

CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: https://zoom.us/webinar/register/WN_oOJpcvqRTkKgpurG9EvvNQ. You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-8, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

DATE: MONDAY, MAY 4, 2020

TIME: 7:00PM

AGENDA

- **6:30PM AN ANTICIPATED NON-PUBLIC SESSION RE: COLLECTIVE BARGAINING AGREEMENTS IN ACCORDANCE WITH RSA 91-A:3 II (a) – *Register in advance for this webinar:* https://zoom.us/webinar/register/WN_QTLLKrmJT6W2CI1WDq4Wtw**

- I. **6:00PM WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – *POSTPONED***
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

PROCLAMATIONS

1. Police Week in Portsmouth – May 10 to May 16, 2020
Peace Officers' Memorial Day, Friday, May 15, 2020
2. Bike Month – May 2020

- VII. **ACCEPTANCE OF MINUTES – *There are no minutes on for acceptance this evening.***

- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

- IX. **PUBLIC COMMENT SESSION – (*Via Zoom*)**

- X. **PUBLIC DIALOGUE SUMMARY [when applicable] – *POSTPONED***

- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

- A. First reading of Ordinance amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area

XII. MAYOR BECKSTED

1. Appointment to be Considered:
 - Robert W. Bogardus appointment to the Recreation Board Senior Subcommittee
2. *Appointment to be Voted:
 - Reappointment of Richard Blalock to the Recreation Board
3. *Formation/Reestablishment of the Prescott Park Blue Ribbon Committee
 - Petra Huda, Councilor Representative
 - Beth Margeson
 - Thomas Watson
 - Genevieve Aichele
 - Alan Gordon
 - Robin Lurie-MeyerKopf
4. *Clipper Strong Fund Update

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Assembling Plans for “Opening Up” When the Time Comes to Help Our Residents, Businesses, and Employees/Creating A Portsmouth Economic Re-Opening Task Force

B. COUNCILOR McEACHERN

1. *Preparation to Open Portsmouth Safely with an emphasis safe and socially distant economic activity

C. ASSISTANT MAYOR SPLAINE & COUNCILORS McEACHERN & LAZENBY

1. *Support for Elections

D. COUNCILOR WHELAN

1. *McIntyre Update
2. *Parking Traffic and Safety Valet Request

E. COUNCILOR HUDA

1. April 2020 Revenue Receipts (***Sample motions: 1) move to request the City Manager provide an Update to the Residents & City Council of the Latest Data Available on the Actual April 2020 Revenue Receipts (1st full month of pandemic effect); 2) moved that the City Manager provide a Series of Budget Scenarios for Potential Cuts of 20%, 30%, and 40% in State of Local Revenue in Order to Adjust the FY21 Budget and Prioritize High-Need Items***)

XIV. APPROVAL OF GRANTS/DONATIONS

There is no Grants/Donations on this evening

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Portsmouth Housing Authority – Release of Reverter (*Tabled from the April 20, 2020 City Council meeting*)
2. Bellamy Source Protection Easement – Duffy Property
3. Planning Board Report Back Regarding Market Street Property Purchase
4. West End Yards Easements
5. Request For Release of Any City Interest In Assessor Map 206, Lot 1

XVI. CONSENT AGENDA

- A. Request for License to Install Projecting Sign for owner Robert Walker of 110 Grill Portsmouth HS LLC for property located at 99 Hanover Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- B. Request for License to Install Projecting Sign for owner Jennifer Mathieson of Hello Lovely for property located at 92 Pleasant Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Work***

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. Presentation – Update on the Governor’s Office for Emergency Relief & Recovery (GOFERR) by Assistant City Attorney Jane Ferrini
- C. Email Correspondence (***Sample motion – move to accept and place on file***)

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Peirce Island Road Improvements
- 2. May 6, 2020 Budget Public Hearing Agenda
- 3. Election and Security Grant Funding

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:00 p.m. or earlier]

**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**

** Indicates verbal report*

*The Council Chambers
City Hall
Portsmouth, New Hampshire*

A Proclamation:

- Whereas:* Congress and the President of the United States have designated May 15th as Peace Officers' Memorial Day and the week in which it falls as National Police Week; and
- Whereas:* The members of the Portsmouth Police Department play an essential role in safeguarding the rights and freedoms of Portsmouth and the State of New Hampshire; and
- Whereas:* It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their Police Department; and
- Whereas:* The members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and
- Whereas:* The men and women of the Portsmouth Police Department unceasingly provide a vital public service.

Now, therefore, I, Rick Becksted, Mayor of the City of Portsmouth, on behalf of the members of the City Council, do hereby call upon all citizens of Portsmouth and upon all patriotic, civic, and educational organizations to observe the week of May 10 to May 16, 2020, as

Police Week in Portsmouth

with appropriate ceremonies and observances in which all of our people may join in commemorating all law enforcement officers past and present who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Portsmouth to observe May 15, 2020, as

Peace Officers' Memorial Day

in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community, or have become disabled in the performance of duty. Let us recognize and pay respect to the survivors of our fallen heroes by lowering all City, State and American flags in Portsmouth to half-staff on Friday, May 15, 2020.

Given with my hand and the
Seal of the City of Portsmouth,
on this 4th day of May, 2020.



Rick Becksted, Mayor of Portsmouth

**The Council Chambers
City Hall
Portsmouth, New Hampshire**

A Proclamation

- Whereas:** May is National Bike Month and bicycling is an integral part of Portsmouth's multi-modal transportation system; and
- Whereas:** the League of American Cyclists recognizes Portsmouth as a Bronze Level Bike Friendly Community for its commitment to improving conditions for bicycling through investment in bicycling promotion, education programs, infrastructure and pro-bicycling policies; and
- Whereas:** the City follows important guidelines within its Safe Routes to School Program, Wayfinding Program, Bike Friendly Community Policy and Complete Streets Policy to responsibly steer ongoing initiatives; and
- Whereas:** Portsmouth continues to grow its bicycle culture with its fleet of ten Zagster bike share stations, enhanced bicycle lanes along the Middle Street and Market Street corridors, and future plans for the North Mill Pond and New Hampshire Seacoast Greenways; and
- Whereas:** by strengthening our bicycle infrastructure, the City will further encourage Portsmouth residents, visitors and employees to use biking as a preferred, alternative form of transportation to benefit one's personal health and our shared environment; and
- Whereas:** I urge our community to take advantage of the City's bicycle amenities, partake in this month's local competitions hosted by commuteSMARTseacoast and embrace the benefits of leaving their motor vehicles at home.

Now, therefore, I, Rick Becksted, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim May 2020 as

Bike Month

Given with my hand and the
Seal of the City of Portsmouth,
on this 4th day of May 2020.



Rick Becksted, Mayor of Portsmouth

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.105 – **PARKING** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE I: PARKING METERS

Section 7.105: PARKING

C. MOTORCYCLE PARKING

A. Designated Motorcycle Parking Area.

The following location is established as an exclusive “Designated Motorcycle Parking Area” for the months of April 1st through November 30th only:

1. Pleasant Street: On the easterly side of Pleasant Street, beginning at a point 24 feet South of the extension of the southerly curb line of Market Square running southerly the distance of 24 feet.

~~Motorcycles are subject to reduced parking meter fees for the hours of enforcement as set forth in this Chapter in this Designated Motorcycle Parking Area. When more than one Motorcycle parks in a regular parking space only one of the Motorcycles occupying the space shall be required to pay for the parking space at the regular parking rate as set forth in this Chapter.~~

Motorcycles parking in the Designated Motorcycle Parking Area shall pay the “Designated Motorcycle Parking Area Rate” which is \$0.50 less than the Downtown High Occupancy Rate. Parking for verified Portsmouth residents shall be \$0.50 less than the Designated Motorcycle Parking Area Rate. Payment of the reduced rate is achieved through the use of a mobile phone application.

B. Motorcycle Parking.

Motorcycles parking in parking spaces other than the Designated Motorcycle Parking Area shall pay the rate of the

parking meter zone in which the parking space is located less the verified Portsmouth resident reduction of \$0.50 per hour if applicable. One or more motorcycles may park in a single parking space. When more than one motorcycle parks in a single parking space, payment is required from only one of the motorcycles occupying the parking space.

Motorcycles are subject to reduced parking meter fees for the posted hourly time limits within the hours of enforcement as set forth in this Chapter.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

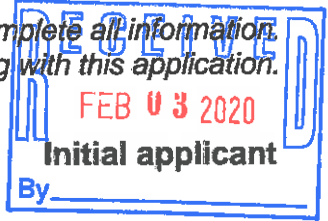
Kelli L. Barnaby, City Clerk



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.



Committee: RECREATION COMM. (SUB-SR COMM.)

Name: ROBERT W. BOGARDUS Telephone: (508) 728-7999

Could you be contacted at work? YES/NO If so, telephone # SAME #

Street address: 26 PARK ST, PORTSMOUTH

Mailing address (if different): SAME

Email address (for clerk's office communication): R.bogardus3@gmail.com

How long have you been a resident of Portsmouth? 6 years

Occupational background:

RETIRED - TECHNOLOGY SALES
w/COMPANY RALEIGH, NC / DUDE SOLUTIONS INC

Please list experience you have in respect to this Board/Commission:

TOWN of WRENTHAM, MASS
RECREATION COMM - SUB COMMITTEE'S
AND CHAIRMAN FOR MANY YEARS



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: _____

GIVING BACK MY TIME + RESOURCES

Please list any organizations, groups, or other committees you are involved in:

FORMER - BOARD MEMBER - SEACOAST YMCA

(LOCAL) PORTSMOUTH SCORE CHAPTER #185

GRADUATE "LEADERSHIP SEACOAST" CLASS 2016

CURRENTLY - PARTICIPATING W/ RE-ORGANIZING

MENDED HEARTS LOCAL CHAPTER #360

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) STEPHEN SMITH, 46 PARK ST / PORTSMOUTH (603)-203-8548
Name, address, telephone number (NEIGHBOR)

2) DAVID UNDERHILL, 115 PINEHURST RD / PORTSMOUTH
Name, address, telephone number david.underhill.nh@gmail.com (603)-706-3143

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: RW Bogardus Date: 2/3/2020

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Wednesday, April 29, 2020

To: Portsmouth City Councilors
From: Jim Splaine

I have asked the following item to be placed on the City Council Agenda for Monday:

Assembling Plans For "Opening Up" When The Time Comes To Help Our Residents, Businesses, and Employees/Creating A Portsmouth Economic Re-Opening Task Force

All of us look forward to the day when we will "open up." It is likely to happen in stages, and in cooperation with our neighboring states of Maine and Massachusetts -- and will be determine in the coming days and weeks by Governors of those states. It could happen later in May, or in June, with additional stages spread throughout the Summer into the Fall. With that in mind, we should be encouraging our City Manager and staff to do some forward planning, and offer input to them so that we will be best helping our residents, businesses, and city employees.

Just to begin that discussion, I offer several thoughts and urge each of us to seek other input and ideas:

1. The Governor has formed an Economic Re-Opening Task Force that has been meeting to come up with plans, along with phased re-opening statewide. It has already identified problems that need solutions, and ways to assist our citizens and businesses in the process. It may be helpful if our City Manager assembles a similar team, which would include other city staff and local residents, the Chamber Collaborative, and representatives of our business, non-profit cultural/arts, and health care communities.
2. When we do re-open, how do we assist our residents and business community in adapting? We should do some early planning, based on health advisories, on opening our recreational facilities, parks, library, and city buildings. This will inevitably require foresight and some innovation in the way we provide those services.
3. When should we make plans, and alternatives if necessary, for Summertime activities such as Memorial Day celebrations, July 4th and fireworks, and sports events. Looking ahead to September and the Fall, including instituting get-out-the-vote-safely efforts, should be on our horizon as well. We need to be ready, as a city government and community, to assist in helping whatever approaches our School Board and Administration come up with for our students.
4. How do we best promote that Portsmouth is again "open for business?" Should we consider an event or events, with social distancing and other health advisories in mind, or a street fair? Is it practical to allow Downtown stores and restaurants to be able to use some wider public space even partly into the street in front of their businesses so that they can encourage more seating and shopping with social distancing in mind? Outreaching to our business community and cultural/arts organizations with long-term planning strategies makes sense.

5. Portsmouth has excellent cultural and arts events that draw people to our community, and while keeping with health advisories and social distancing we should encourage and assist those activities as much as possible. Our non-profit organizations will need help in the next few months, and we cannot allow Prescott Park, Strawberry Banke, or other Portsmouth institutions and landmarks face economic difficulties that they will not be able to overcome. Looking ahead starting now can allow us to determine the best ways to help and include them in adjusting to what may be a long-term "new normal."

These are just a few concerns and suggestions that I have heard from people these past few weeks. We know that thousands of other cities and towns throughout our state and nation are dealing with similar problems, and there are obviously going to be a number of "best practices" to copy from elsewhere. We should encourage staff and all of us to search those out to identify the best formula for economic and social recovery, and it is with that in mind that I offer this item on the Council Agenda.

DATE: APRIL 29,2020

TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD

FROM: CITY COUNCILOR HUDA

SUBJECT: May 4TH CITY COUNCIL MEETING AGENDA REQUEST (ZOOM MEETING)
PLEASE PUT THIS UNDER MY NAME. THANK YOU

I MOVE TO REQUEST THE CITY MANAGER PROVIDE AN UPDATE TO THE RESIDENTS & CITY COUNCIL OF THE LATEST DATA AVAILABLE ON THE ACTUAL APRIL 2020 REVENUE RECEIPTS. (1ST FULL MONTH OF PANDEMIC EFFECT)

I AM REQUESTING THAT THE CITY MANAGER PROVIDE A SERIES OF BUDGET SCENARIOS FOR POTENTIAL CUTS OF 20%, 30% & 40% IN STATE & LOCAL REVENUE IN ORDER TO ADJUST THE FY21 BUDGET AND PRIORITIZE HIGH-NEED ITEMS.
(IN PREPARATION FOR THE COUNCIL TO PREPARE FOR FY21 BUDGET DISCUSSIONS)

THIS WOULD BE SIMILAR TO THE PRO-ACTIVE STEPS BEING TAKEN BY THE TOWN MANAGER OF YORK, ME AS YORK IS ANTICIPATING THE SAME STATE REVENUE LOSSES DUE TO THE PANDEMIC AS PORTSMOUTH WILL FACE. (PORTSMOUTH HERALD ARTICLE 4.22.20) "YORK LIKELY TO TRIM BUDGETS AS REVENUE PROJECTIONS SLUMP"



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Date: April 30, 2020
To: Honorable Mayor Rick Becksted and City Council Members
From: Karen S. Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of May 4, 2020

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

A. First Reading of Ordinance Amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area:

In June 2019, the Parking and Traffic Safety Committee approved an amendment to the Designated Motorcycle Parking Area Ordinance (Chapter 7, Article I, Section 7.105 C). A citizen raised concerns regarding the amendment, and in August 2019 the Committee rescinded its approval and requested a report back from City staff. Upon review, the Committee voted to request a revised amendment in September 2019. On February 6, 2020, the Parking and Traffic Safety Committee voted to approve the attached amendment to Chapter 7, Article I, Section 7.105 C and to refer it to the City Council to request first reading. At the March 16th Council meeting, Ben Fletcher, Director of Parking, provided a brief presentation on the amended ordinance, with the Council then voting to postpone the first reading for a future date.

Due to the outbreak of COVID-19, no readings have yet taken place to address this necessary update to Chapter 7. Bearing in mind the Council's decision on April 20, 2020 to resume normal parking operations, it is prudent that this ordinance update return for first reading at the meeting this evening, with a sample motion to pass and schedule a public hearing and a second reading for the May 18, 2020 Council meeting. The ordinance in question is [attached](#).

I recommend that the City Council move to pass first reading of an amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance, and schedule a public hearing and a second reading at the May 18, 2020 Council meeting.

XV. City Manager's Items which Require Action:

1. Portsmouth Housing Authority – Release of Reverter:

The City holds a reverter interest in certain property owned by the Portsmouth Housing Authority (PHA) on Court Street which was conveyed to the PHA by the City in 1968.

The reverter provision in the deed from the City to PHA says that if the property is not used for “housing for the elderly”, ownership of the land reverts back to the City. PHA now wants to exchange some, but not all, of the property covered by the reverter with an abutter as part of its workforce housing project. Because it involves the conveyance of the City’s interest in real estate, the ordinances require this matter should be forwarded to the Planning Board by the City Council for a report back and recommendation.

The Portsmouth Housing Authority is represented by attorney John K. Bosen who has provided additional documentation for this evening’s Council meeting, including a memorandum outlining PHA’s request.

I recommend that the City Council move to refer this item to the Planning Board for a report and recommendation back.

2. **Bellamy Source Protection Easement – Duffy Property:**

The City’s Water Division has been actively identifying and protecting properties adjacent to the City’s surface water supply, the Bellamy Reservoir (see attached map). The City has partnered with Southeast Land Trust (SELT) for the negotiation, due diligence, installment payments of the purchase price, and completion of a conservation easement on an approximately 107-acre portion of the property owned by Mary Ellen Duffy (‘Duffy Property’ on the attached map) in order to benefit the protection of one of the City’s primary water supplies.

The property was appraised by McManus & Nault Appraisal Company, Inc. in 2019. A conceptual build-out analysis was also performed to assist with the valuation. Their analysis resulted in development potential for between six and thirteen house lots on the property. The estimated value of the whole parcel without an easement was \$730,000. The value of this parcel was also appraised with an easement on all but five acres that will remain as a buildable lot, and this amount was estimated as \$200,000. Thus, the value of the conservation easement was identified to be \$530,000.

In addition to the value of the conservation easement of \$530,000, there are costs for the property survey, conservation easement preparation, an environmental site assessment and baseline documentation that are estimated by Southeast Land Trust as \$44,300. The total cost for the acquisition of the conservation easement on 107 acres is \$574,300. Grant funding for up to \$287,000 from the NH Drinking Water and Groundwater Trust Fund (DWGTF) has been approved by the DWGTF Advisory Commission (see attached letter) leaving a balance of \$287,300 to be paid for by the Water Fund. In order to meet the total appropriation of \$574,300 for the purchase of the easement, a supplemental appropriation from the Water Fund using \$287,300 from unrestricted net position and a grant of up to \$287,000 from the NH Drinking Water and Groundwater Trust Fund for a total of \$574,300 would need to be approved by the City Council following a public hearing.

The subject parcel is ranked as the second most valuable parcel with respect to protection of the Bellamy Reservoir based on an assessment of abutting parcels ('Duffy Property' on the [attached map](#)). The parcels on this map are ranked based on parcel size, percent wetlands, development potential, slope, length of shoreline, proximity to water supply intake, and aesthetics. This ranking approach is intended to assist with the prioritization of protection efforts as they pertain to the land surrounding the reservoir. Development has the potential to greatly affect surface water quality through direct impacts of chemical runoff, septic system leachate, and stormwater sediment loading, and indirect affects in terms of higher nutrient loading which can cause an increased likelihood of harmful algal blooms and impacts to dissolved oxygen concentrations. For these reasons, efforts to protect land that has the greatest potential to impact water quality, such as Ms. Duffy's property, is important for the long-term management of the Portsmouth water supply.

The next step in this process will be to finalize the agreement and it will then be put before the City Council for a vote. A separate two-thirds vote of the City Council following a public hearing will be needed in order to utilize water enterprise fund net position for this purpose.

I recommend that the City Council:

- 1) Move to authorize the City Manager to negotiate and execute a Purchase & Sale Agreement for the purchase of a conservation easement on the subject parcel in a substantially similar form to the attached agreement;*
 - 2) Move to refer the acquisition of the 107-acre conservation easement on the subject parcel to the Portsmouth Planning Board for a recommendation back to the City Council;*
 - 3) Move to authorize the City Manager to enter into a Grant Agreement to accept up to \$287,000 from the State of New Hampshire's Drinking Water and Groundwater Trust Fund's Land Conservation Grant and Loan Program to be used toward this purchase; and*
 - 4) Move to establish a public hearing for June 1, 2020 for the supplemental appropriation to utilize \$574,300 from the water enterprise fund net position with the understanding that up to \$287,000 will be reimbursed by the New Hampshire Drinking Water and Groundwater Trust Fund.*
3. **Planning Board Report Back Regarding Market Street Property Purchase:**

The Department of Public Works staff have been working with the New Hampshire Department of Transportation (NHDOT) to procure a 7,834 sq. ft parcel of land on Market Street (see [attached map](#)) from the State of NH to improve stormwater maintenance associated with a pond bounded by Market Street, Maplewood Avenue, McGee Drive and the Heritage Hill Condominiums. Purchase of this land is necessary to improve access to drainage structures that control the water level in this pond. The need for added control of this pond was identified during the stormwater design of the ongoing Maplewood Avenue Reconstruction Project.

The State has valued the parcel at \$1,100 which would be paid for as part of the Maplewood Avenue project cost.

At the April 6, 2020 City Council meeting, the Council voted to refer this item to the Planning Board for a recommendation. On April 23rd, the Planning Board voted to recommend that the City Council approve this procurement of land.

I recommend that the City Council move to approve the procurement of the 7,834 sq. ft. parcel of land on Market Street by the City from NHDOT.

4. **West End Yards Easements:**

On September 26, 2019, the Planning Board granted site plan review approval and subdivision approval for an application from Cate Street Development LLC for property located at 428 US Route 1 Bypass for a mixed-use development known as West End Yards.

The approval includes a number of easements and licenses to which the City of Portsmouth is a party and therefore require City Council authorization. These easements and licenses are listed below and the draft deeds and license agreements are [enclosed](#) along with an [easement plan](#) showing the location of each.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments:

- 1) 20' Wide [Sewer Easement](#) for a public sewer line that crosses the property between Route 1 Bypass and the future Cate Street Connector Road (13A on plans).
- 2) [Sight line easement](#) to restrict plantings or other obstructions that would interfere with sight lines at the intersection of the private driveway and the future Cate Street Connector Road (13E&T).
- 3) [Access easement](#) for the City to access private water infrastructure for leak detection and similar infrastructure inspection services and for turning on and shutting off municipal water service (13G,L&Q).
- 4) 5' wide [snow storage easement](#) along the future public right-of-way for storage of snow (13H&R).
- 5) Blanket [emergency access easement](#) to enable City emergency services to travel across private property to access neighboring private properties for emergency purposes (13I,M&S).
- 6) [Sign license agreement](#) to allow West End Yards to locate a sign on City property at the intersection of the Cate Street Connector Road with the Route 1 Bypass (13C).
- 7) [Landscape license agreement](#) to allow West End Yards to install, maintain, and replace landscaping along the City's right-of-way consistent with the plans approved by the Planning Board (13AA).
- 8) [Temporary construction easement](#) to enable the developer to access City land for storage of construction material related to the construction of the Cate Street Connector Road.

I recommend that the City Council move to grant authority for the City Manager to accept and/or execute the easement deeds and enter into the license agreements on behalf of the City in a form similar to those attached.

5. **Request For Release of Any City Interest In Assessor Map 206, Lot 1:**

On November 13, 2019, the City received a [request from Attorney Derek Durbin](#) on behalf of his client, Bryan C. Pappas who is the owner of property located at 2 Brackett Lane to release any City interest in an adjacent property listed as Assessor Map 206, Lot 1 and located between Brackett Lane and Haven Road.

At the December 2, 2019 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation.

Legal and DPW staff have reviewed this request and have not identified any prior history or current use of the property that serves a public purpose. Staff have also not verified whether the City currently has any ownership rights or other interest in the property.

While the City is being asked to formally release any interest it has in this property, such a vote would not necessarily have any impact, except to clarify the record. Additional title research will be required by Mr. Pappas in order to determine who else, if anyone, may have legal interest and/or ownership of this property.

The Planning Board considered this request at the March 19, 2020 meeting and voted to recommend that the City Council release any City interest in land identified as Assessor Map 206, Lot 1.

I recommend that the City Council move to authorize that the City release any interest it may have in land identified as Assessor Map 206, Lot 1.

XVI. Consent Agenda:

A. **Projecting Sign License – 99 Hanover Street:**

Permission is being sought to install a projecting sign at [99 Hanover Street](#) that extends over the public right of way, as follows:

Sign dimensions: 17” x 32”

Sign area: 3.7 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) *The license shall be approved by the Legal Department as to content and form;*

- 2) *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

B. Projecting Sign License – 92 Pleasant Street:

Permission is being sought to install a projecting sign at [92 Pleasant Street](#) that extends over the public right of way, as follows:

Sign dimensions: 24” x 24”

Sign area: 4 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) *The license shall be approved by the Legal Department as to content and form;*
- 2) *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

XVII. Presentations and Consideration of Written Communications and Petitions:

A. Presentation by Health Officer Kim McNamara Regarding COVID-19 Update:

City Health Officer, Kim McNamara, will provide a verbal update to City Councilors and the public on COVID-19.

B. Update on the Governor’s Office for Emergency Relief & Recovery (GOFERR) by Assistant City Attorney Jane Ferrini:

Assistant City Attorney, Jane Ferrini, will provide an update on the State of New Hampshire Governor’s Office for Emergency Relief and Recovery (GOFERR).

Please find attached her [memorandum](#) outlining the GOFERR's work thus far, along with [Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments](#), [Federal Funding Opportunities Related to COVID-19](#), and [Guidelines for Written Comments to the GOFERR Stakeholder Advisory Board](#).

XVIII. City Manager's Informational Items:

1. **Peirce Island Road Improvements:**

As part of the restoration work to be conducted for the Peirce Island Wastewater Treatment Facility (WWTF) construction, City staff have developed a plan to raise the grade of the roadway to reduce the potential for flooding affecting access to the WWTF. The project is planned for the section of Peirce Island Road adjacent to the area previously used as a snow dump. Due to the land surface elevation this area was identified in the Climate Change Vulnerability Assessment and Adaptation Plan (April 2013) as an area that may be subject to flooding due to sea level rise and storm surge. The planned work will increase the grade of the roadway from a low point of approximately elevation 8.0 feet up to an elevation of 11.0 feet. The work would include a rip rap slope adjacent to the existing walking trail (approximately 275 linear feet) on the river side of the roadway. By making this adjustment, it is predicted that this area would be protected from sea level rise and storm surge during storm events through and likely beyond the year 2050.

As a result of raising the elevation of the roadway, the area previously used as a snow dump will need to be regraded. The plan shows this area being converted to an improved parking area with a permeable concrete paver primary driving path and reinforced grass for the parking areas. The area will be defined with a new single rail wood fence separating the parking area from the vegetated area that extends to the water. This will convert the existing gravel parking area to a primarily pervious surface and also allow improved stormwater management of runoff from the parking area.

City staff have been coordinating this work with the Peirce Island Committee. The [attached preliminary plans](#) provide details of the proposed work. The next phase of work is to submit the plans as part of an application to the New Hampshire Department of Environmental Services for wetland permitting.

2. **May 6, 2020 Budget Public Hearing Agenda:**

A public hearing on the proposed FY21 Budget will occur on May 6, 2020 at 6:30 p.m. via Zoom. Please reference the [attached public notice](#) for additional information.

3. **Election and Security Grant Funding:**

The State of New Hampshire has received \$3,262,422 in Election Security Grant Funds through the CARE Act Emergency Relief Funds. The Election Security Grant Fund money is to be used to protect New Hampshire citizens' right to vote and to ensure that elections are fair and safe given the challenges posed by COVID-19.

Secretary of State Gardner and Attorney General MacDonald addressed that challenge in their April 10, 2020 memorandum by opening up the criteria for obtaining absentee ballots due to COVID-19. The increase in the use of absentee ballots and steps needed to protect the health of voters and poll workers will have a financial impact on local government. The Election Security Grant Funds may be used to offset those costs.

The Secretary of State announced the formation of the [Committee on 2020 Emergency Election Support](#) chaired by the State Ballot Law Commission to establish guidelines and recommendations on how the Election Security Grant Funds will be used to offset the financial impact COVID-19 will have on elections. The Committee has its first [public meeting](#) via Zoom on Thursday, April 30, 2020 at 2:00 p.m. Further information on the Committee's guidelines and recommendations will be provided once they are established.

PARTIAL RELEASE OF REVERTER

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of the State of New Hampshire, having an address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, holder of a right of reverter over certain property as described in that certain deed from The City of Portsmouth, New Hampshire, to Portsmouth Housing Authority, dated November 22, 1968, and recorded at the Rockingham County Registry of Deeds at Book 1942, Page 12, hereby releases from the said right of reverter, the following described property:

Two certain parcels of land situate in Portsmouth, County of Rockingham, State of New Hampshire, depicted on a plan (the "Plan") entitled "Boundary Plan of Land, Tax Map 116 – Lot 37, Prepared For: Portsmouth Housing Authority, Owner: Ed Pac, LLC, 152 Court Street, City of Portsmouth, County of Rockingham, State of New Hampshire" dated February 2020, and recorded at the Rockingham County Registry of Deeds as Plan D-42016. The property conveyed herein is more particularly bounded and described on the Plan as follows:

PARCEL I:

Beginning at a point at the southwestern corner of the lot herein conveyed; Thence running North 27° 37' 38" West a distance of 50.14 feet to a point; Thence turning and running North 64° 08' 47" East a distance of 4.56 feet to drill hole set; Thence turning and running South 27° 01' 57" East a distance of 50.05 feet to an iron rod set; Thence turning and running South 63° 06' 44" West a distance of 4.04 feet to a point; Thence turning and running North 29° 49' 47" West a distance of 36.65 feet to the point and place of beginning.

PARCEL II:

Beginning at a point at the northwestern corner of the lot herein conveyed; Thence running North 62° 23' 13" East a distance of 12.90 feet to a point; Thence turning and running South 27° 31' 47" East a distance of 29.87 feet to a point; Thence turning and running South 32° 05' 47" East a distance of 20.02 feet to a point; Thence turning and running South 63° 06' 44" West a distance of 1.59 feet to a drill hole set; Thence turning and running North 89° 40' 10" West a distance of 14.52 feet to a point; Thence turning and running North 27° 36' 47" West a distance of 43.00 feet to the point and place of beginning.

This partial release of reverter shall not in any way affect or impair the rights of the City of Portsmouth in and to the right of reverter as it may apply to all of the remainder of the premises conveyed to the Portsmouth Housing Authority by the Deed recorded at the Rockingham County Registry of Deeds at Book 1942, Page 12 and not hereby specifically released.

IN WITNESS WHEREOF, the undersigned have executed this Release this _____ day of _____, 2020.

City of Portsmouth

By: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

_____, 2020

This release was acknowledged before me by _____,
the _____ of the City of Portsmouth.

Before me,

Notary Public
My Commission Expires:

CM Action Item #1

1942 012

Nov 22 2 37 PM '68 17899

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of the State of New Hampshire, with its principal place of business at 126 Daniel Street in said Portsmouth, for consideration paid grants to the Portsmouth Housing Authority, a body corporate and politic, with a principal place of business at 25 Vaughan Street, Portsmouth, County of Rockingham and the State of New Hampshire, with quitclaim covenants a certain tract or parcel of land in said City of Portsmouth bound and described as follows:

Beginning at a point located on the southerly sideline of Court Street, said point being located 241.5 feet, more or less, from the northwesterly corner of Rogers Street and Lot No. 7 as shown on Assessor Plan #21 of the City of Portsmouth; thence turning and running southeasterly for a distance of 245.5 feet, more or less to the boundary line of lands presently or formerly owned by the Home for Aged Women, so-called as shown on said Assessor Plan #21 as Lot No. 10; thence turning northeasterly and running along the westerly property line of said Lot #10 and the westerly property line of Lot No. 19 as shown on said Assessor Plan No. 21 for a distance of 148 feet, more or less, to a point; thence turning and running Northwesterly 90°, 69.91 feet, more or less, to a point; thence turning and running southwesterly 66.72 feet, more or less, to a point located on the westerly boundary line of lot No. 11 as shown on said Assessor Plan No. 21; thence turning northwesterly along said Lot No. 11 boundary line for a distance of 175.08 feet, more or less, to the southerly side line of Court Street; thence turning southwesterly and running 85.5 feet, more or less, in a southwesterly direction along Court Street sideline to the point of beginning.

Meaning to include all of Lot No. 24 and a section of Lot No. 11 so as to include a total of 25,004 square feet of land presently owned by the City of Portsmouth, New Hampshire.

The within conveyance is made subject to the following reverter provision: If and when the said Grantee ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land, the above described tract or parcel of land shall automatically revert to the said City of Portsmouth.

This deed is given to correct the description in a prior deed dated July 16, 1968 and recorded in Rockingham County Register of Deeds at Book 1920, Page 47.

IN WITNESS WHEREOF, The City of Portsmouth, by its City Manager, duly authorized, has hereunto set his hand and the corporate seal this 22nd day of November in the year of our Lord 1968.

In the presence of:

City of Portsmouth

Handwritten signature

By *Handwritten signature*
Robert C. Violette
City Manager



STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

November 22, 1968

Personally appeared Robert C. Violette, known to me, who, being sworn did say that he is the City Manager of the City of Portsmouth, a municipal corporation duly organized by law, that the seal affixed to the foregoing instrument is the corporate seal of said City, that said instrument was signed and sealed on behalf of said City, and said City Manager Robert C. Violette acknowledged said instrument to be the free act and deed of said City and that he executed the same for the purposes therein contained.

Handwritten signature
Justice of the Peace



245 Middle Street, Portsmouth, NH 03801 - www.porthousing.org

March 23, 2020

Karen Conard, City Manager
City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801

Re: Portsmouth Housing Authority Court Street Workforce Housing Project

Dear Ms. Conard:

In August 2018, the City of Portsmouth approved our plans to construct a new 64 unit workforce housing project at 160 Court Street, adjacent to the Feaster Apartment building at 140 Court Street.

Our approved project includes a requirement for a lot line adjustment with the owner of real estate at 152 Court Street. We are purchasing a portion of this property at 152 Court Street in order to build our new project, but the owner is retaining and persevering the historic colonial home that is a part of this real estate.

The approved lot line adjustment requires the PHA and the current owner of 152 Court Street to deed a portion of their respective properties to each other. The land PHA will convey is a portion of land conveyed to the PHA by deed of the City of Portsmouth, Book 1942, Page 012. I have enclosed a copy of the deed for your reference.

The deed includes a reverter clause which says if the PHA "ceases to operate and own a housing for the elderly project" where Feaster Apartments currently operates, the land reverts to the City. In order to make the conveyances in accordance with the approved lot line adjustment, we need to obtain a release of the reverter.

I have enclosed a draft release for your review and execution. I am happy to discuss in more detail at your request.

Sincerely,

Craig W. Welch, Executive Director
Portsmouth Housing Authority & PHA Housing Development Ltd.

Enclosure

Cc: Juliet Walker, City Planner
Robert Sullivan, Esquire, City Attorney
Mrs. Ruth L. Griffin, Chair, Portsmouth Housing Authority



MEMORANDUM

CM Action Item #1

TO: Honorable Mayor Becksted, Members of the City Council

FROM: Attorney John K. Bosen, Attorney for the Portsmouth Housing Authority

RE: Portsmouth Housing Authority Workforce Housing Project

DATE: April 28, 2020

The purpose of this memorandum is to supplement Craig Welch's March 23, 2020, letter to the City Manager, Karen Conrad, in which he requests a **partial** release of a reverter contained in a Deed recorded at the Rockingham County Registry of Deeds at Book 1943, Page 12. A copy of the proposed reverter release, detailing the piece of property to which it would apply, is attached hereto as Exhibit A. The Deed containing the reverter clause is attached hereto as Exhibit B.

By way of background, the Portsmouth Housing Authority ("PHA") owns and operates the Feaster Apartment building located at 140 Court Street. As you know, the PHA received approvals from the City of Portsmouth's land use boards for construction of a 64-Unit workforce housing building. Ed Pac, LLC, is the owner of 152 Court Street, which is adjacent to PHA's property at 140 Court Street. As a part of the approvals for the workforce housing, PHA and Ed Pac, LLC, got a minor lot line adjustment approved, whereby PHA was to purchase a portion of Ed Pac, LLC's property which sits between the Portsmouth Fire Station and the Feaster Apartment building, and Ed Pac, LLC, was to receive two small slivers of PHA's property for purposes of providing Ed Pac, LLC, a parking spot and access to the historic building which is to remain at 152 Court Street. However, in order to convey marketable and insurable title to those two slivers of land to Ed Pac, LLC, and complete the approved lot line adjustment, the reverter as to those two slivers of land only, must be released by the City. .

Summaries of the chains of title for 140 Court Street and 152 Court Street are below.

140 Court Street (PHA Land):

There are three sources of title for PHA's Feaster Apartments property.

1. Deed from Paul V. Brown and Edward I. Shaines to PHA recorded on November 10, 1965, at the Rockingham County Registry of Deeds at Book 1797, Page 20. Brown and Shaines had acquired the property herein conveyed by deed of the Young Man's Christian Association of Portsmouth on June 8, 1960. That deed is recorded at Book 1548, Page 233.

2. The second source of title is a decree in a case entitled Portsmouth Housing Authority v. Paul V. Brown et al. That decree quiets title to a portion of the Feaster Apartments property in Portsmouth Housing Authority. The decree is dated October 6, 1966 and was recorded at the Rockingham County Registry of Deeds at Book 1839, Page 307. It is impossible to tell from the recorded decree what the claimed title defect was in 1966.
3. The final source of title is the Deed from the City of Portsmouth to Portsmouth Housing Authority, which deed was recorded on July 17, 1968, at the Rockingham County Registry of Deeds at Book 1920, Page 1947. A corrective deed was later recorded on November 22, 1968, at Book 1942, Page 12. This deed contains the reverter clause. The reverter is triggered if PHA “ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land” (The adjacent land to which this clause appears to refer is the land acquired from Brown and Shaines in 1965, and any interest obtained via quiet title in 1966).

Copies of all deeds and the decree referenced in this section are attached hereto as Exhibit C.

152 Court Street (Ed Pac Land):

Ed Pac, LLC’s chain of title is as follows:

1. Peter J. Hickey, Trustee under the will of William McEvoy conveyed the property to Ruth F. Chase by deed dated March 29, 1938 and recorded at the Rockingham County Registry of Deeds.
2. Ruth F. Chase conveyed the property to Frank A. Graf II and Joan C. Graf by deed dated December 15, 1972 and recorded at the Rockingham County Registry of Deeds at Book 2192, Page 239.
3. Frank and Joan Graf conveyed the property to Joan C. Graf, Trustee of the Joan C. Graf Trust and to Frank A. Graf, Trustee of the Frank A. Graf Trust by deed dated October 16, 2000, and recorded at the Rockingham County Registry of Deeds at Book 3511, Page 1378.
4. The trustees of the Joan C. Graf Trust and the Frank A. Graf Trust conveyed the property to Ed Pac, LLC.
5. Ed Pac, LLC, conveyed a PORTION ONLY of its property to PHA Housing Development, Ltd., by deed dated March 11, 2020, and recorded at the Rockingham County Registry of Deeds at Book 6091, Page 1934. The portion of 152 Court Street conveyed to PHA is depicted on a plan recorded at the Rockingham County Registry of Deeds as Plan D-42016.

Copies of all deeds and the plan referred to in this section are attached hereto as Exhibit D.

Both of these parcels of land are shown on the existing conditions plan also attached hereto as Exhibit D. The PHA parcel is identified as Map 116/38 and the Ed Pac land is identified as Map 116/37. As part of the development plan, the PHA subdivided Map 116/37 to allow for the preservation of the existing historic home located on Court Street to remain. The approved lot line relocation plan is attached hereto as Exhibit E.

To address some of the Council's comments from the April 20th, 2020 meeting, I offer the following:

1. The Feaster property was originally at least two parcels, as set out above. PHA acquired the property from the City in part, and from Brown and Shaines in part, and, potentially an interest via quiet title as well.
2. The property that will revert in the event that Feaster no longer operates as a "housing for the elderly project" is the property conveyed by the deed at 1942/12 (less the portion to be conveyed to Ed Pac, LLC, if the reverter is removed from that small portion).
3. The reverter issue did not come up earlier in the project because PHA only did title work for that portion of 152 Court Street that it was purchasing from Ed Pac, LLC, it did not do title work on its own property.
4. The portion of property being conveyed to Ed Pac, LLC, pursuant to the approved lot line relocation plan is shown on the attached plan marked as Lot line Relocation plan Exhibit E. In Green, marked as parcels A & C is the property being conveyed. This amounts to less than 1000 square feet of land and will not impact the Portsmouth Housing Authority's continued operation of the Feaster Apartments.
5. Attached as Exhibit F is a copy of the proposed Reverter Release for Parcels A & C. As a point of clarification, this release is not intended to release the entire reverter.

200.

and that no other purchaser shall be answerable for the application of the purchase money.

And it is agreed that if the premises herein described be acquired, in whole or in part, by one who does not assume and agree to pay this mortgage, that the whole of said mortgage indebtedness shall become due at the option of the holder of this mortgage.

This mortgage is subject to the provisions of Part 3 of the Act of Congress entitled "the Emergency Farm Mortgage Act of 1933" (and any amendments thereto.)

In Witness Whereof we have hereunto set our hands and seals the 7th day of May in the year of our Lord One Thousand Nine Hundred and Thirty-eight.

Signed, sealed and delivered in the presence of

Muriel D. Bowen Clarence E. Fiske (L.S.)
to both Albertina Fiske (L.S.)

State of New Hampshire, Rockingham SS. May 7, 1938.

Personally appeared the above named Clarence E. Fiske and Albertina Fiske and acknowledged the foregoing instrument to be their voluntary act and deed. Before me,

Muriel D. Bowen

Justice of the Peace

Received and Recorded May 7, 11:10 A.M.1938.

John W. Green Register

Trus. Deed
Hickey, Tr.
to
Chase
Del. to
R.G.McCarthy

50 cts.
rev.

