

APPLICATION OF MARK AND EMILY BRODERICK
Off Sims Avenue, Map 233 Lot 76-1, 76-2, Portsmouth, New Hampshire

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicants, Mark and Emily Broderick, seek a variance from Section 10.521 to permit the construction of a single family residential dwelling on a nonconforming lot of record. The Brodericks, proud parents of a new baby boy, are rapidly outgrowing their existing residence at 70 Sims Avenue.

The property is within the Single Residence B Zone and is depicted as Lots 64 and 65 on the 1918 Daniels Park subdivision plan submitted herewith, and as Lot 76-1 on current tax map 233 submitted herewith.¹

The lot which is the subject of this application is a nonconforming lot within the meaning of Section 10.311, as it has approximately 12,901 square feet of lot area, where 15,000 is required. The property in question is accessed via Fletcher Street, on which it has roughly fifty-seven feet of frontage. Because Fletcher was never completed as originally laid out, the lot does not have 100' of frontage on an accepted city street. Thus, a variance is required under Section 10.521. The proposed project will otherwise comply with all other dimensional requirements as to lot area, depth, setbacks, building height and coverage.

It is the intention of the applicants to construct a driveway from Fletcher Street to provide access to the property. Because a portion of Fletcher Street has never been built or accepted by the City, title to one-half (½) of the unbuilt portion of the paper street is now vested in the applicants, which slightly increases the lot area from what is depicted on the site plan. It remains possible during the site review process that certain improvements to Fletcher Street may be required of the applicants, which could theoretically include extending it, so we are not considering this unbuilt portion of the paper street in the lot area calculation. It should also be noted that, to the west, the property abuts a large common area associated with the Riverbrook Condominium. As the condominium site plan demonstrates, this portion of the condominium is labelled as "conservation area." This suggests that this portion must remain undeveloped.²

¹ The lot in question was unmerged by action of the City Council pursuant to RSA 674:39-aa in January 2017. This action restored three lots of record to their pre-merger status, one of which is the existing house lot at 70 Sims Avenue upon which a single family dwelling has existed since 1959. Although the Council minutes indicate the two rear lots were separately restored, they are presently taxed as a single lot, Map 233, Lot 76-1. To the extent necessary, the applicants will voluntarily merge the rear lots if variances and associated site plan approvals are received, and the combined lots will be the site of the proposed new single family dwelling.

² The conservation area is identified as a "conservation easement" in the recorded condominium instruments. It appears from the condominium plan that the "conservation area" possibly overlaps with the

The applicant has submitted herewith a site plan and building plans which demonstrate *possible* building location and design elements. Final decisions as to the exact location and design have not been made at this time and will be dependent on site plan review. However, the proposed dwelling will meet all applicable setback, height and lot coverage requirements. The dwelling footprint will be within the 20% building coverage requirement. The dwelling will have a height no greater than 35 feet. The dwelling will require no relief from the setback, height and lot coverage requirements.

It is understood that, should the variances requested here be granted, the Building Inspector will need to review and approve all construction drawings and sketches prior to issuing a building permit to the applicant. It is also understood that this project will require site plan approval by the Planning Board, in the event the variance is granted.

II. CRITERIA:

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variance.

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variance to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. A proposed dwelling on this property is entirely appropriate and consistent with the existing residential subdivision in which it sits. The new house lot would be consistent with the lot dimensions of properties in the immediate vicinity, and in fact is larger than many. Thus, the essentially residential character of the neighborhood would remain unchanged. Additionally, the proposed use would not create any threat to the public health, safety and welfare. The relief required by the applicant to construct a single family dwelling on this lot of record is modest – the lot lacks the required street frontage and a minimal amount of lot area, but in all respects, it is very similar to nearby built lots within the area, most of which have very similar frontages and lot sizes. It simply cannot be said that siting a dwelling on this lot will threaten the public health, safety and welfare given that the existing dwellings in the immediate vicinity have demonstrably not done so.

“convertible land.” To the extent the condominium property abutting the applicants’ lot is in fact convertible land, the ability to develop it has expired. RSA 356-B:23.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. The proposed use in this case would be absolutely permitted if only the lot had additional frontage and lot size. Given that many of the properties in the immediate vicinity suffer from the same deficiencies, it would be an obvious injustice to the owner to prevent similar development. The hardship on the applicants, a young professional couple in need of larger living space to accommodate their growing family, would actually amount to a taking of their property without compensation. Without the variances being granted, the Brodericks cannot utilize the property for a residence which is obviously a reasonable use and one for which the lot was intended in the original subdivision and contemplated in the SRB zone.

In this case, there is no benefit to the public in denying the variance that is not outweighed by the hardship upon the owner.

The values of surrounding properties will not be diminished by granting the variance. The proposed single family dwelling is permitted in this zone. The surrounding properties and those in the vicinity have similar lot sizes and frontages as this one does. A newly constructed home will increase property values. The values of the surrounding properties will not be negatively affected in any way by the relief requested.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The Daniels Park subdivision was created in the early 1900s. The subject lot has been a lot of record since that time. The lot is only nonconforming as to street frontage and lot area. It is similar in all respects to the surrounding lots. The property is located on a partially unaccepted paper street and abuts a substantial amount of undevelopable land, which are special conditions that distinguish it from others in the area.

The use is a reasonable use. The proposed residential use is permitted in this zone, is identical in character and consistent with the existing use of the adjacent and abutting properties.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The property in question is a lot of record and has been for over one hundred years. It is only nonconforming as to lot size and street frontage. There is no other use of this property within the SRB zone that would not require the same relief, and none that would be more in keeping with the existing neighborhood. There is no fair and substantial relationship between the purpose of the lot area and frontage requirements and their application to this property as the adjacent undevelopable land assures there will be no unacceptable overcrowding and safe

and appropriate access to the property can be maintained by constructing a driveway over the paper portion of Fletcher Street to the built portion.

III. Conclusion.

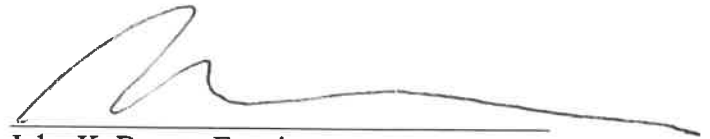
For the foregoing reasons, the applicant respectfully requests the Board grant the variance as requested and advertised.

Respectfully submitted,

Dated:

2/26/2020

By:

A handwritten signature in dark ink, appearing to read 'John K. Bosen', written over a horizontal line.

John K. Bosen, Esquire



MARK G. & EMILY
BRODERICK
TAX MAP 233, LOT 76-1
RCRD 5710-76
12,901 SQFT, 0.30 ACRES

N/F RIVERBROOK AT
PORTSMOUTH CONDOMINIUM
TAX MAP 232, LOT 121-12
MULTIPLE OWNERS

CHRISTOPHER W. & JULIE GALLOT
TAX MAP 233, LOT 78
RCRD 5926-2217

MICHAEL CONWAY &
BETHANY WALKER
TAX MAP 233, LOT 77
RCRD 5485-427

ANNETTE C. & SOPHIE
ROYLOS
TAX MAP 232, LOT 71
RCRD 1584-246

MARK G. & EMILY
BRODERICK
TAX MAP 233, LOT 76
RCRD 5710-76
5,000 SQFT, 0.11 ACRES

WHITNEY S. WILLIAM E.
DOOLEY
TAX MAP 233, LOT 65
RCRD 3438-1134

COREY J. & JANELLE B.
CLARK
TAX MAP 233, LOT 64
RCRD 5281-2210

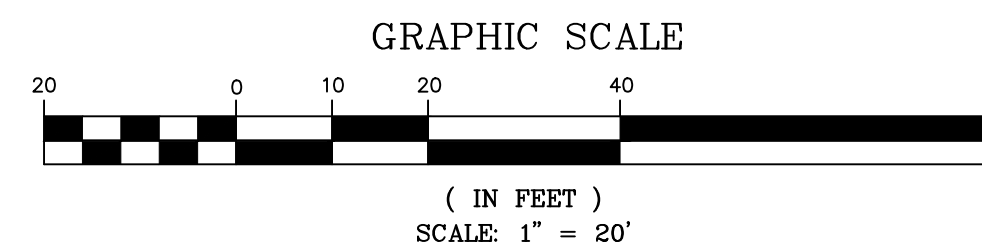
JUDITH B. POPE TRUSTEE
JUDITH B. POPE REV. TRUST 2011
TAX MAP 233, LOT 73
RCRD 5546-1239

