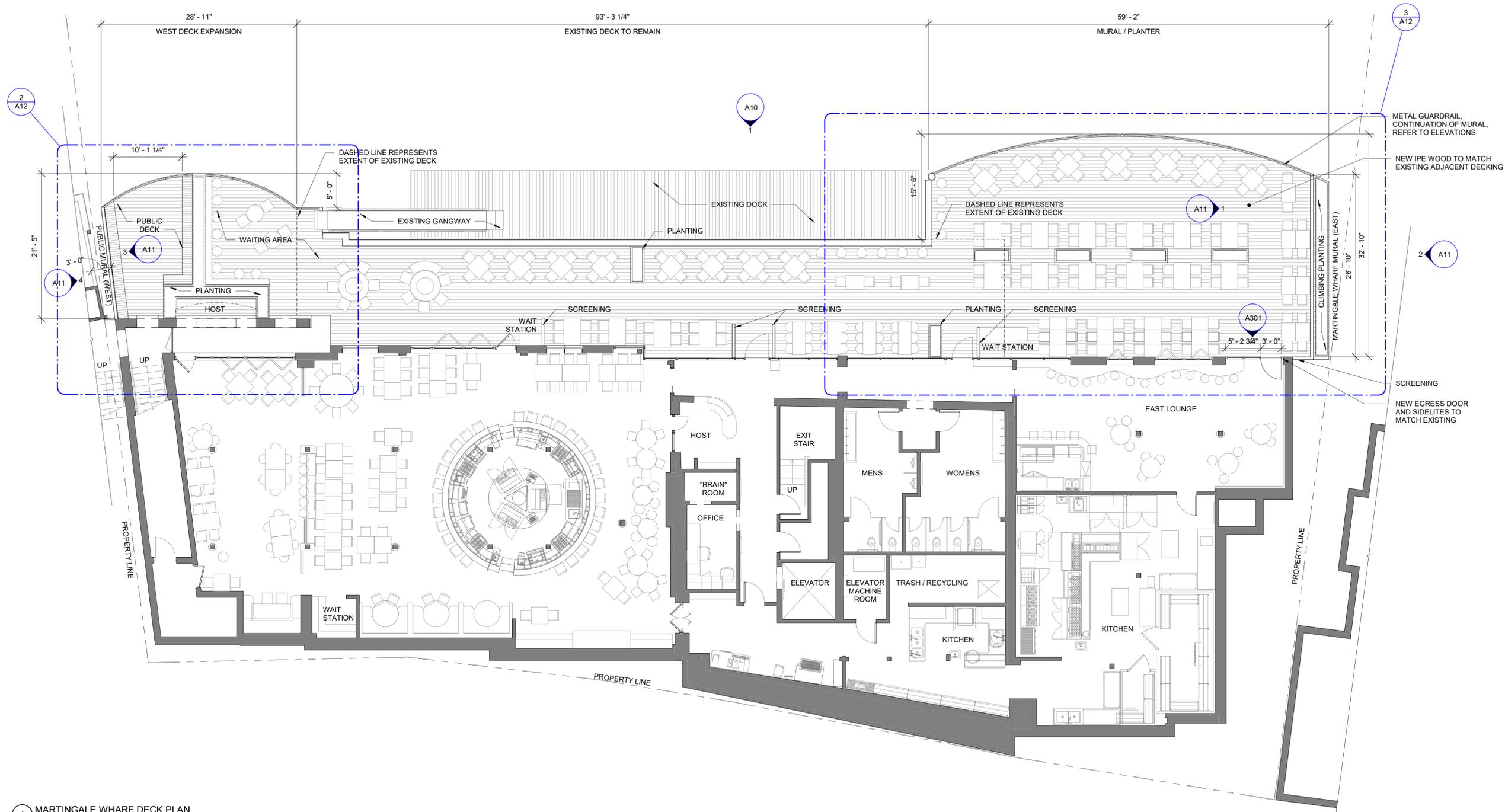
WEST MURAL AT PUBLIC DECK



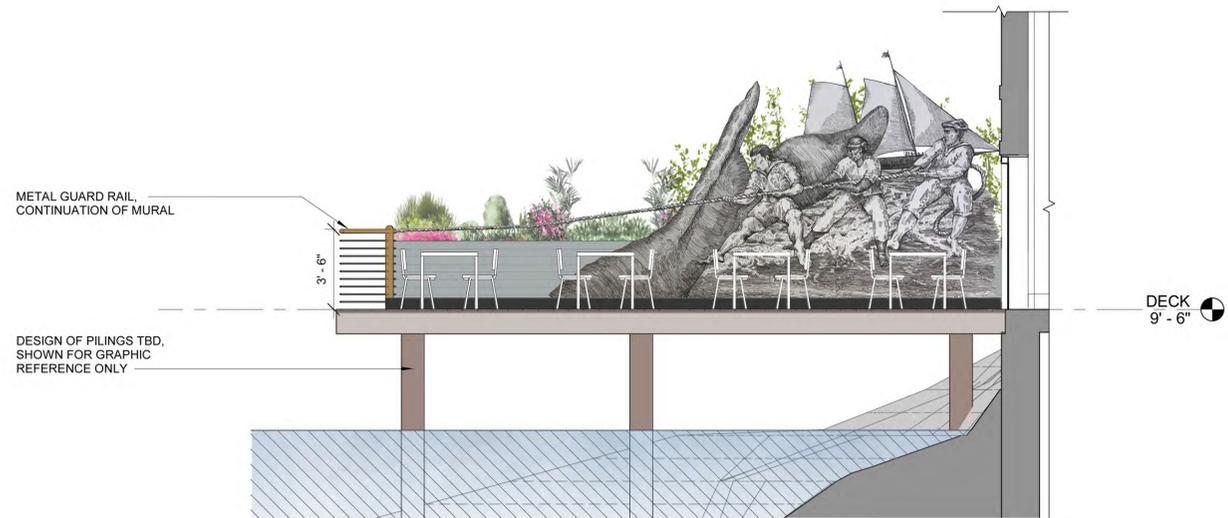
WEST MURAL AT PUBLIC DECK - SKETCH