Know All Men By These Presents,

That I, Peter J. Hickey of Portsmouth, in the County of Rockingham and The State of New Hampshire, Trustee under the will of William McEvoy late of said Portsmouth, by virtue of a license from the Court of Probate for said County of Rockingham, holden at Exeter in said County on the twenty-second day of March, 1938, authorizing me to sell at public auction or private sale, and in consideration of the sum of One dollar and other valuable consideration to me in hand before the delivery hereof, paid by Ruth E. Chase of Newcastle in said county of Rockingham and The State of New Hampshire, the receipt whereof I do hereby acknowledge, have granted, bargained and sold, and by these presents, do hereby in my said capacity, grant, bargain, sell, convey and confirm unto the said Ruth E. Chase, her heirs and assigns forever, all the right, title and interest of said deceased in and unto the following described real estate:

A certain parcel of land with the buildings thereon, situate on the Southerly side of Court Street in said Portsmouth and bounded and described as follows: Beginning at the Northwesterly corner of the land of the heirs of Robert Bradford, deceased, and thence running by said Court Street, South 80° West, 25.60 feet, more or less, to a point; which is the Westerly edge of a granite curb at land now or formerly of Emily Florence Donnell; thence turning and running South 11° East by said curb and by other land of Donnell, 29.87 feet, more or less, to the end of the brick sidewalk; thence continuing by said other land of said Donnell, South 15° 34' East 29.13 feet, more or less; thence continuing by said Donnell's other land, South 13° 18' East, 36.65 feet, more or less; thence turning and running at right angles by said Donnell's other land, North 76° 42' East 1.85 feet, more or less; thence turning at right angles and running by said Donnell's other land, South 11° 18' East, 109.55 feet, more or less; thence turning and running at right angles, North 79° 43' East, 19.25 feet, more or less, to land of said heirs of Bradford; thence turning and running by said Bradford land North 10° 27' West, 204.8 feet, more or less, to point begun at.

Together with a right-of-way from Court Street to the back yard of said premises, in common with said Emily Florence Donnell, her heirs and assigns. Being the same property conveyed to the late William McEvoy by Emily Florence Donnell by Warranty deed, dated June 23, 1923, recorded in Rockingham Records, Book 777, Page 83.

Being subject, nevertheless, to a certain mortgage to the Piscataqua Savings Bank of said Portsmouth, dated June 22, 1923, recorded in Rockingham Records, Book 775, Page 114.

To have and to hold the same with all the privileges and appurtenances thereto belonging to the said Grantee, her heirs and assigns forever. And I do hereby, in my said capacity covenant with the said Grantee, her heirs and assigns, that I am duly authorized to make sale of the premises, that in all my proceedings in the sale thereof I have complied with the requirements of the statute in such case provided, and that I will warrant and defend the same to the said Grantee, her heirs and assigns, against the lawful claims of all persons claiming by, from or under me, in the capacity aforesaid.

In Witness Whereof, I have hereunto set my hand and seal this twenty-ninth day of March in the year of our Lord, 1938.

Signed, sealed and delivered in the presence of:

Ralph G. McCarthy

Peter J. Hickey (L.S.)
Trustee u/w William McEvoy

The State of New Hampshire, Rockingham SS. March 29, A.D.1938.

Personally appeared Peter J. Hickey, Trustee under the will of William McEvoy and acknowledged the foregoing instrument by him subscribed to be his voluntary act and deed.

Before me,
Ralph G. McCarthy

Justice of the Peace

Received and Recorded May 9, 9 A.M.1938.

John W. A. Green Register

50 cts.
rev.

Deed Under Power Of Sale.

Foreclosure

Stanford

Whereas, Charles E. Stanford of Londonderry in the County of Rockingham and State of New Hampshire, did by mortgage deed dated May 2, 1917, and recorded in Rockingham County Registry of Deeds, Book 717, Page 57, convey the premises hereinafter described to Viola A. Barnett of Derry in said County of Rockingham and State of New Hampshire, and whereas on July 21, 1936, Walter A. Pillsbury, Administrator of the estate of said Viola A. Barnett, did assign said mortgage to Gertrude V. Cooley, George A. Cutler and Allison B. Cutler, Sr., heirs-at-law of said Viola A. Barnett, and whereas in and by said mortgage deed the grantee named therein and her heirs and assigns were authorized and empowered, upon any default in the premises or observance of the conditions of said mortgage, to sell the said premises, with all additions and improvements that might be thereon, at public auction in the town of Londonderry aforesaid on the premises, first publishing notice as therein required in some newspaper published in Exeter in said County, and did authorize and empower the mortgagee therein or her assigns to convey the same by proper deed or deeds to the purchaser or purchasers absolutely and in fee simple; and whereas there has been such default, and notice has been published, and a sale has been made, as will more particularly appear in and by the affidavit hereto subjoined.

to
Cooley
et al
Del. to
W.A.Pills-
bury
See B. 717
P. 57

Now Therefore Know All Men that said Gertrude V. Cooley, George A. Cutler and Allison B. Cutler, Sr., by virtue and in execution of the power in said mortgage deed as aforesaid, and of every other power contained in said mortgage deed as aforesaid, and of every other power hereto enabling, and in consideration of the sum of Four Hundred (\$400.00) dollars to them paid by said Gertrude V. Cooley, George A. Cutler and Allison B. Cutler Sr. do hereby bargain, sell and convey unto the said Gertrude V. Cooley, George A. Cutler and Allison B. Cutler Sr., their heirs and assigns all and singular the premises conveyed by the aforesaid mortgage deed, namely:

A certain parcel of land with the buildings thereon, situated in Londonderry in the

well
Shaines
U.S. Rev
Stamp #27.50

KNOW ALL MEN BY THESE PRESENTS

1548 233

That The Young Men's Christian Association of Portsmouth, in the County of Rockingham and State of New Hampshire, a corporation duly established by the laws of said State, FOR AND IN CONSIDERATION of the sum of one dollar and other valuable considerations to it in hand before the delivery hereof well and truly paid by Paul V. Brown and Edward I. Shaines, both of Portsmouth in the County of Rockingham and State of New Hampshire, the receipt whereof it does hereby acknowledge, has granted, bargained and sold, and by these presents does give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Paul V. Brown and Edward I. Shaines, their heirs and assigns forever,

A certain parcel of land with the buildings thereon situate in the Southerly side of Court Street in said Portsmouth, bounded and described as follows, viz:

Beginning in said Street in the Northeasterly corner of said premises and at the Northwesterly corner of premises of Emily Donnell, et als; and thence turning and running by said Donnell's land South ten degrees, forty-four minutes (10° 44') East, two hundred forty-three and eight-tenths (243.8) feet to land now or formerly of Rufus Wood; thence turning and running by said land of Wood and land now or formerly of Frank E. Hodgdon, South seventy-nine degrees, six minutes (79° 6') West, seventy-seven (77) feet to a point at said Hodgdon land; thence turning and running North twelve degrees, one minute (12° 1') West, two hundred forty-five and eight-tenths (245.8) feet by land now or formerly of Hodgdon, Sullivan, Chick, Appleton, Whalley, and Johnston to a point in said Court Street; thence turning and running by said Court Street North eighty degrees, twenty-six minutes (80° 26') East, eighty-two and fifty-five hundredths (82.55) feet to the point begun at.

Being the same premises shown on a plan entitled "Plan of Lot No. 130 Court Street, Portsmouth, N. H.", dated July, 1937 made by John W. Durgin, Civil Engineer, further identified by File No. 2010, Plan No. 1-184 and also being the same premises conveyed by the Philbrooks and Reids to the grantor by deed dated November 16, 1956, recorded in Rockingham County Registry of Deeds Book 1417, Page 17.

TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging to them the said Paul V. Brown and Edward I. Shaines and their heirs and assigns, to them and their only proper use and benefit forever. And it the said Grantor, its successors and assigns does hereby covenant, grant and agree, to and with the said Paul V. Brown and Edward I. Shaines and their heirs and assigns that until the delivery hereof it is the lawful owner of the said premises, it is seized and possessed thereof in its own right in fee simple; and has full power and lawful authority to grant and convey the same in manner aforesaid; that the premises are free and clear from all and every incumbrance whatsoever; and that it and its successors and assigns shall and will WARRANT AND DEFEND the same to the said Paul V. Brown and Edward I. Shaines and their heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

IN WITNESS WHEREOF the Young Men's Christian Association of Portsmouth, New Hampshire, a corporation having no common seal, has caused this deed to be signed and sealed by its Board of Trustees this 8th day of June 1960.

Signed, sealed and delivered in the presence of
Norman F. C. Kent

To all etc

J. Kerne Wood
Walter S. Wood
Charles Walker
Foruman E. Paul
Frederic G. Williams
James J. Landis

17

Del
Gunter
U.S. Post
STAMP
35.75

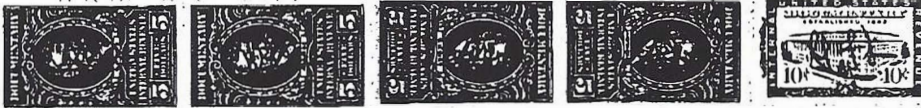
1797 020 Know all Men by these Presents:

THAT we, Paul V. Brown and Edward I. Shaines, both of Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grant to Portsmouth Housing Authority, a public body corporate and politic duly organized and established by law with a principal place of business at Portsmouth, Cty. with warranty covenants to the said Portsmouth Housing Authority (of Rockingham and State of New Hampshire)

A certain parcel of land ~~with the buildings thereon~~ situate in the Southerly side of Court Street in said Portsmouth, bounded and described as follows, viz:

Beginning in said Street in the Northeasterly corner of said premises and at the North-westerly corner of premises now or formerly of Emily Donnell, et als; and thence turning and running by said Donnell's land South ten degrees, forty-four minutes (10° 44') East, two hundred forty-three and eight-tenths (243.8) feet to land now or formerly of Rufus Wood; thence turning and running by said land of Wood and land now or formerly of Frank E. Hodgdon, South seventy-nine degrees, six minutes (79° 6') West, seventy-seven (77) feet to a point at said Hodgdon land; thence turning and running North twelve degrees, one minute (12° 1') West, two hundred forty-five and eight-tenths (245.8) feet by land now or formerly of Hodgdon, Sullivan, Chick, Appleton, Whalley, and Johnston to a point in said Court Street; thence turning and running by said Court Street North eighty degrees, twenty-six minutes (80° 26') East, eighty-two and fifty-five hundredths (82.55) feet to the point begun at.

Being the same premises shown on a plan entitled "Plan of Lot No. 130 Court Street, Portsmouth, N. H.", dated July, 1937 made by John W. Durgin, Civil Engineer, further identified by File No. 2010, Plan No. 1-184 and also being the same premises conveyed by the Young Men's Christian Association of Portsmouth to the grantors by Warranty Deed, dated June 8, 1960, recorded at Rockingham County Registry of Deeds, Book 1548, Page 233.



We, Dorothy R. Brown and Ruth H. Shaines, wives of said grantor, release to said grantee all rights of (dower) and homestead and other interests therein.

Witness OUR hand & seal & this 10th day of November, 1965

WITNESS
[Signature]
[Signature]

Paul V. Brown
Dorothy R. Brown
Edward I. Shaines
Ruth H. Shaines

STATE OF NEW HAMPSHIRE COUNTY OF ROCKINGHAM
On this the 10th day of November, 1965, before me, Paul V. Brown, Jr. the undersigned officer, personally appeared Paul V. Brown, Edward I. Shaines, Dorothy R. Brown and Ruth H. Shaines, known to me (or satisfactorily proven) to be the person & whose name & are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.
In witness whereof I hereunto set my hand and official seal.



REC'D & RECORDED NOV 10 1965 2:19 PM

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THE STATE OF NEW HAMPSHIRE

Rockingham, ss.

Superior Court

September Term, 1966

Portsmouth Housing Authority

v.

Paul V. Brown et al

Equity No. 14029

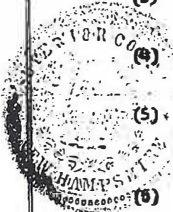
DECREE

IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Portsmouth Housing Authority is hereby decreed to be the owner in fee simple of the following tracts or parcels of land, situated in the City of Portsmouth, County of Rockingham and State of New Hampshire, aforesaid, bounded and described as follows:

Beginning at a point on the southerly side line of Court Street, at the dividing line of property now or formerly of Charles S. Chase and Ruth E. Chase, and property now or formerly of Richard C. Philbrick, as shown on a plan prepared by Wright and Pierce, Civil Engineers, Portsmouth, New Hampshire, entitled "Property Line Map, Court Street Site, Portsmouth Housing Authority, Portsmouth, Rockingham County, New Hampshire, June 10, 1963"; thence

- (1) South 10° 49' East, 29.87 feet;
South 15° 23' East, 29.13 feet;
South 13° 07' East, 36.65 feet by land of Chase to a point;
- (2) North 76° 53' East, 1.7 feet by land of Chase to a point;
- (3) South 11° 07' East, 109.55 feet by land of Chase to a point;
- (4) North 79° 54' East, 19.25 feet to a point at land of the City of Portsmouth;
- (5) South 10° 45' East, 40.5 feet by land of the City of Portsmouth to land of the Home for Aged Women;
- (6) South 79° 32' West, 77.35 feet by land of the Home for Aged Women to a point;
- (7) South 78° 28' West, 77 feet by land of the Home for Aged Women and land now or formerly of J. F. and A. I. Sullivan to a point at land now or formerly of D. J. Sullivan;



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1839 308

- (8) North 13° 42' West, 245.8 feet to the southerly side of Court Street;
- (9) North 78° 45' East, 82.55 feet along the southerly side line of Court Street to a point;
- (10) North 79° 06' East, 58.95 feet along the southerly side line of Court Street to a point at land now or formerly of Charles S. Chase and Ruth E. Chase and the point of beginning.

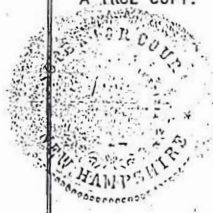
The above tract of land is shown on "Property Line Map, Court Street Site, Portsmouth Housing Authority, Portsmouth, Rockingham County, New Hampshire, prepared by Wright and Pierce, Civil Engineers, Portsmouth, New Hampshire, June 10, 1963, Project No. NH 4-3," which reference is made thereto for further description.

2. That all the right, title, interest, claim and demand of Richard C. Philbrick, Charles S. Chase, Ruth E. Chase, Paul V. Brown, Dorothy R. Brown, Edward I. Shaines and Ruth H. Shaines, and any other party or parties claiming an interest through or under said petitionees be and the same are hereby removed, vacated and annulled, as clouds upon the title of the complainant in and to the aforesaid tracts or parcels of land, and every part or parcel thereof, and the title in and to said tracts or parcels of land is confirmed and vested in Portsmouth Housing Authority with full right and authority to have, hold, use and possess and enjoy the same to itself and its successors and assigns forever.

Dated October 6, 1966.

/s/ George R. Grant, Jr.
Presiding Justice

A TRUE COPY: In Witness Whereof I have hereunto set my hand and affixed the seal of the Superior Court this 10th day of October, 1966.



Paulie C. Wilson
Deputy-Clerk of Superior Court.

MAILED
OCT 10 1966

1920 047

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of The State of New Hampshire, with its principal place of business at 126 Daniel Street in said Portsmouth, for consideration paid grant to the Portsmouth Housing Authority, a body corporate and politic, with a principal place of business at 25 Vaughan Street, Portsmouth, County of Rockingham and The State of New Hampshire, with quitclaim covenants a certain tract or parcel of land in said City of Portsmouth bound and described as follows:

Beginning at a point located on the southerly sideline of Court Street, said point being located 248.35 feet, more or less, from the northwesterly corner of Rogers Street and Lot No. 7 as shown on Assessor Plan #21 of the City of Portsmouth; thence turning and running southeasterly for a distance of 246.2 feet, more or less to the boundary line of lands presently or formerly owned by the Home for Aged Women, so-called as shown on said Assessor Plan #21 as Lot No. 10; thence turning northeasterly and running along the westerly property line of said Lot #10 and the westerly property line of Lot No. 19 as shown on said Assessor Plan No. 21 for a distance of 148 feet, more or less, to a point; thence turning and running Northwesterly 90°, 68.02 feet, more or less, to a point; thence turning and running southwesterly 65 feet, more or less, to a point located on the westerly boundary line of lot No. 11 as shown on said Assessor Plan No. 21; thence running northwesterly along said Lot No. 11 boundary line for a distance of 173.97 feet, more or less, to the southerly sideline of Court Street; thence turning southwesterly and running 83.53 feet, more or less, in a southwesterly direction along Court Street sideline to the point of beginning.

Meaning to include all of Lot No. 24 and a section of Lot No. 11 so as to include a total of 25,004 square feet of land presently owned by the City of Portsmouth, New Hampshire.

The within conveyance is made subject to the following reverter provision: If and when the said Grantee ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land, the above described tract or parcel of land shall automatically revert to the said City of Portsmouth.

IN WITNESS WHEREOF; The City of Portsmouth, by its City Manager, duly authorized, has hereunto set his hand and the corporate seal this 16th day of July in the year of our Lord 1968.

In the presence of:

City of Portsmouth,

John C. Driscoll

By *Robert C. Violette*
Robert C. Violette
City Manager



STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

July 16, 1968

Personally appeared Robert C. Violette, known to me, who, being sworn did say that he is the City Manager of the City of Portsmouth, a municipal corporation duly organized by law, that the seal affixed to the foregoing instrument is the corporate seal of said City, that said instrument was signed and sealed on behalf of said City, and said City Manager Robert C. Violette acknowledged said instrument to be the free act and deed of said City and that he executed the same for the purposes therein contained.

John C. Driscoll
John C. Driscoll
Justice of the Peace

Jul 17 9 50 AM '68

63748

see
V-1942
P-12

JOHN C. DRISCOLL
ATTORNEY AT LAW
177 STATE STREET
PORTSMOUTH, N. H.

1942 012

17899

NOV 22 2 37 PM '68

The City of Portsmouth, New Hampshire, a municipal corporation organized and existing under the laws of The State of New Hampshire, with its principal place of business at 126 Daniel Street in said Portsmouth, for consideration paid grants to the Portsmouth Housing Authority, a body corporate and politic, with a principal place of business at 25 Vaughan Street, Portsmouth, County of Rockingham and The State of New Hampshire, with quitclaim covenants a certain tract or parcel of land in said City of Portsmouth bound and described as follows:

Beginning at a point located on the southerly sideline of Court Street, said point being located 241.5 feet, more or less, from the northwesterly corner of Rogers Street and Lot No. 7 as shown on Assessor Plan #21 of the City of Portsmouth; thence turning and running southeasterly for a distance of 245.5 feet, more or less to the boundary line of lands presently or formerly owned by the Home for Aged Women, so-called as shown on said Assessor Plan #21 as Lot No. 10; thence turning northeasterly and running along the westerly property line of said Lot #10 and the westerly property line of Lot No. 19 as shown on said Assessor Plan No. 21 for a distance of 148 feet, more or less, to a point; thence turning and running Northwesterly 90°, 69.91 feet, more or less, to a point; thence turning and running southwesterly 66.72 feet, more or less, to a point located on the westerly boundary line of lot No. 11 as shown on said Assessor Plan No. 21; thence running northwesterly along said Lot No. 11 boundary line for a distance of 175.08 feet, more or less, to the southerly side line of Court Street; thence turning southwesterly and running 85.5 feet, more or less, in a southwesterly direction along Court Street sideline to the point of beginning.

Meaning to include all of Lot No. 24 and a section of Lot No. 11 so as to include a total of 25,004 square feet of land presently owned by the City of Portsmouth, New Hampshire.

The within conveyance is made subject to the following revert-er provision: If and when the said Grantee ceases to operate and own a housing for the elderly project at other property of said Grantee adjoining the above described land, the above described tract or parcel of land shall automatically revert to the said City of Portsmouth.

This deed is given to correct the description in a prior deed dated July 16, 1968 and recorded in Rockingham County Register of Deeds at Book 1920, Page 47.

IN WITNESS WHEREOF, The City of Portsmouth, by its City Manager, duly authorized, has hereunto set his hand and the corporate seal this 22nd day of November in the year of our Lord 1968.

In the presence of:

City of Portsmouth

Handwritten signature of witness

By *Handwritten signature of Robert C. Violette*
Robert C. Violette
City Manager



STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

November 22, 1968

Personally appeared Robert C. Violette, known to me, who, being sworn did say that he is the City Manager of the City of Portsmouth, a municipal corporation duly organized by law, that the seal affixed to the foregoing instrument is the corporate seal of said City, that said instrument was signed and sealed on behalf of said City, and said City Manager Robert C. Violette acknowledged said instrument to be the free act and deed of said City and that he executed the same for the purposes therein contained.

Handwritten signature of Notary Public
Notary Public

BK2192 PG239

Know all men by these presents

*77.71.
Jay
Stamp
\$42.00*

REC'D ROCKINGHAM COUNTY
REGISTRY OF DEEDS
DEC 15 11 45 AM '72

THAT, I, Ruth E. Chase
of Portsmouth Rockingham County, State of
New Hampshire, for consideration paid, grant to Frank A. Graf, and Joan C. Graf,
as joint tenants, with right of survivorship, and not as tenants in common

of 1 Post Road, Greenland Rockingham County, State of
New Hampshire, with WARRANTY COVENANTS,

A certain parcel of land with the buildings thereon, situate on the southerly side
of Court Street, in Portsmouth, County of Rockingham and State of New Hampshire, and
bounded and described as follows:

Beginning at the northwesterly corner of the land now or formerly of the Heirs of
Robert Bradford, deceased, and thence running by said Court Street South 80° West,
twenty-five and sixty hundredths (25.60 feet, more or less, to a point, which is the
westerly edge of a granite curb at land now or formerly of Emily Florence Donnell;
thence turning and running South 11° East by said curb and by other land of Donnell
twenty-nine and eighty-seven hundredths (29.87) feet, more or less, to the end of the
brick sidewalk; thence continuing by said other land now or formerly of said Donnell
South 15°34' East twenty-nine and thirteen hundredths (29.13) feet, more or less;
thence continuing by said Donnell's other land South 13°18' East thirty-six and sixty-
five hundredths (36.65) feet, more or less; thence turning and running at right angles
by said Donnell's other land North 76°42' East one and eighty-five hundredths (1.85)
feet, more or less; thence turning at right angles and running by said Donnell's other
land South 11°18' East one hundred nine and fifty-five hundredths (109.55) feet, more
or less; thence turning and running at right angles North 79°43' East nineteen and
twenty-five hundredths (19.25) feet, more or less, to land now or formerly of said
Heirs of Bradford; thence turning and running by said Bradford land North 10°27' West
two hundred four and eight tenths (204.8) feet, more or less, to point begun at.

Being the same premises which I acquired by Deed of Peter J. Hickey, Trustee
under the Will of William McEvoy, dated March 29, 1938, recorded in Rockingham County
Registry of Deeds, Book 941, Page 200.



I, Charles S. Chase, husband of Ruth E. Chase, ~~Notary Public~~ ~~Notary~~ said Grantor,

release to said Grantees all rights of ~~dower~~ ~~curety~~ and homestead and other interest therein.

Witness our hand and seal this 15 day of December, 1972

Witness:

Charles S. Chase (Signature)
Ruth E. Chase (Signature)
Charles S. Chase (Signature)

The State of New Hampshire

Rockingham, N.H. Dec. 15, 1972

Then personally appeared the above named Ruth E. Chase and Charles S. Chase
and acknowledged the foregoing instrument to be their voluntary act and deed, before me

Charles S. Chase (Signature)
Notary Public - Justice of the Peace.

057143

2000 OCT 16 AM 9:56

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

WARRANTY DEED

We, FRANK A. GRAF, II, a/k/a FRANK A. GRAF, and JOAN C. GRAF, husband and wife, of Durham, Strafford County, New Hampshire, for consideration paid,

grant an undivided one-half (1/2) interest in and to the within described premises to each of the following grantees: 1) JOAN C. GRAF, Trustee of THE JOAN C. GRAF TRUST, a revocable trust dated September 5, 1990, and 2) FRANK A. GRAF, Trustee of THE FRANK A. GRAF TRUST, a revocable trust dated September 5, 1990, having a mailing address of 360 Durham Point Road, Durham, New Hampshire, 03824,

with WARRANTY COVENANTS, the following described premises:

A certain tract or parcel of land with the buildings thereon, situate on the southerly side of Court Street, in Portsmouth, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at the northwesterly corner of the land now or formerly of the Heirs of Robert Bradford, deceased, and thence running by said Court Street South 80° West, 25.60 feet, more or less, to a point, which is the westerly edge of a granite curb at land now or formerly of Emily Florence Donnell; thence turning and running South 11° East by said curb and by other land of Donnell 29.87 feet, more or less, to the end of the brick sidewalk; thence continuing by said other land now or formerly of said Donnell South 15° 84' East 29.13 feet more or less; thence continuing by said Donnell's other land South 13° 18' East 36.65 feet, more or less; thence turning and running at right angles by said Donnell's other land North 76° 42' East 1.85 feet, more or less; thence turning at right angles and running by said Donnell's other land South 11° 18' East, 109.55 feet, more or less; thence turning and running at right angles North 79° 43' East, 19.25 feet, more or less, to land now or formerly of said Heirs of Bradford; thence turning and running by said Bradford land North 10° 27' West, 204.8 feet, more or less, to the point begun at.

Meaning and intending to describe and convey the same premises conveyed to the within grantors by deed of Ruth E. Chase, dated December 15, 1972, and recorded in the Rockingham County Registry of Deeds at Book 2192, Page 239.

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

XX THOUSAND XX HUNDRED AND 40 DOLLARS

MO. DAY YR. 10 16 00 456338 \$ 40.00

VOID IF ALTERED


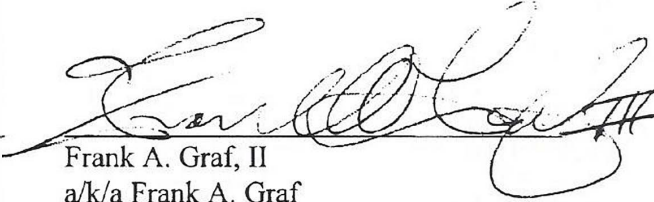
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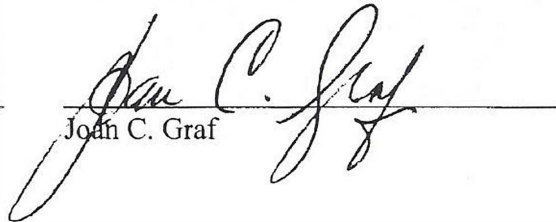
- 2 -

This deed has been prepared from information supplied by the within grantor, and no independent title examination has been performed.

Property: Court Street, Portsmouth, NH

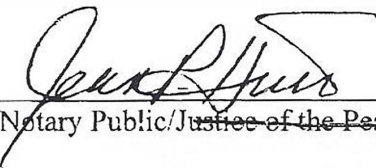
Signed on October 10, 2000



 Witness _____ Frank A. Graf, II
 a/k/a Frank A. Graf



 Witness _____ Joan C. Graf

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me on October 10, 2000 by Frank A. Graf, II, a/k/a Frank A. Graf, and Joan C. Graf.


Notary Public/~~Justice of the Peace~~

My commission expires:

(Seal) JEAN P. HURLBUT, Notary Public
My Commission Expires January 19, 2005



BK 4679 P6 0149

041975

2006 JUL -7 PM 3:04

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

CERTIFICATE OF TRUSTEE

Now comes the undersigned, **JOAN C. GRAF**, of Durham, State of New Hampshire, and do hereby certify that she is the duly named and acting Trustee of **The Joan C. Graf Trust**.

The undersigned Trustee declares that said trust is in full force and effect and that she has full and absolute power in said trust instrument to hold, convey and deal in any interest in real and personal property, including improvements to real property held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee.

Joan C. Graf, Trustee

JOAN C. GRAF, TRUSTEE

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS:

July 7, 2006

Personally appeared **JOAN C. GRAF, Trustee of The Joan C. Graf Trust**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Douglas W. Macdonald

JUSTICE OF THE PEACE / NOTARY PUBLIC
MY COMMISSION EXPIRES:

DOUGLAS W. MACDONALD, Notary Public
My Commission Expires August 1, 2008



KEANE & MACDONALD, P.C. - ATTORNEYS AT LAW

1000 MARKET STREET - BLDG. 1 - SUITE 202 - P.O. BOX 477 - PORTSMOUTH, NH 03802-0477

BK 4679 PG 0150

041976

2006 JUL -7 PM 3:05

CERTIFICATE OF TRUSTEE

Now comes the undersigned, **FRANK A. GRAF**, of Durham, State of New Hampshire, and do hereby certify that he is the duly named and acting Trustee of **The Frank A. Graf Trust**.

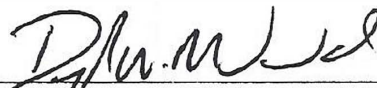
The undersigned Trustee declares that said trust is in full force and effect and that he has full and absolute power in said trust instrument to hold, convey and deal in any interest in real and personal property, including improvements to real property held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee.


FRANK A. GRAF, TRUSTEE

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS:

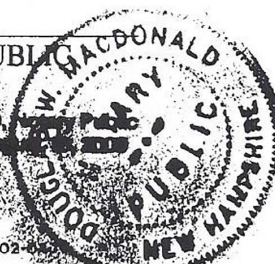
July 7, 2006

Personally appeared **FRANK A. GRAF, Trustee of The Frank A. Graf Trust**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.



JUSTICE OF THE PEACE / NOTARY PUBLIC
MY COMMISSION EXPIRES:

DOUGLAS W. MACDONALD
My Commission Expires August 2006

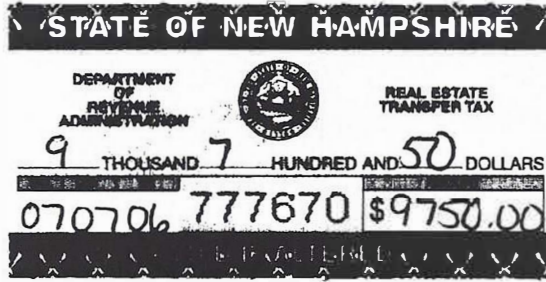


KEANE & MACDONALD, P.C. - ATTORNEYS AT LAW

1000 MARKET STREET - BLDG. 1 - SUITE 202 - P.O. BOX 477 - PORTSMOUTH, NH 03802-0477

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 4679 P6 0151



041977

WARRANTY DEED

KNOW EVERYONE BY THESE PRESENTS THAT Joan C. Graf, Trustee of The Joan C. Graf Trust, a revocable trust dated September 5, 1990, and Frank A. Graf, Trustee of The Frank A. Graf Trust, a revocable trust dated September 5, 1990, having a mailing address of 360 Durham Point Road, Durham, New Hampshire, 03824, for consideration paid grant to, ED PAC, LLC, a New Hampshire limited liability company with a mailing address of 242 Central Avenue, Dover, New Hampshire, 03820, with Warranty Covenants, the following:

A certain tract or parcel of land with the buildings thereon, situate on the southerly side of Court Street, in Portsmouth, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at the northwesterly corner of land now or formerly of the Heirs of Robert Bradford, deceased, and thence running by said Court Street South 80° West, 25.60 feet, more or less, to a point, which is the westerly edge of a granite curb at land now or formerly of Emily Florence Donnell; thence turning and running South 11° East by said curb and by other land of Donnell 29.87 feet, more or less, to the end of the brick sidewalk; thence continuing by said other land now or formerly of said Donnell South 15° 84' East 29.13 feet more or less; thence continuing by said Donnell's other land South 13° 18' East 36.65 feet, more or less; thence turning and running at right angles by said Donnell's other land North 76° 42' East 1.85 feet, more or less; thence turning at right angles and running by said Donnell's other land South 11° 18' East, 109.55 feet, more or less; thence turning and running at right angles North 79° 43' East, 19.25 feet, more or less, to land now or formerly of said Heirs of Bradford, thence turning and running by said Bradford land North 10° 27' West 204.8 feet, more or less, to the point begun at.

Meaning and intending to describe the same premises conveyed by Warranty Deed of Frank A. Graf, II, a/k/a Frank A. Graf, and Joan C. Graf to the Grantors herein, dated October 12, 2000, and recorded in the Rockingham County Registry of Deeds at Book 3511, Page 1378.

KEANE & MACDONALD, P.C. - ATTORNEYS AT LAW

1000 MARKET STREET - BLDG. 1 - SUITE 202 - P.O. BOX 477 - PORTSMOUTH, NH 03802-0477

2006 JUL -7 PH 3:05

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 4679 PG 0152

Signed this 7 day of July, 2006

Joan C. Graf, Trustee
Joan C. Graf,
Trustee of The Joan C. Graf Trust

Frank A. Graf, Trustee
Frank A. Graf,
Trustee of The Frank A. Graf Trust

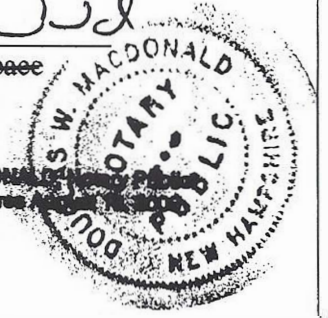
STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this 7 day of July, 2006, personally appeared the above-named Joan C. Graf, Trustee of The Joan C. Graf Trust, and Frank A. Graf, Trustee of The Frank A. Graf Trust, and gave oath that the foregoing subscribed to by them is their own free act and deed, before me:

D. W. MacDonald

Notary Public / Justice of Peace
My Commission Expires:

DOUGLAS W. MACDONALD
My Commission Expires





LCHIP	ROA485103	25.00
TRANSFER TAX	RO095254	5,070.00
RECORDING		14.00
SURCHARGE		2.00

Return to:
PHA Housing Development, Ltd
245 Middle Street
Portsmouth, NH 03801

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Ed Pac, LLC**, a New Hampshire Limited Liability Company, with an address of 242 Central Avenue, Dover, New Hampshire 03820, for consideration paid grant(s) to **PHA Housing Development, Ltd.**, a New Hampshire Nonprofit Corporation with an address of 245 Middle Street, Portsmouth, New Hampshire 03801, with WARRANTY COVENANTS:

A certain parcel of land situate in Portsmouth, County of Rockingham, State of New Hampshire, depicted on a plan (the "Plan") entitled "Boundary Plan of Land, Tax Map 116 – Lot 37, Prepared For: Portsmouth Housing Authority, Owner: Ed Pac, LLC, 152 Court Street, City of Portsmouth, County of Rockingham, State of New Hampshire" dated February 2020, and recorded at the Rockingham County Registry of Deeds as Plan D-42016. The property conveyed herein is more particularly bounded and described on the Plan as follows:

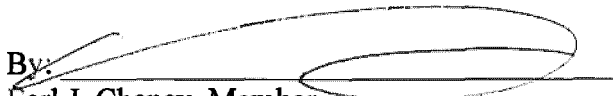
Beginning at a point at the northeastern corner of the lot herein conveyed, that is South 63° 06' 44" West a distance of 4.04 feet from an iron rod set in land now or formerly of the Grantee; Thence running South 27° 37' 38" East a distance of 155.16 feet to a point; Thence turning and running South 63° 11' 13" West a distance of 20.27 feet to a point; Thence turning and running North 27° 49' 47" West a distance of 109.55 feet to a point; Thence turning and running South 60° 10' 13" West a distance of 1.70 feet to a point; Thence turning and running North 29° 49' 47" West a distance of 36.65 feet to a point; Thence turning and running North 32° 05' 47" West a distance of 9.11 feet to a point; Thence turning and running North 63° 06' 44" East a distance of 30.11 feet to a point at the northeastern corner of the lot herein conveyed, and the point and place of beginning.


Meaning and intending to describe and convey a portion of the premises conveyed to the Grantor by Warranty Deed of Joan C. Graf, Trustee of The Joan C. Graf Trust and Frank A. Graf, Trustee of The Frank A. Graft Trust dated July 7, 2006 and recorded at Book 4679, Page 151.

This property is not homestead property.

Executed this 11 day of March, 2020.

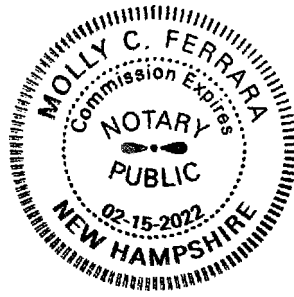
Ed Pac, LLC

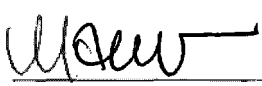
By: 
Earl J. Cheney, Member

By: 
David Paolini, Member

State of New Hampshire
County of Rockingham

Then personally appeared before me on this 11 day of March, 2020, Earl J. Cheney and David Paolini, Members of Ed Pac, LLC, and acknowledged the foregoing to be their free act and deed.



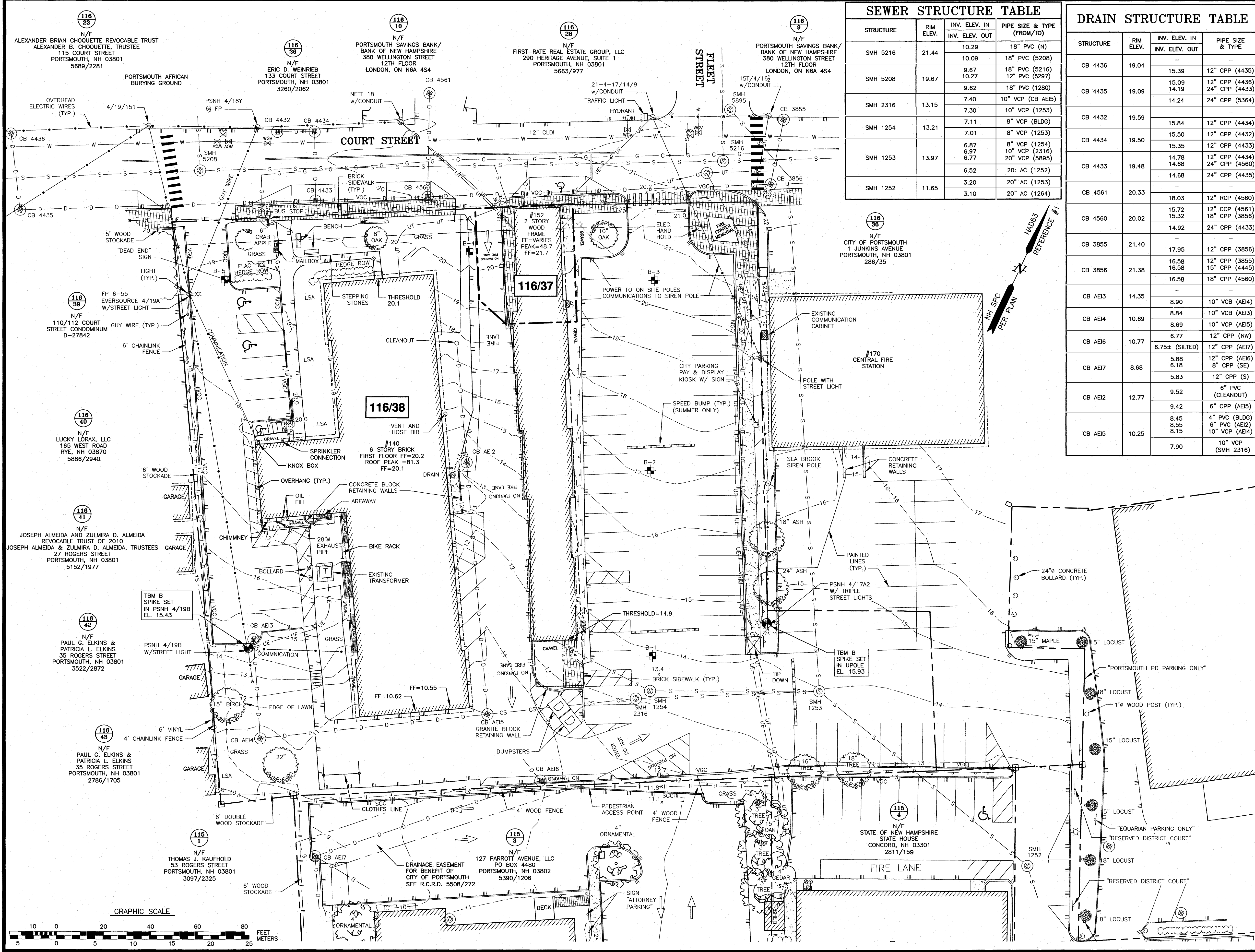

Notary Public/Justice of the Peace
Commission expiration:

SEWER STRUCTURE TABLE			
STRUCTURE	RIM ELEV.	INV. ELEV. IN / INV. ELEV. OUT	PIPE SIZE & TYPE (FROM/TO)
SMH 5216	21.44	10.29	18" PVC (N)
SMH 5208	19.67	10.09	18" PVC (5208)
		9.67	18" PVC (5216)
		9.62	18" PVC (1280)
SMH 2316	13.15	7.40	10" VCP (CB AE15)
		7.30	10" VCP (1253)
SMH 1254	13.21	7.11	8" VCP (BLDG)
		7.01	8" VCP (1253)
SMH 1253	13.97	6.87	8" VCP (1254)
		6.97	10" VCP (2316)
		6.77	20" VCP (5895)
SMH 1252	11.65	6.52	20" AC (1252)
		3.20	20" AC (1253)
		3.10	20" AC (1264)

DRAIN STRUCTURE TABLE			
STRUCTURE	RIM ELEV.	INV. ELEV. IN / INV. ELEV. OUT	PIPE SIZE & TYPE
CB 4436	19.04	-	-
CB 4435	19.09	15.39	12" CPP (4435)
		15.09	12" CPP (4436)
		14.19	24" CPP (4433)
CB 4432	19.59	14.24	24" CPP (5364)
		-	-
		15.84	12" CPP (4434)
CB 4434	19.50	15.50	12" CPP (4432)
		15.35	12" CPP (4433)
CB 4433	19.48	14.78	12" CPP (4434)
		14.68	24" CPP (4560)
		14.68	24" CPP (4435)
CB 4561	20.33	-	-
		18.03	12" RCP (4560)
CB 4560	20.02	15.72	12" CCP (4561)
		15.32	18" CPP (3856)
		14.92	24" CPP (4433)
CB 3855	21.40	-	-
		17.95	12" CPP (3856)
CB 3856	21.38	16.58	12" CPP (3855)
		16.58	15" CPP (4445)
		16.58	18" CPP (4560)
CB AE13	14.35	-	-
		8.90	10" VCB (AE14)
CB AE14	10.69	-	-
		8.84	10" VCB (AE13)
		8.69	10" VCP (AE15)
CB AE16	10.77	6.77	12" CPP (NW)
		6.75± (SILTED)	12" CPP (AE17)
CB AE17	8.68	5.88	12" CPP (AE16)
		6.18	8" CPP (SE)
		5.83	12" CPP (S)
CB AE12	12.77	9.52	6" PVC (CLEANOUT)
		9.42	6" CPP (AE15)
CB AE15	10.25	8.45	4" PVC (BLDG)
		8.55	6" PVC (AE12)
		8.15	10" VCP (AE14)
		7.90	10" VCP (SMH 2316)

- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 116 AS LOT 38 AND LOT 37.
 - 2) OWNERS OF RECORD:
116/38
PORTSMOUTH HOUSING AUTHORITY
245 MIDDLE STREET
PORTSMOUTH, NH 03801
R.C.R.D BK 1736, PG 386, BK 1797 PG 20 AND BK 1920, PG 47

116/37
ED PAC, LLC
242 CENTRAL AVENUE
DOVER, NH 03820
BK 4679, PG 151
 - 3) PARCEL 116/38 AND 116/37 ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301SC0259E. EFFECTIVE 5/17/2005
 - 4) EXISTING LOT AREA:
11/38: 59,976 (S.F.) 1.3769 ACRES
11/37: 4,587 (S.F.) 0.1053 ACRES
 - 5) PARCELS ARE LOCATED IN CHARACTER DISTRICT 4 (CD4)
 - 6) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOTS.



