



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

6 November, 2018

Mr. Dexter Legg, Chair
City of Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, NH 03801

RE: Subdivision and Conditional Use Approval at 105 Bartlett Street for Clipper Traders, LLC

Dear Chairman Legg and Planning Board Members:

We hereby submit, on behalf of Clipper Traders, LLC, the attached **Subdivision and Conditional Use Permit Plans** for consideration at your November 15, 2018 Planning Board meeting. The properties are shown on Assessors Map 157 as Lots 1 & 2 and Assessors Map 164 as Lots 1, 2, 3, and 4 and are located within the Character District 4 - W (CD4 - W), *recently re-zoned* Character District 4 - L1 (CD4 - L1) and the Transportation Corridor (TC) Zoning Districts. The proposal involves the acquisition of land currently used / owned by the Boston and Maine Corporation and used / associated with the railroad operation. Some of the buildings on the property are leased to businesses. The acquired land is proposed to be re-subdivided into five lots and a proposed Right of way as follows:

- (1) Proposed Lot #1 having an area of 20,677 ± s.f. (0.4747 ± acres) and 143.44' of continuous street frontage on Bartlett Street.
- (2) Proposed Lot #2 having an area of 51,952 ± s.f. (1.1927 ± acres) and 83.20' of continuous street frontage on Bartlett Street and 385.64' of continuous street frontage on a proposed right-of-way.
- (3) Proposed Lot #3 having an area of 102,003± s.f. (2.3417 ± acres) and 816.61' of continuous street frontage on a proposed right-of-way.
- (4) Proposed Lot #4 having an area of 61,781 ± s.f. (1.4183 ± acres) and 487'± of continuous street frontage on a proposed right-of-way.
- (5) Proposed Lot #5 having an area of 177,435 ± s.f. (4.0733 ± acres) and 297.73' of continuous street frontage on a proposed right-of-way.
- (6) Proposed Right-of-Way having an area of 69,621 ± s.f. (1.5983 ± acres).
- (7) Map 164 Lot 4 reducing in area from 13 ± acres to 4.7 ± acres and having 75'± of continuous street frontage on Maplewood Avenue, and decreasing intermittent street frontage of 234'± on Bartlett Street to 105'± of continuous street frontage on Bartlett Street.

Tax Map / Lots 164 / 1, 164 / 2 and 164 / 4 have frontage along Bartlett Street. Three of the existing lots, Tax Map Lots 157 / 1, 157 / 2, and 164 / 3 do not currently have frontage on a City Street. All lots will be provided frontage under this application.

Land from the existing B&M property will be added to the current private lot holdings; currently most of the land is leased to the applicants. Also, some additional land not leased will be added to create Lot 5 for future development. The proposal, as presented, is to leave the first 600 feet of the road as it currently exists in profile, though we propose modifications to the width and adjacent parking to provide for additional safety now and in the future when Lot 5 is developed. The proposed road from station 6+00 to the proposed cul-de-sac will be fully re-constructed. The first 600 feet of the proposed road is subject to potential modification due to the City's Proposed Greenway Project. Those design improvements need not be constrained by recently constructed improvements; nor would it make sense to construct something that would be demolished soon thereafter.

This Subdivision Application was the subject of a Preliminary Conceptual Consultation Review at the Planning Board's March 15, 2018 meeting. The subdivision plan geometry has not changed significantly, if at all, since that meeting. The proposed subdivision was also a part of the application to re-zone the property outside the CD4 - W Zone to CD4 - W and, subsequently, CD4 - L1 Zoning. Those changes were submitted and approved by the City Council. The plans have been revised to show the new zoning lines and designations. Also, in April, the subdivision received Portsmouth Zoning Board approval for minor deviations in lot geometry and specifications; the granted Variances are detailed on Sheet 01 - Zoning and Overall Plan.

This Planning Board submission consist of the following plans and supporting material, in the required quantities, detailing the proposed subdivision:

- Subdivision and Conditional Use Permit Plans
- Waiver Request
- Subdivision Application Checklist
- Traffic Study and Supplemental Submission
- Traffic Peer Review Comments and Response to Comments Memo's
- Drainage Analysis; Complete report as well as Narrative Copies

Supplemental Information consisting of:

- DRAFT Road Maintenance Agreement
- Existing and Proposed Flood Zone Maps
- Information on Fire Resistant Wall Sections
- Plan Showing Existing Sewer Easement

The project was reviewed by the Technical Advisory Committee, and on October 30, 2018 received an approved subject to conditions. Please find those conditions with a response in **bold text** below:

1. Lot 5 shall have an accessible ADA parking space identified. **This has been added to Sheet C8 of the plan set.**
2. The proposed access easements to benefit Lot 3 across Lots 1 and 2 shall be eliminated. Access to Lot 3 shall be via the proposed subdivision road only. **This**

has been completed on Easement Plan 3 of the plan set.

3. The street name sign detail on Sheet D2 shall be updated to current MUTCD standards, with only the first letter capitalized. **This has been revised on Sheet D2 of the plan set.**
4. Applicant shall provide a letter from Eversource confirming how electricity service will be provided and the potential extent of impacts to the surrounding neighborhood in order to extend service. These impacts shall be known prior to subdivision approval. **We anticipate a letter from Eversource regarding this application. Although we show a potential tie in to the McDonough Street neighborhood Eversource is not going to commit to any particular design at this time. Since all of the existing businesses and the proposed lots are currently serviced it would be appropriate to plan those exacting improvements and impacts as a result of the Lot 5 development application; which will be completed in the future. Currently the applicants are not able to perform utility or design improvements as they do not own the property; and to own the property there must be a subdivision approval with a transfer of ownership.**
5. The plans shall be updated to show existing and proposed utilities servicing each lot. The plans should also identify where cross easements may be required to provide service connections that run across multiple lots. Services shown shall include sewer, gas, water, storm drainage, power, communications and access. A new water main shall be provided under the proposed road and a note shall be added to the plans that service lines for Lots 4 and 5 shall be relocated to the new line once operational. A note shall be added to the plan that water line sizing shall be based on the outcome of the Water Capacity Analysis. **The utilities and easements have been added to Easement Plan Sheets 1-3 and Lot Plan Sheets C4 to C8 of the plan set. The cross-over utility requirement should be a condition of approval; as well as the final determination of water main sizing.**
6. The sewer easement shall be revised to continue across the proposed cul-de-sac area continuously. The sewer easement shall be shown independent of the roadway and shall follow the sewer line for its entirety. **This has been added to the Easement Plan Sheet 2 of the plan set.**
7. The applicant shall verify that the location of the proposed sidewalk along the subdivision road is buildable as shown. Any required relocating of utilities shall be noted and provided for. **The sidewalk is partially shown as a future sidewalk for the first 600 feet; the only impact we can determine in that section is the potential conflict between the proposed curb line and the City's drainage manholes in the vicinity of stations 1+10 to 1+30. The section to be constructed does not interfere with utilities.**
8. Where parking spaces are located along existing buildings on Lot 2, the plans shall be revised to add breaks in the landscaping or other mechanisms to improve pedestrian connections to existing building entrances. **A sidewalk has been added to Sheet C5 of the plan set to provide pedestrian access as requested.**