ERIC R. HUTCHINS TRUSTEE
ERIC R. HUTCHINS REV. TRUST 2015
TAX MAP 233, LOT 75
RCRD 5682-653

STEPHANIE J. LONG TRUSTEE
STEPHANIE J. LONG REV. TRUST 2015
TAX MAP 233, LOT 75
RCRD 5682-653

RBR W/ CAP
NHLLS #738 (HELD)

RBR W/ CAP
NHLLS #738
DISTURBED

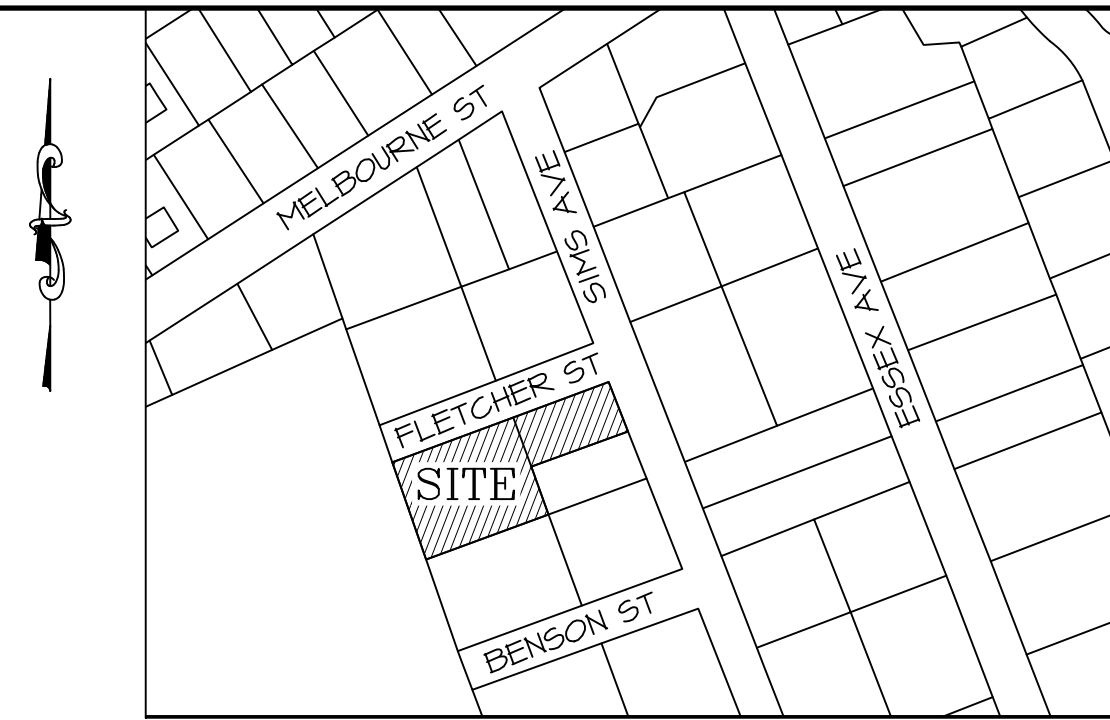


LEGEND

- 100-- EXISTING CONTOUR
- 100- PROPOSED CONTOUR
- 100x00 SPOT ELEVATION
- ⊙ SEWER MANHOLE
- ⊙ MONUMENT FOUND
- ⊙ UTILITY POLE
- ===== VERTICAL GRANITE CURB
- CATCH BASIN
- ▨ LEDGE
- STONE WALL
- W— WATER
- S— SEWER

2	1/15/20	PRELIMINARY	
1	9/23/19	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
CHECKED			
<u>ROSS ENGINEERING</u> Civil/Structural Engineering & Surveying 909 Islington St. Portsmouth, NH 03801 (603) 433-7560			
CLIENT MARK G. & EMILY BRODERICK 70 SIMS AVE PORTSMOUTH, NH 03801			
TITLE SITE PLAN 70 SIMS AVE PORTSMOUTH, NH 03801 TAX MAP 233, LOTS 76 & 76-1			
JOB NUMBER	DWG. NO.	ISSUE	
19-080	2 OF 2	2	

SEE NOTE 2



LOCUS PLAN
N.T.S.

NOTES

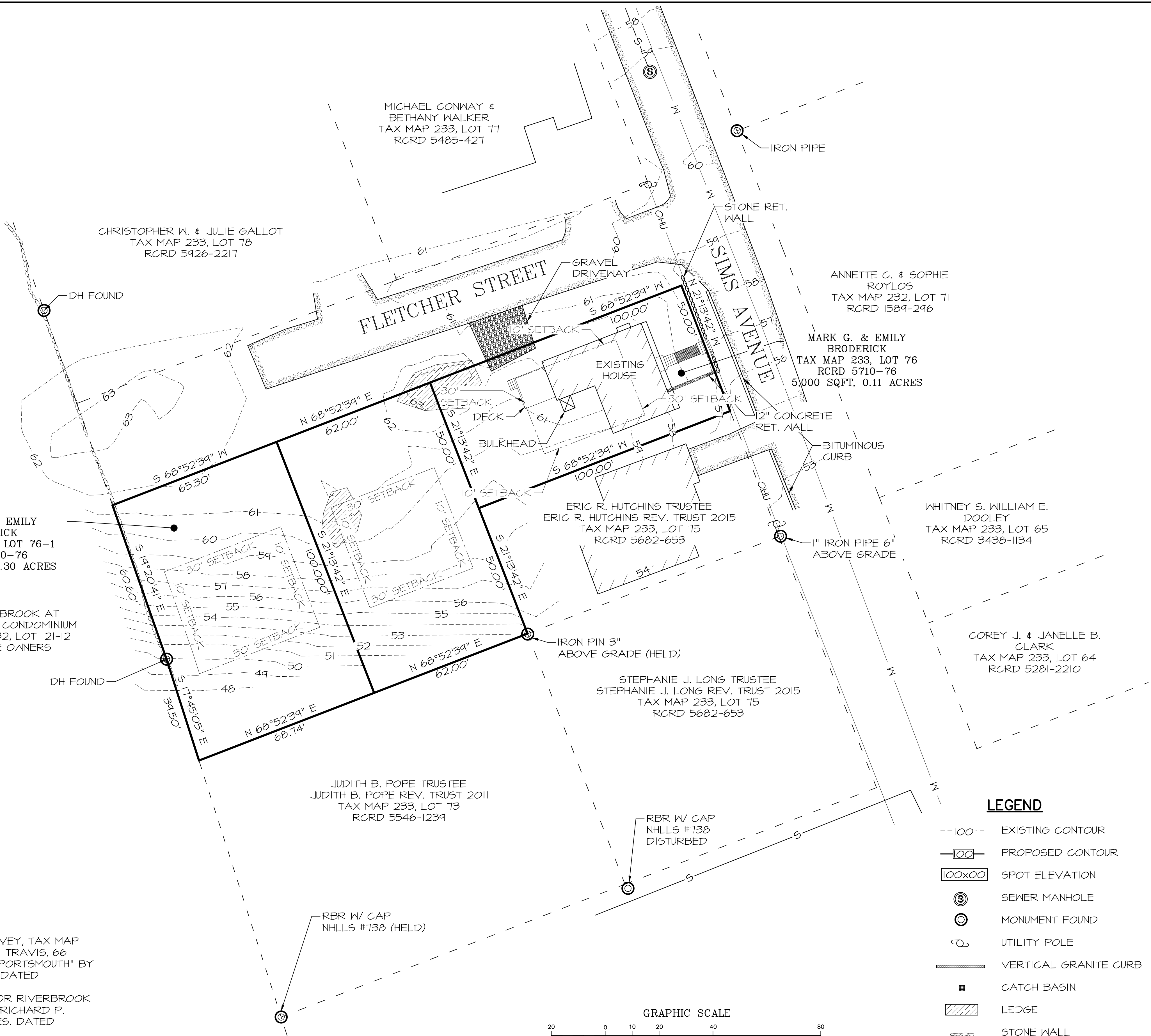
- 1) OWNER OF RECORD:
MARK G. & EMILY BRODERICK
TAX MAP 233, LOT 76 & 76-1
70 SIMS AVENUE
PORTSMOUTH, NH 03801
RCRD: 5710-76
LOT 76 AREA: 5000 SF, 0.11 Ac
LOT 76-1 AREA: 12,902 SF, 0.30 Ac
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN SINGLE RESIDENCE B DISTRICT:
MINIMUM LOT AREA.....15,000 SF
MIN. LOT AREA PER DWELLING UNIT.....15,000 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....100 FT
SETBACKS:
FRONT.....30 FT
SIDE.....10 FT
REAR.....30 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....20%
MINIMUM OPEN SPACE.....40%
- 4) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAPS #33015C0254E & #33015C0270E, PANELS 259 & 270 OF 681, DATED MAY 17, 2005.
- 5) AT ITS MEETING ON JANUARY 19, 2017, THE PLANNING BOARD VOTED TO RECOMMEND TO THE CITY COUNCIL THAT THE PARCEL AT 70 SIMS AVENUE BE RESTORED TO ITS PREMERGER STATUS AS THREE LOTS, AND MUNICIPAL ZONING AND TAX MAPS BE UPDATED TO IDENTIFY THE PREMERGER STATUS OF THE THREE LOTS AS SHOWN ON THE 1918 PLAN RECORDED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- THE 3 UNMERGED LOTS ARE 55, 64, & 65 ON THE 1918 PLAN SHOWN AS REFERENCE PLAN #2. THE CURRENT TAX MAP SHOWS LOT 55 AS LOT 76 AND LOTS 64 & 65 AS LOT 76-1.

