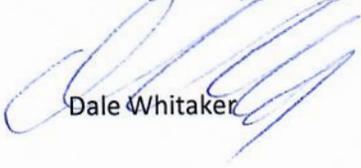


Dear members of the Portsmouth City Council,

I Dale Whitaker the property owner of 880 Woodbury Ave, Portsmouth NH 03801 would respectfully request my property (located at 880 Woodbury Ave) which was involuntarily merged to be unmerged. I have provided past deeds as evidence which clearly show multiple land owners proving that this parcel was involuntarily merged.

Thank you for your time and consideration with this matter.

  
Dale Whitaker

# 880 WOODBURY AVE

**Location** 880 WOODBURY AVE

**Mblu** 0236/ 0052/ 0000/ /

**Acct#** 30603

**Owner** WHITAKER DALE T

**PBN**

**Assessment** \$438,800

**Appraisal** \$438,800

**PID** 30603

**Building Count** 1

## Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800

## Owner of Record

**Owner** WHITAKER DALE T  
**Co-Owner** WHITAKER ERIN J  
**Address** 880 WOODBURY AVE  
PORTSMOUTH, NH 03801

**Sale Price** \$485,000  
**Certificate**  
**Book & Page** 6006/0496  
**Sale Date** 06/07/2019  
**Instrument** 13

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WHITAKER DALE T	\$485,000		6006/0496	13	06/07/2019
HEALY DAVID C	\$121,000		3434/1942	A	10/18/1999

## Building Information

### Building 1 : Section 1

**Year Built:** 1949  
**Living Area:** 1,566  
**Replacement Cost:** \$273,263

Building Percent Good: 90

Replacement Cost

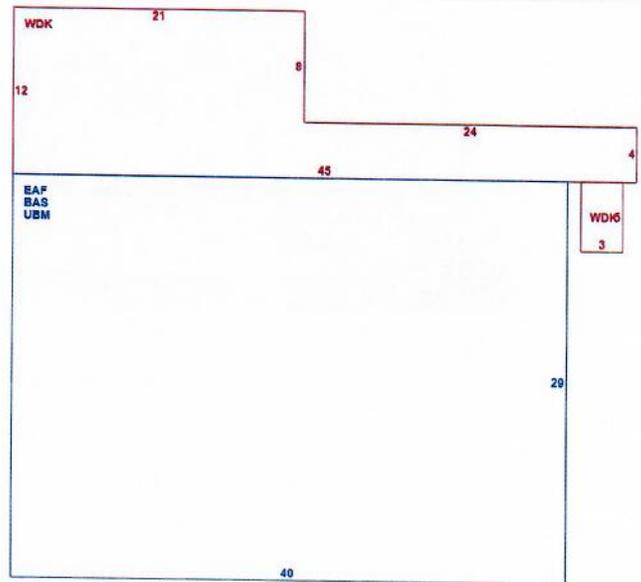
Less Depreciation: \$245,900

### Building Photo



(https://images.vgsi.com/photos2/PortsmouthNHPhotos///0030/880%20WC

### Building Layout



(ParcelSketch.ashx?pid=30603&bid=30603)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,160	1,160
EAF	Attic Expansion	1,160	406
UBM	Basement, Unfinished	1,160	0
WDK	Deck, Wood	363	0
		3,843	1,566

Building Attributes	
Field	Description
Style:	Cape Cod
Occupancy	1
Exterior Wall 2	
Interior Wall 2	
Model	Residential
Interior Flr 2	Ceram Clay Til
Grade:	C+
Stories:	1
Exterior Wall 1	Vinyl Shingle
Roof Structure:	Gable/Hip
WB Fireplaces	0
Extra Openings	0
Roof Cover	Asph/F Gls/Cmp
Metal Fireplaces	1
Extra Openings 2	0
Bsmt Garage	
Interior Wall 1	Drywall/Sheet
Interior Flr 1	Hardwood
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	2
Total Rooms:	5
Bath Style:	Above Avg Qual
Kitchen Style:	Above Avg Qual
Kitchen Gr	

### Extra Features

Extra Features	Legend
No Data for Extra Features	

**Land Use**

Use Code 1010  
 Description SINGLE FAM MDL-01  
 Zone SRB  
 Neighborhood 129  
 Alt Land Appr No  
 Category

**Land Line Valuation**

Size (Acres) 0.43  
 Frontage  
 Depth  
 Assessed Value \$189,600  
 Appraised Value \$189,600

**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE	02	DETACHED	240.00 S.F.	\$3,300	1

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800
2019	\$199,000	\$189,600	\$388,600
2018	\$173,800	\$179,200	\$353,000

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$249,200	\$189,600	\$438,800
2019	\$199,000	\$189,600	\$388,600
2018	\$173,800	\$179,200	\$353,000

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BK 3434 PG 1949

**SCHEDULE "A"**

A certain piece or parcel of land with the buildings thereon, situate on the Westerly side of Woodbury Avenue in said Portsmouth, and bounded and described as follows:

Beginning at a stake in the wall on Woodbury Avenue Four Hundred Ninety-five and Four Tenths (495.4) feet Southeasterly from the Southeasterly corner of land now or formerly of Fred H. Poore and running Southeasterly on Woodbury Avenue One Hundred Fifty (150) feet, to land now or formerly of William A. and Elizabeth M. Kelly; thence turning and running at right angles Southwesterly by said last named land One Hundred Twenty-five (125) feet to land now or formerly of Catherine H. Badger; thence turning and running at right angles by said last named land Northwesterly and parallel to said first named bound One Hundred Fifty (150) feet; thence turning and running at right angles by said land now or formerly of Catherine H. Badger Northeasterly and parallel to the second named bound One Hundred Twenty-five (125) feet to Woodbury Avenue and the point begun at.

Being the same premises conveyed to the mortgagors by deed of John F. Malsbenden and Paul V. Malsbenden dated October 29, 1999 and recorded in the Rockingham County Registry of Deeds immediately prior hereto.

1

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https://ava.fidlar.com/NHRockingham/AvaWeb/#/image

**Exhibit A**

A certain piece or parcel of land with the buildings thereon, situate on the Westerly side of Woodbury Avenue in said Portsmouth, and bounded and described as follows:

Beginning at a stake in the wall on Woodbury Avenue Four Hundred Ninety-five and Four Tenths (495.4) feet Southeasterly from the Southeasterly corner of land now or formerly of Fred H. Poore and running Southeasterly on Woodbury Avenue One Hundred Fifty (150) feet, to land now or formerly of William A. and Elizabeth M. Kelly; thence turning and running at right angles South westerly by said last named land One Hundred Twenty-five (125) to land now or formerly of Catherine H. Badger; thence turning and running at right angles by said last named land Northwesterly and parallel to said first named bound One Hundred Fifty (150) feet; thence turning and running at right angles by said land now or formerly of Catherine H. Badger Northeasterly and parallel to the second named bound One Hundred twenty-five (125) feet to Woodbury Avenue and the point begun at.

