

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

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Per NH RSA 91-A:2, III (b) the Chair has declared the 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 2021-01, 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.

7:00 PM

May 20, 2021

AGENDA

I. APPROVAL OF MINUTES

- A. Approval of the Planning Board minutes from the April 15 and 22, 2021 meetings

II. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. REQUEST TO POSTONE** Request of **Stone Creek Realty, LLC, (Owner), and CPI Management, LLC, (Applicant)**, for property located **53 Green Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the demolition of an existing building, construction of a 5-story mixed-use building and renovation of an existing parking area that will result in 98 square feet of impervious surface in the 25' to 50' tidal wetland buffer zone and 8,425 square feet of impervious surface in the 50' to 100' tidal wetland buffer zone representing an overall net reduction of 3,058 square feet of impervious surface in the tidal wetland buffer areas from the existing condition. Said property is shown on Assessor Map 119 Lot 02 and lies within the Character District 5 (CD5) District, the Historic District, and the North End Incentive Overlay District. **REQUEST TO POSTPONE**

- B. Request of **Noble Island Condominium Association, (Owner)** and **CP Management, Inc. (Applicant)**, for property located at **500 Market Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance to remove and replace existing decks on Buildings A, B, and C including the addition of new structural supports with no expansion of the existing footprint resulting in 27 square feet of permanent impact and up to 1,240 square feet of temporary impacts all within the 100' tidal wetland buffer area. Said property is shown on Assessor Map 120 Lot 2 and lies within the Character District 4-L1 (CD4-L1) District.
- C. **REQUEST TO POSTPONE** Request of **Brora, LLC, Owner**, and **210 Commerce Way LLC, Applicant**, for property located at **Shearwater Drive (at intersection of Portsmouth Boulevard and Market Street)** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for an after the fact approval for cutting of vegetation on 88,700 square feet in the wetland and vegetated buffer areas. Said property is shown on Assessor Map 217 Lot 2-1975 and lies within the Office Research (OR) District. **REQUEST TO POSTPONE**

III. PUBLIC HEARINGS – CITY COUNCIL REFERRAL

- A. Request of **Todd Buttrick, Owner**, for the restoration of involuntarily merged lots at **900 Middle Road** to their pre-merger status pursuant to NH RSA 674:39-aa.

IV. PRELIMINARY CONCEPTUAL CONSULTATION

- A. Request of **Naveesha Hospitality, LLC, Owner**, and **Monarch Village, LLC, Applicant**, for property located at **3548 Lafayette Road** for Preliminary Conceptual Consultation for a multi-family residential redevelopment consisting of 75 units in 6 existing buildings and 2 proposed new buildings with associated site improvements. Said property is shown on Assessor Map 297 Lot 6 and lies within the Gateway Corridor (G1) District.
- B. Request of **Banfield Realty, LLC, Owner** for property located at **375 Banfield Road** for Preliminary Conceptual Consultation for the construction of a 75,000 s.f. industrial warehouse building and associated parking, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District.

V. ADJOURNMENT

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7:00 pm

April 15, 2021

MINUTES

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Peter Whelan, City Council Representative; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Peter Harris; Rick Chellman; and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director

MEMBERS ABSENT:

I. APPROVAL OF MINUTES

A. Approval of the Planning Board minutes from the March 18 and 25, 2021 meetings.

Mr. Gamester moved to approve the Planning Board minutes from the March 18 and 25, 2021 meetings, seconded by Vice Chairman Moreau.

Vice Chairman Moreau commented that on page 12 of the March 18, 2021 minutes the Board talks about a state statute, but it is spelled incorrectly as a statuette.

The motion passed unanimously. Ms. Henkel abstained from the vote.

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Site Plan Review approval.

SUBDIVISION REVIEW

Vice Chairman Moreau and City Manager Conard recused themselves from this application.

Mr. Gamester to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Clark. Motion passed unanimously.

- A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting Preliminary and Final Subdivision (Lot Line Revision) approval.

Vice Chairman Moreau and City Manager Conard recused themselves from this application.

Mr. Gamester to determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration, seconded by Mr. Clark. Motion passed unanimously.

III. PUBLIC HEARINGS -- OLD BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting a Conditional Use Permit for shared parking on separate lots as permitted by Section 10.1112.62 of the Zoning Ordinance and Site Plan Review approval for the demolition and relocation of existing structures and the construction of 152 dwelling units in 3 buildings, and associated community space, paving, lighting, utilities, landscaping and other site improvements. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

SPEAKING TO THE APPLICATION

Mr. Gamester moved to discuss Public Hearings – Old Business Items A, B and C together and vote on them separately, seconded by Mr. Clark. The motion passed unanimously.

Vice Chairman Moreau and City Manager Conard recused themselves from the application.

Owner Ed Hayes spoke to the application. Mr. Hayes' family has a lot of history in Portsmouth and along the North Mill Pond. His grandfather established Ricci Lumber in 1957. Mr. Hayes was also a member of the Advocates for the North Mill Pond. They did annual clean ups and removed a lot of debris and trash. It has improved over time, but there is still clean up that can happen. This plan will remove almost 2/3 of an acre of impervious surface in the buffer. Mr. Hayes owns the brewery and doggy daycare building. In 2015 they worked with the railroad to purchase land. They have met with NHDES to see if it was plausible to build in the 50–100-foot buffer area. It was their opinion that DES would be supportive because a considerable amount of structure will be removed from the 50-foot buffer. It is also currently an industrial site. This plan would improve storm water treatment and grant the City an easement for the North Mill Pond Trail. Without that information they would not have purchased the land. There was a neighborhood meeting in January 2018 where they disclosed the plans to the abutters. The Planning Board gave a unanimous vote to recommend rezoning the parcel. City Council unanimously voted to rezone the land as well. A massing plan was developed to show what could be built on the lot. It showed buildings in the 50-100 buffer. This project has been well thought out and it was not a hasty decision. The goal is to add value to the neighborhood. The North Mill Pond is a hidden treasure, and they want the public to enjoy it. Once the parcel is developed the site will be self-policing and a lot cleaner. The current plan fully complies with zoning, has received endorsement from the Conservation Commission, and improves the buffer zone by removing almost 29,000 sf of impervious surface from the 100-foot buffer. It will replace invasive species with open spaces and native plantings. The easement will provide ¾ of a mile of greenway to the City. It is consistent with the City's Master Plan goals. It will provide a public park that will cover over half an acre of land. Mr. Hayes requested the Planning Board's approval because it was a good plan.

Attorney Rob Prevetti commented that there was an unprecedented intervention from City Council at the site walk. The project is in compliance with the land use boards and will provide public benefits. This is a privately owned project that has the property rights protection that limits governmental interference. It is unclear why some members of the City Council are targeting this project. The Council should respect the well-established land use planning process and ensure this applicant receives equal protection. This project will create 152 housing units where Portsmouth is in short supply. Most of the units would be one bedroom and studio. Some of the City Council and public are concerned about the ecology of the North Mill Pond. The Planning Board review of that will be based on the 6 criteria required to grant a wetland CUP. The Conservation Commission voted 6-1 to recommend approval to the Planning Board. The applicant has worked to shrink the size of the project based on feedback from the public and the land use boards. This project will

dramatically improve the pond and reduce impervious surface in 0–100-foot buffer. The buffer area will be enhanced, and stormwater treatment will improve drainage into the North Mill Pond. Invasive plants will be removed and replaced with native plantings. The plan has a heavy emphasis on creating conserving and improving the environment in the City. This project presents the opportunity to conserve important community assets at no cost to the City and taxpayers. There will be a shoreland easement for the greenway and public park. There will be publicly accessible space and habitat along the North Mill Pond. The Board should base their decision on law, science, fact, and what is best for the community as a whole.

Patrick Crimmins from Tighe and Bond commented that they submitted a comprehensive package to the Planning Board. The application has incorporated feedback from the Planning Board, TAC, Conservation Commission, and the Public. The property is bound by Bartlett St., the railroad, and the North Mill Pond. There is 2,000 linear feet of tidal wetland and buffer. The existing vegetation and invasive species are documented. The site has a history of industrial use with the railroad. The site currently has Ricci Supply, a few other businesses, road, and parking right up to the bank of the North Mill Pond. Currently runoff sheet flows into the pond with no treatment or is collected into the old, combined sewer overflow system (CSO.) The site has a brewery and doggy daycare, some derelict railroad structures, and a vacant machine shop with paving and compacted gravel. Almost all of the 100-foot tidal wetland buffer has been previously disturbed, overgrown, and neglected. The property in question includes a significant portion of planned improvements along the North Mill Pond shore. The plan includes a bike/pedestrian path that is in the City's North End Vision Plan and the Master Plan. The final plan calls for a linear greenway and community park. The multiuse path will include wetland restoration and pond edge stabilization that will be constructed through public and private partnership. The City created the overlay to allow developers to build taller buildings as an incentive to get developers to build in these areas. The cul-de-sac was relocated closer to Bartlett St. The shore will consist of a path and open space. The project supports the Master Plan goals of reinvesting in underutilized lands, creates pedestrian connectivity, promotes open space, and encourage access to the waterfront. The front portion of the site will have the Ricci Lumber commercial buildings, the private road and improved parking. The rear of the site will have residential buildings. The buildings have been pulled back from the North Mill Pond banks and landscape areas were added. There will be road improvements with bike sharing. The plan includes significant stormwater management improvements. There will be deep sunk catch basins with oil separator hoods and storm water treatment units. The new systems will eliminate the combined overflow, which aligns with a DPW initiative. The plan will provide treatment where none is currently provided. The rear portion of the property development area will have three multifamily buildings labeled A, B, and C. The grade plan exhibit shows how the buildings comply for height. Between the three buildings there will be 152 units. There will parking below buildings A and B. This project will provide additional housing that is walkable to the downtown. The buildings cannot be built within the view corridors.

Right now, the existing turntable encroaches on a view corridor. That will be removed, and the new buildings will be out of all of the view corridors. The site had more constraints that needed to be considered as well. It bisects a zoning district line, so that had to be accounted for. There is a 15-foot setback requirement to the railroad. There is also a large 25-foot municipal sewer easement in the middle of the site. All of those conditions contributed to where the buildings were located. The plan will create expansive public open space in an urban setting. The project also includes site improvements to the roadway with parallel parking, the cul-de-sac, and parking under buildings A and B. There will be surface parking between the building and the railroad. All of the parking will be out of the 100-foot buffer. There will be improvements to the sidewalk to Bartlett St. The North Mill Pond trail goes around the building and out beyond the parcel. The path was designed to allow emergency vehicle access around all of the buildings. The project also requires utilities. New gas and water will come off Bartlett St. and the electric will be underground. The lighting will be dark sky friendly. There will not be any light spill over in the adjacent properties. There will be no lighting on the rear of the path. Right now, the site elevation is 12-13. The site will be regraded to allow for the underground parking to sit at elevation 7. That is above the HOTL. The finished floor will be 17.5 elevation. The grading plan includes significant drainage improvements and stormwater treatment. The proposed treatment for the building includes treatment units and underground detention tanks to mitigate the temperature of runoff before it discharges to the pond. The detention is not required but was included in response to feedback from the Conservation Commission. The detention tanks will reduce peak runoff rates into the pond as well. There will be a series of yard drains around the buildings. Runoff from the park will go to the rain garden. The rain garden will be an aesthetically pleasing central feature and a pollinator habitat. The trail will be porous asphalt. There will be 47,703 sf of greenway community space. It exceeds the 20% requirement. There will be 23,552 sf of park adjacent to the community space. The total public open space is 71,255 sf. Overall, there will be 58.1% open space where only 15% required. The project will provide buffer enhancement by removing invasive plants, with the exception of the Norway Maples. They provide a valuable canopy. The invasive plants will be removed from the 25-foot buffer and the construction areas. The project will provide improvement in the 100-foot buffer by pulling the parking and buildings from the pond and reducing impervious in the 100-foot buffer. 20,385 sf of impervious surface will be removed from the buffer. Overall, it is a net reduction. The project has pulled the buildings further back. Currently there is over 14,000 sf of building in the buffer. This proposal would have a little over 6,000 sf in the buffer. The ordinance indicates there should not be a net loss of impervious in the buffer. This project exceeds that requirement by removing over 50% of the existing building footprint. There is a total of 2/3 acre reduction of impervious surface. The applicant is seeking approval for the site plan, lot line revision, a parking CUP and a wetland CUP. The project has been thoroughly vetted with 14 public meetings in the past 20 months. It also requires permits from NHDES and AOT. Those applications are in process. In March they met with NHDES to review the mitigation proposal. The last time the project was in front of the Planning Board was in March 2020 for a preliminary design review. Improvements have been

made since then. They reduced the density from 174 units to 152 units. The second story portion was removed from building A. Building C's footprint was revised to be out of the Salem St. view corridor. They eliminated footprint in the buffer and created open space between B and C. The parking was reduced. The path was realigned to be further way from the pond. The amount of asphalt was minimized, but fire access is still being provided. There is additional buffer enhancement. Invasive plants will be removed, and bank stabilization measures will be put in place. The trip generation memo has been updated. The project will result in an overall reduction in trip generations. The application modified the lot line by pulling the cul-de-sac into the parking area. The first lot will be 1.2 acres with the Ricci buildings and the road. The second lot will consist of the residential buildings. The staff memo included 16 items that were addressed. The applicant is in agreement with the remaining stipulations of approval. One item pertains to water improvements in Bartlett St. They have agreed on a fair share for water improvements on Bartlett St. The CUP for parking is required because some of the parking is on a separate lot. There are 210 parking spaces total. 190 spaces are located on the development lot. There are 95 spaces on the surface parking lot outside of the buffer. Then another 95 spaces under buildings A and B. The remaining 20 spaces will be on the private road and around the cul-de-sac. The applicant has been very responsive to comments on the buffer impact and density. The Conservation Commission has seen 5 versions of the plan. Mr. Crimmins presented an exhibit that showed different iterations of the site plan to show how the applicants responded to feedback from the public. The total impact in the buffer is 110,110 sf now. The initial concept had 146,157 sf of buffer impact and 272 units. This iteration has a 28,385-sf reduction in impervious surface and the density has been reduced to 152 units. The applicant has to satisfy 6 criteria to get a wetland CUP. Mr. Crimmins reviewed their responses to each one. The first criteria is that the land is reasonably suited to the use, activity or alteration. This property meets the zoning and doesn't require any relief. The site is previously disturbed. The site currently has debris, invasive plants and rundown buildings. The proposed project will reduce impervious surface, enhance the buffer and provide public access to the pond. The second criteria is that there is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. The proposed development area has unique site conditions. There is the North Mill Pond, view corridors, a 15 setback for the railroad, and a 25-foot sewer easement. All of these unique site conditions put constraints on where the buildings could be located. The buildings were pulled further back from the existing conditions. The parking was pulled away from the pond. The team has made a continued effort to reduce buffer impact and density. The third is that there will be no adverse impact on the wetland functional values of the site or surrounding properties. This property is a previously disturbed urban site. The project was designed in a manner that conforms with zoning and will reduce traffic. It will provide public access to the pond. There is no adverse impact to the wetland functional value because it is largely previously disturbed upland. The project will reduce buffer impact and remove invasive plants. It will provide added value for public open space. The fourth is that alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. The only alteration

in the 25-foot buffer will be to remove the invasive plants. There will be stabilization practices put in place and the outfalls will be removed. The fifth is that the proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section. The applicant has worked to reduce buffer impacts in response to feedback. They are conceding allowed density and pulling footprint from the pond. There will be 1.6 acres of public open area. There is a 2/3-acre net reduction in the buffer. The applicant will remediate any environmental conditions in accordance with the law. That sixth is that any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. The plan is to remove invasive plants and the only other disturbance will be to the storm water outfalls that currently discharge untreated stormwater.

Steve Pernaw from Pernaw and Company commented on the traffic. Mr. Pernaw prepared the original traffic study in 2018. The City asked them to look at three intersections on Bartlett St. and Islington St. The original project generated 53 trips during the pm peak hour. In October 2018 TAC asked for counts from the brewery and doggy daycare. There will be a reduction with this project because the brewery and doggy daycare will no longer be there. There is a reduction of 19 trips in the pm peak. The trip generation estimates were derived from the ITE. More people are working remotely, so these estimates may be on the high side. The City required the West End Yards project look at the same intersection for Bartlett St. with this project's 2018 numbers. The redesign of Bartlett St. was based on those numbers. TEC performed the peer review and they concurred with the methodology and trip generation estimates. They agree it will be reduction.

Robbi Woodburn from Woodburn and Company commented on the landscape plan. The proposed site plan includes a public park and the North Mill Pond greenway. There is a large community space planned for the east end of the trail. This will provide a complimentary stopping place on the west end of the trail. The round rain garden will recall the roundhouse. A bridge will cross the rain garden. The hope is to recycle wood and stone elements from the turn table in the construction. There will be seating options for the public. In the space will be signage describing history of site and roundhouse. There will be landscaping in the courtyard between buildings B and C. The grades along the face of the building will be raised to provide planting opportunities to soften and screen the buildings. Plant beds will have drifts of native ornamental trees, shrubs, and ground cover. Most species planted in the buffer will be native. Invasive species will be removed. Most of the existing vegetation is invasive plants. The Norway Maples will remain to provide screening and canopy cover. The plan includes a fescue grass mix and a native conservation seed mix. The buffer plantings will help reduce runoff and the rain garden will provide a pollinator habitat. All of the plantings will provide a better wildlife habitat. This plan includes an extensive landscaping effort, and the proposed park will enhance the experience of the trail and pond. The project will create a beautiful and sustainable part of trail.

Mr. Crimmins commented that they have addressed all of the requirements to grant all permitting for the project. The proposal meets zoning requirements and achieves

goals of the Master Plan by providing public access along the pond. The presentation reviewed the site constraints. There will be a significant reduction in the impervious surface. It provides good public benefit with the urban park and community greenway space. The applicant has responded to feedback. The latest proposal will provide additional housing stock while reducing density from the previous proposal. Traffic will be reduced. There are improvements to the buffer and stormwater management. This plan supports many Master Plan goals.

Mr. Clark commented that there were several different values for the buffer improvement area in the application. The DES section says 22,384 sf, the agenda says 28,792 sf, and the impact plan says 28,385 sf. Mr. Crimmins responded that the local level number is referring to the net buffer improvement. The impervious vs. wetland impact is defined differently depending on the application. The total reduction is 28,385 sf. There is a pocket wetland that was created with the dilapidated condition of the roundhouse. There is virtually no function to that wetland. It doesn't fall within the CUP jurisdiction. It is outside of the 100 buffer and the size is too small.

Mr. Clark questioned if there was any discussion with the City to see if there was a way to contribute directly to a City project instead of contributing to the ARM Fund. Mr. Crimmins responded that they have not had that discussion. It is a DES policy to pay into the ARM Fund. The City would have to consult with DES about receiving funds. Mr. Clark commented that it would be good if that could stay within the community.

Mr. Clark questioned if they would have to go down to the native ground for the garage. Mr. Crimmins responded there would be minimal excavation. There will be soil removal for the basement and foundation construction. Mr. Clark questioned how tall the current brewery building was. Mr. Crimmins responded that it was approximately 30 feet.

Mr. Clark commented that it was disappointing that the connection of the greenway to Bartlett St. ends in the middle of the site and becomes a 6-foot sidewalk to the road. Mr. Clark questioned if there was any way to increase the size of the 6-foot sidewalk to match the alignment of the 10-foot path. Mr. Crimmins responded that they can't widen the foot print any more. The goal was to pull further away from the pond. Angled parking may gain another foot, but the parallel better works better for the flow of the site. Mr. Clark commented that the plans did not show anything at the other end of the path and questioned what plan for that lot was. The original concepts included some development on that lot. Now it ends at that lot line and all of the utilities are stubbed off. Mr. Crimmins that the project has committed to providing an easement from the development lot to Maplewood Ave. to allow the path to occur. Mr. Clark questioned why it was not included as community space. Mr. Crimmins responded that there was no development planned, they were committing to providing the easement.

Chairman Legg questioned if the applicant would commit to not using fertilizer. Ms. Woodburn responded that loam generally lacks organic material. Over time healthy plants need healthy soil and nutrients. That will need to be addressed with compost. They can treat the site organically and not use chemicals, but they will need to be able to enhance the soil to keep it healthy. They will follow the ordinance about fertilizer use in the buffer as well.

Ms. Henkel questioned if there would be lighting on the greenway. Mr. Crimmins responded that the greenway would not have lighting.

City Council Representative Whelan questioned how much fill will be brought into the buffer. Mr. Crimmins responded that they will assess if soil could be reused to balance the site. Fill will be brought in if needed. City Council Representative Whelan noted that the tallest building was 50 feet. Mr. Crimmins confirmed that was correct and noted that it complied with zoning. Building A will be 49.1 feet, B will be 49.1, and C will be 49.2. The grade itself will be 12-13 and the finished floor will be 17.5. That will allow for the underground parking. City Council Representative Whelan questioned if the new FEMA maps were accounted for in this plan. Mr. Crimmins confirmed they were. The City zoning ordinance has extended the flood zone and requires the building to be built up to 2 feet above the flood plain. The building and public areas will be above the flood plain. City Council Representative Whelan questioned what the width of the fire access path would be. Mr. Crimmins responded that the path is 10 feet wide. It was expanded on the corners to allow for the fire trucks to turn and then brought back to 10 feet.

Chairman Legg questioned what portion of the buildings were in the 50-foot buffer. Mr. Crimmins responded that none were in the 0 to 50-foot buffer. There are portions in the 50–100-foot buffer.

Mr. Chellman questioned if there was buildable land on the parcel outside of the buffer. Mr. Crimmins responded that there was, but the constraints were highlighted on the plan. There is upland out there but the view corridors, 25-foot sewer easement and railroad setback limit the options. This project was located in the upland outside of the constraints. If the buildings are pulled back, then they would be putting pavement in the buffer. The entire project cannot be pulled back because of the sewer easement. Mr. Chellman questioned how this project was the least adverse impact. Mr. Crimmins responded that this was previously disturbed upland. The project will be improving the buffer, reducing the existing impervious surface, and reducing the footprint by 50%. Mr. Chellman questioned if they thought any reduction in a nonconforming use is a reduction and should be allowed. Mr. Crimmins responded that based on how the zoning is written in 10.1017.24 work is allowed in the buffer with a CUP. It requires the removal of impervious surface at least equal in area. This project is far exceeding that requirement. It is removing 2/3 of an acre of impervious surface and reducing 50% of the footprint. Mr. Chellman questioned if they thought they were allowed to put buildings in the buffer. Mr. Crimmins responded that they were allowed to do work in the buffer. This is a previously disturbed buffer area.

They are not allowed to increase impact. This project will be a significant improvement. Mr. Chellman questioned if building in the disturbed area was considered further impact. Mr. Crimmins responded that it was not because the buildings will be pulled back and the buffer will be improved.

Mr. Gamester requested a walkthrough of the stormwater treatment system. Mr. Crimmins responded that the runoff that hits impervious surface will be directed to the catch basins with oil separator hoods. One goal is to reduce the peak rate. Treatment is focused on the first inch of runoff because that is where the grit and oil get picked up. The sediment will settle out and oils will be separated in the system. Runoff will flow into the detention system. That is designed to hold the water and slowly release it over 24 hours. That will allow temperatures to regulate underground before it discharges to the pond. The slow discharge goes through a stormwater treatment unit. Runoff in the park area will infiltrate through the rain garden and other plants. The multi-use path will have porous asphalt. The pathway underdrains will be lined because of the high-water table. Those drains flow out into the drainage system. The courtyards will have yard drains that will flow to the stormwater treatment systems. There will be stormwater improvements on the commercial side of the plaza as well. Right now, it sheet flows into the pond. The redesign will curb the roads and runoff will go through the treatment units. Currently the lumber area catch basin ties into the sewer system. That will be removed.

City Council Representative Whelan noted that the zoning ordinance talks about a living shoreline strategy and questioned if that would be part of the project. The North Mill Pond is a critical habitat. Mr. Crimmins responded that they were not proposing any work in the North Mill Pond. They will be granting an easement to the City from mean the high-water line to the 50-foot buffer. That will afford the City the ability to do a living shoreline along that stretch if they chose to. This design stays above the mean high water. City Council Representative Whelan commented that they could pull the project back from the buffer. The zoning ordinance is not based on economics; it is based on protecting the wetland.

Chairman Legg questioned what the frequency of large truck deliveries to Ricci was, and if they would be using the sliding gate near the turnaround at edge of the property. Mr. Hayes responded that they receive supplies totally by truck Monday through Friday from 8 am-2 pm. The site received 8-10 trucks a day. They do deliver through the sliding gate. Chairman Legg questioned if signage was proposed for the public park. Ms. Woodburn responded that there would be signage near the rain garden. Chairman Legg commented that there should be signage on the Ricci Lumber side as well. Mr. Crimmins responded that could be added. Chairman Legg commented that it should be listed in the list of City parks as well, so people know it is there. Ms. Walker responded that this will be part of the North Mill Pond Greenway and they would ensure people know about the public amenity. Chairman Legg commented that they should name the park.

Mr. Harris questioned what studies have been done for the 100-year storms impact. Mr. Crimmins responded that the drainage analysis accounts for a 100-year storm event. Mr. Harris questioned if Ricci Lumber had experienced any flooding issues. Mr. Hayes responded that they have not had flooding from the North Mill Pond.

Mr. Chellman commented that he did not think the zoning permitted building in the 100-foot buffer. The 6 criteria do not allow anything that would be an adverse impact. Building in the 100-foot buffer is an adverse impact. Mr. Crimmins responded that they read the ordinance differently. The ordinance does not allow a net increase in impervious surface. Everything in this project is an improvement. It is reducing the footprint in the buffer by 50%. Anything proposed is improvement over what exists. Mr. Chellman appreciated the improvements but felt constrained by the way the ordinance was worded. The only way satisfy criteria number 5 is to put in a project with the least adverse impact. That is a separate calculation than the impervious surface. This project is putting in new buildings. One was scaled back to be out of the 50-foot buffer. If that was done for all the buildings, then they could be out of the 100-foot buffer. Then the project would conform completely. Mr. Chellman questioned why that could not happen. Mr. Prevetti responded that the zoning methodology dictates how an applicant approaches a project and the land use boards review it. The applicant's analysis was based on that, and all of the 6 criteria were addressed based on that methodology. The least adverse has to be based on what is allowed for permitted use on the site. Mr. Prevetti reminded the Board that they scaled down as much as possible. The project still needs to be feasible. The Conservation Commission reviewed this project in depth. They saw the application 5 times and voted to recommend approval 6-1. Mr. Chellman commented that the Master Plan included goals about strengthening language around land use and conserving the buffer. Mr. Chellman questioned if this project could be scaled back outside of the 100-foot buffer. Mr. Prevetti responded that would make the project no longer viable. They have to balance the impacts on the buffer and having a viable project. If there is no project, then there is no park or greenway. Mr. Chellman questioned if viability meant the economics of the project. Mr. Prevetti confirmed that was correct.

Mr. Clark commented that the wetland delineation called out eroded shoreline along entrance way and questioned why the project was not addressing that. Mr. Crimmins responded that the erosion was in the wetland. This project is not proposing any work in the wetland. All of the improvements in the upland will help improve the erosion. Mr. Clark commented that people will still be walking along the banks. The erosion will be an ongoing issue. Ms. Woodburn responded that the areas beyond the walkway will have long grasses that will only be mowed 2 times a year. That will discourage people from getting too close to the bank. This project is doing as many improvements as possible above the bank. Doing a living shoreline is a whole different project. The City can do that because of the easement.

PUBLIC HEARING

Charlie Mareno owns property in the West End Neighborhood. The February plan had a pedestrian easement at the end of the long parking lot at the railroad. It would connect to the Cabot St. entrance. It is important for the community to have access to the trail. The railroad blocks that. That easement is not in the current version of the plan. Mr. Mareno questioned what was going on with the lot near Maplewood Ave. There is a conservation easement for that, and it is implied that it would remain as open space. The landscape plan shows that the Norway Maples will remain. The applicant should plant more trees to replace the Norway Maples. Once the new trees grow, the Norway Maples should be removed.

Jonathan Sandberg of 160 Bartlett St. spoke in favor of the proposed development. This neighborhood used to be run down. Over the years it has improved and that is good for the community. This project will transform a wasteland into much needed homes and outdoor space. It will allow the neighborhood to have access to the pond and improve biking and walking in the area. Some worry about density being bad for traffic and conservation. This project will add to the residents who care about the pond. Right now, the property is covered in litter. The new residents will care for it and keep it clean. This project will reduce impervious surface, restore the buffer and treat stormwater. This is the best neighborhood to add density to because it is so walkable.

Ted Jankowski of 27 Franklin St. commented that he was the member of the Conservation Commission who voted against this approval. The zoning ordinance says that economic reasons alone are not a reason to grant a CUP. The submission of a plan to compensate for the impervious surface in the buffer does not guarantee a CUP. Mr. Jankowski did not think the project met the criteria. The Planning Board should look at the bonus incentive requirements. They are trading square footage of land for more building height. That is an economic benefit to the builders. It does not base the square footage on the value of land. The project is giving the City property that cannot be built on and they are getting an extra story.

James Beale of 286 Cabot St. questioned if the project met the criteria for a CUP. The Master Plan includes a goal about new developments complimenting and enhancing the surrounding area. There are also goals about protecting community assets. This project encroaches. It does not enhance the North Mill Pond. The setbacks, easements, view corridors, and North Mill Pond were all known factors before the land was purchased. One of the criteria talks about no adverse impact to the function and value of the wetland and property. The functional values will be impacted. Another criteria talks about alteration only to the extent necessary. There will be 4 acres of land with earth moving equipment and new foundations installed.

Liza Hewitt of 169 McDonough St. commented that the CUP related to the buffer does not meet the criteria for the permit. The 100-foot buffer is suited for wildlife habitat not buildings. This project can be constructed outside of the 100-foot buffer. Habitat destruction will occur. They have chosen to not build outside out of buffer to yield maximum economic return. At the February Conservation Commission

meeting there was never any discussion about the criteria specifically. The criteria was only brought up by Mr. Jankowski who said the project did not fit the criteria. The abutters were not given notice about the application for shared parking.

Melissa Door of 304 Cabot St. appreciated the cooperation of the developers and the residents. The Planning Board should consider what precedent they may be setting for all other developers coming before the Board with a project in the buffer. Residents along the pond have been denied smaller projects. Parking in this area is already an issue. They are allocating 1.3 parking spots per unit and talking about the public coming to enjoy the path or park. It would be useful to have assigned parking spots and visitor parking. That may encourage people to utilize the parking and development itself.

Councilor Paige Trace of 27 Hancock St. spoke as a resident of Portsmouth. The height as it currently stands in the proposal would be different if fill is added for the parking. Ms. Trace questioned why the road was not going all the way out to Maplewood Ave. like it was in the original proposal. Ms. Trace questioned why the greenway path was not going all the way out past Ricci Lumber. The driveway is very busy and there is no separation for bikers and walkers. The North Mill Pond is an estuary and impaired waterway. The developer should be a good neighbor and help the waterway. Someone proposing a controversial development in the neighborhood should be protecting the pond and wildlife.