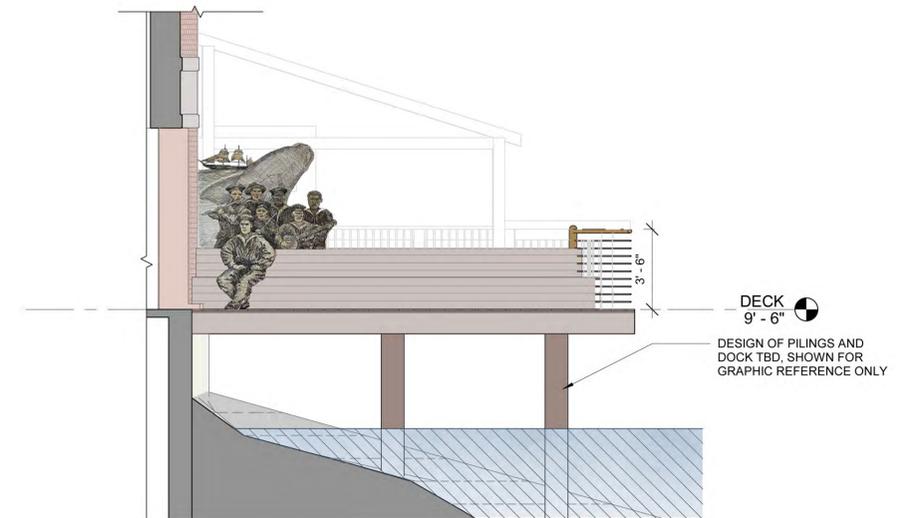
EAST MURAL AT MARTINGALE WHARF DECK - SKETCH



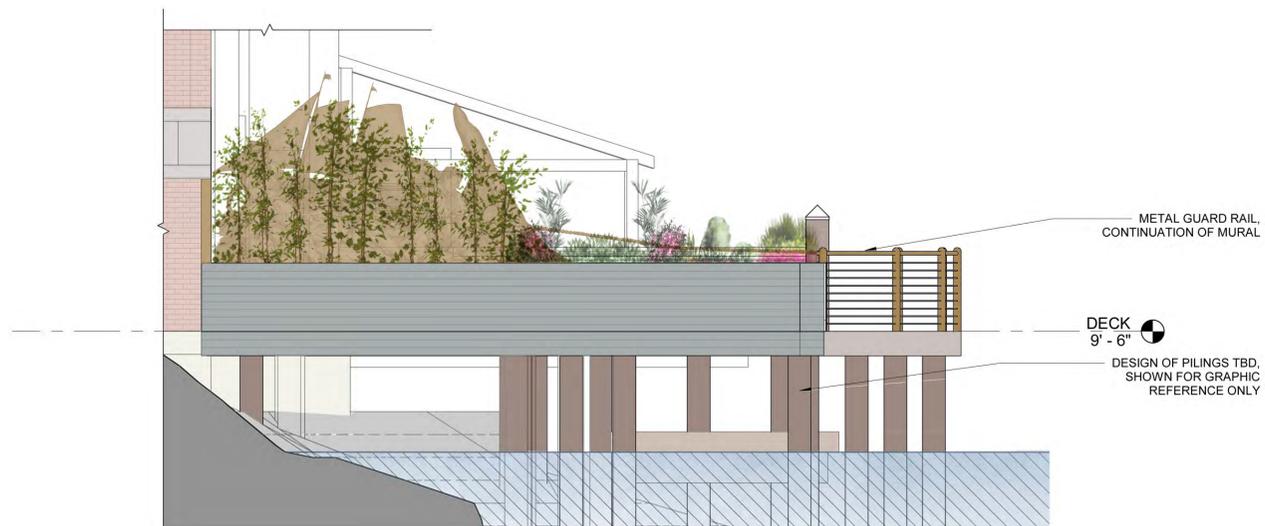
1 MARTINGALE WHARF DECK PLAN  
1/8" = 1'-0"