RESET [refresh] [search] [print] [back] [forward] Go To Page  GO 11 OF 11

Contact FAQ



# CITY OF PORTSMOUTH

## Assessors Office

Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Rick Chellman, Chair, City of Portsmouth Planning Board  
Cc: Beverly Zendt, Director of Planning  
From: Rosann Lentz, City Assessor *Rosann Lentz*  
Date: August 15, 2022  
RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 880 Woodbury Ave – RIML-22-1

---

At its meeting on , 2022, the City Council considered a request from Dale Whitaker regarding the restoration of involuntarily merged lots located at 880 Woodbury Avenue to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer to the Planning Board and Assessor for a report back.

### **Description**

Current assessment records identify the parcel as having .43 acres with a two-bedroom, one-bath single-family dwelling having a detached one-car garage built around 1950 located on the parcel.

### **History**

Deeds: According to deeds researched within the Rockingham County Registry of Deeds back to 1939, this parcel was part of a subdivision dating back to 1938 and amended in 1949 (see attachment 1). The original transfer of the newly subdivided parcel was recorded in book 961 Page 402 on December 12, 1939 (see attachment 2). This deed described both parcels within one metes and bounds description along with depicting lots 13 and 14. Deeds going forward from 1939 do not reference lots 13 and 14 but refer back to the 1939 deed in the chain of title within the meaning and intending to convey paragraph within each deed.

### **Property Assessment Records:**

Assessment records going back to 1950 indicate this parcel has always been assessed as a single lot and was never separately assessed (see attachment 3).

### **Map Geo 2020 Ariel**

When viewing the Map Geo Ariel on the City's Website (see attachment 4), it is not clear but appears the garage met setbacks from lot 14 when built.

### **Building Inspection / Zoning Records**

In March of 2000, David and Betty Healey the former owners prior to Mr. Whitaker, applied for a building permit to remove a front porch and build a new deck to expand from the dwelling to the garage. Plans presented to the inspection department for approval showed a single lot with setbacks drawn from the sideline of the combined lots 13 and 14 (see attachment 5).

### **Court Decisions**

Upon review of various New Hampshire court decisions concerning the denial of restorations of lots, the courts have held that the conveyance of multiple parcels/lots in a single deed or a single metes and bounds description does not, standing alone, support a voluntary merger *Roberts v. Town of Windham*, 165 N.H. 186,192 (2013).

Additionally, court decisions also looked at the use of the property in its entirety by reviewing physical characteristics and the overt actions that occurred over time to the placement of buildings, driveways, outbuildings etc. These decisions, citing totality of changes, can reasonably support that lots by predecessors or current owners were voluntarily merged when facts show the primary and accessory buildings, access, etc. work as a unit. *Robillard v. Town of Hudson*, 120 N.H. 477,416 (1980); *Town of Newbury v. Landrigan*, 165 N.H.236,241 (201); and *Roberts v. Town of Windham*, 165 N.H. 186 (2013).

### **Summary**

Other than researching deeds back to 1939, there would be no way of knowing this property was two parcels. This is due to the metes and bounds description within the most recent deed for the property (see attachment 6) and deeds after 1939 describing one parcel with no reference to lots 13 and 14.

Additionally, there was no conclusive findings that any overt action or conduct occurred by any former owner(s) deeming the lots merged. Although the prior owners to Mr. Whitaker applied for a building permit drawing a single site, if lots 13 and 14 had been depicted on the drawing, zoning setbacks to lot 14 appear to be compliant with the expansion of the deck in March of 2000.

In summary, the City bears the burden to prove voluntary merger (RSA 674:39-aa,II (b)). My research cannot confirm if an overt action was taken to deem the parcels merged by any prior owners and, the original deed dating back to 1939 indicates the metes and bounds described are lots 13 and 14.

It is my opinion that the request to unmerge meets the requirements of NH RSA 674:39-aa and is supported by various New Hampshire court decisions.

Attachments:

\$1.50 Rev.

# Know all Men by these Presents

402.

THAT I, Catherine H. Badger of Portsmouth, in the County of Rockingham and State-New Hampshire,

Badger }  
to }  
Batchelder }

for and in consideration of the sum of One Dollar -----  
to me in hand, before the delivery hereof well and truly paid by Harry G. Batchelder of the same Portsmouth,

del. to }  
R. Marvin }  
by mail }

the receipt whereof I do hereby acknowledge, have ~~given~~ granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Harry G. Batchelder and his heirs and assigns forever, a certain piece or parcel of land situate on the Westerly side of Woodbury Avenue in said Portsmouth and bounded and described as follows, viz:

Beginning at a stake in the wall on Woodbury Avenue four hundred ninety-five and four-tenths (495.4) feet Southeasterly from the Southeasterly corner of land of Fred H. Poore and running Southeasterly on Woodbury Avenue one hundred fifty (150) feet, to land of William A. and Elizabeth M. Kelly; thence turning and running at right angles Southwesterly by said last named land one hundred twenty-five (125) feet to other land of this grantor; thence turning and running at right angles by said last named land Northwesterly and parallel to said first named bound one hundred fifty (150) feet; thence turning and running at right angles by said other land of this grantor northeasterly and parallel to the second named bound, one hundred twenty-five (125) feet to Woodbury Avenue and the point begun at.

Being Lots #13 and #14 on a Plan of Lots owned by Mrs. Catherine H. Badger, Woodbury Avenue, Portsmouth, New Hampshire, drawn by John W. Durgin, C.E. in September, 1938.