CM Action Item #1

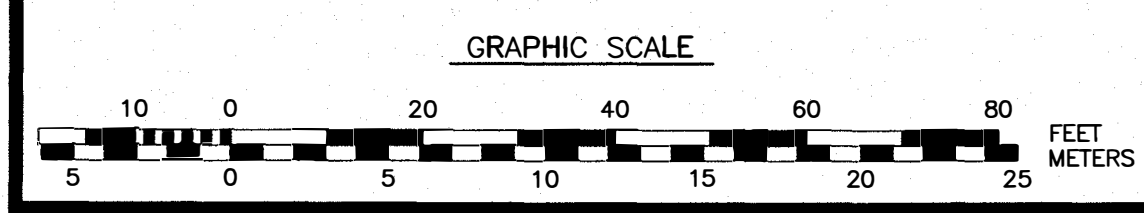
**PORTSMOUTH HOUSING AUTHORITY
140 COURT STREET
PORTSMOUTH, N.H.**

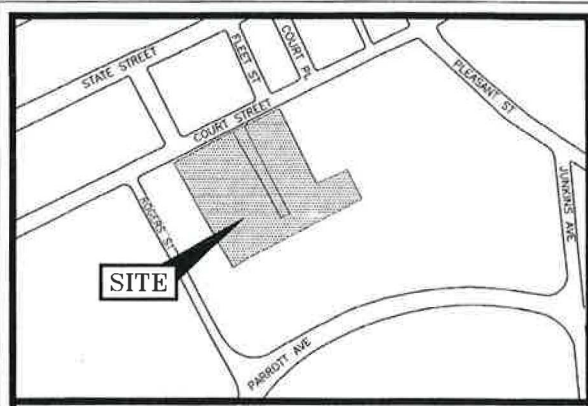
NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	6/18/18
0	ISSUED FOR COMMENT	3/5/18

REVISIONS

SCALE: 1"=20' MARCH 2018

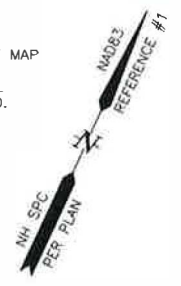
EXISTING CONDITIONS PLAN **C1**





LOCATION MAP SCALE: 1"=200'

PLAN REFERENCE:
 1) BOUNDARY PLAN LAND OF PORTSMOUTH HOUSING AUTHORITY COURT STREET PORTSMOUTH, N.H. TAX MAP 116, LOT 38, PREPARED BY BERRY SURVEYING & ENGINEERING, DATED MAY 30, 2014, WITH A FINAL REVISION DATE OF JUNE 4, 2014. NOT RECORDED.



CM Action Item #1

- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY
 - RR SPK REGISTRY OF DEEDS
 - RR SPK RAILROAD SPIKE
 - MAP 11/LOT 21
 - IR FND IRON ROD FOUND
 - IP FND IRON PIPE FOUND
 - IR SET IRON ROD SET
 - DH FND DRILL HOLE FOUND
 - DH SET DRILL HOLE SET
 - NHHB NHDOT BOUND FOUND
 - TB TOWN BOUND
 - BND w/DH BOUND WITH DRILL HOLE
 - ST BND w/DH STONE BOUND WITH DRILL HOLE

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

- NOTES:**
- PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 116 AS LOT 38 AND LOT 37.
 - OWNERS OF RECORD:
 116/38
 PORTSMOUTH HOUSING AUTHORITY
 245 MIDDLE STREET
 PORTSMOUTH, NH 03801
 R.C.R.D BK 1736, PG 386, BK 1797 PG 20,
 AND BK 1920, PG 47
 116/37
 ED PAC, LLC
 242 CENTRAL AVENUE
 DOVER, NH 03820
 BK 4679, PG 151

3) PARCEL 116/38 AND 116/37 ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301SC0259E. EFFECTIVE 5/17/2005

4) LOT AREAS:
 LOT 11/38
 EXISTING: 59,976 (S.F.) 1.3769 ACRES
 PROPOSED: 62,450 (S.F.) 1.4337 ACRES
 LOT 11/37
 EXISTING: 4,587 (S.F.) 0.1053 ACRES
 PROPOSED: 2,113 (S.F.) 0.0485 ACRES

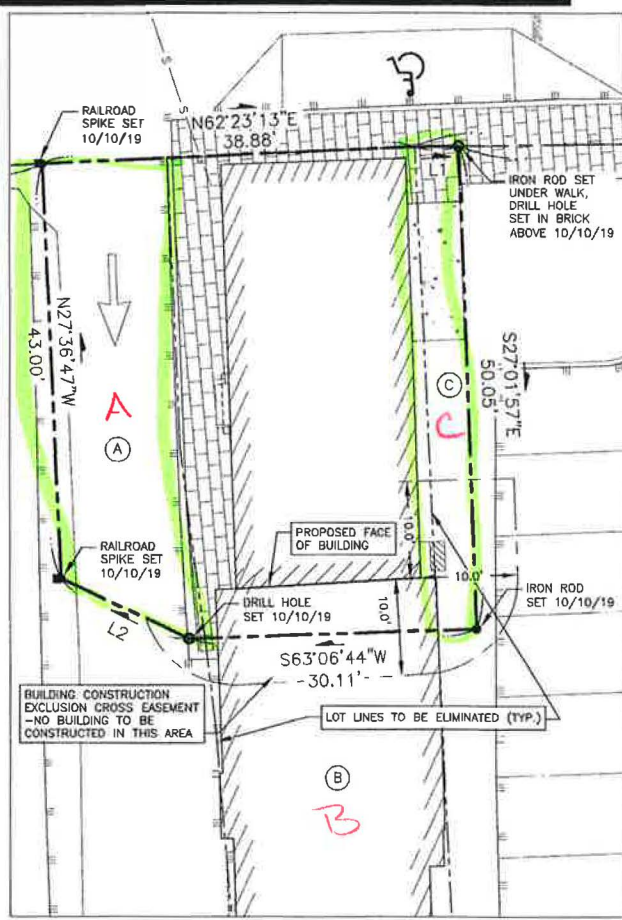
5) PARCELS ARE LOCATED IN CHARACTER DISTRICT 4 (CD4).

6) THE PURPOSE OF THIS PLAN IS TO SHOW THE RELOCATION OF LOT LINES BETWEEN TAX MAP 116 LOTS 38 AND 37.

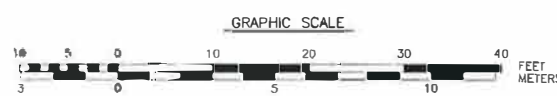
7) EXISTING BOUNDARY LINES FROM PLAN REFERENCE 1.

8) PERMANENT MONUMENTS ON LOT 37 TO BE SET IN ACCORDANCE WITH CITY OF PORTSMOUTH STANDARDS AFTER SITE DEVELOPMENT.

9) PROPOSED 20 FT WIDE SEWER EASEMENT TO BE CONVEYED TO THE CITY OF PORTSMOUTH. LOCATION OF SEWER LINE RUNNING NORTHERLY TO COURT STREET IS APPROXIMATE. EASEMENT IS TO BE 20 FEET WIDE, 10 FEET EITHER SIDE OF THE CENTERLINE OF THE EXISTING SEWER PIPE, WHETHER THE LOCATION IS PRECISELY AS SHOWN HEREON OR NOT.



LOT 37 1"=10'

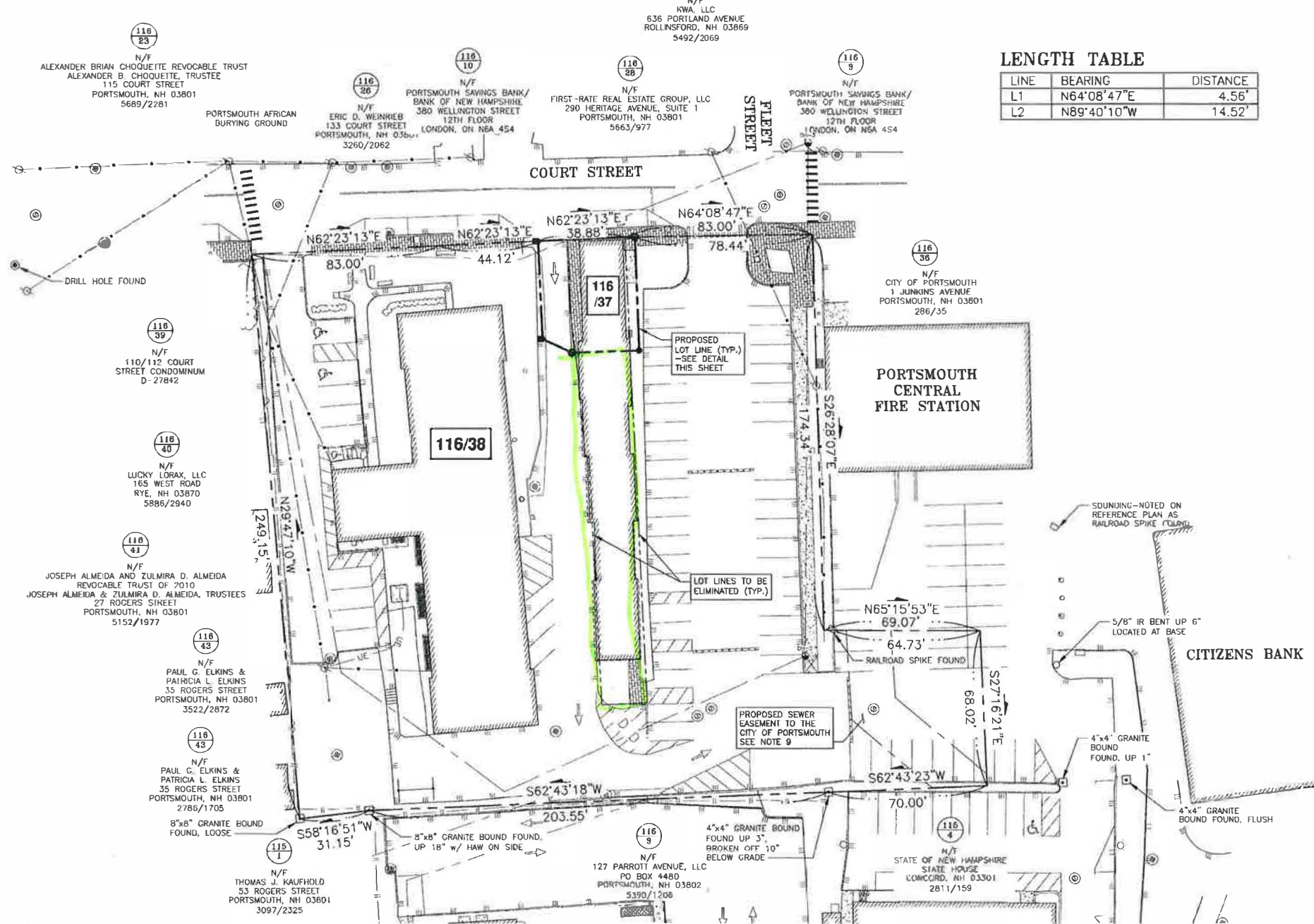


PARCEL CONVEYANCES:

- PARCEL A- PORTSMOUTH HOUSING AUTHORITY TO ED PAC, LLC 613 S.F.
- PARCEL B- ED PAC, LLC TO PORTSMOUTH HOUSING AUTHORITY 3,303 S.F.
- PARCEL C- PORTSMOUTH HOUSING AUTHORITY TO ED PAC, LLC 216 S.F.

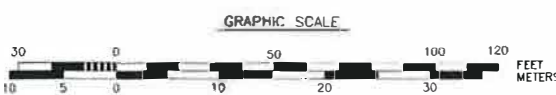
APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N64°08'47"E	4.56'
L2	N89°40'10"W	14.52'



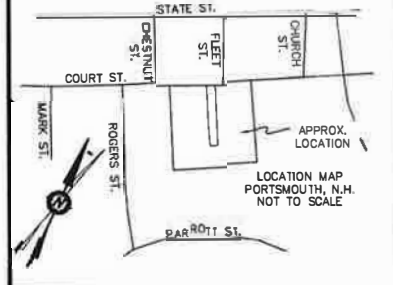
NO.	DESCRIPTION	DATE
6	ADD MONUMENTS AS SET	10/10/19
5	REVISE LOT LINES	7/9/18
4	ADD SEWER EASEMENT	7/3/18
3	LOT LAYOUTS	6/18/18
2	ISSUED TO TAC	5/8/18
1	ISSUED FOR APPROVAL	4/25/18
0	ISSUED FOR COMMENT	3/5/17

LOT LINE RELOCATION PLAN
 TAX MAP 116 - LOTS 38 & 37
 FOR
 PORTSMOUTH HOUSING AUTHORITY

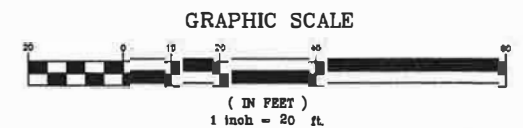
OWNERS
 PORTSMOUTH HOUSING AUTHORITY
 245 MIDDLE STREET
 PORTSMOUTH NH 03801

ED PAC, LLC
 242 CENTRAL AVENUE
 DOVER NH 03820

PARCEL LOCATION
 140 COURT STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE



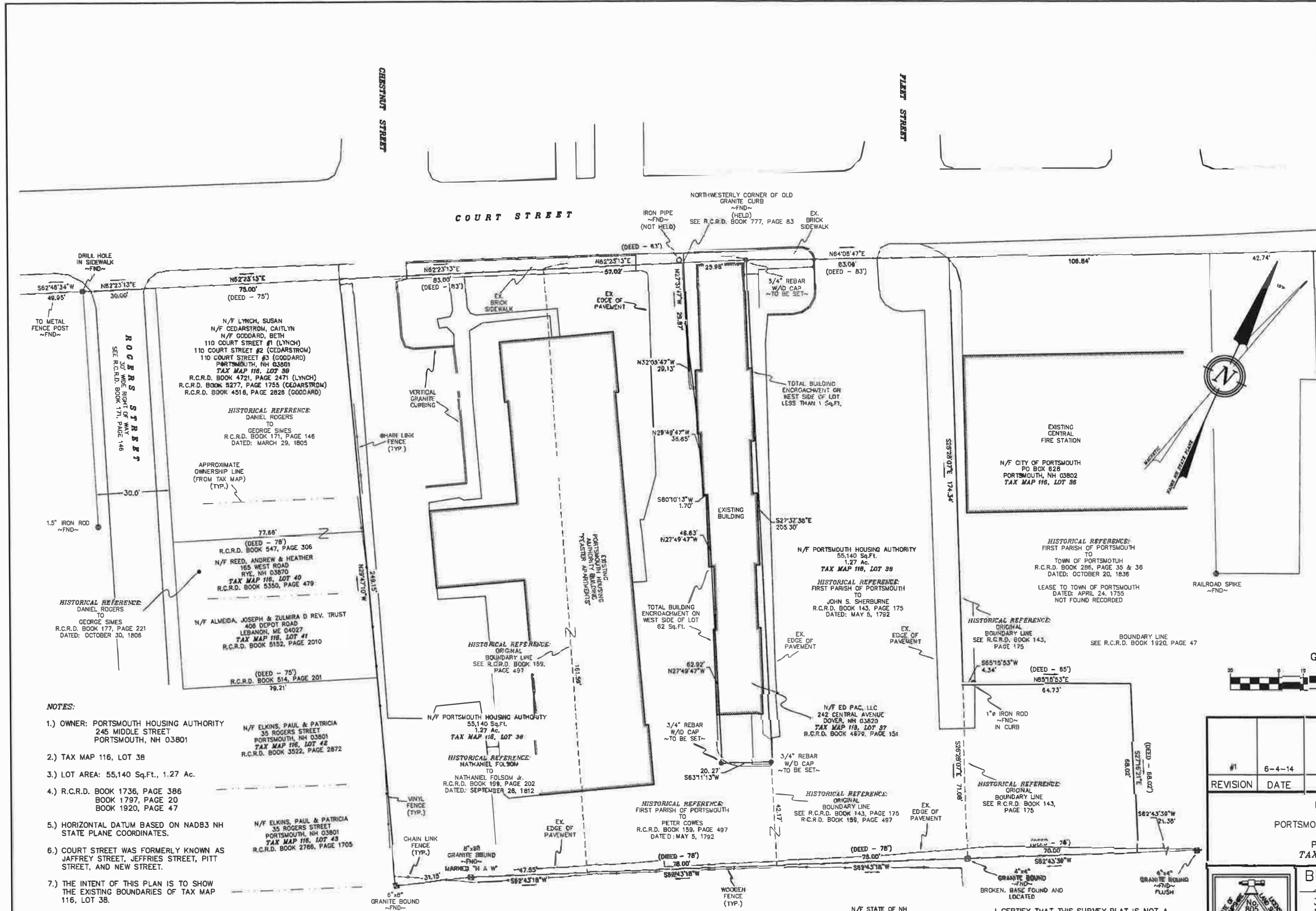
- PLAN REFERENCES:**
- "PLAN OF LOTS, NOS. 142-148 COURT ST.; PORTSMOUTH, N.H." DATED: JUNE, 1954 BY: JOHN W. DURGIN R.C.R.D. PLAN #02288
 - "SKETCH MAP OF LOT NO. 166 COURT ST.; PORTSMOUTH, N.H." DATED: MARCH, 1942 BY: JOHN W. DURGIN R.C.R.D. PLAN #01096
 - "PLAN OF LOTS, NOS. 202, 206, & 222 COURT ST.; PORTSMOUTH, N.H." DATED: JANUARY, 1974 BY: JOHN W. DURGIN R.C.R.D. PLAN #C-4259
 - "PLAN OF LOT, NO. 130 COURT ST.; PORTSMOUTH, N.H." DATED: JULY 1937 BY: JOHN W. DURGIN R.C.R.D. PLAN #0992
 - "PLAN OF LOT, PARROTT AVE.; PORTSMOUTH, N.H.; FOR: AGED WOMEN" DATED: DECEMBER, 1950 BY: JOHN W. DURGIN FILE #2348 PLAN #9244
 - "LOT LINE ADJUSTMENT PLAN; FOR: DAVID L. BAKER, Sr.; IN: PORTSMOUTH, N.H." DATED: MARCH 23, 1990 BY: SEACOAST ENG. ASSOC. R.C.R.D. PLAN #D-20209
 - "CONDOMINIUM SITE PLAN; FOR: STEPHEN KELM; 110/112 COURT STREET; CONDOMINIUM" DATED: JANUARY, 2000 BY: AMBIT ENG., INC. R.C.R.D. PLAN #D-27842
 - "MAP OF PORTSMOUTH" DATED: 1813 ON FILE WITH THE LIBRARY OF CONGRESS
 - "BOUNDARY PLAN; LAND OF: ED PAC, LLC.; 152 COURT STREET; PORTSMOUTH, N.H.; TAX MAP 116, LOT 37" DATED: AUGUST 1, 2013 BY: BERRY SURVEYING & ENGINEERING FILE #: DB 2013-065



#1	6-4-14	REVISE SOUTHEASTERN BOUNDARY
REVISION	DATE	DESCRIPTION
		BOUNDARY PLAN LAND OF PORTSMOUTH HOUSING AUTHORITY COURT STREET PORTSMOUTH, N.H. TAX MAP 116, LOT 38

BERRY SURVEYING & ENGINEERING
 335 SECOND CROWN POINT RD.
 BARRINGTON, N.H. 332-2863

SCALE : 1 IN. EQUALS 20 FT.
 DATE : MAY 30, 2014
 FILE NO. : DB 2014 - 052



- NOTES:**
- OWNER: PORTSMOUTH HOUSING AUTHORITY
245 MIDDLE STREET
PORTSMOUTH, NH 03801
 - TAX MAP 116, LOT 38
 - LOT AREA: 55,140 Sq.Ft., 1.27 Ac.
 - R.C.R.D. BOOK 1736, PAGE 386
BOOK 1797, PAGE 20
BOOK 1920, PAGE 47
 - HORIZONTAL DATUM BASED ON NAD83 NH STATE PLANE COORDINATES.
 - COURT STREET WAS FORMERLY KNOWN AS JAFFREY STREET, JEFFRIES STREET, PITT STREET, AND NEW STREET.
 - THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING BOUNDARIES OF TAX MAP 116, LOT 38.

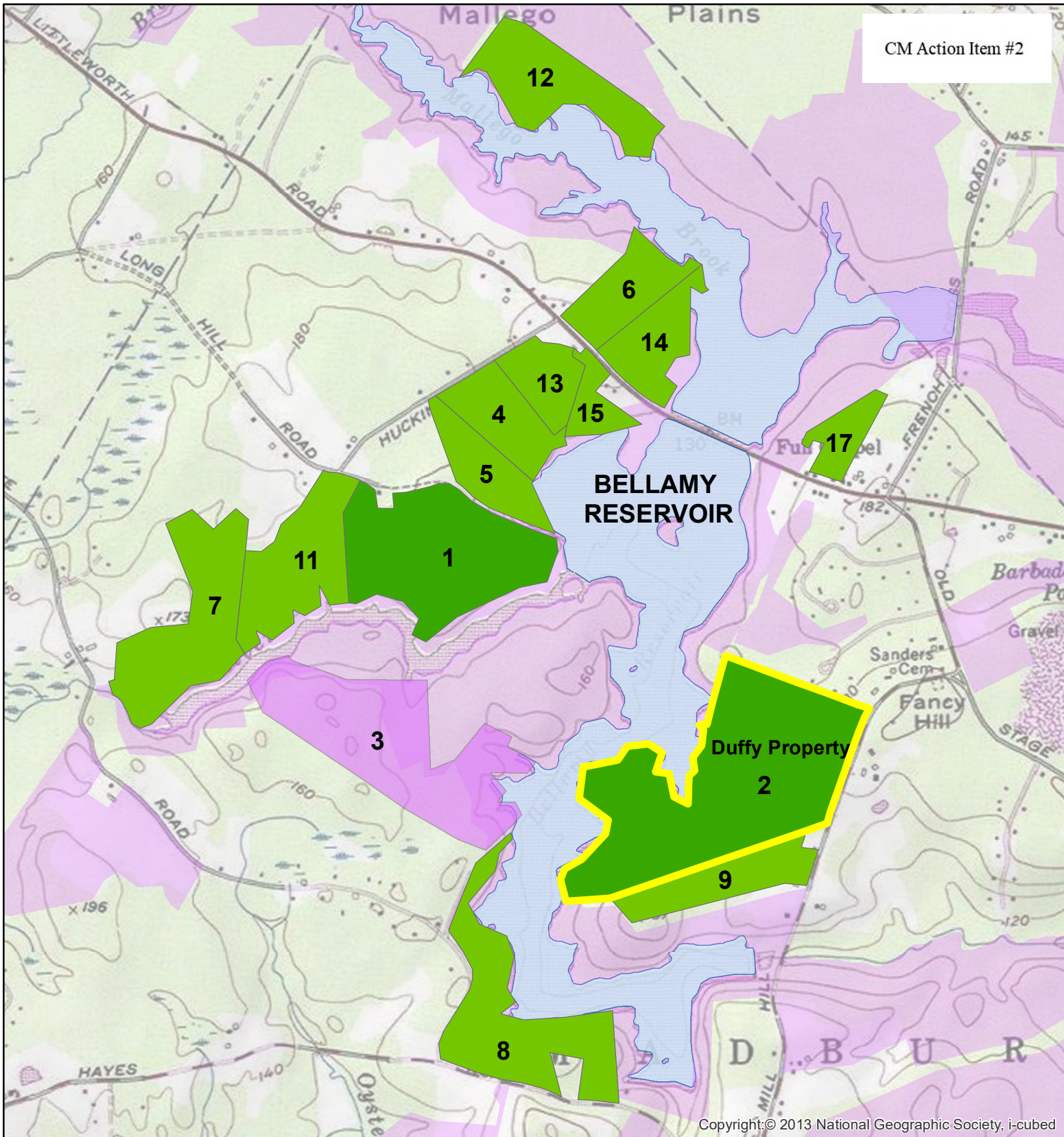
N/F KAUFHOLD, THOMAS
53 ROGERS STREET
PORTSMOUTH, NH 03801
TAX MAP 116, LOT 3
R.C.R.D. BOOK 3097, PAGE 2325

N/F 127 PARROTT AVENUE LLC
P.O. BOX 4480
PORTSMOUTH, NH 03801
TAX MAP 116, LOT 3
R.C.R.D. BOOK 5390, PAGE 1208

N/F STATE OF NH
STATE HOUSE
CONCORD, NH 03301
TAX MAP 116, LOT 4

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

[Signature] 7-9-14



Copyright:© 2013 National Geographic Society, i-cubed

Legend

Duffy Property (Proposed Easement)

Target Parcels for Protection

Rank - Labeled by Priority

1 - 2

4 - 17

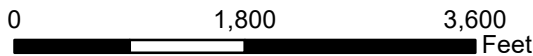
Protected in 2018

Protected Land

BellamyReservoir



**Bellamy Reservoir
Key Parcels
For Source Protection**





NEW HAMPSHIRE DRINKING WATER & GROUNDWATER TRUST FUND



Commission Members

Senator Chuck Morse, *Chair*

Senator Tom Sherman, *Vice Chair*

Representative Deborah Hobson, Clerk

Representative Kevin Maes

Rodney Bartlett, Public Member

William W. Boyd, III, Town Council Member

Bruce Breton, Town Selectman

Clark B. Freise, Governor's Designee

Jason Gagnon, NH Water Pollution Control Association

Andrea Kenter, P.G., Public Member

Dorothy Kurtz, Public Member

Rachel Miller, NH State Treasury

Lisa Morris, Division of Public Health

Marco Philippon, NH Water Works Association

Rick Russman, State or Regional Land Trust Member

Paul Sanderson, NH Fish and Game Department

Bernie Rousseau, Public Member

Robert R. Scott, NH Department of Environmental Services

Christopher S. Way, NH Economic Development

December 20, 2019

Albert Pratt, Water Supply Operations Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Subject: 2019 Drinking Water Groundwater Trust Fund Project Application Selection

Dear Mr. Pratt,

Congratulations on the City of Portsmouth's successful application for a grant from the Drinking Water and Groundwater Trust Fund. The Drinking Water and Groundwater Advisory Commission intends to award up to \$287,000 toward the cost of acquiring a conservation easement in order to further the protection of the Bellamy Reservoir, a source of drinking water for the City of Portsmouth.

To award the funds, the NH Department of Environmental Services must enter into a grant agreement with the City of Portsmouth, subject to approval by Governor and Executive Council (G & C). Enclosed is a grant agreement and certificate of authority/vote for you to complete and return. You are also required to submit a Certificate of Good Standing and Certificate of Insurance for the Request for G& C approval.

Subsequent to G & C approval, you must complete and submit a Final Application Form with all required attachments to WSLP@des.nh.gov before receiving payment of the grant. This form can be downloaded from https://www4.des.state.nh.us/nh-dwg-trust/?page_id=98.

Please contact Holly Green at holly.green@des.nh.gov or 603-271-3114 if you have any question regarding this grant.

Sincerely,

Erin Holmes
DWG Trust Fund Administrator
MtBE Remediation Bureau

Enclosures: Grant Agreement, Certificate of Authority
CC: Paul Susca, NHDES Drinking Water and Groundwater Bureau
Holly Green, NHDES Drinking Water and Groundwater Bureau

<https://www4.des.state.nh.us/nh-dwg-trust/>

P.O. Box 95 | 29 Hazen Drive | Concord, NH 03302-0095

Telephone: (603) 271-8321 Fax: (603) 271-7053 TDD Access: Relay NH (800) 735-2964

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2020**

RESOLUTION # -

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE WATER FUND UNRESTRICTED NET POSITION AND FROM THE NH DRINKING WATER AND GROUNDWATER TRUST FUND FOR THE PURCHASE OF THE BELLAMY RESERVOIR SOURCE WATER PROTECTION LAND CONSERVATION EASEMENT.

RESOLVED: BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:

THAT, the City Council has determined that the sum of up to **Five Hundred Seventy-Four Thousand, Three Hundred (\$574,300) Dollars** is to be appropriated from the Water Fund using \$287,300 from unrestricted net position and a grant of up to \$287,000 from the NH Drinking Water and Groundwater Trust Fund (DWGTF) to defray the expenditures related to purchase of the Bellamy Reservoir Source Water Protection Land Conservation Easement for the Fiscal Year ending in June 30, 2020.

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from the Water Fund Unrestricted Net Position.

APPROVED BY:

RICK BECKSTED, MAYOR

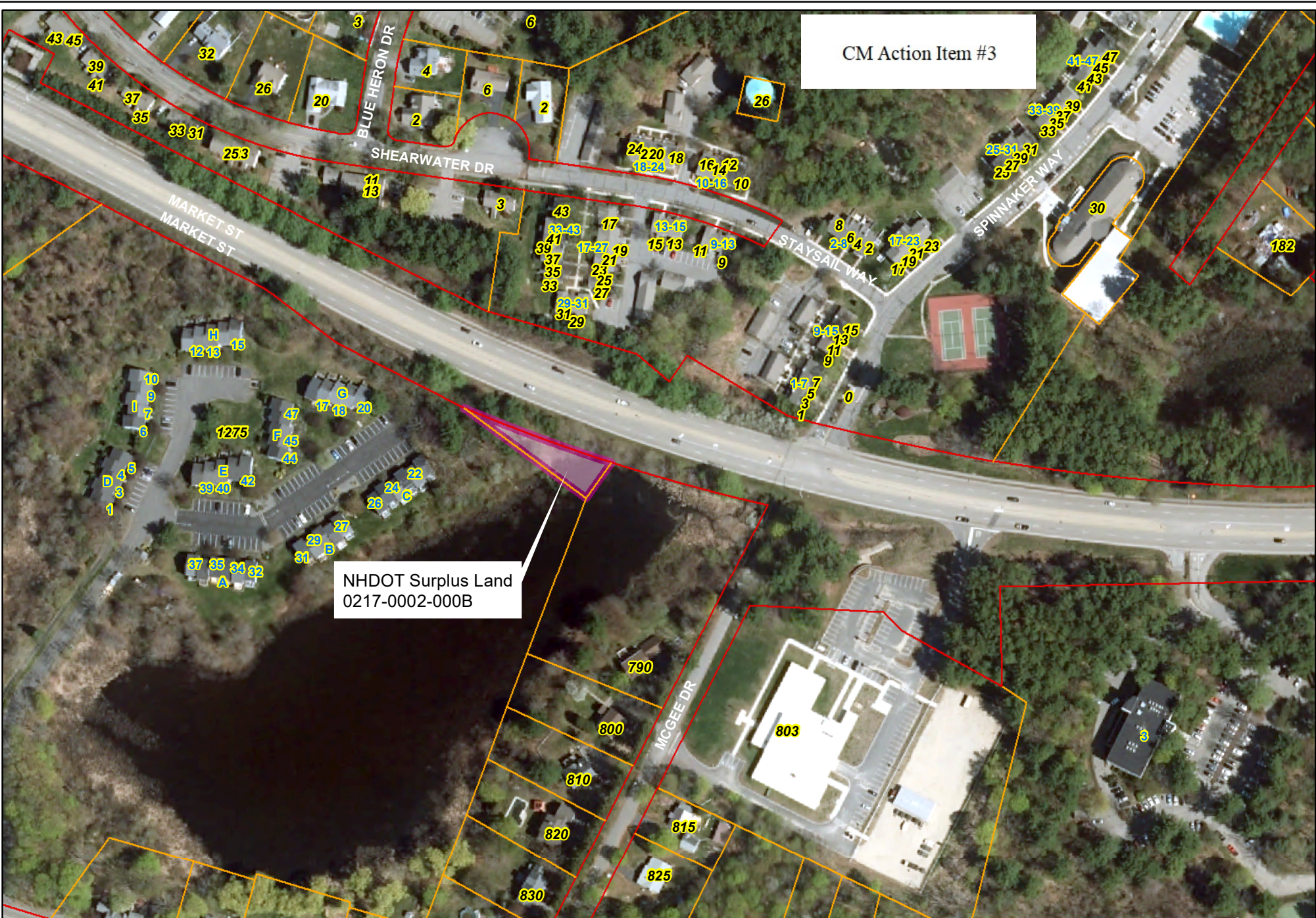
**ADOPTED BY CITY COUNCIL
DATE**

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

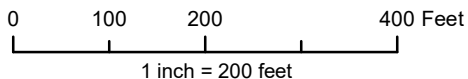
No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

CM Action Item #3



NHDOT Surplus Land
0217-0002-000B

The City of Portsmouth provides these Geographic Information System maps and data as a public information service. Every reasonable effort has been made to assure the accuracy of these maps and associated data. The maps and data being provided herein are intended for informational purposes only. No guarantee is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.



NHDOT Surplus Land
0217-0002-000B

Printed: 3/9/2020
Map prepared by Portsmouth Department of Public Works

CM Action Item #4

SEWER EASEMENT DEED

NOW COMES CATE STREET DEVELOPMENT LLC, a New Hampshire limited liability company having principal office address of 60 K Street, Boston, Massachusetts 02127 (the "Grantor"), for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality having an address of 1 Junkins Way, Portsmouth, New Hampshire 03801 (the "Grantee"), with Quitclaim Covenants, the following described easement:

A SEWER EASEMENT over certain land of the Grantor in Portsmouth, County of Rockingham, State of New Hampshire, being a portion only of proposed Parcel A and a portion only of proposed Parcel B as shown on a plan (the "Plan") prepared by Doucet Survey LLC, entitled, "Subdivision & Easement Plan for Cate Street Development LLC of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire" dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan [REDACTED]. The "Easement Area" is depicted as "Proposed Sewer Easement (See Note #13A)" on the Plan, and is more particularly bounded and described on the Plan as follows:

Beginning at a point on the common lot line between Tax Map 173 Lot 10 and proposed Parcel B, said point being N 57° 25' 45" E a distance of 17.02 feet from a railroad spike on line with the above mentioned common lot line; Thence, N 57° 25' 45" E for a distance of 32.66 feet to a point on said common lot line; Thence, S 84° 48' 14" E for a distance of 16.64 feet to a point; Thence, N 57° 25' 45" E for a distance of 350.64 feet to a point; Thence, N 25° 43' 07" W for a distance of 274.17 feet to a point at the proposed Cate Street Extension right of way; Thence along said right of way N 62° 13' 46" E for a distance of 20.01 feet to a point; Thence, S 25° 43' 07" E for a distance of 292.62 feet to a point; Thence S 57° 25' 45" W for a distance of 375.22 feet to a point; Thence, N 84° 48' 14" W for a distance of 49.29 feet to the point of beginning.

The purpose of this **SEWER EASEMENT** is to convey to Grantee a perpetual, permanent, uninterrupted, and unobstructed easement to construct, access, maintain, and repair a sewer line and related infrastructure.

The Grantee shall be responsible for all construction, maintenance, and repair of the sewer line and related infrastructure in the Easement Area. This easement shall run with the land and shall be binding upon the Grantor and the Grantee and their respective heirs, successors and assigns.

For reference to the Grantor's title, see Warranty Deed of Portsmouth Land Acquisition LLC to the Grantor recorded at the Rockingham County Registry of Deeds at Book 5959, Page 109.

Per authorization of the City of Portsmouth City Council dated _____, 2020.

THIS IS A CONVEYANCE EXEMPT FROM TRANSFER TAX PURSUANT TO NH RSA 78-B:2,I.

Signed this ___ day of _____ 2020.

Cate Street Development LLC

By: _____
Joseph P. Bisognano III, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
2020

Personally appeared before me, the above named Joseph P. Bisognano III, Manager of Cate Street Development LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC
My Commission Expires:

SIGHT LINE EASEMENT DEED

NOW COMES CATE STREET DEVELOPMENT LLC, a New Hampshire limited liability company having principal office address of 60 K Street, Boston, Massachusetts 02127 (the "Grantor"), for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Way, Portsmouth, New Hampshire 03801 (the "Grantee"), with Quitclaim Covenants, the following described easement:

A SIGHT LINE EASEMENT over certain land of the Grantor in Portsmouth, County of Rockingham, State of New Hampshire, said easement area being a portion only of Parcel A and a portion only of Parcel C as shown on a plan (the "Plan") prepared by Doucet Survey, LLC, entitled, "Subdivision & Easement Plan for Cate Street Development LLC, of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire" dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan [REDACTED]. The "Easement Area" is depicted as "Proposed Sight Line Easement (See Note #13E)" and "Proposed Sight Line Easement (See Note #13T)" on the Plan, and is more particularly bounded and described on the Plan as follows:

Beginning at a rebar to be set at the southerly side of the proposed Cate Street Extension right of way, said rebar also marking the common lot corner between proposed Parcel A and proposed Parcel C;

Thence along a curve turning to the right through an angle of $03^{\circ} 28' 15''$, having a radius of 635.87 feet, and whose long chord bears $N 60^{\circ} 29' 39'' E$ for a distance of 38.52 feet and an arc length of 38.51 feet to a granite bound to be set;

Thence $S 62^{\circ} 13' 46'' W$ for a distance of 46.65 feet to a point;

Thence $N 69^{\circ} 30' 49'' E$ for a distance of 72.61 feet to a point;

Thence $N 46^{\circ} 15' 16'' E$ a distance of 46.84 feet to a point;

Thence $S 57^{\circ} 23' 39'' W$ a distance of 16.87 feet to a granite bound to be set;

Thence along a curve turning to the right through an angle of $01^{\circ} 21' 52''$, having a radius of 635.87 feet, and whose long chord bears $N 58^{\circ} 04' 35'' E$ for a distance of 15.14 feet

and an arc length of 15.14 feet to a rebar marking the common lot corner between proposed Parcel A and proposed Parcel C at the point and place of beginning.

This **SIGHT LINE EASEMENT** is granted to the City of Portsmouth for the purpose of maintaining sight distance. Within the Easement Area, no plantings or obstructions taller than three (3) feet will be permitted, in order to maintain sight distance.

The Grantor shall be solely responsible for all construction and maintenance of landscaping in the Easement Area, and shall use reasonable efforts to keep the Easement Area in a clean and attractive condition. Notwithstanding the foregoing, should Grantee determine that Grantor has neglected or refused to keep the Easement Area in a clean and attractive condition, or that Grantor has allowed plantings or obstructions taller than three (3) feet, Grantee shall have the right to clean and maintain the Easement Area and trim or remove such plantings or obstructions at Grantor's sole cost and expense.

This easement shall run with the land and shall be binding upon the Grantor and the Grantee and their respective heirs, successors and assigns.

For reference to the Grantor's title, see Warranty Deed of Portsmouth Land Acquisition LLC to the Grantor recorded at the Rockingham County Registry of Deeds at Book 5959, Page 109.

Per authorization of the City of Portsmouth City Council dated _____.

THIS IS A CONVEYANCE EXEMPT FROM TRANSFER TAX PURSUANT TO NH RSA 78-B:2,I.

Signed this _____ day of _____ 2020.

Cate Street Development LLC

By: _____
Joseph P. Bisognano III, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
2020 _____,

Personally appeared before me, the above named Joseph P. Bisognano III, Manager of Cate Street Development LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC

My Commission Expires:

EASEMENT DEED

NOW COMES CATE STREET DEVELOPMENT LLC, a New Hampshire limited liability company having principal office address of 60 K Street, Boston, Massachusetts 02127 (the "Grantor"), for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Way, Portsmouth, New Hampshire 03801 (the "Grantee"), with Quitclaim Covenants, the following easement

An EASEMENT over land of the Grantor in Portsmouth, County of Rockingham, State of New Hampshire, depicted as "Parcel A", "Parcel B", and "Parcel C" (the "Easement Area") on a plan (the "Plan") prepared by Doucet Survey, LLC, entitled, "Subdivision & Easement Plan for Cate Street Development LLC, of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire" dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan _____.

1. Purpose and Rights: The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Easement Area, as shown on the Plan, for the purpose of accessing private water infrastructure, including mains, meters, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure, which infrastructure shall be and remain the property of Grantor.

2. Grantee's Responsibility to Restore: Disturbed areas within the Easement Area shall be back-filled and restored at the Grantee's expense. Paving and curbing and similar materials shall also be restored at the Grantee's expense.

3. Grantor's Retained Rights: Grantor retains the right to freely use and enjoy its interest in the Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not erect any building, shed, deck or other structure within the Easement Area that would endanger or interfere with the purpose of this instrument. Grantor shall not substantially change the grade or slope, or install any pipes or similar infrastructure, in the Easement Area, in such a manner that would endanger or interfere with the purpose of this instrument without prior written consent of the Grantee.

4. Easement to Run with Land: All rights and privileges, obligations and liabilities created by this instrument shall run with the land and shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantor and Grantee.

For reference to the Grantor's title, see Warranty Deed from Portsmouth Land Acquisition LLC to Grantor recorded at the Rockingham County Registry of Deeds at Book 5959, Page 109, and see Quitclaim Deed from the City of Portsmouth to the Grantor, recorded at the Rockingham County Registry of Deeds at Book _____, Page _____.

Per authorization of the City of Portsmouth City Council dated _____, 2020.

