

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

November 19, 2025

HAND DELIVERED

Stefanie Casella, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Owners: Michael & Isaac Roylos
Applicant: Chris Cloutier
Property: 25 Sims Avenue
Tax Map 233, Lot 71¹
Single Residence B District

Dear Ms. Casella & Zoning Board Members:

On behalf of the Roylos Family and Chris Cloutier enclosed please find the following in support of a request for zoning relief:

- See Viewpoint Land Use Application uploaded today.
- Owner Authorization.
- 11/19/2025 – Memorandum and exhibits in support of Zoning Relief

We look forward to presenting this application to the Planning Board at its December 16, 2025 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Chris Cloutier
Emmanuel Engineering/JVA

¹ Note that the lot at issue, known as Lot 44, was recently unmerged and does not yet have its own lot number.

OWNER'S AUTHORIZATION

I, Michael R. Roylos and Isaac M. Roylos, Owners/Applicants of Sims Avenue, Tax Map 233/Lot 71, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent us before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date:

<i>Michael Roylos</i>	dotloop verified 11/16/25 9:33 AM EST N99M-BNZN-MTK1-ONLR
-----------------------	---

Michael R. Roylos

Date:

<i>Isaac Roylos</i>	dotloop verified 11/14/25 7:41 PM EST B1WV-22NVCMM1-CDG0
---------------------	--

Isaac M. Roylos

APPLICANT AUTHORIZATION

I, Christopher Cloutier, Applicant of Sims Avenue, Tax Map 233/Lot 71, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

<i>Chris Cloutier</i>	dotloop verified 11/17/25 12:24 PM EST RMER-EUYL-6PJ0-DCFW
-----------------------	--

Christopher Cloutier

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: November 19, 2025
RE: Owners: Michael & Isaac Roylos
Applicant: Chris Cloutier
Property: 25 Sims Avenue
Tax Map 233, Lot 71¹
Single Residence B District

Dear Chair Eldridge and Members of the Zoning Board of Adjustment (“ZBA”):

On behalf of Owner Michael & Isaac Roylos and Applicant Chris Cloutier (“Cloutier”), we are pleased to submit this Memorandum and exhibits in support of a requested variance from the Portsmouth Zoning Ordinance (“PZO” or “Ordinance”).

I. EXHIBITS

- A. Existing Conditions Plan – Ambit Engineering,
- B. Site Photographs.
 - Satellite View
- C. Deed.
- D. Rockingham County Registry of Deeds, Plan 0241.
- E. City Council Decision to Unmerge.
- F. Lot 44 in Context.
- G. Tax Map 233.

II. PROPERTY

Lot 44 is the historic designation for the southeasterly third of 25 Sims Avenue. **(Exhibits A, C, and D).** Lot 44 is a 5,003 s.f. undeveloped parcel with 50.03’ feet of frontage located in the Single Residence B District. **(Exhibit A, B).** Lot 44 was acquired by the Roylos family as a single lot in 1965. **(Exhibit C, D).** It was subsequently involuntarily merged by the City of Portsmouth with Lots 42 and 43, the lot upon which the Roylos home was constructed. Upon request of the Roylos Family and in consultation with the Planning Board, the City Council restored Lot 44 to its previously unmerged status as a nonconforming lot. **(Exhibit E).** Cloutier plans to construct a home within the building envelope. Cloutier consulted with City

¹ Note the lot at issue, known as Lot 44, was recently unmerged and does not yet have its own Lot number.

Staff, who opined that relief is required to establish a home on a lot with insufficient area and frontage.

III. RELIEF REQUIRED

<u>Variance Section/Requirement</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.520/Table §10.521: Dimensional Standards</u>		
15,500 s.f. Lot area	5,000 s.f.	5,000 s.f.
15,000 s.f. Lot area/dwelling unit	5,000 s.f./dwelling	5,000 s.f./dwelling
100 ft. Frontage	50'	50'

IV. ADDITIONAL PERMITS REQUIRED

- Driveway Permit
- Building Permit

V. 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 §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 – The proposal requests variance for lot size/lot size per dwelling unit for a single-family home on a 5000 s.f. lot where 15000 s.f. is required. The

- lot, size, which is consistent with many other lots in the area (see **Exhibit F**) is a prior nonconforming condition that cannot be changed.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The proposal is to build a home within the existing building envelope.
 3. The design of facilities for vehicular access, circulation, parking and loading – The lot can accommodate off-street parking for a residential use.
 4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – Stormwater management will be evaluated in conjunction with the issuance of a building permit, which requires stormwater be managed on-site. Lighting noise and vibration will be no different than any other single-family home in the neighborhood.
 5. The preservation and enhancement of the visual environment – The establishment of a residential use in a residential zone will not detract from the visual environment.
 6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The Property is not in the Historic District.
 7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – There are not wetlands on site and Lot 44 is not within the wetland buffer.

Based upon the foregoing, the variances do not “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)

The Property is located in a thickly settled area of the City with many lots that are nonconforming size with insufficient frontage. (**Exhibit F**). Accordingly, variances for lot size which cannot be met and is consistent with other lots in the neighborhood will neither “alter the essential character of the locality,” which is significantly single-family nor “threaten the public health, safety or welfare.”

3. Substantial justice is done by granting the variances.

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, LLC, 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.

The Roylos family is constitutionally entitled to the use of the lot as they see fit, including selling the lot, subject to the effect of establishing a permitted use on an undersized lot. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978).

“Property” in the constitutional sense has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy and dispose of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added). The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

A municipality’s ordinance must reflect the current character of the neighborhood, See Belanger v. City of Nashua, 121 N.H. 389, 393 (1981) (upholding reversal of use variance denial where current character of neighborhood had evolved since its original classification as single-family residential). Here, the vast majority of conforming lot are nonconforming as to lot size while many also fail to comply with frontage requirements. **(Exhibit F).**

Granting the requested variances creates opportunity for sorely needed single-family homes. There is no harm to any neighbor or the general public from granting the variances to establish a permitted residential use and certainly no harm to the public who benefits from an increase in housing stock. Conversely, Roylos and Cloutier will be greatly harmed by denial as Roylos will be deprived of their constitutional right to dispose of their property and Cloutier will lose the opportunity to reasonably develop the Property, requesting only relief for conditions (lot size and frontage) that cannot under any circumstances be met. Accordingly, there is no benefit to the public from granting the variance that outweighs the harm to the owner from denial.

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

The City Council recognized that the merger of Lot 44 was done without action or consent by the Owner and had to be remedied by restoration of the lot to its pre-merger status. The establishment of a permitted residential use within the building envelope on a nonconforming lot of record, among other lots similarly situated and developed, will not diminish surrounding property values.

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

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

The Property, having been set out before zoning, is small and narrow. It was further merged for decades without the owner's consent and has just been restored. Because there is no way to make the lot, thus the Project comply with the SRB lot size, frontage, and lot size per dwelling unit requirements, special conditions exist.

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

Lot area and density limits, exist in order to: prevent overburdening/overcrowding of the land; permit areas for stormwater management; and allow for adequate light, air, and sightlines. The establishment of a permitted single-family home on a lot existing for over a century, within its building envelope, provides sorely needed single-family housing. Accordingly, there is no fair and substantial relationship between the general public purposes of the Ordinance, the lot size and frontage are consistent with other lot in the area, and compliance is impossible.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential uses are permitted in the SRB Zone. We note also that the New Hampshire Supreme Court case of Walker v. City of Manchester, 107 NH 382 (1966) held that a hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect upon the neighborhood. We note that while Walker does not limit or distinguish its analysis based on the underlying cause of the surrounding nonconformity (pre-existing, result of variances, or a planned unit development), a number of nonconforming lots are as they existed on the 1918 Plan. **(Compare Exhibit D to Exhibit G)**. Accordingly, the proposed use is reasonable and denial would create an unnecessary hardship for Roylos and Cloutier.

