

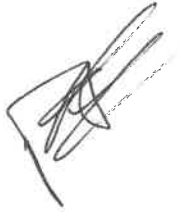

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: OCTOBER 1, 2021

TO: PETER BRITZ, INTERIM PLANNING DIRECTOR

FROM: SUZANNE M. WOODLAND, ACTING DEPUTY CITY MANAGER
ROBERT P. SULLIVAN, CITY ATTORNEY

RE: BORTHWICK FOREST EASEMENTS



At its meeting of September 20, 2021, the City Council had for consideration and action four easements relative to the Approved Site Plan for Borthwick Forest. As you may recall, these easements will secure municipal rights to both new and existing public water lines as well as to public bicycle and pedestrian path infrastructure.

The City Council is requesting the Planning Board provide an updated recommendation relative to the four easements. Due to the substantial time that has passed from the date of initial site plan approval to the requested action of the City Council to accept easements, the Legal Department recommends that this referral for recommendation be noticed as a public hearing. As you know, the Legal Department is working with the Planning Department to avoid similar lags in time between approval and finalization of easements so this can be avoided in future.

For the Planning Board's convenience, the history of approvals is as follows:

Original Site Plan Approval : May 18, 2017

Administrative Approvals granted: September 7, 2017; November 9, 2017; February 20, 2018; and March 14, 2019

Planning Board Approval of an Amended Site Plan for the conversion of a ground level parking garage to office and associate parking with stormwater improvements: June 20, 2019.

Attached for convenience are the previously approved plan pages showing the easements to be conveyed to the City as well as documentation of prior approvals for convenience.

- NOTES:
1. REFERENCE: TAX MAP 234, LOT 7-4A
TAX MAP 240, LOT 2-2102
TAX MAP 241, LOTS 25
2. PARCEL AREAS:
LOT 7-4A: 8,095 AC.
LOT 2-2102: 4,978 AC.
LOT 25: 41,035 AC.
3. OWNER OF RECORD:
TAX MAP 241, LOT 25 (R.C.D. BOOK 4754, PAGE 626)
BORTHWICK FOREST, LLC
210 COMMERCIAL STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 4754, PAGE 626
- TAX MAP 234, LOT 7-4A (R.C.D. BOOK 4400, PAGE 2048)
TAX MAP 240, LOT 2-2102 (R.C.D. BOOK 5694, PAGE 310)
HCA REALTY, INC.
C/O DUCHANE, MCMILLAN & ASSOC.
PO BOX 60010
INDIANAPOLIS, IN 46260

4. ZONE: OR (OFFICE RESEARCH) LOTS 7-4A, 2-2202 & 25
- DIMENSIONAL REQUIREMENTS:
- MIN. LOT AREA 15,000 SQ. FT.
MIN. FRONTAGE 100 FT.
MIN. FRONT SETBACK 30 FT.
MIN. SIDE SETBACK 10 FT.
MIN. REAR SETBACK 30 FT.
MAX. BUILDING HEIGHT 35 FT.
MAX. BUILDING COVERAGE 20%
- WETLAND BUFFER: 100 FT.

5. FIELD SURVEY PERFORMED BY DOUCET SURVEY, INC. BETWEEN 2003 AND 2013. TRAVERSE ADJUSTMENTS BASED ON LEAST SQUARES ANALYSIS. AERIAL PHOTOGRAPHY PROVIDED BY EASTERN TOPOGRAPHICS.
6. JURISDICTIONAL WETLANDS DELINEATED BY GOWE ENVIRONMENTAL SERVICES, INC. DURING APRIL 2013 AND AMENDED IN NOVEMBER 2013. WETLANDS DELINEATED IN ACCORDANCE WITH 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT 1-87-1.
7. FLOOD HAZARD ZONE "X", PER FIRM MAP #3031392260, DATED 5/17/05.
8. HORIZONTAL DATUM BASED ON NH STATE PLANE COORDINATE SYSTEM 1800 AS ESTABLISHED BY VERMA & ASSOCIATES IN MAY 2003.
9. VERTICAL DATUM IS BASED ON NAVD 29 PER NADOT DISK R-50 (379-0150) ELEV.=33.24'.
10. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH AND IN RELATION TO THE CURRENT LEGAL DESCRIPTION, AND IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
11. DUE TO THE COMPLEXITY OF RESEARCHING ROAD RECORDS AS A RESULT OF INCOMPLETE, UNORGANIZED, INCONCLUSIVE, OBSOLETE, OR LOST DOCUMENTS, THERE IS AN INHERENT UNCERTAINTY INVOLVED WHEN ATTEMPTING TO DETERMINE THE LOCATION AND WIDTH OF A ROADWAY RIGHT OF WAY. THE EXTENT OF ISLINGTON STREET & BORTHWICK AVENUE AS DEPICTED HEREON IS BASED ON RESEARCH CONDUCTED AT THE PORTSMOUTH CITY CLERKS OFFICE AND ROCKINGHAM COUNTY REGISTER OF DEEDS.
12. FINAL MONUMENTATION MAY BE DIFFERENT THAN THE PROPOSED MONUMENTATION SHOWN HEREON, DUE TO THE FACT THAT SITE CONDITIONS WILL DICTATE THE ACTUAL LOCATION AND TYPE OF MONUMENTS INSTALLED IN THE FIELD. PLEASE REFER TO THE "MONUMENTATION LOCATION PLAN" TO BE RECORDED OR CONTACT DOUCET SURVEY, INC. FOR CLARIFICATION OF MONUMENTS SET. (A RECORDED PLAN WILL BE PRODUCED AT THE DISCRETION OF DOUCET SURVEY, INC.)
13. AERIAL PHOTOGRAPHY WAS CONDUCTED BY EASTERN TOPOGRAPHICS FROM IMAGES TAKEN DURING 04/2003 WITH A PHOTO SCALE OF 1:3000. CONTOURS AND OBJECTS SHOWN WITHIN OBSCURED AREAS ARE APPROXIMATE AND SHOULD BE VERIFIED BEFORE USE FOR DESIGN OR CONSTRUCTION PURPOSES.