1 ELEVATION AT MARTINGALE WHARF MURAL (LOOKING EAST)  
1/4" = 1'-0"



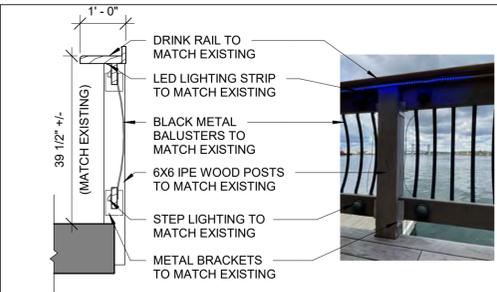
3 ELEVATION AT PUBLIC MURAL (LOOKING WEST)  
1/4" = 1'-0"



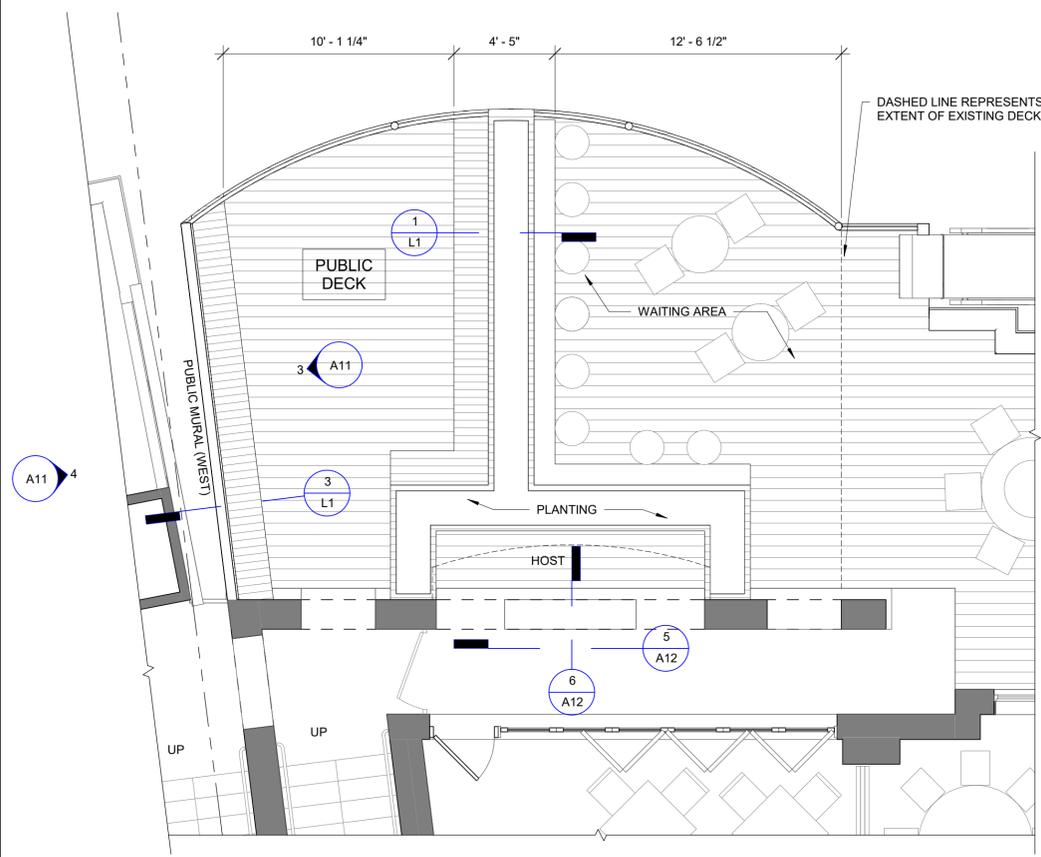
2 EAST ELEVATION (BACKSIDE OF MARTINGALE WHARF MURAL)  
1/4" = 1'-0"