Signed this ___ day of _____, 2020.

Cate Street Development LLC

By: _____
Joseph P. Bisognano III, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
2020 _____,

Personally appeared before me, the above named Joseph P. Bisognano III, Manager of Cate Street Development LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC
My Commission Expires:

SNOW STORAGE EASEMENT DEED

NOW COMES CATE STREET DEVELOPMENT LLC, a New Hampshire limited liability company having principal office address of 60 K Street, Boston, Massachusetts 02127 (the "Grantor"), for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Way, Portsmouth, New Hampshire 03801 (the "Grantee"), with Quitclaim Covenants, the following easement:

AN EASEMENT over certain land of the Grantor in Portsmouth, County of Rockingham, State of New Hampshire, said easement area being a portion only of Parcel A and a portion only of Parcel C as shown on a plan (the "Plan") prepared by Doucet Survey, LLC, entitled, "Subdivision & Easement Plan for Cate Street Development LLC, of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire" dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan [REDACTED]. The "Easement Area" is a strip of land measuring five (5) feet wide and running along the southern side of "Proposed Cate Street Extension" and "Proposed Cate Street" as depicted on the Plan.

This **EASEMENT** is granted to the Grantee over a portion of Parcel A only and a portion of Parcel C only for the purpose of permitting snow storage within the Easement Area.

This easement shall run with the land and shall be binding upon the Grantor and the Grantee and their respective heirs, successors and assigns.

For reference to the Grantor's title, see Warranty Deed of Portsmouth Land Acquisition LLC to the Grantor recorded at the Rockingham County Registry of Deeds at Book 5959, Page 109.

Per authorization of the City of Portsmouth City Council dated _____, 2020.

THIS IS A CONVEYANCE EXEMPT FROM TRANSFER TAX PURSUANT TO NH RSA 78-B:2,I.

Signed this ___ day of _____, 2020.

Cate Street Development LLC

By: _____
Joseph P. Bisognano III, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
2020

Personally appeared before me, the above named Joseph P. Bisognano III, Manager of Cate Street Development LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC
My Commission Expires:

ACCESS EASEMENT DEED

NOW COMES CATE STREET DEVELOPMENT LLC, a New Hampshire limited liability company having principal office address of 60 K Street, Boston, Massachusetts 02127 (the "Grantor"), for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Way, Portsmouth, New Hampshire 03801 (the "Grantee"), with Quitclaim Covenants the following easement:

An ACCESS EASEMENT over land of the Grantor in Portsmouth, County of Rockingham, State of New Hampshire, depicted as "Parcel A", "Parcel B", and "Parcel C" on a plan (the "Plan") prepared by Doucet Survey, LLC, entitled, "Subdivision & Easement Plan for Cate Street Development LLC, of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire" dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan [REDACTED].

This **EASEMENT** is granted to the City of Portsmouth over Parcel A, Parcel B, and Parcel C, as shown on the Plan, for the purpose of providing access for emergency services.

This easement shall run with the land and shall be binding upon the Grantor and the Grantee and their respective heirs, successors and assigns.

For reference to the Grantor's title, see Warranty Deed of Portsmouth Land Acquisition LLC to the Grantor recorded at the Rockingham County Registry of Deeds at Book 5959, Page 109.

Per authorization of the City of Portsmouth City Council dated _____, 2020.

THIS IS A CONVEYANCE EXEMPT FROM TRANSFER TAX PURSUANT TO NH RSA 78-B:2,I.

Signed this ___ day of _____, 2020.

Cate Street Development LLC

By: _____
Joseph P. Bisognano III, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
2020

Personally appeared before me, the above named Joseph P. Bisognano III, Manager of Cate Street Development LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC
My Commission Expires:

**WEST END YARDS
SIGNAGE LICENSE AGREEMENT**

THIS SIGNAGE LICENSE AGREEMENT (“Agreement”) is made as of the ____ day of _____, 2020 by and between the CITY OF PORTSMOUTH, NEW HAMPSHIRE a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (“City”), and CATE STREET DEVELOPMENT LLC, a New Hampshire limited liability company having principal office address of 60 K Street, Boston, Massachusetts 02127 (“CSD”).

WITNESSETH THAT

WHEREAS, in connection with the mixed-use project known as West End Yards, and pursuant to the conditional subdivision and site plan approval granted to CSD by the City Planning Board on September 26, 2019 (“Planning Board Approval”) and the Development Agreement by and between the City and CSD dated November 7, 2019 related thereto, CSD will be conveying fee title to the City to that certain parcel of land shown as “Proposed Area A” on a plan prepared by Doucet Survey LLC, entitled, “Subdivision & Easement Plan for Cate Street Development LLC of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire” dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan ____ (the “Plan”), upon which the new public roadway known as Cate Street Extension will be constructed;

WHEREAS, the Planning Board Approval permits CSD to access, construct, and maintain signage for its project upon a certain portion of “Proposed Area A” as shown on the Plan and described below; and

WHEREAS, the City and CSD wish to enter into this Agreement in order for the City to grant to CSD a non-exclusive irrevocable license to access the Signage Area and to construct and maintain its signage thereon, as those terms are defined below.

NOW THEREFORE, in consideration of the mutual covenants, agreements and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and CSD agree as follows:

AGREEMENT

1. The City hereby grants to CSD a non-exclusive irrevocable license for the purpose of accessing, constructing, and maintaining signage within that portion of “Proposed Area A” as shown on the Plan and defined and described as follows:

Beginning at a point on the easterly side of the US Route 1 Bypass in the City of Portsmouth, said point being N 42° 49' 11" W a distance of 92.14 feet from a granite bound to be set along the southerly side of the Proposed Cate Street Extension;

Thence along US Route 1 Bypass N 21° 59' 16" W for a distance of 29.89 feet to a point;

Thence N 68° 00' 44" E for a distance of 50.01 feet to a point;

Thence S 20° 33' 21" E for a distance of 30.00 feet to a point;

Thence S 68° 07' 40" W for a distance of 49.26 feet to the point of beginning (the "Signage Area").

2. The purpose of this Agreement is to grant a non-exclusive license to allow CSD access to the Signage Area for the purpose of accessing, constructing, and maintaining its signage. CSD shall be solely responsible for maintaining the Signage Area and its signage constructed thereon, and shall use reasonable efforts to keep the Signage Area and its signage in a clean and attractive condition. Notwithstanding the foregoing, should the City determine that CSD has neglected or refused to keep the Signage Area or its signage in a clean and attractive condition, the City shall have the right to clean and maintain the Signage Area and signage at CSD's sole cost and expense.

3. CSD shall be required to obtain any necessary permits or approvals for the above-referenced signage prior to constructing same. Nothing in this Agreement should be construed as a waiver of any applicable laws, regulations, or ordinances related to signage or otherwise.

Signed this _____ day of _____, 2020.

CITY OF PORTSMOUTH

By: _____
Karen Sawyer Conard, City Manager

As authorized by the City Council vote of _____, 2020

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, SS.

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Karen Sawyer Conard, who acknowledged herself to be the City Manager, of the City of Portsmouth, a municipal corporation, and that she, as such City Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as the City Manager.

In witness whereof I hereunto set my hand and official seal.

Notary Public
Printed Name:
My Commission Expires:

CATE STREET DEVELOPMENT, LLC

By: _____
Joseph P. Bisognano III, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

_____, 2020

Personally appeared before me, the above named Joseph P. Bisognano III, Manager of Cate Street Development LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC
My Commission Expires:

**WEST END YARDS
LANDSCAPING INSTALLATION AND MAINTENANCE LICENSE AGREEMENT**

THIS LANDSCAPING MAINTENANCE LICENSE AGREEMENT (“Agreement”) is made as of the ____ day of _____, 2020 by and between the CITY OF PORTSMOUTH, NEW HAMPSHIRE a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (“City”), and CATE STREET DEVELOPMENT LLC, a New Hampshire limited liability company having principal office address of 60 K Street, Boston, Massachusetts 02127 (“CSD”).

WITNESSETH THAT

WHEREAS, in connection with the mixed-use project known as West End Yards, and pursuant to the conditional subdivision and site plan approval granted to CSD by the City Planning Board on September 26, 2019 (“Planning Board Approval”) and the Development Agreement by and between the City and CSD dated November 7, 2019 related thereto, CSD will be conveying fee title to the City to that certain parcel of land shown as “Proposed Area A” on a plan prepared by Doucet Survey LLC, entitled, “Subdivision & Easement Plan for Cate Street Development LLC of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire” dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan _____ (the “Plan”), upon which the new public roadway known as Cate Street Extension will be constructed;

WHEREAS, the Planning Board Approval and the Plan contemplate the installation and maintenance of plantings and other landscaping upon a certain portion of “Proposed Area A” as shown on the Plan and described below; and

WHEREAS, the City and CSD wish to enter into this Agreement in order for the City to grant to CSD a non-exclusive license to allow CSD access to the Landscape Area, as such term is defined below, for the purpose of installing, maintaining, and replacing landscaping.

NOW THEREFORE, in consideration of the mutual covenants, agreements and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and CSD agree as follows:

AGREEMENT

1. The City hereby grants to CSD a non-exclusive irrevocable license for the purpose of installing, maintaining, and replacing landscaping within that portion of “Proposed Area A” as shown on the Plan and defined and described as follows:

Beginning at a point on the easterly side of the US Route 1 Bypass in the City of Portsmouth, said point being N 39° 05' 21" W a distance of 111.43 feet from a granite bound to be set at the proposed southerly side of the proposed Cate Street Extension;

Thence along the US Route 1 Bypass N 21° 59' 16" W for a distance of 28.10 feet to a point;

Thence, N 70° 52' 40" E for a distance of 374.75 feet to a point;

Thence, N 63° 35' 26" E for a distance of 385.52 feet to a granite bound to be set at the edge of the existing Cate Street right of way;

Thence, S 25° 06' 26" E along the existing Cate Street right of way for a distance of 24.70 feet to a point;

Thence, S 62° 13' 46" W for a distance of 371.79 feet to a point;

Thence along a curve turning to the right through 16° 31' 54", having a radius of 490.00 feet, and whose long chord bears S 70° 29' 43" W for a distance of 141.38 feet and an arc length of 140.89 feet to a point;

Thence along a curve turning to the left through an angle of 09° 18' 59", having a radius of 160.50 feet, and whose long chord bears S 74° 06' 10" W for a distance of 26.10 feet and an arc length of 26.07 feet to a point;

Thence, S 69° 26' 40" W for a distance of 188.44 feet to a point;

Thence along a curve turning to the right through an angle of 48° 45' 02", having a radius of 39.50 feet, and whose long chord bears N 86° 10' 49" W for a distance of 33.61 feet and an arc length of 32.60 feet to a point;

Thence S 28° 11' 42" W for a distance of 7.40 feet to the point of beginning (the "Landscape Area").

2. The purpose of this Agreement is to grant a non-exclusive license to allow CSD access to the Landscape Area for the purpose of accessing, installing, and maintaining landscaping. CSD shall be solely responsible for maintaining the Landscape Area and its landscaping installed thereon, and shall use reasonable efforts to keep the Landscape Area and its landscaping in a clean and attractive condition. Notwithstanding the foregoing, should the City determine that CSD has neglected or refused to keep the Landscape Area or its landscaping in a clean and attractive condition, the City shall have the right to clean and maintain the Landscape Area and landscaping at CSD's sole cost and expense.

3. CSD shall be required to obtain any necessary permits or approvals for the above-referenced landscaping prior to installing same. Nothing in this Agreement should be construed as a waiver of any applicable laws, regulations, or ordinances related to landscaping or otherwise.

Signed this _____ day of _____, 2020.

CITY OF PORTSMOUTH

By: _____
Karen Sawyer Conard, City Manager

As authorized by the City Council vote of _____, 2020

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, SS.

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Karen Sawyer Conard, who acknowledged herself to be the City Manager, of the City of Portsmouth, a municipal corporation, and that she, as such City Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as the City Manager.

In witness whereof I hereunto set my hand and official seal.

Notary Public
Printed Name:
My Commission Expires:

CATE STREET DEVELOPMENT, LLC

By: _____
Joseph P. Bisognano III, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM _____, 2020

Personally appeared before me, the above named Joseph P. Bisognano III, Manager of Cate Street Development LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC
My Commission Expires:

TEMPORARY CONSTRUCTION EASEMENT DEED

NOW COMES **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Way, Portsmouth, New Hampshire 03801 (the “Grantor”), and, for consideration paid, grants to **CATE STREET DEVELOPMENT LLC**, a New Hampshire limited liability company having a principal office address of 60 K Street, Boston, Massachusetts 02127 (the “Grantee”), with Quitclaim Covenants, the following easement:

A TEMPORARY CONSTRUCTION EASEMENT over two certain parcels of land of the Grantor situated in Portsmouth, County of Rockingham, State of New Hampshire, depicted as “Proposed Area ‘A’ to be Conveyed to the City of Portsmouth” and “Proposed Area ‘B’ to be Conveyed to the City of Portsmouth” (collectively, the “Easement Area”) on a plan entitled “Subdivision & Easement Plan for Cate Street Development LLC of Tax Map 163, Lots 33 & 34, Tax Map 165, Lot 2, Tax Map 172, Lot 1, Tax Map 173, Lot 2, Cate Street & US Route 1 Bypass, Portsmouth, New Hampshire”, by Doucet Survey, LLC, dated July 3, 2019, last revised March 27, 2020, and recorded at the Rockingham County Registry of Deeds as Plan _____ (the “Plan”). Reference is made to the Plan for a specific metes and bounds description of the Easement Area.

This **TEMPORARY CONSTRUCTION EASEMENT** is granted to the Grantee for purposes of allowing the Grantee and its successors and assigns to access the Easement Area, to store materials and equipment thereon, and perform site preparation and construction work in connection with construction of the roadways shown on the Plan as Proposed Cate Street and Proposed Cate Street Extension.

Immediately after completion of construction of the roadways shown on the Plan as Proposed Cate Street and Proposed Cate Street Extension, Grantee shall remove any and all materials and equipment and restore the unimproved portions of the Easement Area as near as may be to their condition immediately before such construction.

Grantee shall indemnify and hold harmless Grantor from any and all actions, causes of actions, suits, demands and claims resulting from any damage, injury, loss, expense, fee or cost arising out of or in connection with Grantee’s use of the Easement Area, including the use of the Easement Area by Grantee’s agents, employees, representatives, tenants, guests, invitees, successors and assigns, unless such damage, injuries, losses, expenses, fees and costs were caused by the negligent, reckless, or willful conduct of Grantor.

With respect to "Proposed Area 'A' to be Conveyed to the City of Portsmouth", this Agreement shall terminate automatically upon the earlier of: (1) completion of construction of the roadway shown on the Plan as Proposed Cate Street Extension and acceptance thereof by the City of Portsmouth City Council; or (2) January 1, 2022. With respect to "Proposed Area 'B' to be Conveyed to the City of Portsmouth", this Agreement shall terminate automatically upon the earlier of: (1) completion of construction of the roadway shown on the Plan as Proposed Cate Street and acceptance thereof by the City of Portsmouth City Council; or (2) January 1, 2022.

This easement shall run with the land and shall be binding upon the Grantor and the Grantee and their respective heirs, successors and assigns.

For reference to the Grantor's title, see Quitclaim Deed of Cate Street Development LLC to the City of Portsmouth recorded at the Rockingham County Registry of Deeds at Book _____, Page _____.

Per authorization of the City of Portsmouth City Council dated _____, 2020.

THIS IS A CONVEYANCE EXEMPT FROM TRANSFER TAX PURSUANT TO NH RSA 78-B:2,I.

Signed this ___ day of _____, 2020.

CITY OF PORTSMOUTH

By: _____
Karen Sawyer Conard, City Manager

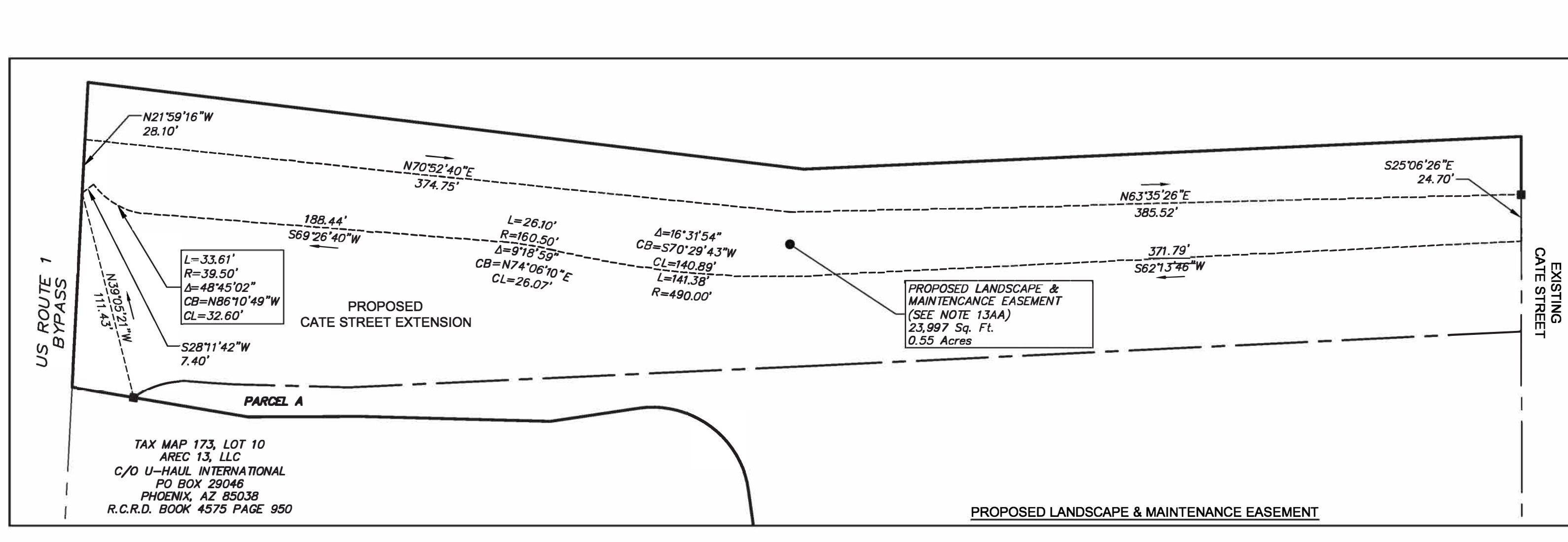
STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, SS.

On this _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Karen Sawyer Conard, who acknowledged herself to be the City Manager, of the City of Portsmouth, a municipal corporation, and that she, as such City Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by herself as the City Manager.

In witness whereof I hereunto set my hand and official seal.

Notary Public
Printed Name:

My Commission Expires:



LINE TABLE

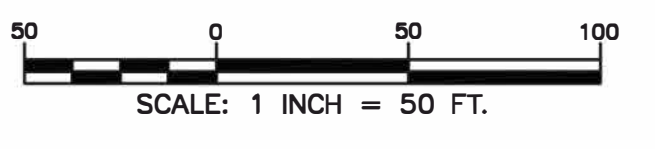
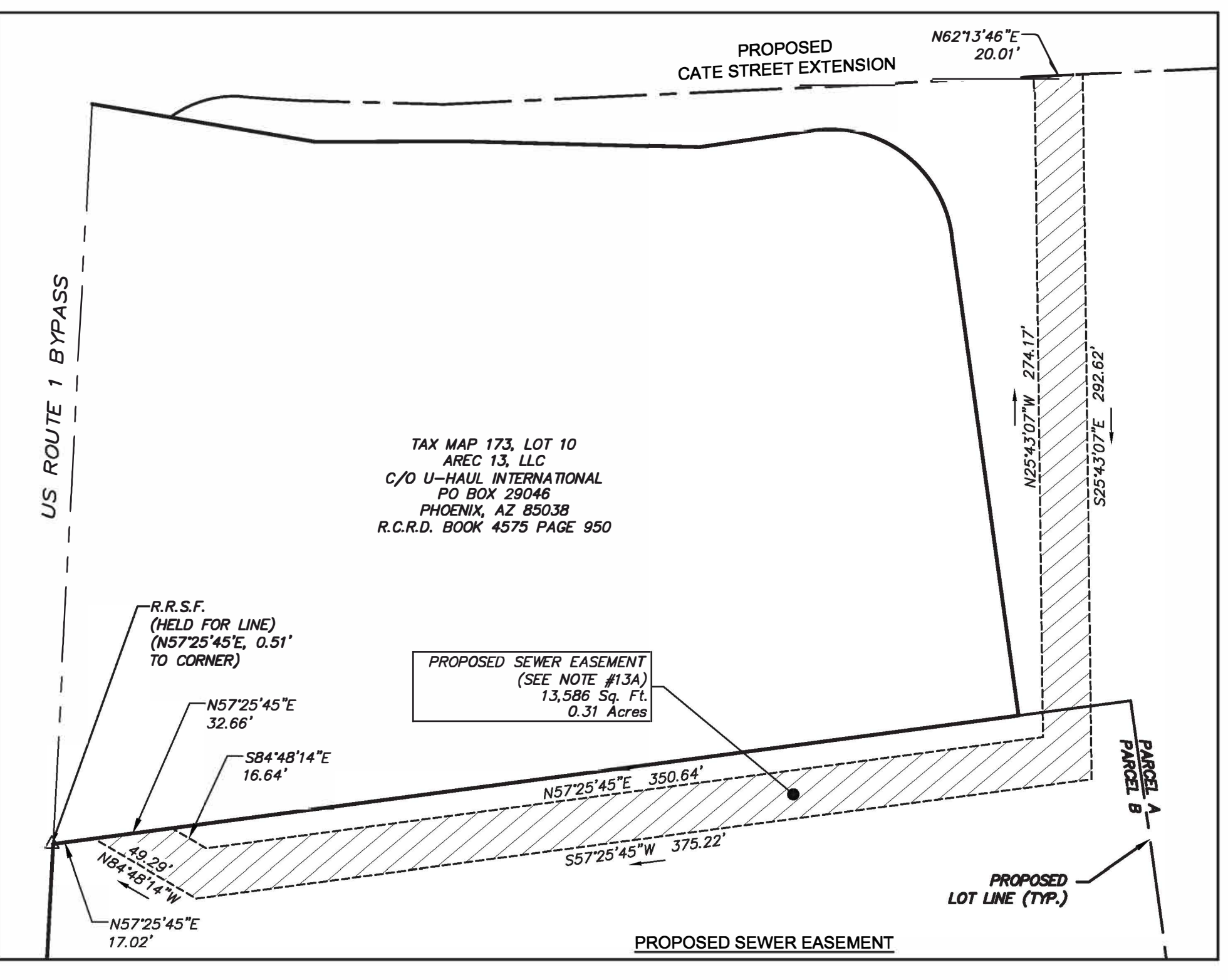
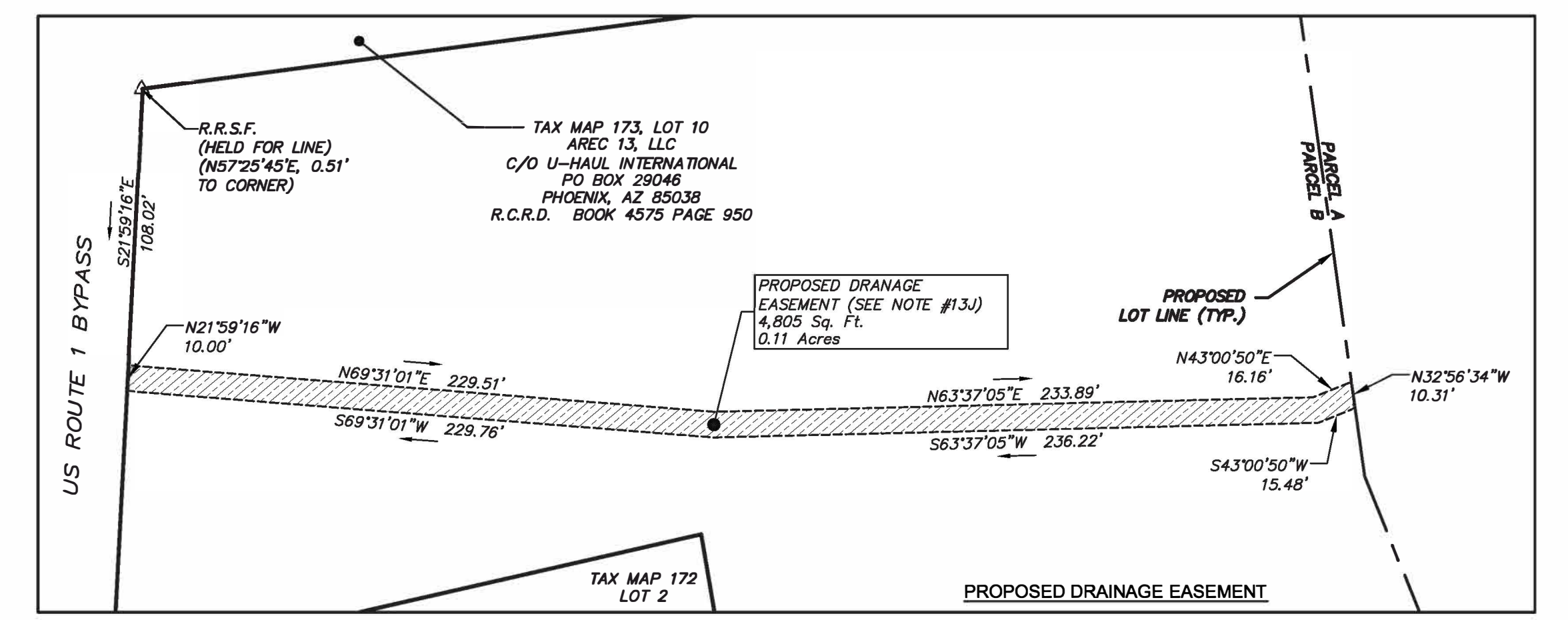
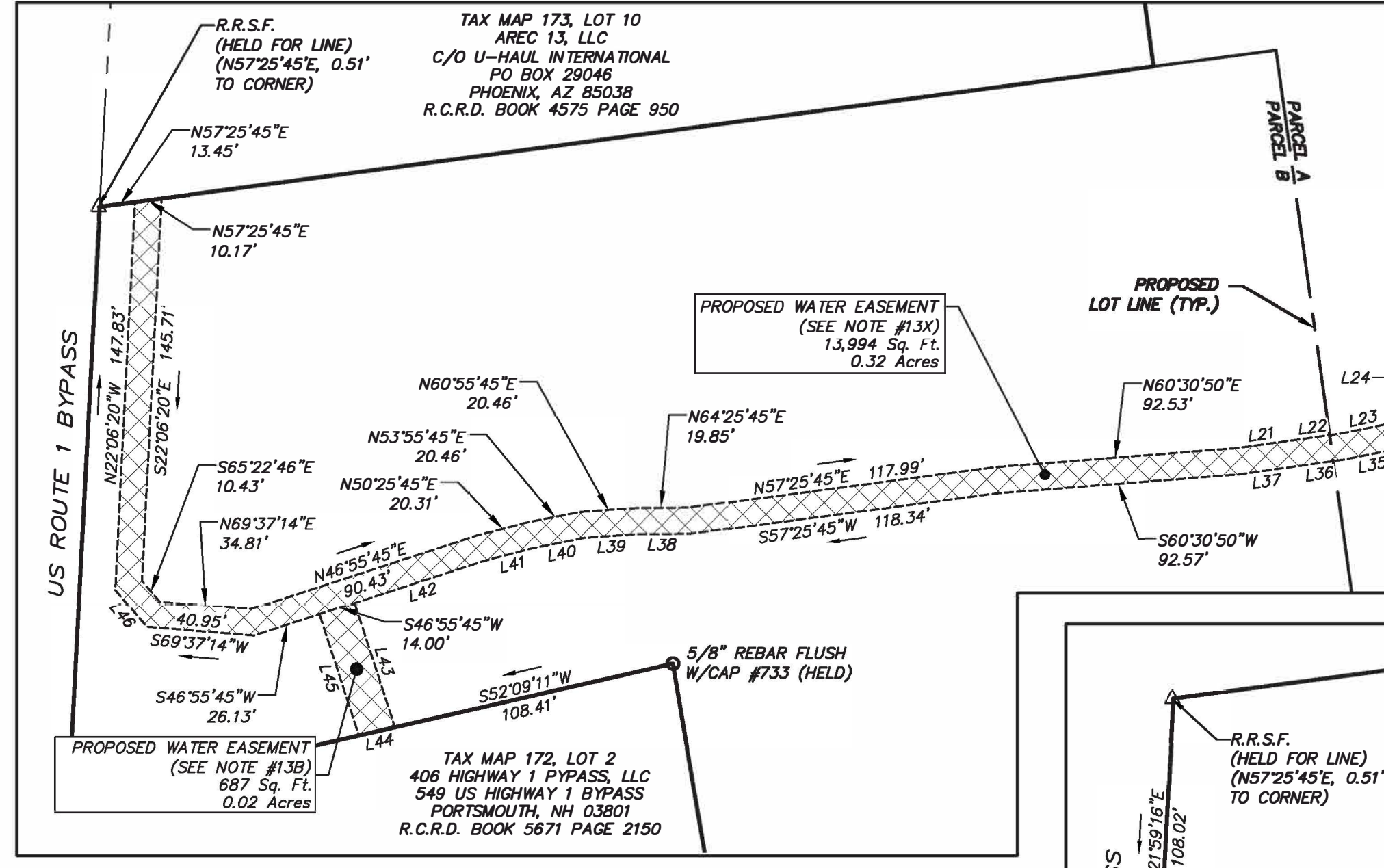
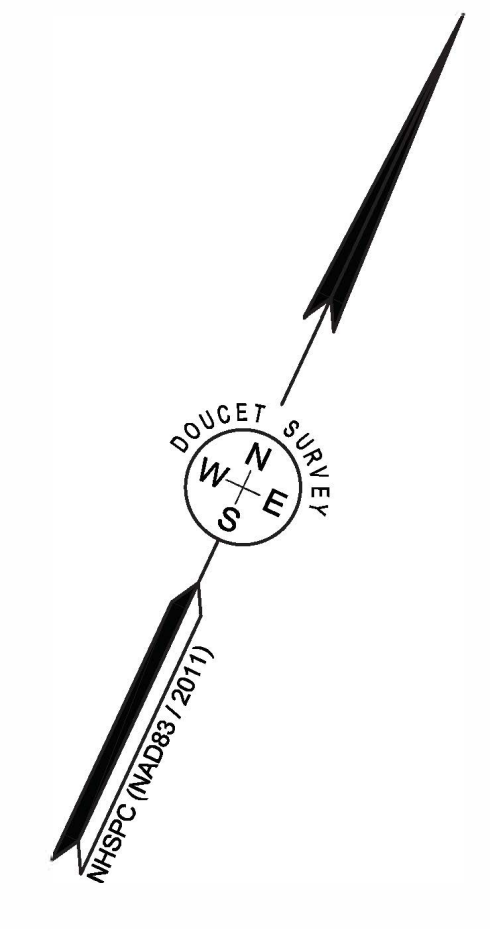
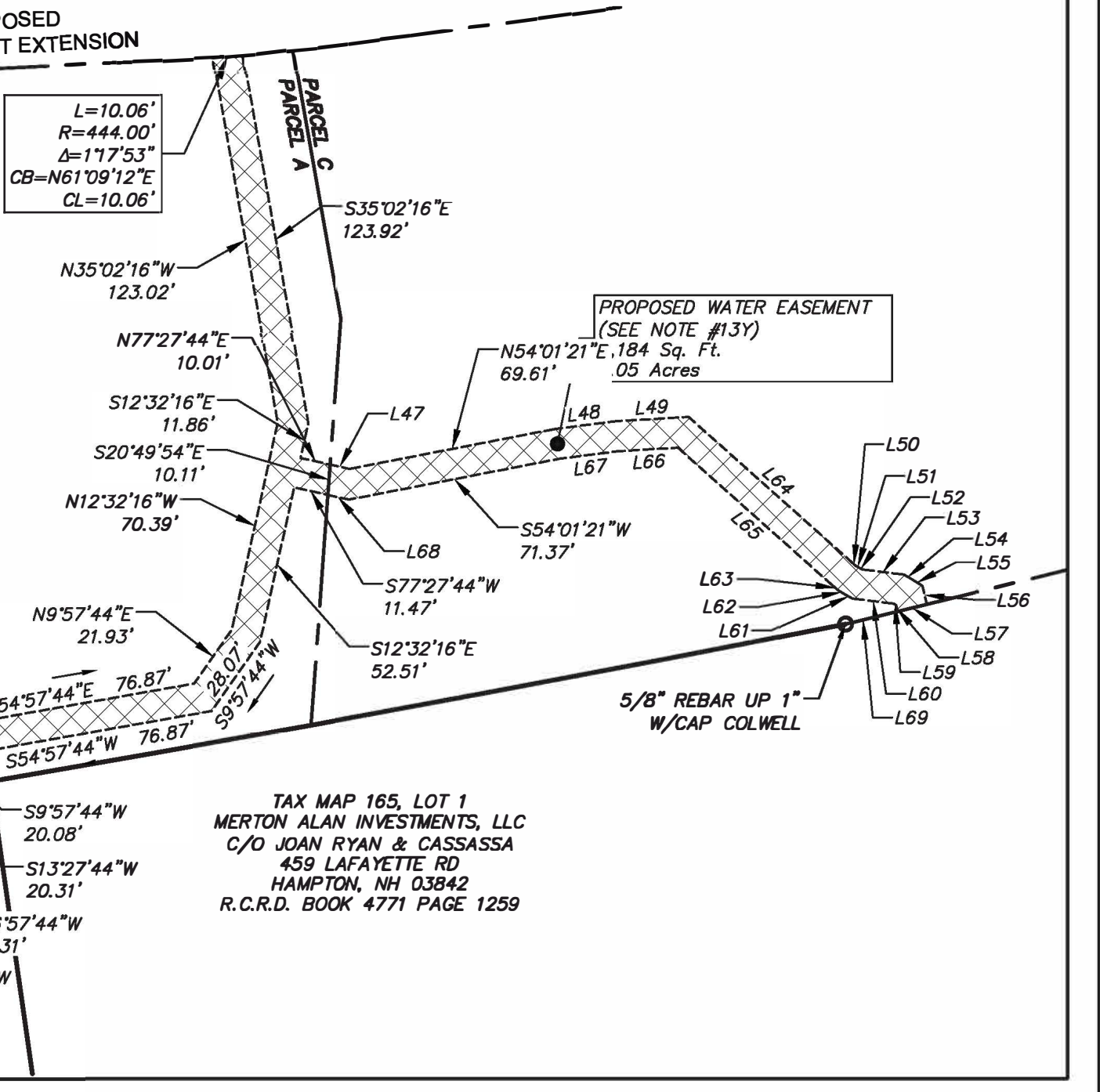
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L22	N57°00'50"E	19.85'
L23	N53°30'50"E	19.85'
L24	N53°30'50"E	4.00'
L28	N53°30'50"E	19.85'
L29	N50°00'50"E	19.69'
L30	N46°30'50"E	19.69'
L31	S46°30'50"W	20.31'
L32	S50°00'50"W	20.31'
L33	S53°30'50"W	20.15'
L34	S53°30'50"W	4.00'
L35	S53°30'50"W	20.15'
L36	S57°00'50"W	20.15'
L37	S57°00'50"W	20.15'
L38	S64°25'45"W	20.15'
L39	S60°55'45"W	19.54'
L40	S53°55'45"W	19.54'
L41	S50°25'45"W	19.69'
L42	S46°55'45"W	52.00'
L43	S43°04'15"E	49.69'

LINE TABLE

LINE	BEARING	DISTANCE
L44	S52°09'11"W	14.06'
L45	N43°04'15"W	48.41'
L46	N65°22'46"W	18.54'
L47	N77°27'44"E	6.60'
L48	N57°41'21"E	20.33'
L49	N61°41'21"E	24.25'
L50	S73°54'16"E	1.49'
L51	S84°54'16"E	1.52'
L52	S84°54'16"E	0.98'
L53	N72°05'44"E	14.00'
L54	S83°53'49"E	3.06'
L55	S83°53'49"E	4.07'
L56	S38°53'49"E	6.39'
L57	S51°16'52"W	10.01'
L58	N38°43'08"W	2.21'
L59	N83°53'49"W	0.87'
L60	S72°05'44"W	13.90'
L61	N84°54'16"W	3.02'
L62	N84°54'16"W	2.48'
L63	N73°54'16"W	2.51'

LINE TABLE

LINE	BEARING	DISTANCE
L64	S73°18'39"E	72.82'
L65	N73°18'39"W	68.73'
L66	S61°41'21"W	19.75'
L67	S57°41'21"W	19.67'
L68	S77°27'44"W	7.21'
L69	N51°16'52"E	17.88'

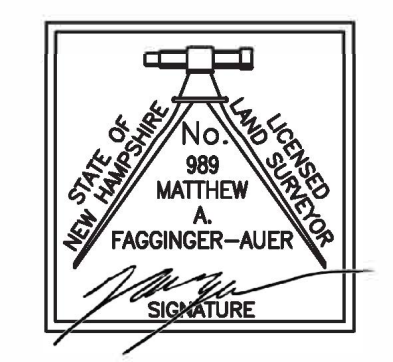


SUBDIVISION & EASEMENT PLAN FOR CATE STREET DEVELOPMENT LLC OF TAX MAP 163, LOTS 33 & 34 TAX MAP 165, LOT 2 TAX MAP 172, LOT 1 TAX MAP 173, LOT 2 CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE

APPROVED FOR THE RECORD

CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

- LEGEND**
- LOT LINE
 - - - PROPOSED LOT LINE
 - - - APPARENT RIGHT OF WAY LINE
 - - - LOT LINE TO BE ABANDONED
 - - - APPROXIMATE ABUTTER LOT LINE
 - - - EXISTING EASEMENT LINE (SEE NOTE #12)
 - - - PROPOSED EASEMENT LINE (SEE NOTE #13)
 - - - EDGE OF WETLAND
 - BOUND FOUND
 - △ R.R.S.F.
 - RAILROAD SPIKE FOUND
 - IRON PIPE/ROD FOUND
 - 4"x4" GRANITE BOUND TO BE SET
 - 5/8" REBAR W/D CAP TO BE SET
 - BOUND FOUND
 - IRON PIPE FOUND
 - CONCRETE
 - D.H.



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

DATE: 7/3/2019

NO.	DATE	DESCRIPTION	BY
5	3/27/20	REVISE EASEMENTS	MWF
4	11/14/19	REVISE EASEMENTS	MWF
3	9/30/19	ADD ADDITIONAL TOPO	MTL
2	9/6/19	ADD ADDITIONAL EASEMENTS	MWF
1	8/19/19	ADD ADDITIONAL EASEMENTS	MWF

DRAWN BY: M.W.F.	DATE: JULY 3, 2019
CHECKED BY: W.J.D.	DRAWING NO.: 5517D
JOB NO.: 5517	SHEET 6 OF 12

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http://www.doucetsurvey.com

ABUTTERS

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

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

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

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

TAX MAP 234, LOT 51 MEADOWBROOK INN CORP. C/O PORTSMOUTH CHEVROLET 549 ROUTE 1 BYPASS PORTSMOUTH, NH 03801 R.C.R.D. BOOK 2362, PAGE 1968

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

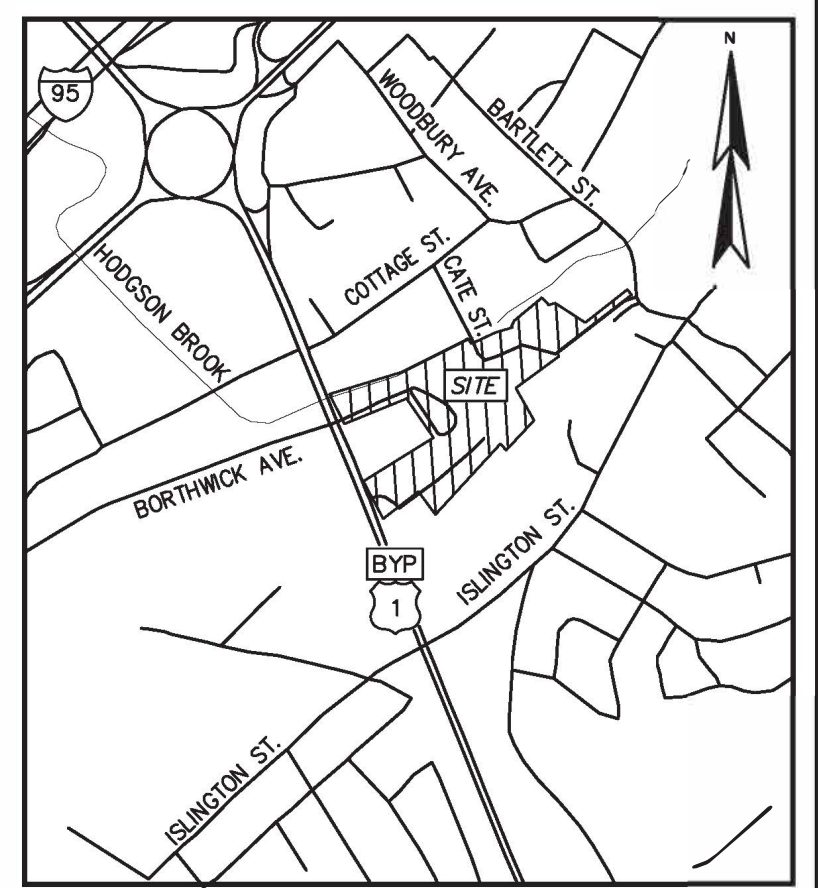
TAX MAP 234, LOT 7-6 CREETH WARAMAUG PORTSMOUTH, LLC C/O CTMI, LLC PO BOX 741328 DALLAS, TX 75374 R.C.R.D. BOOK 5620, PAGE 1675

NOTES:

- 1. REFERENCE: TAX MAP 163, LOT 33 - 12,230 SF OR 0.28 AC. TAX MAP 163, LOT 34 - 64,109 SF OR 1.47 AC. TAX MAP 165, LOT 2 TAX MAP 172, LOT 1 TAX MAP 173, LOT 2 COMBINED AREA - 451,572 SF OR 10.37 AC. OWNER OF RECORD: CATE STREET DEVELOPMENT LLC 11 ELKINS STREET, SUITE 420 BOSTON, MA 02127 R.C.R.D. BOOK 5959, PAGE 109 ZONES: GW1-GATEWAY NEIGHBORHOOD MIXED USE CORRIDOR (SEE CITY OF PORTSMOUTH ZONING ORDINANCE FOR DIMENSIONAL REQUIREMENTS. SUBJECT LOTS WERE REZONED TO GW1 ON DECEMBER 4, 2017 PER SAID ORDINANCE.) -SEE SITE PLANS FOR DIMENSIONAL REQUIREMENTS AND DEVELOPMENT SITE STANDARDS. FIELD SURVEY PERFORMED BY P.J.S. & J.C.M. DURING NOVEMBER 2016 USING A TRIMBLE S6 TOTAL STATION, A TRIMBLE R8 SURVEY GRADE GPS UNIT, A TRIMBLE TSC3 DATA COLLECTOR AND A SOKKIA B21 AUTO LEVEL, BY L.P.S. & S.N.F. DURING JULY 2018 AND T.M.M. & J.C.M. IN SEPTEMBER & OCTOBER 2018 USING A TRIMBLE S6 TOTAL STATION WITH A TRIMBLE TSC3 DATA COLLECTOR. TRAVERSE ADJUSTMENT BASED ON LEAST SQUARE ANALYSIS. ADDITIONAL FIELD SURVEY PERFORMED BY M.C. DURING NOVEMBER 2016 AND OCTOBER 2018 USING A LEICA HDS SCANNER. THE LIMITS OF JURISDICTIONAL WETLANDS WERE DELINEATED BY MARC JACOBS IN NOVEMBER 2016 AND REVIEWED BY GOVE ENVIRONMENTAL SERVICES, INC. DURING APRIL 2018 IN ACCORDING TO THE US ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1, JANUARY 1987 AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2102 AND FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4, MAY 2017, NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE.

