

MEMORANDUM

To: Portsmouth Zoning Board of Adjustment (“ZBA”)
From: R. Timothy Phoenix, Esq.
Monica F. Kieser, Esq.
Date: March 27, 2024
Re: Chinburg Development, LLC Owner/Applicant
Project location: 216 Woodbury Avenue
Tax Map 175, Lot 3
General Residence A (GRA) Zone

Dear Chair Eldredge and Zoning Board Members:

On behalf of Chinburg Development, LLC (“Chinburg” or “Applicant”) we are pleased to submit this memorandum and the attached exhibits in support of zoning relief to be considered by the ZBA at its April 16, 2024 meeting.

I. EXHIBITS

- A. Rockingham County Registry of Deed Plan 44009 – by Jones and Beach Engineers
 - Existing Plot Plan
 - Proposed Plot Plan
- B. Architectural Elevations and Floor Plans – by Art Form Architecture, Inc.
 - Sir Zach with Sun
- C. Site photographs
 - Satellite
 - Street View
- D. Tax Card
- E. City GIS Map – depicting surrounding area and zoning districts
- F. Tax Map 175

II. PROPERT/PROJECT

216 Woodbury Avenue is a 7,933 s.f. lot with 66.07 feet of frontage in the General Residence A (“GRA”) District (“the Property” or “Lot 3”). **(Exhibit B.)** The Property abuts the General Business District and the Holiday Inn and contains small, 1930s era, single-family. **(Exhibits C, D.)** The Property was part of an approved Site Plan obtained by Maple Heights Realty, LLC permitting eight units on the adjacent Map 175, Lot 1. The new owner intends to remove the existing single-family home and construct a new single-family home compliant with yard setbacks, building coverage, and open space requirements (“the Project”). While the Property complies with the lot area and lot depth requirements, Planning Staff have advised that

relief is required from the Portsmouth Zoning Ordinance (“PZO”) because the lot fails to comply with today’s frontage requirements.

III. **RELIEF REQUIRED**

- 1.) PZO §10.521 – Table of Dimensional Standards – to permit reconstruction of a single-family home on a lot with 66.07 feet of frontage where 100 feet is required.
- 2.) PZO §10.311 – to permit reconstruction of a single-family home on a lot with 66.07 feet of frontage where 100 feet is required.

IV. **VARIANCE REQUIREMENTS**

1. **The variance will not be contrary to the public interest**
2. **The spirit of the ordinances 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 to allow reconstruction of a new single-family home on an existing developed lot that meets lot area and depth requirements. There will be no change in use.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – A single-family home exists and will be reconstructed to meet yard setbacks, building coverage, and open space.
3. The design of facilities for vehicular access, circulation, parking and loading – The Project provides the required number of parking spaces for a single-family home.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – There will be no change to existing conditions where a single-family residence upon the lot will be reconstructed and comply with yard setbacks, building coverage, and open space.
5. The preservation and enhancement of the visual environment – The newly constructed home will improve 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 – Redevelopment of the Property has no adverse impact compared to existing conditions.

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 and abuts the General Business District. The reconstruction of a tasteful single-family home where a single-family home now exists will beautify the lot and provide attractive modern housing in place of the existing single-family home. Granting the single variance for lot frontage to construct a new single family home where one currently exists will neither “alter the essential character of the locality,” nor “threaten the public health, safety or welfare”. Accordingly, the first two prongs of the variance criteria are satisfied.

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

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, 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.

Chinburg is constitutionally entitled to the use of the lot as it sees fit; including redevelopment for a permitted single-family home with an incorporated garage, fully zoning compliant except for frontage, which cannot be changed. “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.

Granting the requested variance allows for tasteful and otherwise zoning-compliant redevelopment of an existing 7,933 s.f. lot with a single-family home. There is absolutely no harm to any neighbor or the general public from granting the frontage variance. It follows that there is no benefit to the public from denial. Conversely, Chinburg will be greatly harmed by denial as it will lose the opportunity to reasonably redevelop the Property with an updated attractive, single-family home meeting all other requirements, requesting only relief for a condition (frontage) that cannot under any circumstances be met.

Because the public receives no benefit from denial that outweighs the harm to the owner from such a denial, the Project also meets this element of the variance criteria.

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

The Project replaces a small, dated, single-family home with a tastefully designed code-compliant and dimensional-compliant new single-family home and related improvements requiring only the lot frontage variance, a situation that cannot be remedied. These factors, clearly demonstrate that redevelopment of the lot, requiring only a variance from the lot frontage requirements, will not diminish surrounding property values. Accordingly, the Project meets the fourth prong of the variance criteria.

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

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

The Property meets the lot size requirements and contains a small single-family home, but does not and cannot meet the lot frontage requirement, a condition which cannot be remedied. Because there is no way to make the lot, thus the Project, comply with the GRA frontage requirement, 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.

Frontage requirements are intended to provide adequate space between properties and buildings, area for sightlines, to reduce overcrowding, and provide land area for stormwater treatment. The Property is developed with a single-family lot now and has existed with 66' feet of frontage since 1966. It will continue to support a single-family home. The Project's building coverage and open space compliance ensure no increase in stormwater runoff while compliant yard setbacks maintain adequate separation between neighbors and space for stormwater treatment. Accordingly, there is no fair and substantial relationship between the general public purposes of the PZO application of the 100 foot lot frontage requirement to an existing lot redeveloped with the same permitted, single-family use in a new otherwise dimensionally compliant home.

- c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Single-family residential uses are permitted in the GRA Zone. The Project will construct a new code-compliant single-family home to replace a dated home. The new home will comply with yard setbacks, building coverage, and open space. Accordingly, the proposed use is reasonable and denial of the requested variance would create an unnecessary hardship.

V. CONCLUSION

For all the reasons stated, Chinburg respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances from PZO §10.521 and §10.311 to permit redevelopment of a lot with 66 feet of frontage.

Respectfully submitted,
Chinburg Development, LLC

By:



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

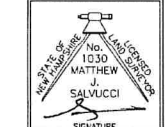
PLAN REFERENCE:

"LOT LINE ADJUSTMENT PLAN, TAX MAP 175, LOTS 1, 2, & 3, GRAPEVINE RUN, 212, 214, & 216 WOODBURY AVE. PORTSMOUTH, NH 03801." PREPARED BY JONES & BEACH ENGINEERS, INC. TO BE RECORDED.

TAX MAP 175 LOT 4
 KUZINS BOWDEN HOSPITALITY II, LLC
 C/O KEYBANK ATTN: SERVING DEPT
 300 WOODBURY AVE.
 PORTSMOUTH, NH 03801
 BK 3355, PG 1325