9. The subdivision plan for Lot 4 shall include a note verifying that landscaping shall be maintained to provide adequate line of sight from the driveway. **This has been added to Sheet C7 of the plan set.**
10. Working with the Planning Department, the applicant shall agree to specified time frames for the transfer of ownership and completion of proposed improvements to be incorporated into conditions subsequent as described below. **The applicant is agreeable to working with the Planning Department on this issue. We propose that a condition of approval is that the subdivision plan is not recorded until closing.**
11. Easements that are to be relocated or to remain shall be documented on the proposed easement plans. **This has been added / detailed on the Easement Plans 1-3 of the plan set.**
12. Easement plans shall be updated to include provision of a water access easement and road access easement to benefit City. Draft deeds shall be submitted for Planning Board review. **This has been added to the Easement Plans; proposed deeds will be submitted under separate cover.**

Conditions Precedent (to be completed prior to the recording of the subdivision):

1. As the applicant does not anticipate recording the final plat prior to construction of the road and utilities, the final subdivision approval shall require a subdivision bond adequate for the completion of these improvements. All improvements shall be completed within the specified time frame agreed upon prior to Planning Board approval. **The applicant is agreeable to working with the Planning Department on this issue.**

We look forward to meeting with the Planning Board to discuss this application at your November 15, 2018 meeting and request Final Subdivision Approval, subject to conditions, as appropriate. Please feel free to call to discuss any question there may be about this project.

Sincerely,



John Chagnon, PE; Ambit Engineering, Inc.

Enclosures: 12 Submissions and a Submission PDF of all files on a disc

CC: Clipper Traders, Portsmouth Lumber and Hardware, Tim Phoenix, Steve Pernaw, Winter-Holben Architects

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6 November, 2018

Mr. Dexter Legg, Chair
City of Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, NH 03801

RE: Waiver Requests for the Subdivision Approval at 105 Bartlett Street; Clipper Traders, LLC

Dear Chairman Legg and Planning Board Members:

On behalf of Clipper Traders, LLC and in conjunction with the application for Subdivision Approval for the above reference property, we hereby submit the following waiver requests to the City of Portsmouth Subdivision Regulations; Section VI General Requirements. The waivers are requested to support the proposed subdivision of land. The waivers will allow the existing, functional driveway to be converted to a Proposed *Private* Road and service the existing businesses and future Lot 5 development. The waivers allow this existing road condition to be developed in a manner which allows for the re-use of this informally developed layout. The requested waivers are:

- Section VI 3.B Minimum Right of Way. The plan proposes a 50 foot right of way where 60 feet is required.
- Section VI 3. I Maximum Cul-de-Sac length. The plan proposes a 1,050 +/- long cul-de-sac where a maximum length of a cul-de-sac is generally limited to 500 feet.
- Section VI 3. O Grade of Streets. The plan proposes to leave existing grades in place for the first 600 feet of the proposed road where minimum grades of 1% are required.

We feel that the waivers are justified as the improvements will increase roadway safety and functionality. The existing width available, between the buildings, limits the available right-of-way to 50 feet. The existing roadway serves structures in excess of the proposed cul-de-sac length; without the benefit of a safe, dedicated turn around. Granting the waiver will allow the construction of a dedicated, fire truck compliant turn around at the end of the existing roadway. The grades of the existing roadway, in the section we propose to leave as is, perform well. The plans include improvements to the drainage in this section, as well as lane and parking improvements.

We hereby respectfully request that you vote in the affirmative to grant the requested waivers.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Chagnon', with a stylized flourish at the end.

John Chagnon, PE
Ambit Engineering, Inc.

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Waiver Request 11-6-18.doc



City of Portsmouth, New Hampshire

Subdivision Application Checklist

This subdivision application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Planning Board review. A pre-application conference with a member of the planning department is strongly encouraged as additional project information may be required depending on the size and scope. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all subdivision review requirements. Please refer to the Subdivision review regulations for full details.

Applicant Responsibilities (Section III.C): Applicable fees are due upon application submittal along with required number of copies of the Preliminary or final plat and supporting documents and studies. Please consult with Planning staff for submittal requirements.

Owner: Boston & Maine Railroad Date Submitted: November 6, 2018

Applicant: Clipper Traders, LLC

Phone Number: _____ E-mail: dpinciario@comcast.net

Site Address 1: 105 Bartlett Street Map: _____ Lot: _____

Site Address 2: Tax Map 157, Lots 1&2; Tax Map 164, Lots 1-4 Map: _____ Lot: _____

Application Requirements			
+	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)	Waiver Requested
<input type="checkbox"/>	Completed Application form. (III.C.2-3)	Submitted	N/A
<input type="checkbox"/>	All application documents, plans, supporting documentation and other materials provided in digital Portable Document Format (PDF) on compact disc, DVD or flash drive. (III.C.4)	Submitted	N/A

Requirements for Preliminary/Final Plat				
+	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
<input type="checkbox"/>	Name and address of record owner, any option holders, descriptive name of subdivision, engineer and/or surveyor or name of person who prepared the plat. (Section IV.1/V.1)	Cover Sheet	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	N/A