2	12/13/19	PRELIMINARY	
1	9/23/19	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
CHECKED			

ROSS ENGINEERING Civil/Structural Engineering & Surveying 909 Islington St. Portsmouth, NH 03801 (603) 433-7560		
CLIENT MARK G. & EMILY BRODERICK 70 SIMS AVE PORTSMOUTH, NH 03801		
TITLE BOUNDARY SURVEY & EXISTING CONDITIONS 70 SIMS AVE PORTSMOUTH, NH 03801 TAX MAP 233, LOTS 76 & 76-1		
JOB NUMBER	DWG. NO.	ISSUE
19-080	1 OF 1	2

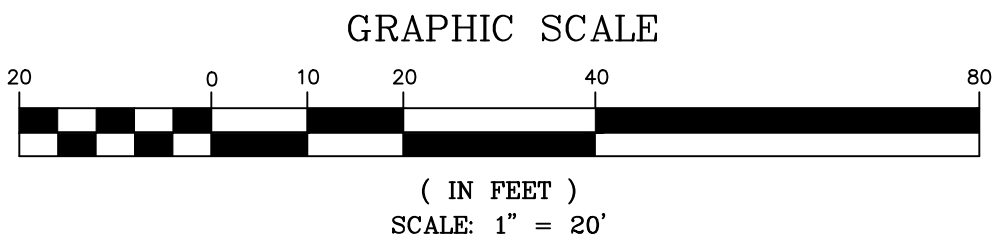
REFERENCE PLANS

- 1) "STANDARD BOUNDARY SURVEY, TAX MAP 223 LOT 73 FOR MICHAEL TRAVIS, 66 BENSON STREET CITY OF PORTSMOUTH" BY AMBIT ENGINEERING, INC. DATED NOVEMBER 2006.
- 2) "CONDOMINIUM SITE PLAN FOR RIVERBROOK AT PORTSMOUTH, N.H." BY RICHARD P. MILLETTE AND ASSOCIATES. DATED AUGUST 25, 1987.
- 2) "DANIELS PARK PORTSMOUTH, NH" DATED JUNE 1918 BY C.A. THAYER ENGR. RCRD 0241

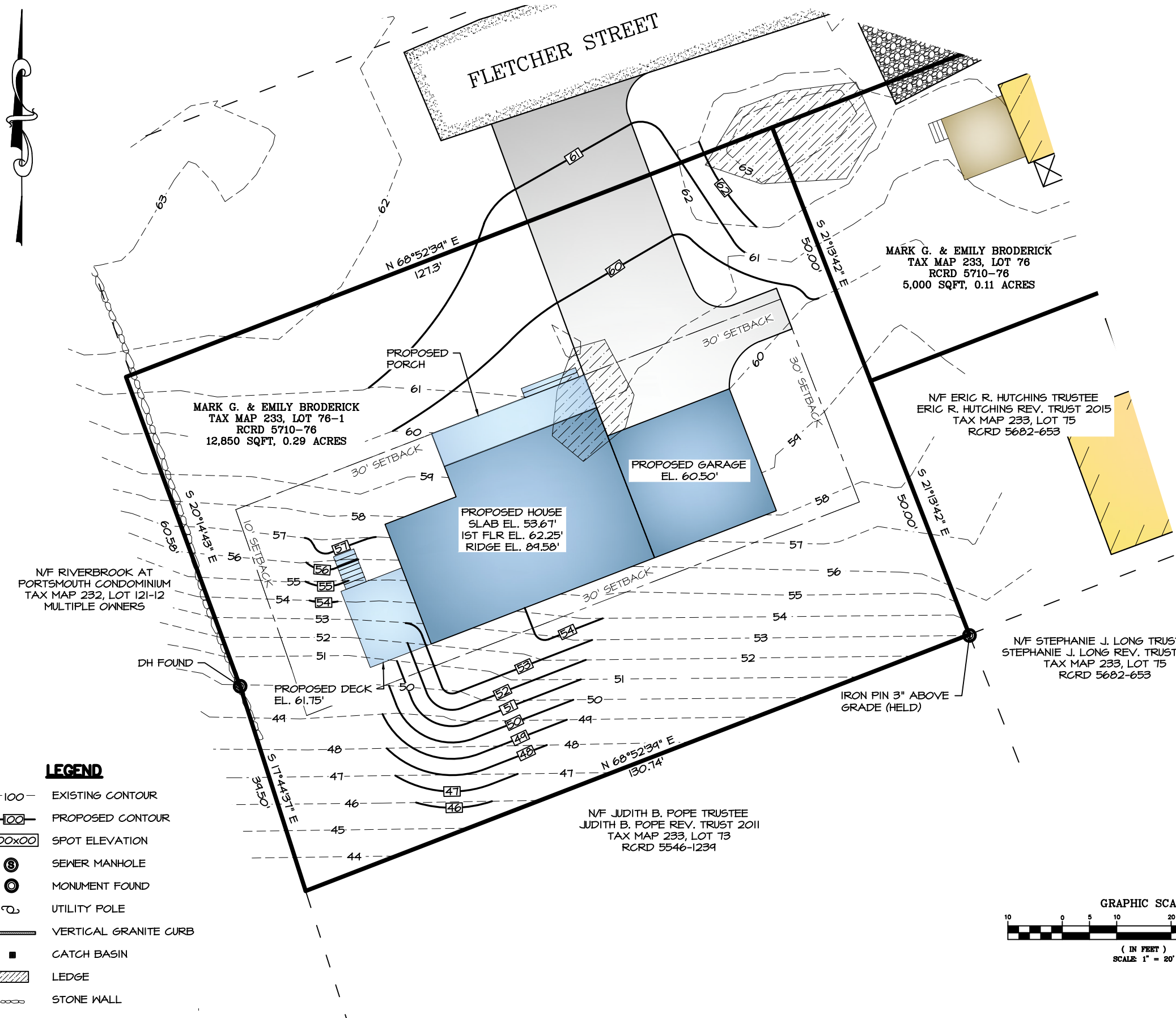


LEGEND

- 100-- EXISTING CONTOUR
-100- PROPOSED CONTOUR
100x00 SPOT ELEVATION
SEWER MANHOLE
MONUMENT FOUND
UTILITY POLE
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CATCH BASIN
LEDGE
STONE WALL



PRELIMINARY



LEGEND

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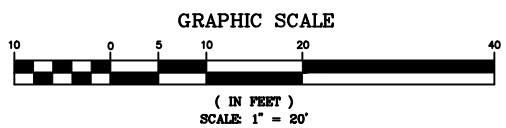
NOTES

- 1) OWNER OF RECORD:
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PORTSMOUTH, NH 03801
RCRD 5710-76
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MIN. LOT AREA PER DWELLING UNIT.....15,000 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....100 FT
SETBACKS:
FRONT.....30 FT
SIDE.....10 FT
REAR.....30 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
MAXIMUM BUILDING COVERAGE.....20%
MINIMUM OPEN SPACE.....40%
- 3) COVERAGES
BUILDING COVERAGE
EXISTING COVERAGE = 0 SF

PROPOSED COVERAGE
HOUSE.....1218 SF
GARAGE.....576 SF
PORCH.....193 SF
DECK.....180 SF
PROPOSED STRUCTURE 2167 SF = 16.9%
- LOT COVERAGE
EXISTING COVERAGE = 0 SF