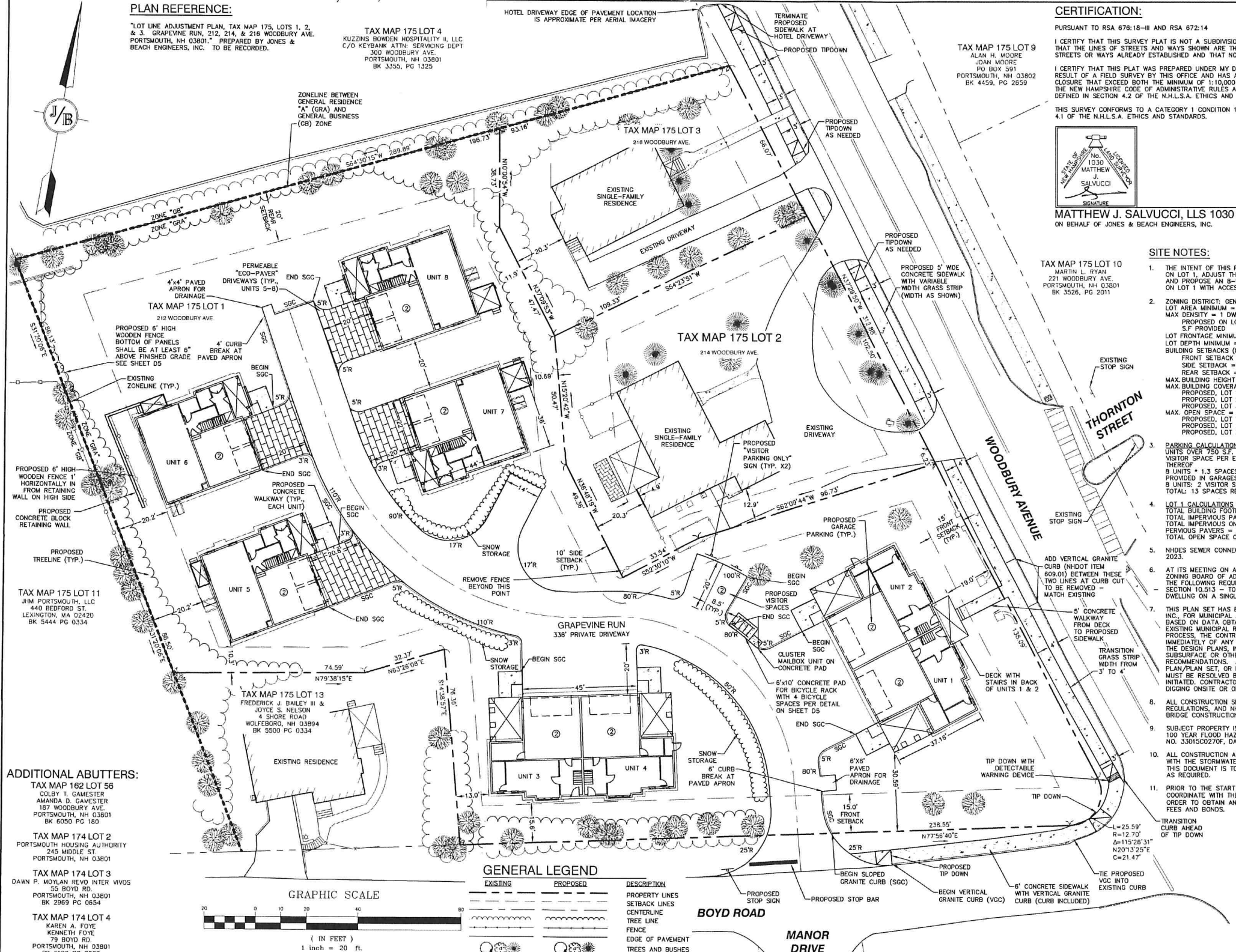
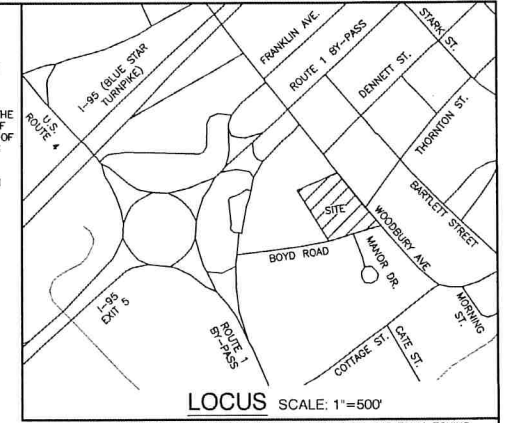
CERTIFICATION:

PURSUANT TO RSA 676:18-III AND RSA 672:14
 I CERTIFY THAT THIS SURVEY PLAT 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.
 I CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN UNADJUSTED LINEAR ERROR OF CLOSURE THAT EXCEEDS BOTH THE MINIMUM OF 1:10,000 AS DEFINED IN SECTION 503.04 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES AND THE MINIMUM OF 1:15,000 AS DEFINED IN SECTION 4.2 OF THE N.H.L.S.A. ETHICS AND STANDARDS.
 THIS SURVEY CONFORMS TO A CATEGORY 1 CONDITION 1 SURVEY AS DEFINED IN SECTION 4.1 OF THE N.H.L.S.A. ETHICS AND STANDARDS.



MATTHEW J. SALVUCCI, LLS 1030
 ON BEHALF OF JONES & BEACH ENGINEERS, INC.

5/25/23
 DATE:

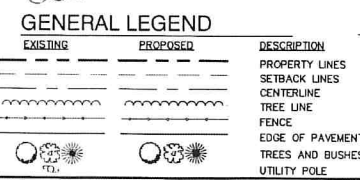
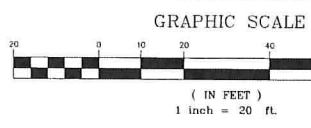


SITE NOTES:

