

HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.
ATTORNEYS AT LAW

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February 22, 2018

HAND DELIVERED

Peter Stith, Planner
Mary Koepenick, Administrative Clerk
Portsmouth Zoning Board of Adjustment
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Zoning Relief
Portsmouth Strategic Partners, LLC/New England Sporting Goods, LLC
Litchfield Portsmouth, LLC, Owner
170 West Road, Unit 15 Portsmouth, NH
Tax Map 252, Lot 2-14
Zoning District: Industrial

Dear Mr. Stith, Ms. Koepenick & Zoning Board Members:

On behalf of Portsmouth Strategic Partners/New England Sporting Goods, LLC,
Applicants, enclosed please find the following in support of requested zoning relief:

- 1/30/2019 – Application for Special Exception. (original and 11 copies)
- 2/22/2019 – Board of Adjustment Application Checklist.
- 2/22/2019 – Memorandum and Exhibits in Support of Zoning Relief. (original and eleven (11) copies).

Also enclosed is our check for the filing fee in the amount of \$300.00.

We look forward to presenting this application to the Zoning Board of Adjustment at its
March 19, 2019 meeting.

Very truly yours,

R. Timothy Phoenix

RTP/mfk

Enclosures

cc: Alan Wong, Portsmouth Strategic Partners/New England Sporting Goods, LLC

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SAMUEL HARKINSON
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OF COUNSEL:
SAMUEL R. REID

CITY OF PORTSMOUTH

Zoning Board of Adjustment Application

Department Use Only _____	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 New England Sporting Goods, LLC/Portsmouth Strategic Partners, LLC Owner of Record Litchfield Portsmouth, LLC

Applicant Street Address 179 Pleasant Street Owner Street Address c/o Eaton Partners, Inc 175 Canal Street #401

Applicant City / State / Zip Portsmouth, NH 03801 Owner City / State / Zip Manchester, NH 03101

Applicant phone (____) c/o Counsel 603.436.0666 Owner phone (____) _____

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

Location (street address) of proposed work: 170 West Road, Unit 15

Existing use: Currently vacant. Most recently a theatre arts studio with related storage pursuant to Special Exception obtained 11/22/2016

Undersigned hereby requests:

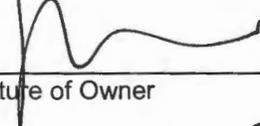
	Article and Section
<input type="checkbox"/> Appeal from an Administrative Decision See Article 2, Section 10.234.30	_____
<input checked="" type="checkbox"/> Special Exception See Article 2, Section 10.232.20	<u>Article IV, Section 10.440, Use 4.42</u>
<input type="checkbox"/> Variance See Article 2, Section 10.233.20	_____
<input type="checkbox"/> Other _____ See Article 2, Section 10.233.20	_____

To permit the following:

a sports training facility. Please see attached narrative for additional information.

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  _____ Date 01/30/19

Please PRINT name here SCOTT KAUFMAN, Manager of Litchfield Portsmouth, LLC

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. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

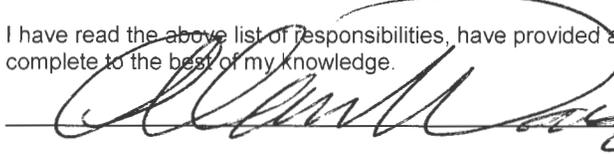
<input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including: <ul style="list-style-type: none"> - Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line) - Lot dimensions - Abutting street(s) and street names - Driveways / accessways - Dimensions (size and height) of structures - Dimensions and location of parking spaces 	<input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size) <ul style="list-style-type: none"> <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
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7. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<input checked="" 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) <ul style="list-style-type: none"> <input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s) <input checked="" type="checkbox"/> Labeled photo(s) of existing conditions 	
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8. Plans should be 8 ½" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
9. 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.
10. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
11. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

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.



President/Poitsmouth Strategic Partners LLC
 (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

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6. 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
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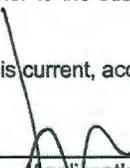
7. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<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

8. 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.
9. 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.
10. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
11. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

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.

(Applicant's Signature, date)

 01/30/19
 Scott Kaufman
 Manager Litchfield
 Portsmouth
 LLC

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

Board of Adjustment Application Check-List

Please complete and submit one (1) copy with your completed application.