PROPOSED COVERAGE
HOUSE.....1218 SF
GARAGE.....576 SF
PORCH.....193 SF
DECK.....180 SF
ASPHALT DRIVEWAY.....1154 SF
STAIRS.....45 SF
TOTAL LOT COVERAGE 3366 SF
PROPOSED OPEN SPACE 4484 SF
PROPOSED OPEN SPACE 73.8%
- 4) GRADE PLANE IS DEFINED AS THE REFERENCE PLANE OF THE AVERAGE GROUND LEVELS ADJOINING THE BUILDING AT THE EXTERIOR WALLS, OR THE AVERAGE GROUND LEVEL AT A POINT 6' AWAY FROM THE BUILDING WHEN THE GROUND LEVEL SLOPES AWAY FROM THE EXTERIOR WALLS. THE GRADE PLANE WAS DETERMINED TO BE 57.01'.
- 5) BUILDING HEIGHT IS DEFINED AS THE VERTICAL MEASUREMENT BETWEEN TWO REFERENCE POINTS. THE FIRST BEING DEFINED AS THE GRADE PLANE ABOVE. THE SECOND BEING THE MIDWAY POINT BETWEEN THE EAVES AND THE RIDGE ON A PITCHED ROOF.
- GRADE PLANE EL. = 57.01'
EAVES EL. = 79.74'
RIDGE EL. = 89.58'
ROOF MIDWAY EL. = $79.74 + 89.58 / 2 = 84.66'$

BUILDING HEIGHT = $84.66' - 57.01' = 27.65'$



2	2/26/20	ZBA SUBMITTAL	
1	9/23/19	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
CHECKED			
<u>ROSS ENGINEERING</u> Civil/Structural Engineering & Surveying 909 Islington St. Portsmouth, NH 03801 (603) 433-7560			
CLIENT MARK G. & EMILY BRODERICK 70 SIMS AVE PORTSMOUTH, NH 03801			
TITLE SITE PLAN 70 SIMS AVE PORTSMOUTH, NH 03801 TAX MAP 233, LOTS 76 & 76-1			
JOB NUMBER	19-080	DWG. NO.	2 OF 2
ISSUE			2

2/26/2020

Brandywine Classic w Wing

260.127.v14 GL (2/26/2020)

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603-431-9559



Dear Builders and Home Buyers,

In addition to our Terms and Conditions (the "Terms", available on ArtformHomePlans.com), please be aware of the following:

As defined in the Terms, this is a Design Drawing and may not yet have Construction Drawings (CDs) or the CDs may not reflect design changes. During the conversion of a Design Drawing to Construction Drawings, changes may be necessary including, but not limited to, dimensional changes or changes to the framing and structural supports.

We require that our designs be built substantially as shown in the Drawings. Markups agreed to by Builder and Home Buyer must still be approved by Artform, and may require additional changes, such as structural updates. While we attempt to accommodate requested changes where possible and reasonable, including considerations of design integrity, any and all changes to Drawings must be approved in writing by Artform. It is recommended that you have your Design Drawings updated by Artform prior to attaching any Drawing to any builder agreement. Artform shall not be responsible for the misuse of or unauthorized alterations to any of its Drawings.

- To maintain design integrity, we pay particular attention to features on the front facade, including but not limited to door surrounds, window casings, finished porch column sizes, and roof friezes. While we may allow builders to add their own flare to aesthetic elements, we don't allow our designs to be stripped of critical details. Any such alterations require the express written consent of Artform.
- Increasing or decreasing ceiling heights requires adjustments to window sizes and other exterior elements.

We are not responsible for typographical errors. Home Buyer shall give thoughtful consideration to all drawings and documents provided to them and shall be solely responsible for ensuring that they understand features in the home that are important to them.

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 **Artform Home Plans**

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Brandywine

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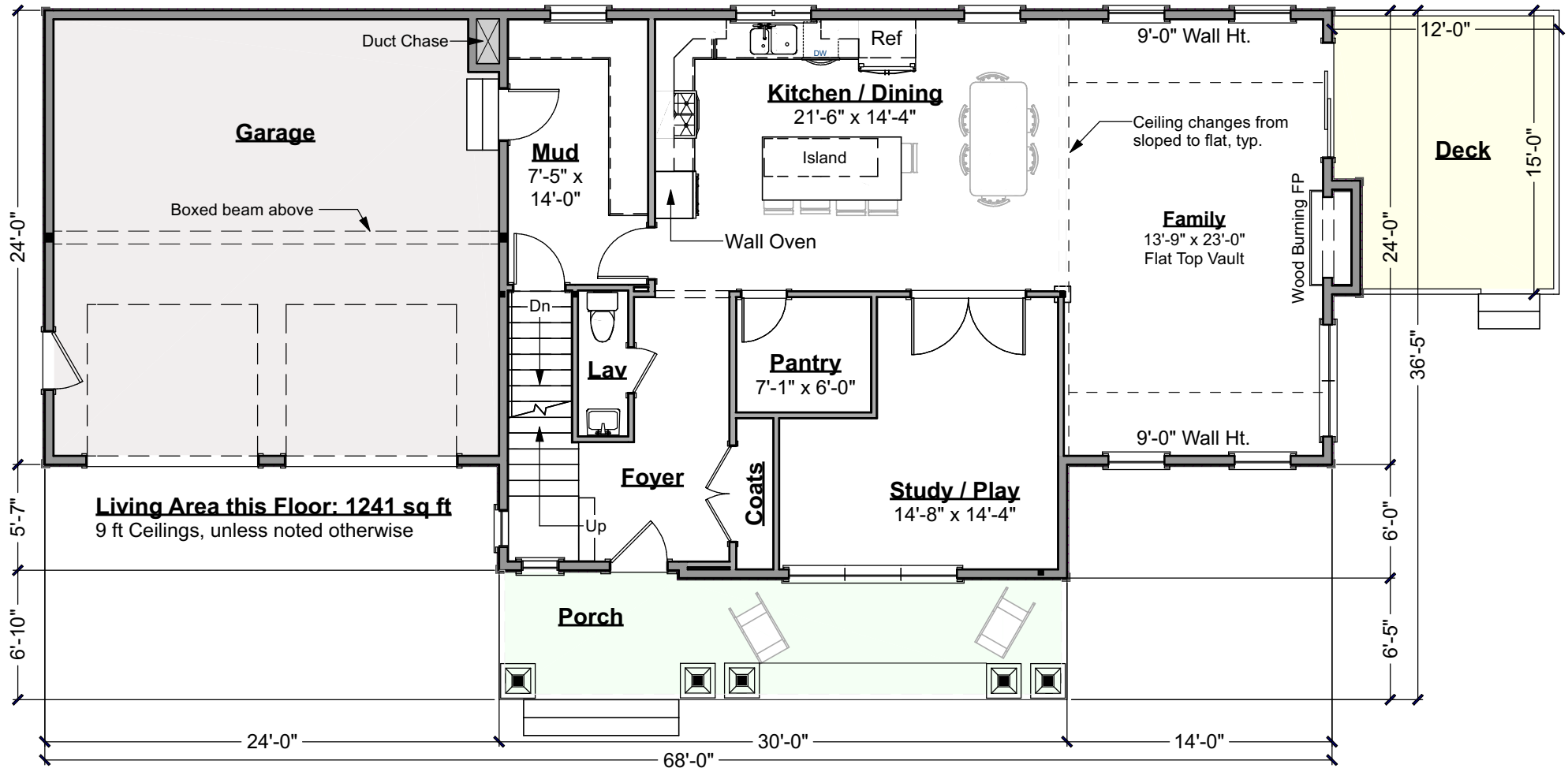
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603-431-9559

First Floor Plan

Scale: 1/8" = 1'-0"