- THE INTENT OF THIS PLAN IS TO REMOVE THE HOUSE AND GARAGE ON LOT 1, ADJUST THE LOT LINE BETWEEN LOT 1 WITH LOTS 2 & 3, AND PROPOSE AN 8-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON LOT 1 WITH ACCESS FROM BOYD ROAD.
- ZONING DISTRICT: GENERAL RESIDENTIAL A (GRA)
 LOT AREA MINIMUM = 7,500 S.F.
 MAX DENSITY = 1 DWELLING UNIT PER 7,500 S.F. LOT AREA
 PROPOSED ON LOT 1 = 60,075 S.F. / 8 = 1 UNIT PER 7,509 S.F. PROVIDED
 LOT FRONTAGE MINIMUM = 100'
 BUILDING SETBACKS (MINIMUM):
 FRONT SETBACK = 15'
 SIDE SETBACK = 10'
 REAR SETBACK = 20'
 MAX. BUILDING HEIGHT = 35' WITH SLOPED ROOF, 30' WITH FLAT ROOF
 MAX. BUILDING COVERAGE = 25%
 PROPOSED, LOT 1 = 21.1%
 PROPOSED, LOT 2 = 17.6%
 PROPOSED, LOT 3 = 19.3%
 MAX. OPEN SPACE = 30%
 PROPOSED, LOT 1 = 58.7%
 PROPOSED, LOT 2 = 58.1%
 PROPOSED, LOT 3 = 68.2%
- PARKING CALCULATIONS
 UNITS OVER 750 S.F. = 1.3 SPACES REQUIRED PER UNIT PLUS 1 VISITOR SPACE PER EVERY 5 DWELLING UNITS OR PORTION THEREOF
 8 UNITS * 1.3 SPACES REQUIRED = 11 SPACES REQUIRED, 16 SPACES PROVIDED IN GARAGES
 8 UNITS: 2 VISITOR SPACES REQUIRED, 2 VISITOR SPACES PROVIDED
 TOTAL: 13 SPACES REQUIRED, 18 SPACES PROVIDED.
- LOT 1 CALCULATIONS
 TOTAL BUILDING FOOTPRINT = 12,700 SF
 TOTAL IMPROVED PAVED AREA = 10,900 SF
 TOTAL IMPROVEMENT ON LOT 1 = 23,600 S.F. = 39.2% OF LOT 1
 TOTAL PERVIOUS PAVERS = 1,350 S.F. = 2.2% OF LOT 1
 TOTAL OPEN SPACE ON LOT 1 = 100% - 39.2% - 2.2% = 58.6%
- NHDES SEWER CONNECTION PERMIT NO. D2023-0416, DATED MAY 18, 2023.
- AT ITS MEETING ON APRIL 19, 2022, THE CITY OF PORTSMOUTH ZONING BOARD OF ADJUSTMENT VOTED TO GRANT A VARIANCE FROM THE FOLLOWING REQUIREMENT:
 SECTION 10.513 TO ALLOW MORE THAN ONE FREE-STANDING DWELLING ON A SINGLE LOT WITHIN THE GRA ZONE
- THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION. BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS, THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ON-SITE OR OFF-SITE TO ENSURE SAFETY AND OBEY THE LAW.
- ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ON-SITE OR OFF-SITE TO ENSURE SAFETY AND OBEY THE LAW.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE, REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.
- ALL CONSTRUCTION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE STORMWATER POLLUTION PREVENTION PLAN (S.W.P.P.P.). THIS DOCUMENT IS TO BE KEPT ON-SITE AT ALL TIMES AND UPDATED AS REQUIRED.
- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
- ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE TOWN ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) AND NHDOT STANDARDS AND SPECIFICATIONS (NON-REFLECTORIZED PAVEMENT MARKINGS), UNLESS OTHERWISE NOTED.
- ALL STOP BARS SHALL BE 18" IN WIDTH IN A COLOR OF WHITE; ALL TRAFFIC ARROWS SHALL BE PAINTED IN A COLOR OF WHITE.
- ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PROVIDED BY THE OWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER PRIOR TO THE START OF CONSTRUCTION. BUILDING DIMENSIONS AND AREAS TO BE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE NOTED.
- SNOW TO BE STORED AT EDGE OF PAVEMENT AND IN AREAS SHOWN ON THE PLANS, OR TRUCKED OFFSITE TO AN APPROVED SNOW DUMPING LOCATION.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THE SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DEPARTMENT.
- THE OWNER OF EACH UNIT SHALL STORE TRASH IN THEIR GARAGE. TRASH WILL BE PICKED UP BY A PRIVATE HAULER.
- THE TAX MAP AND LOT NUMBERS ARE BASED ON THE CITY OF PORTSMOUTH TAX RECORDS AND ARE SUBJECT TO CHANGE.
- THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO RETRACE THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES EXPRESSED, IMPLIED OR PRESCRIPTIVE.
- SURVEY THE LINES SHOWN HEREON ARE NOT BOUNDARY LINES. THEY SHOULD ONLY BE USED TO LOCATE THE PARCEL SURVEYED FROM THE FOUND MONUMENTS SHOWN AND LOCATED BY THIS SURVEY.
- AN ACCESS EASEMENT SHALL BE GRANTED TO THE CITY OF PORTSMOUTH FOR ACCESS AND LEAK DETECTION OF THE WATER MAIN, SHUTOFFS, AND METERS ON THE PROPERTY. EASEMENT DESCRIPTION MUST BE APPROVED BY THE CITY'S LEGAL DEPARTMENT AND ACCEPTED BY THE CITY COUNCIL.
- FOR ADDITIONAL BOUNDARY INFORMATION AND MONUMENTS, SEE BOUNDARY LINE ADJUSTMENT PLAN.
- ON-SITE SALT STORAGE IS PROHIBITED WITHIN 250' OF AN INLAND WETLAND UNLESS COMPLETELY COVERED AND CONTAINED IN A STRUCTURE.
- BUILDINGS SHALL BE CONSTRUCTED IN THE FOOTPRINTS SHOWN HEREON. NOTIFY THE PROJECT ENGINEER IF THE PROPOSED ROOF LAYOUT, GUTTERS, AND/OR ROOF LINES ARE MODIFIED AFTER FINAL PLANS ARE SUBMITTED. UNITS 1-4 WILL NOT HAVE BASEMENTS, SUMP PUMPS, OR FOUNDATION DRAINS.
- AREA OF DISTURBANCE = 58,000 S.F. (ON AND OFF SITE)
- IF BOYD ROAD IS RECONSTRUCTED PRIOR TO THE SITE WORK IN BOYD ROAD BEING CONSTRUCTED, BOYD ROAD WILL REQUIRE A MILL AND FILL PAVEMENT RESURFACING FOR ALL DISTURBED AREAS TO THE SATISFACTION OF THE DEPARTMENT OF PUBLIC WORKS.

ADDITIONAL ABUTTERS:

- TAX MAP 162 LOT 56
 COLBY T. GAMESTER
 AMANDA D. GAMESTER
 187 WOODBURY AVE.
 PORTSMOUTH, NH 03801
 BK 6050 PG 180
- TAX MAP 174 LOT 2
 PORTSMOUTH HOUSING AUTHORITY
 245 MIDDLE ST.
 PORTSMOUTH, NH 03801
- TAX MAP 174 LOT 3
 DAWN P. MOYLAN REVOC INTER VIVOS
 55 BOYD RD.
 PORTSMOUTH, NH 03801
 BK 2989 PG 0654
- TAX MAP 174 LOT 4
 KAREN A. FOYE
 KENNETH FOYE
 79 BOYD RD.
 PORTSMOUTH, NH 03801
 BK 6108 PG 2989



APPROVED - PORTSMOUTH, NH
 CITY OF PORTSMOUTH
 PLANNING BOARD
 [Signature]
 DATE: 7/18/23

PROJECT PARCEL
 CITY OF PORTSMOUTH
 TAX MAP 175, LOTS 1, 2, & 3

APPLICANT
 TUCK REALTY CORP.
 ATTN: TURNER PORTER
 149 EPPER RD., SUITE 2A
 EXETER, NH 03833

TOTAL LOT AREA
 80,484 SQ. FT.
 1.85 ACRES

Design: JAC	Draft: DJM	Date: 01/05/22
Checked: JAC	Scale: 1"=20'	Project No.: 21254
Drawing Name: 21254-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		



REV.	DATE	REVISION	BY
13	5/23/23	ADDED SEWER CONNECTION PERMIT NUMBER	DJM
12	5/15/23	REVISED PER NHDES SEWER CONNECTION COMMENTS	DJM
11	5/5/23	ADDED CONDITIONS OF APPROVAL	DJM
10	2/22/23	REVISED PER TAC CONDITIONS OF APPROVAL	DJM
9	1/23/23	REVISED BIORETENTION BERM DETAIL PER REVIEW ENGINEER	DJM

J/B Jones & Beach Engineers, Inc.
 Civil Engineering Services
 85 Portsmouth Ave. PO Box 219 Stratham, NH 03885
 603-772-4746
 FAX: 603-772-0227
 E-MAIL: JBE@JONESANDBEACH.COM