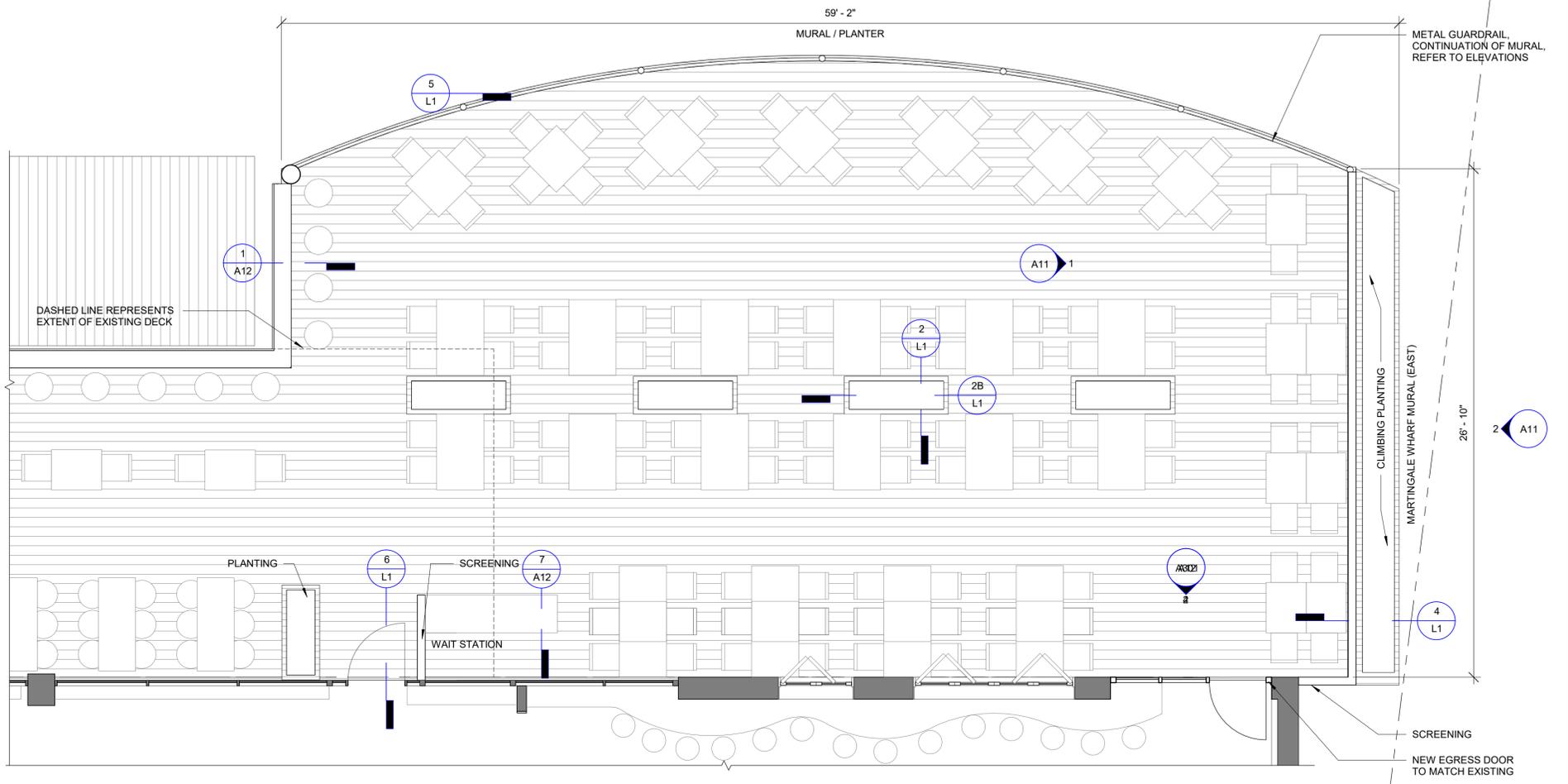
4 WEST ELEVATION (BACKSIDE OF PUBLIC DECK MURAL)  
1/4" = 1'-0"



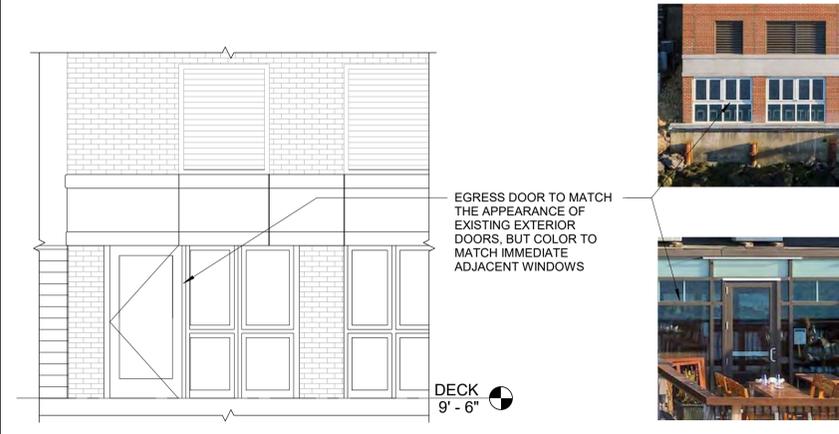
1 EXISTING DRINK RAIL EXTENSION SECTION DETAIL  
1/2" = 1'-0"



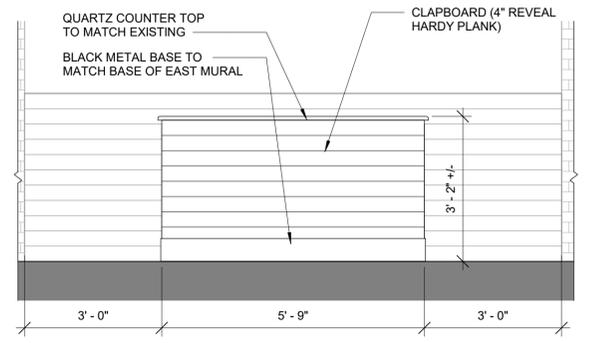
2 ENLARGED PUBLIC DECK PLAN  
1/4" = 1'-0"



