

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

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August 26, 2024

HAND DELIVERED & Uploaded to Viewpoint

Rick Chellman, Chair
Portsmouth Planning Board
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: LU-23-144
Edgewood Center (928 S Street NH, LLC), Inn at Edgewood (KMF, LLC) and
DAV PAT, LLC.
928 & 936 South Street (Tax Map 221, Lots 87, 88, and 90)

Dear Mr. Chellman and Planning Board Members:

On behalf of the above-referenced parties, please accept this request for an extension to the Lot Line Approval issued by the Planning Board on September 21, 2023 (Exhibit A), extended on March 15, 2024 (Exhibit B), and due to expire on September 21, 2024.

The Planning board previously approved adjustment of the lot lines between the aforementioned parcels, which was sought as a condition of the sale of Edgewood finalized in 2002. The parties have been working diligently to complete all conditions. The mylar plan was submitted earlier this month (Copy attached as Exhibit C) and the legal department has approved the documents to be recorded establishing the Access, Fence, and Sign Easements shown on the Lot Line Adjustment Plan.

We understand that the plan and all documents, including deeds, easements, and the mortgagee's partial release must be recorded by September 21, 2024. We expect most of the parties' executed documents to be presented to the City within the week; however, we anticipate that the mortgagee's partial release may be delayed. Because the partial release must be completed and recorded prior to the conveyance to KMF, LLC, this may delay recording of all documents.

In an abundance of caution, we request a six (6) month extension of the previous approval to **March 21, 2025**. Please place this matter on the agenda for the September 19, 2024 Planning Board meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

cc: KMF, LLC
DAV PAT, LLC
928 S STREET NH, LLC

DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS 2007-2023
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN



CITY OF PORTSMOUTH

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

PLANNING BOARD

EXHIBIT A

October 2, 2023

Patricia Ramsey
928 S Street NH LLC
928 South Street
Portsmouth, New Hampshire 03801

RE: Preliminary and Final Subdivision approval for Lot Line Relocation for property located at 928 South Street (LU-23-144)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, September 21, 2023, considered your application for Preliminary and Final Subdivision approval for Lot Line Relocation as follows: Tax Map 221 Lot 88 increasing from 69,272 square feet and 165 feet of frontage to 102,228 square feet and 343 feet of frontage; Map 221 Lot 87 increasing from 505,739 square feet and 337 feet of frontage to 537,966 square feet and 120 feet of frontage; and Tax Map 221 Lot 90 decreasing in size from 284,452 square feet to 219,116 square feet with no change to street frontage. Said property is shown on Assessor Map 90 Lots 87, 88 & 90 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 1) to grant the requested waivers to the Subdivision Standards from Section IX.1 Improvements and Installation Bonds. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. 2) The Board voted to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented, and 3) voted to **grant** Preliminary and Final Subdivision Approval with the following **conditions**:

- 3.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 3.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 3.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

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.

All conditions of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been

completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized and cursive, with the first name "Rick" written in a smaller, more legible font than the last name "Chellman".

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC
Eric Weinrieb, Altus Engineering, Inc.



CITY OF PORTSMOUTH

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

PLANNING BOARD

EXHIBIT B

March 15, 2024

Patricia Ramsey
928 S Street NH LLC
928 South Street
Portsmouth, New Hampshire 03801

RE: Preliminary and Final Subdivision approval for Lot Line Relocation for property located at 928 South Street (LU-23-144)

Dear Property Owner:

I have reviewed the request for a six-month extension of the subdivision approval which was granted on September 21, 2023.

As a result of my review, I hereby grant a six-month extension of the subdivision.

This approval is granted subject to all stipulations of approval by the Planning Board and to all other requirements stated in the Planning Board letter of decision dated September 28, 2023.

Very truly yours,

Peter Britz,
Planning and Sustainability Director

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
Peter H. Rice, Director of Public Works

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC
Eric Weinrieb, Altus Engineering, Inc.