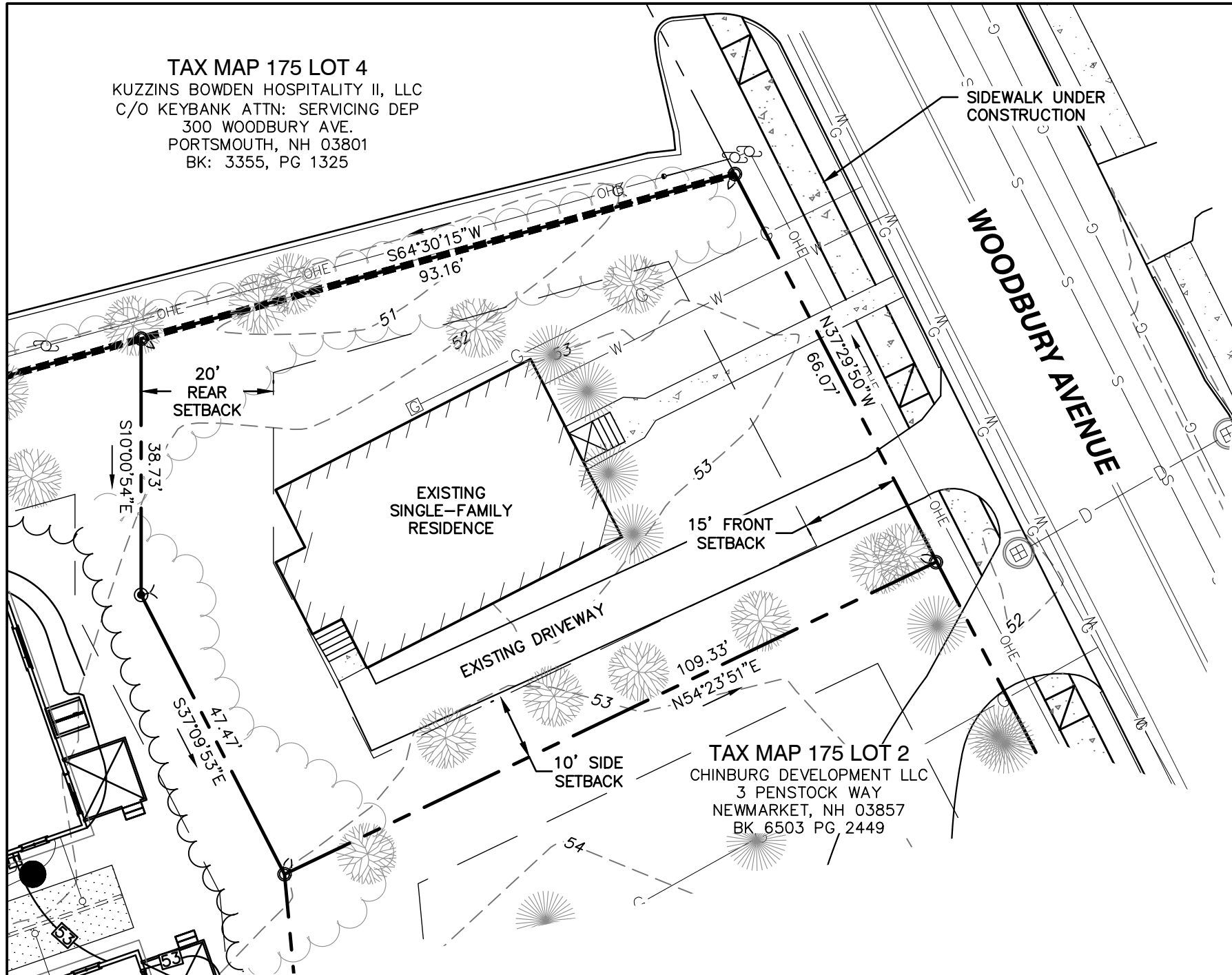
Plan Name:	SITE PLAN
Project:	"GRAPEVINE RUN" 212, 214, & 216 WOODBURY AVE. PORTSMOUTH, NH 03801
Owners of Record:	MAPLE HEIGHTS REALTY, LLC 16 ACADIA LANE, EXETER, NH 03833 BK 6474 PG 2215

DRAWING No.
C2
 SHEET 5 OF 23
 JBE PROJECT NO. 21254

D-44009

EXHIBIT A

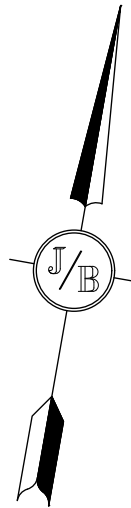
TAX MAP 175 LOT 4
 KUZZINS BOWDEN HOSPITALITY II, LLC
 C/O KEYBANK ATTN: SERVICING DEP
 300 WOODBURY AVE.
 PORTSMOUTH, NH 03801
 BK: 3355, PG 1325



TAX MAP 175 LOT 2
 CHINBURG DEVELOPMENT LLC
 3 PENSTOCK WAY
 NEWMARKET, NH 03857
 BK 6503 PG 2449

SIDEWALK UNDER CONSTRUCTION

WOODBURY AVENUE



EXISTING CONDITIONS NOTES:

1. UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN PLOTTED FROM FIELD OBSERVATION AND THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. NEITHER JONES & BEACH ENGINEERS, INC., NOR ANY OF THEIR EMPLOYEES TAKE RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND STRUCTURES OR UTILITIES NOT SHOWN THAT MAY EXIST. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UNDERGROUND STRUCTURES AND/OR UTILITIES LOCATED PRIOR TO EXCAVATION WORK BY CALLING 1-888-DIG-SAFE (1-888-344-7233).
2. VERTICAL DATUM: NAVD 88. HORIZONTAL DATUM: NH STATE PLANE
3. SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0259F, DATED JANUARY 29, 2021.
4. FOR ADDITIONAL BOUNDARY INFORMATION, SEE PLAN REFERENCE.

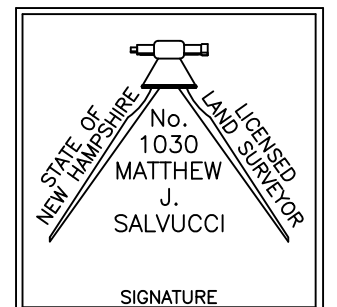
PLAN REFERENCE:

"LOT LINE ADJUSTMENT PLAN, TAX MAP 175, LOTS 1, 2, & 3" DATED JANUARY 5, 2022, AND REVISED THROUGH MAY 10, 2023. PREPARED BY JONES & BEACH ENGINEERS, INC. R.C.R.D. D-44008.

DEED REFERENCE:

BOOK 6503 PAGE 2449

ZONING SUMMARY		
ZONE	GENERAL RESIDENTIAL (GRA)	EXISTING
MINIMUM LOT AREA	7,500 S.F.	7,933 S.F.
MINIMUM LOT FRONTAGE	100'	66'
MINIMUM LOT DEPTH	70'	93'
FRONT SETBACK	15'	40'
SIDE SETBACK	10'	19'
REAR SETBACK	20'	20'
MAXIMUM BUILDING COVERAGE	25%	17.3%
MINIMUM OPEN SPACE COVERAGE	30%	69.6%



Design: JAC	Draft: DJM	Date: 2/5/24
Checked: JAC	Scale: 1" = 20'	Project No.: 21254
Drawing Name: 21254-PLAN-EXHIBITS.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

Rev.	Date	Revision	By
0	2/5/24	ISSUED FOR REVIEW	KDR

J/B Jones & Beach Engineers, Inc.
 Civil Engineering Services
 85 Portsmouth Ave. 603-772-4746
 PO Box 219
 Stratham, NH 03885 E-Mail: JBE@jonesandbeach.com

Drawing Name: **PLOT PLAN**
 TAX MAP 175, LOT 3
 Project: 216 WOODBURY AVE. PORTSMOUTH, NH 03801
 Owner of Record: CHINBURG DEVELOPMENT LLC
 3 PENSTOCK WAY, NEWMARKET, NH 03857

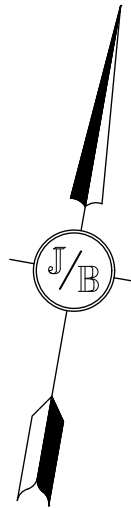
DRAWING No. **P1**
 SHEET 1 OF 2
 JBE PROJECT No. 21254

TAX MAP 175 LOT 4
 KUZZINS BOWDEN HOSPITALITY II, LLC
 C/O KEYBANK ATTN: SERVICING DEP
 300 WOODBURY AVE.
 PORTSMOUTH, NH 03801
 BK: 3355, PG 1325