Property Address 170 West Road, Unit 15

Completed By R. Timothy Phoenix

APPLICATION TYPE:

- Variance or Special Exception for Dimensional Requirements
- Variance or Special Exception for Use Requirements
- Other _____

FOR APPLICATIONS REQUESTING DIMENSIONAL RELIEF, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- Site Plan(s) showing existing and proposed conditions including:
 - 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
 - Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)
- Labeled photo(s) of existing conditions
- Building plans and elevations of any proposed structures or additions
- Interior floor plans for any renovations or expansion to existing structures

FOR APPLICATIONS REQUESTING LAND USE RELIEF, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- Site Plan(s) showing:
 - Location of the proposed use(s) on the property
 - Site plan showing location and dimensions of parking spaces
- Interior floor plans showing the location and layout of the proposed use
- Labeled photo(s) of existing conditions

ALL APPLICATIONS

- Complete application checklist (**1 original**)
- Complete and signed Building Permit application (**1 original**)
 - filed previously
 - included with this packet
- Complete and signed Board of Adjustment Application Form (**1 original, 11 copies**)
 - Property Owner signatures (on front and back of Board of Adjustment application form)
- 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) (**12 copies**)
- Required plans / exhibits are 8 1/2" x 11" or 11" x 17" in size (**12 copies**)
- Additional information as requested by the Planning Department staff
 - Parking analysis
- Electronic file in Portable Document Format (PDF)
 - Sent by e-mail
 - Provided on CD-ROM
 - Provided on flash drive

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
DATE: February 22, 2019
Re: Portsmouth Strategic Partners, LLC/ New England Sporting Goods, LLC, Applicants
Litchfield Portsmouth, LLC, Owner
170 West Road, Unit 15
Tax Map 252, Lot 2-14
Zoning District: Industrial

Dear Chairman Rheume and Zoning Board Members:

On behalf of Portsmouth Strategic Partners, LLC/New England Sporting Goods, LLC (“Applicant”) we are pleased to submit this application and exhibits in support of a request for a Special Exception for a proposed sports training facility.

I. Exhibits

1. Site Photographs.
 - Satellite
 - Street View
2. Site Plan.
3. Floor Plan.
4. Parking calculations.
5. Tax Map 252.

II. Property/Project

West Road is a 6.7-acre lot in an industrial zone located between the municipally zoned public works property, and the Office Research District running along Lafayette Road. 170 West Road contains a multi-tenant light industrial/office building. **(Exhibits 1, 2)**. Applicant proposes to develop a sports training facility in Unit 15, a 9,791-s.f. unit containing 5,214-s.f. of warehouse space and 4,579-s.f. of office space. **(Exhibit 3)**. The training facility will begin as a hockey “dry land training” program for middle and high school hockey teams and will include an actual or synthetic ice rink. Eventually the Applicant intends to provide training for other sports such as softball/baseball and lacrosse. Training will involve practices, strength/endurance, safety-education, skill-improvement exercises, and classroom lectures for 15-30 students in the facility supervised by 2-6 coaches.

The proposed use is a Use 4.42 – a health club or similar use. Previously the ZBA granted the same special exception for Patrick Dorow Productions to offer a (non-performance) space for theatre lessons/rehearsals and storage. This proposed use is similar because it is a practice and training facility only. The site contains 90 parking spaces for use by all the tenants. In preparation for submission of this Application, an analysis of tenant uses and the associated parking required for those uses was conducted in consultation with City Staff. **(Exhibit 4)**. City Staff agreed that this analysis demonstrates that the site provides more than enough parking spaces for Unit 15 to meet the required number of off-street parking spaces for a health club or similar use.

III. Relief Required

The following relief under the Portsmouth Zoning Ordinance (“PZO”) is required:

- A. Special Exception Article IV, Section 10.440 – 4.42 – for a health club or similar use is permitted by Special Exception in the Industrial Area.

IV. Special Exception Requirement

PZO Article II, Section 10.232.10 provides in pertinent part:

The Board shall hear and decide requests for special exceptions as provided for in this Ordinance. The Board shall grant requests for special exceptions which are in harmony with the general purpose and intent of this Ordinance and meet the standards of Subsection 10.232.20. Appropriate conditions of the sort set forth in Subsection 10.232.30 may be placed on special exception approvals when necessary to meet the standards of Subsection 10.232.20.

The general purpose and intent of the PZO is to promote the health, safety and general welfare of Portsmouth in accordance with the Master Plan. The building at 170 West Road already exists with several units. The Applicant will make interior modifications, for the proposed use but there will be no exterior changes to the site. The proposal offers an indoor facility for kids to develop their athletic skills and allows for diversity of use in the industrial zone. With 90 parking spaces on site for the multi-tenant building comprised of warehouse and office space, there is more than enough parking available for the proposed use. **(Exhibit 5)**. Accordingly, the proposed use is in

harmony with the general purpose and intent of the Ordinance. The additional standards and the Applicant's response follows:

Section 10.232.21 – Standards as provided by this ordinance for the particular use – Permitted by Special Exception. – PZO Section 10.440 – 4.42 permits the use by Special Exception.

PZO Section 10.232.22 – No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials. – No hazard exists.

PZO Section 10.232.23 – No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials. – Currently a vacant unit in a multi-tenant industrial facility exist. A permitted (by special exception) sports facility for youth will exist which is confined to the existing space, and well in keeping with the area in which it is located. The project and use will not cause odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage.

PZO Section 10.232.24 – No creation of a traffic safety hazard or substantial increase in the level of traffic and congestion in the vicinity. – By virtue of serving school-aged children, the peak operation times of this facility during much of the year will vary from those in the immediate area. Therefore, the use itself, when considered with surrounding units, reduces traffic and parking demand. Many students are likely to be dropped off for training, as only the older students can drive themselves. Accordingly, the use will create neither a traffic safety hazard nor a substantial increase in the level of traffic congestion.