VI. CONCLUSION

For all the reasons stated, The Roylos Family and Chris Cloutier respectfully request that the Portsmouth Zoning Board of Adjustment the requested relief. We look forward to presenting this application at the December 16, 2025 ZBA Meeting.

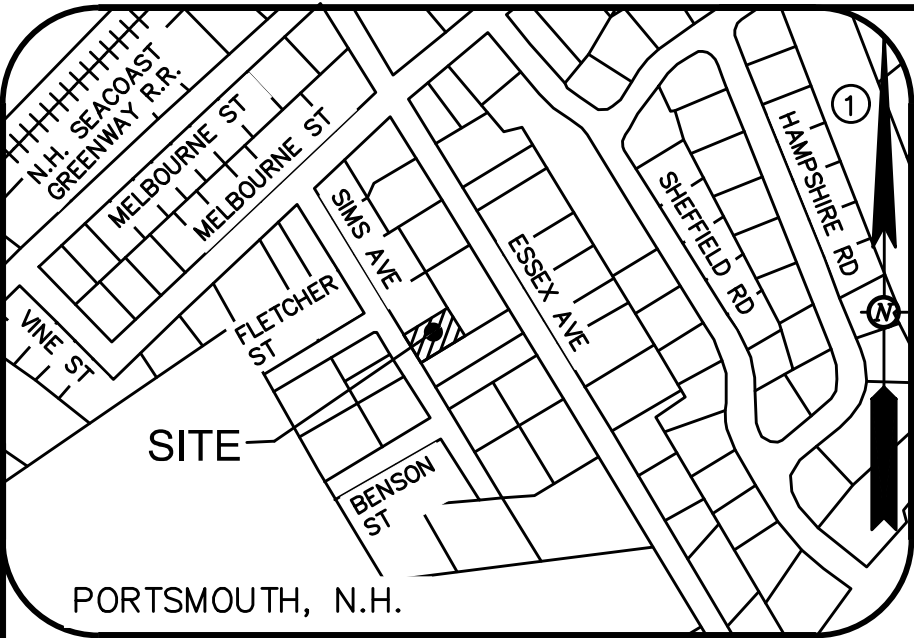
Respectfully submitted,
Chris Cloutier

By:



R. Timothy Phoenix, Esquire
Monica F. Kieser, E

J:\2025 PROJECTS\25-2079 CLOUTIER SIMS AVE LOT 44 PORTSMOUTH NH\DWG\25-2079 EXCON.dwg 2025-11-19

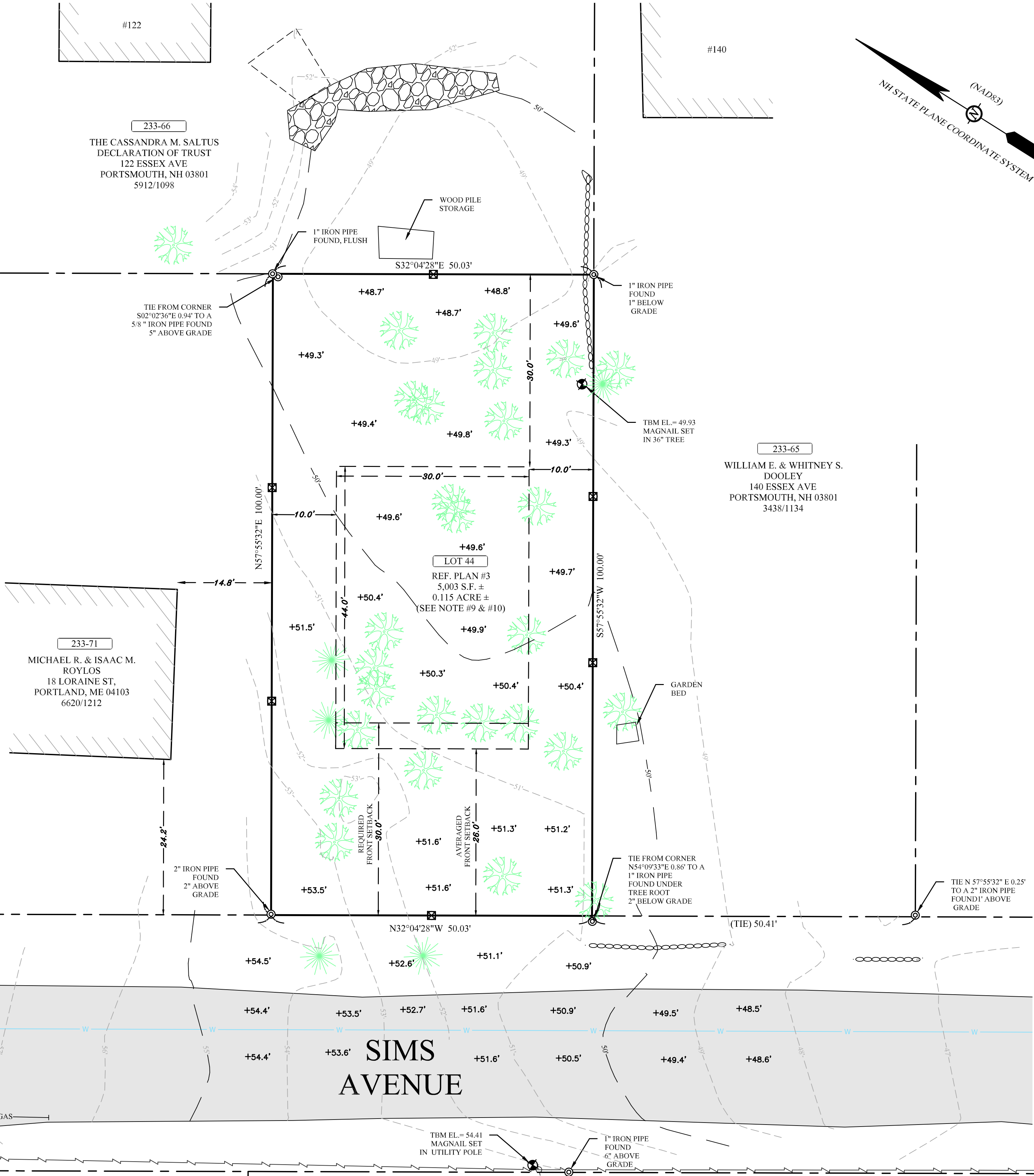
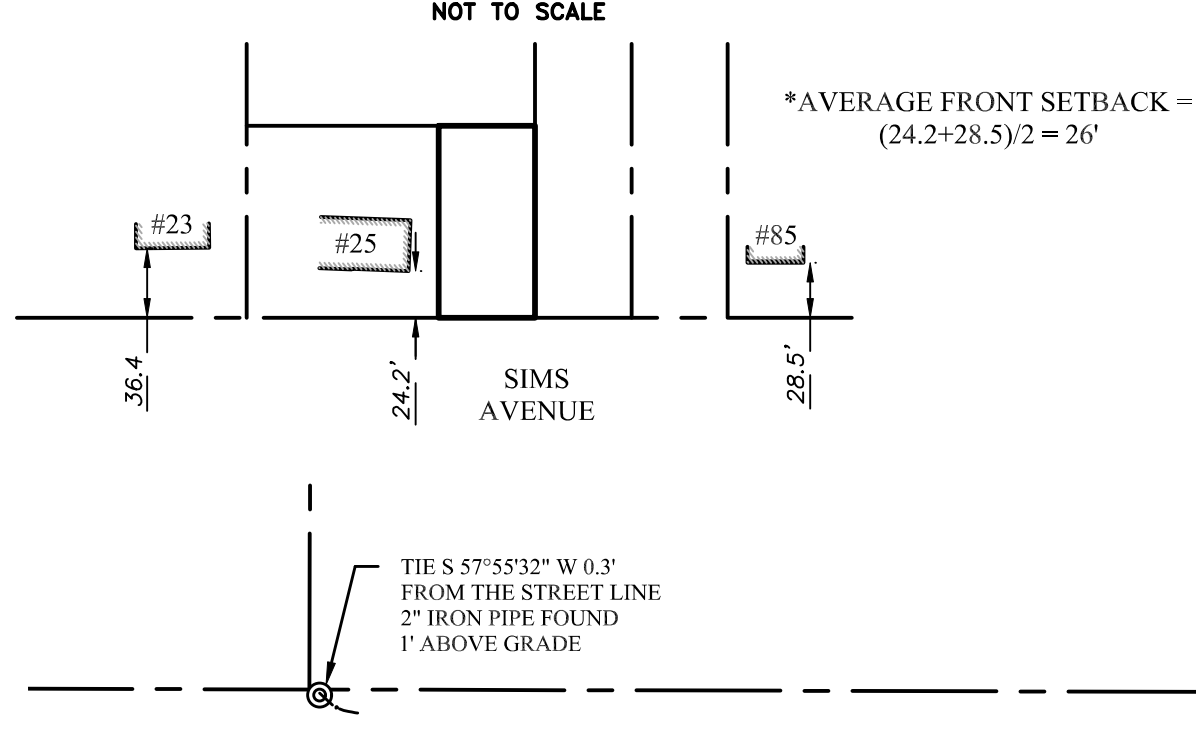