~~To have and to hold~~ the said granted premises, with all the privileges and appurtenances to the same belonging, to him the said Harry G. Batchelder and his heirs and assigns, to his and their only proper use and benefit forever. And I the said Catherine H. Badger, for myself and for my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said Batchelder and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed thereof in my own right ~~and~~ in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Batchelder and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Catherine H. Badger am a widow and ~~with no other heirs~~ ~~and~~ ~~my~~ ~~heirs~~ ~~and~~ ~~assigns~~ ~~to~~ ~~his~~ ~~and~~ ~~their~~ ~~only~~ ~~proper~~ ~~use~~ ~~and~~ ~~benefit~~ ~~forever~~ ~~and~~ ~~I~~ ~~the~~ ~~said~~ ~~Catherine~~ ~~H.~~ ~~Badger~~, ~~for~~ ~~myself~~ ~~and~~ ~~for~~ ~~my~~ ~~heirs~~, ~~executors~~ ~~and~~ ~~administrators~~, ~~do~~ ~~hereby~~ ~~covenant~~, ~~grant~~ ~~and~~ ~~agree~~, ~~to~~ ~~and~~ ~~with~~ ~~the~~ ~~said~~ ~~Batchelder~~ ~~and~~ ~~his~~ ~~heirs~~ ~~and~~ ~~assigns~~, ~~that~~ ~~until~~ ~~the~~ ~~delivery~~ ~~hereof~~ ~~I~~ ~~am~~ ~~the~~ ~~lawful~~ ~~owner~~ ~~of~~ ~~the~~ ~~said~~ ~~premises~~, ~~and~~ ~~am~~ ~~seized~~ ~~and~~ ~~possessed~~ ~~thereof~~ ~~in~~ ~~my~~ ~~own~~ ~~right~~ ~~and~~ ~~in~~ ~~fee~~ ~~simple~~; ~~and~~ ~~have~~ ~~full~~ ~~power~~ ~~and~~ ~~lawful~~ ~~authority~~ ~~to~~ ~~grant~~ ~~and~~ ~~convey~~ ~~the~~ ~~same~~ ~~in~~ ~~manner~~ ~~aforesaid~~; ~~that~~ ~~the~~ ~~said~~ ~~premises~~ ~~are~~ ~~free~~ ~~and~~ ~~clear~~ ~~from~~ ~~all~~ ~~and~~ ~~every~~ ~~incumbrance~~ ~~whatsoever~~; ~~and~~ ~~that~~ ~~I~~ ~~and~~ ~~my~~ ~~heirs~~, ~~executors~~ ~~and~~ ~~administrators~~, ~~shall~~ ~~and~~ ~~will~~ ~~warrant~~ ~~and~~ ~~defend~~ ~~the~~ ~~same~~ ~~to~~ ~~the~~ ~~said~~ ~~Batchelder~~ ~~and~~ ~~his~~ ~~heirs~~ ~~and~~ ~~assigns~~, ~~against~~ ~~the~~ ~~lawful~~ ~~claims~~ ~~and~~ ~~demands~~ ~~of~~ ~~any~~ ~~person~~ ~~or~~ ~~persons~~ ~~whomsoever~~.

~~And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 1, 1851, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale on execution" or by any other Statute or Statutes of said State.~~

In Witness whereof I have hereunto set my hand and seal, this twelfth day of December in the year of our Lord one thousand nine hundred and 1939.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:



CURRENT OWNER	TOPO	UTILITIES	STRT / ROAD	LOCATION	DESCRIPTION	Code	Appraised	Assessed	2229
ER DALE T	1 Level	0 All Public	1 Paved	2 Suburban	RESIDENTL	1010	245,900	245,900	
ER ERIN J			8 2+ Off-St PRG		RES LAND	1010	189,600	189,600	
WOODBURY AVE					RESIDENTL	1010	3,300	3,300	
SUPPLEMENTAL DATA									
Alt Proj ID 0236-0052-0000-0000					CONDO C				
OLDACTN 15710					INLAW Y/				
PHOTO					LOT SPLIT				
WARD					2015 Reva JM				
PREC.					Ex/Cr Appl				
1/2 HSE									
GIS ID 30603					Assoc Pld#				
Total						438,800	438,800	438,800	VISION

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
ER DALE T	6006 0496	06-07-2019	U	I	485,000	13	2021	1010	245,900	2020	1010	245,900	2019	1010	195,700
DAVID C	3434 1942	10-18-1999		I	121,000	A		1010	189,600		1010	189,600		1010	189,600
Total								1010	3,300		1010	3,300		1010	3,300
Total								Total	438,800		Total	438,800		Total	388,600

EXEMPTIONS	Amount	Code	Description	Number	Amount	Comm Int
1 VETERAN-1	500.00					
Total 500.00						

OTHER ASSESSMENTS	Amount	Code	Description	Number	Amount	Comm Int
ASSESSING NEIGHBORHOOD						
Tracing						
Batch						

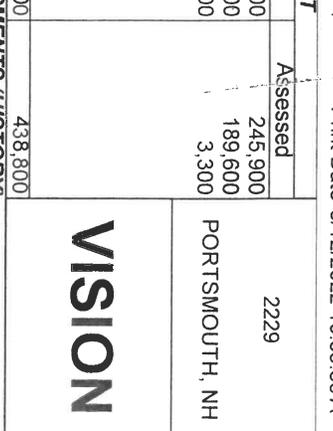
NOTES
COMP 2ND FLR & KIT RENOV'S; ADDED 5 FIXT
MASTR BATH IN MASTR SUITE; MEASURED EXT

APPRaised VALUE SUMMARY	Value (Card)	Value (Bldg)				
Appraised Bldg. Value (Card)	245,900					
Appraised Xf (B) Value (Bldg)	0					
Appraised Ob (B) Value (Bldg)	3,300					
Appraised Land Value (Bldg)	189,600					
Special Land Value	0					
Total Appraised Parcel Value	438,800					
Valuation Method	C					

BUILDING PERMIT RECORD	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpose/Result
08-05-2019	2,800	01-10-2020	100		INSTL DIRECT GAS FIREPLA	09-28-2020	LS			DE	Data Entry
07-16-2019	12,000	01-10-2020	100		ADD NEW MASTER BATH WI	01-10-2020	BH	05	1	50	Building Permit
07-02-2019	4,500	01-10-2020	100		WIRE NEW KITCHEN BDRM	06-17-2019	BH	03	5	SR	Sales Review
06-27-2019	75,000	01-10-2020	100	06-03-2020	REMODEL KITCHEN & CONV	07-19-2017	SG			FR	Field Review Stat Update
07-09-2008	0		100		HOUSE & GARAGE	02-10-2015	DG			FR	Field Review Stat Update
07-09-2008	0		100		STRIP&REROOF	12-12-2012	JM			10	Measur/LtrSnt No Respons
07-09-2008	20,325	06-16-2009	100	09-30-2008	INS VINYL SIDIN	09-08-2009	LS	02	1	50	Building Permit

LAND LINE VALUATION SECTION	Land Units	Unit Price	Size Ad	Site Cond.	ST	S.I.	Notes- Adj	Special Pricing	Adj Unit P	Land Value
0 SINGLE FAM M	SRB	18,750	SF	8.99	1.0000	1	0.90	129	1.250	TRAFFIC
Total Appraised Parcel Value										438,800