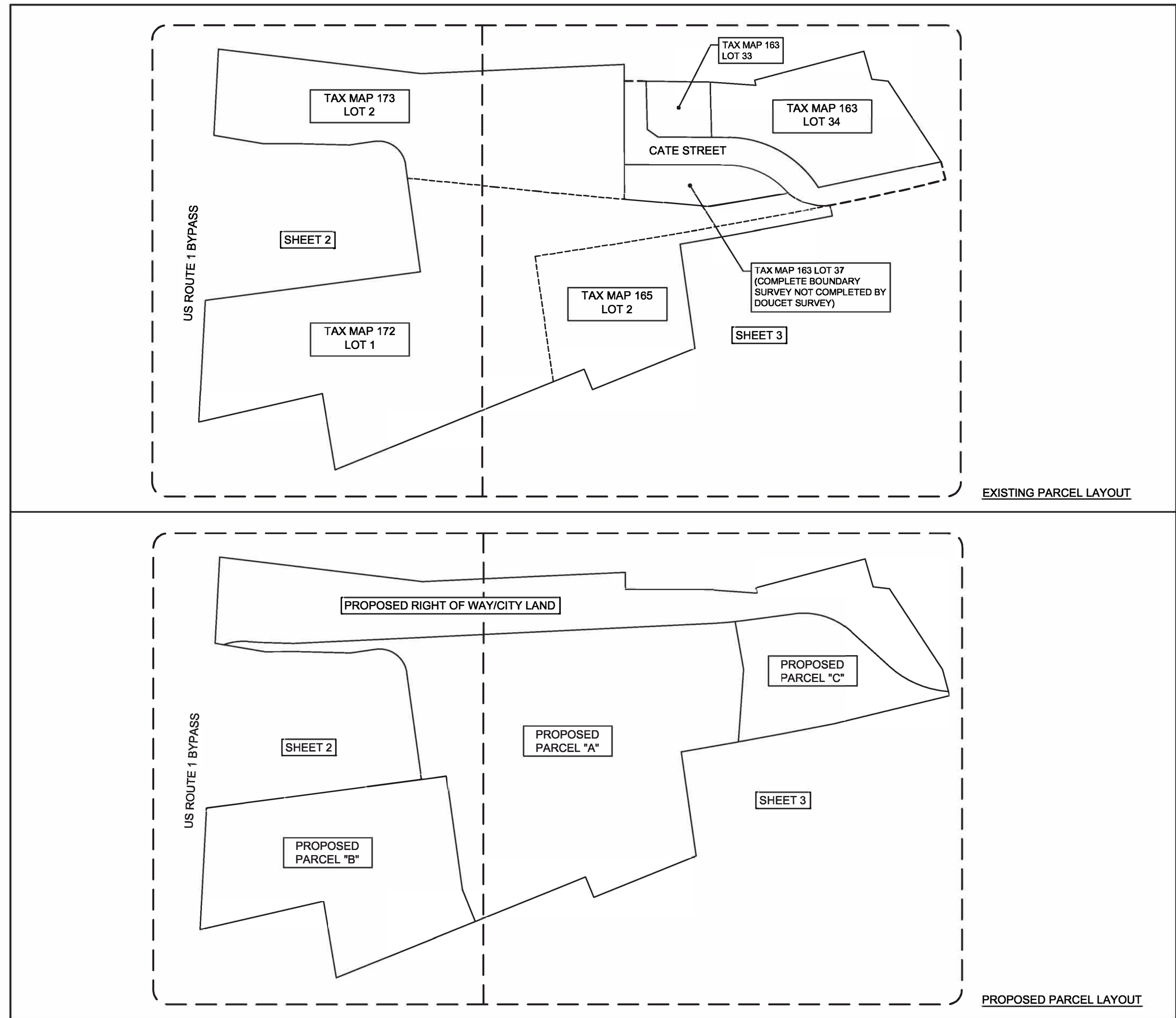
- 6. FLOOD HAZARD ZONE: "X", PER FIRM MAP #33015C0259E.1
7. VERTICAL DATUM IS BASED ON NGVD29 PER DISK V 28 19
8. HORIZONTAL DATUM BASED ON NEW HAMPSHIRE STATE PL... FROM REDUNDANT GPS OBSERVATIONS UTILIZING THE KEYNET GPS VRS NETWORK.
9. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH AND IN RELATION TO THE CURRENT LEGAL DESCRIPTION, AND IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
10. DUE TO THE COMPLEXITY OF RESEARCHING ROAD RECORDS AS A RESULT OF INCOMPLETE, UNORGANIZED, INCONCLUSIVE, OBLITERATED, OR LOST DOCUMENTS, THERE IS AN INHERENT UNCERTAINTY INVOLVED WHEN ATTEMPTING TO DETERMINE THE LOCATION AND WIDTH OF A ROADWAY RIGHT OF WAY. THE EXTENT OF (THE ROAD(S)) AS DEPICTED HEREON IS/ARE BASED ON RESEARCH CONDUCTED AT THE PORTSMOUTH CITY HALL, PORTSMOUTH DEPARTMENT OF ENGINEERING, THE ROCKINGHAM COUNTY REGISTRY OF DEEDS, AND THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION.
11. FINAL MONUMENTATION MAY BE DIFFERENT THAN THE PROPOSED MONUMENTATION SHOWN HEREON, DUE TO THE FACT THAT SITE CONDITIONS WILL DICTATE THE ACTUAL LOCATION AND TYPE OF MONUMENTS INSTALLED IN THE FIELD. PLEASE REFER TO EITHER THE "MONUMENTATION LOCATION PLAN" TO BE RECORDED OR CONTACT DOUCET SURVEY FOR CLARIFICATION OF MONUMENTS SET. (A RECORDED PLAN WILL BE PRODUCED AT THE DISCRETION OF DOUCET SURVEY).

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

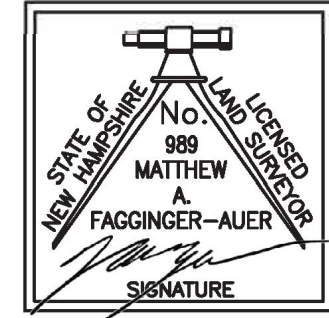


REFERENCE PLANS

- 1. "MAINE-NEW HAMPSHIRE INTERSTATE BRIDGE AUTHORITY, PISCATAQUA RIVER BRIDGE, KITTERY, MAINE-PORTSMOUTH, NEW HAMPSHIRE, RIGHT OF WAY MAPS, N.H. APPROACH, BY ALBERT MOULTON, CE, DATED 1954, ON FILE A THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION.
2. "PLAT OF LAND U.S. ROUTE 1 BY-PASS PORTSMOUTH, NEW HAMPSHIRE FOR GRIFFIN FAMILY CORP.", BY DURGIN, VERRA AND ASSOCIATES, INC., DATED JANUARY 20, 1992, RECEIVED FROM THE OFFICE OF JAMES VERRA.
3. "LOT LINE REVISION U.S. ROUTE ONE BY-PASS, PORTSMOUTH, N.H. FOR WGGN, PARSONS, & O'BRIEN, BY JOHN W. DURGIN ASSOCIATES, INC., DATED JANUARY 22, 1982, R.C.R.D. PLAN D-10722.
4. "PLAN OF LAND FOR JOSEPH J. O'BRIEN JR. & SR., CATE STREET/ROUTE 1 BY-PASS, PORTSMOUTH, N.H., BY RICHARD P. MILLETTE AND ASSOCIATES, DATED NOVEMBER 17, 1988, R.C.R.D. PLAN D-19110.
5. "LAND IN PORTSMOUTH, N.H., BOSTON AND MAINE RAILROAD TO ALL STATE REALTY CORPORATION", BY BRENTON V. SCHOFIELD, DATED FEBRUARY 1964, R.C.R.D. PLAN 160.
6. "LOT LINE RELOCATION PLAN FOR U-HAUL REAL ESTATE COMPANY AND FRANCIS J. COSTELLO CATE STREET/ROUTE 1 BY-PASS, PORTSMOUTH, N.H.", BY RICHARD P. MILLETTE AND ASSOCIATES, DATED MAY 25, 1995, R.C.R.D. PLAN D-24912.
7. "SUBDIVISION OF LAND HEIRS OF CORNELIUS COAKLEY", BY MCKENNA ASSOCIATES, DATED JULY 26, 1972, R.C.R.D. PLAN D-3790.
8. "LOT LINE REVISION PORTSMOUTH, N.H. FOR MICHAEL A. PAGANO", BY JOHN W. DURGIN ASSOCIATES, DATED JUNE 26, 1981, R.C.R.D. PLAN D-10276.
9. "SITE PLAN OF ELDRIDGE PARK WEST PREPARED FOR ELDRIDGE BREWERY REALTY PARTNERSHIP", BY KIMBALL CHASE COMPANY, INC., DATED JULY 23, 1987, R.C.R.D. PLAN D-16894.
10. "PLAN OF LAND OF FRANK JONES BREWING CORP. & PAUL C. BADGER & NORMAN E. RAND PORTSMOUTH, N.H.", BY JOHN W. DURGIN, CIVIL ENGINEERS, DATED SEPTEMBER 1950, R.C.R.D. PLAN 01635.
11. "LOT LINE ADJUSTMENT PLAN FOR LAND OWNED BY SHARON R. GROSS REVOCABLE TRUST, KNOWN AS TAX MAP 163, LOT 31 & 32 LOCATED ALONG #201 & 235 CATE STREET", BY KNIGHT HILL LAND SURVEYING SERVICES, INC., DATED JULY 28, 2011, R.C.R.D. PLAN D-37021.
12. "SITE REVIEW PLAN FOR LAND OWNED BY SHARON R. GROSS REVOCABLE TRUST, KNOWN AS TAX MAP 163, LOT 32 LOCATED ALONG #201 & CATE STREET", BY KNIGHT HILL LAND SURVEYING SERVICES, INC., DATED DECEMBER 2002, R.C.R.D. PLAN D-30850.
13. "PLAN SHOWING DIVISION OF ELDRIDGE BREWING CO. LOT IN PORTSMOUTH, N.H. OWNED BY ALBERT HISPLO", BY WM A. GROVER, DATED DECEMBER 11, 1918, R.C.R.D. PLAN 18.
14. "PLAN OF LAND PORTSMOUTH, N.H. ATLANTIC REALTY CORP. TO KITTERY LAUNDRY, INC.", BY JOHN W. DURGIN, DATED AUGUST 1964, R.C.R.D. PLAN 300.
15. "CITY OF PORTSMOUTH, N.H. DEFENSE HOMES SEWER LOCATION PLAN", BY JOHN W. DURGIN DATED MAY 1961, R.C.R.D. PLAN 1106.
16. "LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO M.H. PARSONS & SONS LUMBER COMPANY, INC.", R.C.R.D. BOOK 1267, PAGE 16.
17. "PLAN OF LAND PORTSMOUTH, N.H. FOR M.H. PARSONS REALTY CORP.", BY JOHN W. DURGIN, DATED DECEMBER 1956, R.C.R.D. BOOK 1431, PAGE 275.
18. "SITE PLAN PORTSMOUTH, N.H. PREPARED FOR U-HAUL OF N.H. AND VT., INC.", BY JOHN W. DURGIN, DATED JUNE 4, 1980, R.C.R.D. PLAN D-9642.
19. "STANDARD PROPERTY SURVEY & PROPOSED SIDEWALK EASEMENT FOR THE CITY OF PORTSMOUTH FOR PROPERTY AT 185 COTTAGE STREET OWNED BY COLMAN C. GARLAND", BY EASTERLY SURVEYING, INC., SAIED NOVEMBER 30, 2012, R.C.R.D. PLAN D-38047.
20. "PLOT PLAN FOR MARIAN M. BADGER, PORTSMOUTH, N.H.", BY JOHN W. DURGIN, DATED JULY 1973, RECIEVED FROM THE OFFICE OF JAMES VERRA.
21. "LAND ON CATE STREET, PORTSMOUTH, N.H., BADGER & RAND TO PORTSMOUTH POWER CO.", BY JOHN W. DURGIN, DATED JANUARY 8, 1926, RECEIVED FROM THE OFFICE OF JAMES VERRA.
22. "RIGHT-OF-WAY AND TRACK MAP BOSTON AND MAINE R.R. OPERATED BY THE BOSTON & MAINE R.R., STATION 2928+05 TO 2966+20", DATED JUNE 30, 1914, ON FILE AT THE NH DEPARTMENT OF TRANSPORTATION.
23. "ALTA/ACSM LAND TITLE SURVEY, TAX MAP 234, LOT 51 PROPERTY OF THE MEADOWBROOK INN CORPORATION", BY MSC CIVIL ENGINEERS & LAND SURVEYORS, DATED DECEMBER 2, 2018, R.C.R.D. PLAN D-36980.
24. "LOT LINE REVISION PLAN TAX MAP R-34 LOTS 6 & 7-6, LOCATED ON BORTHWICK AVE., COAKLEY ROAD AND U.S. ROUTE 1 BYPASS IN PORTSMOUTH, NH", BY KIMBALL CHASE, DATED OCTOBER 20, 1993, R.C.R.D. PLAN D-22686.
25. "PLAN OF LAND FOR SEACOAST DEVELOPMENT GROUP, LLC, US ROUTE 1 BYPASS & COAKLEY ROAD, PORTSMOUTH, NH", BY MILLETTE, SPRAGUE & COLWELL, INC., DATED JUNE 7, 2002, R.C.R.D. PLAN D-30041.
26. "LOT LINE REVISION PLAN LAND OF SEARAY REALTY, LLC", BY DOUCET SURVEY, INC., DATED MARCH 12, 2014, R.C.R.D. PLAN D-38435.
27. "STANDARD PROPERTY SURVEY & PROPOSED SIDEWALK EASEMENT FOR THE CITY OF PORTSMOUTH FOR PROPERTY AT 185 COTTAGE STREET PORTSMOUTH, NH OWNED BY COLMAN C. GARLAND", BY NORTH EASTERLY SURVEYING, INC., DATED NOVEMBER 30, 2012, R.C.R.D. PLAN D-38017.
28. "PLAN OF A LOT OF LAND BELONGING TO FRANK JONES", DATED JULY 1901, R.C.R.D. PLAN 223.
29. "MEADOWBROOK INN CONDOMINIUM SITE PLAN, MAP 234, LOT 51 IN PORTSMOUTH, NH, PREPARED FOR THE MEADOWBROOK INN CORPORATION", BY VANASSE HANGEN BRUSTLIN, INC., DATED SEPTEMBER 25, 2009, R.C.R.D. PLAN D-36162.
30. "PROPOSED EASEMENTS - BARTLETT STREET, BARTLETT SEWER SEPARATION PROJECT OVER LAND OF PAN AM RAILWAYS, PORTSMOUTH, NH FOR CITY OF PORTSMOUTH", BY JAMES VERRA AND ASSOCIATES, INC., DATED OCTOBER 1, 2007, R.C.R.D. PLAN D-35477.
31. "EASEMENT PLAN - 653 ISLINGTON STREET, BARTLETT SEWER SEPARATION PROJECT OVER LAND OF HOUSTON HOLDINGS, LLC", BY JAMES VERRA AND ASSOCIATES, INC., DATED JUNE 22, 2009, R.C.R.D. PLAN D-35957.
32. "LAND TRANSFER AND EASEMENT PLAN, 30 CATE STREET PORTSMOUTH, NH OWNED BY MERTON ALAN INVESTMENTS, LLC.", BY TF MORAN/MS, DATED OCTOBER 31, 2017, R.C.R.D. PLAN D-40742.
33. "LAND IN PORTSMOUTH, N.H. BARTLETT & CATE STREET", BY JOHN W. DURGIN CIVIL ENGINEER, DATED JULY 1924, R.C.R.D. PLAN 0133.



APPROVED FOR THE RECORD CHAIRMAN PORTSMOUTH PLANNING BOARD DATE



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

Signature and Date: MWF 7/3/20

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

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

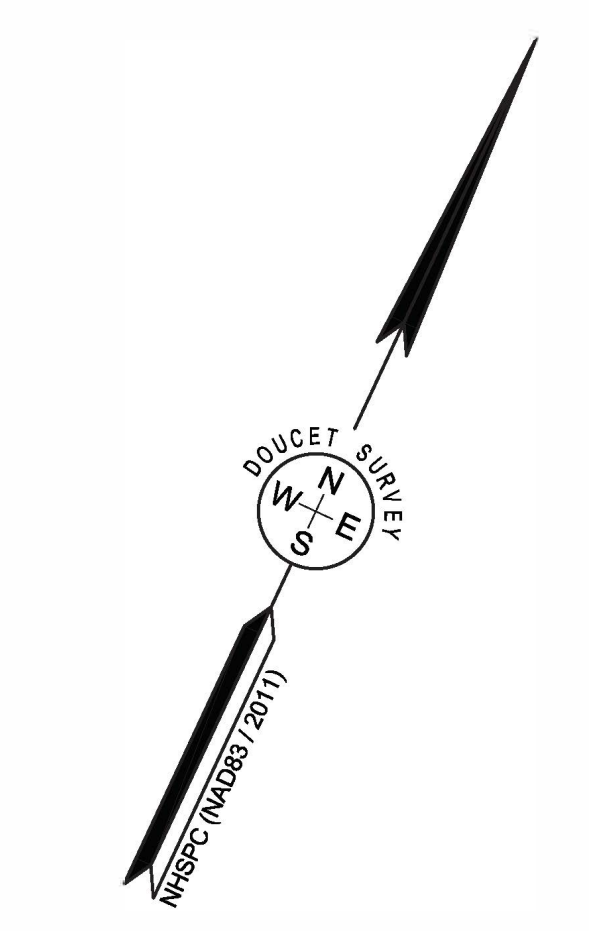
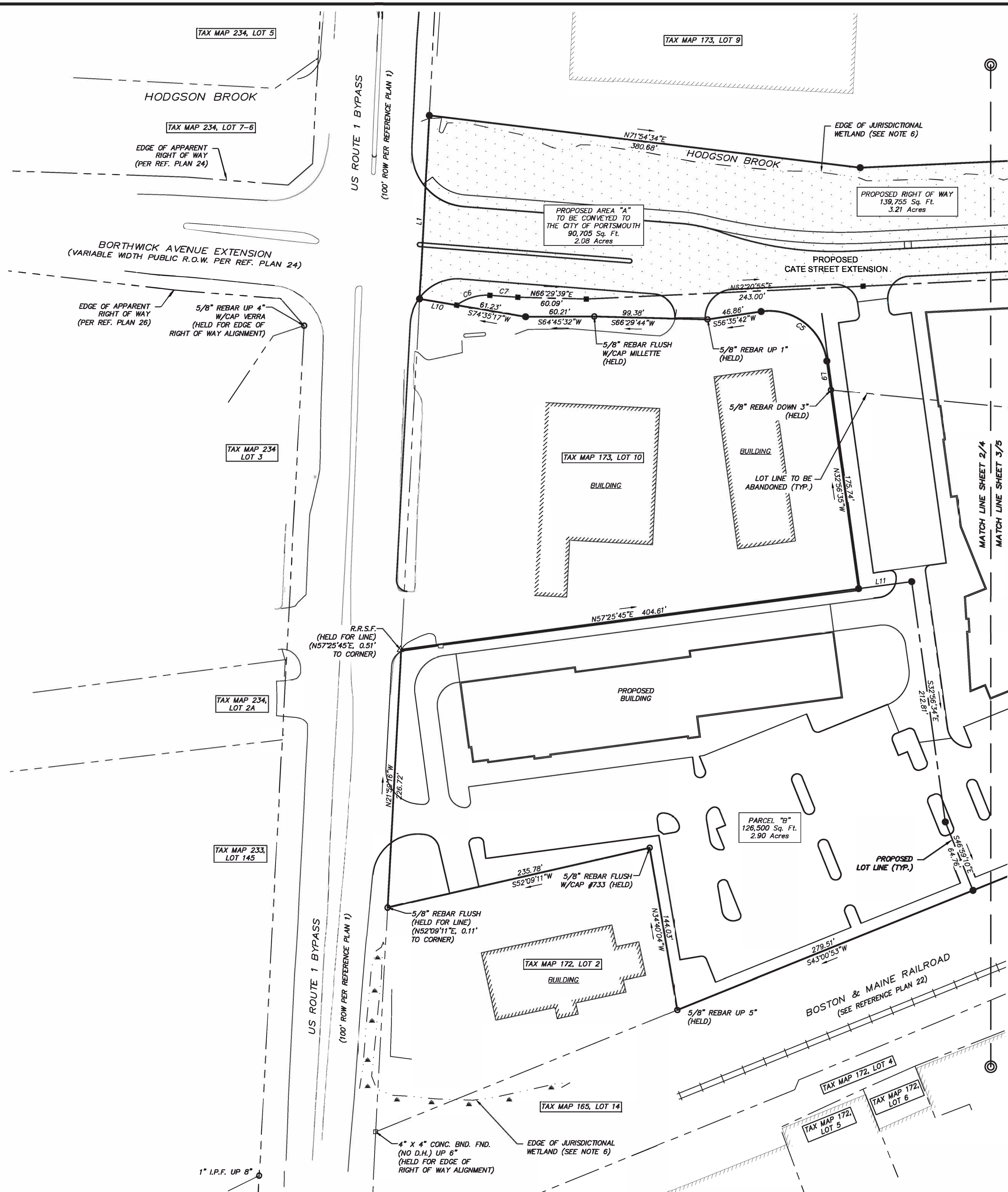
Table with columns: NO., DATE, DESCRIPTION, BY. Includes entries for revising easements and adding additional topo.

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

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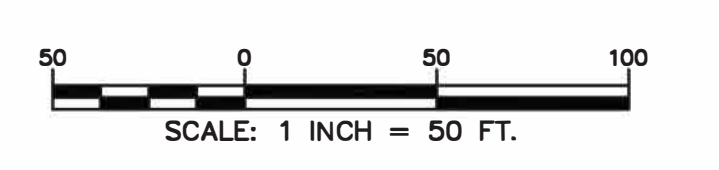
CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	66.21'	178.00'	21°18'42"	N85°47'06"E	65.83'
C2	20.94'	178.00'	6°44'29"	N71°45'30"E	20.93'
C3	180.71'	11451.20'	0°54'15"	N54°18'39"E	180.71'
C4	108.14'	11451.20'	0°32'28"	N55°02'01"E	108.14'
C5	80.85'	51.00'	90°49'33"	S78°21'38"E	72.64'
C6	30.94'	45.00'	39°23'52"	N48°30'09"E	30.34'
C7	24.56'	1008.50'	1°23'42"	N68°53'56"E	24.56'
C8	38.52'	635.67'	3°28'15"	N60°29'39"E	38.51'
C9	15.14'	635.67'	1°21'52"	N58°04'35"E	15.14'
C10	115.78'	133.00'	49°52'37"	N82°19'58"E	112.16'
C11	33.65'	178.00'	10°49'50"	S78°08'38"E	33.60'
C12	181.57'	200.00'	52°00'57"	S83°14'19"E	175.40'
C13	84.14'	100.00'	48°12'27"	N81°13'11"E	81.68'
C14	134.92'	2836.93'	2°43'29"	N52°04'44"E	134.90'
C15	101.35'	148.44'	39°07'10"	N84°55'36"W	99.39'
C16	26.01'	148.44'	10°02'24"	N70°29'37"E	25.98'
C17	18.43'	200.00'	5°16'48"	N68°06'49"E	18.42'

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



LEGEND

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



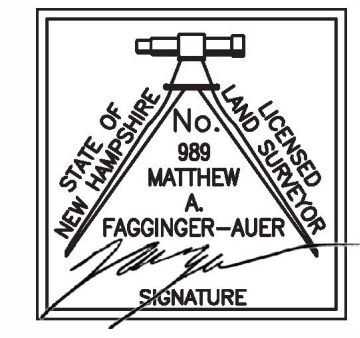
SUBDIVISION & EASEMENT PLAN FOR CATE STREET DEVELOPMENT LLC OF TAX MAP 163, LOTS 33 & 34 TAX MAP 165, LOT 2 TAX MAP 172, LOT 1 TAX MAP 173, LOT 2 CATE STREET & US ROUTE 1 BYPASS PORTSMOUTH, NEW HAMPSHIRE

NO.	DATE	DESCRIPTION	BY
5	3/27/20	REVISE EASEMENTS	MWF
4	11/14/19	REVISE EASEMENTS	MWF
3	9/30/19	ADD ADDITIONAL TOPO	MTL
2	9/6/19	ADD ADDITIONAL EASEMENTS	MWF
1	8/19/19	ADD ADDITIONAL EASEMENTS	MWF

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

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APPROVED FOR THE RECORD
 CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

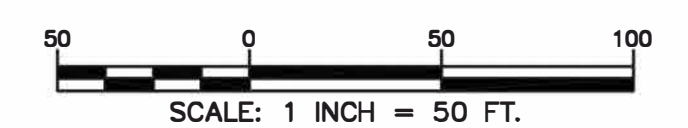
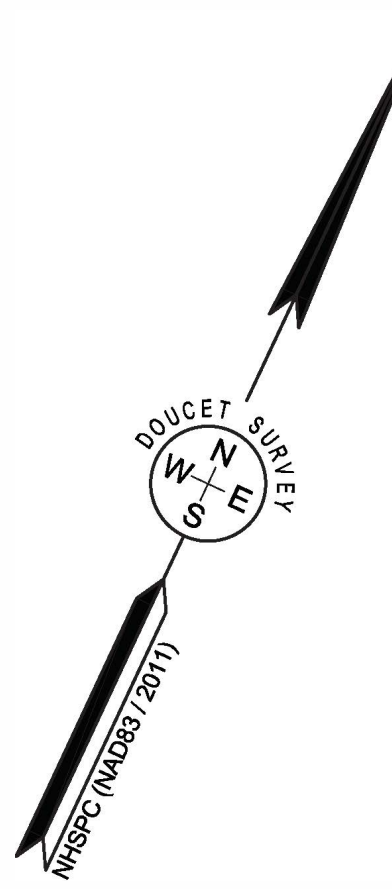
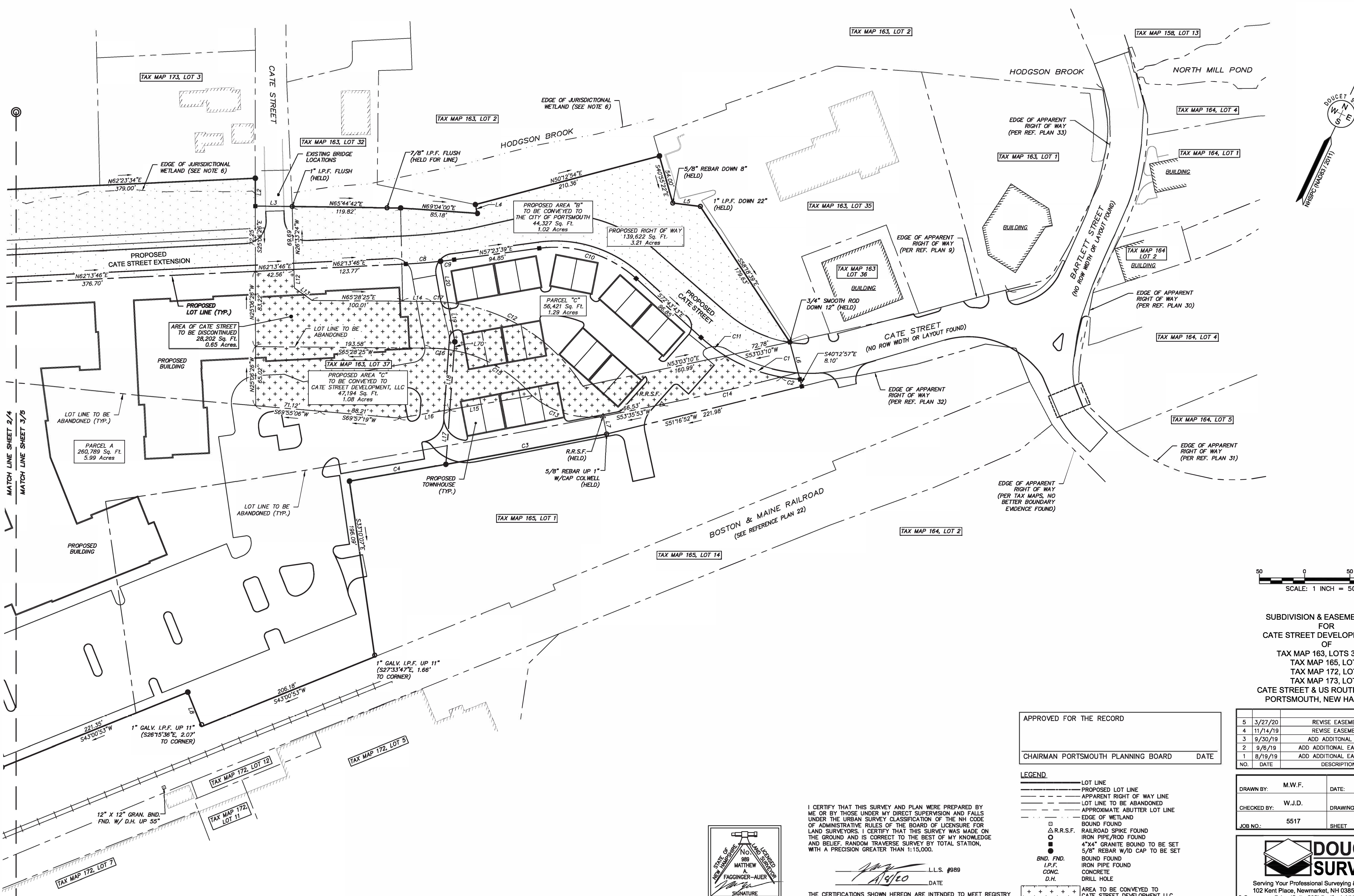


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Matthew A. Fagginger-Auer
 M.A.F. #989
 4/9/20 DATE

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FILE NAME: \\V:\PROJECTS\5517.DWG DATE: 4/9/20 10:55:10 AM PLOT DATE: 4/9/20 10:55:10 AM PLOTTER: HP DesignJet 2450



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

APPROVED FOR THE RECORD

 CHAIRMAN PORTSMOUTH PLANNING BOARD DATE: _____

NO.	DATE	DESCRIPTION	BY
5	3/27/20	REVISE EASEMENTS	MWF
4	11/14/19	REVISE EASEMENTS	MWF
3	9/30/19	ADD ADDITIONAL TOPO	MTL
2	9/6/19	ADD ADDITIONAL EASEMENTS	MWF
1	8/19/19	ADD ADDITIONAL EASEMENTS	MWF

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

LEGEND

---	LOT LINE
- - - - -	PROPOSED LOT LINE
- · - · -	APPROXIMATE ABUTTER LOT LINE
- · - · -	EDGE OF WETLAND
□	BOUND FOUND
△	R.R.S.F.
○	RAILROAD SPIKE FOUND
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○	CONCRETE
○	DRILL HOLE
+	AREA TO BE CONVEYED TO CATE STREET DEVELOPMENT LLC
+	AREA TO BE CONVEYED TO THE CITY OF PORTSMOUTH

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NO. 989
 MATTHEW A. FAGGINGER-AUER
 LAND SURVEYOR
 SIGNATURE

L.L.S. #989
 DATE: 7/3/2019

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FILE NAME: T:\PROJECTS\5517.DWG DATE: 4/19/2020 10:53:10 AM PLOT: 100% LAYOUT NAME: SUB PLANS.dwg PLOTTER: HP DesignJet 2400 L1

SEE SHEET 1 FOR NOTES 1-11.

12. THE FOLLOWING LOTS ARE EITHER SUBJECT TO OR IN BENEFIT OF, BUT NOT LIMITED TO, THE FOLLOWING EASEMENTS/RIGHTS OF RECORD:

- TAX MAP 172, LOT 1
 - A. SUBJECT TO A 50' WIDE RIGHT OF WAY FOR THE BENEFIT OF TAX MAP 172, LOT 2 SEE R.C.R.D. BOOK 2411, PAGE 1484 AND R.C.R.D. PLAN D-10722 (TO BE ABANDONED).
 - B. EXCEPTING AN 8" WATER PIPE LOCATED UNDER SUBJECT PARCEL, SEE R.C.R.D. BOOK 2783, PAGE 560, LOCATION OF SUBJECT WATER PIPE UNKNOWN.
 - C. SUBJECT TO A 10' WIDE ELECTRIC EASEMENT, SEE R.C.R.D. BOOK 1257, PAGE 324 AND R.C.R.D. PLAN D-19110.
 - D. SUBJECT TO A WATER LINE EASEMENT, SEE R.C.R.D. BOOK 950, PAGE 174, LOCATION OF SUBJECT WATERLINE UNKNOWN.
 - E. SUBJECT TO AN ELECTRIC EASEMENT, SEE R.C.R.D. BOOK 1374, PAGE 97, LOCATION OF SUBJECT EASEMENT UNKNOWN.
 - F. SUBJECT TO AN ELECTRIC EASEMENT, SEE R.C.R.D. BOOK 2364, PAGE 397, LOCATION OF SUBJECT EASEMENT UNKNOWN.
 - G. SUBJECT TO A 15' DRIVEWAY EASEMENT, SEE R.C.R.D. BOOK 2216, PAGE 18, LOCATION OF SUBJECT EASEMENT UNKNOWN.
- TAX MAP 173, LOT 2
 - H. SUBJECT TO A 70' WIDE ACCESS EASEMENT IN FAVOR OF TAX MAP 173, LOT 10, SEE R.C.R.D. BOOK 3204, PAGE 87 AND R.C.R.D. PLAN D-24912 (TO BE ABANDONED).
 - I. SUBJECT TO A DRAINAGE EASEMENT TO THE UNITED STATES OF AMERICA, SEE R.C.R.D. BOOK 1423, PAGE 240 AND PLAN D-19110.
 - J. SUBJECT TO A 10' WIDE ELECTRIC EASEMENT, SEE R.C.R.D. BOOK 1257, PAGE 324. SEE ALSO R.C.R.D. PLAN D-19110.
 - K. SUBJECT TO EASEMENTS FOR PASSAGE AND PIPE LINES, SEE R.C.R.D. BOOK 2205, PAGE 646 AND PLAN D-24912. LOCATION OF SUBJECT EASEMENTS UNKNOWN.
 - L. SUBJECT TO A SEWER AND WATER EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH, SEE R.C.R.D. BOOK 1476, PAGE 252 (TO BE ABANDONED).
- TAX MAP 165, LOT 2
 - M. SUBJECT TO A SEWER EASEMENT, SEE R.C.R.D. BOOK 1659, PAGE 273 (TO BE ABANDONED).
 - N. DRIVEWAY RIGHTS, SEE R.C.R.D. BOOK 1659, PAGE 273, LOCATION AND STATUS UNKNOWN.
 - O. ADDITIONAL COVENANTS AND EXCEPTIONS, SEE R.C.R.D. BOOK 1659, PAGE 273.
- TAX MAP 173, LOT 10 (NOT SUBJECT PARCEL)
 - P. SUBJECT TO A SEWER EASEMENT, SEE R.C.R.D. BOOK 1270, PAGE 418.
 - Q. SUBJECT TO A WATER EASEMENT, SEE R.C.R.D. BOOK 1448, PAGE 465.

13. PROPOSED EASEMENTS
- A. PROPOSED 20' WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH.
 - B. PROPOSED 14' WIDE WATER SERVICE EASEMENT IN FAVOR OF TAX MAP 172, LOT 2.
 - C. PROPOSED SIGN EASEMENT IN FAVOR OF CATE STREET DEVELOPMENT LLC.

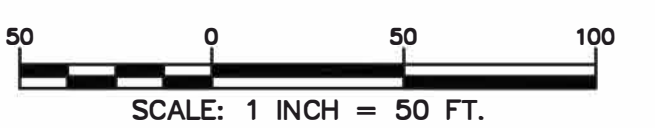
ADDITIONAL PROPOSED EASEMENTS:

- PARCEL "A" (RESIDENTIAL LOT)
- D. BLANKET UTILITY EASEMENT IN FAVOR OF EVERSOURCE.
 - E. SIGHT LINE EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH. NO PLANTINGS OR OBSTRUCTIONS WITHIN THIS EASEMENT TALLER THAN THREE (3) FEET WILL BE ALLOWED IN ORDER TO MAINTAIN SIGHT DISTANCE.
 - F. BLANKET ACCESS EASEMENT IN FAVOR OF TAX MAP 172, LOT 2 AND PROPOSED PARCELS "B" & "C".
 - G. BLANKET WATER EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH TO MAINTAIN VALVES AND HYDRANTS.
 - H. 5' WIDE SNOW STORAGE EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH ALONG THE SOUTHERN LINE OF THE PROPOSED RIGHT OF WAY.
 - I. BLANKET ACCESS EASEMENT FOR CITY OF PORTSMOUTH AND EMERGENCY SERVICES.
- PARCEL "B" (COMMERCIAL LOT)
- J. 10' WIDE DRAINAGE EASEMENT IN FAVOR OF PARCEL "A" OVER PARCEL "B".
 - K. BLANKET ACCESS EASEMENT IN FAVOR OF TAX MAP 172, LOT 2 AND PROPOSED PARCELS "A" & "C".
 - L. BLANKET WATER EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH TO MAINTAIN VALVES AND HYDRANTS.
 - M. BLANKET ACCESS EASEMENT FOR CITY OF PORTSMOUTH AND EMERGENCY SERVICES.
 - N. BLANKET UTILITY EASEMENT IN FAVOR OF EVERSOURCE.
- PARCEL "C" (TOWN HOUSE LOT)
- O. BLANKET UTILITY EASEMENT IN FAVOR OF EVERSOURCE.
 - P. INTENTIONALLY OMITTED.
 - Q. BLANKET WATER EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH TO MAINTAIN VALVES AND HYDRANTS.
 - R. 5' WIDE SNOW STORAGE EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH ALONG THE SOUTHERN LINE OF THE PROPOSED RIGHT OF WAY.
 - S. BLANKET ACCESS EASEMENT FOR CITY OF PORTSMOUTH AND EMERGENCY SERVICES.
 - T. SIGHT LINE EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH. NO PLANTINGS OR OBSTRUCTIONS WITHIN THIS EASEMENT TALLER THAN THREE (3) FEET WILL BE ALLOWED IN ORDER TO MAINTAIN SIGHT DISTANCE.

- TAX MAP 165, LOT 1 & TAX MAP 172, LOT 2
- U. INTENTIONALLY OMITTED.
 - V. PROPOSED ACCESS EASEMENT IN FAVOR OF TAX MAP 172, LOT 2 OVER PARCEL B.
 - W. PROPOSED 10' WIDE SEWER EASEMENT IN FAVOR OF TAX MAP 172, LOT 2 OVER PARCEL B.
 - X. PROPOSED 10' WIDE WATER EASEMENT IN FAVOR OF TAX MAP 165, LOT 1 OVER PARCELS A & B AND IN FAVOR OF TAX MAP 172, LOT 2 OVER PARCEL B.
 - Y. PROPOSED 10' WIDE WATER EASEMENT IN FAVOR OF TAX MAP 165, LOT 1 OVER PARCEL C.
 - Z. PROPOSED 30' WIDE ACCESS EASEMENT IN FAVOR OF TAX MAP 165, LOT 1 OVER PARCEL C.

PROPOSED CATE STREET EXTENSION RIGHT OF WAY

AA. LANDSCAPE AND MAINTENANCE EASEMENT.