LOCUS
(N.T.S.)

LEGEND

	STONE AREA
	PAVEMENT AREA
	CONTOUR MINOR LINE
	CONTOUR MAJOR LINE
	BOUNDARY LINE
	OVERHEAD WIRE LINE
	BOUNDARY ABUTTERS LINE
	SETBACK LINE
	6" DI WATER LINE
	GAS LINE
	CONIFEROUS TREE
	DECIDUOUS TREE
	UTILITY POLE
	BENCHMARK
	IRON PIPE FOUND
	WOODEN STAKE SET
	SPOT GRADE ELEVATION

DETAIL "A" FRONT SETBACK CALCULATIONS



No.	DATE:	REVISION DESCRIPTION	BY	APPR.

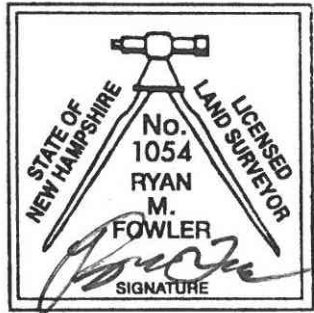
SURVEYOR'S CERTIFICATION

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

Chris Cloutier

LICENSED LAND SURVEYOR

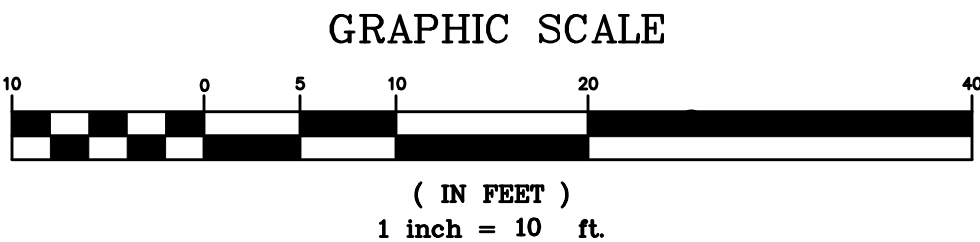
11/19/2025
DATE



233-76
THE MARK & EMILY
BRODERICK REVOCABLE
TRUST
70 SIMS AVE
PORTSMOUTH, NH 03801
6616/1326

233-75
MARY & SUSAN WHALON
74 SIMS AVE
PORTSMOUTH, NH 03801
6564/1367

233-74
THE STEPHANIE J. LONG
REVOCABLE TRUST OF 2008
80 SIMS AVE
PORTSMOUTH, NH 03801
5205/639



NOTES:

- OWNER OF RECORD: MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
ADDRESS: 18 LORAIN ST, PORTLAND, MAINE 04103
DEED REFERENCE: BK: 6620 PG: 1214
TAX SHEET / LOT: 233 / 71
- ZONED: SRB - SINGLE RESIDENCE B.
MIN. LOT AREA: 15,000 S.F.
CONTINUOUS STREET FRONTAGE: 100'
DEPTH: 100'
BUILDING COVERAGE: 20%
MIN OPEN SPACE: 40%
HEIGHT: 35'
*AVERAGE FRONT YARD SETBACK: 26' SEE DETAIL "A" FOR CALCULATIONS
FRONT YARD SETBACK: 30' *
SIDE & REAR YARD SETBACK: 10' & 30'
- THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCELS AND THE IMPROVEMENTS THEREON.
- OCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS OF RECORD, AND PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- ZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD88, ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS. UNITS: US SURVEY FOOT.
- PLAN IS BASED UPON A FIELD SURVEY COMPLETED IN JULY OF 2023 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
- PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0259F EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
- LOT # 44 AS SHOWN ON PLAN RCRD C-15324 WAS SHOWN ON PORTSMOUTH, N.H. TAX MAP AS PART OF TAX MAP 233 LOT 71. IT IS SHOWN ON OTHER GIS MAPS AS #35 SIMS AVE.
- LOTS #42, #43 AND #44, AS SHOWN PLAN RCRD C-15324, WERE INVOLUNTARILY MERGED BY THE CITY OF PORTSMOUTH. LOT #44 WAS UNMERGED FROM LOTS #42 & #43 BY VOTE OF PORTSMOUTH CITY COUNCIL ON APRIL 7, 2025, PURSUANT TO NH RSA 674:39. SEE ITEM #12 IN PORTSMOUTH CITY MEMORANDUM ENTITLED "ACTIONS TAKEN AT PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 7, 2025." AS A RESULT OF SAID UNMERGED, LOTS #42 & #43 REMAIN MERGED AS A SINGLE LOT AND LOT #44 IS A SEPARATE AND SINGLE LOT.

REFERENCE PLAN:

- "SUBDIVISION PLAN FOR RUTH P. MERCER, PORTSMOUTH, N.H." DATED APRIL 18, 1986. PREPARED BY EMERY ENGINEERING. R.C.R.D. C-15324.
- "PLAN OF LAND OF DONALD R. & LEE D. PEARL, SIMS AVENUE, PORTSMOUTH, N.H." DATED JANUARY 1979. PREPARED BY MOULTON ENGINEERING CO. R.C.R.D. C-8574.
- "DANIELS PARK, PORTSMOUTH, N.H. BELMONT REALTY CO. PROVIDENCE R.I." DATED JUNE 1918. PREPARED BY C.A. THAYER, ENGINEER. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #702. R.C.R.D. BK 1 PG 166 PLAN #58
- "PLAN OF LOT #58 DANIELS PARK, PORTSMOUTH, N.H." DATED AUGUST 1973. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #L-493.
- "LOT LINE REVISION, PORTSMOUTH, N.H. FOR ALFRED & IRENE BOUTOTE." DATED JULY 1979. PREPARED BY JOHN W. DURGIN ASSOCIATES, INC. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #4655. R.C.R.D. C-8851.
- "PLAN OF LOT, PORTSMOUTH, N.H. FOR GEO. B & MARIE R. UNDERWOOD." DATED OCTOBER 1972 & REVISED AUGUST 1977. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #3215.
- "PLAN OF LOTS, PORTSMOUTH, N.H. FOR CALLEOPE APOSTOLAKES." DATED NOVEMBER 1972. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #4291. R.C.R.D. C-3494.
- WORKSHEETS AND FIELD NOTES OF JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JWD FILE #441.

