



# PUBLIC WORKS DEPARTMENT

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CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

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

November 13, 2019

VIA EMAIL

Gerald I. Coogan, Town Planner

Planning Department

Town of Newington

205 Nimble Hill Rd

Newington, NH 03801

RE: Ability to Serve  
Tax map 9/Lot 2; Proposed Residential House Lot  
325 Fox Point Road, Newington, NH 03801

Dear Mr. Coogan:

The City of Portsmouth (City) has received a request from Joseph and Paula Akerley of "Joseph C. and Paula S. Akerley Revocable Trust of 2012" to provide an "Ability to Serve" letter for domestic water service for a proposed new lot, Lot 2B, to be subdivided from existing Lot 2 at 325 Fox Point Road. Joseph and Paula Akerley indicated that the proposed use of the new lot is for a single family house as shown on the attached "Preliminary Minor Subdivision Plan", prepared by Knight Hill Land Surveying Services, Inc., dated 10-14-18. Based on our review, the Portsmouth Water Division has the capacity to serve the proposed single family house lot from the existing 2-inch private water service for 325 Fox Point Road. Please note, however, that the City of Portsmouth does not guarantee adequate fire service or any aspect of such service as stated in the City's Ordinances (Sec. 16.110).

For the new service connection, the service will be connected to the existing private water service across Lot 2; the installation of all pipes and parts will be the responsibility of the applicant. The City requires the new domestic service for Lot 2B to have an approved water service shut off valve. That shut off valve needs to be located on Lot 2B preferably at or near the property line with Lot 2 (at the end of the proposed driveway for Lot 2B). The City will require the owners of Lot 2B to provide an access easement to the City of Portsmouth so that the City can access the valve as needed; the form of the easement to be satisfactory to the City of Portsmouth Legal Department.

The City assumes that the Newington Planning Board will otherwise require Lot 2 to convey such rights as may be necessary to allow the owners of Lot 2B to maintain their water service.

The applicant will be required to submit an application for water service to the City of Portsmouth, which will require a standard deposit and payment of required fees and a capacity use surcharge for service, and must coordinate the connections with the City's Water Department (Jim Tow @ 603-766-1438). At the time the water service application is submitted, the City may request additional details. The application for water service can be obtained from Mike Finn, who can be contacted by phone at 603-427-1530. Please feel free to call if you have additional questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Terry Desmarais', with a long horizontal flourish extending to the right.

Terry Desmarais, P.E.  
City Engineer

cc: Dave Hislop (Representative of Joseph Akerley & Paula Akerley)  
James Tow, General Foreman Water and Sewer  
Mike Finn, Department of Public Works  
Zachary Cronin, Assistant City Engineer

ACCESS EASEMENT FOR WATER SERVICES

KNOW ALL MEN BY THESE PRESENTS, that – **IDENTIFY OWNER** - with an address of **IDENTIFY ADDRESS**, for consideration received, grants to the City of Portsmouth, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, with **QUITCLAIM COVENANTS** an easement over, below, along, and across the premises described herein, located at – **IDENTIFY PREMISES/ADDRESS**, County of Rockingham, State of New Hampshire, (Tax Assessor's Map No. \_\_\_\_\_, Lot \_\_\_\_\_), and being more particularly described as follows:

A certain tract or parcel of land with the buildings therein situated on – **PROVIDE DESCRIPTION** – *by reference to a recorded plan or metes and bonds description as may be appropriate.*

Meaning and intending to convey an easement over the premises conveyed to the within grantor by Deed of \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the Rockingham County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_.

Purpose and Rights: The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purpose of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

Retained Rights: Grantor retains the right to freely use and enjoy its interest in the easement area insofar as the exercise thereof does not interfere with the purpose of this instrument.

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

This is an exempt transfer per R.S.A. 78-B:2(I).

IN WITNESS WHEREOF, the parties have executed this document on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**IDENTIFY OWNER**

Witness: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

Personally appeared the above-named \_\_\_\_\_, in *his/her* capacity of \_\_\_\_\_ and acknowledged the foregoing instrument to be *his/her* free act and deed executed for the purposes contained therein.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
My commission expires: \_\_\_\_\_