14. THE PARCELS ARE SUBJECT TO, AND/OR IN BENEFIT OF THE FOLLOWING EASEMENTS, RESTRICTIONS, ETC.
- A) INTENTIONALLY DELETED.
- B) IN BENEFIT OF AN EASEMENT GRANTED TO ISLINGTON WOODS, LLC BY BOSTON AND MAINE CORPORATION, BOOK 4817, PAGE 2813.
- C) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY OF PORTSMOUTH, SEE R.C.D. BOOK 583, PAGE 31.
- D) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY OF PORTSMOUTH, SEE R.C.D. BOOK 1409, PAGE 31.
- E) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.D. BOOK 2400, PAGE 923.
- F) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.D. BOOK 2400, PAGE 923.
- G) SUBJECT TO A WATER LINE EASEMENT GRANTED BY SPINNEY TO JONES, SEE R.C.D. BOOK 2400, PAGE 923.
- H) SUBJECT TO THE RIGHTS OF THE CITY OF PORTSMOUTH TO CONSTRUCT & MAINTAIN A SEWER LINE, AS MENTIONED BY REFERENCE IN R.C.D. BOOK 1361, PAGE 235. NO EASEMENT DOCUMENT FOUND.
- I) SUBJECT TO A WATER LINE EASEMENT GRANTED BY ALLEN ORENDON TO THE CITY OF PORTSMOUTH, SEE R.C.D. BOOK 541, PAGE 254.
- J) SUBJECT TO A SEWER EASEMENT GRANTED BY COMLEY TO THE CITY OF PORTSMOUTH, SEE R.C.D. BOOK 984, PAGE 379.
- K) SUBJECT TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE, SEE R.C.D. BOOK 1158, PAGE 36.
- L) SUBJECT TO THE RIGHT GRANTED IN A DEED FROM COMLEY ET AL TO BEACON CONSTRUCTION CO., INC., SEE R.C.D. BOOK 1284, PAGE 3.
- M) SUBJECT TO ELECTRIC EASEMENT GRANTED BY COMLEY ET AL TO NH ELECTRIC CO., SEE R.C.D. BOOK 1155, PAGE 296.
- N) SUBJECT TO RESTRICTIONS OUTLINED IN A DEED FROM GARLAND ET AL TO PORTSMOUTH PARK TRUST, SEE R.C.D. BOOK 2521, PAGE 899.
- O) SUBJECT TO RESTRICTIONS OUTLINED IN A DEED FROM GARLAND ET AL TO PORTSMOUTH PARK TRUST, SEE R.C.D. BOOK 2556, PAGE 1784.
- P) SUBJECT TO RESTRICTIONS OUTLINED IN A DEED FROM GARLAND ET AL TO PORTSMOUTH PARK TRUST, SEE R.C.D. BOOK 2556, PAGE 1784.
- Q) SUBJECT TO A WATER RIGHTS GRANTED BY SHERBURNE TO THE PROPRIETORS OF THE PORTSMOUTH AQUEDUCT, SEE R.C.D. BOOK 488, PAGE 431.
- R) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.D. BOOK 2400, PAGE 923.
- S) IN BENEFIT OF A R.O.W. RESERVED IN A DEED FROM COMLEY TO WALTON, SEE R.C.D. BOOK 1559, PAGE 190.
- T) IN BENEFIT OF A R.O.W. RESERVED IN A DEED FROM SARGENT TO DEVILATION CORP., SEE R.C.D. BOOK 1563, PAGE 269.
- U) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY OF PORTSMOUTH, SEE R.C.D. BOOK 583, PAGE 31.
- V) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.D. BOOK 2400, PAGE 923.
- W) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.D. BOOK 2400, PAGE 923.
- X) IN BENEFIT OF A 12' R.O.W. TO ISLINGTON STREET, SEE R.C.D. BOOK 455, PAGE 449.
- Y) SUBJECT TO AND/OR IN BENEFIT OF ANY PERTINENT EASEMENTS, RESTRICTIONS, ETC. THAT IMPACT TAX MAP 240, LOT 25.
- Z) SUBJECT TO AN ACCESS EASEMENT, SEE R.C.D. BOOK 2375, PAGE 808.
- AA) SUBJECT TO A SEWER EASEMENT, SEE R.C.D. BOOK 984, PAGE 379.
- AB) SUBJECT TO A GAS LINE EASEMENT, SEE R.C.D. BOOK 4392, PAGE 110.
- AC) SUBJECT TO A 10' WIDE BUFFER, SEE R.C.D. BOOK 4839, PAGE 2133.

- ADDITIONAL ADJUTERS:
- TAX MAP 233, LOT 111
RICHARD & MARY C. RASH, REV. TRUST 2007
RICHARD & MARY C. RASH, TRUSTEES
1507 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 4753, PAGE 1380
- TAX MAP 233, LOT 110
MARGARET ANN KRISTENSEN
1527 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 3187, PAGE 1517
- TAX MAP 233, LOT 109
DANNIS A. & CHERIE A. MINARD
1500 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 3187, PAGE 1517
- TAX MAP 233, LOT 108
PAUL M. & LAURA L. MANLEY
1440 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 2857, PAGE 1263
- TAX MAP 233, LOT 107
ZAKARY REIDSON
1474 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 3508, PAGE 2951
- TAX MAP 233, LOT 106
ATWOOD BAMBULE
1462 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 5989, PAGE 908
- TAX MAP 233, PAGE 106
JAMES R. & LINDSEY RICHARD
1438 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 5362, PAGE 1684
- TAX MAP 233, LOT 110
STEPHEN J. CAMARDA
7 DEBRA ROAD
KITTERY, ME 02904
- TAX MAP 233, LOT 114
KS ROTHWICK LLC
210 COMMERCIAL WAY, SUITE 300
PORTSMOUTH, NH 03801
R.C.D. BOOK 515, PAGE 568
- TAX MAP 233, LOT 116
REFERENCE: J. RADGON II
1393 ISLINGTON STREET #2
PORTSMOUTH, NH 03801
R.C.D. BOOK 5565, PAGE 2739
- TAX MAP 233, LOT 117
JASON BULLMAN
1393 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 5254, PAGE 331
- TAX MAP 233, LOT 118
KEVIN D. & LIZIE E. CONLEY
1445 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.D. BOOK 5622, PAGE 1783
- TAX MAP 233, LOT 119
CHRISTOPHER H. CARRETT REV. TRUST 2007
CHRISTOPHER H. CARRETT, TRUSTEES
11 BARRERY LANE
PORTSMOUTH, NH 03801
R.C.D. BOOK 4862, PAGE 1609