EXHIBIT A

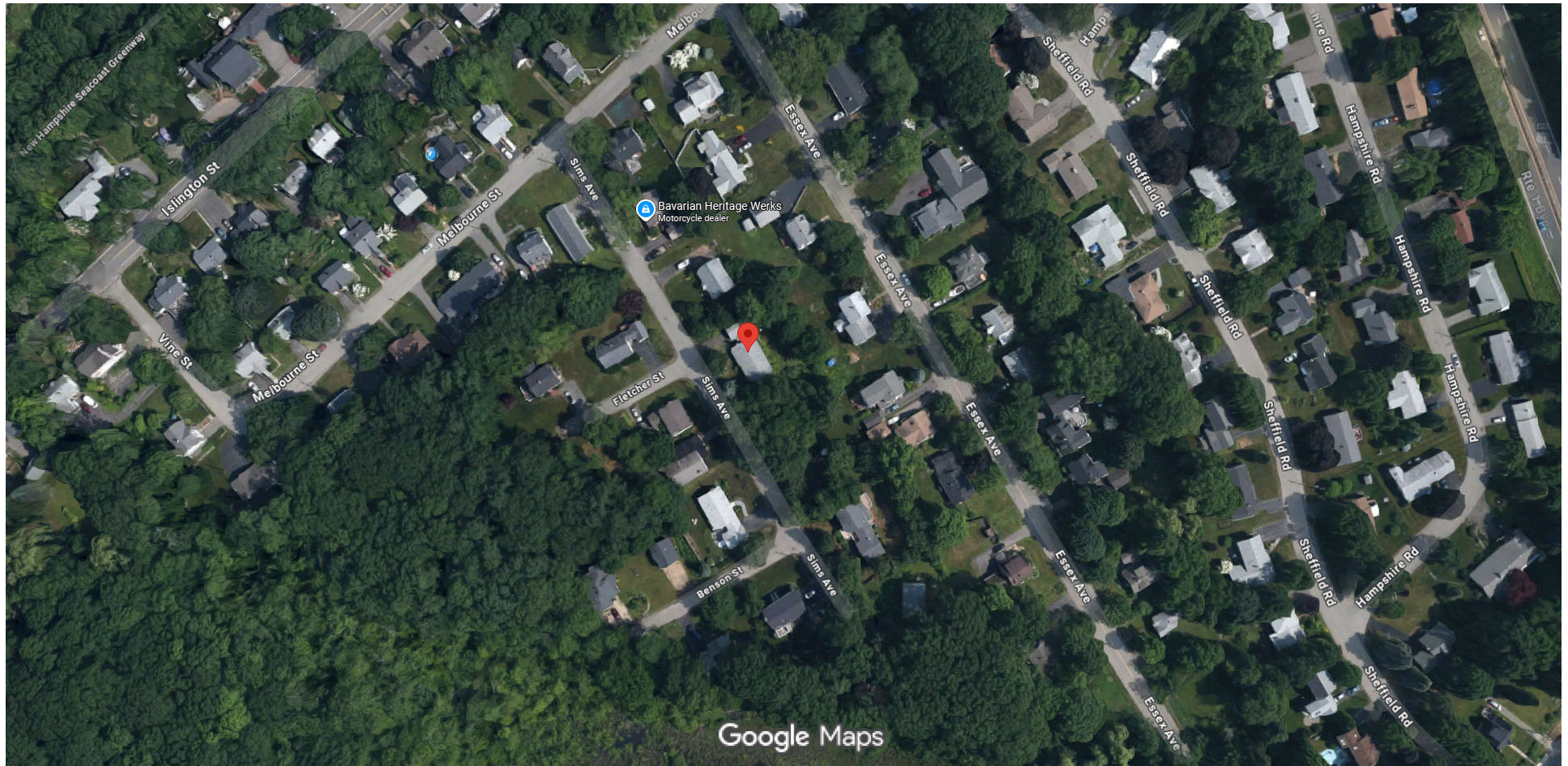
EXISTING CONDITIONS PLAN
SIMS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
TAX MAP 233 LOT 71
LAND OF: MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
PREPARED FOR: CHRIS CLOUTIER

JVA
JAMES VERRA & ASSOCIATES, INC.
100 GRIFFIN WAY, UNIT C
PORTSMOUTH, N.H. 03801
603-436-3557 • ©2025
www.jvasurveyors.com

DATE: 11/19/2025	JOB NO. 25-2079
DRWN BY: DK	CHK'D BY: RMF
DWG NAME: 25-2079 EXCON.DWG	SCALE: 1" = 10'
SHEET: V-1	



25 Sims Ave



Imagery ©2025 Google, Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 100 ft

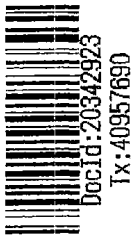
EXHIBIT B

25014535 05/15/2025 11:53:39 AM
Book 6620 Page 1214 Page 1 of 2
Register of Deeds, Rockingham County



LCHIP	ROA706645	25.00
RECORDING		14.00
SURCHARGE		2.00

Return to:
Noucas Law Office
500 Market Street, Suite 8
Portsmouth, NH 03801



FIDUCIARY DEED

THAT, I, **MICHAEL R. ROYLOS**, of 18 Loraine Street, Portland, Maine, duly appointed as the Executor of the Estate of Annette Roylos, deceased, whose Estate was duly admitted to probate in the Probate Court for the County of Rockingham, New Hampshire, (Docket No. 318-2024-ET-00773) by the power conferred by law, and every other power, grant to **MICHAEL R. ROYLOS**, of 18 Loraine Street, Portland, Maine, and **ISAAC M. ROYLOS**, of 6421 SW 78th Street, Gainesville, Florida, as tenants-in-common, each having an undivided one-half interest, the following real estate located in Portsmouth, County of Rockingham, and State of New Hampshire, described as follows:

A certain tract of land, situate on the northeasterly side of Sims Avenue in Portsmouth, County of Rockingham, and State of New Hampshire, more particularly bounded and described as follows:

Beginning at a point on the southwesterly side of Sims Avenue at the westerly corner of land now or formerly of Warren O. Teague, et al; thence in a general northwesterly direction by Sims Avenue, fifty (50) feet to land now or formerly of Bernard F. Woods; thence in a general northeasterly direction by land of Woods, one hundred (100) feet to a point at land now or formerly of Michael Zymaris, et al; thence turning and running in a general southeasterly direction by land of Michael Zymaris, fifty (50) feet, more or less, to a point at land now or formerly of said Teague; thence turning and running in a general southwesterly direction by land of said Teague, one hundred (100) feet, more or less, to the point of beginning.

Said tract of land is otherwise identified as Lot #44 on the Plan of Daniels Park, made by C. A. Thayer, C.E. dated June 1918 and recorded in the Rockingham County Registry of Deeds, Book of Plans No. 1, Page 166 and on Plan 58 of the Portsmouth City Assessor's Plans.

Lots #42, #43 and #44, as shown on the above-described Plan of Daniels Park, were involuntarily merged by the City of Portsmouth. Lot #44 was unmerged from Lots #42 and #43

-2-

by vote of the Portsmouth City Council on April 7, 2025, pursuant to NH RSA 674:39. See Item #12 in Portsmouth City Memorandum entitled "Actions Taken at Portsmouth City Council Meeting Held on April 7, 2025." As a result of said unmerger, Lots #42 and #43 remain merged as a single lot and Lot #44 is a separate and single lot.