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Brandywine Classic w Wing

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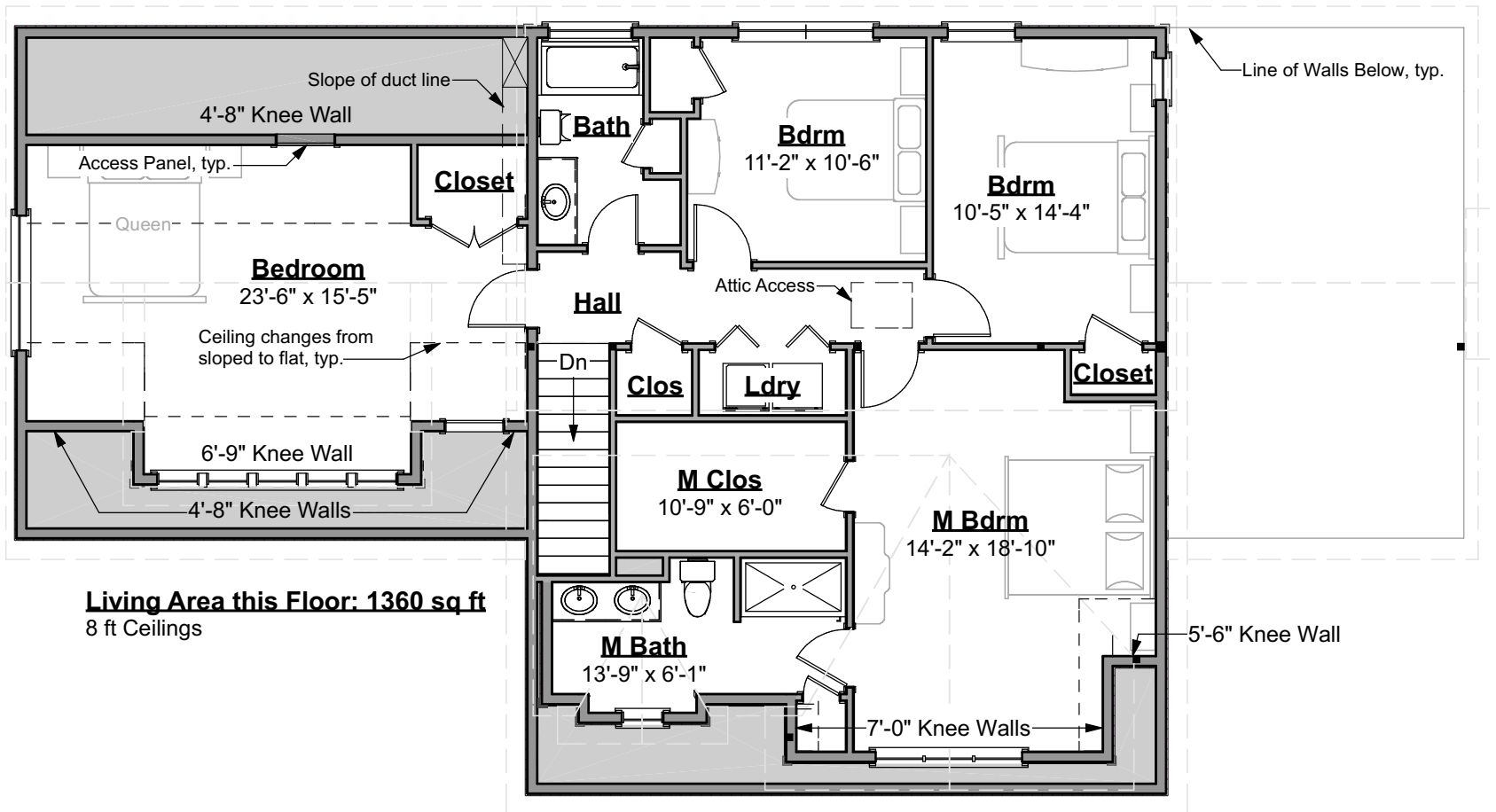
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Second Floor Plan

Scale: 1/8" = 1'-0"



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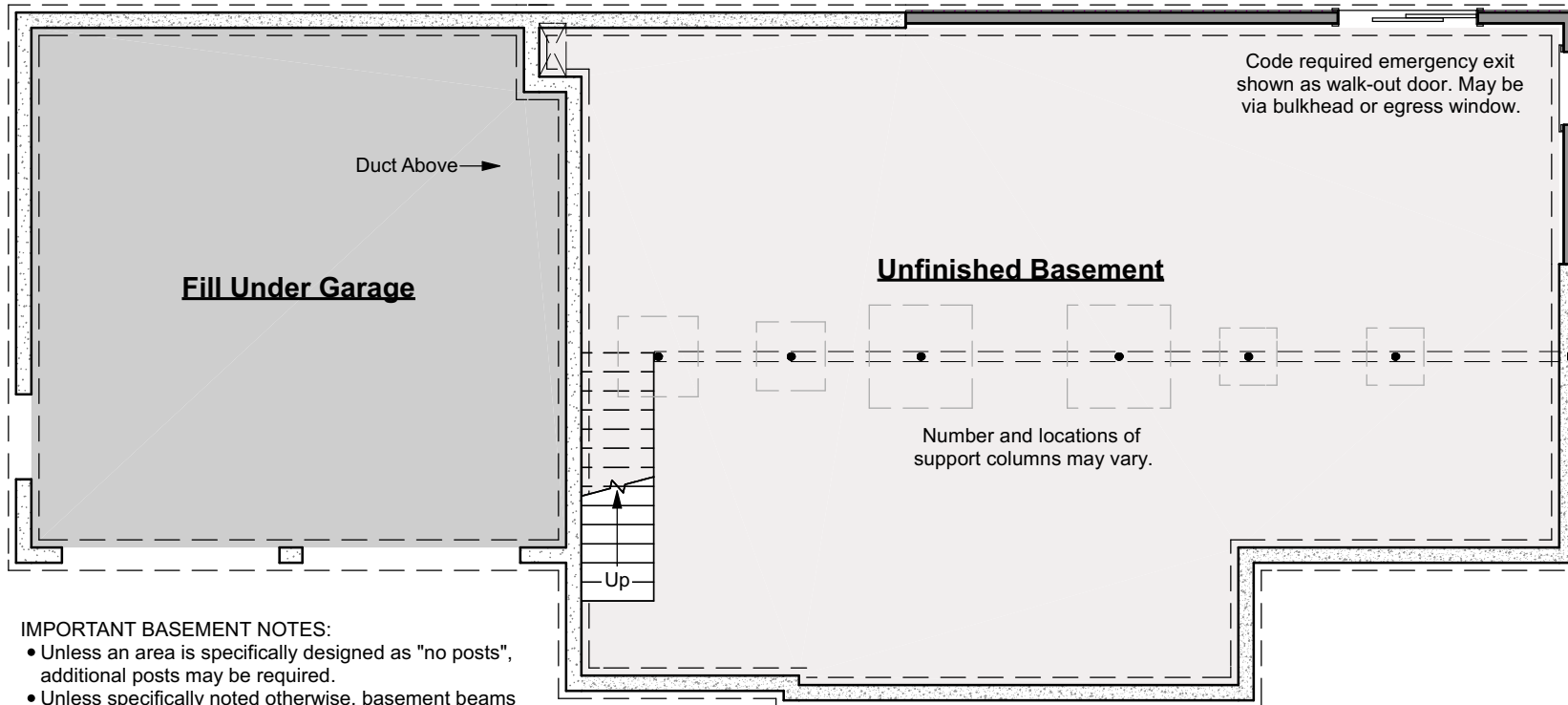
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603-431-9559

Foundation Plan

Scale: 1/8" = 1'-0"



IMPORTANT BASEMENT NOTES:

- Unless an area is specifically designed as "no posts", additional posts may be required.
- Unless specifically noted otherwise, basement beams will be framed below the floor joists.
- Basement spaces accommodate utilities, mechanical equipment and the horizontal movement of plumbing pipes, electrical wires and heating ducts. Both as part of any Construction Drawings produced based on this design and as future decisions made by the builder, changes to accommodate these items must be expected.
- Basement window locations are dependent on site conditions and utility locations. Clarify number and location with your builder.