1.25" IP FND
 PINCHED TOP
 0.2' DOWN

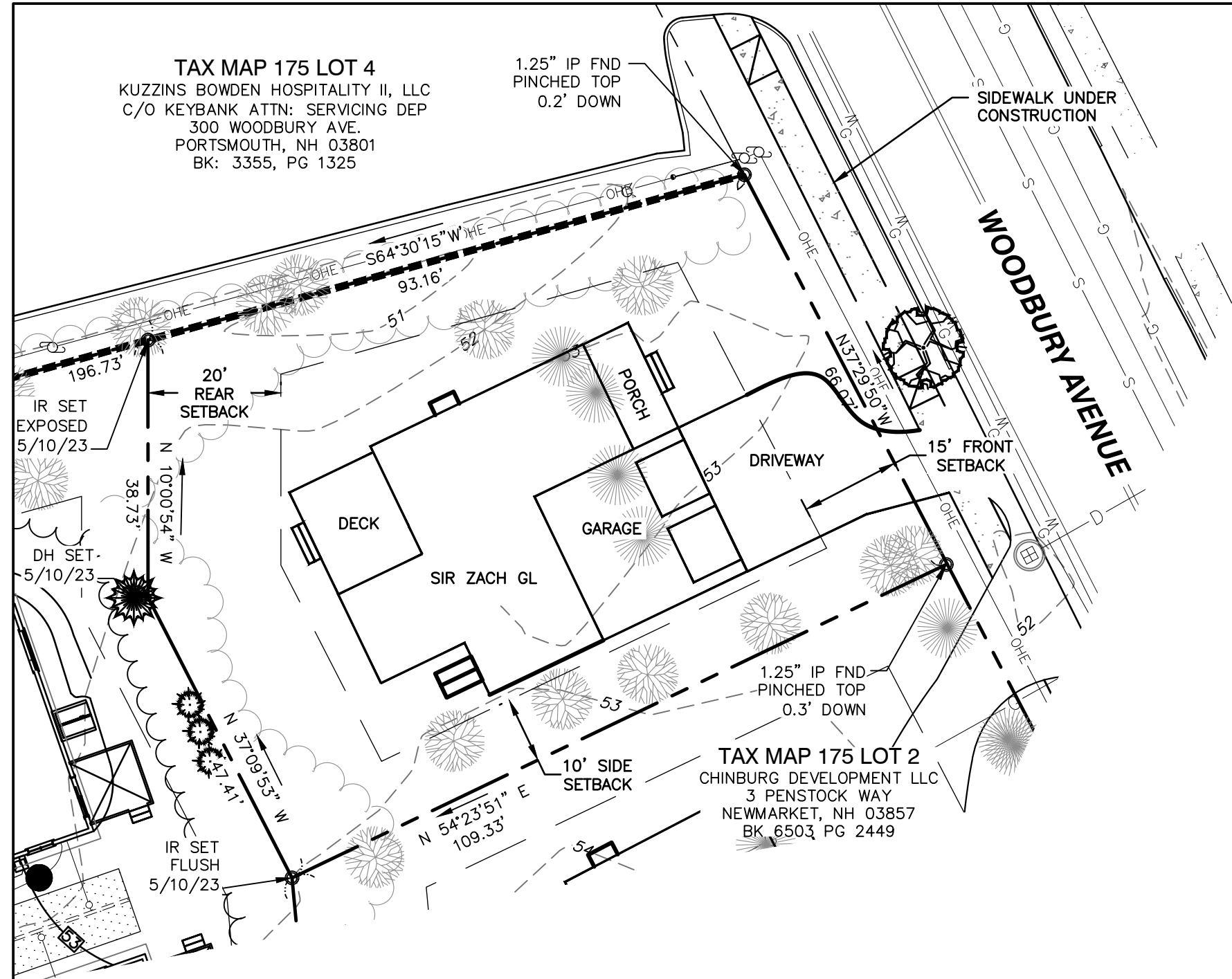
SIDEWALK UNDER
 CONSTRUCTION

WOODBURY AVENUE



SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO REMOVE THE EXISTING HOUSE AND CONSTRUCT A NEW HOUSE.
2. TOTAL BUILDING COVERAGE = 1,893 S.F. (23.8%)
 TOTAL BUILDING FOOTPRINT WITH 12" OVERHANGS = 2,217 S.F. (27.9%)
 DECK/PORCH AREA = 392 S.F.
 DRIVEWAY AREA = 611 S.F.
 TOTAL IMPERVIOUS SURFACE WITHOUT OVERLAPS = 3,054 S.F. (38.4%)
3. THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
4. SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.



TAX MAP 175 LOT 2
 CHINBURG DEVELOPMENT LLC
 3 PENSTOCK WAY
 NEWMARKET, NH 03857
 BK 6503 PG 2449

ZONING SUMMARY		
ZONE	GENERAL RESIDENTIAL (GRA)	PROVIDED
MINIMUM LOT AREA	7,500 S.F.	7,933 S.F.
MINIMUM LOT FRONTAGE	100'	66'
MINIMUM LOT DEPTH	70'	93'
FRONT SETBACK	15'	24'
SIDE SETBACK	10'	12'
REAR SETBACK	20'	23'
MAXIMUM BUILDING COVERAGE	25%	23.8%
MINIMUM OPEN SPACE COVERAGE	30%	61.6%

Design: JAC Draft: DJM Date: 2/5/24
 Checked: JAC Scale: 1" = 20' Project No.: 21254
 Drawing Name: 21254-PLAN-EXHIBITS.dwg
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

Rev.	Date	Revision	By
0	2/5/24	ISSUED FOR REVIEW	KDR

J/B Jones & Beach Engineers, Inc.
 Civil Engineering Services
 85 Portsmouth Ave. 603-772-4746
 PO Box 219
 Stratham, NH 03885 E-Mail: JBE@jonesandbeach.com

Drawing Name: **SITE PLAN**
 TAX MAP 175, LOT 3
 Project: 216 WOODBURY AVE. PORTSMOUTH, NH 03801
 Owner of Record: CHINBURG DEVELOPMENT LLC
 3 PENSTOCK WAY, NEWMARKET, NH 03857

DRAWING No.
C1
 SHEET 2 OF 2
 JBE PROJECT
 No. 21254

2/14/2024

Sir Zach with Sun

845.125.v5 GL (2/14/2024)

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Art Form Architecture, LLC

603-431-9559



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Sir Zach with Sun 845.124.v5 GL

Dear Builders and Home Buyers,

In addition to our Terms and Conditions (the "Terms"), please be aware of the following:

This design may not yet have Construction Drawings (as defined in the Terms), and is, therefore, only available as a Design Drawing (as defined in the Terms and together with Construction Drawings, "Drawings"). It is possible that during the conversion of a Design Drawing to a final Construction Drawing, changes may be necessary including, but not limited to, dimensional changes. Please see Plan Data Explained on www.artform.us to understand room sizes, dimensions and other data provided. We are not responsible for typographical errors.

Art Form Architecture ("Art Form") requires that our home designs be built substantially as designed. Art Form will not be obligated by or liable for use of this design with markups as part of any builder agreement. While we attempt to accommodate where possible and reasonable, and where the changes do not denigrate our design, any and all changes to Drawings must be approved in writing by Art Form. It is recommended that you have your Drawing updated by Art Form prior to attaching any Drawing to any builder agreement. Art Form shall not be responsible for the misuse of or unauthorized alterations to any of its Drawings.

Facade Changes:

- 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 Art Form.
- Increasing ceiling heights usually requires adjustments to window sizes and other exterior elements.

Floor plan layout and/or Structural Changes:

- Structural changes always require the express written consent of Art Form
- If you wish to move or remove walls or structural elements (such as removal of posts, increases in house size, ceiling height changes, addition of dormers, etc), please do not assume it can be done without other additional changes (even if the builder or lumber yard says you can).