NOTES:

- OWNER OF RECORD.....928 S STREET NH LLC
ADDRESS.....1135 E VETERANS HIGHWAY, SUITE 1, JACKSON, NJ 08527
DEED REFERENCE.....6451/1752
TAX SHEET / LOT.....221-87 & 221-91
- OWNER OF RECORD.....KMF MANAGEMENT, LLC.
ADDRESS.....936 SOUTH STREET, PORTSMOUTH, NH 03801
DEED REFERENCE.....5682/483
TAX SHEET / LOT.....221-88
- OWNER OF RECORD.....DAVPAT, LLC.
ADDRESS.....928 SOUTH STREET, PORTSMOUTH, NH 03801
DEED REFERENCE.....3398/068
TAX SHEET / LOT.....221-90
- ZONED:.....SINGLE RESIDENCE B FRONT YARD SETBACK.....30'
MINIMUM LOT AREA.....15,000 S.F. SIDE YARD SETBACK.....10'
FRONTAGE.....100' REAR YARD SETBACK.....30'
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
- HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND NGS "OPUS" SOLUTION. REFERENCE FRAME: NAD83 (2011)(EPOCH: 2010.0000), US SURVEY FOOT.
- THIS SURVEY WAS PERFORMED BY JAMES VERRA AND ASSOCIATES IN JUNE 2022 AND REPRESENTS THE CONDITIONS AT THE TIME OF THE SURVEY.
- FEMA FLOOD ZONE X, PANEL 33015C0259F & 270F, DATED 1/29/2021.
- SEE SHEET 2 OF 2 FOR ABUTTERS.

EASEMENT NOTES:

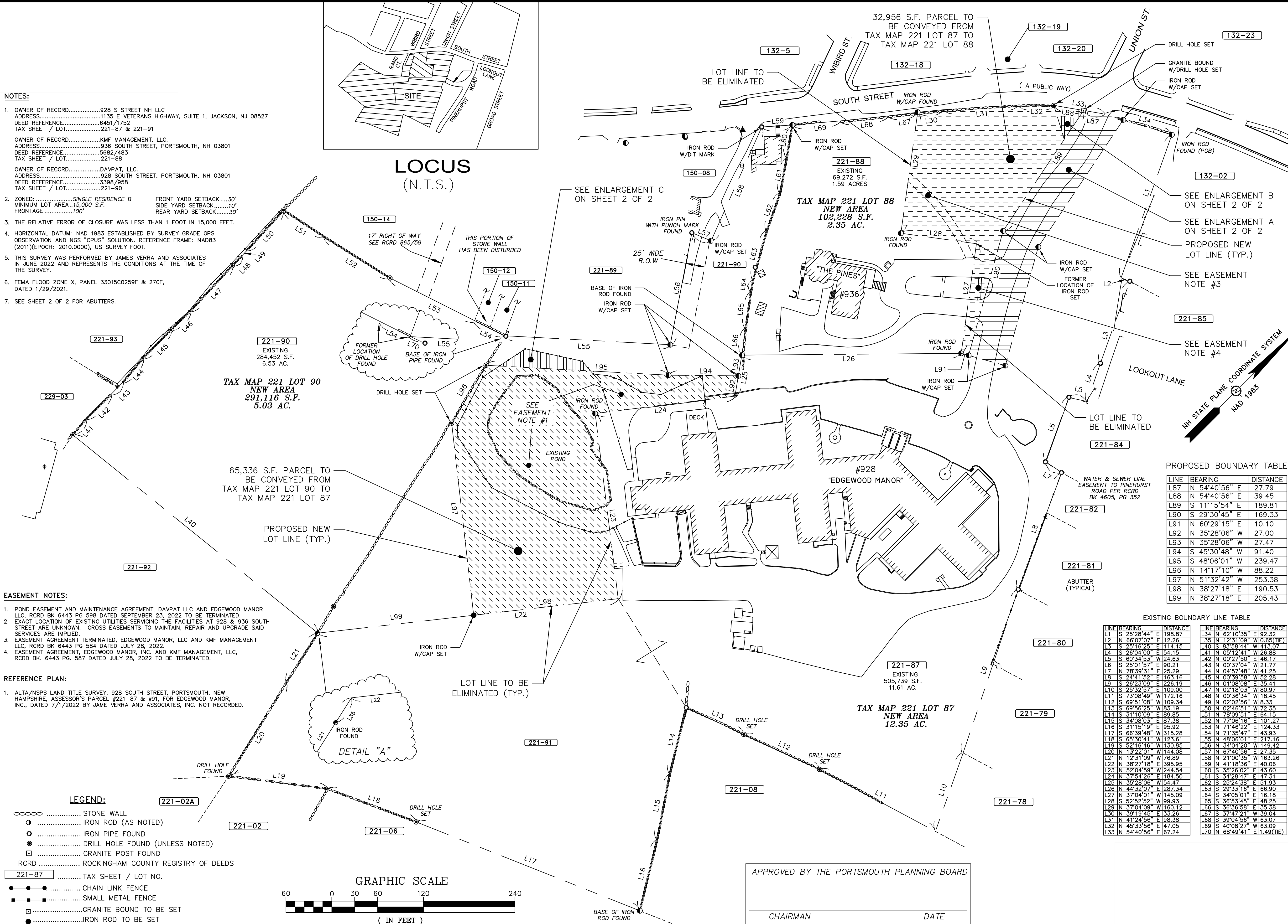
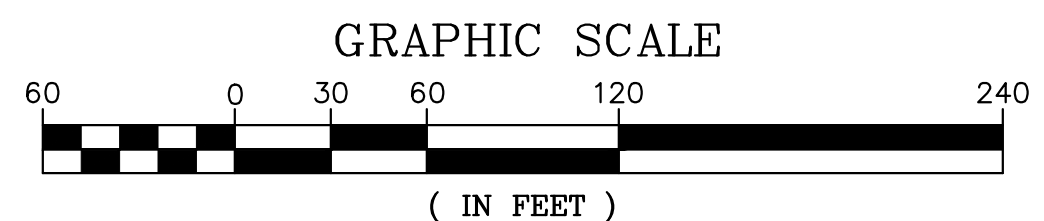
- POND EASEMENT AND MAINTENANCE AGREEMENT, DAVPAT LLC AND EDGEWOOD MANOR LLC, RCRD BK 6443 PG 598 DATED SEPTEMBER 23, 2022 TO BE TERMINATED.
- EXACT LOCATION OF EXISTING UTILITIES SERVICING THE FACILITIES AT 928 & 936 SOUTH STREET ARE UNKNOWN. CROSS EASEMENTS TO MAINTAIN, REPAIR AND UPGRADE SAID SERVICES ARE IMPLIED.
- EASEMENT AGREEMENT TERMINATED, EDGEWOOD MANOR, LLC AND KMF MANAGEMENT LLC, RCRD BK 6443 PG 584 DATED JULY 28, 2022.
- EASEMENT AGREEMENT, EDGEWOOD MANOR, INC. AND KMF MANAGEMENT, LLC, RCRD BK. 6443 PG. 587 DATED JULY 28, 2022 TO BE TERMINATED.

REFERENCE PLAN:

- ALTA/NSPS LAND TITLE SURVEY, 928 SOUTH STREET, PORTSMOUTH, NEW HAMPSHIRE, ASSESSOR'S PARCEL #221-87 & #91, FOR EDGEWOOD MANOR, INC., DATED 7/1/2022 BY JAME VERRA AND ASSOCIATES, INC. NOT RECORDED.

LEGEND:

- STONE WALL
- IRON ROD (AS NOTED)
- IRON PIPE FOUND
- DRILL HOLE FOUND (UNLESS NOTED)
- GRANITE POST FOUND
- RCRD ----- ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 221-87 ----- TAX SHEET / LOT NO.
- CHAIN LINK FENCE
- SMALL METAL FENCE
- GRANITE BOUND TO BE SET
- IRON ROD TO BE SET



PROPOSED BOUNDARY TABLE

LINE	BEARING	DISTANCE
L87	N 54°40'56" E	27.79
L88	N 54°40'56" E	39.45
L89	S 11°15'54" E	189.81
L90	S 29°30'45" E	169.33
L91	N 60°29'15" E	10.10
L92	N 35°28'06" W	27.00
L93	N 35°28'06" W	27.47
L94	S 45°30'48" W	91.40
L95	S 48°06'01" W	239.47
L96	N 14°17'10" W	88.22
L97	S 51°32'42" W	253.38
L98	N 38°27'18" E	190.53
L99	N 38°27'18" E	205.43

EXISTING BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°28'44" E	198.87	L34	N 62°10'35" E	92.32
L2	N 66°07'07" E	12.26	L35	N 12°31'09" W	0.65(TIE)
L3	S 25°18'25" E	114.15	L40	S 83°58'44" W	413.07
L4	S 26°04'00" E	54.15	L41	N 05°12'41" W	26.88
L5	S 60°34'53" W	24.63	L42	N 00°27'50" E	46.17
L6	S 25°01'57" E	90.21	L43	N 00°37'04" W	21.77
L7	N 78°39'51" E	25.29	L44	N 04°57'48" W	41.25
L8	S 24°41'52" E	163.16	L45	N 00°39'58" W	52.28
L9	S 26°23'09" E	226.19	L46	N 01°08'08" E	35.41
L10	S 25°32'57" E	109.00	L47	N 02°18'03" W	80.97
L11	S 73°08'49" W	172.16	L48	N 00°36'34" W	18.45
L12	S 69°51'08" W	109.34	L49	N 02°02'56" W	8.33
L13	S 69°56'25" W	83.19	L50	N 02°46'51" W	72.35
L14	S 31°10'09" E	89.85	L51	N 78°09'51" E	64.15
L15	S 34°08'03" E	87.38	L52	N 77°06'16" E	101.27
L16	S 31°15'19" E	95.92	L53	N 71°48'22" E	124.33
L17	S 66°39'48" W	315.28	L54	N 71°35'47" E	43.93
L18	S 65°30'41" W	123.61	L55	N 48°06'01" E	217.16
L19	S 52°16'46" W	130.85	L56	N 34°04'20" W	149.42
L20	N 13°22'01" W	144.08	L57	N 67°40'56" E	27.35
L21	N 12°51'09" W	76.89	L58	N 21°00'35" W	163.26
L22	N 38°27'18" E	395.95	L59	N 41°18'36" E	40.06
L23	N 52°04'59" W	244.54	L60	S 35°26'02" E	43.60
L24	N 37°54'26" E	184.50	L61	S 34°28'47" E	47.31
L25	N 33°28'06" W	54.47	L62	S 25°24'38" E	51.93
L26	N 44°32'07" E	287.34	L63	S 29°53'18" E	66.90
L27	N 37°04'01" W	145.09	L64	S 34°05'01" E	16.18
L28	S 52°52'52" W	99.93	L65	S 36°53'45" E	48.25
L29	N 37°04'09" W	160.12	L66	S 36°36'58" E	35.38
L30	S 37°47'21" E	33.26	L67	S 37°47'21" E	39.04
L31	N 41°24'56" E	98.38	L68	S 39°04'56" W	63.07
L32	N 45°33'56" E	47.05	L69	S 40°08'27" W	63.09
L33	N 54°40'56" E	67.24	L70	N 68°49'41" E	11.49(TIE)

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

ENGINEER:

133 Court Street Portsmouth, NH 03801
(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: RECORDING

ISSUE DATE: AUGUST 6, 2024

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	08/30/23
1	UPDATE EASEMENT NOTES	EDW	02/07/24
2	REV. L29, L30 & L67 B&D	EDW	02/09/24
3	RECORDING PLAN	EDW	08/06/24

DRAWN BY: _____ RMB

APPROVED BY: _____ EDW

DRAWING FILE: 4755-LLA.dwg

SCALE: (22"x34") 1" = 60'
(11"x17") 1" = 120'

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

EXHIBIT C

PROJECT:

EDGEWOOD MANOR & THE PINES

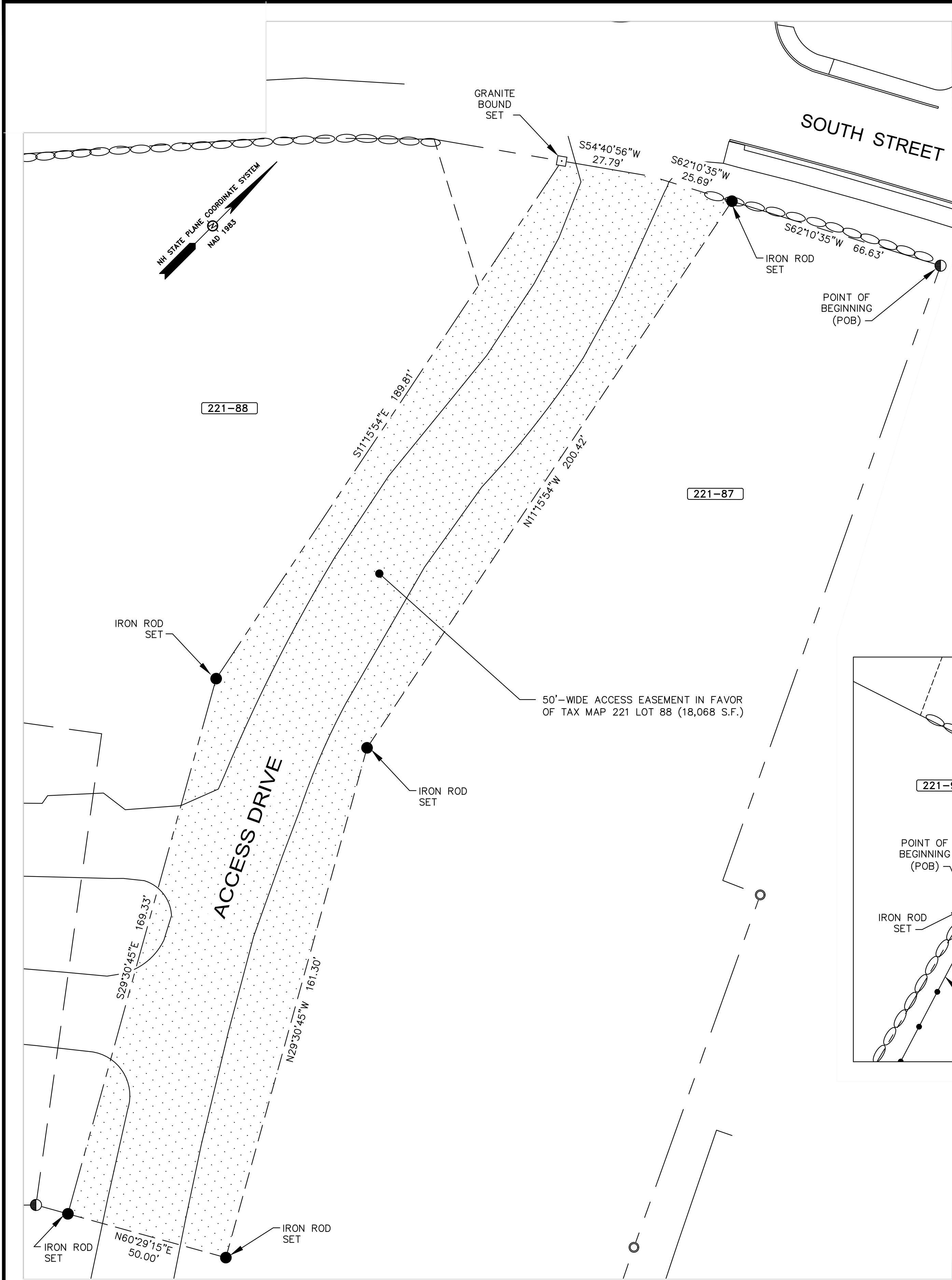
TAX MAP 221
LOT 87, 88 & 90
928 & 936 SOUTH STREET
PORTSMOUTH, NH

TITLE:

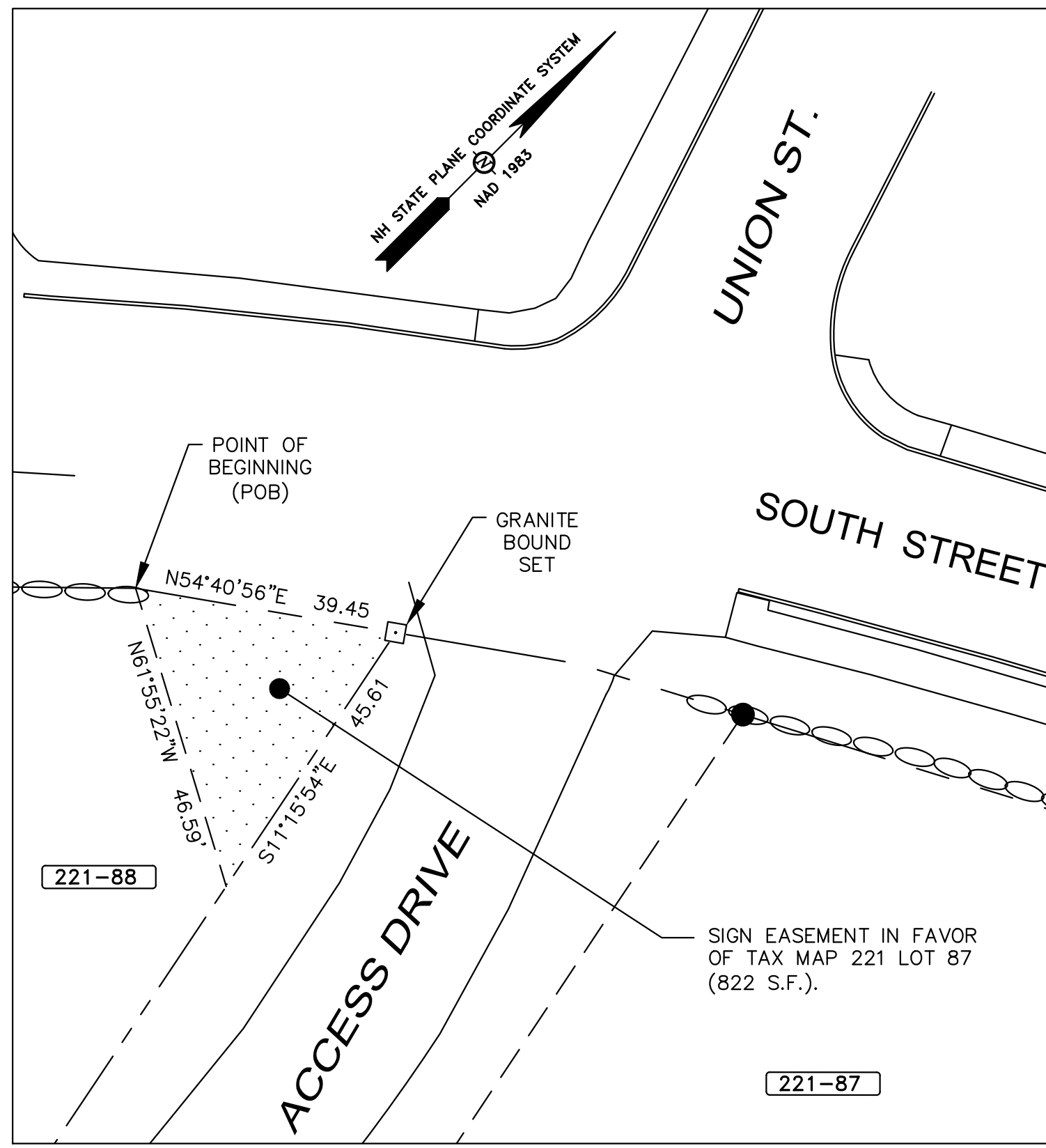
LOT LINE REVISION PLAN

SHEET NUMBER:

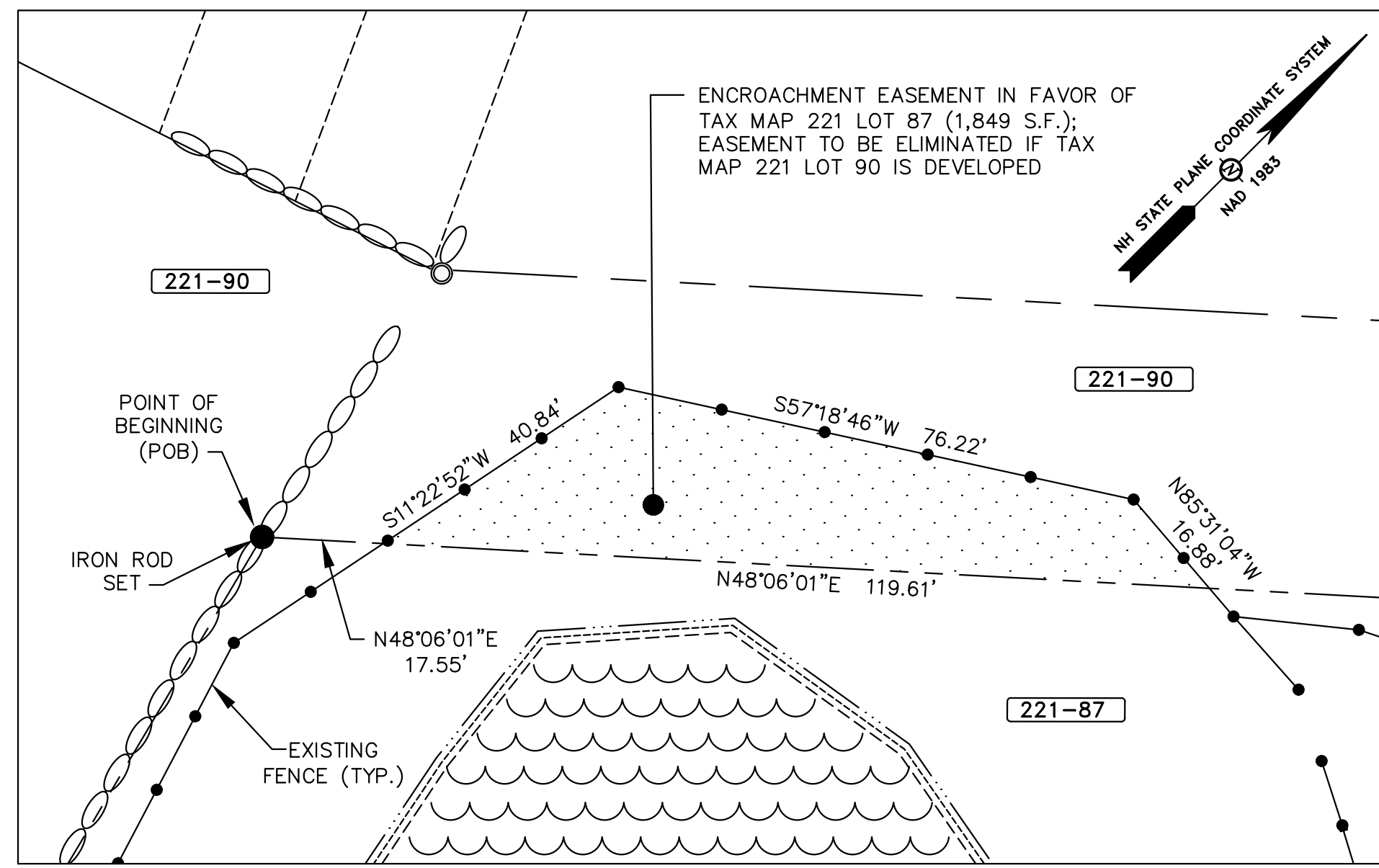
1 OF 2



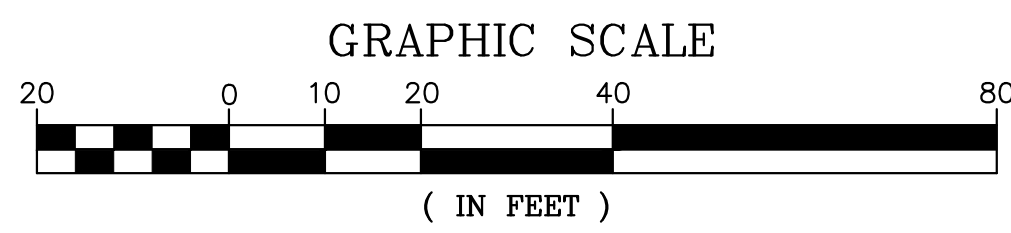
ENLARGEMENT A



ENLARGEMENT B



ENLARGEMENT C



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

ABUTTERS LIST:

- APN 132-002 CYNTHIA PAGIULLI REVOCABLE TRUST CYNTHIA PAGIULLI TRUSTEE 826 SOUTH ST PORTSMOUTH, NH 03801 5509/1477 01/27/2014
- APN 132-005 (392 WIBIRD ST) 392 WIBIRD ST LLC 69 HUNKING ST PORTSMOUTH, NH 03801 6240/2079 02/23/2021
- APN 132-18 (929 SOUTH ST) HALLE LOUIS P HALLE TRACY C 929 SOUTH ST PORTSMOUTH, NH 03801 3169/0682 08/01/1996
- APN 132-019 (911 SOUTH ST #C) FREEDMAN WENDY M 911 SOUTH ST #C PORTSMOUTH, NH 03801 6089/857 03/03/2020
- APN 132-019 (911 SOUTH ST #A) BULL MATTHEW JOSEPH LAFLAMME HONORE J 911 SOUTH ST #A PORTSMOUTH, NH 03801 6145/2163 07/30/2020
- APN 132-019 (911 SOUTH ST #B) MILETKOV MIHAIL K BJELICIC-MILETKOV BOJANA 911 SOUTH ST #B PORTSMOUTH, NH 03801 5688/2480 01/29/2016
- APN 132-020-001 (889 SOUTH ST #1) BACH ROBERT M BACH JENNENE A 844 UNION ST PORTSMOUTH, NH 03801 4519/0221 07/25/2005
- APN 132-020-002 HOUGHTON JAMES B 889 SOUTH ST #2 PORTSMOUTH, NH 03801 3001/1689 08/20/1993
- APN 132-020-003 BOLSTER W JEFFREY REVOC TRUST OF 2017 BOLSTER W JEFFREY TRUSTEE 889 SOUTH ST UNIT 3 PORTSMOUTH, NH 03801 5899/0887 03/19/2018
- APN 132-020-004 LOCKWOOD MICHAEL JR & SHAUNNA 35 HODGDON WAY BLD A PORTSMOUTH, NH 03801 6400/1948 04/18/2022
- APN 132-020-005 MILLER WHITNEY SHAFFER RAIS 129 MARKET ST UNIT 3 PORTSMOUTH, NH 03801 6320/1879 08/26/2021
- APN 132-020-006 GAINTY LISA P 889 SOUTH ST UNIT 6 PORTSMOUTH, NH 03801 6016/1391 07/12/2019
- APN 132-23 (845 SOUTH ST) KODAL ALI SEMIH REV TRUST KODAL A S & HENRY KODAL P TTEE 845 SOUTH ST PORTSMOUTH, NH 03801 6407/895 05/12/2022
- APN 150-008 LINDSAY J GEE ERIN HEFFRON 978 SOUTH ST PORTSMOUTH, NH 03801 5480/2796 09/20/2013
- APN 150-011 DANIELLE PRONESTI 1008 SOUTH ST PORTSMOUTH, NH 03801 6239/2733 02/22/202
- APN 150-012 WIDENER FAM REV TRUST OF 2018 WARREN L WIDENER & KATHRYN M CO-TRUSTEES 1020 SOUTH ST PORTSMOUTH, NH 03801 5904/0491 04/09/2018
- APN 150-014 GOUGH FAMILY REVOC TRUST P S & M L GOUGH TRUSTEES 1048 SOUTH ST PORTSMOUTH, NH 03801 5335/1584 07/16/2012
- APN 221-002 ROLAND R BERGERON LINDA A BERGERON 330 A JONES AVE PORTSMOUTH, NH 03801 2426/1110 11/10/1982
- APN 221-02A (OFF JONES AVE) CYNTHIA PAGIULLI REVOCABLE TRUST CYNTHIA PAGIULLI TRUSTEE 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 6201/2689 12/01/2020
- APN 221-078 PAUL M. HANSEN MICHELLE A LONG 150 PINEHURST RD PORTSMOUTH, NH 03801 5200/0596 03/10/201
- APN 221-079 MAGNANT MICHAEL J REVOC TRUST (50% INT) MAGNANT MICHAEL J TRUSTEE 140 PINEHURST RD PORTSMOUTH, NH 03801 5173/0337 12/07/2010
- APN 221-080 ENDRI K TRAJANI ALLYSON E MELCHOR 124 PINEHURST RD PORTSMOUTH, NH 03801 5983/1515 03/01/2019
- APN 221-081 G & H PRONESTI FAMILY LIVING TRUST GUY A. PRONESTI, TRUSTEE 100 PINEHURST RD PORTSMOUTH, NH 03801 6397/1901 04/07/2022
- APN 221-082 (84 PINEHURST RD) ST JOHN'S CHURCH 100 CHAPEL STREET PORTSMOUTH, NH 03801 4544/1852 09/06/2005
- APN 221-084 MARK A. WEIDMAN REVOC TR 2016 (1/2 INT) MARK A. & ANNE S. WEIDMAN TRUSTEES 44 LOOKOUT LN PORTSMOUTH, NH 03801 5757/0350 09/29/2016
- APN 221-085 (45 LOOKOUT LN) ELIZABETH CAVANAGH TRUST OF 1991 C/O GOULSTON & STORRS PC 400 ATLANTIC AVE BOSTON, MA 02110 5953/2276 10/12/2018
- 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 MANAGEMENT LLC 928 SOUTH ST PORTSMOUTH, NH 03801 5682/0483 12/31/2015
- APN 221-089 ROBBLEE FAMILY TRUST D. A. & L. A. ROBBLEE TRUSTEES 2 RAND CT PORTSMOUTH, NH 03801 5270/0857 12/12/2011
- APN 221-090 (962 SOUTH ST) DAVPAT LLC 928 SOUTH STREET PORTSMOUTH, NH 03801 3398/0958 06/11/1999
- 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

ENGINEER:

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SURVEYOR:

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 LAND SURVEYORS

101 SHATTUCK WAY - SUITE 8
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 603-436-3557

JOB NO: 23651-3

ISSUED FOR: RECORDING

ISSUE DATE: AUGUST 6, 2024

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	08/30/23
1	UPDATE SHEET 1 OF 2	EDW	02/07/24
2	RECORDING PLAN	EDW	08/06/24

DRAWN BY: _____ RMB

APPROVED BY: _____ EDW

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PROJECT:

EDGEWOOD MANOR & THE PINES

TAX MAP 221
 LOT 87, 88 & 90
 928 & 936 SOUTH STREET
 PORTSMOUTH, NH

TITLE:

LOT LINE REVISION PLAN

SHEET NUMBER:

2 OF 2