## Hoefle, Phoenix, Gormley & Roberts, Pllc

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480 Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

January 27, 2021

#### HAND DELIVERED

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

Re: Tuck Realty Corp.-Applicant Project Location: 668 Middle Street Tax Map 147/Lot 18 GRA Zone

Dear Mr. Stith & Zoning Board Members:

On behalf Tuck Realty Corp., we are pleased to submit the following documents in support of a request for zoning relief:

- Portsmouth Land Use Application (submitted 01/27/21).
- 01/27/21 Memorandum and Exhibits in support of zoning relief (original and eleven (11) copies).

Very truly yours,

R. Timothy Phoenix

RTP/msw Encl. cc: Michael Garrepy-Tuck Realty Corp. Jones and Beach Engineers

Art Form Architecture, Inc.

DANIEL C. HOEFLE R. TIMOTHY PHOENIX LAWRENCE B. GORMLEY STEPHEN H. ROBERTS R. PETER TAYLOR JOHN AHLGREN KIMBERLY J.H. MEMMESHEIMER KEVIN M. BAUM

GREGORY D. ROBBINS MONICA F. KIESER SAMUEL HARKINSON JACOB J.B. MARVELLEY DUNCAN A. EDGAR

OF COUNSEL: SAMUEL R. REID

#### MEMORANDUM

TO:	Portsmouth Zoning Board of Adjustment ("ZBA")
FROM:	R. Timothy Phoenix, Esquire
	Kevin M. Baum, Esquire
DATE:	January 27, 2021
RE:	Tuck Realty Corp Applicant
	Project Location: 668 Middle Street
	Tax Map 147/Lot 18
	GRA Zone

Dear Chairman Rheaume and Zoning Board Members:

On behalf of Tuck Realty Corp. ("Tuck" or "Applicant"), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief to be considered by the Zoning Board of Adjustment ("ZBA") at its February 16, 2021 meeting.

#### I. <u>Exhibits</u>

- A. <u>Plan Set</u> –by Jones & Beach Engineers, Inc.
  - 1. Existing Conditions Plan
  - 2. Site Plan
  - 3. Grading and Drainage Plan
- B. Architectural Plan Set -by Art Form Architecture, Inc.
- C. Site Photographs.
- D. <u>Tax Assessors Card.</u>
- E. <u>City GIS Map</u> identifying nearby zoning districts and surrounding area.
- F. <u>Tax Map 147</u>.

### II. Property/Project

The subject property (the "Property") is located at 668 Middle Street with frontage on both Middle Street and Chevrolet Avenue. **Exhibit A**; **C**. The Property is currently developed with two residential buildings, an approximately 3,840 square foot (living space), three family residence to the front of the lot, closest to Middle Street, and an approximately 1,920 square foot (living space), single family carriage house toward the middle of the lot. **Exhibits C**; **D**. The Property is located in the GRA Zoning District, with the front portion containing the three-family residence, also within the Historic District.

The lot, at  $\pm$ 81,050 square feet, is significantly larger than most others in the nearby area, which is comprised of a mix of uses and zoning districts. **Exhibit E**. It includes the Brewery Lane commercial buildings immediately across Chevrolet Avenue to the northwest within the CD4-W zone; smaller residential lots to the south, southwest and east within the GRA and SRB

### Memorandum Page 2 of 7 Tuck Realty Corp. - 668 Middle Street

zones; dense residential to the north within the GRC Zone; and some mixed residential/commercial to the north along Middle Street within the MRZ zone (Time of Wonder Early Learning Center and Chocolate by Sparrow). <u>Id.; see also</u> **Exhibit C** (aerial photograph)

Tuck proposes to subdivide the Property into two lots, roughly along the Historic District boundary. **Exhibit A.2.** The resulting front lot, containing the existing three family residence, will be  $\pm 13,550$  square feet ("Lot 2") and the rear lot, containing the existing single family carriage house and with access onto Chevrolet, will be  $\pm 67,500$  square feet ("Lot 1"). <u>Id.</u> Tuck further proposes to construct eight duplex style units on Lot 1. <u>Id.</u>; **Exhibit B.**<sup>1</sup> There will be no structural change to either of the existing buildings, other than modest repairs or similar cosmetic upgrades. The number of dwelling units in each existing building will remain unchanged.

The resulting lots meet all lot size, setback and building coverage requirements. However, while Lot 1 meets the minimum lot area per dwelling unit requirement of 7,500 square feet/unit within the GRA Zone, and the density is similar to the surrounding residential lots, relief is needed to allow more than one dwelling on a single lot. Additionally, with  $\pm$ 4,517 square feet per dwelling unit after subdivision, Lot 2 meets the minimum lot area per dwelling unit requirement if this were a proposed multifamily conversion.<sup>2</sup> However, because the conversion of the existing three family residence occurred prior to the proposed subdivision, City Planning Department staff has advised that non-conversion density requirement of 7,500 square feet/dwelling unit applies, requiring zoning relief.

## III. Relief Required

- 1. <u>PZO §10.513 One Dwelling Per Lot To permit up to 5 dwelling structures (8</u> duplex units and the existing single-family dwelling) on proposed Lot 1.
- 2. <u>PZO §10.521 Table of Dimensional Requirements To permit ±4,517 square</u> feet per dwelling unit on proposed Lot 2 where 7,500 square feet/ dwelling unit is required.

## IV. Variance Requirements

- 1. The variances will not be contrary to the public interest.
- 2. The spirit of the ordinance is observed.

<sup>&</sup>lt;sup>1</sup> The architectural renderings are included for reference and to provide the ZBA with a general sense of the proposed building styles. Final building plans will be determined as part of the Planning Board review and construction design process.

<sup>&</sup>lt;sup>2</sup> Pursuant to PZO §10.813, a converted multifamily dwelling must have a minimum lot area per dwelling unit of 3,000 square feet within the GR Zone.

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 <u>Malachy Glen Associates</u>. 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". <u>Id.</u> "Mere conflict with the zoning ordinance is not enough". <u>Id.</u>

The Portsmouth Zoning Ordinance was enacted for the general purpose of promoting the health, safety, and welfare in accordance with the Master Plan by regulating:

- <u>The use of land, buildings and structures for business, industrial, residential and other purposes</u> no changes are proposed to the existing residential buildings; four additional buildings (8 dwelling units) will be added to Lot 1, with resulting density meeting lot area/dwelling unit requirements and consistent other nearby properties. Exhibit C; E.
- 2. <u>The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space</u> lot sizes, building coverage, building height and bulk, yards and open space requirements are all met; the proposal results in an overall density that is consistent with the surrounding area and multifamily dwelling unit conversion requirements and is less intense than other residential lots across Middle Street and/or the nearby Frank Jones Brew Yard/Brewery Lane Apartments development across Chevrolet Avenue. Id.
- <u>The design of facilities for vehicular access, circulation, parking and loading</u> the Property has access from both Chevrolet Avenue and Middle Street; sufficient parking areas and driveways are maintained on the lots and will be more fully vetted during Planning Board review. Exhibit A.2</u>
- 4. <u>The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding</u> these purposes are not undermined and will be fully vetted during Planning Board review; the proposal will result in continued residential use of the Property within a mixed commercial/residential area.
- <u>The preservation and enhancement of the visual environment</u> the historic existing structures will be maintained on Lot 2; the proposal will add newly constructed, tasteful buildings to Lot 1. <u>Id.</u>
- <u>The preservation of historic districts, and buildings and structures of historic or</u> <u>architectural interest</u> – the proposal maintains the existing historic structures. <u>Id.</u>; Exhibit C.
- The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat, and air quality – the proposal is an in-fill project within a dense mixed commercial/residential area; all building coverage and open space requirements are met, Exhibit A.2.

In considering whether variances "in a marked degree conflict with the ordinance such

that they violate the ordinance's basic zoning objectives". Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would <u>alter the</u> <u>essential character of the locality</u>.... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would <u>threaten the public health, safety or welfare</u>. (emphasis added)

The proposal maintains the existing historic structures on the Property while allowing additional development of the large, rear portion of the lot closest to the CD4-W and GRC Zones and Brewery Lane commercial area. The resulting lot sizes and building densities are consistent with the surrounding areas both within the GRA and adjacent CD4-W Zone. **Exhibit C; E**. From Middle Street, which abuts other residential properties, the Property will appear essentially unchanged, while the more densely developed rear portion (Lot 1) provides additional housing near and a transition to Brewery Lane and other West End commercial areas. Accordingly, the Project will neither "alter the essential character of the locality nor threaten the public health, safety or welfare."