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

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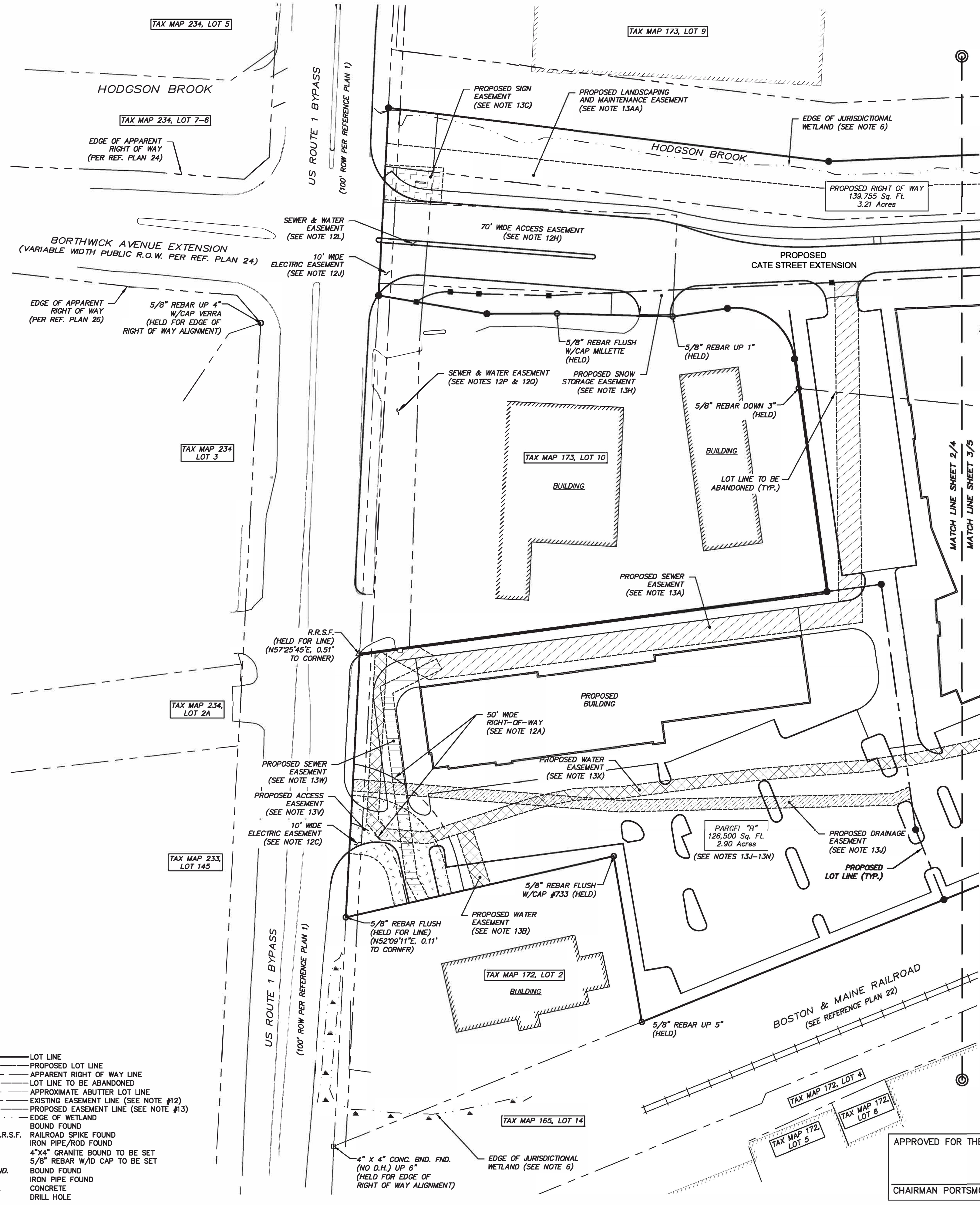
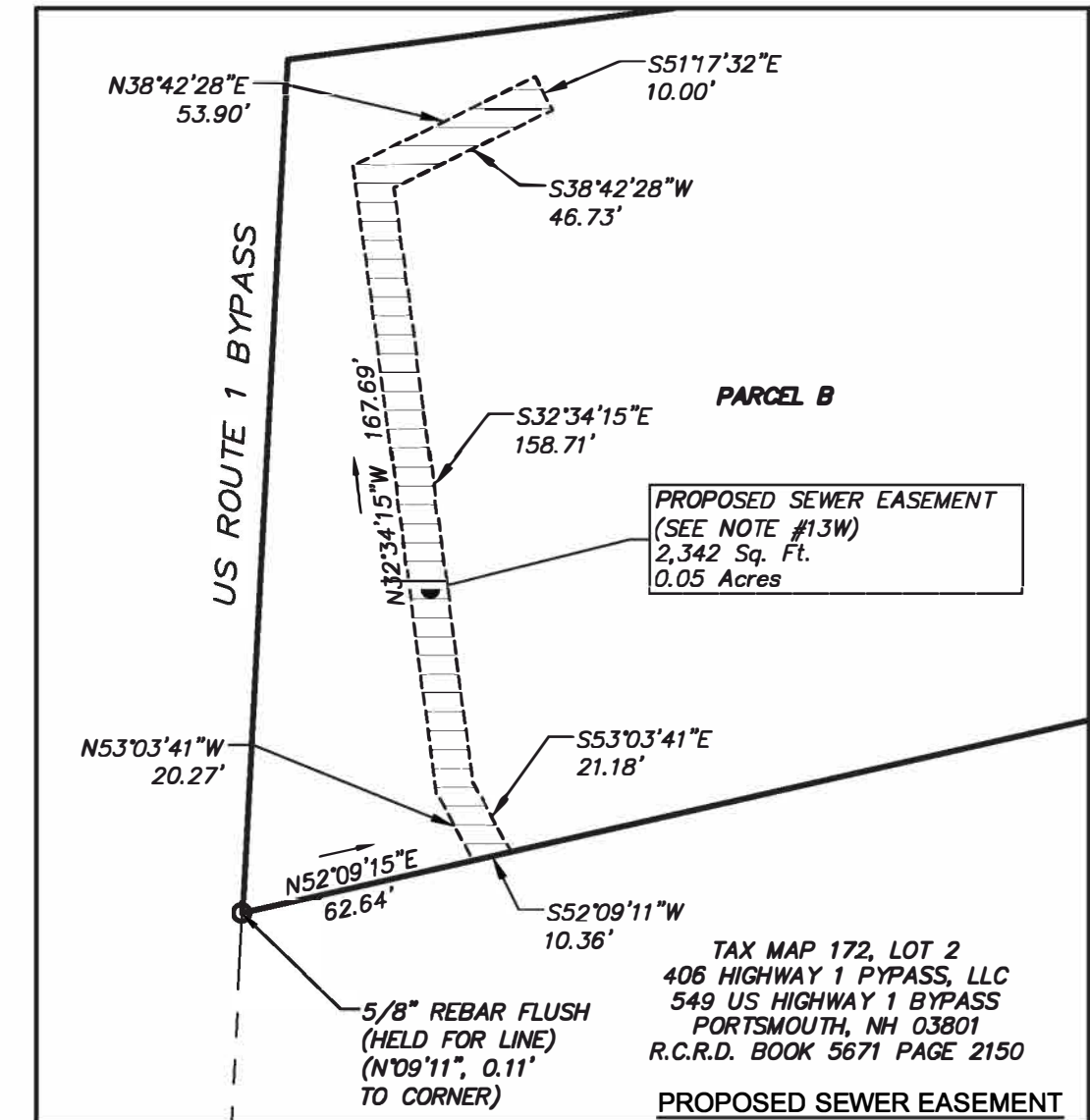
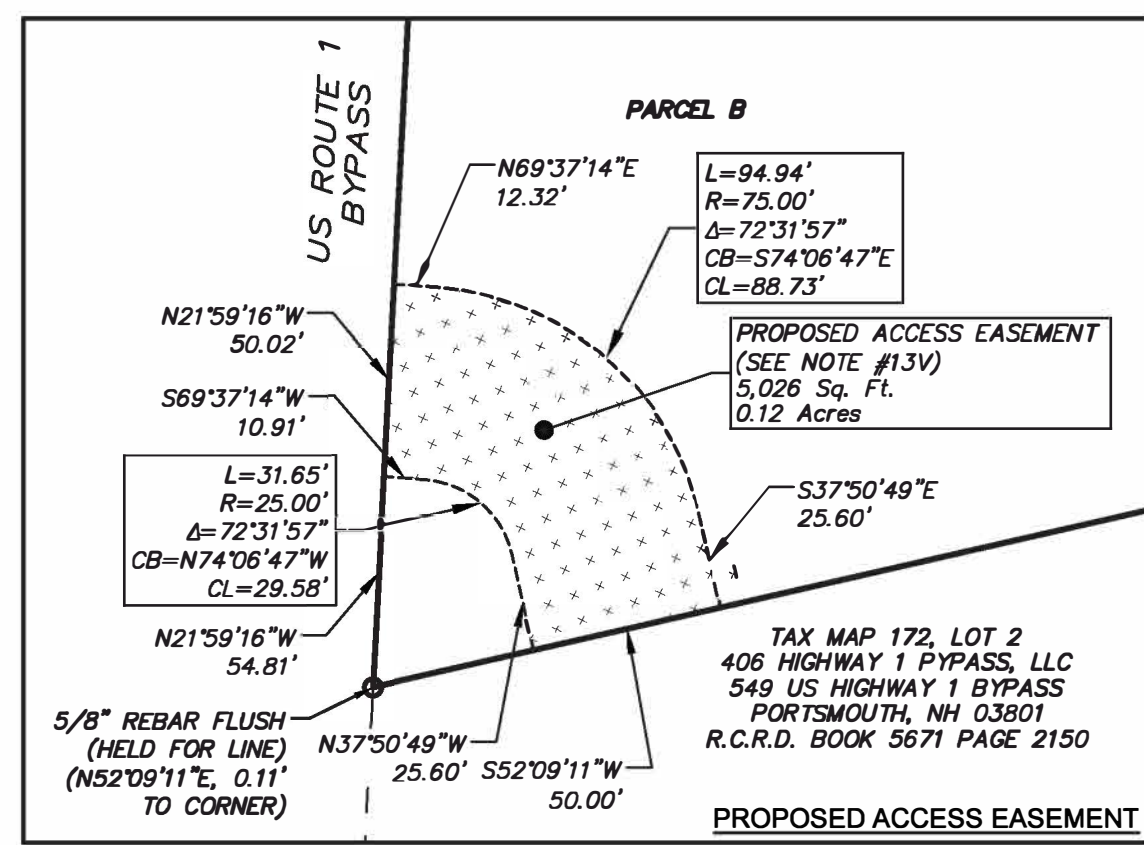
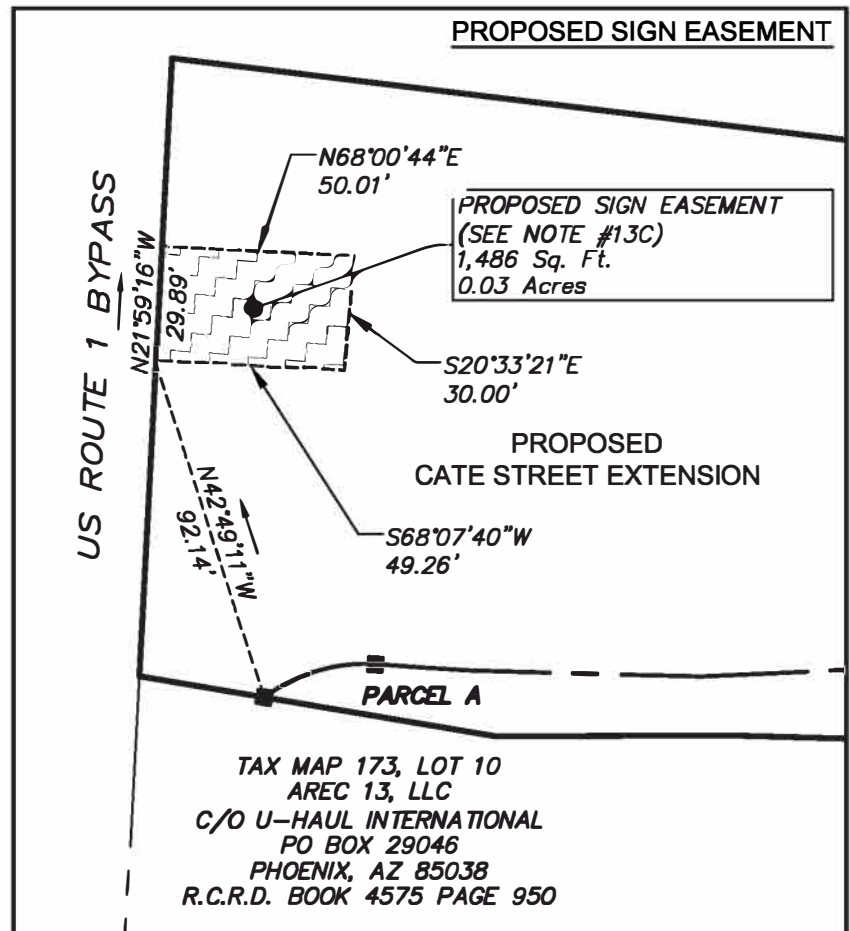
DRAWN BY:	M.W.F.	DATE:	JULY 3, 2019
CHECKED BY:	W.J.D.	DRAWING NO.:	5517D
JOB NO.:	5517	SHEET	4 OF 12

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APPROVED FOR THE RECORD

CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

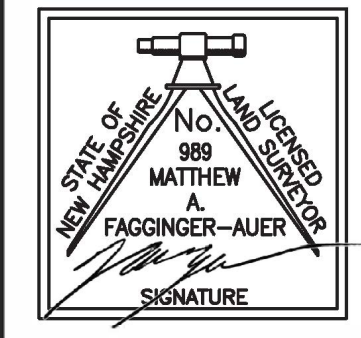


- LEGEND**
- LOT LINE
 - - - - PROPOSED LOT LINE
 - - - - APPARENT RIGHT OF WAY LINE
 - - - - LOT LINE TO BE ABANDONED
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 - - - - EXISTING EASEMENT LINE (SEE NOTE #12)
 - - - - PROPOSED EASEMENT LINE (SEE NOTE #13)
 - - - - EDGE OF WETLAND
 - BOUND FOUND
 - △ R.R.S.F.
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 - IRON PIPE/ROD FOUND
 - 4"x4" GRANITE BOUND TO BE SET
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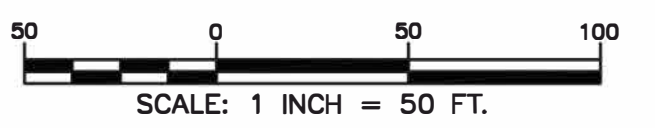
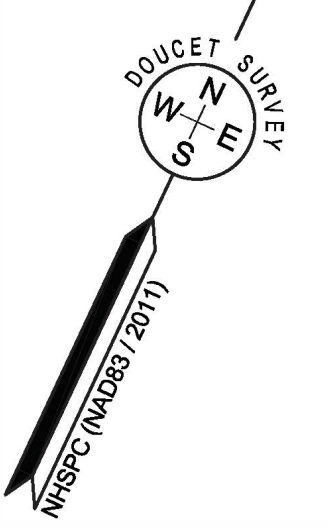
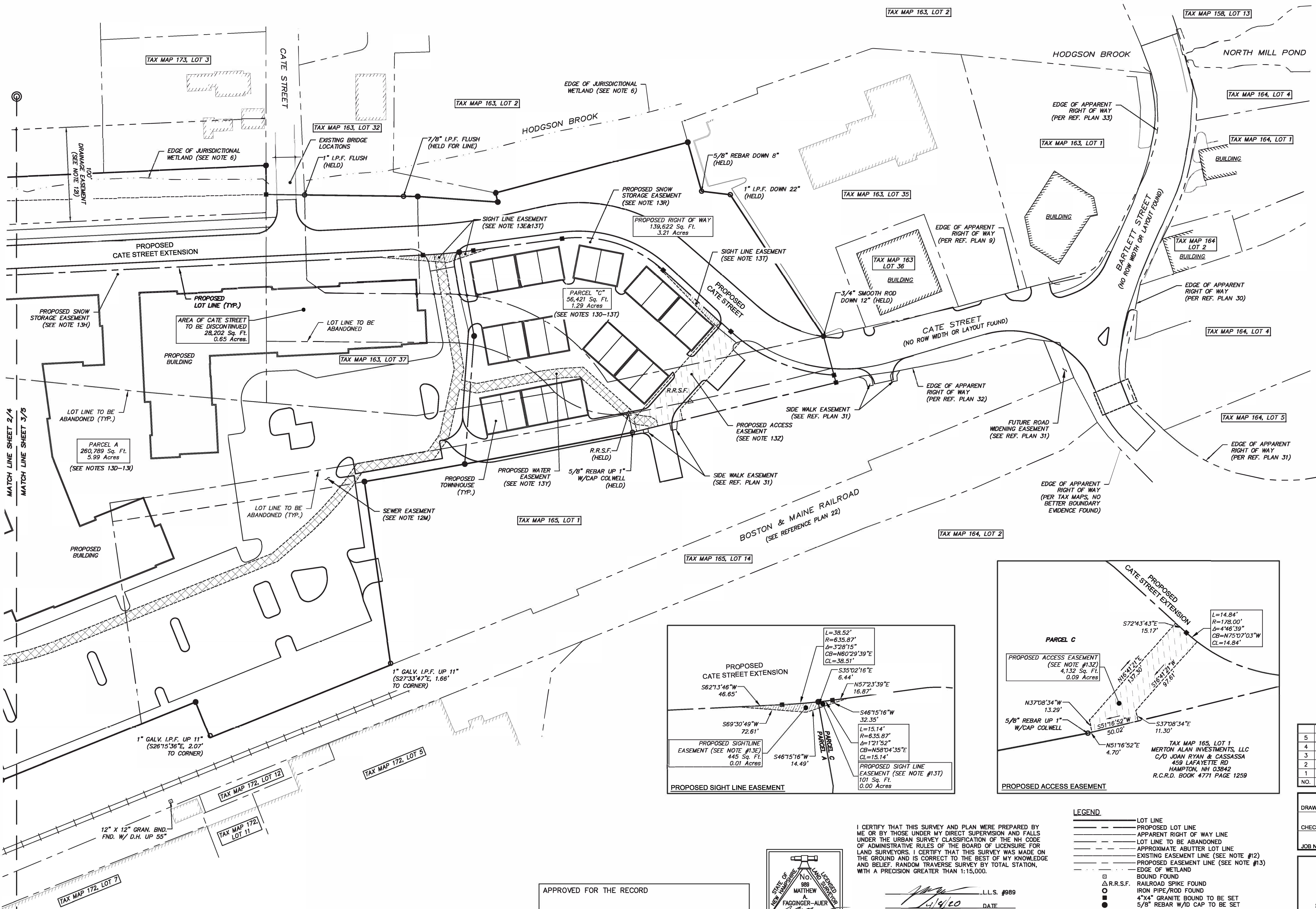
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FILE NAME: T:\PROJECTS\5517.DWG DATE: 4/19/2019 10:52:30 AM PLOT DATE: 4/19/2019 10:52:30 AM PLOTTER: HP DesignJet 2400

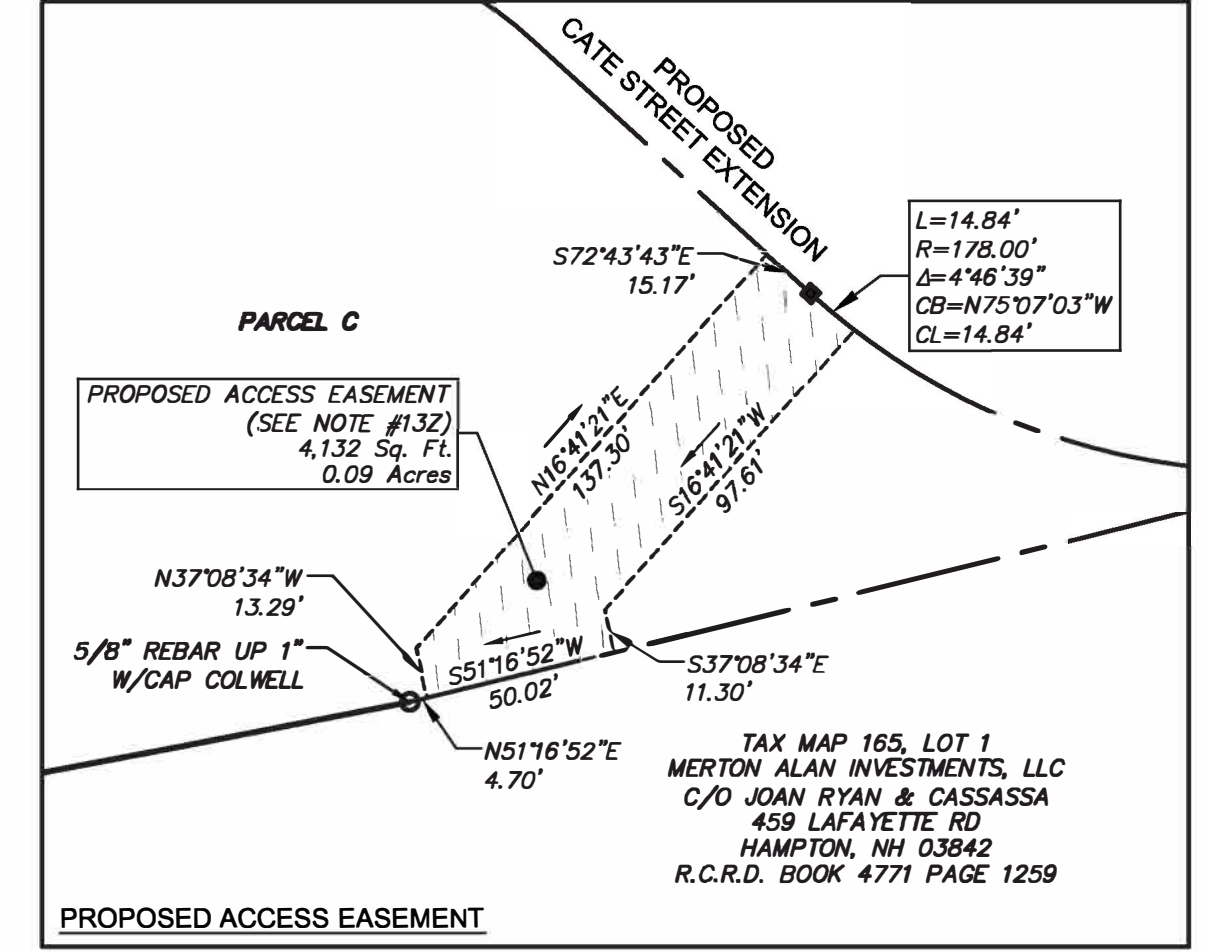
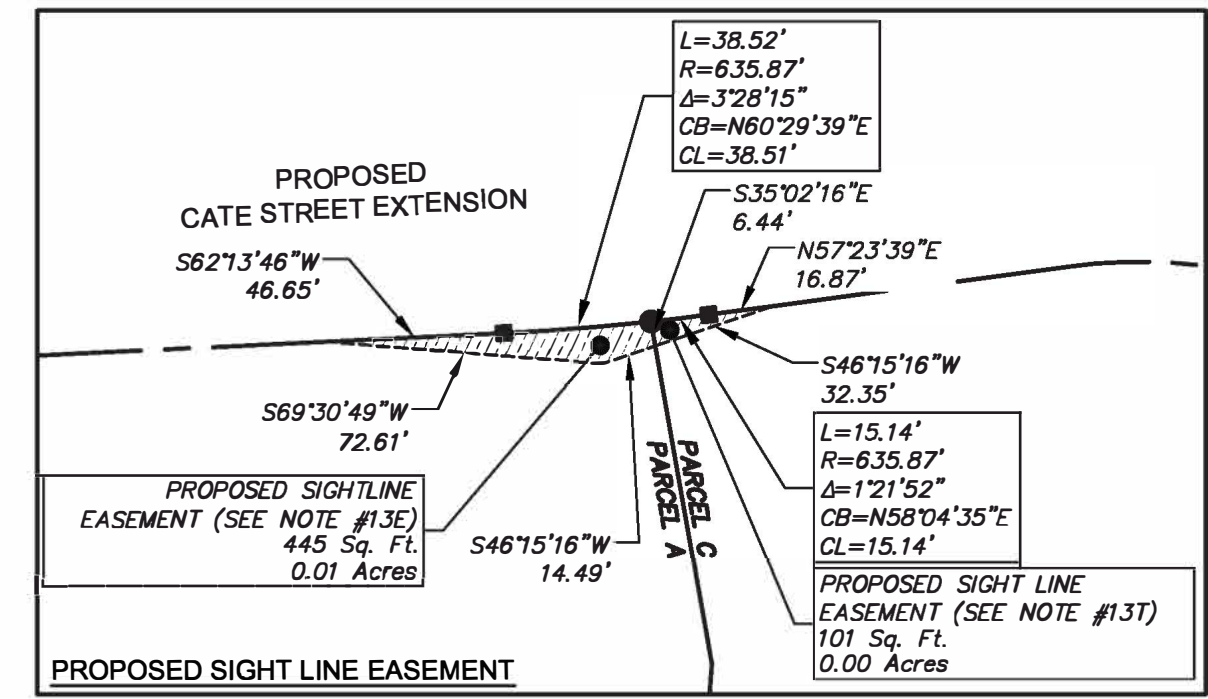


**SUBDIVISION & EASEMENT PLAN
FOR
CATE STREET DEVELOPMENT LLC
OF
TAX MAP 163, LOTS 33 & 34
TAX MAP 165, LOT 2
TAX MAP 172, LOT 1
TAX MAP 173, LOT 2
CATE STREET & US ROUTE 1 BYPASS
PORTSMOUTH, NEW HAMPSHIRE**

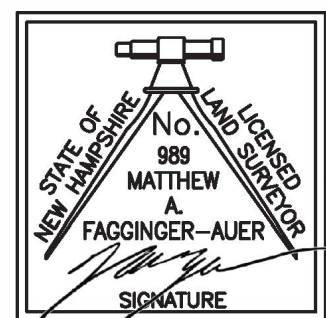
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DRAWN BY:	M.W.F.	DATE:	JULY 3, 2019
CHECKED BY:	W.J.D.	DRAWING NO.:	5517D
JOB NO.:	5517	SHEET	5 OF 12


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L.L.S. #989
 DATE: 7/4/20

APPROVED FOR THE RECORD

 CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

- LEGEND**
- LOT LINE
 - - - PROPOSED LOT LINE
 - - - APPARENT RIGHT OF WAY LINE
 - - - LOT LINE TO BE ABANDONED
 - - - APPROXIMATE ADJUTER LOT LINE
 - - - EXISTING EASEMENT LINE (SEE NOTE #12)
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 - - - EDGE OF WETLAND BOUND FOUND
 - R.R.S.F.
 - △ RAILROAD SPIKE FOUND
 - IRON PIPE/ROD FOUND
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 - BND. FND.
 - L.P.F.
 - CONC.
 - D.H.
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FILE NAME: T:\PROJECTS\5517.DWG DATE: 4/19/2020 10:57:30 AM PLOT DATE: 4/19/2020 10:57:30 AM PLOTTER: HP DesignJet 5000 Series

Durbin Law Offices, P.L.L.C.
144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com



CM Action Item #5

Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
**Also admitted in MA*

BY: FIRST CLASS MAIL

November 13, 2019

City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RECEIVED

NOV 13 2019

CITY MANAGER
PORTSMOUTH, NH

RE: Release of Interest in Tax Map 206, Lot 1 (Off Brackett Lane)

Dear Mayor Blalock and City Councilors,

Please accept the following request from my client, Bryan C. Pappas, Trustee of the Bryan C. Pappas Living Trust u/d/t 9/23/2013, for the City to release any interest it may have in a portion of a strip of land located behind 2 Brackett Lane in Portsmouth. As Trustee, Mr. Pappas owns the property at 2 Brackett Lane. In support of the request, I have included the following documents for your review and consideration:

1. Tax Map Image of Lots 206-1 and 206-9 – depicting and identifying the Pappas property and the portion of land that is the subject matter of the release request;
2. Monumentation Sketch from James Verra and Associates;
3. Vision Appraisal Card – 2 Brackett Lane – Tax Map 206, Lot 9;
4. Vision Appraisal Card – Tax Map 206, Lot 1;
5. Deed Recorded in R.C.R.D. at Book 560, Page 144 to Herman A. Brackett to Lot 206-1 (1897);
6. Deed Recorded in R.C.R.D. at Book 1358, Page 236;
7. Labeled Photographs.

As shown on the Vision Appraisal record for Lot 206-1, the “owner” of the land is listed as “unknown”. The property value is assessed as \$0.00. There is no deed reference contained in the assessing records for the property. Cates Jones, a local title abstractor and resident of Portsmouth, did extensive title research on the strip of land at my request earlier this year. Cate could not find any deed from Herman A. Brackett, the original owner of the strip of land, conveying the land to anyone else. Herman Brackett’s deed, which is recorded in the Rockingham County Registry of Deeds at Book 560, Page 144 is the last known deed to the property. Cate’s research found one additional deed that appears to reference the subject strip of land, which deed is recorded at Book 1358, Page 236. However, this deed pertains to a conveyance of a different property altogether. The reference in the deed, which I underlined in the copy enclosed, is to “land conveyed by the heirs of Herman A. Brackett to the said City of Portsmouth by deed dated May 5, 1955.” While I believe this reference *may* be to the strip of land that is the subject of Mr. Pappas’s request, in speaking to the Planning Department and Attorney Sullivan, the City is not aware of any deed to the land having ever been conveyed to the City by the Heirs of Herman A. Brackett.

Moreover, no such deed could be found during Cate Jones' title research, thus confirming my belief.

Mr. Pappas's request only pertains to that section of Lot 206-1 that is directly located to the right (north) side of his property. This portion of Lot 206-1 has been exclusively occupied by the owners, past and present, of 2 Brackett Lane, for decades. It is assimilated into Bryan Pappas's yard and is fenced off from the properties shown on Tax Map 111 as Lots 14 and 15, as shown in the photographs enclosed herewith. These are the properties that abut the subject strip of land, the title to which appears to have remained with the Heirs of Herman A. Brackett.

Mr. Pappas acquired his property from Craig and Molly Sieve in 2011. The Sieves owned the property from 1995-2011. In April 2012, Mr. Pappas replaced an old dilapidated fence on the property that is believed to have been constructed prior to the Sieves ownership of the property. The fence sits on top of an old wooden retaining wall that forms a natural physical boundary with abutting properties. The retaining wall existed prior to the Sieve's ownership of the property. In fact, in speaking to long-time residents of the neighborhood, the retaining wall has been in its current location for as long as anyone can remember. As shown in the photos submitted with this request, there is a row of arborvitaes that Mr. Pappas planted in front of the fence and retaining wall that are within the strip of land formerly owned by the Brackett family, further demonstrating the assimilation of this strip of land into the Pappas property.

Obtaining a Release Deed from the City pertaining to any interest it may have in the subject strip of land will assist Mr. Pappas in clearing title to the land. Mr. Pappas intends to simultaneously commence a legal proceeding naming the Heirs of Herman A. Brackett to quiet title to the land given the adverse interest that he and his predecessors in title have in it.

It is my understanding that the City's procedure for addressing these requests is to refer them to the Planning Board for a recommendation. At this level, the City staff will perform their own research on the subject land and formulate an opinion in assisting the Planning Board with its recommendation. The request will then be taken up for a formal vote by the City Council at one of its regularly scheduled meetings. If I am mistaken in this understanding or additional information is needed to immediately move this request forward, please let me know at your earliest convenience. Otherwise, if you could please let me know when the City Council will be initially addressing this request and/or referring it to the Planning Board, that would be appreciated.

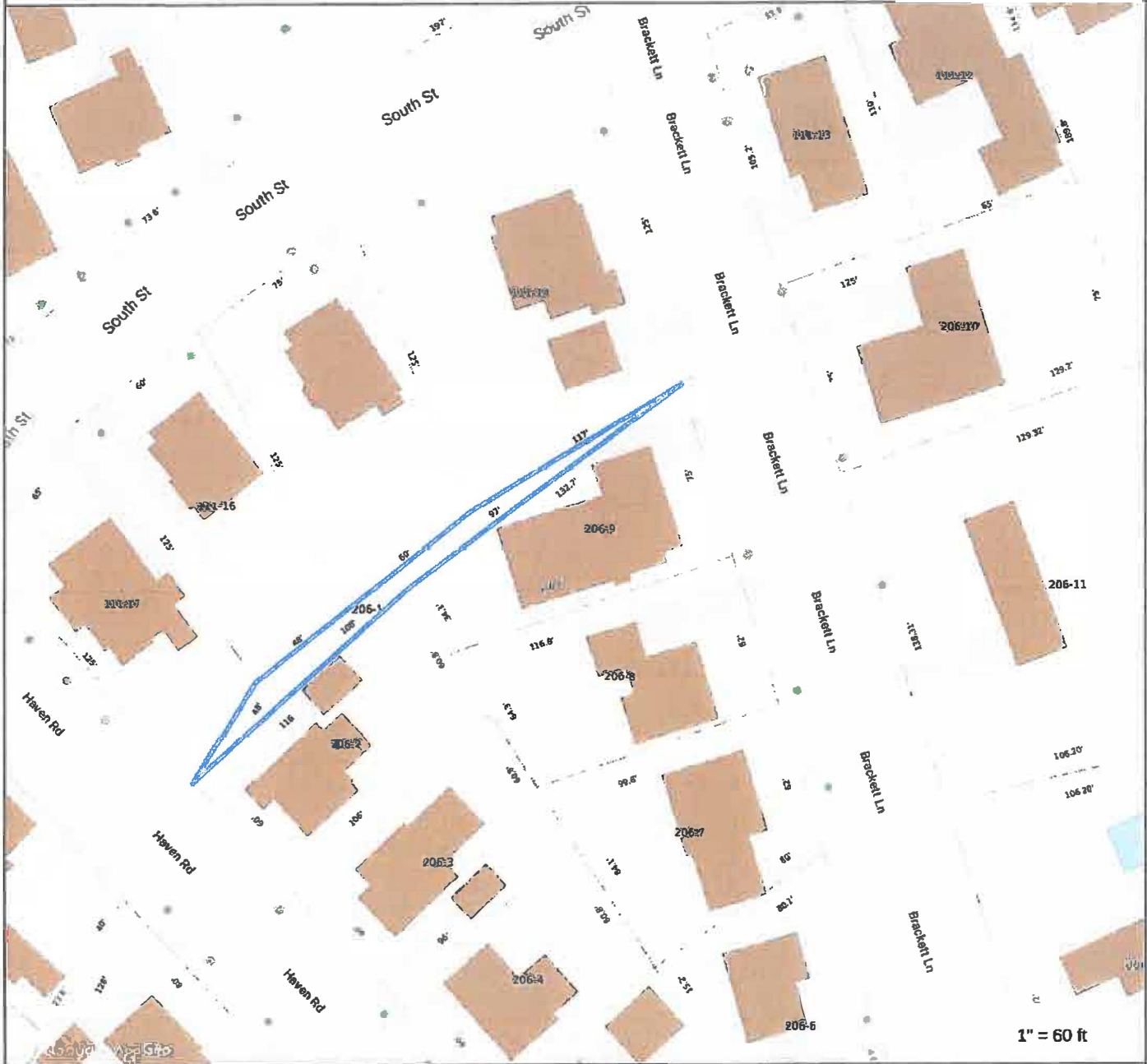
Mr. Pappas and I appreciate the Council's consideration of this request and hope that it will ultimately be approved.

Sincerely,



Derek R. Durbin, Esq.

Enclosure(s)



Property Information

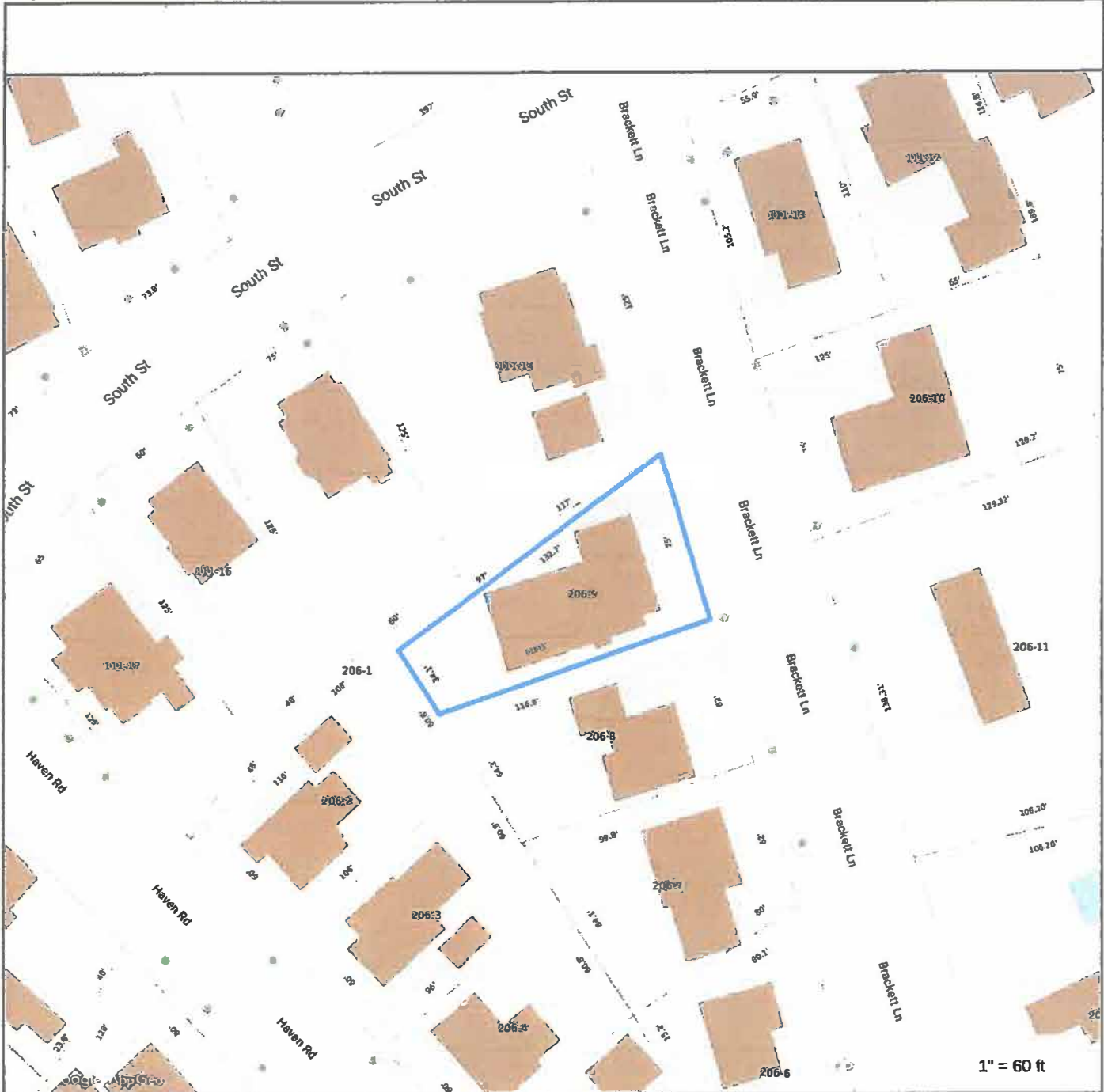
Property ID 0206-0001-0000
 Location HAVEN RD
 Owner UNKNOWN



**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



Property Information

Property ID 0206-0009-0000
 Location 2 BRACKETT LN
 Owner PAPPAS BRYAN C LIVING TRUST



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

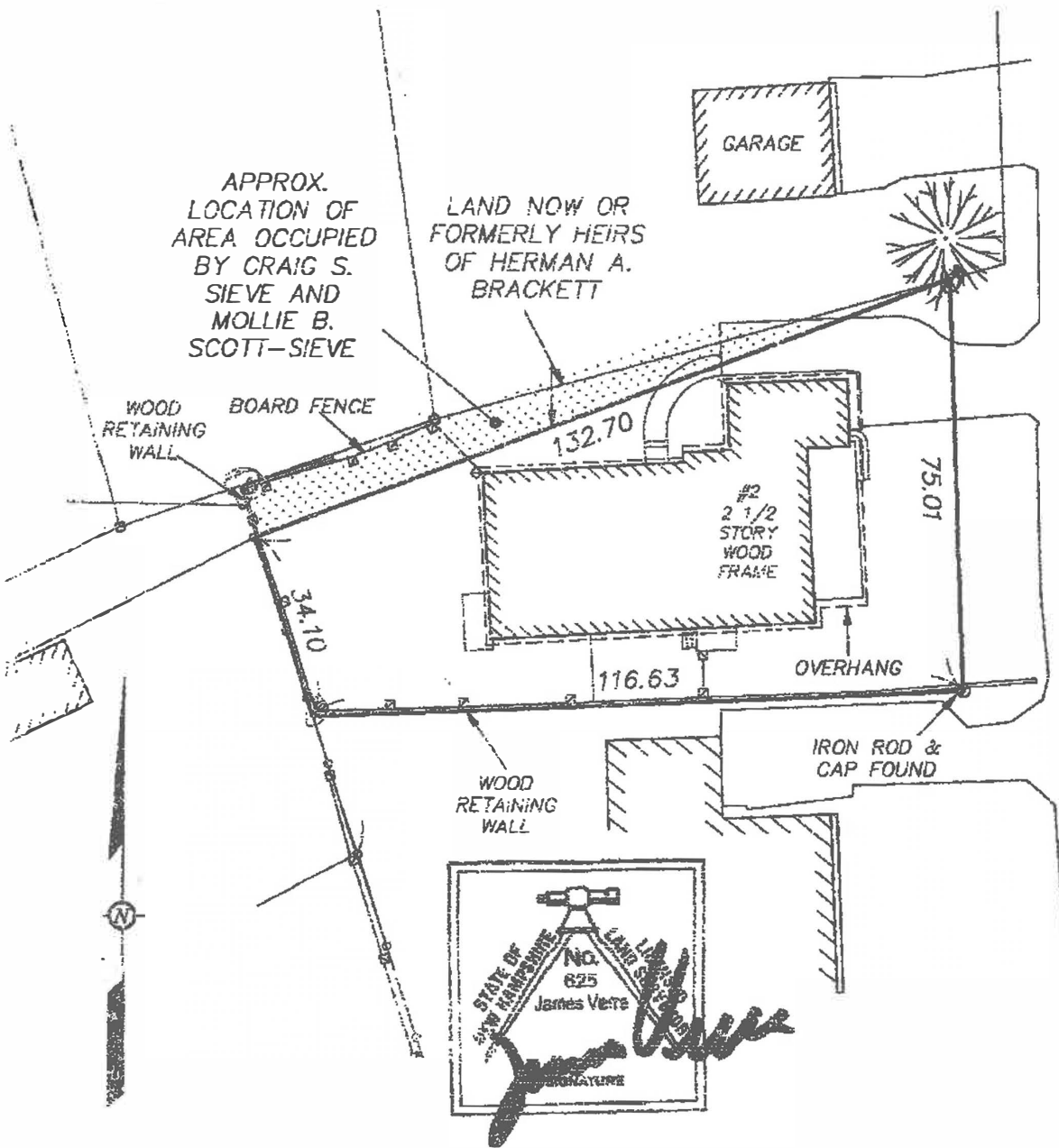
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

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

James Verra and Associates, Inc.

