

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: JUNE 2, 2022

TO: BEVERLY MESA ZENDT, PLANNING DIRECTOR
STEFANIE CASELLA, PLANNER

FROM: TREVOR P. MCCOURT, STAFF ATTORNEY

RE: ALBANY STREET RIGHT OF WAY
PLANNING BOARD RECOMMENDATION

Albany Street currently exists as a private way stretching between Brewery Lane and Chevrolet Avenue. Approximately half of this private way is on 89 Brewery Lane, owned by Greengard Center for Autism, and the remaining portion is located on 95 Brewery Lane, which is owned by Malt House Exchange.

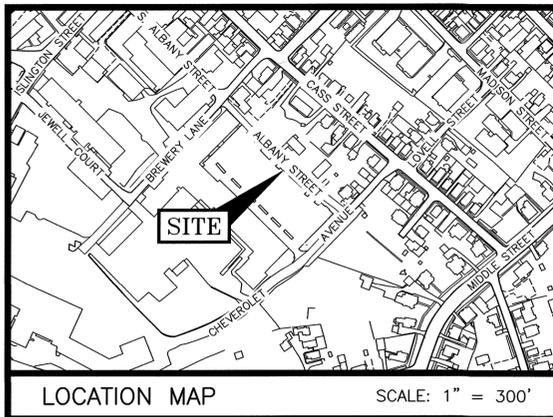
On July 23, 2018, the Planning Board voted to grant site plan approval for a two-story assisted living home at 89 Brewery Lane. As a part of that vote, and as a condition subsequent, the Planning Board stipulated that the owners of 89 Brewery Lane convey to the City a right of way easement over their portion of Albany Street to the City. Following this vote, and in the spirit of carrying out the intent of the Planning Board, City staff approached Malt House Exchange, owners of 95 Brewery Lane, regarding conveyance of the remainder of Albany Street.

Gary and Zach Dziama, Trustees of the Malt House Exchange, have agreed to grant the City a right of way easement over their portion of Albany Street. Ambit Engineering has prepared the attached easement plan for the City, which depicts the proposed right of way easement area.

The form and substance of this easement has been reviewed by the legal and public works departments, and both departments recommend acceptance of a right of way easement deed for Albany Street.

Attachment

cc: Jane Ferrini, Assistant City Attorney
Dave Desfosses



LEGEND:

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

LENGTH TABLE

LINE	BEARING	DISTANCE
L7	N43°50'38"E	513.40'
L8	N49°54'22"W	19.20'
L9	S43°50'38"W	95.00'
L10	N45°00'22"W	174.00'
L11	S44°59'38"W	45.07'
L12	N45°00'22"W	332.33'

SEE RCRD PLAN D-6135 FOR ENTIRE BOUNDARY

146/27

N/F
MALT HOUSE EXCHANGE REALTY TRUST
GARY DZIAMA & ZACHARY DZIAMA CO-TRUSTEES
95 BREWERY LANE
PORTSMOUTH, NH 03801
2870-1763
D-6135

PLAN REFERENCES:

- PROPOSED EASEMENT PLAN CHEVROLET AVENUE OVER LAND OF: MALT HOUSE EXCHANGE REALTY TRUST TO BENEFIT THE CITY OF PORTSMOUTH LOCATION: CHEVROLET AVENUE CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED DECEMBER 2020., RCRD D-42891
- TAX MAP 146 LOT 26 RIGHT OF WAY PLAN GREENGARD RESIDENCE 89 BREWERY LANE PORTSMOUTH, NEW HAMPSHIRE COUNTY OF ROCKINGHAM OWNER OF RECORD GREENGARD CENTER FOR AUTISM PREPARED BY TF MORAN DATED AUGUST 17, 2021, NOT RECORDED

