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Admitted in: NH

Via Email Only on September 18, 2018

Juliet T. H. Walker, AICP
Planning Director
Planning Department
1 Junkins Ave
Portsmouth, NH 03801

Re: Foundry Place, LLC – Revised Submittal Letter

Dear Juliet:

Enclosed please find a site plan review application for the above referenced property (the "Application") which I am submitting on behalf of the applicant, Foundry Place, LLC (the "Applicant"). Also enclosed is a set of Progress Print Site Permit Plans prepared by Ambit Engineering, Inc. dated July 16, 2019, and a related landscape plan from GPI (the "Plans"), which show the design of community space that is intended to be constructed on Lot 2 ("Lot 2"). The Application and the Plans are submitted in connection with the Planning Board's site plan approval of Lots 3 (165 Deer Street, Map 125, Lot 17) and 6 (181 Hill Street, Map 138, Lot 62), which awarded the Applicant incentive bonuses for height and density based upon the development of Lot 2 as community space.

The Applicant requests that the Planning Board waive all submittal and other requirements in the Site Plan Review regulations that would not be satisfied by the Application and Plans as submitted, including without limitation the requirement for a complete application. As discussed, these waivers and an approval of the Application and submitted Plans would be conditioned upon: (i) the transfer of Lot 2 to the City of Portsmouth on or before the later to issue of a certificate of occupancy for Lot 3 or Lot 6, but in any event not later than September 9, 2022; and (ii) issuance of a surety bond or letter of credit at or prior to the earlier to occur of issuance of a building permit for either of Lot 3 or Lot 6, to insure payment from the Applicant of \$145,000 at the time the City commences construction of the improvements shown on the Plans (as may be amended), \$10,000 of which will be placed in escrow by the City and used to pay for art work to be displayed on Lot 2, as mutually agreed to by the City and the Applicant. The Applicant further requests that the Planning Board approve return of the \$145,000 payment made by the Applicant if Lot 2 is not developed substantially in accordance with the Plans (as may be amended) by the City within three (3) years of the transfer of Lot 2 to the City.

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Included with the Plans are easement plans showing easements on Lot 2 approved as part of the Lot 3 approvals (the "Easements"). The transfer of Lot 2 to the City would be subject to the Easements, and by prior agreement with the City, the following:

- A. Lot 2 shall not include any permanent buildings or structures within thirty (30) feet of the boundary line shared with Lot 2 and Lot 3 (other than a fence, if any, running along the northerly boundary of Lot 2 adjacent to land now or formerly of Boston and Maine Corporation), without the prior written consent of the owner of Lot 3, which consent shall not be unreasonably withheld, conditioned or delayed.
- B. Lot 2 shall be dedicated for public use, qualify as unoccupied space and otherwise have qualities sufficient for purposes of meeting the requirements of Exception 1.2 of IBC-2009, Section 705.8.1, Exception 1.2.
- C. The City shall maintain Lot 2 as an attractive, park-like public community space that generally enhances and does not cause disruption to the neighborhood.

In addition, the Applicant is requesting that the Lot 2 area on the Easement Plans marked "Community Space to Benefit Lot 4 (Tax Map 125, Lot 17-2) and/or Lot 5 (Tax Map 125, Lot 17-2)" be reserved for height, density or other incentive bonuses that may be available for Lots 4 and/or 5 at the time those lots are considered for site plan approval. As you know and as consistently shown on prior project plans, and shown on the Plans, the area being provided to the City as Community Space is greater than needed for the incentive bonuses approved for Lots 3 and 6.

Finally the Applicant requests that the required \$500 application fee be paid by applying a portion of the \$1,275.19 amount previously paid by the Applicant with respect to the site plan review application submitted for Lot 2 on July 12, 2018, which is being replaced with the enclosed Application and Plans. The Applicant also requests that the balance remaining be refunded to the Applicant in the ordinary course.

I would be happy to discuss any concerns that you or your staff may have with respect to this Application in advance of the September 20th, 2018 hearing, and appreciate the preliminary feedback already received.

Sincerely,



Denis O. Robinson

DOR/dra
Encl.