Meaning and intending to describe and convey the same premises conveyed to Sophie C. Roylos and Annette Roylos by Warranty Deed of Raymond L. Miller and Virginia D. Miller dated May 15, 1965, and recorded in the Rockingham County Registry of Deeds at Book 1766, Page 084.

Said Sophie C. Roylos having predeceased on February 13, 2013, and her death certificate being recorded herewith.

This property is conveyed subject to any and all mortgages, liens or other encumbrances of record.

This conveyance is exempt from the real estate transfer tax pursuant to NH RSA 78-B:2(XI).

WITNESS my hand this 12th day of May, 2025.

Estate of Annette Roylos



Witness

By

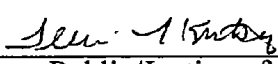


Michael R. Roylos, Executor

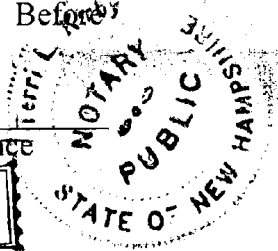
STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

May 12, 2025

Then personally appeared the above-named, **MICHAEL R. ROYLOS**, in said capacity and acknowledged the foregoing instrument to be his free act and deed. Before me,



Notary Public/Justice of the Peace



Del
\$ 4.00
Saylor
U.S. Rev.
Stamp
1.10

1746 084

1765 084

Know all men by these presents

THAT, We, Raymond L. Miller and Virginia D. Miller both
of Portsmouth Rockingham County, State of
New Hampshire, for consideration paid, grant to Sophie C. Roylos and Annette Roylos both

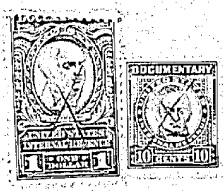
of Portsmouth Rockingham County, State of
and not as tenants in common,
New Hampshire, as joint tenants, with rights of survivorship/ with WARRANTY COVENANTS,

A certain tract of land, situate on the northeasterly side of Simes Avenue in
Portsmouth, County of Rockingham, and State of New Hampshire, more particularly
bounded and described as follows:

Beginning at a point on the southwesterly side of Simes Avenue at the westerly
corner of land now or formerly of Warren O. Teague, etal; thence in a general north-
westerly direction by Simes Avenue, fifty (50) feet to land now or formerly of Ber-
nard F. Woods; thence in a general northeasterly direction by land of Woods, one
hundred (100) feet to a point at land now or formerly of Michael Zymaris, etal;
thence turning and running in a general southeasterly direction by land of Michael
Zymaris, fifty (50) feet, more or less, to a point at land now or formerly of said
Teague; thence turning and running in a general southwesterly direction by land of
said Teague, one hundred (100) feet, more or less, to the point of beginning.

Said tract of land is otherwise identified as Lot #44 on Plan 58 of the Portsmouth
City Assessor's Plans.

Being the same premises which we acquired by Warranty Deed of Henry J. Robbins,
dated February 17, 1958, recorded in Rockingham County Registry of Deeds, Book 1459,
Page 195.



We, Raymond L. and Virginia D. Miller, being husband and wife, ~~notary~~

our respective
release to said Grantee all rights of dower and homestead and other interest therein.

WITNESS our hands and seals this 15 day of May, 19 65

Witness:
Anthony J. Bryan (T.H.) *Raymond L. Miller*
Virginia D. Miller

The State of New Hampshire
Rockingham, ss. May 15 19 65

Then personally appeared the above named Raymond L. Miller and Virginia D. Miller
and acknowledged the foregoing instrument to be their voluntary act and deed, before me

REC'D & RECORDED MAY 17 1965 9:38 AM
Anthony J. Bryan
Notary Public Justice of the Peace.

DANIELS PARK

Portsmouth, N.H.

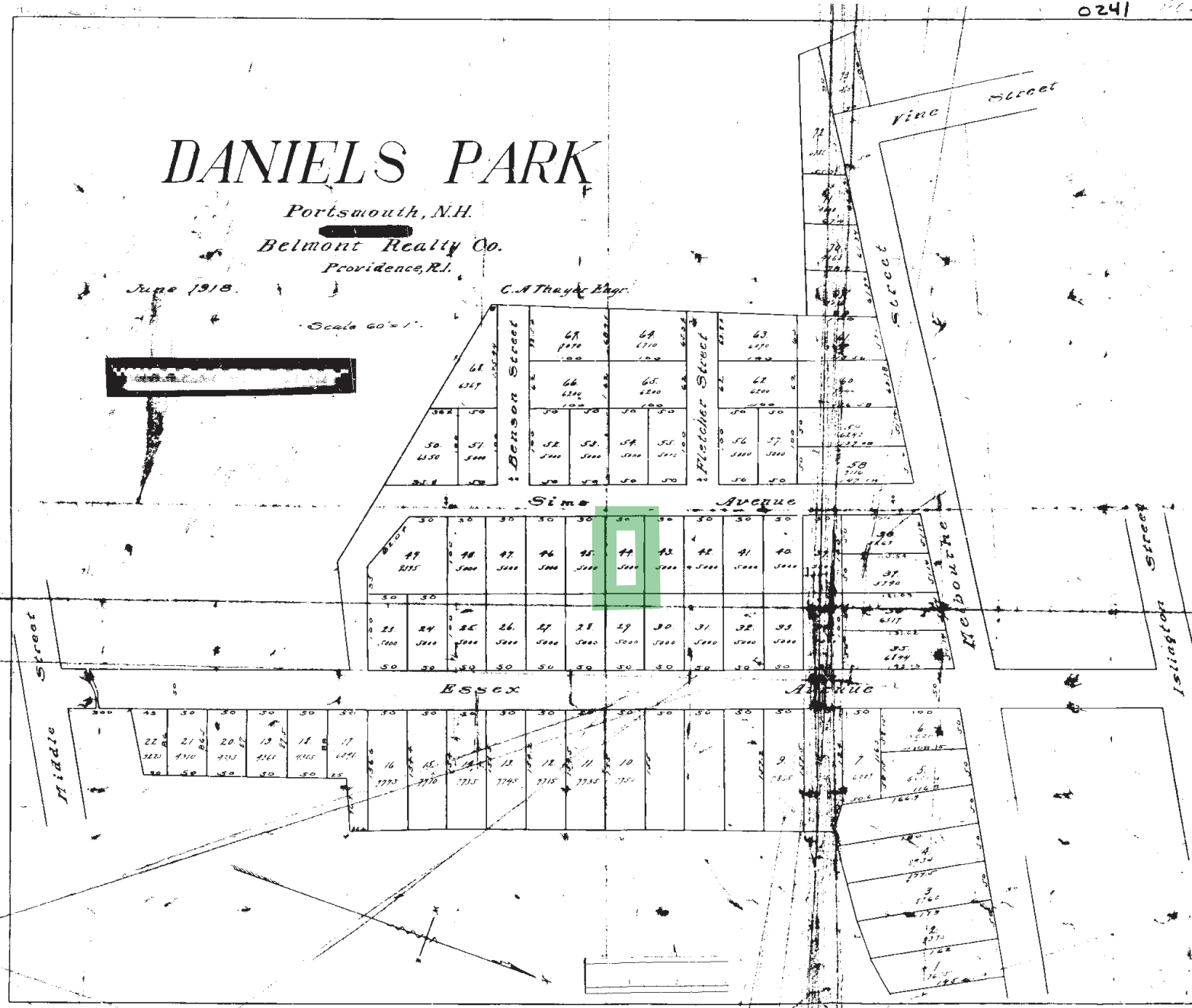
Belmont Realty Co.

Providence, R.I.

June 1918.

C.A. Thayer Eng.

Scale 60' = 1".



CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 7, 2025

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Tabor moved to close the Non-Public Session and seal the minutes of the meeting. Seconded by Councilor Moreau and voted.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:07 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Councilors Tabor, Cook, Denton, Blalock, Bagley and Moreau

ABSENT: Assistant Mayor Kelley and Councilor Lombardi

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

Mayor McEachern led in the Pledge of Allegiance to the Flag.

MAYOR'S AWARD

1. Recognition of Everett Eaton

Mayor McEachern recognized Everett for his 25 years of service to the Economic Development Commission. He presented Everett with the gift of a door stop for keeping a lot of doors open over the years and guiding the city through many things.

2. Recognition of Andrea Amico

Mayor McEachern recognized Andrea for her leadership and work over the years regarding PFAS and the impact it has on communities.

VII. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)***VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

1. Mary Loane – Mayor's Blue Ribbon Housing Committee

Ms. Loane said the Committee was created to expand housing units in the city. She spoke to the committee about the process and the review of a number of lots. She indicated the overall quality of life was a large concern for them when reviewing lots. Ms. Loane said the Committee is recommending that the city investigate the lower lot of City Hall because of the opportunities available with that parcel. She urged the city to continue its path to bring more residents and housing to the city.

Brian Goetz said this is important to the closeness of the reservoir. He said homes would change the character of the reservoir and said that this is a valuable piece of land and access to the reservoir. He said this goes beyond the price tag.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Blalock said that is a big impact on the city drinking water.

Councilor Cook thanked City Manager Conard and staff for protecting the area and our drinking water. She is concern about federal funds being secured but she feels it is important to support the Resolution.

Mayor McEachern said this is important and where Portsmouth gets its water.

On a unanimous roll call 7-0, motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Report Back and Recommendation from the Planning Board Regarding 25 Sims Avenue

City Manager Conard said the Planning Board reviewed and the applicant initial request was denied because they wanted to merge all three lots, but the new request is to unmerge 1 lot.

Councilor Cook moved to unmerge Lot 44. Seconded by Councilor Bagley and voted.

2. Below Market Rate Housing Trust

City Manager Conard spoke to the new Below Market Rate Housing Trust. She reported that SoBow Square and the City are both contributing \$250,000.00 to this Trust. She stated as part of the review, the city consulted with the Charitable Trust Division of the Attorney General's Office who provided guidance on the appropriate way to handle the investment of public versus private money.

Councilor Tabor moved to authorize the City Manager to execute the Below Market Rate Housing Trust as presented. Seconded by Councilor Moreau.

Councilor Moreau said a great deal of time was put into this and she is pleased with the result.

Motion passed.

3. Friends of Lafayette House PILOT Agreement

City Manager Conard said Assessor Lentz recommended entering into the PILOT Agreement and the Legal Department worked to create the agreement.

Councilor Blalock moved to authorize the City Manager to enter into a PILOT agreement with the Friends of Lafayette House in the amount of \$3,500.00. Seconded by Councilor Denton and voted.

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM Public Hearings begin

March 20, 2025

MEMBERS PRESENT: Rick Chellman, Chairman; Anthony Coviello, Vice-Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas, William Bowen, Ryann Wolf, and Alternate Frank Perier

.....
ALSO PRESENT: Peter Stith, Planning Department Manager

MEMBERS ABSENT: None.
.....

I. APPROVAL OF MINUTES

- A. Approval of the **February 20, 2025** meeting minutes.
- B. Approval of the **February 27, 2025** Work Session minutes.

*Vice-Chair Coviello moved to approve both sets of minutes as presented, seconded by Mr. Almeida. The motion **passed** with all in favor.*

*Vice-Chair Coviello moved to take Section VI. Other Business, Items B, 581 Lafayette Road, and Item A, Co-living Amendments, out of order to bring forward for discussion. Ms. Conard seconded. The motion **passed** with all in favor.*

II. PUBLIC HEARINGS – NEW BUSINESS

- A. The request of **96 State Street LLC (Owner)**, for property located at **96 State Street** requesting a parking Conditional Use Permit from Section 10.1112.14 to allow zero (0) parking spaces where thirty (30) are required. Said property is located on Assessor Map 107 Lot 52 and lies within the Character District 4 (CD-4) and Historic District. (LU-25-28)

SPEAKING TO THE PETITION

[Timestamp 30:36] Attorney Darcy Peyser was present on behalf of the applicant and reviewed the petition. She said the Conditional Use Permit was necessary to allow the applicant to expand and convert the upper second and third floors to a residential use. She said the second floor would be occupied by the restaurant owner and the third floor would be occupied by restaurant employees. She noted that the Historic District Commission (HDC) approved drawings in

more residential looking, with lower profiles. He said they received variances from the BOA that included eliminating the commercial use on the first floor and allowing duplex and rowhouse apartments. He said the Heinemann Building now had 27 residential units and all the necessary parking and there were four additional buildings, which he further described. He reviewed the parking. He said they would return to TAC for a formal review on April 1.

Vice-Chair Coviello moved that the Board accept the application for Design Review and schedule a public hearing at the April 17, 2025 Planning Board meeting. Ms. Conard seconded.

[Timestamp 1:47:59] Mr. Bowen said in the earlier version, a few spaces were below market rate, and he asked if the design change would impact that number. Mr. Wilson said they wound up with some smaller, more affordable units. He said when they went to TAC, they had proposed a multi-modal way that would have allowed a vertical expansion, and that they also found out that it needed to be a modal way for all forms of transportation, which he further explained. Mr. Bowen said the answer was that there would not be any units below market rate. Vice-Chair Coviello asked if a gate blocked the non-multi modal way and if people were allowed to walk through there. Mr. Wilson said the intention was to have a gate allowing limited access for vehicles, but the sidewalk leading to the property would allow pedestrians. Vice-Chair Coviello said there would then be a gate to prevent vehicles other than the residents' vehicles to get there. Mr. Wilson said the building next to them had the right to use their driveway to get to Hanover Street. He said the traffic going through there was untethered so they did not feel that it was good for the residences. He said the traffic study would preclude them from having traffic cut through. Vice-Chair Coviello said pedestrians would then not walk through that area. Mr. Wilson said they would use the property's sidewalk. Chair Chellman told the Board to be prepared to discuss pedestrian and vehicular circulation and multi modal issues at the next meeting. Mr. Perier asked how close the building heights would be to the Rock Street buildings. Mr. Wilson explained why he thought it would be a 33-ft average elevation, with the building set up 1-12 feet off the sidewalk and that the elevations were similar to others in the area. It was further discussed.