Requirements for Preliminary/Final Plat				
<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
<input type="checkbox"/>	<p>Preliminary Plat Names and addresses of all adjoining property owners. (Section IV.2)</p> <p>Final Plat Names and addresses of all abutting property owners, locations of buildings within one hundred (100) feet of the parcel, and any new house numbers within the subdivision. (Section V.2)</p>	Subdivision Plans	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	N/A
<input type="checkbox"/>	North point, date, and bar scale. (Section IV.3/V3)	Required on all Plan Sheets	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	N/A
<input type="checkbox"/>	Zoning classification and minimum yard dimensions required. (Section IV.4/V.4)	Sheet 01 Zoning	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	N/A
<input type="checkbox"/>	<p>Preliminary Plat Scale (not to be smaller than one hundred (100) feet = 1 inch) and location map (at a scale of 1" = 1000'). (Section IV.5)</p> <p>Final Plat Scale (not to be smaller than 1"=100'), Location map (at a scale of 1"=1,000') showing the property being subdivided and its relation to the surrounding area within a radius of 2,000 feet. Said location map shall delineate all streets and other major physical features that may either affect or be affected by the proposed development. (Section V.5)</p>	Subdivision Plans 1-4	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	N/A
<input type="checkbox"/>	Location and approximate dimensions of all existing and proposed property lines including the entire area proposed to be subdivided, the areas of proposed lots, and any adjacent parcels in the same ownership. (Section IV.6)	Subdivision Plans 1-4	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	
<input type="checkbox"/>	Dimensions and areas of all lots and any and all property to be dedicated or reserved for schools, parks, playgrounds, or other public purpose. Dimensions shall include radii and length of all arcs and calculated bearing for all straight lines. (Section V.6/ IV.7)	Subdivision Plans 1-4	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	N/A
<input type="checkbox"/>	Location, names, and present widths of all adjacent streets, with a designation as to whether public or private and approximate location of existing utilities to be used. Curbs and sidewalks shall be shown. (Section IV.8/V.7)	Subdivision Plans 1-4 & Existing Conditions Plans C1-C3	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	

Requirements for Preliminary/Final Plat				
<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
<input type="checkbox"/>	Location of significant physical features, including bodies of water, watercourses, wetlands, railroads, important vegetation, stone walls and soils types that may influence the design of the subdivision. (Section IV.9/V.8)	Existing Conditions Plans C1-C3	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	
<input type="checkbox"/>	Preliminary Plat Proposed locations, widths and other dimensions of all new streets and utilities, including water mains, storm and sanitary sewer mains, catch basins and culverts, street lights, fire hydrants, sewerage pump stations, etc. (Section IV.10) Final Plat Proposed locations and profiles of all proposed streets and utilities, including water mains, storm and sanitary sewer mains, catchbasins and culverts, together with typical cross sections. Profiles shall be drawn to a horizontal scale of 1"=50' and a vertical scale of 1"=5', showing existing centerline grade, existing left and right sideline grades, and proposed centerline grade. (Section V.9)	Roadway Plan & Profiles P1 & P2 Lot Plans C4-C8	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	
<input type="checkbox"/>	When required by the Board, the plat shall be accompanied by profiles of proposed street grades, including extensions for a reasonable distance beyond the subject land; also grades and sizes of proposed utilities. (Section IV.10)	Roadway Plan & Profiles P1 & P2 Lot Plans C4-C8	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	
<input type="checkbox"/>	Base flood elevation (BFE) for subdivisions involving greater than five (5) acres or fifty (50) lots. (Section IV.11)	Existing Conditions Plans C1-C3	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	
<input type="checkbox"/>	For subdivisions of five (5) lots or more, or at the discretion of the Board otherwise, the preliminary plat shall show contours at intervals no greater than two (2) feet. Contours shall be shown in dotted lines for existing natural surface and in solid lines for proposed final grade, together with the final grade elevations shown in figures at all lot corners. If existing grades are not to be changed, then the contours in these areas shall be solid lines. (Section IV.12/ V.12)	Existing provided at 1-ft intervals C1-C3	<input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	

Requirements for Preliminary/Final Plat				
<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
<input type="checkbox"/>	Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law. (Section V.10)	02 Permit Plan	⊖ Preliminary Plat ⊕ Final Plat	
<input type="checkbox"/>	For subdivisions involving greater than five (5) acres or fifty (50) lots, the final plat shall show hazard zones and shall include elevation data for flood hazard zones. (Section V.11)	N/A	⊖ Preliminary Plat ⊕ Final Plat	
<input type="checkbox"/>	Location of all permanent monuments. (Section V.12)	TBD	⊖ Preliminary Plat ⊕ Final Plat	

General Requirements¹

+	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Waiver Requested
<input type="checkbox"/>	1. Basic Requirements: (VI.1) a. Conformity to Official Plan or Map b. Hazards c. Relation to Topography d. Planned Unit Development	Subdivision Plans 1-4 conforms with the exception of some structure setbacks. Variance obtained.	
<input type="checkbox"/>	2. Lots: (VI.2) a. Lot Arrangement b. Lot sizes c. Commercial and Industrial Lots	Subdivision Plans 1-4 conforms with the exception of some structure setbacks. Variance obtained.	
<input type="checkbox"/>	3. Streets: (VI.3) a. Relation to adjoining Street System b. Street Rights-of-Way c. Access d. Parallel Service Roads e. Street Intersection Angles f. Merging Streets g. Street Deflections and Vertical Alignment h. Marginal Access Streets i. Cul-de-Sacs j. Rounding Street Corners k. Street Name Signs l. Street Names m. Block Lengths n. Block Widths o. Grade of Streets p. Grass Strips	Meets Ordinance with the exception of the proposed R-O-W width of 40ft and Roadway width of 22ft. See Sheets P1-P2	
<input type="checkbox"/>	4. Curbing: (VI.4)	Lot Plans C4-C8	
<input type="checkbox"/>	5. Driveways: (VI.5)	Sheets C4-C8 & SD1-2	
<input type="checkbox"/>	6. Drainage Improvements: (VI.6)	Sheets C9 & C10	
<input type="checkbox"/>	7. Municipal Water Service: (VI.7)	Sheets P1 & P2	
<input type="checkbox"/>	8. Municipal Sewer Service: (VI.8)	No Change	
<input type="checkbox"/>	9. Installation of Utilities: (VI.9) a. All Districts b. Indicator Tape	See Detail Sheets D1-D6	
<input type="checkbox"/>	10. On-Site Water Supply: (VI.10)	N/A	
<input type="checkbox"/>	11. On-Site Sewage Disposal Systems: (VI.11)	N/A	
<input type="checkbox"/>	12. Open Space: (VI.12) a. Natural Features b. Buffer Strips c. Parks d. Tree Planting	Lot Plans C4-C8	
<input type="checkbox"/>	13. Flood Hazard Areas: (VI.13) a. Permits b. Minimization of Flood Damage c. Elevation and Flood-Proofing Records d. Alteration of Watercourses	N/A	
<input type="checkbox"/>	14. Erosion and Sedimentation Control (VI.14)	See Sheet D1	