- REFERENCE PLANS:
1. "PLAN OF LAND BARRERY LANE PORTSMOUTH, NH FOR NORTHERN UTILITIES, INC." BY DUNN-SCHIEDL ASSOCIATES, DATED 2/21/89, R.C.D. PLAN #10079.
2. "ATA/ACSM LAND TITLE SURVEY FOR NORTH AND DEVELOPMENT, BORTHWICK AVENUE, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH," BY MILLETTE, SPRAGUE & COLLETT, INC., DATED 8/9/97.
3. "GAS LINE AS-BUILT EASEMENT PLAN AND CONSERVATION EASEMENT PLAN," BY KIMBALL CHASE COMPANY, INC. DATED 10/31/89, R.C.D. PLAN #10530.
4. "LAND IN PORTSMOUTH, NH BOSTON AND MAINE CORPORATION TO LANDERS AND GRIFIN, INC." J.D. BATHCHELIER ENGINEER OF DESIGN, DATED 2/6/84, R.C.D. PLAN #843.
5. "SUBDIVISION OF LAND LOCATED IN PORTSMOUTH, NH FOR BORTHWICK CORPORATION OF AMERICA," BY KIMBALL CHASE COMPANY, INC. DATED 2/28/84.
6. "SUBDIVISION PLAN OF LAND FOR PORTSMOUTH PARK TRUST BORTHWICK AVE. EXT.," BY COMLEY CO. COUNTY OF ROCKINGHAM, PORTSMOUTH, NH, BY RICHARD P. MILLETTE AND ASSOCIATES, DATED 3/27/85, R.C.D. PLAN #13747.
7. "PLAN OF PROPERTY AND IMPROVEMENTS, PORTSMOUTH HOSPITAL OFFICE BUILDING, A CONDOMINIUM PORTSMOUTH, NH," BY CESP, INC. DATED 12/2/86, R.C.D. PLAN #10531.
8. "RIGHT-OF-WAY AND TRACK MAP, CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 334+0 TO STATION 358+0, 128'2" BY VALUATION ENGINEERS, DATED 6/5/74.
9. "RIGHT-OF-WAY AND TRACK MAP, CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 358+0 TO STATION 138+60, 128'2" BY VALUATION ENGINEERS, DATED 6/5/74.
10. "RIGHT-OF-WAY AND TRACK MAP, CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 2628+05 TO STATION 2966+20, V3 NH/54" BY VALUATION ENGINEERS, DATED 6/5/74.
11. "LOT LINE RELOCATION PLAN FOR J. HARRISON HOLMAN OFF ISLINGTON ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." DATED MARCH 6, 1980 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.D. PLAN #10356.
12. "PLAN OF LAND CURT GOWDY BROADCASTING CORPORATION PORTSMOUTH, N.H." DATED FEBRUARY 25, 1977 BY THOMAS F. MORAN, INC. R.C.D. PLAN #10072.
13. "CITY OF PORTSMOUTH DEFENSE HOMES LOCATION PLAN" REVISED JUNE 17, 1941 BY JOHN W. DUNN, R.C.D. PLAN #10108.
14. "PLAN NO. 220 SHOWING PORTION OF PROPERTY OF THE HEIRS OF CORNELIUS COMLEY TO BE CONVEYED TO BEACON CONSTRUCTION COMPANY" DATED APRIL 28, 1953 BY MORTON ENGINEERING CO.
15. "SUBDIVISION OF LAND LOCATED IN PORTSMOUTH, N.H." DATED MARCH 6, 1984 BY KIMBALL CHASE COMPANY, INC. R.C.D. PLAN #10530.
16. "LOT LINE RELOCATION PLAN FOR PORTSMOUTH PARK TRUST AND HOSPITAL CORPORATION OF AMERICA BORTHWICK AVE. EXTENSION COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." DATED JUNE 14, 1985 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.D. PLAN #15924.
17. "SUBDIVISION OF LAND PORTSMOUTH, N.H. FOR J. HARRISON HOLMAN DATED MAY 1982 BY JOHN W. DUNN ASSOCIATES, INC. R.C.D. PLAN #104843.
18. "LOT LINE REVISION FOR RUTH M. GATTS & FREDERICK C. & JACQUELINE O. MURRAY TRUSTS ISLINGTON STREET PORTSMOUTH, N.H." DATED JANUARY 17, 2002 BY E.J. COTE & ASSOCIATES INC. R.C.D. PLAN #109645.
19. "PERSHING TERRACE PORTSMOUTH, N.H. BELMONT REALTY CO. PROVIDENCE, R.I." DATED JULY 1918 BY WM. A. BROOKER CIVIL ENGINEER, R.C.D. PLAN #10072.
20. "PLAN OF RIGHT OF WAY ROBERT W. MESSERVE ET AL. TRUSTEES OF THE PROPERTY OF BOSTON & MAINE CORPORATION TO J. HARRISON HOLMAN OFF ISLINGTON ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." DATED DECEMBER 1980 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.D. PLAN #104056.
21. "BASE PLAN OF LOT 7-4A BORTHWICK AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." DATED NOVEMBER 8, 2002 BY MILLETTE, SPRAGUE & COLLETT, INC.
22. "STREET REVISION AND LOT LINE RELOCATION PLAN MAP 233-LOTS 141, 143, 144, 145 & 147 FOR DENNIS COMLEY, DONNA & WILLIAM CLADWILL, JOSEPH ARNSTEIN AND THE CITY OF PORTSMOUTH FISH AVENUE, BARRERY LANE & HAD AVENUE PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM DATED JUNE 2001 BY AMBIT ENGINEERING, INC. R.C.D. PLAN #102809.
23. "LOT LINE REVISION PLAN TAX MAP R-34 LOTS 6 & 7-8 LOCATED ON BORTHWICK AVE. COMLEY ROAD AND U.S. ROUTE 1 BYPASS IN PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM" DATED OCTOBER 20, 1993 BY KIMBALL CHASE, R.C.D. PLAN #102668.
24. "LOT LINE REVISION PERSHING TERRACE BARRERY LANE & FISH AVENUE PORTSMOUTH, NEW HAMPSHIRE FOR DENNIS M. COMLEY DATED SEPTEMBER 25, 1992 BY DUNN, VERRA & ASSOCIATES, INC. R.C.D. PLAN #102042.
25. "WATER PIPE EASEMENT PORTSMOUTH, N.H. BOSTON & MAINE RAILROAD-10+ ELDERIDGE BREWING COMPANY, INC." DATED JUNE 1937 BY A. CUMMINS, R.C.D. PLAN #0888.
26. "PLAN OF LOT ISLINGTON ST., PORTSMOUTH, NH FOR EDWIN BOWDITCH" DATED MARCH 1953 BY JOHN W. DUNN, R.C.D. PLAN #104843.
27. "PLAN OF PORTSMOUTH NATIONAL RECOVERY MUNICIPAL PROTECT NO. 152" DATED 1933, ON FILE AT "HISTORIC DISTRICT V."
28. "EASEMENT PLAN FOR ISLINGTON WOODS, LLC AND BOSTON & MAINE CORPORATION" BY DOUCET SURVEY, INC., DATED OCTOBER 20, 2008, R.C.D. PLAN #103500.
29. "LOT CONSOLIDATION AND RESUBDIVISION PLAN, LAND OF BORTHWICK FOREST, LLC AND SHOWING LAND OF HCA REALTY, INC.", BY DOUCET SURVEY, INC., DATED MARCH 16, 2017, R.C.D. PLAN D-42049.