PZO Section 10.232.25 – No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. – The proposed use will not create excessive demand upon the subject municipal services.

PZO Section 10. 232.26 – No significant increase in stormwater runoff onto adjacent property or streets. – There will be no change to the existing site.

PZO Section 10.232.30 (10.232.31-39a) – Special Exception approvals may be subject to appropriate conditions. – Applicant respectfully suggests that no special conditions are needed for the proposed use to meet the aforementioned criteria.

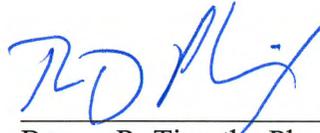
IV. Conclusion

The proposed use will provide an additional outlet for area youth, is in harmony with the general purpose and intent of the ordinance, and complies with the additional standards for

granting a special exception. Accordingly, Applicant respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested special exception.

Respectfully submitted,

Portsmouth Strategic Partners, LLC/
New England Sporting Goods, LLC

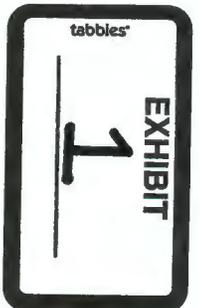
A handwritten signature in blue ink, appearing to be 'R. Timothy Phoenix' or similar, written over a horizontal line.

By: R. Timothy Phoenix
Monica F. Kieser

170 West Rd



Imagery ©2019 Google, Map data ©2019 Google 50 ft



Portsmouth, New Hampshire



Image capture: Sep 2011 © 2019 Google



Street View - Sep 2011

170 West Road
Unit 15

70
170 Rd

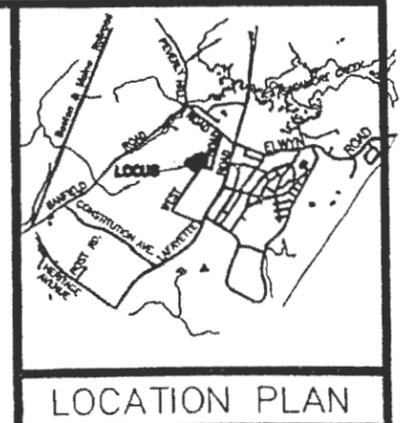
LEGEND

- A AIR CONDITIONING UNIT
- BOOK NO./PAGE NO.
- CL CENTERLINE
- EP EDGE OF PAVEMENT
- HYD HYDRANT
- HW HEADWALL
- L LENGTH OF CURVE
- M/F NOW OR FORMERLY
- R/RD ROAD
- S.F. SQUARE FEET
- D EXISTING DRAIN
- G EXISTING GAS
- GS GAS SERVICE
- OU OVERHEAD UTILITIES
- S EXISTING SEWER
- SL SEWER LATERAL
- WS WATER SERVICE
- UL UNDERGROUND UTILITIES
- CA CENTRAL ANGLE
- FS FREE STANDING SIGN
- GATE VALVE
- CLY POLE
- MAP/ACI ASSESSORS MAP & PARCEL NUMBER
- PL PROPERTY LINE
- ULP UTILITY POLE
- WETLAND LIGHT

LEGAL DESCRIPTION

A CERTAIN PARCEL OF LAND SITUATED IN PORTSMOUTH, IN THE COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHERLY SIDELINE OF WEST ROAD AT LAND NOW OR FORMERLY OF MILLWOOD PARTNERS L.P., WE THENCE RUNNING ALONG LAND OF SAID MILLWOOD PARTNERS L.P. WE AND LAND NOW OR FORMERLY OF MORGANS REALTY TRUST #37 05°47'W A DISTANCE OF 500.00 FEET TO A POINT AT LAND NOW OR FORMERLY OF THE FOUNDATION FOR SEACOAST HEALTH; THENCE TURNING AND RUNNING ALONG LAND OF SAID FOUNDATION FOR SEACOAST HEALTH N02°35'15"E A DISTANCE OF 120.22 FEET TO A POINT; THENCE TURNING AND RUNNING ALONG LAND OF SAID FOUNDATION FOR SEACOAST HEALTH N78°51'07"E A DISTANCE OF 627.84 FEET TO A POINT AT LAND NOW OR FORMERLY OF DEAD RIVER PETROLEUM COMPANY; THENCE TURNING AND RUNNING ALONG LAND OF SAID DEAD RIVER PETROLEUM COMPANY S55°45'47"E A DISTANCE OF 240.00 FEET TO A POINT AT LAND NOW OR FORMERLY OF 140 WEST ROAD CONDOMINIUMS; THENCE TURNING AND RUNNING ALONG LAND OF SAID 140 WEST ROAD CONDOMINIUMS S22°45'45"W A DISTANCE OF 408.28 FEET TO A POINT IN THE NORTHERLY SIDELINE OF SAID WEST ROAD; THENCE TURNING AND RUNNING NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID NORTHERLY SIDELINE OF SAID WEST ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 218.00 FEET WITH AN ARC LENGTH OF 258.98 FEET TO A POINT; THENCE RUNNING ALONG SAID NORTHERLY SIDELINE OF SAID WEST ROAD S52°53'15"W A DISTANCE OF 131.02 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINING 291,870 SQUARE FEET (6.70 ACRES) MEANING TO DESCRIBE LOTS 14 & 15 AS SHOWN ON "PLAN OF LAND FOR LAFAYETTE WEST PHASE I" BY KIMBALL CHASE COMPANY, INC., DATED MAY 12, 1983, RORD PLAN #0-11744.