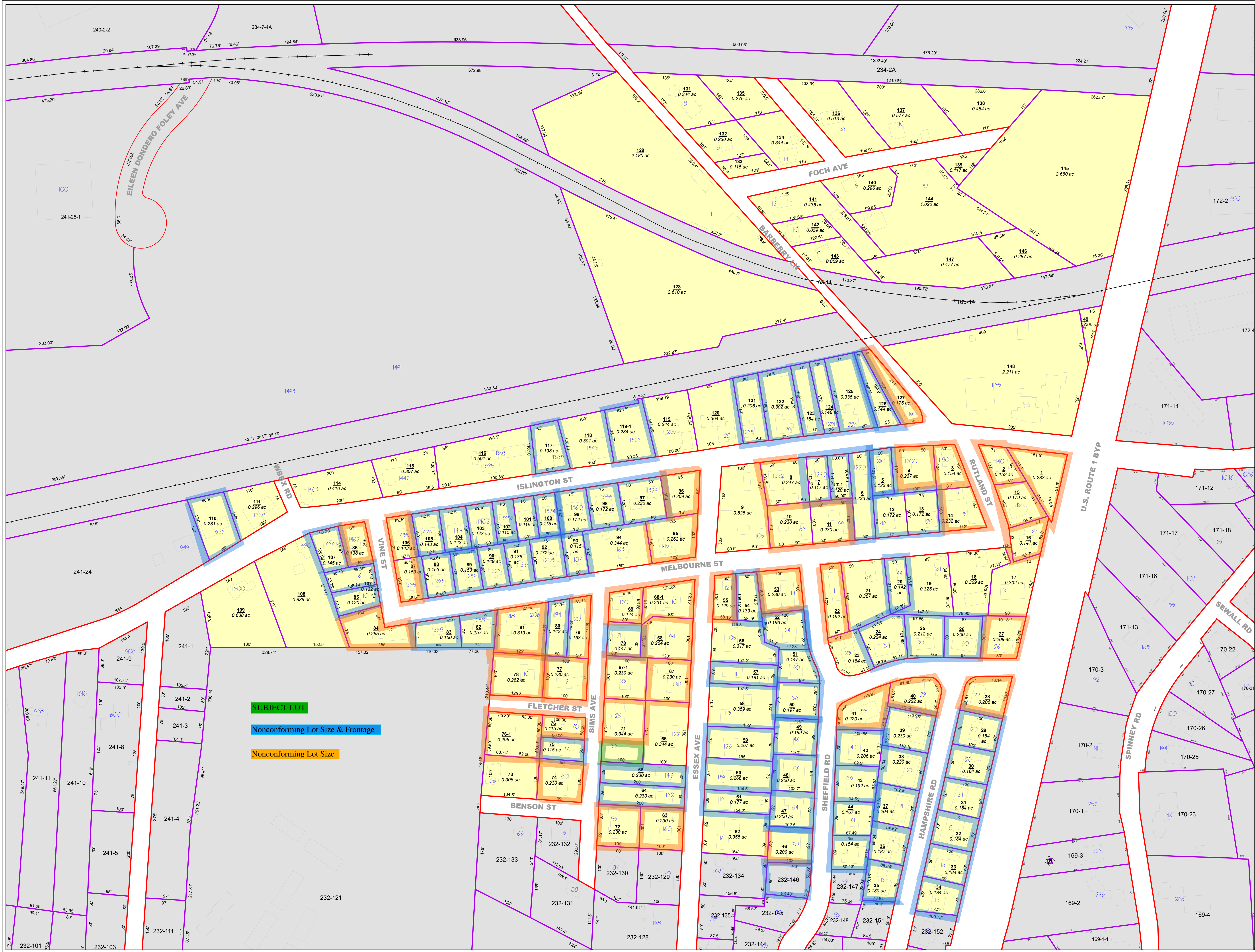
The motion passed by a vote of 8-0, with members Councilor Moreau and Mr. Samonas abstaining.

V. CITY COUNCIL REFERRALS

A. 25 Sims Avenue – Involuntary Merger Reversal (RIML-25-1)

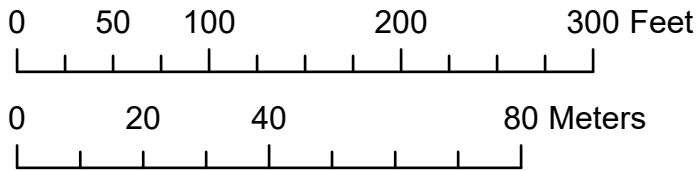
[Timestamp 1:57:40] Mr. Stith said the property used to be three lots and the applicant was requesting to unmerge one of the lots. He said the applicant's aunt owned the property and built a house that crossed two of the houses in the 1960s, and then the third lot was bought. He said the City Assessor merged them all and that the applicant asked that the part of the property that was vacant, the third lot, be unmerged. He said the assessor recommended that the lot be unmerged. He said the City Council referred it to the assessor and the Planning Board for a report back. It was further discussed.

Ms. Conard moved that the Board recommend that the City Council restore Lot 44 only. Councilor Moreau seconded. The motion passed with all in favor.



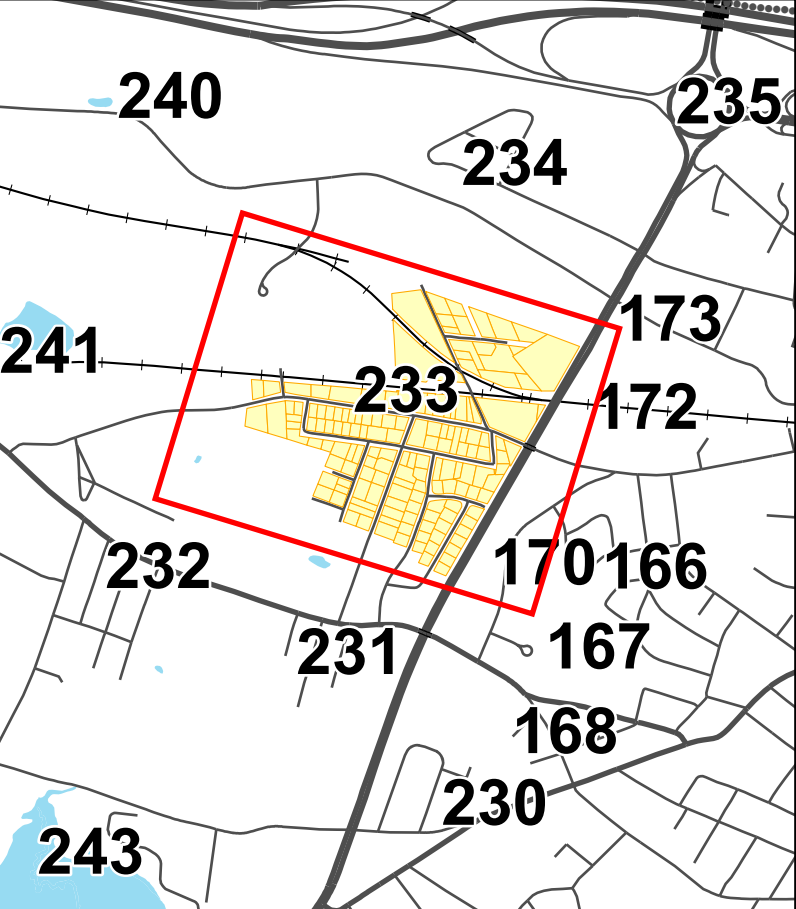
- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
131 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
SIMS AVE Street name
- Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)
- Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

EXHIBIT F

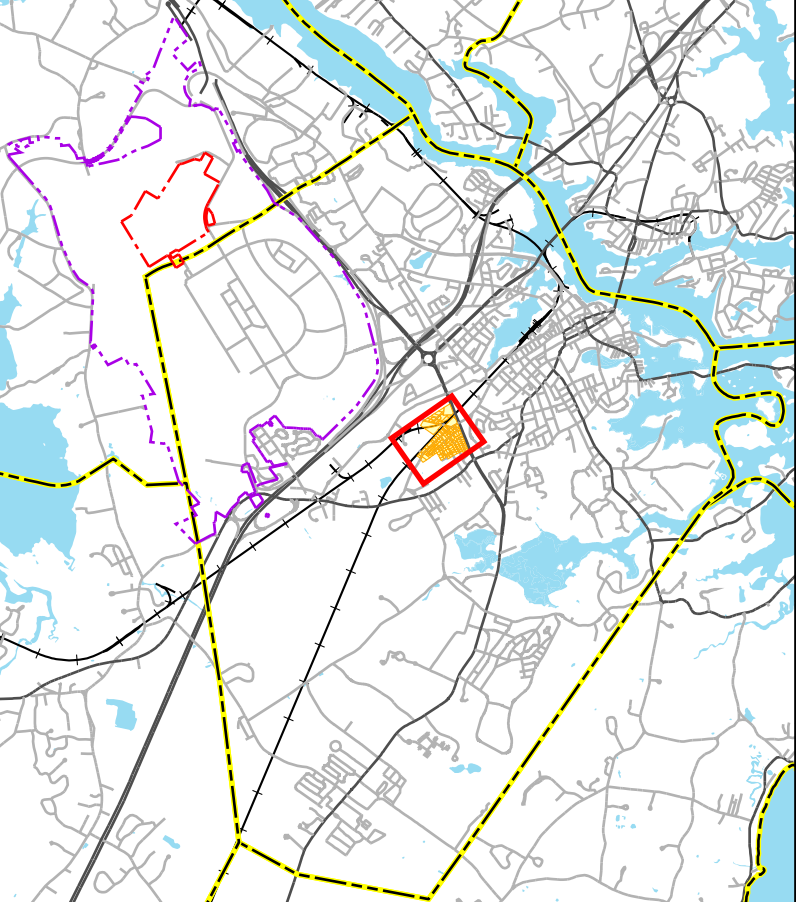


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over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