LEGEND

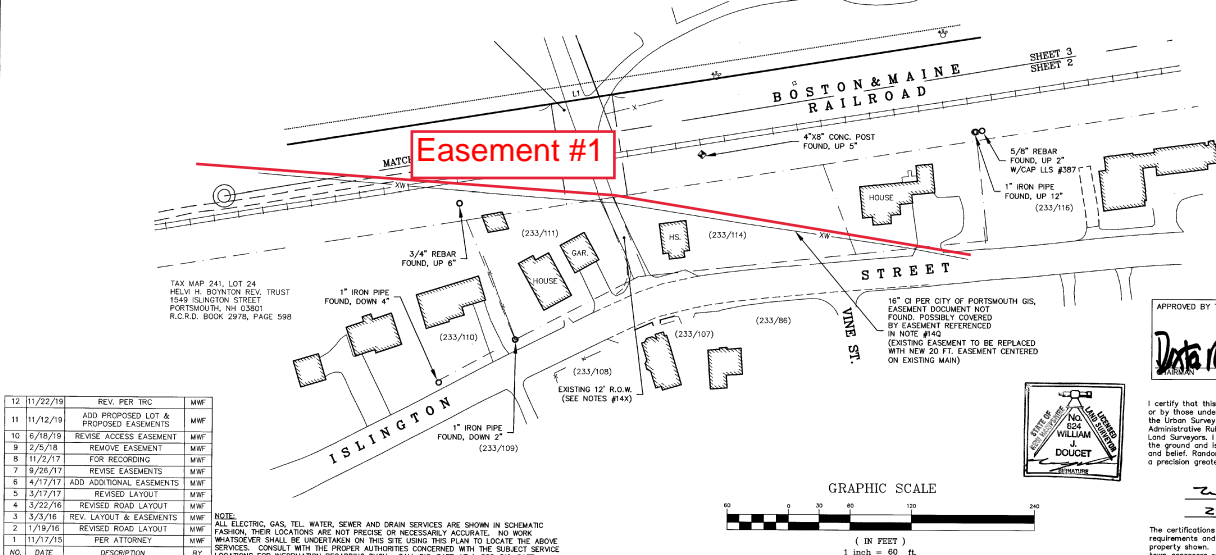
WATER SHUTOUT VALVE
GRANITE FOUND FOUND
DRILL HOLE FOUND
IRON PIPE/POD FOUND/SET AS NOTED
5/8" RE-BAR W/ ID CAP SET (UNLESS OTHERWISE NOTED)
BARRIED WIRE FOUND ON GROUND
SEWER MANHOLE
JURISDICTIONAL WETLAND SYMBOL

PROPERTY LINES

PROPOSED PROPERTY LINES
PROPERTY LINES TO BE ABANDONED
BUILDING SETBACK LINE
WETLAND SETBACK LINE
STOCKADE FENCE
WIDE FENCE
APPROX. ADJUTERS LOT LINE
EASEMENT LINE
PROPOSED EASEMENT LINE
STONE WALL
EDGE OF JURISDICTIONAL WETLAND (SEE NOTE #6)
EDGE OF WETLAND (PER REF. PLAN #2)
APPROX. WATERLINE LOCATION (PER PORTSMOUTH DPW)
ADJUTERS TAX MAP AND LOT #