## 3. Granting the variance will not diminish surrounding property values.

As noted, the existing residences will be preserved and the view of the Property from Middle Street (and the Historic District) will remain essentially unchanged. The rear portion of the Property, located closest to the CD4-W Zone/Brewery Lane will be developed with new, up to date, townhouse style duplexes. Thus, there will be little to no noticeable effect to surrounding residential properties and the commercial/mixed use area to the rear will be enhanced by the inclusion of new buildings and walkable residential area. If anything granting the variances will improve the surrounding property values.

## 4. Denial of the variances results in an unnecessary hardship.

## a. <u>Special conditions distinguish the property/project from others in the area.</u>

The Property is significantly larger than all of the nearby residential lots. It abuts or is near multiple different zoning districts, containing a mix of commercial/residential uses, with most of the surrounding residential lots containing equal if not more density than Tuck's proposal. **Exhibit C; E**. The Property is also burdened by an existing, unused, right of way along Chevrolet Avenue limiting the developable area and requiring the Lot 1/Lot 2 property boundary Memorandum Page 5 of 7 Tuck Realty Corp. - 668 Middle Street

to be closer to Middle Street, further reducing the available Lot 2 lot size.<sup>3</sup> Exhibit A. These factors combine to create special conditions that distinguish the Property from others in the area.

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

The lot area per dwelling unit and single dwelling unit per lot requirements are intended to prevent overcrowding of lots within the residential GRA Zone. Lot 2 as proposed, while slightly less than the required lot area/dwelling unit for GRA is nevertheless consistent or greater in size and density than many of the surrounding properties. **Exhibit C; E**. Moreover, had the subdivision occurred prior to the conversion of the existing building to a three family, Lot 2 would meet the lot area/dwelling unit requirements of PZO §10.812.13 (and at  $\pm$ 4,517 square feet/dwelling unit would exceed the 3,000 square foot requirement).

Proposed Lot 1, while having more than one dwelling unit, meets the lot area/dwelling unit requirement of the GRA Zone and thus results in no greater density than intended for the district. Additionally, its location immediately adjacent to the CD4-W Zone/Brewery Lane commercial area, where multiple buildings on a lot are permitted and largely present, creates a natural transition between residential Middle Street/GRA neighborhood and more densely developed mixed-use Brewery Lane/Chevrolet/CD4-W. Accordingly, the purposes of the lot area per dwelling unit and single dwelling unit requirements are either met or inapplicable to the area, and therefore, so there is no reason to strictly apply these provisions of the Ordinance in this instance.

### <u>The proposed use is reasonable.</u>

If the use is permitted, it is deemed reasonable. <u>Vigeant v. Hudson</u>, 151 N.H. 747 (2005). The proposal maintains residential uses on the Property, which are permitted in the GRA Zone. Accordingly, the use is reasonable.

## 5. 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. <u>Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.</u>, 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". <u>Malachy Glen</u>, *supra* at 109.

<sup>&</sup>lt;sup>3</sup> Tuck is attempting to terminate the 30' right of way along Chevrolet Avenue. If successful, the new Lot 1 townhouses may be located closer to the front (Chevrolet Avenue) lot line but will remain outside the required 15' front setback.

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January 27, 2021

"The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." <u>N.H. CONST. pt. I, arts. 2, 12: U.S. CONST. amends. V, XIV;</u> <u>Town of Chesterfield v. Brooks</u>, 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. <u>L. Grossman & Sons, Inc. v. Town of Gilford</u>, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, <u>but rather the right to possess</u>, use, enjoy and dispose of it. <u>Burrows v. City of Keene</u>, 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. <u>Simplex Technologies, Inc. v. Town of Newington</u>, 145 N.H. 727, 731 (2001); <u>Chesterfield</u> at 69. To "determine whether an ordinance is arbitrary and unreasonable, the injury or loss to the landowner must be balanced against the gain to the public." <u>Metzger v. Town of Brentwood</u>, 117 N.H. 497, 501 (1977). In other words, [w]hen the restriction as applied to a particular piece of land is unnecessary to accomplish a legitimate public purpose or the gain to the public is slight but the harm to the citizen and his [or her] property is great, the exercise of the police power becomes arbitrary and unreasonable and this court will afford relief under the constitution of this state. Id. at 503.

The proposal allows Tuck to make better use of a large lot, with the addition of new housing on the rear of the currently undeveloped portion of the Property. The proposal maintains the existing historic structures to the front of the Property while creating a transition to the more densely developed mixed-use CD4-W area to the rear. **Exhibit E**. Thus, there is no benefit to the public from denying the requested variances. In contrast, Tuck will suffer great harm as it would be unable to reasonably utilize the large undeveloped rear portion of the lot and existing Chevrolet Avenue frontage. Accordingly, there is no benefit to the public the public the applicant if the variances are denied.

Memorandum Page 7 of 7 Tuck Realty Corp. - 668 Middle Street

January 27, 2021

## V. Conclusion

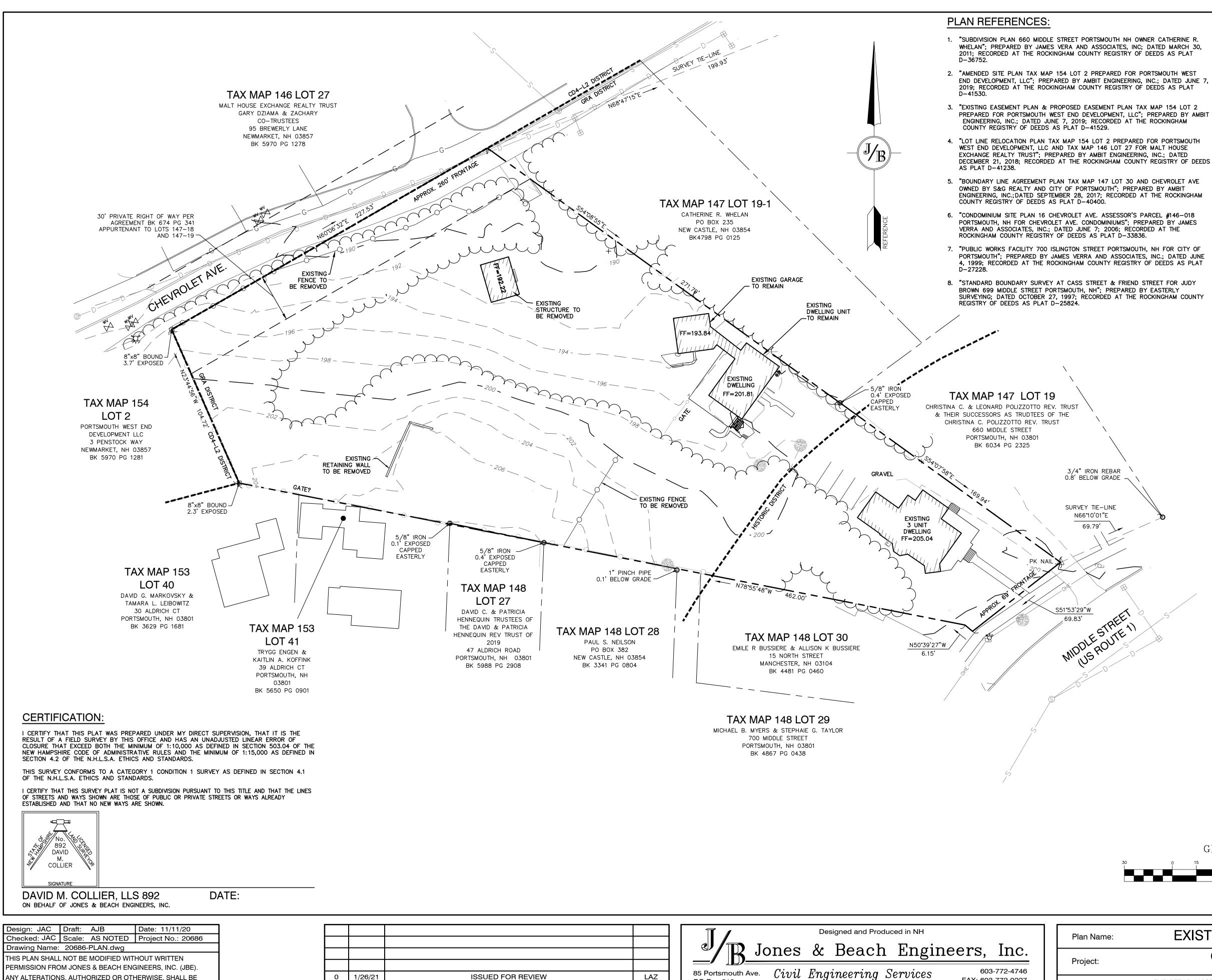
For all of the reasons stated, the Applicant respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

Tuck Realty Corp.

By: R.