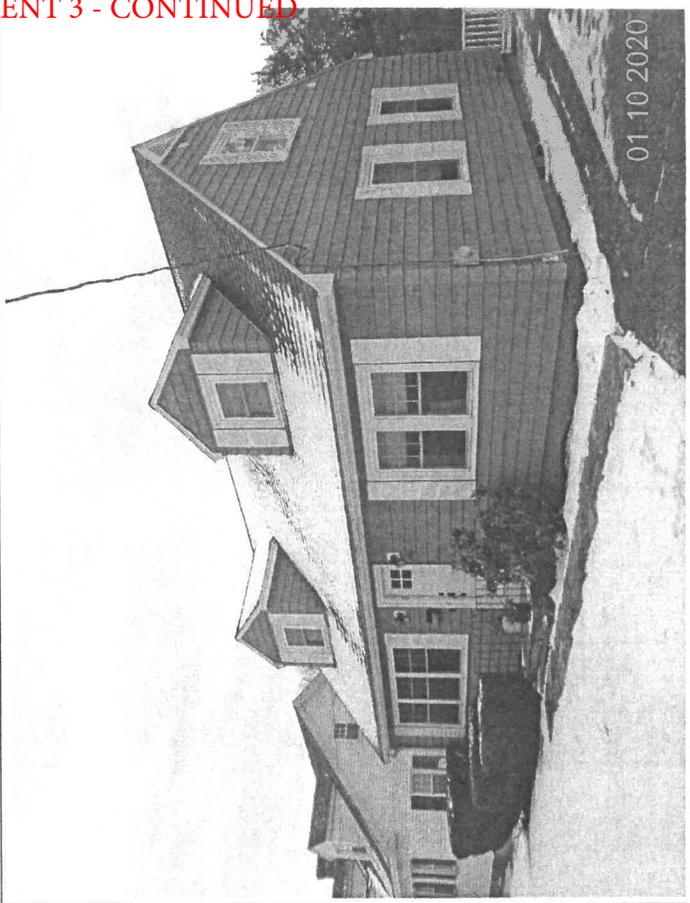
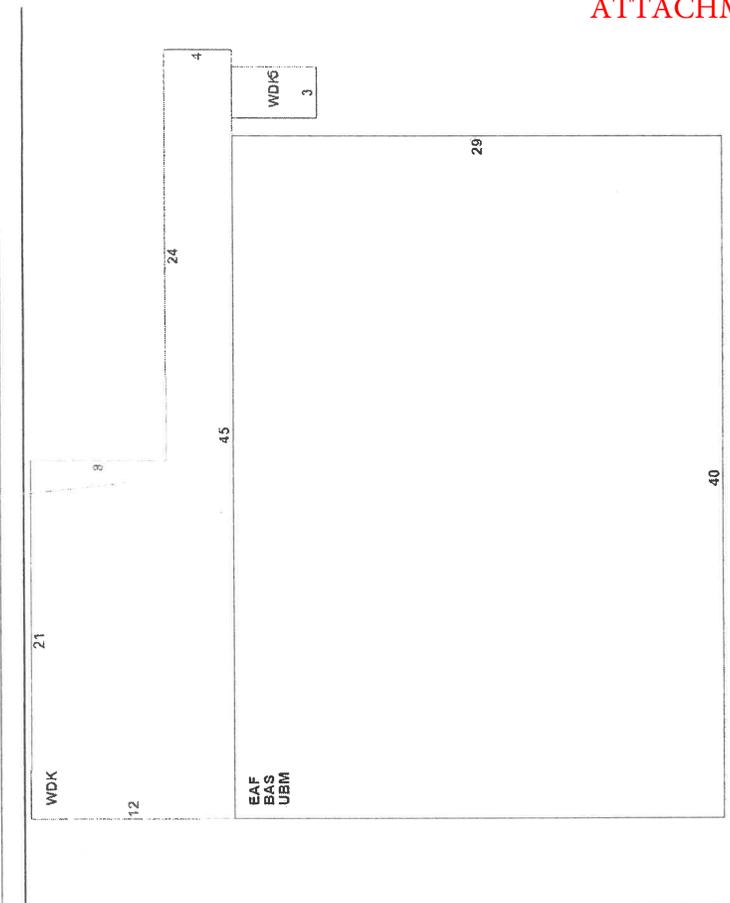
USAL, ALL INFO PER PLANS; EST



CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
04	Cape Cod		
01	Residential		
C+	C+		
1	Stories:		
1	Occupancy		
29	Exterior Wall 1		
	Exterior Wall 2		
03	Roof Structure:		
03	Roof Cover		
05	Interior Wall 1		
	Interior Wall 2		
12	Interior Fir 1		
11	Interior Fir 2		
02	Heat Fuel		
04	Hot Water		
01	AC Type:		
02	Total Bedrooms		
2	Total Bthrms:		
0	Total Half Baths		
2	Total Xtra Fixtrs		
5	Total Rooms:		
2	Bath Style:		
2	Kitchen Style:		
	Kitchen Gr		
0	WB Fireplaces		
0	Extra Openings		
1	Metal Fireplace		
0	Extra Openings		
	Bsmt Garage		

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Bilt	Cond.	Cd	% Gd	Grade	Appr. Value
FGR1	GARAGE-AVE	L	240	31.00	1970	A	50	D	0.90	3,300

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,160	1,160	1,160	149.00	172,838
EAF	Attic Expansion	406	1,160	406	52.15	60,493
UBM	Basement, Unfinished	0	1,160	232	29.80	34,568
WDK	Deck, Wood	0	363	36	14.78	5,364



01 10 2020





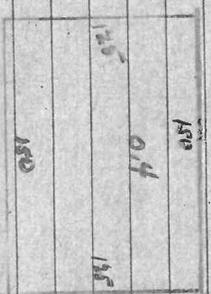




PROPERTY ASSESSMENT RECORD, — CITY OF PORTSMOUTH, N. H.

ATTACHMENT 3 CONTINUED

NAME	LOT	RECORD OF OWNERSHIP	DATE OF TRANSFER	SALE PRICE IF KNOWN	ASSESSMENT RECORD
880 Dunstable Ave.	13				LAND 100
					BLDGS.
					TOTAL
					LAND
					BLDGS.
					TOTAL
					LAND
					BLDGS.
					TOTAL
					LAND
					BLDGS.
					TOTAL
					LAND
					BLDGS.
					TOTAL
					LAND
					BLDGS.
					TOTAL
					LAND
					BLDGS.
					TOTAL



PROPERTY FACTORS

TOPOGRAPHY	LEVEL	ROLLING	LEDGE
SOIL TYPE	LOAM	SAND	CLAY
LAND CLASS	GOOD	FAIR	POOR
DRAINAGE	GOOD	FAIR	POOR
WATER SUPPLY	GOOD	FAIR	POOR
FENCES	GOOD	FAIR	NONE
ELECTRICITY	YES	NO	
TELEPHONE	YES	NO	
ROAD	PAVED	IMPR.	DIRT

CLASSIFICATION

CLASSIFICATION	NO. OF ACRES	RATE	TOTAL
TILLABLE			
PASTURE			
WOODED			
WASTE LAND			
TOTAL ACREAGE			
TOTAL VALUE LAND			
TOTAL VALUE BUILDINGS			
TOTAL VALUE LAND & BUILDINGS			