Byron Matto of 17 Fields Rd. spoke in favor of the project. The Greenway along the North Mill Pond would be a good benefit to the City. This project is a win for the pond compared to what is there now. It will remove impervious surface, add a rain garden, remove invasive plants, and treat stormwater. The Conservation Commission voted 6-1 to approve it for those reasons. Adding 152 housing units to the City will help the housing crunch. Density is green in some ways. Putting units in a walkable area reduces the carbon footprint. They can kick this project back to the drawing board, but at some point, they won't be back.

Edward Rice of 25 Morning St. commented that he was concerned for the wetland. The 100-foot buffer should be protected. The buildings are encroaching upon the 50-foot buffer, and they won't move it back because of financial reasons. Traffic is another big element to be concerned about.

Elizabeth Bratter of 159 McDonough St. commented that these apartments are designed to provide habitats for humans. The current large habitat and biodiversity will be removed. The project does not provide any trees, shrubs or ground cover in the 100-foot buffer except for one single rain garden. It is a simple land management practice to protect and conserve natural resources. They should maintain an ecological balance. Cutts Cove has been overdeveloped and is now overrun with Canadian Geese. This happens when the buffer is not properly enforced. There is no reason to allow this within the 10-buffer. The buffer should be filled with habitat. This project is not good enough for the wetland buffer.

Chris of 77 Hanover St. spoke in favor of the project. There have been a lot of objections claiming this development will destroy a vibrant ecosystem and natural habitat. This area is only accessible via the railroad. The site is filled with garbage, abandoned buildings, and a homeless encampment. This space is in a bad condition. The developers have compromised and modified the plan. There are no zoning variances requested for this plan. The size and height are in compliance. They are donating land to the City that is not accessible to the public now. That is valuable. This project will clean up the property and provide environmental protection. It will also help Portsmouth address the housing issue.

Second time speakers:

John Wycoff of 135 Sparhawk St. questioned if school buses had been considered in this plan. Families will live there. Traffic will be dependent on a roundabout with parking. There are problems with the parking and traffic situation. There is no study on the number of children they might expect with this project. The lumber yard needs to be screened from the project. Most of the problems are directly related to the density of the project. This project should be reduced and there should not be any three-bedroom units.

Elizabeth Bratter of 159 McDonough St. commented that she supported a residential development on the site, but it should be out of the 100-foot buffer. The project should restore the 100-foot buffer to provide an undisturbed habitat. The applicant needs a CUP for parking and that shows it is at least 15 units too big. Splitting lots is allowed. If the lot is bigger than 5 acres or 5 buildings, then they are required to follow more strict wetland regulations. There is no parking analysis for the CUP. It was not discussed at TAC. The shared parking needs to be reserved by a covenant. There is no easement for that. The parking should be assigned. 150 units equals to 304 cars. Those cars will end up in the Islington Creek Neighborhood. There is no landscape plan for the road from Bartlett St. to the brewery. The impervious surface is overstated. None of the culverts were included as impervious. The installation of the culverts requires work in the tidal buffer. Restoration is required. The landscape plan shows mowing in the 25-foot buffer. Pavement in the 100-foot buffer should be porous. The application does not meet the spirit of the wetland ordinance. This project is not protecting habitats and is not maintaining the ecological function. There are no clusters of trees or bushes. There is no habitat restoration except for the one rain garden in an area of high human contact. If this moves forward, then buildings B and C should be out of the 100-foot buffer. The community space landscaping should provide shade and noise reduction. The greenway will be very popular, but it will be noisy. The granite seating areas will have negative impacts on the pond. Noise will be projected and reflected off the pond. No acoustic music should be permitted in that area. It should be quiet. There should not be any bushes or trees in the view corridors.

James Beale of 286 Cabot St. commented that the Planning Board should consider the precedent they would set for any coastal development happening in the state of New Hampshire. The parking on the other lot should be deeded to the new structure. The

greenway seems to terminate at the cul-de-sac. It does not go all the way out to Bartlett St. Parking will extend to the Islington Creek Neighborhood. That is a concern.

Liza Hewitt of 169 McDonough St. commented that all new buildings shall be located to maintain existing public views with terminal vistas. The view corridor must be maintained for the minimum width of the right of way. Buildings A and B have a 7–8-foot wall that steps up from the parking. There are also 6 crab apple trees proposed. Both of those will block views for Dover St. The basement parking is above grade and will impact the height of the buildings. They are packing in around 8 feet of fill. That is when the height of the building starts its count. The buildings will be 6 feet over the 50-foot limit.

Paige Trace of 27 Hancock St. commented that there were 12 parking spaces in the public way. Those spaces should be deeded in perpetuity with the development. Ms. Trace was concerned about children trying to go to school while navigating a busy road. Ms. Hewitt's comments about the grade of the buildings were concerning. Residents have the right to ask for this to be out of the buffer zone. The developers are saying they can't do it because of a financial situation. The City needs housing, but at what expense.

Frank Hire of 250 Broad St. commented that this property has sat dormant for so many years with industrial buildings and the railroad. This is taking an underutilized property and trying to bring it life to. There is an opportunity to create greenspace along the North Mill Pond. It will provide the public with a way to get from the west end to downtown in pedestrian friendly way. The project will create housing that Portsmouth needs. The alternative is to leave this property as a dormant industrial site. It is not a viable biodiversity zone now. It is not a friendly habitat. This is a good opportunity to create habitat and provide housing for families and young couples. Mr. Hire supported the project.

Councilor Esther Kennedy of 41 Pickering Ave. spoke as a resident. Ms. Kennedy disagreed with the previous speaker. If the site was left like this it would still be an estuary in 100 years. This is one of the areas that still has the horseshoe crabs. This project should be out of the 100-foot buffer. Ms. Kennedy encouraged the developers to the 6 criteria and question how they can get it right.

Melissa Paly commented that she was the Great Bay Piscataqua Waterkeeper with the Conservation Law Foundation. There is a lot about this project that is really great. The developer is doing great things for the storm water management plan. That will improve the water quality. There is no doubt that the water quality from this project will be a vast improvement over what is going on currently. The concern everyone is wrestling with is the impact to the 100-foot buffer. There is no one size fits all because site conditions and objectives need to be considered. The ordinance is set to 100 feet, but there is nothing magical about 100 feet. One recommendation to reduce runoff and stabilize the banks is 164 feet. The 100-foot buffer is a minimum to protect habitat and water quality. Granting a waiver will compromise functions of the buffer. However, there is a tremendous benefit through stormwater management and other public benefits like the greenway.

There is a lot of good in this project. However, the 100-foot setback issue is a question. There is a spectrum and there will be impacts as they chip away at the buffer.

Councilor Petra Huda of 280 South St. spoke as a resident. Ms. Huda did not support this project. It does meet the 6 criteria. The developers should remedy the invasion of the 100-foot buffer.

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to extend the meeting beyond 10:30 p.m., seconded by Mr. Clark. The motion passed unanimously.

Mr. Chellman moved to split the agenda, schedule a meeting for April 22, 2021 and continue remaining agenda Items IV, V, VI and VII to that meeting, seconded by Ms. Henkel. The motion passed unanimously.

Mr. Chellman to discuss and vote on Item III(B) before Item III(A), seconded by Mr. Gamester. The motion passed unanimously.

Mr. Gamester moved to grant the Wetland Conditional Use Permit as presented, seconded by Ms. Henkel.

Chairman Legg commented that some people in the public hearing suggested denying the request because part of the project was in the 100-foot setback. In the Chairman's opinion the ordinance allows that. More importantly, at the Saturday meeting City Attorney Bob Sullivan articulated the 6 requirements that are necessary to build within the 100-foot setback. If the City Attorney did not believe this could be built in the buffer, he would have said that. This Board has always interpreted the ordinance such that the application is subject to the 6 criteria and appropriate mitigation when building in the buffer. If they chose to change the rules with this applicant, then it would create some heartache with City Council and others.

Mr. Gamester commented that building and activity was allowed in the buffer so long as the mitigation or conditions proposed met the criteria. The Board has addressed a number of CUPs for work in the buffer. It is hard to set a precedent because the Board takes them project by project and reviews each property separately. If someone came in with a similar proposal in a different part of town it would be reviewed separately. Two really good things are happening with this project. The first is that the traffic will be reduced. The second is there will be a huge improvement to the buffer. It is a previously disturbed site with stormwater sheet flowing into the pond. This project will treat the stormwater. There will be a reduction of impervious surface and removal of invasive species. This ends up being a better piece of property with the project on it because of

the state the land is in currently. Mr. Gamester noted that he would be voting in favor of the project. Building in the buffer is permitted, and this project meets the 6 criteria.

Mr. Chellman commented that he interpreted the criteria differently. The project has to pass the 6 criteria. The ordinance also lists what is allowed in the buffer. That includes uses that don't involve construction. The mitigation of impervious surface doesn't guarantee a CUP. The applicant did not answer the question about an alternate location. There is an alternate location. The criteria about least adverse impact is a tough standard. Mr. Prevetti noted that they could not meet it because of economics. That is not a reason to allow a CUP. Mr. Chellman thought it was a great project, but the size and location of building is in the buffer. Each application stands or fails on its own merits. These regulations do not support this application. The buildings should be pulled back. The application does not conform with zoning and does not support the granting of a CUP.

Mr. Gamester commented that he also heard economic viability as a reason. However, if the buildings were pulled back, then the parking would need to be moved. It is preferable to have that flat surface closer to the railroad. The building and density are allowed by right in one section of the ordinance. Given the constraints and what is allowed by the ordinance, this is the best option.

City Council Representative Whelan agreed with Mr. Chellman. These could be smaller buildings and be outside the 100-foot buffer. Mr. Prevetti said that they cannot because of the economic consideration alone. That is not a sufficient reason for granting a CUP. It's a good project but it is too big. This should not encroach on the buffer. There are other ways to do this. The project has been revised 4-5 times and could be revised again to be a great project.

Mr. Harris commented that the project was a net gain compared to what's there today, but the environment is too important. There is so much development going on. The 100-foot buffer is important. This application fails the criteria for a CUP. The only alternative is shrinking the property or moving it around a little.

Mr. Clark agreed. There are a lot of constraints, but they could make it work outside of the buffer. Mr. Clark thought they were doing more shore stabilization efforts and that is not the case. It is pretty obvious the shore needs work.

Chairman Legg commented that Peter Britz was present to help the Board understand to Conservation Commission's conversation around this application. Some of the commenters in the Public Hearing suggested that the Conservation Commission did not give this project proper review. Chairman Legg asked Mr. Britz to go through the various meetings to educate whether the Commission did their job correctly. Mr. Britz noted that the Conservation Commission saw this application at least 5 times. It changed quite a bit from start and finish. The Commission requested to see improvement in the buffer and there was a lot of improvement. They really liked the stormwater improvement to the project. The Commission requested a porous multiuse path and that was updated. The Commission did go through the 6 criteria. People need to attend the

meetings and refer to the Staff Memos. They are aware of the criteria and understand it. The buffer is not a setback where nothing can go in. To put something in the buffer the applicant has to prove a net improvement at the end of the day. That is subjective. The buffer is not a setback. That is an important point the Board has to consider. The applicant reduced size over and over. They have dealt with a lot of constraints. The result is an improved situation and a public interest benefit. That is considered as well. Right now, the lot is private property and derelict. The planned vegetation will be beneficial to the site. The shoreline point is a good one. It has been raised a couple times and could be addressed more. The City is working to have some living shoreline components at the community space by Raynes Ave. The City is looking for grant funding to do more along the whole pond. The application evaluation is a balancing act. They weighed the improvements in storm water, buffer, and public interest. The Conservation Commission doesn't look at the height or other technical aspects. They assess the environmental impact.

Mr. Clark questioned if they were paying into the ARM fund if it would be possible to keep that in the community. Mr. Britz responded that it would be good to try to do that with a City project that has wetland impacts. The applicant has to push that forward. It is challenging to get an ARM fund project as direct mitigation payoff. They tried to do it on Cutts Cove but ended up getting grants through the ARM fund rather than direct mitigation.

Mr. Chellman noted that the developers could leave the parking where it was located and make the buildings smaller. That would not change the parking or circulation. This proposal is not the least adverse impact and there is an alternate location. They are not pursuing it because of economic reasons. As submitted this project does not meet the ordinance.

Mr. Pezzullo commented that the ordinance gives the Board the opportunity to evaluate the pros and the cons of the project. The sewer line on the property cannot be moved. This project can meet the regulations if the Board comes to that conclusion.

Chairman Legg noted that he would support the CUP. They need to look at the project in its totality. Chairman Legg agreed with Mr. Britz the 6 criteria are an interpretation. There is no absolute on any of these. The Conservation Commission spent 5 meetings on this and recommended that this Board approve it. It is an urban water site that would be improved by this project. Ms. Paly's comments supported that. The stormwater runoff that is entering the tidal pond now compared to this project would be vastly improved in every way. If the property is left as it is now, then it is not going to get better. The totality of this project is good for the City. They should not let the perfect get in the way of the good. Overall, it is a positive project for Portsmouth and vastly improves an impacted site. It dramatically reduces impervious surface and improves stormwater treatment. It is disappointing that there will only be a 6-8-foot sidewalk to Bartlett St. instead of the full 10-foot-wide path. However, people will have a sidewalk. Chairman Legg noted that he would support the whole project and specifically this motion.

Mr. Chellman noted that Ms. Paly also said the 100-foot buffer should be considered a minimum. The Board has to follow regulations. The regulations say to the project has to comply with 6 criteria to get a CUP. By their own admission it doesn't. Chairman Legg disagreed. The developers presented a compelling case to show that it does. That is a matter of interpretation.

Ms. Henkel agreed with Chairman Legg. The entirety of this project will be a significant improvement to what is there now. A lot of community space that comes in front of the Board is not that meaningful. This is. It is the Board's job to interpret the projects and regulations. If it was just black and white, then a Board would not be needed. The City is getting a lot out of this. The buffer is not a setback. The project makes sense for the City. It will benefit the citizens and give people access to the water.

City Council Representative Whelan noted that Ms. Paly liked the stormwater improvements, but also stated that a buffer of 164 feet would be more impactful. If the developer made the buildings smaller, then it would be a better project. The Board needs to balance the give and take; however, the residents came out pretty strong on this. That counts for something. The project could be modified more to get to a happy medium.

Mr. Clark questioned what the ramifications would be if the CUP was denied. Ms. Walker responded that she could not speculate on how the developers felt, however they have been at this for 20 months. The Board is proposing a pretty major redesign to make the buildings smaller. It would greatly impact the viability of the project. There is no guarantee that denying the CUP would result in the developers coming back with a different proposal. It would be a denial. Postponing this and asking the developer to come back is a big change. It is better for the Board to act on this proposal. Based on how long they have been working on it, there is a strong chance the developer will not come back with another project. This is what the Board has to consider.

Mr. Gamester commented that there was no alternate location outside the buffer for the proposed use. These building density layout passes zoning. Ms. Walker makes a good point. The Board is talking about big changes. This is what the developers felt was the best project and they put it forward to the Board. Some on the Board sound like they want big changes. The Board should consider how they can make this project better than it is proposed. The developer probably would not accept moving the buildings out of the buffer, but other conditions could be considered. Chairman Legg questioned if they could accept less parking than was required to keep it out of the 100-foot buffer. Ms. Walker responded that would be asking them to submit a new request because they did not apply for that CUP. The CUP that is requested is for parking on a shared lot. It was discussed in TAC; however, this is what the developers think they need to meet market demand.

Chairman Legg commented that some Board members did not like the idea of allowing building in the 100-foot buffer at all. If that's true and this were to get denied, then it may be likely no project goes forward. The City would lose out on 152 apartment units.

Chairman Legg questioned if the Board members would change their mind and allow them to build the same size building and with reduced required parking.

Mr. Pezzullo commented that the sewer line easement would prevent them from moving the buildings, so that would not be a solution.

Mr. Chellman noted that this project was not the least adverse impact. Mr. Gamester commented that the proposed use was being placed because of the constraints. Mr. Chellman responded that the only constraint was economics.

The motion passed in a 5-3 vote. Mr. Gamester, Mr. Clark, Ms. Henkel, Mr. Pezzullo, and Chairman Legg voted in favor. Mr. Chellman, Mr. Harris and City Council Representative Whelan voted against.

Mr. Gamester moved to grant a Conditional Use Permit for 210 spaces of shared parking located on the development lot (Map 157 Lot 1) and the private road, seconded by Ms. Henkel with the following stipulation:

1. A shared parking arrangement shall be secured by a covenant in a form acceptable to the City's Legal and Planning Departments to be recorded at the Rockingham County Registry of Deeds.

Mr. Gamester noted that parking CUP was pretty straight forward. Chairman Legg noted that several public speakers interpreted this as a reduction request, but there will be a covenant to ensure the parking is still shared. Ms. Walker commented that the ordinance allows parking on separate lots with the primary condition that there is a long term parking agreement to allow the sharing to continue.

The motion passed unanimously.

Mr. Gamester noted that in terms of the site itself it's a good project. The previous versions were too big. The applicants have done a good job with it and agree with all the conditions.

Mr. Chellman questioned if it was appropriate to add a stipulation about the vegetated buffer strip and shoreline treatment. Mr. Clark agreed that it was something that had to be addressed. Ms. Walker noted that the applicant can work with the Planning Department to address restoration in the area.

City Council Representative Whelan commented that they could partner with UNH scientists on a project like this. Ms. Walker agreed that there were resources out there that would be helpful.

Mr. Clark noted that they will need to do restoration at the 2 outfalls, so it may be a good opportunity to partner with UNH on that and the City can pick it up from there. Ms. Walker noted that they will have to mitigate around the outfalls as part of the DES permits. It was

fine to focus on that, but focusing on the area between buildings B and C may be a good way to go.

Mr. Clark suggested getting a third-party report back on what could be done along the shoreline would be good. The applicant can provide a feasibility study on what could and should be done along the whole shoreline. Mr. Chellman added that the City should ensure they get access and participation from the developers for this.

Mr. Gamester noted that it was good to see a reduction in traffic. Chairman Legg agreed. This project gone through changes and it meets the ordinance in every respect. There are no waivers required and that is unusual for a project like this. This project is well done.

Mr. Clark commented that he was in favor of the underground parking, however, it was frustrating the way the current ordinance is written. The height does not start at natural grade it starts at finished grade. They complied with ordinance, but the buildings will look higher than 50 feet. It is disappointing that the 6-foot sidewalk is not wider. It is unclear what the plan is for the adjacent parcel. The utilities are all stubbed out and could be continued out.

Mr. Gamester moved to grant Site Plan Review approval, seconded by Ms. Henkel with the following stipulations:

Conditions Precedent (to be complete prior to building permit issuance)

1. The applicant shall coordinate with the City's third party consultant to complete a Water Capacity Analysis using the City's capacity modeling and shall modify the water service design as required in coordination with the City's Water Division and subject to final review and approval by DPW and the Fire Department. The analysis of water demand shall include irrigation in addition to domestic use.
2. For the Bartlett Street water line replacement and paving project which shall be undertaken by the City, the applicant shall contribute \$65,000. The contribution shall be returned to the developer if the improvements are not constructed, under construction or designed and scheduled for construction by December 31, 2023.
3. The applicant shall update the recordable site plan to note that the property owner(s) responsible for the private road shall remove and maintain vegetation along the Bartlett Street frontage consistently to ensure that sight lines remain unobstructed at the site access intersection.
4. The landscaping plan shall be updated to replace the American Elms with Nyssa Sylvatica, shall reference the City's planting details (available on the City's web page -- <https://www.cityofportsmouth.com/publicworks/parksandgreenery/urban-forestry>) and shall note that a watering plan shall be provided for a minimum of one season.
5. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
6. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site utilities including sewer, water, and drainage.

7. Owner shall provide an access easement to the City for water valve access and leak detection.
8. Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.
9. Wayfinding signage shall be added directing public access to the greenway trail and park subject to final approval by the Planning Department.
10. A note shall be added to the site plans to be recorded that no there shall be no performances or events involving amplification devices within the park and courtyard areas.
11. Plans shall be updated to remove any proposed trees located in the North Mill Pond Public View Corridor and otherwise confirm conformance with the requirements of Section 10.5A42.40 to provide a public view from Dover Street with a terminal vista of the North Mill Pond subject to final approval by the Planning Department.
12. Applicant shall agree to complete a feasibility study for restoration of the shoreline of the North Mill Pond along the frontage for this development project, to participate in a fair share based on owner's linear feet of wetlands impact along the shoreline, and grant access rights for any shoreline restoration efforts undertaken by the City in this area.

Conditions Subsequent

13. The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;
14. Subject to final review and approval by the DPW, the applicant shall add signage at the site driveway indicating that trucks may not turn right when exiting the site access road;
15. A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.

The motion passed unanimously.

Mr. Gamester moved to grant Preliminary and Final Subdivision Approval for a Lot Line Revision, seconded by Ms. Henkel with the following stipulations:

1. Applicant shall provide documentation of ownership rights and responsibilities for the private driveway to be improved and converted to a private road.
2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
3. GIS data shall be provided to the Department of Public Works in the form as required by the City.
4. The final plat and any easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

B. The application of Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant, for

properties located at **105 Bartlett Street and Bartlett Street** requesting Wetland Conditional Use Permit Approval in accordance with Section 10.1017 of the Zoning Ordinance for work within the 25-foot, 50-foot, and 100-foot wetland buffers to North Mill Pond which includes the removal of existing impervious surfaces and buildings, construction of 3 stormwater outlets, repaving of an existing access drive and parking lot, construction of a linear waterfront trail and community space, and construction of three new buildings which will result in a net overall reduction in impervious surfaces of 28,792 square feet. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

DISCUSSION AND DECISION OF THE BOARD

This motion was made under Old business Item A.

- C. The application of **Clipper Traders, LLC, Portsmouth Hardware and Lumber, LLC, Owners and Iron Horse Properties, LLC, Owner and Applicant**, for properties located at **105 Bartlett Street and Bartlett Street** requesting a Lot Line Relocation as follows: Tax Map 157, Lot 1 increasing in area from 61,781 s.f. to 205,804 s.f.; Tax Map 157, Lot 2 decreasing in area from 102,003 s.f. to 81,645 s.f.; Tax Map 164, Lot 1 increasing in area from 51,952 s.f. to 52,289 s.f.; Tax Map 164, Lot 4-2 decreasing in area from 249,771 s.f. to 119,519 s.f. and the existing right-of-way increasing in area from 69,624 s.f. to 75,792 s.f. Said properties are shown on Assessor Map 157 Lot 1 and Lot 2 and Assessor Map 164 Lot 1 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

DISCUSSION AND DECISION OF THE BOARD

This motion was made under Old business Item A.

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The request of the **Islamic Society of the Seacoast Area, Owners**, for property located at **686 Maplewood Avenue** for a second 1-year extension of Site Plan Review Approval to construct a 2-story building for religious assembly with a building footprint of 3,880 s.f. and gross floor area of 5,333 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements that was

originally granted on April 18, 2019 and was granted an initial 1-year extension on April 9, 2020.

DISCUSSION AND DECISION OF THE BOARD

This item was deferred to the April 22, 2021 Planning Board Meeting.

- B. The application of **The Martha B. Masiello Revocable Trust of 2004, Owner**, for property located at **239 Gosport Road** requesting a Wetland Conditional Use permit in accordance with Article 10 Section 10.1017 of the Zoning Ordinance to permit, after the fact, yard disturbance including grading and fill of approximately 4,790 square feet and installation of 350 square feet of new impervious surface in the wetland buffer. All work was completed by a prior owner. Said property is shown on Assessor Map 224 Lot 10-10 and lies within the Single Residence A (SRA) District.

DISCUSSION AND DECISION OF THE BOARD

This item was deferred to the April 22, 2021 Planning Board Meeting.

V. PUBLIC HEARINGS – CITY COUNCIL REFERRAL

- A. **REQUEST TO POSTPONE** -- Request of **Todd Buttrick, Owner**, for the restoration of involuntarily merged lots at **900 Middle Road** to their pre-merger status pursuant to NH RSA 674:39-aa. RIML 21-1 – **REQUEST TO POSTPONE**

DISCUSSION AND DECISION OF THE BOARD

This item was deferred to the April 22, 2021 Planning Board Meeting.

VI. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Dagny Taggart, LLC, Owner** for property located at **93 Pleasant Street** requesting Preliminary Conceptual Consultation for a proposed mixed use development consisting of office space and 61 residential units that will involve the renovation of an existing commercial building and new construction of a 2 1/2 story building in the existing parking lot with associated site improvements. Said property is shown on Assessor Map 107 Lot 74 and lies within the Character District 4 (CD4) District.

DISCUSSION AND DECISION OF THE BOARD

This item was deferred to the April 22, 2021 Planning Board Meeting.

VII. OTHER BUSINESS

- A. The request of **4 Amigos LLC, Owner** for property located at **1400 Lafayette Road** requesting a 1-year extension of Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 +/- s.f. and 122,000 +/- GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space. The original approval was granted on April 30, 2020. Said property is shown on Assessor Map 252 Lots 7, 4 & 5 and lies within the Gateway Neighborhood Mixed Use Center (G2) District.

DISCUSSION AND DECISION OF THE BOARD

This item was deferred to the April 22, 2021 Planning Board Meeting.

- B. City Council referral regarding acceptance of Chevrolet Avenue Easements

DISCUSSION AND DECISION OF THE BOARD

This item was deferred to the April 22, 2021 Planning Board Meeting.

VIII. ADJOURNMENT

Mr. Gamester moved to adjourn the meeting at 12:15 a.m., seconded by Ms. Henkel. The motion passed unanimously.

Respectfully submitted,

Becky Frey,
Acting Secretary for the Planning Board

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared the 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 2021-01, 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.

7:00 pm

April 22, 2021

MINUTES

MEMBERS PRESENT: Dexter Legg, Chair; Elizabeth Moreau, Vice Chair Karen Conard, City Manager; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Corey Clark; Peter Harris; Rick Chellman; and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director

MEMBERS ABSENT: Peter Whelan, City Council Representative

I. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature.

If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A. The request of the **Islamic Society of the Seacoast Area, Owners**, for property located at **686 Maplewood Avenue** for a second 1-year extension of Site Plan Review Approval to construct a 2-story building for religious assembly with a building footprint of 3,880 s.f. and gross floor area of 5,333 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements that was originally granted on April 18, 2019 and was granted an initial 1-year extension on April 9, 2020.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke to the application. The proposal is to construct a mosque. The application received approval in 2019 and a one-year extension was granted in 2020. The plans have been revised to address all conditions from the 2019 approval. The client is getting bids and funding to get the project moving. They anticipate getting it done this year. The request is for a one-year extension.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** the request for an additional 1-year extension, seconded by Mr. Chellman. The motion passed unanimously.

- B. The application of **The Martha B. Masiello Revocable Trust of 2004, Owner**, for property located at **239 Gosport Road** requesting a Wetland Conditional Use permit in accordance with Article 10 Section 10.1017 of the Zoning Ordinance to permit, after the fact, yard disturbance including grading and fill of approximately 4,790 square feet and installation of 350 square feet of new impervious surface in the wetland buffer. All work was completed by a prior owner. Said property is shown on Assessor Map 224 Lot 10-10 and lies within the Single Residence A (SRA) District.

SPEAKING TO THE APPLICATION

Brendan Quigley with Gove Environmental spoke to the application. This is an after the fact application for work conducted prior to Mr. and Mrs. Masiello owning the property. A prior owner extended the rear yard of the house sometime between 2005 and 2010. The previous owner cleared trees and did some grading in the lawn. The Masiello's did not learn of this until last summer when they applied for a pool permit. The goal is to bring the property into compliance. They submitted the application to NHDES for tidal buffer impacts and received approval. The Conservation Commission recommended approval with the stipulations of adding signage to mark the buffer area, a commitment to adhere to certain organic yard maintenance, and naturalization below the existing retaining wall. The applicant agrees with all conditions.

Vice Chairman Moreau questioned if the plan for a pool was moving forward. Mr. Quigley responded that it was not. The only plan is to bring the property into compliance.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** the Wetland Conditional Use Permit application as presented, seconded by Mr. Gamester with the following stipulations:

- 1) The property owners shall endeavor to utilize NOFA (Northeast Organic Farming Association) approved practices (or comparable equivalent) within the wetland buffer area.
- 2) Wetland boundary markers shall be installed at the edge of the rain garden to define the wetland buffer or as deemed appropriate by the Planning Department.
- 3) The area in the rear of the property near the retaining wall shall be allowed to be natural or be planted with additional plantings as approved by the Planning Department.

Vice Chairman Moreau noted that it was disappointing when people do things in the buffer without permission, but nice when others try to bring it into compliance.

The motion passed unanimously.

II. PUBLIC HEARINGS – CITY COUNCIL REFERRAL

- A. **REQUEST TO POSTPONE** -- Request of **Todd Buttrick, Owner**, for the restoration of involuntarily merged lots at **900 Middle Road** to their pre-merger status pursuant to NH RSA 674:39-aa. RIML 21-1 – **REQUEST TO POSTPONE**

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to **postpone** the public hearing to the May Planning Board meeting, seconded by City Manager Conard. The motion passed unanimously.

III. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **Dagny Taggart, LLC, Owner** for property located at **93 Pleasant Street** requesting Preliminary Conceptual Consultation for a proposed mixed use development consisting of office space and 61 residential units that will involve the renovation of an existing commercial building and new construction of a 2 1/2 story building in the existing parking lot with associated site improvements. Said property is shown on Assessor Map 107 Lot 74 and lies within the Character District 4 (CD4) District.

SPEAKING TO THE APPLICATION

Mr. Chellman recused himself from the application.

Mark McNabb spoke to the presentation. The goal is to create much needed affordable housing for people who work downtown. Mr. McNabb has been a real estate developer for 35 years and has noted that there are 9 essential things for affordable housing to work. The property needs to be on municipal sewer and water. The zoning allows micro apartments less than 500 sf. The apartments need to be located in an urban area where people can easily walk or bike to access their needs. The private parking requirement needs to be as close to 0 per unit as possible. This Board has the ability to approve that. The units should be fully furnished. The micro apartments only work if the furniture is designed and built for them. All of the utilities are included. There will be low or no upfront cash required. If the employer does a payroll reduction for rent, then a security deposit will not be required. It is not uncommon to spend \$3-5K to move into a new apartment. The intent is to do units with little to no cash. The last item is that the developer is willing to do it. It's less profitable. The most profitable option would be to add parking, build bigger units, and sell them. Mr. McNabb was not planning to do that. Typical apartments with amenities like separate bedrooms and laundry are not affordable. People who want those units with those amenities will not rent micro units. The micro units will be a tiny living space in a brand-new building. The size of that unit will always require it to be rented at the lowest rent in the housing stock.

Architect Chris Lizotte commented that the project will provide affordable housing options with a walkability connection to downtown. It will revive an underutilized building and lot. The existing building is on the corner of Pleasant St. and Court St. The building is currently unused except for the parking lot. The project addresses some of the Master Plan goals including, continuing the vitality of the urban core and supporting reinvestment in underutilized land and buildings. The building will be repaired as needed while maintaining the historic facades. The stairs and concrete were not part of the original building and will be removed. The rear lot will be upgraded to hide the parking below grade. The existing stone wall will be incorporated into the design. The new entrance will provide ADA access. Zoning defines units less than 500 sf as micro units. This package uses micro units as a general term. There is no laundry in the individual units, but there will be laundry in the building. There will be 61 units in the building. 41 of them will be less than 400 sf 18 of them will be less than 500 sf. There will be 2 greater than 500 sf. A total of 53 units will essentially be microunits and 8 will be one-bedroom apartments. None of the units will be over 750 sf. The proposed project will provide small office areas on the main level of the existing building and lower-level basement space. Smaller spaces are more conducive to start ups. The building design incorporates sustainability elements including roof top solar panels, electric car charging station, wall mounted bike storage, and parking spaces for electric bikes and scooters. This project will meet or succeed the current energy code.