NOTE:
40' WIDE PUBLIC RIGHT OF WAY APPROVED BY THE PORTSMOUTH PLANNING BOARD ON JANUARY 18, 1992, BUT NOT ACCEPTED AS A PUBLIC RIGHT OF WAY BY THE PORTSMOUTH CITY COUNCIL AS OF FEBRUARY 5, 1992. SEE PLAN REFERENCE NO. 3.

MAP RSD LOT 2-4
291,870 S.F.
6.70 ACRES

MAP RSD LOT 1-18
BY MICROWORK REALTY TRUST
280 WEST ROAD
PORTSMOUTH, NH 03801
REC'D BK.#2220 PG.#1833

MAP RSD LOT 2-1004
BY MICHAEL R. LAPOLLA
14 WOODLAND ROAD
NORTH HAMPTON, NH 03802
REC'D BK.#2202 PG.#2204

MAP RSD LOT 2-1302 & 2-1303
BY FERRELL G. BAVICCHI
711 CENTRAL ROAD
NIX BRANCH, NH 03871
REC'D BK.#2262 PG.#2254

MAP RSD LOT 2-1301 & 2-1302
BY METRIL MANAGEMENT GROUP, INC.
2 BERTINA ROAD
PORTSMOUTH, NH 03801
REC'D BK.#3134 PG.#0661

MAP RSD LOT 2-37
BY CONSTRUCTION & GENERAL LABORERS
C/O LOCAL 979 AFL-CIO
PO BOX 413
PORTSMOUTH, NH 03802
REC'D BK.#2800 PG.#1271

MAP RSD LOT 1-30
BY MICHAEL J. CARR
52 BRADLEY LANE
NORTH HAMPTON, NH 03802
REC'D BK.#2589 PG.#1444

MAP RSD LOT 4
BY FOUNDATION FOR SEACOAST HEALTH
PO BOX 4606
PORTSMOUTH, NH 03802
REC'D BK.#3278 PG.#2202

MAP RSD LOT 1-18
BY MICROWORK REALTY TRUST
280 WEST ROAD
PORTSMOUTH, NH 03801
REC'D BK.#2220 PG.#1833

CERTIFICATE
FOR WETLAND LOAN SERVICES, INC. A DELAWARE CORPORATION AND ITS SUCCESSORS AND ASSIGNS, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY & 170 WEST ROAD LIMITED PARTNERSHIP