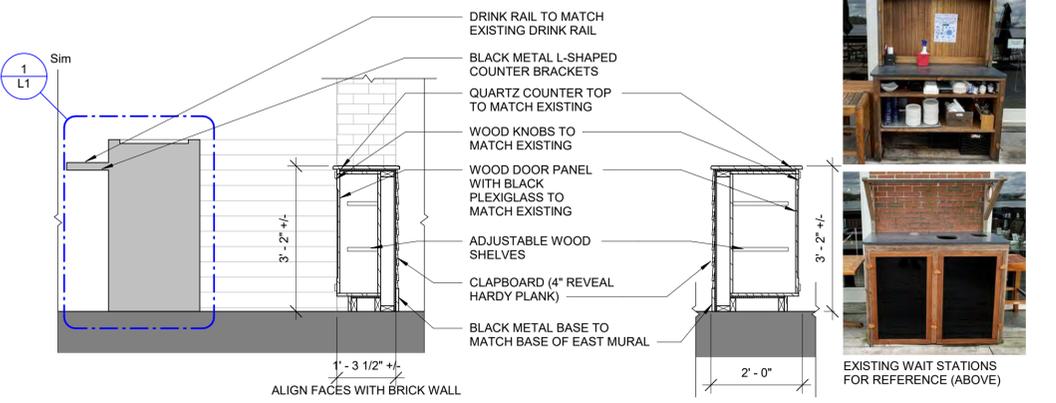
3 ENLARGED MARTINGALE WHARF DECK EXPANSION PLAN  
1/4" = 1'-0"



4 EGRESS DOOR ELEVATION  
1/4" = 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"

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

**LUMENS**  
LIGHT AND LIVING  
Call Us 877.445.4486

**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: 261 Watt (823 Lumens) 120 Volt Integrated LED; CRI: 80 Color Temp: 3000K Lifespan: 70000 hours
- 277 Volt Option: 261 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

**LUMENS**  
LIGHT AND LIVING  
Call Us 877.445.4486

**Product Options**  
Size: Small Medium

**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

**LUMENS**  
LIGHT AND LIVING  
Call Us 877.445.4486

**Product Options**  
Finish: Black Stainless Steel  
Size: 3, 4, 6, 8  
Lighting Option: indirect, One-Sided, Two-Sided

**Details**

- One-sided configuration can be installed as a downlight or uplight
- Can be mounted horizontally or vertically
- Dimmable when used with TRIAC or ELV dimmers (not included)
- Temp rated for indoor use only
- Designed by Robert Sommer in 2018
- Material: Metal
- Shade Material: Optical Acrylic
- ADA compliant
- UL Listed
- Warranty: Limited 1 Year
- Made in China

**Dimensions**  
3 Option Backplate: Width 1", Height 1"  
3 Option Fixture: Width 30", Height 0.75", Depth 3.5", Weight 4Lbs  
3 Option Shade: Width 30", Height 1", Depth 0.75"  
4 Option Backplate: Width 1", Height 1"  
4 Option Fixture: Width 48", Height 0.75", Depth 3.5", Weight 7Lbs  
4 Option Shade: Width 48", Height 1", Depth 0.75"  
6 Option Backplate: Width 1", Height 1"  
6 Option Fixture: Width 72", Height 0.75", Depth 3.5", Weight 9Lbs  
6 Option Shade: Width 72", Height 1", Depth 0.75"  
8 Option Backplate: Width 1", Height 1"  
8 Option Fixture: Width 96", Height 0.75", Depth 3.5", Weight 12Lbs  
8 Option Shade: Width 96", Height 1", Depth 0.75"

**Lighting**

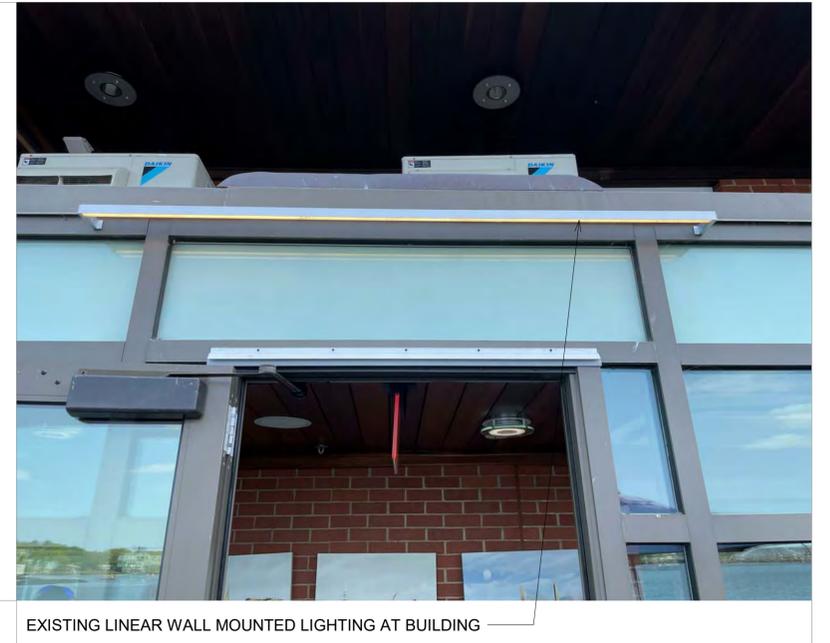
- 3 Option: 18 Watt (110 Lumens) 120 Volt Integrated LED; Color Temp: 3000K
- 3 Option: 36 Watt (220 Lumens) 120 Volt Integrated LED; Color Temp: 3000K
- 4 Option: 22 Watt (1450 Lumens) 120 Volt Integrated LED; Color Temp: 3000K
- 4 Option: 44 Watt (2900 Lumens) 120 Volt Integrated LED; Color Temp: 3000K
- 6 Option: 36 Watt (2220 Lumens) 120 Volt Integrated LED; Color Temp: 3000K
- 6 Option: 72 Watt (4440 Lumens) 120 Volt Integrated LED; Color Temp: 3000K
- 8 Option: 47 Watt (3020 Lumens) 120 Volt Integrated LED; Color Temp: 3000K
- 8 Option: 94 Watt (6040 Lumens) 120 Volt Integrated LED; Color Temp: 3000K