John Chagnon from Ambit Engineering spoke to the site plan. The demolition plan shows two small areas of the building that will be removed. The building in the front

will be kept intact. There is a stone wall along Court St. and along the abutting property. That will be taken down and stored during construction. Then it will be reassembled partially as some of the façade. There will be a new pedestrian entrance with sidewalk and bike racks. Vehicles will enter on the east side of Court St. to access the lower-level parking area. The impervious surface will match what is there now. There will be 24 parking spaces in the lower level. The 24th spot will be turned into spaces for electric bikes and mopeds. 59 of the units are under 500 sf and require half a space per unit and 2 units require one space per unit. There are 44 spaces required under the ordinance with a 4-space reduction. There are 40 spaces required and the plan is providing 23 spaces. The utility plan shows connections coming in at the street level. The plan accounts for space for a transformer. The goal is to get rid of as many overhead lines as possible. The gas service, sewer, and drainage will connect to Court St. There will be roof drains that will connect to a drain system through some gutters. They are looking at treatment for roof runoff.

Terrence Parker from Terra Firma spoke to the landscaping plan. The plan incorporates plants used in historic gardens like rose, lavender, peonies, boxwoods, and rhododendron. There will be small street trees like a service berry. The plantings will go on the embankment on the front landing to the bottom of the steps. Then there will be solid lawn paths to the corner of Court St. The flagpole will be moved to the middle of the lawn. Tall viburnum shrubs will be put in around the transformer. There will be bike racks near the main entrance. Evergreens will be planted to screen the gas meter. Oak trees will be planted to screen from the abutters.

Mr. Gamester requested more details on the trash and recycling pick up. Mr. Chagnon responded that there will be a trash chute with a compactor. The frequency of the pickup will be determined by the demand. The truck would drive into the building lot to pick up. Mr. Lizotte added that the container would be able to be pulled out to the sidewalk from the garage door.

Vice Chairman Moreau commented that this was a really well thought out and good project. Mr. McNabb provided good information on what was required to build affordable housing. It is good that some onsite parking is provided including the bike and moped parking. The site is also close to a bus stop.

Mr. Clark commented that the project had good elements like solar panels and electric charging stations. The sidewalks on Court St. are tight and the street gets a fair amount of traffic. Mr. Clark questioned how that would be addressed with cars coming in and out of the garage. Mr. Lizotte responded that they were planning to have ID lights because it is a one car width driveway. Part of the building will be cut so they will be able to see down the east part of Court St. A mirror or something similar will be installed to show approaching pedestrians. Mr. Clark questioned if there would be a light outside the building to notify pedestrians about a car exiting. Mr. Lizotte confirmed that could be incorporated. Mr. Clark questioned how the archeological review process would be handled on this historic site. Mr. McNabb responded that they have done borings, and it is solid ledge. They are not expecting

to find anything because there is no soil there. Mr. Chagnon added that the two parts of the building that will be removed are not historic. Mr. McNabb noted that they would certainly follow the appropriate processes if anything was discovered.

Ms. Henkel commented that this was a good project and questioned if they had restrictions to prevent renting these out as AirBnBs. Mr. McNabb responded that those types of activities will be prohibited in the lease. The units will only be leased; nothing will be sold. There will be a full time employee living in one of the units to make sure there is no bad behavior.

Mr. Harris agreed that it was a good project with a lot of merits. Mr. Harris questioned what would happen if a tenant moved in with a car, but all of the spaces are taken. Mr. McNabb responded that they do not have all of the details on how they will manage the parking yet. It is most likely that they will be assigned spaces. They may provide a rent break if the tenant does not use a space. Mr. Harris questioned if there would be a rideshare option on site like Zipcar. Mr. McNabb responded that there will be options for biking, walking and mopeds. A number of people would love to live in an apartment like this without a car. A lot of young people even are choosing to not have cars. Mr. Harris questioned who was using the parking there today. Mr. McNabb responded that they rent to the abutters behind the lot and the rest are for the workers at 60 Penhallow St. The new parking garage will be in before they are displaced. There will be 70 spaces in the 60 Penhallow St. garage.

Chairman Legg questioned if they needed any waivers for this project. Mr. Chagnon responded that it may be too soon to say, but they don't think they will be needed at this point. Chairman Legg requested that they include the 9 criteria Mr. McNabb referenced in the beginning in their formal proposal. It was very educational. Micro units are so necessary for Portsmouth and the workers who work in Portsmouth. The Board cannot say they support affordable housing but not in certain locations. The criteria helped solidify that this is a perfect site for it.

IV. OTHER BUSINESS

- A. The request of **4 Amigos LLC, Owner** for property located at **1400 Lafayette Road** requesting a 1-year extension of Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 +/- s.f. and 122,000 +/- GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space. The original approval was granted on April 30, 2020. Said property is shown on Assessor Map 252 Lots 7, 4 & 5 and lies within the Gateway Neighborhood Mixed Use Center (G2) District.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to **grant** a 1-year extension of the Conditional Use Permit and Site Plan Review approval, seconded by Mr. Gamester. The motion passed unanimously.

B. City Council referral regarding acceptance of Chevrolet Avenue Easements

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker noted that the City is doing a sidewalk project on Chevrolet Ave. As part of that project the City has been working with the owner of the Malt House Exchange property to do a land swap to ensure there is sufficient room for sidewalks. Council approval is ultimately needed, but as with any exchange or acquisition of land it comes before the Planning Board. The easements to be released and acquired are in the plan.

Mr. Clark questioned if this would tie into the community space across the street. Ms. Walker responded that they were not impacting the community space. Mr. Clark commented that he was disappointed with that community space there. Ms. Walker agreed, but there was insistence on keeping it as it was. It did not look that great then. They will follow up, but part of the condition was that it stayed natural. Therefore, no real cleanup was done. Chairman Legg commented that they probably made a mistake as a Board on not figuring out a way to improve that area. It would be good if the City could work with the owners to see if they are able to clean it up.

Vice Chairman Moreau commented that they were supposed to put in new plantings, but it did not look like they had. Ms. Walker responded that they did along the front of the road but noted she would follow up with them.

Vice Chairman Moreau moved to recommend that the City Council approve the proposed easements, seconded by Mr. Gamester. The motion passed unanimously.

V. ADJOURNMENT

Vice Chairman Moreau moved to adjourn the meeting at 8:05 p.m., seconded by City Manager Conard. The motion passed unanimously.

Respectfully submitted,

Becky Frey,
Acting Secretary for the Planning Board

Minutes, Planning Board Meeting, April 22, 2021



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

To: Planning Board
From: Juliet T.H. Walker, Planning Director *JTW*
Subject: Staff Recommendations for the May 20, 2021 Planning Board Meeting
Date: May 14, 2021

II. PUBLIC HEARINGS – NEW BUSINESS

- A. Request of **Stone Creek Realty, LLC, (Owner), and CPI Management, LLC, (Applicant)**, for property located **53 Green Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the demolition of an existing building, construction of a 5-story mixed-use building and renovation of an existing parking area that will result in 98 square feet of impervious surface in the 25' to 50' tidal wetland buffer zone and 8,425 square feet of impervious surface in the 50' to 100' tidal wetland buffer zone representing an overall net reduction of 3,058 square feet of impervious surface in the tidal wetland buffer areas from the existing condition. Said property is shown on Assessor Map 119 Lot 02 and lies within the Character District 5 (CD5) District, the Historic District, and the North End Incentive Overlay District.

Description

The applicant has requested to postpone this application to the next scheduled Planning Board meeting.

Planning Department Recommendation

Vote to postpone this application to the June Planning Board meeting.

II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- B. Request of **Noble Island Condominium Association, (Owner)** and **CP Management, Inc. (Applicant)**, for property located at **500 Market Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance to remove and replace existing decks on Buildings A, B, and C including the addition of new structural supports with no expansion of the existing footprint resulting in 27 square feet of permanent impact and up to 1,240 square feet of temporary impacts all within the 100' tidal wetland buffer area. Said property is shown on Assessor Map 120 Lot 2 and lies within the Character District 4-L1 (CD4-L1) District.

Description

This project proposes replacement of existing decks on three buildings on Nobles Island. The decking is at the rear of each building overlooking but not over the water. The proposed replacement decks will maintain the existing footprint but will include new concrete footings to support the decks.

Conservation Commission Review

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration.* Given that the current decks are in need of repair and the applicant is not proposing to expand the footprint the land is suited to the activity. The only change to the design is the addition of concrete piers under the replacement deck in an unvegetated area.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* There is no location outside of the buffer that is reasonable given this is a replacement of the existing decks that are failing in place.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* As long as erosion control measures are put in place to protect the tidal areas, as described in the submitted plans, the proposed project will not create any new impacts to the wetland or wetland buffer as described by the applicant.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project may have a temporary impact on the small lawn area at the top of the bank. According to the applicants plans this area is specified to be replanted once the work is complete.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposal is replacing an existing condition with a structurally improved condition. Given the work is proposed in a largely unvegetated portion of the buffer with no change in footprint this is the least adverse impact possible for the proposed work.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The area of lawn at the top of the bank should be revegetated where impacted by construction. Given the narrow width there is not much opportunity to plant shrubs or larger vegetation and allow access behind the buildings.

The Conservation Commission reviewed the wetland conditional use permit application at the May 12, 2021 meeting and voted unanimously to recommend approval with the following stipulations:

1. The applicant shall follow NOFA standards in the maintenance of the area between the decks and the waterline.
2. That applicant shall consider other salt tolerable plantings other than in addition to grass for planting along the area between the decks and the waterline.
3. That any treatment to the decks (i.e. bleaching) be done in a way to prevent overspray or contamination of soil or water.
4. The applicant shall use composite decking in order to avoid the use of paint and other chemical treatment required for wooden decks.

Planning Department Recommendation

Vote to grant a Wetland Conditional Use Permit with the following stipulations:

1. *The property owners shall utilize NOFA (Northeast Organic Farming Association) approved practices (or comparable equivalent) for maintenance of the area between the decks and the waterline.*
2. *The applicant shall consider other salt tolerable plantings in addition to grass for planting along the area between the decks and the waterline.*
3. *Any treatment to the decks (i.e. bleaching) shall be done in a manner to prevent overspray or contamination of soil or water.*
4. *The applicant shall use composite decking in order to avoid the use of paint and other chemical treatment required for wooden decks*

II. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

- C. Request of **Brora, LLC, Owner**, and **210 Commerce Way LLC, Applicant**, for property located at **Shearwater Drive (at intersection of Portsmouth Boulevard and Market Street)** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for an after the fact approval for cutting of vegetation on 88,700 square feet in the wetland and vegetated buffer areas. Said property is shown on Assessor Map 217 Lot 2-1975 and lies within the Office Research (OR) District.

Description

The applicant has requested to postpone this application, which is still pending Conservation Commission review.

Planning Department Recommendation

Vote to postpone this application to the June Planning Board meeting.

III. PUBLIC HEARINGS – CITY COUNCIL REFERRAL

- A. Request of **Todd Buttrick, Owner**, for the restoration of involuntarily merged lots at **900 Middle Road** to their pre-merger status pursuant to NH RSA 674:39-aa.

Description

At its meeting on February 8, 2021, the City Council considered a request from Todd Buttrick, owner of property at 900 Middle Road to the existing lot to its pre-merger status, which would result in the creation of four individual lots as shown in the attached exhibits.

Statutory Requirements

RSA 674:39-aa requires the City Council to vote to restore “to their premerger status” any lots or parcels that were “involuntarily merged” by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process nor is there any requirement for the City to hold a public hearing. However, in Portsmouth the City Council has historically referred such requests to the Planning Board to conduct a public hearing.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning. The statute states that “*The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances*” (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two premerger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots. In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.

Assessing Department Review

The Assessing Department has reviewed the request and a memo from the City Assessor is included in the packet.

Planning Department Recommendation

Vote to recommend that the City Council deny this request as recommended by the City Assessor.

IV. PRELIMINARY CONCEPTUAL CONSULTATION

- A. Request of **Naveesha Hospitality, LLC, Owner, and Monarch Village, LLC, Applicant**, for property located at **3548 Lafayette Road** for Preliminary Conceptual Consultation for a multi-family residential redevelopment consisting of 75 units in 6 existing buildings and 2 proposed new buildings with associated site improvements. Said property is shown on Assessor Map 297 Lot 6 and lies within the Gateway Corridor (G1) District.
- B. Request of **Banfield Realty, LLC, Owner** for property located at **375 Banfield Road** for Preliminary Conceptual Consultation for the construction of a 75,000 s.f. industrial warehouse building and associated parking, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District.

Description

As authorized by NH RSA 676:4,II, the Site Plan Review Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the state statute as follows:

[Preliminary conceptual consultation]... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan.

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application. Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

Noble's Island Condominiums Deck Replacement Existing Application LU-20-236

TO: Portsmouth Planning Department
FROM: Leonard Lord
COPY: Michael Street
DATE: April 27, 2021

Tighe & Bond, representing Noble Island Condominiums, is pleased to present the following information for review and approval by the conservation commission and planning board. Noble's Island Condominiums is proposing to replace its degraded cantilevered ground floor decks with new decks within the same footprint and with no expansion of use.

Project Description

The proposed project is located on Noble's Island at 500 Market Street in a highly developed area near the Portsmouth working waterfront. The project area has a long history of residential and commercial use, but was redeveloped for the current uses in the early 1980's. The Noble's Island Condominiums consist of three buildings that sit above the Piscataqua River. Four additional commercial buildings with parking lots are also located on the parcel. The intensive development has resulted in nearly 83% impervious surfaces and an extensively armored riprap perimeter. A wetland impact permit was obtained for the site in 1997 to restabilize the riprap and reduce the slope from 1:1 to 1.25:1 (NHDES #1997-00089).

The proposed project is needed to address the safety of the residents of the Noble's Island Condominiums. Each building includes 12-foot wide decks off the ground floor that extend toward the Piscataqua River. The decks are currently cantilevered and supported by rusting steel beams. The proposed deck replacements will be confined to the same footprint as the existing decks but, unlike the existing design, will incorporate concrete piers as supports.

Inland Wetlands

There are no inland wetlands on the parcel.

Impacted Jurisdictional Areas

Replacement of the decks will involve 27+/- square feet (sf) of permanent impacts at grade and within the existing deck footprint for the concrete piers. Temporary impacts associated with excavation and placement of the piers are estimated to result in up to 1,240 sf of soil disturbance. All work will be completed within the 100-foot tidal buffer zone, with no direct wetland impacts.

Distance to the Wetland

At the closest point, the deck repairs will be approximately five feet horizontally of the Highest Observable Tide Line (Building A) but will also be four feet above it vertically. Proper erosion and sediment controls will be in place (silt socks) and no work will be completed past the upper edge of the riprap slope. See attached figures.

Total Buffer Area on the Lot

Total buffer area on the lot is approximately 70,000 square feet.

Project Representatives

Agent/Wetland Scientists

Leonard Lord, Tighe & Bond, LLord@TigheBond.com,
Jeremy Degler, Tighe & Bond, JDegler@TigheBond.com
177 Corporate Avenue, Portsmouth, NH 03801.

Owner

Noble's Island Condominium Association, David Porter, President
c/o Michael Street, CP Management, MichaelS@CPManagement.com
11 Court Street, Exeter, NH 03833

Project Plans

Plans meeting the requirements Section 10.1017.20 of the Portsmouth Zoning Ordinance are attached in the NHDES permit application.

Functional Assessment

A functional assessment was not required as part of NHDES permitting, so a separate assessment is attached to this memo.



WETLANDS FUNCTIONAL ASSESSMENT WORKSHEET

Water Division/Land Resource Management
Wetlands Bureau



[Check the Status of your Application](#)

RSA/Rule: RSA 482-A / Env-Wt 311.03(b)(10); Env-Wt 311.10

APPLICANT LAST NAME, FIRST NAME, M.I.: Noble's Island Condominiums

As required by Env-Wt 311.03(b)(10), an application for a standard permit for minor and major projects must include a functional assessment of all wetlands on the project site as specified in Env-Wt 311.10. This worksheet will help you compile data for the functional assessment needed to meet federal (US Army Corps of Engineers (USACE); if applicable) and NHDES requirements. Additional requirements are needed for projects in tidal area; please refer to the [Coastal Area Worksheet \(NHDES-W-06-079\)](#) for more information.

Both a desktop review and a field examination are needed to accurately determine surrounding land use, hydrology, hydroperiod, hydric soils, vegetation, structural complexity of wetland classes, hydrologic connections between wetlands or stream systems or wetland complex, position in the landscape, and physical characteristics of wetlands and associated surface waters. The results of the evaluation are to be used to select the location of the proposed project having the least impact to wetland functions and values (Env-Wt 311.10). This worksheet can be used in conjunction with the [Avoidance and Minimization Written Narrative \(NHDES-W-06-089\)](#) and the [Avoidance and Minimization Checklist \(NHDES-W-06-050\)](#) to address Env-Wt 313.03 (Avoidance and Minimization). If more than one wetland/ stream resource is identified, multiple worksheets can be attached to the application. All wetland, vernal pools, and stream identification (ID) numbers are to be displayed and located on the wetlands delineation of the subject property.

SECTION 1 - LOCATION (USACE HIGHWAY METHODOLOGY)

ADJACENT LAND USE: Condominiums with lawns and parking lots

CONTIGUOUS UNDEVELOPED BUFFER ZONE PRESENT? ☐ Yes ☒ No

DISTANCE TO NEAREST ROADWAY OR OTHER DEVELOPMENT (in feet): <10 ft

SECTION 2 - DELINEATION (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)

CERTIFIED WETLAND SCIENTIST (if in a non-tidal area) or QUALIFIED COASTAL PROFESSIONAL (if in a tidal area) who prepared this assessment: Leonard Lord, PhD, CWS

DATE(S) OF SITE VISIT(S): March 15, 2021

DELINEATION PER ENV-WT 406 COMPLETED? ☒ Yes ☐ No

CONFIRM THAT THE EVALUATION IS BASED ON:

- ☒ Office and
☒ Field examination.

METHOD USED FOR FUNCTIONAL ASSESSMENT (check one and fill in blank if "other"):

- ☒ USACE Highway Methodology.
☒ Other scientifically supported method (enter name/ title): NH Method, 2015("NHM" for Ecological Integrity Eval)

irm@des.nh.gov or (603) 271-2147

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

www.des.nh.gov

SECTION 3 - WETLAND RESOURCE SUMMARY (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)	
WETLAND ID: <input type="text"/>	LOCATION: (LAT/ LONG) <input type="text"/> / <input type="text"/>
WETLAND AREA: N/A	DOMINANT WETLAND SYSTEMS PRESENT: Mudflats
HOW MANY TRIBUTARIES CONTRIBUTE TO THE WETLAND? 0	COWARDIN CLASS: E2US3N
IS THE WETLAND A SEPARATE HYDRAULIC SYSTEM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if not, where does the wetland lie in the drainage basin? <input type="text"/>	IS THE WETLAND PART OF: <input type="checkbox"/> A wildlife corridor or <input type="checkbox"/> A habitat island? IS THE WETLAND HUMAN-MADE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
IS THE WETLAND IN A 100-YEAR FLOODPLAIN? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ARE VERNAL POOLS PRESENT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, complete the Vernal Pool Table)
ARE ANY WETLANDS PART OF A STREAM OR OPEN-WATER SYSTEM? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ARE ANY PUBLIC OR PRIVATE WELLS DOWNSTREAM/ DOWNGRADIENT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PROPOSED WETLAND IMPACT TYPE: Buffer only	PROPOSED WETLAND IMPACT AREA: N/A
SECTION 4 - WETLANDS FUNCTIONS AND VALUES (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)	
<p>The following table can be used to compile data on wetlands functions and values. The reference numbers indicated in the "Functions/ Values" column refer to the following functions and values:</p> <ol style="list-style-type: none"> 1. Ecological Integrity (from RSA 482-A:2, XI) 2. Educational Potential (from USACE Highway Methodology: Educational/Scientific Value) 3. Fish & Aquatic Life Habitat (from USACE Highway Methodology: Fish & Shellfish Habitat) 4. Flood Storage (from USACE Highway Methodology: Floodflow Alteration) 5. Groundwater Recharge (from USACE Highway Methodology: Groundwater Recharge/Discharge) 6. Noteworthiness (from USACE Highway Methodology: Threatened or Endangered Species Habitat) 7. Nutrient Trapping/Retention & Transformation (from USACE Highway Methodology: Nutrient Removal) 8. Production Export (Nutrient) (from USACE Highway Methodology) 9. Scenic Quality (from USACE Highway Methodology: Visual Quality/Aesthetics) 10. Sediment Trapping (from USACE Highway Methodology: Sediment /Toxicant Retention) 11. Shoreline Anchoring (from USACE Highway Methodology: Sediment/Shoreline Stabilization) 12. Uniqueness/Heritage (from USACE Highway Methodology) 13. Wetland-based Recreation (from USACE Highway Methodology: Recreation) 14. Wetland-dependent Wildlife Habitat (from USACE Highway Methodology: Wildlife Habitat) <p>First, determine if a wetland is suitable for a particular function and value ("Suitability" column) and indicate the rationale behind your determination ("Rationale" column). Please use the rationale reference numbers listed in Appendix A of USACE <i>The Highway Methodology Workbook Supplement</i>. Second, indicate which functions and values are principal ("Principal Function/value?" column). As described in <i>The Highway Methodology Workbook Supplement</i>, "functions and values can be principal if they are an important physical component of a wetland ecosystem (function only) and/or are considered of special value to society, from a local, regional, and/or national perspective". "Important Notes" are to include characteristics the evaluator used to determine the principal function and value of the wetland.</p>	

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FUNCTIONS/ VALUES	SUITABILITY (Y/N)	RATIONALE (Reference #)	PRINCIPAL FUNCTION/VALUE? (Y/N)	IMPORTANT NOTES
1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Ecological Integrity (from NHM): 3,4,5,6	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Highly developed buffer, filling, impaired water quality
2	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Education Potential: N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No access
3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Fish & Aquatic Life: 1, 4	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Mudflat supports fish, shellfish, waterfowl. Impaired water quality and no shellfish harvesting
4	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Flood Storage: N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Groundwater Recharge (only): N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
6	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Noteworthiness (RTE):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No rare species per NHB DataCheck
7	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Nutrient Trapping/Retention: N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Production Export: 1,4,5,6,10	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Export of nutrients as food and in sediments but low ecological integrity
9	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Scenic Quality: 2,6,8,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Scenic vistas surrounded by highly developed areas.
10	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sediment Trapping: N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Shoreline Anchoring: N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Riprap at project site
12	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Uniqueness/Heritage: 1,3,14,17,19,22, 27	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Contributes to the character of the area. Scenic views in urban setting. Low ecological integrity.
13	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Wetland Based Recreation: 2,5,7,8,9,10,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Provides boating and fishing opportunities. Somewhat offset by low ecological integrity.
14	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Dependent Wildlife: 8,12,18,21,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Mudflats are important for wildlife habitat. Somewhat offset by low ecological integrity

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Wetlands were delineated by Tighe & Bond Environmental Scientist Leonard Lord, PhD, NHCWS #14, on March 15, 2021. Criteria for wetland determinations were based on those outlined in the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* (January 1987), and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (January 2012). Determination of the Highest Observable Tide Line (HOTL) was made in accordance with Env-Wt 622.23 of the NH Wetlands Bureau rules.

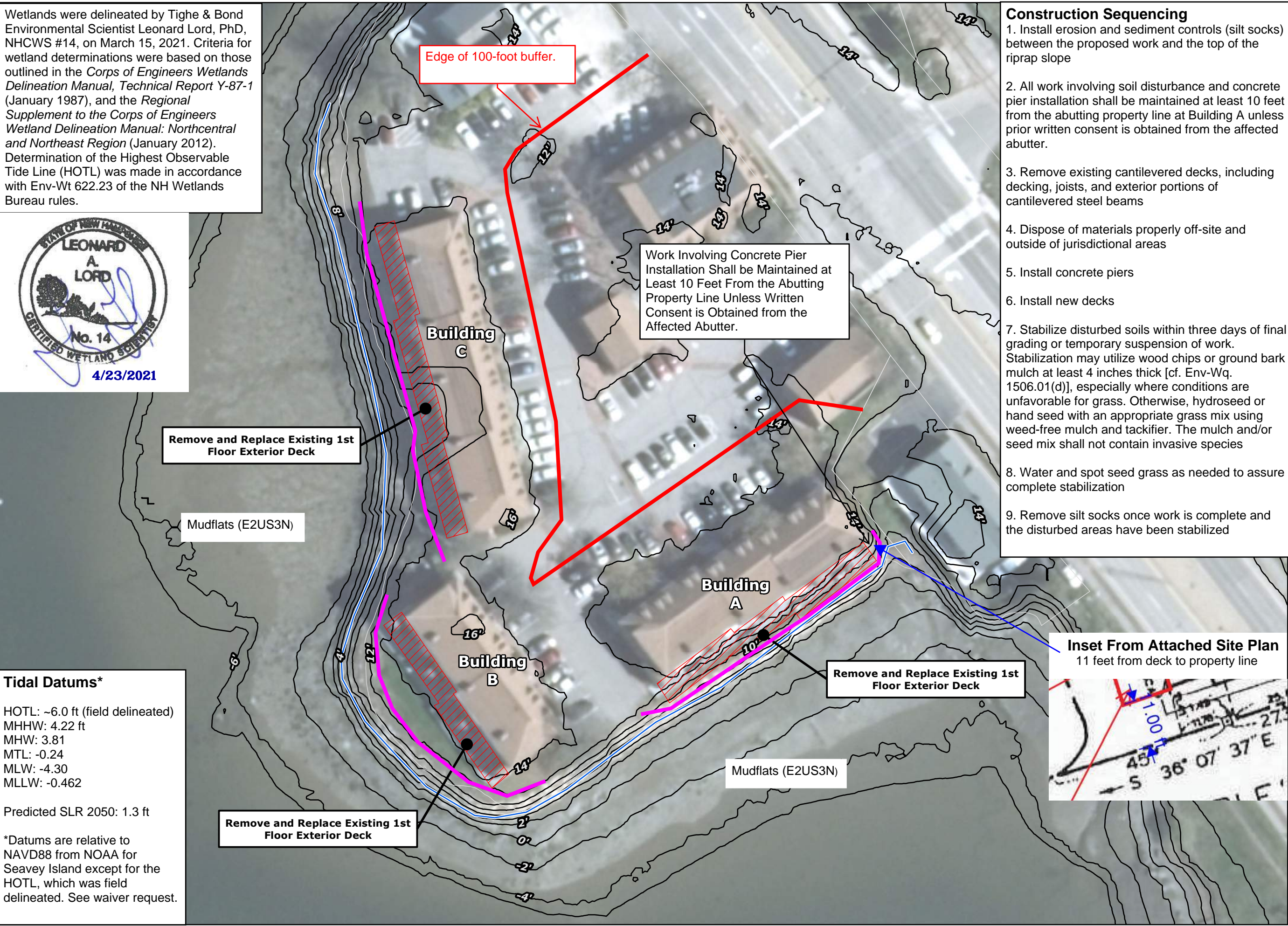


Tidal Datums*

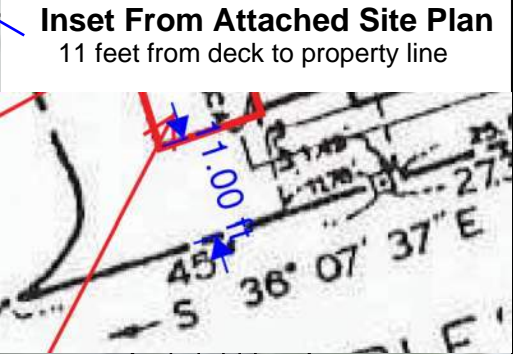
HOTL: ~6.0 ft (field delineated)
MHHW: 4.22 ft
MHW: 3.81
MTL: -0.24
MLW: -4.30
MLLW: -0.462

Predicted SLR 2050: 1.3 ft

*Datums are relative to NAVD88 from NOAA for Seavey Island except for the HOTL, which was field delineated. See waiver request.

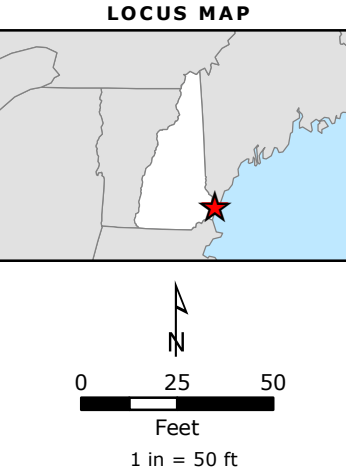


- Construction Sequencing**
1. Install erosion and sediment controls (silt socks) between the proposed work and the top of the riprap slope
 2. All work involving soil disturbance and concrete pier installation shall be maintained at least 10 feet from the abutting property line at Building A unless prior written consent is obtained from the affected abutter.
 3. Remove existing cantilevered decks, including decking, joists, and exterior portions of cantilevered steel beams
 4. Dispose of materials properly off-site and outside of jurisdictional areas
 5. Install concrete piers
 6. Install new decks
 7. Stabilize disturbed soils within three days of final grading or temporary suspension of work. Stabilization may utilize wood chips or ground bark mulch at least 4 inches thick [cf. Env-Wq. 1506.01(d)], especially where conditions are unfavorable for grass. Otherwise, hydroseed or hand seed with an appropriate grass mix using weed-free mulch and tackifier. The mulch and/or seed mix shall not contain invasive species
 8. Water and spot seed grass as needed to assure complete stabilization
 9. Remove silt socks once work is complete and the disturbed areas have been stabilized



**FIGURE 2
EXISTING CONDITIONS**

- LEGEND**
- Highest Observable Tide Line
 - 2-foot Contour
 - Deck
 - Approximate Parcel Boundary
 - Silt Sock Erosion Control



- NOTES**
1. Orthophotography courtesy of NH GRANIT (2015).
 2. 2-foot contours generated from 2014 coastal bare earth LIDAR DEM. DEM downloaded from NH GRANIT.