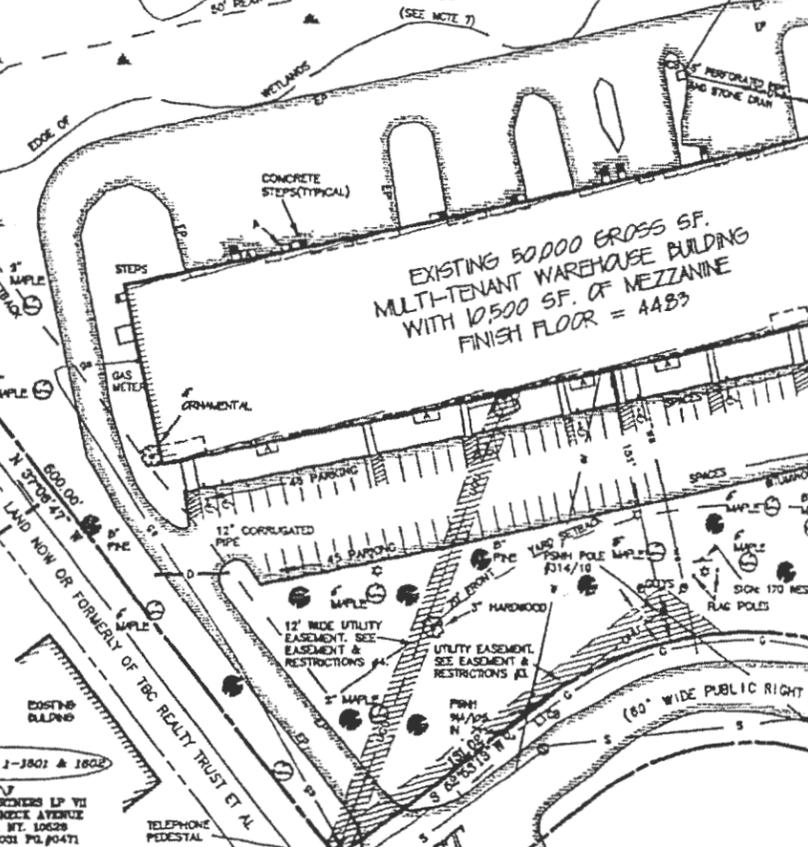
THE UNDERSIGNED HEREBY CERTIFIES THAT (1) THIS PLAN, WHICH SHOWS THE SURVEY (THE "SURVEY") MADE BY THE UNDERSIGNED, A LICENSED LAND SURVEYOR IN THE STATE OF NH, WAS ACTUALLY MADE UNDER MY SUPERVISION BY INSTRUMENT SURVEY UPON THE GROUND ON OCTOBER 19, 1999; (2) THE INFORMATION, COURSES AND DISTANCES SHOWN THEREIN, INCLUDING, WITHOUT LIMITATION, ALL SETBACK AND YARD LINES, ARE CORRECT; (3) THE SIZE, LOCATION AND TYPE OF BUILDINGS, STRUCTURES AND IMPROVEMENTS ARE AS SHOWN AND SET BACK FROM THE PROPERTY LINES THE DISTANCE INDICATED; (4) THE BUILDINGS, STRUCTURES AND IMPROVEMENTS SHOWN CONSTITUTE ALL OF THE VISIBLE IMPROVEMENTS ON SAID PROPERTY AND ALL ARE WITHIN THE BOUNDARY LINES OF THE PROPERTY; (5) BASED UPON CAREFUL PHYSICAL INSPECTION OF THE PREMISES, THERE ARE NO EASEMENTS OR RIGHTS-OF-WAY OR ENCROACHMENTS BY IMPROVEMENTS LOCATED ON ADJACENT PROPERTY EXCEPT AS SHOWN; (6) THERE ARE NO ENCROACHMENTS BY ANY OF THE IMPROVEMENTS LOCATED ON SAID PREMISES ONTO ADJACENT PROPERTY OR ONTO EASEMENT AREAS OF OTHERS EXCEPT AS SHOWN; (7) THE LOCATION OF ALL UTILITY LINES, SANITARY AND STORM SEWERS SERVING THE PROPERTY IS SHOWN AND ALL UTILITY LINES AND SEWERS EITHER ENTER AND EXIT THE PREMISES THROUGH ADJOINING PUBLIC STREETS, OR THE POINT OF ENTRY OR EXIT AND LOCATION OF ANY UTILITIES OR SEWERS WHICH PASS THROUGH OR ARE LOCATED ON ADJOINING PRIVATE LAND IS SHOWN; (8) THE PREMISES ARE ADJACENT TO AND HAVE ACCESS TO PUBLIC ROADS AS INDICATED ON THIS PLAN OF SURVEY; (9) THE LOCATION AND DIRECTION OF ALL STORM DRAINAGE SYSTEMS FOR THE COLLECTION AND DISPOSAL OF ALL ROOF AND SURFACE DRAINAGE ARE SHOWN; (10) THE PARCEL DESCRIBED HEREIN DOES NOT LIE WITHIN ANY FLOOD HAZARD AREAS IN ACCORDANCE WITH THE DOCUMENT ENTITLED "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION SPECIAL FLOOD HAZARD AREA MAP"; AND (11) THE SURVEY MEETS THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND CURRENTLY ADOPTED BY ALTA AND ACSM IN 1987 APPLICABLE TO THIS TYPE OF PROPERTY, INCLUDING ITEMS 1, 2, 3, 4, 6, 7(D)(1), 8, 9, 10, 11 AND 13 FROM TABLE A OF THE REQUIREMENTS.

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED ERS, §§ 448 AND 449 AND 472:14, I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

A COPY OF THIS PLAN HAS BEEN FILED WITH THE LOCAL PLANNING BOARD.

LICENSED LAND SURVEYOR DATE

EXISTING 50,000 GROSS SF. MULTI-TENANT WAREHOUSE BUILDING WITH 10,500 SF. OF MEZZANINE FINISH FLOOR = 4483



MAP RSD LOT 1-3001 & 1002
BY MILLWOOD PARTNERS LP VII
666 MAMARONECK AVENUE
BALDWIN, NY 10628
REC'D BK.#2021 PG.#0471

MAP RSD LOT 1-30
BY MICHAEL J. CARR
52 BRADLEY LANE
NORTH HAMPTON, NH 03802
REC'D BK.#2589 PG.#1444

MAP RSD LOT 1-18
BY MICROWORK REALTY TRUST
280 WEST ROAD
PORTSMOUTH, NH 03801
REC'D BK.#2220 PG.#1833

MAP RSD LOT 2-1004
BY MICHAEL R. LAPOLLA
14 WOODLAND ROAD
NORTH HAMPTON, NH 03802
REC'D BK.#2202 PG.#2204

EASEMENTS & RESTRICTIONS

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT #991485, DATED 7/23/99 WAS EXAMINED AS PART OF THIS SURVEY. EXCEPTIONS CONTAINED IN SCHEDULE B SECTION 2 OF THAT COMMITMENT WHICH AFFECT THE SUBJECT PROPERTY ARE AS FOLLOWS:

1. COVENANT THAT LOTS 14 AND 15 (SHOWN ON PLAN REFERENCE NO. 1) ARE ONE LOT FOR ALL MUNICIPAL LAND USE REGULATORY PURPOSES AS DESCRIBED IN RORD 2546-0671, SCHEDULE B, SECTION II #6.
2. RESTRICTIONS AND CONDITIONS AS SET FORTH IN THE CITY OF PORTSMOUTH SUBDIVISION APPROVAL AS DESCRIBED IN RORD 2455-1047, SCHEDULE B, SECTION II #7.
3. PARCEL IS SUBJECT TO A UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY AS DESCRIBED IN RORD 2524-1877, SCHEDULE B, SECTION II #6.
4. PARCEL IS SUBJECT TO A 12' WIDE UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY AS DESCRIBED IN RORD 2571-1142, SCHEDULE B, SECTION II #6.
5. PARCEL IS SUBJECT DRAINAGE EASEMENTS AS DESCRIBED IN RORD 3055-1117 AND 3055-1122 SHOWN ON PLAN REFERENCE #2, SCHEDULE B, SECTION II #11.

NOTES:

1. THE PARCEL IS LOCATED IN THE INDUSTRIAL ZONE.
2. THE PARCEL IS AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP RSD AS LOT 2-14.
3. THE PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
4. OWNER OF RECORD: LABORERS' PENSION/PORTSMOUTH INVESTMENT CORPORATION
C/O FREDMAN HARRINGTON ASSOCIATES
28 BLANCHARD ROAD
BURLINGTON, MA 01803
RORD. BK.#2204 PG.#1819
5. ZONING REQUIREMENTS: EXISTING
MINIMUM LOT SIZE: 2 ACRES
MINIMUM FRONTAGE: 200'
FRONT SETBACKS: 70'
SIDE YARD: 50'
REAR YARD: 50'
MINIMUM DEPTH: 200'
MAXIMUM HEIGHT OF STRUCTURE: 70'
MAXIMUM % BUILDING COVERAGE ON LOT: 60%
MINIMUM % OPEN SPACE ON LOT: 20%
6. TOTAL PARCEL AREA: 291,870 S.F. 6.70 ACRES
7. WETLANDS SHOWN HEREON WERE DELINEATED BY N. ERNEST JACOBS, CERTIFIED SOIL SCIENTIST, IN FEBRUARY 1990 IN ACCORDANCE WITH THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS DATED JANUARY 10, 1989.
8. ALL UNDERGROUND UTILITY SERVICES SHOWN HEREON ARE APPROXIMATE LOCATIONS AS PROVIDED BY THE UTILITY COMPANIES.

EXHIBIT
2

PLAN REFERENCES:

1. "SUBDIVISION PLAN, LAFAYETTE WEST PHASE II, LAFAYETTE WEST CORP." PORTSMOUTH, NH, DATED 5/12/83 BY KIMBALL CHASE CO., INC. PROJECT NO. 83-279, RORD PLAN #0-11744.
2. "PLAN OF DRAINAGE EASEMENT FOR LAFAYETTE WEST CORP. & FTY. INTERIM PARTNERS, WEST ROAD, PORTSMOUTH, NH.", DATED FEBRUARY 1, 1989, REV. 2 DATED 03/28/89, BY RICHARD P. MILLETTE AND ASSOCIATES, PROJECT NO. R894, SHEET 1 OF 1, RORD PLAN #0-22902.
3. "REVISED SITE PLAN FOR 210 WEST CONDOMINIUM, WEST ROAD, PORTSMOUTH, NH.", DATED JANUARY 22, 1992, BY RICHARD P. MILLETTE AND ASSOCIATES, PROJECT NO. 89196.

REV. #1 REVISED FOR REVIEW AND COMMENT 11/11/99

MILLETTE, SPRAGUE & COLWELL, INC.
CIVIL ENGINEERS LAND SURVEYORS

ALTA / ACSM LAND TITLE SURVEY
FOR
170 WEST ROAD LIMITED PARTNERSHIP
170 WEST ROAD
COUNTY OF ROCKINGHAM
PORTSMOUTH, NH.