R. Timothy Phoenix Kevin M. Baum



ΒY

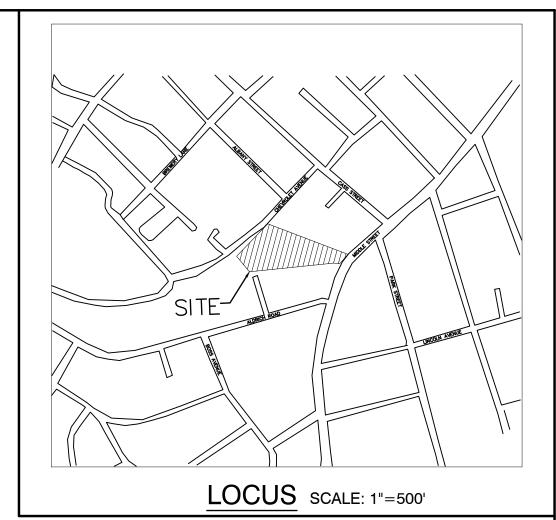
ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

0	1/26/21	ISSUED FOR REVIEV
REV.	DATE	REVISION

Designed and Produced in NH			
B Jones	& Beach Engineers, Inc.		
85 Portsmouth Ave. <i>Civil</i> PO Box 219	Engineering Services 603-772-4746 FAX: 603-772-0227		

Owner of Record:

# **EXHIB**



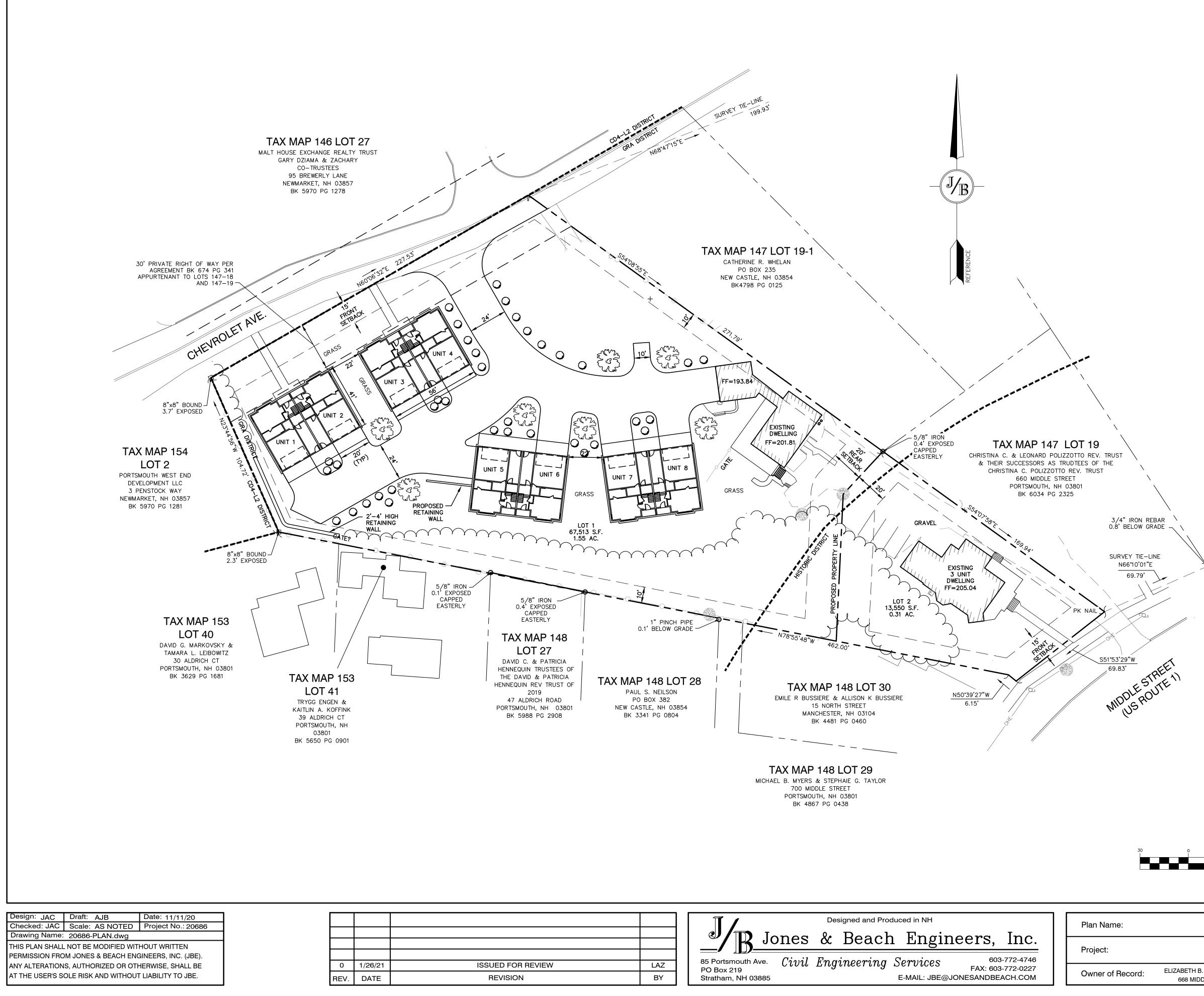
## NOTES:

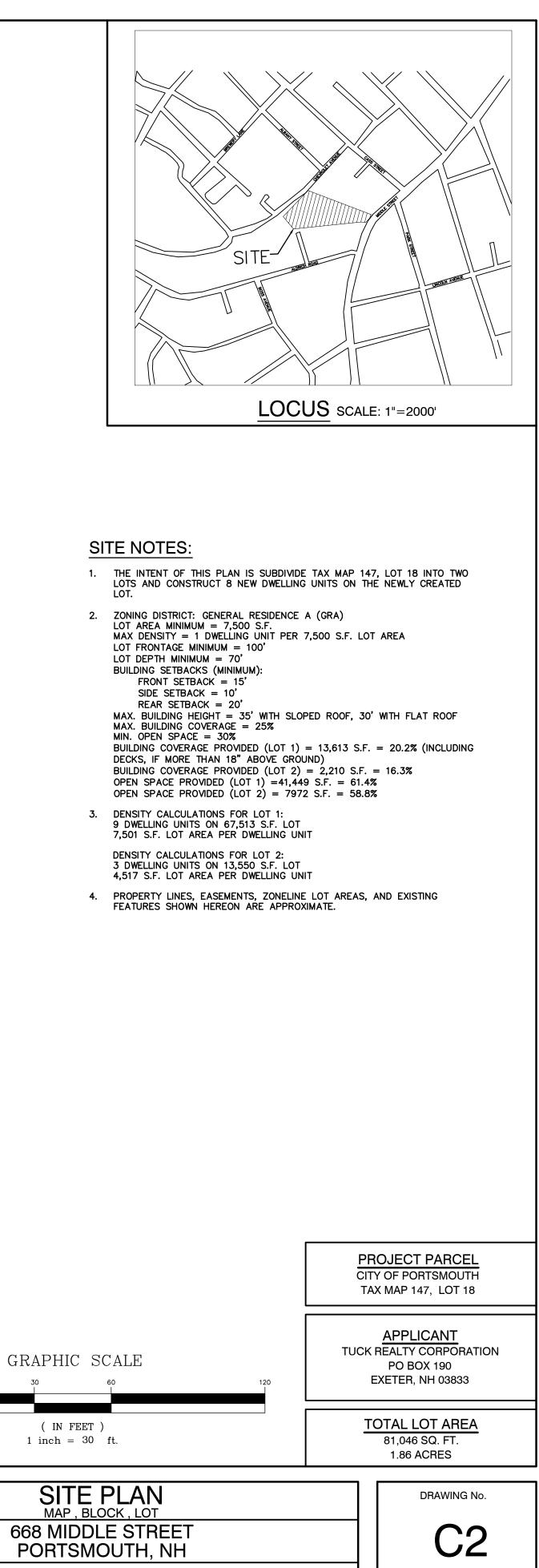
- 1. THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF LOT 18 DEPICTED HEREON TAX MAP 147.
- 2. THE UTILITY LOCATIONS SHOWN HEREON WERE DETERMINED BY OBSERVED ABOVE GROUND EVIDENCE AND SHOULD BE CONSIDERED APPROXIMATE IN LOCATION ONLY. LOCATION, DEPTH, SIZE, TYPE, EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES AND/OR UNDERGROUND STORAGE TANKS WAS NOT VERIFIED BY THIS SURVEY. ALL CONTRACTORS SHOULD NOTIFY IN WRITING ALL UTILITY COMPANIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION WORK OR CALL DIG-SAFE AT 1-888-DIG-SAFE.
- 3. THE SUBJECT PARCEL IS LOCATED WITHIN AN AREA HAVING A ZONE X DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 33015C0259E, WITH EFFECTIVE DATE OF MAY 17, 2005, FOR COMMUNITY PANEL NO. 259 OF 681, IN ROCKINGHAM COUNTY, STATE OF NEW HAMPSHIRE, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
- 4. BASIS OF BEARING: HORIZONTAL: ASSUMED. VERTICAL: ASSUMED AT 200.00'.
- 5. CERTAIN DATA HEREON MAY VARY FROM RECORDED DATA DUE TO DIFFERENCES IN DECLINATION, ORIENTATION, AND METHODS OF MEASUREMENT.
- 6. ALL BOOK AND PAGE NUMBERS REFER TO THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- 7. THE TAX MAP AND LOT NUMBERS ARE BASED ON THE CITY OF PORTSMOUTH TAX RECORDS AND ARE SUBJECT TO CHANGE.
- 8. RESEARCH WAS PERFORMED AT THE CITY OF PORTSMOUTH ASSESSOR'S OFFICE AND THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- 9. 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
- 10. ANY USE OF THIS PLAN AND OR ACCOMPANYING DESCRIPTIONS SHOULD BE DONE WITH LEGAL COUNSEL, TO BE CERTAIN THAT TITLES ARE CLEAR, THAT INFORMATION IS CURRENT, AND THAT ANY NECESSARY CERTIFICATES ARE IN PLACE FOR A PARTICULAR CONVEYANCE, OR OTHER USES.
- 11. NO WETLANDS WERE OBSERVED ON THE SUBJECT PREMISES.
- 12. THIS PLAN IS THE RESULT OF A CLOSED TRAVERSE WITH A RAW, UNADJUSTED LINEAR ERROR OF CLOSURE GREATER THAN 1 IN 150,000.
- 13. SURVEY TIE 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.
- 14. HOUSE LOCATIONS OF ABUTTING PROPERTIES ARE FROM AERIAL PHOTOGRAPHY AND DIGITIZED ON PLAT. BUILDINGS WERE LOCATED ON SUBJECT PARCEL BY CONVENTIONAL SURVEYING METHODS.
- 15. RIGHT OF WAY WENT FROM A 50' IN WIDTH (SEE DEED BK. 512 PG. 429) TO 30' RIGHT OF WAY (SEE DEED BK. 674, PG. 341).
- 16. EXISTING 20' WIDE GAS EASEMENT ON SUBJECT PARCEL SEE DEED BK 4470 PG 2003. LOCATION OF EASEMENT UNDETERMINDED AT THIS TIME. EASEMENT SHALL FOLLOW THE ROUTE OF PIPELINES 10 FEET ON EACH SIDE EXTENDED TO PROPERTY LINE.

	PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 147, LOT 18
GRAPHIC SCALE	APPLICANT TUCK REALTY CORPORATION PO BOX 190 EXETER, NH 03833
( IN FEET ) 1 inch = 30 ft.	TOTAL LOT AREA 81,046 SQ. FT. 1.86 ACRES
	(
EXISTING CONDITIONS PLAN	DRAWING No.
668 MIDDLE STREET PORTSMOUTH, NH	C1
ELIZABETH B. LARSEN, TRUSTEE OF THE ELIZABETH B. LARSEN TRUST OF 2012	SHEET 1 OF 3

JBE PROJECT NO. 20686

668 MIDDLE STREET, PORTSMOUTH, NH 03801 DEED BK 5390 PG 2799





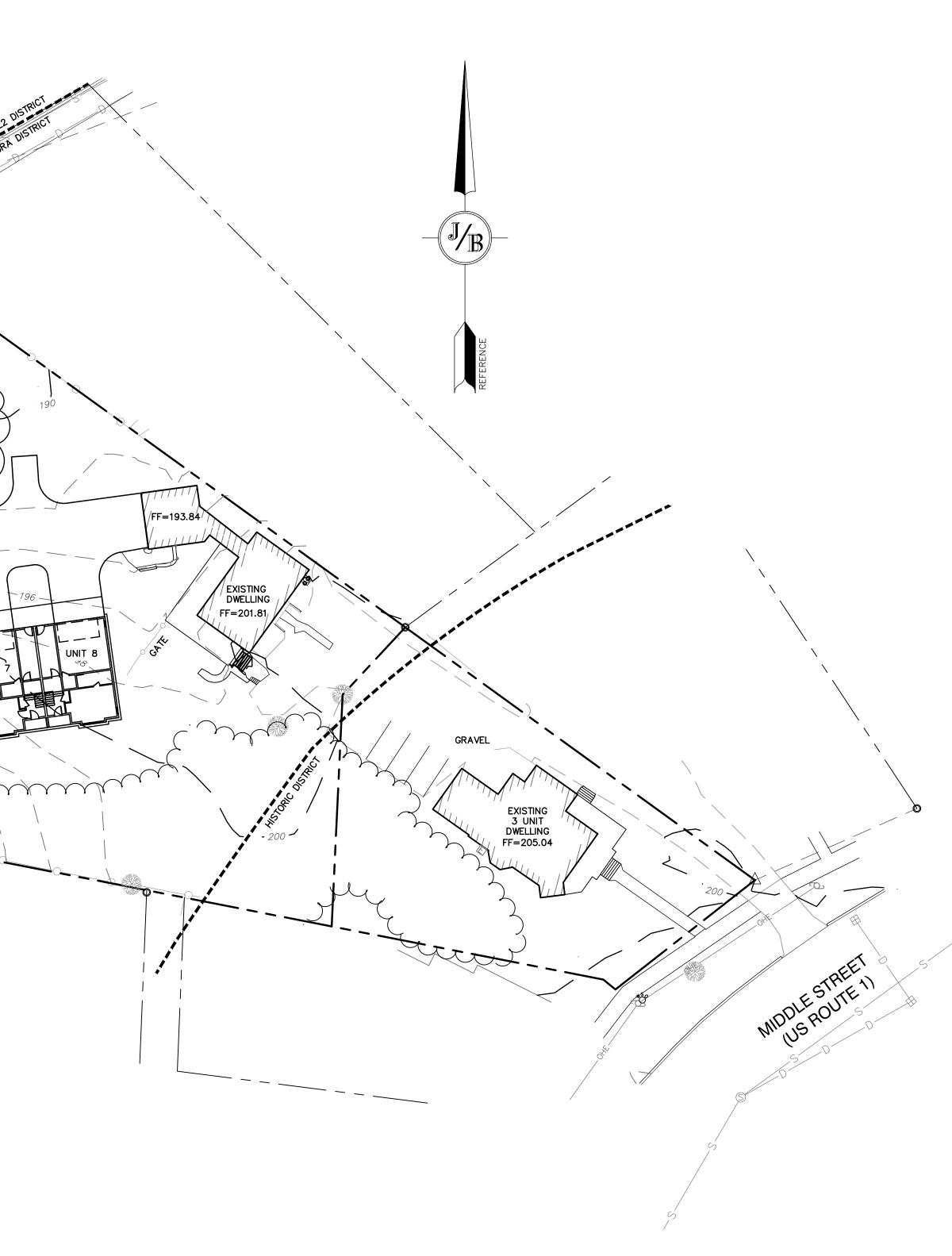
ELIZABETH B. LARSEN, TRUSTEE OF THE ELIZABETH B. LARSEN TRUST OF 2012 668 MIDDLE STREET, PORTSMOUTH, NH 03801 DEED BK 5390 PG 2799 SHEET 2 OF 3 JBE PROJECT NO. 20686

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Design: JAC Draft: AJB Checked: JAC Scale: AS NOTEI Drawing Name: 20686-PLAN.dwg THIS PLAN SHALL NOT BE MODIFIED V PERMISSION FROM JONES & BEACH E ANY ALTERATIONS, AUTHORIZED OR 0	WITHOUT WRITTEN ENGINEERS, INC. (JBE).		0 1/26/21	ISSUE	ED FOR REVIEW

REVISION

REV. DATE

AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.