**Noble Island
Condominium Association
Deck Replacement Project
500 Market Street
Portsmouth, New Hampshire**

March 2021



CITY OF PORTSMOUTH, NH

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

PURSUANT TO RSA 674:39-aa

Name of Property Owner(s): Todd A. Buttrick 603-303-7212
Mailing Address: 14 Karlin Rd Fremont N.H. 03044
Telephone Number: 603-303-7212
Email Address: tvb@comcast.net

Street Location of Parcels Affected by the Requested Restoration:

900 Middle Rd Portsmouth N.H.

Properties Requested to be Restored (attach additional sheet if needed):

Parcel 1

Current Deed Reference: Book 5345 Page 2869 Date Recorded July 30, 2012
Tax Map _____ Lot Number 33, 34, 35, 60

Parcel 2

Current Deed Reference: Book _____ Page _____ Date Recorded _____
Tax Map _____ Lot Number _____

Parcel 3

Current Deed Reference: Book _____ Page _____ Date Recorded _____
Tax Map _____ Lot Number _____

Please state when you believe the involuntary merger took place:

I do not know

Signature(s) of Property Owner(s):

Signature: [Signature] Name: Todd A Buttrick Date: 1/15/2021

Signature: _____ Name: _____ Date: _____

KATHRYN S. WILLIAMS, ESQ.
K.S.W. LAW
57 Main Street, P.O. Box 836
Epping, New Hampshire 03042
(603) 679-5223
kwilliams@ksw-law.com

August 27, 2012

Todd Buttrick
14 Karlin Road
Fremont, NH 03044

**Re: Transfer of Real Estate
Property in Portsmouth, NH**

Dear Mr. Buttrick:

Enclosed is the original Fiduciary Deed for the above referenced property that was recorded on July 30, 2012 at Book 5345, Page 2869 in the Rockingham County Registry of Deeds. You should retain and store this document in a safe place for later use as needed.

The Declaration of Consideration and Inventory of Property Transfer forms that you previously signed have been completed and mailed for filing in the appropriate town and state offices.

Very truly yours,



Kathryn S. Williams

KSW:vab

Return to:
MAIL TO
 Kathryn S. Williams
 57 Main Street
 Box 836
 Epping, NH 03042



FIDUCIARY DEED

Kathryn S. Williams as Successor Trustee of The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003, of 57 Main Street, Epping, New Hampshire, for good and valuable consideration, grants to **Todd Buttrick*** with Fiduciary Covenants, the real property described as follows:

* with a mailing address of 14 Karlin Road, Fremont, NH 0304

Four (4) certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in Portsmouth, County of Rockingham, State of New Hampshire, and being **Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds Book 527, Page 481**, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

This is not homestead property of the Grantor.

Barbara H. Buttrick's death certificate is on record at the Rockingham County Registry of Probate, 10th Circuit Court, Probate Division.

Meaning and intending to convey the same property described in the deed of Barbara H. Buttrick to Barbara H. Buttrick, Trustee of The Barbara H. Buttrick

040643

2012 AUG 15 AM 10:07

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Revocable Trust of 2003, u/d/t dated July 30, 2003, dated November 5, 2011, and recorded at the Rockingham County Registry of Deeds, at Book 5260, Page 1861.


Trustee's Certificate

The undersigned trustee is the Successor Trustee under the Trust created by Barbara H. Buttrick, as grantor under trust agreement dated July 30, 2003, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon 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 for a conveyance thereof.


 Kathryn S. Williams, Successor Trustee

This is a conveyance from a revocable trust pursuant to an estate planning trust. The original grantor, Barbara H. Buttrick is deceased. Kathryn S. Williams is the Successor Trustee under The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003. Due to the death of Barbara H. Buttrick, the grantor under the trust, the Trust is terminated and this conveyance is a distribution of the real estate held in the Trust to the beneficiary of the Trust. The consideration paid was less than fair market value. This conveyance is subject to the minimum transfer stamps of \$40.00 as required under the New Hampshire Code of Administrative Rules, Department of Revenue Administration, Part Rev. 802.02.

Dated this 30 day of July, 2012.


 Kathryn S. Williams, Successor Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on the 30 day of
July, 2012, by Kathryn S. Williams.

Valerie Bennett
Notary Public
My Commission Expires:
Seal:



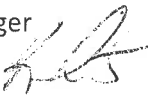
VALERIE BENNETT
Notary Public - New Hampshire
My Commission Expires August 10, 2016



CITY OF PORTSMOUTH

Assessors Office

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Dexter Legg, Chair Planning Board
Cc: Karen S. Conard, City Manager
From: Rosann Lentz, City Assessor 
Date: April 22, 2021
RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 900 Middle Rd

At its meeting on February 9, 2021, the City Council considered a request from Kathryn S. William, ESQ on behalf of the property owners of 900 Middle Rd, requesting the restoration of involuntarily merged lots at 900 Middle Road to their pre-merger status pursuant to NH RSA 674:39-aa. These lots are represented as historical lot numbers 33, 34, 35 and 60. The Council voted to refer to the Planning Board and Assessor for report back (See Attachment #1).

Description

The subject parcel is depicted on the attached tax maps from Tax Year 1961 identified on Plan 66 Lots 33, 34, 35 and 60; from Tax Year 2020 they are identified as Map 232 Lot 80 (See Attachment #2).

Current assessment records identify the parcel as having .378 +/- acres with a 3 bedroom 1.5 bath single family dwelling built around 1948 located on the parcel. Older assessment records identified the parcel as 3 separate lots until 1972 (See Attachment #3).

History

Deeds: According to the deeds researched back to 1950, 900 Middle Road was identified as 4 lots being Lot numbers 33, 34, 35, and 60. Lot 33 was described by metes and bounds, Lots 34 and 35 were identified together based on the Prospect Park Plan having a dwelling thereon and lot 60 was described individually again with a lot reference in the Prospect Park Plan (See Attachment #4).

Recorded deeds in the chain of title between 1971 and 2011 & 2012 along with a mortgage deed recoded in 1971 changed the property description. These deeds describe the 4 lots into one lot per metes and bounds (See Attachment #5).

Property Assessment Records: Between 1953 and 1971 property assessment records show lots 33 and 60 separately assessed. In 1962, lots 34 and 35 were combined and assessed as one, matching the description of the lots within Book 1157 Page 292 (See Attachment #3).

Assessment records indicate for Tax Year 1972, the assessor merged lot 33 with previously merged lots 34 and 35; this is noted on the assessment records (See Attachment #3-A). Assessment records indicate for Tax Year 1983 lot 60 was merged with the others (See Attachment #3-B).

Building Inspection/Planning Records

In 2006 Barbara Butterick requested and was approved for an additional driveway permit/access to the dwelling located at 900 Middle Rd. The request represented lots 33, 34, and 35 as a single lot with a curb cut off of Middle Road located on lot 33 (See Attachment #6).

Court Decisions

Upon review of various court decisions concerning the denial of restorations of lots, decisions have stated that the fact the lots being described in a single deed with single metes and bounds does not alone support an involuntary merger.

The State of New Hampshire Supreme Court case of Charles A. Roberts v. Town of Windham; Rockingham 165 N.H.186 (2013), agreed with the lower court's decision of voluntary merger. This decision in part looked at the use of the property in its entirety by reviewing a lots physical characteristics and the changes that occurred over time to the placement of buildings, driveways, outbuildings etc. The totality of changes can reasonably support that lots by predecessors or current owners were voluntarily merged when facts show the primary and accessory buildings, access, etc. work as a unit (See Attachment #7).

Summary

Upon review of the property tax maps and aerial images (See Attachment #8) in relation to the location of the dwelling and any supporting access points or outbuildings, lots 33, 34, and 35 are used as a unit. It is a reasonable conclusion these three lots were voluntarily merged when looking at the use of the property in its entirety. Lot 33 had an additional driveway added for parking for the dwelling located on lots 34 and 35 and the dwelling when constructed fell close to the lot lines between lots 33 and 34.

No written request for voluntary merger was found. The New Hampshire Municipal Association has interpreted the above court decision to mean, "Governing bodies and zoning boards of adjustment now know they should review requests to unmerge lots based upon all of the circumstances of actual use of the property, and that the lack of a request to voluntarily merge the lots by the current or former owner will not, standing alone, support such a request" (See Attachment #9).

The taxpayers have requested lots 33, 34, 35 and 60 be unmerged to their premerger boundaries. Based upon my research, it is recommended this request be denied.

Cc: file

Attachments: 9

KATHRYN S. WILLIAMS, ESQ.
K.S.W. LAW
57 Main Street, P.O. Box 836
Epping, New Hampshire 03042
(603) 679-5223
kwilliams@ksw-law.com

August 27, 2012

Todd Buttrick
14 Karlin Road
Fremont, NH 03044

**Re: Transfer of Real Estate
Property in Portsmouth, NH**

Dear Mr. Buttrick:

Enclosed is the original Fiduciary Deed for the above referenced property that was recorded on July 30, 2012 at Book 5345, Page 2869 in the Rockingham County Registry of Deeds. You should retain and store this document in a safe place for later use as needed.

The Declaration of Consideration and Inventory of Property Transfer forms that you previously signed have been completed and mailed for filing in the appropriate town and state offices.

Very truly yours,


Kathryn S. Williams

KSW:vab

CITY OF PORTSMOUTH, NH

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

PURSUANT TO RSA 674:39-aa

Name of Property Owner(s):

Todd A. Buttrick 603-303-7212

Mailing Address:

14 Karlin Rd Fremont N.H. 03044

Telephone Number:

603-303-7212

Email Address:

tvb@comcast.net

Street Location of Parcels Affected by the Requested Restoration:

900 Middle Rd Portsmouth N.H.

Properties Requested to be Restored (attach additional sheet if needed):

Parcel 1

Current Deed Reference:

Book

Page

Date Recorded

5345
2869
1010

July 30, 2012

November 5, 2011

Tax Map

232-80

Lot Number

33, 34, 35, 60

Parcel 2

Current Deed Reference:

Book

Page

Date Recorded

Tax Map

Lot Number

Parcel 3

Current Deed Reference:

Book

Page

Date Recorded

Tax Map

Lot Number

Please state when you believe the involuntary merger took place:

I do not know

Signature(s) of Property Owner(s):

Signature:

[Signature]

Name:

Todd A Buttrick

Date:

1/15/2021

Signature:

Name:

Date:

176

(No revenue stamps required)

1157 292

Know All Men by these Presents,

That I, M. Thelma Crowell of Portsmouth, in the County of Rockingham and of New Hampshire,

for and in consideration of the sum of ----- One -----
hand before the delivery hereof, well and truly paid by Walter E. Strout and Clarice J. Strout
said Portsmouth,

the receipt whereof I do hereby acknowledge, have remised, released and forever quitclaimed and by
as JOINT TENANTS with right of survivorship and not as tenants in common
remise release and forever quitclaim unto the said grantees/ and his/ heirs and assigns forever,
or her

A certain lot or parcel of land in Portsmouth, New Hampshire containing
Ninety-Seven (4097) square feet, more or less, and further described as

That lot or parcel of land on Middle Road, and being Lot No. 33 on
the City of Portsmouth Assessors' Office, having a frontage on said Mid
and eight tenths (40.8) feet; one hundred two and one tenth (102.1) feet
one Harry Caswell, forty and eight tenths (40.8) feet along land now or
one Catherine Carty; and one hundred two and eight tenths (102.8) feet
grantee herein.

Also two certain lots or parcels of land, together with the dwelli
situate in said Portsmouth and more particularly described as Lots Numb
(34) and Thirty-Five (35) in Prospect Park Tract, the size and location
in accordance with a Map or Plan of said Tract now on file in the Regis
said County of Rockingham, to which said Plan reference is made for a m
description.

Also a certain lot, piece or parcel of land situated in said Ports
particularly described as Lot Number Sixty (60) in the "Prospect Park"
same in size and location to be in accordance with the map or plan of s
on file at the Registry of Deeds in and for said Rockingham County to w
is hereby made for a more complete description, together with the build

Being the same premises conveyed to me by deed of Clarice J. Strout, of
be recorded herewith.

Subject to a mortgage to the Piscataqua Savings Bank, dated July 20, 19
in Rockingham Registry of Deeds.

To have and to hold the said premises, with all the privileges and appurtenances thereto be
as JOINT TENANTS with right of survivorship and not as tenants in common
grantee s/ and his/ heirs and assigns forever. And I do hereby covenant with the said grantee
warrant and defend the said premises to them the said grantee s/ and his/ heirs and assigns, again
and demands of any person or persons claiming by, from or under me, except as aforementioned

And, I have no husband.
for the consideration aforesaid do hereby release my right of dower in the premises, my claims and rights
and interests therein

In witness whereof, I have hereunto set my hand and seal this
day of January in the year of our Lord 19 50.

LEAVITT AVE.

39

38

37

36

32

WALTER E. STROUT
Buttrick
33

PIPE
FOUND
HUB
SET

30.5'
29'
58'
29'

PIN
SET

102.8'

PIN
SET

40.8'

CLARICE J. STROUT

Buttrick

CLARICE J. & WALTER E. STROUT
34

105.7'

40.8'

59

60
Buttrick

80.0'

CLARICE J. & WALTER E. STROUT

Buttrick
35

HUB
SET
40.0'

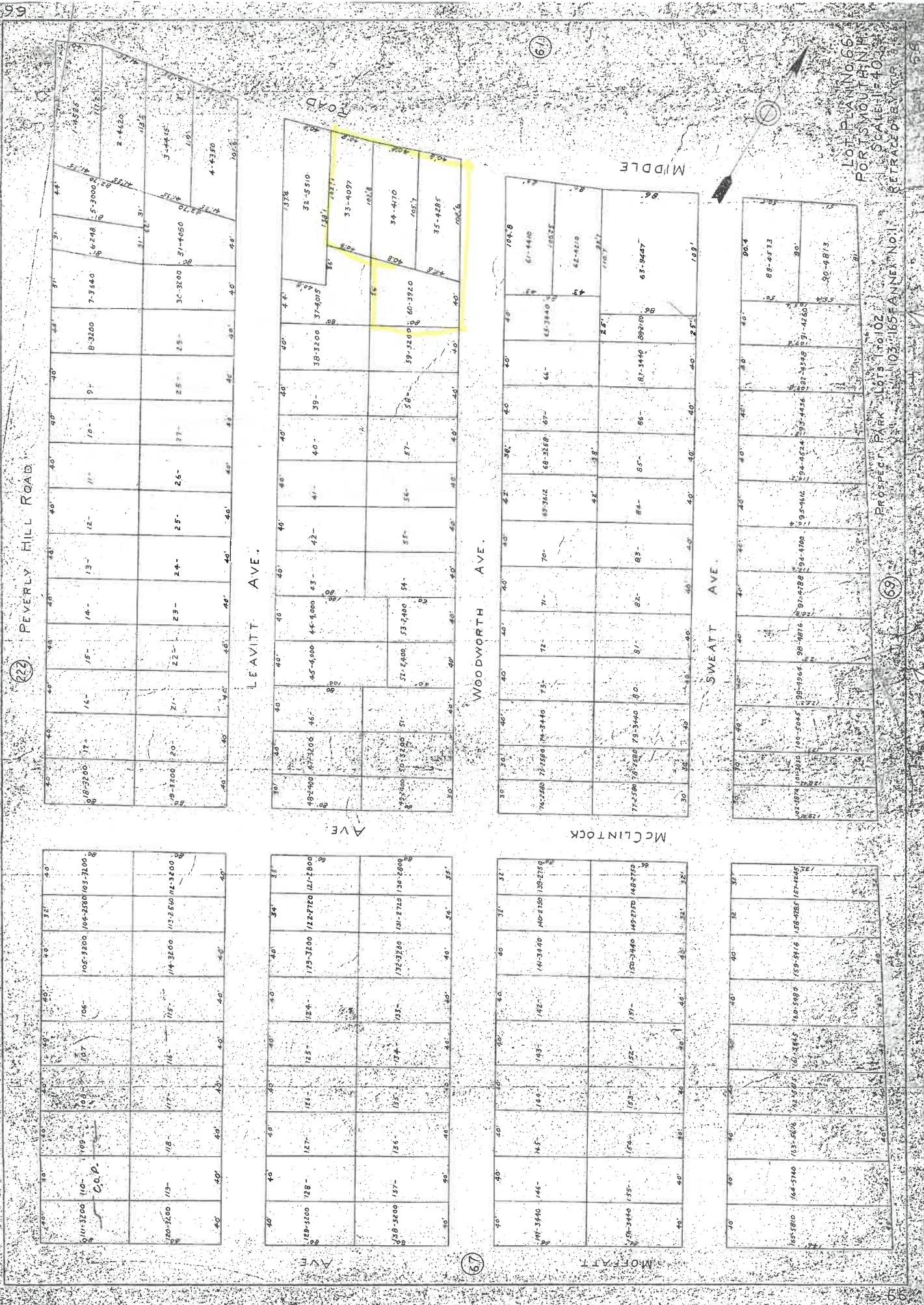
108.6'

PIN
SET

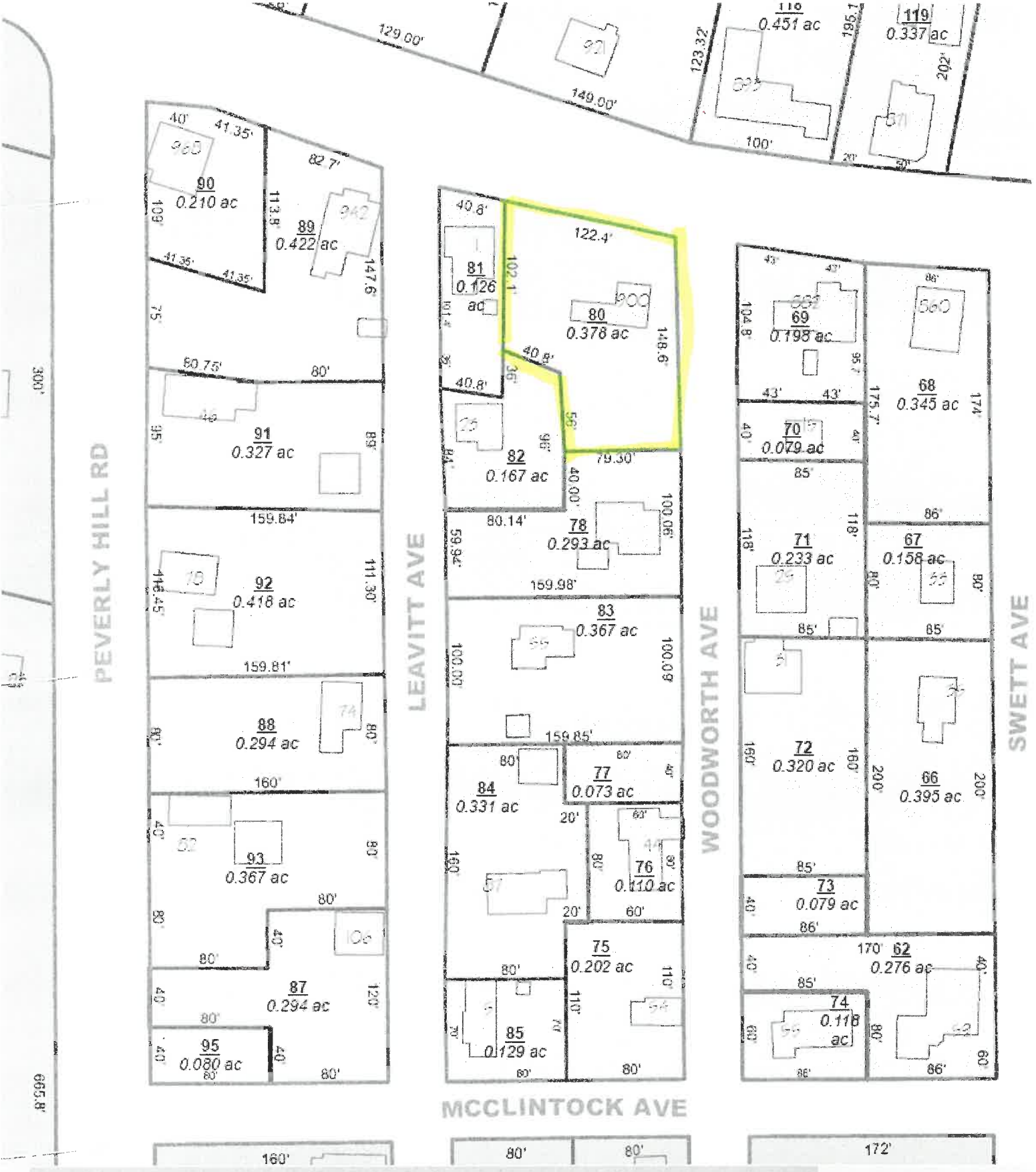
40.8'

WOODWORTH AVE.

↑ Middle Rd. ↓
MIDDLE



Port of
Tax Map
232



Property Location 900 MIDDLE RD
Vision ID 30225

Account # 30225

Map ID 0232/ 0080/ 0000/ /

Bldg # 1

Map ID 0232/ 0080/ 0000/ /

Bldg # 1

Bldg Name
Sec # 1 of 1

Card # 1 of 1

State Use 1010
Print Date 4/22/2021 11:29:39 A

CURRENT OWNER

BUTTRICK TODD

14 KARLIN RD

FREMONT NH 03044

TOPO

1 Level

0 All Public

8 2+ Off-St PKG

1

UTILITIES

1 Paved

1

STRT / ROAD

1

LOCATION

RESIDENTL

RES LAND

RECORD OF OWNERSHIP

Alt Prcl ID 0232-0080-0000-0000

OLD DACTN 12460

PHOTO

WARD

PREC.

1/2 HSE

GIS ID 30225

Assoc Prcl#

30225

STRT / ROAD

1 Paved

1

LOCATION

RESIDENTL

RES LAND

APPRaised VALUE SUMMARY

Appraised Bldg. Value (Card)

Appraised Xf (B) Value (Bldg)

Appraised Ob (B) Value (Bldg)

Appraised Land Value (Bldg)

Special Land Value

Total Appraised Parcel Value

Valuation Method

187,700

0

0

169,700

0

357,400

C

APPT LETTER 1/25/13

01/13- CORR SIZE TO 22X28 ON SKTCH; ADD

UBM UNDER 11X30; UPD WIND; UBM WALKOUT;

ONLY INSP RENTAL UNIT, 1 BD, 1 BTH; KIT-

CHENETTE; ELEC HEAT

EXEMPTIONS

Year

Code

Description

Amount

Code

Description

Number

Amount

Comm Int

5345

2869

U

1

0

81

0

81

0

5260

1861

U

1

0

0

0

0

0

2077

0141

U

1

0

0

0

0

0

Total

0.00

ASSESSING NEIGHBORHOOD

Nbhd

Nbhd Name

Tracing

Batch

125

NOTES

01/13- CORR SIZE TO 22X28 ON SKTCH; ADD

UBM UNDER 11X30; UPD WIND; UBM WALKOUT;

ONLY INSP RENTAL UNIT, 1 BD, 1 BTH; KIT-

CHENETTE; ELEC HEAT

APPT LETTER 1/25/13

BUILDING PERMIT RECORD

Permit Id

Issue Date

Type

Description

Amount

Insp Date

% Comp

Date Comp

Comments

11673

10-25-2002

12,720

100

VINYL SIDING

LAND LINE VALUATION SECTION

B

Use Code

Description

Zone

Frontage

Depth

Land Units

Unit Price

Size Ad

Site

Cond.

ST Idx

S.I. Adj.

Notes- Adj

Special Pricing

Adj Unit P

Land Value

1

1010

SINGLE FAM M

16,472

SF

10.13

1.0000

1

0.90

125

1.130

-10% TRAFFIC

1.0000

10.3

169,700

PREVIOUS ASSESSMENTS (HISTORY)

Year

Code

Assessed

Year

Code

Assessed

Year

Code

Assessed

Year

Code

Assessed

2020

1010

187,700

2019

1010

187,700

2019

1010

187,700

2019

1010

187,700

2020

1010

169,700

2019

1010

169,700

2019

1010

169,700

2019

1010

169,700

Total

357,400

Total

357,400

Total

357,400

Total

357,400

APPRaised VALUE SUMMARY

Appraised Bldg. Value (Card)

Appraised Xf (B) Value (Bldg)

Appraised Ob (B) Value (Bldg)

Appraised Land Value (Bldg)

Special Land Value

Total Appraised Parcel Value

Valuation Method

187,700

0

0

169,700

0

357,400

C

VISIT / CHANGE HISTORY

Date

Id

Type

Is

Cd

Purpost/Result

06-28-2017

PM

FR

Field Review Stat Update

02-12-2015

DG

FR

Field Review Stat Update

01-30-2013

JM

10

Measu/LtrSnt

07-30-2003

RM

2

No one home

04-26-2001

CM

2

No one home

VISION

2229

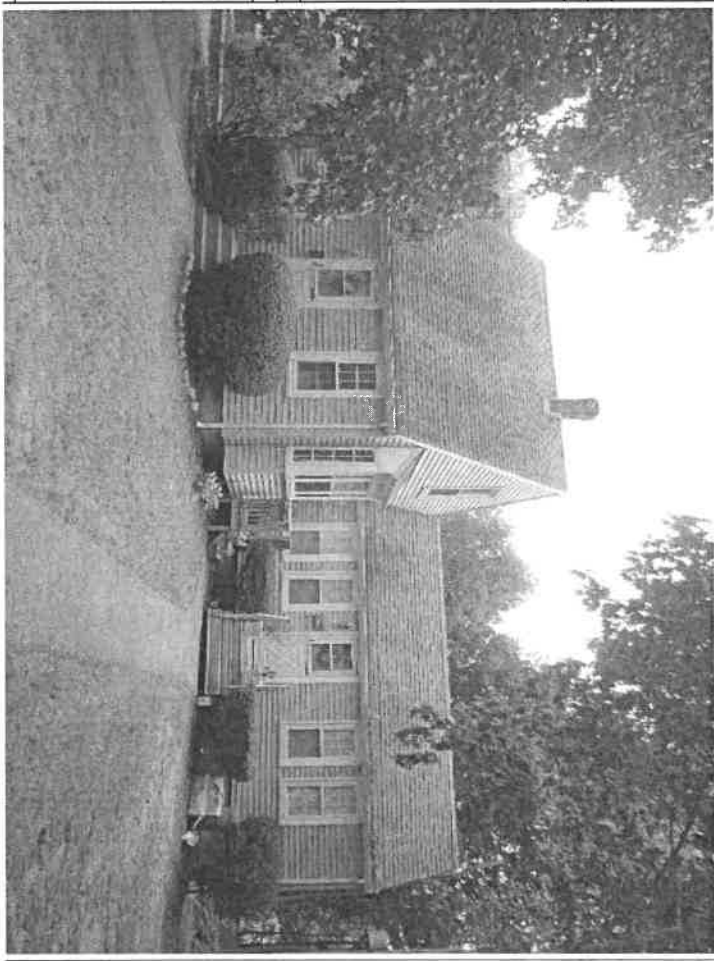
PORTSMOUTH, NH

2229

PORTSMOUTH, NH

CONSTRUCTION DETAIL					CONSTRUCTION DETAIL (CONTINUED)				
Element	Cd	Description	Element	Cd	Description				
Style: 04		Cape Cod							
Model: 01		Residential							
Grade: C		C							
Stories: 5									
Occupancy: 1		Vinyl Siding							
Exterior Wall 1: 25									
Roof Structure: 03		Gable/Hip							
Roof Cover: 03		Asph/F Gls/Cmp							
Interior Wall 1: 05		Drywall/Sheet							
Interior Wall 2: 12		Hardwood							
Interior Fir 1: 14		Carpet							
Heat Fuel: 02		Oil							
Heat Type: 05		Steam							
AC Type: 01		None							
Total Bedrooms: 03		3 Bedrooms							
Total Bthrms: 1									
Total Half Baths: 1									
Total Xtra Fixtrs: 0									
Total Rooms: 7									
Bath Style: 1		Avg Quality							
Kitchen Style: 1		Avg Quality							
Kitchen Gr: 1									
WB Fireplaces: 0									
Extra Openings: 0									
Metal Fireplace: 0									
Extra Openings: 0									
Bsmt Garage: 1									

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	LB	Units	Unit Price	Yr Bit	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value



RECORD OF OWNERSHIP

NAME BUTTRICK MAURICE R & BARBARA H

MAILING ADDRESS 39 MILBURN AVE HAMPTON NH 03842

BOOK-PAGE 2077/0141

DATE 06/71

AMOUNT \$17,800

PROPERTY USE CODE 01

NBHD ID 214

SQ. FT. DESC.	CODE	SIZE	RATE	INFLUENCE FACTOR	LAND VALUE	MEMORANDA										LAND	BLDG.	TOTAL
1 PRIMARY SITE	1	10000	196		19000	Accountant's Office + Apt. I saw the office 2 office Rooms - CARD left - 12/15/81										19		19700
2 SECONDARY SITE	4	6472	110		650											19		33000
3 UNDEVELOPED																19		52700
4 RESIDUAL																19		
5 WATERFRONT	7	16472			19700											19		
CATEGORY CODES																19		
1 PRIMARY SITE																19		
2 SECONDARY SITE																19		
3 UNDEVELOPED																19		
4 TILLABLE																19		
5 PASTURE																19		
6 WOODLAND																19		
7 WASTELAND																19		
8 HOMESITE																19		
9 FRONTAGE-ROAD																19		
10 FRONTAGE-WATER																19		
11 REAR																19		
12 ACREAGE-DEPR.																19		
TOTAL ACREAGE																19		

INSPECTION

WITNESSED BY:

DATE MO. YR.

TYPE 1 LAND 2 L & B

SALE PRICE

SOURCE 1 BUYER 3 FEE 2 SELLER 4 AGENT

VALIDITY 1 YES 2 NO

TOTAL

62

PROPERTY ASSESSMENT RECORD, - CITY OF PORTSMOUTH, N. H.

PLAN 66	LOT 33	RECORD OF OWNERSHIP	DATE OF TRANSFER	SALE PRICE IF KNOWN	ASSESSMENT RECORD
ADDRESS <i>Middle Rd.</i>					
DESCRIPTION <i>L.</i>					
<i>40</i>	<i>4099</i>				
<i>102</i>	<i>102</i>				
		Maurice R & Barbara H Buttrick	2077/141	6/25/71	see 35
		<i>Old Middle Rd. S. Street</i>	<i>see 35</i>	<i>see 35</i>	<i>see 35</i>
RURAL PROPERTY					
LAND VALUE COMPUTATIONS AND SUMMARY					
PROPERTY FACTORS		OWNERS PREVIOUS TO 1951			
TOPOGRAPHY	LEVEL	ROLLING	LEDGE	NAME	DATES
SOIL TYPE	LOAM	SAND	CLAY	Charles J. Street	8-19-45
LAND CLASS	GOOD	FAIR	POOR	Walter E. Street	7-3-45
DRAINAGE	GOOD	FAIR	POOR	City of Portsmouth	5/27/50
WATER SUPPLY	GOOD	FAIR	POOR	William R. Street	1/19/50
FENCES	GOOD	FAIR	NONE		
ELECTRICITY	YES	NO			
TELEPHONE	YES	NO			
ROAD	PAVED	IMPR.	DIRT		
REMARKS					
LAND VALUE COMPUTATIONS AND SUMMARY					
CLASSIFICATION		NO. OF ACRES	RATE	TOTAL	
TILLABLE					
PASTURE					
WOODED					
WASTE LAND					
TOTAL ACREAGE					
TOTAL VALUE LAND					
TOTAL VALUE BUILDINGS					
TOTAL VALUE LAND & BUILDINGS					
URBAN PROPERTY					
LAND VALUE COMPUTATIONS AND SUMMARY					
PROPERTY FACTORS		IMPROVEMENTS			
TOPOGRAPHY	LEVEL	WATER	SEWER	FRONTAGE	DEPTH
HIGH	LOW			40	10
ROLLING	SWAMPY				
TREND OF DISTRICT		IMPROVING			
PAVED		STATIC			
SEMI-IMPROVED		DECLINING			
DIRT					
SIDEWALK					
TOTAL VALUE LAND		TOTAL VALUE BUILDINGS		TOTAL VALUE LAND & BUILDINGS	

RECORD OF BUILDINGS

[illegible]

GRADE DENOTES QUALITY OF CONSTRUCTION:— A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

66 34 LOT

66 34 LOT

RECORD OF BUILDINGS

CONSTRUCTION

OCCUPANCY

SINGLE FAMILY

TWO FAMILY

APARTMENT

STORE

THEATRE

HOTEL

OFFICES

WAREHOUSE

COMM. GARAGE

BUS STATION

FOUNDATION

CONCRETE

CONCRETE BLOCK

BRICK OR STONE

PIERS

CELLAR AREA FULL

1 1/2

3/4

O CELLAR

EXTERIOR WALLS

LAPBOARDS

SIDE SIDING

DROP SIDING

O SHEATHING

WOOD SHINGLES

SHSBS. SHINGLES

TUCCO ON FRAME

TUCCO ON TILE

BRICK VENEER

BRICK ON TILE

OLD BRICK

STONE VENEER

CONC. OR CIND. BL.