**Additional Details**  
Product URL: <https://www.lumens.com/thin-line-led-wall-bar-by-sonneman-lighting-SNPN202253.html>  
Rating: UL Listed

Product ID: SNPN202253

Notes: EXTERIOR RATED EQUAL

LINEAR WALL MOUNTED LIGHTING AT BUILDING TO MATCH EXISTING



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

**LUMENS**  
LIGHT AND LIVING  
Call Us 877.445.4486

**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**

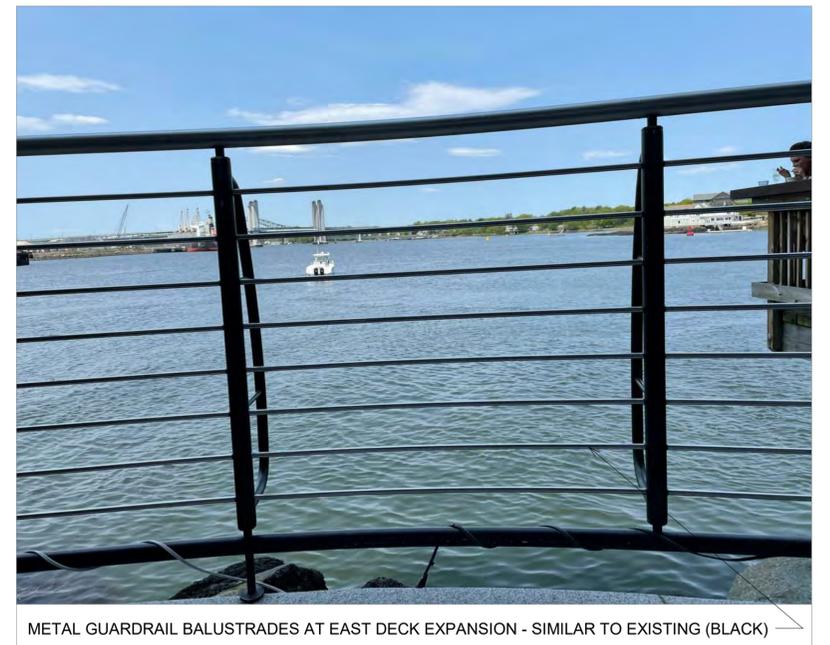
- 4 Watt (300 Lumens) 12 Volt Integrated LED; CRI: 90 Color Temp: 3000K

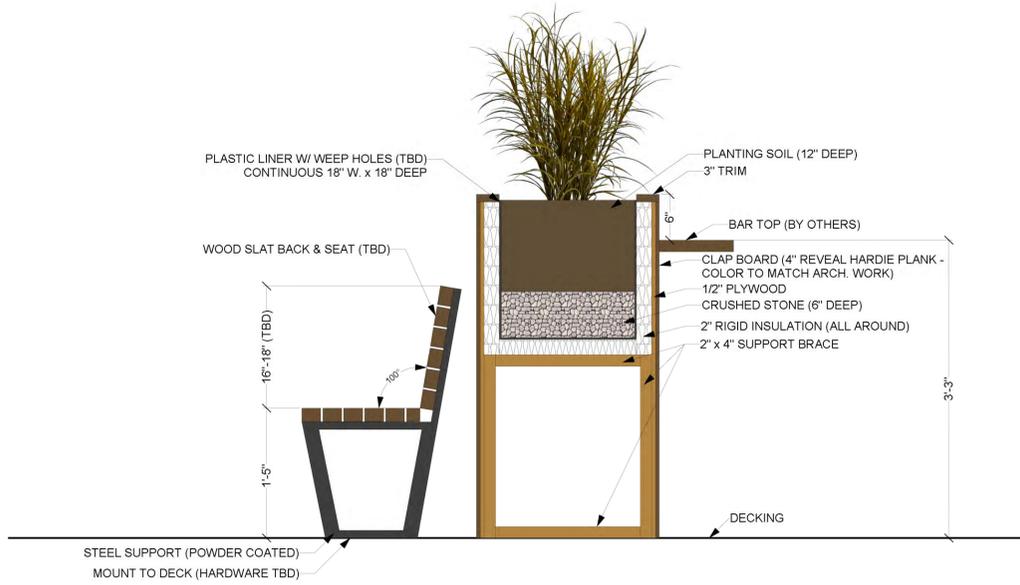
**Additional Details**  
Product URL: <https://www.lumens.com/pl23dm-outdoor-led-path-light-by-focus-industries-FOCP309793.html>  
Rating: ETL Listed Wet