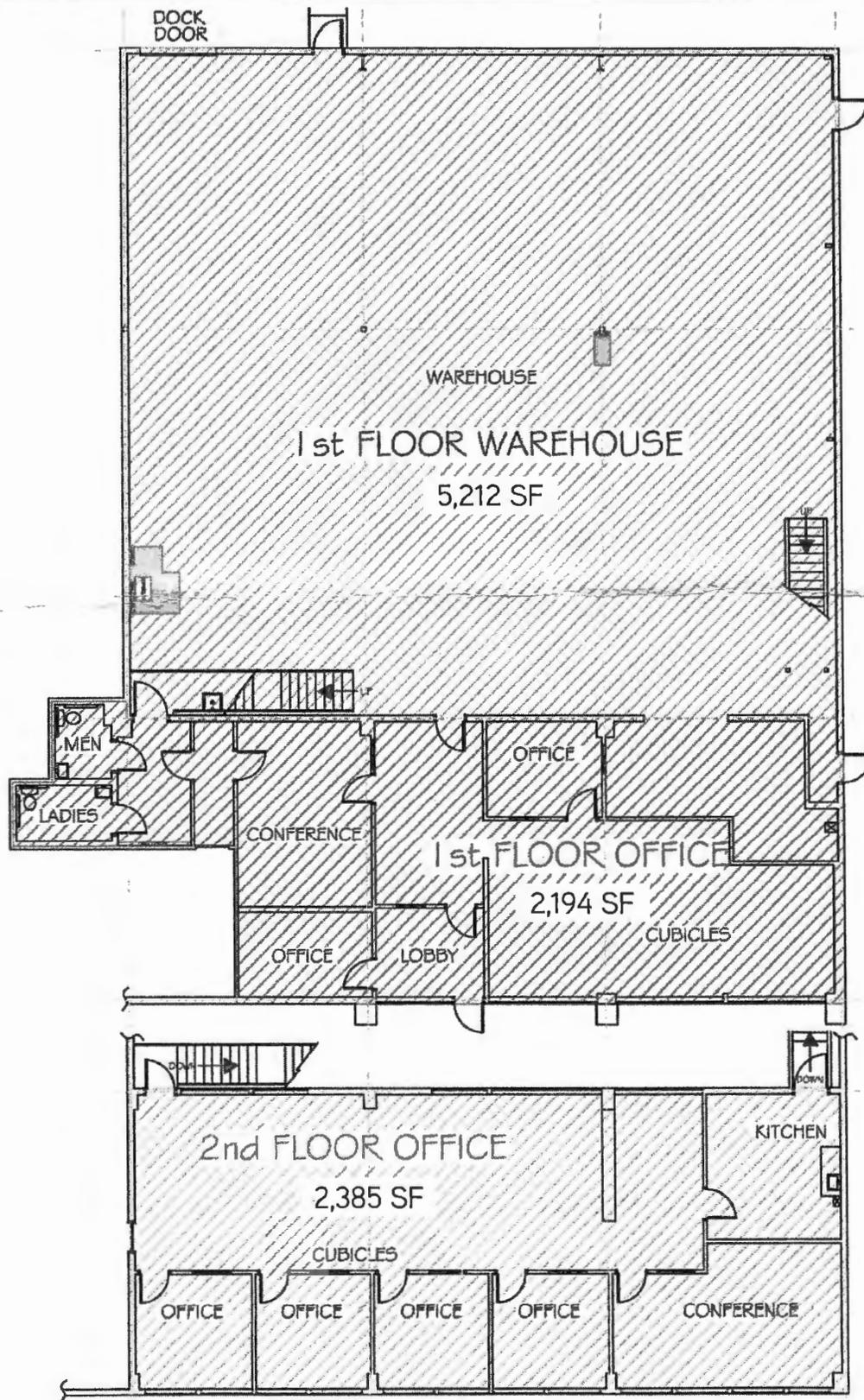
SCALE 1" = 50' (IN FEET) DATE: OCTOBER 22, 1999
51 BUNTING STREET, P.O. BOX 427, PORTSMOUTH, NH. (603)431-2222
http://www.msacenginc.com