146/26
N/F
GREENGARD CENTER FOR AUTISM
95 BREWERY LANE PORTSMOUTH, NH 03801
6037/237
D-41095

146/18
N/F
CHEVROLET AVENUE CONDOMINIUMS
149 CASS STREET
PORTSMOUTH, NH 03801
4665/1217
D-33836

147/18-2
N/F
CATHERINE R. WHELAN
PO BOX 235
NEW CASTLE, NH 03854
4798/125



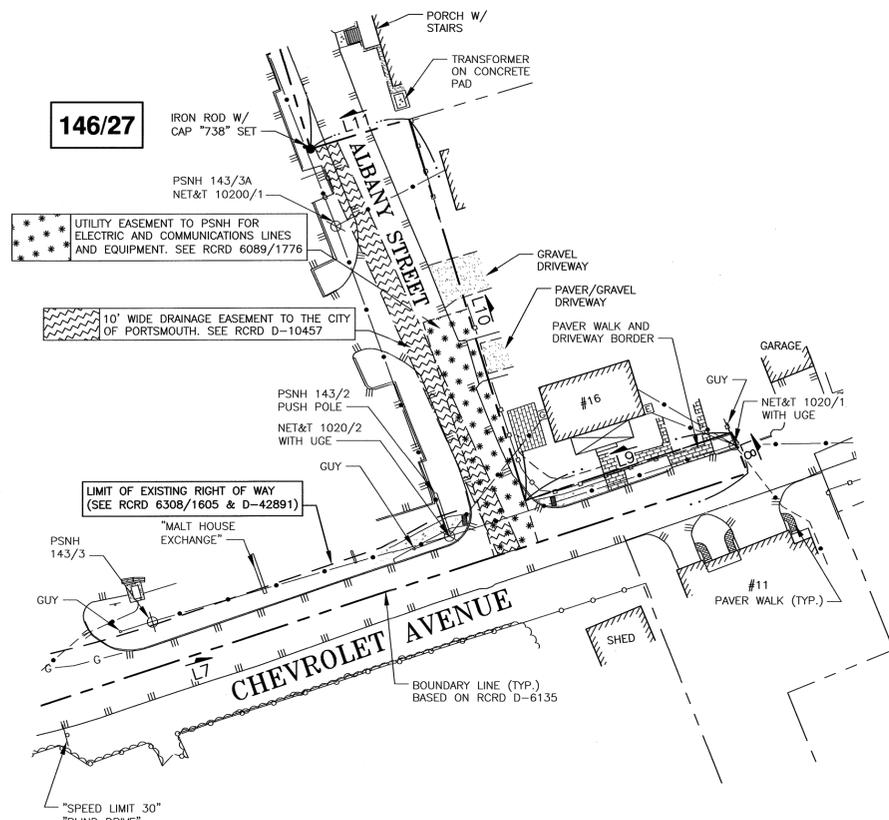
AMBIT ENGINEERING, INC.

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

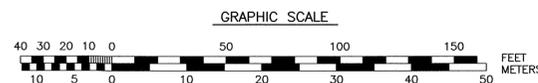
NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 146 AS LOT 27.
- OWNER OF RECORD IN THE AREA OF INTEREST:
MAP 146 LOT 27
MALT HOUSE EXCHANGE REALTY TRUST
GARY DZIAMA & ZACHARY DZIAMA, CO-TRUSTEES
95 BREWERY LANE
PORTSMOUTH, NH 03801
2870-1763
D-6135
- PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- EXISTING LOT AREA:
MAP 146 LOT 27
179,160 S.F.
4.1129 ACRES
- PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4-W (CD4-W) AND WEST END INCENTIVE OVERLAY DISTRICT (WEI OVERLAY).
- THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF A PROPOSED 5,095 S.F. ACCESS EASEMENT (RIGHT OF WAY) TO THE CITY OF PORTSMOUTH.

LOCATION MAP SCALE: 1" = 300'



EXISTING EASEMENTS

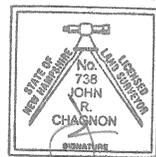


SCALE: 1" = 40'

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

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.

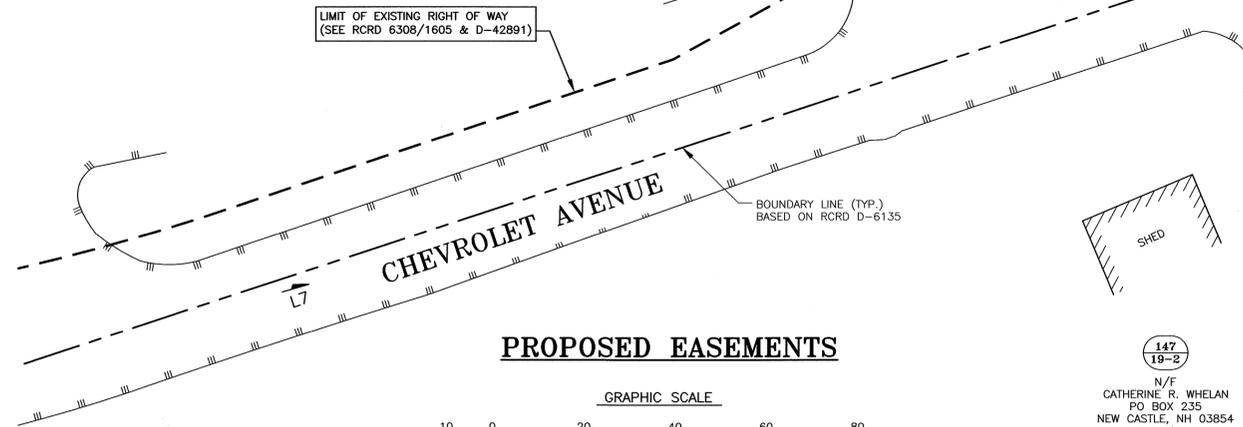
JOHN R. CHAGNON, LLS 738
DATE 3/11/22



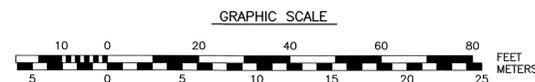
EASEMENT LENGTH TABLE

LINE	BEARING	DISTANCE
E1	N44°59'38"E	30.12'
E2	S50°04'11"E	169.41'
E3	S43°26'21"W	30.06'
E4	N50°04'11"W	170.23'

LIMIT OF EXISTING RIGHT OF WAY (SEE RCRD 6308/1605 & D-42891)



PROPOSED EASEMENTS



SCALE: 1" = 20'

NO.	DESCRIPTION	DATE
2	REVISED PER COMMENT	3/11/22
1	ISSUED FOR APPROVAL	3/1/22
0	ISSUED FOR COMMENT	2/9/22

PROPOSED RIGHT OF WAY EASEMENT PLAN
ALBANY STREET
OVER LAND OF:
MALT HOUSE EXCHANGE REALTY TRUST
TO BENEFIT:
THE CITY OF PORTSMOUTH
LOCATION:
ALBANY STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 20' / 40'

JANUARY 2022