Plan Name:

Owner of Record:

## GRADING AND DRAINAGE NOTES:

- 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 AND/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 888-DIG-SAFE (888-344-7233).
- 2. VERTICAL DATUM: XXXXX. HORIZONTAL DATUM: XXXXX.
- 3. ALL BENCHMARKS AND TOPOGRAPHY SHOULD BE FIELD VERIFIED BY THE CONTRACTOR.
- 4. SITE GRADING SHALL NOT PROCEED UNTIL EROSION CONTROL MEASURES HAVE BEEN INSTALLED. SEE CONSTRUCTION SEQUENCE ON SHEET E1.
- 5. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR IS REQUIRED TO HAVE THE PROJECT'S LAND SURVEYOR STAKE OR FLAG CLEARING LIMITS. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED.
- 6. ALL ROOF DRAINS FROM BUILDING SHALL END 5' OUTSIDE THE BUILDING LIMITS AS SHOWN ON PLAN AND SHALL BE PROVIDED WITH A TEMPORARY PLUG AND WITNESS AT THE END. ALL EXTERIOR ROOF DOWNSPOUTS ARE TO BE INSTALLED WITH OVERFLOW DEVICES.
- 7. ALL SWALES AND DETENTION PONDS ARE TO BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM.
- 8. PROPOSED RIM ELEVATIONS OF DRAINAGE STRUCTURES ARE APPROXIMATE. FINAL ELEVATIONS ARE TO BE SET FLUSH WITH FINISH GRADES.
- 9. ALL SWALES AND ANY SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH NORTH AMERICAN GREEN S75 EROSION CONTROL BLANKETS (OR AN EQUIVALENT APPROVED IN WRITING BY THE ENGINEER), UNLESS OTHERWISE SPECIFIED.
- 10. ALL DRAINAGE AND SANITARY STRUCTURE INTERIOR DIAMETERS (4' MIN) SHALL BE DETERMINED BY THE MANUFACTURER BASED ON THE PIPE CONFIGURATIONS SHOWN ON THESE PLANS. CATCH BASINS SHALL HAVE 3' DEEP SUMPS WITH GREASE HOODS, UNLESS OTHERWISE NOTED.
- 11. ALL DRAINAGE STRUCTURES SHALL BE PRECAST, UNLESS OTHERWISE SPECIFIED. SEE SHEET XX FOR DRAINAGE STRUCTURE SCHEDULE AND SHEET XX FOR DRAINAGE DETAILS.
- 12. ALL DRAINAGE STRUCTURES AND STORM SEWER PIPES SHALL MEET HEAVY DUTY TRAFFIC H20 LOADING AND SHALL BE INSTALLED ACCORDINGLY.
- 13. IMMEDIATELY APPLY AND COMPACT STONE BASE FOR BUILDING PAD TO  $+/-\frac{1}{2}$ " PRIOR TO EXCAVATING INTERIOR AND PERIMETER FOOTINGS.
- 14. IN AREAS WHERE CONSTRUCTION IS PROPOSED ADJACENT TO ABUTTING PROPERTIES, THE CONTRACTOR SHALL INSTALL ORANGE CONSTRUCTION FENCING ALONG PROPERTY LINES IN ALL AREAS WHERE SILT FENCING IS NOT REQUIRED.
- 15. ALL DRAINAGE PIPE SHALL BE NON-PERFORATED ADS N-12 OR APPROVED EQUAL.
- 16. STONE INLET PROTECTION SHALL BE PLACED AT ALL CATCH BASINS. SEE DETAIL WITHIN THE DETAIL SHEETS.
- 17. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL APPROVAL TO DO SO HAS BEEN RECEIVED BY ALL GOVERNING AUTHORITIES. THE GENERAL CONTRACTOR SHALL STRICTLY ADHERE TO THE EPA SWPPP DURING CONSTRUCTION OPERATIONS.
- 18. NO LAND CLEARING OR GRADING SHALL BEGIN UNTIL ALL EROSION CONTROL MEASURES HAVE BEEN INSTALLED.
- 19. ALL EXPOSED AREAS SHALL BE SEEDED AS SPECIFIED WITHIN 3 DAYS OF FINAL GRADING.
- 20. SHOULD CONSTRUCTION STOP FOR LONGER THAN 3 DAYS, THE SITE SHALL BE SEEDED AS SPECIFIED. 21. MAINTAIN EROSION CONTROL MEASURES AFTER EACH RAIN EVENT OF 0.25" OR GREATER IN A 24 HOUR
- PERIOD AND AT LEAST ONCE A WEEK. 22. THIS PLAN SHALL NOT BE CONSIDERED ALL INCLUSIVE, AS THE GENERAL CONTRACTOR SHALL TAKE ALL
- NECESSARY PRECAUTIONS TO PREVENT SEDIMENT FROM LEAVING THE SITE. 23. CONSTRUCTION VEHICLES SHALL UTILIZE THE STABILIZED CONSTRUCTION ENTRANCE TO THE EXTENT POSSIBLE THROUGHOUT CONSTRUCTION.
- 24. IF INSTALLATION OF STORM DRAINAGE SYSTEM SHOULD BE INTERRUPTED BY WEATHER OR NIGHTFALL, THE PIPE ENDS SHALL BE COVERED WITH FILTER FABRIC.
- 25. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO TAKE WHATEVER MEANS NECESSARY TO ESTABLISH PERMANENT SOIL STABILIZATION.
- 26. SEDIMENT SHALL BE REMOVED FROM ALL SEDIMENT BASINS BEFORE THEY ARE 25% FULL.
- 27. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH PROJECT SPECIFICATIONS.
- 28. ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED, IF DEEMED NECESSARY BY ON-SITE INSPECTION BY ENGINEER AND/OR REGULATORY OFFICIALS. 29. SEE ALSO EROSION AND SEDIMENT CONTROL SPECIFICATIONS ON SHEET E1.

GRAPHIC SCALE	PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 147, LOT 18
$\begin{array}{c} 15 & 30 & 60 & 120 \\ \hline \\ & & $	APPLICANT TUCK REALTY CORPORATION PO BOX 190 EXETER, NH 03833
	TOTAL LOT AREA 81,046 SQ. FT. 1.86 ACRES
GRADING AND DRAINAGE PLAN	DRAWING No.
668 MIDDLE STREET PORTSMOUTH, NH	C3
ELIZABETH B. LARSEN, TRUSTEE OF THE ELIZABETH B. LARSEN TRUST OF 2012 668 MIDDLE STREET, PORTSMOUTH, NH 03801 DEED BK 5390 PG 2799	SHEET X OF 3 JBE PROJECT NO. 20686



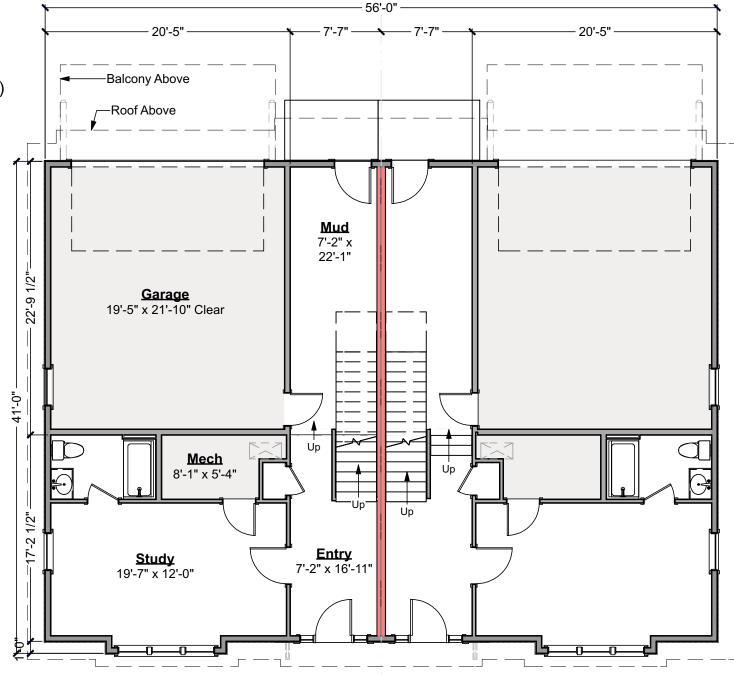
1053.224.v1 (1/25/2021)

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# Typical Living Area thisFloor: 631 per Side Gross• Calculated to outside of framing,

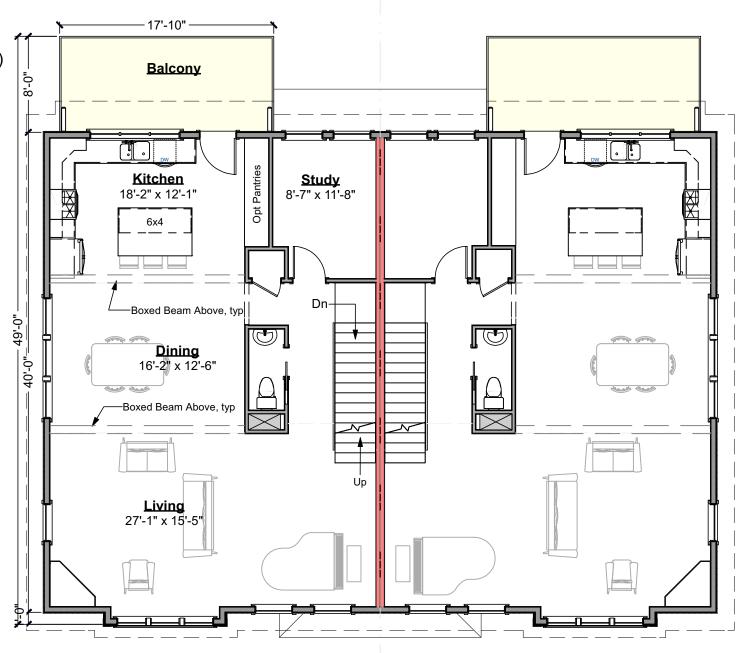
- center of demising
  9-11 Ft Ceilings @ Living,
- depending on site