OWNERS PREVIOUS TO 1981

NAME	DATES	ASSESSMENTS
J. G. B. Bates	7-31-50	1,500

URBAN PROPERTY

LAND VALUE COMPUTATIONS AND SUMMARY

PROPERTY FACTORS	IMPROVEMENTS	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL
LEVEL	WATER	150	125	700			1000
HIGH	SEWER						
LOW	GAS						
ROLLING	ELECTRICITY						
SWAMPY	ALL UTILITIES						
	GARAGE DISPOSAL						
TREND OF DISTRICT							
PAVED	IMPROVING						1000
SEMI-IMPROVED	STATIC						4600
DIRT	DECLINING						5600
SIDEWALK							

### 880 Woodbury Ave 2021 City of Portsmouth Ariel



**Property Information**

**Property ID** 0236-0052-0000  
**Location** 880 WOODBURY AVE  
**Owner** WHITAKER DALE T

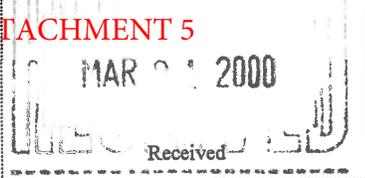


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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 3/9/2022  
Data updated 3/9/2022

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



**City of Portsmouth, NH** - 1 Junkins Ave, (603) 431-2006 x243

**Building Permit Application - RESIDENTIAL ADDITIONS**

Office Use: Cost of All Construction: \$ 3,000 Fee: \$ 50 Chk #: \_\_\_\_\_ Cash: \_\_\_\_\_  
 Zoning District: SRB HD-A Map #: R36 Lot #: 52 Index #: 3374 Building Permit #: 9775

Print in Ink or Type. Complete all blanks or indicate "N/A" if not applicable.

**PROPERTY OWNER**

Name: David & Betty Healy  
 Address: 880 Woodbury Ave  
 City: Portsmouth State: NH Zip: 03801  
 Phone: ( ) 433-5929 Fax: ( ) \_\_\_\_\_  
 Cell Phone / Pager: ( ) daytime # 659-2494x249

**PERMIT APPLICANT**

Name: Brian Park Construction  
 Address: 75 Spinnaker Way  
 City: Portsmouth State: NH Zip: 03801  
 Phone: ( ) 431-4236 Fax: ( ) \_\_\_\_\_  
 Cell Phone / Pager: ( ) \_\_\_\_\_

Address of Work: 880 Woodbury Ave. Unit #: \_\_\_\_\_  
 Brief Description of Proposed Work: Exterior Deck / remove existing porch  
 Contractor: Brian Park Construction Phone: ( ) 431-4236 Cell/Pager: ( ) \_\_\_\_\_  
 Contractor Address: 75 Spinnaker Way, Portsmouth, NH 03801

**Existing Conditions (Land Use Data)**

Lot Area: 18750 S.F. ; Existing Use of Land and Building(s): single family home  
 # of Existing Dwellings: 1 ; # of Existing Off Street Parking Spaces Provided on the Lot: 1/9  
 (Not applicable to single family uses.)  
 Dimensions of Existing Building(s) & Structure(s) on this Lot

	Size *	S.F. of Footprint	#. of Stories	Ht. of Struct.	Basement (Y/N)
Main Building:	<u>29 x 39</u>	<u>1131.0</u>	<u>1 1/2</u>	_____	<u>Y</u>
Attached Garage:	_____ x _____	_____	_____	_____	_____
Addition #1:	_____ x _____	_____	_____	_____	_____
Addition #2:	_____ x _____	_____	_____	_____	_____
Porch:	_____ x _____	<u>114.0</u>	<u>1</u>	_____	<u>N</u>
Deck:	_____ x _____	_____	_____	_____	_____
Detached Garage:	<u>12 x 20</u>	<u>240</u>	<u>1</u>	_____	<u>N</u>
Shed:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
TOTAL SQUARE FOOTAGE:		SUM = <u>1485</u>			

\* If structures are irregular in size, write "irregular" and fill the foundation square foot area under "SF of footprint".

Existing Building Setback Dimensions (Indicate the least setback dimension for each.)  
 Front Setback: 26 Ft. ; Rear Setback: 59 Ft. ; Left Side Setback: 30 Ft. ; Right Side Setback: 109 Ft.  
 Closest to nearest Wetlands (If applicable): \_\_\_\_\_ Ft.  Inland Wetland  Coastal Wetland  
 All above information shall be shown on a site plan submitted with this application.

**Proposed Conditions (Land Use Data)**

# of Newly Created Dwelling Units \_\_\_\_\_ ; S.F. of ea. New Unit(s) \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_ ; \_\_\_\_\_  
(Net Living Area, per New Unit)  
 Sum of all New Unit's S.F. \_\_\_\_\_ ; Number of New Off Street Parking Spaces Provided on the Lot \_\_\_\_\_  
(Sum of the Individual Units Listed Above) (Not applicable to single family uses.)

**Dimensions of New Additions on this Lot**

	Size *	S.F.. of Footprint	#. of Stories	Ht. of Struct.	Basement (Y/N)
Addition #1:	_____ x _____	_____	_____	_____	_____
Addition #2:	_____ x _____	_____	_____	_____	_____
Addition #3:	_____ x _____	_____	_____	_____	_____
Attached Garage:	_____ x _____	_____	_____	_____	_____
Porch: Catwalk	4 x 13	52	1	_____	N
Deck:	12 x 20	240	1	_____	N
Detached Garage:	_____ x _____	_____	_____	_____	_____
Shed: STAIRS	4 x 6	24	_____	_____	N
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
Other:	_____ x _____	_____	_____	_____	_____
TOTAL SQUARE FOOTAGE:		SUM = 316			

\* If structures are irregular in size, write "irregular" and fill the foundation square foot area under "SF of footprint".

**Proposed Building Setback Dimensions** (Indicate the least setback dimension for each.)

Front Setback: 26 Ft. ; Rear Setback: 45 Ft. ; Left Side Setback: 18 Ft. ; Right Side Setback: 99 Ft.  
 Closest Dimension to Nearest Wetlands (If applicable): \_\_\_\_\_ Ft.     Inland Wetland     Coastal Wetland

*All above information shall be shown on a site plan submitted with this application.*

**Construction Information**

Every addition is different in terms of layout and framing details. Therefore, it is imperative that a set of construction plans or sketches be submitted with this application. The plans/sketches must show a dimensioned layout of all new rooms and spaces, in enough detail to determine building code compliance with the proposed construction. In a few cases, it may be necessary to show the existing room layout. The following is a list of specific items to be included with the plans/sketches and specifications:

*Some of this information may not be needed, depending on the type of addition/construction being proposed.*

- Foundation plan including anchor bolt/strap information.
- Floor plan of each story. (Show attic access location.)
- Framing plan of each story including sizes & spacing of joists and beams.
- Roof framing plan including sizes & spacing of rafters and roofing materials.
- If cathedral ceiling design, provide supported ridge details.
- Framing cross sections where applicable.
- Wall sections, showing all wall materials, including header sizes.
- Bedroom window sizes and if "tilt-clean" style.
- Insulation amounts on all exterior walls and ceilings (Including basement).
- All interior and exterior stair details showing tread depth, riser height, and guard protection.
- Stair handrail and deck guardrail details.
- Location of hard wired smoke detectors.