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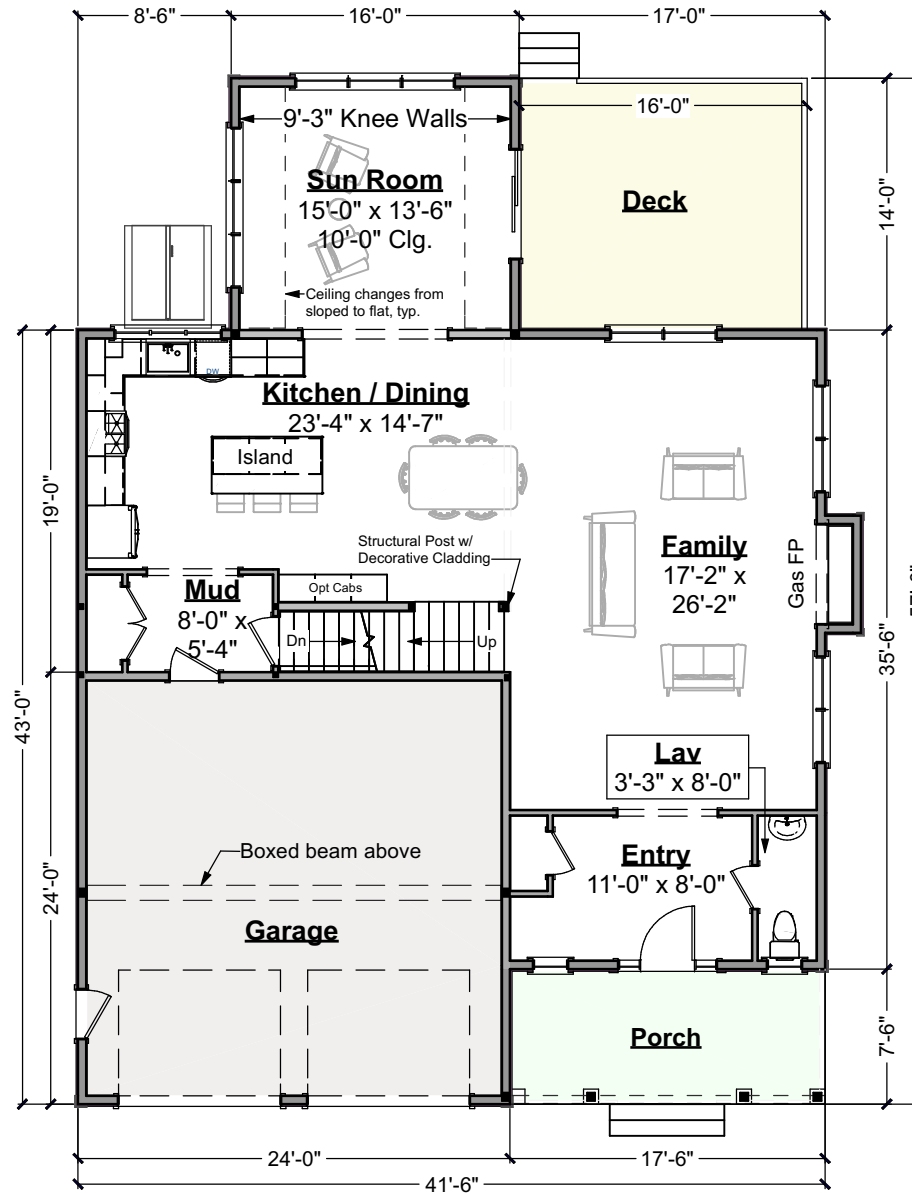
845.125.v5 GL (2/14/2024)

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Living Area this Floor: 1320 sq ft

9 ft Ceilings, unless noted otherwise

First Floor Plan

Scale: 3/32" = 1'-0"

2/14/2024

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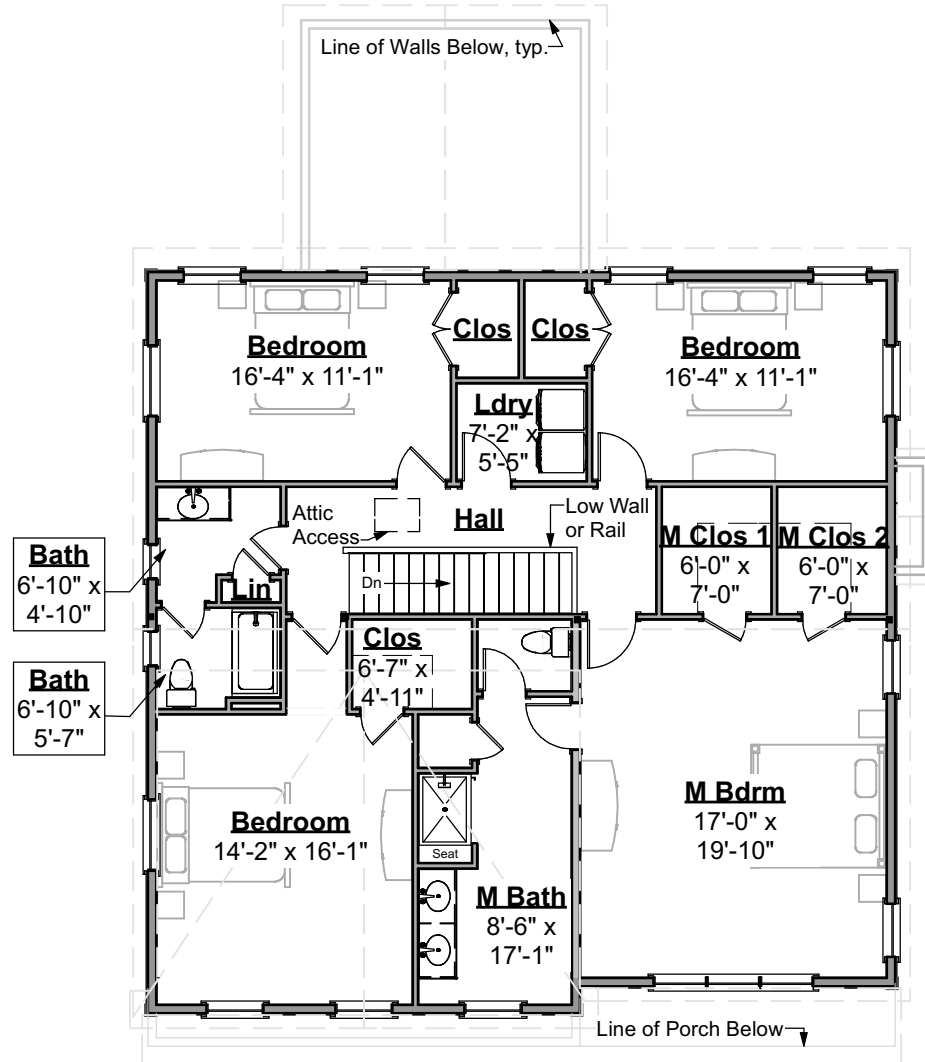
845.125.v5 GL (2/14/2024)

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Living Area this Floor: 1682 sq ft
8 ft Ceilings

Second Floor Plan

Scale: 3/32" = 1'-0"

2/14/2024

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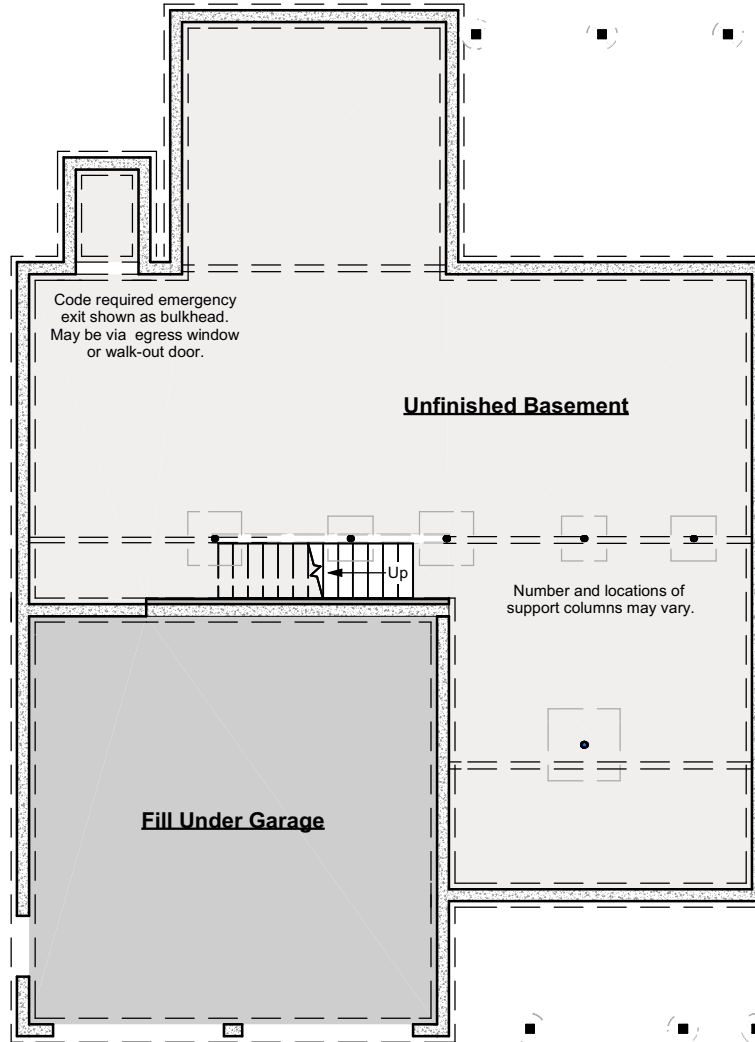
845.125.v5 GL (2/14/2024)