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## Typical Living Area this Floor: 1130 per Side Gross

- Calculated to outside of framing, center of demising
- 9 Ft Ceilings



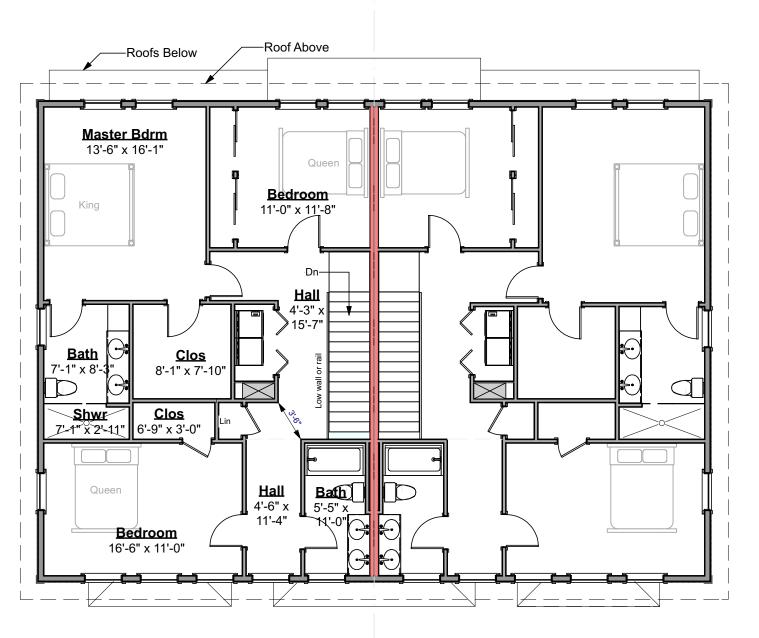


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#### Typical Living Area this Floor: 1120 per Side Gross

- Calculated to outside of framing, center of demising
- 8 Ft Ceilings





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# 1/25/2021

## Bakewell v1 Unit 1-2 & 3-4

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1/8"=1'-0"

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**Rear Elevation** 

1/8"=1'-0"

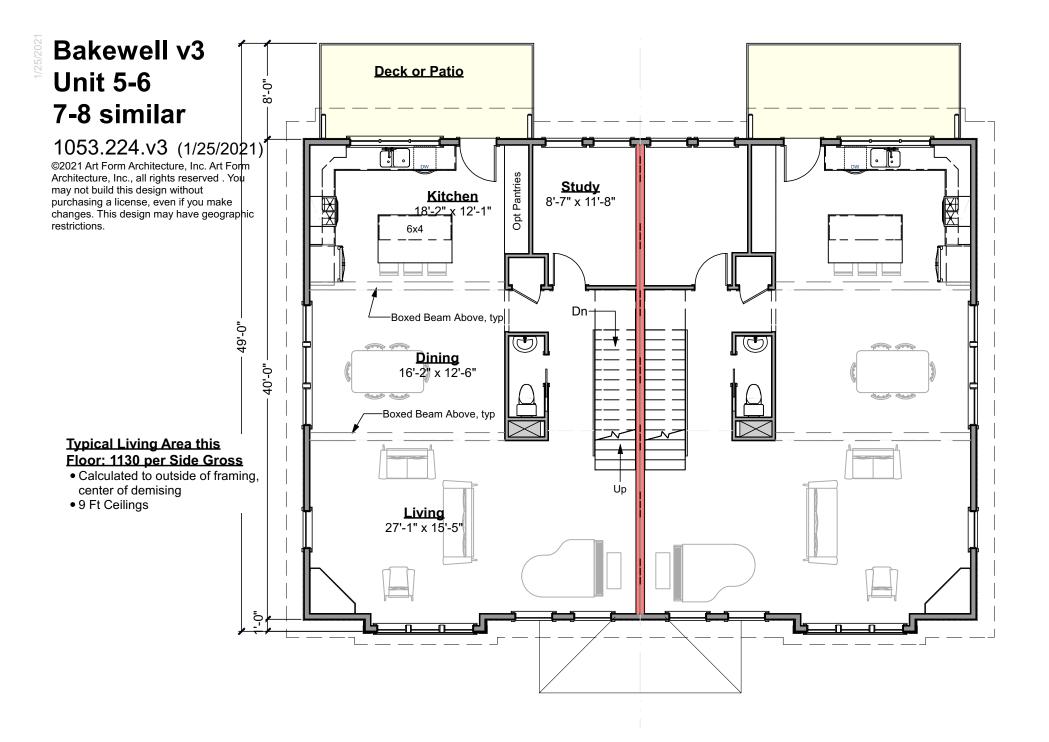
# 1/25/2021

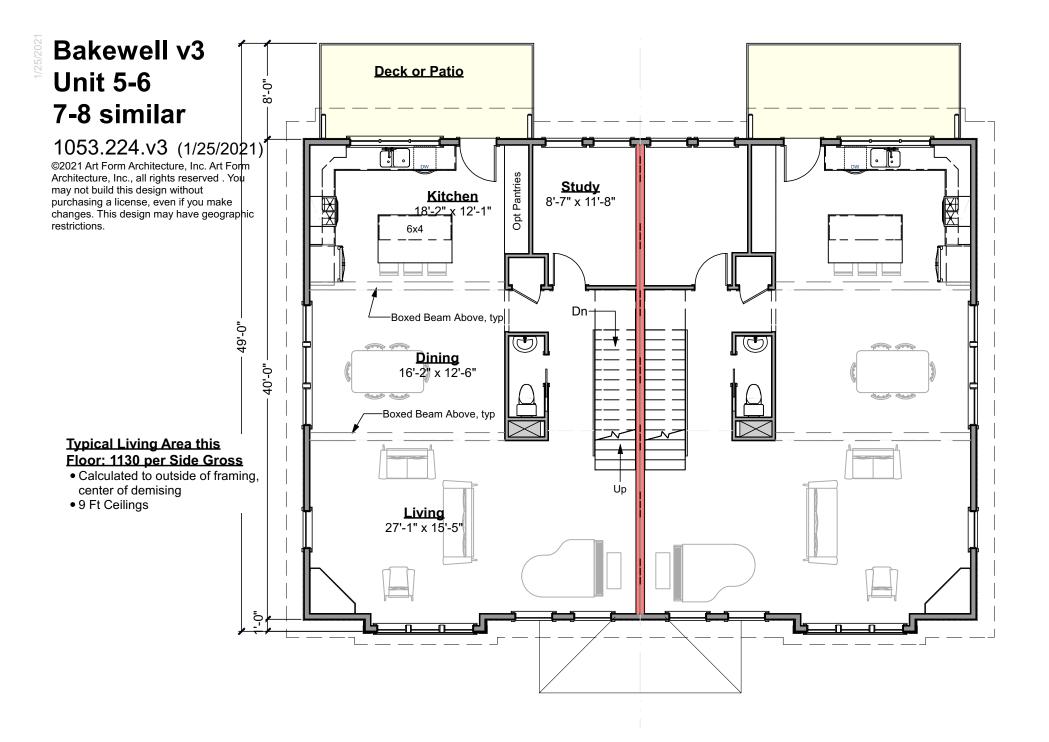
## Bakewell v3 Unit 5-6 7-8 similar

## 1053.224.v3 (1/25/2021)

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# 1/25/2021

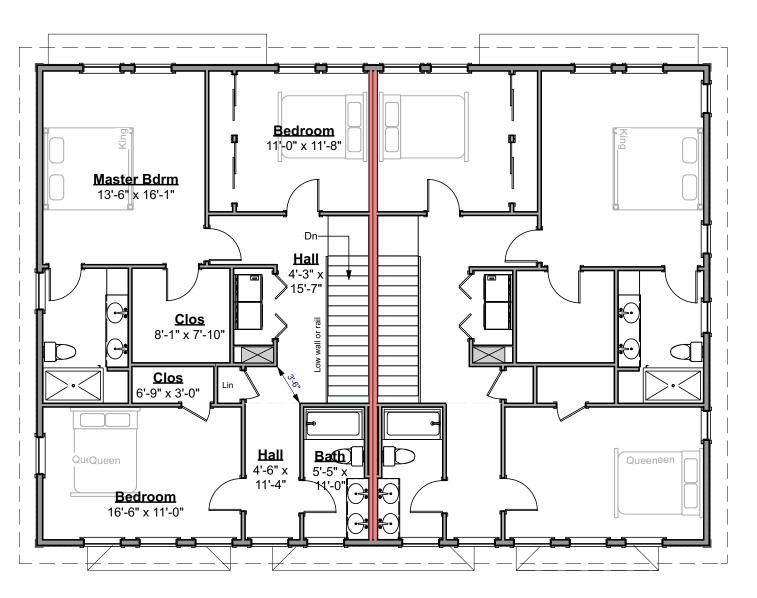
## Bakewell v3 Unit 5-6 7-8 similar

## 1053.224.v3 (1/25/2021)

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#### Typical Living Area this Floor: 1120 per Side Gross