Product ID: FOCP309793

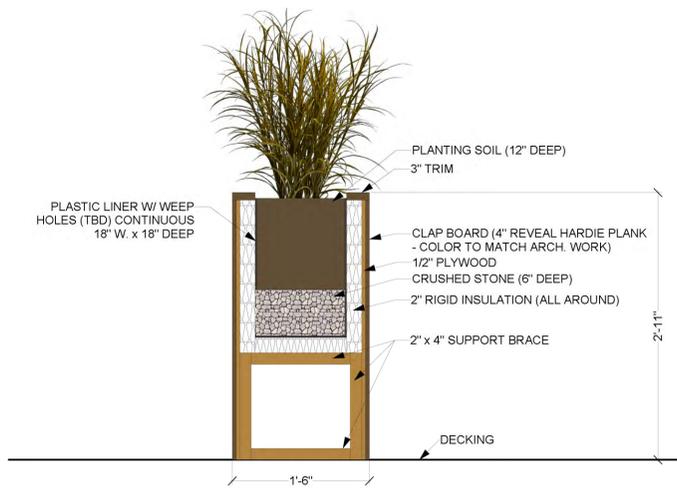
Notes: OR EQUAL

AMBIENT PLANTER DOWNLIGHTS - OR EQUAL

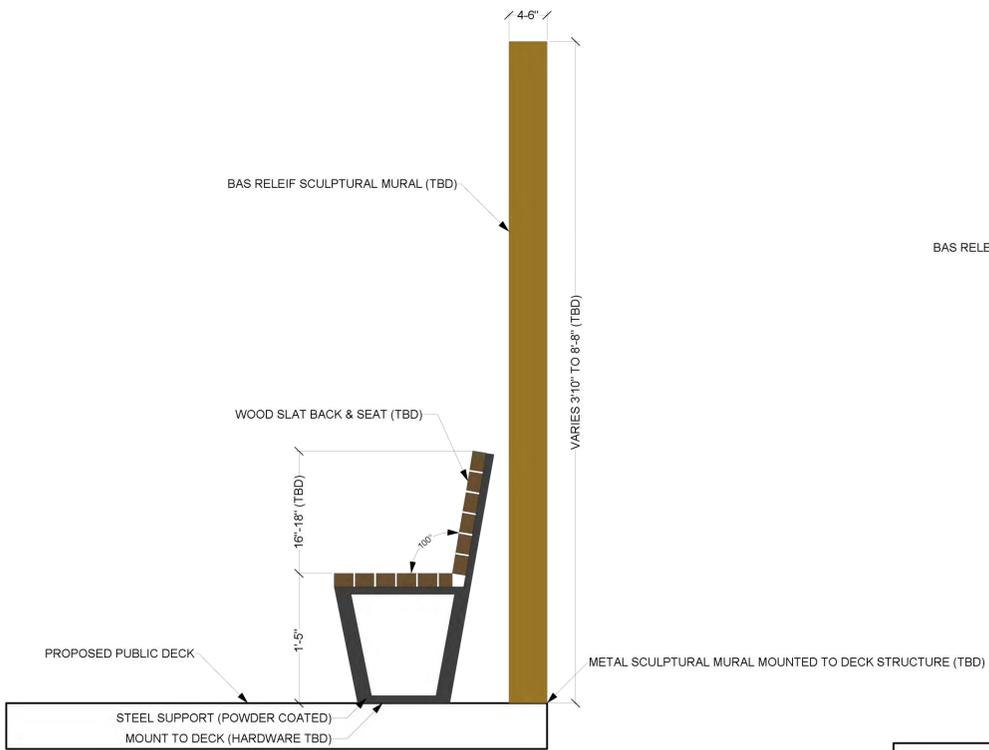
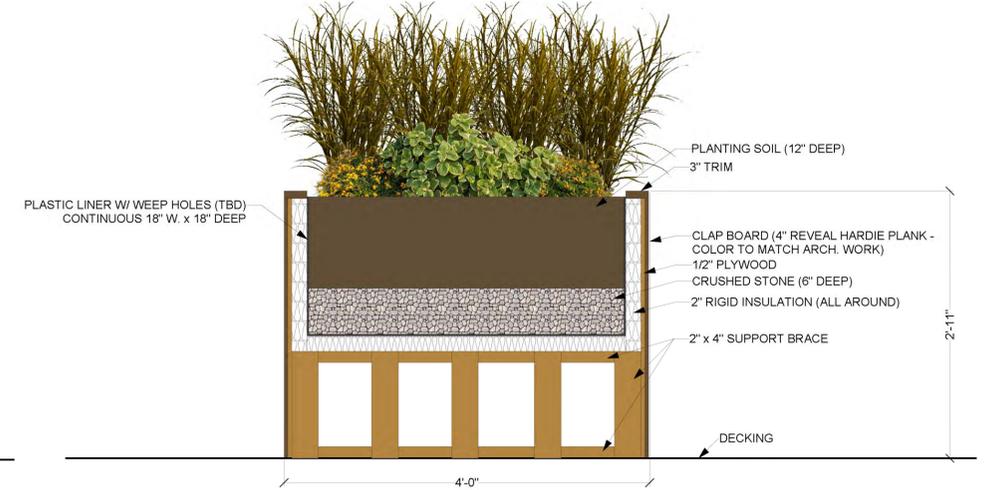