EARTH COTTA

ENTROLITE

GLASS

INSULATION

WEATHERSTRIP

ROOFING

ASPH. SHINGLES

WOOD SHINGLES

SHSBS. SHINGLES

SLATE

TILE

METAL

COMPOSITION

ROLL ROOFING

INSULATION

FLOORS

B

1

2

3

CEMENT

EARTH

PINE

HARDWOOD

ATTIC FL. & STRS.

INTERIOR FINISH

B

1

2

3

PINE

HARDWOOD

PLASTER

UNFINISHED

METAL CLG.

RECREAT ROOM

FINISHED ATTIC

FIREPLACE

HEATING

PIPELESS FURNACE

HOT AIR FURNACE

FORCED AIR FURN.

STEAM

HOT WAT. OR VAPOR

NO HEATING

GAS BURNER

OIL BURNER

STOKER

PLUMBING

BATHROOM

TOILET ROOM

WATER CLOSET

KITCHEN SINK

STD. WAT. HEAT

AUTO. WAT. HEAT

ELECT. WAT. SYST.

LAUNDRY TUBS

NO PLUMBING

TILING

BATH FL. & WCOT.

TOILET FL. & WCOT.

LIGHTING

ELECTRIC

NO LIGHTING

NO. OF ROOMS

BSMT.

2ND.

3RD.

COMPUTATIONS

UNIT

1ST

2ND

S. F.

S. F.

S. F.

ADDITIONS

BASEMENT

WALLS

ROOF

FLOORS

ATTIC

FINISH

FIREPLACE

HEATING

PLUMBING

TILING

TOTAL

FACTOR

REPL. VAL.

OCCUPANCY

TYPE

NOTES—SPECIAL EQUIPMENT

LISTED

MEAS.

AREA

GRADE DENOTES QUALITY OF CONSTRUCTION:— A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

NOTES—SPECIAL EQUIPMENT

OCCUPANCY		CONSTRUCTION			
SINGLE FAMILY	<input checked="" type="checkbox"/>				
TWO FAMILY					
APARTMENT					
STORE					
THEATRE					
HOTEL					
OFFICES					
WAREHOUSE					
COMM. GARAGE					
GAS STATION					
FOUNDATION		INTERIOR FINISH			
CONCRETE	<input checked="" type="checkbox"/>	B	1	2	3
CONCRETE BLOCK					
BRICK OR STONE					
PIERS					
CELLAR AREA FULL					
1/4	1/2				
NO. CELLAR					
EXTERIOR WALLS		HEATING			
CLAPBOARDS					
WIDE SIDING					
DROP SIDING					
NO SHEATHING					
WOOD SHINGLES	<input checked="" type="checkbox"/>				
ASBES. SHINGLES					
STUCCO ON FRAME					
STUCCO ON TILE					
BRICK VENEER					
BRICK ON TILE					
SOLID BRICK					
STONE VENEER					
CONC. OR CIND. BL.					
ROOFING		PLUMBING			
ASF. SHINGLES	<input checked="" type="checkbox"/>				
WOOD SHINGLES					
ASBES. SHINGLES					
SLATE					
TILE					
METAL					
COMPOSITION					
ROLL ROOFING					
INSULATION					
		TILING			
		BATH FL. & WCOT.			
		TOILET FL. & WCOT.			
		ELECTRIC			
		NO LIGHTING			
		NO. OF ROOMS			
		1ST			
		2ND			
		3RD			

COMPUTATIONS			
UNIT		1951	
1st 570 S.F.	@ 4	2300	
2nd 880 S.F.	@ 4	1100	
S.F.	@		
Side Projections	300		
Gar.	100		
ADDITIONS			
BASEMENT			
WALLS			
ROOF			
FLOORS			
ATTIC			
FINISH			
FIREPLACE			
HEATING	0.30	100	
PLUMBING			
TILING			
TOTAL			
FACTOR			
REPL. VAL.		3900	
OCCUPANCY		TYPE	
		1751 Cont.	
		69 ALUMINUM SIDING	
DATE	LISTED	MEAS.	AREA

[illegible]

GRADE DENOTES QUALITY OF CONSTRUCTION:— A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

RECORD OF BUILDINGS

[illegible]

GRADE DENOTES QUALITY OF CONSTRUCTION: — A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

ATTACHEMENT 1

(No revenue stamps required)

1157 292

Know All Men by these Presents,

That I, M. Thelma Crowell of Portsmouth, in the County of Rockingham and State of New Hampshire,

for and in consideration of the sum of ----- One ----- dollar to me in hand before the delivery hereof, well and truly paid by Walter E. Strout and Clarice J. Strout, both of said Portsmouth,

the receipt whereof, I do hereby acknowledge, have remised, released and forever quitclaimed and by these presents do as ~~JOINT TENANTS with right of survivorship and not as tenants in common~~, the survivor remise release and forever quitclaim unto the said grantees/ and in 15/ heirs and assigns forever, or her

A certain lot or parcel of land in Portsmouth, New Hampshire containing Four Thousand Ninety-Seven (4097) square feet, more or less, and further described as follows: That lot or parcel of land on Middle Road, and being Lot No. 33 on Plan No. 66 in the City of Portsmouth Assessors' Office, having a frontage on said Middle Road of forty and eight tenths (40.8) feet; one hundred two and one tenth (102.1) feet along land of one Harry Caswell, forty and eight tenths (40.8) feet along land now or formerly of one Catherine Carty; and one hundred two and eight tenths (102.8) feet along land of grantee herein.

Also two certain lots or parcels of land, together with the dwelling house thereon, situate in said Portsmouth and more particularly described as Lots Number thirty-four (34) and Thirty-five (35) in Prospect Park Tract, the size and location thereof being in accordance with a Map or Plan of said Tract now on file in the Registry of Deeds of said County of Rockingham, to which said Plan reference is made for a more particular description.

Also a certain lot, piece or parcel of land situated in said Portsmouth and more particularly described as Lot Number Sixty (60) in the "Prospect Park" tract, the same in size and location to be in accordance with the map or plan of said tract now on file at the Registry of Deeds in and for said Rockingham County to which reference is hereby made for a more complete description, together with the buildings thereon.

Being the same premises conveyed to me by deed of Clarice J. Strout, of even date to be recorded herewith.

Subject to a mortgage to the Piscataqua Savings Bank, dated July 20, 1948 and recorded in Rockingham Registry of Deeds.

To have and to hold the said premises, with all the privileges and appurtenances thereto belonging to the said grantees/ and in 15/ heirs and assigns forever. And I do hereby covenant with the said grantee that I will warrant and defend the said premises to them the said grantees/ and in 15/ heirs and assigns, against the lawful claims and demands of any person or persons claiming by, from or under me, except as aforementioned.

And, I have no husband.

~~for the said premises, I do hereby covenant with the said grantee that I will warrant and defend the said premises to them the said grantees/ and in 15/ heirs and assigns, against the lawful claims and demands of any person or persons claiming by, from or under me, except as aforementioned.~~

In witness whereof, I have hereunto set my hand and seal this day of January in the year of our Lord 19 50.
Signed, sealed and delivered in presence of

Walter E. Strout

M. Thelma Crowell

State of New Hampshire, Rockingham ss.

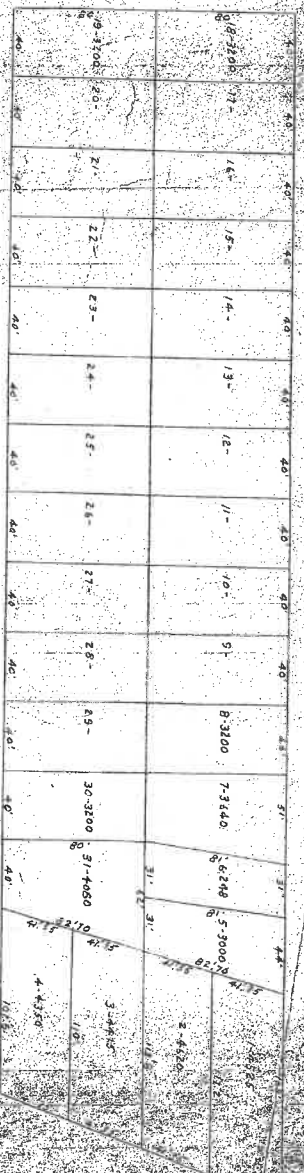
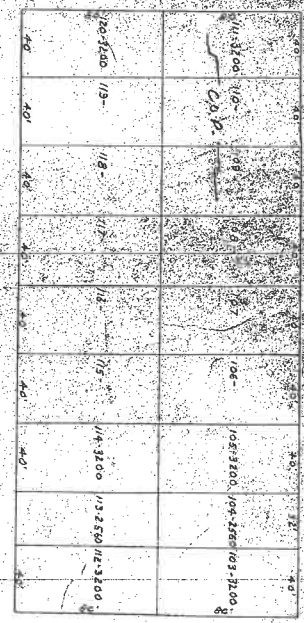
January 5, A.D. 19 50.

Personally appeared the above named M. Thelma Crowell and acknowledged the foregoing instrument to be her voluntary act and deed. Before me,

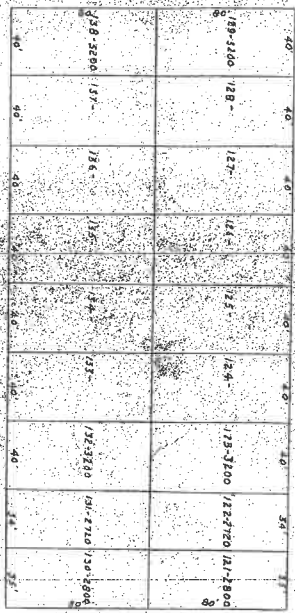
Walter E. Strout Justice of the Peace.

Received and recorded Jan. 6, 9:50 A.M. 1950

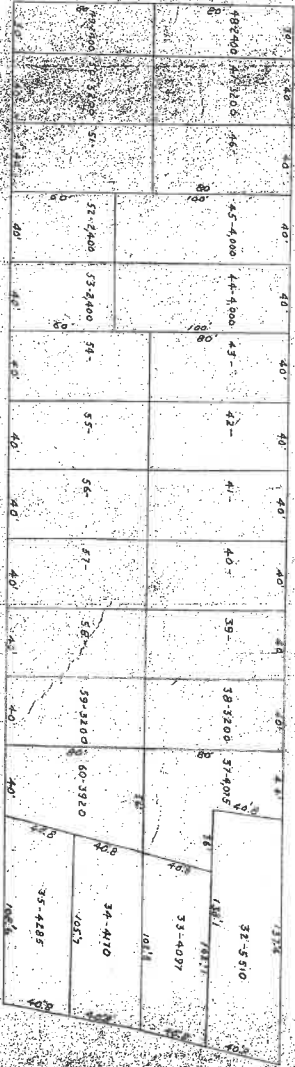
222 PEPPER HILL ROAD



AVE



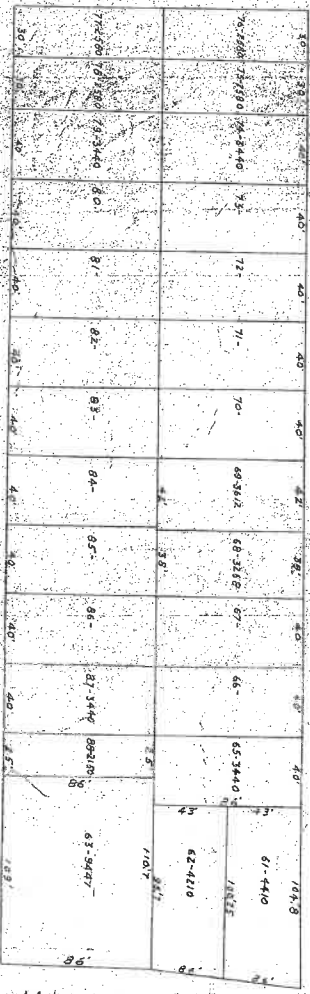
AVE



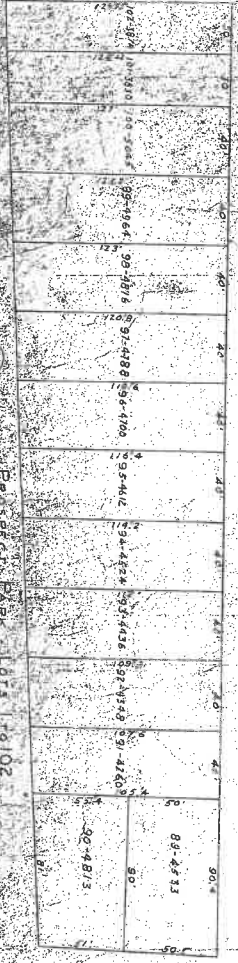
MODPATT



MCCINTOCK



SWEATT AVE



RECAPSCT FARM LOTS 1012

LOT 1012
FOR SOUTHWEST
SCALE 1/4 INCH = 100 FEET

MIDDLE



KNOW ALL MEN BY THESE PRESENTS

Jun 25 8 00 AM '71

THAT We, Maurice R. Buttrick and Barbara P. Buttrick
of Rockingham County, State of New Hampshire hereinafter called the mortgagor for con-
sideration paid, grant to

PORTSMOUTH SAVINGS BANK,

a corporation established by the laws of the State of New Hampshire, and located and doing business
at Portsmouth, in the County of Rockingham, in said State, with mortgage covenants to secure the pay-
ment of FIFTEEN THOUSAND FOUR HUNDRED ----- DOLLARS,

with 8 1/2 per cent interest payable monthly and also perform all the agreements and
conditions as provided in note of even date, the following described real estate:

Four certain lots of land with the buildings thereon situate on Middle Road and Woodworth
Avenue in said Portsmouth, and being Lots No. 33,34,35 and 60 on Plan of Prospect Park, Portsmouth,
N.H. recorded in Rockingham County Registry of Deeds, Book 527, Page 481, and more particularly
bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth
Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more
or less to land of Charles F. Caswell being lot No. 59 on said Plan; thence turning and running
Southwesterly by said Lot No. 59, 80 feet more or less to a corner at land of Paul and Rose Gammon;
thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet
to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or
less to a corner at land of Joseph and Mildred Markey, being Lot No. 32, thence turning and running
Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and
running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning

Being premises conveyed to the said Mortgagor by deed of
dated 19 recorded in Vol. Page of the
Registry:—

The mortgagors shall pay to said Bank, its successors and assigns, all sums which it or they
shall pay on account of or for any insurance and taxes and all other expenses legally incident to said
granted premises including reasonable attorney's fees and costs of the Bank, its successors and assigns,
in the event foreclosure proceedings are commenced and completed or in the event foreclosure proceed-
ings are commenced in good faith and discontinued.

This mortgage is upon the statutory conditions, for any breach of which the mortgagee shall have
the statutory power of sale.


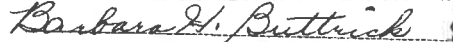
We, respectively wife of said mortgagor, release all rights of dower
curtesy and homestead and other interests in the mortgaged premises.

WITNESS Our hands and seals this 24th day of June
one thousand nine hundred and seventy one

Anno Domini

Signed, Sealed and Delivered
in presence of us:

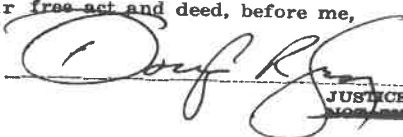


STATE OF NEW HAMPSHIRE
ROCKINGHAM SS.

June 24, A.D. 19 71

Personally appearing the above named Maurice R. Buttrick and Barbara P. Buttrick
acknowledged the foregoing instrument to be their free act and deed, before me,


JUSTICE OF THE PEACE

KNOW ALL MEN BY THESE PRESENTS

2077 141

That we, First National Bank of Portsmouth, New Hampshire and Wyman P. Boynton of Portsmouth in the County of Rockingham and State of New Hampshire, Executors of the will of Clarice J. Strout late of said Portsmouth, deceased.

By virtue of a license from the Court of Probate for said County of Rockingham holden at Exeter in said county, on the 22nd day of February, 1971, authorized us to sell at private sale the real estate hereinafter described and in consideration of the sum of Seventeen Thousand Eight Hundred (\$17,800) Dollars to us in hand before the delivery hereof, paid by Maurice R. Buttrick and Barbara H. Buttrick of said Portsmouth the receipt whereof we do hereby acknowledge, have granted, bargained and sold, and by these presents, do hereby in our said capacity, grant, bargain, sell, convey and confirm unto the said Maurice R. Buttrick and Barbara H. Buttrick, as joint tenants with the right of survivorship, and not as tenants in common, and the heirs and assigns of the survivor of them forever, all the right, title and interest of Clarice J. Strout in and to the following described real estate:

Four certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in said Portsmouth, and being Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N. H. recorded in Rockingham County Registry of Deeds Book 527 Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

Being the same premises described in deed of M. Thelma Crowell to Clarice J. Strout and Walter E. Strout as joint tenants dated January 5, 1950, recorded in Rockingham County Registry of Deeds Book 1157 Page 292, the said Walter E. Strout having died at said Portsmouth on March 13, 1968.

TO HAVE AND TO HOLD the same with all the privileges and appurtenances thereto belonging to the said Maurice R. Buttrick and Barbara H. Buttrick, the survivor of them and his or her heirs and assigns forever. And we do hereby, in our said capacity, covenant with the said Maurice R. Buttrick and Barbara H. Buttrick, the survivor of them and his or her heirs and assigns, that we are duly authorized to make sale of the premises, that in all our proceedings in the sale thereof we have complied with the requirements of the statute in such case provided, and that we will warrant and defend the same to the said Maurice R. Buttrick and Barbara H. Buttrick, the survivor of them and his or her heirs and assigns, against the lawful claims of all persons claiming by, from or under us, in the capacity aforesaid.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 27th day of June in the year of our Lord, One Thousand Nine Hundred Seventy-one.

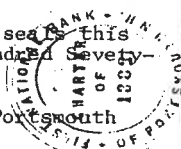
Signed, sealed and delivered in the presence of

First National Bank of Portsmouth

By *[Signature]* Trust Officer

[Signature]
to back

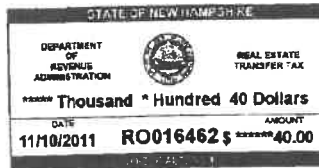
JUN 25 8 00 AM '71



232-80

BK 5260 PG 1861

Return to:
Wiggin & Nourie, PA
Att: LGC
PO Box 469
Portsmouth, NH 03802-0469



048269

QUITCLAIM DEED

Barbara H. Buttrick, single, of 777 Lafayette Road, Apt. 311, Hampton, New Hampshire 03842, for good and valuable consideration, grants to **Barbara H. Buttrick as Trustee of The Barbara H. Buttrick Revocable Trust of 2003**, w/d/t dated July 30, 2003, as amended, with a mailing address of 777 Lafayette Road, Apt. 311, Hampton, New Hampshire 03842, with Quitclaim Covenants, the real property described as follows:

Four (4) certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in Portsmouth, County of Rockingham, State of New Hampshire, and being Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds Book 527, Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

Meaning and intending to convey the same property described in the deed of First National Bank of Portsmouth, New Hampshire, and Wyman P. Boynton, Executors of the will of Clarice J. Strout, to Maurice R. Buttrick and Barbara H. Buttrick, dated June 24, 1971 and recorded at Book 2077, Page 141 in the Rockingham County Registry of Deeds. Barbara H. Buttrick is the surviving joint tenant. The said Maurice R. Buttrick having deceased on September 27, 2002. See Rockingham County Probate #2002-11-71.

2011 NOV 10 AM 9:04

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 5260 PG 1862

This is a conveyance to a revocable trust for estate planning purposes and the consideration paid was less than fair market value. This conveyance is subject to the minimum transfer taxes of \$40.00 as required under the NH Code of Administrative Rules, Department of Revenue Administration, Part Rev. 802.02.

Dated this 5th day of November, 2011.

Barbara H. Buttrick
Barbara H. Buttrick

STATE OF NEW HAMPSHIRE
COUNTY OF Rockingham

This instrument was acknowledged before me on the 5th day of November, 2011, by Barbara H. Buttrick.

Donna J. Fabisak
Notary Public
My Commission Expires:
Seal:



Return to:
MAIL TO
 Kathryn S. Williams
 57 Main Street
 Box 836
 Epping, NH 03042



FIDUCIARY DEED

Kathryn S. Williams as Successor Trustee of The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003, of 57 Main Street, Epping, New Hampshire, for good and valuable consideration, grants to Todd Buttrick,* with Fiduciary Covenants, the real property described as follows:

* with a mailing address of 14 Karlin Road, Fremont, NH 0304

Four (4) certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in Portsmouth, County of Rockingham, State of New Hampshire, and being Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds Book 527, Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

This is not homestead property of the Grantor.

Barbara H. Buttrick's death certificate is on record at the Rockingham County Registry of Probate, 10th Circuit Court, Probate Division.

Meaning and intending to convey the same property described in the deed of Barbara H. Buttrick to Barbara H. Buttrick, Trustee of The Barbara H. Buttrick

040643

2012 AUG 15 AM 10:07

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Revocable Trust of 2003, u/d/t dated July 30, 2003, dated November 5, 2011, and recorded at the Rockingham County Registry of Deeds, at Book 5260, Page 1861.


Trustee's Certificate

The undersigned trustee is the Successor Trustee under the Trust created by Barbara H. Buttrick, as grantor under trust agreement dated July 30, 2003, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon 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 for a conveyance thereof.


 Kathryn S. Williams, Successor Trustee

This is a conveyance from a revocable trust pursuant to an estate planning trust. The original grantor, Barbara H. Buttrick is deceased. Kathryn S. Williams is the Successor Trustee under The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003. Due to the death of Barbara H. Buttrick, the grantor under the trust, the Trust is terminated and this conveyance is a distribution of the real estate held in the Trust to the beneficiary of the Trust. The consideration paid was less than fair market value. This conveyance is subject to the minimum transfer stamps of \$40.00 as required under the New Hampshire Code of Administrative Rules, Department of Revenue Administration, Part Rev. 802.02.

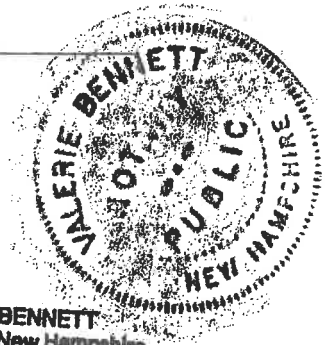
Dated this 30 day of July, 2012.


 Kathryn S. Williams, Successor Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on the 30 day of
July, 2012, by Kathryn S. Williams.

Valerie Bennett
Notary Public
My Commission Expires:
Seal:



VALERIE BENNETT
Notary Public - New Hampshire
My Commission Expires August 10, 2016



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

(603) 427-1530 FAX (603) 427-1539

APPLICATION FOR DRIVEWAY PERMIT

PROPERTY OWNER (Printed)

BARBARA BUTTRICK

ADDRESS OF PROPERTY

900 MIDDLE RD.

MAILING ADDRESS

39 MILBERN AVE.
SAME HAMPTON, N.H. 03842

DAY TIME PHONE NUMBER

603-926-6770

TAX MAP

232

LOT NO.

80

PLAN SUBMITTED

X

Y

N

PROPERTY OWNER SIGNATURE

Barbara Buttrick

PUBLIC WORKS APPROVAL

[Signature]

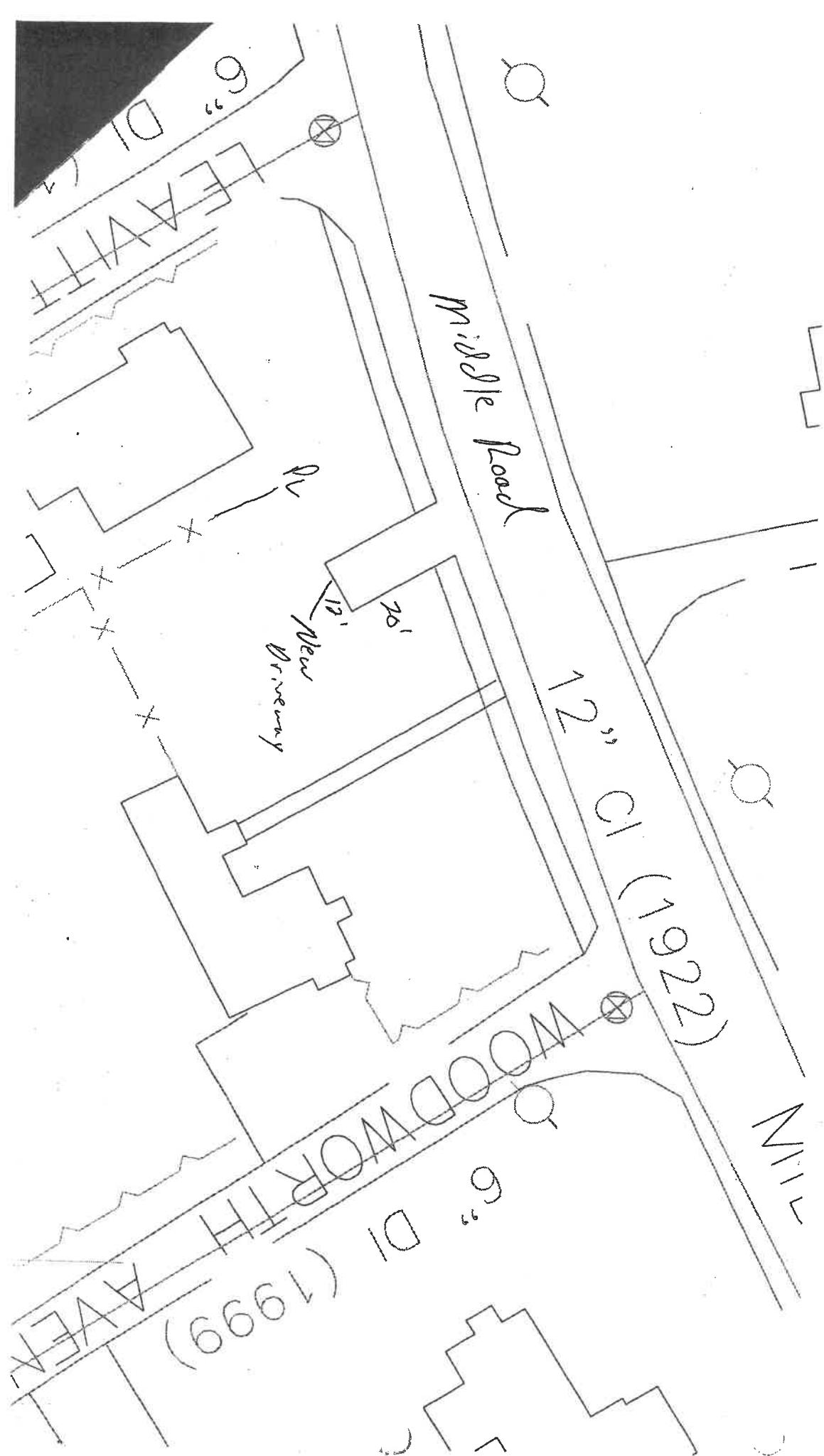
Public Works Director

DATE

9/15/06

FORWARD TO TRAFFIC & SAFETY COMMITTEE

COMMENTS



NOTICE: This opinion is subject to motions for rehearing under Rule 22 as well as formal revision before publication in the New Hampshire Reports. Readers are requested to notify the Reporter, Supreme Court of New Hampshire, One Charles Doe Drive, Concord, New Hampshire 03301, of any editorial errors in order that corrections may be made before the opinion goes to press. Errors may be reported by E-mail at the following address: reporter@courts.state.nh.us. Opinions are available on the Internet by 9:00 a.m. on the morning of their release. The direct address of the court's home page is: <http://www.courts.state.nh.us/supreme>.

THE SUPREME COURT OF NEW HAMPSHIRE

Rockingham
No. 2012-428

CHARLES A. ROBERTS

v.

TOWN OF WINDHAM

Argued: May 9, 2013
Opinion Issued: July 16, 2013

Bernstein, Shur, Sawyer & Nelson, P.A., of Manchester (Gregory E. Michael and Christopher G. Aslin on the brief, and Mr. Michael orally), for the petitioner.

Beaumont & Campbell Prof. Ass'n., of Salem (Bernard H. Campbell on the brief and orally), for the respondent.

CONBOY, J. The petitioner, Charles A. Roberts, appeals an order of the Superior Court (Delker, J.) affirming a decision of the Town of Windham Zoning Board of Adjustment (ZBA) denying his request under RSA 674:39-aa (Supp. 2012) to reverse the administrative merger of certain lots by the respondent, Town of Windham (Town). We affirm.

The following facts are supported by the record or are otherwise undisputed. The petitioner owns an approximately one-acre parcel of land on

Cobbetts Pond Road with frontage on Cobbetts Pond in Windham (the Property). The Property is identified as a single lot on the Town's tax map and has apparently been so identified since the Town developed its tax maps in the 1960s. The Property originated, however, from seven separate lots as shown on the 1913 "Plan of Horne Heirs" recorded in the Rockingham County Registry of Deeds (the Horne plan): five full lots (9 through 13) and two partial lots (8 and 14). The Horne plan was recorded by Clara B. Horne in 1913, and depicts her approximately 12.5-acre, nineteen-lot subdivision along the shore of Cobbetts Pond.

In 1918, Horne conveyed lots 9 through 11, by a single deed, to the petitioner's grandfather, George E. Lane. Specifically, the deed conveyed "[a] certain tract or parcel of land situate on the shore of Cobbetts Pond in Windham . . . meaning and intending to convey lots #9, #10, and #11." In 1920, Horne also deeded lot 12 to Lane. In 1926, Lane also obtained a portion of lot 8 (for ease of reference, partial lot 8 is hereinafter referred to simply as "lot 8").

Lane built structures on all of the lots except lot 12. On lot 10, Lane built a seasonal cottage, a garage/workshop, a screen room, and a dock. The seasonal cottage extends across the boundary line onto lot 11. The garage is two inches from the boundary line between lots 10 and 9 and faces toward lot 9. Thus, one must traverse lot 9 to access the garage. On lot 9, Lane built a "multi-use building" (the bunkhouse), woodshed, privy, dog house, and another dock. The bunkhouse straddles the boundary line between lots 9 and 8. A single driveway provides access from Cobbetts Pond Road to lot 10 over lot 9.