161 SHAFFUCK WAY, SUITE 8, NEWINGTON, NH, 03801-7876 : 603.436.3557 : (c) 2008 by James Verra and Assoc., Inc.

BRACKETT LANE
(A PUBLIC WAY)



OWNER OF RECORD: CRAIG S. SIEVE & MOLLIE B. SCOTT-SIEVE
 DEED REFERENCE: BK 3112 PAGE 1190 ROCKINGHAM COUNTY REGISTRY OF DEEDS
 ASSESSOR'S TAX SHEET/LOT # 206-009.
 EASEMENTS OF RECORD, IF ANY, ARE NOT SHOWN HEREON.

THE PURPOSE OF THIS SKETCH IS TO SHOW THE MONUMENTS SET/FOUND AND IS NOT INTENDED FOR RECORDATION OR FOR SUBMITTAL TO ANY REGULATORY AGENCY.



Monumentation Sketch
2 Brackett Lane, Portsmouth, N.H.
 for: **Mollie B. Sieve**

DATE:	7-18-2008
JOB NO.	23196
PLAN NO.	23195SKH
SCALE:	1" = 30'

2 BRACKETT LN

Location 2 BRACKETT LN

Mblu 0206/ 0009/ 0000/ /

Acct# 28634

Owner PAPPAS BRYAN C LIVING TRUST

PBN

Assessment \$712,000

Appraisal \$712,000

PID 28634

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$362,000	\$350,000	\$712,000

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$362,000	\$350,000	\$712,000

Owner of Record

Owner PAPPAS BRYAN C LIVING TRUST
Co-Owner PAPPAS BRYAN C TRUSTEE
Address 2 BRACKETT LN
 PORTSMOUTH, NH 03801

Sale Price \$0
Certificate
Book & Page 5563/2924
Sale Date 09/30/2014
Instrument 44

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
PAPPAS BRYAN C LIVING TRUST	\$0		5563/2924	44	09/30/2014
PAPPAS BRYAN	\$559,000		5225/2896	00	06/30/2011
SIEVE CRAIG S	\$0		3112/1190		08/03/1995

Building Information

Building 1 : Section 1

Year Built: 1944
Living Area: 1,752
Replacement Cost: \$423,099
Building Percent Good: 83

Building Photo

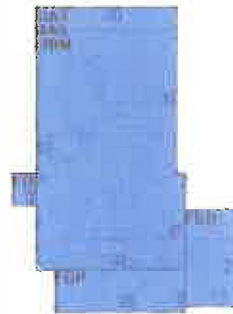
Replacement Cost
Less Depreciation: \$351,200

Building Attributes	
Field	Description
Style	Bungalow
Model	Residential
Grade:	B
Stories:	1
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Ceram Clay Til
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Flxtrs:	2
Total Rooms:	6
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	1
Extra Openings	1
Metal Fireplaces	0
Extra Openings	0
Bsmt Garage	



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\00>)

Building Layout



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos//Sketch>)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,752	1,752
FGR	Garage, Attached	252	0
FOP	Porch, Open	287	0
UAT	Attic	1,752	0
UBM	Basement, Unfinished	1,752	0
		5,795	1,752

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
REC	REC ROOM	556 S.F.	\$10,800	1

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01

Land Line Valuation

Size (Acres) 0.15
Frontage

Zone SRB
Neighborhood 103B
Alt Land Appr Category No

Depth
Assessed Value \$350,000
Appraised Value \$350,000

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$323,700	\$318,200	\$641,900
2017	\$323,700	\$318,200	\$641,900
2016	\$285,100	\$249,600	\$534,700

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$323,700	\$318,200	\$641,900
2017	\$323,700	\$318,200	\$641,900
2016	\$285,100	\$249,600	\$534,700

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HAVEN RD

Location HAVEN RD

Mblu 0206/ 0001/ 0000/ /

Acct# 38075

Owner UNKNOWN

PBN

Assessment \$0

Appraisal \$0

PID 38075

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$0	\$0	\$0

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$0	\$0	\$0

Owner of Record

Owner UNKNOWN

Sale Price \$0

Co-Owner

Certificate

Address HAVEN RD

Book & Page

PORTSMOUTH, NH 03801

Sale Date

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
UNKNOWN	\$0			

Building Information

Building 1 : Section 1

Year Built:

Building Photo

Living Area: 0

Replacement Cost: \$0

Building Percent

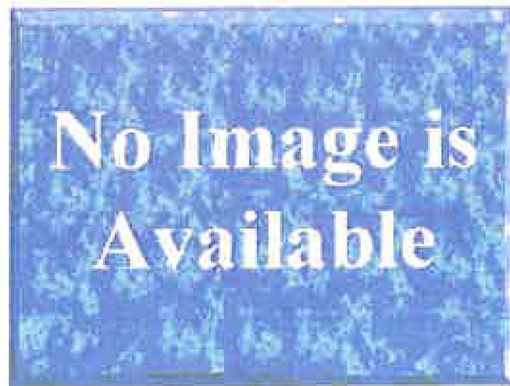
Good:

Replacement Cost

Less Depreciation: \$0

Building Attributes	
Field	Description
Style	Varant Land

Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Kitchen Gr	
WB Fireplaces	
Extra Openings	
Metat Fireplaces	
Extra Openings	
Asmt Garage	



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos//\00\0>)

Building Layout

(<http://images.vgsi.com/photos2/PortsmouthNHPhotos//Sketch>)

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 9030
Description MUNICIPAL MDL-00
Zone SRB
Neighborhood 103B
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.05
Frontage
Depth
Assessed Value \$0
Appraised Value \$0

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$0	\$0	\$0
2017	\$0	\$0	\$0
2016	\$0	\$0	\$0

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$0	\$0	\$0
2017	\$0	\$0	\$0
2016	\$0	\$0	\$0

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560/144
PAGE
DEED

Know all Men by these Presents,

That I, John W. Emery of Portsmouth in the County of Rockingham and State of New Hampshire

Emery
to
Brackett

for and in consideration of the sum of One Dollar
to my hand before the delivery hereof, well and truly paid by
Norman A. Brackett of said Portsmouth

Delivered to
Calvin Sage
by me

have received, released and forever Quitclaimed, and by these presents do remise, release and forever quitclaim unto the said
Norman A. Brackett and his heirs and assigns forever.

A certain tract of land in said Portsmouth lying upon the southerly side of South Road or South Street and bounded and described as follows, viz, beginning on the south side of South Road or South Street at the northwesterly corner of land of James N. Sanborn and running southeasterly by said Street to the northwesterly corner of the gravel pit of the City of Portsmouth, thence running southeasterly four hundred and twenty two feet more or less, thence westerly two hundred twenty seven feet more or less, all by said gravel pit, thence southeasterly one hundred seventy seven feet more or less by said gravel pit, and thence westerly by said gravel pit and Bottom's Burying Ground three hundred and eighty one feet more or less to the Proprietors Burying Ground, thence by said last named Burying Ground six hundred and eighty four feet more or less to Harmony Grove Cemetery, thence easterly by said Cemetery three hundred and seventy feet more or less to Piscataqua River or an inlet thereof, thence by said River or inlet northerly and easterly to land of the Heirs of Francis Marden, thence northerly and westerly by said Marden's land to Balls Burying Ground thence southwesterly by said Burying Ground and land owned or occupied by Richard T. Ball three hundred and ninety nine feet more or less and thence northerly by said Ball's land and said Sanborn's land two hundred and ninety nine feet more or less to the point begun at, all as the division lines now stand. The premises I intend to convey are the same that are conveyed to me by the deed of William W. Rollins, Charles F. Philliber and John S. Rand, all of Portsmouth, Executors of the wills of Eliza W. Haven, Eliza A. Haven and Charlotte M. Haven, dated this day,

To HAVE and to HOLD the said premises, with all the privileges and appurtenances thereto belonging, to the said Norman A. Brackett and his heirs and assigns forever; and I do hereby covenant with the said Brackett that I will warrant and defend the said premises to him the said Brackett and his heirs and assigns, against the lawful claims and demands of any person or persons claiming by, from or under me -

And I, Mary E. Emery wife of said John W. Emery for the consideration aforesaid, do hereby release by right of dower in said premises And we, the said Emery with of said Emery

in consideration aforesaid, do hereby grant and release to said all the right, title, interest, claim or demand which we, or either of us have in or to the above described premises, by virtue of an act of the Legislature of the State of New Hampshire, entitled "An act to exempt the Homestead of Families from attachment and levy or sale on execution," passed July 4, 1861.

And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises, and in each and every part thereof, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1861, entitled "An act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In presence witnesses (A.A.) have hereto set our hand and seal 5, this twenty third day of July in the year of our Lord 1897.

SIGNED, READ AND DELIVERED IN PRESENCE OF US:
Calvin Sage } John W. Emery
John W. Bartlett } Mary E. Emery
Mary M. Deane }

State of New Hampshire, Rockingham Co. July 23rd A. D. 1897.

Personally appeared the above named John W. Emery and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:
Calvin Sage Justice of the Peace.
William Merrill Register.

Received and Recorded, July 23. 7 P.M. 1897.

1358
236

211
W. Law
M. P. W.
Stamp
B ?

Book 1358 Page 0236



1358 236

KNOW ALL MEN BY THESE PRESENTS

That we, CHESTER A. BRACKETT, of Methuen, in the County of Essex and Commonwealth of Massachusetts; GUY H. BRACKETT, of West Springfield, in the County of Hampden and Commonwealth of Massachusetts; CHARLES E. BRACKETT, of Manchester, in the County of Hillsborough and State of New Hampshire, and VIOLET B. PRESCOTT, of Portsmouth, in the County of Rockingham and State of New Hampshire, for and in consideration of the sum of ONE DOLLAR to us in hand, before the delivery hereof, well and truly paid by RAYMOND COTILLO and HELEN E. COTILLO, of Kittery, in the County of York and State of Maine, the receipt whereof we do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said RAYMOND COTILLO and HELEN E. COTILLO, and their heirs and assigns forever:

A certain parcel of land with the buildings thereon, situate in South Street, in Portsmouth, in the County of Rockingham and State of New Hampshire, bounded and described as follows, viz:

NEVER RECORDED

BEGINNING in said South Street at land of David L. Conyer, formerly of John E. Harmon, thence running Easterly by said Street to land conveyed by the heirs of Herman A. Brackett to the said City of Portsmouth by deed dated May 5, 1922, thence turning and running southerly by said land of said City one hundred and twenty-five (125) feet to land of said heirs; thence turning and running westerly by said last named land to said land of said Conyer; thence turning and running Northerly by said land of said Conyer one hundred and twenty-five (125) feet to said South Street to the point begun at; the Northerly and Southerly lines of said lot being one hundred seventeen (117) feet, more or less.

BEING the same premises described in the Covenant to Stand Seized Herman A. Brackett with Virginia V. Brackett, dated March 27, 1941, and recorded in Rockingham County Registry of Deeds, Book 983, Page 178; and a narrow strip of land between the same and said land of said City, which the grantors convey as the heirs of Herman A. Brackett.

Taxes for the year 1955 are to be apportioned between the grantors and grantees as of June 1, 1955.

K



Right side yard view of arborvitae in front of Pappas fence taken from back yard of Pappas property (arborvitae are located within the subject strip of land)



Right side yard view of entrance to Pappas fence taken from right front corner of Pappas property (shows strip of land fenced in and incorporated into right side yard of Pappas property)



Rear view of Pappas fence and wood retaining wall running along property boundary with rear abutter taken from back right corner of Pappas property (location of retaining wall shown on Monumentation Sketch by James Verra submitted with release request)



View of right side of Pappas back yard (arborvitae are located in front of wooden fence and retaining wall within the subject strip of land)

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: April 16, 2020

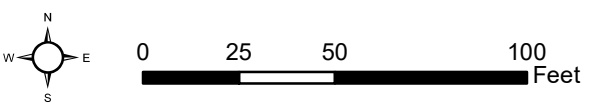
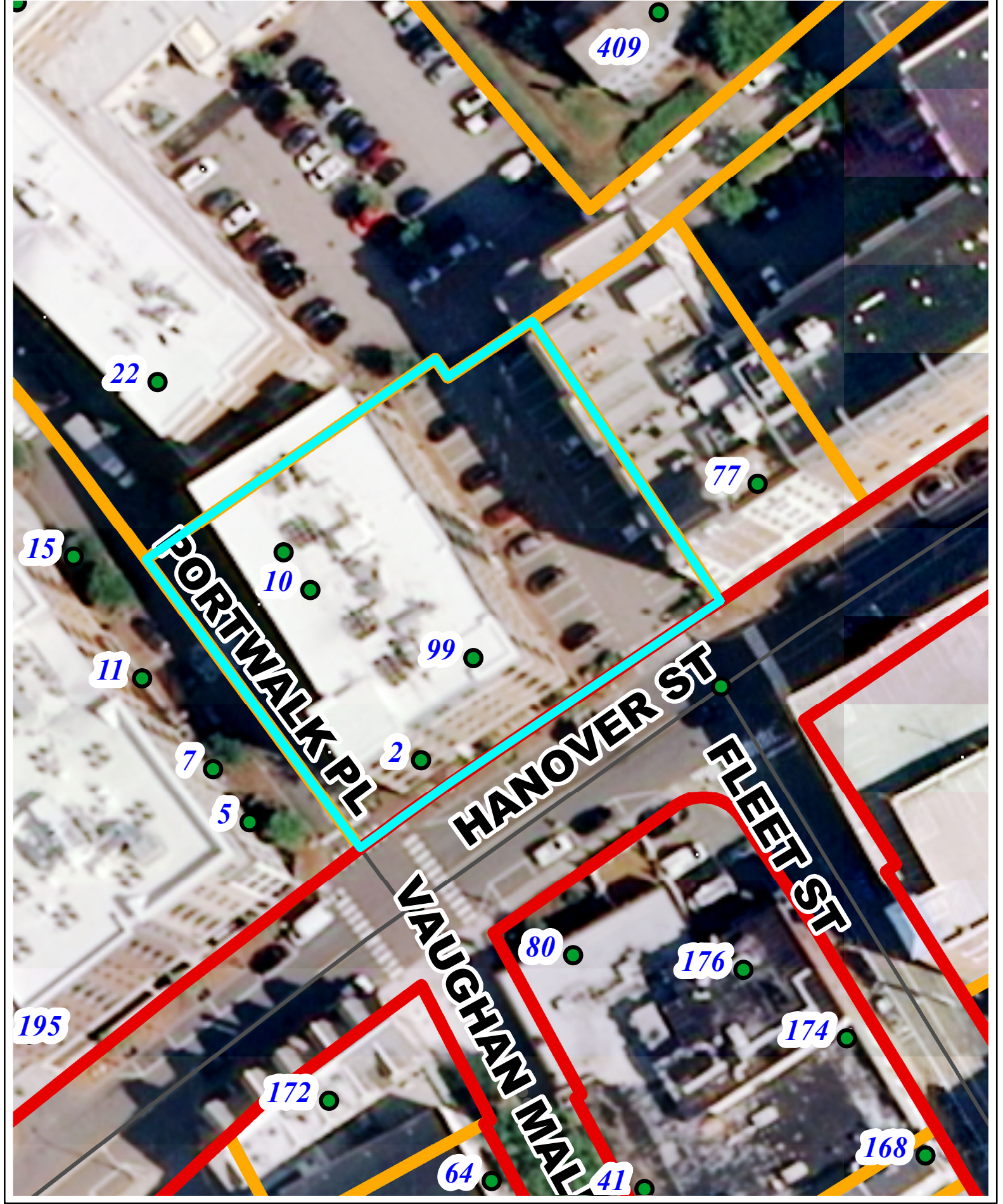
RE: City Council Referral – Projecting Sign
Address: 99 Hanover Street
Business Name: 110 Grill Portsmouth HS LLC
Business Owner: Robert Walker

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

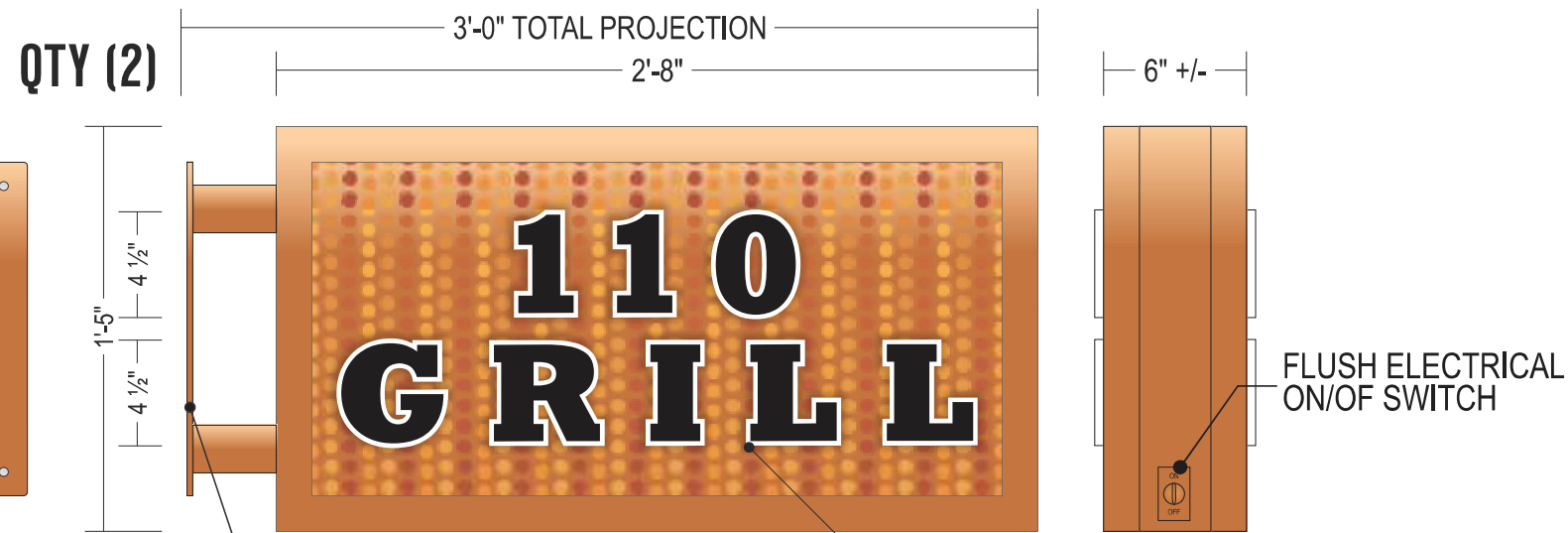
Sign dimensions: 17" x 32"
Sign area: 3.7 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

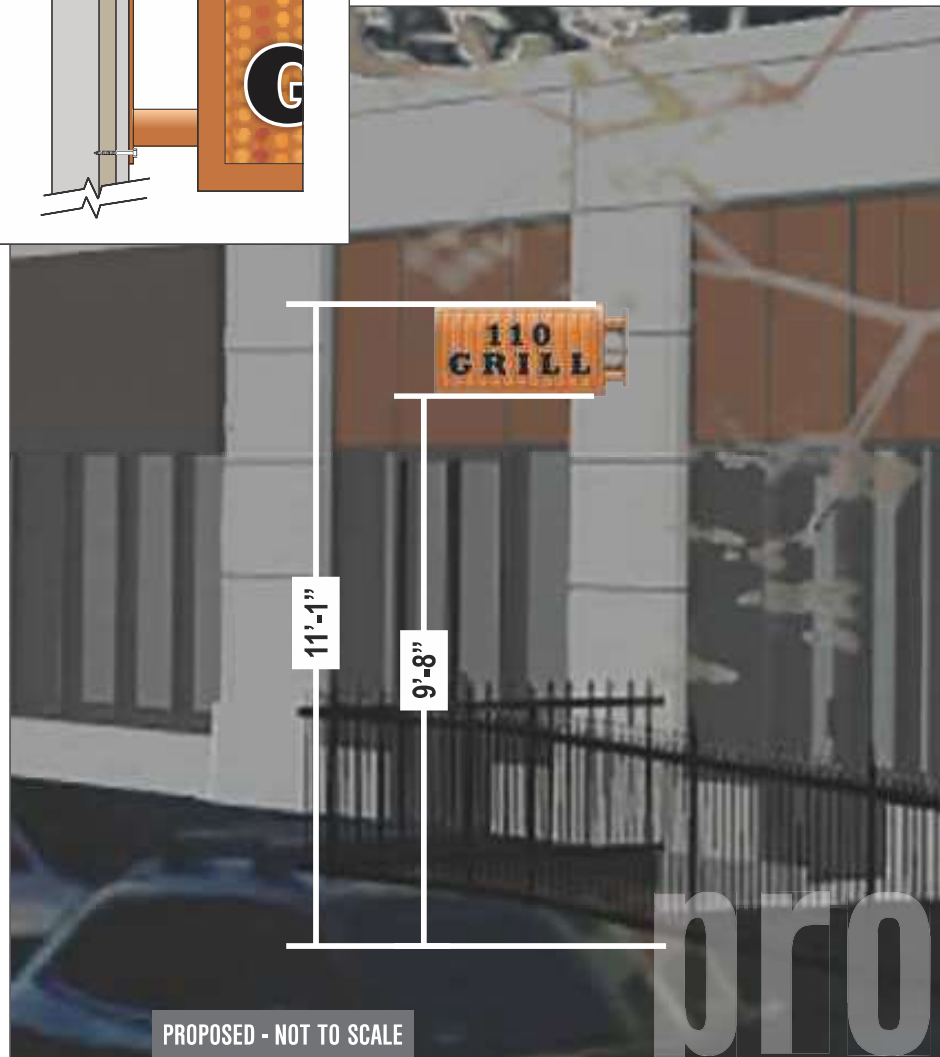
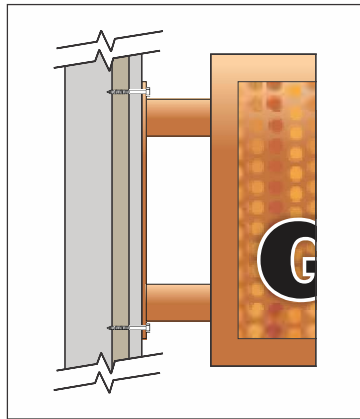


**Request for license
99 Hanover Street**



1/4" ALUM PLATE REQUIRED, 8" WIDE X 14" HIGH w/ (4) 3/8" HOLES IN CORNERS w/ PAINTED 1/4" LAGS THRU DOUBLE LAYER PLYWOOD BLOCKING

ACRYLIC FCO'S WITH 3630-22 BLACK VINYL APPLIED TO THE FACE



SIMULATED NIGHTVIEW



SCOPE OF WORK

MANUFACTURE & INSTALL (1) d/f led lit blade sign with octagon copper mylar solar rays mounted to the face of the cabinet.

110 Grill Copy will be ACRYLIC fCO'S with opaque vinyl faces.

THE RETAINERS WILL HAVE WHITE LED EDGE LIGHTING

TOTAL SQUARE FEET: 3.77

MFG. SPECIFICATIONS

ACRYLIC LETTERING
FACE: White Acrylic
VINYL: 3630-22 Black

LED LIT CABINET
BACKGROUND: .125" Aluminum PTM
MP 21957 Rich Copper Metallic
FACE: 1 1/2" Octagon Copper Solar Rays
RETAINER: PTM MP 21957 Rich Copper Metallic

COLOR SCHEDULE

C1 3630-22 black C2 mp21957 rich copper metallic



188 Greedy St., Hudson, NH 03051
(603) 883-2638 Fax: (603) 883-5160 For Service: 800-927-5674
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PROJECT APPROVAL

Client:	Date:
Design: CJB	Date: 02/27/20
Sales:	Date:
Updating:	Date:
Production:	Date:

110 GRILL - PORTSMOUTH

103 HANOVER STREET
PORTSMOUTH, NH 03801

DESIGNER: CB
SALES REP: BARN
PM: BC

02/19/2020

ITEM B

SHEET 2.0

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: April 21, 2020

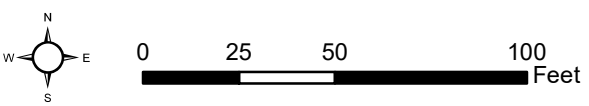
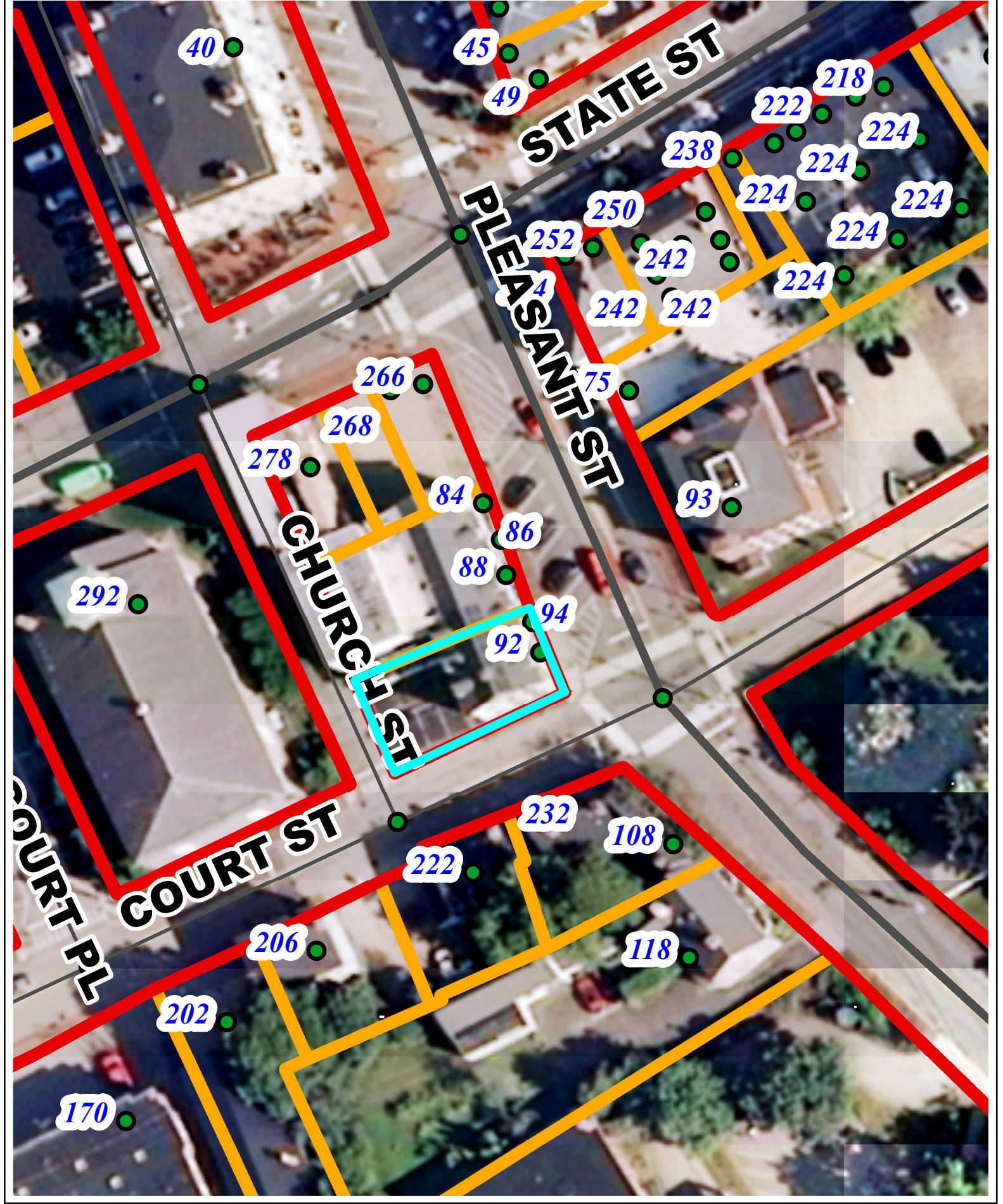
RE: City Council Referral – Projecting Sign
Address: 92 Pleasant Street
Business Name: Hello Lovely
Business Owner: Jennifer Mathieson

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 24" x 24"
Sign area: 4 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.



**Request for license
92 Pleasant Street**



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: April 28, 2020

TO: KAREN CONARD

FROM: JANE FERRINI, ASSISTANT CITY ATTORNEY

RE: GOVERNOR'S OFFICE OF EMERGENCY RELIEF AND RECOVERY
(GOFERR) UPDATE JF

Governor Sununu established the Governor's Office for Emergency Relief and Recovery (GOFERR) on April 14, 2020 by Executive Order 2020-06 and 2020-07. GOFERR oversees the process for the allocation and distribution of the \$1.25 billion dollars of CARE Act funds (Coronavirus Aid, Relief, and Economic Security) and other COVID-19 related federal funds.¹ GOFERR is comprised of state employees who work with two advisory boards, a Legislative Advisory Board and a Stakeholder Advisory Board. Both Boards were created to ensure transparency in the distribution process of CARE Act funds and to make recommendations to the Governor on how to distribute these funds to those sectors of the economy impacted by COVID-19.

The Boards are currently in the process of gathering data from citizens, private industry, nonprofits, state and local government and the healthcare industry. GOFERR has had daily public meetings via conference call since its creation. The Legislative Advisory Board meets on Monday, Wednesday and Fridays and the Stakeholder Advisory Board meets on Tuesdays and Thursdays. These meetings are typically scheduled from 1pm-3pm and are public meetings subject to 91-A which can be accessed by conference call. The call in number, Agendas, Minutes, documents submitted at each meeting and recordings of each meeting are available on the Governor's GOFERR webpage at <https://www.governor.nh.gov/news-media/relief-recovery/index.htm>

Both Boards have acknowledged the complexity of their mission and each has determined that they need to "wrap their arms around" three complex sets of information before they can make any recommendations to the Governor on the distribution of CARE Act funds. First, they need a clear understanding of the federal guidelines for distributing CARE Act funds. Federal Guidelines were released last week and are attached as Exhibit A and discussed below. Both Boards received briefings from GOFERR staff late last week and early this week on those Guidelines. Second, both Boards also agree they need a complete understanding of all other sources of federal funds that either will become available to the State or have already been expended. The

¹ CARE Act funds are comprised of two types of funds. The first is CARE Act Emergency Relief Funds, which are federal funds distributed to specific grant programs or targeted constituencies. The other type is CARE Act "flex funds" which is the \$1.25 billion dollars that GOFERR and its Boards are currently charged with making recommendations on distribution to the Governor.

Board received a first draft of that list of federal funds by the GOFERR staff last week attached as Exhibit B. GOFERR staff acknowledged the complexity of creating this list due to the rapidly changing landscape of available federal funds. The Legislative Advisory Board confirmed on Monday that it has reached out to Senator Shaheen's office for a complete list of federal funds and expenditures made to date. The list should be received this week and become a public document on the GOFERR webpage. Third, both Boards agree that they need a format for soliciting public input through various means in order to be able to assess the financial needs of all sectors of the economy to ensure that CARE Act funds go where relief is needed most. The Stakeholder Advisory Board created a questionnaire on the financial impact of COVID-19 that it is being distributing to all sectors of the economy that is attached as Exhibit C. This questionnaire is being used to determine if further testimony from various sectors of the economy will be requested and completed questionnaires will be posted on the GOFERR webpage as part of the public record. GOFERR will also make this questionnaire available for completion by the public on its webpage at a later date.

The Stakeholder Advisory Board is in the process of distributing its questionnaire to various stakeholders from the Portsmouth area such as the Music Hall, the Prescott Park Arts Festival, Crossroads House, Joe Faro, owner of Tuscan Kitchen, Nancy Carmer, Portsmouth's Economic Development Director and COAST bus. The Legislative Advisory Board has heard testimony from the Restaurant and Lodging Association, Seacoast Mental Health and the New Hampshire Municipal Association. The City participated in COVID-19 related expenditure and lost revenue survey conducted by NHMA that was presented to the Legislative Advisory Board.

NHMA made a compelling presentation regarding the impact COVID-19 has had and will have on municipal budgets. The presentation was given prior to the release of the Guidance documents on expenditures of CARE Act funds. The Guidance documents indicate that state and local governments may receive CARE Act funds for certain necessary expenditures incurred due to COVID-19 between March 1, 2020 and December 30, 2020 that were not accounted for in the regular municipal budget. These funds include but are not limited to payroll expenses, costs incurred from cleaning and maintaining a safe work place and borrowing costs associated with Tax Anticipation Notes. Local governments may not receive CARE Act funds for covered expenses from other federal sources (FEMA) or for revenue replacement. In other words, lost revenue due to a reduction in payment of property taxes would not be an allowable use of CARE Act funds. This loss of tax revenue was discussed by the Legislative Advisory Board on Monday and the Chair acknowledged the anticipated reduction of receipt in tax revenue that all New Hampshire municipalities will face. The Legislative Advisory Board discussed possibly conditioning any receipt of CARE Act funds on the payment of property taxes and will further explore this and other issue relating to the reduction of tax revenue at later meetings.

New information is being provided to and by GOFERR on a daily basis. I am in communication with our Portsmouth Legislative Delegates regarding the activities of GOFERR and will continue to provide updates as requested.

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

FEDERAL FUNDING OPPORTUNITIES RELATED TO COVID-19

TYPE OF FUNDING	TOTAL AVAILABLE (U.S.)	AVAILABLE TO NEW HAMPSHIRE
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND	\$100,000,000,000	\$164,580,386 (1 st 30% of funds, with disbursements to the benefit of 1,445 health care providers in NH)
COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING	\$5,000,000,000	\$7,496,020
<ul style="list-style-type: none"> • EMERGENCY SOLUTIONS GRANT 	\$4,000,000,000	\$3,700,000
<ul style="list-style-type: none"> • TENANT BASED RENTAL ASSISTANCE (FOR PUBLIC HOUSING AGENCIES) 	\$1,250,000,000	
<ul style="list-style-type: none"> • HOPWA 	\$65,000,000	\$404,880
ELECTION SECURITY GRANTS	\$400,000,000	\$3,262,422
BYRNE-JAG STATE AND LOCAL LAW ENFORCEMENT GRANTS	\$850,000,000	\$4,400,000
CHILD CARE AND DEVELOPMENT BLOCK GRANT	\$3,500,000,000	\$6,947,671
EDUCATION FUNDING		\$82,534,000
PUBLIC HEALTH EMERGENCY PREPAREDNESS FUNDS (PHEP)	\$1,500,000,000	\$5,448,000
FEDERAL TRANSIT ADMINISTRATION GRANTS	\$25,000,000,000	\$37,891,454
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)	\$900,000,000	\$5,541,000
NATIONAL ENDOWMENT FOR THE ARTS	\$75,000,000	\$427,000
NATIONAL ENDOWMENT FOR HUMANITIES	\$75,000,000	\$423,000
BEHAVIORAL HEALTH AND SUBSTANCE USE DISORDERS	\$425,000,000	
PAYROLL PROTECTION LOAN PROGRAM	\$350,000,000	\$2,006,858,477 (11,582 NH businesses)

Other mechanisms designed to assist with cash flow:

- Accelerated and Advance Payments Program for Providers and Suppliers During COVID-19 Emergency
- Emergency EIDL Grants
- Employee Retention Credit for Employers Subject due to Closure Due to COVID-19 - Provides a refundable payroll tax credit for 50 percent of wages paid by employers to employees during the COVID-19 emergency. These credits are available to

employers whose operations are either fully or partially suspended due to a shutdown order, or employers whose gross receipts decline by more than 50 percent compared to the same quarter in the prior year.

- Delay of Payment of Employer Payroll Taxes – allows employer to defer payment on the employer contribution of payroll taxes through the end of the year. Half of the deferred amount will be due December 31, 2021 with the remaining half due December 31, 2022.
- Other modifications of tax law intended to provide additional cash flow.

There is also funding in the CARES Act for telehealth and rural health, Title IV-B child welfare, and activities under the Runaway and Homeless Youth Act. There are additional allocations for Food and Nutrition Service programs including the Child Nutrition Program, SNAP, and the Commodity Assistance Program. FEMA also received funds, \$200 million of which are to be used for FEMA's Emergency Food and Shelter Program.

Guidelines for Written Comments to the GOFERR Stakeholder Advisory Board

Thank you for agreeing to provide information to assist the GOFERR Stakeholder Advisory Board (“SAB”). Your contribution is critically important to allow the SAB perform its purpose of developing recommendations to the GOFERR for the allocation and expenditure of federal Covid-19 emergency funds to address fundamental needs of the State of New Hampshire.

Because the Covid-19 crisis has impacted almost everyone and every institution across New Hampshire, SAB expects to gather a substantial amount of information from many sources. In order to accomplish this task effectively and efficiently, SAB requests that all persons who submit information (including those persons who are scheduled to provide oral comments before a SAB meeting) please follow these guidelines.

The SAB is hopeful that many interested persons will submit information and ideas on how the State can best allocate federal emergency relief funds. We plan to read all comments, and for those who make oral presentations to the SAB, we intend to ask questions based on the written submissions.

There is no particular format for the comments, and but we request that you focus your comments as efficiently as possible, and try to limit the number of pages to less than 10.

In order to help the SAB members to the greatest extent possible, we request that you try to address each of the information items listed below. The SAB members have identified these information items as highly relevant to their overall task. While some commenters are likely to provide additional information, and others may not be able to address each item, we request that you try to address the following items in your submission:

- (1) Please identify your position and your organization.
- (2) Please identify what economic sector your enterprise operates within.
- (3) Please describe how your enterprise and economic sector has been impacted by Covid-19.
- (4) Please provide an assessment of how you project your organization and economic sector will be impacted over the next 12 months by Covid-19.
- (5) Please explain whether your enterprise or economic sector has or is receiving, or may possibly receive in the future, any other governmental support (federal, state or local) or charitable funds specifically intended to help address Covid-19 impacts; and explain whether the identified need might be covered by other governmental or charitable sources of funding or support programs.

**Guidelines for Written Comments
to the GOEFERR Stakeholder Advisory Board**

- (6) Please provide comments on one or more ideas on how some portion of public relief funds could be provided to your enterprise and economic sector (including, if possible, an estimate of the amount of funds), and please comment on how these ideas would achieve the following important public goals:
- (a) The funds will serve a public use and provide a public benefit.
 - (b) The funds will preserve or increase the social welfare or economic prosperity of the state, and will promote the general welfare of the state's citizens.
 - (c) The funds will promote the orderly development of economic and social activities, create or preserve employment opportunities, or protect the physical environment.
 - (e) The funds will contribute significantly to the continued operation, competitiveness and future success of the organization and the economic sector, and will enhance the resiliency of the organization to survive future economic or health challenges.
 - (f) The use of funds is not in conflict with local or regional development plans and policies, or any other provision of state or federal law.
 - (g) The funds are structured in a way that will help the community and the State at large, and not just the particular private business or organization.
 - (h) The use of funds is consistent with the one-time availability of the public relief funds and will not require future continuing operational support from the public sector in order to maintain success.
- (7) Please describe how the receipt and use of the public relief funds described in question 6 could be accounted for in your organization's financial statements.
- (8) Please describe specific measures for public reporting on the receipt and use of the public relief funds, so that the State may satisfy any public reporting obligations that may be imposed with respect to such funds.
- (9) Please identify other important organizations or functions in the State that have an important impact on your organization or economic sector, and, if possible, provide ideas of how those organizations and functions may be assisted by public relief funds in a manner that would help your organization or economic sector.
- (10) What would your business, agency, organization, sector do with the funds that cannot be done currently?

**Guidelines for Written Comments
to the GOFERR Stakeholder Advisory Board**

- (11) We consistently hear different stories of what is occurring and what is needed; given the opportunity, please comment on what do you think should be said or considered that hasn't received much attention?

* * * * *

SAB anticipates that its members will be reaching out to diverse interests and persons to request submission of comments, and we thank you in advance for considering these requests. We are all in this together, New Hampshire!

Please check the GOFERR website for current information on how to submit comments. All recommendations and information submitted in response to this request will be available for public inspection and copying in their entirety. For further information, please contact Joe Doiron at the GOFERR offices.

CITY COUNCIL E-MAILS

April 20, 2020 (after 4:00 p.m. – April 30, 2020 (9:00 a.m.)

May 4, 2020 Council Meeting

Below is the result of your feedback form. It was submitted by Gerald Holly (gholly@sau16.org) on Monday, April 20, 2020 at 17:14:36

address: 17 Lamington Hill Rd

comments:

I hope this email finds everyone healthy. I am reaching out in regards to having the New Hampshire Department of Health and Human Services review a component of their legislation.

Along with being a 7th grade teacher and the HS Boys Varsity Lacrosse Coach in Exeter, I have been actively involved in the Portsmouth restaurant industry for over 20 years. During that span, many of the local bar owners have become good friends of mine. I already know of one local establishment that is closing their doors forever due to the negative fallout of this pandemic, and I have a strong inclination that many will be forced to follow suit.

Portsmouth has seen a dramatic demographic shift over the past 20 years. An increase in population has brought on a higher standard of living and it has become a popular tourist destination. As we start to see local restaurants that have been in business for decades close, Portsmouth will lose even more of the iconic identity that has made this city so appealing and loved in culture and history, by so many of its visitors and residents.

The economic impact will be devastating. Currently, restaurants have an obligation to stay up to current health codes in order to remain open. When a lease changes to a new owner, they are subject to a different level of coding requirements which cost hundreds of thousands of dollars and months of repairs. At this time, in the current crisis we are in, these regulations will likely make fulfilling this coding requirement insurmountable. When the economy reopens, restaurants with new owners will need to get the doors open quickly to bring in revenue in order to keep the economy afloat, and this will prevent them from doing this.

I am proposing that the NH DHHS requests that Governor Sununu find a way to put a temporary executive order in place. If a new proprietor buys a restaurant, they should be granted an opportunity to effectively open their doors immediately, under the previously existing health code, including outdoor establishments. Outdoor bars are unique and a staple in the Portsmouth community and need to be preserved for the reasons stated above. This is an unprecedented time and we need to take extraordinary measures to provide people with the normalcy they crave as well as fiscally support this enormous industry.