- Calculated to outside of framing, center of demising
- 8 Ft Ceilings



## Bakewell v3 Unit 5-6 7-8 similar

## 1053.224.v3 (1/25/2021)

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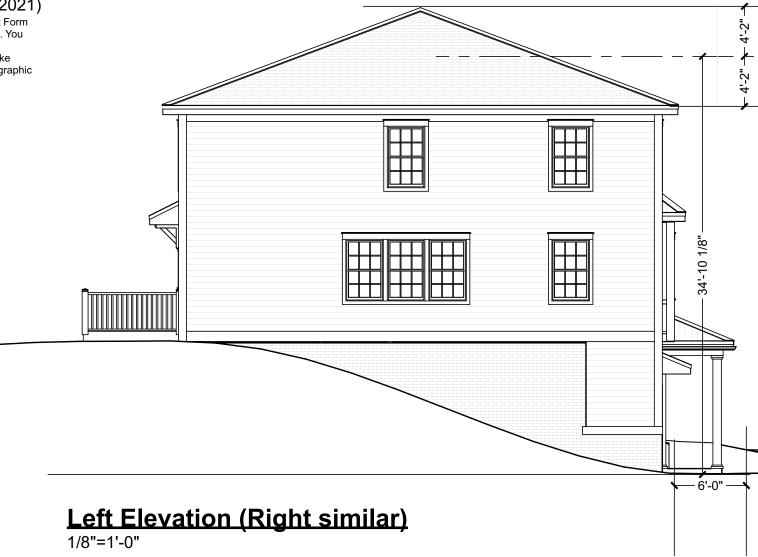


# 1/25/2021

## Bakewell v3 Unit 5-6 7-8 similar

## 1053.224.v3 (1/25/2021)

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# 1/25/2021

## Bakewell v3 Unit 5-6 7-8 similar

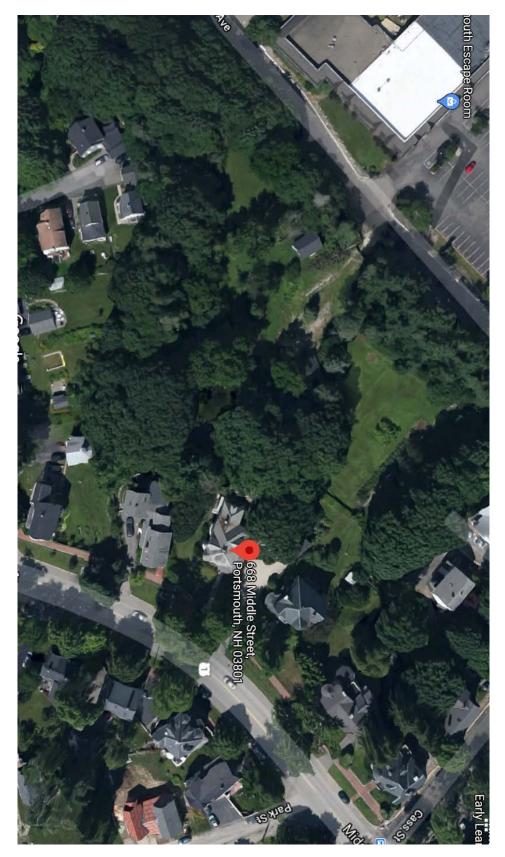
## 1053.224.v3 (1/25/2021)

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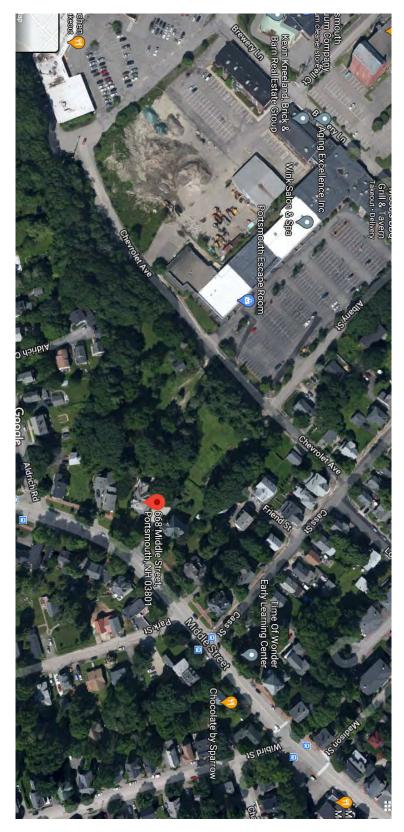


## **Rear Elevation**

1/8"=1'-0"



Aerial View of Property



Aerial View of Property showing surrounding uses and densities



View of the Property from Middle Street (east)



View of existing buildings from Middle Street



View of Three-Family Residence from Middle Street (southeast)



View of Carraige House (Single Family Residence) from front (east)



View of Carraige House (Single Family Residence) from rear (west)



View from Property from the rear (northwest)



View from Property from the northwest



View from Property from Chevrolet Avenue (northwest)



## 668 MIDDLE ST

Location	668 MIDDLE ST	Mblu	0147/ 0018/ 0000/ /
Acct#	34521	Owner	LARSEN ELIZABETH B TRUST OF 2012
PBN	As	sessment	\$2,207,100
Appraisal	\$2,207,100	PID	34521
Building Count	2		

#### **Current Value**

Appraisal							
Valuation Year	Improvements	Land	Total				
2020	\$1,808,600	\$398,500	\$2,207,100				
	Assessment						
Valuation Year	Improvements	Land	Total				
2020	\$1,808,600	\$398,500	\$2,207,100				

#### **Owner of Record**

Owner	LARSEN ELIZABETH B TRUST OF 2012	Sale Price	\$0
Co-Owner	LARSEN ELIZABETH B TRUSTEE	Certificate	
Address	668 MIDDLE ST	Book & Page	5390/2799
	PORTSMOUTH, NH 03801	Sale Date	12/20/2012
		Instrument	

#### **Ownership History**

Ownership History					
Owner Sale Price Certificate Book & Page Instrument Sale Date					
LARSEN ELIZABETH B TRUST OF 2012	\$0		5390/2799		12/20/2012
LARSEN ELIZABETH B	\$0		3980/0209		01/21/2003

#### **Building Information**

### Building 1 : Section 1

Year Built:	1892
Living Area:	3,840

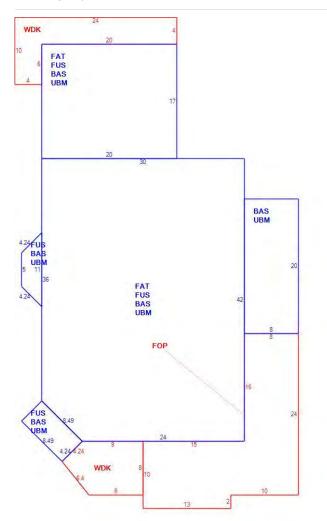
Replacement Cost:	\$1,365,8	326				
Building Percent Good: Replacement Cost	79					
Less Depreciation:	\$1,079,0	000				
В	Building Attributes					
Field		Description				
Style:		3 Unit				
Occupancy		3				
Exterior Wall 2						
Interior Wall 2						
Interior FIr 2		Ceram Clay Til				
Model		Residential				
Grade:		X-				
Stories:		2				
Exterior Wall 1		Clapboard				
Roof Structure:		Gable/Hip				
WB Fireplaces		1				
Extra Openings		3				
Roof Cover		Slate				
Interior Wall 1		Plastered				
Extra Openings		0				
Bsmt Garage						
Interior FIr 1		Hardwood				
Heat Fuel		Gas				
Heat Type:		Hot Water				
АС Туре:		None				
Total Bedrooms:		4 Bedrooms				
Total Bthrms:		4				
Total Half Baths:		0				
Total Xtra Fixtrs:		2				
Total Rooms:		14				
Bath Style:		Avg Quality				
Kitchen Style:		Avg Quality				
Kitchen Gr		В				
Metal Fireplaces		0				