**Construction Information-Continued**

*Indicate information on the various additional trades or features listed below:*

Sewerage System: City Sewer?  Y / N      Subsurface? Y / N      State Septic Permit Number \_\_\_\_\_

City Water?  Y / N      State Well Permit Number: \_\_\_\_\_

Plumbing Contractor: (Separate Permit Required) NO

Mechanical Contractor: (Separate Permit Required) NO

Electrical Contractor: (Separate Permit Required) NO

Fire Sprinkler System?: Y / N (Separate Permit Required) Contractor \_\_\_\_\_

Other comments or features: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

✓ Plans Submitted: Site  Floor \_\_\_\_\_ Framing  Electrical \_\_\_\_\_ Plumbing \_\_\_\_\_ Mechanical \_\_\_\_\_ Rolled \_\_\_\_\_

Other \_\_\_\_\_

Cost of All Construction / Renovation: \$ 3,000.00

I certify that the information given is true and correct to the best of my knowledge. *No change from the above information will be made without approval of the Building Inspector.* Construction activities shall not commence until the Building Permit is issued.

I realize that when all necessary approvals have been acquired, a Building Permit may be granted by the Building Inspector to allow construction in conformance with this application and the plans/specifications submitted in support of said construction only.

I further acknowledge that the proposed structure shall not be occupied or otherwise utilized without the issuance of a Building Certificate of Occupancy and only after all necessary inspections have been requested and completed.

Ward C. Healy      3/24/00      \_\_\_\_\_

Signature of Applicant      Date      If Not Owner, State Relationship

**Staff Review**

Application requires approvals in the following areas:

Category	Article/Section	Category	Article/Section
Use of Property	_____	Parking	_____
Use of Building	_____	Loading	_____
# Dwelling Units	_____	Historic District	_____
Yards	_____	Wetlands Buffer	_____
Coverage	_____	Wetlands District	_____
Open Space	_____	_____	_____
Lot Area	_____	_____	_____

Existing Coverage: 8%      New Coverage: 8.9%      Max. Allowed Coverage: 20%  
 Existing Open Space: \_\_\_\_\_      New Open Space: \_\_\_\_\_      Min. Open Space Required: \_\_\_\_\_  
 Existing Parking: \_\_\_\_\_      New Parking: \_\_\_\_\_      Required Parking: \_\_\_\_\_

Board of Adjustment:    Yes \_\_\_    No \_\_\_    Date Approved \_\_\_\_\_    Stipulations: \_\_\_\_\_

Historic District Commission:    Yes \_\_\_    No \_\_\_    Date Approved \_\_\_\_\_    Stipulations: \_\_\_\_\_

Conditional Use Permit:    Yes \_\_\_    No \_\_\_    Date Approved \_\_\_\_\_    Stipulations: \_\_\_\_\_

Site Review:    Yes \_\_\_    No \_\_\_    Date Approved \_\_\_\_\_    Stipulations: \_\_\_\_\_  
 \_\_\_\_\_    Site Review Agreement and Bond \_\_\_\_\_

Building Code Board of Appeals    Yes \_\_\_    Date Approved \_\_\_\_\_    Stipulations: \_\_\_\_\_

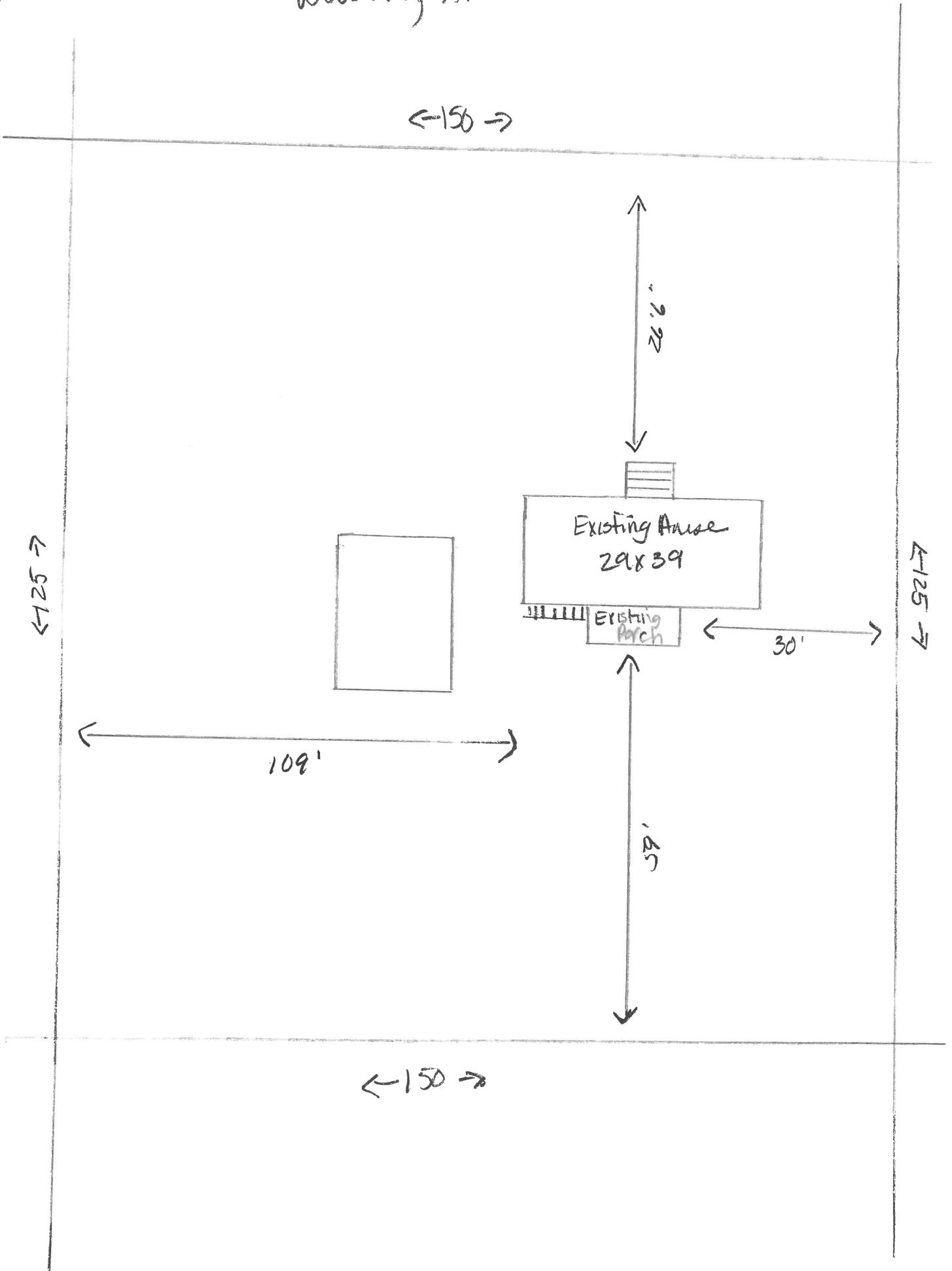
**Building Area Calcs. For Permit Fee:**  
 Basement: \_\_\_\_\_ + Attic: \_\_\_\_\_ + Garage: \_\_\_\_\_ @ \_\_\_\_\_ = \$ \_\_\_\_\_  
 1<sup>st</sup> Flr: \_\_\_\_\_ + 2<sup>nd</sup> Flr: \_\_\_\_\_ + 3<sup>rd</sup> Flr: \_\_\_\_\_ @ \_\_\_\_\_ = \$ \_\_\_\_\_  
 Porch 1: \_\_\_\_\_ + Porch 2: \_\_\_\_\_ + Deck 1 52 + Deck 2 240 @ \_\_\_\_\_ = \$ \_\_\_\_\_  
 Other Areas: 24 + \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ @ 0.15 = \$ 47  
STAIRS      TOTAL PERMIT FEE = \$ 50