FEATURES PER EASTERN TOPOGRAPHICS

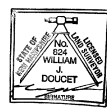
POST
PAVED ROADS
GRAVEL ROADS
OBSCURED PAVEMENT
CONCRETE DRIVEWAY
FENCES
STONE WALL
DITCHES/STREAM
RAILROAD TRACKS



NO.	DATE	DESCRIPTION	BY
12	11/22/19	REV. PER INC	MMF
11	11/12/19	ADD PROPOSED LOT & PROPOSED EASEMENTS	MMF
10	6/18/19	REVISE ACCESS EASEMENT	MMF
9	7/25/18	REVISE EASEMENT	MMF
8	11/27/17	FOR RECORDING	MMF
7	9/26/17	REVISE EASEMENTS	MMF
6	4/17/17	ADD ADDITIONAL EASEMENTS	MMF
5	3/27/17	REVISED LAYOUT	MMF
4	3/22/16	REVISED ROAD LAYOUT	MMF
3	3/5/16	REV. LAYOUT & EASEMENTS	MMF
2	7/16/16	REVISED ROAD LAYOUT	MMF
1	11/7/15	PER ATTORNEY	MMF
NO.	DATE	DESCRIPTION	BY

NOTE:
ALL ELECTRIC, GAS, TEL. WATER, SEWER AND DRAIN SERVICES ARE SHOWN IN SCHEMATIC FASHION. THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK MATCHED SHALL BE UNDERTAKEN ON THIS SITE USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE ABOVE SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL DOW-SAFE AT 1-888-506-SAFE.

APPROVED BY THE PORTSMOUTH PLANNING BOARD
Date 12/4/19 3/3/2020
RECEIVED



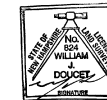
I certify that this survey and plan were prepared by me or by those under my direct supervision and fully under the Union Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by Total Station, with a precision greater than 1:15,000.

DATE: NOV. 12, 2019
DRAWN BY: M.W.F.
CHECKED BY: S.V.M.
JOB NO.: 3445
SHEET: 2 OF 6

DOUCET SURVEY
Serving Your Professional Surveying & Mapping Needs
102 Main Street, Portsmouth, NH 03801
(603) 858-6580
www.doucetsurvey.com

D-42049 sheet 2 of 6

SUBDIVISION
&
EASEMENT PLAN
LAND OF
BORTHWICK FOREST, LLC
(TAX MAP 241, LOT 25)
AND SHOWING LAND OF
HCA REALTY, INC.
(TAX MAP 234, LOT 7-4A)
(TAX MAP 240 LOT 2-2102)
BORTHWICK AVE. & ISLINGTON ST.
PORTSMOUTH, NH

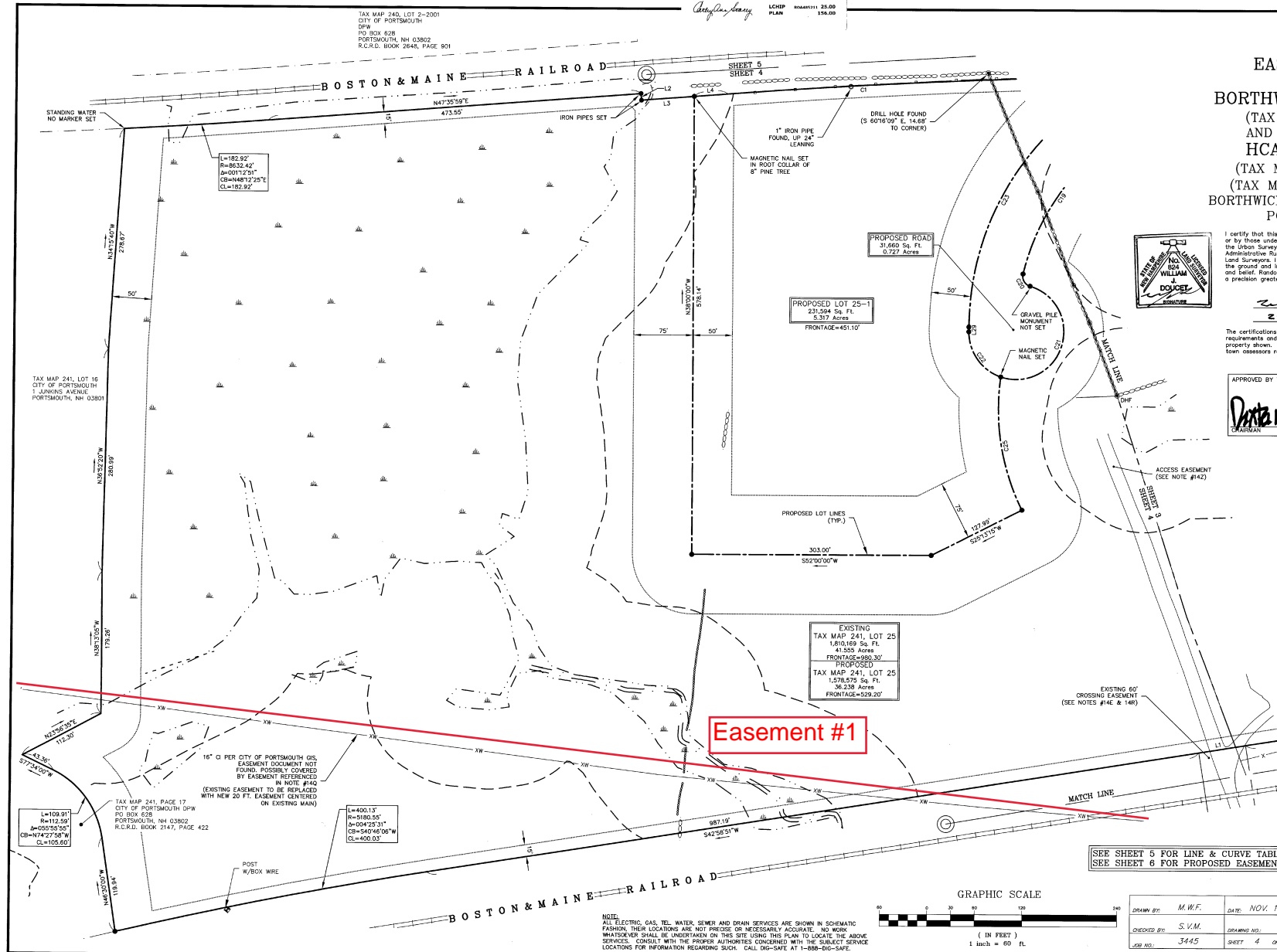


I certify that this survey and plan were prepared by me or by those under my direct supervision and falls under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by Total Station, with a precision greater than 1:15,000.