<input type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Waiver Requested
<input type="checkbox"/>	15. Easements (VI.15) a. Utilities b. Drainage	Easement Plans 1-3	
<input type="checkbox"/>	16. Monuments: (VI.16)	TBD	
<input type="checkbox"/>	17. Benchmarks: (VI.17)	Existing Conditions C1-C3	
<input type="checkbox"/>	18. House Numbers (VI.18)	TBD	

Design Standards			
<input type="checkbox"/>	Required Items for Submittal	Indicate compliance and/or provide explanation as to alternative design	Waiver Requested
<input type="checkbox"/>	1. Streets have been designed according to the design standards required under Section (VII.1). a. Clearing b. Excavation c. Rough Grade and Preparation of Sub-Grade d. Base Course e. Street Paving f. Side Slopes g. Approval Specifications h. Curbing i. Sidewalks j. Inspection and Methods	P1 & P2 Some waivers requested.	
<input type="checkbox"/>	2. Storm water Sewers and Other Drainage Appurtenances have been designed according to the design standards required under Section (VII.2). a. Design b. Standards of Construction	C9-C10 Drainage Report	
<input type="checkbox"/>	3. Sanitary Sewers have been designed according to the design standards required under Section (VII.3). a. Design b. Lift Stations c. Materials d. Construction Standards	N/A	
<input type="checkbox"/>	4. Water Mains and Fire Hydrants have been designed according to the design standards required under Section (VII.4). a. Connections to Lots b. Design and Construction c. Materials d. Notification Prior to Construction	Detail Sheets D1 & D2	

Applicant's/Representative's Signature: _____

Date: _____

11-6-18

¹ See City of Portsmouth, NH Subdivision Rules and Regulations for details.
Subdivision Application Checklist/January 2018

PRIVATE ROAD MAINTENANCE AGREEMENT

THIS PRIVATE ROAD MAINTENANCE AGREEMENT (this “Agreement”) is made as of the ____ day of _____, 2018 by and between PORTSMOUTH LUMBER AND HARDWARE, LLC, a New Hampshire limited liability company (“PLH”) and CLIPPER TRADERS, LLC, a New Hampshire limited liability company (“Clipper”).

RECITALS:

WHEREAS, PLH is the owner of Lots 1, 2 and 3 in a subdivision in Portsmouth, New Hampshire (the “Subdivision”), as shown on a plan entitled “Subdivision Plan, Tax Map 157 – Lots 1&2, Tax Map 164 – Lots 1, 2, 3 & 4” prepared by Ambit Engineering, Inc., dated February 2018 and last revised _____, 2018, approved by the City of Portsmouth Planning Board on _____, and recorded in the Rockingham County Registry of Deeds (the “Registry”) as Plan No. _____ (the “Subdivision Plan”);

WHEREAS, Clipper is the owner of Lots 4 and 5 of the Subdivision as shown on the Subdivision Plan;

WHEREAS, ingress, egress and utility access to Lots 2, 3, 4 and 5 (collectively, the “Lots”) is made over a private road shown on the Subdivision Plan as “Proposed 50’ Wide Road” (the “Road”);

WHEREAS, PLH and Clipper as the owners of the Lots utilizing the Road (each a “Lot Owner” and collectively, the “Lot Owners”) desire to enter into an agreement regarding the cost of maintenance and improvements to the Road.

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

AGREEMENT

1. Purpose. The Road shall be used for the purpose of ingress and egress to and from the Subdivision, by all owners of the Lots and their occupants, agents, employees, guests, and service and emergency vehicles and for the installation, maintenance and replacement of lines and associated infrastructure for the provision of electric, natural gas, water, sewer or other utilities servicing the Lots.

2. Road Maintenance. The parties agree that the Road shall be maintained in good operating condition at all times as necessary to insure safe access by the Lot Owners and emergency vehicles.

3. Road Maintenance Costs. The costs and expenses of any and all plowing, sanding, paving, seal coating, striping, pothole repair and all other improvements, maintenance and repairs necessary to maintain the Road, including any utilities servicing the Subdivision (the

“Road Maintenance Costs”) shall be shared equally by the Lot Owners, except as otherwise provided herein. A majority vote of the Lot Owners shall be required for any Road improvements and to accept the bid for any Road improvement contract.

Notwithstanding anything herein to the contrary, each individual Lot Owner shall bear the cost of the following:

(a) Any improvements, maintenance or repairs to the Road or associated utilities performed without the prior approval of the other Lot Owners prior to performing such work, unless such work is deemed an emergency;

(b) Any improvements, maintenance or repairs to the Road or installation or replacement of utilities serving only that Lot Owner’s individual Lot or Lots; and

(c) Any damage to the Road or associated utilities caused by an individual Lot Owner, its employees, contractors or agents.

4. Billing and Payment. The parties agree that all costs required hereunder shall be promptly paid by each party as to its share within thirty (30) days of request for payment by the other Lot Owners or the Road Agent (defined below). The parties shall promptly share all billing information and payment information.

5. Road Agent. The Lot Owners may appoint a road agent (“Road Agent”), by a vote of the majority of the Lot Owners. The Road Agent shall be responsible for monitoring the condition of the road surface, initiating maintenance activities as needed to maintain the minimum road surface standards (including the hiring of contractors to complete same), the preparation of a Road maintenance budget and the billing and collection of Road Maintenance Costs.

6. Snow Plowing. The Road shall be snowplowed so as to permit year round access. The cost shall be shared by the parcel owners as indicated in Paragraph 4 above. Individual driveway snow plowing, if desired, will be invoiced to the individual Lot Owner directly by the snow plow contractor.

7. Parking. For the safety of the Lot Owners, no machinery, trailers, vehicles or other property may be stored on the Road.

8. Future Lots. Any additional Lots gaining access to the Road by way of further division of existing Lots, either by further subdivision, submission to condominium form of ownership or otherwise (a “Subdivided Lot”), will be bound by all terms and conditions of this Agreement. In the event that a homeowners’ association or condominium association is created for any Subdivided Lot, then the association shall be appointed as the representative of Subdivided Lot owners.

9. Dispute Resolution. The parties agree that in the event a dispute arises hereunder, they will meet to mediate in good faith such dispute for up to sixty (60) days, and if that fails,

they shall submit the matter to binding arbitration under the rules of the American Arbitration Association. The decision of the arbitrator shall be final and binding on all of the lot owners. In selecting a third party arbitrator, each lot shall be entitled to one vote, and the nominee receiving a majority of the votes shall be the arbitrator. All parties shall share in the cost of any arbitration.

10. Lien; Enforcement. Any assessment made against any Lot Owner for that owner's share of the Road Maintenance Costs shall be a lien and charge upon the Lot against which each such assessment is made, which lien shall continue until the assessment is paid and shall be the personal obligation of the Lot Owner. Notwithstanding anything herein to the contrary, mediation and arbitration shall not be required for any civil action to enforce payment of the delinquent assessment or to foreclose the lien against the Lot, and there shall be added to the amount of such assessment due all costs of collection. In the event a judgment is obtained, such judgment shall include interest on the assessment, together with all attorney's fees and expenses and costs of the action.

11. Notice. Any notice required to be given under this Agreement shall be in writing and either (i) hand delivered or (ii) mailed to the address to which the Lot Owner's property tax bills are sent.

12. Invalidity. Should any provision in this Agreement be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected and each term and condition shall be valid and enforceable to the extent permitted by law.

13. Assignment; Successors: This Agreement shall be binding upon and shall inure to the benefit of the parties, their successors and assigns.

14. Governing Law; Counterparts; Integration; Amendments: This Agreement shall be governed and construed in accordance with the laws of the State of New Hampshire, as amended from time to time, without regard to principles of conflicts of laws. This Agreement may be executed in counterparts, which together, shall constitute but one original. This Agreement contains the entire agreement between the parties relating to the subject matter hereof and supercedes all oral statements and prior writing with respect thereto and may not be terminated or amended except as provided herein. This Agreement may be amended only in a writing executed by the parties.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

PORTSMOUTH LUMBER AND
HARDWARE, LLC

Witness

By: _____

Its duly authorized _____

CLIPPER TRADERS, LLC

Witness

By: _____

Its duly authorized _____

October 25, 2018

Clipper Traders, LLC
C/O John Chagnon, PE, Ambit Engineering
200 Griffin Road, Unit 3
Portsmouth, NH 03801

Dear Mr. Chagnon:

I am responding to your request to confirm the availability of electric service for the proposed 105 Bartlett Street subdivision for Clipper Traders, LLC in Portsmouth, NH.

The project consists of a subdivision of existing developed property at the above-mentioned address. The proposal includes "Lot 5"; which will be re-developed at some time in the future. Currently the plan is to prepare a proper access road, with utilities, drainage, and associated site improvements, so as to prepare for the eventual Lot 5 development. There is currently no specific Lot 5 Development proposal.

The developer will be responsible for the installation of all underground facilities and infrastructure required to service Lot 5. The developer will work with Eversource to obtain all necessary easements and licenses for the proposed underground facilities listed above.

This letter serves as confirmation that Eversource has sufficient capacity in the area to provide service to this proposed subdivision. The cost of extending service to the aforementioned location and any associated infrastructure improvements necessary to provide service will be borne by the developer unless otherwise agreed upon.

The attached Plan and Profile drawing shows the proposed service locations, in general detail, to service your proposed project. Refinements in design will be as agreed to by the parties and as required in the approval process.

Eversource approves the locations shown in concept. Once the total scope of the project (number and location of buildings, loading, and transformer locations) is known the final design will need to be approved by Eversource. The final installed locations of electrical equipment must also meet all clearances, physical protection, and access requirements as outlined in PSNH's "Requirements For Electric Service Connections" pamphlets.

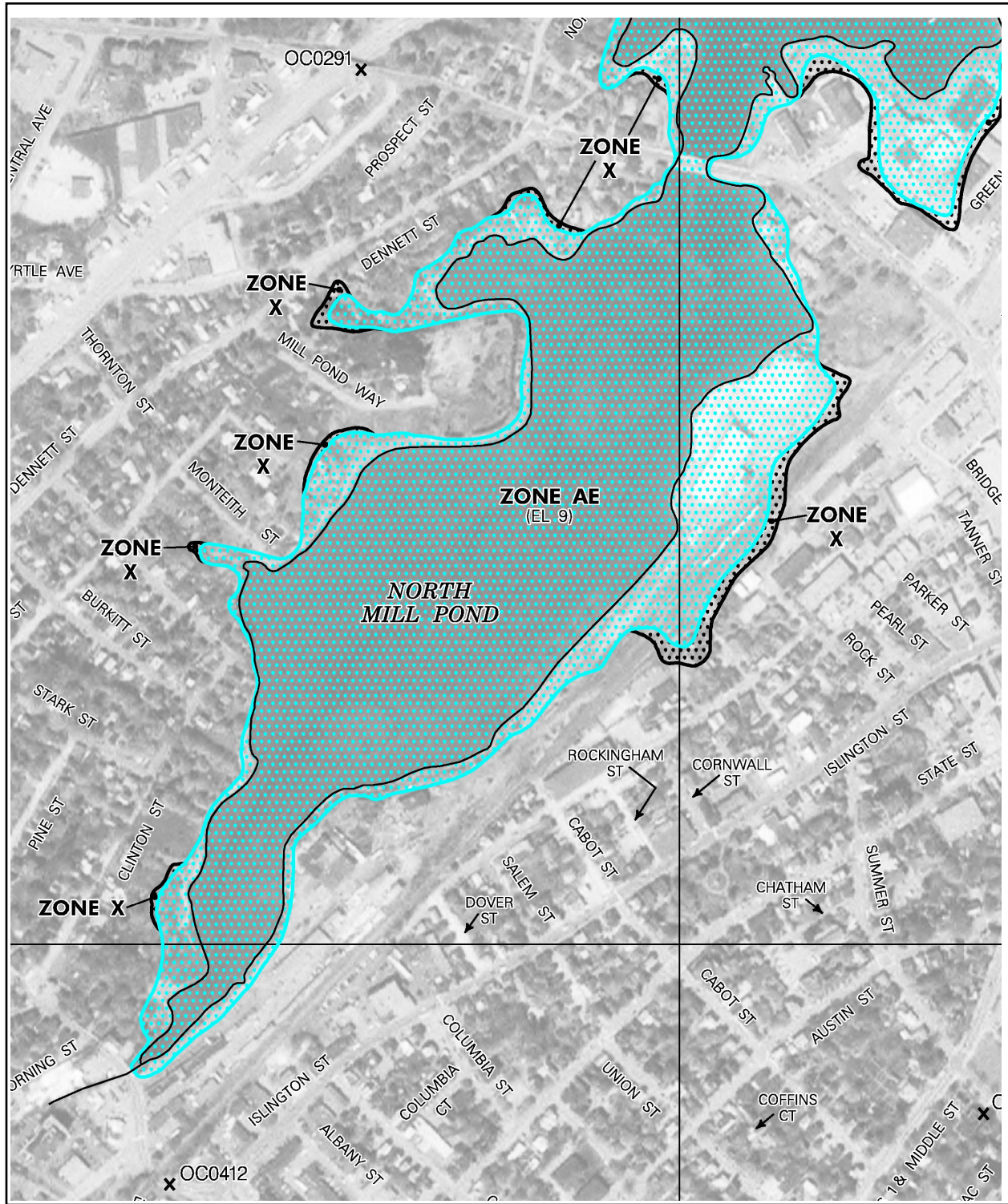
If you require additional information or I can be of further assistance please do not hesitate to contact me at our Portsmouth Office, 603-436-7708 Ext. 555-5678

Respectfully,

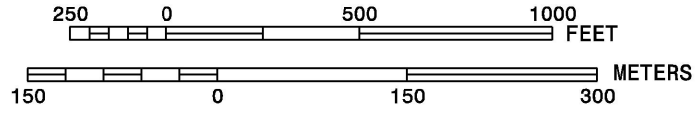


Michael J. Busby, PE
NH Eastern Regional Engineering and Design Manager, Eversource

cc: (via e-mail)
Michael Lee, Eastern Region Operations Manager, Eversource
Mary Jo Hanson, Field Supervisor, Electric Design, Eversource



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0259E

FIRM
FLOOD INSURANCE RATE MAP
 ROCKINGHAM COUNTY,
 NEW HAMPSHIRE
 (ALL JURISDICTIONS)

PANEL 259 OF 681

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTSMOUTH, CITY OF	330139	0259	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
33015C0259E

EFFECTIVE DATE
MAY 17, 2005

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using FIRMette - Desktop version 3.0. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. Further information about National Flood Insurance Program flood hazard maps is available at <http://www.msc.fema.gov/>.



North Mill Pond

ZONE AE
(EL 8)

ZONE AE
(EL 8)

DEARBORN
WAY

Maplewood
Ave Bridge

Bartlett St
Bridge

Byp

1

1A

BXUV - Fire Resistance Ratings - ANSI/UL 263 Certified for United States

BXUV7 - Fire Resistance Ratings - CAN/ULC-S101 Certified for Canada

[See General Information for Fire-resistance Ratings - ANSI/UL 263 Certified for United States Design Criteria and Allowable Variances](#)

[See General Information for Fire Resistance Ratings - CAN/ULC-S101 Certified for Canada Design Criteria and Allowable Variances](#)

Design No. U305

October 08, 2018

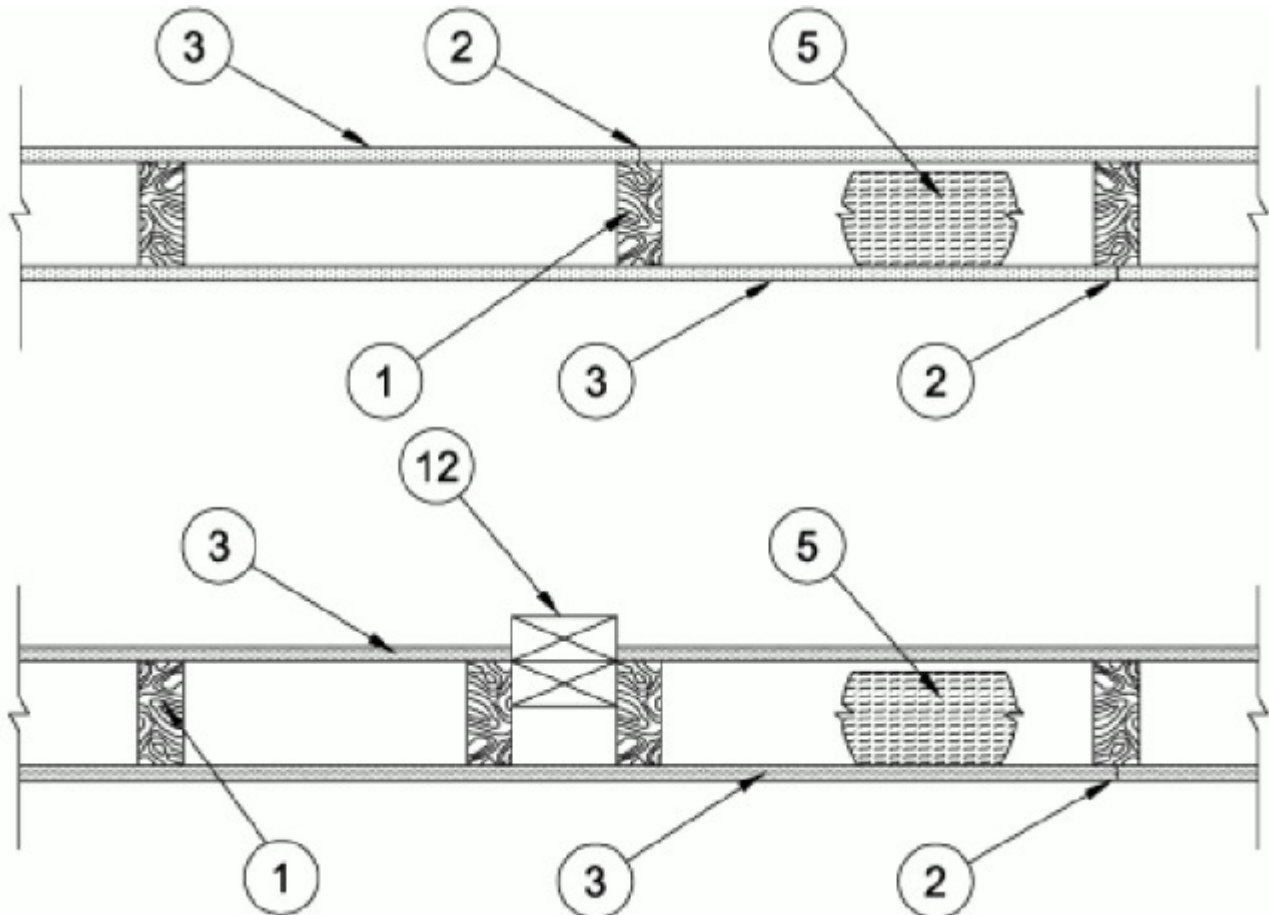
Bearing Wall Rating – 1 Hr

Finish Rating – See Items 3, 3A, 3D, 3E, 3F, 3G, 3H, 3J and 3L.

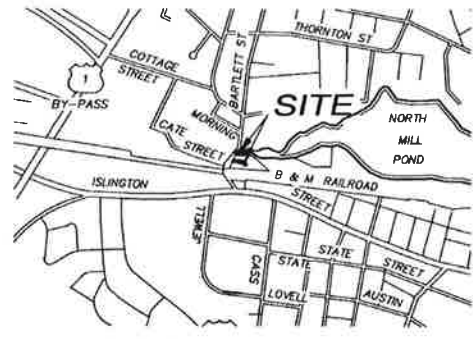
STC Rating - 56 (See Item 9)

This design was evaluated using a load design method other than the Limit States Design Method (e.g., Working Stress Design Method). For jurisdictions employing the Limit States Design Method, such as Canada, a load restriction factor shall be used – See Guide [BXUV](#) or [BXUV7](#)

*** Indicates such products shall bear the UL or cUL Certification Mark for jurisdictions employing the UL or cUL Certification (such as Canada), respectively.**



029818



LOCUS (SCALE: 1" = 1000'±)

EASEMENT AREA A-1
RICCI SUPPLY CO. INC TO THE CITY OF PORTSMOUTH

CURVE	RADIUS	DELTA	LENGTH	CHORD	DIST
C1	288.61	2°00'18"	10.10	N 20°32'42" W	10.10
C2	448.97	2°48'19"	21.98	N 53°54'02" E	21.98

LINE	BEARING	DISTANCE
L1	N 53°47'22" E	55.92
L3	S 46°56'35" W	81.21

CLOSURE ERROR=0.004

EASEMENT AREA A-2
RICCI SUPPLY CO. INC TO THE CITY OF PORTSMOUTH

CURVE	RADIUS	DELTA	LENGTH	CHORD	DIST
C5	288.61	6°08'03"	30.90	N 1°32'40" W	30.88

LINE	BEARING	DISTANCE
L6	N 51°22'37" E	130.73
L7	S 62°29'00" E	24.11
L8	S 45°28'12" W	77.29
L9	S 51°22'37" W	16.16
L10	N 41°38'33" W	8.33
L11	S 48°47'32" W	65.69

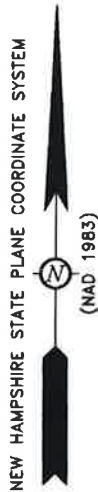
CLOSURE ERROR=0.011

EASEMENT AREA B-1
RICCI CONSTRUCTION CO. INC TO THE CITY OF PORTSMOUTH

CURVE	RADIUS	DELTA	LENGTH	CHORD	DIST
C6	3980.86	0°23'13"	26.89	S 38°57'44" W	26.89

LINE	BEARING	DISTANCE
L12	N 62°29'00" W	31.23
L13	N 45°28'12" E	31.54
L14	S 62°29'00" E	19.69
L15	S 35°29'48" E	8.03

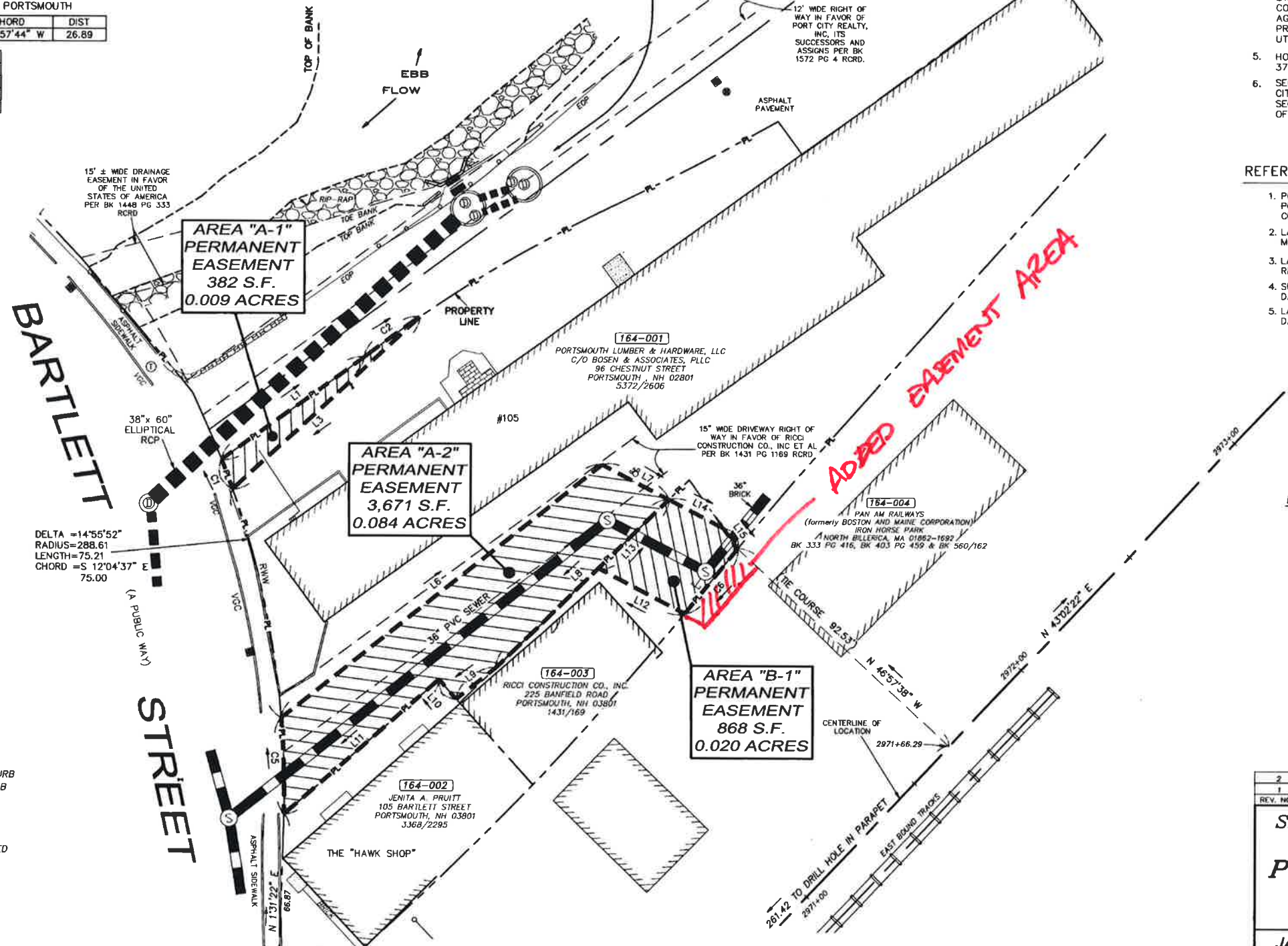
CLOSURE ERROR=0.005



NORTH MILL POND
(AN ARM OF THE SEA)

SEE NOTICE OF CONDEMNATION, UTILITY EASEMENT A, BY THE CITY OF PORTSMOUTH OVER LAND OWNED BY: BOSTON & MAINE CORPORATION, PORT CITY REALTY INC, AND RICCI SUPPLY COMPANY, INC.
BOOK 4925 PG 2620 RCRD

164-004
PAN AM RAILWAYS
IRON HORSE PARK
(formerly BOSTON AND MAINE CORPORATION)
NORTH BILLERICA, MA 01862-1692
BK 333 PG 416, BK 403 PG 459
BK 403 PG 459, PK 439 PG 162 & BK 479 PG 219
& BK 560 PG 182



AREA "A-1"
PERMANENT EASEMENT
382 S.F.
0.009 ACRES

AREA "A-2"
PERMANENT EASEMENT
3,671 S.F.
0.084 ACRES

AREA "B-1"
PERMANENT EASEMENT
868 S.F.
0.020 ACRES

164-004
PAN AM RAILWAYS
IRON HORSE PARK
(formerly BOSTON AND MAINE CORPORATION)
NORTH BILLERICA, MA 01862-1692
BK 333 PG 416, BK 403 PG 459 & BK 560/162

164-003
RICCI CONSTRUCTION CO., INC.
225 BANFIELD ROAD
PORTSMOUTH, NH 03801
1431/169

164-002
JENITA A. PRUITT
105 BARTLETT STREET
PORTSMOUTH, NH 03801
3368/2295

164-001
PORTSMOUTH LUMBER & HARDWARE, LLC
C/O BOSEN & ASSOCIATES, PLLC
96 CHESTNUT STREET
PORTSMOUTH, NH 02801
5372/2606

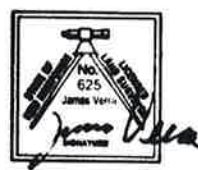
- NOTES:
- OWNER OF RECORD..... PORTSMOUTH LUMBER & HARDWARE, LLC
C/O BOSEN & ASSOCIATES, PLLC
ADDRESS..... 96 CHESTNUT STREET, PORTSMOUTH, NH 03801
DEED REFERENCE..... 5372/2606
TAX SHEET / LOT..... 164-001

OWNER OF RECORD..... RICCI CONSTRUCTION CO. INC.
ADDRESS..... 225 BANFIELD ROAD, PORTSMOUTH, NH 03801
DEED REFERENCE..... 1431/169
TAX SHEET / LOT..... 164-003
 - ZONED:..... OFFICE RESEARCH (OR) ** FRONT YARD SETBACK..... 70'
MINIMUM LOT AREA 2 ACRES SIDE YARD SETBACK..... 50'
FRONTAGE..... 200' REAR YARD SETBACK..... 50'
** DIMENSIONAL REQUIREMENTS PER INDUSTRIAL ZONE
 - THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
 - THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE. NOT ALL UTILITIES ARE SHOWN HERON.
 - HORIZONTAL DATUM: NAD 83(1986). PRIMARY BENCH MARK: NHDOT DISK 379-150.
 - SEE TEMPORARY UTILITY EASEMENT DEED, RICCI CONSTRUCTION CO. INC. TO THE CITY OF PORTSMOUTH, PER BK 4961 PG 1379 RCRD.
SEE TEMPORARY UTILITY EASEMENT DEED, RICCI SUPPLY CO., INC. TO THE CITY OF PORTSMOUTH PER BK 4958 PG 82 RCRD.

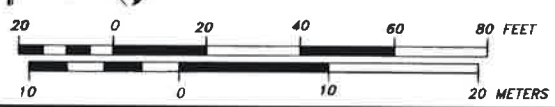
- REFERENCE PLANS:
- PROPOSED EASEMENTS - BARTLETT STREET, BARTLETT SEWER SEPARATION PROJECT OVER LAND OF PAN AM RAILWAYS, PORTSMOUTH, NEW HAMPSHIRE, FOR CITY OF PORTSMOUTH, DATED 10-01-2007, REV 12-18-2007, RCRD D-35477.
 - LAND IN PORTSMOUTH, N.H., BOSTON AND MAINE RAILROAD-TO- VITO P. MASSARO, DATED APRIL 1949, RCRD 01450.
 - LAND IN PORTSMOUTH, N.H., BOSTON AND MAINE RAILROAD TO PORT CITY REALTY, INC., DATED SEPT. 1960, VAL SEC 3 MAP 5L55.
 - SUBDIVISION OF LAND, PORTSMOUTH, N.H., FOR GEORGE & PAULINE J. FRISBEE, DATED DECEMBER 1976, RCRD # C-6587.
 - LAND IN PORTSMOUTH, N.H., VITO P. MASSARO TO PORT CITY BEVERAGE CO., DATED APRIL 1949, RCRD 01448.

PURSUANT TO RSA 676:18,III AND RSA 672:14
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.

James Verra 5-28-2013
JAMES VERRA DATE



- LEGEND:
- ⊕..... DRAIN MANHOLE
 - ⊙..... TELEPHONE MANHOLE
 - ▣..... CEMENT CONCRETE PAD
 - ▤..... VERTICAL FACED GRANITE CURB
 - ▥..... SLOPED FACED GRANITE CURB
 - ▧..... DRAIN LINE AS DESCRIBED
 - ▨..... REINFORCED CONCRETE PIPE
 - ▩..... WOOD RETAINING WALL
 - PL —..... PROPERTY LINE
 - E —..... EASEMENT LINE AS DESCRIBED
 - S —..... SEWER LINE



D-37763

REV. NO.	DATE	DESCRIPTION	APP'D
2	04-15-2013	ADD NEW VESTING DEED	JV
1	2-06-2012	REVISIONS PER CLIENT	JV

SEWER & STORM DRAIN EASEMENT PLAN
105 BARTLETT STREET
PORTSMOUTH, NEW HAMPSHIRE
ASSESSOR'S PARCEL 164-001 & 164-003
Easement Owner: CITY OF PORTSMOUTH

JAMES VERRA and ASSOCIATES, INC.
101 SHATTUCK WAY
SUITE # 8
NEWINGTON, N.H. 03801-7876
603.436.3557

DATE: 01/05/2012
JOB NO: 23088
SCALE: 1" = 20'
DWG NAME: 23088-56.DWG
PLAN NO: 23088-5
SHEET: 1 OF 1

PROJECT MGR: JV
DRAWN BY: HRM
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