Planning Department    Initials hET OMA    Date Denied \_\_\_\_\_    Date Approved 24 Mar 00  
 Comments All dimensional requirements shall be met.

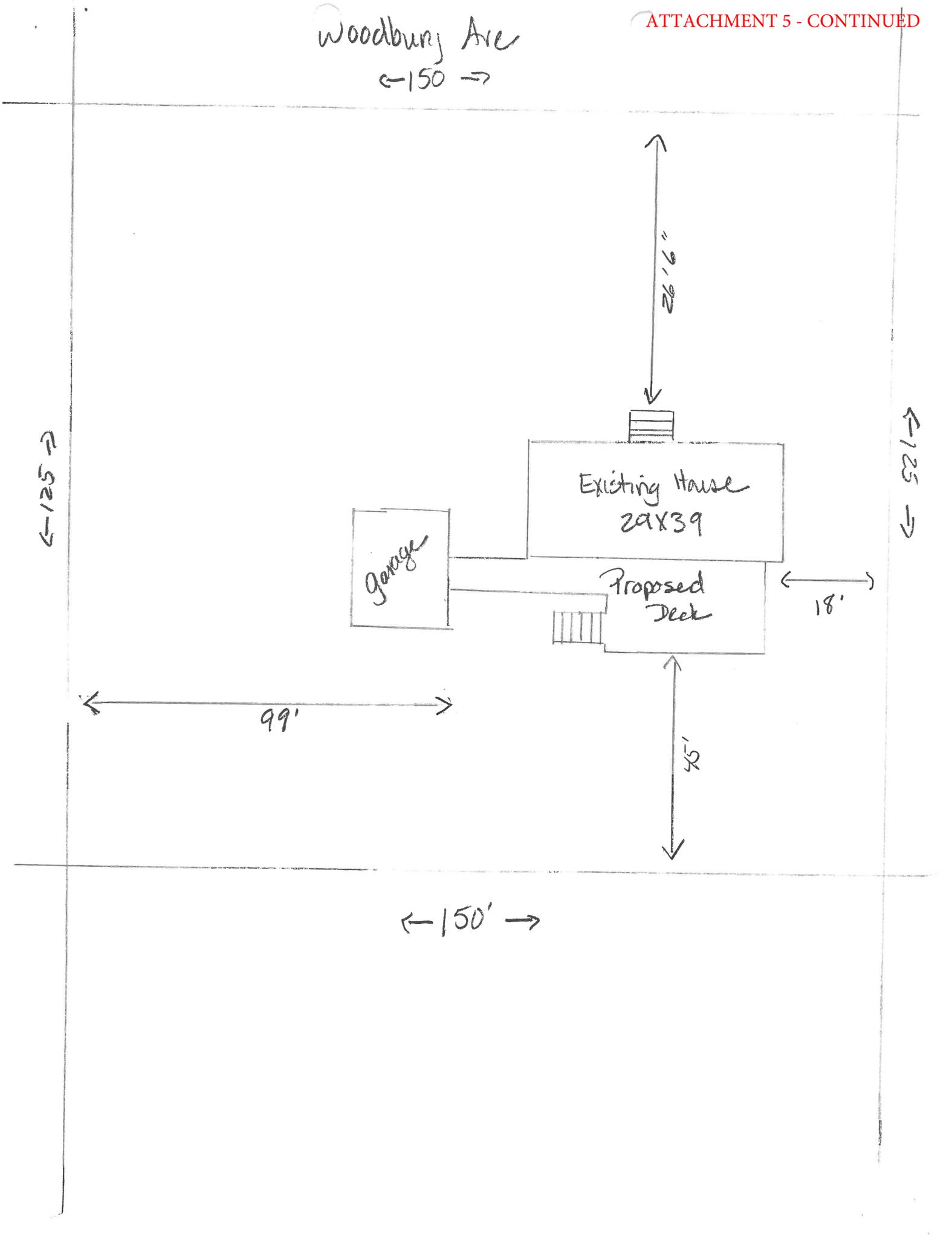
Building Inspector Comments: \_\_\_\_\_

*All conditions and requirements having been met, and there being no known outstanding violations to local codes or ordinances, I hereby approve the issuance of this Building Permit.*  
RA Hopley      Building Inspector      27 Mar 00      Date Approved for Permit