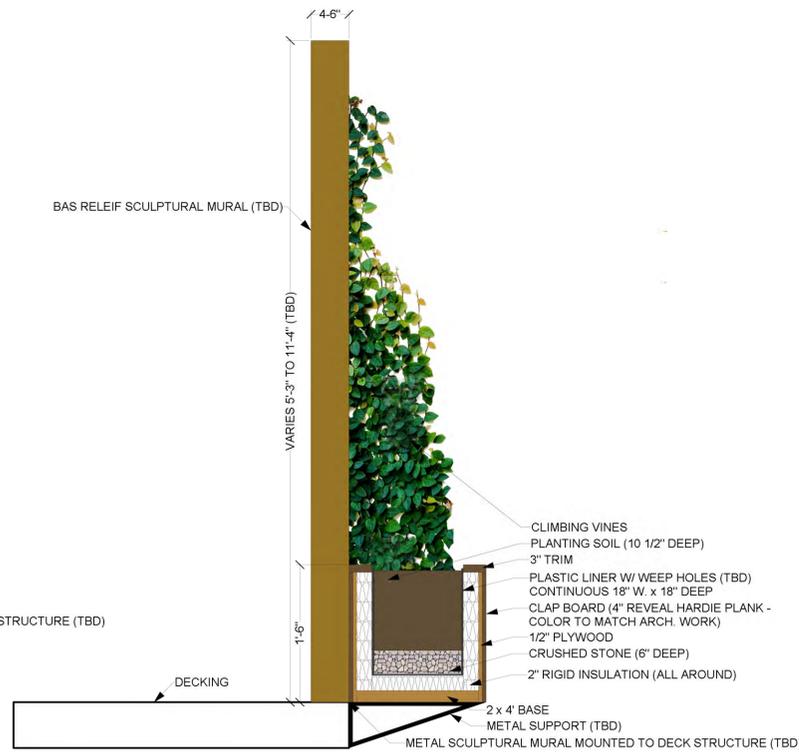
1 PLANTING BOX AND BAR DETAIL  
L-1 SCALE: 1"=1'-0"



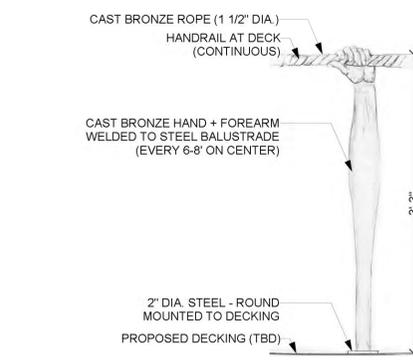
2 SOLITARY PLANTER (18" W. x 48" L. x 35" HT.)  
L-1 SCALE: 1"=1'-0"



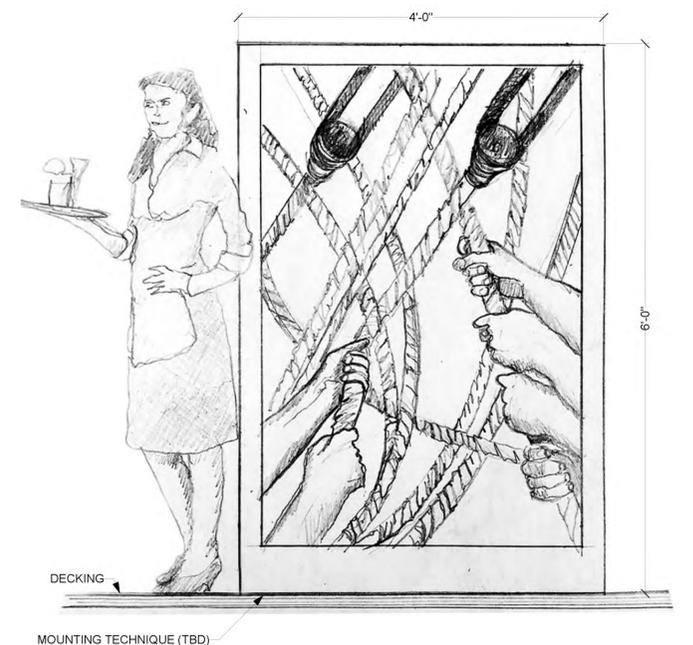
3 WEST BENCH AND MURAL DETAIL  
L-1 SCALE: 1"=1'-0"



4 EAST BENCH AND MURAL DETAIL  
L-1 SCALE: 1"=1'-0"



5 BALUSTRADE DETAIL  
L-1 SCALE: 1"=1'-0"



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