In 1927, Lane conveyed all of the lots to Alice Lane, who subsequently conveyed them to Ruth Lane Roberts. In 1962, Ruth Roberts acquired title to lot 13 and one half of lot 14 (for ease of reference, partial lot 14 is hereinafter referred to simply as "lot 14"). Thus, as of 1962, Ruth Roberts owned the Property as it exists today, consisting of lots 8 through 14. In 1995, the Property was conveyed to the petitioner.

In the 1960s, the Town apparently administratively merged the lots into a single lot: they were designated as a single lot for tax purposes and given a single street address. Neither the petitioner nor any previous owner in the chain of title applied to the Town to merge the lots. See, e.g., RSA 674:39-a (Supp. 2012) (allowing an owner of two or more contiguous and preexisting approved lots to merge them by application to a town planning board).

In 2011, the legislature enacted RSA 674:39-aa, which provides that lots that were "involuntarily merged prior to September 18, 2010," shall be "restored to their pre-merger status" upon request of the owner, subject to certain conditions. RSA 674:39-aa, II. "Involuntary merger" . . . mean[s] lots

merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.” RSA 674:39-aa, I(a). An owner is not entitled to such restoration if “any owner in the chain of title voluntarily merged his or her lots.” RSA 674:39-aa, II(b). “Voluntary merger” means a merger expressly requested under RSA 674:39-a, or “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.” RSA 674:39-aa, I(c). The municipality bears the burden to prove voluntary merger. See RSA 674:39-aa, II(b).

Following the statute’s passage, the petitioner applied to the Windham Board of Selectmen (Selectboard) seeking to “unmerge” the lots from their single lot designation on the Town’s zoning and tax maps and to create four lots consisting of: lots 8 and 9; lots 10 and 11; lot 12; and lots 13 and 14. The Selectboard held a meeting to consider the application and determined that the Town had involuntarily merged lots 12-14. The Selectboard, however, concluded that lots 8 through 11 had been voluntarily merged and, thus, denied the petitioner’s request to unmerge the four lots.

The Selectboard’s decision denying the petitioner’s request to unmerge lots 8 through 11 rested upon two grounds. First, the Selectboard relied upon the fact that lots 9 through 11 were conveyed to Lane as one “tract” in a single deed. Second, the Selectboard determined that the Town proved overt owner action to merge the lots based upon the physical layout of the structures. Specifically, the Selectboard noted that lots 8 through 11 are served by a single driveway, that construction of ancillary buildings such as the bunkhouse is a common and typical practice on a “waterfront estate,” and that the garage on lot 10 is close to the lot 9 boundary line and is accessed from lot 9.

The petitioner appealed the decision regarding lots 8 through 11 to the ZBA. See RSA 674:39-aa, III; RSA 676:5 (Supp. 2012). The ZBA affirmed the Selectboard’s decision for the reasons found by the Selectboard, as well as an additional reason: that by accepting the Town’s taxation of the lots as a single lot, the owners voluntarily merged the lots.

The petitioner moved for a rehearing, see RSA 677:3 (2008), which the ZBA denied. The petitioner then appealed the ZBA’s decision to the superior court, see RSA 677:4 (Supp. 2012), which affirmed the ZBA’s decision. This appeal followed.

The petitioner first argues that the superior court applied an incorrect standard of review. Typically, judicial review in zoning cases is limited. Brandt Dev. Co. of N.H. v. City of Somersworth, 162 N.H. 553, 555 (2011). The factual findings of a zoning board are deemed prima facie lawful and reasonable, and a zoning board’s decision will not be set aside by the superior court absent errors of law unless it is persuaded by the balance of probabilities, on the evidence

before it, that the zoning board decision is unlawful or unreasonable. Id.; see RSA 677:6 (2008). The superior court applied this standard to the ZBA's decision. The petitioner contends, however, that the enactment of RSA 674:39-aa altered the deferential standard of review with respect to the issue of proving the voluntary merger of lots.

Resolving this issue requires that we engage in statutory interpretation. We are the final arbiters of the legislature's intent as expressed in the words of a statute considered as a whole. Radziewicz v. Town of Hudson, 159 N.H. 313, 316 (2009). When examining the language of a statute, we ascribe the plain and ordinary meaning to the words used. Id. We interpret legislative intent from the statute as written and will not consider what the legislature might have said or add language that the legislature did not see fit to include. Id. We also presume that the legislature knew the meaning of the words it chose, and that it used those words advisedly. See DaimlerChrysler Corp. v. Victoria, 153 N.H. 664, 667 (2006). The interpretation of a statute is a question of law, which we review de novo. See Radziewicz, 159 N.H. at 316.

In 2010, the legislature amended RSA 674:39-a to prohibit municipalities from merging "preexisting subdivided lots or parcels except upon the consent of the owner." Laws 2010, 345:1. In addition, RSA 674:39-aa, II entitles an owner of involuntarily merged lots, at the owner's request, to restore the lots to their premerger status. However, RSA 674:39-aa prohibits restoration of lots if "any owner in the chain of title voluntarily merged his or her lots." RSA 674:39-aa, II(b). The municipality has the burden to prove voluntary merger. See id.

The petitioner contends that by prohibiting municipalities from involuntarily merging lots under RSA 674:39-a and allowing owners of merged lots to request restoration under RSA 674:39-aa, the legislature sought to balance the right of municipalities to regulate land use and the constitutional right of land owners to use their land for reasonable purposes. He argues that by placing the burden of proof on municipalities to prove voluntary merger, the legislature sought to prohibit municipalities from "inventing" mergers based upon inconclusive facts in order to block unpopular applications. He concludes that by "shifting the burden of proof to municipalities," the legislature "necessarily also altered the deferential standard of review on appeal to the [superior court]." We disagree.

The petitioner's argument conflates two concepts: a party's burden of proof and an appellate tribunal's standard of review. A burden of proof is "[a] party's duty to prove a disputed assertion or charge," Black's Law Dictionary 223 (9th ed. 2009), whereas a standard of review is "[t]he criterion by which an appellate [tribunal] . . . measures the constitutionality of a statute or the propriety of an order, finding, or judgment entered by a lower [tribunal]," id. at

1535. That a party bears the burden of proof at trial does not dictate the standard of review applied on appeal. As the superior court aptly noted, the State in a criminal case bears the highest burden of proof at trial: beyond a reasonable doubt. See RSA 625:10 (2007). Yet, if the State carries its burden, the standard of review on appeal is often deferential to the State. See, e.g., State v. Hull, 149 N.H. 706, 712 (2003) (“To prevail on a challenge to the sufficiency of the evidence, the defendant must prove that no rational fact finder at trial, viewing all of the evidence presented in the light most favorable to the State, could have found guilt beyond a reasonable doubt.”).

Here, RSA 674:39-aa expressly places the burden of proof on the municipality to prove voluntary merger; however, the statute makes no provision for an alternate standard of review. Because we presume the legislature understood the meaning of the words it chose and used those words advisedly, see DaimlerChrysler Corp., 153 N.H. at 667, and we do not add words to a statute that the legislature did not see fit to include, see Radzewicz, 159 N.H. at 316, we do not construe the plain language of RSA 674:39-aa, II(b) to alter the deferential standard of review applicable in zoning cases under RSA 677:6.

The fact that one of the goals of the statute may be to protect individual property rights does not change our interpretation. Although we interpret a statute in light of its overall purpose, see Atwater v. Town of Plainfield, 160 N.H. 503, 508 (2010), in so doing, we do not ignore the statute’s plain language, cf. 2A N. Singer & J.D. Singer, Statutes and Statutory Construction § 46:1, at 148-49 (7th ed. 2007) (“Where the words of the statute are clear and free from ambiguity, the letter of the statute may not be disregarded under the pretext of pursuing its spirit.” (Quotation omitted)). Here, we will not read into RSA 674:39-aa an alternate standard of review merely because to do so might benefit the petitioner’s property rights. Thus, we conclude that the superior court did not err in applying our usual deferential standard of review to the ZBA’s decision. See RSA 677:6.

Next, the petitioner argues that the superior court erred by upholding the ZBA’s decision to affirm the Selectboard’s finding of “voluntary merger” of lots 8 through 11 because the evidence before the Selectboard was insufficient to satisfy the Town’s burden. Our review of the superior court’s decision, like its review of the ZBA’s decision, is limited: we will uphold the court’s decision unless the evidence does not support it or it is legally erroneous. Brandt Dev. Co., 162 N.H. at 555. When, as here, the appealing party challenges the sufficiency of the evidence, we consider “whether a reasonable person could have reached the same decision as the trial court based on the evidence before it.” Mt. Valley Mall Assocs. v. Municipality of Conway, 144 N.H. 642, 647 (2000) (quotation omitted).

As noted above, the Selectboard found that the Town satisfied its burden of proving “overt action or conduct” to merge lots 8 through 11 based upon the original conveyance by Horne of lots 9 through 11 as one tract in a single deed, and the physical characteristics of the lots and their structures. The ZBA affirmed based upon those two factors and the owners’ acquiescence to taxation of the Property as a single lot. In upholding the ZBA’s decision, the superior court relied upon the physical characteristics of the lots and their structures and upon the owners’ acquiescence to taxation, but concluded that “[t]he fact that [Horne] conveyed separate parcels of land in one deed does not, in itself, indicate an intent to ignore the separate lot designations.”

We agree that Horne’s conveyance of lots 9 through 11 as one tract in a single deed does not, standing alone, support a finding of voluntary merger. The deed specifically provided that Horne was “meaning and intending to convey lots #9, #10, and #11.” We also acknowledge that the acquiescence to taxation as a single lot does not, standing alone, support a finding of voluntary merger. See Hill v. Town of Chester, 146 N.H. 291, 294 (2001) (“[T]he method by which a town taxes its land is not dispositive in determining zoning questions.”). As the petitioner notes, lots 8 through 14 were all taxed as a single lot; the Selectboard nonetheless “unmerged” lots 12-14.

The lots’ physical characteristics, however, were central to the superior court’s decision. It upheld the finding that the garage on lot 10 was constructed within two inches of lot 9 and faces toward lot 9; that the lots share a driveway; and that ancillary buildings, such as the bunkhouse, are common and typical of a “waterfront estate.” The petitioner argues that these facts do not support a finding of voluntary merger and that only through conjecture and speculation could the Town demonstrate the prior owners’ intent. For example, although he concedes that the placement of the garage near the lot line may be consistent with an intent to merge the lots, the petitioner argues that it is also consistent with an intent to maintain the property as separate lots because Lane – the owner who constructed the garage – may have believed that the garage was farther from the lot line than shown on the survey. Thus, he argues that such evidence is insufficient to support a finding of voluntary merger. We disagree.

Lane constructed the garage on lot 10 not only within two inches of lot 9, but also so that it faced toward lot 9. To access the garage, one must traverse lot 9. Further, a single driveway leads from Cobbetts Pond Road over lot 9 to lot 10. A reasonable interpretation of the placement of the garage is that Lane did not regard the lots as separate. See RSA 674:39-aa, I(c). We disagree with the petitioner that the possibility that Lane may have believed the garage was farther from the lot line renders the evidence inconclusive. Our role on appeal is not to determine whether any contrary conclusions could possibly be drawn

from the evidence; instead, we determine whether the conclusions so drawn are reasonable. See Mt. Valley Mall Assocs., 144 N.H. at 647.

Additionally, the superior court relied on more than the placement of the garage. The “seasonal cottage” sits on both lots 10 and 11, and Lane built a “multi-use” structure known as the “bunkhouse” on lots 9 and 8. Because of the structure’s classification as a “bunkhouse,” and not as an additional cottage, it is not unreasonable to conclude that the structure was intended to be used in conjunction with the seasonal cottage as part of a “waterfront estate,” thereby evincing an intent to use the lots as one. See Webster’s Third New International Dictionary 297 (unabridged ed. 2002) (defining “bunkhouse” as “a rough[,] simple building providing sleeping quarters,” as used to house persons such as “ranch hands”). Finally, although a shared driveway alone may not be indicative of an intent to merge lots, when viewed in conjunction with evidence of the placement of the garage and bunkhouse, the use of a single driveway to serve multiple lots supports the conclusion that the prior owners intended to merge the lots.

In his brief, the petitioner parses each of these uses and offers explanations for why each individual use does not constitute “voluntary merger.” However, the superior court did not analyze each use in isolation, nor was it required to under RSA 674:39-aa. Instead, in affirming the ZBA’s decision, the court considered “the use of the property in its entirety.” The totality of the evidence reasonably supports a finding that the petitioner’s predecessors voluntarily merged the lots under RSA 674:39-aa. Accordingly, we hold that the superior court’s decision affirming the ZBA’s decision is not unlawful or unreasonable.

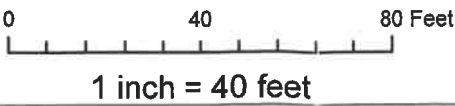
As a final matter, the petitioner raises an issue in his notice of appeal that he does not brief. Thus, it is deemed waived. See In re Estate of King, 149 N.H. 226, 230 (2003).

Affirmed.

DALIANIS, C.J., and HICKS, LYNN and BASSETT, JJ., concurred.



DISCLAIMER: The City of Portsmouth provides these Geographic Information System maps and data as a public information service. The maps and data provided are intended for informational purposes only. No guarantee or promise 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.



Existing Conditions

Map prepared by Portsmouth Department of Public Works

Printed: 3/19/2021



NEW HAMPSHIRE
MUNICIPAL ASSOCIATION

LEGAL SERVICES

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Training

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Court Issues First Interpretation of RSA 674:39-aa, Dealing With the Reversal of Administrative Lot Mergers

Roberts v. Windham

Roberts v. Windham

No. 2012-428

Tuesday, July 16, 2013

The petitioner appealed from a Superior Court order upholding the decision of the Windham Zoning Board of Adjustment denying his request to reverse the administrative merger of adjacent lots of land.

The land in question has been in petitioner's family since 1918, when a single deed conveyed four lots as described on a 1913 plan to petitioner's grandfather. In 1926, another lot was deed by purchase. The five lots were used to support a seasonal cottage and related accessory buildings, including a garage, a screen room, a dock, and a multi-use structure with a woodshed, privy, dog house and additional dock. In 1962 two additional lots were acquired by purchase. Petitioner has owned the land which consists of all or portions of 7 lots as described in the 1913 plan since 1995. The town developed tax maps in the 1960's, and has since that time taxed the property as a single lot. No person in the chain of title ever applied to the town to voluntarily merge the lots into one.

Following the enactment of RSA 674:39-aa, petitioner applied to the Selectmen of Windham to "unmerge" the lots in accordance with the statute's procedures. The Selectmen granted relief for the lots described in the 1926 and 1962 deeds, and denied relief for the remaining four lots described in the 1918 deed. They reasoned that the physical layout and use of the primary and accessory structures proved overt owner action to merge the lots into one. This decision was appealed to the Zoning Board of Adjustment, which affirmed the result using the same reasoning as the Selectmen, and further added that the failure to object to the scheme of taxation also showed an owner's intent to merge the lots. Rehearing was denied, and the Superior Court on appeal affirmed the decision.

At the Supreme Court level two questions were presented. First, since this statute places the burden of proof upon the municipality to deny a request to "unmerge" lots, does this change the standard of review used by a court on appeal? The Supreme Court quickly determined that the new statute did not change the standard of review, and the decision of the ZBA would be reviewed under the deferential standard contained in RSA 677:6.

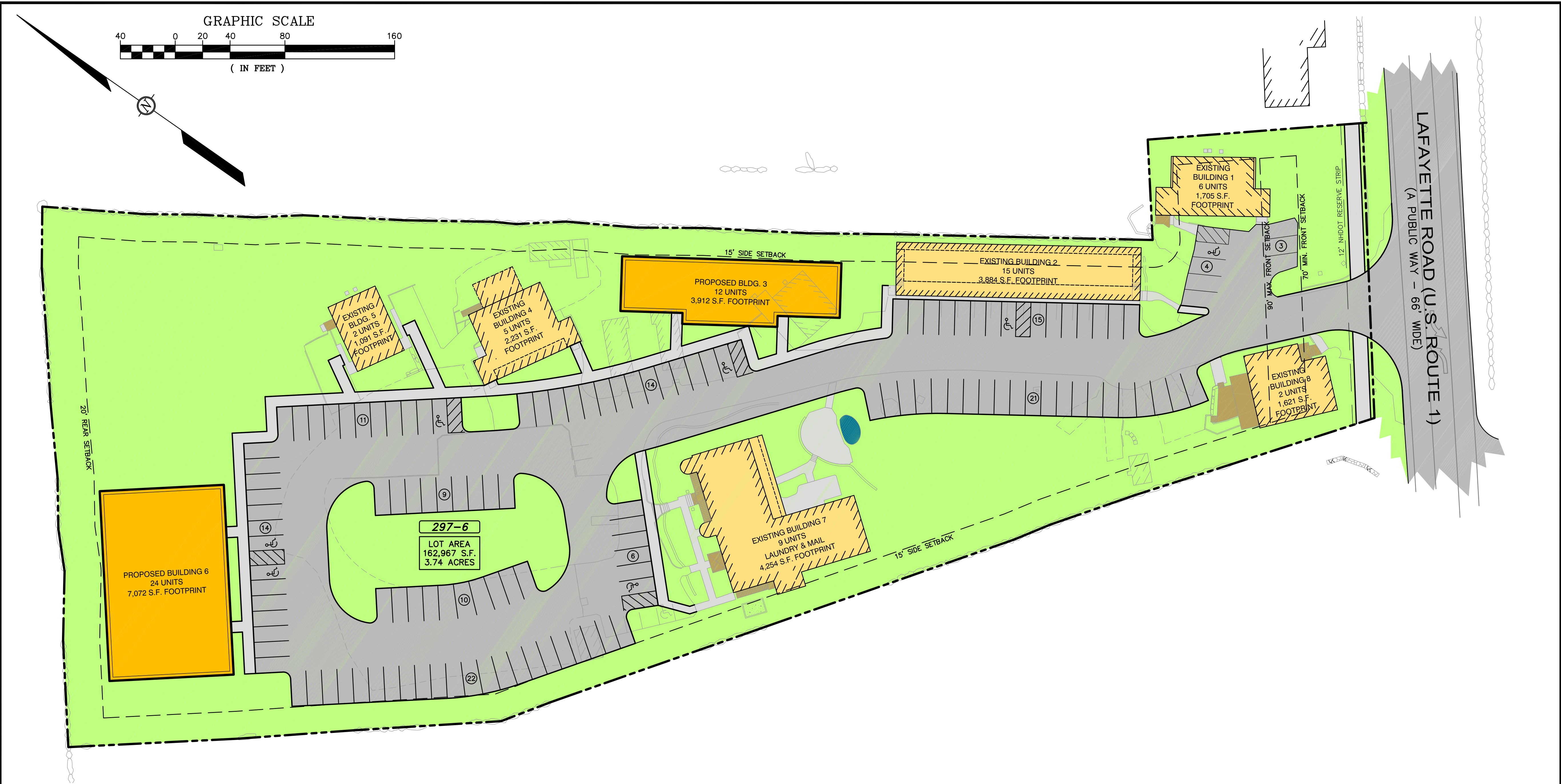
Second, the petitioner argued that the evidence used by the municipality was not sufficient to support a denial of the request. Because the standard of review is deferential, it may only be reversed if no reasonable person could have reached the same decision based upon the available evidence. Here, the court reviewed the decision based upon the use of the property in its entirety, rather than upon each use in isolation. No single factor was dispositive. The fact that the four lots were described in a single deed, and had been taxed as a unit for many years were not sufficient standing alone. However, when coupled with the fact that the primary and accessory buildings had been constructed to work as a unit without regard to lot lines, the evidence was sufficient to affirm the decision of the ZBA.

In this matter of first impression, governing bodies and zoning boards of adjustment now know they should review requests to "unmerge" lots based upon all of the circumstances of actual use of the property, and that the lack of a request to voluntarily merge the lots by a current or former owner will not, standing alone, support such a request.



New Hampshire Municipal Association
25 Triangle Park Dr.
Concord, NH 03301
603.224.7447
nhmainfo@nhmunicipal.org

Contact NHMA
Member Login
Classifieds
Public Notices
Site Map



NOTES

1. DESIGN INTENT – THIS PLAN IS INTENDED TO DEPICT A MULTI-FAMILY "GENERAL RESIDENTIAL DEVELOPMENT SITE" COMPRISED OF MULTIPLE EXISTING AND PROPOSED BUILDINGS TOGETHER WITH ASSOCIATED PARKING AND ACCESSWAYS.

2. THE BASE PLAN USED HERE WAS DEVELOPED FROM "ALTA/ACSM LAND TITLE SURVEY, 3548 LAFAYETTE ROAD, PORTSMOUTH, NH" BY JAMES VERRA AND ASSOCIATES, INC., DATED AUGUST 11, 2011.

3. ZONE: G1 (GATEWAY 1)

4. DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:

MIN. STREET FRONTAGE:

MIN. LOT DEPTH:

FRONT SETBACK:

SIDE SETBACK:

REAR SETBACK:

MAX. BUILDING HEIGHT:

MAX. BUILDING LENGTH:

MAX. BUILDING FOOTPRINT:

MAX. BUILDING COVERAGE:

BUILDING STEPBACK:

BLDG FACADE ORIENTATION:

FRONT LOT LINE BUILDOUT:

DWELLING DENSITY:

DWELLING UNITS PER BLDG:

PERIMETER BUFFER:

MIN. COMMUNITY SPACE:

MIN. OPEN SPACE:

10,000 S.F. (0.23 ACRE) ON DEVELOPMENT SITE
±162,967 S.F. (3.74 AC.) PROVIDED

100' (ON LAFAYETTE ROAD) (161.55' EXISTING)

N/A

70' MIN./90' MAX. (FROM LAFAYETTE ROAD CL)

15'

20'

50' (OR FOUR STORIES)

200'

N/A

50% (15.8%/±25,770 S.F. PROPOSED)

N/A (ROW > 60')

PARALLEL TO FRONT LOT LINE

50% (34.3%/55.4' EXISTING)

20 UNITS/ACRE (GENERAL RESIDENTIAL)

4 MIN./24 MAX.

75' FROM RES, MIXED RES, OR 4-I DISTRICTS

10% (FOR DEVELOPMENT SITE)

20% (50.3%/±81,963 S.F. PROPOSED)

5. ZONING SECTION 10.540 – CONDITIONAL USE PERMIT FROM PLANNING BOARD REQUIRED TO ALLOW A GENERAL RESIDENTIAL DEVELOPMENT SITE.

6. NHDES ALTERATION OF TERRAIN PERMIT REQUIRED IF AREA OF DISTURBANCE OVER 100,000 S.F.

7. COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT REQUIRED IF AREA OF DISTURBANCE OVER 43,560 SF,

8. NHDOT DRIVEWAY PERMIT REQUIRED.

9. DENSITY CALCULATIONS:

GENERAL RESIDENTIAL DEVELOPMENT: 20 DWELLING UNITS / ACRE
3.74 ACRES X 20 = 75 UNITS PERMITTED (75 PROPOSED)

10. UNIT COMPOSITION:

18 STUDIO (RENOVATED)

15 ONE BEDROOM (RENOVATED)

3 TWO BEDROOM (RENOVATED)

36 TWO BEDROOM (NEW)

3 THREE BEDROOM (RENOVATED)

75 TOTAL UNITS

11. PARKING REQUIREMENTS:

DWELLING UNITS: 1.3 SPACES PER DWELLING UNIT OVER 750 S.F.
75 UNITS x 1.3 = 98 SPACES REQUIRED

VISITOR PARKING: 1 SPACE PER 5 DWELLING UNITS
75 UNITS / 5 = 15 SPACES REQUIRED

TOTAL PARKING REQUIRED: 113 SPACES

TOTAL PARKING PROVIDED: 129 SPACES (16 SPACE/14.2% SURPLUS)

12. THE FOLLOWING VARIANCE FROM THE PORTSMOUTH ZONING ORDINANCE IS REQUIRED FOR THIS PROJECT:

SECTION 10.5B53.10 – TO ALLOW NEW BUILDINGS TO BE CONSTRUCTED OUTSIDE THE REQUIRED 70'–90' FRONT BUILDING SETBACK WHERE THE MINIMUM REQUIRED FRONT BUILDOUT IS NOT MET (50% REQUIRED, 34.3% PROVIDED).

P5161

133 Court Street
(603) 433-2335

Portsmouth, NH 03801
www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:
BOARD OF ADJUSTMENT

ISSUE DATE:
APRIL 28, 2021

REVISIONS	NO.	DESCRIPTION	BY	DATE
	0	ZBA	EBS	04/28/21

DRAWN BY: _____ EBS
APPROVED BY: _____ EBS
DRAWING FILE: 5161-ZBA.dwg

SCALE: 22"x34" 1" = 30'
11"x17" 1" = 60'

OWNER/APPLICANT:
MONARCH VILLAGE, LLC
P.O. BOX 365
EAST HAMPSTEAD, NH 03826

PROJECT:
MONARCH VILLAGE
TAX MAP 297 LOT 6
3548 LAFAYETTE ROAD
PORTSMOUTH, NH 03801

TITLE:
BOARD OF ADJUSTMENT
SITE PLAN

SHEET NUMBER:
1 of 1

P5161

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

May 10, 2021

Portsmouth Planning Board
Attn: Dexter Legg
1 Junkins Avenue, Suite 3rd Floor
Portsmouth, NH 03801

**RE: Preliminary Conceptual Application
375 Banfield Road, Portsmouth, NH
Tax Map 266, Lot 7
JBE Project No. 19190.2**

Dear Mr. Legg,

Jones & Beach Engineers, Inc., respectfully submits a Preliminary Conceptual application on behalf of the applicant, Banfield Realty, LLC. The intent of this application is to construct an industrial warehouse and office building with associated grading, drainage and utilities. This project to be served by electric, gas, septic system and municipal water.

The following items are provided in support of this Application:

1. Preliminary Conceptual Application (submitted online).
2. Letter of Authorization.
3. Current Deed.
4. Two (2) Full Size Plan Sets Folded.
5. One (1) Half Size Plan Sets Folded.

If you have any questions or need any additional information, please feel free to contact our office. Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.

Joseph Coronati

Joseph A. Coronati
Vice President

cc: Rob Graham, Banfield Realty, LLC (via email)

F:\CADD\MASTER STANDARD\dwg\JB-LAYOUTS.dwg 3/12/2015 3:27:29 PM EDT

GENERAL LEGEND

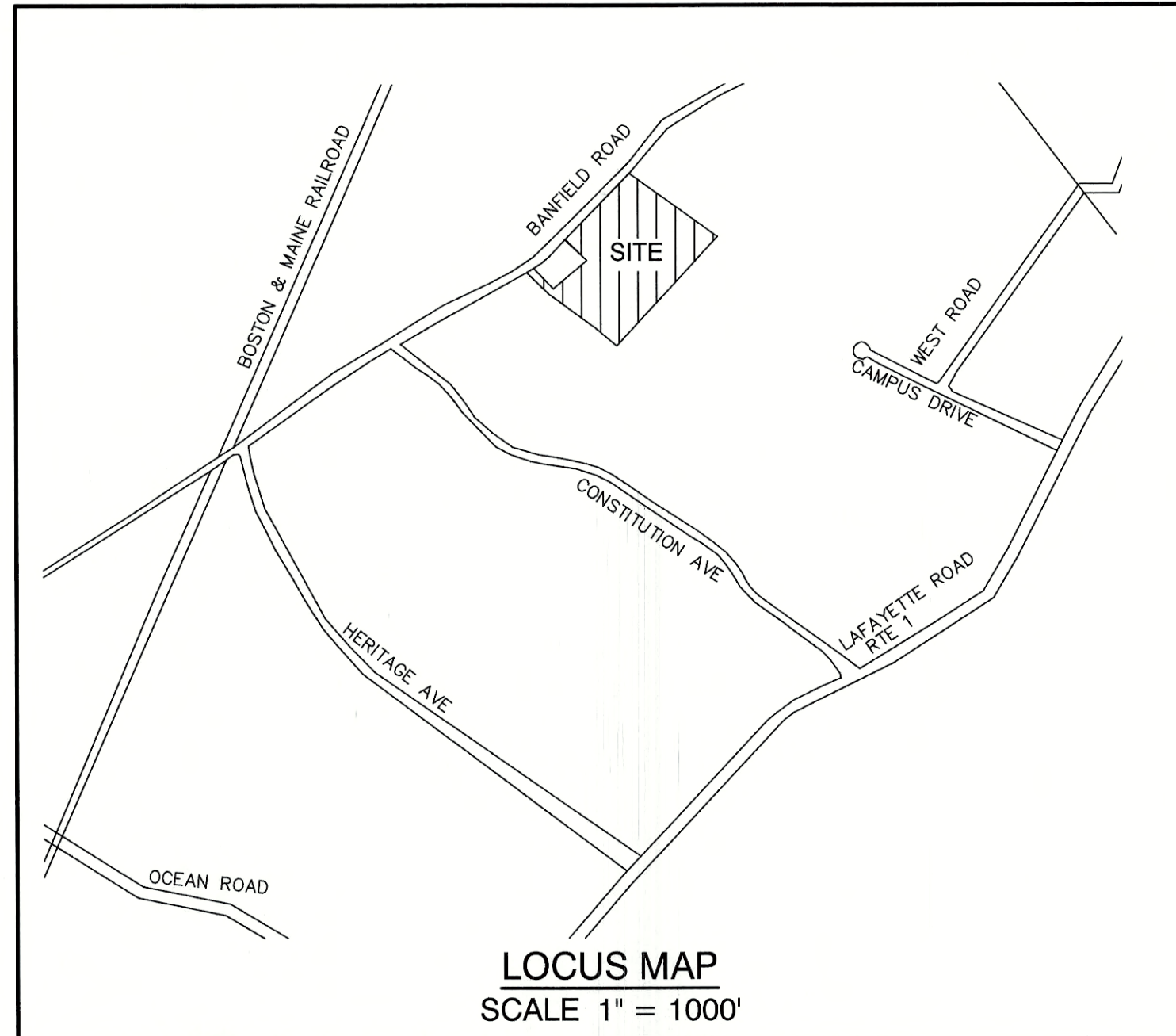
EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINES
---	---	SETBACK LINES
---	---	CENTERLINE
---	---	FRESHWATER WETLANDS LINE
---	---	TIDAL WETLANDS LINE
---	---	STREAM CHANNEL
---	---	TREE LINE
---	---	STONEWALL
---	---	BARBED WIRE
---	---	FENCE
---	---	STOCKADE FENCE
---	---	SOIL BOUNDARY
---	---	AQUIFER PROTECTION LINE
---	---	FLOOD PLAIN LINE
---	---	ZONELINE
---	---	EASEMENT
---	---	MAJOR CONTOUR
---	---	MINOR CONTOUR
---	---	EDGE OF PAVEMENT
---	---	VERTICAL GRANITE CURB
---	---	SLOPE GRANITE CURB
---	---	CAPE COD BERM
---	---	POURED CONCRETE CURB
---	---	SILT FENCE
---	---	DRAINAGE LINE
---	---	SEWER LINE
---	---	SEWER FORCE MAIN
---	---	GAS LINE
---	---	WATER LINE
---	---	WATER SERVICE
---	---	OVERHEAD ELECTRIC
---	---	UNDERGROUND ELECTRIC
---	---	GUARDRAIL
---	---	UNDERDRAIN
---	---	FIRE PROTECTION LINE
---	---	THRUST BLOCK
---	---	IRON PIPE/IRON ROD
---	---	DRILL HOLE
---	---	IRON ROD/DRILL HOLE
---	---	STONE/GRANITE BOUND
---	---	SPOT GRADE
---	---	PAVEMENT SPOT GRADE
---	---	CURB SPOT GRADE
---	---	BENCHMARK (TBM)
---	---	DOUBLE POST SIGN
---	---	SINGLE POST SIGN
---	---	WELL
---	---	TEST PIT
---	---	FAILED TEST PIT
---	---	MONITORING WELL
---	---	PERC TEST
---	---	PHOTO LOCATION
---	---	TREES AND BUSHES
---	---	UTILITY POLE
---	---	LIGHT POLES
---	---	DRAIN MANHOLE
---	---	SEWER MANHOLE
---	---	HYDRANT
---	---	WATER GATE
---	---	WATER SHUT OFF
---	---	REDUCER
---	---	SINGLE GRATE CATCH BASIN
---	---	DOUBLE GRATE CATCH BASIN
---	---	TRANSFORMER
---	---	CULVERT W/WINGWALLS
---	---	CULVERT W/FLARED END SECTION
---	---	CULVERT W/STRAIGHT HEADWALL
---	---	STONE CHECK DAM
---	---	DRAINAGE FLOW DIRECTION
---	---	4K SEPTIC AREA
---	---	WETLAND IMPACT
---	---	VEGETATED FILTER STRIP
---	---	RIPRAP
---	---	OPEN WATER
---	---	FRESHWATER WETLANDS
---	---	TIDAL WETLANDS
---	---	STABILIZED CONSTRUCTION ENTRANCE
---	---	CONCRETE
---	---	GRAVEL
---	---	SNOW STORAGE
---	---	RETAINING WALL