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603-431-9559



Front Elevation

Scale: 1/8" = 1'-0"

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 **Artform Home Plans**
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Right Elevation
Scale: 1/8" = 1'-0"

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Artform Home Plans
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Rear Elevation
Scale: 1/8" = 1'-0"

2/26/2020

Brandywine Classic w Wing

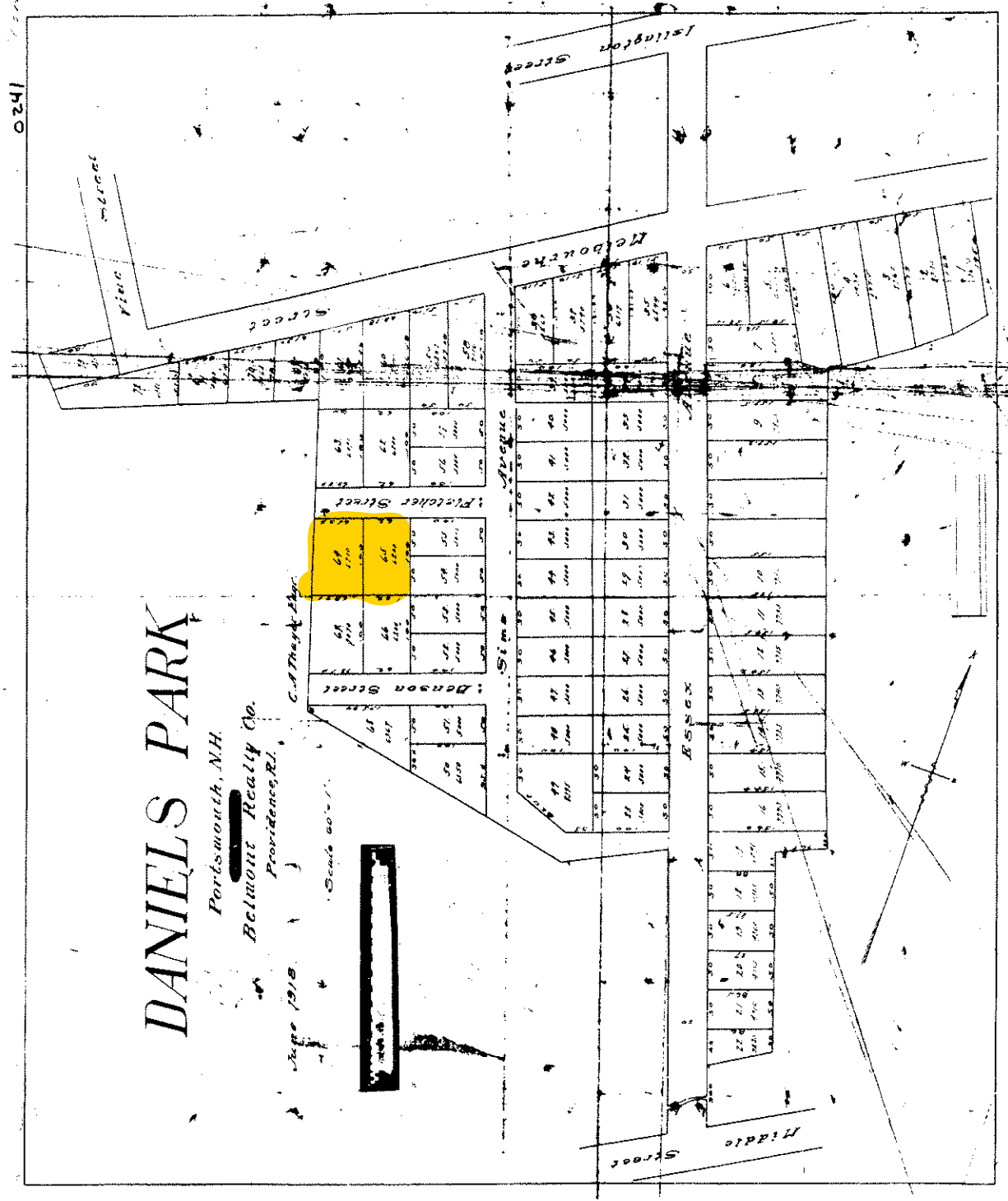
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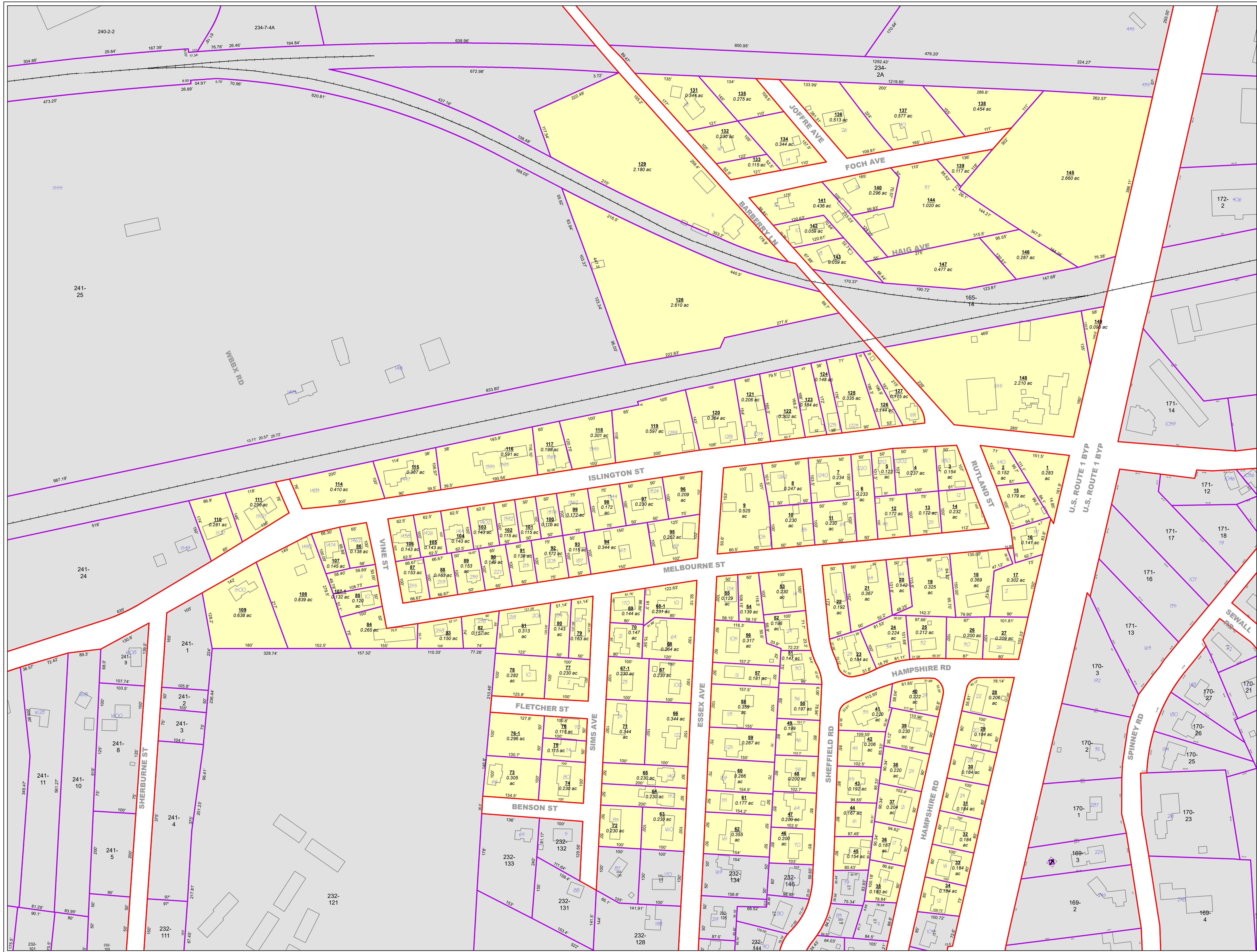
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 **Artform Home Plans**
603-431-9559



Left Elevation
Scale: 1/8" = 1'-0"



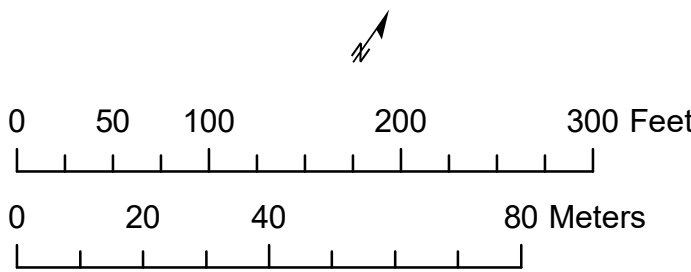


Partial Legend
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
23 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
SIMS AVE Street name