WILLIAM DOUCET L.L.S. #824
2-3-20 DATE

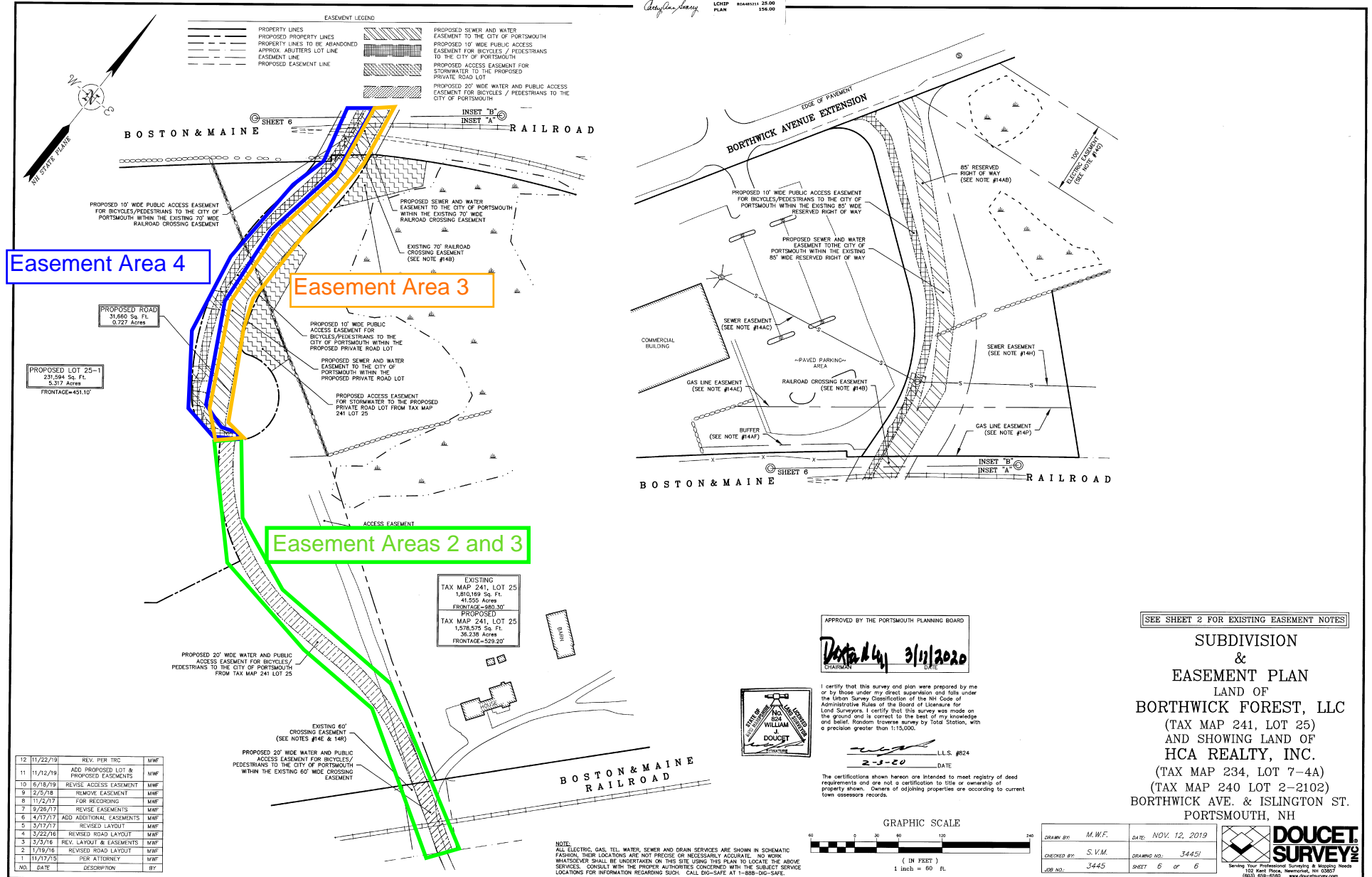
The certifications shown hereon are intended to meet registry of deed requirements and are not a certification to title or ownership of property shown. Owners of adjoining properties are according to current town assessors records.

APPROVED BY THE PORTSMOUTH PLANNING BOARD
Dated 1/14/20 3/3/2020



NO.	DATE	DESCRIPTION	BY
12	11/22/19	REV. PER TRC	MWF
11	11/12/19	ADD PROPOSED LOT & PROPOSED EASEMENTS	MWF
10	6/18/19	REVISE ACCESS EASEMENTS	MWF
9	2/5/18	REMOVE EASEMENT	MWF
8	11/12/17	FOR RECORDING	MWF
7	9/26/17	REVISE EASEMENTS	MWF
6	4/17/17	ADD ADDITIONAL EASEMENTS	MWF
5	3/17/17	REVISED LAYOUT	MWF
4	3/22/16	REVISED ROAD LAYOUT	MWF
3	3/3/16	REV. LAYOUT & EASEMENTS	MWF
2	1/16/16	REVISED ROAD LAYOUT	MWF
1	11/17/15	PER ATTORNEY	MWF

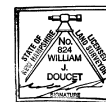




D-42049 sheet 6 of 6

SEE SHEET 2 FOR EXISTING EASEMENT NOTES

**SUBDIVISION
 &
 EASEMENT PLAN**
 LAND OF
BORTHWICK FOREST, LLC
 (TAX MAP 241, LOT 25)
 AND SHOWING LAND OF
HCA REALTY, INC.
 (TAX MAP 234, LOT 7-4A)
 (TAX MAP 240 LOT 2-2102)
BORTHWICK AVE. & ISLINGTON ST.
PORTSMOUTH, NH



I certify that this survey and plan were prepared by me or by those under my direct supervision and falls under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by Total Station, with a precision greater than 1:15,000.