Woodbury Ave



Woodbury Ave  
← 150' →

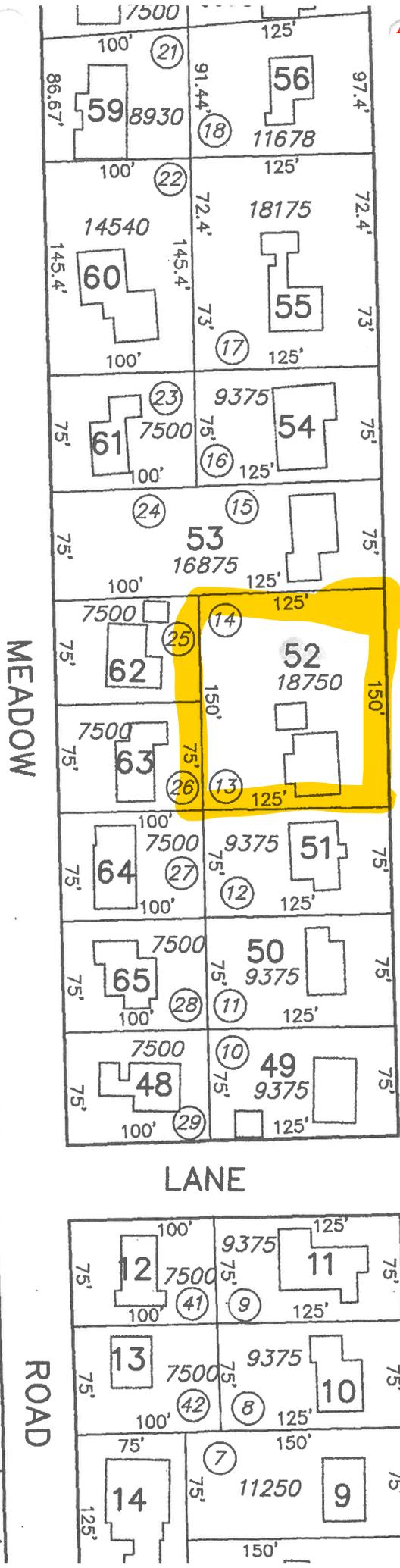
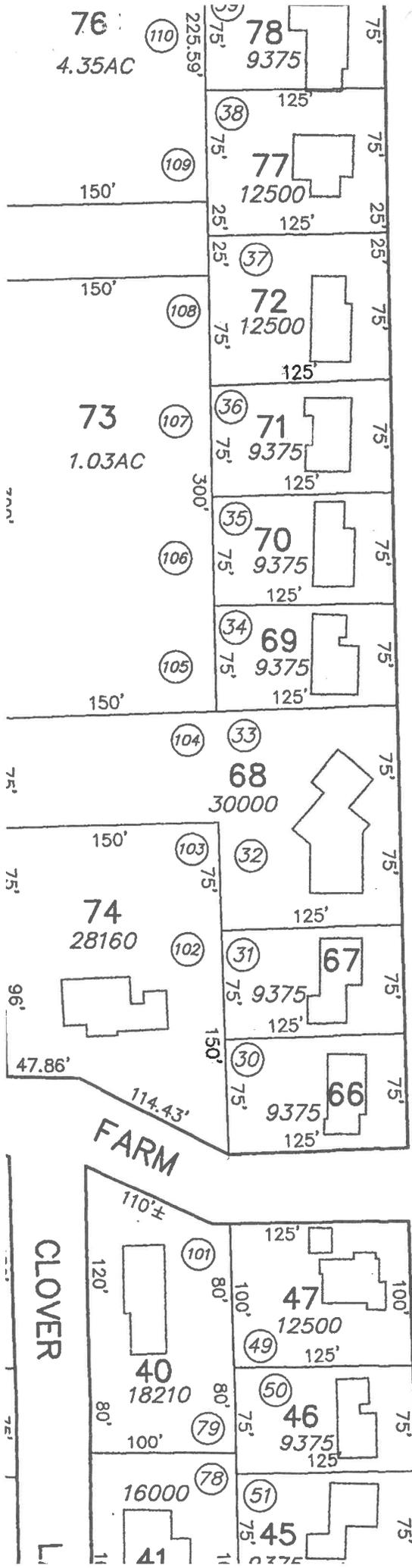
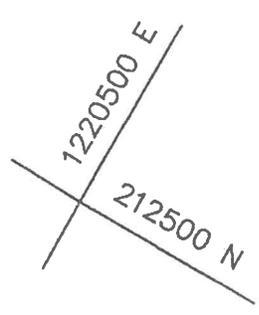


← 150' →

R36  
lot 52



R-19



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# 19020204 06/07/2019 09:14:16 AM  
Book 6006 Page 496 Page 1 of 2  
Register of Deeds, Rockingham County



LCHIP	ROA449489	25.00
TRANSFER TAX	RO088452	7,275.00
RECORDING		14.00
SURCHARGE		2.00



Return to:   
Dale T. Whitaker and Erin J. Whitaker  
880 Woodbury Avenue  
Portsmouth, NH 03801

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Elizabeth J. Healy**, Single, of 880 Woodbury Avenue, Portsmouth, NH 03801, for consideration paid grant(s) to **Dale T. Whitaker, Jr. and Erin J. Whitaker**, A Married Couple, of 46 Dennett Street, Portsmouth, NH 03801, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain piece or parcel of land with the buildings thereon, situate on the westerly side of Woodbury Avenue, in the City of Portsmouth, County of Rockingham, State of New Hampshire, and being bounded and described as follows:

Beginning at a stake in the wall on Woodbury Avenue 495.4 feet southeasterly from the southeasterly corner of land now or formerly of Fred H. Poore and running southeasterly on Woodbury Avenue 150 feet, to land now or formerly of William A. and Elizabeth M. Kelly; thence turning and running at right angle southwesterly by said last named land 125 feet to land now or formerly of Catherine H. Badger; thence turning and running at right angles by said last named land northwesterly and parallel to said first named bound 150 feet; thence turning and running at right angles by said land now or formerly of Catherine H. Badger northeasterly and parallel to the second named bound 125 feet to Woodbury Avenue and the point begun at.

Meaning and intending to describe and convey the same premises conveyed to Elizabeth J. Healy and David C. Healy by virtue of a Deed from John F. Malsbenden and Paul V. Malsbenden, dated October 18, 1999 and recorded in the Rockingham County Registry of Deeds in Book 3434, Page 1942. David C. Healy passed away on March 26, 2010, leaving Elizabeth J. Healy as surviving joint tenant. For further reference see death certificate recorded in the Rockingham County Registry of Deeds in Book 5302, Page 1583.

The grantor hereby releases all rights of homestead in the above described premises.

Executed this 6th day of June, 2019.

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*Elizabeth J. Healy, by Kathleen Malsbenden,  
Attorney in Fact*

Elizabeth J. Healy, by Kathleen Malsbenden,  
Attorney in Fact

\*For Signatory Authority, see Power of Attorney  
recorded herewith.

State of New Hampshire  
County of Rockingham

June 6, 2019

Then personally appeared before me on this 6th day of June, 2019, the said Elizabeth J. Healy,  
by Kathleen Malsbenden, Attorney in Fact and acknowledged the foregoing to be her voluntary  
act and deed.



*Kristen Lynne Peterson*  
Notary Public/Justice of the Peace  
Commission expiration: