Findings of Fact | Subdivision Rules and Regulations City of Portsmouth Planning Board

Date: <u>September 21, 2023</u>

Property Address: 928 South Street

Application #: LU-23-144

Decision: ☐ Approve ☐ Deny ☐ Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

	Subdivision Review Criteria	Finding	Supporting Information
		(Meets Standards/ Requirements)	(provided by applicant)
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Meets	A plat was initially submitted August 30, 2023 review and approval.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	A digital format of the final subdivision will be submitted to the City's GIS department upon final approval.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The Lot Line Adjustment does not require reviewed by the Technical Advisory Committee (TAC).
4	SECTION VII - DESIGN STANDARDS	Meets	The Lot Line Adjustment does not require reviewed by the Technical Advisory Committee (TAC).

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information (provided by applicant)
5	Other Board Findings:	noqui om om om o	
	Not Applicable		





Civil Site Planning Environmental Engineering

133 Court Street Portsmouth, NH 03801-4413

August 30, 2023

Peter Britz, Planning and Sustainability Director City of Portsmouth Municipal Complex 1 Junkins Avenue Portsmouth, New Hampshire 03801

Re: Application for Lot Line Adjustment Approval Assessor's Map 221, Lots 87, 88 & 90

South Street

Altus Project No. 4755

Dear Peter,

On behalf of Patricia Ramsey and KMF Management, LLC and DAVPAT, LLC and 928 S Street NH, LLC, Altus Engineering, LLC (Altus) respectfully submits an application to the Portsmouth Planning Board for multiple lot line adjustments with Tax Map 221, Lots 87, 88 and 90.

In 2022, Patrica Ramsey sold The Edgewood Centre and the property to 928 S Street NH, LLC. Ms. Ramsey retained The Pines and Lots 88 and 90. Although under separate entities prior to the sale, Ms. Ramsey controlled all three parcels.

The proposed lot line adjustments were a condition of the sale to create more uniform shaped parcels, correct and minimize cross easements, and exchange land where active uses make sense.

Please call or email me directly should you have any questions or need any additional information.

Sincerely,

Enclosures

eCopy: Patricia Ramsey

928 S Street NH, LLC R. Timothy Phoenix, Esq.

wde/4755.00 pb cvr ltr.docx

Tel: (603) 433-2335 E-mail: Altus@altus-eng.com

LETTER OF AUTHORIZATION

I authorize Altus Engineering, LLC and Hoefle, Phoenix, Gormley & Roberts, PLLC to execute all applications before Portsmouth Land Use Boards and to take any and all actions necessary throughout the application and permitting process, including but not limited to attendance and presentation at public hearings regarding the property at 928 South Street Tax Map-Lots 221-88.

KMF MANAGEMENT, LLC

Member/Manager

LETTER OF AUTHORIZATION

I authorize Altus Engineering, LLC and Hoefle, Phoenix, Gormley & Roberts, PLLC to execute all applications before Portsmouth Land Use Boards and to take any and all actions necessary throughout the application and permitting process, including but not limited to attendance and presentation at public hearings regarding the property at 928 South Street Tax Map-Lots 221-90.

DAVPAT, LLC

Member/Manager

LETTER OF AUTHORIZATION

I authorize Altus Engineering, LLC to execute all applications before Portsmouth Land Use Boards and to take any and all actions necessary throughout the application and permitting process, including but not limited to attendance and presentation at public hearings regarding the property at 928 South Street Tax Map-Lots 221-87 & 221-91.

928 S STREET NH, LLC

Um Store

Ari Stern, Member/Manager



City of Portsmouth, New Hampshire Subdivision Application Checklist

This subdivision application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Planning Board review. A pre-application conference with a member of the planning department is strongly encouraged as additional project information may be required depending on the size and scope. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all subdivision review requirements. Please refer to the Subdivision review regulations for full details.

Applicant Responsibilities (Section III.C): Applicable fees are due upon application submittal along with required number of copies of the Preliminary or final plat and supporting documents and studies. Please consult with Planning staff for submittal requirements.

Owner: 928 S Street NH LLC, KMT Management, LLC, Davpɛ Date Submitted: 8/28/23

Applicant: Same

Phone Number: 603-766-2301

Site Address 1: 936 and 962 South Street Portsmouth, NH 03801 (lots 88 & 90)

Site Address 2: 928 south Street Portsmouth, NH 03801 (lot 87)

Map: 221 Lot: 87

	Application Requirements				
\square	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)	Waiver Requested		
~	Completed Application form. (III.C.2-3)	n line submissio	N/A		
V	All application documents, plans, supporting documentation and other materials provided in digital Portable Document Format (PDF) on compact disc, DVD or flash drive. (III.C.4)	submitted on line	N/A		

Requirements for Preliminary/Final Plat				
Ø	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
~	Name and address of record owner, any option holders, descriptive name of subdivision, engineer and/or surveyor or name of person who prepared the plat. (Section IV.1/V.1)	title block, lower right	☑ Preliminary Plat ☑ Final Plat	N/A

Requirements for Preliminary/Final Plat				
A	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
\	Preliminary Plat Names and addresses of all adjoining property owners. (Section IV.2) Final Plat Names and addresses of all abutting property owners, locations of buildings within one hundred (100) feet of the parcel, and any new house numbers within the subdivision. (Section V.2)	plan sheets	☑ Preliminary Plat ☑ Final Plat	N/A
'	North point, date, and bar scale. (Section IV.3/V3)	Required on all Plan Sheets	✓ Preliminary Plat✓ Final Plat	N/A
'	Zoning classification and minimum yard dimensions required. (Section IV.4/V.4)	plan sheets	☑ Preliminary Plat ☑ Final Plat	N/A
\	Preliminary Plat Scale (not to be smaller than one hundred (100) feet = 1 inch) and location map (at a scale of 1" = 1000'). (Section IV.5) Final Plat Scale (not to be smaller than 1"=100'), Location map (at a scale of 1"=1,000') showing the property being subdivided and its relation to the surrounding area within a radius of 2,000 feet. Said location map shall delineate all streets and other major physical features that my either affect or be affected by the proposed development. (Section V.5)	plan sheets	☑ Preliminary Plat ☑ Final Plat	N/A
\	Location and approximate dimensions of all existing and proposed property lines including the entire area proposed to be subdivided, the areas of proposed lots, and any adjacent parcels in the same ownership. (Section IV.6)	plan sheets	☑ Preliminary Plat ☑ Final Plat	
	Dimensions and areas of all lots and any and all property to be dedicated or reserved for schools, parks, playgrounds, or other public purpose. Dimensions shall include radii and length of all arcs and calculated bearing for all straight lines. (Section V.6/ IV.7)	plan sheets	☑ Preliminary Plat ☑ Final Plat	N/A
V	Location, names, and present widths of all adjacent streets, with a designation as to whether public or private and approximate location of existing utilities to be used. Curbs and sidewalks shall be shown. (Section IV.8/V.7)	plan sheets	☑ Preliminary Plat ☑ Final Plat	

	Requirements for Pr	eliminary/Final Plat		
A	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
\	Location of significant physical features, including bodies of water, watercourses, wetlands, railroads, important vegetation, stone walls and soils types that my influence the design of the subdivision. (Section IV.9/V.8)	sheet 1 of 2	☑ Preliminary Plat ☑ Final Plat	
>	Preliminary Plat Proposed locations, widths and other dimensions of all new streets and utilities, including water mains, storm and sanitary sewer mains, catch basins and culverts, street lights, fire hydrants, sewerage pump stations, etc. (Section IV.10) Final Plat Proposed locations and profiles of all proposed streets and utilities, including water mains, storm and sanitary sewer mains, catchbasins and culverts, together with typical cross sections. Profiles shall be drawn to a horizontal scale of 1"=50' and a vertical scale of 1"=5', showing existing centerline grade, existing left and right sideline grades, and proposed centerline grade. (Section V.9)	no new utilities or streets proposed	☑ Preliminary Plat ☑ Final Plat	
\	When required by the Board, the plat shall be accompanied by profiles of proposed street grades, including extensions for a reasonable distance beyond the subject land; also grades and sizes of proposed utilities. (Section IV.10)	bottom center, both sheets	☑ Preliminary Plat ☑ Final Plat	
'	Base flood elevation (BFE) for subdivisions involving greater than five (5) acres or fifty (50) lots. (Section IV.11)	note 6, sheet 1 of 2, top left	☑ Preliminary Plat ☑ Final Plat	
\	For subdivisions of five (5) lots or more, or at the discretion of the Board otherwise, the preliminary plat shall show contours at intervals no greater than two (2) feet. Contours shall be shown in dotted lines for existing natural surface and in solid lines for proposed final grade, together with the final grade elevations shown in figures at all lot corners. If existing grades are not to be changed, then the contours in these areas shall be solid lines. (Section IV.12/ V.12)	NA	☑ Preliminary Plat ☑ Final Plat	

Requirements for Preliminary/Final Plat				
A	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
>	Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law. (Section V.10)	None required	☐ Preliminary Plat ☑ Final Plat	
\	For subdivisions involving greater than five (5) acres or fifty (50) lots, the final plat shall show hazard zones and shall include elevation data for flood hazard zones. (Section V.11)	not applicable	☐ Preliminary Plat ☑ Final Plat	
'	Location of all permanent monuments. (Section V.12)	both sheets	☐ Preliminary Plat ☑ Final Plat	

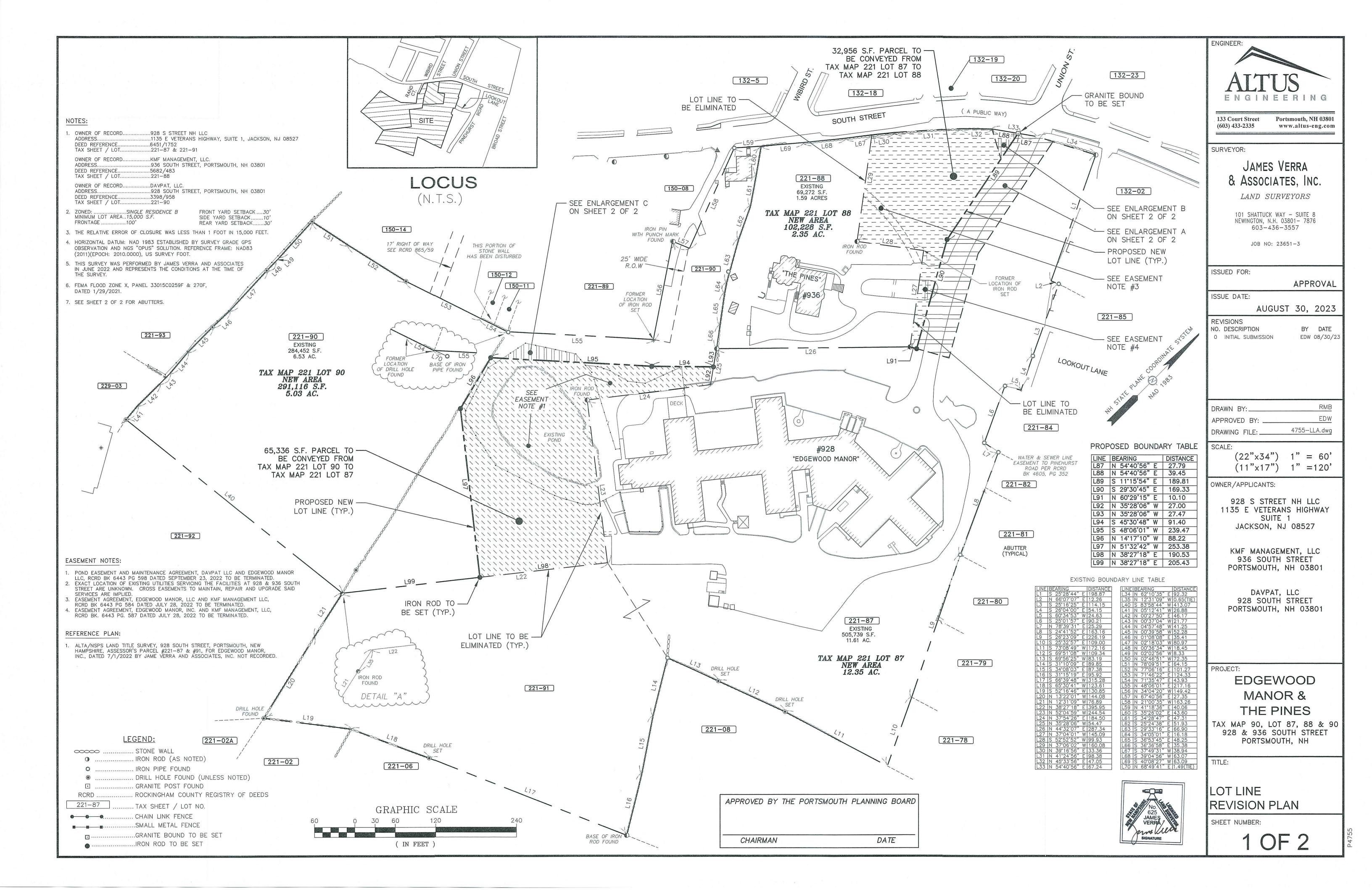
	General Requirements ¹				
\square	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Waiver Requested		
	 1. Basic Requirements: (VI.1) a. Conformity to Official Plan or Map b. Hazards c. Relation to Topography d. Planned Unit Development 	Not applicable			
	2. Lots: (VI.2) a. Lot Arrangement b. Lot sizes c. Commercial and Industrial Lots	Not applicable			
	a. Relation to adjoining Street System b. Street Rights-of-Way c. Access d. Parallel Service Roads e. Street Intersection Angles f. Merging Streets g. Street Deflections and Vertical Alignment h. Marginal Access Streets i. Cul-de-Sacs j. Rounding Street Corners k. Street Name Signs l. Street Names m. Block Lengths n. Block Widths o. Grade of Streets p. Grass Strips	no new street proposed			
V	4. Curbing: (VI.4)	no improvements proposed			
\	5. Driveways: (VI.5)	no improvements proposed			
V	6. Drainage Improvements: (VI.6)	no improvements proposed			
~	7. Municipal Water Service: (VI.7)	no improvements proposed			
V	8. Municipal Sewer Service: (VI.8)	no improvements proposed			
	9. Installation of Utilities: (VI.9)a. All Districtsb. Indicator Tape	no improvements proposed			
<u> </u>	10. On-Site Water Supply: (VI.10)	not applicable			
V	11. On-Site Sewage Disposal Systems: (VI.11)	not applicable			
	12. Open Space: (VI.12) a. Natural Features b. Buffer Strips c. Parks d. Tree Planting	not required - no changes proposed			
	 13. Flood Hazard Areas: (VI.13) a. Permits b. Minimization of Flood Damage c. Elevation and Flood-Proofing Records d. Alteration of Watercourses 	not in flood zone			
~	14. Erosion and Sedimentation Control (VI.14)	not applicable			

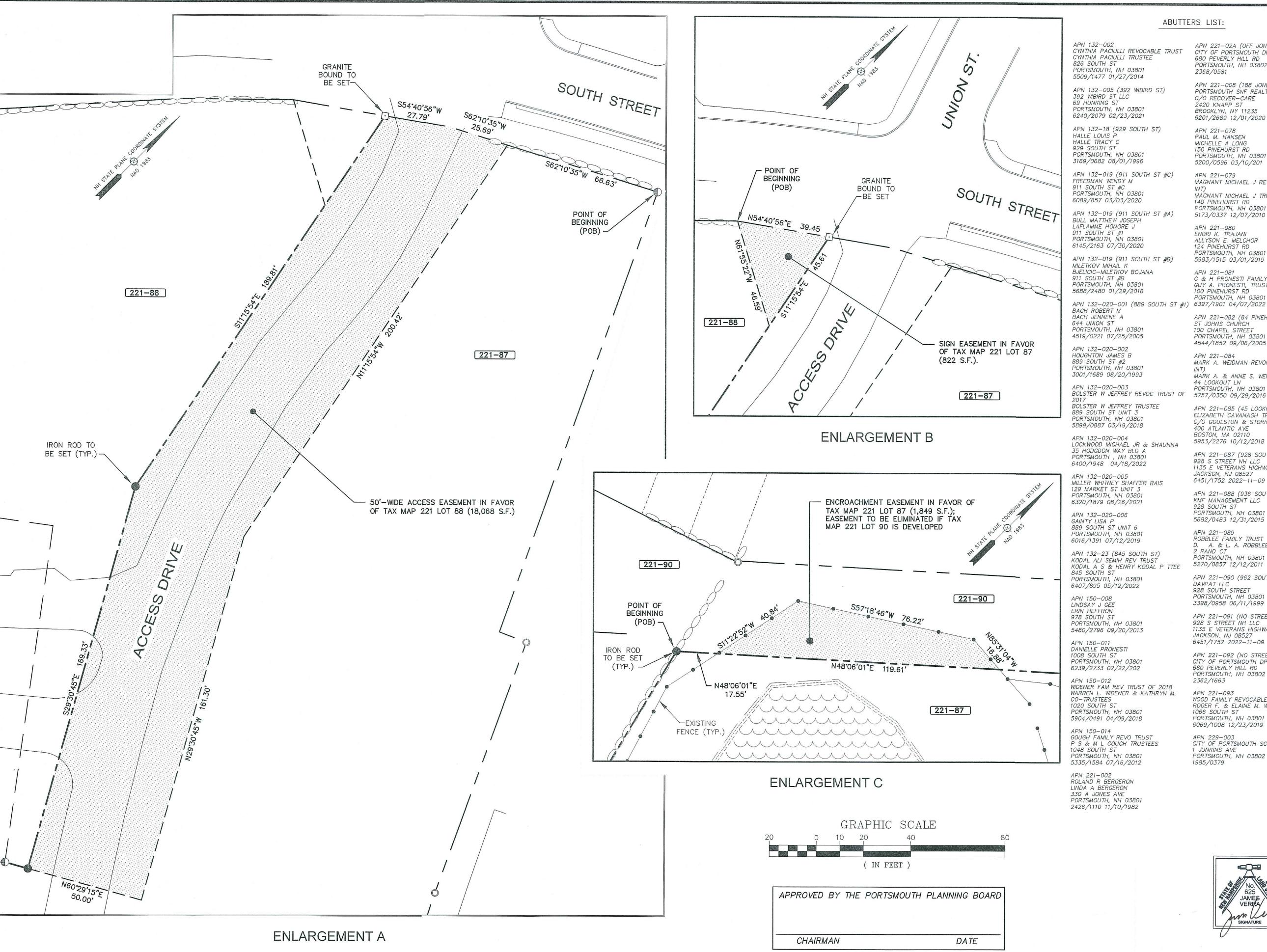
Ø	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Waiver Requested
\ \ \	15. Easements (VI.15) a. Utilities b. Drainage	Sheet 2 of 2	
~	16. Monuments: (VI.16)	both sheets	
V	17. Benchmarks: (VI.17)	Not applicable	
V	18. House Numbers (VI.18)	not changes proposed, sheet 1 of 2	

		Design Standards		
		Required Items for Submittal	Indicate compliance and/or provide explanation as to alternative design	Waiver Requested
\ 	1.	Streets have been designed according to the design standards required under Section (VII.1). a. Clearing b. Excavation c. Rough Grade and Preparation of Sub-Grade d. Base Course e. Street Paving f. Side Slopes g. Approval Specifications h. Curbing i. Sidewalks j. Inspection and Methods	Not applicable. No site improvements proposed.	
V	2.	Storm water Sewers and Other Drainage Appurtenances have been designed according to the design standards required under Section (VII.2). a. Design b. Standards of Construction	Not applicable. No site improvements proposed.	
V	3.	Sanitary Sewers have been designed according to the design standards required under Section (VII.3). a. Design b. Lift Stations c. Materials d. Construction Standards	Not applicable. No site improvements proposed.	
\ \ \	4.	Water Mains and Fire Hydrants have been designed according to the design standards required under Section (VII.4). a. Connections to Lots b. Design and Construction c. Materials d. Notification Prior to Construction	Not applicable. No site improvements proposed.	

Applicant's/Representative's Signature:	 8/28/23 Date:

¹ See City of Portsmouth, NH Subdivision Rules and Regulations for details. Subdivision Application Checklist/January 2018





CYNTHIA PACIULLI REVOCABLE TRUST CYNTHIA PACIULLI TRUSTEE PORTSMOUTH, NH 03801

APN 132-005 (392 WIBIRD ST)

APN 132-18 (929 SOUTH ST) PORTSMOUTH, NH 03801

APN 132-019 (911 SOUTH ST #C)

APN 132-019 (911 SOUTH ST #A) BULL MATTHEW JOSEPH LAFLAMME HONORE J PORTSMOUTH. NH 03801

APN 132-019 (911 SOUTH ST #B) BJELICIC-MILETKOV BOJANA PORTSMOUTH, NH 03801

PORTSMOUTH, NH 03801

HOUGHTON JAMES B 889 SOUTH ST #2 PORTSMOUTH, NH 03801 3001/1689 08/20/1993

BOLSTER W JEFFREY REVOC TRUST OF BOLSTER W JEFFREY TRUSTEE 889 SOUTH ST UNIT 3 PORTSMOUTH, NH 03801

LOCKWOOD MICHAEL JR & SHAUNNA 35 HODGDON WAY BLD A PORTSMOUTH , NH 03801 6400/1948 04/18/2022

MILLER WHITNEY SHAFFER RAIS 129 MARKET ST UNIT 3 PORTSMOUTH, NH 03801 6320/1879 08/26/2021

889 SOUTH ST UNIT 6 PORTSMOUTH, NH 03801 6016/1391 07/12/2019

KODAL ALI SEMIH REV TRUST KODAL A S & HENRY KODAL P TTEE PORTSMOUTH, NH 03801 6407/895 05/12/2022

PORTSMOUTH, NH 03801 5480/2796 09/20/2013

PORTSMOUTH, NH 03801 6239/2733 02/22/202

WIDENER FAM REV TRUST OF 2018 WARREN L. WIDENER & KATHRYN M. PORTSMOUTH, NH 03801 5904/0491 04/09/2018

GOUGH FAMILY REVO TRUST P S & M L GOUGH TRUSTEES PORTSMOUTH, NH 03801 5335/1584 07/16/2012

PORTSMOUTH, NH 03801



APN 221-02A (OFF JONES AVE) CITY OF PORTSMOUTH DPW 680 PEVERLY HILL RD PORTSMOUTH, NH 03802 2368/0581

APN 221-008 (188 JONES AVE) PORTSMOUTH SNF REALTY LLC C/O RECOVER-CARE 2420 KNAPP ST BROOKLYN, NY 11235

APN 221-078 PAUL M. HANSEN MICHELLE A LONG 150 PINEHURST RD PORTSMOUTH, NH 03801 5200/0596 03/10/201

6201/2689 12/01/2020

APN 221-079 MAGNANT MICHAEL J REVO TRUST (50% MAGNANT MICHAEL J TRUSTEE 140 PINEHURST RD PORTSMOUTH, NH 03801

APN 221-080 ENDRI K. TRAJANI ALLYSON E. MELCHOR 124 PINEHURST RD PORTSMOUTH, NH 03801 5983/1515 03/01/2019

5173/0337 12/07/2010

APN 221-081 G & H PRONESTI FAMILY LIVING TRUST GUY A. PRONESTI, TRUSTEE 100 PINEHURST RD PORTSMOUTH, NH 03801

APN 221-082 (84 PINEHURST RD) ST JOHNS CHURCH 100 CHAPEL STREET PORTSMOUTH, NH 03801 4544/1852 09/06/2005

APN 221-084 MARK A. WEIDMAN REVOC TR 2016 (1/2 MARK A. & ANNE S. WEIDMAN TRUSTEES 44 LOOKOUT LN PORTSMOUTH, NH 03801

5757/0350 09/29/2016

5953/2276 10/12/2018

APN 221-085 (45 LOOKOUT LN) ELIZABETH CAVANAGH TRUST OF 1991 C/O GOULSTON & STORRS PC 400 ATLANTIC AVE BOSTON, MA 02110

APN 221-087 (928 SOUTH ST) 928 S STREET NH LLC 1135 E VETERANS HIGHWAY SUITE 1 JACKSON, NJ 08527 6451/1752 2022-11-09

APN 221-088 (936 SOUTH ST) KMF MANAGEMÈNT LLC 928 SOUTH ST PORTSMOUTH, NH 03801 5682/0483 12/31/2015

5270/0857 12/12/2011

3398/0958 06/11/1999

APN 221-089 ROBBLEE FAMILY TRUST D. A. & L. A. ROBBLEE TRUSTEES 2 RAND CT PORTSMOUTH, NH 03801

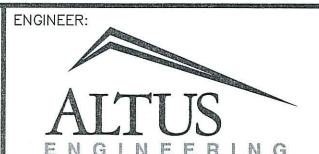
APN 221-090 (962 SOUTH ST) DAVPAT LLC 928 SOUTH STREET PORTSMOUTH, NH 03801

APN 221-091 (NO STREET FRONTAGE) 928 S STREET NH LLC 1135 E VETERANS HIGHWAY SUITE 1 JACKSON, NJ 08527 6451/1752 2022-11-09

APN 221-092 (NO STREET FRONTAGE) CITY OF PORTSMOUTH DPW 680 PEVERLY HILL RD PORTSMOUTH, NH 03802 2362/1663

APN 221-093 WOOD FAMILY REVOCABLE TRUST ROGER F. & ELAINE M. WOOD TRUSTEE 1066 SOUTH ST PORTSMOUTH, NH 03801 6069/1008 12/23/2019

APN 229-003 CITY OF PORTSMOUTH SCHOOL 1 JUNKINS AVE PORTSMOUTH, NH 03802 1985/0379



Portsmouth, NH 03801 133 Court Street (603) 433-2335 www.altus-eng.com

SURVEYOR:

JAMES VERRA & ASSOCIATES, INC

LAND SURVEYORS

101 SHATTUCK WAY - SUITE 8 NEWINGTON, N.H. 03801- 7876 603-436-3557

JOB NO: 23651-3

ISSUED FOR:

ISSUE DATE:

AUGUST 30, 2023

APPROVAL

BY DATE

EDW 08/30/23

REVISIONS NO. DESCRIPTION O INITIAL SUBMISSION

RMB DRAWN BY: _ EDW APPROVED BY: 4755-LLA.dwg

DRAWING FILE: SCALE: 1" = 20'(22"x34")

 $(11"\times17")$ 1" = 40'

OWNER/APPLICANTS:

928 S STREET NH LLC 1135 E VETERANS HIGHWAY SUITE 1 JACKSON, NJ 08527

KMF MANAGEMENT, LLC 936 SOUTH STREET PORTSMOUTH, NH 03801

DAVPAT, LLC 928 SOUTH STREET PORTSMOUTH, NH 03801

EDGEWOOD MANOR & THE PINES

TAX MAP 90, LOT 87, 88 & 90 928 & 936 SOUTH STREET PORTSMOUTH, NH

TITLE:

LOT LINE REVISION PLAN

SHEET NUMBER:

2 OF 2