

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
DATE: March 29, 2017
Re: Deer Street Associates, Owner/Applicant
Project Location: 163 Deer Street, Lot/Building 4
Tax Map 125/Lot 17-2
Character District 5 (CD5); Downtown Overlay

Dear Chairman Rheaume and Zoning Board Members:

On behalf of Deer Street Associates (“DSA”), we are pleased to submit this memorandum and materials in support of Zoning Relief for Building/Lot 4 of the Deer Street Mixed Used Development Project (the “Project”).

I. Exhibits

1. Variance Plans – by JSA, Inc. and GeoInsight, Inc.
 - 3/28/17 B.O.A. Site Plan
 - 3/29/17 Floor Plans Sheet A1.1
2. 3/17/17 Overall Hardscape Plan – by JSA, Inc. and GeoInsight, Inc. showing overall Project area.
3. 11/28/16 Existing Conditions Site Plan – by Ambit Engineering, Inc.
4. 3/17 Architectural Plan Lot 4 – Option B – by JSA, Inc.
5. Lot 4 Preliminary Queue Analyses and Site Circulation Evaluation – by Gorrill Palmer Consulting Engineers, Inc.
6. 1/16/17 Declaration of Restrictive Covenants – granted by Boston and Maine Corporation for the benefit of Deer Street Association.
7. Site Photographs.
8. Tax Map 125.
9. Variance Application (copy).

II. Property/Project

The subject property (the “Property”), at 163 Deer Street, is identified as Building/Lot 4 of the Project. **Exhibit 1**. The Project consists of the redevelopment of portions of Deer Street and Hill Street to construct four-mixed use buildings on Lots 3, 4, 5 and 6 and the creation of community space on Lot 2, in coordination with the construction of the new City parking garage. **Exhibit 2**. The Property is currently developed with a 1½-story commercial building occupied by Eastern Bank. **Exhibit 3** (Existing Conditions Plan); **Exhibit 7** (Site Photographs).

As part of the Project development, DSA proposes to demolish the existing building and construct a new four-story mixed use structure. **Exhibit 1.** The new building will include a restaurant and office use, both permitted in CD5. The existing Eastern Bank will be relocated to the adjacent Building 5. To facilitate this relocation and to maintain planned traffic flows for the Project, DSA proposes to retain an Automated Teller Machine (“ATM”)¹ on the Property to service Eastern Bank customers.

The Property is located in the City’s North End, in the CD5 Zone, the Downtown Overlay and Historic Districts. The intent of CD5 is to provide for higher density development and greater lot coverage.² In order to meet the higher density build out requirements for the Project as a whole, Lot 4 features also serve Lots 3 and 5. The design includes a traffic circulation pattern over the Property to access parking on the adjoining Lots 3 and 5, allowing those larger lots to maintain density and front line build-out coverage requirements. **Exhibits 1 and 3.** The proposed Lot 4 building is designed to facilitate this traffic circulation by including an open area at the rear of the first and second stories of the structure, with the third and fourth stories extending nearly to the rear yard setback, in line with the buildings proposed for Lots 3 and 5. **Exhibit 1 and 4.** The proposed design also includes driveways on either side of the Lot 4 building to both facilitate traffic flow and to maintain view shed corridors between Buildings 3, 4 and 5.

While the proposed uses of the Property are permitted in CD5 and the Project fits with the overall intent for the CD5 zone, limited relief from the Portsmouth Zoning Ordinance (“PZO”) is needed to complete the proposed building design and traffic circulation plan. The Project is undergoing municipal review.³ DSA cannot finalize the overall project design and traffic circulation plans for Lots 3 and 5 without the requested relief for Lot 4. Accordingly, DSA respectfully requests that this Board grant the requested relief.

¹ Specifically, DSA intends to install an Interactive Teller Machine (“ITM”) as shown on B.O.A. Site Plan. An ITM is essentially an automatic teller machine that provides additional services, such as video interaction with bank employees. For the purposes of this memorandum, we use the more familiar ATM term, which includes the proposed ITM.

² See PZO 10.5A41.10D providing a maximum building coverage of 95% and minimum front lot line build out of 80%.

³ As of the date of this memorandum, DSA has completed Design Review for the Project and is currently undergoing Technical Advisory Committee (“TAC”) review. The Property and Lot 5 are also currently undergoing Historic District Commission review.

III. Relief Required

1. Section 10.440 - To permit an ATM drive-through as a principal use.

DSA proposes to relocate Eastern Bank to the adjoining Lot 5 but maintain an ATM drive-through on the Property consistent with current conditions and the proposed traffic design. Lot 5 has no circulation around the building to access an ATM. Thus, DSA intends to retain an ATM on Lot 4. Although there has been a long-standing ATM drive-through on the Property, drive-throughs are not permitted as accessory uses in the CD5 Zone. Accordingly, relief from PZO Section 10.440 (Table of Uses) is necessary to allow the use of an ATM drive-through as a principal use on the Property. Eastern Bank provides commercial banking services only; therefore, ATM use is significantly lower than that of a typical retail bank. Based on current usage, the new ATM is expected to generate approximately 12 cars per day. **Exhibit 5**, pp. 4-5 (Gorrill Palmer Report). Further, unlike a typical retail drive-through where impacts from noise and headlights are a concern, the ATM and associated drive-through lane are located behind the building and under the third and fourth floor overhang. Headlights will point into the garage on Lot 3.

2. Section 10.516.20 – To permit a 5-foot rear yard adjoining a railroad right of way where 15 feet is required.

Although the first and second stories of the building are open, portions of the third and fourth floors, and associated supports, extend to approximately five feet from the rear property line, consistent with the layouts for Lots 3 and 5. DSA also intends to install transformers and install covered dumpsters along the five foot setback. These structures meet the setback requirements for CD5. However, because the Property adjoins a railroad right of way for the Boston and Maine Railroad (“B&M”), it is subject to the 15 foot railroad setback of PZO Section 10.516.20. Note, however that B&M has granted DSA a 10-foot no-build covenant along its adjoining property boundary. **Exhibit 6**. Thus, the resulting 10-foot no-build covenant combined with the 5 foot setback maintains the intent of the 15 foot structure setback requirement of Section 10.516.20.

3. Section 10.5A41.10D – To permit a 66% front lot line buildout where 80% is required.

In order to allow for adequate ingress, egress and travel lane widths around the building, and to maintain view shed corridors, the Property provides a 66% lot line buildout. **Exhibit 1.** This design, while slightly less than the required minimum, increases the existing front lot line buildout and allows larger buildings, thus in full compliance with the Section 10.5A41.10D front line buildout requirements for Lots 3 and 5.

4. Section 10.835.31 – to permit an outdoor service facility (ATM) 49.62 feet from the rear lot line, 49.76 feet from the side lot line and 48.19 feet from the front lot line where 50 feet is required.

DSA proposes one-way traffic over the Property, in a counterclockwise direction, based on comments made during Design Review and TAC. For proper traffic flow, the ATM must be located towards the southwesterly side of the building. The proposed location under the first and second floor opening maximizes the distance for the ATM from the left (southwesterly), rear and front side line. However, the location is still slightly less than the 50 foot setback requirement – 49.76 feet from the left lot line, 49.62 feet from the rear lot line and 48.19 feet from the front lot line. Thus, relief is very limited for all lot line setbacks and, when considered with the 10-foot no-build restriction, the rear lot setback far exceeds the 50-foot requirement.

5. Section 10.835.32 – To permit a drive-through bypass lane 11.27 feet from a lot line where 30 feet is required.

PZO Section 10.835.32 requires drive-through, stacking and bypass lanes to be located at least 30 feet from any lot line. The proposed drive-through/stacking lanes meet this distance requirement. However, the bypass lane, which is also the primary lane to access Building/Lot 3, is within 30 feet of the rear lot line, with its outside boundary located 11.27 feet from the B&M property boundary. Were no ATM provided, a driveway/access lane is permitted at 11.27 feet. Considered with the 10-foot B&M no-build covenant, the distance from the rear property line provides a reasonable setback and is consistent with the density expectations of CD5. Moreover, the bypass lane is shielded from view, as it is located between the building and a railroad right of way and under the third and fourth story overhang.

IV. Variance Requirements

1. The variances will not be contrary to the public interest.
2. The spirit of the ordinance is observed.

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives". Id. "Mere conflict with the zoning ordinance is not enough". Id.

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO Section 10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan... [by] regulating":

1. The use of land, buildings and structures for business, industrial, residential and other purposes – Restaurant and office uses are permitted in CD5. While the use and location of the ATM and bypass lane are technically noncompliant, they are consistent with the current use of the Property and intent of the CD5 zone, which promotes greater density and mixed use developments. Although the proposed transformers and rear building line are within the 15-foot railroad setback, taken with the B&M no-build covenant, the setback is effectively met. The location of these structures closer to the rear lot line, along with the reduced front lot line buildout for the driveways, allows for proper traffic circulation while maintaining overall buildout requirements for the Project.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Property meets all applicable lot size, coverage, height and open space requirements, with the exception of having a 66% front lot line buildout, an increase over the existing buildout but less than the 80% requirement. The reduced front lot line buildout allows for adequate traffic circulation and sight lines through open space between buildings while maintaining the overall density contemplated for CD5.

3. The design of facilities for vehicular access, circulation, parking and loading – The proposed variances are required primarily to allow for proper traffic circulation. The current circulation pattern takes into consideration the City’s traffic study, the Gorrill Palmer analysis and comments made during TAC and Planning Board Design Review.

4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – None of these are negatively affected by the requested relief. The ATM and bypass lane are located to the rear of the building and under the third and fourth floor overhang, providing additional screening to adjacent properties. The setback variances meet the intent when considered with the 10-foot no-build easement on the B&M property. The reduced building frontage is required in order for the Lots 3 and 5 buildings to be larger, a goal of CD5 zone.

5. The preservation and enhancement of the visual environment – The Property is part of the larger Deer Street redevelopment project, which is undergoing significant municipal review. In addition, the Property, along with Building 5, is subject to the HDC review process. The Property has and will continue to have close review by municipal boards with respect to its overall visual impact. With respect to the variances at issue, the majority of requested relief relates to the rear portion of the Property, located between the building and the railroad line and under the third and fourth floor overhang. Thus, there will be little, if any, impact to the views from Deer Street and surrounding properties. The front lot line buildout, while visible from the street, is more conforming than the existing building and provides a view shed corridor between the Property and Buildings 3 and 5. Accordingly, the requested relief will not negatively impact the visual environment, particularly compared to existing conditions.

6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The Property is currently under HDC review and requires a Certificate of Approval. Thus, the Property will be developed in conformance with the HDC approval process.

7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The proposal meets all lot coverage and open space requirements. The majority of variances requested relate to setbacks, which do not impact natural resources. The proposed front lot line buildout will, in fact, result in less building

coverage on the lot. Water related issues are being reviewed with the Planning Board in the site review process.

Based upon the foregoing, none of the variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives”. Malachy Glen, supra, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

CD5 is intended to promote higher density, multi-use development, precisely what is proposed for the Property. The Property abuts a railroad right of way to the rear and is being developed pursuant to an overall development plan with the two adjoining parcels. The proposal is consistent with the surrounding area and general intent of the underlying zoning district. Accordingly, granting each variance will neither “alter the essential character of the locality,” nor “threaten the public health, safety or welfare”.

3. Granting the variance will not diminish surrounding property values.

The requested relief is required due to traffic circulation for the Project as a whole, is generally concentrated to the rear of the Property and under the third and fourth floor overhang, visually shielded from surrounding properties. The dumpsters will also be under the overhang. The traffic pattern benefits and is in coordination with the adjoining Lots 3 and 5. Thus, there will be no additional traffic generated as a result of the variances, above what would otherwise be permitted for the three parcels. Any traffic generated by the ATM is limited (approximately 12 cars per day) given the commercial nature of the bank’s business. Given the redevelopment of the area as a whole, consistent with the intent of the PZO and Master Plan, granting the variances will not diminish surrounding property values.

4. Denial of the variances results in an unnecessary hardship.

- a. Special conditions distinguish the property/project from others in the area.

The Property is one lot in a 5-lot large-scale redevelopment project. Keeping that in mind, DSA has endeavored to design the overall Project to allow for coordinated traffic circulation and access for Buildings 3, 4, and 5 and to maintain an open view shed corridor between the buildings. While this is a large redevelopment area, the Property itself is relatively narrow and bounded to the rear by a railroad right of way. Unlike a typical railroad bound parcel, the Property is benefitted by a 10-foot no-build covenant that effectively increases the rear setback area to 15 feet. All of the foregoing combine to create special conditions on the Property.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

With respect to the impact of a commercial ATM and associated drive-through/bypass lane, an ATM exists and will continue to exist on the Property, albeit servicing a business located on an adjacent lot. Nevertheless, there is sufficient space on the Property and traffic patterns allow for the inclusion of an ATM. The proposed lot line setbacks are only slightly less (0.26 to 1.81) than the 50 foot requirement. The bypass lane setback, while less than the 30 foot requirement is mitigated by the 10 foot no-build covenant, which provides an additional buffer to the rear property line, as well as the placement of the ATM and drive-through/bypass lane to the rear of the building and under the third and fourth floor overhang. Additionally, the Property is located in a commercial area, bounded by associated buildings on each side and a railroad right of way to the rear, thereby limiting the typical drive-through concerns, namely impacts related to traffic, noise and headlights.

The 15-foot railroad setback is intended to provide adequate distance between structures and a railroad right of way. The existence of a 10-foot no-build covenant together with the 5-foot setback requirement of CD5 meets this intent. Accordingly, there is no reason to apply the 15-foot railroad right of way structure setback to the Property.

While the front lot line buildout at 66% is lower than the 80% requirement for CD5, it allows for proper traffic circulation, maintains the intended front lot line buildout percentages for the Project as a whole and together with the Lot 2 community space, maintains a view shed corridor between Buildings 3, 4, 5 and the new City parking garage.

For all of these reasons, there is no fair and substantial relationship between the general public purposes of these provisions of the PZO and their specific application to the Property.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005) The proposed use of the Property for a restaurant and offices is permitted. Moreover, the development is consistent with the overall intent of CD5 and the Master Plan to create higher density mixed use development in the area. As such, and for all of the reasons stated, this proposal use is reasonable.

5. Substantial justice will be done by granting the variance.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C., 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice”. Malachy Glen, supra at 109.

Granting the variances allows DSA to make reasonable use of the Property and to provide adequate traffic circulation for the Project as a whole. It also allows Eastern Bank to retain an ATM on the Property while moving to newer and better office space. Denying any of the variances provides no benefit the public. Conversely, denial deprives DSA the reasonable use and development of the Property. There is simply no benefit to the public that outweighs the harm to the owner if the requested variances are not granted. Denial would result in an unreasonable and unconstitutional taking of their rights.

V. **Conclusion**

For all of the reasons stated, DSA respectfully requests that the Portsmouth Zoning Board of Adjustment grant the submitted variance requests.

Respectfully submitted,

Deer Street Associates



By: R. Timothy Phoenix

KMB/dmw
Encl.

cc: Deer Street Associates
JSA Architects
GeoInsight, Inc.
Steve Leonard, LEED AP

CITY OF PORTSMOUTH

Zoning Board of Adjustment Application

<i>Department Use Only</i>		Date _____
Assessor Plan # _____	Lot # _____	Fee _____
Zone _____	Lot area _____	By _____

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant Deer Street Associates Owner of Record same

Applicant Street Address P.O. Box 100 Owner Street Address _____

Applicant City / State / Zip York Harbor, ME 03911 Owner City / State / Zip _____

Applicant phone (207) 363-3540 Owner phone (____) _____

Applicant e-mail c/o tphoenix@hpgrlaw.com

Location (street address) of proposed work: Bldg./Lot 4, 163 Deer Street

Existing use: Bank

Undersigned hereby requests:

- | | Article and Section |
|---|---|
| <input type="checkbox"/> Appeal from an Administrative Decision
See Article 2, Section 10.234.30 | |
| <input type="checkbox"/> Special Exception
See Article 2, Section 10.232.20 | |
| <input checked="" type="checkbox"/> Variance
See Article 2, Section 10.233.20 | Article 10, Sec. 10.440; Sec. 10.516.20; Sec. |
| <input type="checkbox"/> Other _____
See Article 2, Section 10.233.20 | 10.5A41.10D; Sec. 10.835.31; Sec. 10.835.32 |

To permit the following:

Construction of a mixed use building with interactive teller machine and enclosed dumpsters and transformers on the property.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Signature of Owner ASULLS Date 3/29/17

Please PRINT name here ANNA SCALC ROGERS

Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. One (1) original copy of a completed and signed "Board of Adjustment Application Check-List" shall accompany all applications.
7. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

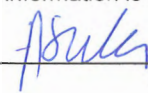
<ul style="list-style-type: none"><input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including:<ul style="list-style-type: none">- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)- Lot dimensions- Abutting street(s) and street names- Driveways / accessways- Dimensions (size and height) of structures- Dimensions and location of parking spaces	<ul style="list-style-type: none"><input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)<input type="checkbox"/> Labeled photo(s) of existing conditions<input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions<input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures
--	--

8. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<ul style="list-style-type: none"><input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)<input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)<input type="checkbox"/> Labeled photo(s) of existing conditions

9. Plans should be 8 ½" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
10. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
11. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
12. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

 3/29/17
(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- Provide neat and clear plans
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- All applicants are encouraged to discuss the project with impacted neighbors



273 CORPORATE DRIVE
PORTSMOUTH, NH 03801
T 603.436.2551
F 603.436.6973
www.jsainc.com

GEONISIGHT, INC.
GEOTECH & CIVIL
MANCHESTER, NEW HAMPSHIRE

GREENMAN-PEDERSEN, INC.
LANDSCAPE DESIGN
PORTSMOUTH, NEW HAMPSHIRE

JSN ASSOCIATES, INC.
STRUCTURAL ENGINEER
PORTSMOUTH, NEW HAMPSHIRE

ENGINEERED SYSTEMS INC.
MPFP ENGINEER
WOBURN, MASSACHUSETTS

ENGINEERED BUILDING SYSTEMS
ELECTRICAL ENGINEER
DERRY, NEW HAMPSHIRE

DEER STREET
DEVELOPMENT,
LOT 4: 163 DEER
STREET, ASSESSORS
MAP 125 LOT 17-2

PORTSMOUTH, NH 03801

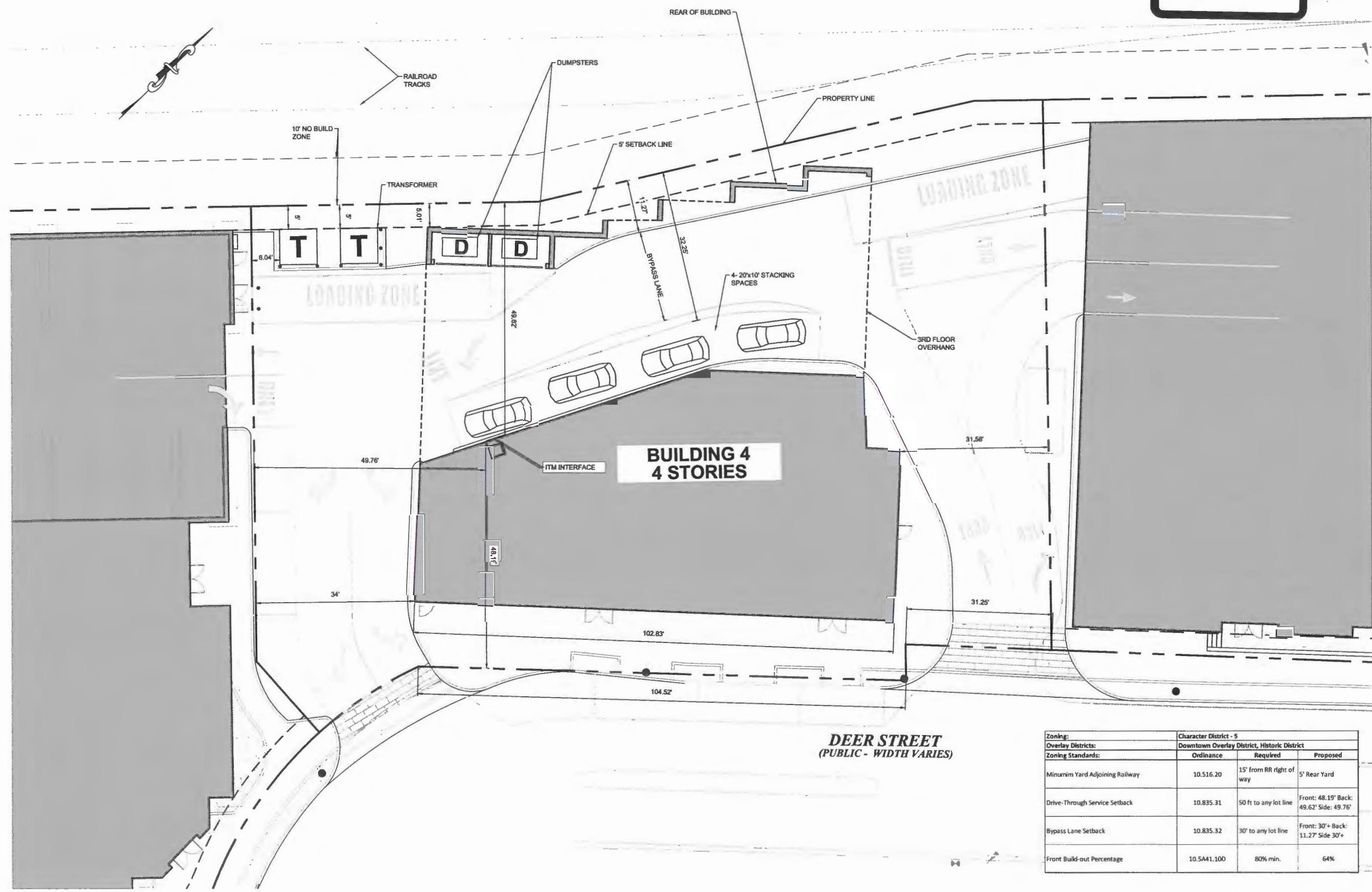
Deer Street Associates

Scale: 1"=10'
Date: 3/28/2017
Project: 14837.04
Number:

REVISIONS		
NO.	DESCRIPTION	DATE

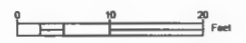
REQUEST FOR
VARIANCES
SITE PLAN
B.O.A.

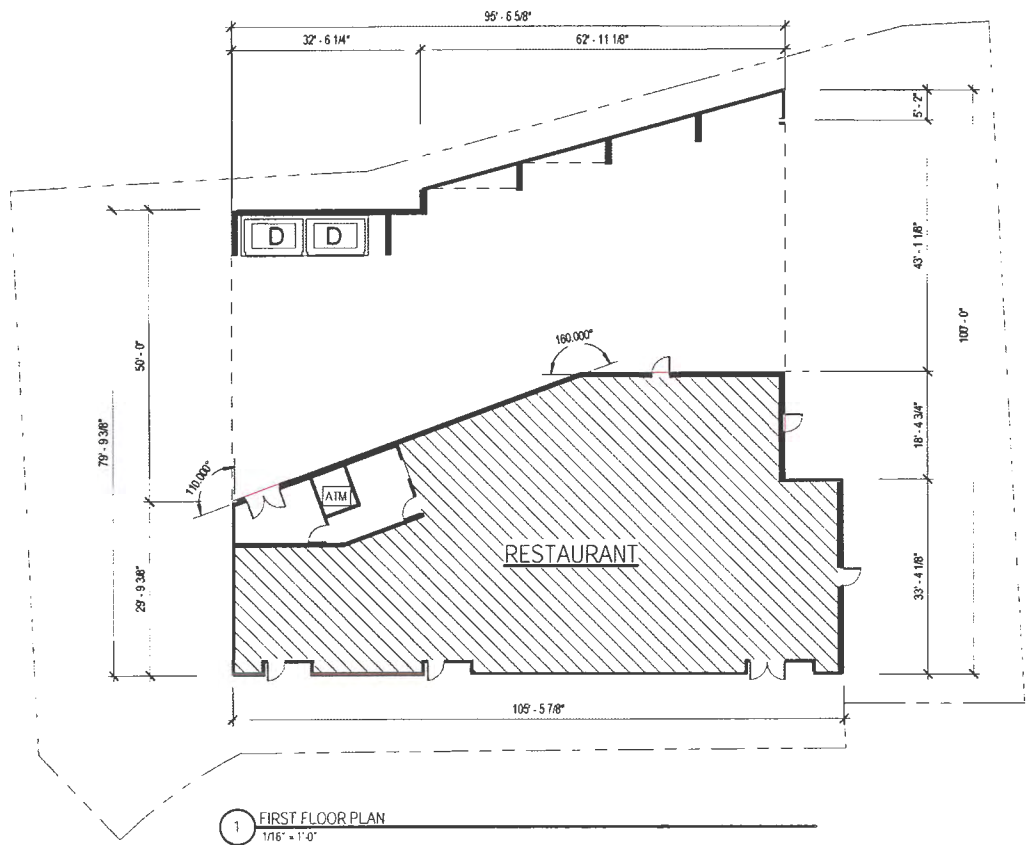
C3.0



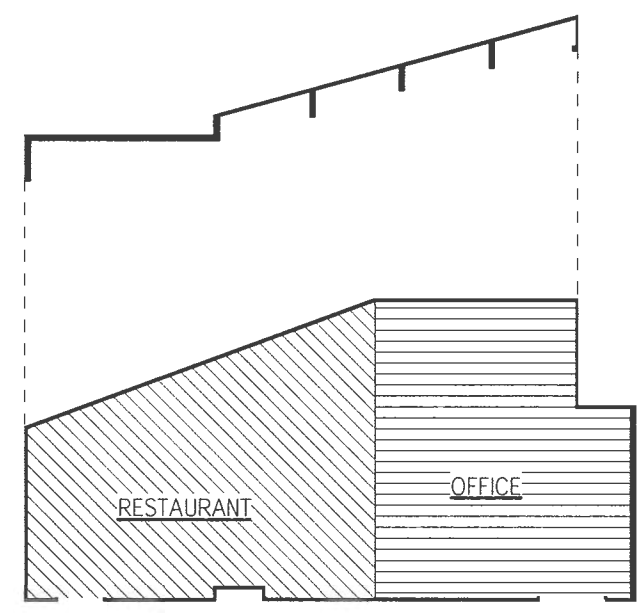
DEER STREET
(PUBLIC - WIDTH VARIES)

Zoning:	Character District - 5		
	Downtown Overlay District, Historic District		
Overlay Districts:	Ordinance	Required	Proposed
Minimum Yard Adjoining Railway	10.516.20	15' from RR right of way	5' Rear Yard
Drive-Through Service Setback	10.835.31	50 ft to any lot line	Front: 48.19' Back: 49.62' Side: 49.76'
Bypass Lane Setback	10.835.32	30' to any lot line	Front: 30'+ Back: 11.27' Side 30'+
Front Build-out Percentage	10.5441.100	80% min.	64%

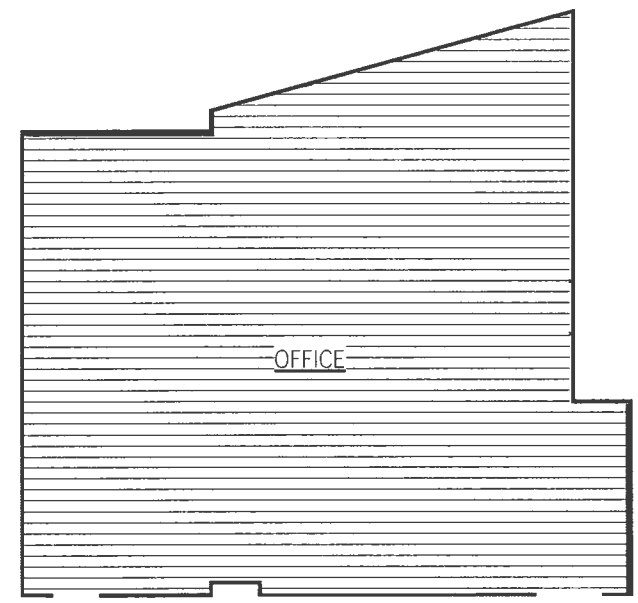




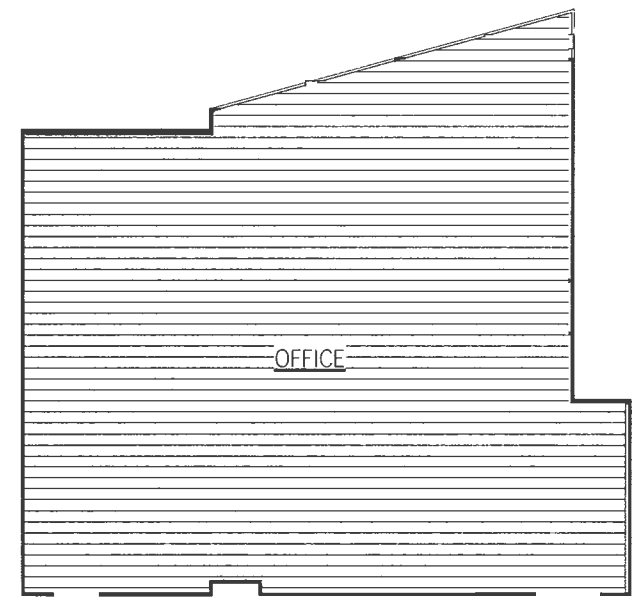
1 FIRST FLOOR PLAN
1/16" = 1'-0"



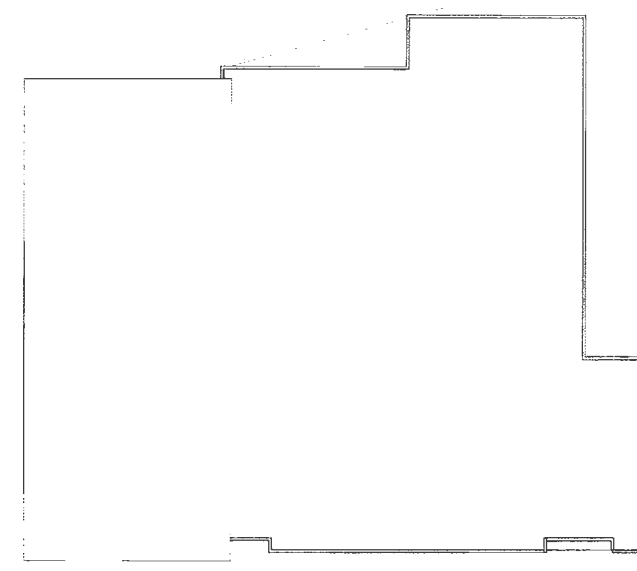
2 SECOND FLOOR PLAN
1/16" = 1'-0"



3 THIRD FLOOR PLAN
1/16" = 1'-0"



4 FOURTH FLOOR PLAN
1/16" = 1'-0"



5 ROOF PLAN
1/16" = 1'-0"



ARCHITECTS
INTERIORS
PLANNERS

273 CORPORATE DRIVE
PORTSMOUTH, NH 03801
T 603.436.2551
F 603.436.6973
www.jsainc.com

GEINSIGHT, INC.
GEOTECH & CIVIL
MANCHESTER, NEW HAMPSHIRE

GREENMAN-PEDERSEN, INC.
LANDSCAPE DESIGN
PORTSMOUTH, NEW HAMPSHIRE

JSN ASSOCIATES, INC.
STRUCTURAL ENGINEER
PORTSMOUTH, NEW HAMPSHIRE

ENGINEERED SYSTEMS INC.
MPP ENGINEER
WOBURN, MASSACHUSETTS

ENGINEERED BUILDING SYSTEMS
ELECTRICAL ENGINEER
DERRY, NEW HAMPSHIRE

**DEER STREET
DEVELOPMENT,
"LOT 4": 163 DEER
STREET, ASSESSORS
MAP 125 LOT 17-2**

PORTSMOUTH, NH 03801

Deer Street Associates

Scale: 1/16" = 1'-0"
Date: 3/29/2017
Project Number: 14837.04

REVISIONS		
NO.	DESCRIPTION	DATE

**BOARD OF
ADJUSTMENT
FLOOR PLANS**

A1.1

COPYRIGHT © 2017

3/29/2017 10:33:57 AM C:\Revit Projects\2018\2018-637-04 - Deer St - Central - CURRENT - Ikozak.rvt

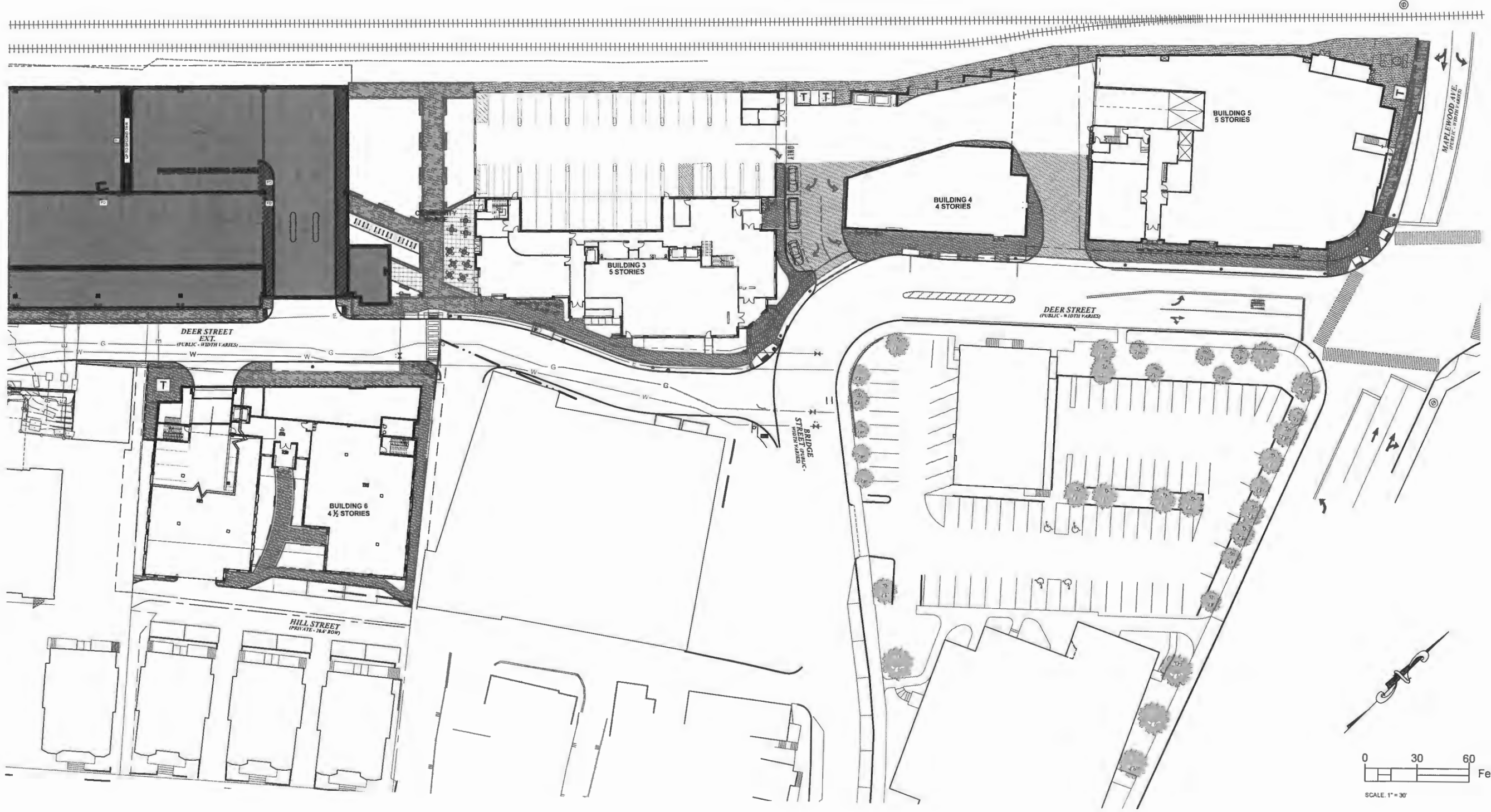
Scale:
Date: 3/17/2017
Project: 14837.02
Number:

REVISIONS		
NO.	DESCRIPTION	DATE

SITE PLAN REVIEW

OVERALL
HARDSCAPE
PLAN

L1



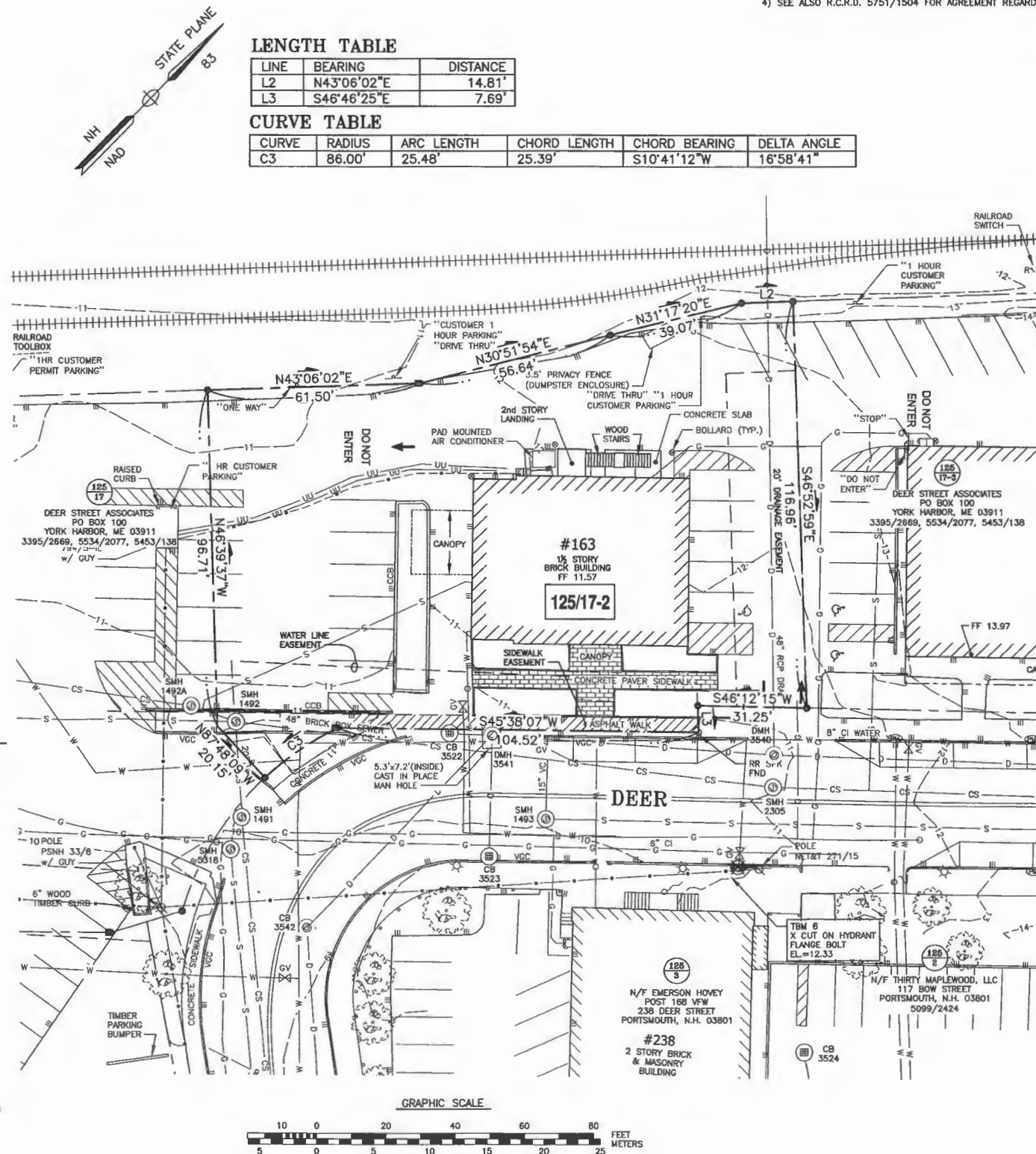
C:\chem\Projects\Portsmouth NH - Deer St Mixed Use_MAX_2016174\Drawings\Working\1-CAO\2017 0317_Portsmouth-Deer St Mixed Use_Site Plan_Review.dwg

DRAIN STRUCTURE TABLE

STRUCTURE	RM ELEV.	INV. ELEV. IN INV. ELEV. OUT	PIPE SIZE & TYPE
CB 3522	10.12	7.52±	12" RCP (NE)
CB 3523	9.52	6.32	12" (NW)
CB 3524	10.52	7.52	12" (SE)
CB 3525	10.95	5.63	12" (NW)
CB 3527	8.49	4.76	12" (NE)
CB 3528	8.00	4.40	12" (SW)
CB 3529	8.00	4.19	12" (NE)
CB 3530	11.48	8.53	4" (E)
		8.13	6" (W)
DMH 3540	10.81	NA	18" RCP (NE) 36" (SW)
		1.56	48" RCP (NW)
DMH 3541	10.26	7.52± 7.52± 2.10	12" RCP (SW) 12" RCP (SE) 36" (S)
		1.96	36" (NE)
		2.61	36" (SE)
DMH 3542	9.44	2.21	36" (N)
DMH 3543	8.47	4.39 4.36 4.13 2.91	15" (NNW) 12" (NE) 12" (SW) 36" (NW)
		2.91	36" (NE)
DMH 8159	15.96	12.36 11.81 8.78 5.06	12" RCP (NNE) 12" RCP (SSE) 18" CPP (ESE) 12" RCP (NW)
		4.96	18" RCP (SW)
DMH 8160	13.50	9.5 8.6 5.5	12" PVC (NNE) 12" RCP (NNW) 12" RCP (W)
		5.55	12" RCP (SE)
DMH 8161	13.20	9.75 5.72	12" RCP (WSW) 12" RCP (NW)
		5.68	12" RCP (ENE)
CB 8164	15.28	12.63	12" RCP (NNW)
CB 8165	16.15	INV. UNKNOWN	Basin in Failure
CB 8167	13.45	8.95	12" RCP (SSE)
CB 8168	13.19	9.83±	12" RCP (ENE)
CB 8170	13.23	8.83	12" RCP (SW)
CB 12212	8.36	INVERT NOT ACCESSIBLE	12"
CB 12480	15.46	11.11	18" CPP (WNW)

LEGEND:

N/F	HOW OR FORMERLY RECORD OF PROBATE	HYD	HYDRANT
RP	ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21	M/E	METER (GAS, WATER, ELECTRIC)
RR SPK FND	RAILROAD SPIKE FOUND/SET	CB	CATCH BASIN
IR FND	IRON ROD FOUND/SET	TM	TELEPHONE MANHOLE
IP FND	IRON PIPE FOUND/SET	SM	SEWER MANHOLE
DH FND	DRILL HOLE FOUND/SET	DM	DRAIN MANHOLE
CONC BND w/DH	CONCRETE BOUND w/ DRILL HOLE	B-1	TEST BORING
ST BND w/DH	STONE BOUND w/ DRILL HOLE	AC	AIR CONDITIONER UNIT
FM	FORCE MAIN	AC	ASBESTOS CEMENT PIPE
S	SEWER LINE	CI	CAST IRON PIPE
G	GAS LINE	DI	DUCTILE IRON PIPE
D	STORM DRAIN	PVC	POLYVINYL CHLORIDE PIPE
W	WATER LINE	RCP	REINFORCED CONCRETE PIPE
100	UNDERGROUND ELECTRIC	VC	VITRIFIED CLAY PIPE
97x3	OVERHEAD ELECTRIC/WIRES	PP	PLASTIC PIPE
100	CHAIN LINK FENCE	EL	ELEVATION
97x3	CONTOUR	EP	EDGE OF PAVEMENT
97x3	SPOT ELEVATION	FF	FINISHED FLOOR
97x3	EDGE OF PAVEMENT (EP)	INV.	INVERT
97x3	UTILITY POLE (w/ GUY)	TBM	TEMPORARY BENCHMARK
97x3	SHUT OFF (GAS / WATER)	TYP.	TYPICAL
97x3	GATE VALVE	VGC/SGC	VERTICAL/SLOPED GRANITE CURB
97x3	BOLLARD	CCB	CAPE COD BERM
		AG	ABOVE GRADE



EASEMENT AND RESTRICTION NOTES:

- SUBJECT PARCELS ARE SUBJECT TO ALL MATTERS SET FORTH IN R.C.R.D. 5751/1470 INCLUDING, BUT NOT LIMITED TO:
 - THE RIGHT OF BOSTON & MAINE TO RELOCATE ANY EXISTING UNDERGROUND FACILITIES, DRAINAGE CULVERTS, WALLS, CROSSINGS AND/OR OTHER STRUCTURES ON THE SUBJECT PARCEL.
 - RESTRICTIONS REGARDING CLAIMS AGAINST BOSTON AND MAINE CORPORATION FOR ENVIRONMENTAL ISSUES, SEE R.C.R.D. 5453/138.
 - ANY PRESCRIPTIVE RIGHTS OF THE CITY AND PUBLIC IN AND TO EXISTING SEWER AND STORM WATER LINES.
 - ALL STATE OF FACTS AS APPEAR ON A PLAN ENTITLED "ALTA/NSPS LAND TITLE SURVEY, PORTION OF TAX MAP 138 LOT 62 & TAX MAP 125 LOT 17, OWNER OF RECORD: DEER STREET ASSOCIATES" DATED APRIL 2016, PREPARED BY AMBIT ENGINEERING, INC.
 - ALL MATTERS NOTED, DESCRIBED, OR SHOWN ON R.C.R.D. PLAN D-39899.
 - A SIDEWALK EASEMENT TO THE CITY OF PORTSMOUTH, SEE R.C.R.D. 4550/1885.
 - A WATERLINE EASEMENT TO THE CITY OF PORTSMOUTH, SEE R.C.R.D. 4550/1887.
 - A DRAINAGE EASEMENT TO THE CITY OF PORTSMOUTH, SEE R.C.R.D. 2196/1068.
- SEE ALSO RELEASE DEEDS FROM BOSTON AND MAINE CORPORATION TO DEER STREET ASSOCIATES, R.C.R.D. 5751/1440, 5757/1443, 5751/1449, 5757/1451, AND 5751/1455.
- SEE ALSO AMENDMENT TO LEASE AND NOTICE OF LEASE, R.C.R.D. 5751/1466.
- SEE ALSO R.C.R.D. 5751/1504 FOR AGREEMENT REGARDING RELOCATION OF UNDERGROUND UTILITIES.

LENGTH TABLE

LINE	BEARING	DISTANCE
L2	N43°06'02"E	14.81'
L3	S46°46'25"E	7.69'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C3	86.00'	25.48'	25.39'	S10°41'12"W	16°58'41"

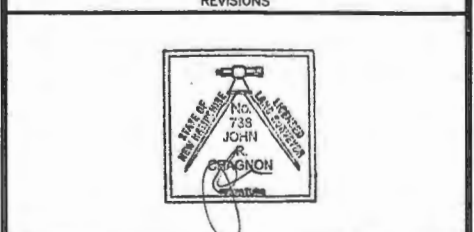


AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-8282
Fax (603) 436-2816

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 125 AS LOTS 17-2.
 - OWNERS OF RECORD:
DEER STREET ASSOCIATES
PO BOX 100
YORK HARBOR, ME
3395/2669, 5534/2077, 5453/138
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 330150295E, EFFECTIVE DATE MAY 17, 2005.
 - EXISTING LOT AREAS:
18,347 S.F.
0.4212 ACRES
 - PARCEL IS LOCATED IN THE CD5 CHARACTER BASED ZONING DISTRICT AND HISTORIC DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
SEE ZONING ORDINANCE
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE SUBJECT PARCELS.
 - HORIZONTAL DATUM AND BASIS OF BEARING IS NEW HAMPSHIRE STATE PLANE NAD83(2011). BASIS OF HORIZONTAL DATUM IS RTK GPS OBSERVATIONS.
 - VERTICAL DATUM IS MEAN SEA LEVEL-NAVD88. BASIS OF VERTICAL DATUM IS NGS PID 00290 - B 2 1923, ELEVATION 19.55.
 - THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

DEER STREET ASSOCIATES, INC. SITE REDEVELOPMENT PORTSMOUTH, N.H.

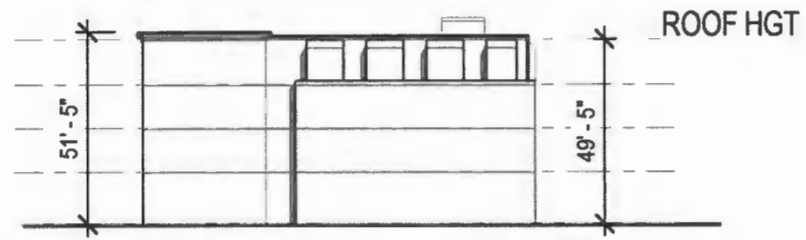
NO.	DESCRIPTION	DATE
1	ADD DRAINAGE STRUCTURE TABLE	11/28/16
0	ISSUED FOR COMMENT	11/14/16



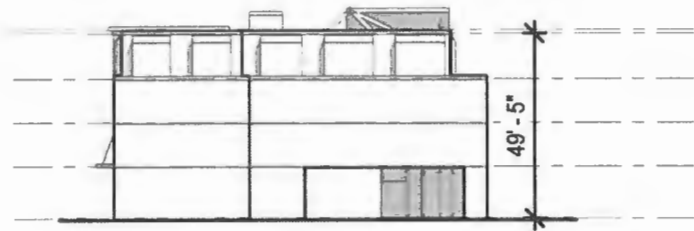
SCALE: 1" = 20' OCTOBER 2016

EXISTING CONDITIONS SITE PLAN

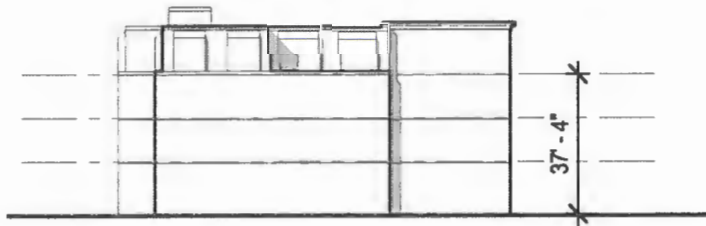
X3



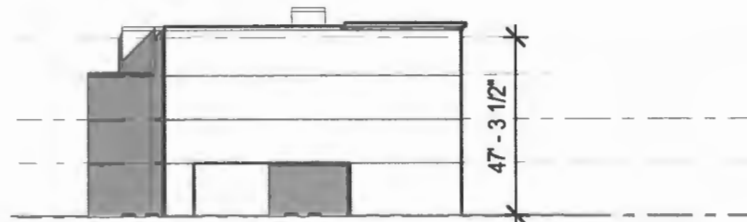
1 SOUTH DEER ST ELEVATION - C
1" = 50'-0"



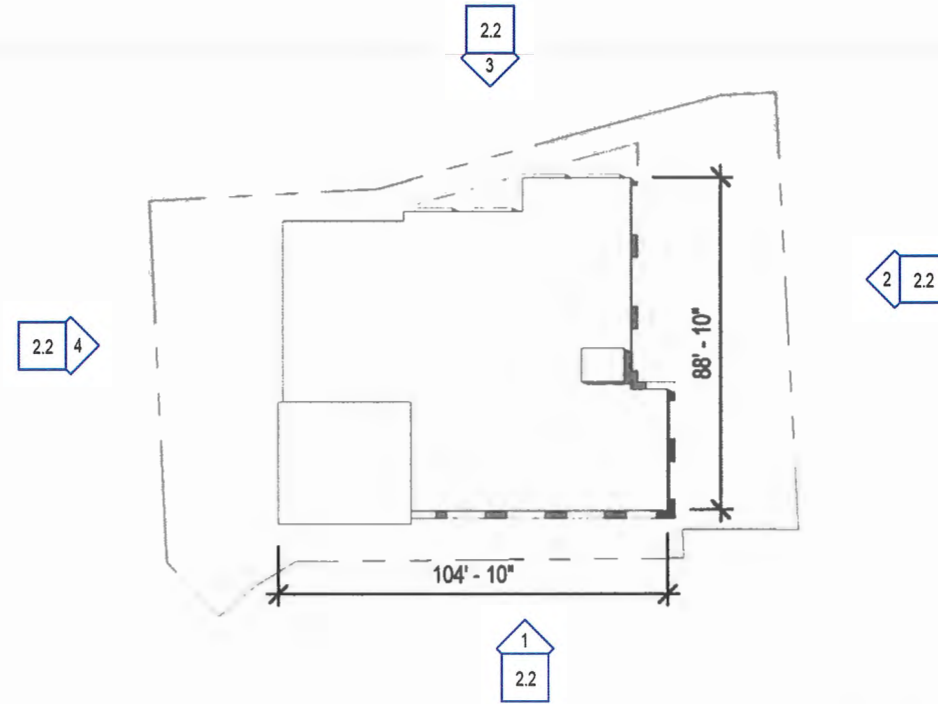
2 EAST ELEVATION FROM LOT 5 - C
1" = 50'-0"



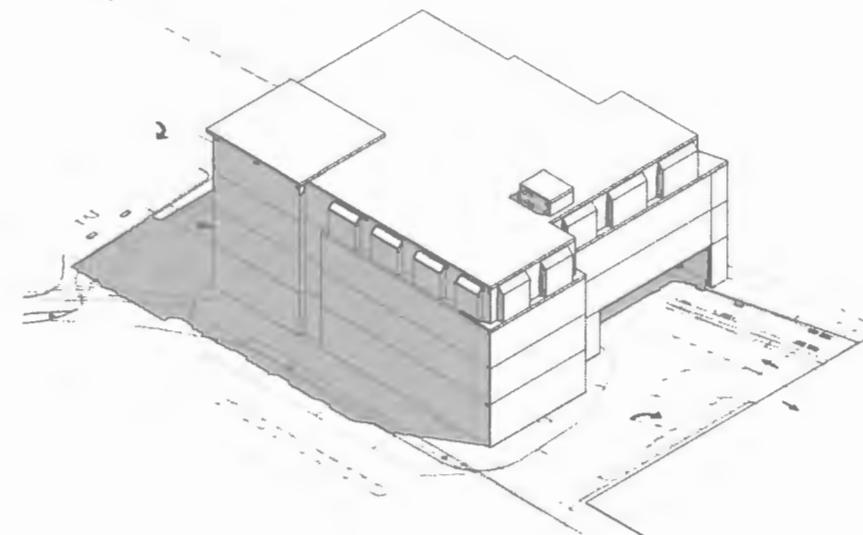
3 NORTH ELEVATION FROM RAILROAD - C
1" = 50'-0"



4 WEST ELEVATION FROM LOT 3 - C
1" = 50'-0"



5 ROOF LEVEL - C
1" = 50'-0"



6 HDC WS 3D VIEW - C

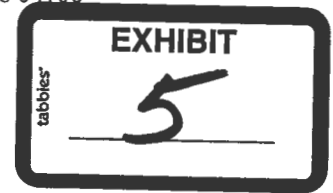
2.2

LOT 4 - OPTION B

Deer St Associates, Lots 4 & 5
157-163 Deer St, Map 125 Lots 17-2&3
HDC Work Session 3 March 2017



707 Sable Oaks Drive, Suite 30
South Portland, Maine 04106
207.772.2515



DRAFT
Lot 4 Preliminary Queue Analyses and Site Circulation Evaluation
Deer Street Mixed Use Development
Portsmouth, New Hampshire

Date: February 13, 2017
Subject: Lot 4 Preliminary Queue Analysis and Site Circulation Evaluation
To: Ania Rogers, GL Rogers
From: Randy Dunton, Gorrill Palmer

Gorrill Palmer (GP) has been retained by GL Rogers and Company Inc. to complete queue analyses for the vehicle elevator in Building 5, the bank drive-through lane on Building 4, and the driveway exit on Lot 4 for the proposed Deer Street mixed use development in Portsmouth, New Hampshire. The proposed development consists of six lots, including the City owned Deer Street Parking Garage, but Lots 3, 4, and 5 share a site driveway. The site driveway is enter only to the east of Building 4 and exit only to the west of Building 4, with traffic circulating around Building 4 counterclockwise. Buildings 4 and 5 on Lots 4 and 5 both have site uses that have the potential to create queues that may impact vehicle circulation. The following is summary of the assumptions, methodology, and conclusions of the queue analyses.

Building 5 Vehicle Elevator Estimated Queue

Building 5 is proposed to be a five story mixed use structure that is a combination of 45 apartments, a bank, a pharmacy, and a parking garage. The parking garage is proposed to be accessed with a two vehicle elevators (one to bring vehicles up and one to bring vehicles down). There are 43 parking spaces proposed in the parking garage. The site plan shows a storage length for five vehicles outside the elevator (two of which are under the garage canopy), in a separate lane so they do not conflict with circulating site traffic. If the expected queue is longer than five vehicles it could interfere with vehicles entering the site from Deer Street.

Since there are a variety of uses in Building 5, the 43 parking spaces will be designated for different users. Of the 43 parking spaces, 18 will be dedicated to retail uses on weekdays (10 for the bank and 8 for the pharmacy). The remaining 25 spaces will be dedicated for residential use full time. The 10 spaces dedicated to the bank are proposed to be flex spaces and will be available for use by the residents during evenings, weekends, and holidays, when the bank is not open (5:00 PM to 8:30 AM). The 8 spaces for the pharmacy will also be available for residents to use when the pharmacy is closed (10:00 PM to 8:00 AM). The following table summarizes the use of the parking spaces at each time period:



Parking Space Designation by Time Period

Time Period	Residential	Bank	Pharmacy
10:00 PM – 8:00 AM	43	0	0
8:00 AM – 5:00 PM	25	10	8
5:00 PM – 10:00 PM	35	0	8

As shown in the table, the distribution of the parking spaces changes throughout the day, which will impact the number of vehicles entering the parking garage during a peak hour. For this reason, GP evaluated four scenarios based on the time periods above:

- Scenario 1 – AM peak hour, 43 residential spaces
- Scenario 2 – AM peak hour, 25 residential spaces, 10 bank spaces, 8 pharmacy spaces
- Scenario 3 – PM peak hour, 25 residential spaces, 10 bank spaces, 8 pharmacy spaces
- Scenario 4 – PM peak hour, 35 residential spaces, 8 pharmacy spaces

To estimate the arrival rate, GP estimated the number of vehicles that would be entering the parking garage for each scenario. For the residential use, GP used the Institute of Transportation Engineers' publication, *Trip Generation*, Ninth Edition, Land Use Code (LUC) 220 – Apartments, to calculate the peak hour trip generation for 45 apartments. The apartments are forecast to generate 25 trip ends during the AM peak hour of the generator (8 in / 17 out) and 30 trip ends during the PM peak hour of the generator (18 in / 12 out). Since the 43 parking spaces are not all for the residential units at all times of day, some of the trip ends generated by the residential units are expected to park elsewhere during those time periods. For the scenarios that do not have all 43 spaces dedicated to residential units, GP has taken the ratio of residential spaces to overall spaces and applied it to the trip generation and distribution to estimate the trips generated by the apartments that would use the available spaces. For example, in Scenarios 2 and 3, 25 out of 43 parking spaces are residential, which would give a residential trip generation for the parking garage of 15 trip ends (5 in / 10 out) for the AM peak hour and 17 trip ends (10 in / 7 out) for the PM peak hour. Since only vehicles entering the site would impact the queue of traffic waiting to enter the garage, GP used the forecasted number of entering trip ends during the peak hour to estimate the queue length.

For the retail uses (the bank and pharmacy) GP has assumed that while they are open, the spaces turn over twice an hour, which generates 20 bank vehicles per hour and 16 pharmacy vehicles per hour. The following table summarizes the estimated number of vehicles entering the parking garage during each scenario:



Peak Hour Entering Vehicles

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Residential	8	5	10	15
Bank	0	20	20	0
Pharmacy	0	16	16	16
Total	8	41	46	31

GP used the total number of entering vehicles for each scenario to estimate arrival rates. To evaluate the impact of the arrival rate on the queue length, GP used the arrival rates for two time periods; all vehicles arriving during a 60 minute period and to be conservative, all vehicles arriving during a 30 minute period.

The following table summarizes the arrival rates for the two time periods in each scenario:

Average Vehicle Arrival Rates

Time Period	Arrival Rate
Scenario 1 – AM Residential	
60 minutes	1 veh every 7 min 30 sec
30 minutes	1 veh every 3 min 45 sec
Scenario 2 – AM Residential/Bank/Pharmacy	
60 minutes	1 veh every 1 min 28 sec
30 minutes	1 veh every 44 sec
Scenario 3 – PM Residential/Bank/Pharmacy	
60 minutes	1 veh every 1 min 18 sec
30 minutes	1 veh every 39 sec
Scenario 4 – PM Residential/Pharmacy	
60 minutes	1 veh every 1 min 56 sec
30 minutes	1 veh every 58 sec

According to information provided by GL Rogers from American Custom Lifts, the elevator manufacturer, the car elevator has a total cycle time of 68.43 seconds, not including vehicle loading and unloading. Assuming that it takes 10 seconds each for loading and unloading, the total service time is estimated at 1 minute and 30 seconds. The loading and unloading time is based on the manufacturer recommendation. It should be noted that the vehicles do not have to back in or out of the elevator, so the loading and unloading times may be conservative.

GP used the arrival rates and service times to estimate the queue length at the end of each time period for each scenario. The following table summarizes the results of the evaluation:



Arrival Rate vs. Estimated Queue Length by Scenario

Arrival Rate	Estimated Queue Length (veh)*
Scenario 1 – AM Residential	
8 vehicles / 60 min	0
8 vehicles / 30 min	0
Scenario 2 – AM Residential/Bank/Pharmacy	
41 vehicles / 60 min	1
41 vehicles / 30 min	21
Scenario 3 – PM Residential/Bank/Pharmacy	
46 vehicles / 60 min	6
46 vehicles / 30 min	26
Scenario 4 – PM Residential/Pharmacy	
31 vehicles / 60 min	0
31 vehicles / 30 min	11

*Based on a service time of 1 minute and 30 seconds

As shown in the table, the queue lengths for the 60 minute periods are the shortest in all scenarios and can be accommodated on site. Scenario 3 shows a 6 vehicle queue; however, this would occur at the end of the hour and last most likely a minute or less. In all scenarios except scenario 1, the queue lengths for the 30 minute period cannot be accommodated on site. In scenarios 2-4 the estimated queue length is expected to exceed the available storage length if vehicles arrive more quickly than during a 60 minute period. This indicates that the proposed storage length of five vehicles in a separate lane may not be adequate during all scenarios and time periods.

Building 5 Recommendations

To mitigate the queue lengths of vehicles entering Building 5, GP recommends that a dynamic sign be installed at the beginning of the queue lane for entering Building 5. When the queue of vehicles reaches five, a dynamic sign would be activated that reads “Seek Alternate Parking” that would be displayed to those vehicles that enter the site and the queue lane is full. This sign could also be activated when the Lot 5 parking garage is full.

Building 4 Commercial Bank Estimated Queue

The back of Building 4 is proposed to be a commercial bank drive through lane. This type of bank typically serves businesses, rather than individuals, so their drive through use differs from a standard bank. Eastern Bank provided drive through utilization information for their Portsmouth location, which averages 72 cars per week, or 12 cars per day that utilize the drive-through.



The drive-through lane for Building 4 has a storage length of four vehicles. Similar to the queuing for the vehicle elevator, if the expected queue is longer than the storage length, it could impact the flow of traffic around the site.

Eastern Bank stated that of the 12 cars per day that use the drive-through, the maximum they typically experience is 7 vehicles arriving during the peak hour. To evaluate the impact of the arrival rate on the queue length, GP used the arrival rates for two time periods; all vehicles arriving during a 60 minute period and all vehicles arriving during a 30 minute period.

Based on information from Eastern Bank, the average service time per vehicle is 6 minutes. GP used the two arrival rates and this average service time to estimate the queue length at the end of each time period. The following table summarizes the results of the evaluation:

Arrival Rate vs. Estimated Queue Length by Scenario

Arrival Rate	Estimated Queue Length (veh)
7 vehicles / 60 min	0
7 vehicles / 30 min	2

As shown in the table, if the 7 vehicles arrive over a 60 minute or 30 minute period, the queue lengths can be accommodated by the available storage length of four vehicles. This indicates that the proposed storage length of four vehicles in the drive through lane will be adequate.

Lot 4 Driveway Queue Length

The Lot 4 driveway serves Buildings 3, 4, and 5. It is a one way loop, with vehicles entering on the east side of Building 4, traveling counterclockwise around the building and exiting onto Deer Street on the west side of Building 4. The exit side of the driveway has separate left and right turn lanes onto Deer Street. There is space for approximately three vehicles to queue in either exit lane of the driveway without impacting the bank drive-through lane. To estimate the queue lengths of vehicles exiting the site onto Deer Street, GP forecasted the amount of traffic anticipated to use the Lot 4 site driveway using the following Land Use Codes from ITE *Trip Generation*, Ninth Edition:

- LUC 220 – Apartment
- LUC 310 – Hotel
- LUC 710 – General Office Building
- LUC 826 – Specialty Retail Center
- LUC 911 – Walk-In Bank
- LUC 925 – Drinking Place
- LUC 932 – High Turnover (Sit Down) Restaurant



GP based the trip generation calculations on the uses and sizes provided by GL Rogers in the spreadsheet “Deer St Area & Uses Calcs 2017_02_08”. TEC applied three reductions to the overall trip generation; a transit reduction of 1.5%, a walking and biking reduction of 8%, and a shared use reduction of 6% for the AM and 21% for the PM. GP applied these reductions to the calculated trip generation for the site. TEC also included pass-by trips, however due to their distribution of the traffic, this differentiation does not impact the traffic at the site driveway. GP determined that the forecast trip generation for the Lot 4 driveway is 180 trip ends entering the site and 113 trip ends exiting the site during the AM peak hour and 136 trip ends entering the site and 159 trip ends exiting during the PM peak hour. The trip assignment for Lot 4 was based on the same TEC trip assignment used in the Traffic Impact and Access Study (TIAS).

Since Lot 6 would also be completed when the other three buildings are completed, the traffic going to and from Lot 6 was also calculated using the same methodology as Lots 3, 4, and 5. GP evaluated the Deer Street 2018 Opening Year and the 2028 Future Year found in TEC’s TIAS. The forecast traffic generated by Lots 3, 4, 5, and 6 was added to the 2018 Opening Year Build Phase I and the 2028 Future Year Build Phase I Deer Street traffic volumes from TEC’s TIAS.

To evaluate the anticipated queue length of the site driveway for 2018 and 2028, GP used Synchro/SimTraffic computer analysis software. The reported queue lengths are the average of five SimTraffic runs. The following table summarizes the 95th percentile queue lengths of the Lot 4 exiting driveway and the Deer Street eastbound approach at the Lot 4 entrance. The detailed results of the analyses are attached.

Queue Length Summary

Approach	95 th Percentile Queue Lengths (veh)			
	2018 Postdevelopment		2028 Postdevelopment	
	AM	PM	AM	PM
Lot 4 Exit				
Right Turn Lane	2	2	2	2
Left Turn Lane	3	3	3	3
Deer Street / Entrance				
Deer St EB	2	2	2	2

The reported queue lengths are not forecast to exceed 3 vehicles in either the 2018 condition or the 2028 condition. Based on this evaluation, the vehicles waiting to exit the site are not anticipated to interfere with site circulation and the Deer Street is not forecast to be impacted significantly by traffic turning into the site. Vehicles in the hotel pick-up / drop-off area may be momentarily blocked by queued vehicles, but this is not uncommon to parking on a regular street adjacent to an intersection.



Lot 4 Circulation Recommendations

Although queuing vehicles are not anticipated to impact site circulation, GP recommends installing a sign on Deer Street before the site entrance that indicates when the Building 3 parking garage is at capacity. This will discourage vehicles from unnecessarily entering the site, which could lower queue lengths even further.

Conclusion

The five car storage length for Building 5 is anticipated to be adequate if the entering vehicles arrive throughout a peak hour with a service time of approximately 1 minute and 30 seconds. If the vehicles arrive over a shorter time period, the queue lengths are anticipated to exceed the available storage lengths, except in scenario I. Scenario I is not anticipated to experience queue lengths that exceed the available storage lengths at either of the arrival rates. To mitigate the potential for vehicles blocking the site entrance, GP recommends installing a dynamic sign on at the beginning of the queue lane for Building 5 that reads "Seek Alternate Parking" when the queue length reaches five vehicles.

For the commercial bank drive through, GP determined that if the anticipated maximum 7 vehicles arrive either over a peak hour, or even over a 30 minute period the proposed storage length (four vehicles) in the drive-through lane is anticipated to be adequate to accommodate the estimated queue lengths.

Based on a Synchro/SimTraffic queue analysis, the queue lengths of the Lot 4 exit onto Deer Street are not forecast to interfere with the bank drive-through or the vehicles exiting the parking garage in Building 3. GP recommends installing a sign on Deer Street that indicates when the parking garage in Building 3 is at capacity.

Baseline

2/10/2017

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	592	623	587	627	555	597
Vehs Exited	592	623	585	625	550	595
Starting Vehs	3	5	3	4	1	2
Ending Vehs	3	5	5	6	6	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	1	0	0
Travel Distance (mi)	72	75	70	75	67	72
Travel Time (hr)	3.2	3.3	3.1	3.4	3.0	3.2
Total Delay (hr)	0.4	0.4	0.4	0.4	0.4	0.4
Total Stops	115	110	106	123	126	115
Fuel Used (gal)	3.0	3.2	2.9	3.2	2.8	3.0

Interval #0 Information Seeding

Start Time 6:57
 End Time 7:00
 Total Time (min) 3
 Volumes adjusted by Growth Factors.
 No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
 End Time 8:00
 Total Time (min) 60
 Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	592	623	587	627	555	597
Vehs Exited	592	623	585	625	550	595
Starting Vehs	3	5	3	4	1	2
Ending Vehs	3	5	5	6	6	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	1	0	0
Travel Distance (mi)	72	75	70	75	67	72
Travel Time (hr)	3.2	3.3	3.1	3.4	3.0	3.2
Total Delay (hr)	0.4	0.4	0.4	0.4	0.4	0.4
Total Stops	115	110	106	123	126	115
Fuel Used (gal)	3.0	3.2	2.9	3.2	2.8	3.0

3: Deer Street & Lot 4 Entrance Performance by approach

Approach	NE	SW	All
Denied Del/Veh (s)	0.0	0.3	0.2
Total Del/Veh (s)	0.8	0.8	0.8
Denied Entry Before	0	0	0
Denied Entry After	0	0	0

5: Deer Street & Lot 4 Exit Performance by approach

Approach	SE	NE	SW	All
Denied Del/Veh (s)	0.8	0.2	0.0	0.3
Total Del/Veh (s)	5.9	0.2	0.3	1.6
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	2.1
Denied Entry Before	0
Denied Entry After	0

Intersection: 3: Deer Street & Lot 4 Entrance

Movement	NE
Directions Served	LT
Maximum Queue (ft)	52
Average Queue (ft)	8
95th Queue (ft)	34
Link Distance (ft)	108
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 5: Deer Street & Lot 4 Exit

Movement	SE	SE
Directions Served	L	R
Maximum Queue (ft)	71	31
Average Queue (ft)	34	13
95th Queue (ft)	59	38
Link Distance (ft)	221	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		100
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	681	728	644	636	647	667
Vehs Exited	679	724	646	635	641	666
Starting Vehs	2	0	3	3	1	0
Ending Vehs	4	4	1	4	7	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	84	90	79	78	80	82
Travel Time (hr)	3.7	4.0	3.5	3.4	3.5	3.6
Total Delay (hr)	0.5	0.6	0.5	0.4	0.5	0.5
Total Stops	171	184	163	157	162	168
Fuel Used (gal)	3.5	3.7	3.2	3.2	3.2	3.4

Interval #0 Information Seeding

Start Time 6:57
 End Time 7:00
 Total Time (min) 3
 Volumes adjusted by Growth Factors.
 No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
 End Time 8:00
 Total Time (min) 60
 Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	681	728	644	636	647	667
Vehs Exited	679	724	646	635	641	666
Starting Vehs	2	0	3	3	1	0
Ending Vehs	4	4	1	4	7	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	84	90	79	78	80	82
Travel Time (hr)	3.7	4.0	3.5	3.4	3.5	3.6
Total Delay (hr)	0.5	0.6	0.5	0.4	0.5	0.5
Total Stops	171	184	163	157	162	168
Fuel Used (gal)	3.5	3.7	3.2	3.2	3.2	3.4

3: Deer Street & Lot 4 Entrance Performance by approach

Approach	NE	SW	All
Denied Del/Veh (s)	0.0	0.2	0.1
Total Del/Veh (s)	0.6	0.7	0.6
Denied Entry Before	0	0	0
Denied Entry After	0	0	0

5: Deer Street & Lot 4 Exit Performance by approach

Approach	SE	NE	SW	All
Denied Del/Veh (s)	0.8	0.2	0.0	0.3
Total Del/Veh (s)	6.3	0.3	0.3	2.0
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.4
Total Del/Veh (s)	2.4
Denied Entry Before	0
Denied Entry After	0

Baseline

2/10/2017

Intersection: 3: Deer Street & Lot 4 Entrance

Movement	NE
Directions Served	LT
Maximum Queue (ft)	55
Average Queue (ft)	4
95th Queue (ft)	26
Link Distance (ft)	108
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 5: Deer Street & Lot 4 Exit

Movement	SE	SE
Directions Served	L	R
Maximum Queue (ft)	78	52
Average Queue (ft)	41	19
95th Queue (ft)	65	47
Link Distance (ft)	221	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		100
Storage Blk Time (%)	0	
Queuing Penalty (veh)	0	

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	630	667	604	638	576	623
Vehs Exited	631	666	603	637	569	622
Starting Vehs	4	5	3	4	1	1
Ending Vehs	3	6	4	5	8	6
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	77	81	73	77	70	75
Travel Time (hr)	3.4	3.6	3.2	3.5	3.1	3.4
Total Delay (hr)	0.4	0.4	0.4	0.5	0.4	0.4
Total Stops	113	117	108	127	132	120
Fuel Used (gal)	3.2	3.4	3.0	3.3	2.9	3.2

Interval #0 Information Seeding

Start Time 6:57
 End Time 7:00
 Total Time (min) 3
 Volumes adjusted by Growth Factors.
 No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
 End Time 8:00
 Total Time (min) 60
 Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	630	667	604	638	576	623
Vehs Exited	631	666	603	637	569	622
Starting Vehs	4	5	3	4	1	1
Ending Vehs	3	6	4	5	8	6
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	77	81	73	77	70	75
Travel Time (hr)	3.4	3.6	3.2	3.5	3.1	3.4
Total Delay (hr)	0.4	0.4	0.4	0.5	0.4	0.4
Total Stops	113	117	108	127	132	120
Fuel Used (gal)	3.2	3.4	3.0	3.3	2.9	3.2

3: Deer Street & Lot 4 Entrance Performance by approach

Approach	NE	SW	All
Denied Del/Veh (s)	0.0	0.3	0.2
Total Del/Veh (s)	0.7	0.8	0.8
Denied Entry Before	0	0	0
Denied Entry After	0	0	0

5: Deer Street & Lot 4 Exit Performance by approach

Approach	SE	NE	SW	All
Denied Del/Veh (s)	0.8	0.2	0.0	0.2
Total Del/Veh (s)	6.1	0.2	0.4	1.6
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.3
Total Del/Veh (s)	2.1
Denied Entry Before	0
Denied Entry After	0

Intersection: 3: Deer Street & Lot 4 Entrance

Movement	NE
Directions Served	LT
Maximum Queue (ft)	47
Average Queue (ft)	8
95th Queue (ft)	34
Link Distance (ft)	108
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 5: Deer Street & Lot 4 Exit

Movement	SE	SE
Directions Served	L	R
Maximum Queue (ft)	71	31
Average Queue (ft)	35	13
95th Queue (ft)	57	38
Link Distance (ft)	221	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		100
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Baseline

2/10/2017

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	692	697	664	656	670	676
Vehs Exited	688	698	668	654	665	674
Starting Vehs	3	4	9	4	5	4
Ending Vehs	7	3	5	6	10	6
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	123	124	118	116	119	120
Travel Time (hr)	5.1	5.1	4.9	4.8	4.9	5.0
Total Delay (hr)	0.6	0.6	0.5	0.5	0.5	0.5
Total Stops	163	168	170	167	160	166
Fuel Used (gal)	4.5	4.6	4.3	4.2	4.3	4.4

Interval #0 Information Seeding

Start Time 6:57
 End Time 7:00
 Total Time (min) 3
 Volumes adjusted by Growth Factors.
 No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
 End Time 8:00
 Total Time (min) 60
 Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	692	697	664	656	670	676
Vehs Exited	688	698	668	654	665	674
Starting Vehs	3	4	9	4	5	4
Ending Vehs	7	3	5	6	10	6
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	123	124	118	116	119	120
Travel Time (hr)	5.1	5.1	4.9	4.8	4.9	5.0
Total Delay (hr)	0.6	0.6	0.5	0.5	0.5	0.5
Total Stops	163	168	170	167	160	166
Fuel Used (gal)	4.5	4.6	4.3	4.2	4.3	4.4

3: Deer Street & Lot 4 Entrance Performance by approach

Approach	NE	SW	All
Denied Del/Veh (s)	0.0	0.2	0.1
Total Del/Veh (s)	0.6	0.8	0.7
Denied Entry Before	0	0	0
Denied Entry After	0	0	0

5: Deer Street & Lot 4 Exit Performance by approach

Approach	SE	NE	SW	All
Denied Del/Veh (s)	0.9	0.2	0.0	0.4
Total Del/Veh (s)	6.4	0.3	0.3	2.0
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.4
Total Del/Veh (s)	2.5
Denied Entry Before	0
Denied Entry After	0

Intersection: 3: Deer Street & Lot 4 Entrance

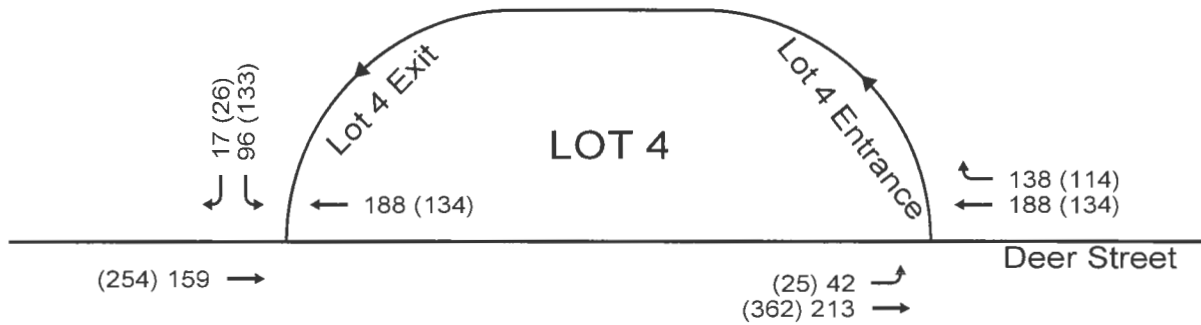
Movement	NE
Directions Served	LT
Maximum Queue (ft)	52
Average Queue (ft)	4
95th Queue (ft)	26
Link Distance (ft)	108
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 5: Deer Street & Lot 4 Exit

Movement	SE	SE
Directions Served	L	R
Maximum Queue (ft)	75	49
Average Queue (ft)	42	19
95th Queue (ft)	66	45
Link Distance (ft)	221	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		100
Storage Blk Time (%)		
Queuing Penalty (veh)		

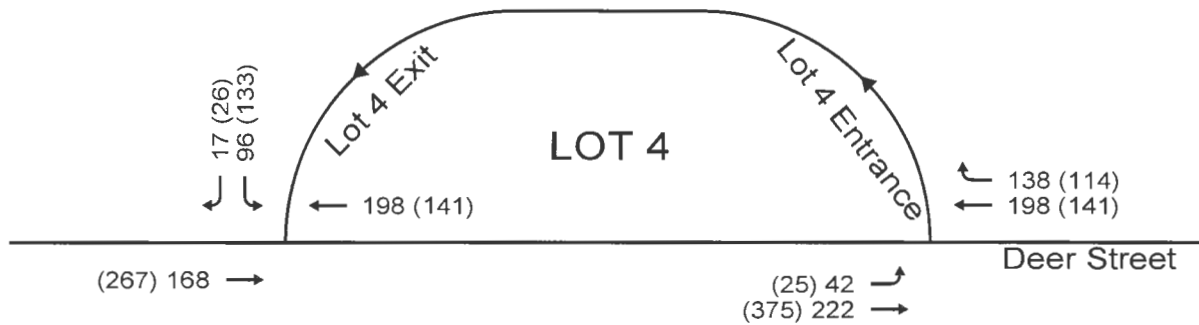
Network Summary

Network wide Queuing Penalty: 0



xx = AM Peak Hour
(xx) = PM Peak Hour

DEER STREET REDEVELOPMENT
PORTSMOUTH, NEW HAMPSHIRE

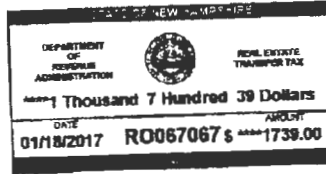


xx = AM Peak Hour
(xx) = PM Peak Hour

DEER STREET REDEVELOPMENT PORTSMOUTH, NEW HAMPSHIRE

MAIL TO

After recording, return to:
Denis O. Robinson, Esq.
Pierce Atwood LLP
One New Hampshire Avenue, Suite 350
Portsmouth, NH 03801



002654

2017 JAN 18 PM 1:00

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

DECLARATION OF RESTRICTIVE COVENANT

KNOWN ALL BY THESE PRESENTS that **BOSTON AND MAINE CORPORATION**, a corporation duly organized and existing under the laws of the State of Delaware, with offices at Iron Horse Park, North Billerica, Middlesex County, Massachusetts, (the "Grantor"), for consideration paid, the receipt of which is hereby acknowledged, being the fee owner of that certain property located in the City of Portsmouth, County of Rockingham, State of New Hampshire more particularly described on Exhibit A attached hereto (the "Grantor Property"), which exhibit is incorporated herein and made a part hereof, hereby grants and imposes the following Covenant (as defined below) on said Grantor Property to and for the benefit of **DEER STREET ASSOCIATES**, a New Hampshire limited partnership, with a mailing address of P.O. Box 100, York Harbor, Maine 03911, and all other present and future owners (collectively, the "Grantee") of Lots 1 through 5, inclusive (collectively, the "Lots") shown on that certain plan entitled "Consolidation & Subdivision Plan - Tax Map 125, Lot 17 & Tax Map 138, Lot 62 - Deer Street Associates - Bridge, Deer & Hill Streets - City of Portsmouth, County of Rockingham, State of New Hampshire - Scale 1" = 50' " dated July, 2015 and last revised 5/18/16 recorded in the Rockingham County Registry of Deeds as Plan D-39699, as follows:

1. RESTRICTIVE COVENANT. Grantor hereby covenants with Grantee that no permanent or temporary building(s) used or intended for supporting or sheltering any use or occupancy or any other structures with a roof or walls (collectively, the "Buildings") shall be built, constructed, kept, or maintained upon the Grantor Property (the "Covenant"). Provided that the same are not Buildings, Grantor reserves the right to build, construct, keep and maintain within the Grantor Parcel (for the benefit of its adjacent railroad property) any infrastructure necessary for the operation and maintenance of a railroad transportation corridor, including but not limited to tracks, transportation signage, switches, and signals along with their respective controller equipment, together with such other non-Building infrastructure that may be necessary if the Grantor Property is used for non-railroad purposes, including roadways, lighting and utilities.

2. COVENANTS RUNNING WITH THE LAND. The terms and provisions and burdens and benefits of this Declaration of Restrictive Covenant shall run with the land and title to the Grantor Property and the Lots. This Declaration of Restrictive Covenant shall be binding upon and inure to the benefit of the owners thereof and their respective successors, legal

representatives, and assigns. The Grantor Property and the Lots shall be held, conveyed, transferred, assigned, sold, encumbered, leased, licensed, occupied and used subject to and with the benefit of this Declaration of Restrictive Covenant. Each grantee, transferee, assignee, lessee, sublessee, licensee or occupant of all or any portion of the Grantor Property and the Lots, together with their respective heirs, successors, assigns and mortgagees, shall be deemed by their acceptance of a deed, lease or other instrument conveying, transferring, assigning, leasing, licensing, encumbering or creating any interest in any portion of the Grantor Property and the Lots, or by their occupation of any portion of the Grantor Property and the Lots, to have covenanted and agreed to fully and timely observe, comply with and be bound by the terms and conditions of this Declaration of Restrictive Covenant. Every person or entity who owns, occupies or acquires any right, title, estate or interest in or to any portion of the Grantor Property and the Lots shall be conclusively deemed to have consented and agreed to every limitation, restriction, right, license, easement, reservation, condition and covenant contained herein, whether or not any reference hereto is contained in the instrument by which such person or entity acquired an interest in such portion of the Grantor Property and the Lots.

3. TERM. The Covenant granted hereunder is granted in perpetuity.

4. HEADINGS. Headings are for the convenience of reference only and shall not affect meanings or interpretations of this Declaration of Restrictive Covenant.

5. FURTHER ASSURANCES. The parties hereto agree to take all necessary actions to effectuate the provisions of this Declaration of Restrictive Covenant.

6. CONSTRUCTION AND INTERPRETATION OF AGREEMENT. This Declaration of Restrictive Covenant shall be governed by and construed under the laws of the State of New Hampshire. Any action brought to enforce or interpret this Declaration of Restrictive Covenant shall be brought in the court of appropriate jurisdiction in New Hampshire. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or considering same shall not apply the presumption that the terms hereof shall be more strictly construed against a party by reason of the rule or conclusion that a document should be construed more strictly against the party who itself or through its agent prepared the same. It is agreed and stipulated that all parties hereto have equally participated in the preparation of this Declaration of Restrictive Covenant and that legal counsel was consulted by each party before the execution of this Declaration of Restrictive Covenant.

7. SEVERABILITY. If any term or provision of this Declaration of Restrictive Covenant or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Declaration of Restrictive Covenant or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each other term and provision of this Declaration of Restrictive Covenant shall be valid and enforced to the fullest extent permitted by law.

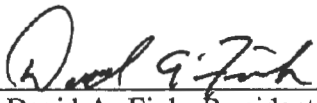
8. ENTIRE AGREEMENT; AMENDMENTS; CANCELLATION. This Declaration of Restrictive Covenant embodies the entire agreement and understanding of the parties relating to the subject matter hereof and supersedes all prior representations, agreements,

and understandings, oral or written, relating to such subject matter. No amendments or modifications of this Declaration of Restrictive Covenant shall be effective without the prior written agreement of Grantor and Grantee and this Declaration of Restrictive Covenant may be cancelled or terminated only by the execution and recordation of a written instrument signed by Grantee and recorded in the Rockingham County Registry of Deeds.

IN WITNESS WHEREOF, the said BOSTON AND MAINE CORPORATION has caused this release deed to be executed in its name and its corporate seal to be hereto affixed by David A. Fink, its President, thereunto duly authorized this 16th day of January, 2017.

GRANTOR:
BOSTON AND MAINE CORPORATION


Witness

By: 
David A. Fink, President



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 16, 2017

On this 16th day of January, 2017, before me, the undersigned notary public, personally appeared David A. Fink, President as aforesaid, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires:



EXHIBIT AGRANTOR PROPERTY
PORTSMOUTH, NEW HAMPSHIRE

Beginning at a point on the southeasterly sideline of an existing railroad corridor and land of the Boston and Maine Corporation at the division line between Lots 3 and 4 as shown on "Consolidation and Subdivision Plan, Deer Street Associates, July 2015" recorded at the Rockingham County Registry of Deeds as Plan D-39699; thence running S 43°06'02" W a distance of 595.80 feet along Lots 3, 2, and 1 and the southeasterly sideline of an existing railroad corridor to a point at land now or formerly of Peter Happny; thence turning and running across land of said Boston and Maine Corporation the following courses: N 46°09'30" W a distance of 10.00 feet to a point; thence N 43°06'02" E a distance of 656.10 feet to a point; thence N 30°51'54" E a distance of 55.61 feet to a point; thence N 31°17'20" E a distance of 40.14 feet to a point; thence N 43°06'02" E a distance of 147.46 feet to a point; thence N 31°26'32" E a distance of 17.92 feet to a point; thence N 43°07'25" E a distance of 48.84 feet to a point at the westerly sideline of Maplewood Avenue; thence turning and running along Maplewood Avenue along a curve turning to the right with an arc length of 10.03 feet, a radius of 486.00 feet, a delta angle of 01°10'56" to a point at the northeast corner of Lot 5 as shown on said Consolidation and Subdivision Plan; thence turning and running along land of said Boston and Maine Corporation and Lots 5 and 4 of said plan the following courses: S 43°07'25" W a distance of 47.08 feet to a point; S 31°26'32" W a distance of 17.92 feet to a point; thence S 43°06'02" W a distance of 147.45 feet to a point; thence S 31°17'20" W a distance of 39.07 feet to a point; thence S 30°51'54" W a distance of 56.64 feet to a point; thence S 43°06'02" W a distance of 61.50 feet which is the point of beginning, having an area of 9,657 square feet, more or less.

**Exhibit 7
Site Photographs**



Existing Conditions - View of Property to the northwest (from Deer Street)



Existing Conditions - View of Property to the north (toward Maplewood)

Exhibit 7
Site Photographs



Existing Conditions - View of Property to the southeast (toward Deer Street)



Existing Conditions - View of Property to the south (toward Bridge)

**Exhibit 7
Site Photographs**



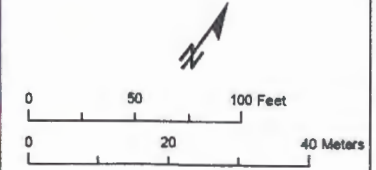
Aerial view of Property

EXHIBIT

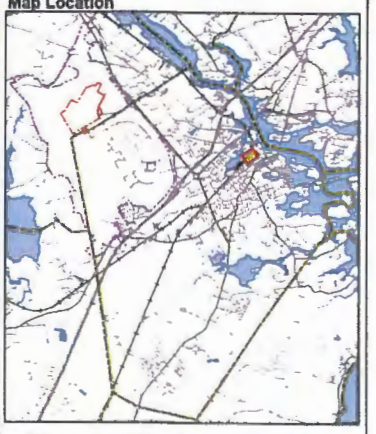
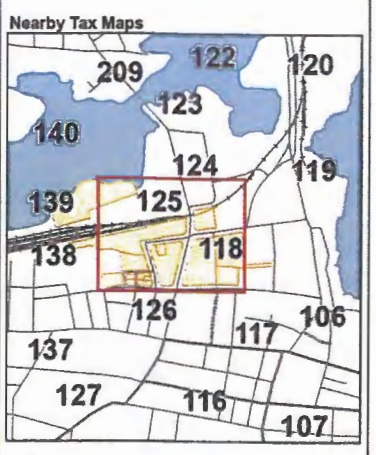


tabbitts

- Partial Legend**
 cover sheet for the complete legend.
- Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 25 Address number
 - 233-137 Parcel number from a neighboring map
 - or Parcel line dimension
 - SIMS AVE Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire
 2016
Tax Map 125





CITY OF PORTSMOUTH Zoning Board of Adjustment Application

<i>Department Use Only</i>		Date _____
Assessor Plan # _____	Lot # _____	Fee _____
Zone _____	Lot area _____	By _____

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant Deer Street Associates Owner of Record same

Applicant Street Address P.O. Box 100 Owner Street Address _____

Applicant City / State / Zip York Harbor, ME 03911 Owner City / State / Zip _____

Applicant phone (207) 363-3540 Owner phone (____) _____

Applicant e-mail c/o tphoenix@hpgrlaw.com

Location (street address) of proposed work: Bldg./Lot 4, 163 Deer Street

Existing use: Bank

Undersigned hereby requests:

Article and Section

- Appeal from an Administrative Decision
See Article 2, Section 10.234.30 _____
- Special Exception
See Article 2, Section 10.232.20 _____
- Variance
See Article 2, Section 10.233.20 Article 10, Sec. 10.440; Sec. 10.516.20; Sec.
- Other _____
See Article 2, Section 10.233.20 10.5A41.10D; Sec. 10.835.31; Sec. 10.835.32

To permit the following:

Construction of a mixed use building with interactive teller machine and enclosed dumpsters and transformers on the property.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Signature of Owner ASULLS _____ Date 3/29/17

Please PRINT name here ANNA SULLS ECKERS

Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. One (1) original copy of a completed and signed "Board of Adjustment Application Check-List" shall accompany all applications.
7. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

<ul style="list-style-type: none"> <input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including: <ul style="list-style-type: none"> - Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line) - Lot dimensions - Abutting street(s) and street names - Driveways / accessways - Dimensions (size and height) of structures - Dimensions and location of parking spaces 	<ul style="list-style-type: none"> <input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size) <input type="checkbox"/> Labeled photo(s) of existing conditions <input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions <input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures
---	---

8. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<ul style="list-style-type: none"> <input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size) <input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s) <input type="checkbox"/> Labeled photo(s) of existing conditions

9. Plans should be 8 1/2" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
10. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
11. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
12. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

 3/29/17
 (Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- Provide neat and clear plans
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- All applicants are encouraged to discuss the project with impacted neighbors