COMMERCIAL SITE PLAN

"INDUSTRIAL WAREHOUSE"

TAX MAP 266, LOT 7

375 BANFIELD ROAD, PORTSMOUTH, NH



SHEET INDEX

CS	COVER SHEET
C1	EXISTING CONDITIONS PLAN
DM1	DEMOLITION PLAN
C2	SITE PLAN
C3	GRADING AND DRAINAGE PLAN
C4	UTILITY PLAN
L1	LANDSCAPE PLAN
L2	LIGHTING PLAN
D1-D7	DETAIL SHEETS
E1	EROSION AND SEDIMENT CONTROL DETAILS
H1-H2	HIGHWAY ACCESS PLAN
T1-T4	TRUCK TURNING PLAN

CIVIL ENGINEER / SURVEYOR
JONES & BEACH ENGINEERS, INC.
85 PORTSMOUTH AVENUE
PO BOX 219
STRATHAM, NH 03885
(603) 772-4746
CONTACT: JOSEPH CORONATI
JCORONATI@JONESANDBEACH.COM

LANDSCAPE DESIGNER
LM LAND DESIGN
11 SOUTH ROAD
BRENTWOOD, NH 03833
CONTACT: LISE MCNAUGHTON
(603) 770-7728
LMLANDDESIGN@GMAIL.COM

ELECTRIC
EVERSOURCE ENERGY
74 OLD DOVER ROAD
ROCHESTER, NH 03867
CONTACT: NICHOLAI KOSKO
(603) 555-5334

TELEPHONE
CONSOLIDATED COMMUNICATIONS
1575 GREENLAND ROAD
GREENLAND, NH 03840
CONTACT: JOE CONSIDINE
(603) 427-5525

CABLE TV
COMCAST COMMUNICATION CORPORATION
334-B CALEF HIGHWAY
EPPING, NH 03402-2325
(603) 679-5695

WETLAND AND SOIL CONSULTANT
GOVE ENVIRONMENTAL SERVICES, INC.
8 CONTINENTAL DRIVE BUILDING 2 UNIT H
EXETER, NH 03833
(603) 778-0644
CONTACT: JAMES GOVE
JGOVE@GESINC.BIZ

PROJECT PARCEL
CITY OF PORTSMOUTH
TAX MAP 266, LOT 7

TOTAL LOT AREA
851,747 S.F.
14.96 ACRES

APPROVED — PORTSMOUTH, NH
PLANNING BOARD

DATE:

Design: JAC	Draft: DJM	Date: 04/21/20
Checked: JAC	Scale: AS NOTED	Project No.: 19190.2
Drawing Name: 19190-PLAN-NEW-LAYOUT.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

10	5/3/21	ISSUED REVISED PLANS FOR REVIEW	DJM
9	3/9/21	REVISED CONCEPTUAL LAYOUT	DJM
8	2/17/21	REVISED PER CITY COMMENTS	DJM
7	1/18/21	REVISED PER CONSERVATION COMMISSION COMMENTS	DJM
6	12/30/20	ISSUED TO PLANNING BOARD	DJM
REV.	DATE	REVISION	BY

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

Civil Engineering Services

603-772-4746
FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	COVER SHEET
Project:	INDUSTRIAL WAREHOUSE 375 BANFIELD ROAD, PORTSMOUTH, NH 03801
Owner of Record:	BANFIELD REALTY LLC 304 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801

DRAWING No.
CS
SHEET 1 OF 23 JBE PROJECT NO. 19190.2

INDUSTRIAL WAREHOUSE PORTSMOUTH, NH
JBE # 19190.2 REVISION 10, 1/3/21

1. "PLAN OF LAND IN PORTSMOUTH, N.H. OWNED BY PEVERLY HILL CORPORATION AND JOHN IAFOLLA COMPANY INC." DATED DECEMBER 1975. PREPARED BY FRANCIS BARRETT. R.C.R.D. 5657.
2. "PLAN OF LAND FOR MICHAEL R. IAFOLLA & FERRIS G. BAVICCHI." DATED MAY 2, 1983. PREPARED BY KIMBALL CHASE COMPANY, INC. R.C.R.D. 11561.


3. "SUBDIVISION PLAN FOR JOHN IAFOLLA COMPANY, INC. PEVERLY HILL ROAD / BANFIELD ROAD, PORTSMOUTH, N.H." DATED OCTOBER 11, 1996. R.C.R.D. 25153.

4. "BOUNDARY PLAN, TAX MAP R66, LOT 4," DATED JUNE 1997. PREPARED BY LITTLE RIVER SURVEY COMPANY. R.C.R.D. 26190.

MAP 256 LOT 2A

DAVID W. ECKER
875 BANFIELD RD
PORTSMOUTH, NH 03801
BK 6091 PG 374

INV. 12" CMP
ELEV.=31.92'



5. "LOT LINE ADJUSTMENT, JOHN IAFOLLA COMPANY, INC. AND CITY OF PORTSMOUTH." DATED NOVEMBER 16, 1997. R.C.R.D. 26202.
6. "LOT LINE REVISION PLAN, CAMPUS DRIVE, BANFIELD & PEVERLY HILL ROADS, PORTSMOUTH, NEW HAMPSHIRE." DATED OCTOBER 24, 2016. PREPARED BY JAMES VERRA AND ASSOCIATES. R.C.R.D. 39897.

MAP 256 LOT 1
T WATER GIRL SCOUT COUNCIL
ONE COMMERCE DR
BEDFORD, NH 03110

THIS MAP PRODUCT IS WITHIN THE TECHNICAL STANDARDS OF THE NATIONAL COOPERATIVE SOIL SURVEY. IT IS A SPECIAL PURPOSE PRODUCT, INTENDED FOR INFILTRATION REQUIREMENTS BY THE NH DES ALTERATION OF TERRAIN BUREAU. IT WAS PRODUCED BY A PROFESSIONAL SOIL SCIENTIST, AND IS NOT A PRODUCT OF THE USDA NATURAL RESOURCES CONSERVATION SERVICE. THERE IS A REPORT THAT ACCOMPANIES THIS MAP.

THE SITE SPECIFIC SOIL SURVEY FIELD WORK WAS CONDUCTED 07-20-2020, AND WAS PREPARED BY JAMES P. GOVE, CSS # 004, GOVE ENVIRONMENTAL SERVICES, INC. THE SURVEY AREA IS LOCATED ON BANFIELD ROAD, PORTSMOUTH, NH.

SOILS WERE IDENTIFIED WITH THE NEW HAMPSHIRE STATE-WIDE NUMERICAL SOILS LEGEND, USDA NRCS, DURHAM, NH. ISSUE # 10, JANUARY 2011. THE NUMERIC LEGEND WAS AMENDED TO IDENTIFY THE CORRECT SOIL COMPONENTS OF THE COMPLEX.

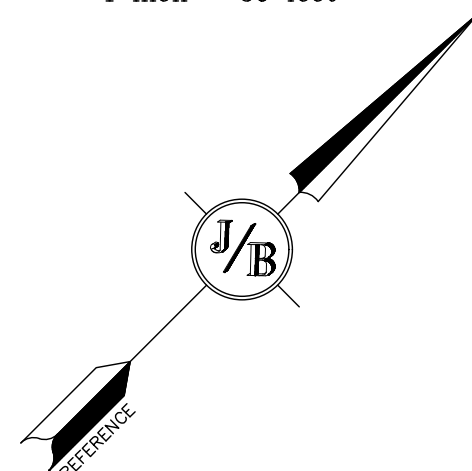
HYDROLOGIC SOIL GROUP FROM KSAT VALUES FOR NEW HAMPSHIRE SOILS, SOCIETY OF SOIL SCIENTISTS OF NEW ENGLAND, SPECIAL PUBLICATION NO. 5, SEPTEMBER, 2009

SSSM SYM.	SSS MAP NAME	HISS SYM.	HYDROLOGIC SOIL GRP
38	ELDRIDGE FSL	343	C
100	UDORTHERENTS, WET SUBSTRATUM	363	C
100H	" " , HYDRIC	563	D
115	SCARBORO MUCK	643	D
400	UDORTHERENTS, GRAVELLY	161	A
510	HOOSIC GSL	111	A
538	SQUAMSCOTT FSL	543	C
599	URBAN LAND - HOOSIC COMPLEX	761/161	D/A
900	ENDOQAQUENTS, GRAVELLY	561	D

FSL = FINE SANDY LOAM, GSL = GRAVELLY SANDY LOAM

SLOPE PHASE:			
0-8%	B	15-25%	D
8-15%	C	25%+	E

(IN FEET)
1 inch = 50 feet



MAP 266 LOT 5
E FOR TOMORROW FOUNDATION
1 STONERIDGE DR
RYE, NH 03870
BK 5783 PG 602

50' RIGHT OF WAY FOR ACCESS
BENEFITS MAP 266 LOT 84
1686 PG 133

THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF LOT 7 AS SHOWN ON PORTSMOUTH TAX MAP 266.

2. ZONING DISTRICT: INDUSTRIAL
LOT AREA MINIMUM = 2 ACRES
LOT FRONTAGE MINIMUM = 200'
BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 70'
SIDE SETBACK = 50'
REAR SETBACK = 50'
WETLAND BUFFER = 100'
MAX. BUILDING HEIGHT = 50'
MIN. OPEN SPACE = 20%

3. THE UTILITY LOCATIONS SHOWN HEREON WERE DETERMINED BY OBSERVED ABOVE GROUND EVIDENCE AND SHOULD BE CONSIDERED APPROXIMATE IN LOCATION ONLY. LOCATION, DEPTH, SIZE, TYPE, EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES AND/OR UNDERGROUND STORAGE TANKS WAS NOT VERIFIED BY THIS SURVEY. ALL CONTRACTORS SHOULD NOTIFY IN WRITING ALL UTILITY COMPANIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION WORK OR CALL DIG-SAFE AT 1-888-DIG-SAFE.

4. THE SUBJECT PARCEL IS NOT LOCATED WITHIN AN AREA HAVING A SPECIAL FLOOD HAZARD AREA DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 33015C0270E, WITH EFFECTIVE DATE OF MAY 17, 2005.

5. BASIS OF BEARING: HORIZONTAL - NAD83 NH STATE PLANE.
VERTICAL - NAVD88.

6. CERTAIN DATA HEREON MAY VARY FROM RECORDED DATA DUE TO DIFFERENCES IN DECLINATION, ORIENTATION, AND METHODS OF MEASUREMENT.

7. ALL BOOK AND PAGE NUMBERS REFER TO THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

8. THE TAX MAP AND LOT NUMBERS ARE BASED ON THE CITY OF PORTSMOUTH TAX RECORDS AND ARE SUBJECT TO CHANGE.

9. RESEARCH WAS PERFORMED AT THE CITY OF PORTSMOUTH ASSESSOR'S OFFICE AND THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

10. THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO RETRACE THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES EXPRESSED, IMPLIED OR PRESCRIPTIVE.

11. ANY USE OF THIS PLAN AND OR ACCOMPANYING DESCRIPTIONS SHOULD BE DONE WITH LEGAL COUNSEL. TO BE CERTAIN THAT TITLES ARE CLEAR, THAT INFORMATION IS CURRENT, AND THAT ANY NECESSARY CERTIFICATES ARE IN PLACE FOR A PARTICULAR CONVEYANCE, OR OTHER USES.

12. THE LIMITS OF JURISDICTIONAL WETLANDS WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES IN MARCH 2020 IN ACCORDANCE WITH THE FOLLOWING GUIDANCE DOCUMENTS:
A. THE CORPUS OF ENGINEERS' FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.
B. THE NORTH CENTRAL & NORTHEAST REGIONAL SUPPLEMENT TO THE FEDERAL MANUAL.
C. THE CURRENT VERSION OF THE FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, AS PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION AND/OR THE CURRENT VERSION OF THE FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, AS PUBLISHED BY THE USDA, NRCS, AS APPROPRIATE.
D. THE CURRENT NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, AS PUBLISHED BY THE US FISH AND WILDLIFE SERVICE.

13. THIS PLAN IS THE RESULT OF A CLOSED TRAVERSE WITH A RAW, UNADJUSTED LINEAR ERROR OF CLOSURE GREATER THAN 1 IN 15,000.

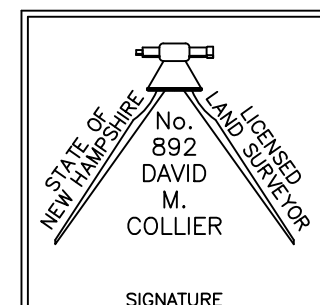
14. SURVEY TIE LINES SHOWN HEREON ARE NOT BOUNDARY LINES. THEY SHOULD ONLY BE USED TO LOCATE THE PARCEL SURVEYED FROM THE FOUND MONUMENTS SHOWN AND LOCATED BY THIS SURVEY.

15. 50 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN RCRD DEED BOOK 1686 PAGE 133 IS FOR ACCESS BY VEHICLE OR ANY OTHER MEANS OF TRANSPORTATION AND BENEFITS LOT 4 AS INDICATED ON TAX MAP 266.

I CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN UNADJUSTED LINEAR ERROR OF CLOSURE THAT EXCEED BOTH THE MINIMUM OF 1:10,000 AS DEFINED IN SECTION 503.04 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES AND THE MINIMUM OF 1:15,000 AS DEFINED IN SECTION 4.2 OF THE N.H.L.S.A. ETHICS AND STANDARDS.

THIS SURVEY CONFORMS TO A CATEGORY 1 CONDITION 1 SURVEY AS DEFINED IN SECTION 4.1 OF THE N.H.L.S.A. ETHICS AND STANDARDS.

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.



DAVID M. COLLIER, LLS 892
ON BEHALF OF JONES & BEACH ENGINEERS, INC.

DATE:

PROJECT PARCEL
CITY OF PORTSMOUTH
TAX MAP 266, LOT 7

TOTAL LOT AREA
651,747 S.F.
14.96 ACRES

Design: JAC	Draft: DJM	Date: 04/21/20
Checked: JAC	Scale: AS-NOTED	Project No.: 19190.2
Drawing Name: 19190-PLAN-NEW-LAYOUT.dwg		
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9	3/9/21	REVISED CONCEPTUAL LAYOUT	DJM
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7	1/18/21	REVISED PER CONSERVATION COMMISSION COMMENTS	DJM
6	12/30/20	ISSUED TO PLANNING BOARD	DJM
REV.	DATE	REVISION	BY

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave. *Civil Engineering Services* 603-772-4746
PO Box 219
Stratham, NH 03885 FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

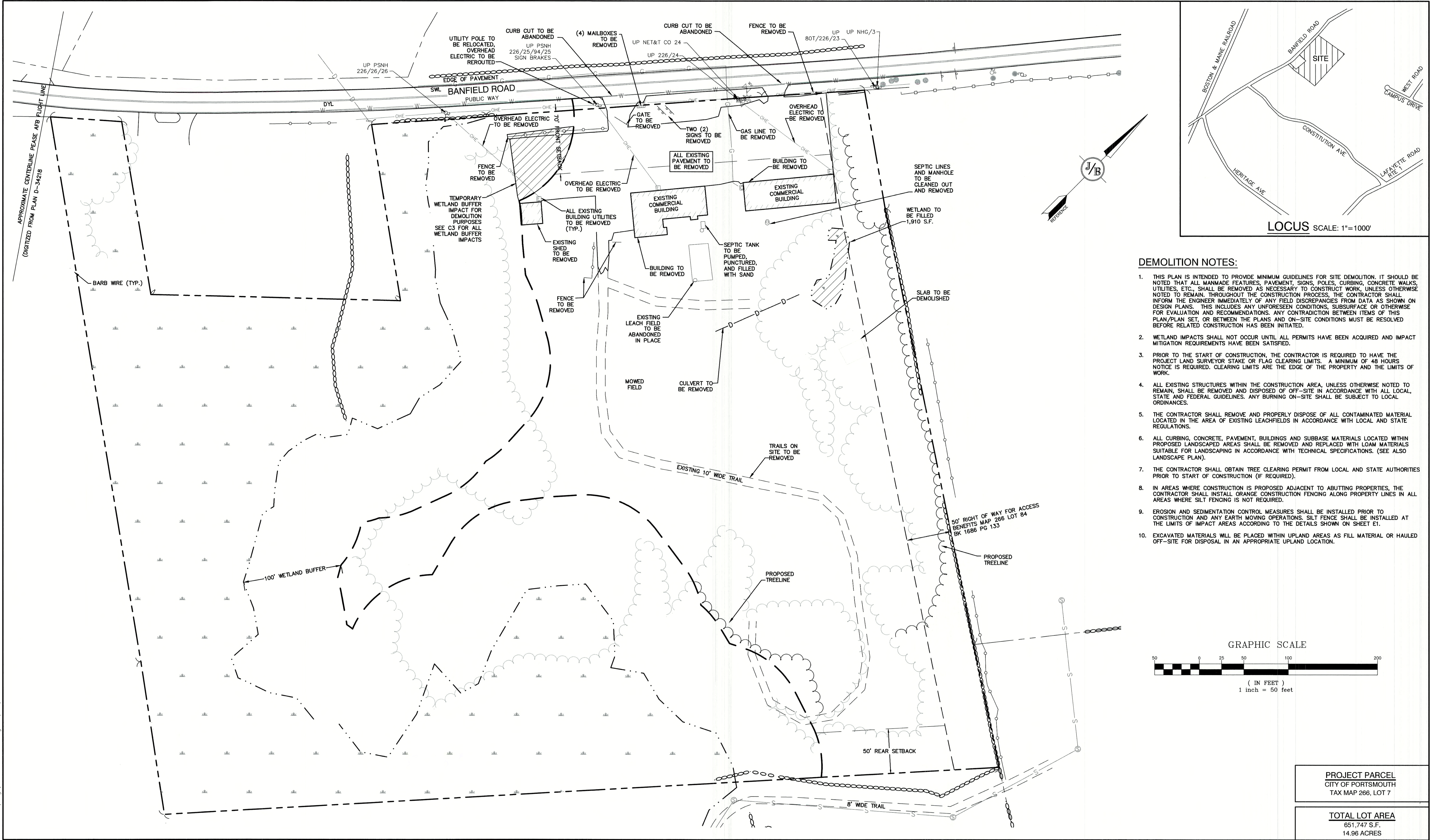
Plan Name:	EXISTING CONDITIONS PLAN
Project:	INDUSTRIAL WAREHOUSE 375 BANFIELD ROAD, PORTSMOUTH, NH 03801
Owner of Record:	BANFIELD REALTY LLC 304 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801

DRAWING No.

C1

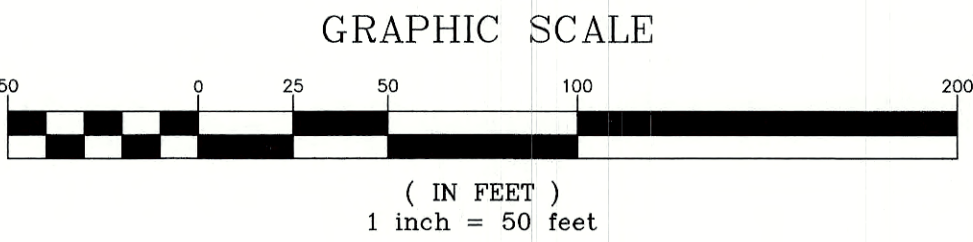
SHEET 2 OF 23

JBE PROJECT NO. 19190.2



DEMOLITION NOTES:

1. THIS PLAN IS INTENDED TO PROVIDE MINIMUM GUIDELINES FOR SITE DEMOLITION. IT SHOULD BE NOTED THAT ALL MANMADE FEATURES, PAVEMENT, SIGNS, POLES, CURBING, CONCRETE WALKS, UTILITIES, ETC., SHALL BE REMOVED AS NECESSARY TO CONSTRUCT WORK, UNLESS OTHERWISE NOTED TO REMAIN. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCIES FROM DATA AS SHOWN ON DESIGN PLANS. THIS INCLUDES ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS OF THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED.
2. WETLAND IMPACTS SHALL NOT OCCUR UNTIL ALL PERMITS HAVE BEEN ACQUIRED AND IMPACT MITIGATION REQUIREMENTS HAVE BEEN SATISFIED.
3. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR IS REQUIRED TO HAVE THE PROJECT LAND SURVEYOR STAKE OR FLAG CLEARING LIMITS. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED. CLEARING LIMITS ARE THE EDGE OF THE PROPERTY AND THE LIMITS OF WORK.
4. ALL EXISTING STRUCTURES WITHIN THE CONSTRUCTION AREA, UNLESS OTHERWISE NOTED TO REMAIN, SHALL BE REMOVED AND DISPOSED OF OFF-SITE IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL GUIDELINES. ANY BURNING ON-SITE SHALL BE SUBJECT TO LOCAL ORDINANCES.
5. THE CONTRACTOR SHALL REMOVE AND PROPERLY DISPOSE OF ALL CONTAMINATED MATERIAL LOCATED IN THE AREA OF EXISTING LEACHFIELDS IN ACCORDANCE WITH LOCAL AND STATE REGULATIONS.
6. ALL CURBING, CONCRETE, PAVEMENT, BUILDINGS AND SUBBASE MATERIALS LOCATED WITHIN PROPOSED LANDSCAPED AREAS SHALL BE REMOVED AND REPLACED WITH LOAM MATERIALS SUITABLE FOR LANDSCAPING IN ACCORDANCE WITH TECHNICAL SPECIFICATIONS. (SEE ALSO LANDSCAPE PLAN).
7. THE CONTRACTOR SHALL OBTAIN TREE CLEARING PERMIT FROM LOCAL AND STATE AUTHORITIES PRIOR TO START OF CONSTRUCTION (IF REQUIRED).
8. IN AREAS WHERE CONSTRUCTION IS PROPOSED ADJACENT TO ABUTTING PROPERTIES, THE CONTRACTOR SHALL INSTALL ORANGE CONSTRUCTION FENCING ALONG PROPERTY LINES IN ALL AREAS WHERE SILT FENCING IS NOT REQUIRED.
9. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO CONSTRUCTION AND ANY EARTH MOVING OPERATIONS. SILT FENCE SHALL BE INSTALLED AT THE LIMITS OF IMPACT AREAS ACCORDING TO THE DETAILS SHOWN ON SHEET E1.
10. EXCAVATED MATERIALS WILL BE PLACED WITHIN UPLAND AREAS AS FILL MATERIAL OR HAULED OFF-SITE FOR DISPOSAL IN AN APPROPRIATE UPLAND LOCATION.



PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 266, LOT 7
TOTAL LOT AREA 651,747 S.F. 14.96 ACRES

Design: JAC	Draft: DJM	Date: 04/21/20
Checked: JAC	Scale: AS-NOTED	Project No.: 19190.2
Drawing Name: 19190-PLAN-NEW-LAYOUT.dwg		
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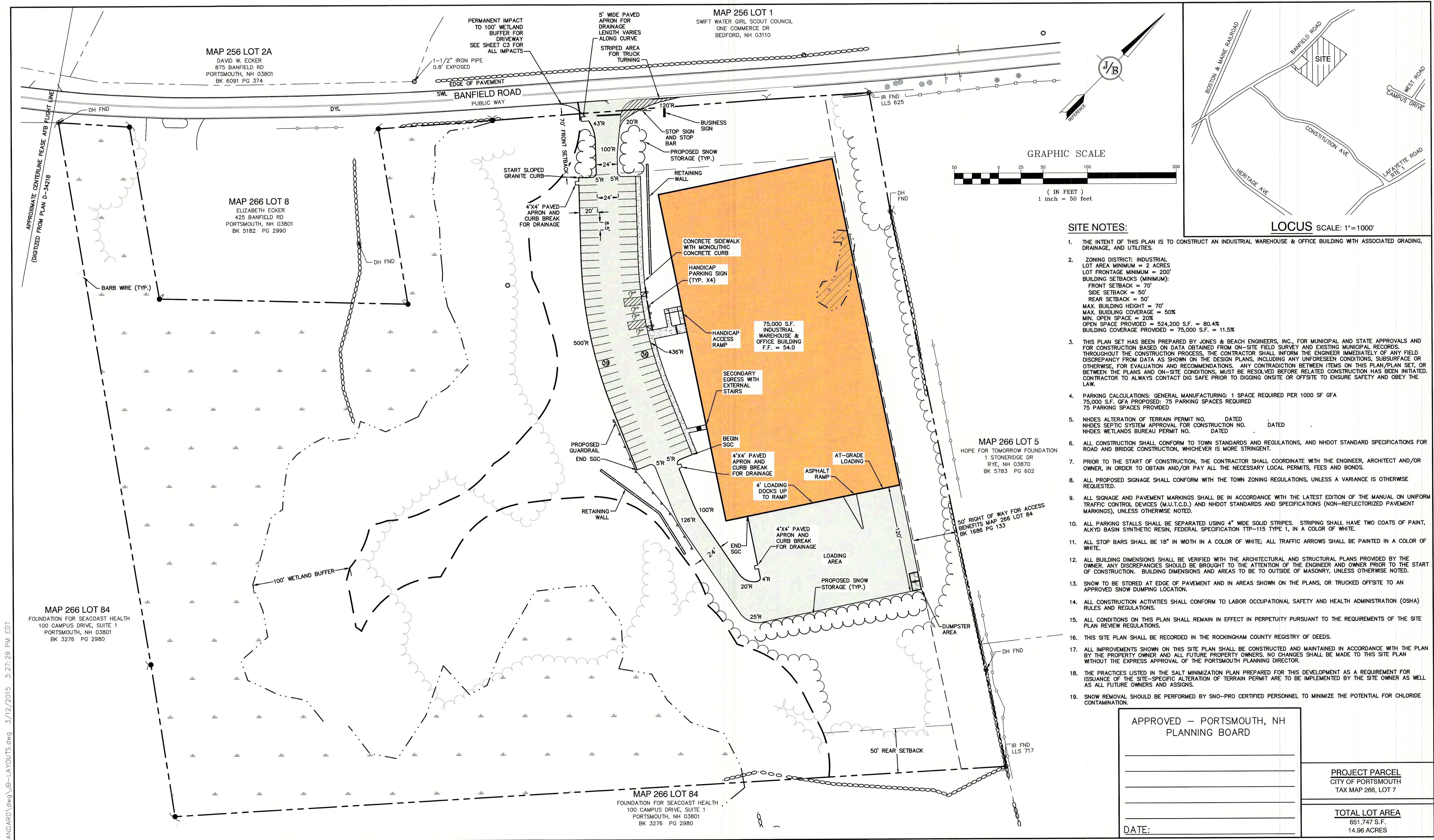
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REV.	DATE	REVISION	BY

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85 Portsmouth Ave.
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Designed and Produced in NH
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Plan Name:	DEMOLITION PLAN
Project:	INDUSTRIAL WAREHOUSE 375 BANFIELD ROAD, PORTSMOUTH, NH 03801
Owner of Record:	BANFIELD REALTY LLC 304 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801

DRAWING No.
DM-1
SHEET 3 OF 23 JBE PROJECT NO. 19190.2



- SITE NOTES:**
- THE INTENT OF THIS PLAN IS TO CONSTRUCT AN INDUSTRIAL WAREHOUSE & OFFICE BUILDING WITH ASSOCIATED GRADING, DRAINAGE, AND UTILITIES.
 - ZONING DISTRICT: INDUSTRIAL
LOT AREA MINIMUM = 2 ACRES
LOT FRONTAGE MINIMUM = 200'
BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 70'
SIDE SETBACK = 50'
REAR SETBACK = 50'
MAX. BUILDING HEIGHT = 70'
MAX. BUILDING COVERAGE = 50%
MIN. OPEN SPACE = 20%
OPEN SPACE PROVIDED = 524,200 S.F. = 80.4%
BUILDING COVERAGE PROVIDED = 75,000 S.F. = 11.5%
 - THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
 - PARKING CALCULATIONS: GENERAL MANUFACTURING: 1 SPACE REQUIRED PER 1000 SF GFA
75,000 S.F. GFA PROPOSED: 75 PARKING SPACES REQUIRED
75 PARKING SPACES PROVIDED
 - NHDES ALTERATION OF TERRAIN PERMIT NO. _____ DATED _____
NHDES SEPTIC SYSTEM APPROVAL FOR CONSTRUCTION NO. _____ DATED _____
NHDES WETLANDS BUREAU PERMIT NO. _____ DATED _____
 - ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
 - PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
 - ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE TOWN ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
 - ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) AND NHDOT STANDARDS AND SPECIFICATIONS (NON-REFLECTORIZED PAVEMENT MARKINGS), UNLESS OTHERWISE NOTED.
 - ALL PARKING STALLS SHALL BE SEPARATED USING 4" WIDE SOLID STRIPES. STRIPING SHALL HAVE TWO COATS OF PAINT, ALKYD BASIN SYNTHETIC RESIN, FEDERAL SPECIFICATION TTP-115 TYPE 1, IN A COLOR OF WHITE.
 - ALL STOP BARS SHALL BE 18" IN WIDTH IN A COLOR OF WHITE; ALL TRAFFIC ARROWS SHALL BE PAINTED IN A COLOR OF WHITE.
 - ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PROVIDED BY THE OWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER PRIOR TO THE START OF CONSTRUCTION. BUILDING DIMENSIONS AND AREAS TO BE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE NOTED.
 - SNOW TO BE STORED AT EDGE OF PAVEMENT AND IN AREAS SHOWN ON THE PLANS, OR TRUCKED OFFSITE TO AN APPROVED SNOW DUMPING LOCATION.
 - ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
 - ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
 - THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
 - ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
 - THE PRACTICES LISTED IN THE SALT MINIMIZATION PLAN PREPARED FOR THIS DEVELOPMENT AS A REQUIREMENT FOR ISSUANCE OF THE SITE-SPECIFIC ALTERATION OF TERRAIN PERMIT ARE TO BE IMPLEMENTED BY THE SITE OWNER AS WELL AS ALL FUTURE OWNERS AND ASSIGNS.
 - SNOW REMOVAL SHOULD BE PERFORMED BY SNO-PRO CERTIFIED PERSONNEL TO MINIMIZE THE POTENTIAL FOR CHLORIDE CONTAMINATION.