W.J. DOUCET
 L.L.S. #024
 2-3-20 DATE

The certifications shown hereon are intended to meet registry of deed requirements and are not a certification to title or ownership of property shown. Owners of adjoining properties are according to current town assessors records.

DOUCET SURVEY
 1024 State Plaza, Portsmouth, NH 03807
 (603) 859-8200 www.doucetsurvey.com

DOUCET SURVEY
 1024 State Plaza, Portsmouth, NH 03807
 (603) 859-8200 www.doucetsurvey.com



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

May 22, 2017

Borthwick Forest, LLC
210 Commerce Way, Suite 300
Portsmouth, NH 03801

RE: Site Plan Review for Property Located off Borthwick Avenue and WBBX Road

Dear Sir/Madam:

The Planning Board, at its regularly scheduled meeting of May 18, 2017, considered your Site Plan Review application requesting Site Plan Approval to construct a 50,000 s.f. office building with related paving, lighting, utilities, landscaping, drainage and associated site improvements. As a result of said consideration, the Board voted as follows:

- A. Voted to determine that the application for Site Plan approval is complete according to the Site Plan Regulations and to accept it for consideration.
- B. Voted to **grant** Site Plan Approval with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. To address the recommended traffic mitigation measures at the intersection of Route 33/ Borthwick Avenue and pedestrian safety improvements at Greenland, Sherburne and Borthwick Avenue, the applicant shall provide a meaningful cost-sharing contribution, to be determined in consultation with the DPW and Planning Department, to advance the design development process for long-term intersection improvements, or for DPW's use to investigate the feasibility of realigning Borthwick Avenue as it approaches Route 33.
2. The Site Plans (C 102.1 and C 102.2), General Notes Sheets (G-101.1 and G-101.2), and Landscape Plans (C-105.1 and C-105.2) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department and shall include the following notes:

Page two.

RE: Off Borthwick Avenue & WBBX Road

Site Plan Review

May 22, 2017

- “1. The Site Plan shall be recorded in the Rockingham County Registry of Deeds.
2. All improvements shown on the 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 this Site Plan without the express approval of the Portsmouth Planning Director.
3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.”
3. The applicant shall review the proposed best management practices of the mulch in landscaped areas with the Fire Department to confirm that potential fire hazards have been adequately addressed.

Conditions Subsequent (to be completed prior to the final release of site plan security):

1. The property owner shall prepare a monitoring report for the intersection of Borthwick Avenue with Greenland Road and Sherburne Road within one year of the occupation of the proposed office building.

The Site Plan Review process is not complete until a Site Review Agreement has been fully executed and a Site Review bond (i.e. Irrevocable Letter of Credit, Surety Bond or cash) has been approved by the City.

The building/construction plans must be reviewed and approved by the Inspection Department prior to a Building Permit being issued.

As a reminder, digital as-built plans are required in a CAD or ESRI file format prior to the release of your Site Review Bond. Please refer to the Site Plan Review Regulations for special requirements.

Page three.

RE: Off Borthwick Avenue & WBBX Road

Site Plan Review

May 22, 2017

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Juliet T.H. Walker".

Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHW:jms

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
Patrick Crimmins, P. E., Tighe & Bond
Robert D. Ciandella, Esq.



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

September 7, 2017

Borthwick Forest, LLC
210 Commerce Way Suite 300
Portsmouth, NH 03801

RE: Administrative Approval for Site Plan
Property located off Borthwick Ave and WBBX Road

Dear Owners:

I hereby grant administrative approval for the following:

- To modify condition precedent #1 of the Site Plan approval granted May 18, 2017, to take place no more than 6 months after issuance of a building permit.
- To modify the condition of approval #3 of the Conditional Use Permit granted on May 18, 2017, to allow the restrictive covenant be approved by the city no more than 6 months after issuance of a building permit.

The above amendments are documented in the following document received by the Planning Department on August 28, 2017:

- Letter from Robert Ciandella, dated August 25, 2017.

This approval is granted subject to all stipulations as approved by the Planning Board on May 18, 2017.

Please contact me if you have any questions regarding this.

Sincerely,

Juliet T.H. Walker, AICP
Planning Director

cc: Robert Ciandella, DTC Lawyers
Robert Marsilia, Chief Building Inspector
Peter H. Rice, Public Works Director



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

November 9, 2017

Borthwick Forest, LLC
210 Commerce Way Suite 300
Portsmouth, NH 03801

RE: Administrative Approval for Site Plan
Property located off Borthwick Ave and WBBX Road

Dear Owners:

I hereby grant administrative approval for the following:

- To modify stipulation #8 to allow the property monuments to be set after the completion of the proposed road as they will be disturbed during construction. The installation of the monuments will be included in the site work bond as security that they get installed.
- To modify condition precedent #2 to allow Borthwick to file the mylars of the most current site plans for the building with the caveat that the City will not record the same and will await the filing of finalized plans after Borthwick obtains its amended site plan approval.

The above amendments are documented in the following document received by the Planning Department on November 7, 2017:

- Letter from Robert Ciandella, dated November 7, 2017.

This approval is granted subject to all stipulations as approved by the Planning Board on May 18, 2017 and prior Administrative Approval dated September 7, 2017.

Please contact me if you have any questions regarding this.