### **Building Photo**



(http://images.vgsi.com/photos2/PortsmouthNHPhotos//\00\01\97\91.jpg)

### **Building Layout**



(ParcelSketch.ashx?pid=34521&bid=34521)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Code Description		Living Area
BAS	First Floor	1,802	1,802
FUS	Upper Story, Finished	1,642	1,642
FAT	Attic	1,582	396

FOP	Porch, Open	338	0
UBM	Basement, Unfinished	1,802	0
WDK	Deck, Wood	202	0
		7,368	3,840

## Building 2 : Section 1

Building Attributes : Bldg 2 of 2			
Less Depreciation:	\$699,400		
Replacement Cost			
Building Percent Good:	89		
Replacement Cost:	\$785,802		
Living Area:	1,920		
Year Built:	1900		

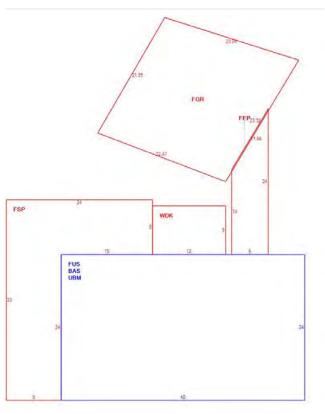
Building Attributes : Bldg 2 of 2		
Field	Description	
Style:	3 Unit	
Occupancy	3	
Exterior Wall 2		
Interior Wall 2		
Interior Flr 2	Ceram Clay Til	
Model	Residential	
Grade:	A	
Stories:	2	
Exterior Wall 1	Clapboard	
Roof Structure:	Gable/Hip	
WB Fireplaces	1	
Extra Openings	0	
Roof Cover	Asph/F Gls/Cmp	
Interior Wall 1	Plastered	
Extra Openings	0	
Bsmt Garage		
Interior FIr 1	Hardwood	
Heat Fuel	Gas	
Heat Type:	Hot Water	
АС Туре:	None	
Total Bedrooms:	3 Bedrooms	
Total Bthrms:	4	
Total Half Baths:	0	
Total Xtra Fixtrs:	1	
Total Rooms:	8	
Bath Style:	Avg Quality	
Kitchen Style:	Avg Quality	
Kitchen Gr	В	

### **Building Photo**



 $(http://images.vgsi.com/photos2/PortsmouthNHPhotos//\00\00\93\54.JPG)$ 

## **Building Layout**



(ParcelSketch.ashx?pid=34521&bid=40101)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	de Description Gross Area		Living Area
BAS	First Floor	960	960

Metal Fireplaces	0	FUS
		FEP
		FGR
		FSP

FUS	Upper Story, Finished	960	960
FEP	Porch, Enclosed	114	0
FGR	Garage, Attached	506	0
FSP	Porch, Screened	432	0
UBM	Basement, Unfinished	960	0
WDK	Deck, Wood	96	0
		4,028	1,920

## •

#### **Extra Features**

Extra Features Legen				
Code	Description	Size	Value	Bldg #
FBLA	FINISHED BSMNT	480.00 S.F.	\$20,500	2

#### Land

Land Use		Land Line Valua	tion
Use Code	1050	Size (Acres)	1.85
Description	THREE FAM	Frontage	
Zone	GRA	Depth	
Neighborhood	104	Assessed Value	\$398,500
Alt Land Appr	No	Appraised Value	\$398,500
Category			

## Outbuildings

Outbuildings					<u>Legend</u>	
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
BRN9	BARN			432.00 S.F.	\$9,700	1

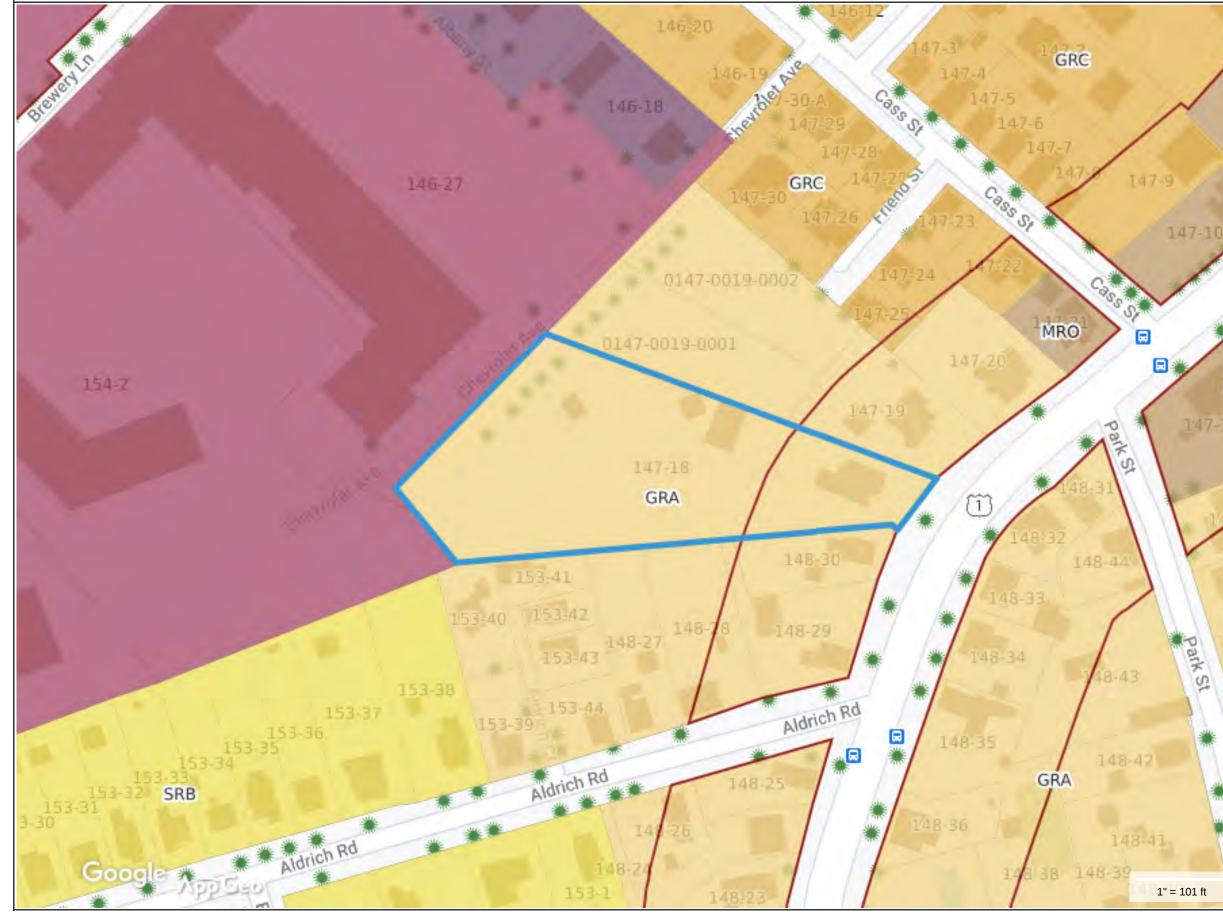
### Valuation History

Appraisal					
Valuation Year	Improvements	Land	Total		
2020	\$1,808,600	\$398,500	\$2,207,100		
2019	\$1,808,100	\$398,500	\$2,206,600		
2018	\$1,643,600	\$346,000	\$1,989,600		

Assessment					
Valuation Year	Improvements	Land	Total		
2020	\$1,808,600	\$398,500	\$2,207,100		
2019	\$1,808,100	\$398,500	\$2,206,600		
2018	\$1,643,600	\$346,000	\$1,989,600		

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668 Middle Street



## EXHIBIT E

## Property Information Property 0147-0018-0000

ID Owner

M

147-1

Location 668 MIDDLE ST

LARSEN ELIZABETH B TRUST OF 2012

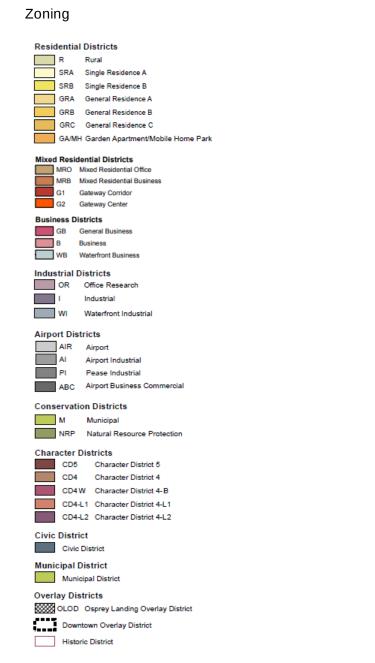


#### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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Geometry updated 4/1/2019 Data updated 7/17/2019

#### Map Theme Legends



City of Portsmouth