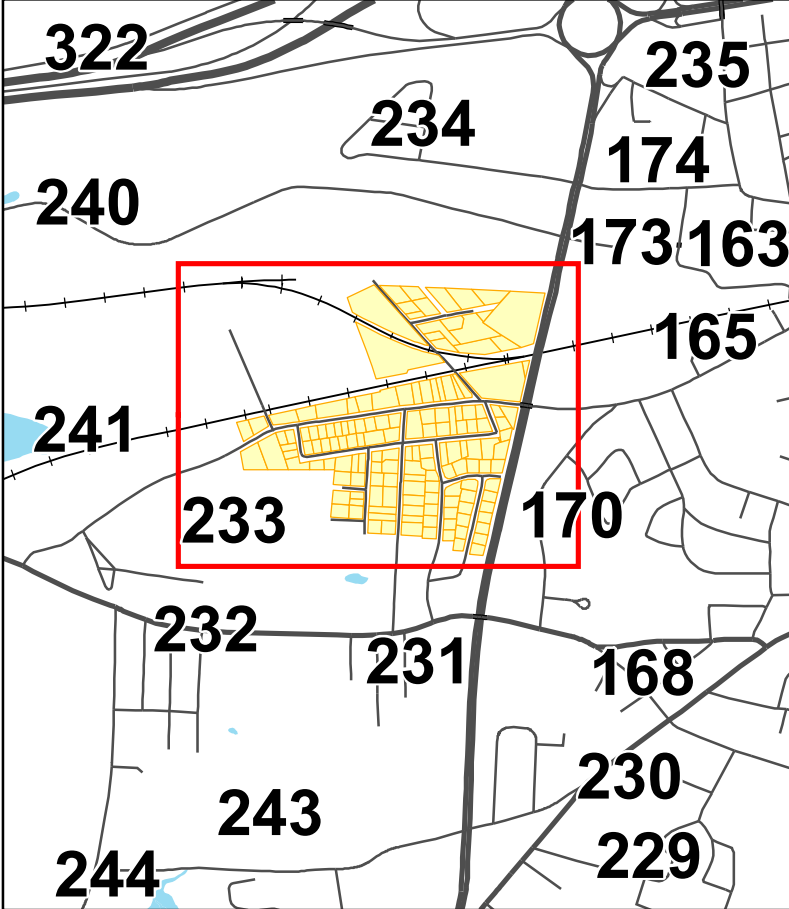
Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

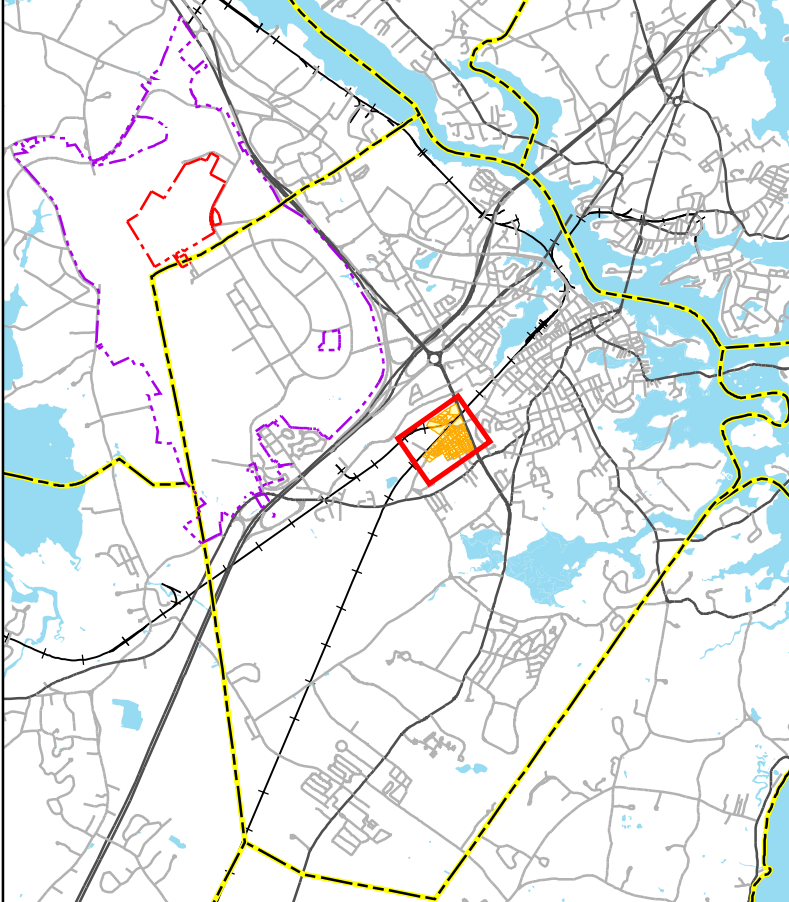


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over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

Nearby Tax Maps

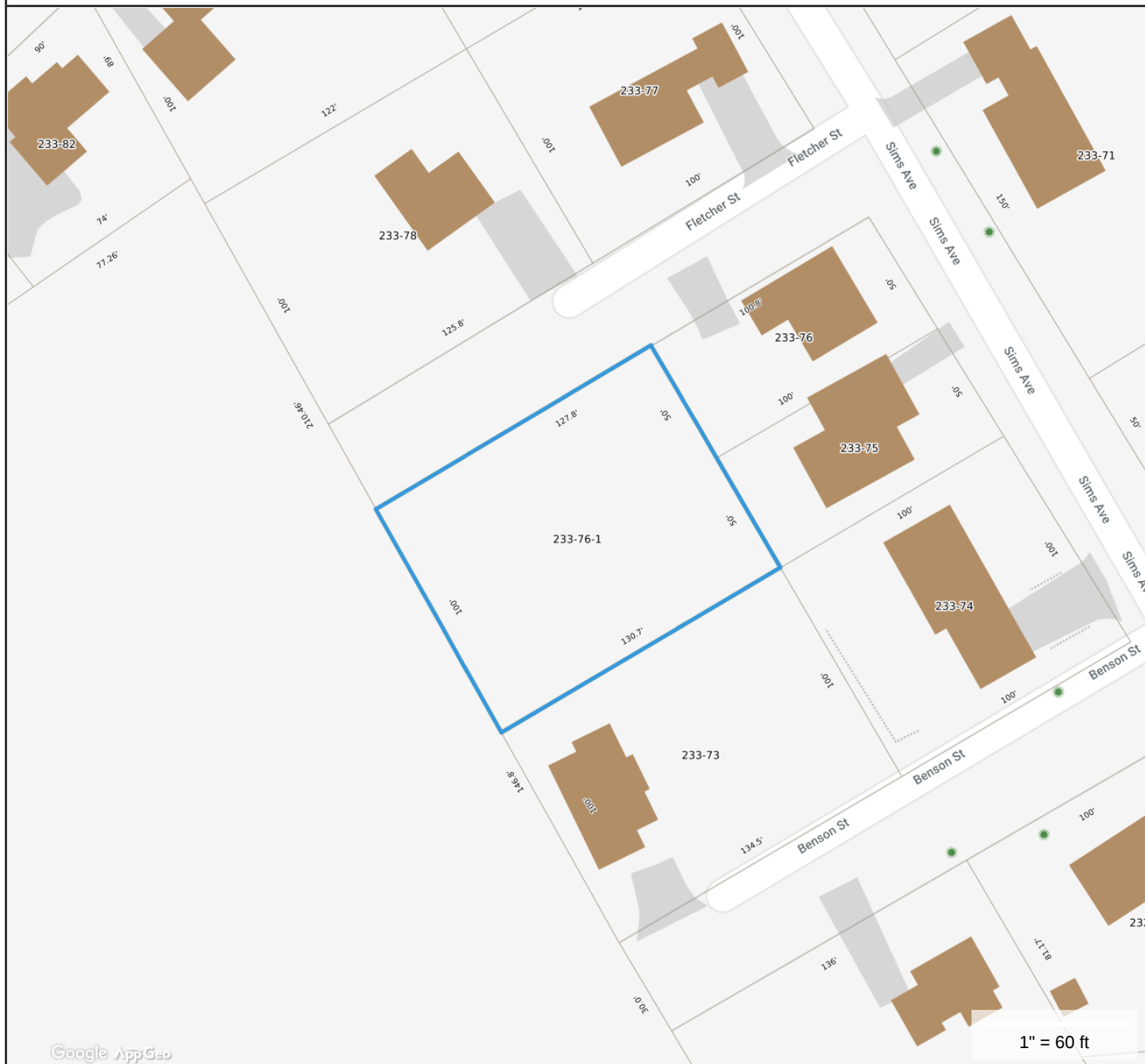


Map Location



Portsmouth, New Hampshire
2019

Tax Map 233



Property ID	0233-0076-0001
Location	SIMS AVE
Owner	BRODERICK MARK G



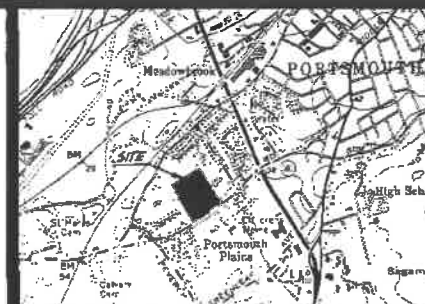
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
Data updated 7/17/2019

LEGEND:

- ADRES
- DECK
- EXISTING DRAINPIPE
- DRAIN MANHOLE
- NOW OR FORMERLY
- ROCKINGHAM COUNTY REGISTRY OF DEEDS
- EXISTING SEWERLINE
- SQUARE FEET
- SEWER LATERAL
- SEWER MANHOLE
- STORAGE UNIT
- TEMPORARY BENCHMARK
- EXISTING WATER MAIN
- WATER SERVICE
- WATER SHUT OFF

NOTE: THIS DRAWING CONTAINS REVISIONS TO THE FIRST EIGHT PHASES IN THAT DECKS AND STORAGE UNITS WHICH HAVE SINCE BEEN CONSTRUCTED ARE NOW SHOWN. THE ATTACHED DECKS AND STORAGE UNITS SHOWN ARE PART OF THE UNITS LIMITED COMMON AREA.