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Foundation Plan

Scale: 3/32" = 1'-0"

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Front Elevation

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

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

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Rear Elevation

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

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



Imagery ©2024 Google, Imagery ©2024 Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2024 100 ft

251 Woodbury Ave

Portsmouth, New Hampshire

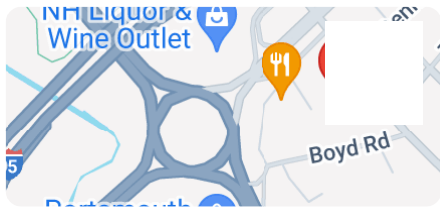
Google Street View

Sep 2019

[See more dates](#)



Image capture: Sep 2019 © 2024 Google



CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH VISION	
CHINBURG DEVELOPMENT LLC 3 PENSTOCK WAY NEWMARKET NH 03857		1 Level	0 All Public	1 Paved		Description	Code	Appraised	Assessed		
				7 2 Off-St PKG		RESIDNTL	1010	161,300	161,300		
				1		RES LAND	1010	292,600	292,600		
SUPPLEMENTAL DATA						Total				453,900	453,900
Alt Prcl ID 0175-0003-0000-0000		OLDACTN 62050		CONDO C INLAW Y/ LOT SPLIT 2015 Reva JM Ex/Cr Appli							
PHOTO		WARD		Assoc Pid#							
PREC.		1/2 HSE									
GIS ID 35284											

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)									
CHINBURG DEVELOPMENT LLC		6503	2449	08-30-2023	U	I	3,274,933	18	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
MAPLE HEIGHTS REALTY LLC		6474	2216	03-31-2023	U	I	2,425,000	21	2022	1010	161,300	2021	1010	161,300	2020	1010	161,300
BAILEY FREDERICK J III		3919	1345	12-27-2002	U	I	0			1010	292,600			292,600			292,600
Total										453,900			453,900			453,900	

EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor												
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int											
Total			0.00																

ASSESSING NEIGHBORHOOD				APPRAISED VALUE SUMMARY											
Nbhd	Nbhd Name	B	Tracing	Batch											
131															
NOTES															
NEWER RF, MOSTLY ORIG WINDWS EXT AVG COND, PU WD SHINGLE EXT VERY OVERGROWN IN FRONT															
Total Appraised Parcel Value											453,900				

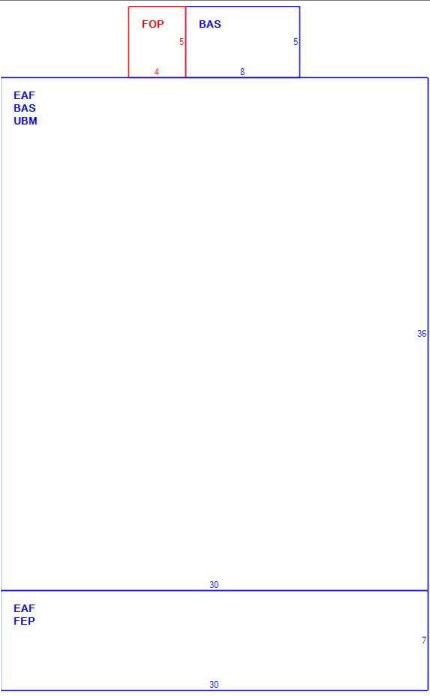
BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY					
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments		Date	Id	Type	Is	Cd	Purpose/Result
LU-22-129	04-20-2023	BP	Misc Building P	0		0		PB PRELIIM/FINAL SUBD AP		08-10-2023	CKR	02	3	SR	Sales Review
06-910	10-23-2006			2,400		100		REMOVE UNDER TA		04-14-2023	LS			AD	Address Change
										07-19-2017	SG			FR	Field Review Stat Update
										08-26-2015	JG			41	Hearing Change
										03-06-2015	DG			FR	Field Review Stat Update
										05-01-2014	LS			DE	Data Entry
										01-21-2013	JM			08	Measur/Int Refusal No inf

LAND LINE VALUATION SECTION																	
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value	
1	1010	SINGLE FAM M	GRA			24,973 SF	6.89	1.0000	1	1.00	131	1.700	0		1.0000	11.72	292,600
Total Card Land Units 1 AC Parcel Total Land Area 1 Total Land Value 292,600																	

EXHIBIT D

CONSTRUCTION DETAIL **CONSTRUCTION DETAIL (CONTINUED)**

Element	Cd	Description	Element	Cd	Description
Style:	05	Bungalow			
Model	01	Residential			
Grade:	C	C			
Stories:	1				
Occupancy	1				
Exterior Wall 1	14	Wood Shingle			
Exterior Wall 2					
Roof Structure:	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	03	Plastered			
Interior Wall 2					
Interior Flr 1	12	Hardwood			
Interior Flr 2	14	Carpet			
Heat Fuel	03	Gas			
Heat Type:	04	Hot Water			
AC Type:	01	None			
Total Bedrooms	02	2 Bedrooms			
Total Bthrms:	1				
Total Half Baths	1				
Total Xtra Fixtrs	0				
Total Rooms:	5				
Bath Style:	1	Avg Quality			
Kitchen Style:	1	Avg Quality			
Kitchen Gr					
WB Fireplaces	0				
Extra Openings	0				
Metal Fireplace	0				
Extra Openings	0				
Bsmt Garage					
MIXED USE					
			Code	Description	Percentage
			1010	SINGLE FAM MDL-01	100
					0
					0
COST / MARKET VALUATION					
			Adj. Base Rate		129.97
			Building Value New		252,007
			Year Built		1935
			Effective Year Built		1983
			Depreciation Code		FR
			Remodel Rating		
			Year Remodeled		
			Depreciation %		36
			Functional Obsol		
			External Obsol		
			Trend Factor		1
			Condition		
			Condition %		
			Percent Good		64
			RCNLD		161,300
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		