Floor Plan | 9,791 SF

170 WEST ROAD, UNIT 15, PORTSMOUTH, NH 03801

Colliers
INTERNATIONAL

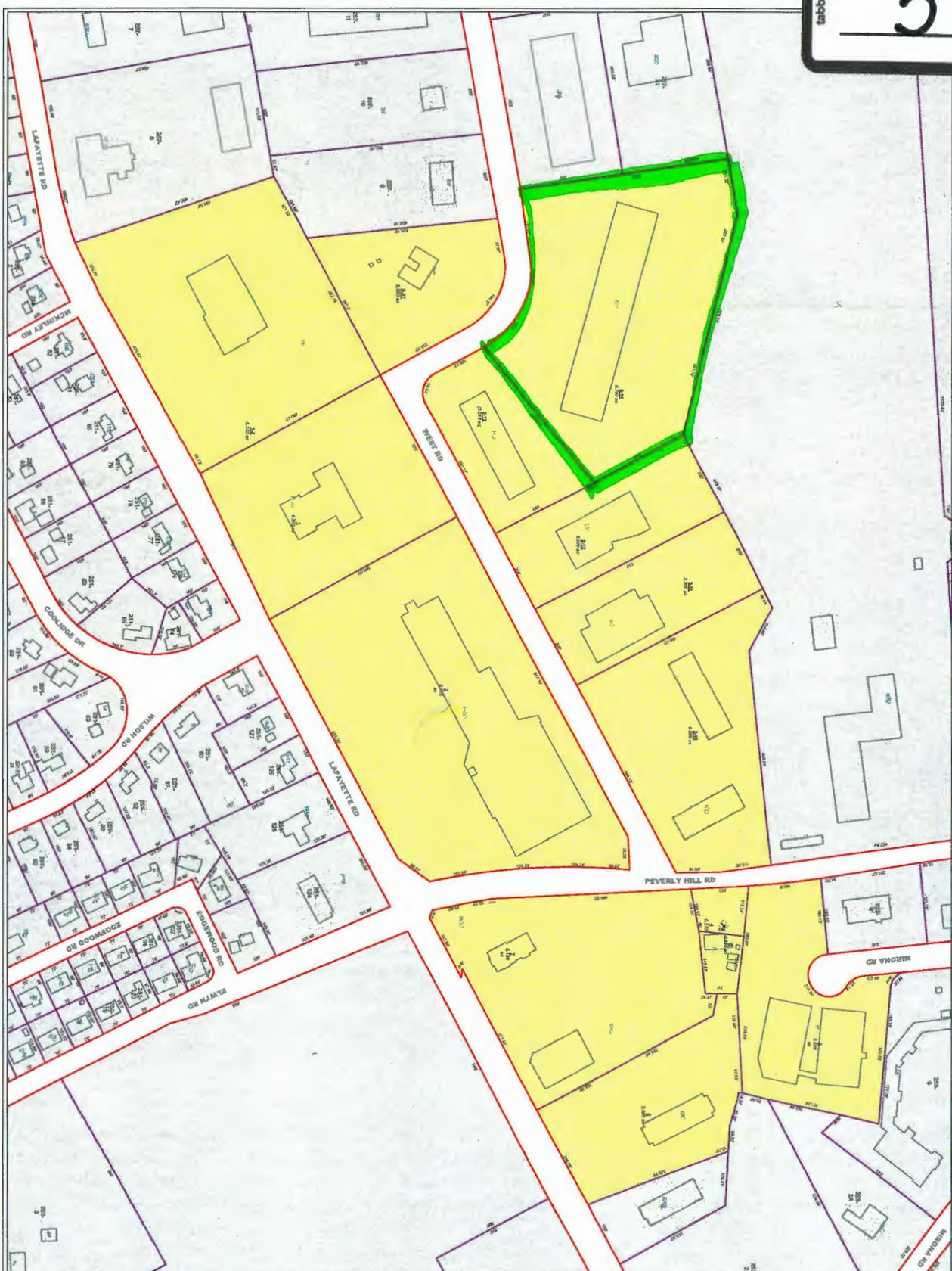
EXHIBIT
3



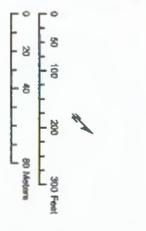
Parking calculations

Unit #	Tenant Name	SF	#spaces
1	Optical Phusion, Inc.(Warehouse/Dist.)	6,309	1/2000 sf = 3.15
2	Core Elastomers, Inc. (Warehouse/Dist.)	6,422	1/2000 sf = 3.21
3A	Asia MedSource, Inc. (Warehouse/Dist.)	6,274	1/2000 sf = 3.14
4	Retail Sales, Inc. (Warehouse/Dist.)	5,000	1/2000 sf = 2.50
6A, 6C, 6E, 6F	Micronics Filtration, LLC (Office)	1,006	1/350 sf = 2.87
6B	Aire Brands, LLC (Office)	146	1/350 sf = .42
6D	FB Environmental (Office)	708	1/350 sf = 2.02
7	CC1, Inc. (Warehouse/Dist.)	3,187	1/2000 sf = 1.59
7A	Pepperidge Farm, Inc. (Warehouse/Dist.)	5,000	1/2000 sf = 2.50
8	DC Audio and Video Services, Inc. (Warehouse/Dist.)	6,372	1/2000 sf = 3.19
9	SVT Supply Chain Solutions (Warehouse/Dist.)	2,863	1/2000 sf = 1.43
10	Automotive Supply Associates, Inc. (Warehouse/Dist.)	7,057	1/2000 sf = 3.52
15	Proposed Sports Training Facility Use 4.40	9,791	1/250 sf = 39.3
Total Size:		60,135	68.84 = 69 spaces
Total number of spaces provided:			90 spaces (21 space surplus)





Parcel Legend
 from the most recent map segment
 256a Parcel area to cover (all) or (square feet (sq ft))
 256b Parcel area to cover (all) or (square feet (sq ft))
 256c Parcel area to cover (all) or (square feet (sq ft))
 256d Parcel area to cover (all) or (square feet (sq ft))
 256e Parcel area to cover (all) or (square feet (sq ft))
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 256x Parcel area to cover (all) or (square feet (sq ft))
 256y Parcel area to cover (all) or (square feet (sq ft))
 256z Parcel area to cover (all) or (square feet (sq ft))



Neighboring Tax Maps
 256 254 255 244
 266 253 244
 267 252 246
 268 269 250 251 247



**Portsmouth, New Hampshire
 2018
 Tax Map 252**