Sincerely,

Juliet T.H. Walker, AICP
Planning Director

cc: Robert Ciandella, DTC Lawyers
Robert Marsilia, Chief Building Inspector
Peter H. Rice, Public Works Director



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

February 20, 2018

Borthwick Forest, LLC
210 Commerce Way, Suite 300
Portsmouth, NH 03801

RE: Amended Site Plan Application for Property Located off Proposed Subdivision Road to be Created off Borthwick Avenue

Dear Sir/Madam:

The Planning Board, at its regularly scheduled meeting of February 15, 2018, considered your Amended Site Plan Application to increase the height of the proposed office building (footprint of $16,700 \pm$ s.f.) from 3 stories to 4 stories (gross floor area of $66,800 \pm$ s.f.), with related paving, lighting, utilities, landscaping, drainage, multi-use path and associated site improvements. As a result of said consideration, the Board voted to **grant** Site Plan approval, with the following stipulations:

1. The Amended Site Plan (Sheet C102) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
2. All conditions of original Planning Board approval as amended to remain in effect, with the exception of required recording of the Landscape Plans.
3. Off-site traffic mitigation for Borthwick Avenue/Greenland Road intersection shall include consideration of improvements to bicycle and/or pedestrian connections.

Three complete sets of revised Site Plans must be provided to the Planning Department, along with a pdf version.

The Site Plan Review process is not complete until a Site Review Agreement has been fully executed and a Site Review bond (i.e. Irrevocable Letter of Credit, Surety Bond or cash) has been approved by the City.

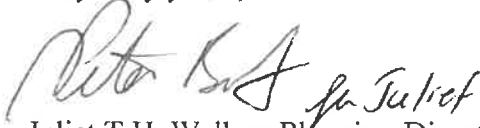
As a reminder, digital as-built plans are required in a CAD or ESRI file format prior to the release of your Site Review Bond. Please refer to the Site Plan Review Regulations for special requirements.

The City's Land Use Compliance Agent, Vincent Hayes, will be inspecting the work during construction.

Page two.
RE: Borthwick Avenue
February 20, 2018

The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Juliet T.H. Walker".

Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHW:jms

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
Patrick Crimmins, P. E., Tighe & Bond
Robert Ciandella, Esq.



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

March 14, 2019

Borthwick Forest, LLC
210 Commerce Way Suite 300
Portsmouth, NH 03801

RE: Administrative Approval for Site Plan
Property located off Borthwick Ave and WBBX Road

Dear Owners:

I hereby grant administrative approval for the following:

- To replace Conditions #2, #3 and #4 of the Planning Board Letter of Decision with the following:
“The Planning Board approval of a public road is amended to require that the road be private, rather than public. The private road will be built in accordance with the City’s road regulations and specifications and will be subject to review and approval by the third party oversight engineer hired by the City pursuant to condition #6. Any easements required for maintenance, repair or operation of subterranean utilities and the easement for the 10 foot wide multi-use path shall be subject to final review and approval by the City. The applicant shall coordinate with DPW on such utility locations. The applicant shall be responsible for drainage maintenance and management and the applicant will coordinate with PanAm to refine the roadway design including geotechnical design, cross sections and drainage features.”
- Raise the ground floor elevation by 2 feet to increase the basement level floor height and add additional parking spaces to meet the minimum parking requirements.

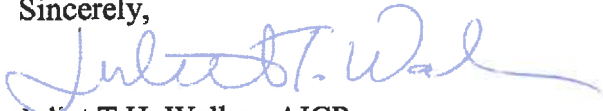
The above amendments are documented in the following document received by the Planning Department on February 7, 2019 and March 4, 2019:

- Letter from Robert Ciandella, dated February 5, 2019.
- Site Plan Set titled “Proposed Subdivision Road & Office Building Development”, prepared by Tighe & Bond, Inc., dated March 20, 2017 and last revised March 4, 2019.
- Site Plan Amendments Exhibit prepared by Tighe & Bond, Inc., dated March 4, 2019.
- Letter from Patrick Crimmins, P.E., dated March 4, 2019.

This approval is granted subject to all other stipulations of Planning Board approval on May 18, 2017 and all other prior Administrative Approvals dated September 7, 2017, November 9, 2017 and May 10, 2018.

Please contact me if you have any questions.

Sincerely,



Juliet T.H. Walker, AICP
Planning Director

cc: Robert Ciandella, DTC Lawyers
Patrick Crimmins, P.E., Tighe & Bond
Robert Marsilia, Chief Building Inspector
Peter H. Rice, Public Works Director



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

June 24, 2019

Borthwick Forest, LLC
210 Commerce Way, Suite 300
Portsmouth, NH 03801

RE: Amended Site Plan Application for properties located on Borthwick Avenue and Islington Street

Dear Applicant:

The Planning Board, at its regularly scheduled meeting of Thursday, June 20, 2019, considered your application for Amended Site Plan Review approval for the conversion of a ground level parking garage to office space and associated parking lot expansion and stormwater management improvements. Said property is shown on Assessor Map 241 Lots 25 & 26 and lies within the Office Research District. As a result of said consideration, the Board voted to grant Amended Site Plan Review Approval with the following stipulations:

- 1) Prior to construction of the reserve parking area in the future, the plans shall be submitted to the Conservation Commission for review.
- 2) The required note referencing the stormwater maintenance plan and annual inspection and maintenance schedule shall be included on the recordable plan sheet.
- 3) The Stormwater Maintenance Plan shall be updated to revise Section 1.3.3 to note that any updates to the plan (and deed) will require further review and approval as required by the Site Plan Review Regulations.
- 4) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded, as deemed appropriate by the Planning Department.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all stipulations of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Juliet T. Walker", with a long, sweeping horizontal line extending to the right.

Juliet T. H. Walker, AICP, Planning Director
for Dexter Legg, Chairman of the Planning Board

cc:

Patrick Crimmins, PE, Tighe & Bond
Rosann Maurice-Lentz, City Assessor
Robert Marsilia, Building Inspector
Peter Rice, Director of Public Works