LOCATION PLAN

NOTES:

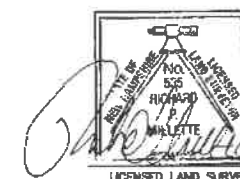
- 1) THIS PARCEL IS LOCATED IN THE GA (GARDEN APARTMENT) ZONE.
- 2) THIS PARCEL IS SHOWN ON PORTSMOUTH ASSESSOR'S MAP R-32 AS LOT 121.
- 3) THIS PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
- 4) THIS PARCEL IS SERVICED BY MUNICIPAL SEWER AND WATER.
- 5) OWNER OF RECORD:
SATURDAY DEVELOPMENT CORPORATION
2425 LAFAYETTE ROAD
PORTSMOUTH, N.H. 03801
RCRD 2853-0898 & 2678-1385
- 6) TOTAL PARCEL AREA:
796,277 S.F.
18.28 Ac.
- 7) BOUNDARY LINES ARE FROM "PLAN OF LAND FOR RIVERBROOK, INC." BY JOHN W. DURGIN, C.E., DATED SEPT. 1965.

NOTICE: THE PROPERTY DEPICTED BY THIS PLAN REPRESENTS ONE MUNICIPAL LOT WHICH WILL BE OWNED IN FEE BY THE CONDOMINIUM ASSOCIATION. INTERNAL LOT LINES DEPICTING LIMITED COMMON AREAS ARE SHOWN IN ORDER TO COMPLY WITH THE REQUIREMENTS OF RSA 356-B:20V AND ARE NOT MEANT TO NOR DO THEY IN FACT REPRESENT MUNICIPAL LOT LINES.

FILING OF THIS PLAN IS FOR CONDOMINIUM PURPOSES ONLY, PURSUANT TO RSA 356-B. IT DOES NOT CONSTITUTE A SUBDIVISION OF LAND.

"I CERTIFY THAT THIS PLAN IS ACCURATE AND IS IN COMPLIANCE WITH THE PROVISIONS OF NEW HAMPSHIRE RSA 356-B:20(1), AND THAT ALL UNITS OR PORTIONS THEREOF DEPICTED ON THIS PHASE ARE PROPOSED."

"I CERTIFY THAT THIS SURVEY PLAT SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN."

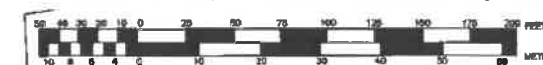


5-16-94
DATE

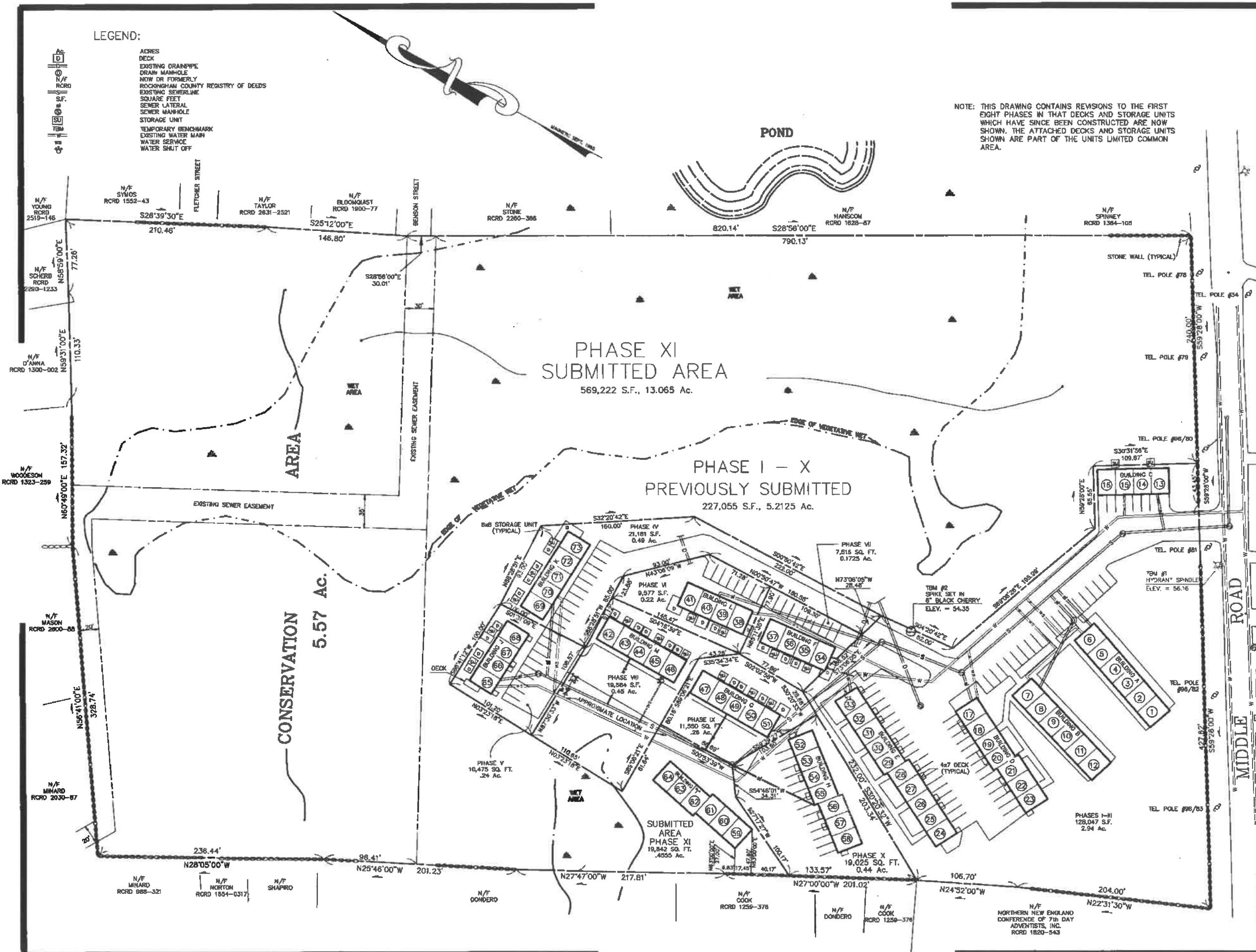
CONDOMINIUM SITE PLAN
FOR
RIVERBROOK AT
PORTSMOUTH, N.H.
PHASE XI

777 MIDDLE ROAD
COUNTY OF ROCKINGHAM
PORTSMOUTH, N.H.

SCALE: 1"=50' DATE: DECEMBER 23, 1993



RICHARD P. MILLETTE & ASSOCIATES
501 ISLINGTON STREET
PORTSMOUTH, N.H. 03801
TELEPHONE: (603) 431-2222



D. 77811

BK2788 P2184

Page 2 of Exhibit A

Subject to the existing sewer easement as shown on said "Condominium Site Plan".

Subject further to a water easement to the Water Department for the City of Portsmouth, its successors and assigns, for the purpose of enabling the Portsmouth Water Department, its successors and assigns, to turn on and terminate metered water service as requested by homeowners in emergencies, and in the event of non-payment of water charges.

Subject further to a conservation easement containing 5.57 acres, located at the northwesterly portion of the within described premises.

Being the same premises conveyed to The Saturday Development Corporation by Ferris G. Bavicchi, Francis J. Costello, Jr., J. Paul Griffin and James A. Shanley, all as Trustees of the Riverbrook Realty Trust by Warranty Deed dated December 30, 1986 and recorded at the Rockingham County Registry of Deeds at Book 2653, Page 0898.

Excerpt from Riverbrook Condominium Declaration



FACING SOUTH



FACING SOUTHWEST



FACING WEST



FACING NORTH