Thank you for your help and consideration to this matter.
Be safe, well, and healthy.

Gerry Holly
603-767-7561

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by petar ramadanovic (petarr@unh.edu) on Monday, April 20, 2020 at 17:45:12

address: 393 Union St

comments: Dear Councilors,

Please consider reopening recreation parks in Portsmouth. Limit the use as they do parks in New Castle where only groups of 5 or less are allowed. Recreation is a necessity that makes quarantine and social distancing easier. At the moment, all sports fields are closed, including Leary and the PHS. We can use them responsibly just as we shop and walk on our streets maintaining an appropriate distance. thanks in advance, PETar

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Chris Bradley (Chrisbradley603@gmail.com) on Tuesday, April 21, 2020 at 23:23:03

address: 112 State St Portsmouth NH 03801

comments: Hello,

I am a downtown resident and have a question about the parking situation. With no businesses open why do residents have to pay to park and move their car every 3 hours when we are in a stay at home order? I work in healthcare and work overnights and am forced to walk across town in the middle of the night, which makes me feel extremely unsafe. I just don't understand why an exception can't be made for downtown residents while this crisis is happening and business continue to remain closed.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Kathleen (kathibailey51@yahoo.com) on Wednesday, April 22, 2020 at 15:08:31

address: 65 FORDWAY EXT 4208,

comments: HI, I read the article in the Portsmouth paper that stated that the City Council has reinstated parking fees for local residents in Portsmouth. I have enjoyed coming to Portsmouth for more years than I wish to admit. I enjoy the restaurants, the theaters, Prescott Park and everything else that Portsmouth has to offer.

However, I am puzzled as to how you can charge people who live in the downtown area of Portsmouth, to park in the city parking garages. I understand that it is a money issue. However, I also understand that most likely, most of the local residents who live in the downtown area depend on those lots to park their cars. I also understand that most likely, most of these people work in the service industries that make Portsmouth such a wonderful place to visit!!

I don't think that these people should be charged for parking in their hometown during this Pandemic which is the fault of none of us. I would ask that you rethink your latest decision to charge local residents for parking during this pandemic. They deserve our respect and appreciation for all that they do for the city of Portsmouth. I am sure that the City Council can figure out other ways to make ends meet during these difficult times, but I don't believe some of the local residents have that ability right now.

Thank you for listening.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Jon Dickinson (jon3425@gmail.com) on Saturday, April 25, 2020 at 10:51:21

address: 220 Walker Bungalow Rd

comments: I am writing to request that the city NOT postpone the sewer extension. The community has been in limbo for years. The prior council completely bungled the project and the new council should remedy it as soon as possible. We put in a temporary holding tank in anticipation of the council following through on the decree. It's costing those of us with temporary solutions considerable amount of money. Further, those who do have failing systems are in limbo.

Thank you.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Gerald Duffy (gduffy44@gmail.com) on Monday, April 27, 2020 at 11:31:22

address: 428 Pleasant St., Unit 3

comments: Dear Mr Mayor and Councilors,

The McIntyre Project continues to operate in a black hole, completely away from the public eye and any scrutiny.

Citizens have no idea what the McIntyre subcommittee is up to, what their process is and how they are making decisions. While the risk of litigation has been temporarily lifted, it's clear that some of the subcommittee's negotiations with our development partner will need to be non-public. But there's a lot more to it. Beyond the negotiations themselves, everything else is "without prejudice," cannot be used in court, and should be in the public realm.

For example, are quorum rules being followed according to our bylaws? Only one other Councilor needs to be involved with the 4-person subcommittee for a quorum to kick in -- with all its legal and/or ethical implications. From what I can see, no meetings are scheduled on the City's calendar, but we have to assume they are taking place in the background. Are they happening as non-public meetings or "non-meetings" (i.e., exempt from right-to-know accountability and responsibility to your citizens)? Are other Councilors privy to what the subcommittee is discussing? If so, whom?

So, from a voter's point of view there are plenty of unanswered questions. Not that the Council should be concerned about delivering campaign promises to a small group of residents anyway, but Mayor Becksted's campaign promise of transparency (which the last Council offered completely, once its own McIntyre advisory group became an official committee) now rings very hollow. He has forfeited any claim he made to keep the process open. Once in elected office, the Council's purview changes, or should, to represent all 22,000 of us, along with our diverse views.

Please provide some answers to us citizens, and there are many of us, who would like to know what business the Council is up to, basically in secret. I would also ask City Attorney Sullivan to respond and lay out the reasoning, legal and/or ethical, for the way the McIntyre Project is currently being handled.

Warm regards,
Gerald Duffy

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Anne Rugg (arugg@seacoastbikes.org) on Tuesday, April 28, 2020 at 08:20:00

address: PO BOX 765, Portsmouth NH

comments: Dear Councilors,

SABR (Seacoast Bicycle Riders), a nonprofit organization with over 700 members, is requesting that the Portsmouth City Council investigate ways in which some streets could be opened up for bicyclists, runners and pedestrians.

The World Health Organization (WHO) recommended, "Whenever feasible, consider riding bicycles or walking," on April 21 in its new technical guidance on moving around during the COVID-19 outbreak.

Bicycling and walking are useful for both social distancing and meeting the minimum requirement for daily physical activity, states the WHO guidance.

People want and need the opportunity to get outside and safely walk, bicycle, or run through their neighborhoods. With the requirement for six feet social distancing, seacoast residents need more roadway space during the coronavirus pandemic. Sidewalks are getting crowded and some bicyclists are riding on them, which is against the law.

Cities around the country and world have been giving over road space to bicyclists and pedestrians during the pandemic, providing people with the sort of generous space generally provided to motorists.

San Francisco, Oakland, Boston, Minneapolis, Denver, New York City, and Philadelphia have closed certain streets to car traffic. Vienna is creating numerous streets with lowered speed limits, Montreal is removing parking spots to create more room, and Berlin is installing temporary bike lanes. Milan's is making 35 kilometers of city streets more accessible to pedestrians and bicyclist as part of its post-lockdown planning.

Seacoast area bike shops, which have been declared an essential service, have seen an uptick in repairs and purchase of "basic" bicycles. With gyms closed and less traffic on the roads, more people who haven't ridden in years are now bicycling.

The question is how can we better accommodate them and our community's need for social distancing?

Across the country, communities and people are adapting to life amidst COVID-19. We urge Portsmouth to explore creative ways to respond to the need for more safe roadway space for outside exercise.

Solutions could include limiting parking to one side of a street or putting cones to narrow a busy street. Since there are far fewer cars on the road, changes like these wouldn't pose an inconvenience to motorists.

Thank you in advance for your consideration of our request.

Anne Rugg, President
SABR (Seacoast Area Bicycle Riders) Board of Directors

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Emily Chadwick (ecbc117@gmail.com) on Wednesday, April 29, 2020 at 09:28:01

address: 79 Lois St, Portsmouth

comments: Dear Manager Conard and City Councilors,

You are already familiar with the work that Portsmouth Smart Growth (formerly PS21) does promoting innovative ideas for a vibrant community. Like many nonprofits in the time of Covid-19, the programming supporting our mission has had to pause. During this crisis, however, two smart growth principles take on new importance; namely, to create safe walkable and bikeable neighborhoods and to provide a variety of transportation choices.

Portsmouth Smart Growth requests that you consider giving pedestrians and bicyclists more room for social distancing to increase their safety. Many of our sidewalks do not allow for six feet of social distancing. Overcrowding on sidewalks and bicyclists on sidewalks also represent threats to public safety. The shelter in place recommendations and the necessary closing of our social, educational, and cultural hubs have brought a surge of people walking and biking in their neighborhoods, and on the other hand, a steep decline in cars on the roads. This is one place the health crisis presents an opportunity to close streets or lanes to vehicular traffic -- other than emergency vehicles -- and open them to walkers and bicyclists. Streets have been repurposed for pedestrians and bicyclists all over the world with great success. The measures have helped the public meet the safety precautions while maintaining health with exercise, keeping neighborhood sociability, and lowering stress levels. All in all, being active outdoors is crucial to our physical and mental well-being. Converting select streets to car-free zones will improve the safety and quality of life for Portsmouth residents. Our city staff, working with Parking and Traffic Safety Committee, could identify potential streets to close to non-essential traffic. If you have any questions, please let us know.

Thank you for your consideration.

Sincerely,

Emily Corbett Chadwick
President, Portsmouth Smart Growth
www.portsmouthsmartgrowth.org

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jane Zill (janezill@comcast.net) on Wednesday, April 29, 2020 at 09:49:27

address: 27 Shaw Road

comments: Dear City Councilor,

I understand that there are municipalities in other states testing wastewater for COVID-19 to assist in gauging the prevalence of infection in their respective communities.

A couple of years ago, a fabulous think tank, Mathematic Policy Research, recommended testing wastewater for opioids to determine community usage in order to "get ahead " of overdoses and deaths.

Would it be possible to institute a program to test wastewater to guide our community's planning to reopen during the pandemic?

And, what about testing for opioids and other medication residue at the WWTF?

On a related note, is it possible to hear from HCA Portsmouth Hospital about its potential collaboration with other New England hospitals regarding the treatment of certain COVID-19 cases? The community should know if there are cross border patient care collaborations and if so, the particular circumstances or programs.

Best,

Jane Zill

includeInRecords: on

Engage: Submit

PISCATAQUA RIVER

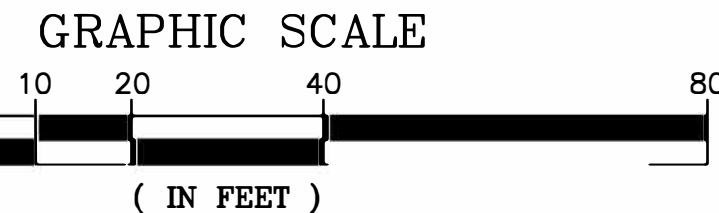
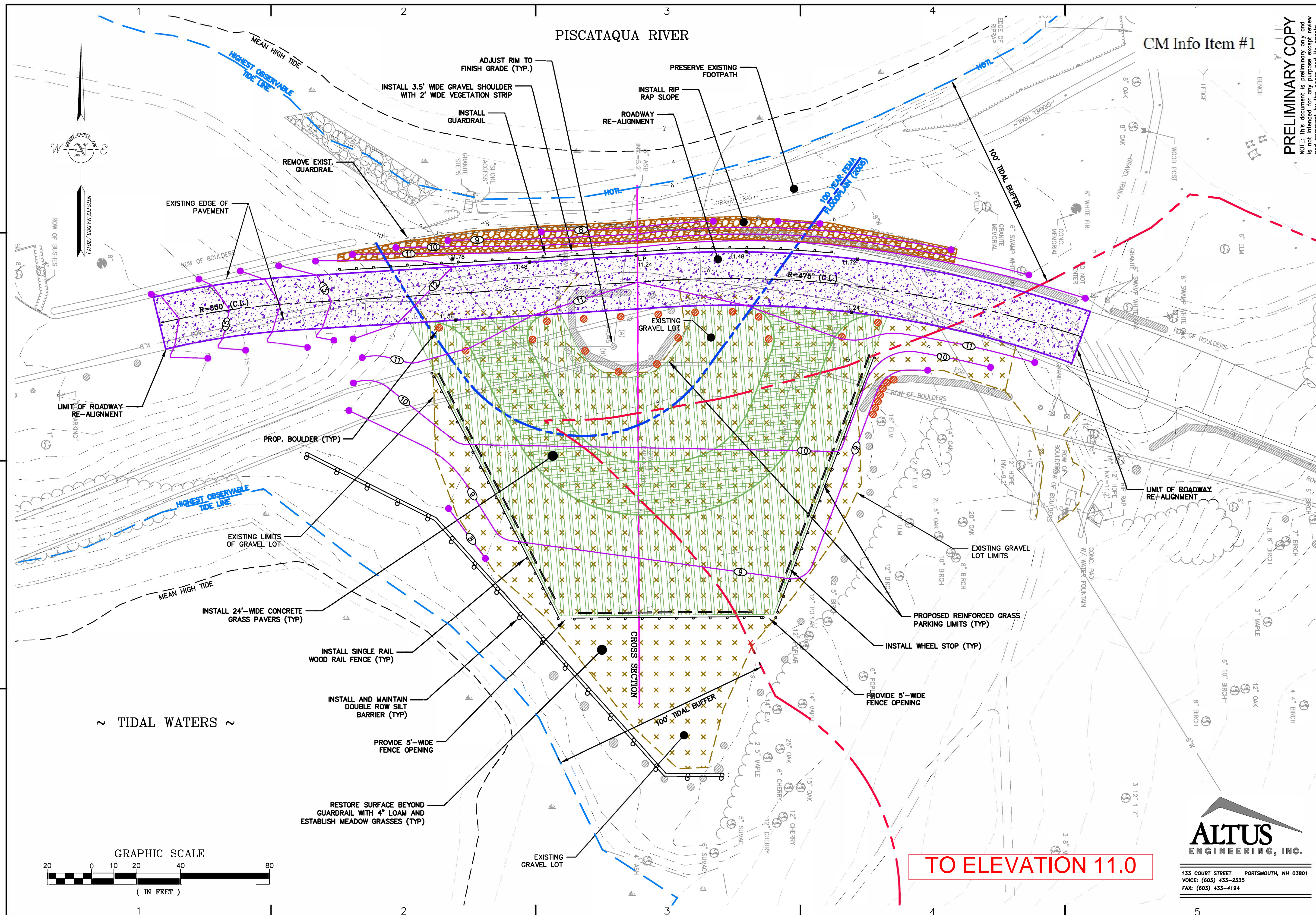
CM Info Item #1

PRELIMINARY COPY
NOTE: This document is preliminary only and is not intended for any purpose except review and comment by the owner and its agents.

REVISIONS	
MARK	DATE

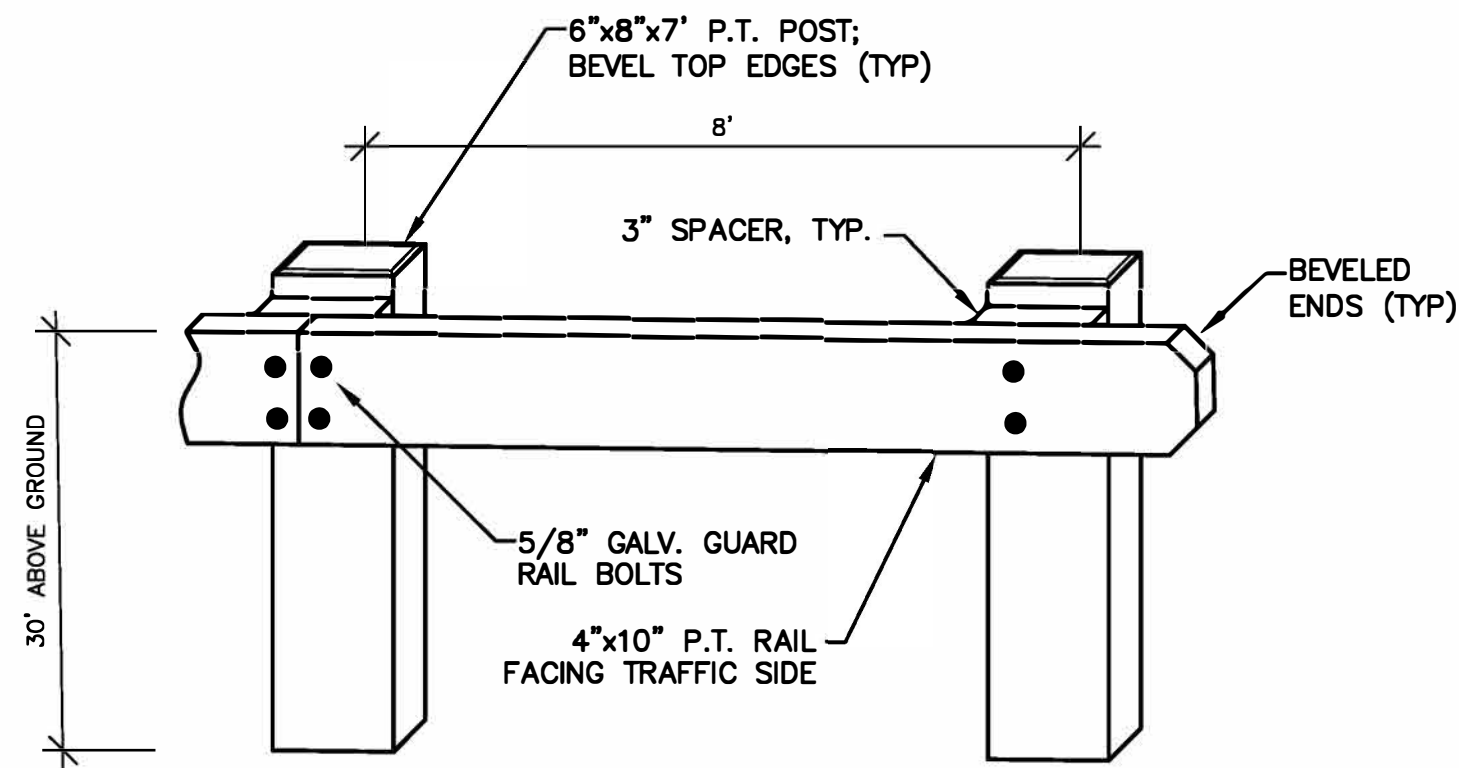
AECOM TECHNICAL SERVICES, INC. 1000 WATERVILLE ROAD WATERVILLE, MA 02149 PHONE (978) 248-5200	
AECOM	

CITY OF PORTSMOUTH, NH - DEPARTMENT OF PUBLIC WORKS PERICE ISLAND WWTF UPGRADE PARKING IMPROVEMENTS (FORMER SNOW DUMP AREA)	
PROJECT NO:	4507.04
CAD DWG FILE:	4507.04.SITE
DESIGNED BY:	RMB
DRAWN BY:	RMB
DEPT CHECK:	JKC
PROJ CHECK:	JKC
DATE:	APR. 3, 2020
SCALE:	1" = 20'
C-001	



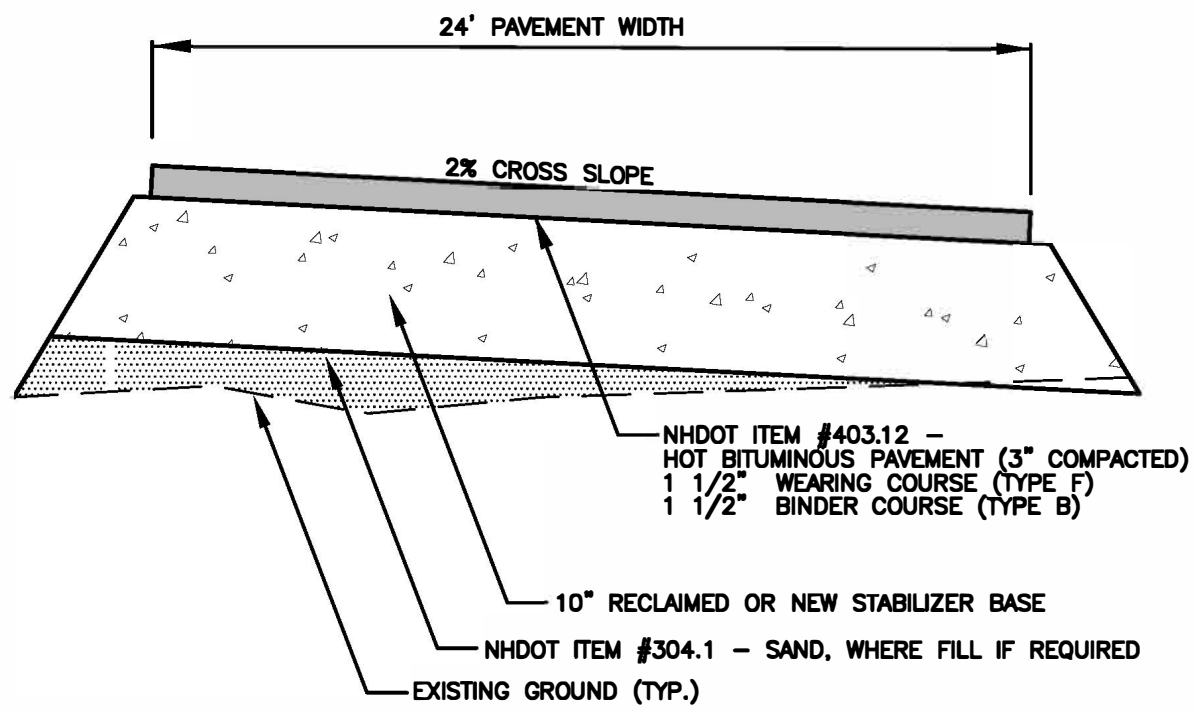
TO ELEVATION 11.0

133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 435-2335
FAX: (603) 435-4194



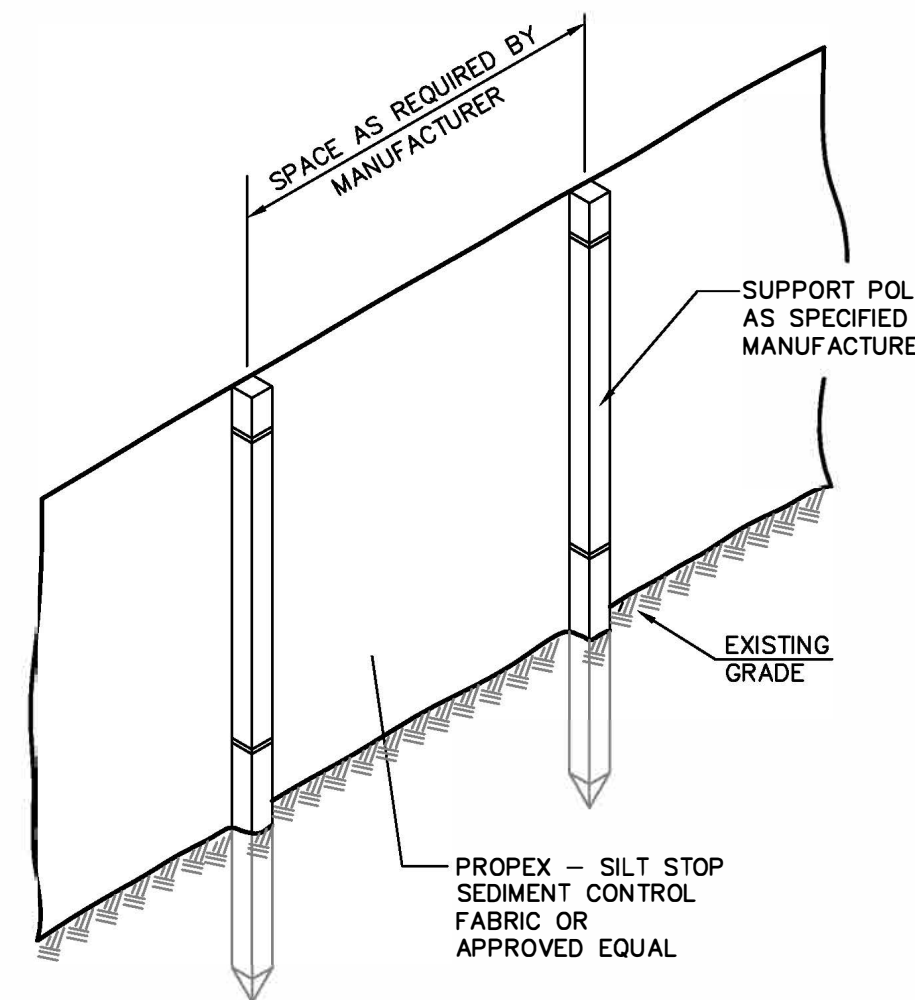
NOTE:
 FENCE BY GC/AAA FENCE COMPANY, DOVER, NH,
 TEL. (800) 660-0833 OR APPROVED EQUAL

SINGLE RAIL WOOD BARRIER
 NOT TO SCALE

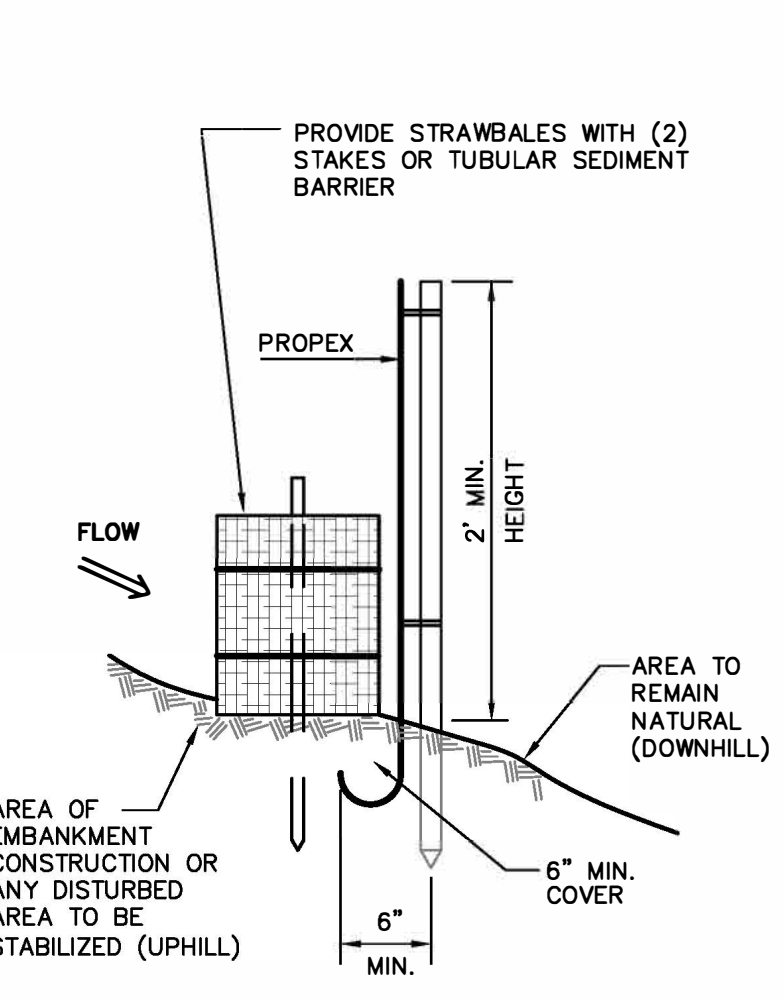


- NOTES**
1. ALL LOAM, CLAY, MUCK, ORGANIC AND/OR YIELDING MATERIAL SHALL BE REMOVED TO A DEPTH OF NO LESS THAN 22" BELOW FINISH GRADE. INSTALL COMPACTED SAND OR GRAVEL BORROW TO SUBGRADE, AS NECESSARY.
 2. THOROUGHLY COMPACT THE SUBGRADE WITH A VIBRATORY ROLLER. PROOF ROLL THE SUBGRADE WITH A FULLY LOADED 10-WHEEL DUMP TRUCK AND REMOVE ANY UNSTABLE SUBGRADE SOILS.
 3. SUBGRADE SHALL BE FREE OF VOIDS THAT ALLOW MOVEMENT/SETTLEMENT OF MATERIALS. REMOVE ANY VISIBLE ORGANICS AT SUBGRADE, REPLACE WITH COMPACTED COMMON OR STRUCTURAL FILL.
 4. EACH GRAVEL BASE COURSE TO BE CONSTRUCTED AT THE PAVEMENT CROSS SLOPE.
 5. COMPACT ALL MATERIALS TO 95% MAXIMUM PROCTOR DENSITY.

PAVEMENT SECTION
 NOT TO SCALE

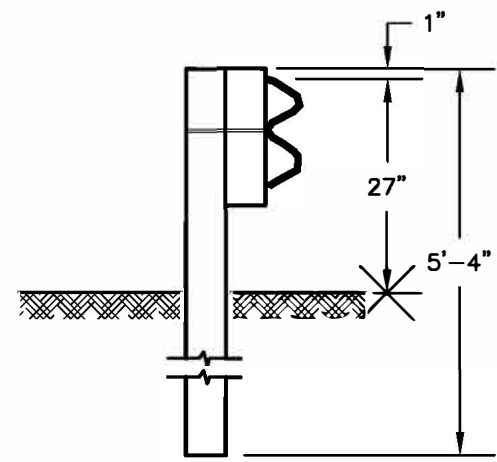


FRONT VIEW



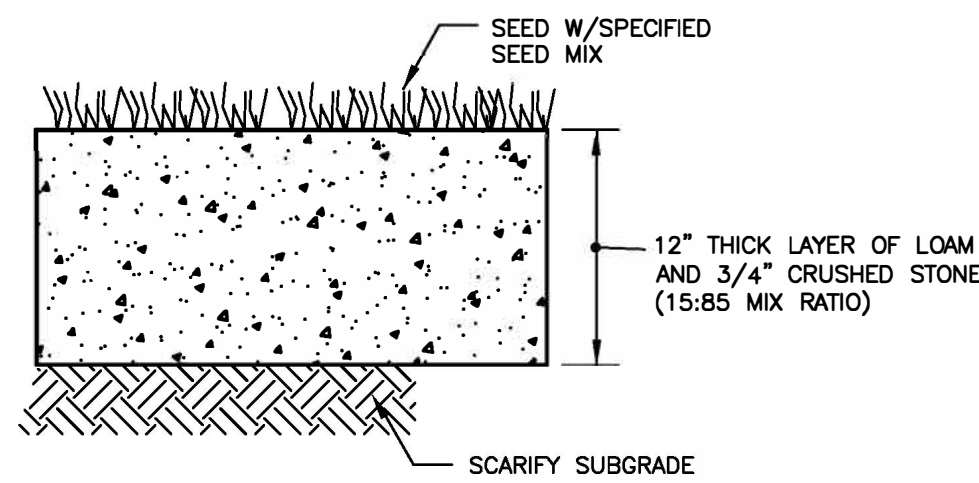
SIDE VIEW

DOUBLE SILT BARRIER DETAIL
 NOT TO SCALE

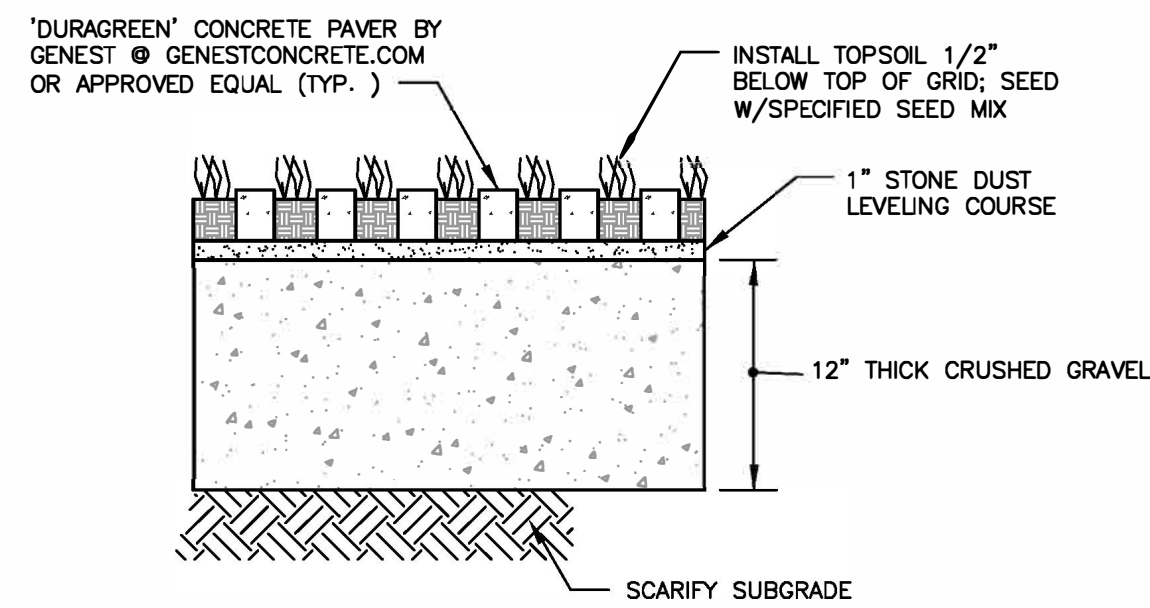


AASHTO DESIGNATION G4(2W)
NH STANDARD BEAM GUARD RAIL DETAIL, SECTION 606
POST SPACING 6'-3"
DEFLECTION DISTANCE * 3"
POST TYPE 6" x 8" TREATED WOOD POST
BEAM TYPE "W" SECTION, 12 GA., "CORTEN" STEEL, NHDOT 606.2
OFFSET BRACKETS 6" x 8" x 14" TREATED BLOCK
 PROVIDE TERMINAL SECTION AT EACH END

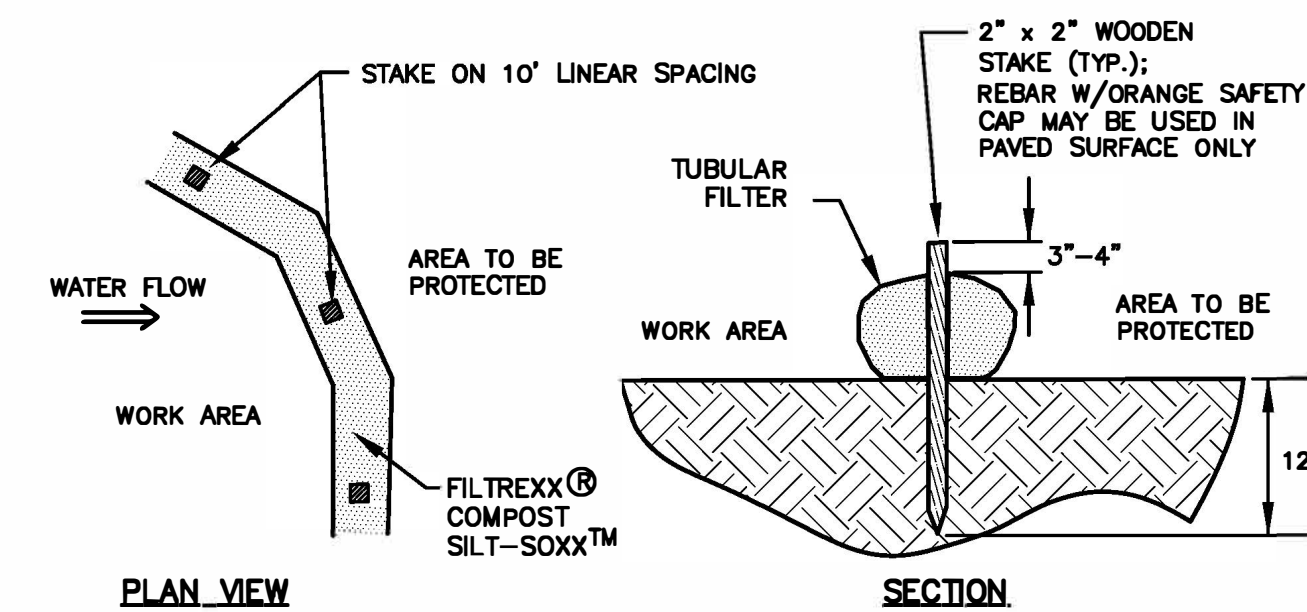
"W" BEAM GUARDRAIL DETAIL
(WOOD POSTS)
 NOT TO SCALE



REINFORCED GRASSED PARKING DETAIL
 NOT TO SCALE



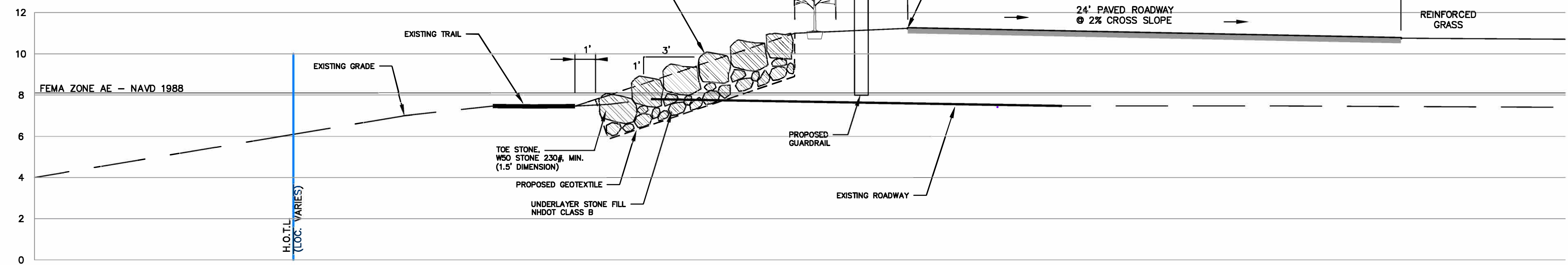
CONCRETE GRASS PAVER DETAIL
 NOT TO SCALE



- NOTES:**
1. SILT-SOXX OR APPROVED EQUAL SHALL BE USED FOR TUBULAR SEDIMENT BARRIERS.
 2. ALL MATERIAL TO MEET MANUFACTURER'S SPECIFICATIONS.
 3. COMPOST/SOIL/ROCK/SEED FILL MATERIAL SHALL BE ADJUSTED AS NECESSARY TO MEET THE REQUIREMENTS OF THE SPECIFIC APPLICATION.
 4. ALL SEDIMENT TRAPPED BY BARRIER SHALL BE DISPOSED OF PROPERLY.

TUBULAR SEDIMENT BARRIER DETAIL
 NOT TO SCALE

- NOTE:**
- VERTICAL DATUM BASED ON NAVD88 PER NATIONAL GEODETIC SURVEY FIRST ORDER CLASS I BENCHMARK "V31 USGS" AND "W31".
 - 2018 FIRM FEMA 100 YEAR FLOOD ELEVATION IS 8.1' (NAVD88) OR ELEVATION 9' (NGVD29)



ROADWAY CROSS SECTION DETAIL
 SCALE: 1" = 3'

ALTUS ENGINEERING, INC.
 133 COURT STREET PORTSMOUTH, NH 03801
 VOICE: (603) 433-2335
 FAX: (603) 433-4194

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REVISIONS	DESCRIPTION

DATE: APR. 3, 2020
 SCALE: AS SHOWN

AECOM
 AECOM TECHNICAL SERVICES, INC.
 100 WATER STREET
 PORTSMOUTH, NH 03801
 PHONE (603) 246-5300

CITY OF PORTSMOUTH, NH - DEPARTMENT OF PUBLIC WORKS
 PEIRCE ISLAND WWTF UPGRADE
PARKING IMPROVEMENT DETAILS
 (FORMER SNOW DUMP AREA)

PROJECT NO: 4507.04
 CAD DWG FILE: 4507.04.SITE
 DESIGNED BY: RMB
 DRAWN BY: RMB
 DEPT CHECK: JKC
 PROJ CHECK: JKC
 DATE: APR. 3, 2020
 SCALE: AS SHOWN

C - 002



Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: https://zoom.us/webinar/register/WN_SeeEExpkRpiejXhcVqhUZw. After registering, you will receive a confirmation emailing containing information about joining the webinar.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-8, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location.

All votes will be by roll call.

SPECIAL CITY COUNCIL MEETING

REMOTE MEETING VIA ZOOM
DATE: WEDNESDAY, MAY 6, 2020

CONFERENCE CALL
TIME 6:30 PM

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PRESENTATION – KAREN CONARD, CITY MANAGER
- IV. PUBLIC HEARING
 - A. PROPOSED FY JULY 1, 2020 THROUGH JUNE 30, 2021 BUDGET
- V. REVIEW OF BUDGET WORK SESSION MEETING SCHEDULE
- VI. ADJOURNMENT

**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you wish to attend City Council meetings and need assistance, please contact Human Resources Department at 610-7274 one week prior to the meeting.

State of New Hampshire
 Department of State
 The State House, Room 204
 Concord, New Hampshire 03301
 603-271-3242

April 27, 2020

Secretary of State Gardner Announces Select Committee on 2020 Emergency Election Support

Given the unprecedented challenges to voting posed by the coronavirus pandemic, and the concerns about the security and conduct of the September and November elections, we are taking steps to ensure that every person who chooses to vote, or work at the polls, will be able to do so despite whatever obstacles might exist at the time. We will be prepared in the event of a worst case scenario.

Today I am announcing the formation of a six member select committee to be chaired by the chairman of the state Ballot Law Commission. This committee will advise the Department of State on the use of \$3.2 million in federal CARES Act money. Those funds were received last week and are in the state treasury, and they are dedicated for dealing with the pandemic during the 2020 elections.

These funds will help cover additional costs incurred at the local level for handling and processing absentee ballots over and above the number of those cast four years ago and protecting the health and safety of voters and poll workers.

All six members of this committee have been actively involved in state and local affairs. They share years of personal election experience and each brings a unique perspective. The committee is tasked with recommending the best use and responsible allocation of these funds.

The members are:

Bradford E. Cook	Chairman, Ballot Law Commission. He has served multiple terms on the commission beginning in the 1980s. He was first appointed by the governor and executive council and over the years by Republican and Democratic speakers of the house.
Barbara J. Griffin	State representative from Goffstown, current member and former chair of House Election Law Committee.
Katherine M. Hanna	Former legal counsel to Governor John Lynch, involved in many election legal matters and former state representative from Keene.
Kathy L. Seaver	Farmington Town Clerk for 41 years, past President, New Hampshire City and Town Clerks Association 2008-2009.
Tom Sherman, MD	State senator from seacoast – District 24, resident of Rye. He is vice chair of the senate Election Law and Municipal Affairs Committee, and a former two-term member of the New Hampshire House.
Eugene Van Loan III	Alternate member, state Ballot Law Commission. He is former moderator of the town of Bedford, and served as legal counsel to Congressman Louis C. Wyman during the closest U.S. senate election in American history (two votes) 1974-1975.

Meeting Notice

Select Committee on 2020 Emergency Election Support
Thursday, April 30, 2020 at 2:00 pm

Meeting access information:

Join Zoom Meeting

<https://zoom.us/j/97092523810?pwd=Q3NjWGFIV1Z1TXNXT28wQnJkTkhSdz09>

Meeting ID: 970 9252 3810

Password: 185092

One tap mobile

+19292056099,,97092523810#,,1#,185092# US (New York)

+13017158592,,97092523810#,,1#,185092# US (Germantown)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 970 9252 3810

Password: 185092

Find your local number: <https://zoom.us/u/adNy2Lmg7R>