APPROVED – PORTSMOUTH, NH
PLANNING BOARD

DATE:

PROJECT PARCEL
CITY OF PORTSMOUTH
TAX MAP 266, LOT 7

TOTAL LOT AREA
651,747 S.F.
14.96 ACRES

Design: JAC	Draft: DJM	Date: 04/21/20
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Drawing Name: 19190-PLAN-NEW-LAYOUT.dwg		
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J/B

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85 Portsmouth Ave.
PO Box 219
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Civil Engineering Services

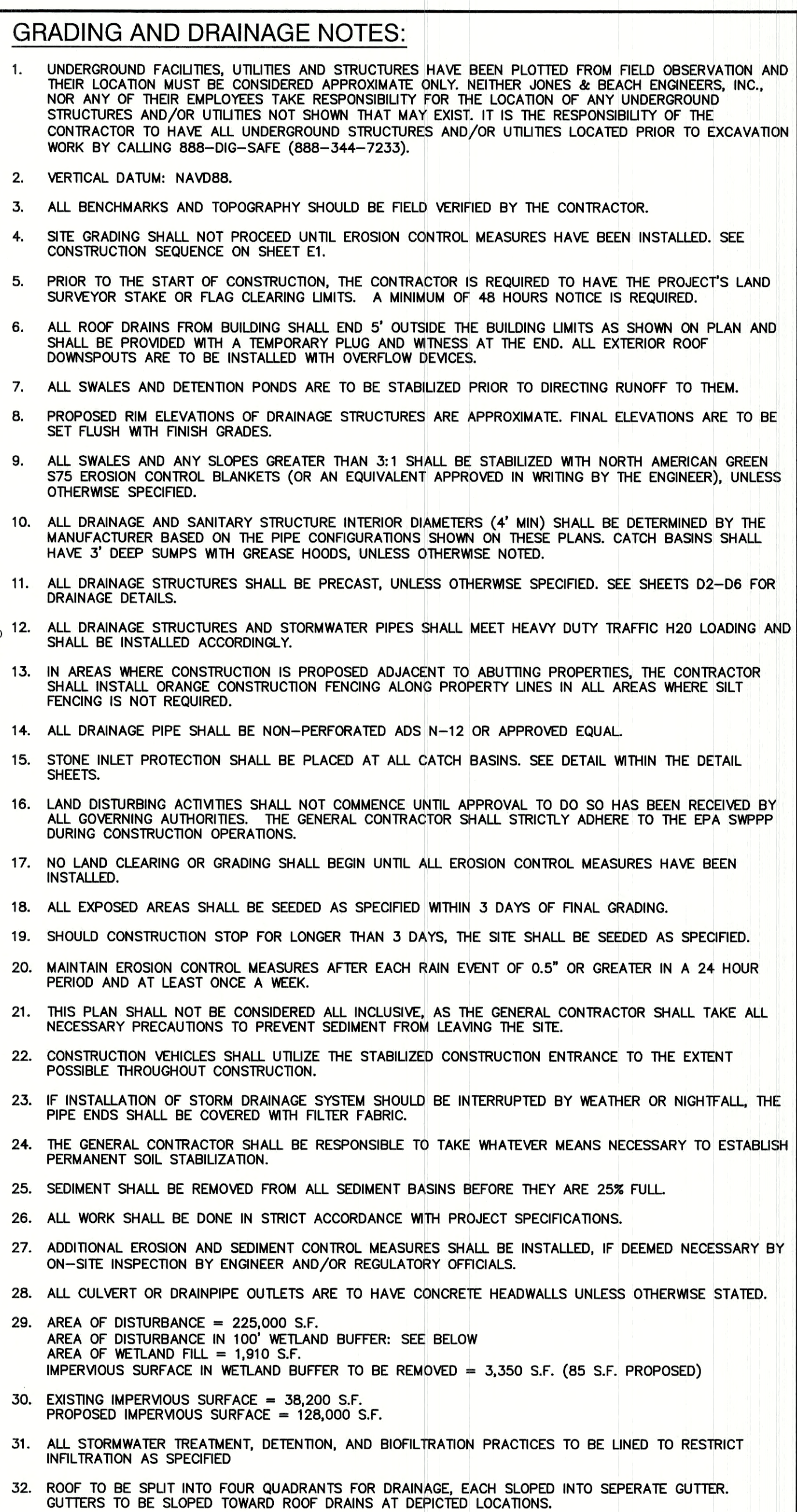
603-772-4746
FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	SITE PLAN
Project:	INDUSTRIAL WAREHOUSE 375 BANFIELD ROAD, PORTSMOUTH, NH 03801
Owner of Record:	BANFIELD REALTY LLC 304 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801



DRAWING No.

C2

SHEET 4 OF 23
JBE PROJECT NO. 19190.2



WETLAND BUFFER IMPACT LEGEND

	= PERMANENT IMPACT (85 S.F. FOR CORNER OF DRIVEWAY)
	= TEMPORARY IMPACT (140 S.F. FOR CORNER OF DRIVEWAY, 2,260 S.F. FOR GEOTEXTILE, UNDERDRAIN & LEVEL SPREADER ON STORMWATER BUFFER, 3,240 S.F. FOR DEMOLITION EXCLUSIVELY, 2,270 S.F. FOR VEGETATED SWALE = 7,910 S.F. TOTAL)

R-TANK SPECS	
TOP OF FILL	>47.07, < 52.41 (20"-84" ALLOWED)
TOP OF STONE COVER	45.41
TOP OF CHAMBER	44.41
BOTTOM OF CHAMBER	37.2
BOTTOM OF STONE BASE	36.95
CHAMBERS PER ROW, SECTION 1	30
# OF ROWS, SECTION 1	43
CHAMBERS PER ROW, SECTION 2	70
# OF ROWS, SECTION 2	20
LENGTH, SECTION 1	74.37'
WIDTH, SECTION 1	60.43'
LENGTH, SECTION 2	168.21'
WIDTH, SECTION 2	30.25'

PROJECT PARCEL
CITY OF PORTSMOUTH
TAX MAP 266, LOT 7

TOTAL LOT AREA
651,747 S.F.
14.96 ACRES

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Stratham, NH 03885 FAX: 603-772-0227
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Plan Name:	GRADING AND DRAINAGE PLAN		
Project:	INDUSTRIAL WAREHOUSE 375 BANFIELD ROAD, PORTSMOUTH, NH 03801		
Owner of Record:	BANFIELD REALTY LLC 304 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801		

DRAWING No.

C3

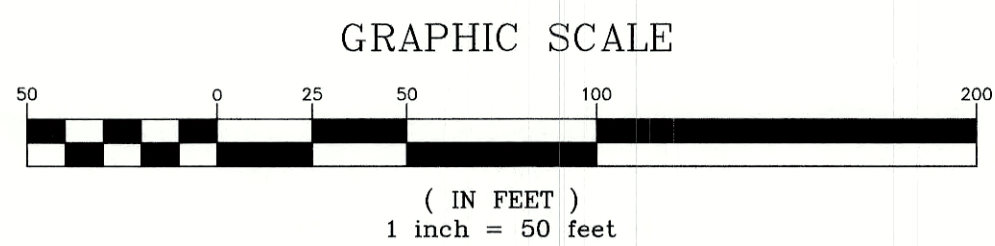
SHEET 5 OF 23
JBE PROJECT NO. 19190.2

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UTILITY NOTES:

- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, CONNECTION FEES AND BONDS.
- THE CONTRACTOR SHALL PROVIDE A MINIMUM NOTICE OF FOURTEEN (14) DAYS TO ALL CORPORATIONS, COMPANIES AND/OR LOCAL AUTHORITIES OWNING OR HAVING A JURISDICTION OVER UTILITIES RUNNING TO, THROUGH OR ACROSS PROJECT AREAS PRIOR TO DEMOLITION AND/OR CONSTRUCTION ACTIVITIES.
- THE LOCATION, SIZE, DEPTH AND SPECIFICATIONS FOR CONSTRUCTION OF PROPOSED PRIVATE UTILITY SERVICES SHALL BE TO THE STANDARDS AND REQUIREMENTS OF THE RESPECTIVE UTILITY COMPANY (ELECTRIC, TELEPHONE, CABLE TELEVISION, FIRE ALARM, GAS, WATER, AND SEWER).
- A PRECONSTRUCTION MEETING SHALL BE HELD WITH THE OWNER, ENGINEER, ARCHITECT, CONTRACTOR, LOCAL OFFICIALS, AND ALL PROJECT-RELATED UTILITY COMPANIES (PUBLIC AND PRIVATE) PRIOR TO START OF CONSTRUCTION.
- ALL CONSTRUCTION SHALL CONFORM TO THE TOWN STANDARDS AND REGULATIONS, AND NHDES STANDARDS AND SPECIFICATIONS, WHICHEVER ARE MORE STRINGENT, UNLESS OTHERWISE SPECIFIED.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
- BUILDING TO BE SERVICED BY UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS TO VERIFY LOCATION AND DEPTH OF ALL EXISTING UTILITY STUBS PRIOR TO CONSTRUCTION AND DISCONNECT ALL EXISTING SERVICE CONNECTIONS AT THEIR RESPECTIVE MAINS IN ACCORDANCE WITH THE RESPECTIVE UTILITY COMPANY'S STANDARDS AND SPECIFICATIONS. ENGINEER TO BE NOTIFIED.
- AS-BUILT PLANS SHALL BE SUBMITTED TO DEPARTMENT OF PUBLIC WORKS.
- INVERTS AND SHELVES: MANHOLES SHALL HAVE A BRICK PAVED SHELF AND INVERT, CONSTRUCTED TO CONFORM TO THE SIZE OF PIPE AND FLOW AT CHANGES IN DIRECTION. THE INVERTS SHALL BE LAID OUT IN CURVES OF THE LONGEST RADIUS POSSIBLE TANGENT TO THE CENTER LINE OF THE SEWER PIPES. SHELVES SHALL BE CONSTRUCTED TO THE ELEVATION OF THE THROUGH CHANNEL UNDERLAYMENT OF INVERT, AND SHELF SHALL CONSIST OF BRICK MASONRY.
- FRAMES AND COVERS: MANHOLE FRAMES AND COVERS SHALL BE OF HEAVY DUTY DESIGN AND PROVIDE A 30 INCH DIA. CLEAR OPENING. THE WORD "SEWER" OR "DRAIN" SHALL BE CAST INTO THE CENTER OF THE UPPER FACE OF EACH COVER WITH RAISED, 3" LETTERS.
- SHALLOW MANHOLE: IN LIEU OF A CONE SECTION, WHEN MANHOLE DEPTH IS LESS THAN 6 FEET, A REINFORCED CONCRETE SLAB COVER MAY BE USED HAVING AN ECCENTRIC ENTRANCE OPENING AND CAPABLE OF SUPPORTING H20 LOADS.
- CONTRACTOR SHALL PLACE 2" WIDE METAL WIRE IMPREGNATED RED PLASTIC WARNING TAPE OVER ENTIRE LENGTH OF ALL GRAVITY SEWERS, SERVICES, AND FORCE MAINS.
- PROPOSED RIM ELEVATIONS OF DRAINAGE AND SANITARY MANHOLES ARE APPROXIMATE. FINAL ELEVATIONS ARE TO BE SET FLUSH WITH FINISH GRADES. ADJUST ALL OTHER RIM ELEVATIONS OF MANHOLES, WATER GATES, GAS GATES AND OTHER UTILITIES TO FINISH GRADE AS SHOWN ON THE GRADING AND DRAINAGE PLAN.
- ALL WATER MAINS AND SERVICE PIPES SHALL HAVE A MINIMUM 12" VERTICAL AND 24" HORIZONTAL SEPARATION TO MANHOLES, OR CONTRACTOR SHALL INSTALL BOARD INSULATION FOR FREEZING PROTECTION.
- WATER MAINS SHALL BE HYDROSTATICALLY PRESSURE TESTED FOR LEAKAGE PRIOR TO ACCEPTANCE. WATERMAINS SHALL BE TESTED AT 1.5 TIMES THE WORKING PRESSURE OR 150 PSI, WHICHEVER IS GREATER. TESTING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 4 OF AWWA STANDARD C 600. WATERMAINS SHALL BE DISINFECTED AFTER THE ACCEPTANCE OF THE PRESSURE AND LEAKAGE TESTS ACCORDING TO AWWA STANDARD C 651.
- ALL WATER AND SANITARY LEADS TO BUILDING(S) SHALL END 5' OUTSIDE THE BUILDING LIMITS AS SHOWN ON PLANS AND SHALL BE PROVIDED WITH A TEMPORARY PLUG AND WITNESS AT END.
- IF THE BUILDING IS REQUIRED TO HAVE A SPRINKLER SYSTEM, A PRECONSTRUCTION MEETING SHALL BE HELD BETWEEN THE CONTRACTOR, OWNER, ARCHITECT AND THE LOCAL FIRE DEPARTMENT PRIOR TO THE INSTALLATION.
- THRUST BLOCKS SHALL BE PROVIDED AT ALL BENDS, TEES, MECHANICAL JOINTS AND FIRE HYDRANTS.
- DIMENSIONS ARE SHOWN TO CENTERLINE OF PIPE OR FITTING.
- THE CONTRACTOR SHALL HAVE THE APPROVAL OF ALL GOVERNING AGENCIES HAVING JURISDICTION OVER FIRE PROTECTION SYSTEM PRIOR TO INSTALLATION.
- CONTRACTOR TO FURNISH SHOP DRAWINGS FOR UTILITY RELATED ITEMS TO ENSURE CONFORMANCE WITH THE PLANS AND SPECIFICATIONS. SHOP DRAWINGS SHOULD BE SENT IN TRIPLICATE TO THE DESIGN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
- EXISTING UTILITIES SHALL BE DIGSAFED BEFORE CONSTRUCTION.
- ALL WATER LINES SHOULD HAVE TESTABLE BACKFLOW PREVENTERS AT THE ENTRANCE TO EACH BUILDING.
- ALL WATER AND SANITARY LEADS TO BUILDING(S) SHALL END AT RIGHT OF WAY AS SHOWN ON PLANS AND SHALL BE PROVIDED WITH A TEMPORARY PLUG AND WITNESS AT END.
- LIGHTING CONDUIT SHALL BE SCHEDULE 40 PVC, AND SHALL BE INSTALLED IN CONFORMANCE WITH THE NATIONAL ELECTRIC CODE. CONTRACTOR SHALL PROVIDE EXCAVATION AND BACKFILL.
- ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.



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J/B Jones & Beach Engineers, Inc.

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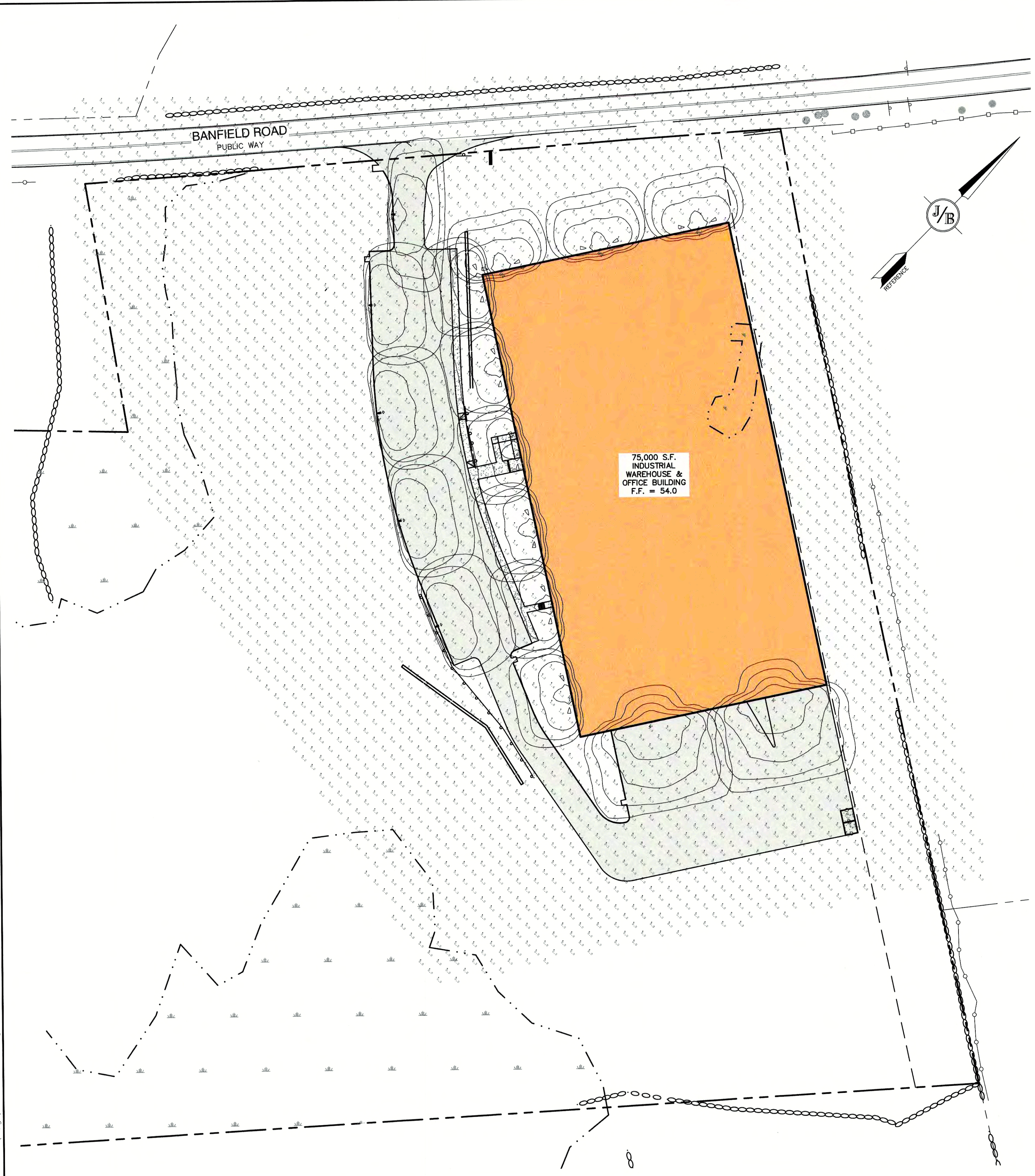
Civil Engineering Services

603-772-4746
FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	UTILITY PLAN
Project:	INDUSTRIAL WAREHOUSE 375 BANFIELD ROAD, PORTSMOUTH, NH 03801
Owner of Record:	BANFIELD REALTY LLC 304 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801

DRAWING No.	C4
SHEET 6 OF 23 JBE PROJECT NO. 19190.2	

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Design: JAC	Draft: DJM	Date: 04/21/20
Checked: JAC	Scale: AS-NOTED	Project No.: 19190.2
Drawing Name: 19190-PLAN-NEW-LAYOUT.dwg		
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10	5/3/21	ISSUED REVISED PLANS FOR REVIEW	DJM
9	3/9/21	REVISED CONCEPTUAL LAYOUT	DJM
8	2/17/21	REVISED PER CITY COMMENTS	DJM
7	1/18/21	REVISED PER CONSERVATION COMMISSION COMMENTS	DJM
6	12/30/20	ISSUED TO PLANNING BOARD	DJM
REV.	DATE	REVISION	BY

J/B

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Designed and Produced in NH
Civil Engineering Services

Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
	1	S3	SINGLE	GLEON-AF-01-LED-E1-SL3-HSS/ SSS4A20SFN1 (20' AFG)
	4	S4	SINGLE	GLEON-AF-01-LED-E1-SL4-HSS/ SSS4A20SFN1 (20' AFG)
	2	W	SINGLE	GWC-AF-02-LED-E1-T4FT/ WALL MTD 20' AFG
	9	W4	SINGLE	GWC-AF-01-LED-E1-SL4-600/ WALL MTD 15' AFG

McGraw-Edison

DESCRIPTION

The Galleon™ LED Luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high-efficiency AccuLED Optics™ system provides uniform and energy conscious illumination to walkways, parking lots, roadways, building areas and security lighting applications. IP68 rated and UL/cUL Listed for wet locations.

SPECIFICATION FEATURES

Construction
Extruded aluminum driver enclosure thermally isolated from Light Squares for optimal thermal performance. Heavy-wall, die-cast aluminum and caps enclose housing and die-cast aluminum heat sinks. A unique, patent pending interlocking housing and heat sink provides scalability with superior structural rigidity. 3G vibration tested and rated. Optional tool-less hardware available for ease of entry into electrical chamber. Housing is IP68 rated.

Optics
Patented, high-efficiency injection-molded AccuLED Optics technology. Optics are precisely designed to shape the distribution maximizing efficiency and application spacing. AccuLED Optics create consistent distributions with the scalability to meet customized application requirements. Offered standard in 4000K (+/- 275K) CCT 70 CRI. Optional 3000K, 5000K and 6000K CCT.

Electrical
LED drivers are mounted to removable tray assembly for ease of maintenance. 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. Standard with 0-10V dimming. Shipped standard with Eaton proprietary circuit module designed to withstand 10kV of transient line surge. The Galleon LED luminaire is suitable for operation in -40°C to 40°C ambient environments. For applications with ambient temperatures exceeding 40°C, specify the HA (High Ambient) option. Light Squares are IP68 rated. Greater than 90% lumen maintenance expected at 50,000 hours. Available in standard 1A drive current and optional 600mA, 800mA and 1200mA drive currents (nominal).

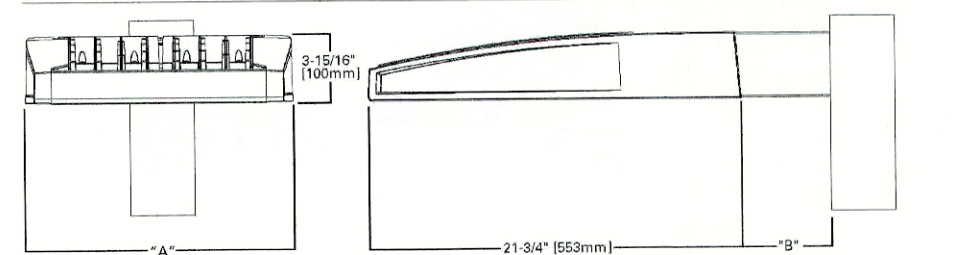
Mounting
STANDARD ARM MOUNT:
Extruded aluminum arm includes internal bolt guides allowing for easy positioning of fixture during mounting. When mounting two or more luminaires at 90° and 120° apart, the EA extended arm may be required. Refer to the

arm mounting requirement table. Round pole adapter included. For wall mounting, specify wall mount bracket option. **QUICK MOUNT ARM:** Adapter is bolted directly to the pole. Quick mount arm slide into place on the adapter and is secured via two screws, facilitating quick and easy installation. The versatile, patent pending, quick mount arm accommodates multiple drill patterns ranging from 1-1/2" to 4-7/8". Removal of the door on the quick mount arm enables wiring of the fixture without having to access the driver compartment. A knock-out enables round pole mounting.

Finish
Housing finished in super durable TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Heat sink is powder coated black. Standard housing colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available.

Warranty
Five-year warranty.

DIMENSIONS



DIMENSION DATA

Number of Light Squares	"A" Width	"B" Standard Arm Length	"B" Optional Arm Length	Weight with Arm (lbs.)	EPA with Arm (Ft.)
1-4	15-1/2" (394mm)	7" (178mm)	10" (254mm)	33 (15.0 kg)	0.96
5-6	21-5/8" (549mm)	7" (178mm)	10" (254mm)	44 (20.0 kg)	1.00
7-8	27-5/8" (702mm)	7" (178mm)	13" (330mm)	54 (24.5 kg)	1.07
9-10	33-3/4" (857mm)	7" (178mm)	16" (406mm)	63 (28.6 kg)	1.12

NOTE: "B" Optional arm lengths to be used when mounting two fixtures at 90° on a single pole. EPA calculated with optional arm length.



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CERTIFICATION DATA
UL/cUL Wet Location Listed
ISO 9001
LMV/ LMS Compliant
35V Harmonic Rated
IP68 Rated
DesignLights Consortium® Qualified*

ENERGY DATA
Electronic LED Driver
≥4.8 Power Factor
≤20% Total Harmonic Distortion
120V-277V 50/60Hz
347V & 480V 60Hz
40°C Min. Temperature
40°C Max. Temperature
50°C Max. Temperature (HA Option)

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LIGHTING AND ELECTRICAL NOTES:

- SITE ELECTRICAL CONTRACTOR SHALL COORDINATE LOCATION OF EASEMENTS, UNDERGROUND UTILITIES AND DRAINAGE BEFORE DRILLING POLE BASES.
- CONTRACTOR SHALL INSTALL PROPOSED LIGHT POLES ACCORDING TO TOWN REGULATIONS.
- ALL OUTDOOR LIGHTING SYSTEMS SHALL BE EQUIPPED WITH TIMERS TO REDUCE ILLUMINATION LEVELS TO NON-OPERATIONAL VALUES PER TOWN REGULATIONS.
- LIGHTING CONDUIT SHALL BE SCHEDULE 40 PVC, AND SHALL BE INSTALLED IN CONFORMANCE WITH THE NATIONAL ELECTRICAL CODE. CONTRACTOR SHALL PROVIDE EXCAVATION AND BACKFILL.
- ILLUMINATION READINGS SHOWN ARE BASED ON A TOTAL LLF OF 0.75 AT GRADE. ILLUMINATION READINGS SHOWN ARE IN UNITS OF FOOT-CANDELS.
- LIGHTING CALCULATIONS SHOWN ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM AND SAFETY.
- ALL LIGHTING FIXTURES SHALL BE FULL CUT-OFF DARK-SKY COMPLIANT, UNLESS OTHERWISE NOTED.
- NL INDICATES THAT THIS LUMINAIRE SHALL BE ON A NIGHT LIGHT CIRCUIT. FL INDICATES THAT THIS LUMINAIRE SHALL BE A FLOOD LIGHT FIXTURE. MOUNTING BRACKET FOR THIS FL FIXTURE SHALL BE MOUNTED 25' ABOVE BOTTOM OF POLE BASE FOR ALL LIGHT POLES. THESE DESIGNATIONS INDICATE WHAT PHASE LIGHTS ARE WIRED TO (TYP).
- THE PROPOSED LIGHTING CALCULATIONS AND DESIGN WAS PERFORMED BY CHARRON, INC., P.O. BOX 4550, MANCHESTER, NH 03108, ATTENTION KEN SWEENEY. ALL LIGHTS SHOULD BE PURCHASED FROM THIS COMPANY OR ONE OF THEIR SUPPLIERS, OR AN EQUAL LIGHTING DESIGN SHOULD BE SUBMITTED FOR REVIEW IF EQUAL SUBSTITUTIONS ARE PROPOSED BY THE CONTRACTOR OR OWNER.

McGraw-Edison

Catalog #	Type
Project	Date
Comments	
Prepared by	

DESCRIPTION

The Galleon™ Wall LED luminaire's appearance is complementary with the Galleon area and site luminaire bringing a modern architectural style to lighting applications. Flexible mounting options accommodate wall surfaces in both an upward and downward configuration. The Galleon family of LED products deliver exceptional performance with patented, high-efficiency AccuLED Optics™, providing uniform and energy conscious lighting for parking lots, building and security lighting applications.

SPECIFICATION FEATURES

Construction
Driver enclosure thermally isolated from optics for optimal thermal performance. Heavy wall aluminum housing die-cast with integral external heat sinks to provide superior structural rigidity and an IP68 rated housing. Overall construction passes a 1.5G vibration test to ensure mechanical integrity. UPLIGHTING: Specify with the UPL option for inverted mount upright housing with additional protections to maintain IP rating.

Optics
Choice of thirteen patented, high-efficiency AccuLED Optics. The optics are precisely designed to shape the distribution maximizing efficiency and application spacing. AccuLED Optics create consistent distributions with the scalability to meet customized application requirements. Offered standard in 4000K (+/- 275K) CCT and minimum 70 CRI. Optional 3000K, 5000K and 6000K CCT. Greater than 90%

lumen maintenance expected at 50,000 hours. Available in standard 1A drive current and optional 600mA, 800mA, and 1200mA drive currents.

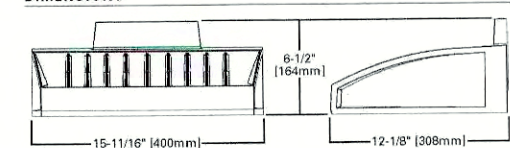
Electrical
LED drivers are mounted for ease of maintenance. 120-277V 50/60Hz, 347V or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. Drivers are provided standard with 0-10V dimming. An optional Eaton proprietary surge protection module is available and designed to withstand 10kV of transient line surge. The Galleon Wall LED luminaire is suitable for operation in -40°C to 40°C ambient environments. For applications with ambient temperatures exceeding 40°C, specify the HA (High Ambient) option. Emergency egress options for 30°C ambient environments and occupancy sensor available.

Mounting
Galvanized and zinc plated rigid steel mounting attachment fits directly to 4" x 4" or wall with the Galleon Wall "Hook-N-Lock" mechanism for quick installation. Secured with two captive corrosion resistant black oxide coated allen head set screws which are concealed but accessible from bottom of fixture.

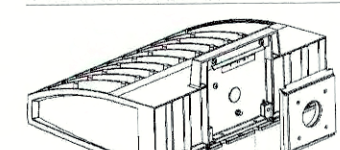
Finish
Housing finished in super durable TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult the McGraw-Edison Architectural Colors brochure for the complete selection.

Warranty
Five-year warranty.

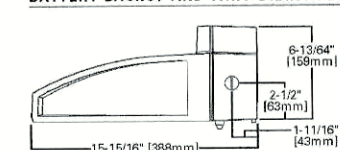
DIMENSIONS



HOOK-N-LOCK MOUNTING



BATTERY BACKUP AND THRU-BRANCH BACK BOX



*www.designlights.org



CERTIFICATION DATA
UL/cUL Wet Location Listed
ISO 9001
LMV/ LMS Compliant
IP68 Rated
DesignLights Consortium® Qualified*

ENERGY DATA
Electronic LED Driver
≥4.8 Power Factor
≤20% Total Harmonic Distortion
120-277V 50/60Hz & 347V-480V 60Hz
40°C Minimum Temperature
40°C Ambient Temperature Rating

SHIPPING DATA
Approximate Net Weight:
27 lbs. (12.2 kg)

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*www.designlights.org

Plan Name:	LIGHTING PLAN
Project:	INDUSTRIAL WAREHOUSE 375 BANFIELD ROAD, PORTSMOUTH, NH 03801
Owner of Record:	BANFIELD REALTY LLC 304 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801

DRAWING No.

L2

SHEET 8 OF 23
JBE PROJECT NO. 19190.2