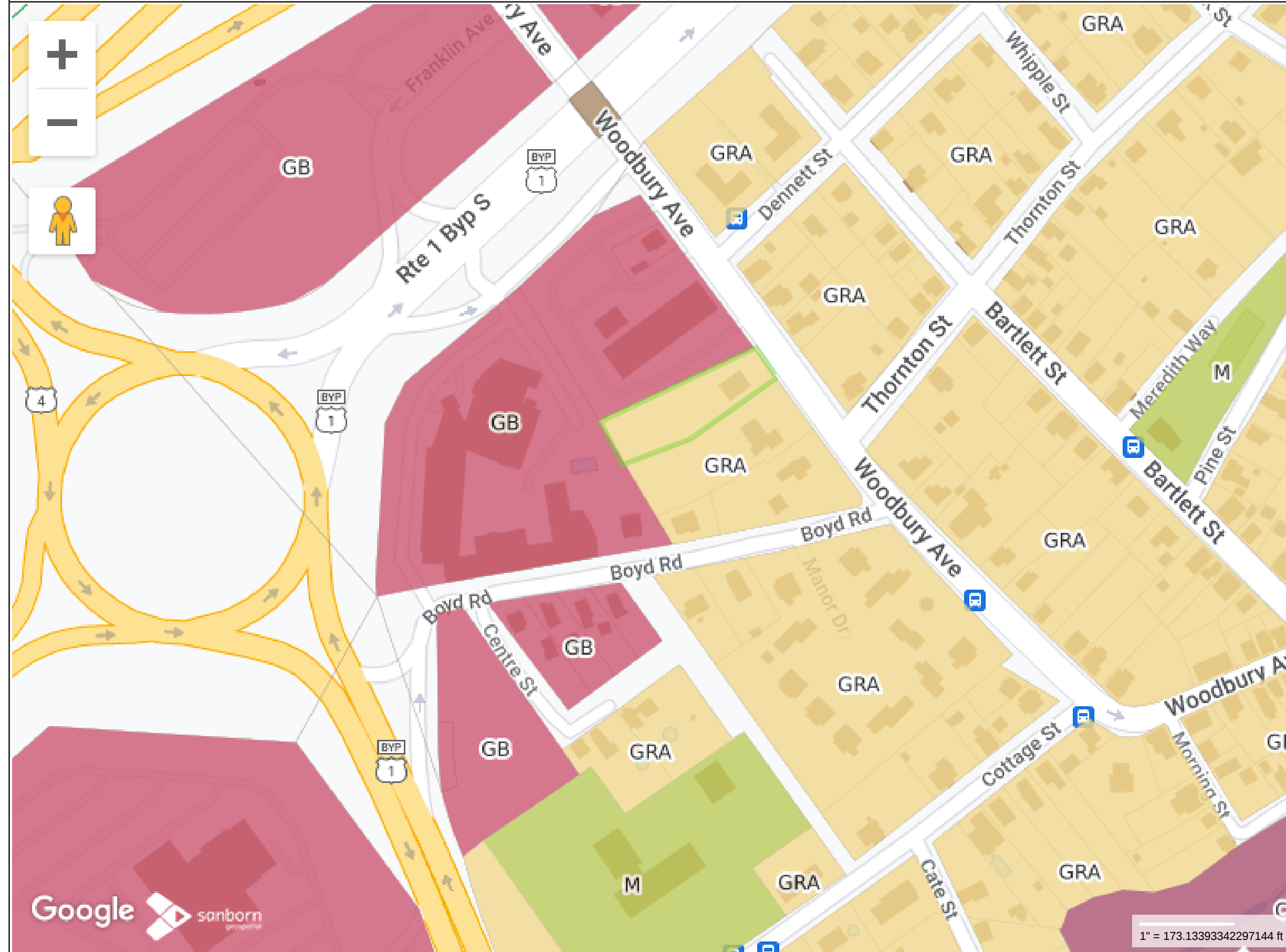


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,120	1,120	1,120	129.97	145,564
EAF	Attic Expansion	452	1,290	452	45.54	58,745
FEP	Porch, Enclosed	0	210	147	90.98	19,105
FOP	Porch, Open	0	20	4	25.99	520
UBM	Basement, Unfinished	0	1,080	216	25.99	28,073
Ttl Gross Liv / Lease Area		1,572	3,720	1,939		252,007



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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 08/24/2023
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

EXHIBIT E

1" = 173.13393342297144 ft

Map Theme Legends

Zoning

Residential Districts

- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GA/MH Garden Apartment/Mobile Home Park

Mixed Residential Districts

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

Business Districts

- GB General Business
- B Business
- WB Waterfront Business

Industrial Districts

- OR Office Research
- I Industrial
- WI Waterfront Industrial

Airport Districts

- AIR Airport
- AI Airport Industrial
- PI Pease Industrial
- ABC Airport Business Commercial

Conservation Districts

- M Municipal
- NRP Natural Resource Protection

Character Districts

- CD5 Character District 5
- CD4 Character District 4
- CD4W Character District 4-W
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2

Civic District

- Civic District

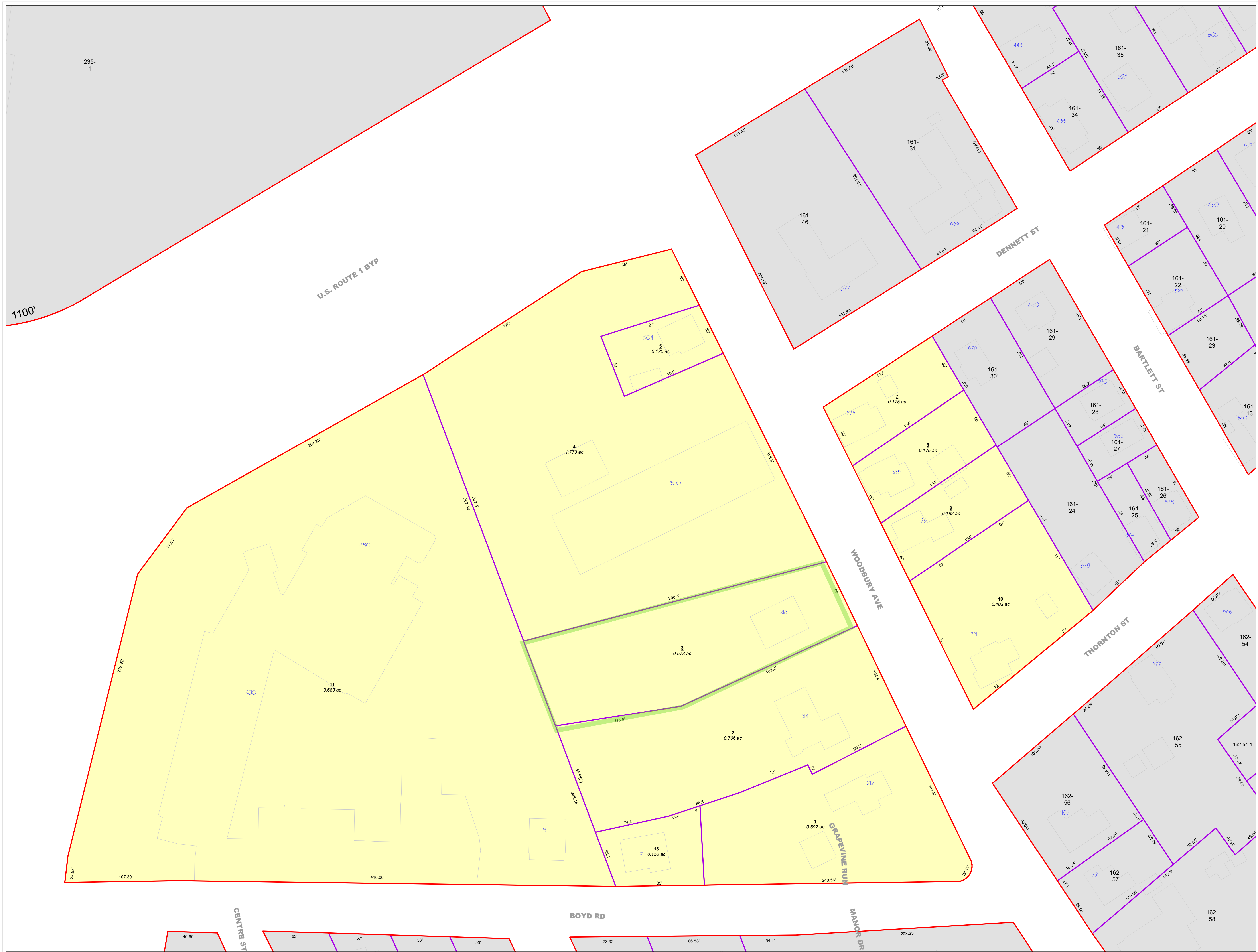
Municipal District

- Municipal District

Overlay Districts

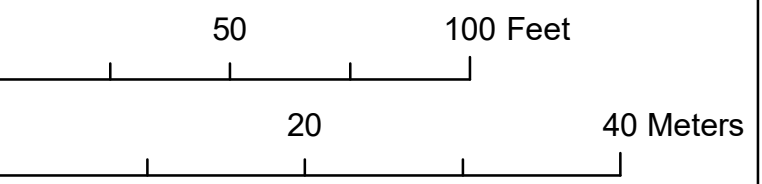
- OLOD Osprey Landing Overlay District
- Downtown Overlay District
- Historic District

City of Portsmouth



- 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)
 - 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.