Nearby Tax Maps

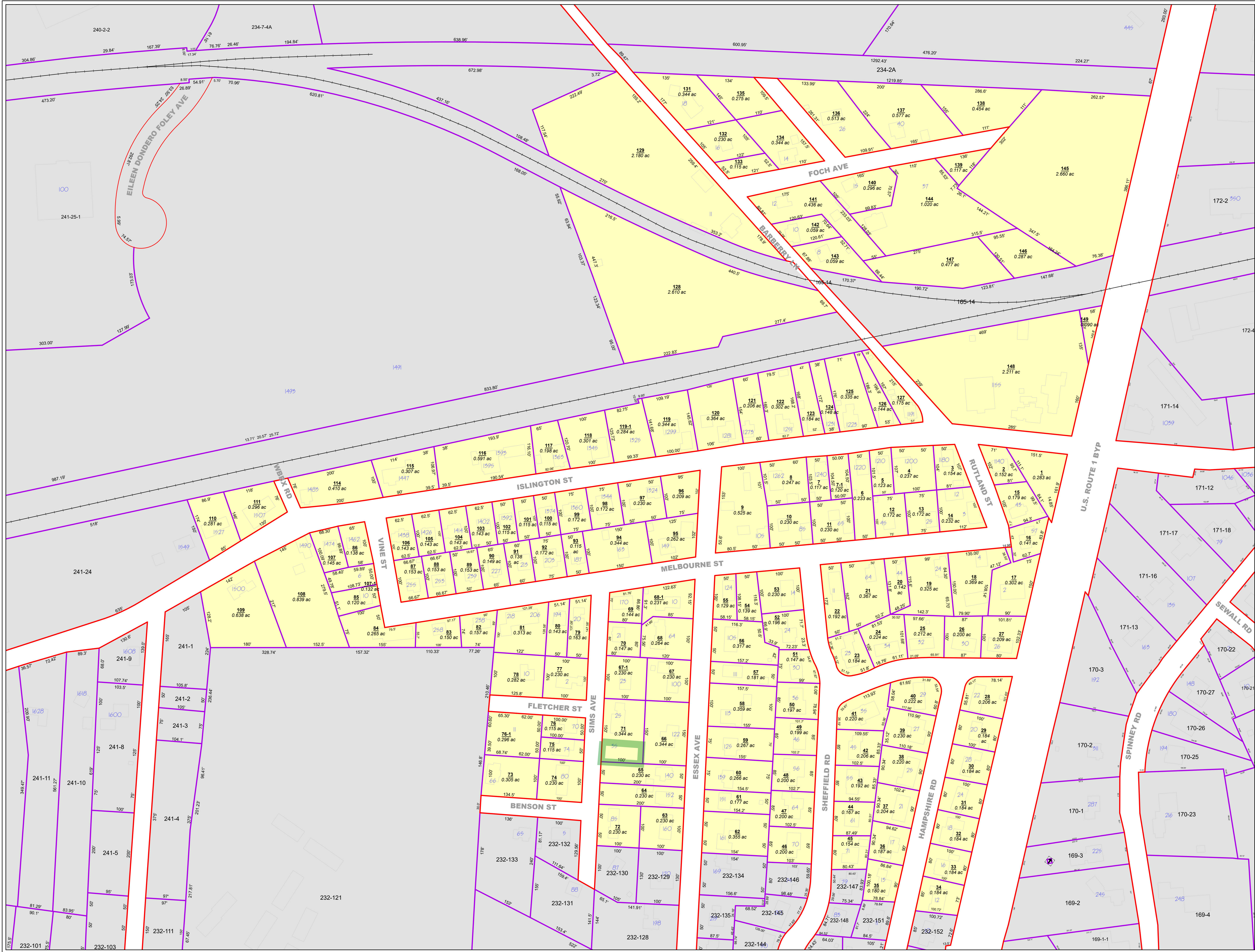


Map Location



Portsmouth, New Hampshire
2025

Tax Map 233



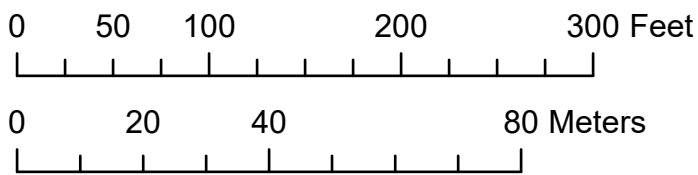
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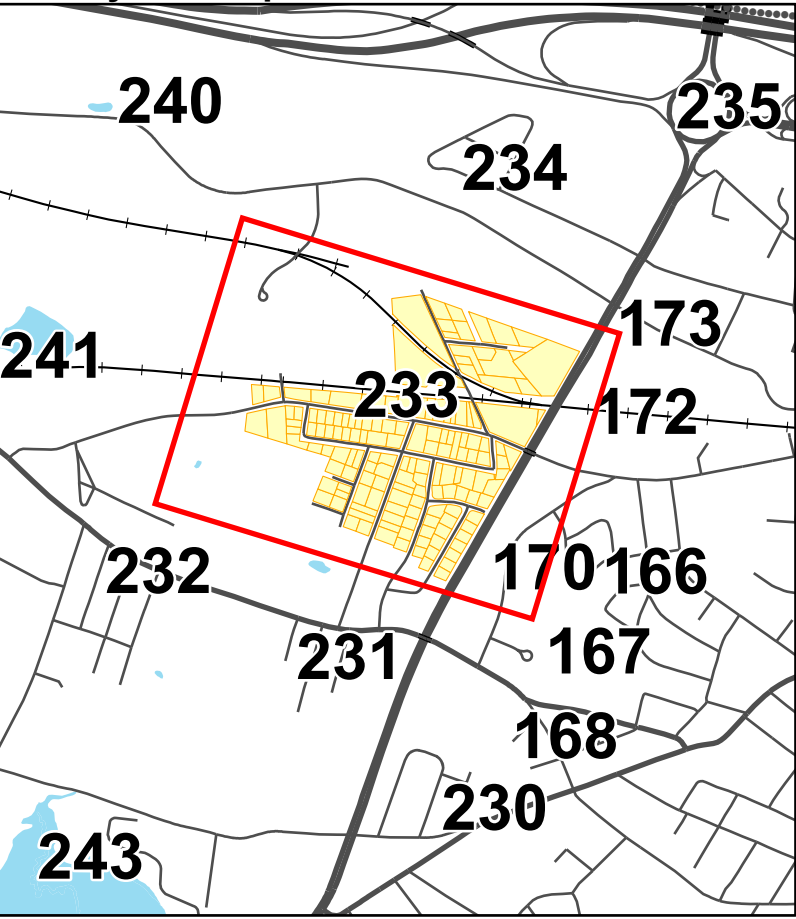
Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

EXHIBIT G



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Map Location

